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# Congressional Record

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FIRST SESSION

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*of* America

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## SENATE—*Wednesday, October 17, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, Your glory endures through the seasons and Your divine majesty sustains us.

Lead the Members of this body to a faithfulness that fulfills Your purposes. Keep them steadfast in the faith that You are at work in our world, ordering their steps and preparing them for victory. Use them to create laws that will extend Your kingdom in the hearts of the people of our Nation and world. As the seasons change, remind them that in all generations You have been our dwelling place, and though we are swept away like a dream, You are God from everlasting to everlasting. Guide the deliberations, debates, and decisions of this day. Activate each of us to love, encourage, and bless others.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 17, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, we will have an hour of morning business today. The majority will control the first half, the Republicans the second half. Senator STEVENS is going to be recognized for up to 7 minutes following any time Senator MCCONNELL and I use. Following that period of morning business, the Senate will begin consideration of the Labor-HHS appropriations bill, Calendar No. 280.

Last night, with the cooperation of all Members, the Senate concluded action on the Commerce-Justice-Science appropriations bill. It is the sixth appropriations bill we have acted upon. Today, we will begin consideration of the seventh appropriations bill.

At 1 p.m. today, the Congress will honor the 14th Dalai Lama of Tibet with the awarding of the highest civilian honor—the Congressional Gold Medal. In view of this ceremony, the Senate will be in recess from 1 to 2 p.m. today.

Members should expect votes throughout the day and into the early evening as we move forward with the consideration of this bill.

### APPROPRIATIONS CONFERENCES

Mr. REID. Mr. President, I want to underscore and confirm we are working hard to try to get a bill or bills to the President as quickly as we can. The conferences are moving along well. I instructed my folks to make sure that Republicans know what is going on with all these conference reports. I think we have to show good faith that they are going to be some real conferences, and I am confident that will take place.

With all our new rules, with the earmarking rules we have, we cannot do things as quickly as we used to. But there has been work going on between the staffs—Democratic and Republican staffs—on both sides of this building with the Appropriations subcommittees. As a result of that, I think the final conference product should move fairly quickly.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### FISA REAUTHORIZATION

Mr. MCCONNELL. Mr. President, as the House prepares to take up the Foreign Intelligence Surveillance Act, I wish to remind our colleagues what we decided about this program a little over 2 months ago.

In August, a bipartisan Senate majority voted to embrace the two principles behind the original FISA law in 1978: that foreign terrorists overseas are a legitimate target—a legitimate target—for warrantless surveillance, and that Americans at home are not.

We did this because we had been informed by the Director of National Intelligence that advances in technology and an outdated provision in law had made it impossible for the intelligence community to act on the first of these principles, causing us to miss significant actionable intelligence.

The Senate responded to this information accordingly. We addressed the change in technology and updated the law, restoring to the intelligence community a tool it had effectively used even before the 9/11 attacks to track terrorist activity abroad.

Congress made sure in 1978 that the intelligence community was free to collect intelligence on foreign targets overseas and act on it quickly. In a post-9/11 world, we were insisting they continue to have this vital capability. Now we will have the chance to insist on it again, by voting against the bill

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

that is being considered in the House or by approving an alternative that corrects its flaws.

The bill that is being taken up in the House has two major weaknesses. First, it requires intelligence officials to obtain a warrant before listening in on foreign terrorist suspects abroad. In other words, if we want to listen in on a terrorist in Tehran who may be talking about blowing up Los Angeles, we would have to stop and get a court approval first. I guarantee you, there is not a single person in this country outside this building who thinks that makes a bit of sense.

It is common sense that our ability to act quickly on the intelligence we get is a crucial part of our ability to prevent terror attacks here at home. This dangerous provision would create a new hurdle for intelligence officials to jump before they can collect and act on a live potential threat. Allowing it to stand would have been foolish before 9/11. It would be inexcusable now, which is exactly why we acted to remove it in August and why the President has rightly said he will veto any law that retains it.

Now, the second problem: This bill would expose U.S. phone companies to giant lawsuits for cooperating with the intelligence community in pursuit of terrorists, for doing their part—their part—to defend this country from terrorist groups such as al-Qaida. We need to be making it easier for our intelligence officials to detect terrorist plots against us, not harder, and we need to be rewarding people for helping us in this fight, not penalizing them or scaring them with the threat of a lawsuit if they do.

So let's make something clear right now: Any bill that leaves this Chamber must restore to intelligence officials the same tools they have had in fighting terrorism for decades. And it should reassure U.S. businesses that they have no reason to regret cooperating with intelligence officials in the past and that they should not be the least bit afraid to do so in the future.

The Bill of Rights does not extend to terrorists overseas who want to hurt us here at home. Our laws have always reflected that. In a post-9/11 world we are being asked to affirm it. We did not hesitate in August. We should not hesitate now.

The House bill that is being considered needs some major work. In addition to the 2 points I have raised, House Democrats have also struck a provision that allows the United States to conduct warrantless surveillance on foreign suspects who have information relating to the conduct of foreign affairs. In a time of heightened threats, we cannot throw away the tools we have always used to keep this country safe. I would urge my colleagues to give intelligence officials the tools they need to protect us, to give them a bill that the President will sign into law.

We cannot let our enemies exploit a weakness that we—and now they—can clearly see. We know the threat is real. The bill we pass should reflect that.

## NOMINATION OF JUDGE MICHAEL MUKASEY

Mr. McCONNELL. Mr. President, I am pleased the Judiciary Committee will begin hearings this morning on the nomination of Judge Michael Mukasey to be the Nation's 81st Attorney General.

Judge Mukasey has outstanding qualifications and a sterling reputation. Throughout four decades, he selflessly devoted his life to public service, culminating in his selection as Chief Judge of the United States District Court for the Southern District of New York.

As a jurist, Judge Mukasey handled complex legal problems judiciously, thoughtfully, and fairly. The complex problems that face the Justice Department merit similar serious treatment, and I am confident that were he to be confirmed, Judge Mukasey will bring his trademark qualities to bear in analyzing them.

Analyzing these problems requires a careful and deliberative process. It is a process that starts today, and it will continue after the Judiciary Committee's hearings are over. It is a process that does not lend itself to snap judgments or snap answers.

Judge Mukasey will not abandon his trademark qualities of judiciousness and thoughtfulness today, nor should we want him to.

It would be injudicious and unthoughtful for Judge Mukasey to make snap judgments about particular outcomes on highly complex and highly sensitive policies in the war on terror before he even gets into office. Judge Mukasey is not read into some of these programs, and is not, at the present time, fully familiar with others. Even if he were fully familiar with them, it would be imprudent for him to discuss their classified features in open sessions while our enemies are watching.

The Senate Judiciary Committee should be mindful of the complex problems that Judge Mukasey is being called on to solve, as well as the constraints under which he is operating. And it should treat him fairly. If he is treated fairly, I am confident the committee will report him to the floor for a prompt up-or-down vote.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## INTELLIGENCE BILL

Mr. REID. Mr. President, if I could briefly say, while the distinguished Republican leader is on the floor, I had a meeting late yesterday afternoon with the chairman of the Intelligence Committee, Senator ROCKEFELLER. He indicated to me that he and Senator BOND, the vice chair of that Intelligence Committee, are moving forward this week to have a markup on the Intelligence bill. It will be bipartisan. Senator LEAHY has announced he would move very quickly with the Judiciary Committee, which has joint jurisdiction of that.

Hopefully, we can have that bill to us within the next couple of weeks. We should get that done so it is not a last-minute deal like it was right before we broke for one of our breaks. I think it was before the August recess when we were pushed so hard on that matter. So I think things are moving along well. The Intelligence Committee is working extremely well. I am very satisfied with the work they have accomplished.

I see one of the members of the Intelligence Committee on the floor today, Senator NELSON, who has been such a great addition to the Intelligence Committee. He and other members of that Intelligence Committee devote hours of their time away from the TV cameras, away from reporters, trying to work out ways we can move forward against the evil that is focused on our Nation.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the Senator from Alaska, Mr. STEVENS, is recognized to speak for up to 7 minutes in morning business.

The Senator from Alaska is recognized.

Mr. STEVENS. Thank you, Mr. President.

## ALASKA ARMY NATIONAL GUARD DEPLOYMENT

Mr. STEVENS. Mr. President, today, I ask the Senate to salute the men and women of the 3rd Battalion, 297th Infantry Regiment of the Alaska Army National Guard.

This unit just returned from the Middle East for demobilization. Within days, the Alaska Army Guard members will start their return journey back to Alaska.

Today, they will be honored at a "welcome home" ceremony at Camp Shelby in Mississippi. I had hoped to be with them today, but due to the votes in the Senate and the committee assignments, I have remained here in Washington, DC.

The 3rd Battalion served with distinction in both Kuwait and Iraq over the past year. When this unit was mobilized in 2006, it represented the largest mobilization of the Alaska National Guard since World War II. These Guard members represent 81 communities in our State, including many Alaska Native villages.

Before their deployment last October, Senator MURKOWSKI and I met with this battalion in Camp Shelby. It was an exciting day as members of the units successfully completed their predeployment training. I was impressed with their high morale and dedication to our country.

Most of the members of the Alaskan Guard left behind families and jobs in Alaska to be part of this mission. Their departure caused hardship for their families and communities, especially in their small villages. But they were steadfast in their commitment to the mission and to our country.

The dedication of the 3rd Battalion reminds us that in our Nation's darkest moments—when freedom has been on the line—our citizen soldiers have answered the call to serve. Their duties and traditions are deeply rooted in our country's history. During the Civil War and World War II, it was our citizen soldier who tipped the balance and ensured our victory.

Members of the 3rd Battalion have carried forward this proud tradition. Their dedication to serve reflects the bravery and courage of those who came before them. Many of them are descendants of those who served with COL Muktuk Marston and other Eskimo Scouts in the Tundra Army during World War II. During that war in which I served, their predecessors defended our freedom in Alaska and around the world. I remember well the heroism of the National Guardsmen I served with in World War II. They, too, and these people now, have earned also the honor of being called the "Greatest Generation."

There are few of us left who lived through the dark history of World War II, but as I reflect on their service, I appreciate their bravery, commitment, and dedication. The men and women in uniform today are truly our newest "Greatest Generation." We are comrades in the deepest sense of the word, and we should salute their service.

As citizen soldiers, they are a force not only on the battlefield but also a force in their communities. They are the link between the standing military units they serve and the people they protect. They also answer the call in national disasters.

In recent months, their mission was critical to the overall success of our operations in the Middle East and Iraq, and all Alaskans, especially those in their communities, are proud of their service.

On a day when we honor the 3rd Battalion, I believe we should also take a moment to reflect on those we have lost. Tragically, 2 Alaska Army Guard soldiers were killed and 2 were gravely injured in a training accident near Camp Shelby last year. We still mourn their deaths and send our deepest condolences to their families and friends.

We should ask God to bless them and God to bless the brave men and women, such as the Army National Guard, who volunteer to defend our great country. The thoughts and prayers of Alaskans, and I think of a grateful Nation, are with all of them.

I yield the floor.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the 2 leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Florida is recognized.

## FISA

Mr. NELSON of Florida. Mr. President, following the majority leader's comments and admonitions about the coming telecommunications surveillance intercept bill, otherwise known as the FISA bill, I think what the majority leader said was absolutely essential, that the work product that comes out of the Intelligence Committee and then the Judiciary Committee be bipartisan in nature. We do not want to repeat what happened in the first week of August, in which there was so much misinformation and mistrust on both sides of the aisle. It was very difficult to cobble together a bill, which the intelligence community told us was essential because of the increased traffic, which is otherwise defined as increased communications of some indication that there might be the planning stages of an additional attack upon the United States. In that atmosphere of warnings, we were told we had to pass a bill.

It was in that crisis atmosphere that a piece of legislation was cobbled together in the midst of mistrust and misinformation on this floor. But the safeguard was put on it that what was passed and ultimately signed into law by the President was only good for 6 months. In other words, it sunsetted or ceased to exit at the end of 6 months. Therefore, in now constructing the permanent law, we need to come together.

Now, this Senator, a member of the Intelligence Committee, has been quite firm in my insistence to both of the leaders of our committee—Senator ROCKEFELLER, the chairman, and Senator BOND, the vice chairman—that they come out with an agreed-upon, bipartisan piece of legislation to protect the rights of American citizens, their civil liberties, their privacy and, at the same time, to be able to utilize instruments of the Government of the United States to be able to go after the people who want to do us harm. I believe that the agreement has pretty well been reached between Senator ROCKEFELLER and Senator BOND. What is potentially going to hold up an agreement is the question of what kind of immunity should be given to the telecommunications companies who had, at the request of the U.S. Government, after September 11, 2001, allowed their databases to be used for the purposes of trying to determine who the bad guys were.

Everything I am saying has all been out in the press. It is well established. The House has taken a position of not wanting to have any immunity for the telephone companies on a retroactive basis. They already have immunity on a going-forward basis as a result of what we passed in August, and that is now law. It is my hope that the two leaders of the Intelligence Committee will be able to get agreement on what that immunity should be, and that will be a large part of the discussion that is supposed to take place in the markup in the Intelligence Committee tomorrow.

As the majority leader, Senator REID, said, it is very important we get this right and that we get this done soon in order that it can then go from the Intelligence Committee to the Judiciary Committee and that it can come out of the Judiciary Committee, come to the full Senate and then a conference committee can iron out the differences between the House and the Senate versions and then get a final product to the President for him to sign into law. It is important it be done now in a timely manner, instead of waiting until the last minute, when the clock is going to strike 12 on the tolling of the time of the 6 months that the law will cease to exist. This ought to be done under the cool deliberation of making it right instead of being forced into decisions at the last moment because time is running out. It is my hope, and it is certainly going to be my intent, to try to help this process along as a member of the Intelligence Committee.

## PRESIDENTIAL PRIMARIES

Mr. NELSON of Florida. Mr. Presdient, I actually came here to talk about a different subject, and that is the fracas that is now engulfing the National Democratic Party with regard to the selection of its Presidential nominees. Florida is right in the middle of this because an order was set up under the rules of the Democratic National Committee that allowed 4 States to go before any other State, and those 4 States, they set out an order and said it would be first a caucus in Iowa, then a caucus in Nevada, then an election, a primary election in New Hampshire, and then a primary election in South Carolina. Those were going to be representative of the country and all of those 4 had to occur before any other State could start its primary or caucus in the selection of the Presidential nominees and that the date they could start was February 5 of next year.

Over the objection of Democratic State legislators in the Florida legislature—indeed, with the Democratic leader of the Florida Senate offering an amendment to keep Florida's election from violating the Democratic National Committee rules and, therefore, to be on February 5, over his and others' objections—the Florida legislature changed the date of the Florida Presidential primary from March to January 29. The Florida legislature is basically two-thirds Republican, one-third Democrat, in both Houses of the legislature. Governor Crist, a Republican, signed the legislation, setting the Florida primary date as January 29, and signed it into law.

The Democratic National Committee took great umbrage at this and under its rules said it was going to strip Florida of half its delegates. That is what the Democratic National Committee rules provide. In the Democratic National Committee Rules Committee's deliberations, they went further. Unlike the Republican National Committee, which said they would take away half of Florida's delegates for the Presidential nominee, the DNC said: We are going to punish Florida completely by taking away all their delegates to the convention. What is more, we are going to enforce a part of the DNC rules that say, unless Florida backs up and ignores that election, makes it a "beauty contest" that has no meaning and selects their delegates sometime from February 5 or later, Florida was going to receive additional punishment, which was that no Presidential candidate could go and campaign in Florida, and campaigning was defined as speaking in Florida, interacting with voters in Florida, hiring campaign staff in Florida, opening an office in Florida, having a press conference in Florida, except—oh, by the way, you can go into Florida to raise money.

This is as violative of the constitutional right of freedom of speech as anything I have ever heard. It conjures up that you can't come to Florida so Florida Democratic voters can interact with Presidential candidates unless you pay a fee at the door in order to gain entrance because it is a fundraiser. Doesn't that remind you of something that was held unconstitutional called a poll tax?

It was because of this kind of punishment that was inflicted on the 4.25 million registered Florida Democrats that this Senator, with a heavy heart, joined with his colleague, Congressman ALCEE HASTINGS, also with a heavy heart, and filed suit in Federal District Court in Tallahassee, the seat of government of our State, against Howard Dean, the chairman of the DNC, and the Democratic National Committee.

A defendant was also named, Kurt Browning, the secretary of state of Florida, purely for functionary purposes since he is the one authorized under Florida law to conduct the election. As a result, that suit had been filed 2 weeks ago alleging the violations of the Constitution in the 1st, 5th, and 14th amendments, as well as violations of the Voting Rights Act of 1965.

A Federal court will ultimately determine that issue of whether the party has the right to prohibit people, in a duly called, State-run, State-sanctioned by State law election, whether that national party can take away those constitutional rights of people to see and hear and interact with the Presidential candidates, as well as taking away all of their ability to be heard at the national convention by stripping away all of the elements. That is the issue in front of the court.

It should not have come to this. For the last 6 months, I and others, like Congressman HASTINGS, have offered compromises on 3 different occasions, 3 different compromises on how we could get out of this box. It would be a win-win situation, but the DNC and its rules committee said "nyet," they are going to sanction Florida.

Why am I making this speech this day, Mr. President, when the suit was filed 2 weeks ago? Because there is a news article in this morning's papers saying that the Iowa Republican Party has announced that it is bumping up its caucus, not where it was previously prescribed—somewhere in the middle of January of next year—but instead moving it up to January 3. And South Carolina Republicans, some time ago, had a joint press conference with the secretary of state of New Hampshire, who under New Hampshire law is the sole authority to determine what date New Hampshire's primary, both Democratic and Republican, will be held, and the South Carolina Republicans announced that they were moving their primary up some 10 days earlier—it might have been 8 or 9 days, but it was earlier than the prescribed time of January 29—to which the New Hampshire secretary of state said he would move New Hampshire's primary up early.

So the question that is begged today, Wednesday, the middle of October, is, if all of these parties are jumping early and the order that the Democratic National Committee wanted to preserve is being thwarted, does the DNC intend only to punish Florida Democrats or will, in fact, they punish the Democratic parties in New Hampshire and Iowa if they, in fact, jump forward from what the DNC rules had prescribed?

So I bring to the floor of the Senate something that involves only a few States. Yet it has enormous implications for the entire country because this is the process by which we select the Presidential candidates of the two major parties, one of which is likely to be the next President of the United States.

Because of all this fracas and I think just the news of today that indicates the Iowa parties are jumping much earlier, we will probably now see all of the others start to jump, and as a result there will be increased turmoil. It is certainly my hope that reason will prevail and the Democratic National Committee, which has taken out its frustration on Florida, will suddenly realize there is no reason to continue that frustration on Florida because, at the end of the day, if everybody else is doing it, why just try to punish Florida? And because of this fracas, this turmoil, will reason prevail that there is a better way to do this? It is regional primaries spaced out in a logical order over one in March, two in April, two in May, and one in June, that would give the candidates plenty of time to get around to these regional primaries, which order could be determined by lot, and in that primary one State from each region in the country could have an election, so no particular part of the country is favored. In the favored first status, all of this fracas should point to that goal.

Let's bring order out of this chaos in the way we select the next President of the United States in both of these great political parties that participate in American politics.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, it is none of my business, but I say to the Senator from Florida that I tend to agree with him. Maybe it is a regional thing. I wish him good luck in his effort to have Florida assume its rightful place.

## CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. LOTT. Mr. President, a lot of discussion has been going on today, this week, and over the last few weeks about a very important program; we call it SCHIP. That is Washingtonspeak for health care for children, which has a very important role for the States to administer this program. This week, the House will be voting on the President's veto of this issue. That is the way things work in Washington. It is not very pretty. I am not proud of the whole process we have gone through on this issue.

First of all, I have a message for everybody involved. Let's put low-income, poor kids first. Let's figure out how we deal with their needs. That is what caused this program to begin with.

I had the pleasure of being the majority leader in the Senate in the 1990s when this program was created. I remember the debate. It was pretty hot. Phil Gramm of Texas was saying: Wait a minute, we need to put protections in here, and Senator KENNEDY and Senator HATCH were very much involved. But then a bipartisan agreement broke out, the way we used to have happen around here occasionally. We created a program, well-intentioned, that was targeted for low-income children, to make sure they had insurance coverage. It was not a massive number; I guess we were thinking in terms of 6 million, with the idea that might go up as time went by and more people or parents were made aware of the program and information was gotten to them and they could come onto the program. I think it has worked well. It has been successful. It covered a lot of low-income children who would not have been covered otherwise.

Now, of course, we come to a period where we have to extend the program, and it has been very difficult. I acknowledge right up front that Senator GRASSLEY tried to find a way to work through this issue and get a proper result. He and Senator BAUCUS, the chairman of the Finance Committee, wound up coming together and getting an agreement. I also acknowledge that a lot of the problems have been exacerbated by the previous administration and this one because they kept granting waivers to States to go above the 200 percent of poverty, up to as high as 350 percent of poverty, making not just low-income, poor children eligible but children of families making up to—I don't know the exact number—$62,000 or $63,000, and some States were applying to go to 400 percent of poverty, which would go as high as an $80,000 income for families. That was not our intent. Plus, adults have been added. Only in Washington can you get confused about a program that is for kids and then start putting adults on it. But States started doing that and waivers were requested, and the administration, unfortunately, for a while granted those waivers. I think we should put limits on those waivers. Thank goodness, finally the administration turned down the most recent application for going up to 400 percent of poverty.

So here we are. Some of us on the Finance Committee said: Look, we want this program extended. The President recommended that it be increased by $5 billion, which is about $1 billion a year. Some of us on the Finance Committee realized that probably was not enough to cover the children now on the program plus to get more low-income children who should be eligible and should be covered, covered. So we were looking at going above the $5 billion increase the President originally suggested. How much? That is what the legislative process is about. Is it perhaps $9 billion instead of $5 billion or maybe $12 billion? I wasn't wedded to a number; I was wedded to a concept and a program to make sure we cover those now on the program. Some should not now be on the program. But we wanted to make sure low-income children are covered first.

The administration, to its credit, did put in place a provision that would say you cannot start insuring middle-income children until you have insured 95 percent of low-income children. This bill which has been vetoed by the President would knock that out. What? If our goal is to insure low-income children, why would we not require that? But the compromise that was worked out went to $35 billion. It would allow for kids who are not in the low-income category to be covered.

The President vetoed it. I think he should. Now the House is going to sustain that veto. My question is, Now what? We have made our positions clear. We have had a grand old time playing politics with kids. Let's get over it. We need to get a result. That is the way it works. Somebody was saying in that very chair last night that the Congress has a role to play. Yes, and so does the President. Some people say: Look, there was a bipartisan compromise worked out. Yes, but some of us who would like to have been involved, who were there when the program was created, didn't get involved. We just thought we would do what we want and shove it over to the President and say: Take this. But he doesn't take it. So now we sit down and work it out.

What is the plan of the Democrats? To let the program just collapse? That is unacceptable. Nobody is going to stand for that. Then I hear: Well, the plan is to keep extending it in increments—maybe 30 days, maybe 90 days. We want to keep it alive until next fall. Look, we can play politics and partisan politics, but do we have to use kids in the process? I don't think we should do that. We need to make sure we have a program that works.

One of my big problems about the plan we have is that it would put 2 million kids who now have private insurance on the Government rolls. That is part of the plan. The plan is to get them off of the private plan, which the families can afford; they could not get on Medicaid, so we will get them on the SCHIP program. I think that is a mistake. Of course, I think there is phony budgeting in the bill the President vetoed. I think the funding is not reliable.

Now, at least the Senate came up with something that was a little more defensible than what the House was working on. They said: We want to take money from Medicare Advantage, elderly people in rural areas, and use that savings to pay for the children's health program. That was a total nonstarter with the Senate, thank goodness.

What did we come up with? Cigarette taxes. Who wants to stand up here and defend tobacco? I will. I smoke a pipe. I don't do it in public. My mother wouldn't approve of me doing that. By George, I make that choice. I don't apologize for it. But, oh, it is a part of the politically correct position now: Let's make everybody quit smoking cigarettes. There are no good tobacco products.

This is still America. We do still have choices. And by the way, let's assume it works. If we jack the price of a package of cigarettes a buck a package, which is what this would do, it is going to eventually, I guess, discourage people and low-income, poor working families: Gosh, we can't afford cigarettes; maybe we will quit. Good, that is great. I don't deny it is not good for your health. Maybe they will quit.

This is the problem: If they do quit, we would not get the money to pay for the SCHIP program. Think about that. We are do-gooders here, we are going to raise taxes on tobacco products to pay for the Children's Health Insurance Program. That way we will make them quit smoking. And, oh, you mean then we would not have the money? Yes. You can't have it both ways. It is the kind of stuff we do around here. It is ridiculous.

So the money would not be there. The program is not going to be funded. We all know better than that; it is going to be funded. At some point, if the tobacco money doesn't come in, which I assume it would not because we have gone crazy trying to tax it out of existence—by the way, this is an area States usually handle. But, no, we are going to put a 61-cent Federal tax on cigarettes and that will further block what the States might do to raise revenue for their programs. By the way, they do a better job of running the health programs than we do anyway. It is part of the inconsistency here.

There are many problems with this bill. I have always said, OK, let's have our political debates. Let's stake out our partisan positions and then let's sit down and work something out. Is that what the people expect us to do? That is what the legislative process is all about.

I don't have the Holy Grail in this area. I realize it would be a give and take. I believe Senator GRASSLEY and I and representatives from the administration and Democrats can work out this legislation. The President said: Let's negotiate. Yes, I think he ought to send his top people down here and humbly say to the leaders in the Congress, Republicans and Democrats in the House and Senate: What can we do to work through this bill now and get this program extended to where it covers genuinely poor kids and get it beyond the next election? I urge we do that.

I don't presume to try to say who would be in the room. Pick anybody. But I say this: That is what needs to be done. Let's go ahead and rack up the political points and politically let's say this one goes to the Democrats. Policywise, I have no qualms about the position I have taken. I am perfectly comfortable with it. But also I am prepared to say enough is enough, let's move on, let's get a compromise worked out, and let's protect this program which is well intentioned but which, for good reasons, we have gotten carried away.

There are some people who might say: Let's cover all children with a federally funded health insurance program. Maybe we can raise taxes to $5 a package, 10 bucks a cigar. It is ridiculous. There are other ways we can get revenue. I hope we will get started on that as soon as the House votes. They will sustain the veto, and then we can sit down and work this out.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I came to the Chamber to speak on an oversight issue on which I have been working for well over a year. But before I speak on that subject, I wish to take advantage of the opportunity to respond to incorrect impressions about the compromise State Children's Health Insurance Program bill on which the House is going to be voting tomorrow. I am speaking as much to Republicans in the House of Representatives as I am responding to some of the points Senator LOTT has made. These reminded me that regardless of how many speeches one gives around here, regardless of how many explanations one gives of what our bill does and does not do, nobody listens. We get the same wrong statements being made time after time. I wonder, does anybody ever listen? Maybe they don't like to have CHUCK GRASSLEY say it.

I was a negotiator for the Republicans. I never had a single Republican tell me since January that they didn't want the SCHIP program reauthorized after a 10-year sunset. I never had one of them say it wasn't a program that was serving a good purpose. I had a lot of people express faults about what is wrong with the present program. Most of those issues have been corrected in the legislation the President vetoed.

I finally got people to realize the $5 billion the President put in his budget on top of baseline is not enough to do what we are already doing. Even the Republicans on this side offered $14.5 billion over baseline, which still is not enough to do what needs to be done to take care of the kids we are taking care of now and extend coverage to other eligible but uninsured low income children.

Some people are saying this bill should have been vetoed because there are adults in the program. But it was this Administration that approved the waivers to cover adults. The bill that the President vetoed did away with waivers. What has been in the program for 10 years this bill does away with. Childless adults are not going to be on the program. New waivers for parents under SCHIP is prohibited. For states that currently cover parents, the federal match is reduced. But yet people are still saying to me, from the other body, as I talk with Republicans over there to vote to override the President's veto: Why are we letting all these adults on? The waivers did that, and we do away with the waivers.

Also, in my conversations with people in the other body, as I try to convince them they ought to vote to override the veto, this $83,000 number keeps coming up. There was an inference made to it in the previous speech. That is not in our bill, and yet the President in his veto message referred to our bill allowing people up to $83,000 to get on SCHIP. That is in the law. It has been in the law for 10 years, and that can only happen if the President of the United States says a State can do that upon that State's request. Only the President can allow that to happen. That has been that way for 10 years. So don't tell me our bill allows States to go up to $83,000. That has been the law.

What about the statement of having genuine poor children on this program? I agree. Do you know that 92 percent of the kids on the program are in families under 200 percent of poverty? Somebody can say: What about the other 8 percent? OK, so what do we do about that? Because there has been an inference to a State Health Official letter to states released on August 17, 2007 that we did away with what would have prevented that. But the policies in that letter were flawed and unworkable. What we did is we made those policies workable in our legislation. So the emphasis on kids under 200 percent of poverty works out this way: First, we reduce the Federal match to the Medicaid match for any state that wants to go over 300 percent of poverty, beginning upon enactment of the bill. Then, by 2010, any State that wants to go or to continue to go above 300 percent of poverty for children has to demonstrate that they have reached the targets determined by the 10 best States covering kids under 200 percent of poverty. If they do not meet the target, they get no Federal match for kids over 300 percent.

So don't tell me the bill before us does not have emphasis on low-income kids. It has emphasis on low-income kids.

It was not brought up in the previous speech, but in my conversations with the House of Representatives, I have had this other smokescreen thrown at me: Our bill allows illegal immigrants to get on the program. For the first time, we are doing in SCHIP what has never been done before, what we have done for Medicaid in the Deficit Reduction Act. We are making it so that illegal immigrants cannot get on the SCHIP program.

People are paid to read legislation, and I don't know how the President of the United States, who gets paid a heck of a lot more than I do and has a lot of advisers who get paid a heck of a lot more than I do—I don't know how they can have him put in a speech that this bill allows people over $83,000 to get into the program, or there can be speeches in the Chamber of the other body saying we are opening the door for illegal immigrants to be covered by this program when we are doing more than existing law does in that area and where existing law already allows, if the President approves it.

And then this business of adults being in the program—absolutely right, three States have more adults on the program than other States. How did that happen? This administration gave waivers for that to happen. We do away with those waivers. I have heard all the complaints from this side of the Senate, the Republican side of the Senate, that there is no "A" in SCHIP—and I agree, it shouldn't be for adults—and I even heard Democrats strongly speak to this point. This program should never have gone in that direction. We do away with waivers.

I ask everybody to read the legislation, and particularly Republicans in the other body, before they vote tomorrow to override or not override because all these inaccurate representations of the compromise bill are creating a very bad mistake. It's so bad politically that the White House is looking for some way to get out of this situation. Probably that some way to get out of it is negotiating another bill with us. But it would be smart if the White House would send a signal to the House of Representatives: Override our veto; we made a mistake.

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## GENERAL SERVICES ADMINISTRATION INVESTIGATIONS

Mr. GRASSLEY. Mr. President, I now wish to address this body about some investigations I have been doing over a long period of time.

This is a report to my colleagues that senior executives at the General Services Administration may have failed to meet their responsibilities to the American taxpayers. These issues were carefully examined in two oversight investigations conducted by my staff. These investigations have uncovered a disturbing change of circumstances at the General Services Administration.

In a nutshell, it is this way: These studies indicate that top-level General Services Administration management interfered in contract negotiations with Sun Microsystems. They put pressure on contract officers to sign a potentially bad contract. When that person refused, they had that contract officer removed under duress.

All the evidence from this investigation suggests that this particular contractor had been overcharging the Federal Government for years. The contract officer believed the proposed terms were still not fair to the Government. Even worse, these reports also indicate that allegations of intimidation against the General Services Administration Office of Inspector General and its auditors may have been fabricated. This may have been done to cover high-level pressure on contract officers or maybe because the new contract was signed on terms dictated by the contractor. When I asked for audits of the new contract, this contractor resisted tooth and nail, and in the end they canceled the contract before audits could be completed. I want to repeat that, because this is the bottom line. When I asked for audits of this new contract, this contractor resisted tooth and nail, and in the end they canceled the contract before the audit could be completed. That ought to tell you something about that contract.

I think it is important my colleagues know what my staff uncovered at the GSA, not merely for the purpose of pointing out mistakes but for the purpose of seeking solutions, because these investigations are about fixing a problem.

Let me set the record straight. This is not some sort of witch hunt for the Administrator of GSA or anything else. Quite simply, this is oversight and investigation, or O&I, as we call it around here on the Hill.

In doing this oversight and investigation work, I am fulfilling one of the most sacred responsibilities of a Member of Congress. As with all my investigations, I want to be certain every tax dollar is spent wisely and according to law—nothing more, nothing less. With that in mind, I want to address the findings of these investigations that are documented in separate staff reports.

The oversight work began last September when I was informed Administrator Lurita Doan of the GSA was attempting to cut the inspector general's budget for audits. These are the policemen to see that the money we appropriate is spent wisely. It appeared that this administrator was attempting to neutralize the inspector general, especially in the area of oversight of Government contracts. This was a red warning flag, so I decided to dig deeper.

The Administrator was alleging that the Office of Inspector General—or I might refer to that as the OIG—was abusing its power by threatening and intimidating Government contracting officers and vendors. These allegations were raised by the Administrator in numerous statements, publicly and internally, and in letters to me. According to three separate witnesses, Administrator Doan even compared the inspector general officials to terrorists.

These allegations concerned me for 2 reasons: First, I was extremely concerned that sworn Federal law enforcement agencies and agents, and accredited auditors, might be abusing their power. Second, if there was no factual foundation for these allegations, if they were fabricated, where did they come from and why did they come?

I asked Administrator Doan to provide me with specific examples of the alleged intimidation. Since she had aired these allegations in public, I thought she would provide me with specific details to support the charges. The fact is, she could not. In reality, only one specific instance was brought to my attention. In the end, my staff could find no evidence whatsoever to support those allegations. Sadly, it appears as if that one specific allegation was fabricated to cover up intense top-down pressure on contract auditors to award a contract that was detrimental to the taxpayers.

It was a bureaucratic smokescreen that opened a much larger can of worms. That can of worms was a contract awarded to Sun Microsystems, Inc. in 1999 for computer products and services. The inspector general had this particular contract under a microscope for several years. The IG audits indicated that Sun had failed to report significant discounts given to commercial contractors, as mandated by the contract; in other words, transparency when you are doing business with the Federal Government. Because this information was withheld—in other words, their commercial contract arrangements—Government customers paid much higher prices than Sun's commercial customers. The Government was losing money because of these unfair pricing policies, losses potentially in the tens of millions of dollars. These and other alleged contract violations, including potential fraud, were referred to the Department of Justice and now are in the Federal courts.

The alleged fraud was first reported to General Services Administration management in February of 2005. GSA management had several options, including seeking a better contract, canceling that contract, or suspension. In fact, three GSA contracting officers who handled the Sun contract attempted all 3 remedies. In each case, intervention from upper management at GSA blocked those moves. Upper management turned a blind eye to the alleged fraud, preferring instead to do business as usual. Then they began applying serious pressure on the contracting officer to extend the contract with Sun for another 5 years.

In August of last year, the GSA contracting officer assigned to the Sun contract dug in his heels, holding out for a better deal, protecting the taxpayers of the United States. He believed the terms offered by Sun in negotiations were not fair to the Government.

Now, if you ask senior GSA management, you get a very different story. Those individuals, including Ms. Doan and FAS Commissioner Williams, claimed this contracting officer was so intimidated, browbeaten, even, by OIG auditors, that he had to be replaced. The facts, however, do not support that allegation or explanation.

The contracting officer and his immediate supervisor both deny experiencing any intimidation from the inspector general auditors. They say, in fact, it never even happened. The source of the allegations has changed her story several times. In fact, she continued to support the contracting officer's position in negotiations—a position that was fully aligned with the inspector general auditors' position—even after claiming he was being intimidated into that position by the same auditors. If that position was tainted by the inspector general auditor intimidation, why would she support it?

One other fact seems to have escaped the GSA managers making these allegations. IG auditors have no direct influence over a contracting officer's career. The only person with that kind of authority is the contracting officer's supervisors, not the inspector general.

There is some irony here too. The same GSA managers who accuse the OIG auditors of intimidating this contracting officer had themselves attempted in vain to intimidate him into awarding the contract.

So it seems that GSA management tried to turn the concept of intimidation upside down. Now, why would they do that?

The evidence suggests these allegations were a smokescreen to hide the actions of the General Services Administration management. They used it for cover while ramming through a contract that may be bad for the taxpayers. There should be no greater motivation for those in Government procurement than protecting the taxpayers' money. Contracting officers who are warranted by this Government should be allowed to fight in negotiations for the best deal for the taxpayers, saving money where they can. Any pressure, any suggestion, any direct involvement by management to thwart that mission would be out of line. What Administrator Doan, Commissioner Williams, and others did to short circuit this process, then, is entirely wrong. To turn up the pressure, senior GSA officials, including Administrator Doan, were communicating directly with Sun Microsystems, Inc. and their lobbyists during negotiations. They made sure that contracting officer knew about that contact they were having. What kind of message does that send to a contracting officer fighting for a good contract to save the taxpayers' money? What kind of message does that send to the current and potential Government contractors, wherever they might be?

I would say that, at the very least, it tells them that if you don't like the deal offered by the contracting officer, go over his or her head. Go to the very top. Get the problem fixed. Get the price you want out of the taxpayers. It also says if the contracting officer is in the way, get rid of the contracting officer and get one who will do the dirty deed.

It would be bad enough were this the end of the story, but it isn't. After forcing out the contracting officer, GSA management assigned a new officer. It took her 9 days to negotiate a final deal with Sun. But what did the Government get?

In interviews, this new contracting officer claimed that she didn't need to talk to IG auditors who had years of knowledge on the Sun contract. She claimed she could solve any impasse in negotiations by listening to what the contractor had to say. Many of the provisions she adopted were ones steadfastly opposed by the previous contracting officer—the very same ones that led to the so-called "impasse" and the removal of that contracting officer.

The new contracting officer even admitted during questioning that she did not fully understand key provisions of the contract. She admitted making "big oversights" in some of the contract terms. I fear the Government got a contract based on terms that were dictated by the contractor. I ask you: Is this GSA management's idea of how to negotiate?

After my staff interviewed the new contracting officer, I realized I needed to know more about the new contract. That is the one signed in September 2006. Was the Government continuing to lose money due to the unfair pricing and unreported discounts that they had with the commercial sector?

As a Member of the Senate who cares deeply about oversight, I would have been remiss in not asking more questions. So on June 5, 2007, I asked the GSA inspector general to conduct an audit. I asked the IG to look at the terms of this new contract.

Now, if this contract was such a "good deal for America," as has been suggested by Sun on the one hand and GSA management on the other hand, then one would think Sun would rush to cooperate. Wouldn't they? Well, they did not. Instead, for 3 months, Sun complained to me, they procrastinated, they withheld information and fought the audit at every step. They also lashed out at the GSA inspector general, claiming bias—maybe because the IG had nailed him in the past. To his credit, IG Brian Miller held his ground and forged ahead with the audit.

This is what happened, and sadly so, because you don't get to the bottom of it then. Sun chose to cancel this contract on September 13 of this year, without waiting for the completion of those audits. This entire situation is extremely unfortunate, possibly preventable, and certainly baffling. Why would Sun cancel a contract that it had fought so hard to get? Did Sun have something to hide?

Government contracting, particularly multiple award schedule contracting, appears to be in serious jeopardy. Contracting officers are in short supply and are quitting in alarming numbers. They are overworked, they are stressed, and some try to juggle 100 or more contracts at any given time. With that kind of workload, assuring contract compliance is out of the question.

One of the culprits here may be the industrial funding fee structure we use in Government. This is money that the GSA charges other agencies that tap into governmentwide contracts negotiated by GSA. These fees are the lifeblood of the General Services Administration and are responsible for the lion's share of the agency's budget. The incentive is to maximize fees and agency profits. This creates what has been described as a "perverse incentive." Getting the best deal for the Government and the taxpayers gets lost in the drive for more contracts that generate more fees to fill that agency's coffers.

I feel the Sun contract fiasco may be only the tip of the iceberg. I hope it is an exception, but many contracting officials suggested otherwise.

Am I suggesting that Government procurement is broken beyond repair? No. I do think that GSA procurement officials have a lot of work to do to make sure these situations are corrected. They certainly need to clean up their act, and they will need to make hard choices to fix these problems.

GSA has a professional force of contracting officers. GSA management needs to let them negotiate the best deal possible without interference from the top. Interference in that process as evidenced by the Sun negotiations may not violate the law, but it is not right and it does not protect the taxpayers.

Senior GSA management needs to realize that what may be profitable or strategically important for the GSA may not always be in the best interests of the taxpayers. GSA managers also need to recognize the need for oversight and followup on awarded contracts. Contract officers need to be able to fight for the best possible deal for the taxpayers, even if it means the loss of a contract that is lucrative to the agency for their operating expenses, or for the vendor. GSA must never forget that the real customer is the American taxpayer.

Today, I am forwarding three investigative reports to Administrator Doan, to the GSA inspector general, to the House and Senate oversight committees, and the White House Chief of Staff for review. These reports contain proprietary and privacy-protected information and will not be made public by me. The reports provide in great detail the results of these significant investigations into the allegations of inspector general auditor intimidation and top-level GSA management intervention in the Sun Microsystems contract negotiations.

As I said, it is not my intent to point the finger at any one individual or company. My sole purpose is to get to the bottom of what may be a significant problem in Government contracting and, of course, get it fixed. I respectfully ask GSA Administrator Doan and the inspector general to address the problems identified in these reports and to take appropriate action in the future. I hope GSA will do a better job of protecting the taxpayers' money.

I apologize to the chairman and ranking member of the Labor-HHS Subcommittee for taking this time, but I believed I needed to respond to some of the speeches that were made about the health program before I gave my report on my investigation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, before the distinguished ranking member leaves the floor, I wish to acknowledge a couple of things—one, my appreciation for his hard work on the SCHIP program and my understanding of his frustration with some of the misunderstandings that have taken place in the debate on all sides. For just a couple of minutes of the Senate's time, I wish to discuss how we got where we are and how we need to get to where we are going to be. But before he leaves, again, I commend the distinguished ranking member on his effort on behalf of children's health insurance and his effort to clear the record in hopes that, in the end, it will be a foundation for all of us to clear the record of misunderstandings. There is fault enough to go around, starting with the administration and then taking both sides of the issue. But I commend the chairman for his hard work.

Ten years ago, I chaired the State Board of Education of Georgia when the SCHIP program was first authorized. I took it upon myself, in that capacity—the one that met closest with the children in need in Georgia—to initiate a broad program of registering and getting the information out so that every poor child in Georgia who was eligible could be covered by SCHIP, which in Georgia is known as PeachCare.

On the floor of this Senate earlier this year, I fought, along with Members from 17 other States, to get additional funding necessary on an interim basis because of the shortfalls that took place in the SCHIP program. I commend this Senate now on working to reauthorize SCHIP.

We are in a dilemma. There are differences of opinion on the eligibility. There are differences of opinion on the amount of money. There are differences of opinion on how it should be raised. There have been statements that have been made that are correct and statements that have been made that are wrong. But if the House sustains the veto of the President, we find ourselves in a position I would like to address for a second, a position where there are enough agreements for us to make to come back to the floor and pass a SCHIP bill that can be reauthorized and pass this Senate almost without objection.

Everybody in the Senate agrees SCHIP should be reauthorized. On the vote to extend the current program through November 16, on the continuing resolution, there was only one dissenting vote, and it was not about SCHIP. The questions are who should be eligible, how far the program should go, whether it should run in one direction or another, and how it should be funded. Just in the remarks made by the distinguished ranking member, as well as previous remarks made by the minority whip prior to Senator GRASSLEY's remarks—both sent the signal that there is room in the middle.

I hope the administration will understand that a lot of the frustration with the current state of SCHIP has been the waivers—13 of them—that have been granted by this administration to expand SCHIP during the last 10 years, beyond what the Congress and beyond what the Senate intended it to be.

There is common ground in front of us, and it is the poor children of America. There is a good solution in front of us, and that is to see to it that SCHIP is what it started out to be. As Senator GRASSLEY has said, the bill that went to the President and was vetoed did correct some of those waivers. As others have said, there are serious questions on the financing mechanism. But there is no question that this Senate should be ready and prepared, immediately when the veto is sustained, to go forward and find a compromise that works for the poor children of America.

It is critical to me, as one who started in Georgia 10 years ago to register those eligible children, to see to it that they continue to get the promise that was granted by the Congress of the United States. It is equally important to me to see to it that we do not expand that program beyond what was intended and ultimately end up compromising the very poor children we started out to help.

I commend the Senator on his remarks. I urge the administration to immediately aggressively pursue avenues of agreement so we can come together as a Congress before November 16 and unanimously pass a SCHIP bill that works for the poor children of America and is fiscally accountable to the taxpayers of the United States of America.

Mr. President, I yield the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3043, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3325

(Purpose: In the nature of a substitute)

Mr. HARKIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. SPECTER, proposes an amendment numbered 3325.

Mr. HARKIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. HARKIN. Mr. President, we are now on the appropriations bill for Education, Labor, Health and Human Services, and related agencies. Before we get into the bill, I want to explain a couple of things. I will be yielding to my partner, Senator SPECTER, for his opening statement. Then I will follow with mine. It is not the usual order. Usually, the chairman goes first. But Senator SPECTER is very much involved in Judiciary Committee hearings today, and he has to return to that. I will respect that and yield to him in a moment.

I wished to make it clear to our fellow Senators there is a change in the bill they will now notice, the substitute at the desk. The amendment Senator SPECTER and I offered basically strikes the language in the bill dealing with stem cells. Again, I do this with regret. Senator SPECTER and I have worked together for many years to advance the cause of embryonic stem cell research. In fact, we worked together on the first bill President Bush vetoed in his first 4 years. That was our stem cell bill, the only bill he vetoed in 4 years. We then came back with another stem cell bill this year, and he vetoed that also. That veto override has not taken place yet.

So together we put some additional language in this bill to further the cause of trying to break through and get embryonic stem cell research covered. However, we received a statement of administration policy from the administration yesterday saying they opposed our bill for two reasons. It says it includes "an irresponsible and excessive level of spending," and then it says, "The administration strongly opposes provisions in this bill that overturn the President's policy regarding human embryonic stem cell research."

I guess in the spirit of compromise, we wanted to show we are willing to compromise. We are willing to try to meet the President halfway. We know the President's strong feelings against this; they are misguided, nonetheless. Plus, the fact that, although not yet before the Senate, we will have a veto override vote on a stem cell bill he vetoed earlier this year. I don't know if we will have the votes to override. We may. With that, we thought we will show our good faith in saying to the President: OK, we are willing to compromise. We will take that language out. That is what we have done with the amendment that is at the desk. We have taken that language out of the bill.

However, on another aspect in terms of the administration saying it is an irresponsible and excessive level of spending, I will say more about that in my opening statement, but the fact is, in the last 5 years, under the leadership of Senator SPECTER, when I was ranking member, this appropriations bill exceeded the President's budget request every single year. I thank Senator SPECTER for that. He provided great leadership. But the President never once threatened to veto one of those bills and never did, even though we exceeded his budget. This year, however, the President has said he is going to veto it because we exceeded his budget. What is the difference? Because the Congress changed hands? I don't think Senator SPECTER or I give a hoot about that. What we care about is investing in education and health, job training, biomedical research, all the other good things this bill does.

I respectfully disagree with the President that it is irresponsible. I believe it is responsible. We met our budget allocations. We are within our pay-go limitations. We do not exceed our budget allocation in this bill whatsoever.

I wished to make that clear for other Senators. We are on this bill. We have dropped the stem cell language. I did this in consultation with Senator SPECTER as a good faith reaching out to the White House to say: We are willing to compromise. So we will take it out, but we are going to stand firm on our funding levels because they are reasonable. They are within our budget allocation. They don't bust the budget.

I yield the floor to my partner in this for many years, Senator SPECTER, for his opening statement. I know he has to get back to the Judiciary Committee. I will return and make my opening statement at that time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Chair and note for the record that the other Senator from Pennsylvania is presiding. I do not use the term "junior Senator" because Senator CASEY is so distinguished, I wouldn't want to have any suggestion of limited status.

We are taking up now the appropriations bill which has no rival for greater importance to America. Others may stand alongside it as equals, but when you deal with the Nation's health and education and labor, job safety, job training and medical research, the Centers for Disease Control, and Head Start, we deal with the fundamentals of governmental involvement for the general welfare as recited in the Constitution. Health is our No. 1 capital asset. Without going into any details on that, I know that in depth from personal experience. Without your health, you can't do anything. But similarly, or about as important, is an education, to be able to do something productive and constructive.

We have submitted a bill which we believe fairly addresses the needs of the country and is not excessive in its expenditures. Last year's bill for this committee was $144.8 billion. The President has come in with a budget request of $141.3 billion. That is $3.5 billion less than last year. If one figures in inflation, we are looking at about a $7.2 billion cut. We simply can't accommodate that and do the Pell grants, the education funding, the title I funding, the President's program on Leave No Child Behind or the National Institutes of Health. We are out of fat. We are through tissue. We are to the bone and beyond.

The National Institutes of Health are the crown jewels of the Federal Government, maybe the only jewels of the Federal Government. Enormous strides have been made in combating the major ailments of our society—heart disease, cancer, Alzheimer's, and Parkinson's—but in FY06 there was a $50 million cut on the National Cancer Institute, which I won't call scandalous or outlandish, I will say it is inappropriate. This year we have added in this budget only $1 billion. When I say "only," at $20 billion, raising it to $29.9, that doesn't keep up with the cost of inflation. There are many grants which are now being turned away by NIH.

We had a vote last night on a motion to recommit the bill on Commerce-Justice-Science. I voted against recommitment and made a brief floor statement that to send the bill back to committee to come back with the President's figure would constitute a surrender of the congressional responsibility to appropriate.

Article I gives us that responsibility and the authority. If we are going to accept the President's figure, then why don't we start there and leave us to fill in the blanks. But so that the record will contain a statement on legislative process, if anybody is watching on C-SPAN 2, coming to these bills, the one today on Labor, Health and Human Services, and Education and coming to the bill which we passed last night on Commerce-Justice-Science, it is an elaborate, painstaking process. There are hearings. There are deliberations. There are meetings. Then there is what is called a markup in the subcommittee. We go through the budget.

Meanwhile, staff has worked diligently on it. If it was generally known how hard the staff works, people would be amazed. They say if you asked: How many people in Washington in the Federal Government work? that most people would respond about half. The fact is, this is a very difficult job, especially for staff. Senators work too. So do House Members. Without going into that, though, we did not come up with these figures and pull them out of the air. They were worked through very carefully.

The bill which was passed yesterday had some increases which were very vital increases. They were increases on law enforcement which America needs. For example, the appropriation for the Federal Bureau of Investigation was increased by $383 million over the preceding year.

The Community Oriented Policing Services, the program known as COPS, to get additional law enforcement officers on the street, was increased by $1.639 million. That means that America is being better protected. It goes to the local governments. It is seed money. They hire additional police. The Federal allocation does not last long. Then it is our expectation they will keep the police.

State and local law enforcement assistance was increased by $163 million. I refer to that only briefly to give you some idea as to what we did yesterday and why it seemed to me to be inappropriate to refer it back to committee, which means we would take the President's figure, which was about $3.2 billion lower, in another subcommittee worked under the distinguished leadership of Senator MIKULSKI and Senator SHELBY. If we are to discharge our responsibilities under the Constitution, we have to stand by our guns as to what we want to do.

Now, I am not saying the figure on yesterday's bill is not to be modified. The President has set the tone on that when he vetoed the SCHIP bill. Congress came in at $35 billion over 5 years, and the President came in at $4.8 billion. Then he said he was willing to negotiate. There are some in the Congress who do not want to negotiate, who want to let the program lapse because it would be politically disadvantageous to the President if there is no continuation of the program for children's health.

Well, I do not think that will happen. I do not think that should happen. Because if some Members of Congress stand in the way of negotiations and a compromise, people will find out about it and it will be a political detriment to those who stand in the way of negotiations.

So as I said last night on the Senate floor, if you have the Senate bill on Commerce, Justice and Science higher than the President's figure by $3.2 billion, let's negotiate, just like the President said on SCHIP.

On this bill, we are prepared to negotiate. The first line of negotiation has already been announced by Senator HARKIN, and that was in response to a Statement of Administration Policy issued today from the Executive Office of the President:

> The Administration strongly opposes provisions in this bill that overturn the President's policy regarding human embryonic stem cell research.

Well, Senator HARKIN and I have considered this issue very carefully, and we have decided, much against our preference, to accede to what the President has strongly opposed. We do this in the context—not that we agree with the President, because we strongly disagree with him—but we would like to get this bill passed, and we are prepared to compromise.

This stem cell issue is one which is very near and dear to me. We found out about the potential for stem cells in November of 1998. Ten days, two weeks later—I chaired the subcommittee—we had hearings. We had 20 hearings on it. The research has shown me that these stem cells are a tremendous potential for curing the maladies of the world. We have 400,000 of them that are frozen that are going to be thrown away.

This is a long, involved subject, but in a nutshell, we are going to have Federal funding of stem cell research. It is a matter of when, not a matter of whether or if. It will happen. It will happen.

So in removing this provision from the bill, I do it with great reluctance and great regret. But I do it after consultation with the groups, the advocacy groups for stem cell research. They have been consulted. They are in the middle of all this, and they understand the reasons for it. They also understand if we pursue this, there will be a great many amendments which could pass and be harmful to the interests of the health of this country and to what the advocacy groups are seeking to accomplish.

So we come to a bill which I think America needs. It is worth pointing out that our bill is substantially under the bill passed by the House of Representatives. We have come in at $152.1 billion. The House of Representatives has come in at 154.2 billion. So they are $2.1 billion higher than we are. But this is our best judgment as to what ought to be done.

If anybody disagrees with it, Senators have the right to come to the floor and offer amendments, if they want to reduce the funding. We are prepared to listen. And we are prepared to negotiate with the President. But I am not prepared to take the figure the President has automatically. I am not prepared to do that. If we are going to do that, there is no reason to have the hearings and the meetings and the markup and the full committee and the laborious work we go through. If we are going to take the President's figure, it may as well come out of the White House as to what they are doing, if all we are left to do is fill in the blanks. I think it would be a dereliction of duty for us not to come forward with our conclusions on what appropriations are necessary for these three major Departments.

At the present time we are proceeding here, we have started the confirmation proceedings of Judge Michael Mukasey. I was there earlier this morning, and I have to return there. So I will be taking care of my duties here as best I can. Since I am not twins, there will be someone else here to take over on the occasions when I cannot be here. But I did want these views to be expressed, and there is a long, erudite statement prepared by extraordinary staff, Bettilou Taylor—some call her the 101st Senator, but I think that diminishes her standing—and Sudip Parikh.

So, Mr. President, I ask unanimous consent that statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### FLOOR STATEMENT—SENATOR ARLEN SPECTER

### FY 2008 LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS BILL

Mr. President, the Labor, Health and Human Services and Education bill before the Senate today totals $152.1 billion, an increase of $7.3 billion over the FY'07 level and $10.8 billion over the President's budget. The bill that passed the House of Representatives contains $154.2 billion, an increase of $2.1 billion over the Senate.

The funds contained in this bill address this nation's public health problems and continue to strengthen our biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills.

At this time, I want to take this opportunity to thank the distinguished Chairman of the Subcommittee, Senator Tom Harkin, for his hard work. This bill is not an easy one to maneuver through the subcommittee and full committee and it is a major accomplishment getting it to the floor for consideration.

Some of the key funding levels in the bill include:

$29.9 billion for the National Institutes of Health, $1 billion over FY'07

$4 million for Embryo Adoption

$2.170 billion for Ryan White AIDS programs

$75 million for mentoring programs

$300 million for Family Planning programs

$100 million for Mentoring Programs

$12 million for a Cord Blood Stem Cell Bank

$2 million for administering asbestos claims

$1.1 million for mesothelioma registry and tissue bank

$220 million to continue construction projects at the Centers for Disease Control

$2.161 billion for Low Income Home Energy Assistance

$200 million for Children's Hospital Graduate Medical Education

$2.3 billion for Community Health Centers

$102 million for Healthy Start

$7.1 billion for Head Start

$828.5 million for Worker Protection Programs

$5.25 billion for Job Training Programs

$13.9 billion for Title I Grants to Disadvantaged Students

$11.2 billion for Special Education State Grants

$14.5 billion for Pell Grants to support a maximum grant of $4,310

$313.4 million for Gear Up

$43.5 million for youth offender programs

$420 million for the Corporation for Public Broadcasting, in addition

Let me discuss in detail the major elements of this bill:

### MEDICAL RESEARCH

The bill before the Senate contains $29.9 billion for the National Institutes of Health. The $1 billion increase over the FY'07 level will continue the important work of thousands of researchers across this nation. These additional funds are critical in catalyzing scientific discoveries that will lead to a better understanding in preventing and treating the disorders that afflict men, women, and children in our society.

Each year, the Labor-HHS Subcommittee holds numerous hearings on medical research issues. Testimony is heard from the NIH Institute Directors, medical experts, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for autism, Alzheimer's and Parkinson's disease, spinal cord injury, muscular dystrophy, ALS, AIDS, diabetes, heart disease, and the many cancers affecting millions of Americans. But the diseases I just mentioned are the ones that everyone knows. However, there are a number of orphan diseases, those affecting 200,000 people or less, that are just as important but not often talked about. Research also needs to be specifically focused on orphan diseases such as spinal muscular atrophy, Ataxia's, Batten disease, fibromyalgia, Fragile X and spina bifida.

### CENTERS FOR DISEASE CONTROL AND PREVENTION

The Centers for Disease Control and Prevention is the lead Federal agency for protecting the health and safety of Americans at home and abroad. To address these needs the bill includes $6.4 billion for programs at the CDC. The CDC's ability to respond quickly to address this nation's health concerns has been proven over the last several years. Within minutes of the September 11 attack, CDC set up an emergency operations center and began to deploy supplies and staff, issuing health alerts and responding to State needs. CDC redirected more than 2,000 staff to focus their resources on the anthrax crisis to identifying the disease and ensuring that health professionals were properly trained in recognizing the signs of anthrax. During the gulf coast hurricanes, the CDC staff was on the ground to assess and mitigate the infectious disease risk to residents of flooded areas. Last June, CDC also quickly identified a patient with a drug resistant strain of TB and took steps to isolate the patient and protect the American public. The Committee has included $1.7 billion to improve this nation's research capacities and to detect and control emerging infectious disease threats in the U.S. and around the world. The Committee has included $220 million to continue the renovation of the CDC facilities in Atlanta. With the funds provided in FY'08, we will only need one more year of funding to complete the modernization of the CDC campus.

### PANDEMIC INFLUENZA PREPAREDNESS

Although press attention regarding pandemic influenza has waned, the threat of a pandemic influenza resulting in millions of deaths worldwide remains high. The Committee has included $888 million for pandemic influenza preparedness activities. These dollars are to purchase pre-pandemic vaccine stockpiles, spur vaccine development, purchase antivirals, and for the development of diagnostic tests. The remaining dollars are for on-going pandemic preparedness activities within the Department of Health & Human Services and the Centers for Disease Control & Prevention.

### MENTORING

In this nation it is estimated that more than 772,500 juveniles are members of gangs, dropout rates in some school districts exceed 60% and the direct and indirect cost of youth violence exceeds $158 billion a year.

Mentoring programs have proven to steer children away from gangs, violence and crime. Studies show that mentored children are less likely to start using drugs and alcohol or commit violent acts. They are also more likely to graduate from high school and go on to a higher education. Unfortunately, the demand for mentors far exceeds the supply.

To address these concerns the bill includes $75 million, including $50 million to support mentoring programs for children who are at risk of failing academically, dropping out of school, or involved in criminal or delinquent activities. These funds will be awarded to local education agencies and non-profit community-based organizations to support mentoring programs. Also included is $25 million targeted to areas with the highest dropout rates and schools designated as persistently dangerous. Funds will be used to increase the number of mentors, identify children at an early age and link them with mentors to provide support before children get involved in criminal behavior.

### MINE SAFETY AND HEALTH ADMINISTRATION

This Subcommittee has always been concerned about mine safety, but the many accidents in recent years have sharpened the Subcommittee's focus.

The regulations governing mine safety have evolved slowly from primitive beginnings in 1891. In the 1930's, well over 2300 people were dying annually in mining accidents. In 1941, Congress established the forerunner of the Mine Safety and Health Administration. The passage of the Mine Act in 1977 established MSHA, placed it in the Department of Labor, and established the current regulatory framework. The Congress amended the Mine Act in 2006 to strengthen its safety provisions in response to the recent incidents. Within the total provided, the bill includes $330.1 million for the Mine Safety and Health Administration, including $2 million for mine rescue and recovery activities. This is an increase of $16.5 million over the FY'07 level. The increase will be used to accelerate the implementation of the MINER act to improve health and safety conditions for miners.

### GEAR UP

The bill provides $313.4 million for Gaining Early Awareness and Readiness for Undergraduate Programs. These funds will be used to assist high schools to help low-income students prepare for and pursue postsecondary education.

### CHILDREN'S HOSPITAL GRADUATE MEDICAL EDUCATION

To support health professions training in children's teaching hospitals, the bill provides $200 million. The amount provided is a $97 million cut below the FY'07 level. However, the bill that passed the House contains $307 million and I will support the House figure during conference negotiations.

### COMMUNITY HEALTH CENTERS

To help provide primary health care services to the medically indigent and underserved populations in rural and urban areas, the bill contains $2.2 billion for community health centers. This amount represents an increase of $250 million over the FY 2007 level.

### SUBSTANCE ABUSE

For prevention and treatment of substance abuse, the bill includes $3.4 billion, including $2.1 billion for treatment programs, $197.1 million for prevention and $923.1 million for mental health programs. The latest estimates indicate that millions of Americans with serious substance abuse problems go untreated each year. The amounts provided will help address the treatment gap.

### LIHEAP

The bill provides $2.161 billion for the Low Income Home Energy Assistance Program (LIHEAP) the key heating and cooling program for low income families in Pennsylvania and states throughout the nation. Funding supports grants to states to deliver critical assistance to low income households to help meet higher energy costs.

### AGING PROGRAMS

For programs serving the elderly, the bill before the Senate recommends $3.3 billion. Including $483.6 million for the community service employment program to provide part-time employment opportunities for low-income elderly; $350.6 million for supportive services and senior centers; $217.6 million for the national senior volunteer corps.; $773.6 million for senior nutrition programs; $1.1 billion for research conducted at the National Institute on Aging; $162.6 million for family and native American caregiver support programs; and $35 million for the Medicare insurance counseling program.

### AIDS

The bill includes $6.5 billion for AIDS research, prevention and services. Included in this amount is $2.1 billion for Ryan White programs; $930.4 million for AIDS prevention at the Centers for Disease Control; $2.9 billion for AIDS research at the National Institutes of Health; and $300 million for the Global Fund for HIV/AIDS.

### HEAD START

To enable all children to develop and function at their highest potential, the bill includes $7.1 billion for the Head Start program, an increase of $200 million over last year's appropriation.

### EDUCATION

To enhance this Nation's investment in education, the bill before the Senate contains $58.1 billion for discretionary education programs, an increase of $532 million over last year's funding level and $1.5 billion more than the President's budget request.

### EDUCATION FOR DISADVANTAGED CHILDREN

The bill includes $13.9 billion, an increase of $1.1 billion for Title I grants to school districts. These funds will provide services to approximately 15 million school children in nearly all school districts across the United states.

### IMPACT AID

For Impact Aid programs, the bill includes $1.24 billion. Included in the recommendation is: $49.5 million for payments for children with disabilities; $1.1 billion for basic support payments; and $65.7 million for payments for Federal property. In addition, $17.8 million is available for construction activities at certain Impact Aid-eligible schools.

### SPECIAL EDUCATION

For special education state grants, the bill includes $12.3 billion, an increase of $527.5 million more than provided in FY'07. These funds will help local educational agencies meet the requirement that all children—ages 3 through 21—with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services.

### READING PROGRAMS

The bill includes $800 million for Reading First State Grants to implement comprehensive reading instruction to ensure that every child can read by the end of the third grade. Also included is $117.7 million for Early Reading First designed for preschools to enhance the verbal skills, phonological awareness, letter knowledge and early language development of children ages 3 through 5. To help struggling middle and high school students improve their reading skills, the bill includes $36 million.

### 21ST CENTURY COMMUNITY LEARNING CENTERS

For community learning centers activities, such as before- and after-school, recreational, drug, violence prevention and family literacy programs, the bill includes $1 billion.

### TRIO

To improve post-secondary education opportunities for low-income first-generation college students, the Committee recommendation includes $858.2 million for the TRIO program, to assist in more intensive outreach and support services for low income youth.

### CHARTER SCHOOLS AND VOLUNTARY PUBLIC SCHOOL CHOICE

The bill includes $214.8 million for charter school grants which help in the planning, development and implementation of charter schools. Also included is $26.2 million for voluntary public school choice to expand programs, especially for parents whose children attend low-performing public schools.

### STUDENT AID AND HIGHER EDUCATION

For student aid and higher education programs, the bill provides $18.4 billion. Pell grants, the cornerstone of student financial aid is funded at $14.5 billion which will provide a maximum grant award of $4,310. The bill also includes $770.9 million for the supplemental educational opportunity grants, and $980.5 million for the Federal work study program. Also included are $858.2 million for TRIO programs and $507.2 million for aid to institutional development.

### JOB TRAINING

In this nation, we know all too well that unemployment wastes valuable talent and potential, and ultimately weakens our economy. The bill before us today provides $5.59 billion for job training programs. This includes $1.65 billion for the Job Corps; $864.2 million for Adult training; and $1.19 billion for retraining dislocated workers.

### CLOSING

There are many other notable accomplishments in this bill, but for the sake of time, I mentioned just several of the key highlights, so that the nation may grasp the scope and importance of this bill.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the Subcommittee for their cooperation.

Mr. SPECTER. Before I yield the floor, I wish to compliment my distinguished colleague, Senator TOM HARKIN. Senator HARKIN and I have worked side by side. Sometimes I have been chairman; sometimes he has been chairman. I like it better when I am chairman. But I also like it when he is chairman. We have what we call a seamless transfer of the gavel.

People complain there is a lot of bickering in Washington, DC, and there is too much infighting. Well, TOM HARKIN and ARLEN SPECTER do not do that. We try to set an example of working together in the public interest.

May I also add, I do the same thing with Senator ROBERT P. CASEY, Jr., my colleague from Pennsylvania. We meet frequently and go over the key issues. When there are major events—we had a big hearing in Philadelphia on juvenile gang violence. I invited Senator CASEY to come along. He has had some ideas and some programs he has advocated, and he has invited me.

We went to Pittsburgh to swear in some judges. I made sure it suited Senator CASEY's schedule. People like to see Democrats and Republicans working together. Senator CASEY and I do, and, I say to the Senator from Iowa, certainly you and I do, Mr. Chairman. So I thank you. I thank Ellen Murray and Sudip for their extraordinary work.

Mr. HARKIN. I appreciate that.

Mr. SPECTER. There is a story that behind every successful man there is a surprised mother-in-law. But in the case of TOM HARKIN and ARLEN SPECTER, it is Ellen and Bettilou.

Mr. HARKIN. That is right.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my good friend, Senator SPECTER, for his very kind words, his generosity of spirit, and respond in kind that I have said many times to people that during the interregnum when the Republicans controlled the Senate—I say that jocularly—I was very fortunate and blessed to have Senator SPECTER as the chairman of this committee. He is right, we have worked together very closely over the years, and I thank him for that very close partnership and working relationship. He is a great leader in areas of health and education and medical research and so many other items. So I thank Senator SPECTER for that very close working relationship.

I am pleased to bring to the floor the fiscal year 2008 appropriations bill for Labor, Health and Human Services, Education, and related agencies.

It has been said many times that the Defense appropriations bill is the bill that defends America. But this appropriations bill, the bill we have before us—the bill that funds Education and Health and Human Services and biomedical research and the Centers for Disease Control and Prevention—is the bill that defines America.

This bill funds the most basic, essential, life-sustaining, and lifesaving services for millions of people in this country, including the most needy among us. It provides for the education of our children. It provides health care for many of our poorest citizens. It helps students from low- and middle-income families afford college. It funds medical research to help ease human suffering. It gives displaced workers a chance to get back on their feet.

This bill does define us and says who we are as Americans. Despite extreme budget constraints, I believe we have produced a good bill. I wish we could have done more for these programs because we have some catching up to do. But we also have to be fiscally responsible. This bill fits within the budget resolution. It conforms to pay-go. It reflects the priorities of Senators on both sides of the aisle, and it reflects the values, ideals, and priorities of the American people.

Again, I commend our ranking member, Senator SPECTER, for his leadership in helping to craft this bill. As Senator SPECTER said, we have had an amazingly productive partnership for the last, as I count it, about 17, almost 18 years. As control of the Senate has switched between the two parties, we have passed the gavel back and forth, but there has been one constant and that is our shared commitment to investing in job training, in essential human services, in education, and cutting-edge biomedical research.

One notable accomplishment of our bipartisan partnership was the doubling of funding at the National Institutes of Health over a 5-year period between 1998 and 2003. It started under a Democratic President, finished under a Republican President. But today, sadly, that achievement seems like ancient history. Today, it is an achievement in this bill simply to prevent a cut at the National Institutes of Health because that is what the President proposed in his budget. The President proposed a $279 million cut in funding for NIH, in things such as cancer research, Alzheimer's research, ALS research, and other lifesaving research being done through NIH.

The National Institutes of Health is just one of the critical programs in this bill that the President's budget underfunds. Head Start, special education, job training all would face cuts if the President had his way.

Overall, for all the programs in this appropriations bill, his budget request was $3.5 billion below last year's level. Let me repeat that. The President's budget was $3.5 billion below last year's level—not below an inflationary increase, below last year's level. So not only did his budget fail to keep up with inflation, it would take us back. That is unacceptable.

President John Kennedy once said that "to govern is to choose"—a famous line. Well, I tend to agree. Governing is also about setting priorities. The President has set his priorities. He is just days away from sending up a supplemental budget request for the war in Iraq. We hear it to be as much as $190 billion, and he will insist that we appropriate every single penny. Meanwhile, 2 weeks ago, rejecting pleas from many members of his own party, he vetoed the SCHIP bill, which would preserve health coverage for 6 million children nationwide and cover millions more who are currently uninsured. Now, the President, with his statement of policy that he sent up yesterday, is threatening to veto this bill.

So think about it. The President is demanding that we continue to spend more than $12 billion a month in Iraq on the war, yet he is threatening to veto this appropriations bill because it spends $11 billion a year more than what he wanted, for 1 year. The President says he wants $12 billion a month for the war in Iraq, but we shouldn't spend $11 billion over his budget for 1 full year for all of the other things we do in education and in health care and in human services.

Under the Constitution, we know that the President proposes, the Congress disposes. So we in Congress get to set our priorities too. We also get to choose about governing. Rather than cut the essential programs and services in this bill, we have chosen in a bipartisan fashion to provide a very modest increase. So we respectfully disagree with the President. We believe it is time to make investments in this country. It is time for the President to put our own needs here at home first. For 5 years we have poured untold billions of U.S. taxpayers' dollars into schools, job programs, hospitals, and human services in Iraq. It is time we looked after those same needs here in America. That is exactly what we propose to do in this bill.

This bill provides a modest increase of $1 billion for the National Institutes of Health. That is 3.5 percent. That is less than biomedical inflation. But the President's budget would slash investments in NIH, cutting 800 research grants that could lead to cures or treatments for heart disease, cancer, diabetes, or other diseases ravaging our people. This is a very exciting time in biomedical research. We are reaping the benefits of the Human Genome Project. It would be unconscionable and I think totally irresponsible to short-circuit this progress by cutting the funding for NIH. So we have, as I said, provided a modest increase of $1 billion for NIH in this bill.

In this bill, we increase funding for Head Start by $200 million. I wish it were more. It should be more. We are just beginning to make up for the tens of thousands of children who have been lost to the program because of stagnant funding over the last several years. The President's budget would cut Head Start funding by $100 million. So the President's budget cuts it by $100 million; we increase it by $200 million. The President's budget would cut thousands more children from the rolls of Head Start; ours would add to it. That is the difference. We believe the President's approach is unacceptable.

In this bill, we provide an additional $457 million for special education. Again, it really ought to be more, and I will explain what I mean by that. If we accepted the President's budget, it would cut special education by $291 million.

When IDEA passed—the Individuals with Disabilities Education Act—when it passed the Congress—I guess it was about 30 years ago; yes, it has been about 30 years—when we passed the Individuals with Disabilities Education Act, we committed ourselves, we committed the Federal Government to paying up to 40 percent of the additional cost of educating kids with disabilities in our schools. Now, consider this: Prior to that time, most kids with disabilities were shunned aside. They were sent to State institutions, warehoused, and many of them never even went to school. But because of a decision—and I say to the Senator sitting in the chair, it was a Pennsylvania case, PARC, Pennsylvania Association of Retarded Citizens v. Pennsylvania, a landmark case.

From that case, it was decided that if a State decided to provide a free public education for all its children, if it decided to do that, it could not then discriminate against kids with disabilities in providing that free, appropriate public education. Well, that then led, of course, to the Individuals with Disabilities Education Act that passed the Congress. In that, we said: We are going to help. We think States should do this. States are mandated to do this under the Constitution, but we are going to help. So we are going to try over the years to build this up to where we provide at least 40 percent of the additional funding to mainstream kids with disabilities in our public schools.

Where are we? Under President Bush, we are going backward. Two years ago, the Federal Government got up to 18 percent of this additional funding for kids with disabilities. We got up to 18 percent 2 years ago. In the last fiscal year, the Federal share dropped to 17 percent. If the President gets his way with his budget in 2008, we will be down to 16 percent. We have had a number of amendments on this floor, sense-of-the-Senate resolutions, to get this up to 40 percent. Republicans and Democrats have voted for this. Yet the President's budget is taking us in the opposite direction, and that, of course, again is unacceptable. When we don't pick up the tab, when we don't do our share and our part in providing for special education, who gets stuck with the bill? Local property taxpayers. The States have to increase and keep increasing the share of local property taxes to pay for this. Again, that is unacceptable.

Turning now to college education, we all know the cost of a college education is rising. It hits all of us pretty hard. It hits all middle-class families and anyone who wants to get a college education. Obviously, it hits the poorest families the hardest. This bill provides an increase of more than $800 million for Pell grants over last year—Pell grants, so that our poorest students have a chance to get a higher education. Building on that increase we put in the bill earlier, Senator KENNEDY and Senator ENZI, the chair and ranking member of the authorizing committee on education, wrote a budget reconciliation bill that raises the maximum Pell grant award from $4,310 to $4,800. That is a boost of almost $500 a year for the neediest students—the largest increase in more than 30 years. But under the President's budget, the increase would be less than half that—about $230 a year. So again, our bill would increase that and provide for $800 million more for Pell grants over last year.

One other item which is something of importance to every Senator is this bill increases funding for administering Social Security by $125 million above the President's request. Now, why is that important? I will bet my colleagues every Senator here and their State offices have been getting all kinds of cases coming in from people who have disability claims, but they are backlogged, backlogged, backlogged. They wait months and months, sometimes years, to get their disability claims administered. Well, this increase would allow us to make a dent in that backlog of disability claims. Again, we ought to be even more aggressive in reducing the backlog. But make no mistake, if we accept the President's budget, the Social Security Administration would have to institute a hiring freeze and the backlog of claims would skyrocket. It is bad enough the way it is right now, but under the President's budget, it would be unacceptable. So our bill would provide $125 million more for Social Security to begin to reduce the disability claims backlog.

I think one of the most disturbing problems with the President's budget is it is kind of a total disregard, I would say, for the needs of our poorest people, the poorest citizens of our country. Just consider three programs that serve low-income children and families in this country. The three programs are the LIHEAP program, which is the Low Income Home Energy Assistance Program, the Community Services Block Grant Program, and the Social Services Block Grant Program. Let's look at those three. These all serve the lowest income people in our country.

The President's budget would cut LIHEAP by $379 million despite predictions of record energy prices this winter. This cut would force States to lower their benefits or serve fewer low-income individuals, many of whom are elderly and poor, many who are going without medical care, some cutting down on their food and other necessities in order to pay their heating bills.

Then, the two block grants I mentioned, the community services block grant and the social services block grant, many of the States tie these together to provide essential services for our most disadvantaged people in this country.

The community services block grant is a key safety net, providing assistance in areas such as job training, housing, and emergency food aid. This bill increases funding for the community services block grant by just a modest $40 million. The President's budget eliminated—the President's budget didn't just cut community services block grants, they zeroed it out—all $630 million zeroed out.

The other block grant, the social services block grant, addresses some of our country's most vital human services needs, such as protecting children from abuse and neglect, caring for homeless seniors, providing services to children and families with severe disabilities, to mention just a few. The President's budget slashed the social services block grant by 30 percent. Our bill says no.

The President has already cut taxes for the wealthiest Americans. We are not going to decimate programs for the poor at the same time. Enough is enough.

So the bill we have before us invests in job training and employment services programs to help Americans develop the skills they need to find work. The President's budget cut job-training programs by $1 billion; that is, from $3.6 billion last year, he would cut it to $2.6 billion. This bill rejects that. This bill also provides $483 million for community services jobs for older Americans. The President's request was $350 million, which would have actually cut a lot of seniors from the program, seniors who are already working in that program.

America's working families also count on the Labor Department to ensure that their workplaces are safe and that employers comply with labor laws. Unfortunately, the President has consistently underfunded the agencies that enforce these laws. Since 2001, OSHA—that is the Occupational Safety and Health Administration—has lost almost 10 percent of its enforcement staff because of the President's budgets. This bill charts a new course. We invest $12 million over last year to rebuild OSHA staffing.

When I describe the funding choices in this bill as "investments," I choose my word carefully. It is a simple fact that when we invest in these programs, we save money in the long run and our country saves money in the long run. When the Minneapolis bridge collapsed this summer, we all talked about the large costs of failing to invest in our infrastructure, our physical infrastructure, our roads, our bridges, our highways, our rails.

Well, what about failing to invest in our human infrastructure, our people? What can be more important than that investment? We know some things. We know that early childhood education pays many dividends later on in life and saves us money. We know that quality K–12 education pays big dividends. We know that enabling kids to go to college and not be burdened with a lot of debt pays off with big dividends. We know that adding community health centers pays off, pays dividends by preventing emergency care and disability down the road. We know that job training pays big dividends by getting workers who are laid off of jobs—maybe they have gone overseas—retrained and equipped for new kinds of jobs so they can be productive, taxpaying citizens. All of what I mention pays huge future dividends.

I said earlier that this bill defines America. It is important that this bill defines America as a compassionate nation, a nation that invests in its future, a nation, as the late Senator Hubert Humphrey used to say, that meets the needs of those at the beginning of life, those in the twilight of life, and those in the shadows of life.

Again, I ask, how can we continue to pour endless billions of dollars into Iraq—more than $12 billion a month now, and counting—and yet we cut funding for the basic essential services here at home for our most needy citizens? This is a case of seriously misplaced priorities. We are doing our best to correct it in the bill before us today. Obviously, we have not been able to do everything we want or need to do, but this bill reflects the priorities of Senators on both sides of the aisle, and, as I said, we stayed within our budget allocation.

Again, given all of this, I am genuinely saddened that the President has already pledged to veto the bill. I really cannot believe the President wants us to cut funding for cancer research and other lifesaving research through the NIH. I cannot believe the President wants to cut children from the rolls of Head Start. I cannot believe the President wants to eliminate the community services block grant, which is a basic life support for many of our neediest citizens. I cannot believe the President wants to cut funding for home heating assistance for poor elderly. Yet the President's budget would require all of these cuts to essential programs and services. It would be unconscionable.

So all I can assume is that the President is getting very bad advice. Perhaps his advisers have told him to veto this bill to score some political points—whatever that might be. If so, it is bad advice because there is not an ounce of extravagance in the bill. It meets the essential needs of the American people in terms of education, health and human services, and job training. It passed out of committee 26 to 3. You cannot get much more bipartisan than that.

I might again point out, as I did earlier, that over the last 5 years, this appropriations bill—again, it was under the leadership of Senator SPECTER, and I was ranking member—every year was above the President's request. Not once did the President threaten to veto it. Well, this year, some games are being played. The President's budget slashes all these programs. We come in to replenish the money and put it in and to give modest increases, all within our budget allocation, but for the first time in 6 years the President says he is going to veto it. What is the difference? Is the only difference now that the Democrats are now in charge? Because, as I said, every year, Senator SPECTER's bill was higher than the President's request, but he never threatened to veto one of those bills and he never did. This year, he says he will. It sounds to me like the last Karl Rove tactic before he left town. This sounds like a Rove tactic.

I say to the President that he is gone, he is history—bad history, but he is history. Now, Mr. President, do the right thing. Do what we have for the last 5 years and work with Congress. We are willing to meet you halfway, as I said earlier.

One of the objections in the President's veto threat, which he sent down here yesterday and I have here, was that he opposes overturning the President's policy regarding human embryonic stem cell research. All right. We took it out, even though Senator SPECTER and I and our committee feel very strongly about this. We have had hearings and hearings on this since 1998. Under Senator SPECTER's leadership, we have passed legislation to overturn the President's policy. I think we got, if I am not mistaken, about 66 votes in the Senate to do that. I think I am right on that. So, again, we feel strongly about that, as strongly as the President may feel about it, but in the spirit of compromise and getting our bill done and moving it ahead, we decided to take it out, and we did.

So I hope that in the next 24 hours the White House will listen to the debate and they know what is going on and they have their people up here; this is no secret—I hope the President will revisit this, and I would like to see a new Statement of Administration Policy coming down saying: You did, in good will, take out the stem cell thing, and that was half of our objection. We will meet you halfway and accept the bill as you have it.

Mr. President, that would be the good thing to do. I still am hopeful that the President will do that. There is really no justification now for vetoing this bill. If we are over what he wanted, we have been over what he wanted for the last 5 years and he never vetoed the bill. So I hope the President will send down a new statement of policy and that they will support this bill because I think the bill is going to have big support here. It passed committee 26 to 3. If I am not mistaken, those three votes were opposed to the stem cell provisions we had in the bill. Had they not been there, we would have had a unanimous vote in committee.

I think this bill will get a big vote here on the Senate floor. It would be helpful and would ease things and would, I believe, lift a lot of the contentiousness that goes on around town here if the President would come out and say: OK, we will meet you halfway; you took that out, so we will take the bill as it is. That would make things go very smoothly.

Again, we look forward to the consideration of the bill on the floor this week. We want to use our time productively. I encourage Senators, if they have amendments, to bring them to the floor in a timely fashion today so we can complete our work and get the bill to conference as soon as possible.

Senator REID said on Monday that we would stay in this week—and Saturday, if necessary—to finish this important bill. Well, I have placed all my plans on hold. I intend to be here, if necessary, Friday and Saturday—or Sunday, if necessary—to finish this vitally important bill. I take the leader at his word that we will be here Friday and Saturday if we need to be. However, if Senators come over today and offer amendments today and tomorrow, hopefully, we can finish this bill in a timely manner. Again, Mr. President, we are on the bill, and I hope Senators will come over and offer their amendments.

Mr. President, on August 2, 2007, by a vote of 83 to 14 this Senate approved S. 1, the Honest Leadership and Open Government Act of 2007. The President signed the legislation on September 14, 2007. This ethics reform legislation will significantly improve the transparency and accountability of the legislative process.

Pursuant to the new rule XLIV, it is required that the chairman of the committee of jurisdiction certify that certain information related to congressionally directed spending be identified and that the required information be available on a publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill. In addition, Members who request such items are required to certify in writing that neither they nor their immediate family have a pecuniary interest in the items they requested, and the committee is required to make those certification letters available on the Internet. The information provided includes identification of the congressionally directed spending and the name of the Senator who requested such spending. This information is contained in the committee report numbered 110–107, dated June 29, 2007, and has been available on the Internet for 8 weeks. The Member letters concerning pecuniary interests are also available on the Internet.

I am submitting for the RECORD the certification by the chairman of the

Committee on Appropriations, Senator BYRD. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BYRD. I certify that the information required by Senate Rule XLIV, related to congressionally directed spending, has been identified in the Committee report numbered 110-107, filed on June 27, 2007, and that the required information has been available on a publicly accessible congressional website in a searchable format at least 48 hours before a vote on the pending bill.

Mr. HARKIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

### CIA INSPECTOR GENERAL

Mr. WYDEN. Mr. President, there was discussion on the floor this morning about intelligence matters. I wanted to spend a few minutes to discuss a matter of bipartisan concern in the Senate. What I am talking about is the very troubling development that came to light last week indicating that the head of the CIA, General Hayden, has decided to launch an investigation into the Agency's inspector general.

I and others—and I particularly commend Senator BOND, our vice chairman of the committee, for his excellent statement on this matter—are very concerned about this new development. It is particularly important that the inspector general of the Central Intelligence Agency function with independence. Because our work by its very nature—entrusted with those secrets essential to protect our country's security—has to be done in private and is classified, we need an independent inspector general to ensure accountability.

Because of a development such as this, I think this can have a chilling effect on the independence of the inspector general at the Central Intelligence Agency.

The Congress created these inspector general positions for a reason, and that is to ensure accountability, to ensure Government efficiency. Virtually all of the agencies have these key positions and, of course, it is their job to report findings to the Congress.

Perhaps General Hayden is concerned about the work of Mr. Helgerson, the inspector general for the Agency. There is an appropriate process for bringing up those concerns. If the head of the Central Intelligence Agency is concerned about how the CIA inspector general is doing his job, he ought to bring them to the President's Council on Integrity and Effectiveness.

It is my view that particular body has been handling complaints against inspectors general, and it is my view they are doing their job well and appropriately. But to have an investigation such as this, in my view, is going to interfere with the inspectors general independence. If the Director of the CIA is ordering investigations into the inspector general's activities and plans to "suggest improvements" for the inspector general to consider, my view is that can undermine the inspector general's independence.

I do not want to see inspectors general intimidated. That is the bottom line here, and I do not want the Director of the CIA interfering with the extraordinarily important activities of the inspector general at the Agency.

Let me also state that my concern is part of a view that there has been a pattern at the Agency of being less than transparent. I and, again, senior Members of this body, particularly Senator BOND and Senator ROBERTS, have worked very closely and in a bipartisan way to ensure that the inspector general's report on the role of the Agency in the runup to 9/11 was going to be made public. I can tell you that, unfortunately, General Hayden fought that bipartisan effort every step of the way.

The fact is, it was a balanced effort. The particular recommendations of the inspector general were modest in nature. They did not require that anybody be fired or cavalierly dismissed. It called for what is known as an accountability board, something, again, to ensure that the watchdogs are in place to protect this country's security and do it in a fashion that is committed to the American principles of transparency and openness.

I have written Admiral McConnell who, of course, is the head of the national intelligence community, and asked him to direct General Hayden to cease and cease immediately the investigation that is now going on into the work of the inspector general at the Central Intelligence Agency.

It is my view that people who know they are doing the right thing are not afraid of oversight. It is time for the head of the intelligence community, Admiral McConnell, to put an end, and an immediate end, to General Hayden's attempt to muzzle the CIA's inspector general.

I wrap up by saying, again, we are not talking about a matter that is partisan. Senator BOND, who has been so cooperative on these matters relating to accountability and transparency, said it very well. Senator BOND said the inspector general had done great work. In his statement on this matter, Senator BOND noted that the Agency regrettably has a track record of resisting accountability.

So that is what this is all about. The ball is now in Admiral McConnell's court. It is my hope that in the next few days, Admiral McConnell will direct General Hayden to cease this investigation into the work of the CIA's inspector general.

Mr. President, I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, at 1 p.m., the Senate recessed until 2 p.m., and reassembled when called to order by the Acting President pro tempore.

Mr. CARPER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008, Continued

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

### AMENDMENT NO. 3328 TO AMENDMENT NO. 3325

Mr. VITTER. Mr. President, I will call up amendment No. 3328 which is at the desk, but in the interim, before I actually call it up and make it pending, I wish to discuss the Vitter amendment No. 3328. Hopefully, in a relatively short period of time, we can actually call it up and make it pending.

This amendment is very simple and very straightforward. In fact, it is something this body has seen before on other bills and has strongly voted for before. It simply prohibits any funds in this appropriations bill from being used to block the reimportation of safe prescription drugs from Canada.

All of us know that sky-high prescription drug prices are a very troubling burden every American family faces. Certainly literally every family I deal with in Louisiana deals with this issue in some form or fashion, often in the context of trying to help elderly parents or grandparents or others with very significant prescription drug costs.

One partial solution to that huge challenge is to allow American consumers to buy prescription drugs in person or through mail order or the Internet from Canada, because precisely the same prescription drugs are available in Canada—in all cases at a dramatically lower cost.

Unfortunately, in this country we have had Federal law that prevents American consumers from doing that in most cases. This amendment and other full-blown bills, some introduced by myself, others introduced by other leaders on the issue, such as Senators DORGAN and SNOWE, would lift those prohibitions and allow American consumers their rightful access to safe, cheaper prescription drugs from Canada.

This amendment is being brought on this appropriations bill for a very simple and legitimate reason. Under the current administration there has been a task force established under the Department of Health and Human Services. That task force was specifically established to coordinate all Federal Government activity by the administration to block reimportation of drugs from Canada and elsewhere. That is governed under the Department of Health and Human Services. That is organized under that Department which is governed by this bill, so this amendment will simply say: No funds in this bill going to the Department can be used for that purpose. That task force has to quit its operation. None of that money can go to support the activity of that task force, which is specifically designed to block American consumers from getting safe, cheaper prescription drugs from Canada and elsewhere.

At this point I believe it has been cleared so I wish to formally call up amendment No. 3328 and make it pending.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3328 to amendment No. 3325.

The amendment is as follows:

(Purpose: To provide a limitation on funds with respect to preventing the importation by individuals of prescription drugs from Canada)

On page 79, between lines 4 and 5, insert the following:

SEC. ___. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355).

Mr. VITTER. Mr. President, this is virtually exactly the same amendment I proposed with Senator NELSON to the Homeland Security Appropriations bill. That amendment was agreed to in the Senate 68 to 32 on July 11, 2006, and was subsequently signed into law. More recently, this year we came back to the Senate floor with the same amendment on this year's Homeland Security Appropriations bill and that was agreed to by unanimous consent. So the Senate has spoken. The Senate has spoken strongly, by a vote of 68 votes or more, in support of what an even larger percentage of the American people want, and that is free, unfettered access to safe, cheaper drugs from Canada and elsewhere.

This amendment is very simple. It says none of the funds in this act, in this bill before us, can be used to stop Americans from getting the safe, cheaper prescription drugs from Canada. The amendment is very specific to Canada only.

This amendment will take us along the path toward full-blown drug reimportation. Last year we had success in allowing Americans to carry on their person these prescriptions drugs from Canada. This amendment would go further and allow that, not only on an individual American citizen's person, but also by mail order or the Internet, as long as that American citizen is not in the business of wholesaling and selling prescription drugs, as long as it is for his or her personal use.

I hope the Senate, both sides of the aisle come together as we have in the past with a strong, overwhelming majority—in the past it has been 68 votes or more—and pass this amendment and say enough is enough. Let's establish this regime of safe reimportation from Canada and elsewhere. Let's push the administration to put forward the safety mechanisms that they absolutely have the authority and ability to help lower the cost of prescription drugs for all American citizens, particularly our seniors.

I urge my colleagues to join me in this amendment.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ETHIOPIA

Mr. INHOFE. Mr. President, the House of Representatives has recently passed the Ethiopian Democracy and Accountability Act of 2007, H.R. 2003.

Although this legislation states that its purpose is to encourage and facilitate the consolidation of democracy and security in Ethiopia—words right out of the resolution—in reality it focuses on the shortcomings, on the problems that they face, and not on the successes the country has made.

Ethiopia takes great pride in being the oldest independent country in Africa. It continues to be a close friend of the United States, a strong ally in the war on terrorism in the Horn of Africa. I have to say that this is significant because if you kind of use your mental map of northeastern Africa and you think about the terrorist activity that has taken place in the Middle East and how it is now coming down through the Horn of Africa, through Djibouti and that area into the Uganda-Ethiopia area, it is a very significant area right now.

Now, as many of you know, I have had quite an extensive background in Africa. I think I am safe to say that I have been to Africa more than any Senator in the history of America. I have been really tied to that continent and recognize the significance in the future of our country as well as their country. It is an area of strategic importance globally to this Nation.

I have traveled to the country on several occasions, both on my own and as a Member of the Senate and the House. A short while ago, I was there with Congressman BOOZMAN from Arkansas. Throughout my travels in the region, I have met and developed friendships with many political and religious leaders.

In Addis 6 years ago, we found a little baby. The little baby was 3 days old. The baby was almost dead. It was not unusual. In some countries in Africa, they throw away mostly young baby girls. Then after about 3 days, when they die, the dogs get them. We were there before the dogs got there. I have 20 kids and grandkids of whom I am very proud. My daughter Molly had nothing but boys. She always wanted a girl. So we were able to take this little girl from Ethiopia and nurse her back to health. She had several very close calls. She is healthy and has now been here in the United States and is my adopted granddaughter. Her name is Zegita Marie, which is a very common name in Ethiopia. I say that because I do want to impress upon this group that I know something about Ethiopia. I know something about its background. I know something about its significance to our safety.

In Ethiopia, recently, I met with Prime Minister Meles, his wife. I met with members of the Parliament and with all the individuals there who are trying to do a good job. While there, I saw firsthand their democratic progress and commitment in fighting terrorism. Although I appreciate the increased attention being given to Africa, particularly Ethiopia, I believe the bill is misguided and takes the wrong approach by placing demands on a friend and ally that has made obvious advancements in democracy and human rights. While I continue to agree that the violence and intimidation that took place after the 2005 election was an unnecessary use of excessive force, the Government of Ethiopia has taken significant steps again to regain a democratic process that is fair and respectful of human rights.

On July 20, 2007, following convictions and sentencing, 38 opposition leaders were granted full pardons. All remaining members of the opposition were pardoned and released on August 18, 2007. Since these events, reforms have been made in the election process. So often we use America as a standard by which to measure democracy in other countries. It is the same problem we have in the Middle East. People say they are not reaching the goals we want them to reach, having a democracy in Iraq. Why would they? It took this country several years to come up with a democracy. Why should they be able to do it?

The same thing is true in Africa. There are some 52 countries in Africa. Just recently have they come into democratization. It has been incredibly successful in many of those areas. The United States has recognized the ongoing efforts by the Government of Ethiopia and continues to play an important role for human rights in Ethiopia. The State Department recently hosted a group of opposition political leaders and members of Parliament in DC, providing an opportunity for dialog and reconciliation. By providing training in public relations, human rights and logistics planning and coordination for military procedures, the United States is developing the Ethiopian National Defense Force into a professional and apolitical machine.

We need to understand the significance of what is going on right now. We made a decision about 6 years ago to help the Africans establish 5 African brigades. They are located in the north, south, east, west, and central. It happens that Ethiopia is the headquarters for the East African Brigade. This is not something we are imposing upon them, but we are saying to them: If you want to do these, we are here to help you. Our idea is, as I mentioned, there is a squeeze in the Middle East. As terrorism starts going down through Djibouti and the Horn of Africa into northeastern Africa, this is an area where if they are prepared to take care of themselves, we would not be sending our troops there. It is a well-conceived idea. There is no one area in Africa that is as significant as northeastern Africa.

Let me digress a little bit. Go to their next-door neighbor, Uganda, northern Uganda. We hear so much about problems in the Sudan and other areas. But we don't hear anything about Uganda. In northern Uganda there is a butcher by the name of Joseph Knoy who, for 30 years, has been mutilating little kids. You have heard about the children soldiers. Those soldiers are taken over by these people and trained to fight at ages 10, 11, and 12. Then once they learn to be soldiers, they have to go back to their villages and murder their parents and family. If they don't do that, they dismember them. I have been up there to Gulu and other areas, and I have seen that taking place. This is right next door. This is what is happening in that region. Ethiopia has been our strong ally in the war on terror and stands on the frontlines of the conflict in Africa. The growing instability in Somalia and the Ogaden region, combined with the unresolved border disputes between Ethiopia and Eritrea, creates serious problems. Remember what happened the other day. A few weeks ago, we were sending our troops down to Mogadishu and the Ethiopians were fighting right there by our side. That was not an easy thing for them to do. That endangered them because there are many opposition groups who would then go into Ethiopia, and they paid dearly for supporting us. But they did so. They have remained committed to promoting regional stability and eliminating any staging area for al-Qaida or other terrorist organizations. In 2006, they sent roughly 100,000 troops with us into Somalia, into Mogadishu. We were successful in defeating the Islamic coalition. They did that for us. Despite these advancements, Somalia remains a continued concern for growing extremism and the violence continues to escalate. The Ogaden region which borders Somalia is also a growing place of hostility and Islamic terrorism. The ongoing insurgency in the region has taken a drastic toll on the civilian population, significantly affecting commercial trade and humanitarian aid.

In April of 2007, due to escalating violence, the ENDF initiated a campaign against the insurgency in Ogaden. The ongoing border dispute between Ethiopia and Eritrea threatens the stability in the Horn of Africa. I have talked to Eritrea, trying to get the 2 parties together. It hasn't happened yet. But the Eritrean Government, along with extremist organizations in Somalia, is providing support and assistance to the Ogaden National Liberation Front. Our friend in this fight is clearly Ethiopia. The United States remains concerned about human rights violations and the lack of religious and political freedoms in Eritrea. The United States will continue to work with Ethiopia to bring stability to the region and foster respect of human rights and freedom from political or religious persecution.

Ethiopia is so significant to the Horn of Africa. It remains an area of strategic importance in the war on terror. This area is critical to stability of the entire continent of Africa and is a national security interest of the United States. Ethiopia continues to be the central bulwark in the fight to deter the growth and disrupt the influence of Islamic extremism in the region. Our country's strong support of Ethiopia during this significant time is imperative.

In spite of all these successes, in spite of what we have talked about and the significance of Ethiopia, I think we have to oppose H.R. 2003. I have talked to several people who didn't know any differently. They didn't object to this. I think it went through on a UC over there. But a lot of people couldn't find Ethiopia on a map. I don't think they realized the significance. This resolution's idea of encouraging and facilitating is to impose restrictions and ultimatums. These punitive actions could damage the bilateral relationship between the United States and the Government of Ethiopia, as well as derail progress Ethiopia has made in furtherance of democracy and supporting human rights.

I fully support the State Department's assessment. Quite often I am criticized for coming down here and opposing the State Department. More often than not, that is the case. But in this case they are exactly right. They say: The bill risks damaging our ability to influence the Government of Ethiopia, advance reform, and to deliver effective development assistance.

I will only say, then, this is a success story we have had. I can't think of anything worse for the surrounding states, and I would say all other 51 countries in Africa, than if we were to punish the very country that is being friendly to us, is helping us, fighting with us side by side, sending 100,000 troops with American troops down to Somalia and working on our side.

I hope when it comes to this side, if it does come in this form, that we will be able to resoundingly defeat it. I look forward to being in Ethiopia in about 3 weeks. I will certainly hope that I don't have to go over there after having something like this pass the Senate.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### AMENDMENT NO. 3328

Mr. DORGAN. Mr. President, I am going to offer an amendment in a few moments. First, I would like to spend a couple minutes talking about the amendment that was offered by Senator VITTER. I have a copy of the amendment. The amendment deals with the issue of drug reimportation. It says:

> None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the FDA Cosmetic Act.

I don't have any particular problem with this amendment. It says that the FDA can't do what it is not doing. So that is largely irrelevant to me. It has an appearance of doing something, but it doesn't do anything. At the moment, if you are in Grafton, ND, and you go across the border to Winnipeg, Canada, and buy prescription drugs and bring them across, if you bring across a 90-day supply of prescription drugs for yourself, you are not going to have a problem. They allow a personal reimportation of prescription drugs because very few Americans have the opportunity to drive to Canada to access that. The one area where the Vitter amendment would allow reimportation where there needs to be some safety attached is with respect to Internet sites. But the fact is, those who are now accessing certain Internet sites are doing so, and the FDA is not intervening because they don't have the capability to intervene.

We do have a piece of legislation that is bipartisan. Senator SNOWE, Senator KENNEDY, Senator MCCAIN, Senator GRASSLEY and myself, many of us, helped write the legislation that would allow the reimportation of prescription drugs on a much broader basis, in a manner that is determined to be safe, where we would actually require Internet sites to be registered and inspected. But let me talk about that in just a moment.

Mr. President, I have kept in my desk here in the Senate something I want to show by consent. These are a couple of bottles of Lipitor. Lipitor is, I think, the most common and perhaps the most popular cholesterol-lowering drug. These 2 bottles contain 20-milligram tablets of Lipitor. As you can see, the bottles of Lipitor are identical, with the exception of the color—1 is blue and 1 is red on the label. Both of these bottles of Lipitor tablets were made in Ireland. They put some in this bottle, they put some in this bottle, and then they start sending them around. They sent this bottle to the United States, and they sent this bottle to Canada.

Now, understand this: This is an FDA-approved drug, produced in an FDA-approved plant in Ireland, sent to our country, sent to Canada—the same pill, put in the same bottle, made in the same place, FDA-approved. Difference? Well, 1 has a red label, 1 has a blue label. And there is another very big difference: One costs twice as much. There is a 96-percent higher price on the one the Americans get to purchase. Difference? Well, no difference in the pill, no difference in the bottle; it is just the American consumer gets to pay twice as much. Now, why is that the case? Well, I could hold up a dozen bottles of medicine and describe many popular brand names and tell you exactly the same thing.

In fact, I will tell you a story. Sitting on a bale of straw once at the farmstead in central North Dakota on a Sunday afternoon, visiting with a group of people, was an 82-, 84-year-old farmer. I was in the farmyard visiting with some farmers at an afternoon stop, and this old codger, a wonderful old guy, said: "One of the problems me and the Mrs. have had—yes, that is what he said—"One of the problems me and the Mrs. have had is being able to afford prescription drugs. My wife has been fighting breast cancer for a long time. For the last 3 or 4 years, she has been fighting breast cancer. And do you know what? Every 3 months we have had to drive to Canada to buy Tamoxifen to fight her breast cancer. Why do we do that? Because we save 80 percent on the cost, and that is the only way we can afford to buy the medicine, the Tamoxifen for my wife to fight her breast cancer."

Isn't that something? This guy sitting on a bale of straw, talking to me about what he has to do every 3 months to be able to afford the medicine his wife needs to fight breast cancer.

Now, that is Tamoxifen. We pay, in some cases, 2 times more or 3 times more for the same medicine, so we then have a woman fighting cancer and then fighting the issue of having to pay 2 or 3 times as much for the medicine.

Now, first of all, this is unfair. There is no circumstance under which we ought to ask the American people to pay the highest drug prices in the world for FDA-approved drugs. It is not fair, and it should not happen.

Now, how does it happen that they can enforce this, the pharmaceutical industry can enforce this? Well, they have a law that says the only ability to import drugs into this country is by the pharmaceutical manufacturer itself, the company itself. They are the ones who are able to import. Now, I just mention to you that as a matter of practice, they allow a personal supply of drugs to come across the border for about 90 days' worth of drugs. They do that. But, otherwise, if you are a licensed pharmacist or a wholesaler and you buy an FDA-approved drug, you cannot bring it into this country.

By contrast, let me just describe this: 40 percent of the active ingredients in prescription drugs in this country come from China and India. Forty percent of the active ingredients in our prescription drugs come from China and India.

Let me tell you another statistic that I think is interesting. In this country, we had 1,200-plus inspections of pharmaceutical plants that are producing medicines for the American people—1,200 inspections. Forty percent of the active ingredients for our prescription drugs comes from China and India, and we have had, in 2006, 16 inspections in China and 62 inspections in India—1,222 inspections in the United States. Isn't that interesting?

I tell you all that as a bit of history just to say this issue of prescription drugs is not new. A bipartisan group of us has worked for a long while on this issue, and we are going to win this issue. It has taken us longer than we had hoped, but we are going to win this issue because it is not fair for the American people to be charged the highest prices in the world for prescription drugs.

We have so far not been able to prevail, not because someone comes to the floor of the Senate and thumbs their suspender and tugs in their trousers and puffs out like a puff adder and says: I stand up here for the pharmaceutical industry; the American people ought to be charged the highest price in the world. Nobody has ever done that. There are other ways to try to derail legislation like this. But, ultimately, I think we will win. We have a wide bipartisan group of Senators who believe we must fix this. Now, how do we fix it? We fix it in a way that allows the reimportation of prescription drugs only from FDA-approved plants, only in circumstances where we apply pedigrees and lot numbers so you can track it back. For example, you could not import from an Internet site unless that Internet site had been inspected and certified to make sure this is a safe source from which to order prescription drugs.

We have a piece of legislation we believe—and almost everyone who has testified in hearings believes—solves all of those problems, including dramatically increasing the security of all the other issues that are now being complained about with respect to counterfeit drugs. How does it happen we have counterfeit drugs? Well, it happens because we do not have enough inspections. We do not have enough attention to these things. We do not have a pedigree requirement. There are a number of things our legislation would require. But at that point, we would allow the American people to have access to this market and be able to shop for an FDA-approved drug from a country in which they pay one-half, one-fourth, and in some cases one-tenth the price the American consumer is charged.

So let me say, I do not object to the Vitter amendment. I would hope they would just take it. It has been offered to other issues. I would just say, however, that it really does not do much because it is saying to the agency: Don't do what you are not doing. I do not have objection to that. But I do want to say this: There is a serious approach with respect to prescription drug issues that we need to get about the business of dealing with, and we are trying very hard to get it to the floor and get it passed. We will get that done at some point soon, in my judgment.

Having said that, I would like to offer an amendment to the underlying bill. Before I do, I think this is not only an obligation but an opportunity for me to say to Senator HARKIN and Senator SPECTER and others who have worked on the legislation that I think they have done an awfully good job in putting together legislation that invests in people's lives and invests in the health of this country, and I appreciate their work a lot. So I just want to say thanks. This is a big piece of legislation. It is hard to put together. It is not an easy job to carry this to the floor of the Senate, so thanks for what they have done.

### AMENDMENT NO. 3335 TO AMENDMENT NO. 3325

Mr. President, if there is an amendment pending, I ask unanimous consent that the pending amendment be set aside so I might send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 3335 to amendment No. 3325.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the State Heart Disease and Stroke Prevention Program of the Centers of Disease Control and Prevention)

On page 59, line 22, insert before the semicolon the following: ", of which $5,000,000 shall be made available to the Centers for Disease Control and Prevention as an additional amount to make grants under the State Heart Disease and Stroke Prevention Program".

Mr. DORGAN. Mr. President, this issue is not a large issue in the context of the bill that has been brought to the floor of the Senate—it deals with $5 million of resources—but I want to talk just for a few moments about it. It deals with the issue of heart disease and stroke.

There is no one in this Chamber, I expect, who has not been affected by heart disease in dramatic ways. I lost a beautiful young daughter to heart surgery, and I think of her every day. I have dedicated a lot of my time and interest in working with the American Heart Association and many others to find the resources to continue to invest in the research and unlock the mysteries of this terrible disease.

It is estimated that about 80 million American adults—1 in 3 males and females—suffer from heart disease. It is estimated that an American dies from cardiovascular disease every 35 seconds in this country. It has a very steep price tag. I know it. My family knows it. Perhaps, I would guess, every Member of the Senate knows it from having lost a friend, an acquaintance, a family member. The medical expenses attributable to heart disease in this country are about $430 billion a year, including lost productivity. But the good news is that this is one of those diseases where we have made substantial progress. In the past 50 years, the fight against heart disease and stroke has been pretty remarkable.

I recall Senator HARKIN, and myself, and Senator SPECTER—I think there were five or six or seven of us who decided we were going to double the investment in the National Institutes of Health. As I recall, about then we were funding it at around $12 billion a year. A group of us decided: What better investment in this country's future than to decide to double the amount of money at the National Institutes of Health to research and to discover opportunities to cure these terrible diseases and treat these awful diseases. I am so proud of what has been done. It is pretty remarkable.

I heard this morning at a hearing over in the Commerce Committee something I have heard so often that I am so sick and tired of. One of our colleagues said there is nothing the Federal Government does that is really worth anything, nothing the Federal Government manages that ever works out.

Well, let me tell you something. Dr. Francis Collins is one of the significant people who engaged in something that, by the way, came from earmarked funding, started here in the U.S. Congress, right here in the U.S. Senate, the Human Genome Project. Do you know that? As a result of the Human Genome Project, we now have unlocked the mysteries of the genetic code. We now, for the first time, have an owner's manual for the human body. Do you know what that means? Well, not a lot of people understand it every day, but every single day, scientists and researchers are understanding those genetic codes and making giant strides in beginning to find cures for diseases.

Dr. Francis Collins came back from Cambridge, England, about, oh, maybe 2 months ago, and I saw him at Dulles Airport when he landed. He had gone for a conference in England about how the researchers were using the genetic information from the Human Genome Project. He said: I thought it was going to take much, much longer. What is going on now is breathtaking in using the Human Genome Project to find the opportunity to treat and to cure some of these diseases. He said it is breathtaking.

That is the Federal Government. This is a civil servant, by the way. As to the research that is going on at NIH, these are people on the Federal payroll. So to my colleagues who think nothing works, let me just tell you something: There is only one place on Earth where the Human Genome Project reached success. And, yes, it was a collaboration, but we did it. It is going to improve lives, and it is going to unlock the mysteries of terrible diseases. It was a good thing to do.

But my point is, Senator HARKIN and Senator SPECTER were two—and I think Senator FEINSTEIN—and I was one who decided we were going to double the research funding at the National Institutes of Health. Guess what that has done for this country. It allows me to stand here and say we are making great progress on heart disease. We really are. The survival rates for cancer are up. So we are making progress.

The reason I wanted to offer this amendment is this amendment deals with heart disease and stroke. We know the risk factors for heart disease and stroke. We know if you understand the risk factors, you can substantially reduce the risk of heart disease and stroke—by not smoking, by maintaining a healthy weight, and avoiding diabetes, high blood pressure, high cholesterol. We know you can do that. In fact, by taking these steps, individuals often can add 10 years to their lives. So we have made some progress by making investments. There is a long way to go. We have 105 million Americans who have high cholesterol and 72 million Americans have high blood pressure, so we have to do a much better job of educating the public about cardiovascular disease. That is the goal of what is called the State Heart Disease and Stroke Prevention Program at CDC.

What I have offered, very simply, as I close, is a $5 million addition to the State Heart Disease and Stroke Prevention Program at CDC. It is a program that works. We know it works. It needs this additional funding to make it more widely available. This initiative will help States create the programs, the private-public sector partnerships, that will help individuals in controlling blood pressure, lowering cholesterol, and learning the signs and symptoms of heart disease and stroke.

This is a program that we know works. I am hoping that finding an offset, which I have suggested in my amendment, would allow us to accept the amendment. I did not intend to take quite this length of time, but I needed only to say to Senator HARKIN and Senator SPECTER how much I appreciate their work, and my hope is that having highly complimented them, they will be motivated to accept this amendment. I compliment them even if they do not accept it, but I have high hopes.

Mr. HARKIN. Mr. President, I thank the Senator from North Dakota for his longstanding effort to give our consumers a better shake when it comes to drug prices in this country. I also thank him for all of his help and support over the years for funding for NIH. I know of his intense interest, of course, in heart disease. The amendment is a good amendment. It is one I can support. We are trying to work it out now, of course, in terms of the offset. Our staffs will be working on it and hopefully we will be able to have that worked out.

Hopefully we can set this amendment aside for right now and move on to other amendments, but I assure my friend from North Dakota we will get this worked out one way or the other.

Also, on the Vitter amendment, I understand we don't have a clearance on that either at this time, so I ask to set that aside also so we can move on with other amendments.

### AMENDMENT NO. 3336 TO AMENDMENT NO. 3325

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. KYL, proposes an amendment numbered 3336 to amendment No. 3325.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for a feasibility study on the child abuse and neglect registry)

On page 64, line 5, insert before the period the following: "*Provided further*, That $500,000 shall be available to complete a feasibility study for a National Registry of Substantiated Cases of Child Abuse or Neglect, as described in section 633(g) of the Adam Walsh Child Protection and Safety Act of 2006 (Public law 109-248), and the Secretary of Health and Human Services shall submit the report described in section 633(g)(2) of such Act not later than 1 year after date of enactment of this Act".

Mrs. FEINSTEIN. Mr. President, let me quickly give the background on this. In May of 2007, Senator KYL, Senator DOLE, Senator BOXER, Senator LOTT, and myself sent a letter to Michael Leavitt, the Secretary of HHS. We pointed out that the Adam Walsh Child Protection and Safety Act was passed in July of 2006. Pursuant to that act, there were to be 2 registries set up. The first registry was to be located at the Department of Justice and it would require the establishment of a national sex offender registry which would track details of convicted sex offenders and make the information electronically available to authorities in all jurisdictions, and even the public at large. This registry is up and functioning.

The second registry authorized by the new law was a national registry of substantiated cases of child abuse and neglect. That was directed to be located at the Department of Health and Human Services. This registry is a different but equally vital resource intended for child protection authorities only. Believe it or not, each State already collects information on substantiated cases of abuse and neglect, but once an investigation is under way, adult perpetrators of violence or neglect on children need only to move to another State to escape, and this is the difficult part, because there may be no trace, no record kept that the new State can easily access. In this way, some children may never escape abuse in their own home, because the offender can simply move.

Essentially what we have in this amendment is a request for funding of $500,000 to complete the necessary feasibility study which is the first step to the establishment of a national child abuse registry. I have spoken to the chairman of the committee, Senator HARKIN. I submit this on behalf of Senator KYL and myself. I haven't had a chance to talk to the others—Senators BOXER, LOTT, and DOLE—but I am sure they would be associated with this as well. It is $500,000 for the feasibility study, and my hope is it can be accepted.

I thank the Chair, and I yield the floor.

Mr. HARKIN. Mr. President, I thank the Senator from California again for her championing this issue for a long time. This amendment from Senator FEINSTEIN will provide funds for a feasibility study so no offset is needed since funds are set aside within the existing total for HHS general departmental management. The Adam Walsh Child Protection Safety Act of 2006 required the Secretary of HHS to create an electronic national registry of substantiated cases of child abuse and neglect. They have not yet created that registry. There have been some problems that have been raised about this, and the feasibility study amendment Senator FEINSTEIN has offered will address several implementation concerns regarding the establishment of the registry.

So again, I support the amendment. We can accept it. I believe it has been cleared on both sides, so we will accept the amendment.

Mrs. FEINSTEIN. Mr. President, I thank the chairman and ranking member. It is my understanding that—we were told, at least—HHS couldn't do this because they didn't have the money, so this would make that money available and hopefully we will get it. So I thank the Senator very much.

Mr. HARKIN. Yes, the $500,000 will get the job done.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3336) was agreed to.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I know the Senator from Alabama is going to speak. He was kind enough to let me make these comments since we are on the Labor-HHS appropriations bill in the field of health. There are a lot of provisions in this appropriations bill that are absolutely necessary.

On the subject of health, we have a critical vote that is being taken tomorrow in the House of Representatives. It is on the question of the override of the President's veto of the Children's Health Insurance Program. This is a plan that was established about 10 years ago, recognizing that there are children whose health care needs are not paid for by Medicaid because their parents earn too much money to qualify for Medicaid but whose family incomes for those children are such that they are not high enough for the family to afford health insurance for their children.

What is the cost to society down the road if children's health is not addressed in those early years and medical complications are manifest in later years? Ultimately, the cost to society overall is much greater. So it makes good common sense, even good common financial sense, that we try to address health care needs for children, and that is an appropriate role for the Federal Government to assist if the parents of those children cannot afford that health care.

That is what the Children's Health Insurance Program, CHIP, is all about. There are different people who handle it different ways in different States. In my State of Florida, we recognized this was a problem, and we set up what was called the Healthy Kids Program under Federal law, of which there was a program to expand health insurance distributed through the schools so we had a point of contact—with an eligibility of the child according to their eligibility in the School Lunch Program—which was a determination of whether the child met that family income level. It was a tremendously successful program before this Federal program was ever set up 10 years ago.

Now we are at the moment of truth of whether we are going to reauthorize this program and whether we are going to expand it.

There are, for example, in my State of Florida, 700,000 children who are not covered by health insurance. This new program of expansion to cover the 6.6 million currently enrolled kids, plus another 3.2 million kids—a modest increase—is only going to cover about 350,000 to 400,000 more in my State of those 700,000. It is not going to get all the kids, but at least it is a step in the right direction.

Back in that early program, before this Federal program was set up, I was the chairman of the board of the Healthy Kids Corporation that reached these children. Time after time, we would have parents come to us in tears to what this program had done for that child who had this or that malady and that because they had health insurance, in a lot of cases, through preventive care, they diagnosed that malady and got the proper treatment for the child.

There is nothing like the agony of a parent who cannot provide the health care for their child because they cannot financially afford it, and that is what this program, the Children's Health Insurance Program, set out to do.

In the course of the debate on this legislation, and if the House of Representatives tomorrow overrides the veto, it is going to come to us. I think we have the number of votes in the Senate to override. There will be a lot of speeches about the legislation. It is amazing to me the number of misstatements that have been made about this bill and the likes of respected Senators, such as Senator GRASSLEY of Iowa and Senator HATCH of Utah, have come to this Chamber and pointed out that misinformation and those misstatements about this bill. There are misstatements even coming out of the White House in the veto message.

This legislation does not try to substitute adults for children. The whole program is about providing insurance for children. Of the 6.6 million children who are currently enrolled under CHIP, 91 percent of them are in families with incomes at or below 200 percent of the poverty level. That is approximately at or below $40,000 of income for a family of four.

It simply does not provide—and I will not go into the details—this is not a program for adults. About the only adults who are going to get some care under this legislation are pregnant women. It will allow the States the option of providing coverage to pregnant women, but the pregnant women are the very women who are about to have the child, and we want to make sure she has the help in order to deliver a healthy baby.

These scare stories people throw up about this being for adults—as a matter of fact, the reform legislation cracks down on a lot of the potential eligibility that the States were allowed to get waivers in order to cover adults. This stops a lot of that practice.

Contrary to what I have heard other people saying, this legislation does not provide insurance for families that make over $80,000 a year.

It becomes clear, it seems to this Senator, that it is common sense that when it comes to children's health, that is in everybody's interest. No matter whether you come from a red State or a blue State, whether you sit on that side of the aisle or this side of the aisle, healthy children is the commonsense interest for us to have for all of America.

I certainly look forward to the House providing an override, and if, for some reason, they do not provide that override of the President's veto and we get it, that we can do the override, and then we are going to have to continue to work to ensure that we achieve a reauthorization of this bill that puts the health of our children ahead of partisan politics.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

### AMENDMENT NO. 3324

Mr. SESSIONS. Mr. President, I wish to take a few moments now and call up my amendment. I wish to make some comments about amendment No. 3324. It is an important amendment that deals with an issue that is too often overlooked, and I will share my thoughts about it.

The amendment will restore funding to the Office of Labor and Management Standards at the Department of Labor by increasing funding at OLMS by $5 million. There is an important principle involved here. Union members should have the same protection of their moneys that stockholders have in businesses. In many ways, they deserve better protection than stockholders.

The Office of Labor and Management Standards is to union transparency and integrity what the SEC, the Securities and Exchange Commission, is to corporate accountability. Yet for fiscal year 2008, the Senate appropriations bill that is now before the Senate funded the SEC at $905 million. That is $12 million above the fiscal year 2007 level and at the requested level of the President's budget.

The Office of Labor and Management Standards is the only Federal agency created to protect rank-and-file union members. It enforces the Labor Management Reporting and Disclosure Act of 1959, which requires financial disclosure by labor unions and union officers. It requires disclosure, that is all it does.

This office audits, in addition, union books to detect embezzlement and other thefts of union members' dues and ensures fair elections of union officers.

The mission of the OLMS, referred to on this chart, is to provide union financial transparency; that is, it would require the officers to tell their members how they are spending their money. That is all it does. It does not tell them what they must spend it on. It requires that they give a fair report of the money they obtain from their members.

It has as its mission to protect union financial integrity. As I will point out, we have had quite a problem with that issue over the years.

It will safeguard union democracy. That is fair elections in unions.

All those points are important issues. Anyone close to this issue for the last 50 years knows we have had constant problems in this area. This is popular with the union members and is the right thing for us to do.

This office has been funded at $47.8 million, and it has shown big results. It is a small agency that is showing big results, and I will talk about that point.

From 2001 to 2007, OLMS investigations have resulted in 796 convictions—that is since 2001—and have resulted in court-ordered restitutions to unions and to union members of $101 million. Those are pretty good results.

I am going to explain in a moment how they are vastly underfunded already. We need more. I will go into that issue in a moment.

Since 2001, OLMS has recovered, as I noted, $101 million. I doubt that is all that was stolen. No doubt it is not all that was stolen. This is what was actually ordered and recovered in restitution. I would say that, by any standard, $101 million is a lot of money.

Since 2001, the work by OLMS has resulted in convictions and restitution, so we are talking about an agency that is working on behalf of the American worker, ensuring the American worker knows how the union dues they have contributed are being spent. When it is clear their money is being abused, OLMS works to fairly return the money to them; this is a good program and an important program.

Embezzlement is not something the American people support. We as a Congress are focusing on transparency in a lot of different areas, and it is embarrassing that our colleagues have decided to cut funding in the one office in the whole Federal Government, the only one, that is required to carry out this job with regard to our unions.

Let me show this chart. As a Federal prosecutor myself for a number of years, I have to say I am impressed with these numbers. Since 2001, 95 percent of indictments that have been produced as a result of OLMS investigations have resulted in convictions. That is a pretty good success rate. So it is clear they are not picking on people who have made honest mistakes or where honest errors are occurring and people are doing what they are supposed to do as union leaders.

In fact, they have offices strategically placed around the country. Every union in the country has OLMS employees who live within driving distances of their offices. They are ready to help the union leaders figure out how to complete any required forms and disclosures. They are prepared to assist in any problems that arise in union elections. They are a resource and were not created as a punishing tool for unions.

We are not, as a part of this amendment, and those who support this amendment, out to kick labor unions around. We are trying to make sure they comply with the law and ensure that the rank-and-file members have someone watching out for them and their money. It is clear from these statistics that there is still a need for oversight, sunlight, and transparency. That is clear. We have a problem out there and it still exists. It is painfully clear we need to be monitoring union officials who are taking bribes—and some have been convicted of that—who are involved in racketeering and stealing hard-earned money from working Americans.

Since 2001, OLMS has been able to audit only 3,275 of the 26,000 unions on record. They are supposed to be auditing these unions, but, in fact, since 2001, they have only been able to audit 12½ percent of the unions on record. I have to tell you, if you do more audits, you are going to have less criminal activity. It is when people know they are not being watched, know they are not likely to be audited, that they take chances and make mistakes and get themselves in trouble and cost their union members a lot of money.

OLMS, in the year 2000, only did 204 audits out of well over 20,000 unions. That is the equivalent of a union being audited once every 133 years. Last year, OLMS did 736 audits, which translates into an audit every 33 years. So we are doing better, but we are still a long way from a regular audit program.

Now, with the $2 million reduction in funding—and you have a cost-of-living increase with salaries and electricity and all those kinds of things that tend to go up—if you have taken a flat net reduction of $2 million in funding, there will be approximately 350 fewer audits each year. That is about half.

Shouldn't we be seeking more audits, considering that from the 3,267 audits that were completed between 2000 and 2007 there came 827 indictments and 796 convictions? I think so. I think this is a good investment for our country.

Now, in the very few reports OLMS audited, evidence was found in many of them that warranted other action. In my home State of Alabama, 41 audits were completed, and from that came 20 convictions; that is, almost half the audits resulted in some conviction.

Here in the District of Columbia, 30 audits were completed, resulting in 27 convictions. One of those was the Washington Teachers Union. Let me give that example. On October 23 of last year, in the U.S. District Court, Cheryl Martin, the daughter of a former Washington Teachers Union executive assistant to the president, Gwendolyn Hemphill, was sentenced to a probationary sentence—which she should be most thankful for, it appears to me—for her role in an embezzlement scheme which defrauded the union of $4.6 million. Right here, just last October. She pled guilty to conspiracy to laundering money and for assisting her husband Michael Martin in laundering more than $500,000 in Washington Teachers Union members' funds, most of which were funneled back to Hemphill and the then WTU president, Barbara Bullock.

Well, that is quite a lot—$4.6 million stolen from only about 5,000 union members. That is about $1,000 a member. This isn't chickenfeed, it is real money. I have heard stories of how some of those very same teachers who lost their money through union embezzlement are the same ones buying pencils, books, and supplies for their students out of their own pockets. So despite what some might say, convicting people who steal from unions and seeking restitution is not anti-union activity; it is pro-union activity.

There are many cases such as this that need transparency to come to light. Since 2001, the administration, President Bush, and Secretary Chao have worked hard to reach consensus on how best to work with the unions to get voluntary compliance on disclosure forms that the law requires them to make. But, still, many unions are not reporting as they are required to do. This chart shows, unfortunately, that the compliance rate for unions is only 64 percent, with 36 percent failing to comply.

That is an unacceptable number. If this were the Securities and Exchange Commission, we would not accept the fact that our stockholders and employees are placed at risk because those entities, those corporations, are not being monitored. If it were the Federal Election Commission and we didn't submit our financial disclosures on time, people would be very critical. Somebody would probably ask that we step down from our offices as we would be committing a violation of the law. However, we don't seem to be as willing to protect our workers and the money they pay in to their unions.

The way this works here, we have public access when these forms are reported, the ones that do, and you can call or go to the Department of Labor in person or get online information at www.unionreports.gov and review these reports.

Now, union members care about this. It is most valuable information to union members—those people in the town who know the community, they know the company, they know the union, they know their coworkers, the stewards, the union reps, the employees. By law they are required to have this information to see what is being done with the money. Union members want to know how their dues are being spent, and it is clear they are looking to see how their money is spent.

Between May of 2006 and May of 2007, in the past year, there were 767,000 hits on the OLMS Web site, an average of over 2,000 a day. People are looking to see how their bosses are spending their money. According to a 2004 Zogby poll, 71 percent of union members want disclosure. They want to know how their funds are being spent. The foundations of this transparency were established in the 1950s when the Labor-Management Reporting and Disclosure Act of 1959 was passed.

Transparency and sunlight—full disclosure of financial gains and losses. These are the tenets that Senator Kennedy, John Kennedy, former President Kennedy, and the McClellan Commission report, set in place 50 years ago to protect union members, our hard-working Americans, from corruption, bribery, coercion, or maybe worse.

The data shows the actions OLMS is taking in pursuing corruption are spot on. They are doing what they should be doing; they just don't have enough resources now to do it. They certainly don't need a cut in their budget.

When President Bush took office and Secretary Elaine Chao was appointed to be the Secretary of Labor—and she has done a fantastic job, in my opinion—they quickly learned that most union members didn't even know they had rights or what agency would enforce those rights if they were abused. Now there are posters placed at every union workplace stating clearly the rights and duties of unions and employees.

The funding increase proposed in this amendment, which I will be offering, I believe is warranted as OLMS is showing substantive results that are benefitting rank-and-file members, and providing valuable resources to union leaders as so many of them work to uphold the law, but they need assistance in doing that correctly. In fact, the Department of Labor has gone to great lengths to ensure that labor union officials have all the help they need and that the reporting requirements are reasonable.

To make the rules fair, you must sometimes work out problems you have and decrease the burden. Over the years, the Secretary has consulted with labor leaders, has made the forms easier to understand, has worked closely with the AFL–CIO and other unions to create exceptions, exemptions, and to simplify reporting requirements where possible. But you have to know where the money is being spent ultimately. DOL last year added examples and further guidance to one of the forms that is required, the LM 30.

OLMS has been funded below the requested level for the last several years. This is beginning to accumulate in a way that is hurting their ability to meet their needs. This is the level requested by the President to keep this agency on track, and we have been seeing a decline in funding. Last year, the budget was $47.753 million. This year, the committee bill cuts it by $2 million to $45.737 million. With all due respect, I think that is a bad decision. We have a lot of increases in this agency. It is a very important agency, but that is a major reduction when you see it has continued to fall behind what we projected their growth to be.

This agency has seen difficult times. It does seem to be an issue that is political, I have to say. During the Clinton administration, OLMS was cut to only 260 employees. Understaffed, the division was purposefully and expressly prohibited from even carrying out the enforcement duties the law required. This administration has at least attempted to restore resources to OLMS so it can carry out its mission. Even so, the President's fiscal year 2008 staffing request for only 369 FTEs—that is full-time personnel—is still below the 1985 level, which was 463.

Now, as you can see, the trend has turned away from providing even those resources, resulting in a more substantial cut. It indicates to me that if we maintain this level, this Congress is not interested in seeing that this agency, the only one in Government empowered and given the responsibility of enforcing integrity in unions, would be reduced in its ability to do so, to a precarious level indeed.

In fact, OLMS was the only enforcement agency, the only one in the Labor Department, that received a budget cut during the congressional markup of that bill. It is the only one in this bill on the floor now, the only office at this agency, that got a cut. The Appropriations Committee increased the Department's overall budget by $937 million above what the President requested for the Department of Labor. The only cut in the Department's budget, which totals $10 billion, was an $2 million cut for OLMS.

Senator John F. Kennedy was instrumental in passing this act in 1959 and the act says that a member:

> . . . must have access to union financial records and has the right to recover misappropriated union assets on behalf of a union when the union fails to do so.

That is what the act called for. Senator Kennedy spoke on it aggressively. Then Senator Kennedy, later President Kennedy, said:

> The racketeers will not like it, the antilabor extremists around the country will not like it, but I am confident the American people, and the overwhelmingly honest rank and file union members, will benefit from this measure for many years to come.

That was in 1959, almost 50 years ago. He said they will benefit from this law for many years to come, and I submit they have: 796 crooks have been convicted, $101 million in restitution has been received in the last 6 years.

Senator ROBERT BYRD, a champion of union rights who, I have to tell you—isn't it something? is still a Member of this Senate—he was active in this debate. During that time, he got a letter from a member of the UMWA in West Virginia. They sent him a letter condemning his vote for it.

Senator BYRD, who still retains great respect in the union membership—and leadership, too, for that matter—this is how he responded on the floor of the Senate:

> The bill which passed the Congress will not hurt honest unions, and it will give added protection to the rank-and-file members in the unions. Honest union leaders have nothing to fear from the legislation . . . the corruption and racketeering that have been revealed in the fields of both labor and management made it imperative that some kind of legislation be enacted.

I applaud the efforts of OLMS to pursue those who are misusing their power over our hard-working union members, those who are using that money for their personal benefit, abusing their position by squandering the hard-earned dollars of working Americans.

Let me mention this story about the United Transportation Union. I think it highlights what can happen when there is no consistent oversight. I have a photograph that was taken in the course of an investigation that shows a person handing over money in a corrupt transaction. What is happening here is that the money is being given by a designated UTU legal counsel named Victor Bieganowski. The person receiving the money was John Russell Rookard, 58, of Olalla, WA, a top special assistant to Byron Alfred Boyd. Mr. Boyd was president of the UTU at the time.

This picture shows the handing over of the money. There was an undercover agent working there and they recorded the deal.

In 2004, Boyd, the international president of UTU, the nation's largest railroad operating union, pleaded guilty to participating in a bribery scheme involving Houston lawyers. Union officials extorted bribes from the lawyers in exchange for access to union members who might have been injured so they could file lawsuits.

As a March 12, 2004, Houston Chronicle article explains, Byron Alfred Boyd, Jr., 57, of Seattle, is the last of four officials of the United Transportation Union to plead guilty—he admitted that he did it—in a plan to extort bribes from the lawyers in exchange for access to injured union members. He admitted using the bribes obtained from the lawyers, extorted from lawyers, to gain control of the union. He used it for his political strength too. He persuaded former union president Charles Leonard Little, 69, to resign in exchange for $100,000 and a new pickup, so Boyd could assume the post. He wanted to be president of the union. He goes to the former President and offers him $100,000 and a new pickup to resign so he could be president.

Mr. Little should have been a little bit more careful before he resigned because when he resigned he never got his money, but he was out of office. Little also pleaded guilty last year, as did the former union insurance director, Ralph John Dennis, 51. The man in this picture, John Russell Rookard, 58, of Olalla, WA, a top assistant to Boyd, also pleaded guilty. The indictment alleged that some union presidents determined which lawyers were to be included on the union's designated counsel list. That position was coveted and very valuable because he gave those lawyers easier access to get clients from union members who might have been injured. They would therefore be able to make a lot of money off lucrative personal injury lawsuits.

At the time of the indictments, 56 lawyers were on the list, including 6 in Texas. Unfortunately, we have example after example of this kind of disregard for doing the right thing with the money of our hardworking Americans.

On August 31, let me note, Judy A. Thurman, former treasurer of Federated Independent Texas Union Local 900, pled guilty in the U.S. District Court for the Northern District of Texas to embezzlement of union funds totaling $164,268.50. That is a lot of money.

We also have election violations. Assisting labor unions when problems arise in elections is an OLMS responsibility. One union officer generated over 300 phony ballots using the union's computer. He marked the ballots for himself—who else, I suppose—placed them in false return envelopes and returned them to the union, where they were subsequently counted in the election. Those kinds of things are hard for an average union member to understand, ascertain or prove. An agency such as this, that knows how to investigate and prove these things, can make sure our elections in unions are legitimate.

All of us in this Senate know we have to have good staff, and Liz Stillwell, with me, is very much that. So staff capacity at OLMS is an important reason I have introduced this amendment. In 1992, staffing at OLMS was around 392. During the Clinton administration, it was cut back to 260. Today it is back up to 315, which is a little better. As you can see from this chart, the cuts have hit the Department hard. As a result, they are still unable to audit more than 2 to 4 percent of the total unions each year. Only 12 percent of unions have ever been audited. Of those audited, there have been 796 convictions. It tells us something.

Let me say this. I spent most of my professional career as a Federal prosecutor. I prosecuted labor cases. But let me say, if you don't want to have these convictions, if you don't want to have this kind of theft from union members, let me tell you how to stop it. Have regular audits. Once everybody knows the money is going to be accounted for, that somebody is going to be watching closely, they are not going to steal. It is when there are no controls that people feel they are out on their own in some town or city or wherever, and nobody is looking, there is lots of money coming through the headquarters there and they have an opportunity to get it and they think no one is going to know it—temptation takes over.

It will happen to anybody, not just union members or business people; it could happen to anybody when that kind of money is lying around. It happens in churches. People steal from churches. They have an opportunity and nobody has an ability to watch and account for it. If we want to end this kind of thing and strengthen unions and create a better reputation and environment, we need to step up prosecutions and we will begin to see a major reduction in crime, fraud, and abuse. That is the way it is.

Since 1959, when Senators BYRD and Kennedy and other leaders passed the Labor Management Reporting and Disclosure Act, these priorities that I mentioned have been the guiding standards of this agency. The standards are to promote union democracy, protect union members' funds, protect American workers and fight labor racketeering.

This $2 million cut is not aimed at an anti-union agency. It is, I have to say, an act that appears political and it appears it is conceding and giving in to union leaders and forgetting the interests of union members.

I know a lot of the union leadership have complained about this law. They don't want to have to file a reporting document. They don't want to have to put it in—36 percent of them are not getting it in on time or at all. But who are we representing? I say we ought to represent union members and 71 percent of them want this disclosure; over 700,000 last year checked their union leadership reports on the Web site to see how their money was being spent. What is wrong with that?

When it was created by Senators Kennedy and BYRD and others, it was not to shut down unions, it was to shut down theft, waste, fraud, abuse, criminal activity. Of around 26,000 unions active today, only 2 to 4 percent have been audited each year since 2001; only 12 percent have been audited at all. A quarter of the unions audited, 25 percent, have been found to be in violation of the law; 75 have been correct, were not found in violation. But 25 percent were found in violation. If we did those audits more regularly, we would have fewer problems with compliance, we would have fewer criminal convictions, we would have less restitution to have to be paid as a result of theft and abuse of the money.

This transparency will help us there. When you turn on the lights, you can actually see what is going on and take action to fix the wrongdoing. So I hope somehow we can work through this.

I know the managers of this bill have done a tremendous job. They had thousands and thousands of people making suggestions on thousands and thousands of issues. Then, to have somebody such as me come in and tell them this is what I think you ought to do—one more time, I am sure our colleagues such as Senator HARKIN and SPECTER get tired of everybody's complaining. But I think we ought to work on this. I think this reduction in funding cuts from an agency that is actually doing a good job.

We ought to encourage that agency to do a better job and actually increase their funding more. So I am asking simply that $5 million be put back in, which would bring it a little bit above last year's appropriations for the agency so they can at least stay on track of inflation and everything to continue at the same level of auditing and investigating they are now doing. I wish we could do more. Frankly, I wish we would. This would be my suggestion.

I continue to look forward to perhaps seeing if we could reach some sort of accord on this. I ask my colleagues to study it carefully. I urge them to vote in support of this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Iowa.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3339 TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, I have an amendment I am offering on behalf of Senator SMITH of Oregon. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. SMITH, proposes an amendment numbered 3339 to amendment No. 3325.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a technical correction to suicide prevention grants authorized under the Garrett Lee Smith Memorial Act)

On page 49, line 19, insert before the period the following: "*Provided further*, That Section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008".

Mr. HARKIN. Mr. President, this is a 1-year technical fix requested by Senator SMITH. These are the State suicide prevention grants authorized under the Garrett Lee Smith Memorial Act. It is a simple technical correction to enable HHS to issue youth suicide grants to States this year. It has no cost. It has been cleared by the authorizers on both sides of the aisle, and we are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3339) was agreed to.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I thought I might take this bit of lag time on the floor while we are waiting for Senators to offer amendments—which I hope will happen, if there are amendments; I am not trying to encourage any. I am saying if there are amendments, Members should come and offer them because now is a good time—to talk about the bill and what this debate is all about, why this bill is so important. I say that because the President yesterday sent down his policy statement and said he was going to veto the bill because it spends too much money, that it has to stay within his constraints.

I want to make it clear, we stay within our budget, the budget we have, and we have a pay-go budget. We are not adding anything new this year. We are severely constraining spending to get out of the deficit hole. I want to compare this bill, what we have done on a bipartisan basis—this appropriations bill passed our committee 26 to 3, strong bipartisan support in the subcommittee and full committee—with the President's budget so that Senators who are thinking of how they are going to vote on this appropriations bill might have a clearer picture. What would happen if we did what the President asked, if we just approved the President's budget instead of the bill before us? What I want to do is go through it.

You can tell a lot about a person's priorities on how they spend their money. This bill provides a modest increase in programs that help people, especially Americans at the bottom rungs of the ladder. It helps them to lead meaningful, safe, and productive lives. The President wants to cut those programs. He says we are spending too much for education, for medical research, for job training. Again, look at the amount of money we are talking about. The Senate bill is about $11 billion higher than the President's budget. That is about 1 month in Iraq; we are talking about a full year—1 month in Iraq versus 1 full year for education, health, job retraining, all the other items.

Compared to last year, our Senate bill invests $7.3 billion more than last year on education, health, and labor programs. Again, as part of our balanced budget plan, we are within our budget constraints. The President's budget would cut $3.5 billion from these programs from last year. At the same time, he wants to spend up to almost $10 billion a month in Iraq.

Again, let's look at some of the programs we are talking about; for example, helping the poor. Two of the most important programs in the bill are the community services block grants and the social services block grants. States get to use these funds in a wide variety of ways to help some of our most disadvantaged citizens. The Senate bill provides $2.4 billion for these 2 block grants. The President's budget requested a 50-percent cut in these 2 programs, a 50-percent cut from last year to $1.2 billion. So again, when we are talking about programs that help lift people up, we are at $2.4 billion; the President says he wants to cut it in half to $1.2 billion. That is one clear difference in the President's budget and in what we offer.

Let's look at medical research. The Senate bill provides another $1 billion for the National Institutes of Health. That is about a 3.5-percent increase, and that does not even keep up with biomedical inflation. Our bill would increase the number of new research grants by about 400. What does the President's budget do? It would cut NIH by $279 million. That would slash the budget by 12 percent below where we were in 2003—going backward. It would cut the number of new research grants by 800. So the President's budget would cut the number of research grants by 800; our bill would increase it by 400. Members may choose which one they would rather have—the President's budget or the Senate bill.

Let's look at special education. Three decades ago, when we passed the Individuals with Disabilities Education Act, we said to the States: Our goal is for the Federal Government to provide up to 40 percent of the additional cost of mainstreaming kids, getting kids into school rather than warehousing them in State institutions or not even giving them an education. We opened the door for kids with disabilities to go to school. But we said our goal was to get up to 40 percent of this additional cost. That was 30 years ago. What has happened? I can say that time after time we have had a number of votes on the Senate floor, usually a sense-of-the-Senate resolution saying that we have to put more money for special education, we have to get up to that 40 percent. The Senate bill increases the State grants by $450 million to help them meet the needs of the additional cost of educating kids with disabilities. The President's budget slashes $291 million from special education.

What is not on this chart is that is going backward. The high point we had was in 2006. In 2006, the Federal Government's percentage of the additional cost was about 18 percent. Last year, it went down to 17 percent. Under the President's budget, it would go to 16 percent. This means a lot to our local schools because if we don't put the money in, there is only one way they can get it, and that is usually through local property taxes which are unfair in most cases.

Again, what we are trying to do is to meet our goal, our obligation, what we said 30 years ago. We put in $450 million, and the President wants to cut it by $291 million.

Let's look at another program, Head Start, a popular program, one of the Great Society programs started by Lyndon Johnson. We always hear about how the Great Society failed. No, it didn't. I am sorry. It did not. Here is one of the great examples of the successes of the Great Society; that is, the Head Start Program. We have a lot of data over the years to show that kids who went through Head Start do better in elementary school, high school. They go on to lead healthier and more productive lives.

In our bill, we expand Head Start services with an increase of $200 million. The President's budget cuts Head Start by $100 million, which would leave thousands of children behind. The President's budget would result in a cut of over 30,000 slots for children in Head Start Programs. Again, the President's budget goes backward. We are moving ahead.

Let's look at community health centers. One of the things I had always said is that I agreed with President Bush about his goal of having more community health centers built and having at least one community health center in every poor district. I thought that was a laudable goal. I have been supportive of that. Again, the Senate bill increases the Community Health Centers Program by $250 million. The President neglects the uninsured, people with limited health care access. He just says: Keep it where it is, no increase whatsoever. Yet we know we need to not only open new community health centers—a lot of them are backed up. People want to open new ones, plus the ones that are open, because of the increased cost of health services. Medical devices, equipment, and all that have higher expenditures as well. We need to make sure we keep up with funding of community health centers that are open.

We are also expanding dental services. One of the most important parts of community health centers we have found in the last several years—maybe decade, decade and a half—is the importance of dental care for kids. We have begun to add more and more dental services to our community health centers, which has helped a lot of families who otherwise cannot afford dental care for their children. That requires some extra money as well. We have responded to that by putting in $250 million. The President keeps it exactly where it is.

Ours would increase the Community Health Centers Program from $1.99 billion to $2.2 billion. The President says: Leave it where it is and leave a lot of low-income Americans who are uninsured without any access to community health centers.

Another provision in our bill is the home energy assistance program, otherwise known as LIHEAP, the Low Income Home Energy Assistance Program. It is a very successful program. The Senate bill maintains funding. We should have had an increase, but we are in a budget crunch. We couldn't get an increase for it, but at least we held the line. We know energy costs are higher now than they have ever been. What does the President's budget do? It cuts LIHEAP by $379 billion despite record-high energy prices. The President's budget would reduce the number of families receiving this assistance by 1.1 million. Again, these are the very low income, in many cases low-income elderly who we know are cutting back on their food, on medicine, and other things to be able to pay heating bills in the wintertime.

Another issue that is of importance to all of us is Social Security.

As I said earlier, we know—every Senator knows; and you can check with your State offices, and they will tell you—the caseload for people whose disability claims have not been acted on has a backlog of several months, a year, a year and a half, in trying to get their disability claims approved. Right now, it takes 1½ years—1½ years—to process a hearing request. In the year 2000, it was 200 days. It was 200 days, and now it is a year and a half. The disability claims backlog is about 660,000. That is about a 100,000 increase since 2006.

Recognizing this, we have put a $426 million increase into Social Security for hiring more people, to accelerate the hearings decisions, and to try to reduce that disability backlog we have now of 660,000.

The President's budget only put in enough money—$300 million—that would allow no hiring, despite the lowest staffing level since 1972. With the baby boom generation hitting the disability-prone years and closing in on retirement, the President's budget would add almost 100,000 disability claims to the backlog, so we have put in $426 million to reduce that backlog.

Student aid, which is another big part of our bill: The gap between the cost of a 4-year public college and the maximum Pell grant has increased by over $3,000 since 2002. We increased the amount of money for Pell grants to $4,800 to help alleviate that problem. The President's budget falls short of that by almost $300, bringing it to $4,540—again, very short of the amount needed to offset the cost of higher tuition.

On competitiveness, there are 7 million unemployed and millions more not working and not looking, as employers move jobs overseas. They hire foreign workers to fill jobs. Well, the Senate bill provides $4.8 billion for job training, and career and technical education programs to enhance the competitiveness of our workforce.

What does the President's budget do? It undermines U.S. competitiveness with a $1 billion cut—a $1 billion cut—in job training, a 50-percent cut in career and technical education programs. Almost 8 million high school and college students could see career and technical education courses disappear because of the President's cuts.

That is not all that is in our bill. There is more, but I thought this kind of highlights the difference between the President's budget and what we are trying to do in this bill, keeping in mind, again, that our bill is a little over $7 billion more than last year—hardly an inflationary increase. We have kept within our budget, within our pay-go budget. Yet we have been able to get necessary increases, as I have outlined.

The President's budget basically says: No. Give me more money to spend in Iraq, to the tune of about $12 billion a month. We are saying we only need $11 billion for the entire year, for all the things I outlined.

I think the choice is clear. I think the choice was clear when we were in subcommittee. It passed our subcommittee unanimously. It passed the full Appropriations Committee, as I said, by a vote of 26 to 3. I think it is a good, bipartisan bill. I hope we can bring it to a close here in the next day or so.

I say to my fellow Senators, the floor is open if anyone has any amendments. As I said, I am not encouraging them, but I know there are some people who do have amendments, and I would hope they might come over and offer those amendments.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3333 TO AMENDMENT NO. 3325

Mr. THUNE. Mr. President, I call up amendment No. 3333.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Ms. STABENOW, Mr. CRAPO, and Mr. CONRAD, proposes an amendment numbered 3333 to amendment No. 3325.

Mr. THUNE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for the telehealth activities of the Health Resources and Services Administration)

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any amounts appropriated or otherwise made available under this Act to the Health Resources and Services Administration to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107–251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c–14), there shall be made available an additional $6,800,000, to (1) expand support for existing and new telehealth resource centers, including at least 1 resource center focusing on telehomecare; (2) support telehealth network grants, telehealth demonstrations, and telehomecare pilot projects; and (3) provide grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

(b) Notwithstanding any other provision of this Act, amounts appropriated or otherwise made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $6,800,000.

Mr. THUNE. Mr. President, I rise today to offer an amendment to provide an increase in funding for the Office for the Advancement of Telehealth, under the Health Resources and Services Administration. I am pleased to say I am joined in this effort by Senators STABENOW, CRAPO, and CONRAD.

I have spent quite a lot of time over the last month debating how to increase access to affordable health care in this country. Opinions have ranged considerably on this topic, but for most of us the goal is the same—it is to find ways at the Federal level to make health care more affordable for our constituents back home. Many of us are also trying to bring more options to rural areas or even urban underserved areas where access to care can be challenging.

One thing that both sides of the aisle can agree on and have agreed on during my time here is on a very similar amendment, and that is increasing funding for proven technologies such as telehealth.

Telehealth is the most effective way to deliver many types of care to rural and other populations that have traditionally lacked adequate health care access. Many Americans do not live near certain specialists or they don't live near affordable specialists. This is certainly the case among many small towns in my State of South Dakota.

Telehealth bridges the gap between these patients and providers by enabling doctors and nurses to remotely care for patients, thereby raising the standards of care for underserved populations. Telehealth also increases patient and provider access to medical information and improves training of health care providers. Of course, with increased access to care and less need to travel great distances, patients and providers save money.

I wish to share with my colleagues part of a story from an article in the Platte Enterprise, a local South Dakota newspaper, and a subsequent letter to the editor back in September dealing with telehealth. There are many different medical services that can be provided over long distances through telehealth technology. The Platte Health Center in Platte, SD, already provides some medical specialties through telemedicine, including dermatology and infectious disease. Now they will also be able to provide mental health services.

According to the article: Patients can talk to and see a physician on the television screen who in turn can see and talk to them.

In a subsequent letter to the editor from a user of these types of telemedicine services, my constituent, Kris Kuipers, describes:

> I recently experienced the use of telemedicine at Platte Health Center Hospital. I thought it was wonderful. One of our local nurses greeted me and explained the operating equipment. It is great because I didn't have to do a thing.
>
> I was able to talk with my physician in Sioux Falls who was on the TV screen just like if I were talking to Dr. Jerome Bentz. It was very personable and I didn't have to drive four hours round trip.
>
> I am very excited that we have this capability here in town and I hope more physicians will catch on to the advantages of

> using the telemedicine network equipment. I want to encourage you to tell your out-of-town doctors about our tele-med capabilities at the Platte Health Center Hospital. Maybe by word of mouth, other physicians will be encouraged to use this local alternative as a means of providing health care to our rural communities.

I hear from local providers and patients such as Kris Kuipers very often about the benefits of telehealth to rural communities in my State. In South Dakota, telehealth technologies are utilized by our three major hospital networks: Avera, Sanford, and Rapid City Regional. Additionally, many of the rural health clinics who serve the health care needs of some of the smallest communities in our State also utilize these technologies. These organizations touch more than 40 different communities, large and small across the State.

The Office for the Advancement of Telehealth under HRSA is the primary tool of the Federal Government to develop telehealth resources and to help local providers to develop these resources.

My amendment will provide additional funding to support existing and new telehealth resource centers, including a resource center focused specifically on telehomecare; that is, telemonitoring technologies for patients who have to have their vital signs checked in the home. These resource centers currently help assist the telehealth community in breaking down barriers to the adoption of telehealth.

Additional funding will also support telehealth network grants, pilot projects for the development of telehomecare technologies and grants to help carry out programs where health licensing boards and States come together to reduce their statutory and regulatory barriers to telehealth.

My amendment is very modest. It proposes a $6.8 million increase for the Office of the Advancement of Telehealth, or OAT, to fulfill these activities which were authorized under the Health Care Safety Net Amendments Act of 2002. With this amendment, total funding for OAT would be increased to $13.8 million.

Additionally, this amount is fully offset by a prorated reduction in the departmental management accounts of the Department of Labor, the Department of Health and Human Services, and the Department of Education.

The $6.8 million provided by my amendment, while modest, will have a significant and positive impact on almost every health activity in this wide-reaching bill. Increasing the investment in telehealth is valuable and necessary and will help save money for patients and for the Federal Government.

This is a small but important investment in the future of our Nation's health care system. I hope the $6.8 million increase, when you take it away from all of the various departments that are funded under this bill—this is a multibillion dollar bill—is inconsequential in terms of the impact that can be had by putting that $6.8 million into the advancement of telehealth in this country, making sure that more patients and more providers are able to utilize technology to meet the health care needs of people in rural and underserved areas across this country.

So I hope my colleagues will support this amendment and help us advance this very important initiative.

Mr. President, I yield back the remainder of my time, and I ask that the amendment be set aside.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I thank my colleague from South Dakota for bringing up this important program. As a neighboring State Senator, telehealth is a very important part of our State. We have seen the savings, as the Senator talked about, that can accrue from this, not only in terms of money but in saving the lives of people who live in our small towns and communities.

I have seen firsthand the benefit of telehealth by using the fiberoptic network system we have in the State of Iowa. I know of many cases where someone was in a car wreck in a small town and they didn't know whether they could leave them there in the small clinic or if they needed to be airlifted, and with telehealth and with the fiberoptic system, they were able to do some diagnoses and make the decision that, yes, the person needed to be removed immediately or, no, they didn't. So it does save a lot of money, but it also saves a lot of lives.

Again, I say to my friend from South Dakota, this program is a perfect example of how starved we have been in our account over the last few years—how starved we are in this bill. Ten years ago, telehealth received $15.8 million in this bill. Over the last 5 years, the funding has hovered between $4 million and $6.8 million. So again, I have no problems with the amendment. I hope our staffs can work together and we can work together to find an appropriate offset. I think there may be some things we can work out that will be acceptable to both sides on the offset.

So I thank the Senator from South Dakota for his interest and for offering this amendment.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I appreciate the willingness of the chairman of the subcommittee and the ranking member to work with us on this amendment. I know of his interest in this particular area of technology of health care, and I appreciate the support. Hopefully, we can figure out a way to get more money into this very important account because it does they are doing some remarkable things, and particularly in the areas the Senator from Iowa and I represent, in the rural areas of the country, and the sky is the limit in terms of what I think can be accomplished. But we have to make sure it is appropriately funded. So I thank the Senator from Iowa for being willing to help out.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3345 TO AMENDMENT NO. 3325

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 3345 to amendment No. 3325.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To require that the Secretary of Labor report to Congress regarding jobs lost and created as a result of the North American Free Trade Agreement, and for other purposes)
>
> On page 12, line 8, before the period, insert the following: "*Provided further*, That not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report regarding the impact of the North American Free Trade Agreement (in this section, referred to as the 'Agreement') on jobs in the United States. The report shall cover the period beginning on the date the Agreement entered into force with respect to the United States through December 31, 2007, and shall include on a industry-by-industry basis, the information regarding the number and type of jobs lost in the United States as a result of the agreement and the number and type of jobs created as a result of the Agreement.".

Mr. DORGAN. Mr. President, I offer this amendment on behalf of myself, Senator BROWN, Senator STABENOW, and Senator CASEY.

Mr. President, this amendment calls for a study and a report, and I want to describe the purpose of it and why I am offering it today. It requires the Department of Labor to determine in a study and report to the Congress the number of jobs lost to the North American Free Trade Agreement and the number of jobs created due to the North American Free Trade Agreement.

Now, it is interesting. In an October 4 Wall Street Journal article, there was a story, front page, with the headline "Republicans Grow Skeptical of Free Trade." Republicans grow skeptical of free trade. Actually, the story described skepticism by everybody about what is called free trade, but it was talking about the politics of it, and so the story described a poll which found that by a 2-to-1 margin Republican voters believed free trade deals have been bad for this country's economy. It turns out that the dissatisfaction with the current trade strategy is bipartisan, not just Republican.

The poll found that 59 percent of polled Republican voters agreed with this statement: Foreign trade has been bad for the U.S. economy because imports from abroad have reduced demand for American-made goods and it has cost jobs here at home and produced potentially unsafe products.

The poll also describes that all voters essentially feel this way; it is not just Republican voters. But as I indicated, it was trying to take a political look at an issue that is very important.

We are going to have a number of free trade agreements come to the floor of the Senate soon. We will have one from Peru, Colombia, Panama, and South Korea. It is interesting that the Wall Street Journal describes how the American people feel about these trade agreements. I think it is not the case that people feel trade is not important. I believe in trade, and plenty of it. I just insist that trade be fair.

I want to go back with this amendment to the North American Free Trade Agreement because that free trade agreement dates back almost—well, it is over a decade now, and we have had substantial experience with it. Those who negotiated it—and, incidentally, it was negotiated beginning under the first President Bush, concluding under President Clinton. He sent it to this Senate, and I, at that point, was one of the leaders waging a fight against it. But when it was debated in Congress, it was alleged by economists and virtually everybody that it would result in the creation of 200,000 new jobs for our country. If we would pass this new trade agreement, 200,000 jobs would be created in our country.

Well, what has happened with the trade agreement? Let me describe what has happened, and I will describe it in a way that the administration and the Commerce Department and Labor Department would describe it. They would say what an unbelievable success this trade agreement has been. How on Earth would you be critical of a trade agreement that has increased our exports from the United States to Mexico? It has increased our exports to Mexico. And it has. It sure has. But it has increased our imports from Mexico much, much, much more. What started prior to the North American Free Trade Agreement as a $1.5 billion surplus with Mexico—a trade surplus with Mexico—has now become nearly a $60 billion, close to $70 billion trade deficit. So it's a trade surplus converted to a big trade deficit.

Now, I didn't take a lot of higher math, but I understand if you turn a trade surplus into a big trade deficit, that is not a positive outcome for your country. That is a negative approach, and it means lost jobs. It means you are going to have to repay that trade debt with a lower standard of living someday.

In fact, the proponents of NAFTA some years ago relied on a study by Gary Clyde Hufbauer and Jeffrey Schott. It was called the Hufbauer/Schott, and it was the one cited by everybody. They actually said it is going to create 170,000 new jobs in our country—net new jobs. That was rounded up by the proponents to 200,000. That was going to be nirvana. We would pass this trade agreement and get 200,000 net new jobs. That was how it would work. Except that we passed it and we went from a $1.5 billion trade surplus with Mexico to a nearly $70 billion trade deficit. Now, that is headed in the wrong direction, and that means lost jobs.

I took a look at this, and I asked some while ago, 10 years after NAFTA had been approved, to commission a study from the Congressional Research Service to identify the top 100 American companies that had laid off U.S. workers as a result of NAFTA between 1994 and 2002, and here is the list of the top 100 companies. The list totals about 412,000 U.S. jobs that have been certified as lost. Now, this is not some speculation. This is a program at the Department of Labor that a company has to actually certify to in order to get some help for their employees—trade adjustment assistance. They certify that because of NAFTA these jobs are gone.

The Congressional Research Service turned to the Department of Labor, which has this program, and they said: Can you give us this information? They gave us the information. This means we can directly attribute these job losses to NAFTA, because that is the certification. Of the roughly 412,000 jobs that have been certified, actually of the top 100 companies, 201,000 jobs are attributable to these 100 names.

But if you look at the companies, it is very interesting. Levi Strauss is No. 2. Levi Strauss. I mean, you know, slip on a pair of Levis. Anything more all American than putting on a pair of Levis? There is not one pair of Levis made in the United States of America, not one. We passed NAFTA and Levis go south. We still wear them, all right. They are just shipped north so we can slip them on. So Levi Strauss: 15,676 people, some were proud, I bet, going to work in the morning to make a pair of Levis. But no more. I understand there is not one pair of Levis made in America.

Kraft Foods. Kraft Foods is on the list. Kraft Foods decided they were going to shut down their cookie plant in Fair Lawn, NJ. They made Fig Newton cookies. So they moved Fig Newton cookies to Monterrey, Mexico, and 955 jobs were certified as lost. Fig Newton. Now, I don't know whether there is some inherent capability in Mexico to shovel fig paste in a more expeditious manner than exists in New Jersey. I doubt it. My guess is, just as Levi went south in search of cheap labor, so too did Fig Newton cookies.

So the next time somebody says let's go out and buy some Mexican food, buy Fig Newton cookies. They left New Jersey and ended up in Monterrey, Mexico. Mexican food.

What about Fruit of the Loom underwear? We all understand it; some wear it. Fruit of the Loom underwear—5,352 workers in Texas were certified and thousands more in Louisiana were certified to the Labor Department as having lost their jobs due to NAFTA. Actually, when that happened it was pretty big news around the country, because Fruit of the Loom laid off a lot of people, and I came to the floor and said: It is one thing to lose your shirt—and then I stopped, because I realized we shouldn't joke about jobs lost with Fruit of the Loom.

But these were people who made underwear—probably, I am sure, very proud of their jobs. They probably worked for a career. Is there no market for underwear any more? People stopped wearing them? I don't think so. The underwear is made, it is just not made in America. Fruit of the Loom is gone, and it was certified to have gone and the jobs are lost.

Mattel's western Kentucky plant, making Barbie playhouses and battery-powered pickup trucks for nearly 30 years, 980 employees went from a job in Kentucky to being unemployed. The plant went to Mexico to produce Mattel toys.

John Deere, 1150 employees, lawn mowers and chain saws, jobs gone to Mexico.

Well, all of these are just numbers. You know, you could pick any one of them. Nokia, 1,980. Make it 1,979 and talk about the person, the one person who came home one night and said:

Honey, I lost my job. They called me in and they told me my job was gone. Well, was it because you weren't a good employee? No, I am a good employee. They just said we are moving the jobs to Mexico.

I have described other cases on the floor of the Senate of American workers who worked for careers and were making $11 an hour plus benefits. They all got fired in search of cheaper labor by a company that moved their jobs. In that case, the jobs went to China. But the reason I told the story previously is that all of those workers who lost their jobs because they made $11 an hour—and that was way too much money—on the last day of work, as they pulled out of their driving spaces in the parking lot where their car used to park at a job they cared about, they all left a pair of empty shoes. It was a plaintive way for the employees of that company to send a message to the owners of that company who shipped their jobs overseas. It was a way of saying: You can move our jobs to China, but, by God, you are not going to fill our shoes. It was a message from the employees who cared about their jobs and cared about their work.

Well, Hufbauer/Schott and all the others who gave us those hifalutin estimates of new jobs with NAFTA, they said: By the way, there will be some jobs that will move south. But they will be low-skilled, low-wage jobs. But don't worry.

Well, guess what. The three largest imports to the United States today from Mexico are automobiles, automobile parts, and electronics, all the product of high-skilled jobs. Now, that is completely at odds with what was represented to the Congress and the American people.

I started this by saying the Wall Street Journal does a front-page feature story saying that Republicans don't believe free trade has been good for our country. They were doing a political story. But they needn't have said Republicans. Actually, the American people don't believe the so-called free trade agreements have been good for our country. Why is that? Because they are the ones who know. They are the ones who know, not the economists, not the folks who put on three-piece blue suits and suspenders every day and puff about what is going on in the world. It is the people who are working who lose their jobs and are facing downward pressure on income from these kinds of trade agreements.

Now, I am not suggesting, and would not ever suggest, that we shouldn't trade. I believe we ought to trade. I believe trade is important, and plenty of it. I just insist that it be fair. Whether it is Mexico, or China—the bilateral agreement with China—or South Korea or any number of trade agreements, I can point to the examples of what has happened that undermines the support of the American people for these agreements. Let me give you a couple.

South Korea. There is an agreement coming to the Senate Chamber dealing with South Korea. We have done other trade agreements with South Korea, and they have never met the commitments they made in those agreements, but nonetheless, an agreement with South Korea. Well, South Korea last year sent us roughly 700,000 automobiles. They put them on ships, sailed them across the ocean, and they offloaded them onto American docks and put them for sale in this country. We were able to sell about 5,000 vehicles in South Korea.

So 700,000 one way, 5,000 the other way. Why? Is that consumer preference? It is because in Korea 99 percent of the cars on Korean roads are made in Korea, and that is the way they want it. They do not want American cars sold in Korea. They have all kinds of devices to keep them out. We open our market. One-way trade. The American people understand that, and they do not support that.

I am going to mention one other thing. I have mentioned the bilateral agreement with China, with whom we have a giant trade deficit—$230 billion a year trade deficit. Not many people know that in the latest bilateral agreement with China—a country that is ramping up a very significant powerful automobile export industry. You will see Chinese cars on the streets in this country soon. They are aggressively ramping up an automobile export industry. Here is what our country decided to do with a country with which we have a very large deficit. We said to China: When you export your cars to the United States, we will impose a 2.5 percent tariff on cars you sell here, and it is okay for you, on any American cars we sell in China, to impose a tariff 10 times higher, at 25 percent. That is what we said to China.

That is unbelievably ignorant of our own economic interests. Is it surprising the Wall Street Journal does a poll that says the American people don't believe in this nonsense? They are living it. They lose their jobs. There is not one person in the Congress who has lost his or her job due to a bad trade agreement. It is the other folks out there who go to work in the morning and care about their job, who are doing the best they can and are told, by the way, you have to compete with Monterrey, or Chihuahua, or someone in Shenzhen, or Beijing who is willing to work for 30 cents an hour. And if you can't compete with them, we are sorry.

The result has been downward pressure on wages, fewer benefits, and problems for American workers. That is a very long description of why I wanted to offer an amendment. Finally, at long last, I wish to see a real evaluation done of what has been the net result of NAFTA, because we still have these folks running around here saying NAFTA has been a great success. I mean, I don't know if they are on their feet when they look at something and say it is successful or not, but you cannot take a sober look at this and say it is successful. Exports have grown, yes, but imports have grown much faster. The evidence is here. We have roughly 412,000 jobs that have been certified as having been lost to Mexico, certified by the Department of Labor as having been lost, because of the trade agreement—or at least been lost from the time the trade agreement was negotiated.

What I have asked for is a study, a real study to determine the number and types of jobs lost due to NAFTA and the number and types of jobs created due to NAFTA.

One final point. This administration has no problem figuring out how great trade deals will be for other countries. In fact, Wendy Cutler, Assistant U.S. Trade Representative, was touting the benefits that our trade agreement with Korea would offer to Korea. Let me quote her:

> An FTA with the United States is predicted to produce economic benefits for the Korean economy, increasing Korea's real GDP by as much as 2 percent, establishing a foundation to achieve per capita income to as high as $30,000, boosting exports to the United States by 15 percent, and creating 100,000 new jobs.

That is what the USTR is saying, here is the nirvana that is going to exist if we can simply do this trade agreement: Here is what is going to exist for Korea.

Ask them, what will exist for our country? What will be the consequences for our country? What are the comparable numbers for the United States? They make no similar projection.

In fact, the Korean agreement comes to us now, not having addressed the issue of the imbalance in the bilateral automobile trade with Korea.

Anyway, it is a case where I hope, perhaps, repetition will someday breed success. It is a case where I believe we should trade. I believe our country should be a leader in trade. I believe our leadership ought to say we aspire to lift others up in the world, not push our workers down. We spent 100 years creating standards—safe workplace, child labor law, minimum wage, a whole series of standards that we ought to be proud of.

I believe in our trade agreements we ought to aspire to lift others up rather than push ourselves down, push our standards down. That has regrettably not been the case with NAFTA. It has not been the case with a number of other trade agreements and will likely not be the case with the next four agreements that will be brought to the Senate.

My colleagues and I, several of us, will be proposing establishing benchmarks and accountability at long last attached to trade agreements. We ought to have benchmarks and some accountability attached to those benchmarks to find out what has happened. You can't go on forever with a bad trade agreement. You can't go on forever with one that doesn't work. When we are awash in debt, as we are, over $700 billion a year in trade deficit—which inevitably will be repaid with a lower standard of living in the United States—then we are headed for trouble. We need a better trade strategy, one that encourages trade but one that demands and insists on fair trade for our own economic interests.

I yield the floor.

Mr. HARKIN. Mr. President, I thank Senator DORGAN for his many years championing the cause of our skilled workers in this country, championing the cause of manufacturing in this country. He warned us a long time ago about what NAFTA was going to do. Frankly, his dire predictions have turned out, unfortunately, to be true. When Senator DORGAN speaks about NAFTA, or any trade agreement, and the impact on jobs in this country, it would do us well to pay attention.

There is no one I know who knows more about this area than Senator DORGAN. His amendment, I say to him, is one I can fully support. I hope all Members of the Senate could support it. As he said, it requires the Department of Labor to provide Congress with a fuller picture of the impact of the NAFTA agreement.

Frankly, this is key information we ought to have anyway so we can understand the changes to our economy that have occurred since NAFTA has passed. Again, I thank him for it. This has been a key issue in my State of Iowa.

I say to my friend from North Dakota, I remember all the speeches he used to give about Huffy bicycles and now talking about Levis. What could be more American than that?

I might say something equally as American as that is the Maytag washing machine. The Maytag washing machine, what could be more American than that Maytag repairman who never had anything to do because the Maytag washers and dryers were so good?

We have always taken great pride in Iowa that Iowa was the home of the Maytag, has been since the beginning, since Fred Maytag started his business in Newton, IA. I hate to tell you, but your Maytag washers are now coming from Mexico. All these great jobs we had, and these were good-paying jobs. A lot of people in the past worked at Maytag. It was part of their community. They built good schools, educated their kids, the kids went on. Some of the kids grew up and they then went to work at Maytag. It was a wonderful community, a wonderful business. They had great relations with organized labor there.

To make a long story short, Whirlpool came in, bought out Maytag, shipped all the jobs to Mexico. Now all those jobs are missing in Iowa. What do we do? We scramble to get some retraining, some job retraining and things such as that. But the jobs the people are getting are much lower paid jobs. They are not as good, and all the manufacturing jobs are now in Mexico.

Of course, maybe I am being a little chauvinistic because it was such an Iowa institution, Maytag, and to think they are not making them there anymore, they are gone.

Mr. DORGAN. The town of Bryan, OH, was enormously proud of its product. It was the product that defined Bryan, OH. It was Etch A Sketch; every little kid played with Etch A Sketch. The folks in Bryan, OH, made Etch A Sketch and every kid played with them. Etch A Sketch is gone. They couldn't compete with China. And the Radio Flyer Little Red Wagon was made in Chicago for 110 years. It was made by an immigrant who started the company. Why was it called Radio Flyer, the Little Red Wagon? This immigrant was fascinated with two things. He liked Marconi, so he named it Radio, and he loved airplanes. So he decided to name it, the Little Red Wagon he crafted in Chicago, IL, as Radio Flyer, and virtually every kid in this country has ridden on Radio Flyer wagons.

Mr. HARKIN. I did myself when I was a kid.

Mr. DORGAN. They were here for 110 years but no more. Now they are made in China. We could go on at some length. Some people will say: Don't you understand, you two, the world has changed, for God's sake, the world has changed and they are going to make these things where you can pay 20 or 30 cents an hour.

My question to them is this: If that is where the jobs are, who is going to buy the products? In this country, it seems we built standards for a century to provide good wages and working conditions for the American worker and that is what provided the income and development and expansion of the middle class and gave them the earning power to buy products. I know the Senator agrees with me. He agrees with trade.

We come from agricultural States. We need to find a foreign market for what we produce, but trade has to be fair.

Mr. HARKIN. We represent agricultural States, but we always had a good blend of manufacturing and agriculture. One of the well-kept secrets is that Iowa at one time had more foundries than any other State in the Nation, small foundries. People made things in these foundries. Those jobs have left now. Now with Maytag leaving, it is eroding our manufacturing base.

We need a good industrial policy. We need a manufacturing policy for this country. We don't have one. We need a good industrial policy for this country. We don't have one. If we do not have some kind of an industrial policy and some policy that says here is the kind of manufacturing base we are going to keep, we are going to protect—protect? I don't mind using the word "protect." We are protecting our people. If we are going to have a manufacturing base that protects us in the area of national security, so we have the manufacturing wherewithal to take the raw materials and make them into items that our people need but which will provide us with that bulwark for the future against the possibility of other countries cutting us off or making trade sanctions against us—we need to have that policy.

We don't have it. If we don't have it pretty soon, we are not going to be making anything in this country. We are not going to be making anything. We are going to be shuffling money around, that is all we are going to be doing. That is not what makes a great country, and it is not what is going to sustain us, if all we are going to do is shuffle money around.

I thank the Senator. He has been a great leader in this area. We are going to do something. We don't have an agreement yet to accept it. I can tell the Senator I am going to work hard to make sure we get an acceptance of his amendment. I thank him for it.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3347 TO AMENDMENT NO. 3325

Mr. MENENDEZ. Madam President, I ask unanimous consent to set aside the pending amendments so I can offer an amendment that has been sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 3347 to amendment No. 3325.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005)

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any other amounts appropriated or otherwise made available under this Act, $15,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109-18).

(b) Notwithstanding any other provision of this Act, the amount made available under this Act for the Reading First State Grants program under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.), as specified in the committee report of the Senate accompanying this Act, shall be reduced by $15,000,000.

Mr. MENENDEZ. Madam President, first I wish to thank Senator HARKIN for his leadership on this bill, as well as the ranking Republican, and his strong support of what I am trying to do here, which is to fund the Patient Navigator Program.

The amendment provides $15 million for initial implementation of the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005. This act creates a 5-year, $25 million demonstration program within the Health Resources and Services Administration for patient navigator services through community health centers, National Cancer Institute centers, Indian Health Service centers, and rural health clinics, as well as hospitals, academic health centers, and certain nonprofit entities that enter into partnerships to provide patient navigator services.

This funding is the culmination of years of bipartisan and bicameral compromise. I was then, at the time, in the House of Representatives, a sponsor with Congresswoman DEBORAH PRYCE from Ohio. Here in the Senate, Senators HUTCHISON and BINGAMAN were champions of this legislation. It passed by unanimous consent in the Senate, and President Bush signed it into law in 2005. The Labor-HHS Subcommittee provided funding last year, but unfortunately that did not make it into the final bill.

This Patient Navigator and Chronic Disease Prevention Act and the patient navigators that are called for in the bill have strong grassroots support from organizations such as the American Cancer Society. Actually, it was our work with the American Cancer Society that at the time had it as its No. 1 or No. 2 top legislative initiative. So we got the bill passed into law, but we haven't been able to fund it yet. It also has the support of the National Association of Community Health Centers, the National Rural Health Association, the American Diabetes Association, the American Medical Association, the Intercultural Cancer Council, the National Alliance for Hispanic Health, the National Hispanic Medical Association, the National Patient Advocate Foundation, and many others.

The goal of a patient navigator is to improve health outcomes by helping patients, including patients in underserved communities, to overcome barriers they face in getting early screening and appropriate followup treatment.

Patient navigators benefit people across the country, from all walks of life, regardless of class, location, culture, or language, and navigators help get people into a health care provider for preventive screenings and help them navigate our complex health care system if an abnormality is detected. They conduct year-round outreach into underserved communities so people are aware of the importance of early detection and screening. They help them find followup testing and treatment. They stay with them throughout the process to make sure they get to that next doctor's appointment and they get early treatment. This is a small investment with huge benefits, benefits in terms of lives and dollars saved.

I was fortunate enough, in the House of Representatives, when I served there, to actually get some pilot projects of patient navigators in what was my former congressional district in New Jersey. It replicated two very successful programs that were the forerunners of this idea—Dr. Harold Freeman in Harlem Hospital, who works with the American Cancer Society, and here in Washington, DC, at the Washington Cancer Center, Dr. Elmer Huerta, who had a different variation on it, but both of them created patient navigation, the effort to bring individuals into a preventive setting, and in doing so, help them navigate. We took that example and we brought it to my home State of New Jersey.

What we did is, at one of the family health centers, we found ourselves significantly bringing in people into a preventive setting. We found a fair number of individuals who had abnormalities, and because of the screening we put them through, we detected their abnormalities. Then, through the patient navigator, we navigated them through the health care system in a way that we saved lives and we saved an enormous amount of money from people whom we caught early in their illness, particularly cancer-related, and whom we ultimately were able to not only save their lives but at an enormous cost of having individuals not wait longer in the process and end up, at the end of the day, in an emergency room with far greater costs.

So this is a small investment with huge benefits, benefits in terms of lives and dollars saved. By getting people in to see a doctor before symptoms develop, we can catch diseases such as cancer or diabetes early. Then we can get patients into treatment early, which means they will have a better chance of survival, and the health care costs will be lower.

This is a win-win proposition which has strong bipartisan support in the House and Senate, signed by the President. We are just simply looking to get it funded. We look forward to working with the chair of the subcommittee, Senator HARKIN, and the ranking member to get it accepted. We think we have an appropriate offset, but at the same time, we are open to others as well in order to achieve this goal.

Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### IRAQ

Mr. MENENDEZ. Madam President, on October 11, we marked the fifth anniversary of Congress's capitulation to the resolution authorizing the war in Iraq. I believe we should take this opportunity to tally up what this war has cost our Nation.

We are all very aware of the human cost. More Americans have died in Iraq than died on September 11. These are our friends and neighbors, fathers and mothers, sons and daughters, gone forever. Twenty-eight thousand men and women have come back home wounded, some with their legs or arms blown off by bombs, some blind from shrapnel in their eyes, some thrown into a state of mental shock from which they will never fully recover.

As for the Iraqi men, women, and children who have died in this conflict, we cannot even say. Some estimates say the body count is more than 100,000. As for the people who have been forced to abandon their homes, they are about to number 4½ million, a disproportionate number of them being children.

We all know that the Iraq war is a human calamity of vast proportions. It can be harder to visualize the direct damage that comes from the financial cost of the war, to see it as the cancer that it is, making our debt metastasize, threatening our budget, eating away at the financial stability of our entire Nation.

We are paying for this war with borrowed money, racking up massive debt, severely threatening the future of our country. We know our country has spent more than $450 billion on this war so far. We continue to spend about $10 billion every month. That does not just add up to a stack of bills that could have sat in the Treasury; it is equipment at ports that can scan for nuclear weapons and other measures that actually make the homeland more secure. It is children healed with better health care. It is more teachers in our schools, better training for our jobs, energy that is clean and does not strengthen repressive regimes in the Middle East, payment of our debts so future generations will inherit a country that is financially viable. Those are casualties we cannot fail to count.

When our money gets burned in Iraq, we deserve to know what we are trading away. What we are trading away cannot be summed up in one speech, however, so I will be coming back to the subject as many times as necessary to give each sacrifice fair attention.

When we add it all up, the bottom line is very clear: If we had never gone into Iraq, our lives would be better. The sooner we get out of Iraq, the better our lives will be. I will repeat this until our troops have come home. If we had never gone into Iraq, our lives would be better, and the sooner we transition out of Iraq, the better our lives will be.

Today, I wish to speak about what the failed war in Iraq has cost us in terms of our security here at home. The Bush administration likes to parrot the line that:

> We are fighting them over there, so we do not have to fight them here.

Never mind that the war has created more terrorists than there were before. Beyond that, it has directed funding away from programs that actually would prevent terrorists from attacking the homeland. The administration's budget for the failed war in Iraq is 13 times this year's budget for Homeland Security—13 times this year's budget for Homeland Security. Do we really think the Iraq war is 13 times more important to America than the Department of Homeland Security's mission? When it comes to our money, the administration's motto really is: We are spending it over there, so we do not have to spend it here.

Every time we ride the subway or the bus, we put ourselves at risk because our public transportation systems are unnecessarily vulnerable to terrorist attacks. The American Public Transportation Association estimates that it will cost $6 billion to make them substantially more secure. That includes funding for personnel, training, communications systems, cameras, detection systems. Well, we spend that much—that is, $6 billion that the Public Transportation Association says would make us safer—we spend that much in Iraq every 18 days. Every 18 days. That is what the war costs. Security on public transportation versus 18 days in Iraq—what is our choice?

Money being spent in Iraq could have substantially improved security in our Nation's ports, where 95 percent of the cargo slips into the country without any inspection whatsoever. For the cost of 3 days of operations in Iraq, we could fund a year's worth, a year's worth of strong port security initiatives throughout our country—purchasing radiation detectors, giving individual grants tailored to the specific needs of each port, and drastically increasing the number of containers screened.

Here is an example. There is something called a container security device. It attaches to the hinges of a container and lets inspectors at ports know if the container has been tampered with from the port it came from. They cost about $25 each. You could provide a device for every one of the 11 million-plus containers that enter our ports every year for the same money it costs us to be in Iraq for 1 single day. We could take 11 million containers that enter our ports every year and for 1 single day in Iraq make our country more secure. That is what the war costs—electronic security for every container entering the United States versus 1 day in Iraq.

As we have considered the Commerce-Justice-Science appropriations bill that we passed yesterday, it is as good a time as any to discuss how funding for the Iraq war impacts local police departments here at home. With the billions of dollars going toward a failed effort to secure the streets of Baghdad, we could boost our efforts to fight terror and violence of gangs on the streets of the neighborhoods we call home.

The FBI tells us that crime rates are going up in the United States. This is no coincidence considering the Bush administration has repeatedly cut funding for hiring new police, law enforcement technology, and successful prevention programs.

Luckily, this Senate under Democratic leadership has changed that course. We are taking action to reverse that situation. I was proud to cosponsor Senator BIDEN's amendment to boost funding for the COPS Program, one of the most successful Federal crime prevention programs in history. Eight hours of Iraq funding pays for that amendment to put community police officers on the streets of our Nation. That is the war cost—more police on the streets versus 8 hours of spending in Iraq. When it comes to our money, the message the administration is sending is clear. We are spending it over there so we don't spend it here. But in terms of security, if we had never gone into Iraq, our lives would be better. The sooner we transition out of Iraq, the better our lives will be.

Costs of the war for the United States are going only to escalate as Great Britain withdraws its troops. So the financial question we have to answer as a nation is as urgent as any we have ever faced. We have to decide what we value as a Nation: the war or keeping our country safe. These are the questions we are going to continue to ask to put a real sense of what it is costing us here at home in real terms. Today was about security. We will come back to the Senate floor and talk about education and health care and economic expansion and reducing debt, because we have to offer a real sense to the American people of what this war is costing us here at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

### AMENDMENT NO. 3332 TO AMENDMENT NO. 3325

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the pending amendment to be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MCCASKILL. Madam President, I call up amendment No. 3332.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Missouri [Mrs. MCCASKILL], for herself and Mr. DEMINT, proposes an amendment numbered 3332.

Mrs. MCCASKILL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Departments to establish and maintain on their website home pages a direct link to the websites of their Inspectors General and for other purposes)

At the appropriate place, insert the following:

SEC. ____. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

Mrs. MCCASKILL. I ask unanimous consent to add Senator DEMINT as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MCCASKILL. Madam President, we have successfully added this amendment to all appropriations bills to date. It is a very simple amendment. It requires the Departments under this bill to maintain a direct link to the agency's inspector general Web site, on the home page of his or her department's Web site. It requires this direct link because the information the inspector general provides to the public needs to be easily available. They are the eyes and ears of the taxpayers in many ways. They are on the front lines in terms of waste, fraud, and abuse. They provide a valuable service. In many departments, one can't find the information. This amendment will require that on the home page of the Web sites of the Departments of Education, Labor Health and Human Services, there be a direct link to the inspector general of that Department's Web site so taxpayers, Members of Congress, and members of the executive branch can easily find the important information that is provided by the inspector general's office.

I urge passage of the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank the Senator from Missouri for offering this amendment. It is a good amendment. I have checked with Senator SPECTER on our side, and it is OK on that side. It is OK with us. We will accept the amendment.

Before doing so, I will again say to my friend from Missouri that in this bill we have increased funding above the President's budget for all the inspector generals in all the departments this bill covers. Basically opening it up, as her amendment does, allows more people access to what the inspector generals are doing. Hopefully we can continue to try to maintain the integrity and independence of the inspector generals. Some of them are perhaps being pressured by the administration to do certain things. But we want to maintain that integrity and the independence of the inspector generals. This amendment will help to do that.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3332) was agreed to.

The PRESIDING OFFICER. The Senator from Ohio.

### AMENDMENT NO. 3345

Mr. BROWN. Madam President, I rise to support the Dorgan amendment offered earlier this evening. I thank him for his amendment. I am a proud cosponsor.

The Dorgan amendment makes sense for a variety of reasons. Most importantly, we need updated and current information on what NAFTA, the North American Free Trade Agreement, which passed in November of 1993, means for our country today and, most importantly, because the North American Free Trade Agreement has become the model, for good or bad, for trade policy since. The Central American Free Trade Agreement was built on the NAFTA model. Trade agreements Presidents asked this Congress to pass, negotiated with Peru and Colombia, Panama and South Korea, while tweaked, while having some improvements, perhaps, in the case of Peru and Panama, some significant improvements, nonetheless are based on the same failed trade model that NAFTA was based on, a trade model that entertains investor-state relations giving more authority to corporations to undercut environmental laws in our country, to undercut labor law, and to undercut the values of our society.

I wish President Bush would sit down with the steel worker in Steubenville or the machinist in Toledo or the tool and die shop owner in Lorain and talk about what these trade policies, this NAFTA model the Dorgan amendment addresses, in fact means for American workers, what they mean for American small manufacturers, what they mean for our communities, what they mean in Hamilton and Middletown and Ashtabula and Maineville, what impact that has on communities. These trade policies, which are set in Washington and negotiated across the globe, have a direct impact on Toledo, on Wauseon, on Findlay, on Bowling Green, all across our State. That is why the voters in my State and across the country sent a message loudly and clearly in November demanding a very different direction in trade policy, a trade policy that serves workers, consumers, families, and communities rather than one that serves investors, especially the wealthy in other countries and the wealthy in this country.

Working men and women in Ohio, including the machine shop owner in Akron and the factory worker in Columbus, know that job loss doesn't just affect the worker or the worker's family or the business owner. Job loss in the thousands affects communities and police, the number of police and firefighters and teachers and workers in a community and the economic vitality of that community.

What we have seen in the last few years in this country is disturbing especially in this sense. American workers all across the board, whether they are in the State of the Presiding Officer, Washington, or in Lima, OH, are more productive; whether they work with their hands or minds or whether they are a retailer or whether they are a factory owner, workers are more productive, provably, quantifiably, quantitatively way more productive than they were 5 years ago. That is a testament to our Nation's hard-working and skilled labor force. It is a testament to our job training and education system. The problem is, those workers' productivity is no longer parallel to their wages. It used to be in this country, after the war, since the 1940s, that as productivity went up, workers' wages and profits went up roughly at the same pace. But we have seen a disconnect. As productivity goes up and up because workers with their capital investments are more and more productive, we have not seen wages keep up. In a nutshell, that is because ultimately what has happened is, our Nation's workers don't share in the wealth they have created for their employers. If you are a worker and you create more wealth for your employer, you should share in the wealth. But that is not what is happening. That disconnect is more and more obvious in this country, especially in a State such as Ohio.

Some years after NAFTA passed the House and Senate and was signed into law, took effect, the agreement among Mexico and the United States and Canada, some 5 years later, at my own expense, I flew to McAllen, TX, rented a car with a couple friends, went across the border into Reynosa, Mexico. I wanted to see how NAFTA was working on the other side of the border. I knew how it was working in Lorain and Akron and Sandusky and Findlay, but I wanted to see how it worked on the other side of the border. I went to the home of two General Electric workers. They worked for GE Mexico. They lived in a 20-by-20-foot shack, dirt floors, no running water or electricity. When it rained hard, the dirt floors turned to mud. These were full-time workers, 3 miles from the United States of America, just south of the Rio Grande. These workers were working every bit as hard as any workers in the United States. But they weren't sharing in the wealth they created for their employers.

As you walked around their home, in the community behind their shack was a ditch maybe 4 feet wide, 2 by 4 across the ditch. This ditch was filled with I am not sure what, human/industrial effluent waste running through the neighborhood. The American Medical Association says along the Rio Grande River is one of most toxic places in the western hemisphere. There were children playing in the ditch contracting who knows what kind of diseases that they might pick up along this very polluted little waterway, if you could call it that. But as you walked around this neighborhood and you looked at these shacks, you could tell where the workers worked because the workers' shacks were constructed from the packing materials of the companies for which they worked. The roofs, the walls were made of cardboard boxes and other kinds of packing materials, crates where these workers worked.

Not far away from these shacks I visited an auto plant. This plant looked just like an auto plant in the United States. It was modern, maybe more modern, more up to date, the best technology. The workers were working hard. The floors were clean, all that you would want in a modern industrial plant. But there was one difference between the Mexican auto plant and an auto plant in Norwood or Toledo. The auto plant in Mexico had no parking lot because the workers there weren't paid enough to buy the cars they made. They weren't sharing in the wealth they created. You could go halfway around the world to a Motorola plant in Malaysia, and workers weren't paid enough to buy the cell phones they make. You could come back to Costa Rica and go to a Disney plant, and the workers weren't making enough to buy toys for their children. You could go halfway around the world to China and go to a Nike plant or a bicycle plant, and the workers were not making enough to buy the Nikes or the bicycles they were making, that they were building. That is the key.

In our trade policy, which has become international in this globalized economy, because of what is happening around the world and because of the way we write trade policy, workers are simply not sharing in the wealth they create. Whether it is a Mexican auto plant, a Malaysian cell phone plant, a toy plant in Costa Rica, or a shoe plant in China, the workers are not making enough to share in the wealth. The workers are not sharing in the wealth they create. That is what has happened in our country, this disconnect between productivity and wages. More than anything, that is why the middle class is shrinking. That is why the Dorgan amendment is so important to show the world, to show the country, to show us in this body what we need to do to fix our trade policy.

This trade policy hurts local business owners, not just the plant that might lay off or close, but it hurts the drugstore, the grocery store, the neighborhood restaurant. It hurts teachers and firefighters and police. It hurts the people whom the police and the firefighters and the teachers serve. When I first ran for Congress, our trade deficit was $38 billion. Today, after NAFTA and NAFTA clones, like the Central American Free Trade agreement, the WTO and PNTR with China, our trade deficit has topped $800 billion, from $38 billion in 1992 to $800 billion today. Our trade deficit with China in 1992 was barely double digits, barely $10 billion. Now it probably—for 2007, we don't know for sure—is going to exceed $250 billion. The first President Bush said a $1 billion trade surplus or deficit translates into 13,000 jobs. Whether he is right, he is close enough to be right. When you do the math, a $1 billion trade surplus or trade deficit translates into 13,000 jobs. When you do the math, you can see the kind of effect our trade policy has on us, not just with lost jobs but with what it has done to break that connection between productivity and workers' wages.

That is the story of our trade policy and why the Dorgan amendment is so important. The current system is not sustainable. We want trade. We want plenty of trade but not under this NAFTA model. We want trade under a whole new set of rules. Now is not the time for more bad trade deals.

We need to adopt the Dorgan amendment, look at what has happened with our trade policy, pause, and have a national conversation about a new direction for trade in the 21st century.

Let's wait on the passage of Peru and Panama. Let's wait on the passage of South Korea and Colombia. We need a conversation that includes all parties involved. That means investors. It means workers. It means small business owners. It means communities with people who are so affected by trade. The Dorgan amendment is a significant first step in doing that.

We should adopt the Dorgan amendment. We should pause and look at where our trade policy is going, and then we should embark in a new direction on trade in this country.

### FAMILY FORUM EARMARK

Mr. VITTER. Madam President, I rise today to discuss a project I sponsored in the fiscal year 2008 Labor, Health, Human Services and Education appropriations bill. The project, which would develop a plan to promote better science-based education in Ouachita Parish by the Louisiana Family Forum, has raised concerns among some that its intention was to mandate and push creationism within the public schools. That is clearly not and never was the intent of the project, nor would it have been its effect. However, to avoid more hysterics, I would like to move the $100,000 recommended for this project by the subcommittee when the bill goes to conference committee to another Louisiana priority project funded in this bill.

Mr. HARKIN. Madam President, I appreciate the sentiments by the Senator from Louisiana and accept this proposal to move the funding for this project to other priority projects for the State of Louisiana in the bill when it goes to conference committee.

Mr. SPECTER. Madam President, I concur with my colleague and will agree to move these funds in conference committee.

Mr. BAUCUS. Madam President, since the year 2000, shortly after news reports attributed hundreds of deaths to asbestos exposure from decades of vermiculite mining in Libby, MT, I have worked hard on behalf of the people there to ensure that they received the care they needed. The Center for Asbestos Related Disease plays an important role in screening Libby residents and providing them with the health care they need as a result of this tragedy.

The people living in Libby suffer asbestos-related diseases at a rate 40 to 60 times the national average. They suffer from mesothelioma at a rate 100 times the national average. The culprit for this unprecedented tragedy is a highly toxic tremolite asbestos amphibole. Due to the shipping of Libby asbestos to processing sites in 30 States, and its subsequent use as insulation material in all parts of the country, the toxicity of this amphibole is an issue of national importance.

The Department of Health and Human Services and the Environmental Protection Agency have designated the Center for Asbestos Related Disease as a clearinghouse for information that facilitates clinical epidemiological and pathologic studies of asbestos-related diseases. This new role unfortunately comes without adequate funding to accommodate the transition to this national leadership role.

This is an issue of national concern to scientists who rely on tremolite asbestos data for their work. Support letters have been sent to Members of this body by researchers at the Mesothelioma Applied Research Foundation from California, Mount Sinai Medical School in New York, Wayne State University in Michigan, North Carolina State University, the University of Vermont, the University of Pittsburgh, the University of Pennsylvania, and Montana State University. These letters all emphasize the importance of the Libby data to the national research efforts on asbestos-related disease.

That is why I submitted an amendment to the Labor, Health and Human Services, and Related Agencies Appropriations bill for fiscal year 2008. My amendment would provide $250,000 to the Center for Asbestos Related Disease in Libby, MT, so that the clinic can provide its critically important information to clinical researchers and universities across the country. The raw data and data management that the center provides for research institutions will facilitate meaningful research into amphibole asbestos toxicity and health impacts.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ANNA POLITKOVSKAYA

Mr. CARDIN. Mr. President, the Russian Federation is, in many respects, a democratic state. Elections are held at regular intervals, local and national elective bodies meet and pass legislation. Referenda may be held on major issues, both at the national and local level, although this exercise may be reduced in the near future.

But there is another consideration, in which the Russian Federation falls short in its democratic characterization.

Freedom of the press is vital to the existence of a stable democratic state. Journalists must be able to openly report on all issues without fear of physical harassment or economic pressures. It is no accident that Napoleon said that four newspapers were more effective than a thousand bayonets.

Therefore, it is regrettable that a number of Russian journalists have recently been murdered while reporting on subjects sensitive to the Russian government. Other have been beaten or otherwise prevented from doing their job. One recent victim was involuntarily incarcerated in a psychiatric hospital.

Among those Russian journalists who have given their lives for their profession was Anna Politkovskaya, who reported extensively on the brutal war in Russia's secessionist region of Chechnya. Last week, friends, colleagues, and supporters of this courageous woman marked the one-year anniversary of her assassination.

Politkovskaya was fearless in her efforts to bring correct and unbiased information on the Chechen war to her readers. This was a hard-earned counterpoint to the propaganda that much of the electronic media turned out daily on the conflict . . . when there was any mention of it at all. While other journalists reported on the conflict from afar, she routinely traveled to troublesome areas to view and describe first-hand the problems and issues in the war-torn region. She was one of few Russian reporters to actively engage the Chechen people in open dialogue, and she presented her findings in a fair and balanced manner. Her resume included a long list of awards and commendations for her investigative skills and professional competence.

On October 7th, 2006, Ms. Politkovskaya was carrying groceries up to her Moscow apartment when, according to authorities, a gunman clad in black fired twice, shooting her once in the head. The murderer left the weapon at her side, a brazen gesture indicating, or meant to indicate, the commission of a contract murder. The Moscow newspaper Novaya Gazeta, where Ms. Politikovskaya worked, suggested the assassin or assassins had been following her closely and probably for a long time. Indeed, she was used to being watched and harassed. Numerous threats had already been made on her life, and at one point in 2001 she was forced to flee to Vienna.

As co-chairman of the Helsinki Commission, I would also note that Anna Politkovksya delivered memorable and compelling testimony on the conflict in Chechnya at Commission hearings on Capitol Hill in September 2003, and she was awarded the OSCE Parliamentary Assembly's annual Prize for Journalism and Democracy in that year.

Recently, several suspects were arrested in connection with the murder. However, there are disturbing reports that the investigation has been marked by irregularities and apparent political considerations. For instance, Russian officials have been quick to assert that certain individuals and factions outside of the Russian Federation must have ordered the killing, although they have presented no credible proof. The fact is that Politkovskaya's work was extremely critical of corrupt and incompetent officials in the Russian government. At the time of her death, she had been working on a story about the torture of detainees in the jails of the pro-Moscow Chechen authorities.

The true instigator of this murder might well reside in Moscow, London, Grozny, or Murmansk. In any event, Russian President Vladimir Putin stated during a visit last week to Germany that the investigation is "on the right track." Let us hope that he is correct.

And let us also remember the sacrifice and the journalistic integrity of Anna Politkovskaya and her colleagues in Russia and throughout the world, who risk life and limb every day to discern the truth and bring it to their fellow citizens.

Mr. GRASSLEY. Mr. President, I would like to comment on the status of the alternative minimum tax, AMT.

There is some good news regarding the need to do a patch to protect 19 million families. If you look back over the last few months, I have come to the floor several times to urge my friends in the Democratic leadership in both bodies to focus on this problem and get legislation ready. Earlier today, I urged the House to begin work on an AMT patch bill. I urged them to send it to the Senate so that Chairman BAUCUS and I will have a vehicle to deal with this pressing problem.

We have a few weeks to act before the IRS forms are finalized. After that time, there could be big problems for taxpayers and the Internal Revenue Service.

I was pleased to read in this afternoon's press reports that Chairman RANGEL is going to process an AMT patch bill.

I also want to commend our Finance chairman, my friend, Senator BAUCUS, for convening an informal meeting of the Finance Committee to discuss this pressing matter. I hope the Democratic leadership provides Chairman BAUCUS floor time to take up a committee bill.

On a related point, at a press event earlier today, in answer to a reporter's question, I indicated that we could look at measures to insure that certain high-income taxpayers who pay no regular income tax or AMT pay some tax. I would like to elaborate on that comment.

I have referred many times to the IRS statistic of high income taxpayers who pay no regular income tax or AMT. The statistic is that, for the tax year 2004, IRS Statistics of Income reported that 2,833 taxpayers with incomes over $200,000 paid no income tax. That same group paid no AMT as well. I will ask to have inserted in the RECORD a copy of that statistic.

The reason this group does not pay tax is defects in the AMT. What I was saying is that the AMT is defective in its original purpose. That is, to make sure that all high-income taxpayers pay some tax. I was not arguing for a tax increase on high-income taxpayers who are paying either regular income tax or AMT. I was arguing that, if anything, if the AMT's original purpose is to be served, then insure that those not paying ANY tax, pay it.

Mr. Presdient, I ask unanimous consent to have a copy of the statistic to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—RETURNS WITH AND WITHOUT U.S. INCOME TAX: NUMBER OF RETURNS, BY SIZE OF INCOME UNDER ALTERNATIVE CONCEPTS, TAX YEAR 2004

[All figures are estimates based on samples]

| Returns by tax status, size of expanded income | Returns by size of adjusted gross income | | | | |
|---|---|---|---|---|---|
| | All returns | under $50,000[1] | $50,000 under $100,000 | $100,000 under $200,000 | $200,000 or more |
| | (1) | (2) | (3) | (4) | (5) |
| **All returns** | | | | | |
| Total | 132,226,042 | 91,302,396 | 28,166,641 | 9,735,569 | 3,021,435 |
| Under $50,000[1] | 90,478,783 | 89,700,020 | 767,886 | 8,163 | 2,714 |
| $50,000 under $100,000 | 29,115,600 | 1,572,295 | 27,186,378 | 353,025 | 3,901 |
| $100,000 under $200,000 | 9,564,057 | 27,792 | 205,880 | 9,279,698 | 50,687 |
| $200,000 or more | 3,067,602 | 2,289 | 6,497 | 94,683 | 2,964,133 |
| **Returns with U.S. income tax** | | | | | |
| Total | 90,876,672 | 50,767,865 | 27,371,775 | 9,718,430 | 3,018,602 |
| Under $50,000[1] | 50,003,838 | 49,336,042 | 659,474 | 6,609 | 1,713 |
| $50,000 under $100,000 | 28,278,142 | 1,413,628 | 26,509,632 | 351,123 | 3,759 |
| $100,000 under $200,000 | 9,532,119 | 17,365 | 197,144 | 9,267,112 | 50,498 |
| $200,000 or more | 3,062,574 | 831 | 5,524 | 93,587 | 2,962,632 |
| **Returns without U.S. income tax** | | | | | |
| Total | 41,349,370 | 40,534,531 | 794,866 | 17,139 | 2,833 |
| Under $50,000[1] | 40,474,945 | 40,363,978 | 108,411 | 1,555 | 1,001 |
| $50,000 under $100,000 | 837,458 | 158,667 | 676,746 | 1,902 | 142 |
| $100,000 under $200,000 | 31,938 | 10,428 | 8,736 | 12,586 | 189 |

TABLE 1.—RETURNS WITH AND WITHOUT U.S. INCOME TAX: NUMBER OF RETURNS, BY SIZE OF INCOME UNDER ALTERNATIVE CONCEPTS, TAX YEAR 2004—Continued

[All figures are estimates based on samples]

| Returns by tax status, size of expanded income | Returns by size of adjusted gross income | | | | |
|---|---|---|---|---|---|
| | All returns | under $50,000[1] | $50,000 under $100,000 | $100,000 under $200,000 | $200,000 or more |
| | (1) | (2) | (3) | (4) | (5) |
| $200,000 or more | 5,028 | 1,458 | 973 | 1,096 | 1,501 |

[1] Includes returns with adjusted gross deficit or with negative expanded income.
NOTE: Detail may not add to totals because of rounding.
Source: IRS, Statistics of Income Division, June 2007.

## VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I was unable to be present for a series of votes yesterday in relation to H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008. I ask that the RECORD reflect that I would have voted in the following manner on each of these votes since my votes would not have affected the outcome of any of the votes:

On rollcall vote 366, the Ensign amendment No. 3294, I would have voted yea.

On rollcall vote 367, a motion to table the Ensign amendment No. 3295, I would have voted nay.

On rollcall vote 368, a motion to table the Thune amendment No. 3093, I would have voted nay.

On rollcall vote 369, a motion to table the Dole amendment No. 3313, I would have voted nay.

On rollcall vote 370, a motion to table the Vitter amendment No. 3277, I would have voted nay.

On rollcall vote 371, a motion to commit H.R. 3093 to the Committee on Appropriations, with instructions, I would have voted yea.

On rollcall vote 372, on passage of H.R. 3093, I would have voted nay.

## A TRIBUTE TO ZACHARIAH "ZACH" TEMPLETON

Mr. ALLARD. Mr. President, I rise today to honor the service and sacrifice of Trooper Zachariah "Zach" Templeton.

My wife Joan and I were deeply saddened to hear of the tragic death of Trooper Zachariah Templeton while in the line of duty this past Friday in Adams County, CO, as he tried to help a motorist on Interstate 76.

It takes a person of great courage to become an officer of the law. It takes a strong, hardworking, and considerate individual. It takes a special someone who is willing to pay the ultimate price in protecting the safety of others.

Trooper Templeton was just this person. And unfortunately, Trooper Zachariah Templeton paid the ultimate price.

At age 27, Trooper Zachariah was the 24th Colorado State Patrol trooper who has died in the line of duty. Trooper Jason Lee Manspeaker was the last trooper killed on duty and died in a motor vehicle crash on January 23, 2001, while attempting to locate a vehicle believed to be associated with the "Texas Seven," who were wanted in connection with the death of a Texas police officer. According to the National Law Enforcement Officers Memorial Fund, more than 17,500 officers have been killed nationwide since 1792, including 238 in Colorado.

A native of Colorado, Zach joined the Adams County Sheriff's Office as a detention specialist from May 2002 to July 2003, and then joined the CSP and graduated from the CSP Academy in 2003. According to CSP officials, "Templeton was best described by fellow troopers and supervisors as an individual with a big heart and willingness to help others. It is that desire to serve which led Templeton to respond to the call of a fellow officer. He served the citizens of Colorado with dignity and honor for four years."

Zach came from a family steeped in law enforcement tradition. Zach's father is a sergeant with the Adams County Sheriff's Office, and his great-grandfather was once county sheriff.

Trooper Zachariah Templeton was a father, brother, and a son. He is survived by daughter Samantha, parents Doug and Teresa Templeton, his brother Levi, and his girlfriend Holly Holsinger. Zach was well liked by his peers and was often very funny and a jokester with his fellow coworkers.

The State of Colorado and the Colorado State Patrol has lost a valuable member of its community, and we are all forever grateful for Trooper Zachariah Templeton's service and dedication to the safety and well-being of others. His service to all of us is highly commendable, and his contributions will be remembered.

I extend my deepest sympathy to the family of Trooper Zachariah Templeton. May his bravery and unwavering sense of duty serve as a role model for the future generation of law enforcement officers. Thank you for your service, Trooper Templeton. Rest in peace, Sir. End of watch: Friday, October 12, 2007.

## BREAST CANCER AWARENESS MONTH

Mr. MENENDEZ. Mr. President, I rise today in recognition of October as Breast Cancer Awareness Month. During this month, numerous national service organizations, professional medical associations, and government and local agencies are working to promote breast cancer awareness, share information and provide access to screening services to women nationwide.

As you may know, breast cancer is the second leading cause of death among women—around 180,000 women in the United States will be found to have invasive breast cancer in 2007. Furthermore, about 40,500 women will die from the disease this year. And right now there are slightly over 2 million women living in the United States who have been treated for breast cancer.

Mr. President, in my home State of New Jersey, we have one of the highest incidence rates of breast cancer in the Nation, averaging approximately 8,000 new cases per year. New Jersey also has one of the highest morbidity rates associated with breast cancer—approximately 1,500 deaths per year. These statistics are painful. Mothers and sisters and daughters are struggling to survive this disease across the country—a disease that is treatable through proper education, early diagnosis, and aggressive therapy.

Routine mammography screening is an especially effective means of detecting breast cancer at the earliest stages. That is why during Breast Cancer Awareness Month, I urge women nationally to maintain a regular mammography schedule. When breast cancer is diagnosed at early stages, the chance of survival greatly increases. Aside from mammographies, the American Cancer Society recommends that women obtain annual clinical breast exams, perform monthly breast self exams, and obtain a risk assessment from a physician to maintain their own breast health, and to catch breast cancer at the earliest stage possible.

Although it may seem like breast cancer solely plagues women, there are documented cases, although rare, of male breast cancer. In fact, it is estimated that in 2007 some 2,030 new cases of invasive breast cancer will be diagnosed among men in the United States.

However, there is hope among these devastating statistics; with knowledge and early screening, many cases can be caught early, increasing patients' chances of survival tremendously. We need to increase our outreach to men and women so we can combat this devastating disease.

It is also important to remember that Breast Cancer Awareness Month cannot just be a 31-day event—we must take action every day of the year if we have a hope of increasing treatment and saving lives.

## 50TH ANNIVERSARY OF NASA AND THE SPACE AGE

Mr. DOMENICI. Mr. President, I wish to commemorate the 50th anniversary of space flight, the NASA space program, and its contributions past and present to the United States as well as to New Mexico.

Just over 50 years ago on October 4, 1957, the Soviet Union launched Sputnik, the first artificial satellite to orbit around Earth, which propelled the world into the space age. This era saw an unprecedented rise in scientific and technological developments benefiting mankind both on and off the surface of the Earth.

New Mexicans have a long history of contributions to NASA and to the U.S. space program, beginning in 1929 when the "Father of Modern Rocketry" Robert H. Goddard moved to Roswell and began his work designing and testing rockets. In 1946 the first ever rocket was launched from U.S. soil into space from what is now White Sands Missile Range in New Mexico.

Shortly after the Soviet launch of Sputnik, the United States launched *Explorer I*, using Goddard's research on the Redstone rocket as the launch vehicle. Later that year on July 29, Congress passed the National Aeronautics and Space Act. This law created NASA as we know it today in order to "provide for research into problems of flight within, and outside the Earth's atmosphere, and for other purposes."

In 1961 a chimpanzee named ENOS, trained at Holloman Air Force Base in Alamogordo, was launched into orbit around Earth and safely returned after two full orbits. Fellow space travelers, Astronauts Drew Gaffney, Sidney Gutierrez, Edgar D. Mitchell, and former Senator Harrison J. Schmitt, whom I had the honor of working with years ago, all call New Mexico home.

White Sands Missile Range in New Mexico currently provides an alternative landing site for the space shuttle, serves as the primary training area for NASA space shuttle pilots and is used for research on the next generation of the space shuttle. NASA has collaborated with, and funded, research at the University of New Mexico, New Mexico State University, and New Mexico Tech. This funding has been used to continue to expand the limits of understanding in the fields of science and technology. NASA continues to work with Sandia and Los Alamos National Laboratories on cutting edge research and development programs.

New Mexico's Holloman Air Force Base in Alamogordo is also home to the 2007 X-PRIZE Cup competition, the world's largest air and space flight demonstration. In just a few days, on October 27 and 28, lunar lander vehicle competitions, launches, and air show performances will take place along with ground static displays of rockets, NASA displays, robotic displays, and military aircraft displays. I know that the competition will again be fierce for the X-PRIZE Cup, and I am very excited that all the action will take place in New Mexico.

I am proud of New Mexico's role and rich history in space and with NASA. It is a great honor for New Mexico to contribute in so many ways to this remarkable program which has played such a large role in our Nation's history and which continues to be so important to our advancement.

From the Mercury, Gemini, and Apollo missions of the 1960s space race to the shuttle age and beyond, NASA has been on the cutting edge of technology, and they are consistently pushing the limits of understanding. Through space exploration we continue to gain a clearer picture of the history of our universe, our planet, and ourselves.

In honor of 50 years of space flight, NASA will be hosting lecture series, future forums, and science expos throughout the country beginning this month and continuing through October of 2008. I am in awe of what NASA has done and can only anticipate what exciting things they will bring this country, and the world, over the next 50 years.

## ADDITIONAL STATEMENTS

## SANTA CLARA UNIVERSITY PARTICIPATION IN SOLAR DECATHLON

• Mrs. BOXER. Mr. President, I would like to take a moment to recognize the extraordinary efforts of one of the universities in my home State of California—Santa Clara University.

Twenty-eight SCU students are here in Washington this week to compete in the Solar Decathlon to build the most livable and energy efficient solar-powered house.

As one of only 20 university teams worldwide chosen by the U.S. Department of Energy to participate, the SCU team is making tremendous strides both on the Mall and in California to lead the charge in sustainable living. They are setting a fantastic example for youth throughout the Nation, and for future generations, in how we can work to save energy and reduce global warming pollution.

The SCU students have studied the innovative problem solving methods that are a staple of Silicon Valley and have incorporated those approaches in their work. They have gone above and beyond to demonstrate that people can have affordable, beautiful, functional housing that also saves energy, protects our environment, and reduces pollution.

In June, the SCU team started building their solar-powered home and then transported it across the country last month. Their state-of-the-art "green" home is fully equipped with bamboo I-beams, developed by the SCU engineering team, retractable walls, "smart" windows and solar thermal panels, in addition to generating its own solar electricity. The solutions to our environmental challenges lie in new technologies like these.

Buildings are responsible for 40 percent of greenhouse gas emissions. This means that taking the steps to make our homes more efficient will ensure a better, greener future for generations to come. Building energy efficient homes and buildings, increasing our use of solar power, and expanding the use of clean, renewable energy sources are some of the best ways to reduce the pollution that causes global warming.

I again commend the students of Santa Clara University for making the trip to Washington and for their efforts to blaze the trail for a better, cleaner environment.•

## TRIBUTE TO JUSTICE WILLIAM E. McANULTY, JR.

• Mr. DODD. Mr. President, I speak in memory of my dear friend, William E. McAnulty, Jr., justice of the Kentucky State Supreme Court. He died last month of lung cancer, at the age of 59.

Justice McAnulty should have been with us for many more years. But Bill lived a life that could have been called complete no matter when his book closed—complete because it was full of love, full of humor, and full of pathbreaking work.

Bill jumped at the chance to be the first African American to serve on Kentucky's Supreme Court, declaring that he didn't have time to wait to make history. "And to those many, many before me," he added, "thank you for not waiting."

And Justice McAnulty knew that, just as he owed a debt to the civil rights pioneers who came before him, he in turn would be remembered by those who came after: After his success, he said, black lawyers "will understand the door is open and they are able like any other lawyer or judge to enter. I've looked at my entire career as being someone who could pave the way for others behind me."

"He was simply born to be a judge," said a prominent Kentucky attorney. But when I met Bill at the University of Louisville law school, his accomplishments on the bench were still far in the future.

What I remember most from our student days together is his mischievous streak for practical jokes and his crackling sense of humor—qualities that served him wonderfully as a judge.

When a lawyer paused in the middle of a lengthy closing statement and asked Bill to wake a snoring juror, he replied: "You put him to sleep. You wake him up." And when this University of Louisville graduate and lifelong Democrat was preparing for brain surgery in the last days of his life, he asked the doctor for assurances that he wouldn't wake up a University of Kentucky fan or with the judicial perspective of Justice Clarence Thomas.

Bill faced his sudden illness and his imminent death with a bravery I wish we could all be blessed to emulate. In one sense, it was deeply unfair for that sickness to strike only a year after his crowning achievement, service on his State's highest court. But as Bill would have told us, only a false measure of success could be stolen so easily.

Bill earned a much deeper kind. In the words of Ralph Waldo Emerson quoted at his funeral: "To laugh often and much; . . . To know even one life has breathed easier because you have lived—this is to have succeeded."

So I join Bill's surviving loved ones—his father William, his wife Kristi, and his four children—in their sadness. At the funeral, the presiding pastor implored Kentucky's Governor, "We know you can't give us another Judge McAnulty, but please give us somebody like him."

A success like the life of Justice William E. McAnulty, Jr., is no cause for mourning. But we grieve Bill's death, and I can't deny that I will miss this best of friends very, very much.•

## BORDER BINATIONAL HEALTH WEEK

• Mr. DOMENICI. Mr. President, I wish to commemorate Border Binational Health Week. Being that New Mexico is a border State, I have great interest in honoring the citizens of my State who live and work near the border.

Border Binational Health Week, which is celebrated this week, is a way for border States to promote sustainable partnerships to help address border health issues. This year's theme is "Families in Action for Health," which is an effort to make sure all people are healthy, and families working together can make sure that happens. Border States have a unique set of concerns citizens elsewhere may not experience. By recognizing Border Binational Health Week, we can begin a dialogue on these issues, between countries.

Several events are being held around the State to raise awareness. The events include a Red Ribbon Rally Parade and Health Fair in Sunland Park; a Family Health Fair in Las Cruces; a Health Disparities Forum in Silver City; a 1½ mile Walk out West in Alamogordo; and a Youth Promotora Training and Educational Workshop in Animas and Lordsburg. Each of these activities help promote healthy living in border States, and especially border communities.

It is my hope that border health will be discussed not only during this week but all year long.•

## RECOGNIZING CANYON ROAD

• Mr. DOMENICI. Mr. President, I wish to recognize the city of Santa Fe and their award for one of 2007's Great Streets. Canyon Road was showcased by the American Planning Association as being one of the top 10 streets in the country.

Canyon Road is unique in that it combines elements of commercial and residential living in a way that makes guests want to visit this street time and again. It is the heart of the residential arts and crafts district, and many artists sell their work on this street. Canyon Road is loaded with art galleries that draw crowds of art connoisseurs and simple lovers of art. Art is a huge part of the culture in Santa Fe, and Canyon Road epitomizes that culture. This street is enjoyed by locals and tourists alike.

It is great to see Santa Fe recognized along with cities like New York City and St. Louis. Canyon Road was listed alongside other famous roads, such as North Michigan Avenue in Chicago and Ocean Drive in Miami. It is great to see the character and distinctiveness of my State represented on lists such as these. The American Planning Association has only solidified what New Mexicans already know, that this street is a place all should enjoy. I invite all of you to visit New Mexico and go take a leisurely stroll down the legendary Canyon Road. •

## HONORING MARNEE'S COOKIES

• Ms. SNOWE. Mr. President, today I recognize Marnee's Cookies, a growing small business from my home State of Maine that recently opened its first retail store in Bath, ME. Marnee's Cookies, a premier gourmet cookie company, held the grand opening of Marnee's Cookie Bistro on September 28 to great fanfare. Originally operated out of owner Marnee Robinson's kitchen, the business is now based out of a 4,000 square-foot facility in downtown Bath, which serves as both a cookie factory and retail store.

Baking from an early age, Ms. Robinson has developed and refined the quintessential cookie by combining the arts of baking and design. For years, family and friends have enjoyed her two signature cookies—Nirvana and Serendipity—that became the genesis and impetus for her business. In 2005, Ms. Robinson's entrepreneurial dream became a reality when Marnee's Cookies was founded, offering 13 types of gourmet cookies. Originally begun as a home-based Internet company run solely by Ms. Robinson, the demand for her product quickly expanded into a booming business with loyal customers around the world, from Maine to California, and Paris to India. In fact, Internet orders were so strong that Ms. Robinson was working 18-hour days to ship cookies worldwide. As a result, her growing business needed a facility to accommodate the increasing demand.

The expansion of Marnee's Cookies was made possible by a $150,000 community development block grant. These grants are awarded to small businesses that will, in turn, contribute to economic development and job creation. The city of Bath saw great potential in Ms. Robinson's business plan and applied for the grant on her behalf. I am confident the grant will be beneficial to Marnee's Cookies, enabling it to further expand its reach and create additional jobs and opportunities for Bath's residents.

Marnee's Cookies is also to be commended for its active involvement in local community and charity events. Cookies are regularly donated to local events and nonprofit organizations ranging from the Bath Soup Kitchen to St. Jude Children's Research Hospital. Additionally, Marnee's Cookies holds an annual charity event on December 4—National Cookie Day—with a portion of all holiday orders donated to a local charity. These gracious acts of philanthropy cannot go unnoticed and are a shining example of a small business going above and beyond to serve the local community.

Marnee's Cookies is truly a success story and a bright example of what small businesses can accomplish with measured expansion and consistent determination. I congratulate Marnee Robinson for her entrepreneurial spirit and for being an exceptional role model for Maine and the Nation. We at the Senate wish Marnee's Cookies all the best for many more successful years to come.•

## RECOGNIZING THE SALVATION ARMY

• Mr. THUNE. Mr. President, today I wish to recognize the Rapid City Chapter of the Salvation Army as they celebrate 100 years of dedicated service to the local community.

For the last century, the Salvation Army of Rapid City has stood ready to assist South Dakotans of all ages through a variety of services including disaster relief, food and nutrition services, family counseling, health services, and many others. They own and operate the Black Hills Salvation Army Camp and the Rapid City Salvation Army Thrift Store. This "church with its sleeves rolled up" serves as a shining example of an organization that is meeting the needs of South Dakota's citizens both physically and spiritually.

The Salvation Army would not be able to perform its invaluable mission without the hard work and dedication of the many volunteers and officers who have put in countless hours serving the needs of others. These compassionate individuals are truly the backbone of the Rapid City community and I hope that their service will inspire others to lend a helping hand.

It gives me great pleasure to rise with the State of South Dakota in congratulating the Salvation Army of Rapid City on this important anniversary and wish them continued success in the years to come.•

## MESSAGE FROM THE HOUSE

### ENROLLED BILL SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1495. An act to provide for the conservation and development of water and related sources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

At 3:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2102. An act to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

H.R. 2295. An act to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 182. Concurrent resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

H. Con. Res. 225. Concurrent resolution honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 400. An act to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2102. An act to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

S. 2179. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

S. 2180. A bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

S. 2184. A bill to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.

S. 2185. A bill to permanently extend the current marginal tax rates.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3629. A communication from the Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Community Connect Broadband Grant Program" (RIN0572–AC09) received on October 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3630. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a meeting held on July 17, 2007, by the Strategic Materials Protection Board; to the Committee on Armed Services.

EC–3631. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (2) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3632. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification of the Department's decision to conduct a streamlined competition for intermediate level ship maintenance support functions; to the Committee on Armed Services.

EC–3633. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to the expected date of completion of an interim report on the needs of returning members of the National Guard and Reserve; to the Committee on Armed Services.

EC–3634. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 52796) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3635. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 52820) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3636. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (72 FR 52793) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3637. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 50250) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3638. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 50255) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3639. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 53955) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3640. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (72 FR 54588) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3641. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (72 FR 54591) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3642. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Establish Catch Accounting Requirements for Processors/First Receivers Participating in the Pacific Whiting Shoreside Fishery" (RIN0648–AV46) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3643. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area" (RIN0648–AU68) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3644. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XC55) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3645. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648–XC22) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3646. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel With Gears Other than Jig in the Eastern Aleutian District and the Bering Sea Subarea in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XC56) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3647. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XC57) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3648. A communication from the Director for Bilateral Agreements, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Mexican Cement Import Licensing System" (RIN0625–AA70) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3649. A communication from the Deputy Assistant General Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Administrator, received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3650. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework Adjustment 1 to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan" (RIN0648–AT62) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3651. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648–XC66) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3652. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Total Allowable Catch Harvested for Management Area 1A)" (RIN0648–XC24) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3653. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Connecticut 2007 Summer Flounder Commercial Fishery)" (RIN0648–XC21) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3654. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska" (RIN0648–XC46) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3655. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648–XC26) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3656. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648–XC47) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3657. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648–XC43) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3658. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648–XC52) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3659. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648–XC48) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3660. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands" (RIN0648–XC54) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3661. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Coastwide 2007 Summer Period Scup Commercial Fishery)" (RIN0648–XC70) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3662. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of Final Temporary Rule for Interim Measures to Address Overfishing of Gulf of Mexico Red Snapper During 2007" (RIN0648–AT87) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3663. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework Adjustment 4 to the Monkfish Fishery Management Plan" (RIN0648–AU34) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3664. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Final Rule; Correction" (RIN0648–AV95) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3665. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment 85 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area to Allocate Pacific Cod Among Harvesting Sectors" (RIN0648–AU48) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3666. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the Administration's Strategic Plan for fisheries research; to the Committee on Commerce, Science, and Transportation.

EC–3667. A communication from the General Counsel, Department of Commerce, transmitting, legislation entitled, "Space Commerce Act of 2007"; to the Committee on Commerce, Science, and Transportation.

EC–3668. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Regulatory Program" (Docket No. VA–125–FOR) received on October 15, 2007; to the Committee on Energy and Natural Resources.

EC–3669. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (Docket No. IN–156–FOR) received on October 15, 2007; to the Committee on Energy and Natural Resources.

EC–3670. A communication from the Associate Deputy Secretary of the Interior, transmitting, pursuant to law, a report relative to the general social, political, and economic conditions in the Republic of the Marshall Islands; to the Committee on Energy and Natural Resources.

EC–3671. A communication from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, two draft documents relative to the Yucca Mountain Project; to the Committee on Energy and Natural Resources.

EC–3672. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2006; to the Committee on Energy and Natural Resources.

EC–3673. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Control of Particulate Matter From Pulp and Paper Mills" (FRL No. 8484–5) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3674. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Mercer County Portion of the Youngstown-Warren-Sharon, OH–PA 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's MaintenancePlan and 2002 Base Year Inventory" (FRL No. 8484–3) received on October15, 2007; to the Committee on Environment and Public Works.

EC–3675. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans and Operating Permits Program; State of Iowa" (FRLNo. 8483–1) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3676. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Georgia: Redesignation of Murray County, Georgia 8-Hour Ozone Nonattainment Area to Attainment for Ozone" (FRL No. 8482–4) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3677. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky: Performance Testing and Open Burning" (FRL No. 8482–5) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3678. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri; Transportation Conformity" (FRL No. 8483–3) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3679. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Total Reduced Sulfur From Pulp and Paper Mills" (FRL No. 8484–4) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3680. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Central Indiana to Attainment of the 8-Hour Ozone Standard" (FRL No. 8484–2) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3681. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluazinam; Pesticide Tolerance" (FRL No. 8152–4) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3682. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to Definition of Cogeneration Unitin Clean Air Interstate Rule, CAIR Federal Implementation Plans, Clean Air Mercury Rule; and Technical Corrections to CAIR, CAIR FIPs, CAMR, and Acid Rain Program Rules" ((RIN2060–AO33)(FRL No. 8483–7)) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3683. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled, "FY 2006 Superfund Five-Year Review Report to Congress"; to the Committee on Environment and Public Works.

EC–3684. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Limited Work Authorizations for Nuclear Power Plants" (RIN3150–AI05) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3685. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offset of Tax Refund Payments to Collect Past-Due Support" (RIN1510–AB16) received on October 15, 2007; to the Committee on Finance.

EC–3686. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 2007–62) received on October 15, 2007; to the Committee on Finance.

EC–3687. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I Issue: Section 118 Abuse Directive No. 3" (Docket No. LMSB–04–1007–069) received on October 15, 2007; to the Committee on Finance.

EC–3688. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2007–82) received on October 15, 2007; to the Committee on Finance.

EC–3689. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interest Rate Modifications Under the Pension Protection Act of 2006" (Rev. Proc. 2007–81) received on October 15, 2007; to the Committee on Finance.

EC–3690. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payment of Federal Taxes and the Treasury Tax and Loan Program" (RIN1510–AB01) received on October 15, 2007; to the Committee on Finance.

EC–3691. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–201–2007–212); to the Committee on Foreign Relations.

EC–3692. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles and services to the Republic of Korea to support the manufacture of F–16 airframe structural components; to the Committee on Foreign Relations.

EC–3693. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense services to Denmark, the Netherlands, and Belgium in support of the MK 41 Vertical Launching System; to the Committee on Foreign Relations.

EC–3694. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles and services to Japan to support the manufacture of F–15 electrical generators; to the Committee on Foreign Relations.

EC–3695. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a request for Foreign Military Financing funds for the Government of Egypt for the production of 125 M1A1 Abrams Tanks; to the Committee on Foreign Relations.

EC–3696. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles and services to Australia for the manufacture of materials relative to the Australian Mulwala Gun Propellant and Explosive Plant upgrade; to the Committee on Foreign Relations.

EC-3697. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the development of requirements for the licensing of cord blood units; to the Committee on Health, Education, Labor, and Pensions.

EC-3698. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling; Health Claims; Dietary Noncariogenic Carbohydrate Sweeteners and Dental Caries" (Docket No. 2006P-0487) received on October 15, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3699. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Advisory Committee; Risk Communication Advisory Committee; Establishment" (21 CFR Part 14) received on October 15, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3700. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations" (Docket No. 2000N-1596) received on October 16, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3701. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (72 FR 52471) received on October 16, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3702. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Solicitor of Labor, received on October 16, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3703. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ended March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3704. A communication from the Director, Strategic Human Resource Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Dental and Vision Insurance Program" (RIN3206-AL03) received on October 15, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3705. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Audit of Advisory Neighborhood Commission 7C for Fiscal Years 2005 Through 2007, as of March 31, 2007"; to the Committee on Homeland Security and Governmental Affairs.

EC-3706. A communication from the Chief Acquisition Officer, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-20; Introduction" (FAC 2005-20) received on October 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3707. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, "Actions Taken on Office of Inspector General Recommendations"; to the Committee on Homeland Security and Governmental Affairs.

EC-3708. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Audit of Advisory Neighborhood Commission 6A for Fiscal Years 2005 Through 2007, as of March 31, 2007"; to the Committee on Homeland Security and Governmental Affairs.

EC-3709. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Designation of Oripavine as a Basic Class of Controlled Substance" (Docket No. DEA-309F) received on October 16, 2007; to the Committee on the Judiciary.

EC-3710. A communication from the White House Liaison, Office of the Attorney General, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Attorney General, received on October 16, 2007; to the Committee on the Judiciary.

EC-3711. A communication from the Assistant Attorney General for Administration, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Final Rule for 'El Paso Intelligence Center Seizure System'" (AAG/A Order No. 032-2007) received on October 15, 2007; to the Committee on the Judiciary.

EC-3712. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing; Revision to Response Time for Requesting a Technical Review of a Physical Inspection Report" (RIN2502-AI43) received on October 15, 2007; to the Committee on Banking, Housing, and Urban Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 2173. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2174. A bill to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 2175. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself, Mr. KERRY, Mr. SMITH, Mr. AKAKA, Mrs. BOXER, Mr. DORGAN, Mr. INOUYE, Ms. STABENOW, and Mr. TESTER):

S. 2176. A bill to promote the development of Native American small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. MCCASKILL:

S. 2177. A bill to prohibit the payment of individuals to reserve a place in line for a seat for a lobbyist at a congressional committee hearing or business meeting; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself and Mr. HATCH):

S. 2178. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 2179. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; read the first time.

By Mr. BINGAMAN:

S. 2180. A bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; read the first time.

By Ms. COLLINS (for herself, Mr. CASEY, Mr. BOND, Ms. CANTWELL, Mr. ROBERTS, and Mr. REED):

S. 2181. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

By Mr. REED (for himself and Mr. SMITH):

S. 2182. A bill to amend the Public Health Service Act with respect to mental health services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. REED):

S. 2183. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. DOLE:

S. 2184. A bill to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days; read the first time.

By Mr. GRAHAM:

S. 2185. A bill to permanently extend the current marginal tax rates; read the first time.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. SANDERS):

S. 2186. A bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON (for herself and Mr. CASEY):

S. 2187. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care workforce development initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. SALAZAR, Mr. SMITH, Mr. AKAKA, and Mr. SANDERS):

S. 2188. A bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program; to the Committee on Finance.

By Mr. DODD (for himself and Mr. DURBIN):

S. 2189. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 2190. A bill to amend title XVIII of the Social Security Act to provide for the inclusion of barbiturates and bezodiazepines as covered part D drugs beginning in 2008; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mrs. BOXER, Mr. DURBIN, Mr. CARDIN, Mr. OBAMA, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SCHUMER, Mr. REED, Mr. DODD, Mrs. FEINSTEIN, Mr. KOHL, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. LAUTENBERG, and Mr. CASEY):

S. Res. 349. A resolution honoring Vice President Albert Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their efforts to promote understanding of the threats posed by global warming; considered and agreed to.

By Mr. HATCH (for himself, Mr. BENNETT, Mrs. DOLE, and Mr. BURR):

S. Res. 350. A resolution honoring the achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies, winners of the 2007 Nobel Prize in Physiology or Medicine; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 886

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 886, a bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 903

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1194

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1194, a bill to improve the No Child Left Behind Act of 2001, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1249

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1249, a bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1259

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1284

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1284, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 1382

At the request of Mr. REID, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1430

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1544

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1544, a bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1669

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1669, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program (SCHIP) for covered items and services furnished by school-based health clinics.

S. 1718

At the request of Mr. Brown, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1809

At the request of Mr. Thune, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of S. 1809, a bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, a section 403(b) contract, or a section 457 plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums.

S. 1833

At the request of Mr. Nelson of Florida, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 1833, a bill to amend the Consumer Product Safety Act to require third-party verification of compliance of children's products with consumer product safety standards promulgated by the Consumer Product Safety Commission and for other purposes.

S. 1858

At the request of Mr. Dodd, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1921

At the request of Mr. Webb, the names of the Senator from Georgia (Mr. Chambliss) and the Senator from Florida (Mr. Martinez) were added as cosponsors of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1930

At the request of Mr. Wyden, the names of the Senator from Washington (Ms. Cantwell), the Senator from Illinois (Mr. Durbin) and the Senator from Vermont (Mr. Sanders) were added as cosponsors of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1951

At the request of Mr. Baucus, the name of the Senator from Georgia (Mr. Isakson) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. Baucus, the names of the Senator from South Dakota (Mr. Johnson) and the Senator from Ohio (Mr. Brown) were added as cosponsors of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1958

At the request of Mr. Conrad, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1998

At the request of Mr. Durbin, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2002

At the request of Mr. Hatch, the name of the Senator from Kentucky (Mr. Bunning) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2035

At the request of Mr. Specter, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2053

At the request of Mr. Feingold, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 2053, a bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve elementary and secondary education.

S. 2063

At the request of Mr. Gregg, the name of the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2067

At the request of Mr. Martinez, the name of the Senator from Georgia (Mr. Chambliss) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2088

At the request of Mr. Feingold, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 2088, a bill to place reasonable limitations on the use of National Security Letters, and for other purposes.

S. 2119

At the request of Mr. Johnson, the names of the Senator from Oregon (Mr. Wyden) and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2135

At the request of Mr. Durbin, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 2135, a bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S. 2140

At the request of Mr. Dorgan, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2152

At the request of Mr. McConnell, the names of the Senator from Georgia (Mr. Chambliss), the Senator from Kansas (Mr. Brownback) and the Senator from South Carolina (Mr. Graham) were added as cosponsors of S. 2152, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes.

S. 2153

At the request of Mr. Reed, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. 2153, a bill to amend the Truth in Lending Act to enhance disclosure of the terms of home mortgage loans, and for other purposes.

S. 2166

At the request of Mr. Casey, the name of the Senator from Minnesota (Mr. Coleman) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2172

At the request of Mr. McCAIN, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S. RES. 348

At the request of Ms. MURKOWSKI, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 348, a resolution supporting the goals and ideals of Red Ribbon Week.

AMENDMENT NO. 3320

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. McCAIN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 3320 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3321

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. McCAIN) was added as a cosponsor of amendment No. 3321 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 2173. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am introducing the FIT Kids Act. That first word, FIT, is an acronym for "Fitness Integrated with Teaching". The FIT Kids Act encourages schools to provide children with quality physical education that can help them lead healthier lives.

Since the 1970s, the incidence of obesity has more than doubled for preschool children aged 2–5 years and for young people aged 12–19 years, and has more than tripled for children aged 6–11 years. There are many reasons of this public health crisis, and addressing this crisis will require multiple solutions as well. One critical place to start is in our schools. The Centers for Disease Control and Prevention has found that fewer than 10 percent of our public schools at all levels offer daily physical education or its equivalent for the entire school year for all students.

The FIT Kids Act would amend the No Child Left Behind Act to support quality physical education for all public school children through grade 12, and ensure they receive important health and nutritional information. As a senior member of the Senate Health, Education, Labor and Pensions Committee, I have been working with Chairman KENNEDY and my other colleagues to reauthorize the No Child Left Behind Act in a way that improves on existing law, and gives schools and educators the resources they need to succeed.

It is truly alarming to see the discrepancies in achievement between children in the United States and children abroad. Here in the U.S., we have a wide and persistent achievement gap that is leaving behind children of color, young people from disadvantaged backgrounds, and children with disabilities. I believe that the No Child Left Behind Act gives us a framework to reduce, and hopefully close, this achievement gap to ensure that children from all walks of life are achieving at high levels. I believe that we can and will reauthorize the No Child Left Behind Act in a way that preserves its essential reforms and continues the progress we have made over the nearly 6 years since the act became law.

Unfortunately, despite the law's lofty goals, many educators have come to see it as a burden and a hindrance to effective classroom practices. I admit I share many of their concerns. I am particularly concerned about reports of imbalances and distortions that have come about as various States and the Federal Government have pushed for higher standards and greater accountability. Earlier this year, the Center on Education Policy, here in Washington, released a study showing that, as a result of NCLB, many school districts have cut back on the time spent teaching subjects other than math and reading.

I am especially concerned by the finding that time spent on physical education has dropped by 9 percent, and recess by 6 percent. A new elementary school in Atlanta was actually built without a playground! This is just plain wrong-headed and short-sighted for two big reasons: one, we are fighting a childhood obesity epidemic of frightening proportions. Two, as any teacher or parent knows, kids have got to have time to play and burn off energy if they are going to be in a proper frame of mind to learn.

This legislation will provide parents with information on the time and resources devoted to giving their children a quality physical education. Specifically, the bill will amend the State, local education agency, and school report cards to include measures of physical education tied to nationally recognized guidelines and standards. It is important to note, however, that this legislation will not amend the school accountability process to include measures of physical education. However, by including this new information on report cards we will give parents the data they need in order to assess whether their children are receiving an appropriate physical education.

In addition, the bill promotes teacher professionalism in the field of physical education in order to promote healthy lifestyles and physical activity, and thereby to boost students' readiness to learn. The bill promotes physical activity in after-school programs. It amends the school counseling program to take into account students' emotional and physical wellbeing. It supports efforts to train parents to encourage healthy behaviors and physical activity.

Finally, this legislation authorizes research into the ways physical activity can be incorporated into all aspects of the school day, as well as research into the impact of physical activity on students' ability to learn, and into the best ways to measure student progress in increasing physical activity.

I am pleased that this bill is strongly supported by the American Heart Association, the National Parent Teacher Association, the American School Counselor Association, YMCA of the USA, National Association for Sport and Physical Education, the Campaign to End Obesity, and many other leading organizations in the fields of education and health.

The FIT Kids Act shines a spotlight on children's heath and how our schools can play a greater role in teaching our children healthy behaviors. As we move forward in reauthorizing the No Child Left Behind Act, we cannot neglect the importance of proper physical education. Students should be learning healthy behaviors and the importance of physical activity, and why these lessons will be important throughout their lives. The FIT Kids Act provides the framework to accomplish this. I urge my colleagues to support this bill.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2174. A bill to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation to name the Post Office in Tiffin, Ohio, after the late U.S. Representative Paul E. Gillmor. It is my honor to introduce this bill because of my close relationship with Congressman Gillmor, and the utmost respect I have for him and his service to the people of Ohio. I would like to thank Senator BROWN for his cosponsorship.

Paul and I met four decades ago in 1967 when we began our careers together, Paul as a State senator and I as a member of the Ohio House. Paul was immensely successful and well-respected because he treated others with dignity and respect.

During his tenure as president of the Ohio Senate, he was able to put partisan politics aside and work together with Governor Celeste for the best interests of the state.

Paul had a wonderful knack for being able to work with people to get things done. He led by example, and his enthusiasm and ability always made you want to be on his team. He left an indelible mark on the people he worked with which is a part of his wonderful, lasting legacy.

When I came to the Senate I knew I had a real friend in Paul Gillmor. My only regret is that I did not have more time to spend with him.

Because of Paul's diligent and devoted service to his country, it is fitting that the post office in Tiffin, Ohio, should soon bear his name. Not far from his small home town of Old Fort, Ohio; Tiffin was chosen in concurrence with the wishes of his wife, Karen Gillmor.

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By Mrs. CLINTON:

S. 2175. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to reintroduce the Family Asthma Act, legislation that would improve our federal government's response to this epidemic. The number of people with asthma has more than doubled in the past twenty years, and today, more than 32 million Americans, including more than 9 million children, have been diagnosed with asthma. By 2020, asthma is expected to strike 1 in 14 Americans and 1 in 5 families.

While deaths and hospitalizations from asthma are decreasing, the disease has a disproportionate impact among racial and ethnic minority populations. The emergency department visit rate for blacks seeking asthma treatment was 350 percent higher than that of the rates of whites, while the hospitalization rate for blacks with asthma was 240 percent higher than the rate of whites with asthma. Puerto Rican populations are 95 percent more likely to be diagnosed with asthma than white populations. Women are also disproportionately impacted, with asthma hospitalization rates approximately 35 percent higher among females than males.

Our legislation seeks to reverse these disparities. It would set up pilot projects to increase patient self-management, and allow for a better understanding of the environmental factors, like indoor and outdoor air pollution, that contribute to asthma. It would improve our surveillance and education efforts through the Centers for Disease Control and Prevention, so that we identify and target interventions to the populations with the highest burdens of asthma. And it would train providers to recognize the links between environmental pollution and asthma, in order to better treat and manage this condition.

This legislation contains the following components: it establishes pilot projects to improve asthma management and increase our knowledge of the environmental and genetic links to asthma. The Family Asthma Act establishes a $10 million annual grant program through the National Institutes of Health to establish pilot research projects that assist patients with asthma management. These projects will also allow scientists to engage in research on the environmental and genetic factors that contribute to severe, persistent asthma.

It directs our Government's asthma coordinating body to review and make recommendations for future directions in research and interventions. This legislation directs the National Asthma Education and Prevention Program to review current private and public sector efforts in combating asthma, and make recommendations as to how to strengthen those efforts in order to reduce the impact of this disease upon our health care system.

It increases funding to the CDC for education and surveillance. The bill provides $10 million annually to increase CDC's educational efforts, with state, local and nonprofit partners, to raise awareness of both asthma and ways to manage the disease. It also increases the scope of CDC's asthma surveillance activities to include hospitalization data, so as to better measure the impact of asthma at both the national and local level.

It creates a fellowship program to train providers about the links between the environment and asthma. Through this bill, the National Institutes of Environmental Health Sciences will set up a $2 million fellowship program to help a broad spectrum of health care providers learn about the links between the environment and asthma, and increase their ability to address those links in clinical practice and asthma management programs.

I look forward to working with my colleagues in the Senate to move this legislation forward and address the growing incidence of asthma in our country.

I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

AMERICAN LUNG ASSOCIATION,
*Washington, DC, October 17, 2007.*

Hon. HILLARY RODHAM CLINTON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR CLINTON: The American Lung Association strongly supports your Family Asthma Act. Once enacted into law, this measure will result in much-needed research into factors contributing to asthma and the alarming effects of asthma on the health of Americans, particularly children, minorities, women and the elderly.

As you know, over 22 million Americans currently have asthma, including more than six million children. Asthma is the leading cause of chronic illness among children in the U.S. and the third-leading cause of hospitalization among kids under 15 years of age. It also results in almost 13 million days of missed school annually. Asthma takes a significant toll on the public, increasing absenteeism from work, as well as the financial burden of asthma treatment. The Centers for Disease Control and Prevention (CDC) estimates that 11 million workdays are missed annually as a result of asthma and it is estimated to cost almost $15 billion in direct health care costs each year. Asthma also disproportionately affects women and minorities.

The introduction of this legislation comes at an important time: this week, the National Asthma Education and Prevention Program is issuing revised guidelines, emphasizing the importance of asthma control and suggesting new approaches for monitoring asthma. The new guidelines will help doctors and their patients select a treatment based on the patient's needs and level of asthma, emphasizing the importance of regularly monitoring the patient's asthma level so that treatments can be adjusted necessary.

However, despite these new guidelines, nationwide efforts to monitor asthma prevalence are hampered by a lack of consistent data. Your legislation will require that asthma surveillance activities be conducted so that critical information on the prevalence and severity of asthma, the effectiveness of public health asthma interventions and the quality of asthma management is collected. The Family Asthma Act will also require greater federal coordination to create a national plan to combat asthma.

Thank you for your leadership on this critical public health issue. The American Lung Association looks forward to working with you to see the Family Asthma Act become law.

Sincerely,
BERNADETTE A. TOOMEY,
*President and CEO.*

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By Mr. KERRY (for himself and Mr. HATCH):

S. 2178. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

Mr. KERRY. Mr. President, one of the best ways that the United States can gain understanding and appreciation of other cultures is through the arts. Exposing children and adults alike to the creativity of other countries enriches our own artistic talents and helps bridge the gap between nations. It is for those reasons my colleague Senator HATCH and I have introduced the Arts Require Timely Service, ARTS, Act.

This legislation helps streamline the visa process and waive fees so that foreign artists and musicians can share their talents in the United States. Currently, the visa process for visiting artists is slow and costly, often times prohibiting artists from coming to the United States to share their talents. Breaking down these barriers is important and we shouldn't let the politics of immigration interfere with expanding our cultural horizons.

I am proud to stand with Senator HATCH and the Performing Arts Visa Task Force to try and help artists visit our country and inspire our communities. I hope our colleagues will join us and pass this sensible reform to expedite cultural exchanges and artistic expression.

Mr. HATCH. Mr. President, I rise today to join with Senator JOHN KERRY in introducing the Arts Require Timely Service, ARTS, Act. The ARTS Act would reduce the current processing times for "O" and "P" arts-related visa petitions filed by, or on behalf of, nonprofit arts-related organizations to a maximum of 45 days.

Unfortunately, delays by the U.S. Citizenship and Immigration Services are making it increasingly difficult for international artists to appear in the U.S. Nonprofit arts organizations confront long waits and uncertainty in gaining approval for visa petitions for foreign artists. Most nonprofit arts cannot afford the Premium Processing Service, guaranteeing processing within 15 days upon payment of an additional $1,000 fee per petition. This is burdensome for many nonprofit arts organizations leaving them to await the unpredictability of the regular visa process.

Performances and other cultural events are date, time and location-specific. The nature of scheduling, booking, and confirming highly sought-after guest soloists and performing groups requires that the timing of the visa process be efficient and reliable. There is a continuing risk that foreign guest artists will be unable to enter the U.S. in time for their engagements, causing burdens on nonprofit arts organizations, international artists, and the local artists who were scheduled to perform alongside the international guest.

In my home State of Utah, the Utah Symphony & Opera has witnessed firsthand how delays and unpredictability in artist visa processing have denied Utahns the opportunity to experience international artistry. To make matters worse, cancellations create high economic risks for these nonprofit arts institutions as they must sell tickets in advance, creating a financial obligation to their audiences.

Congress has already indicated strong, bipartisan support for the ARTS Act. In fact, the provision enjoys support from key House and Senate Judiciary Committee members and it was included in the 2006 Senate comprehensive immigration reform bill. I agree with Homeland Security Secretary Michael Chertoff when he said, "Our heritage and our national character inspire us to create a more welcoming society for those who lawfully come to our shores to work, learn, and visit." Indeed, this noncontroversial improvement to the artist visa process will strengthen our ties with other countries, enrich our Nation's culture, and provide a wonderful opportunity to learn from foreign artists.

I encourage my colleagues to support the ARTS Act.

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By Ms. COLLINS (for herself, Mr. CASEY, Mr. BOND, Ms. CANTWELL, Mr. ROBERTS, and Mr. REED):

S. 2181. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join Senators CASEY, BOND, CANTWELL, ROBERTS and REED in introducing legislation, the Home Health Care Access Protection Act, to prevent the devastating 11.75 percent cut that the Centers for Medicare and Medicaid Services, CMS, is planning to make in Medicare home health payment rates over the next 4 years.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled and often technically complex services that our Nation's home health agencies provide have helped to keep families together and enabled millions of our most frail and vulnerable older and disabled persons to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes. Moreover, by helping these individuals to avoid more costly institutional care, they are saving Medicare millions of dollars each year.

That is why I find it so ironic that the Medicare home health benefit is once again under attack.

The House version of the SCHIP reauthorization bill proposed cutting Medicare home health spending by $2.6 billion over 5 years, and the Senate may soon be considering similar cuts.

To make matters worse, CMS has proposed additional administrative cuts that are estimated to total more than $6 billion over the next 5 years. If allowed to go forward, this "double whammy" for home care will result in cuts in excess of $8.6 billion over 5 years from a program that costs less than $15 billion a year. This simply is not right, and it certainly is not in the best interest of our Nation's seniors who rely on home care to keep them out of hospitals, nursing homes and other institutions.

The administrative cuts proposed by CMS are based on the assertion that home health agencies have intentionally "gamed the system" by claiming that their patients have conditions of higher clinical severity than they actually have in order to receive higher Medicare payments. This unfounded allegation of "case mix creep" is based on what CMS contends to be an increase in the average clinical assessment "score" of home health patients over the last few years.

In fact, there are very real clinical and policy explanations for why the average clinical severity of home care patients' health conditions may have increased over the years. For example, the incentives built into the hospital DRG reimbursement system have led to the faster discharge of sicker patients. Advances in technology and changes in medical practice have also enabled home health agencies to treat more complicated medical conditions that earlier could only be treated in hospitals, nursing homes, or inpatient rehabilitation facilities.

These administrative cuts are proposed to go into effect on January 1. This would be devastating to home health agencies in Maine and across the Nation, particularly given that there is no evidence of intentional "gaming" on the part of home health agencies to warrant such a severe financial penalty.

Moreover, CMS has not made public any of the details of the research method, data and findings they used to justify the planned cuts, making it impossible for Congress or the public to evaluate the reliability or the validity of its actions.

What is of most concern to me, however, is that this unfair penalty is being assessed across the board, even for home health agencies that showed a decrease in their clinical assessment scores. If an individual home health agency is truly gaming the system, CMS should target that one agency, not penalize everyone.

The fact is that the Medicare home health benefit has already taken a larger hit in spending cuts over the past 10 years than any other Medicare benefit. In fact, home health as a share of Medicare spending has dropped from 8.7 percent in 1997 to 3.2 percent today, and is projected to decline to 2.6 percent of Medicare spending in 2015.

This downward spiral in home health spending began with provisions in the Balanced Budget Act of 1997, which resulted in a 50 percent cut in Medicare home health spending by 2001—far more than the Congress intended or the Congressional Budget Office projected.

And home health spending continues to be much lower than CBO projections. In 2000, the CBO projected that home health spending in 2006 would total $21.1 billion under the new home health prospective payment system. The actual total expenditures for home health last year were $13.2 billion. If home health agencies were engaging in the kind of widespread "upcoding" that CMS has alleged, home health spending would be exceeding CBO's projections. In fact, home health spending has been far less than expected.

Home health care has consistently proven to be a compassionate and cost-effective alternative to institutional care. Additional deep cuts will be completely counterproductive to our efforts to control overall health care costs. They will also place the quality of home health services at risk, particularly given ever-rising transportation, staffing, and technology costs. Cuts of this magnitude could leave some providers with no alternative but to reduce the number of home health visits or patient admissions, which would ultimately threaten seniors' access to care and clinical outcomes. Or they could cause them to close their doors altogether.

The legislation that we are introducing today will block the "case mix creep" cuts that were proposed by CMS as part of the final home health prospective payment system regulation in August. It will also establish a reliable and transparent process that the Department of Health and Human Services must use to justify that payment rate cuts are needed to account for improper changes in "case mix scoring." A companion bill to our legislation is being introduced in the House by Representative JIM MCGOVERN.

The Home Health Care Access Protection Act of 2007 will help to ensure that our seniors and disabled Americans continue to have access to the quality home health services they deserve, and I encourage all of my colleagues to sign on as cosponsors.

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By Mr. REED (for himself and Mr. SMITH):

S. 2182. A bill to amend the Public Health Service Act with respect to mental health services; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Community Mental Health Services Improvement Act. For decades, we have known that people suffering from mental illness die sooner, on average 25 years sooner, and have higher rates of disability than the general population. People with mental illness are at greater risk of preventable health conditions such as heart disease and diabetes. With this legislation, we are taking steps to address these disturbing trends.

We know that mental health and physical health are inter-related: each contributes to the other. Yet historically mental health and physical health have been treated separately. The vision of this legislation is that the two should be integrated in a single medical home.

In a recent survey, 91 percent of community mental health centers said that improving the quality of health care is a priority. However, only one-third have the capacity to provide health care on site, and only one-fifth provide medical referrals off site. The centers identified a lack of financial resources as the biggest barrier to integrating treatment.

Accordingly, this legislation provides grants to integrate treatment for mental health, substance abuse, and primary and specialty care. Grantees can use the funds for screenings, basic health care services on site, referrals, or information technology.

This legislation is also a comprehensive response to the workforce crisis identified by the President's New Freedom Commission on Mental Health. It provides grants for a wide range of innovative recruitment and retention efforts, from loan forgiveness and repayment programs, to placement and support for new mental health professionals, to expanding mental health education and training programs.

Finally, this legislation provides grants for tele-mental health in medically-underserved areas, and invests in health IT for mental health providers. These proposals address the twin goals of improving the quality of mental health treatment while expanding access to that treatment in rural and underserved areas.

This bipartisan legislation, which I am introducing with my colleague Senator SMITH, has the overwhelming support of the mental health community. It has been endorsed by the National Council for Community Behavioral Healthcare, the National Alliance on Mental Illness, Mental Health America, the Campaign for Mental Health Reform, and the American Psychological Association. I am especially grateful for the support of the Rhode Island Council of Community Mental Health Organizations, whose members treat close to 15,000 Rhode Islanders of all ages.

Today Senator SMITH and I are also introducing the Community Mental Health Infrastructure Improvements Act. It should be obvious that this legislation is a necessary complement to the Community Mental Health Services Improvement Act: Without community mental health centers, there can be no services to improve. Accordingly, this legislation provides grants to states for the construction and modernization of facilities that provide mental health services.

As a member of the Senate Committee on Health, Education, Labor, and Pensions, I will work to include these important initiatives in legislation that renews and improves Substance Abuse and Mental Health Services Administration, SAMHSA, programs. It is my hope that with its passage, we can begin to address the challenge of improving and expanding access to mental health services in a comprehensive way.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2182

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Mental Health Services Improvement Act".

### SEC. 2. FINDINGS.

Congress finds that—

(1) almost 60,000,000 Americans, or one in four adults and one in five children, have a mental illness that can be diagnosed and treated in a given year;

(2) mental illness costs our economy more than $80,000,000,000 annually, accounting for 15 percent of the total economic burden of disease;

(3) alcohol and drug abuse contributes to the death of more than 100,000 people and costs society upwards of half a trillion dollars a year;

(4) individuals with serious mental illness die on average 25 years sooner than individuals in the general population; and

(5) community mental and behavioral health organizations provide cost-efficient and evidence-based treatment and care for millions of Americans with mental illness and addiction disorders.

### SEC. 3. CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding at the end the following:

### "SEC. 520K. GRANTS FOR CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a qualified community mental health program defined under section 1913(b)(1).

"(2) SPECIAL POPULATIONS.—The term 'special populations' refers to the following 3 groups:

"(A) Children and adolescents with mental and emotional disturbances who have co-occurring primary care conditions and chronic diseases.

"(B) Adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

"(C) Older adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

"(b) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration and in coordination with the Director of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of coordinated and integrated services to special populations through the co-location of primary and specialty care services in community-based mental and behavioral health settings.

"(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require. Each such application shall include—

"(1) an assessment of the primary care needs of the patients served by the eligible entity and a description of how the eligible entity will address such needs; and

"(2) a description of partnerships, cooperative agreements, or other arrangements with local primary care providers, including community health centers, to provide services to special populations.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—For the benefit of special populations, an eligible entity shall use funds awarded under this section for—

"(A) the provision, by qualified primary care professionals on a reasonable cost basis, of—

"(i) primary care services on site at the eligible entity;

"(ii) diagnostic and laboratory services; or

"(iii) adult and pediatric eye, ear, and dental screenings;

"(B) reasonable costs associated with medically necessary referrals to qualified specialty care professionals as well as to other coordinators of care or, if permitted by the terms of the grant, for the provision, by qualified specialty care professionals on a reasonable cost basis on site at the eligible entity, of—

"(i) endocrinology services;

"(ii) oncology services;

"(iii) pulmonary/respiratory services; or

"(iv) cardiovascular services;

"(C) information technology required to accommodate the clinical needs of primary and specialty care professionals; or

"(D) facility improvements or modifications needed to bring primary and specialty care professionals on site at the eligible entity.

"(2) LIMITATION.—Not to exceed 15 percent of grant funds may be used for activities described in subparagraphs (C) and (D) of paragraph (1).

"(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(f) EVALUATION.—Not later than 3 months after a grant or cooperative agreement awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

"(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate the activities funded under this section. The report shall include an evaluation of the impact of co-locating primary and specialty care in community mental and behavioral health settings on overall patient health status and recommendations on whether or not the demonstration program under this section should be made permanent.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $50,000,0000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2013.".

### SEC. 4. INTEGRATING TREATMENT FOR MENTAL HEALTH AND SUBSTANCE ABUSE CO-OCCURRING DISORDERS.

Section 520I of the Public Health Service Act (42 U.S.C. 290bb-40) is amended—

(1) by striking subsection (i) and inserting the following:

"(j) FUNDING.—The Secretary shall make available to carry out this section, $14,000,000 for fiscal year 2009, $20,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2013. Such sums shall be made available in equal amount from amounts appropriated under sections 509 and 520A."; and

(2) by inserting before subsection (j), the following:

"(i) COMMUNITY MENTAL HEALTH PROGRAM.—For purposes of eligibility under this section, the term 'private nonprofit organization' includes a qualified community mental health program as defined under section 1913(b)(1).".

### SEC. 5. IMPROVING THE MENTAL HEALTH WORKFORCE.

(a) NATIONAL HEALTH SERVICE CORPS.—Section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)) is amended—

(1) in paragraph (1), by inserting after "that meet the requirements of section 334" the following: "and qualified community mental health programs as defined in section 1913(b)(1),"; and

(2) in paragraph (2)(A), by striking "community mental health center,".

(b) RECRUITMENT AND RETENTION OF MENTAL HEALTH PROFESSIONALS.—Subpart X of part D of title III of the Public Health Service Act (42 U.S.C. 256f et seq.) is amended by adding at the end the following:

### "SEC. 340H. GRANTS FOR RECRUITMENT AND RETENTION OF MENTAL HEALTH PROFESSIONALS.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to States, territories, and Indian tribes or tribal organizations for innovative programs to address the behavioral and mental health workforce needs of designated mental health professional shortage areas.

"(b) USE OF FUNDS.—An eligible entity shall use grant funds awarded under this section for—

"(1) loan forgiveness and repayment programs (to be carried out in a manner similar to the loan repayment programs carried out under subpart III of part D) for behavioral and mental health professionals who—

"(A) agree to practice in designated mental health professional shortage areas;

"(B) are graduates of programs in behavioral or mental health;

"(C) agree to serve in community-based non-profit entities, or as public mental health professionals for the Federal, State or local government; and

"(D) agree to—

"(i) provide services to patients regardless of such patients' ability to pay; and

"(ii) use a sliding payment scale for patients who are unable to pay the total cost of services;

"(2) behavioral and mental health professional recruitment and retention efforts, with a particular emphasis on candidates from racial and ethnic minority and medically-underserved communities;

"(3) grants or low-interest or no-interest loans for behavioral and mental health professionals who participate in the Medicaid program under title XIX of the Social Security Act to establish or expand practices in designated mental health professional shortage areas, or to serve in qualified community mental health programs as defined in section 1913(b)(1);

"(4) placement and support for behavioral and mental health students, residents, trainees, and fellows or interns; or

"(5) continuing behavioral and mental health education, including distance-based education.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

"(d) MATCHING REQUIREMENT.—The Secretary may not make a grant to an eligible entity under this section unless that entity agrees that, with respect to the costs to be incurred by the entity in carrying out the activities for which the grant was awarded, the entity will provide non-Federal contributions in an amount equal to not less than 35 percent of Federal funds provided under the grant. The entity may provide the contributions in cash or in kind, fairly evaluated, including plant, equipment, and services, and may provide the contributions from State, local, or private sources.

"(e) SUPPLEMENT NOT SUPPLANT.—A grant awarded under this section shall be expended to supplement, and not supplant, the expenditures of the eligible entity and the value of in-kind contributions for carrying out the activities for which the grant was awarded.

"(f) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(g) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

"(h) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to behavioral and mental health services in designated mental health professional shortage areas.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.".

(c) BEHAVIORAL AND MENTAL HEALTH EDUCATION AND TRAINING PROGRAMS.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

### "SEC. 506C. GRANTS FOR BEHAVIORAL AND MENTAL HEALTH EDUCATION AND TRAINING PROGRAMS.

"(a) DEFINITION.—For the purposes of this section, the term 'related mental health personnel' means an individual who—

"(1) facilitates access to a medical, social, educational, or other service; and

"(2) is not a mental health professional, but who is the first point of contact with persons who are seeking mental health services.

"(b) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish a program to increase the number of trained behavioral and mental health professionals and related mental health personnel by awarding grants on a competitive basis to mental and behavioral health nonprofit organizations or accredited institutions of higher education to enable such entities to establish or expand accredited mental and behavioral health education programs.

“(c) APPLICATION.—

“(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

“(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants that—

“(1) demonstrate a familiarity with the use of evidenced-based methods in behavioral and mental health services;

“(2) provide interdisciplinary training experiences; and

“(3) demonstrate a commitment to training methods and practices that emphasize the integrated treatment of mental health and substance abuse disorders.

“(e) USE OF FUNDS.—Funds awarded under this section shall be used to—

“(1) establish or expand accredited behavioral and mental health education programs, including improving the coursework, related field placements, or faculty of such programs; or

“(2) establish or expand accredited mental and behavioral health training programs for related mental health personnel.

“(f) REQUIREMENTS.—The Secretary may award a grant to an eligible entity only if such entity agrees that—

“(1) any behavioral or mental health program assisted under the grant will prioritize cultural competency and the recruitment of trainees from racial and ethnic minority and medically-underserved communities; and

“(2) with respect to any violation of the agreement between the Secretary and the entity, the entity will pay such liquidated damages as prescribed by the Secretary.

“(g) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

“(h) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

“(i) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to behavioral and mental health services in designated mental health professional shortage areas.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,0000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.”.

### SEC. 6. IMPROVING ACCESS TO MENTAL HEALTH SERVICES IN MEDICALLY-UNDERSERVED AREAS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by inserting after section 520A the following:

### “SEC. 520B. GRANTS FOR TELE-MENTAL HEALTH IN MEDICALLY-UNDERSERVED AREAS.

“(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants to eligible entities to provide tele-mental health in medically-underserved areas.

“(b) ELIGIBLE ENTITY.—To be eligible for assistance under the program under subsection (a), an entity shall be a qualified community mental health program (as defined in section 1913(b)(1)).

“(c) APPLICATION.—

“(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

“(d) USE OF FUNDS.—An eligible entity shall use funds received under a grant under this section for—

“(1) the provision of tele-mental health services; or

“(2) infrastructure improvements for the provision of tele-mental health services.

“(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

“(f) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

“(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate the activities funded under this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.”.

### SEC. 7. IMPROVING HEALTH INFORMATION TECHNOLOGY FOR MENTAL HEALTH PROVIDERS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 5(c), is further amended by adding at the end the following:

### “SEC. 506D. IMPROVING HEALTH INFORMATION TECHNOLOGY FOR MENTAL HEALTH PROVIDERS.

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Veterans Affairs, shall collaborate with the Administrator of the Substance Abuse and Mental Health Services Administration and the National Coordinator for Health Information Technology to—

“(1) develop and implement a plan for ensuring that various components of the National Health Information Infrastructure, including data and privacy standards, electronic health records, and community and regional health networks, address the needs of mental health and substance abuse treatment providers; and

“(2) finance related infrastructure improvements, technical support, personnel training, and ongoing quality improvements.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.”.

### SEC. 8. PAPERWORK REDUCTION STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Institute of Medicine shall submit to the appropriate committees of Congress a report that evaluates the combined paperwork burden of qualified community mental health programs as defined in section 1913(b)(1) of the Public Health Service Act.

(b) SCOPE.—In preparing the report under subsection (a), the Institute of Medicine shall examine licensing, certification, service definitions, claims payment, billing codes, and financial auditing requirements utilized by the Office of Management and Budget, the Centers for Medicare & Medicaid Services, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, the Office of the Inspector General, State Medicaid agencies, State departments of health, State departments of education, and State and local juvenile justice and social service agencies to—

(1) establish an estimate of the combined nationwide cost of complying with the requirements described in this paragraph, in terms of both administrative funding and staff time;

(2) establish an estimate of the per capita cost to each qualified community mental health program defined in section 1913(b)(1) of the Public Health Service Act to comply with the requirements of this paragraph, in terms of both administrative funding and staff time; and

(3) make administrative and statutory recommendations to Congress, which may include a uniform methodology, to reduce the paperwork burden experienced by qualified community mental health programs defined in section 1913(b)(1) of the Public Health Service Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $550,000 for each of fiscal years 2009 and 2010.

### SEC. 9. WAGE STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Institute of Medicine shall conduct a nationwide analysis, and submit a report to the appropriate committees of Congress, concerning the compensation structure of professional and paraprofessional personnel employed by qualified community mental health programs as defined under section 1913(b)(1) of the Public Health Service Act, as compared with the compensation structure of comparable health safety net providers and relevant private sector health care employers.

(b) SCOPE.—In preparing the report under subsection (a), the Institute of Medicine shall examine compensation disparities, if such disparities are determined to exist, by type of personnel, type of provider or private sector employer, and geographic region.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $550,000 for each of fiscal years 2009 and 2010.

By Mr. SMITH (for himself and Mr. REED):

S. 2183. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Health, Education, Labor, and Pensions.

Mr. SMITH. Mr. President, I rise today with my colleague, Senator JACK REED of Rhode Island, to introduce two bills, S. 2182 and S. 2183, that we hope will have a tremendous impact on the quality and accessibility of mental health care throughout the U.S. Our bills, the Community Mental Health Services Improvement Act and the Community-Based Mental Health Infrastructure Improvement Act, support those programs that serve as an important line of defense against mental illnesses and suicide.

Community mental health programs are the backbone of our mental health system by providing access to vital mental health care services to those in need. Unfortunately, community mental health centers are suffering under tremendous fiscal constraints to provide care in their communities. They operate, usually, on a small budget and with little resources to improve their facilities. Senator REED and I are introducing these 2 bills to help community mental health centers obtain the resources necessary to meet their needs.

The goal of the Community Mental Health Services Improvement Act is to provide funding to promote the provision of mental health services locally. The bill would establish a grant program for community mental health programs to provide health care services, screenings, referrals, information technology or facility improvements. The bill also establishes grants for programs that integrate treatment for individuals with a serious mental illness and a co-occurring substance abuse disorder. Grants also would be provided to mental health nonprofit organizations or accredited institutions to establish or expand accredited mental health education and training programs. Finally, this bill will provide grants to community mental health programs for tele-mental health in medically-underserved areas.

The second bill that we are introducing today is one that is very important to mental health programs in my home State of Oregon. Currently, patients are waiting for important mental health care due to lack of building capacity. Our bill, the Community-Based Mental Health Infrastructure Improvements Act, would provide funding for bricks and mortar infrastructure for mental health programs in our communities. There is no Federal funding currently available for construction of community mental health facilities. This bill ensures that individuals with mental illness are not turned away because a facility does not have the resources to keep their building up to code or because a building expansion could not occur to keep up with a growing population because no funds were available.

In developing this legislation, I worked with the Health Resources and Services Administration, HRSA, and the Substance Abuse and Mental Health Services Administration, SAMHSA, to determine how best to make funding available for community mental health programs. This bill would encourage a continuation of this important partnership between SAMHSA, HRSA and States to ensure that competitive grant funding is made available to community mental health programs throughout the country.

We know that mental illness can affect people of any age, of any race and of any income. As a parent with a son who struggled with mental illness, I know all too well the indiscriminate nature of the illness and the frightening statistics of its regular occurrence for those we love. In any given year, more than a quarter of our Nation's adults, 60 million people, suffer from a diagnosable mental disorder, many of whom suffer in silence. Mental disorders are the leading cause of disability for those aged 15-44 in the U.S. and in Canada.

Mental illness is just as deadly and serious as a physical illness. Suicide takes the lives of more than 30,000 people each year, with more than 700,000 attempts. Suicides outnumber homicides 3 to 1 each year. People who suffer from mental illness also suffer from much higher rates of other chronic conditions, such as cardiovascular disease. However, unlike heart attacks and strokes, mental illness is not something that we, as a Nation, want to talk about.

In a 2004 report by the Oregon Governor's Mental Health Taskforce, they found that in any given year 175,000 adults and 75,000 children under the age of 18 are in need of mental health services in my home State. Effective treatment exists for most people suffering. Help is out there, and these bills will help ensure that this help can be accessed effectively.

I urge my colleagues on both sides of the aisle to support the important work of community mental health centers by voting for these bills.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2183

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Community-Based Mental Health Infrastructure Improvements Act".

### SEC. 2. COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENT.

Title V of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

### "PART H—COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS

### "SEC. 560. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS.

"(a) GRANTS AUTHORIZED.—The Secretary may award grants to eligible entities to expend funds for the construction or modernization of facilities used to provide mental health and behavioral health services to individuals.

"(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State that is the recipient of a Community Mental Health Services Block Grant under subpart I of part B of title XIX and a Substance Abuse Prevention and Treatment Block Grant under subpart II of such part; or

"(2) an Indian tribe or a tribal organization (as such terms are defined in sections 4(b) and 4(c) of the Indian Self-Determination and Education Assistance Act).

"(c) APPLICATION.—A eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing—

"(1) a plan for the construction or modernization of facilities used to provide mental health and behavioral health services to individuals that—

"(A) designates a single State or tribal agency as the sole agency for the supervision and administration of the grant;

"(B) contains satisfactory evidence that such agency so designated will have the authority to carry out the plan;

"(C) provides for the designation of an advisory council, which shall include representatives of nongovernmental organizations or groups, and of the relevant State or tribal agencies, that aided in the development of the plan and that will implement and monitor any grant awarded to the eligible entity under this section;

"(D) in the case of an eligible entity that is a State, includes a copy of the State plan under section 1912(b) and section 1932(b);

"(E)(i) includes a listing of the projects to be funded by the grant; and

"(ii) in the case of an eligible entity that is a State, explains how each listed project helps the State in accomplishing its goals and objectives under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part;

"(F) includes assurances that the facilities will be used for a period of not less than 10 years for the provision of community-based mental health or substance abuse services for those who cannot pay for such services, subject to subsection (e); and

"(G) in the case of a facility that is not a public facility, includes the name and executive director of the entity who will provide services in the facility; and

"(2) with respect to each construction or modernization project described in the application—

"(A) a description of the site for the project;

"(B) plans and specifications for the project and State or tribal approval for the plans and specifications;

"(C) assurance that the title for the site is or will be vested with either the public entity or private nonprofit entity who will provide the services in the facility;

"(D) assurance that adequate financial resources will be available for the construction or major rehabilitation of the project and for the maintenance and operation of the facility;

"(E) estimates of the cost of the project; and

"(F) the estimated length of time for completion of the project.

"(d) SUBGRANTS BY STATES.—

"(1) IN GENERAL.—A State that receives a grant under this section may award a subgrant to a qualified community program (as such term is used in section 1913(b)(1)).

"(2) USE OF FUNDS.—Subgrants awarded pursuant to paragraph (1) may be used for activities such as—

"(A) the construction, expansion, and modernization of facilities used to provide mental and behavioral health services to individuals;

"(B) acquiring and leasing facilities and equipment (including paying the costs of amortizing the principal of, and paying the interest on, loans for such facilities and equipment) to support or further the operation of the subgrantee; and

"(C) the construction and structural modification (including equipment acquisition) of facilities to permit the integrated delivery of behavioral health and primary care of specialty medical services to individuals with co-occurring mental illnesses and chronic medical or surgical diseases at a single service site.

"(e) REQUEST TO TRANSFER OBLIGATION.—An eligible entity that receives a grant under this section may submit a request to the Secretary for permission to transfer the 10-year obligation of facility use, as described in subsection (c)(1)(F), to another facility.

"(f) AGREEMENT TO FEDERAL SHARE.—As a condition of receipt of a grant under this section, an eligible entity shall agree, with respect to the costs to be incurred by the entity in carrying out the activities for which such grant is awarded, that the entity will make available non-Federal contributions (which may include State or local funds, or funds from the qualified community program) in an amount equal to not less than $1 for every $1 of Federal funds provided under the grant.

"(g) REPORTING.—

"(1) REPORTING BY STATES.—During the 10-year period referred to in subsection (c)(1)(F), the Secretary shall require that a State that receives a grant under this section submit, as part of the report of the State required under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part, a description of the progress on—

"(A) the projects carried out pursuant to the grant under this section; and

"(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during such 10-year period.

"(2) REPORTING BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary shall establish reporting requirements for Indian tribes and tribal organizations that receive a grant under this section. Such reporting requirements shall include that such Indian tribe or tribal organization provide a description of the progress on—

"(A) the projects carried out pursuant to the grant under this section; and

"(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during the 10-year period referred to in subsection (c)(1)(F).

"(h) FAILURE TO MEET OBLIGATIONS.—

"(1) IN GENERAL.—If an eligible entity that receives a grant under this section fails to meet any of the obligations of the entity required under this section, the Secretary shall take appropriate steps, which may include—

"(A) requiring that the entity return the unused portion of the funds awarded under this section for the projects that are incomplete; and

"(B) extending the length of time that the entity must ensure that the facility involved is used for the purposes for which it is intended, as described in subsection (c)(1)(F).

"(2) HEARING.—Prior to requesting the return of the funds under paragraph (1)(B), the Secretary shall provide the entity notice and opportunity for a hearing.

"(i) COLLABORATION.—The Secretary may establish intergovernmental and interdepartmental memorandums of agreement as necessary to carry out this section.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.".

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By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. SANDERS):

S. 2186. A bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program; to the Committee on Homeland Security and Governmental Affairs.

Mr. SMITH. Mr. President, today I am introducing the Community Health Center Employee Health Coverage Act of 2007, a bill that will help provide community health centers, or CHCs, better access to more affordable health insurance for their employees. I am pleased to have my colleagues Senators BINGAMAN, SALAZAR and SANDERS join me as original cosponsors on this important proposal.

CHCs form the backbone of the Nation's health care safety net. They provide essential medical services to some of our most vulnerable citizens, including the uninsured and Medicaid and Medicare beneficiaries. In my home State of Oregon, health centers provide over 130 points of access, where upwards of 180,000 individuals receive care each year. Approximately 41 percent of those served are uninsured and 36 percent are on Medicaid, and most all reside in either a rural or economically depressed area. Clearly, CHCs have an important role in ensuring that those who otherwise might be unable to afford health coverage have access to the care they need.

CHCs also serve their patients in a very efficient manner. Studies have shown that care provided Medicaid patients at CHCs costs 30 percent less than care provided in other settings. This is mainly due to a lower number of specialty referrals and fewer overall hospital admissions. CHCs effectively demonstrate how focusing on primary and preventive care can help keep individuals healthier, which ultimately enhances their lives and saves the broader health care system money. Above and beyond the efficiencies CHCs have achieved in service delivery, patients report overwhelming satisfaction for the treatment they are provided. Health care providers across the spectrum would be well-served by emulating CHCs' example of delivering affordable, high-quality health care in an efficient manner.

Given the enormous value CHCs have to the U.S. health care system, I believe Congress should do all it can to support their mission. I commend President Bush's commitment to increasing funding for health center expansion in recent years. I am pleased the administration's request for $180 million in new funding in fiscal year 2007 was included in the Senate's version of the budget resolution. As the appropriations process continues to move forward, I hope that those much-needed funds are ultimately approved by Congress.

The bill I am filing today will complement the increased funding CHCs have received in recent years. Just like businesses across the nation, health centers are coping with the rising cost of providing health benefit to their employees. Premiums for private health insurance grew by 9.5 percent in 2005, the fifth consecutive year of increases over 9 percent. Because CHCs operate on very limited budgets, it has become more and more difficult for them to absorb these increased costs while continuing to provide affordable health care to their patients.

It is important to note that CHCs rely upon the Federal Government for more than half of their operating revenues. Each year, health centers receive 26 percent of their funding from direct Federal grants and another 36 percent from the Medicaid Program. Because CHCs are predominantly a Federal enterprise, I believe it makes sense for them to be able to reap many of the same benefits of other Federal entities. That is why the bill I am filing today would allow CHCs to purchase more affordable health insurance coverage for their employees through the Federal Employee Health Benefits Program, FEHBP.

Allowing federally funded entities to purchase health coverage through FEHBP is not unprecedented. Employees of Gallaudet University and certain U.S. Department of Agriculture grantees already are able to participate in FEHBP as if they were directly employed by the Federal Government.

Considering that CHC providers are already deemed "Federal employees" for the purpose of receiving medical liability protection through the Federal Government, it is a logical next step to allow them to purchase health coverage through FEHBP. In doing so, we will be able to provide CHCs much needed security in knowing that their employees will have steady access to affordable health insurance.

I believe that in the long run, CHCs will be able to achieve a great deal of savings by purchasing health coverage for their employees through FEHBP. Premiums for policies purchased through FEHBP consistently grow at a much slower rate than other commercial policies. Every dollar CHCs save in employee benefit costs can be redirected into medical care for the vulnerable populations they serve. Access to FEHBP coverage also may help some CHCs provide health benefits to their employees for the first time. This could help recruit much needed medical personnel in underserved and rural communities. I am hopeful health centers in rural parts of my State will be able to attract the physicians they so desperately need by offering them FEHBP coverage.

There is wide support for CHCs in the Senate, as evidenced by the development of a number of CHC-related measures. Earlier this year, I joined a group of bipartisan Senators in filing the Community Health Center Reauthorization Act, to ensure that vulnerable populations have access to basic health care for the next several years. I hope the Senate's leadership will move these bills quickly through the process, as a sign of appreciation for the important role CHCs play in the U.S. health care system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2186

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Community Health Center Employee Health Coverage Act of 2007".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Federally Qualified Health Centers (referred to in this section as "FQHCs") are required under section 330 of the Public Health Service Act (42 U.S.C. 254b) to be located in, and serve, a community that is designated as "medically underserved".

(2) FQHCs are required under such section 330 to make its services available to all residents of the community, without regard to ability to pay, and to make those services affordable by discounting charges for otherwise uncovered care to low-income families in accordance with family income.

(3) FQHCs are required under such section 330 to provide comprehensive primary health care services, including preventive care, care for illness or injury, services which improve the accessibility of care, and the effectiveness of care.

(4) FQHCs are required under such section 330 to be governed by a board of directors, a majority of whose members are active, registered patients of the health center, thus ensuring that the center is responsive to the health care needs of the community it serves.

(5) FQHCs delivered comprehensive primary and preventive care to more than 16,000,000 people in 2006, more than 6,000,000 of whom had no health insurance coverage.

(6) FQHCs employ nearly 100,000 people across the United States.

(7) FQHCs are being challenged by increasing financial pressures that jeopardize their ability to provide health services to medically underserved populations, including the elderly, the uninsured, and lower-income individuals.

(8) Health insurance costs in the small employer market have risen more than 30 percent in the past 2 years, forcing many FQHCs to use additional Federal funding to continue to provide health insurance coverage for their employees.

(9) The Federal Government negotiates premiums with health insurance companies for millions of Federal employees, thereby ensuring the best possible rates under the Federal Employee Health Benefit Program (referred to in this section as "FEHBP").

(10) Last year FEHBP premiums increased 6.6 percent, far less than that of even large employers.

(11) FQHCs receive Federal grants from the Health Resource and Services Administration that help cover the cost of providing high quality, affordable health care for everyone in their communities, including the uninsured.

(12) FQHCs use a portion of their Federal grant to cover the cost of health insurance for their employees.

(13) As health insurance premiums rise, FQHCs may be forced to reduce health insurance coverage for their own employees, or reduce the availability of care in their communities.

(14) Last year, almost 1,400,000 Americans joined the ranks of the uninsured—bringing our Nation's total to more than 47,000,000 people without health insurance, while another 30,000,000 or more are underinsured.

(15) The uninsured are in significantly worse health than those with health insurance, receive fewer preventive services, are less likely to receive regular care for chronic diseases, and are more likely to be hospitalized for a condition that could have been treated more effectively with timely access to ambulatory care.

(16) Adding FQHC employees to the list of those covered under the FEHBP would help control rising health insurance costs, reduce the cost of providing health insurance to their employees, and enable centers to use scarce funds to continue providing care in their communities.

**SEC. 3. ADDITION OF HEALTH CENTER EMPLOYEES TO FEHBP.**

(a) DEFINITIONS.—Section 8901(1) of title 5, United States Code, is amended—

(1) in subparagraph (H), by striking "and" at the end;

(2) in subparagraph (I), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(J) an individual who is an employee of a federally qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))) that has elected to offer coverage under this chapter or who is an employee of a grantee that is receiving funds under section 330(l) of the Public Health Service Act (42 U.S.C. 254b(l)) that has elected to offer coverage under this chapter.".

(b) EMPLOYEES HEALTH BENEFITS FUND.—Section 8909 of title 5, United States Code, is amended by adding at the end the following:

"(h) An individual who is an employee of a federally qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))) who has elected coverage under this chapter or who is an employee of a grantee that is receiving funds under section 330(l) of the Public Health Service Act (42 U.S.C. 254b(l)) who has elected coverage under this chapter shall be required to pay currently into the Employees Health Benefits Fund, under arrangements satisfactory to the Office, an amount equal to the sum of—

"(1) the employee and agency contributions which would be required in the case of an employee enrolled in the same health benefits plan and level of benefits; and

"(2) an amount, determined under regulations prescribed by the Office, necessary for administrative expenses, but not to exceed 2 percent of the total amount under clause (i).".

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By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. SALAZAR, Mr. SMITH, Mr. AKAKA, and Mr. SANDERS):

S. 2188. A bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senators Snowe, Salazar, Smith, Akaka, and Sanders to introduce the Medicare Access to Community Health Center, MATCH, Act, which would address a long standing problem for a key component of our Nation's health care safety net, community health centers. These facilities serve as medical homes to nearly 16 million underserved patients. Over 1 million of those patients are Medicare beneficiaries. Health centers are known for providing high quality, comprehensive care to some of our Nation's most vulnerable populations.

Over 15 years ago, Congress created the Federally Qualified Health Center, FQHC, Medicare benefit to ensure that health centers were not forced to subsidize Medicare payments with Federal grant dollars. Congress required centers to be paid their reasonable costs for providing care to their patients. The Centers for Medicare and Medicaid Services later established a per visit payment cap in regulations based on a statute applicable to Rural Health

Clinics. CMS applied the cap to FQHCs without meaningful data to support the payment limit but with the promise of future reviews to guarantee that health centers were adequately reimbursed. However, these reviews have not taken place. Now, 15 years later, over ¾ of health centers are losing money serving Medicare beneficiaries, with losses totaling over $50 million annually according to an analysis done by the National Association of Community Health Centers. In my home State of New Mexico, NACHC estimates that health centers have lost more than a million dollars annually.

I have repeatedly asked CMS to review this antiquated cap but I have had little success. So I rise today to introduce legislation to improve the Medicare payment mechanism for FQHCs. MATCH will establish a Prospective Payment System for FQHCs, based on actual cost of providing care to health center patients. This new mechanism mirrors the successful Medicaid FQHC Prospective Payment System. By reforming the payment structure at FQHCs, we will ensure health centers are able to dedicate their Federal grant dollars for their original intent, providing care to the uninsured. This new mechanism will also increase efficiency and stability in the Medicare program for health centers.

This legislation is long overdue. I ask my colleagues to join me in strengthening the Medicare FQHC program to ensure that health centers can continue to provide high quality, affordable primary and preventive care to our Nation's seniors and people with disabilities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2188

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Access to Community Health Centers (MATCH) Act of 2007".

### SEC. 2. FINDINGS.

Congress finds that:

(1) NATIONAL IMPORTANCE.—Community health centers serve as the medical home and family physician to over 16,000,000 people nationally. Patients of community health centers represent 1 in 7 low-income persons, 1 in 8 uninsured Americans, 1 in 9 Medicaid beneficiaries, 1 in 10 minorities, and 1 in 10 rural residents.

(2) HEALTH CARE SAFETY NET.—Because Federally qualified health centers (FQHCs) are generally located in medically underserved areas, the patients of Federally qualified health centers are disproportionately low income, uninsured or publicly insured, and minorities, and they frequently have poorer health and more complicated, costly medical needs than patients nationally. As a chief component of the health care safety net, Federally qualified health centers are required by regulation to serve all patients, regardless of insurance status or ability to pay.

(3) MEDICARE BENEFICIARIES.—Medicare beneficiaries are typically less healthy and, therefore, costlier to treat than other patients of Federally qualified health centers. Medicare beneficiaries tend to have more complex health care needs as—

(A) more than half of Medicare patients have at least 2 chronic conditions;

(B) 45 percent take 5 or more medications; and

(C) over half of Medicare beneficiaries have more than 1 prescribing physician.

(4) NEED TO IMPROVE FQHC PAYMENT.—While the Centers for Medicare & Medicaid Services have nearly 15 years' worth of cost report data from Federally qualified health centers, which would equip the agency to develop a new Medicare reimbursement system, the agency has failed to update and improve the Medicare FQHC payment system.

### SEC. 3. EXPANSION OF MEDICARE-COVERED PRIMARY AND PREVENTIVE SERVICES AT FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—Section 1861(aa)(3) of the Social Security Act (42 U.S.C. 1395x(aa)(3)) is amended to read as follows:

"(3) The term 'Federally qualified health center services' means—

"(A) services of the type described in subparagraphs (A) through (C) of paragraph (1), and such other ambulatory services furnished by a Federally qualified health center for which payment may otherwise be made under this title if such services were furnished by a health care provider or health care professional other than a Federally qualified health center; and

"(B) preventive primary health services that a center is required to provide under section 330 of the Public Health Service Act,

when furnished to an individual as a patient of a Federally qualified health center and such services when provided by a health care provider or health care professional employed by or under contract with a Federally qualified health center and for this purpose, any reference to a rural health clinic or a physician described in paragraph (2)(B) is deemed a reference to a Federally qualified health center or a physician at the center, respectively. Services described in the previous sentence shall be treated as billable visits for purposes of payment to the Federally qualified health center.".

(b) CONFORMING AMENDMENT TO PERMIT PAYMENT FOR HOSPITAL-BASED SERVICES.—Section 1862(a)(14) of such Act (42 U.S.C. 1395y(a)(14)) is amended by inserting "Federally qualified health center services," after "qualified psychologist services,".

(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall apply to services furnished on or after January 1, 2008.

### SEC. 4. ESTABLISHMENT OF A MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY QUALIFIED HEALTH CENTER SERVICES.

(a) IN GENERAL.—Paragraph (3) section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended to read as follows:

"(3)(A) in the case of services described in section 1832(a)(2)(D)(i) the costs which are reasonable and related to the furnishing of such services or which are based on such other tests of reasonableness as the Secretary may prescribe in regulations including those authorized under section 1861(v)(1)(A), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A) but in no case may the payment for such services (other than for items and services described in 1861(s)(10)(A)) exceed 80 percent of such costs; and

"(B) in the case of services described in section 1832(a)(2)(D)(ii) furnished by a Federally qualified health center—

"(i) subject to clauses (iii) and (iv), for services furnished on and after January 1, 2008, during the center's fiscal year that ends in 2008, an amount (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the center of furnishing such services during such center's fiscal years ending during 2006 and 2007 which are reasonable and related to the cost of furnishing such services, or which are based on such other tests of reasonableness as the Secretary prescribes in regulations including those authorized under section 1861(v)(1)(A) (except that in calculating such cost in a center's fiscal years ending during 2006 and 2007 and applying the average of such cost for a center's fiscal year ending during fiscal year 2008, the Secretary shall not apply a per visit payment limit or productivity screen), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of such average of such costs;

"(ii) subject to clauses (iii) and (iv), for services furnished during the center's fiscal year ending during 2009 or a succeeding fiscal year, an amount (calculated on a per visit basis and without the application of a per visit limit or productivity screen) that is equal to the amount determined under this subparagraph for the center's preceding fiscal year (without regard to any copayment)—

"(I) increased for a center's fiscal year ending during 2009 by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for 2009 and increased for a center's fiscal year ending during 2010 or any succeeding fiscal year by the percentage increase for such year of a market basket of Federally qualified health center costs as developed and promulgated through regulations by the Secretary; and

"(II) adjusted to take into account any increase or decrease in the scope of services, including a change in the type, intensity, duration, or amount of services, furnished by the center during the center's fiscal year,

less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of the amount determined under this clause (without regard to any copayment);

"(iii) subject to clause (iv), in the case of an entity that first qualifies as a Federally qualified health center in a center's fiscal year ending after 2007—

"(I) for the first such center fiscal year, an amount (calculated on a per visit basis and without the application of a per visit payment limit or productivity screen) that is equal to 100 percent of the costs of furnishing such services during such center fiscal year based on the per visit payment rates established under clause (i) or (ii) for a comparable period for other such centers located in the same or adjacent areas with a similar caseload or, in the absence of such a center, in accordance with the regulations and methodology referred to in clause (i) or based on such other tests of reasonableness (without the application of a per visit payment limit or productivity screen) as the Secretary may specify, less the amount a provider may charge as described in clause (ii) of section 1866 (a)(2)(A), but in no case may the payment for such services (other than for items and services described in section 1861(s)(10)(A)) exceed 80 percent of such costs; and

"(II) for each succeeding center fiscal year, the amount calculated in accordance with clause (ii); and

"(iv) with respect to Federally qualified health center services that are furnished to an individual enrolled with a MA plan under part C pursuant to a written agreement described in section 1853(a)(4) (or, in the case of MA private fee for service plan, without such written agreement) the amount (if any) by which—

"(I) the amount of payment that would have otherwise been provided under clauses (i), (ii), or (iii) (calculated as if '100 percent' were substituted for '80 percent' in such clauses) for such services if the individual had not been enrolled; exceeds

"(II) the amount of the payments received under such written agreement (or, in the case of MA private fee for service plans, without such written agreement) for such services (not including any financial incentives provided for in such agreement such as risk pool payments, bonuses, or withholds) less the amount the Federally qualified health center may charge as described in section 1857(e)(3)(B);".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2008.

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By Mr. DODD (for himself and Mr. DURBIN):

S. 2189. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Student Bill of Rights. This bill would ensure that every child in America has an equal opportunity to receive a high quality education.

The Student Bill of Rights would achieve this goal by providing America's children with components needed for a solid education. These components include highly qualified teachers, challenging curricula, small classes, current textbooks, quality libraries, and up-to-date technology.

Currently, Federal law requires that schools within the same district provide comparable educational services. The Student Bill of Rights would extend that basic guarantee of equal opportunity to the State level by requiring comparability of resources across school districts within a State.

More than 50 years ago, Brown v. Board of Education struck down segregation in law. Over 50 years later, we know that just because there is no segregation in law does not mean that it does not persist. Today, our education system remains largely separate and unequal, and in light of a recent Supreme Court decision, we need to find more creative ways to promote equity in our schools.

All too often, where a child's family can afford to live determines whether that child is taught by a high quality teacher, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from educational resources that have been shown to be essential to a quality education. In fact, the U.S. ranks at the bottom among developed countries in the disparity in the quality of schools available to wealthy and low-income children. This gap is simply unacceptable, and it is why the Student Bill of Rights is so important to our children's ability to gain the skills they need to be responsible, participating citizens in our diverse democracy, and to compete and succeed in the global economy.

While other factors such as supportive parents, motivated peers, and positive role models in the community are also beneficial to academic achievement, we know that adequate resources are crucial to providing students with the opportunity to receive a solid education.

The quality of a child's education should not be determined by his or her ZIP code. The Student Bill of Rights will help ensure that each and every child gets a decent education, and in turn, an equal opportunity for a successful future. I hope that my colleagues will join me in supporting the Student Bill of Rights.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2189

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Student Bill of Rights".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purposes.

TITLE I—ACCESS TO EDUCATIONAL OPPORTUNITY

Sec. 101. State public school systems.
Sec. 102. Fundamentals of educational opportunity.

TITLE II—STATE ACCOUNTABILITY

Sec. 201. State accountability plan.
Sec. 202. Consequences of failure to meet requirements.

TITLE III—REPORT TO CONGRESS AND THE PUBLIC

Sec. 301. Annual report on State public school systems.

TITLE IV—REMEDY

Sec. 401. Civil action for enforcement.

TITLE V—GENERAL PROVISIONS

Sec. 501. Definitions.
Sec. 502. Rulemaking.
Sec. 503. Construction.

**SEC. 3. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and to achieve the historical aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of State public school systems that do not meet the requirements of section 101(a), in which high-quality public schools typically serve high-income communities and poor-quality schools typically serve low-income, urban, rural, and minority communities.

(2) In 2005, the National Academies found in their report "Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future" that the inadequate preparation of kindergarten through grade 12 students in science and mathematics, including the significant lack of teachers qualified to teach these subjects, threatens the economic prosperity of the United States. When students do not receive quality mathematics and science preparation in kindergarten through grade 12, they are not prepared to take advanced courses in these subjects at the postsecondary level, leaving the United States with a critical shortage of scientists and engineers—a shortfall being filled by professionals from other countries.

(3) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Continuing disparities within States in students' access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(ii) Advanced placement courses taken.

(iii) SAT and ACT test scores.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(4) As a consequence of this educational opportunity gap, the quality of a child's education depends largely upon where the child's family can afford to live, and the detriments of lower quality education are imposed particularly on—

(A) children from low-income families;

(B) children living in urban and rural areas; and

(C) minority children.

(5) Since 1785, Congress, exercising the power to admit new States under section 3 of article IV of the Constitution (and previously, the Congress of the Confederation of States under the Articles of Confederation), has imposed upon every State, as a fundamental condition of the State's admission, that the State provide for the establishment and maintenance of systems of public schools open to all children in such State.

(6) Over the years since the landmark ruling in Brown v. Board of Education, 347 U.S. 483, 493 (1954), when a unanimous Supreme

Court held that "the opportunity of an education . . . , where the State has undertaken to provide it, is a right which must be made available to all on equal terms", courts in 44 States have heard challenges to the establishment, maintenance, and operation of State public school systems that are separate and not educationally adequate.

(7) In 1970, the Presidential Commission on School Finance found that significant disparities in the distribution of educational resources existed among school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation's ability to serve the educational needs of all children.

(8) In 1999, the National Research Council of the National Academy of Sciences published a report entitled "Making Money Matter, Financing America's Schools", which found that the concept of funding adequacy, which moves beyond the more traditional concepts of finance equity to focus attention on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

(9) In 2001, the Executive Order establishing the President's Commission on Educational Resource Equity declared, "A quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. . . . [L]ong-standing gaps in access to educational resources exist, including disparities based on race and ethnicity." (Exec. Order No. 13190, 66 Fed. Reg. 5424 (2001)).

(10) According to the Secretary of Education, as stated in a letter (with enclosures) from the Secretary to States dated January 19, 2001—

(A) racial and ethnic minorities continue to suffer from lack of access to educational resources, including "experienced and qualified teachers, adequate facilities, and instructional programs and support, including technology, as well as . . . the funding necessary to secure these resources"; and

(B) these inadequacies are "particularly acute in high-poverty schools, including urban schools, where many students of color are isolated and where the effect of the resource gaps may be cumulative. In other words, students who need the most may often receive the least, and these students often are students of color.".

(11) In the amendments made by the No Child Left Behind Act of 2001, Congress—

(A)(i) required each State to establish standards and assessments in mathematics, reading or language arts, and science; and

(ii) required schools to ensure that all students are proficient in mathematics, reading or language arts, and science not later than 12 years after the end of the 2001-2002 school year, and held schools accountable for the students' progress; and

(B) required each State to describe how the State will help local educational agencies and schools to develop the capacity to improve student academic achievement.

(12) The standards and accountability movement will succeed only if, in addition to standards and accountability, all schools have access to the educational resources necessary to enable students to achieve.

(13) Raising standards without ensuring access to educational resources may in fact exacerbate achievement gaps and set children up for failure.

(14) According to the World Economic Forum's Global Competitiveness Report 2001-2002, the United States ranks last among developed countries in the difference in the quality of schools available to rich and poor children.

(15) The persistence of pervasive inadequacies in the quality of education provided by State public school systems effectively deprives millions of children throughout the United States of the opportunity for an education adequate to enable the children to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(16) Each State government has ultimate authority to determine every important aspect and priority of the public school system that provides elementary and secondary education to children in the State, including whether students throughout the State have access to the fundamentals of educational opportunity described in section 102.

(17) Because a well educated populace is critical to the Nation's political and economic well-being and national security, the Federal Government has a substantial interest in ensuring that States provide a high-quality education by ensuring that all students have access to the fundamentals of educational opportunity described in section 102 to enable the students to succeed academically and in life.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To further the goals of the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001), by holding States accountable for providing all students with access to the fundamentals of educational opportunity described in section 102.

(2) To ensure that all students in public elementary schools and secondary schools receive educational opportunities that enable such students to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(3) To end the pervasive pattern of States maintaining public school systems that do not meet the requirements of section 101(a).

## TITLE I—ACCESS TO EDUCATIONAL OPPORTUNITY

### SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.

(a) REQUIREMENTS.—Each State receiving Federal financial assistance for elementary or secondary education shall ensure that the State's public school system provides all students within the State with an education that enables the students to acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice, to meet challenging student academic achievement standards, and to be able to compete and succeed in a global economy, through—

(1) the provision of fundamentals of educational opportunity described in section 102, at adequate or ideal levels as defined by the State under section 201(a)(1)(A) to students at each public elementary school and secondary school in the State;

(2) the provision of educational services in school districts that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken as a whole, at least comparable to educational services provided in school districts not receiving such funds; and

(3) compliance with any final Federal or State court order in any matter concerning the adequacy or equitableness of the State's public school system.

(b) DETERMINATIONS CONCERNING STATE PUBLIC SCHOOL SYSTEMS.—Not later than October 1 of each year, the Secretary shall determine whether each State maintains a public school system that meets the requirements of subsection (a). The Secretary may make a determination that a State public school system does not meet such requirements only after providing notice and an opportunity for a hearing.

(c) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the determinations made under subsection (b).

### SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPORTUNITY.

The fundamentals of educational opportunity are the following:

(1) HIGHLY QUALIFIED TEACHERS, PRINCIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

(A) HIGHLY QUALIFIED TEACHERS.—Instruction from highly qualified teachers in core academic subjects.

(B) HIGHLY QUALIFIED PRINCIPALS.—Leadership, management, and guidance from principals who meet State certification standards.

(C) HIGHLY QUALIFIED ACADEMIC SUPPORT PERSONNEL.—Necessary additional academic support in reading or language arts, mathematics, and other core academic subjects from personnel who meet applicable State standards.

(2) RIGOROUS ACADEMIC STANDARDS, CURRICULA, AND METHODS OF INSTRUCTION.—Rigorous academic standards, curricula, and methods of instruction, as measured by the extent to which each school district succeeds in providing high-quality academic standards, curricula, and methods of instruction to students in each public elementary school and secondary school within the district.

(3) SMALL CLASS SIZES.—Small class sizes, as measured by—

(A) the average class size and the range of class sizes; and

(B) the percentage of elementary school classes with 17 or fewer students.

(4) TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND SUPPLIES.—Textbooks, instructional materials, and supplies, as measured by—

(A) the average age and quality of textbooks, instructional materials, and supplies used in core academic subjects; and

(B) the percentage of students who begin the school year with school-issued textbooks, instructional materials, and supplies.

(5) LIBRARY RESOURCES.—Library resources, as measured by—

(A) the size and qualifications of the library's staff, including whether the library is staffed by a full-time librarian certified under applicable State standards;

(B) the size (relative to the number of students) and quality (including age) of the library's collection of books and periodicals; and

(C) the library's hours of operation.

(6) SCHOOL FACILITIES AND COMPUTER TECHNOLOGY.—

(A) QUALITY SCHOOL FACILITIES.—Quality school facilities, as measured by—

(i) the physical condition of school buildings and major school building features;

(ii) environmental conditions in school buildings; and

(iii) the quality of instructional space.

(B) COMPUTER TECHNOLOGY.—Computer technology, as measured by—

(i) the ratio of computers to students;

(ii) the quality of computers and software available to students;

(iii) Internet access;

(iv) the quality of system maintenance and technical assistance for the computers; and

(v) the number of computer laboratory courses taught by qualified computer instructors.

(7) QUALITY GUIDANCE COUNSELING.—Qualified guidance counselors, as measured by the ratio of students to qualified guidance counselors who have been certified under an applicable State or national program.

## TITLE II—STATE ACCOUNTABILITY

### SEC. 201. STATE ACCOUNTABILITY PLAN.

(a) GENERAL PLAN.—

(1) CONTENTS.—Each State receiving Federal financial assistance for elementary and secondary education shall annually submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators, other staff, and parents, that contains the following:

(A) A description of 2 levels of high access (adequate and ideal) to each of the fundamentals of educational opportunity described in section 102 that measure how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.

(D) An estimate of the additional cost, if any, of ensuring that the system meets the requirements of section 101(a).

(E) Information stating the percentage of students in each school district, public elementary school, and public secondary school in the State that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)).

(F) Information stating whether each school district, public elementary school, and public secondary school in the State is making adequate yearly progress, as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).

(G)(i) For each school district, public elementary school, and public secondary school in the State, information stating—

(I) the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such school district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(2) LEVELS OF ACCESS.—For purposes of the plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal levels of access to each of the fundamentals of educational opportunity, each State shall consider, in addition to the factors described in section 102, the access available to students in the highest-achieving decile of public elementary schools and secondary schools, the unique needs of low-income, urban and rural, and minority students, and other educationally appropriate factors; and

(B) the levels of access described in subparagraphs (A) and (B) of paragraph (1) shall be aligned with the challenging academic content standards, challenging student academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) INFORMATION.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimate, and information described in paragraph (1).

(b) ACCOUNTABILITY AND REMEDIATION.—

(1) ACCOUNTABILITY.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined by the State in a manner that annually reduces the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of fundamentals of educational opportunity described in section 102);

(B) demonstrate, based on the levels of access described in paragraph (1) what constitutes adequate yearly progress of the State under this Act toward providing all students with high access to the fundamentals of educational opportunity described in section 102; and

(C) ensure—

(i) the establishment of a timeline for that adequate yearly progress that includes interim yearly goals for the reduction of the number of public elementary schools and secondary schools in the State without high access to each of the fundamentals of educational opportunity described in section 102; and

(ii) that not later than 12 years after the end of the 2005-2006 school year, each public elementary school in the State shall have access to each of the fundamentals of educational opportunity described in section 102.

(2) REMEDIATION.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(2), not later than 1 year after the Secretary makes the determination, the State shall include in the plan submitted under subsection (a)(1) a strategy to remediate the conditions that caused the Secretary to make such determination, not later than the end of the second school year beginning after submission of the plan.

(c) AMENDMENTS.—A State may amend the plan submitted under subsection (a)(1) to improve the plan or to take into account significantly changed circumstances.

(d) DISAPPROVAL.—The Secretary may disapprove the plan submitted under subsection (a)(1) (or an amendment to such a plan) if the Secretary determines, after notice and opportunity for hearing, that the plan (or amendment) is inadequate to meet the requirements described in subsections (a) and (b).

(e) WAIVER.—

(1) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of subsections (a) and (b) for 1 year for exceptional circumstances, such as a precipitous decrease in State revenues, or another circumstance that the Secretary determines to be exceptional, that prevents a State from complying with the requirements of subsections (a) and (b).

(2) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under paragraph (1) shall include in the request—

(A) a description of the exceptional circumstance that prevents the State from complying with the requirements of subsections (a) and (b); and

(B) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

### SEC. 202. CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.

(a) INTERIM YEARLY GOALS.—

(1) IN GENERAL.—For a fiscal year and a State described in section 201(b)(1), the Secretary shall withhold from the State 2.75 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs, for each covered goal that the Secretary determines the State is not meeting during that year.

(2) DEFINITION.—In this subsection, the term "covered goal", used with respect to a fiscal year, means an interim yearly goal described in section 201(b)(1)(C)(i) that is applicable to that year or a prior fiscal year.

(b) CONSEQUENCES OF NONREMEDIATION.—Notwithstanding any other provision of law, if the Secretary determines that a State required to include a strategy under section 201(b)(2) continues to maintain a public school system that does not meet the requirements of section 101(a)(2) at the end of the second school year described in section 201(b)(2), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) until the Secretary determines that the State maintains a public school system that meets the requirements of section 101(a)(2).

(c) CONSEQUENCES OF NONCOMPLIANCE WITH COURT ORDERS.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(3), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(d) DISPOSITION OF FUNDS WITHHELD.—

(1) DETERMINATION.—Not later than 1 year after the Secretary withholds funds from a

State under this section, the Secretary shall determine whether the State has corrected the condition that led to the withholding.

(2) DISPOSITION.—

(A) CORRECTION.—If the Secretary determines under paragraph (1), that the State has corrected the condition that led to the withholding, the Secretary shall make the withheld funds available to the State to use for the original purpose of the funds during 1 or more fiscal years specified by the Secretary.

(B) NONCORRECTION.—If the Secretary determines under paragraph (1), that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are most adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition during 1 or more fiscal years specified by the Secretary.

(3) AVAILABILITY.—Amounts made available or allocated under subparagraph (A) or (B) of paragraph (2) shall remain available during the fiscal years specified by the Secretary under that subparagraph.

## TITLE III—REPORT TO CONGRESS AND THE PUBLIC

### SEC. 301. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year, beginning the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes a full and complete analysis of the public school system of each State.

(b) CONTENTS OF REPORT.—The analysis conducted under subsection (a) shall include the following:

(1) PUBLIC SCHOOL SYSTEM INFORMATION.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 201(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 201(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 201(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) STATE ACTIONS.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) STATE PLANS.—A copy of each State's most recent plan submitted under section 201(a)(1).

(4) RELATIONSHIP BETWEEN COMPLIANCE AND ACHIEVEMENT.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) SCOPE OF REPORT.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) SUBMISSION OF DATA TO SECRETARY.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

## TITLE IV—REMEDY

### SEC. 401. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

## TITLE V—GENERAL PROVISIONS

### SEC. 501. DEFINITIONS.

In this Act:

(1) REFERENCED TERMS.—The terms "elementary school", "secondary school", "local educational agency", "highly qualified", "core academic subjects", "parent", and "average per-pupil expenditure" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—The term "Federal elementary and secondary education programs" means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) PUBLIC SCHOOL SYSTEM.—The term "public school system" means a State's system of public elementary and secondary education.

(4) STATE.—The term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

### SEC. 502. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

### SEC. 503. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

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Mr. ROCKEFELLER:

S. 2190. A bill to amend title XVIII of the Social Security Act to provide for the inclusion of barbiturates and bezodiazepines as covered part D drugs beginning in 2008; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I rise to introduce the Medicare Mental Health Prescription Drug Access Act of 2007—legislation to provide our Nation's seniors and individuals with disabilities access to the mental health drugs that best meet their needs.

As many of my colleagues are aware, nearly one out of four Americans, 58 million people, will experience a mental illness during any given year, and a large number of them will be senior citizens and individuals with disabilities.

For far too long, mental illness has been shrouded in fear, misunderstanding and stigma. I believe it is long past time for us to address the inequitable treatment of mental illness in our broader health care system. Mental health parity is a critical part of the solution. We must fulfill the intent of the 1996 mental health parity law and expand the definition of parity to include deductibles, co-payments, coinsurance, out-of-pocket expenses, as well as scope and duration of treatment.

However, parity alone is not a panacea to the problem of treating mental illness in this country. We must improve the range of mental health illnesses and treatment options covered by health plans, particularly for children and seniors.

This year in the Senate, we have taken a major step toward improving access to mental health services for children by passing the Children's Health Insurance Program, CHIP, Reauthorization Act, H.R. 976, not once, but twice. Among the many important provisions included in this legislation, which I co-authored, is a provision that requires the private health insurance plans that administer CHIP to provide mental health services for children that are equivalent to the coverage provided for physical illnesses. In other words, we require full mental health parity for children enrolled in CHIP.

I still believe that we must do more to ensure that all children have the broadest health care coverage possible for mental health screening and treatment, along the lines of what is provided to children enrolled in Medicaid through the Early Periodic Screening Diagnosis and Treatment, EPSDT, program. However, we have taken a significant step in the right direction toward addressing the mental health needs of our nation's children by passing the CHIP reauthorization bill.

Unfortunately, the same is not true for our nation's seniors and individuals with disabilities. We haven't done nearly enough to address their mental health needs. In fact, we have taken a step backwards in the mental health coverage provided to Medicare participants, particularly those that are dually eligible for Medicare and Medicaid.

Many of my colleagues will recall that the Medicare Prescription Drug, Improvement and Modernization Act of 2003 excluded certain classes of medications from the newly-created Medicare prescription drug program. Among the prescription drugs excluded were two important classes of mental health drugs, benzodiepines and barbiturates, central nervous system depressants which have multiple clinical benefits.

Benzodiazepines and barbiturates are used to help seniors and individuals with disabilities who are dealing with a variety of conditions including anxiety, depression, insomnia, panic disorders, muscle spasms and seizures. Despite being some of the oldest and most effective medications for the treatment of mental illness, benzodiazepines and barbiturates are currently unavailable to most seniors and individuals with disabilities enrolled in Medicare. That is just wrong.

Patients who have found success with benzodiazepines and barbiturates are reluctant to change prescriptions because of the potential side effects or the understandable fear that their conditions might return. Often, there is also an increased cost associated with alternative medications, but the efficacy of these "replacement" drugs may actually be less than benzodiazepines and barbiturates. So, why should we require MediCare participants to use prescription drugs that could cost more without offering any greater clinical benefit? I don't believe we should. Medicare participants deserve affordable access to the prescription medications that are best suited to treat their conditions.

Many of my colleagues may be wondering why these two classes of prescription drugs were excluded from the Medicare prescription drug program in the first place. They were excluded because of an inappropriate application of existing Medicaid law to the Medicare prescription drug program. The 1990 law that established the Medicaid prescription drug rebate program gave state Medicaid agencies the OPTION to exclude barbiturates and benzodiazepines from their drug formularies. Even though no states have excluded these medications from their Medicaid formularies, the Medicare law makes this exclusion MANDATORY for seniors and individuals with disabilities.

It is unfair to restrict access to prescribed medications that have been proven to be safe and effective in the treatment of mental illnesses and other conditions that commonly affect seniors and the disabled. That is why I am introducing this important piece of legislation today, and I urge my colleagues to support it.

We know that mental illness is treatable, and treatment can help people to live healthy, productive lives. Yet, our Nation's focus on mental health has continued to take a backseat to our focus on physical health even though the two are interrelated. We must act now to bring an end to the silent epidemic of mental illness in our country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2190

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Medicare Mental Health Prescription Drug Access Act of 2007".

**SEC. 2. INCLUSION OF BARBITURATES AND BENZODIAZEPINES AS COVERED PART D DRUGS BEGINNING IN 2008.**

Section 1860D-2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w-102(e)(2)(A)) is amended by inserting "and, beginning in 2008, other than subparagraphs (I) (relating to barbiturates) and (J) (relating to benzodiazepines) of such section" after "agents)".

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 349—HONORING VICE PRESIDENT ALBERT GORE, JR., AND THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE FOR RECEIVING THE 2007 NOBEL PEACE PRIZE, IN RECOGNITION OF THEIR EFFORTS TO PROMOTE UNDERSTANDING OF THE THREATS POSED BY GLOBAL WARMING

Mr. REID (for himself, Mrs. BOXER, Mr. DURBIN, Mr. CARDIN, Mr. OBAMA, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SCHUMER, Mr. REED, Mr. DODD, Mrs. FEINSTEIN, Mr. KOHL, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. LAUTENBERG, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 349

Whereas the Norwegian Nobel Committee selected Vice President Albert Arnold (Al) Gore, Jr., and the Intergovernmental Panel on Climate Change (IPCC) as Nobel Peace Prize Laureates for 2007, acknowledging them "for their efforts to build up and disseminate greater knowledge about man-made climate change, and to lay the foundations for the measures that are needed to counteract such change";

Whereas the Nobel Committee found that Vice President Gore "became aware at an early stage of the climatic challenges the world is facing", and that his "strong commitment . . . has strengthened the struggle against climate change";

Whereas the IPCC, according to the Nobel Committee, is composed of thousands of scientists and officials from more than 100 countries, has sponsored research and scientific collaboration over the last 2 decades and "has created an ever-broader informed consensus about the connection between human activities and global warming: and

Whereas the Nobel Committee stated that Vice President Gore "is probably the single individual who has done most to create greater worldwide understanding of the measures that need to be adopted" to combat global warming: Now, therefore, be it

*Resolved*, That the Senate honors Vice President Albert Arnold Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their longstanding efforts to promote understanding of the threats posed by global warming.

## SENATE RESOLUTION 350—HONORING THE ACHIEVEMENTS OF MARIO R. CAPECCHI, SIR MARTIN J. EVANS, AND OLIVER SMITHIES, WINNERS OF THE 2007 NOBEL PRIZE IN PHYSIOLOGY OR MEDICINE

Mr. HATCH (for himself, Mr. BENNETT, Mrs. DOLE, and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 350

Whereas Mario R. Capecchi was born in Italy in 1937 and earned a PhD in biophysics from Harvard University in 1967;

Whereas Sir Martin J. Evans was born in Great Britain in 1941 and earned a PhD in anatomy and embryology from University College in London in 1969;

Whereas Oliver Smithies was born in Great Britain in 1925 and earned a PhD in biochemistry from Oxford University in 1951;

Whereas Mario Capecchi currently serves as Distinguished Professor of Human Genetics and Biology at the University of Utah School of Medicine;

Whereas Sir Martin J. Evans currently serves as the Professor of Mammalian Genetics and Director of the School of Biosciences at Cardiff University in Wales;

Whereas Oliver Smithies currently serves as an Excellence Professor of Pathology and Laboratory Medicine at the University of North Carolina at Chapel Hill;

Whereas Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies have made a series of discoveries concerning embryonic stem cells and deoxyribonucleic acid (DNA) recombination in mammals that have led to the creation of gene targeting in mice, a powerful technology that is now being used in all areas of biomedicine;

Whereas gene targeting technology has been used in experiments that have successfully isolated genes in order to determine their roles in embryonic development, adult physiology, aging, and disease;

Whereas gene targeting has produced more than 500 different mouse models of human disorders, including cardiovascular and neuron degenerative diseases, diabetes, and cancer;

Whereas, on October 8, 2007, Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies were awarded the Nobel Prize in Physiology or Medicine for their discoveries of principles for introducing specific gene modifications in mice by the use of embryonic stem cells: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors and recognizes the scientific work and achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies; and

(2) congratulates Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies for their receipt of the Nobel Prize in Physiology or Medicine.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3324. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. VITTER, Mr. DEMINT, Mr. MARTINEZ, Mr. ISAKSON, Mrs. DOLE, Mr. CORNYN, Mr. GRAHAM, Mr. ALEXANDER, Mr. ROBERTS, Mr. ENZI, Mr. COBURN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3325. Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 3043, supra.

SA 3326. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3327. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3328. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3329. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3330. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3331. Mr. REID (for Mr. OBAMA (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3332. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3333. Mr. THUNE (for himself, Ms. STABENOW, Mr. CRAPO, Mr. CONRAD, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3334. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3335. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3336. Mrs. FEINSTEIN (for herself and Mr. KYL) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3337. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3338. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3339. Mr. HARKIN (for Mr. SMITH) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3340. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3341. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3342. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3343. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3344. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3345. Mr. DORGAN (for himself, Mr. BROWN, Ms. STABENOW, and Mr. CASEY) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3346. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3347. Mr. MENENDEZ proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3348. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3349. Mr. BROWN (for himself, Mrs. LINCOLN, Mr. OBAMA, Mr. FEINGOLD, Ms. COLLINS, Mr. WYDEN, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3324.** Mr. SESSIONS (for himself, Mr. INHOFE, Mr. VITTER, Mr. DEMINT, Mr. MARTINEZ, Mr. ISAKSON, Mrs. DOLE, Mr. CORNYN, Mr. GRAHAM, Mr. ALEXANDER, Mr. ROBERTS, Mr. ENZI, Mr. COBURN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 24, strike "$436,397,000" and insert "$441,397,000, of which $50,737,000 is for the Office of Labor Management Standards,".

On page 26, line 6, strike "$313,400,000, of which $82,516,000" and insert "$308,400,000, of which $77,516,000".

**SA 3325.** Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

### TITLE I

### DEPARTMENT OF LABOR

### EMPLOYMENT AND TRAINING ADMINISTRATION

### TRAINING AND EMPLOYMENT SERVICES

### (INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998 (WIA), the Denali

Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,587,138,000, plus reimbursements, is available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:

(A) $864,199,000 for adult employment and training activities, of which $152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which $712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;

(B) $940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and

(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $848,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor:

(2) for federally administered programs, $481,540,000 as follows:

(A) $282,092,000 for the dislocated workers assistance national reserve, of which $3,700,000 shall be available on October 1, 2007, of which $66,392,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That up to $125,000,000 may be made available for Community-Based Job Training Grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That $1,500,000 shall be for a non-competitive grant to the AFL–CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That $2,200,000 shall be for a non-competitive grant to the AFL–CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded not later than 30 days after the date of enactment of this Act;

(B) $53,696,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;

(C) $79,752,000 for migrant and seasonal farmworkers, including $74,302,000 for formula grants, $4,950,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: *Provided*, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2008 through June 30, 2009; and

(E) $65,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;

(3) for national activities, $111,088,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:

(A) $30,650,000 for Pilots, Demonstrations, and Research, of which $27,650,000 shall be available for noncompetitive grants, with the terms, conditions and amounts specified in the committee report of the Senate accompanying this Act: *Provided*, That funding provided to carry out projects under section 171 of the WIA that are identified in the committee report accompanying this Act, shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $13,642,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D);

(C) $4,921,000 for Evaluation under section 172 of the WIA; and

(D) $6,875,000 for the Denali Commission, which shall be available for the period July 1, 2008 through June 30, 2009.

Of the amounts made available under this heading in Public Law 107–116 to carry out the activities of the National Skills Standards Board, $44,063 are hereby rescinded.

### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $483,611,000, which shall be available for the period July 1, 2008 through June 30, 2009.

### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter II of the Trade Act of 1974 and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.

### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $98,409,000, together with not to exceed $3,248,223,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) $2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;

(2) $10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $693,000,000 from the Trust Fund, together with $22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;

(4) $34,000,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $55,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and

(6) $19,541,000 is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:

*Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A-87.

In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: *Provided*, That not later than 180 days following the end of the current fiscal year, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: *Provided further*, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2009, $437,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

### PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $91,133,000, together with not to exceed $94,372,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

## EMPLOYEE BENEFITS SECURITY ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $143,262,000.

## PENSION BENEFIT GUARANTY CORPORATION

### PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

## EMPLOYMENT STANDARDS ADMINISTRATION

### SALARIES AND EXPENSES

### (INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $436,397,000, together with $2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $70,000,000 are hereby rescinded.

### SPECIAL BENEFITS

### (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,280,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.

(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.

(3) For periodic roll management and medical review, $14,316,000.

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

*Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

### SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275 (the "Act"), $208,221,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2009, $62,000,000, to remain available until expended.

### ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $104,745,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: *Provided further*, That not later than 30 days after enactment, in addition to other sums transferred by the Secretary of Labor to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICP"), the Secretary of Labor shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker

Health ("the Board") to carry out its statutory responsibilities under the EEOICP (42 U.S.C. 7384n–q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

### BLACK LUNG DISABILITY TRUST FUND

### (INCLUDING TRANSFER OF FUNDS)

In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,761,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed $24,785,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $335,000 for transfer to Departmental Management "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $498,445,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

*Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007, to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That such grants shall be awarded not later than 30 days after the date of enactment of this Act.

### MINE SAFETY AND HEALTH ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $330,028,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, $2,200,000 for an award to the United Mine Workers Association, for classroom and simulated rescue training for mine rescue teams, and $1,350,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

### BUREAU OF LABOR STATISTICS

### SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $482,000,000, together with not to exceed $78,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2): *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

### OFFICE OF DISABILITY EMPLOYMENT POLICY

### SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,712,000.

### DEPARTMENTAL MANAGEMENT

### SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $313,400,000, of which $82,516,000 is for the Bureau of International Labor Affairs, and of which $22,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $318,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

### OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et. seq.), including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,659,872,000, plus reimbursements, as follows:

(1) $1,516,000,000 for Job Corps Operations, of which $925,000,000 is available for obligation for the period July 1, 2008 through June

30, 2009 and of which $591,000,000 is available for obligation for the period October 1, 2008 through June 30, 2009;

(2) $115,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $15,000,000 is available for the period July 1, 2008 through June 30, 2009 and $100,000,000 is available for the period October 1, 2008 through June 30, 2011; and

(3) $28,872,000 for necessary expenses of the Office of Job Corps is available for obligation for the period October 1, 2007 through September 30, 2008:

*Provided*, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below 44,791 in program year 2008.

### VETERANS EMPLOYMENT AND TRAINING

Not to exceed $197,143,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2008, of which $1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $31,055,000, of which $7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009.

### OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $73,929,000, together with not to exceed $5,729,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

### GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

### (TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 105. The Secretary shall prepare and submit not later than July 1, 2008, to the Committees on Appropriations of the Senate and of the House an operating plan that outlines the planned allocation by major project and activity of fiscal year 2008 funds made available for section 171 of the Workforce Investment Act.

SEC. 106. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community College Initiative Grants, Community-Based Job Training Grants, and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 107. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 108. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 109. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.

SEC. 110. (a) Not later than June 20, 2008, the Secretary of Labor shall revise regulations prescribed pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 863(y)) to require, in any coal mine, regardless of the date on which it was opened, that belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary of Labor.

(b) Not later than June 15, 2008, the Secretary of Labor shall issue regulations, pursuant to the design criteria recommended by the National Institute of Occupational Safety and Health and section 13 of the MINER Act (Public Law 109–236), requiring installation of rescue chambers in the working areas of underground coal mines.

SEC. 111. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

This title may be cited as the "Department of Labor Appropriations Act, 2008".

## TITLE II

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### HEALTH RESOURCES AND SERVICES ADMINISTRATION

### HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, $6,843,673,000, of which $191,235,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities as specified in the committee report of the Senate accompanying this Act, and of which $38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $220,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That $40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: *Provided further*, That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, $300,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $814,546,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $95,936,920 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,586,238 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That of the funds provided, $39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: *Provided further*, That of the funds available under this heading, $1,829,511,000 shall remain available to the Secretary until September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; relating to Ryan White Emergency Relief Grants and CARE Grants): *Provided further*, That of the funds provided, $25,000,000 shall be provided for the Delta Health Initiative as authorized in section 222 of this Act and associated administrative expenses: *Provided further*, That notwithstanding section 747(e)(2) of the PHS Act, and not less than $5,000,000 shall be for general dentistry programs and not less than $5,000,000 shall be for pediatric dentistry programs and not less than $24,614,000 shall be for family medicine programs: *Provided further*, That where prior year funds were disbursed under this appropriation account as Health Care and Other Facilities grants (and were used for the purchase, construction, or major alteration of property; or the purchase of equipment), the Federal interest in such property or equipment shall last for a period of 5 years following the completion of the project and terminate at that time: *Provided further*, That if the property use changes (or the property is transferred or sold) and the Government is compensated for its proportionate interest in the property, the Federal interest in such property shall be terminated: *Provided further*, That for projects where 5 years has already elapsed since completion, the Federal interest shall be terminated immediately.

### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,906,000.

### VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,528,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

## CENTERS FOR DISEASE CONTROL AND PREVENTION

### DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, and the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,157,169,000, of which $220,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $581,335,000 shall remain available until expended for the Strategic National Stockpile; and of which $122,769,000 for international HIV/AIDS shall remain available until September 30, 2009. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $108,585,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $463,000 for Health Marketing evaluations; (5) $31,000,000 to carry out Public Health Research; and (6) $92,071,000 to carry out research activities within the National Occupational Research Agenda: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $19,035,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: *Provided further*, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further*, That if States are eligible, up to $30,000,000 shall be used to implement section 2625 of the Public Health Service Act (42 U.S.C. 300ff–33; relating to the Ryan White early diagnosis grant program): *Provided further*, That $16,890,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

## NATIONAL INSTITUTES OF HEALTH

### NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,910,160,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,992,197,000.

### NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $398,602,000.

### NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,747,784,000.

### NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,573,268,000.

### NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

### (INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,668,472,000: *Provided*, That $300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/

AIDS, Malaria, and Tuberculosis", to remain available until expended: *Provided further*, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.

### NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,978,601,000.

### NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,282,231,000.

### NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $681,962,000.

### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $656,176,000.

### NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,073,048,000.

### NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $519,810,000.

### NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $402,680,000.

### NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $140,456,000.

### NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $445,702,000.

### NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,022,594,000.

### NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,436,001,000.

### NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $497,031,000.

### NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $304,319,000.

### NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,177,997,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

### NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $124,213,000.

### NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $203,895,000.

### JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $68,000,000.

### NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $327,817,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2008, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

### OFFICE OF THE DIRECTOR

### (INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,145,790,000, of which up to $25,000,000 shall be used to carry out section 217 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That $110,900,000 shall be available to carry out the National Children's Study: *Provided further*, That $531,300,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director, NIH may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.

### BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $121,081,000, to remain available until expended.

## SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,278,135,000, of which $10,335,000 shall be available for projects and in the amounts specified in the committee report accompanying this Act: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $21,750,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs.

## AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

### HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $329,564,000; and in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That no amount shall be made available pursuant to section 927(c) of the Public Health Service Act for fiscal year 2008.

## CENTERS FOR MEDICARE AND MEDICAID SERVICES

### GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $141,628,056,000, to remain available until expended.

For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, $67,292,669,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

### PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $188,828,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

### PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,248,088,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That $253,775,000, to remain available until September 30, 2009, is for CMS Medicare contracting reform activities: *Provided further*, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That in addition, the Secretary may charge a fee for conducting revisit surveys on health care facilities cited for deficiencies during initial certification, recertification, or substantiated complaints surveys: *Provided further*, That such fees, in an amount not to exceed $35,000,000, shall be credited to this account as offsetting collections, to remain available until expended for the purpose of conducting such revisit surveys: *Provided further*, That amounts transferred to this account from the Federal Health Insurance and Federal Supplementary Medical Insurance Trust Funds for fiscal year 2008 shall be reduced by the amount credited to this account under this paragraph: *Provided further*, That $1,625,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

### HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $383,000,000, to be available until expended, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which $288,480,000 is for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities authorized in title 18 of the Social Security Act, with oversight activities including those activities listed in 18 U.S.C. 1893(b); of which $36,690,000 is for the Department of Health and Human Services Office of Inspector General; of which $21,140,000 is for the Department of Health and Human Services for program integrity activities in title 18, title 19 and title 21 of the Social Security Act; and of which $36,690,000 is for the Department of Justice: *Provided*, That the report required by 18 U.S.C. 1817(k)(5) for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs for the funds provided by this appropriation.

## ADMINISTRATION FOR CHILDREN AND FAMILIES

### PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,949,713,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2009, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

### LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under section 2604(a)–(d) of the Low Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)), $1,980,000,000.

For making payments under section 2604(e) of the Low Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $181,170,000, notwithstanding the designation requirement of section 2602(e) of such Act.

### REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, $654,166,000, of which up to $9,823,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.

### PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,062,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which $982,080 shall be available to the Secretary for discretionary activities to support comprehensive consumer education or parental choice: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

### SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000.

### CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,213,332,000, of which $9,500,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: *Provided*, That $7,088,571,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: *Provided further*, That $735,281,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further*, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That $16,720,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $11,390,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,330,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $80,416,000 shall be for making competitive grants to provide abstinence education to adolescents, and for Federal costs of administering the grant: *Provided further*, That information provided through grants under the immediately preceding proviso shall be scientifically accurate and shall comply with section 317P(c)(2) of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further*, That $7,425,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

### PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437, $89,100,000.

### PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,067,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2009, $1,776,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

## ADMINISTRATION ON AGING

### AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,441,585,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: *Provided*, That $2,935,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

## OFFICE OF THE SECRETARY

### GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $399,386,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; and $5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; up to $4,000,000 shall be for the Secretary's discretionary fund and may be used to carry out activities authorized under the Department's statutory authorities; and $9,500,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation, provided directly, through grants, or through contracts: *Provided further*, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: *Provided further*, That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further*, That $2,100,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

### OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $70,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

### OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $43,000,000: *Provided*, That in addition to amounts provided herein, $28,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $45,687,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $33,748,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

### RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such amounts as may be required during the current fiscal year.

### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $756,556,000, of which not to exceed $22,338,000, to remain available until September 30, 2009, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act.

For expenses necessary to prepare for and respond to an influenza pandemic, $888,000,000, of which $652,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That $158,000,000 shall be transferred within 30 days of enactment to the Centers for Disease Control and Prevention for pandemic preparedness activities: *Provided further*, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

For expenses to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001, terrorist attacks on the World Trade Center, $55,000,000 to be transferred to Centers for Disease Control and Prevention, Disease Control, Research, and Training.

### GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act may be used to implement section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Appropriations Committees of both Houses of Congress are promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad during fiscal year 2008, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State; and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply

with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under sections 402(b)(7) and 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Common Fund.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 219. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 220. In addition to any other amounts available for such travel, and notwithstanding any other provision of law, amounts available from this or any other appropriation for the purchase, hire, maintenance, or operation of aircraft by the Centers for Disease Control and Prevention shall be available for travel by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, and employees of the Department of Health and Human Services accompanying the Secretary or the Director during such travel.

SEC. 221. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 222. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.

(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.

(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

(d) There are authorized to be appropriated such sums as may be necessary to carry out this section in fiscal year 2008 and in each of the five succeeding fiscal years.

SEC. 223. Not to exceed $35,000,000 of funds appropriated by this Act to the Institutes and Centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 224. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2008".

## TITLE III

## DEPARTMENT OF EDUCATION

### EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $15,867,778,000, of which $6,812,554,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $8,867,301,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That $6,808,407,000 shall be for basic grants under section 1124: *Provided further*, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be for concentration grants under section 1124A: *Provided further*, That $2,868,231,000 shall be for targeted grants under section 1125: *Provided further*, That $2,868,231,000 shall be for education finance incentive grants under section 1125A: *Provided further*, That $500,000,000 shall be for school improvement grants authorized under section 1003(g) of the ESEA: *Provided further*, That $9,330,000 shall be to carry out part E of title I: *Provided further*, That $1,634,000 shall be available for a comprehensive school reform clearinghouse.

### IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,248,453,000, of which $1,111,867,000 shall be for basic support payments under section 8003(b), $49,466,000 shall be for payments for children with disabilities under section 8003(d), $17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, $64,350,000 shall be for Federal property payments under section 8002, and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

### SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,198,525,000, of which $3,560,485,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which $1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further*, That $60,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That $34,376,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That $18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

### INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $118,690,000.

### INNOVATION AND IMPROVEMENT

For carrying out activities authorized by parts G and H of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), $962,889,000: *Provided*, That $9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: *Provided further*, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: *Provided further*, That $317,699,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That $64,504,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act: *Provided further*, That $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That five percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities.

### SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $697,112,000, of which $300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: *Provided*, That of the amount available for subpart 2 of part A of title IV of the ESEA, $850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105-244: *Provided further*, That $300,000,000 shall be available for subpart 1 of part A of title IV and $222,112,000 shall be available for subpart 2 of part A of title IV, of which not less than $1,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That $145,000,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to $12,000,000 may be used to carry out section 2345 and $3,000,000 shall be used to implement a comprehensive program to improve public knowledge, understanding and support of the Congress and the State legislatures.

### ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $670,819,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).

### SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $12,330,374,000, of which $6,192,551,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $5,924,200,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That $13,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: *Provided further*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: *Provided further*, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: *Provided further*, That $3,000,000 shall be available to support the Special Olympics Winter World Games.

### REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, $3,286,942,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: *Provided*, That $32,000,000 shall be used for carrying out the AT Act, including $26,377,000 for State grant activities authorized under section 4 of the AT Act, $4,570,000 for State grants for protection and advocacy under section 5 of the AT Act and $1,053,000 shall be for technical assistance activities under section 6 of the AT Act: *Provided further*, That $2,650,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

### SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

#### AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $22,000,000.

#### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $59,000,000, of which $1,705,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

#### GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $111,000,000, of which $600,000 shall be for the Secretary of Education to carry out section 205 of the Act: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

### CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Amendments of 1998, $1,894,788,000, of which $1,103,788,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: *Provided*, That of the amount provided for Adult Education State Grants, $67,896,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $22,770,000 shall be for Youth Offender Grants.

### STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $16,368,883,000, which shall remain available through September 30, 2009.

The maximum Pell Grant for which a student shall be eligible during award year 2008–2009 shall be $4,310.

### STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, $708,216,000, which shall remain available until expended.

### HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), as amended, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,028,302,000: *Provided*, That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $970,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: *Provided further*, That $12,000,000 shall be for grants to institutions of higher education, in partnership with local educational agencies, to establish instructional programs at all educational levels in languages critical to U.S. national security: *Provided further*, That $59,855,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

### HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

### COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended $481,000.

### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $188,000.

### INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $589,826,000, of which $322,020,000 shall be available until September 30, 2009.

### DEPARTMENTAL MANAGEMENT

#### PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $432,631,000, of which $3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.

#### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $93,771,000.

#### OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $54,239,000.

### GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

#### (TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. None of the funds made available in this Act may be used to promulgate, implement, or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.

SEC. 306. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)(B)), North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—

(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and

(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.

This title may be cited as the ''Department of Education Appropriations Act, 2008''.

## TITLE IV

## RELATED AGENCIES

### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

#### SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,994,000.

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

#### NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

#### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service to carry out the programs, activities, and initiatives under provisions of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) (the 1973 Act) and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) (the 1990 Act), $804,489,000: *Provided*, That all prior year unobligated balances from the "Domestic Volunteer Service Programs, Operating Expenses" account shall be transferred to and merged with this appropriation: *Provided further*, That up to one percent of program grant funds may be used to defray costs of conducting grant application reviews, including the use of outside peer reviewers: *Provided further*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to program participants whose incomes exceed 125 percent of the national poverty level: *Provided further*, That not more than $275,775,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the 1990 Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the 1990 Act: *Provided further*, That not less than $117,720,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601), of which up to $4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which $7,000,000 shall be held in reserve as defined in Public Law 108–45: *Provided further*, That in addition to amounts otherwise provided to the National Service Trust under the fifth proviso, the Corporation may transfer funds from the amount provided under the fourth proviso, to the National Service Trust authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: *Provided further*, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $65,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than $12,516,000 shall be made available to provide assistance to State commissions on national and community service under section 126(a) of the 1990 Act: *Provided further*, That not more than $10,466,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the 1990 Act (42 U.S.C. 12853 et seq.): *Provided further*, That notwithstanding subtitle H of title I of the 1990 Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: *Provided further*, That $31,789,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the 1990 Act (42 U.S.C. 12611 et seq.), of which not less than $5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi.

### SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $69,520,000.

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,900,000.

### ADMINISTRATIVE PROVISIONS

### (INCLUDING TRANSFER OF FUNDS)

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided*, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2008, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

Except as expressly provided herein, not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Corporation in this Act may be transferred between activities identified under this heading in the committee report accompanying this Act, but no such activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

### CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 shall be for the costs associated with replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108–199 or Public Law 108–7, shall be used to support the Television Future Fund or any similar purpose.

### FEDERAL MEDIATION AND CONCILIATION SERVICE

### SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $44,450,000, including $400,000, to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

#### SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $8,096,000.

### INSTITUTE OF MUSEUM AND LIBRARY SERVICES

#### OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, $266,680,000: *Provided*, That $8,680,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

### MEDICARE PAYMENT ADVISORY COMMISSION

#### SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

### NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

#### SALARIES AND EXPENSES

For close out activities of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), $400,000.

### NATIONAL COUNCIL ON DISABILITY

#### SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $3,113,000.

### NATIONAL LABOR RELATIONS BOARD

#### SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $256,988,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

### NATIONAL MEDIATION BOARD

#### SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, $12,992,000.

### OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

#### SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,696,000.

### RAILROAD RETIREMENT BOARD

#### DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

#### FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

#### LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

#### LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $8,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further*, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.

### SOCIAL SECURITY ADMINISTRATION

#### PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $28,140,000.

#### SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $26,959,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2009, $14,800,000,000, to remain available until expended.

#### LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,372,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $263,970,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act and for conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to amounts made available above, and subject to the same terms and conditions, $213,000,000 shall be available for additional continuing disability reviews and redeterminations of eligibility.

In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108-203), which shall remain available until expended.

#### OFFICE OF INSPECTOR GENERAL

#### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,000,000, together with not to exceed $68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

## TITLE V

## GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 518. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 519. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the Senate and of the House of Representatives a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008".

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**SA 3326.** Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. SMALL BUSINESS CHILD CARE GRANT PROGRAM.**

For carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (42 U.S.C. 9858 note) $10,000,000, to remain available until expended. Each amount otherwise appropriated in this Act shall be reduced on a pro rata basis by the amount necessary to provide the amount referred to in the preceding sentence.

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**SA 3327.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ___. None of the funds appropriated in this Act may be used to prevent, or to coordinate with another employee of the Federal government to prevent, an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355).

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**SA 3328.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ___. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355).

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**SA 3329.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ___. None of the funds appropriated under this Act shall be made available to Planned Parenthood for any purpose under title X of the Public Health Service Act.

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**SA 3330.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, none of the funds appropriated in this title shall be distributed to grantees who perform abortions or whose subgrantees perform abortions, except where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself. The preceding sentence shall not apply to a grantee or subgrantee that is a hospital, so long as such hospital does not subgrant to a non-hospital entity that performs abortions.

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**SA 3331.** Mr. REID (for Mr. OBAMA (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 521. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

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**SA 3332.** Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

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**SA 3333.** Mr. THUNE (for himself, Ms. STABENOW, Mr. CRAPO, Mr. CONRAD, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any amounts appropriated or otherwise made available under this Act to the Health Resources and Services Administration to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107-251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c-14), there shall be made available an additional $6,800,000, to (1) expand support for existing and new telehealth resource centers, including at least 1 resource center focusing on telehomecare; (2) support telehealth network grants, telehealth demonstrations, and telehomecare pilot projects; and (3) provide grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

(b) Notwithstanding any other provision of this Act, amounts appropriated or otherwise made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $6,800,000.

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**SA 3334.** Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 7, strike "$756,556,000" and insert "$786,556,000".

On page 66, line 10, strike the period and insert ", and of which $189,000,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.".

On page 79, between lines 4 and 5, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, each congressionally directed spending item in this Act shall be reduced on a pro rata basis by $30,000,000.

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**SA 3335.** Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other other purposes; as follows:

On page 59, line 22, insert before the semicolon the following: ", of which $5,000,000 shall be made available to the Centers for Disease Control and Prevention as an additional amount to make grants under the State Heart Disease and Stroke Prevention Program".

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**SA 3336.** Mrs. FEINSTEIN (for herself and Mr. KYL) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other other purposes; as follows:

On page 64, line 5, insert before the period the following: "*Provided further*, That $500,000 shall be available to complete a feasibility study for a National Registry of Substantiated Cases of Child Abuse or Neglect, as described in section 633(g) of the Adam Walsh Child Protection and Safety Act of 2006 (Public law 109-248), and the Secretary of Health and Human Services shall submit the report described in section 633(g)(2) of such Act not later than 1 year after date of enactment of this Act".

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**SA 3337.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

**SEC. _____. SENSE OF THE SENATE REGARDING SCIENCE TEACHING AND ASSESSMENT.**

(a) FINDINGS.—The Senate finds that there is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that such direct involvement must be included in every science program for every science student in prekindergarten through grade 16.

(b) SENSE OF THE SENATE REGARDING THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS 2009 SCIENCE TEST.—It is the sense of the Senate that—

(1) the National Assessment of Educational Progress (NAEP) 2009 Science assessment should reflect the findings of the Senate described in subsection (a) and those expressed in section 7026(a) of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act; and

(2) the National Assessment Governing Board (NAGB) should certify that the National Assessment of Education Progress 2009 Science framework, specification, and assessment include extensive and explicit attention to inquiry.

(c) REPORT.—The National Assessment Governing Board shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate describing whether the certification described in subsection (b)(2) has been made, and if such certification has been made, include in the report the following:

(1) A description of the analysis used to arrive at such certification.

(2) A list of individuals with experience in inquiry science education making the certification.

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**SA 3338.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be used for the Charles B. Rangel Center for Public Service, City College of New York, NY.

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**SA 3339.** Mr. HARKIN (for Mr. SMITH) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 49, line 19, insert before the period the following: "*Provided further*, That Section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008".

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**SA 3340.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

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**SA 3341.** Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, line 2, insert "*Provided further*, That of the funds available under this heading, $12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the

Stem Cell Therapeutic and Research Act of 2005 (Public Law 109-129):" after "programs:".

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**SA 3342.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

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**SA 3343.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NONE OF THE FUNDS APPROPRIATED IN THIS ACT SHALL BE EXPENDED OR OBLIGATED BY THE COMMISSIONER OF SOCIAL SECURITY, FOR PURPOSES OF ADMINISTERING SOCIAL SECURITY BENEFIT PAYMENTS UNDER TITLE II OF THE SOCIAL SECURITY ACT, TO PROCESS CLAIMS FOR CREDIT FOR QUARTERS OF COVERAGE BASED ON WORK PERFORMED UNDER A SOCIAL SECURITY ACCOUNT NUMBER THAT WAS NOT THE CLAIMANT'S NUMBER OR UNDER ANY OTHER BASIS THAT IS AN OFFENSE PROHIBITED UNDER SECTION 208 OF THE SOCIAL SECURITY ACT (42 U.S.C. 408).

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**SA 3344.** Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 4, after "Act" insert the following: ", including $250,000 for the Center for Asbestos Related Disease (CARD) Clinic in Libby, Montana".

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**SA 3345.** Mr. DORGAN (for himself, Mr. BROWN, Ms. STABENOW, and Mr. CASEY) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 12, line 8, before the period, insert the following: "*Provided further*, That not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report regarding the impact of the North American Free Trade Agreement (in this section, referred to as the 'Agreement') on jobs in the United States. The report shall cover the period beginning on the date the Agreement entered into force with respect to the United States through December 31, 2007, and shall include on a industry-by-industry basis, the information regarding the number and type of jobs lost in the United States as a result of the agreement and the number and type of jobs created as a result of the Agreement.".

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**SA 3346.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 9 and 10, insert the following:

SEC. ____. Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress containing an analysis of the Secretary of Labor's implementation of section 302 of the Social Security Act (42 U.S.C. 502) and the Secretary's allocation of State unemployment insurance administrative grants according to the requirements under such section 302.

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**SA 3347.** Mr. MENENDEZ proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any other amounts appropriated or otherwise made available under this Act, $15,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109-18).

(b) Notwithstanding any other provision of this Act, the amount made available under this Act for the Reading First State Grants program under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.), as specified in the committee report of the Senate accompanying this Act, shall be reduced by $15,000,000.

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**SA 3348.** Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, $2,000,000 shall be available for the Underground Railroad Educational and Cultural Program. Amounts appropriated under title III for administrative expenses shall be reduced on a pro rata basis by $2,000,000.

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**SA 3349.** Mr. BROWN (for himself, Mrs. LINCOLN, Mr. OBAMA, Mr. FEINGOLD, Ms. COLLINS, Mr. WYDEN, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ____. No funds appropriated under this Act may be used by the Secretary of Education to promulgate, implement, or enforce the evaluation for the Upward Bound Program as announced in the Notice of Final Priority published at 71 Fed. Reg. 55447-55450 (Sept. 22, 2006), until after the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives have thoroughly examined such regulation in concert with the reauthorization of the Higher Education Act of 1965.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 17, 2007, at 10 a.m., in order to conduct a markup on an original bill entitled the Sudan Accountability and Divestment Act of 2007; an original bill entitled the Terrorism Risk Insurance Program Reauthorization Act of 2007; and an original bill entitled the Flood Insurance Reform and Modernization Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, October 17, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

At this hearing, the Committee will hear testimony regarding consumer practices of the wireless industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and

Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, October 17, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

At this hearing, the Committee will explore the status of the digital television transition including consumer education efforts, the operation and implementation of the National Telecommunications and Information Administration converter box program, and other issues related to a smooth and effective transition from analog to digital television.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, at 2:30 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, at 10 a.m. in order to conduct a hearing entitled "Is DHS Too Dependent on Contractors to Do the Government's Work?"

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized during the session of the Senate in order to meet to conduct a hearing on the nomination of Michael B. Mukasey to be Attorney General of the United States, on Wednesday, October 17, 2007, at 10 a.m. in the Hart Senate Office Building room 216.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, in order to conduct an oversight hearing on VA and DOD collaboration, the hearing will focus on the report of the President's Commission on Care For America's Returning Wounded Warriors, the report of the Veterans Disability Benefit Commission and other related reports.

The Committee will meet in 562 Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL HEALTH

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Superfund and Environmental Health, be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, at 9:30 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, "Oversight Hearing on the Federal Superfund Program's Activities to Protect Public Health."

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. I ask unanimous consent that Alexander Torres and Young-Min Cho of my staff be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Leigh Ann Ross be given the privilege of the floor during consideration of the Labor-HHS bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Jeffry Phan, a fellow in his office, be granted the privileges of the floor for the pendency of H.R. 3043.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPPORTING NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 182, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 182) recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the preamble be agreed to, the resolution be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 182) was agreed to.

The preamble was agreed to.

## HONORING VICE PRESIDENT ALBERT GORE, JR., AND THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 349.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 349) honoring Vice President Albert Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their efforts to promote understanding of the threats posed by global warming.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 349 was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 349

Whereas the Norwegian Nobel Committee selected Vice President Albert Arnold (Al) Gore, Jr., and the Intergovernmental Panel on Climate Change (IPCC) as Nobel Peace Prize Laureates for 2007, acknowledging them "for their efforts to build up and disseminate greater knowledge about man-made climate change, and to lay the foundations for the measures that are needed to counteract such change";

Whereas the Nobel Committee found that Vice President Gore "became aware at an early stage of the climatic challenges the world is facing", and that his "strong commitment . . . has strengthened the struggle against climate change";

Whereas the IPCC, according to the Nobel Committee, is composed of thousands of scientists and officials from more than 100 countries, has sponsored research and scientific collaboration over the last 2 decades and "has created an ever-broader informed consensus about the connection between human activities and global warming"; and

Whereas the Nobel Committee stated that Vice President Gore "is probably the single individual who has done most to create greater worldwide understanding of the measures that need to be adopted" to combat global warming, Now, therefore, be it

*Resolved*, That the Senate honors Vice President Albert Arnold Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their longstanding efforts to promote understanding of the threats posed by global warming.

Mr. REID. Mr. President, I am so pleased to rise in support of this resolution. It has now passed, and it is very important that it has. It is to honor our former colleague, the Vice President of the United States, Al Gore.

When I was first elected to the House of Representatives 25 years ago, I was placed on the Foreign Affairs Committee, which was wonderful. I loved it. Clement Zablocki from Wisconsin was the chairman of that committee. I have told people it was like going to school and not having to take the test. I was also put on the Science and Technology Committee. That was a wonderful committee. It opened my eyes to so many different things that I had not seen before and had not been exposed to before.

The first day we met on that committee for organizational purposes, a young man came up to me and he said: I am Al Gore from Tennessee. He said: There is going to be a lot of activity here, people wanting to go to subcommittees. He said: Just wait. They have formed a new subcommittee. I am going to be the subcommittee chairman. Take my word for it. It is going to be the best subcommittee. Don't try to get on all those others. Get on mine.

I did. I followed his suggestion. It was wonderful. I knew at that time that not only was he a very nice man—and I knew, of course, of him because of his father having been a U.S. Senator—but I came to learn what a brilliant man he is.

We did such outstanding things on that subcommittee. We uncovered corruption within the Federal Emergency Management Agency. We held hearings on that. He got into, for the first time, looking at how people are affected who do shift work. Those people who come from manufacturing areas are aware of that, the people who work the graveyard shift, the swing shift. For Las Vegas it is very important because it is a 24-hour town. People work 24 hours, around the clock. He approached it from what does it do to the minds and the bodies of people who have had this shift work. It was a wonderful, enlightening hearing, not only for members of the committee but for the country.

Also, he did, for the first time, public hearings on organ transplants. Remember, this was 25 years ago. I can remember it as if it was yesterday. He brought in before our subcommittee a little girl by the name of Jamie Fisk. I will never forget this little girl. Her color was the color of a light-colored lemon. She was so yellow. She was so jaundiced. This little girl was dying. She needed an organ transplant, a liver transplant, and this wasn't done much. But she was going to die. As a result of this hearing, she was able to get an organ transplant, a liver. I don't know what has happened to Jamie. The last time I checked a number of years ago, she was doing just fine, and I am confident she is. She was able to live as a result of this hearing held by Al Gore. It really paved the way for organ transplants and what we do with people who are on a waiting list to get these organ transplants.

The former majority leader, Dr. Frist, was an organ transplant specialist. I talked to him on a number of occasions about the important work Al Gore did in that subcommittee.

That was only the beginning. Al Gore came to the Senate. I can remember coming to him when I decided to run for the Senate. He came here 2 years before I did. He gave me great advice. He was very concerned about campaign spending laws that needed to be changed. He was totally supportive of McCain-Feingold and was a real leader and a leader in so many different respects as a Senator.

President Bill Clinton, using such good judgment, chose him to be his Vice President. Prior to that, Al Gore ran for President, and I am happy to say the first time he ran for President, other than the Senators from Tennessee, I was the only Senator supporting him. I have never, ever regretted having done that. I think the world of this man. His wife Tipper, if there were an all-American boy, she is the all-American girl. She is just what you would want your daughter to be like. I have a daughter, and I certainly hope she turns out like Tipper Gore.

The Vice President and Senator Gore—I visited him in his office years ago. He had in his office a chart, and it was so unusual. It showed how global warming was taking place, what was happening in the environment, and it went way up into the ceiling. Way back then, 20 years ago, he knew it was a problem. He knew that global warming was a problem.

He is a man of humor. He is real family person. We all lived with him here when he took his little boy to a baseball game and his little boy darted in front of a car and was hit and almost killed. For me personally, he is my friend.

What he has done for the State of Nevada is remarkable. Lake Tahoe. There are only 2 lakes in the world like Lake Tahoe: Alpine Glacial Lake, and the other 1 is in Russia—Lake Baikal. Lake Tahoe that we share with California is a wonderful lake. It is almost a mile deep. It was in a state of distress. I talked to Al Gore and said: We need to do a Presidential summit at Lake Tahoe, and we did. He and President Clinton came there 10 years ago and spent 2 days at Lake Tahoe. There was international coverage of what they were doing at Lake Tahoe to show that this wonder of nature was being destroyed. As a result of their having been there—they had 7 Cabinet officers who spent time with more than 1,000 people preparing them for the summit. I thought it would be a photo-op, and it certainly was more than that. It led to our turning around the environmental degradation of that great lake, and we have made progress. Since they came there, we have spent hundreds of millions of dollars on that lake, and it has been worth every penny of it.

Mr. President, Al Gore has had a pretty good year. He won an Emmy, an Oscar, and now the Nobel Peace Prize. I, of course, know he got more votes than the person who beat him in the Presidential election. We not only know he got more votes, we know the tremendous problems they had in Florida. The Supreme Court made a decision. Even though I disagreed with the 5-to-4 decision, it was made by the Supreme Court. As hard as it was for me to accept it, the minute the Supreme Court made that decision, George Bush became my President. Think about how Al Gore felt about that. Al Gore had gotten more votes than the man the Supreme Court said would be President. How did Al Gore lead the country after that disappointment to him? He didn't whine or cry or ask for there to be a contest in the House of Representatives, which he was entitled to. He led the country in saying George Bush is the President.

I say to you there wasn't a single rock thrown through a window and there were no demonstrations held; it was a changeover to George Bush being President. I give that to the greatness of Al Gore. He could have whined and cried and complained. He didn't do that. He set out, in spite of the fact that he was not President of the United States, to change the world. He has done that, earning an Emmy, an Oscar, and now the Nobel Peace Prize. It is one of the all-time great stories in history.

I have to also say that Al Gore, this very serious man, is also very funny; he has a great sense of humor. When I was first elected minority leader, and then became the Democratic leader, he is one of the first people I called. What did he do? He said: How much time do you have? I said: All the time you want. I was on the telephone and he talked to me for more than 2 hours. I took notes. I still have those notes. He gave me such a good view of my job.

I want everyone within the sound of my voice to understand what an extraordinary man he is and how much good he has done. I have watched his progress from the days we spent together on the subcommittee and the committee in the House, and we talked about the environment. This Nobel Peace Prize is a reflection of the man and his accomplishments.

Is there anyone who doubts today that global warming is real? I don't think so. If they do, they are in a very distinct minority. Global warming is here and we must act. Listen to what Vice President Gore says regarding the challenge. He says we must have optimism. He said:

> We sometimes emphasize the danger in a crisis without focusing on the opportunities that are there. We should feel a great sense of urgency because it is the most dangerous crisis we have ever faced, by far. But it also provides us with opportunities to do a lot of things we ought to be doing for other reasons

anyway. And to solve this crisis, we can develop a shared sense of moral purpose.

Does that depict what a great man he is? Al Gore looks at this optimistically, saying these are things we should have been doing, but we are not doing it, so let's work together to fight the scourge facing our world.

On behalf of our former colleague and my friend, Vice President Al Gore, I am so pleased to support this resolution. More important than passing this resolution, which has happened, I hope all my colleagues will honor his cause and moral purpose to continue the fight to reverse the threat of global warming and leave an Earth to our children and grandchildren that is safe, clean, and livable.

## HONORING NOBEL PEACE PRIZE WINNERS IN PHYSIOLOGY OR MEDICINE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 350.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 350) honoring the achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies of the 2007 Nobel Peace Prize in Physiology or Medicine.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, it is fitting that the Senate has passed S. Res. 350 which honors the scientific work and accomplishments of Mario R. Capecchi, who, along with Sir Martin J. Evans and Oliver Smithies, received the Nobel Prize for Physiology or Medicine for their contributions to the development of gene targeting technology.

What an honor to see these great men receive this distinguished award.

As with previous Nobel winners, one of this year's recipients has waded through much difficulty in his life to go on and accomplish such an amazing feat—Dr. Mario Capecchi. I would like to take a moment to review for my colleagues some of Dr. Capecchi's background and successes.

Dr. Mario Capecchi, who has worked at the University of Utah School of Medicine for nearly 35 years, has, through both his life and work, demonstrated that hard work and determination can and will lead to good results, even in the face of overwhelming adversity.

Mario was born in Verona, Italy, in 1937. His father was an Italian soldier who, soon after Dr. Capecchi's birth, was reported missing in action while manning an anti-aircraft gun in Libya. At the age of 3, his American mother was sent to the Dachau concentration camp as punishment for her association with an anti-Fascist organization. Prior to her arrest, she sold all her belongings and gave the proceeds to a peasant family to provide housing for her son. However, 1 year later, the funds were exhausted and, at the age of 4, Dr. Capecchi was left to fend for himself on the streets of northern Italy.

After 4 years of living in orphanages and moving from town to town with different groups of homeless children, he was located by his mother who, upon her release from Dachau, had engaged in a year-long search to find her son. She found him in a hospital bed in the town of Reggio Emilia, sick with a fever and suffering from malnutrition.

In 1946, his uncle, Edward Ramberg, a prominent American physicist, arranged for Dr. Cappecchi and his mother to come to the United States. At that time, he and his mother relocated from Italy to a Quaker commune in Pennsylvania, where he would begin his education, graduating from a Quaker boarding school in 1956.

Dr. Capecchi received bachelor's degrees in both chemistry and physics from Antioch College in Ohio in 1961. He then went on to earn his Ph.D. in biophysics from Harvard University in 1967. In 1969, he became an assistant professor in the Department of Biochemistry at the Harvard School of Medicine, and was promoted to associate professor in 1971. Two years later, he joined the faculty at the University of Utah, where he began the work that would eventually earn him a Nobel Prize.

Dr. Capecchi, along with Drs. Evans and Smithies, received the Nobel Prize for their discoveries of methods for introducing specific gene modifications in mice by the use of embryonic stem cells. In the late 1980s, after years of research and experimentation on mouse-derived stem cells, these doctors were able to develop the first knockout mice, genetically engineered mice that have had one or more of their genes isolated and made inoperable. Knockout mice have allowed scientists to learn more about genes that have been sequenced but have unknown functions. Through the techniques developed by these three doctors, researchers are able to inactivate specific mouse genes and study the mice for any resulting differences. From this process, they are able to infer the probable functions of the individual genes.

This gene targeting technology has led to a vast expansion of our understanding of genetics. Indeed, it has impacted virtually every area of biomedicine. The successful isolation of genes has allowed researchers to determine their roles in embryonic development, adult physiology, aging and disease. In addition, the use of knockout mice has led to the production of more than 500 different mouse models of human disorders, including cardiovascular disease, neuron-degenerative disorders, cancer and diabetes.

Drs. Capecchi, Evans, and Smithies have dedicated their lives and work to bettering mankind. Dr. Capecchi has been a key advisor to me for many years and has been a great help to me and this nation with his medical and scientific work and knowledge. I have the highest praise, not only for his work and intellect, but for his dedication and perseverance.

I am joined by Senators BENNETT, DOLE, and BURR in introducing S. Res. 350 recognizing the work and achievements of these new Nobel Laureates and congratulating them for the honor they have received and I want each of them to know how proud I am of them and their great accomplishments. I also want the entire country to know, that this is just the beginning. The work of Drs. Capecchi, Evans, and Smithies has continued to lay the groundwork and establish a strong foundation we will need to continue developing stem cell research and someday, sooner rather than later, find therapies that will heal some of the greatest afflictions suffered by millions around the world. This is the great promise of the work of these great men and I am proud to honor them.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 350) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 350

Whereas Mario R. Capecchi was born in Italy in 1937 and earned a PhD in biophysics from Harvard University in 1967;

Whereas Sir Martin J. Evans was born in Great Britain in 1941 and earned a PhD in anatomy and embryology from University College in London in 1969;

Whereas Oliver Smithies was born in Great Britain in 1925 and earned a PhD in biochemistry from Oxford University in 1951;

Whereas Mario Capecchi currently serves as Distinguished Professor of Human Genetics and Biology at the University of Utah School of Medicine;

Whereas Sir Martin J. Evans currently serves as the Professor of Mammalian Genetics and Director of the School of Biosciences at Cardiff University in Wales;

Whereas Oliver Smithies currently serves as an Excellence Professor of Pathology and Laboratory Medicine at the University of North Carolina at Chapel Hill;

Whereas Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies have made a series of discoveries concerning embryonic stem cells and deoxyribonucleic acid (DNA) recombination in mammals that have led to the creation of gene targeting in mice, a powerful technology that is now being used in all areas of biomedicine;

Whereas gene targeting technology has been used in experiments that have successfully isolated genes in order to determine their roles in embryonic development, adult physiology, aging, and disease;

Whereas gene targeting has produced more than 500 different mouse models of human disorders, including cardiovascular and neuron degenerative diseases, diabetes, and cancer;

Whereas, on October 8, 2007, Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies were awarded the Nobel Prize in Physiology or Medicine for their discoveries of principles for introducing specific gene modifications in mice by the use of embryonic stem cells: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors and recognizes the scientific work and achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies; and

(2) congratulates Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies for their receipt of the Nobel Prize in Physiology or Medicine.

## MEASURES READ THE FIRST TIME—S. 2179, S. 2180, S. 2184, S. 2185, H.R. 2102, AND H.R. 3678 EN BLOC

Mr. REID. Mr. President, I understand there are six bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2179) to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

A bill (S. 2180) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

A bill (S. 2184) to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.

A bill (S. 2185) to permanently extend the current marginal tax rates.

A bill (H.R. 2102) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

A bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

Mr. REID. Mr. President, I now ask for their second reading en bloc, but I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

### S. 2179 AND S. 2180

Mr. BINGAMAN. Mr. President, the Committee on Energy and Natural Resources has reported over 70 individual bills and resolutions this Congress. Most of these bills are authorizations for specific projects and activities in the Department of the Interior, although we have also reported several measures involving National Forest lands under the jurisdiction of the Department of Agriculture, as well as a few authorizations related to the Department of Energy.

Typically these bills would be considered in the Senate under a unanimous consent procedure. Unfortunately, although all of these bills are noncontroversial and all were reported unanimously by the Energy and Natural Resources Committee, we have been unable to get consent to pass these bills.

In an effort to facilitate passage of these bills, today I am introducing 2 bills which contain the individual measures reported by the committee. The first bill, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, includes the text of 25 bills and 1 resolution which have been passed by the House of Representatives and which were reported, or their Senate companion measure was reported, without substantive amendment by the committee. If considered as individual bills, upon passage in the Senate, these bills would have been cleared for the President. Since they will now be included as part of this comprehensive bill, it will require additional action by the House of Representatives, but I am hopeful that because all of the measures included in this bill were previously approved by the other body that they will be able to approve this bill expeditiously.

The second bill, the Natural Resource Projects and Programs Authorization Act of 2007, includes the text of 44 bills which originated in the Senate, or which passed the House of Representatives and were substantively amended in committee. Like the previous bill, all of the individual bills were reported unanimously by the Energy and Natural Resources Committee. While the House of Representatives has not previously acted on all of the individual components of this new bill, I believe these bills are non-controversial, and I hope that the House will be able to consider this bill in a timely manner as well.

Mr. President, I have prepared a table identifying the individual measures that are included in both comprehensive bills, including references to the corresponding calendar numbers. I ask unanimous consent to have printed in the RECORD the table to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FORESTS, PARKS, PUBLIC LAND, AND RECLAMATION PROJECTS AUTHORIZATION ACT OF 2007

| | | | |
|---|---|---|---|
| **Forest Service Authorizations** | | | |
| Sec. 101 | Cal. 255 | H.R. 886 | Wild Sky wilderness |
| Sec. 102 | Cal. 361 | H.R. 247 | Jim Weaver trail |
| **Bureau of Land Management Authorizations** | | | |
| Sec. 201 | Cal. 251 | H.R. 276 | Piedras Blancas Historic Light Station |
| **National Park Service Authorizations** | | | |
| Sec. 301 | Cal. 35 | S. 324 | NPS cooperative agreements (H.R. 658) |
| Sec. 311 | Cal. 378 | H.R. 1100 | Carl Sandburg NHS boundary adjustment |
| Sec. 321 | Cal. 232 | H.R. 376 | Newtonia Civil War battlefields study |
| Sec. 322 | Cal. 236 | H.R. 1047 | Soldiers' Memorial Military Museum study |
| Sec. 323 | Cal. 362 | H.R. 407 | Columbia-Pacific heritage area study |
| Sec. 331 | Cal. 233 | H.R. 497 | Francis Marion Commemorative Work |
| Sec. 332 | Cal. 363 | H.R. 995 | Disabled veterans memorial authorization |
| Sec. 333 | Cal. 234 | H.R. 512 | American Latino museum commission |
| Sec. 334 | Cal. 377 | H.R. 1148 | Hudson-Fulton Champlain commissions (H.R. 1520) |
| Sec. 335 | Cal. 230 | S. Con. Res. 6 | National Museum of Wildlife Art (H. Con. Res. 116) |
| Sec. 341 | Cal. 285 | H.R. 1388 | Star-Spangled Banner National Historic Trail |
| Sec. 342 | | H.R. 761 | Lewis & Clark NHT visitor center conveyance |
| Sec. 343 | | H.R. 986 | Eightmile River Wild & Scenic River designation |
| **Bureau of Reclamation and U.S. Geological Survey Authorizations** | | | |
| Sec. 401 | Cal. 143 | H.R. 1114 | Alaska water resources study |

NATIONAL FORESTS, PARKS, PUBLIC LAND, AND RECLAMATION PROJECTS AUTHORIZATION ACT OF 2007—Continued

| | | | |
|---|---|---|---|
| Sec. 402 | Cal. 250 | H.R. 235 | Redwood Valley Water District payment schedule |
| Sec. 403 | Cal. 252 | H.R. 482 | American River Pump Station project transfer |
| Sec. 404 | Cal. 254 | H.R. 839 | Watkins Dam enlargement |
| Sec. 405 | Cal. 37 | S. 255 | New Mexico water planning assistance (H.R. 1904) |
| Sec. 406 | | H.R. 386 | Yakima Project lands and building conveyance |
| Sec. 407 | | H.R. 1736 | Juab County, Utah conjunctive water use |
| Sec. 408 | Cal. 52 | S. 220 | A&B Irrigation District contract repayment (H.R. 467) |

**Department of Energy Authorizations**

| | | | |
|---|---|---|---|
| Sec. 501 | Cal. 360 | H.R. 85 | Energy technology transfer |
| Sec. 502 | Cal. 379 | H.R. 1126 | Steel & Aluminum Act amendments |

NATURAL RESOURCE PROJECTS AND PROGRAMS AUTHORIZATION ACT OF 2007

**Title I—Bureau of Land Management Authorizations**

| | | | |
|---|---|---|---|
| Subtitle A | Cal. 53 | S. 275 | Prehistoric Trackways National Monument |
| Subtitle B | Cal. 38 | S. 260 | Fort Stanton—Snowy River Cave NCA |
| Subtitle C | Cal. 43 | S. 320 | Paleontological Resources Protection |
| Subtitle D | Cal. 39 | S. 262 | Snake River Birds of Prey NCA Name Change |
| Subtitle E | Cal. 249 | S. 1139 | National Landscape Conservation System |

**Title II—National Park Service Authorizations**

**Subtitle A—New Areas, Boundary Modifications, and Studies**

| | | | |
|---|---|---|---|
| Sec. 201 | Cal. 36 | S. 245 | Clinton Birthplace Home National Historic Site |
| Sec. 202 | Cal. 223 | S. 126 | Mesa Verde National Park Boundary Modification |
| Sec. 203 | Cal. 231 | H.R. 161 | Minidoka Internment National Monument |
| Sec. 204 | Cal. 371 | S. 722 | Walnut Canyon National Monument Study |

**Subtitle B—Commissions and Advisory Committees**

| | | | |
|---|---|---|---|
| Sec. 211 | Cal. 227 | S. 890 | Dwight D. Eisenhower Memorial Commission |
| Sec. 212 | Cal. 359 | S. 1728 | Na Hoa Pili O Kaloko-Honokohau advisory commission |

**Subtitle C—National Trails**

| | | | |
|---|---|---|---|
| Sec. 221 | Cal. 40 | S. 268 | Ice Age Floods National Geologic Trail |
| Sec. 222 | Cal. 226 | S. 686 | Washington—Rochambeau National Historic Trail |
| Sec. 223 | Cal. 225 | S. 580 | National Historic Trails study update |
| Sec. 224 | Cal. 365 | S. 169 | National Historic Trails willing seller authority |

**Subtitle D—National Heritage Areas**

| | | | |
|---|---|---|---|
| Sec. 231 | Cal. 366 | S. 278 | National Heritage Areas program and criteria |
| Sec. 232 | Cal. 373 | S. 817 | Reauthorization of certain existing national heritage areas |
| Sec. 233 | Cal. 357 | S. 1182 | Quinebaug & Shetucket Rivers National Heritage Corridor |
| Sec. 234 | Cal. 367 | S. 289 | Journey Through Hallowed Ground National Heritage Area |
| Sec. 235 | Cal. 368 | S. 443 | Sangre de Cristo National Heritage Area |
| Sec. 236 | Cal. 369 | S. 444 | South Park National Heritage Area |
| Sec. 237 | Cal. 372 | S. 800 | Niagara Falls National Heritage Area |
| Sec. 238 | Cal. 375 | S. 955 | Abraham Lincoln National Heritage Area |
| Sec. 239 | Cal. 355 | S. 637 | Chattahoochee Trace National Heritage Corridor study |
| Sec. 240 | | | Abraham Lincoln Kentucky sites national heritage study (amendment to S. 955) |

**Title III—Bureau of Reclamation and USGS Authorizations**

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| Sec. 301 | Cal. 48 | S. 263 | Deschutes River Conservancy |
| Sec. 302 | Cal. 49 | S. 264 | Wallowa Lake Dam rehabilitation program |
| Sec. 303 | Cal. 50 | S. 265 | Little Butte / Bear Creek water resource study |
| Sec. 304 | Cal. 51 | S. 266 | North Unit Irrigation District |
| Sec. 305 | Cal. 245 | S. 175 | Central Oklahoma Master Conservancy District study |
| Sec. 306 | Cal. 246 | S. 542 | Snake, Boise, and Payette River systems studies |
| Sec. 307 | Cal. 247 | S. 1037 | Tumalo Irrigation District water project |
| Sec. 308 | Cal. 253 | S. 324 | New Mexico water resources study |
| Sec. 309 | Cal. 256 | H.R. 902 | Water and energy resources |
| Sec. 310 | Cal. 34 | S. 240 | National Geologic Mapping Act of 1992 reauthorization |

**Title IV—Forest Service Authorizations**

**Subtitle A—Authorizations**

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|---|---|---|---|
| Sec. 401 | Cal. 31 | S. 202 | Coffman Cove administrative site conveyance |
| Sec. 402 | Cal. 32 | S. 216 | Santa Fe National Forest / Pecos NHP land exchange |
| Sec. 403 | Cal. 33 | S. 232 | Watershed restoration and enhancement agreements |
| Sec. 404 | Cal. 229 | S. 1152 | Wildland firefighter safety |

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| Subtitle B | Cal. 370 | S. 647 | Lewis and Clark Mount Hood Wilderness |

NATURAL RESOURCE PROJECTS AND PROGRAMS AUTHORIZATION ACT OF 2007—Continued

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|---|---|---|---|
| **Title V—Department of Energy Authorizations** | | | |
| Sec. 501 | Cal. 356 | S. 645 | Technical criteria for clean coal power initiative |
| Sec. 502 | Cal. 358 | S. 1203 | Additional Assistant Secretary, Department of Energy |
| Sec. 503 | Cal. 374 | S. 838 | United States—Israel energy cooperation |
| Sec. 504 | Cal. 376 | S. 1089 | Alaska natural gas pipeline corridor |
| Title VI | Cal. 42 | S. 283 | Compact of Free Association Amendments |

## ORDERS FOR THURSDAY, OCTOBER 18, 2007

Mr. REID. Mr. President, I appreciate everyone's patience. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, October 18; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the 2 leaders be reserved for their use later in the day and that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each and the time be equally divided and controlled between the 2 leaders or their designees, with the Republicans controlling the first half and the Democrats the second half; that at the close of morning business, the Senate resume consideration of H.R. 3043, the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:21 p.m., adjourned until Thursday, October 18, 2007, at 9:30 a.m.

# HOUSE OF REPRESENTATIVES—*Wednesday, October 17, 2007*

The House met at 10 a.m.

The Reverend Ginger Gaines-Cirelli, Capitol Hill United Methodist Church, Washington, DC, offered the following prayer:

Holy God, in whom we live, move and have our being, we give You thanks and praise for the gift of life, for each new day in which the sun rises and sets affording ever new opportunities to begin again, to love more faithfully, to serve more humbly.

The world in which we live is indeed full of beauty and wonder, but we know that throughout the world there is great suffering and strife. So we pray that the work undertaken by this servant community today will, in ways large and small, bring relief and release to the afflicted.

O God, may a spirit of friendship and reconciliation guide the words and actions of these faithful public servants. Let their discernment over the difficult issues of our day be wise and loving. Grant them strength to persevere in the ways that make for peace.

In all Your holy names we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. SNYDER) come forward and lead the House in the Pledge of Allegiance.

Mr. SNYDER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING REV. GINGER GAINES-CIRELLI

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Madam Speaker, a couple of years ago, at a time when the House was in session through the weekend, a group of us lonely, forlorn Members during the Christmas season on a Sunday morning ended up in the pews of the Capitol Hill United Methodist Church to be greeted warmly by our guest chaplain today, Rev. Ginger Gaines-Cirelli, and her husband. It was the only time I've heard a sermon in which the phrase, during the Christmas season, ''preggers by God'' was used.

We were delighted by her sermon, delighted by her warmth, and she is here with us today. She is a graduate of Southwestern University of Georgetown, Texas, received her master of divinity from Yale Divinity School. She has done church work all of her professional life. Her previous head pastoring job was in Rockville, Maryland. And she has now, for 7 years, with her husband, been the head pastor of the Capitol Hill United Methodist Church. We are very fortunate today to have Rev. Ginger Gaines-Cirelli as our guest pastor.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

## OVERRIDE PRESIDENTIAL VETO ON SCHIP

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, tomorrow, this House will consider and answer the question, the most essential question of our time, What kind of Nation are we and which direction shall we move? Shall we guarantee access to health care to our Nation's children, who need it most? Shall we send our children to the costly emergency room or to their family physicians' offices to receive the care they so desperately require?

Whose side are you on? Failing to care for our Nation's children is morally unacceptable. This is the view of the March of Dimes; this is the view of Easter Seals, the faith communities throughout the country, and countless medical organizations across the land.

Tomorrow, I have the honor of representing the hopes and dreams and lives of 11 million children. Join us in overriding the Presidential veto. It's the right thing to do. And let's work together across the aisle to build a better future for all of us.

## BURMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I'm somewhat puzzled over an event held on Monday this week. The Government of Russia, the Government of China, and a U.N. agency gathered for a conference entitled ''Exploring Cooperative Approaches to Security in Space.'' I find this fascinating, ''Cooperative Approaches to Security in Space''; yet China, with Russia and India's help, is almost single-handedly propping up the brutal dictatorship of Burma.

This is a brutal dictatorship that uses ethnic minorities as human land mine sweepers, has destroyed 3,000 villages and has the highest number of child soldiers in the world.

Perhaps China, Russia, and the U.N. should help bring democracy to Burma, which would bring security and stability to that country, before trying to bring security in space. The suffering people of Burma deserve better, but apparently the Chinese and Russian Governments don't think so.

## RESTORE ACT

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today the House will debate the RESTORE Act, a bill that ensures the intelligence community has the tools that it needs to conduct surveillance of foreign targets outside of the United States, while at the same time restoring constitutional checks and balances that were omitted from the Bush administration's FISA bill.

I do not pretend that this is the perfect bill; few bills meet that standard. However, the President has made many false claims about it. For example, he has claimed that this bill will unnecessarily delay the collection of foreign intelligence information and may cause us to ''go dark'' while chasing leads. That's blatantly false.

The RESTORE Act allows for immediate collection in emergency situations without obtaining court approval, so we will never go dark. However, unlike current law, the RESTORE Act puts the FISA Court back in the business of protecting Americans' private communications, just as Congress intended when it created FISA.

To have a truly secure America, without compromising American values, we must fight terrorists without jeopardizing the civil liberties that make our Nation great.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I urge my colleagues to support this legislation.

## RESTORE ACT

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Madam Speaker, Washington Democrats have once again shown their true colors on FISA. Spurred by the ACLU and their leftist liberal friends, Democrats released a weak and ill-conceived attempt at reforming our national security intelligence laws.

Today, advancements in satellite and fiber-optic technologies have led to incredible gains in every area of our society, including health care, economic expansion, education, and military operations. Unfortunately, though, our laws have not advanced and our intelligence community continues to face significant obstacles because of simplistic and antiquated laws.

Make no mistake, we live in a time when extremist groups continue to plot acts of terror against us both abroad and here at home. National Intelligence Director Mike McConnell outlined a list of obstacles he faces with the current FISA law and the tools he needs to correct these problems. Sadly, the bill proposed by the Democrats leaves our intelligence community in the dark. This is too important to play political games with foreign intelligence. We need to vote "no" on this bill.

## SCHIP

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ. Every day, hardworking moms and dads without health coverage worry about their children getting the care they need.

Under this President's watch, the number of uninsured children in this country has grown for the first time in years, and what has the President done? Nothing. That's right, nothing. This President has done nothing. Will Republican Members of Congress stand with the President and also do nothing, or will they stand with America's children? Ten million children and their families are waiting to find out.

□ 1015

## A TRAGEDY OF OUR OWN MAKING

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. I rise to call attention to a tragedy of our own making. In May of this year, a U.S. soldier, Alex Jimenez, along with several of his friends, were captured by al Qaeda. As our intelligence officers wanted to tap into wires to try to find his whereabouts, they were hobbled and had to wait 10 hours for lawyers to get through the FISA Court to allow them to get the critical information they needed. That information lost, this soldier and his compatriots have never been found, although the bodies of 1 or 2 have been found.

The Democrats want to expand this FISA process now to our warfighting capabilities and hobble our soldiers to have to wait for hours and hours for lawyers to approve gathering information.

Back when I was in the State of Missouri, we had jokes between farmers and lawyers. They were kind of funny. But this is not a funny joke. How many lawyers does it take to rescue a hostage? The answer should be zero.

Now, the Democrats want to undermine our relationship with Turkey which will cripple our military's efforts.

If the Democrats want to pull our troops out of Iraq then have the courage to defund the war.

Otherwise, stop handicapping our military with bureaucratic red tape that will undermine their mission. The lives of our military personnel are on the line.

## HOUSE DEMOCRATS PUT FISA COURT BACK IN BUSINESS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, today the House will put the Foreign Intelligence Surveillance Court back in business after being shut down for the past 6 years. House Democrats know that our highest duty is to defend this Nation and protect our citizens. And we also know we can keep this Nation safe without our own government trampling the civil rights of our citizens and the principles upon which this country was founded.

Before 2001, the FISA Court served as a check and balance to the administration to ensure that critical individual rights were not trampled. Such checks and balances have not been in place for the last 6 years. Today, by passing the RESTORE Act, we restore the true role of the FISA Court by addressing the concerns we have with the Bush administration ignoring the FISA Court, jeopardizing our rights, violating our Constitution, and our core principles.

Mr. Speaker, the RESTORE Act is a bill that all Members should be able to support. It provides a proper balance of giving our government the legal tools to go after terrorists without trampling our American beliefs and values.

## UPDATE OUR INTELLIGENCE TOOLS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in this day and age of new technologies and vicious unconventional terrorism, we need to provide our intelligence community with the tools and resources necessary to protect our families. That is why we must pass a permanent update to the Foreign Intelligence Surveillance Act that will protect the privacy of Americans while restoring our intelligence-gathering capabilities.

Unfortunately, the RESTORE Act, the Democrat FISA bill, jeopardizes our intelligence capability and provides unprecedented protections for terrorists. It is a step in the wrong direction. The Protect America Act signed into law in August made critical changes that help intelligence officials properly track our enemies. It should be extended.

The National Intelligence Director, Mike McConnell, said this law was urgently needed by our intelligence professionals to close critical gaps in our capabilities and permit them to more readily follow terrorist threats. We should keep American families safer and make these changes permanent.

In conclusion God bless our troops and we will never forget September the 11th.

## BREAST CANCER AWARENESS MONTH

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize Breast Cancer Awareness Month. Virtually every American has been impacted in one way or another by this deadly disease. More than 3 million women currently live with breast cancer. Each year tens of thousands of our wives, our mothers, our daughters will die from it. One of our colleagues, Congresswoman Jo Ann Davis, was just taken before her time from breast cancer.

Unfortunately, despite medical advances, breast cancer remains the second leading cause of cancer death among American women. In the United States, one in seven will develop the disease during her lifetime. But still a cure remains elusive. Congress hasn't given up the fight. H.R. 1157, the Breast Cancer and Environmental Research Act, and H.R. 715, the Annie Fox Act, are two bills that would bring crucial Federal support to two key areas of breast cancer research: research into environmental causes of the disease, and research into the causes of the disease in young women who tend to develop more aggressive forms of it.

Additionally, in this year's Defense appropriations bill, $127.5 million was approved by the House for breast cancer research.

Women all over the country are organizing to raise national awareness. The Alexandria, Virginia Walk for Breast Cancer Awareness this Saturday is a prime example of the activism which is bound to make a difference in our daughters' lives.

### MODERNIZING THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Mr. Speaker, it has been 30 years since Congress first implemented FISA allowing the use of telecommunications technology against those who threaten the safety of our people and our way of life. The majority party has refused to believe that FISA needs to be modernized in a way that improves our intelligence agencies' capability to gather information, not hamper it.

When FISA passed 30 years ago, technology didn't include devices used now on an everyday basis. Just think, 10 years ago hardly anybody even owned a cell phone. The Director of National Intelligence testified before the House Judiciary Committee that if the government required FISA court orders for surveillance overseas, approximately 66 percent of the information normally collected would be lost.

Therefore, Congress should have its duty to update the tools used by our intelligence officials so that they have the ability to gather all the essential information to prevent future attacks. FISA needs to be modernized.

I encourage my colleagues on the floor today to vote against this flawed FISA bill.

### HONORING THE MEMORY OF BRIGADIER GENERAL FELIX SPARKS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERLMUTTER. Mr. Speaker, I rise today to honor the memory of an American hero, retired Army Reserve Brigadier General Felix Sparks, who recently passed away at the age of 90. Felix Sparks lived a remarkable life.

A Texas native raised in Arizona, he answered our Nation's call to duty in 1940 with his service in the 157th Infantry Regiment of the 45th Division during the Second World War. He fought in the battle of Reipertswiller, the Battle at the Caves of Anzio and also for the liberation of 30,000 prisoners in the Dachau concentration camp.

For his service, he was awarded a Silver Star and two Purple Hearts after being severely wounded on the battlefield. He continued his service in the National Guard until his retirement as a brigadier general in 1977.

Upon his return from the war, Felix and his wife settled in Colorado. Felix went on to become the youngest Supreme Court Justice in Colorado's history at 38 years of age. An expert in water law, he also served for over two decades as the director of the Colorado Water Conservation Board.

In closing, Felix Sparks was an extraordinary public servant who embodied the best of America.

### THE RESTORE ACT FALLS SHORT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, when we talk with our constituents, we are constantly hearing over and over, protect our freedoms, make certain that America is secure. Making certain that our homeland is secure is something that comes to the forefront this week.

The Democrat RESTORE Act does fall short. It falls short of what is needed to give our intelligence community the effective tools they need to detect and prevent terrorist activities. That is what we want to do, prevent it. This bill would restrict the intelligence community, and in many cases it gives the appearance of favoring those who do not have our best interests at heart. Is that a message that we would seek to send? Our intelligence community deserves the full resources of the Federal Government, not the red tape of a typical bureaucracy.

While we agree that proper oversight is necessary, oversight should never prohibit the men and women in the intelligence community from doing their jobs.

I encourage my Democrat colleagues to reconsider their support for the RESTORE Act.

### CONGRESS AND THE CONSTITUTION

(Mr. YARMUTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YARMUTH. Mr. Speaker, 220 years ago when the Founding Fathers wrote the Constitution of the United States, they chose to create the United States Congress in its first article. That was their way of ensuring that we did try to form a more perfect Union.

Over the last few decades, Presidents and Congresses of both parties, through action and inaction, have allowed our system of checks and balances to go quite askew. Many of us believe that it has reached a tipping point. That is why we will over the next few weeks and months talk about article I, the article of the Constitution which vests all legislative power in a Congress of the United States elected by the people.

The Founding Fathers did not want to see peoples' lives be decided by one decider. They vested their power in the people through their representatives. Over the next few months, we hope to help reassert the authority that the Founding Fathers envisioned for this body.

### BROADCASTER FREEDOM ACT DISCHARGE PETITION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. The time has come to do away with the Fairness Doctrine once and for all. The Broadcaster Freedom Act that I introduced this summer would ensure that no future President could regulate the airwaves of America without an act of Congress. But it is yet to be scheduled for a vote.

Moments ago, along with the full Republican leadership and Congressman GREG WALDEN, I filed a discharge petition on the Broadcaster Freedom Act.

The American people should know that if 218 Members of Congress sign this petition, we can demand an up-or-down vote on legislation that would keep the so-called Fairness Doctrine from ever coming back. I say to my colleagues, if you oppose the Fairness Doctrine, sign the petition. If you cherish the national asset of American talk radio, sign the petition. But if you simply believe that broadcast freedom deserves an up-or-down vote on the floor of the people's House, sign the petition.

Because when freedom gets an up-or-down vote on the people's House floor, freedom always wins. I urge my colleagues to sign the discharge petition for H.R. 2905, the Broadcaster Freedom Act.

### SCHIP

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Mr. Speaker, I rise today to urge my colleagues to exercise the power Congress has under article I of the Constitution and to override the President's veto of the Children's Health Insurance Program. This vote is significant because it underlines the difference between what the President values and what the American people value. To the President and his allies in Congress, $190 billion this year for the occupation in Iraq is a necessity. But $35 billion to provide health care to 10 million uninsured children in America is an extravagance.

If we are successful and we override that veto tomorrow, SCHIP will preserve the coverage of 11,892 children in my home State of New Hampshire and make funds available to cover an additional 8,720 kids. If we are not successful, I personally would like to invite President Bush and his allies in Congress to come home with me to Concord, New Hampshire, and explain to these 20,000 kids why they can't go to a doctor when they break a bone or get medicine when they are sick.

### EARMARK MORATORIUM

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I introduced legislation last week with the gentleman from Kansas (Mr. MORAN) that would put a moratorium on earmarks until we have a process in place where we can fully vet all earmarks. Earlier this year, the chairman of the House Appropriations Committee said it was simply impossible, that we don't have the resources to investigate every earmark request. I agree. However, rather than approving thousands of earmarks, anyway, the prudent course would be to take a break and reevaluate the system.

Without the resources to vet over 11,000 earmarks in the House and Senate this year, bad earmarks are sure to slip through the cracks. Not only do these earmarks bring embarrassment to Members, they bring shame to the institution. Our constituents expect better of us. They should get it.

Mr. Speaker, the House has traditionally had a process of authorization, appropriation and oversight, a process that we have abandoned in recent years. Until we can get back to that system, we need to take a break from earmarks.

☐ 1030

### MISSOURI DAY 2007

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, on March 22, 1915, the Missouri General Assembly set aside the third Wednesday of October each year as Missouri Day. Due to the efforts of Mrs. Anna Korn, a native Missourian, Missouri Day is a time for schools to honor the State and for people in the State to celebrate the achievements of all Missourians.

I urge all those from the Show Me State to reflect on the bounty of our great State today and the achievements of Missourians past and present. For Missourians away from home here in Washington, please join fellow Missourians here in our Nation's Capitol tonight from 5:30–7:30 in 1710 Longworth for the Missouri Day 2007 celebration.

### HAPPY ANNIVERSARY TO MY WIFE

(Mr. PEARCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. PEARCE. Mr. Speaker, among all the important decisions and dramatic debates of the day, I would like to pause and remember the personal occurrences that happen to each one of us as Americans, in our lives, each one of us as citizens of the world.

Today, October the 17th, is my anniversary, and I would speak to my wife, the wife of my youth, how I treasure the days of our lives together, the moments stolen from hectic days.

We have been richly blessed with health, home and happiness. We have freedom, good mental acuity, spiritual fulfillment and peace that flows through our lives. Our abiding joy in our Father, the Creator, our pleasure in our grandchildren, our sense of pride in our daughter, and our sense of love and respect for our son-in-law, all are deep wellsprings of cool water that refresh our lives and renew us daily.

My wife is the delight of my life, the sounding board of my ideas, the cause of laughter within me. She is the reason that I strive to be a better person. My wife is my partner in business, my partner in service and my partner in life. She is my wife, the wife that I treasure and love.

God bless my wife, and God bless all spouses who serve with us daily, and God bless this great country.

### PROTECTING OUR LIBERTIES AND OUR SECURITY

(Mr. HOLT asked and was given permission to address the House for 1 minute.)

Mr. HOLT. Mr. Speaker, later today the House will vote on the RESTORE Act, on electronic surveillance, which its well-intentioned authors believe will help both protect our liberties and protect our security. It does the latter, but, unfortunately, does not fully do the former.

The bill includes a provision that could be used to spy on Americans without warrants. There is no need for us to pass in haste yet again a bill that does not protect the citizens. We must not give in to the politics of fear. I urge our leadership to make the changes necessary to this bill so that it protects our citizens from both enemy attacks and warrantless government surveillance.

Mr. Speaker, executive branch assurances that the rights of Americans will be protected through administrative procedures are no substitute for judicial protections. In recent weeks and months we have seen too many abuses of administrative warrants to find reassurance in that. We will have the best protection when agencies have to demonstrate to a court that they know what they are doing.

### HONORING ERNA WELTE OF STILLWATER, MINNESOTA

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, Minnesota is known as a State of great longevity. We have the longest married couple in the history of the United States living in my district. We also have some of the longest living people in the United States in my district. This week I had the occasion to wish one of my constituents happy birthday on her 102nd birthday.

I want to honor another constituent from my hometown who is 100 this week. I want to wish happy birthday to Erna Welte of Stillwater, Minnesota. She has seen the Great Depression, she has seen World War II, she has seen the space race. She has been alive before television and during television. She has seen it all. But Erna says, "I don't feel that old." She's young at heart.

Just recently, when she celebrated 90 years of age, her granddaughter taught Erna how to drive a car. For the first time, she learned to drive a car. She's a wonderful, witty, wise individual, and I am so grateful for the senior citizens of the United States, particularly those long-living, happy people who live in my district.

Erna, happy birthday to you, and to our Nation's finest, our senior citizens.

### SPENDING FOR CHILDREN'S HEALTH CARE VERSUS SPENDING IN IRAQ—A QUESTION OF PRIORITIES

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, President Bush and congressional Republicans have no problem writing blank checks for the war in Iraq, but ask them to prioritize the health care needs for 10 million low-income children, and they can't be bothered. Every month, every month we are spending $9 billion in Iraq that is borrowed from our children, because the President has always demanded that funding for the Iraq war be classified as emergency spending and, therefore, not subject to the pay-as-you-go rules.

Three-and-a-half months of Iraq war funding equals the funding needed to extend health care coverage to 10 million children over the next 5 years. Unlike the war, our children's health is fully paid for with absolutely no deficit spending; yet President Bush vetoed this bipartisan compromise because he said it included excessive spending.

Mr. Speaker, House Republicans need to show the President that there are other priorities in our Nation besides the never-ending war in Iraq. They should send that message by joining us tomorrow in overriding the President's veto and caring about our Nation's children.

## TRIBUTE TO NEBRASKA NATIONAL GUARD 1074TH DIVISION

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, on Friday October 12, the Nebraska National Guard's 1074th returned to a hero's homecoming in North Platte, Nebraska. The 1074th, headquartered out of North Platte, with detachments in Broken Bow, Ogallala, and Sidney, Nebraska, returned to Nebraska after a year-long deployment to Iraq. While in Iraq, the 1074th Transportation Company's primary missions were convoy security and local humanitarian support.

The 1074th tragically lost one of their own. Sergeant Randy J. Matheny, a native of McCook, Nebraska, made the ultimate sacrifice to his country on February 4, 2007. I join my fellow Nebraskans in offering my sincere sympathy and continued thoughts and prayers for the Matheny family.

The reception the 1074th received from families, friends and supporters upon their return to Nebraska was truly inspiring, as thousands, literally thousands of well-wishers welcomed these American heroes home in an incredible display of patriotism and pride. I wish to convey appreciation to the 1074th upon their safe return to Nebraska, and certainly commend Nebraskans for their amazing show of support in giving our soldiers the warm, heartfelt reception they deserve.

## RESTORE ACT GIVES INTELLIGENCE COMMUNITY THE TOOLS IT NEEDS TO CONDUCT SURVEILLANCE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, today we will restore some important checks and balances to our Nation's intelligence gathering. In August, the Bush administration pushed through Congress a last-minute bill that gave it the authority to go after Americans without warrants, a direct violation of our Nation's Constitution. The administration's bill included ambiguous language that could be read by some as authorizing warrantless domestic searches.

The RESTORE Act clarifies this language and specifically prohibits warrantless surveillance of Americans and requires a court order before targeting Americans' phone calls or e-mails. It also includes strong new audit and reporting requirements so that Congress knows whose conversations are being captured. We include all these protections, but we also ensure intelligence officials have the ability to conduct responsible surveillance under the law.

Mr. Speaker, every Member of Congress is committed to strengthening our intelligence community and ensuring they have tools they need to keep our country safe. But the RESTORE Act finds the proper balance and should receive strong bipartisan support today.

## DISCHARGE PETITION FOR BROADCAST FREEDOM ACT

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN. Mr. Speaker, I join the Congressman from Indiana, my friend from Indiana, MIKE PENCE, in asking our colleagues to sign the discharge petition today to bring the Broadcast Freedom Act to the floor. The Broadcast Freedom Act builds on an initiative that was passed yesterday overwhelmingly by this House to protect the rights of reporters and their sources from government interference so that we can have a vibrant fourth estate, a vibrant press, and free and informed democracy.

Mr. Speaker, the Broadcast Freedom Act would prevent bureaucrats and government agencies from censoring and micromanaging what is said on the public's airwaves. It's all under the guise of restoring the Fairness Doctrine, or so-called, which had an incredible, incredible free speech problem that even the courts recognized. Yet, there are some who don't like what they hear on broadcast and TV talk shows, and the powerful elite in this city would like to restore the Fairness Doctrine. We cannot let that happen, not on religious broadcasters, not on liberal broadcasters, not on conservative broadcasters. Sign the discharge petition. Bring the Freedom Act up for a vote.

## PROVIDING FOR CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 746 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 746

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendment printed in part B of such report, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour and 30 minutes of debate, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3773 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SNYDER). The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my namesake and good friend, the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

### GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the matter under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 746 provides for consideration of H.R. 3773, the RESTORE Act of 2007, under a closed rule. The rule provides 90 minutes of debate. Sixty minutes will be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Thirty minutes will be equally divided and controlled by the chairman and ranking minority member of the House Permanent Select Committee on Intelligence.

Mr. Speaker, with the resurgence of al Qaeda and an increasing global threat from weapons of mass destruction in places such as Iran, every single person in this body wants to ensure that our intelligence professionals have the proper resources they need to protect our Nation. As vice chairman of the House Intelligence Committee, I assure you that every one of us on that panel and others, Republican or Democrat, are working tirelessly and often together to do just that. But the government is not exempt from the rule of law, as our Constitution confers certain unalienable rights and civil liberties to each of us.

After the terrorist attacks of September 11, the Bush administration upset that balance by ignoring the Foreign Intelligence Surveillance Act, commonly referred to as the FISA law, establishing a secret wiretapping program and refusing to work with Congress to make the program lawful. Democratic members of the Intelligence Committee, led by the distinguished chairperson, SYLVESTRE REYES, have been trying to learn about the Bush administration's FISA program for years. But the administration, which has been anything but forthcoming, has done everything it can to stop us from doing our job and helping them to do theirs better.

A footnote right there, Mr. Speaker. In today's Washington Post, it is reflected as late as now, when the RESTORE Act is on the floor, the administration has agreed to give certain information to the Senate and still not to the House.

When the administration finally came to Congress to modify the law, it came with the flawed proposal to allow sweeping authority to eavesdrop on Americans' communications, while doing almost nothing to protect their rights. The RESTORE Act, true to its name, restores the checks and balances on the executive branch, enhancing our security and preserving our liberty. It rejects the false statement that we must sacrifice liberty to be secure. It does not go as far as I would want it to go. It does not go as far as some people would like for it to go, but it does protect our liberty and secures this Nation.

The legislation provides our intelligence community with the tools it needs to identify and disrupt terrorist attacks with speed and agility.

Yet another footnote, Mr. Speaker. While we concentrate on surveillance as it pertains to wire, I would have people know that the terrorists by now have been pretty well educated about these matters and may very well be using other methodologies totally unrelated to the telephone.

I remind people when it was leaked to the media that Osama bin Laden was using a certain kind of wire, he hasn't been heard from in that forum since. So let's be very cautious to not put all our eggs in the surveillance basket. There are other methodologies that might be employed that I assure you the intelligence community is mindful of and right on as it pertains to discovering them.

□ 1045

It provides additional resources to the Department of Justice, the National Security Agency and the FISA Court to assist in auditing and streamlining the FISA application process while preventing the backlog of critical intelligence gathering.

The RESTORE Act prohibits the warrantless electronic surveillance of Americans in the United States, including their medical records, homes and offices. And it requires the government to establish a recordkeeping system to track instances where information identifying U.S. citizens is disseminated.

This bill preserves the role of the FISA Court as an independent check on the government to prevent it from infringing on the rights of Americans. It rejects the administration's belief that the court should be a rubber stamp.

Finally, the bill sunsets in 2009. This is a critical provision because it requires the constant oversight and regular evaluation of our FISA laws, actions which were largely neglected during the last 6 years of Republican rule.

Mr. Speaker, all the American people have to do is pick up a newspaper to read about what happens when this government has unfettered access to warrantless electronic surveillance. According to a letter to Congress from a company executive, Verizon alone has fielded almost 240,000 phone record requests from the FBI since 2005. Nearly 64,000 of these requests, or over one-quarter of them, were made without a warrant.

This is almost 100 phone record requests per day by our government to Verizon seeking private information about our citizens, without a warrant. Realize, we are just talking about requests made to Verizon by the FBI. And these are just the requests that Verizon told Congress about this week because the Bush administration has consistently refused to answer our questions about the President's program.

Even more, it doesn't factor in the hundreds of thousands of requests that were made to other phone companies during the same time that we don't know about.

Mr. Speaker, if we have learned anything since the terrorist attacks of September 11, it is that the balance between security and civil liberties is not only difficult, but absolutely critical.

The RESTORE Act does absolutely nothing to block or hinder the efforts of our intelligence community. And Member after Member on the other side of the aisle are going to come down here and comment that it is hampering our intelligence efforts. Quite the contrary. It enhances their ability to do their jobs effectively and ensures the integrity of their efforts. I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my good friend and namesake, Mr. HASTINGS, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, yesterday the Rules Committee held a hearing to consider a rule for H.R. 3773, the RESTORE Act. At the outset of the hearing, the chairwoman of the Rules Committee did something that Republicans would not have even contemplated when we were in the majority.

Before Members of Congress even had an opportunity to testify before the Rules Committee, the chairwoman announced that the rule would be closed. She further went on to say no notice was sent out seeking amendments from Members, yet at least 27 amendments on a bipartisan basis were submitted to the committee. I guess, Mr. Speaker, we know now that no amendment announcement is code for no opportunity for meaningful, open debate. While surprising, this action is, unfortunately, not unprecedented for this Democrat-controlled Rules Committee.

I would like to thank all Members for submitting their thoughtful amendments on behalf of those they represent. And I especially would like to thank the Members who chose to stay and testify despite learning from the very start that their amendments would not be made in order.

It is sad that yesterday the minds and ears of the Democrat members of the Rules Committee were closed to even allowing for the consideration of amendments and alternatives to legislation, important legislation aimed at closing loopholes and strengthening our national intelligence capabilities.

Mr. Speaker, in 1978 Congress enacted the Foreign Intelligence Surveillance Act, or FISA, to establish a procedure for electronic surveillance of international communications. As enacted into law, FISA had two principle purposes: First, to protect the civil liberties of Americans by requiring the government to first obtain a court order before collecting electronic intelligence on U.S. citizens in our country. Second, the law specified how intelligence officials, working to protect our national security, could collect information on foreign persons in foreign places without having to get a warrant.

The intent of the original FISA law was to enhance American security while at the same time protecting American privacy. Recognizing that no responsibility of the Federal Government is more important than providing for the defense and security of the American people, Congress should be doing all it can to ensure that FISA continues to reflect the intent of the original law.

In the nearly 30 years since FISA became law, we have seen tremendous advances in communication technology such as the Internet, cell phones and e-mail. However, under the original FISA law, our intelligence officials are not free to monitor foreign terrorists in foreign countries without a court order because of advances in communication technology. It is clear that our FISA laws are outdated and must be modernized to reflect changes in communication technology over the past three decades.

In August, Congress in a bipartisan manner took an important first step forward to close our Nation's intelligence gap; but, unfortunately, only for a 6-month period. The Protect America Act passed only after repeated attempts by Republicans to give our Nation's intelligence professionals the tools and the authority they need to protect our homeland. This action was long overdue and this law marked a significant step towards improving our security.

Now Congress must act again to renew this law by early next year before it expires or our national security will once again be at risk. Unfortunately, the legislation before us today, the RESTORE Act, does not provide the security we need to protect our troops and our Nation from a potential future terrorist attack. The bill also weakens Americans' privacy protections and fails to permanently close our Nation's intelligence gap.

Specifically, Mr. Speaker, the RESTORE Act does not go far enough to reform outdated FISA regulations that burden our troops in the battlefield. It contains no provision for third parties to challenge FISA court orders. The bill also creates a centralized database that could actually increase the risk of privacy violations. Another major concern is that the RESTORE Act contains yet another sunset provision that forces the bill to expire on December 31, 2009, unnecessarily leaving our intelligence officials without the tools they need to protect Americans.

It is alarming to me that this rule brings a bill to the House floor that goes so far as to weaken American privacy provisions while at the same time strengthening protections of our enemies in times of war.

Mr. Speaker, as I mentioned earlier, nearly 30 amendments were submitted by Members on both sides of the aisle to address these and other concerns with the Democrat majority's failed attempt to update our current FISA laws. However, none of these amendments, which ranged from permanently strengthening our FISA laws to acquiring communications of foreign terrorists in foreign countries without a FISA court order, were allowed to be considered on the House floor today under this rule.

Mr. Speaker, it is truly disappointing to me that every Member of this House is prohibited from offering changes to this bill that could make it more effective in our constant battle to prevent a future terrorist attack against our Nation. After all, if we cannot come together and work in a bipartisan manner on issues as important as improving our national security, then what can we work together on.

Sadly, because the Democrat majority has chosen to consider the RESTORE Act under this closed process, working together in a bipartisan manner will not be possible. Instead, if this rule is adopted, Members will only have a choice to vote for or against a seriously flawed bill that threatens, not improves, our national security. Sadly, this closed process shuts out all American voices from being heard and, ultimately, every American could suffer consequences if this rule and bill are adopted. Therefore, I urge my colleagues to vote against the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, before I yield, I would like to assist my colleague from Washington, who is my good friend and was in the majority last year when the Wilson bill, H.R. 5825, the Electronic Surveillance Modernization Act, was considered by the House. It was considered under a closed rule, H. Res. 1052, which self-executed an amendment in the nature of a substitute in lieu of amendments recommended by the Judiciary and Intelligence Committees. I think that is the precedent.

Mr. Speaker, I am very pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), my very good friend who serves on the Ways and Means Committee and the Homeland Security Committee.

Mr. PASCRELL. Mr. Speaker, I thank my friend from Florida, and I rise this morning to speak in favor of the rule on the RESTORE Act, H.R. 3773. I believe this is an appropriate rule given the large number of amendments that were considered in both the House Judiciary and Intelligence Committees.

I want to highlight some of the most important provisions in the bill provided through this rule and steps that I believe can be taken to strengthen the intent of the legislation.

Mr. Speaker, section 5 of the current legislation requires quarterly audits by the Justice Department Inspector General on communications collected under this legislation, which would then be provided to the FISA Court and to Congress. In the end, the issue is that without outside oversight, such as the FISA Court, you put a huge amount of authority in the hands of a very small number of people and leave an awful lot to their individual judgment in dealing with very sensitive issues of personal privacy.

I hope that under this section the Justice Department Inspector General would also be inclined to include statistical information, as is possible, relating to the sex, race, ethnicity, religion and age of U.S. persons identified in intelligence reports obtained pursuant to the legislation. This data will help our intelligence agencies, the FISA Court and the Congress to gain a clear overview of intelligence collection on Americans swept up through these types of investigations and would create the necessary oversight to judge whether a pattern of profiling is occurring.

I want to draw attention to the Schakowsky amendment which was approved by the Intelligence Committee. This would require that the FISA Court approve guidelines to ensure that an individual FISA court order is sought when the significant purpose of an acquisition is to acquire the communications of a specific U.S. person reasonably believed to be located in the United States.

☐ 1100

This is a vital provision to the bill that makes clear that no American can be the target of surveillance under this bill unless an individual warrant is obtained from the FISA Court.

Under this provision, I hope we will also make clear the sensitivity surrounding communications between Americans and family members who may live abroad. We need to make certain that no American, regardless of their foreign family connections, can be the target of surveillance without an individual warrant being obtained from the FISA Court.

We're not trying to protect foreigners. We're trying to protect Americans and safeguarding the Constitution.

I thank the Speaker for the time. I want to thank you, and I hope that the Members will approve the appropriate rule on the RESTORE Act. I thank my friend.

Mr. HASTINGS of Washington. Mr. Speaker, how much time is there on both sides?

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) has 23 minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 19 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 4 minutes to the distinguished ranking member of the Rules Committee, Mr. DREIER of California.

Mr. DREIER. Mr. Speaker, I thank my friend from Pasco for yielding and congratulate the Hastings cousins for their management of this very, very important measure.

Mr. Speaker, yesterday afternoon eight of our colleagues sat before the dais of the Rules Committee with 27 different proposed amendments that they wanted to offer to improve this very important measure, to work in a bipartisan way to improve it. Before they were able to utter their first words, they were told in response to a question that came from our friend from Pasco, Mr. HASTINGS, that this was going to be a closed rule.

Now, Mr. Speaker, a closed rule means that no amendment is offered. No alternative proposal is allowed at all. We simply get the measure that is before us, and that is it. Now, that's when there were 27 different amendments that were proposed and, as I said, eight Members waiting to offer and discuss their ideas. They were completely shut out from that.

Now, Mr. Speaker, it saddens me to report to this House that we, today, have achieved something that is not great for this institution. As of today, Mr. Speaker, in the 110th Congress, we have had more closed rules in a single session of the United States House of Representatives than we have in the 218-year history of this great institution. The sad thing about that, Mr. Speaker, is the fact that we were promised something much different, and this bill is critically important for our Nation's security.

One of the very thoughtful proposals to come forward made great sense. It's the idea of saying that when the government asked the private sector to help us work to interdict those communications taking place among people who are trying to kill us, terrorists who are trying to kill us, we should allow them to do that. We should allow them to have immunity from the threat of prosecution if that, in fact, is being utilized. But unfortunately, our colleagues on the other side of the aisle have failed to allow that proposal, for those people who were asked by the government to help us win the global war on terror, to make sure that Osama bin Laden and other terrorists do not have the potential to kill us.

And now what we've been told, and I heard countless Democrats say, oh, these people in the telecommunications industry, they've got enough money, they're making enough money, let them stand on their own. Well, Mr. Speaker, that is just plain wrong, and we, unfortunately, with this rule, are not even allowed a chance to debate that, which, to me, is absolutely outrageous.

What we have before us, Mr. Speaker, is a closed rule on a bad bill that can't become law. Tragically, that's a pattern that we have been facing for a while. The exact same thing has happened on the bill that we're going to be voting after it was sent here 2 weeks ago on SCHIP legislation. We're going to be voting on that tomorrow.

So, Mr. Speaker, let me just say again, this is a closed rule on a bad bill that can't become law. We've got to defeat this rule. We've got to make sure that those people who are working to keep this country safe have all the tools necessary to make that happen.

Mr. HASTINGS of Florida. Mr. Speaker, I make one reference to the Computer and Communications Industry Association which writes in support of the House Judiciary Committee's approach to retroactive immunity, contrary to what the previous speaker, my good friend, the ranking member, just said regarding that matter.

Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey, a distinguished member of the Intelligence Committee, my good friend RUSH HOLT, who is also chair of the Special Intelligence Oversight Committee.

Mr. HOLT. Mr. Speaker, I thank the gentleman.

The RESTORE Act, which its well-meaning authors believe will both help protect our liberties and our security, does the latter but, unfortunately, does not fully do the former. If I had more time, I would talk about the good features of this bill, but in the time I have, I would like to point to the one thing that it needs most, that it lacks, which is ironclad language that maintains the fourth amendment's individual warrant requirement when Americans' property or communications are searched and seized by the government.

The RESTORE Act would allow the government to collect the communications of innocent Americans. The executive branch assurances that the rights of Americans will be protected through administrative procedures are no substitute for judicial protections. In recent weeks and months, we've seen too many abuses of administrative warrants to find any reassurance or to even find these assurances believable.

Yes, I voted "yes" in committee to bring this to the floor, with the assurances that we would work to get it better. I regret to say that I've seen no effort to resolve this point. It could be fixed easily to the safety of Americans, because Americans will be safer when agencies have to demonstrate to a court that they know what they are doing. We get better intelligence, just as we get better law enforcement, when you do it by the rules.

In fact, my own leadership I believe would deny me time to speak on this issue to try to strengthen this bill, but for the sake of the security of Americans, I implore the leadership to make these improvements.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in strong opposition to this rule and the underlying legislation.

I stand before the House as a member of Mr. HOLT's new House Special Intelligence Oversight Panel and as a lifelong resident of New Jersey, a State which is still feeling the heartrending damage of September 11, 2001. We will never forget what happened that day, and I work each and every day to prevent another such attack.

I recognize that achieving the proper balance between our national security and our civil liberties is a real challenge, but we must also recognize that our war against violent international extremists is the first conflict of the information age.

With our technical assets and expertise, the United States is far better at gathering information at this point in history than our enemies. This is an advantage we must exploit to better protect the American people from those who would do us harm.

Then why are we on the floor debating a rule on legislation that essentially amounts to unilateral disarmament on our part?

Last August, Congress enacted the Protect America Act, legislation that sought to modernize the old Foreign Intelligence Surveillance Act, FISA, and closed dangerous loopholes that prevented our intelligence community from monitoring overseas communications between al Qaeda members and other terrorist groups plotting and planning their next attack on U.S. citizens and our interests at home and abroad. These were not conversations involving Americans. These were communications between foreign targets overseas.

Director of National Intelligence McConnell asked Congress to "make clear that court orders are not necessary to effectively collect foreign intelligence about foreign targets overseas." I repeat, "foreign intelligence about foreign targets overseas."

But this new proposed legislation would not only undo the progress made by the Protect America Act, but it would do further damage to our collection efforts.

Since it was enacted in 1978, FISA never required our government to acquire court orders for foreign communications of persons reasonably believed to be outside the United States. This bill would require such a court order, thus gutting 30 years of foreign intelligence collection.

Once again, Mr. Speaker, I understand that achieving the proper balance between our national security and our civil liberties is a challenging task. I believe the Protect America Act achieved this goal. The bill required a warrant to target a person in the United States but allowed U.S. intelligence agencies to listen to foreign persons in foreign countries.

Why is this important? Because speed matters in a war on terrorism, where terrorists are using our communications networks, not theirs, in order to try to harm us. This is not about politics. It's about ensuring that we give our security personnel the tools they need to help protect our families from future terrorist attacks.

Mr. Speaker, unfortunately, I fear the RESTORE Act will live up to its name. It will restore our intelligence community to the days when their hands were tied and they could not monitor the communications of al Qaeda members and other terrorists overseas without lengthy legalistic procedural delays.

Terrorism is an international threat that requires (international) technology to solve.

I urge my colleagues to restore our intelligence community's hard-earned technological advantage over al Qaeda and their murderous comrades. Protect America.

I urge defeat of this rule and rejection of the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished chairperson of the Intelligence Committee, SILVESTRE REYES.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, due to an administrative error, the following cosponsors were left off the list of cosponsors for this bill, H.R. 3773: Representative ANNA ESHOO from California; Representative DUTCH RUPPERSBERGER from Maryland; Representative DENNIS MOORE from Kansas; Representative CIRO RODRIGUEZ from Texas; Representative EARL POMEROY from North Dakota; Representative LEONARD BOSWELL from Iowa; Representative BARON HILL from Indiana; and Representative PATRICK MURPHY from Pennsylvania.

I would like to thank them for their cosponsorship and ask that they be recognized as such, and I would finish up by saying this is a good rule. This is also a good bill that balances the ability to protect our country with the ability to protect the civil rights of its citizens.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 4 minutes to the gentleman from California (Mr. ROYCE), a member of the Foreign Affairs Committee.

Mr. ROYCE. Mr. Speaker, I thank the gentleman. I'm rising to oppose the rule.

For the first time, this bill would stop intelligence professionals from conducting surveillance of foreign persons in foreign countries unless they can read the mind of their terrorist targets and guarantee that they would not call the United States or one of their people in the United States. This is more protection than Americans get under court-ordered warrants in mob and other criminal cases.

So the issue we're debating today is very important. It is a matter of life and death essentially.

I serve as ranking member of the Terrorism and Nonproliferation Subcommittee. That there has not been a terrorist attack on our soil since 9/11 is due to the improved surveillance in real-time that we're able to conduct against foreign terrorists.

That good record, though, in no way should lead us to discount the jihadists, because the image of Osama bin Laden's allies operating in some remote terrain somewhere may give the impression that our foes are isolated. They are not isolated.

We are confronting a virtual caliphate. Radical jihadists are physically dispersed, but they're united through the Internet, and they use that tool to recruit and plot their terrorist attacks. They use electronic communications for just such a purpose, and they're very sophisticated in that use.

So how has the West attempted to confront that? Well, the British use electronic surveillance in real-time, and they used it last year to stop the attack on 10 transatlantic flights. They prevented that attack in August of last year by wiretapping.

The French authorities used wiretaps to lure jihadists basically into custody and prevented a bomb attack.

Given this threat, it is unfathomable that we'd weaken our most effective preventative tool, and that's exactly what this bill does.

Before we passed the Protect America Act in August, the Director of National Intelligence told Congress that we are losing up to two-thirds of our intelligence on terrorist targets. Admiral McConnell went on to testify, "We're actually missing a significant portion of what we should be getting."

Though Admiral McConnell has served both Democrat and Republican administrations with distinction, now his credibility has been attacked. I'd ask those so distrustful: Go ahead, discount his estimate, cut them in half, say we'd lose one-third of our intelligence by passing this bill. Isn't that too much to give up? I don't want to lose a single percent of our intelligence on terrorist communications. With nuclear and biological material floating around this globe, we don't have that margin of error.

We've heard the ACLU concerns, but before we unilaterally disarm, before we hobble our ability to listen in realtime to the very real terrorists who are attacking our troops in Iraq every day, shouldn't we have something of an accounting of the supposed civil liberties price we're paying? Frankly, I don't see the troubling cases.

What I do see is the very misguided concern for the civil liberties of foreigners having conversations with terrorists.

This bill grants privacy protection to foreigners, those believed to be terrorists, by requiring the intelligence community to seek court orders to collect foreign intelligence on foreign targets.

□ 1115

This process in the past has clogged the FISA Court, it has wasted untold intelligence hours, it has pulled Arabic and Urdu and Farsi speakers off of listening to terrorist cases and put them on filing hundreds of pages of paperwork. FISA restrictions hindered the search for kidnapped Americans in Iraq.

My colleagues, it has come down to this: Are we interested in best protecting American lives, or giving away privacy rights to foreigners involved in conversations with terrorists?

Mr. HASTINGS of Florida. Mr. Speaker, I yield to my distinguished friend and colleague from Texas, SHEILA JACKSON-LEE, 1 minute. But before I do, I would like to have Mr. ROYCE understand that he is entitled to his opinion but he is not entitled to his facts. And the facts as he recited them with reference to what Director O'Connell said occurred under the old FISA law, not this one. And I might add, that old FISA law was good enough to participate in bringing down the German possible terrorists.

With that in mind, I would like to yield 1 minute to the distinguished gentlelady from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Florida, a former jurist, and let me acknowledge that the RESTORE Act is the right balance between national security and the protection of our civil liberties.

I beg to differ with my good friend from California because in fact there are elements of this bill that clearly provide the parameters for foreign-to-foreign surveillance. The only difference is the fact that we protect an American citizen who may be targeted inappropriately as the court intervenes in providing a warrant.

My friends, we are moving forward to secure America. I support this rule and I support the rule in its present form, because we need to now substitute a real bill that secures America supported by the language of Director McConnell and as well provides the civil liberties that all Americans deserve. I look forward to the debate on the floor. The RESTORE Act is what it is says, protecting us and providing the right surveillance and ensuring that terrorists do not attack America.

Mr. Speaker, I rise in support of H. Res. 746, the rule governing debate on H.R. 3773, the RESTORE Act. I thank the gentlemen for yielding and wish to use my time to discuss an important improvement in the bill that was adopted in the full Judiciary Committee markup.

The Jackson-Lee Amendment added during the markup makes a constructive contribution to this important legislation that already is superior to the misnamed "Protect America Act" by orders of magnitude. It does this simply by laying down a clear, objective criterion for the Administration to follow and the FISA court to enforce in preventing reverse targeting.

"Reverse targeting," a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with the PAA is that the understandable temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of strong safeguards in the PAA to prevent it.

My amendment reduces even further any such temptation to resort to reverse targeting by requiring the Administration to obtain a regular, individualized FISA warrant whenever the "real" target of the surveillance is a person in the United States.

The amendment achieves this objective by requiring the Administration to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States." The current language in the bill provides that a warrant be obtained only when the Government "seeks to conduct electronic surveillance" of a person reasonably believed to be located in the United States.

It was far from clear how the operative language "seeks to" is to be interpreted. In contrast, the language used in my amendment, "significant purpose," is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson Lee Amendment provides a clearer, more objective, criterion for the Administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

I hasten to add, Mr. Speaker, that nothing in the bill or in my amendment will requires the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States. Rather, the bill requires, as our amendment makes clear, a FISA order only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

This will usually happen over time and the Government will have the time to get an order while continuing its surveillance. And it is the national security interest to require it to obtain an order at that point, so that it can lawfully acquire all of the target person's communications rather than continuing to listen to only some of them.

In short, my amendment gives the Government precisely what Director of National Intelligence McConnell asked for when he testified before the Senate Judiciary Committee:

"It is very important to me; it is very important to members of this Committee. We should be required—we should be required in all cases to have a warrant anytime there is surveillance of a US [sic] person located in the United States."

In short, my amendment makes a good bill even better. For these reasons, I am happy to support the rule and urge all Members to do likewise.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the Intelligence Committee.

Mr. TIAHRT. I thank the gentleman from Washington.

I rise in strong opposition to this bill. I am extremely concerned about our national security and I am deeply troubled that our intelligence community will be prevented from doing the job they need to do to protect Americans by this bill. For that reason, I strongly oppose the RESTORE Act as it will only further tie the hands of our intelligence community.

If this bill passes, Congress would depart from the recommendations of the 9/11 Commission by making it more difficult and cumbersome to gather intelligence on Islamic terrorists. Our most important job here is to provide the tools to those charged with protecting our Nation and keeping us safe from those threats. In the last 6 years we have been kept safe in this country because we have had a sharp edge on the tools that we have been using to peel back the layers of secrecy on terrorists and terrorist organizations.

This bill requires a court order to gather communications when a foreign terrorist in a foreign country tries to contact somebody in the United States. Since 1978, from President Carter to President Clinton, there was never a concern. Yet now, after we have had attacks on our U.S. soil and are well aware there are terrorist cells in our homeland, the Democrats want to prevent the intelligence community from intercepting communications of foreign terrorists.

To my knowledge, no violation of civil rights has occurred in the FISA process. However, as this bill is written, the Democrats have opened the door for alarming violations of civil liberties by requiring the intelligence community to compile a database of reports on the identities of U.S. citizens that have inadvertently been accumulated in the process of gathering information. As the Washington Times noted this morning, apparently pandering to the left-wing blogosphere and the ACLU is a higher priority than the safety of Americans and even American GIs fighting al Qaeda.

Normally, under current guidelines, the intelligence community blacks out all these names and they never get distributed anywhere. They are just simply eliminated from the database. But now, under this bill, we see the Democrats requiring a list be sent to Congress. And we all know that we have had leaks here in Congress. You would think the ACLU would be opposed not only to compiling such a list but distributing it to Congress. We have had leaks related to the way we collect information on individuals through electronic conversations, we have had leaks about how we have e-mails that have been reviewed on terrorist Web sites, we have had leaks that caused our allies in Europe to no longer cooperate when it comes to tracking terrorist financing. For us to give this type of information to Congress would almost certainly guarantee a leak and a violation of the civil liberties of those individuals who it inadvertently picked up in the process of trying to find terrorists working within our country trying to do harm.

This is a bad bill. It goes back and dulls the tools, this edge that we have been using to keep the country safe. If it is passed and it becomes law, I would fear for the safety of this country because dulling the tools that have kept us safe for 6 years would put us in a much more vulnerable position than we are today.

Over 2 months ago, the DNI, Mike McConnell, the man charged with overseeing the intelligence community, urged us to modernize the FISA law. But this does not do it. This sets us backwards.

Mr. HASTINGS of Florida. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Florida controls 15 minutes. The gentleman from Washington controls 9½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am prepared to reserve my time. And as a matter of courtesy to my good friend from Washington and to you, Mr. Speaker, I would like to indicate that I will be replaced in managing the time, although not required under the rules, by my distinguished colleague from New York, MICHAEL ARCURI.

I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to another member of the Intelligence Committee, Mr. ROGERS of Michigan.

Mr. ROGERS of Michigan. I want to commend Mr. HASTINGS. We have worked on many issues of which we have agreed strongly in the betterment of national security. I couldn't more strongly disagree with this bill and where we are going today.

As one of the very few people on this floor that has actually gone out and developed sources and developed the leads that you possibly need to develop probable cause as a former FBI agent to either bug or intercept phones, offices, or other privileges communications between Americans, I can tell you the long and arduous process it takes to develop that, to go to the judge and say, Your Honor, I do believe that these people are engaged in criminal activities and here is why. And it takes months and months and months. So let me tell you what this bill does today that is so disturbing.

Non-United States citizens who are insurgents in Iraq building IEDs that our troops are trying to intercept electronically are now given more rights to privacy than we do for gamblers, degenerate gambling operations developed under the criminal code in the United States of America. That, my friends, is true. Incidental communications, you don't have to go back to the judge, you continue to listen. But what we have done is we have set a standard that every time they want to go overseas and intercept these folks, the standard of the bar is set so high they have to go get a court order. They have to get a warrant. And it takes months.

This isn't about Hollywood. This isn't about Jack Bauer. This is about real people having to develop probable cause in accordance with the law of the United States. And what you said is that insurgent in Iraq has more privacy rights than any criminal, any United States citizen under the criminal code of the United States of America. That is what you have done with this bill. Oh, yes, sir, it is. Read the language and understand what it takes for them to go through the process to develop probable cause.

This is the confusion that led to the delay that may have cost the lives of United States soldiers. We all know the example of which we are talking about.

This bill encourages that confusion and that standard to give foreign terrorists in a foreign land more privacy rights than United States citizens under the criminal code here. It's wrong.

We often say, listen to the intelligence community, listen to our commanders on the ground. I implore you to do just that. They oppose this bill because it makes it harder for them to go after foreign terrorists in foreign lands plotting to kill either U.S. soldiers or even attacks against our homeland or our allies. This bill does all of those things.

I don't ever doubt the intention of my friends, but words matter in the legal code. And when you stand before that judge, believe me, there is no agent that believes they are Jack Bauer and are going to fudge a little bit on what the Constitution asks and tells them they must do. They are going to err on the side of the United States Constitution every time. And for those who don't, they deserve to go to jail, and we do prosecute those occasionally. But what you are saying is we are going to create this whole system for foreign terrorists to give them more rights than the privacy of United States citizens. I strongly urge the rejection of this bill. Let's go back to the table and protect our United States citizens.

Mr. ARCURI. I thank my colleague, and as a former prosecutor for 13 years, I have stood before a judge many times and made application for warrants on a number of different occasions. And, frankly, I certainly respect his position; but he is just not correct on this.

This legislation not only gives our country the ability to do what needs to be done to protect us, but more importantly and equally as important certainly it protects our civil rights. So it does both things: It protects our civil rights and gives us the ability to keep our country safe.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, once again, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Washington controls 6½ minutes; the gentleman from New York controls 14½.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I am pleased to yield 2 minutes to a member of the Judiciary Committee, Mr. GOHMERT of Texas.

Mr. GOHMERT. Mr. Speaker, once again we have heard from across the aisle, this is not true that we are saying you will have to get warrants for foreign-to-foreign, because the bill says in section 2(a), gee, you don't have to get a court order if it is between persons not U.S. citizens not located within the United States.

The problem is, when you look at 2(b) and 3 and section 4, it says: If you can't be sure and you are risking a felony if you are not,. if you can't be sure that they may not call somewhere in the United States, you have got to get a court order. That is the bottom line. That is what Admiral McConnell testified.

I realize some people on the other side may think he is suspect because he was the National Security Adviser under the Clinton administration for several years, but I think he is a very credible source.

As a former judge and chief justice, I realize we have got lawyers in here, but I am telling you, when the language says if there may be a call to the United States or to an American, you have got to get a court order, then you are going to have to get them in virtually every time.

But we keep hearing no, no, all that is covered. Once again, we are told something is covered when again it is nothing but a hospital gown coverage. You are exposed in areas you don't want exposed. And that is what the country is looking at.

Now, it also requires the DNI and the AG to jointly petition. Oh, and there is great comfort in this bill. It says the judge, once they finally get the papers filed, will have to rule in 15 days. If we get a soldier kidnapped, we have some sensitive situation, and maybe it is an emergency, maybe it is not, but you can't take a chance of being guilty of a felony, you are going to have to follow through and get a court order. That is what the DNI says and that is what needs to be done.

Now, the main protection here is not for American citizens in general, it is for foreign terrorists. The bottom line is, tell your American friends who are getting calls from foreign terrorists in foreign countries not to call them. Use some other way to communicate, and then your friends are covered.

Mr. ARCURI. It is sad that my colleague attempts to change the actual meaning of what this statute does. It gives no protection to terrorists. It gives protections only to Americans, and it keeps us safe and it gives us the protections that are guaranteed us under the Constitution.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield at this time 2½ minutes to a member of the Judiciary Committee, Mr. FRANKS of Arizona.

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Speaker, the bill here at issue, the so-called RESTORE Act, undermines the existing structure that we put in place to reform FISA only 3 months ago.

In the midst of a war, any changes to the way that our intelligence community operates should be understood as a somber and delicate undertaking that requires great care. Our national security hangs in the balance. We cannot afford to get this wrong, Mr. Speaker.

My amendment aimed to deal with the seriously flawed provision of the RESTORE Act that will do great damage to the civil liberties of the protections of Americans.

☐ 1130

My amendment would have stricken section 11 of the bill that directs the Director of National Intelligence and the Attorney General to jointly maintain a recordkeeping system of U.S. persons whose communications are intercepted.

Mr. Speaker, this would amount to a big government database that would have individuals' identity attached in every practical way. There is simply no way to have a database like this that does not attach individual identities to verify the process. The Democrats maintain that the identity is not attached. But this is an impractical rebuttal.

Mr. Speaker, the proposal's not only misguided, it attempts ostensibly to protect Americans' civil liberties and only undermines them further. And we have to understand that these identities would be attached, even if they have no connection to spying or terrorism.

And the bottom line is this, Mr. Speaker, this war on terrorism is ultimately fought in the area of intelligence. If we knew where every terrorist was tonight, in 60 days this war would be over. And if we tie those people's hands who are fighting to protect this country with this RESTORE Act by the majority, I believe that we will some day revisit this issue, Mr. Speaker, because when a terrible tragedy comes on this country, it will transform this debate in the most profound way, and we need to be very, very careful. We need to understand that what we're doing here is of vital importance to future generations.

Mr. ARCURI. Mr. Speaker, I continue to reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I know my friend has more time than I have, and I have more requests for time than I have time for. And so, Mr. Speaker, I would ask unanimous consent that each side get an additional 5 minutes so I can accommodate the requests on my side.

Mr. ARCURI. Mr. Speaker, I would object to that.

Mr. HASTINGS of Washington. Mr. Speaker, I wonder then if I could inquire of my friend, since he has more time, if maybe he would yield me at least enough time so I can close on my side, and I'd ask my friend from New York if he would do that for me.

Mr. ARCURI. Well, we are waiting on one more speaker, so at this time I would not yield any additional time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield for a unanimous consent request to the gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, I rise today, once again, in defense of liberty and to tell my colleagues they should vote against this Rule.

While I find it honorable that several of my colleagues have attempted to work to find a compromise in this legislation, I have concluded it still does not often enough protections for the rights of our citizens.

It is the duty of Congress to strike the appropriate balance of freedom and liberty with the assurances of security and stability. But, we must constantly ask ourselves, are we going too far in one direction?

And I have always maintained that if a threat is imminent and known, the administration should be given the temporary powers needed to keep our homeland secure and Congress should exercise its inherent power of oversight over that authority.

I advocated this throughout the PATRIOT Act reauthorization and maintain it is the correct stance for us to take in times of crisis.

While I am encouraged by the inclusion of sunsets in this proposal and additional roles for the FISA Court, this legislation still does not bring us back to where we were earlier this summer—the administration needing a clarification on foreign-to-foreign and foreign-to-domestic communications.

Instead of taking the simple tenets of the Constitution and applying it to this debate, we in Congress like to overcomplicate the issue. We all agree these are important issues that deserve our time and attention but we need look no further than the Constitution for the right answers.

Mr. Speaker, the proper route we should have taken in crafting the answer to the FISA problems is H.R. 11—The NSA Oversight Act. This bipartisan bill has the answers, in very clear terms, to what the administration has sought Congress to address.

It allows for emergency surveillance and doesn't overly impede the work of intelligence officers;

It places the FISA Court in a more proper role for reviews of the tactics used and warrants needed;

And it ensures Congress conducts vigorous and smart oversight of these activities, all while protecting the individual freedom of Americans.

And that is the goal we should be aiming for, Mr. Speaker: The protection of our rights and the upholding of our Constitution.

If we fail to adhere to the Constitution and "sacrifice our liberty," then we will have lost this great experiment we began over 220 years ago and the terrorists will have accomplished the very thing they set out to do on that morning in September 7 years ago.

We should vote down this Rule, go back to the table and report back a bill that preserves liberty and strikes a more proper balance between freedom and security for Americans.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have left, and how much time does the other side have?

The SPEAKER pro tempore. The gentleman from Washington controls 2¼ minutes, and the gentleman from New York controls 14 minutes.

Mr. ARCURI. Mr. Speaker, I'll continue to reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I ask the gentleman from New York if he has any more speakers.

Mr. ARCURI. We are waiting on one more speaker.

Mr. HASTINGS of Washington. Mr. Speaker, I'll reserve my time.

Mr. ARCURI. Mr. Speaker, we have heard so much today from the other side about the fear that they have that this provision will somehow put Americans at risk. And I think it's very clear that what this FISA bill does is protect America, give our Intelligence Community ability to do the kind of things that it needs to do, while, at the same time, protecting our civil rights.

I think it was Benjamin Franklin who once said that any country who gives up its liberty for its security deserves neither and will end up losing both. And I think clearly this bill takes that into consideration.

This bill clearly provides for security for our country. It clearly provides our Intelligence Community with the ability to obtain information that it needs and use that and analyze it in a way that keeps America safe to prevent another 9/11 activity.

At the same time, this bill also protects Americans' rights and gives us the ability to prevent wiretapping of Americans here in this country.

We're not talking about foreign-to-foreign. They can do that. They have done that in the past, and they will continue to do that. This clearly deals with protecting Americans.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, there are a number of issues that have been brought up by the other side regarding this bill. First of all, it's important to keep in mind that what we're trying to do with this legislation is to carefully balance providing the tools to the intelligence professionals that are charged with keeping us safe in this country, and this legislation does that, regardless of what comments the other side has made.

Second, and most important, we have to balance it with protecting the civil rights of our citizens. As we talk about protecting this country, we have to keep in mind that this country was founded on the principle of the rule of law. The rule of law protects its citizens.

Under the Protect America Act, as we have seen over the course of the last few weeks, many, many concerns have been raised about the authorities that have been given to the government, authorities that would render our citizens not being able to protect and be secure in our homes and in our possessions.

The Protect America Act has given so many authorities that people are not safe and secure in their own homes. The government can go in there and search their computers, search their residences, and search literally every possession that Americans have. This legislation corrects those deficiencies. This legislation is a careful balance in keeping our country safe, as well as securing the rights of Americans in their homes.

Mr. HASTINGS of Washington. I would inquire of my friend from New York if they have any additional speakers.

Mr. ARCURI. I have one more speaker.

Mr. HASTINGS of Washington. How much time do I have on my side?

The SPEAKER pro tempore. The gentleman continues to have 2¼ minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Today, Mr. Speaker, I will be asking my colleagues to vote "no" on the previous question so that I can amend the rule to allow for a substitute amendment to be offered by Mr. HOEKSTRA of Michigan or Mr. SMITH of Texas. This will give the House an opportunity to consider additional views that were denied with this closed rule in the Rules Committee last night.

And, Mr. Speaker, September 28, 2006, we had a debate on this issue last year, and I'd like to quote a Member and what he said on the House floor. And I quote: "You beat with rulemaking that which you know you cannot beat with reason."

And he goes on to say, "I know what you say: Do as you say, not as we do. For today, in the people's House democracy has been eviscerated by those who recommend it to others. I have said it before. The way the majority runs the House is shameful. It is undemocratic. It happens every single day that we have a closed rule."

The speaker was my good friend from Florida (Mr. HASTINGS).

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to oppose the previous question and the closed rule.

I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 1 minute to the distinguished Speaker of the House, the gentlewoman from California, NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and commend him for his excellent management of this rule affording us the opportunity to bring this important legislation to the floor.

I commend Chairman REYES and Chairman CONYERS for their leadership in protecting and defending the American people by putting forth the best way to collect intelligence under the law.

Mr. Speaker, as we say over and over again here, and each one of us who comes to serve in this body, indeed, everyone who serves our country takes an oath of office to protect and defend the Constitution of the United States. It's a thrill to take that oath of office.

As we protect and defend the American people in the preamble, it says to form a more perfect Union, Mr. JACKSON has been a champion on that, to provide for the common defense. In that preamble, that's a high priority for us. We have a responsibility to protect the American people; that makes everything else possible in our community and in our society.

But as we protect and defend the American people, our oath of office calls upon us to protect and defend the Constitution and our civil liberties. The legislation before us today does just that. It's about protecting the American people from terrorism and other national security threats.

I, for a long time, have served on the Intelligence Committee, both as a member, as the ranking member, and also ex officio as leader and now as Speaker. I believe very firmly in the role that intelligence gathering plays in protecting the American people. We want to prevent war. We want to prevent harm to our forces. Force protection is a very, very high priority for us. Protection of our forces. And we must now meet this horrible challenge of fighting terrorism in the world. It has been a challenge for some time. In order to do that, we have to have the laws in place in order to collect that intelligence under the law, and that is what this legislation does. First, it helps us defend our country against terrorism and other threats. Secondly, it protects the privacy of the American people, which is important to them and a responsibility for us. And third, this legislation restores a system of checks and balances and how we protect and defend our country and provides for rigorous oversight by Congress of this collection.

In the 1970s, when the FISA law was passed, it was conceded that Congress had a role in determining how intelligence was conducted, how the executive branch conducted the collection of intelligence, the executive branch, Congress, making laws to govern that, 2 Houses, 2 branches of government. And in the FISA bill that was passed at that time, the role of the third branch of government was defined, the FISA Courts. That system of checks and balances has served our country well. With the advance of technology, additional challenges arose, and this legislation meets those challenges. Any suggestions to the contrary are simply not factual. What the Director of National Intelligence has asked for in terms of collection he has received in this legislation, and he has received it under the law.

The legislation restores checks and balances in other ways. It rejects groundless claims of inherent executive authority. Under that, we might as well just crown the President king and just say he has access to any information in our country, and he may collect that outside the law.

And this legislation reiterates that the law enacted by Congress, FISA, Foreign Intelligence Surveillance Act, is the exclusive means for conducting electronic surveillance to gather foreign intelligence. The principle of exclusivity is a very, very important principle, and it is enshrined in this legislation.

☐ 1145

The bill also sunsets by December 31, 2009, at the same time the PATRIOT Act sunsets, so the next administration and another Congress can review whether the new program appropriately meets national security and civil liberty objectives.

This bill does not provide immunity to telecommunications companies that participated in the President's warrantless surveillance program. As I have said many times, you can't even consider such relief unless we know what people are asking for immunity from. Congress is not a rubber stamp; we are a coequal branch of government. We have a right to know what conduct the administration wants us to immunize against.

Working side by side, the Intelligence Committee and the Judiciary Committee have produced an excellent bill. It has been heralded so by those organizations whose organized purpose is to protect our civil liberties in light of our responsibility to our national security. It has been heralded by those who follow and hold as a value the privacy of the American people. It has been heralded by those who understand that one of our first responsibilities is to provide for the common defense. Our Founders understood it well, the balance that needed to be struck between security and liberty. They spoke eloquently to it in their speeches. They enshrined it in the Constitution. Let us protect the American people under the law.

Please, my colleagues, support this very important legislation.

Mr. ARCURI. Mr. Speaker, I would just like to thank the gentlewoman from California for her very strong leadership on this issue and, over the years, for her many years of strong leadership in this area. I would also like to thank Chairmen CONYERS and REYES for their strong leadership in bringing this bill to the floor.

Having said that, I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

### AMENDMENT TO H. RES. 746 OFFERED BY REPRESENTATIVE HASTINGS, WA

In section 1, strike "and (2)", and insert "(2) a further amendment to be offered by Representative HOEKSTRA or Representative SMITH of Texas, or their designee, which shall be in order without intervention of any point of order or demand for division of the question and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3)".

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 746, if ordered; and suspending the rules on H. Res. 549.

The vote was taken by electronic device, and there were—yeas 221, nays 199, not voting 11, as follows:

[Roll No. 974]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—11

Carson
Castor
Holt
Jindal
Johnson, E. B.
McKeon
Meek (FL)
Moore (WI)
Tancredo
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 90 seconds left on the vote.

☐ 1211

Mr. ISSA, Mrs. CAPITO and Mr. McCAUL of Texas changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 196, not voting 12, as follows:

[Roll No. 975]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry

Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

### NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

### NOT VOTING—12

Carson
Castor
Delahunt
Holt
Jindal
Johnson, E. B.
Kirk
Marchant
McKeon
Tancredo
Wilson (OH)
Young (AK)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1218

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. MUSGRAVE. Mr. Speaker, on rollcall No. 975, I inadvertently voted "yea" and intended to vote "nay."

---

## RECOGNIZING THE IMPORTANCE OF AMERICA'S WATERWAY WATCH PROGRAM

The SPEAKER pro tempore (Mr. PASTOR). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 549, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 549.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 11, as follows:

[Roll No. 976]

### YEAS—420

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)

Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

## NOT VOTING—11

Aderholt
Carson
Castor
Jindal
Johnson, E. B.
Marchant
McKeon
Tancredo
Udall (CO)
Wilson (OH)
Young (AK)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1228

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. UDALL of Colorado. Mr. Speaker, as a member of the Air Force Academy's Board of Visitors, I have been participating in a meeting of that board here in Washington, DC.

Earlier today, I left the floor to return to that meeting and as a result was not present to vote on rollcall No. 976, on the motion to suspend the rules and pass H. Res. 549, recognizing the importance of America's Waterway Watch program.

Had I been present for that vote, I would have voted "yea."

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## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had agreed to a resolution of the House of the following title.

H. Con. Res. 193. Concurrent resolution recognizing all hunters across the United States for their continued commitment to safety.

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## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

---

## RESTORE ACT OF 2007

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 746, I call up the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 3773

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007" or "RESTORE Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Clarification of electronic surveillance of non-United States persons outside the United States.
Sec. 3. Procedure for authorizing acquisitions of communications of non-United States persons located outside the United States.
Sec. 4. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States.
Sec. 5. Oversight of acquisitions of communications of non-United States persons located outside of the United States.
Sec. 6. Foreign Intelligence Surveillance Court en banc.
Sec. 7. Audit of warrantless surveillance programs.
Sec. 8. Record-keeping system on acquisition of communications of United States persons.
Sec. 9. Authorization for increased resources relating to foreign intelligence surveillance.
Sec. 10. Reiteration of FISA as the exclusive means by which electronic surveillance may be conducted for gathering foreign intelligence information.
Sec. 11. Technical and conforming amendments.
Sec. 12. Sunset; transition procedures.

**SEC. 2. CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES.**

Section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES

"SEC. 105A. (a) FOREIGN TO FOREIGN COMMUNICATIONS.—Notwithstanding any other provision of this Act, a court order is not required for the acquisition of the contents of any communication between persons that are not United States persons and are not located within the United States for the purpose of collecting foreign intelligence information, without respect to whether the communication passes through the United States or the surveillance device is located within the United States.

"(b) COMMUNICATIONS OF NON-UNITED STATES PERSONS OUTSIDE OF THE UNITED STATES.—Notwithstanding any other provision of this Act other than subsection (a), electronic surveillance that is directed at the acquisition of the communications of a person that is reasonably believed to be located outside the United States and not a United States person for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting that person shall be conducted pursuant to—

"(1) an order approved in accordance with section 105 or 105B; or

"(2) an emergency authorization in accordance with section 105 or 105C.".

**SEC. 3. PROCEDURE FOR AUTHORIZING ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.**

Section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"PROCEDURE FOR AUTHORIZING ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES

"SEC. 105B. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly apply to a judge of the court established under section 103(a) for an ex parte order, or the extension of an order, authorizing for a period of up to one year the acquisition of communications of persons that are reasonably believed to be located outside the United States and not United States persons for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting those persons.

"(b) APPLICATION INCLUSIONS.—An application under subsection (a) shall include—

"(1) a certification by the Director of National Intelligence and the Attorney General that—

"(A) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States;

"(B) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

"(C) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; and

"(D) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)); and

"(2) a description of—

"(A) the procedures that will be used by the Director of National Intelligence and the Attorney General during the duration of the order to determine that there is a reasonable belief that the targets of the acquisition are persons that are located outside the United States and not United States persons;

"(B) the nature of the information sought, including the identity of any foreign power against whom the acquisition will be directed;

"(C) minimization procedures that meet the definition of minimization procedures under section 101(h) to be used with respect to such acquisition; and

"(D) the guidelines that will be used to ensure that an application is filed under section 104, if otherwise required by this Act, when the Federal Government seeks to conduct electronic surveillance of a person reasonably believed to be located in the United States.

"(c) SPECIFIC PLACE NOT REQUIRED.—An application under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

"(d) REVIEW OF APPLICATION.—Not later than 15 days after a judge receives an application under subsection (a), the judge shall review such application and shall approve the application if the judge finds that—

"(1) the proposed procedures referred to in subsection (b)(2)(A) are reasonably designed to determine whether the targets of the acquisition are located outside the United States and not United States persons;

"(2) the proposed minimization procedures referred to in subsection (b)(2)(C) meet the definition of minimization procedures under section 101(h); and

"(3) the guidelines referred to in subsection (b)(2)(D) are reasonably designed to ensure that an application is filed under section 104, if otherwise required by this Act, when the Federal Government seeks to conduct electronic surveillance of a person reasonably believed to be located in the United States.

"(e) ORDER.—

"(1) IN GENERAL.—A judge approving an application under subsection (d) shall issue an order—

"(A) authorizing the acquisition of the contents of the communications as requested, or as modified by the judge;

"(B) requiring the communications service provider or custodian, or officer, employee, or agent of such service provider or custodian, who has authorized access to the information, facilities, or technical assistance necessary to accomplish the acquisition to provide such information, facilities, or technical assistance necessary to accomplish the acquisition and to produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition;

"(C) requiring such communications service provider, custodian, officer, employee, or agent, upon the request of the applicant, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished;

"(D) directing the Federal Government to—

"(i) compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to such order; and

"(ii) provide a copy of the portion of the order directing the person to comply with the order to such person; and

"(E) directing the applicant to follow—

"(i) the procedures referred to in subsection (b)(2)(A) as proposed or as modified by the judge;

"(ii) the minimization procedures referred to in subsection (b)(2)(C) as proposed or as modified by the judge; and

"(iii) the guidelines referred to in subsection (b)(2)(D) as proposed or as modified by the judge.

"(2) FAILURE TO COMPLY.—If a person fails to comply with an order issued under paragraph (1), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the order. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

"(3) LIABILITY OF ORDER.—Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with an order issued under this subsection.

"(4) RETENTION OF ORDER.—The Director of National Intelligence and the court established under subsection 103(a) shall retain an order issued under this section for a period of not less than 10 years from the date on which such order is issued.

"(5) ASSESSMENT OF COMPLIANCE WITH MINIMIZATION PROCEDURES.—At or before the end of the period of time for which an acquisition is approved by an order or an extension under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(E)(ii) and the guidelines referred to in paragraph (1)(E)(iii) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.".

### SEC. 4. EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.

Section 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES

"SEC. 105C. (a) APPLICATION AFTER EMERGENCY AUTHORIZATION.—As soon as is practicable, but not more than 7 days after the Director of National Intelligence and the Attorney General authorize an acquisition under this section, an application for an order authorizing the acquisition in accordance with section 105B shall be submitted to the judge referred to in subsection (b)(2) of this section for approval of the acquisition in accordance with section 105B.

"(b) EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly authorize the emergency acquisition of foreign intelligence information for a period of not more than 45 days if—

"(1) the Director of National Intelligence and the Attorney General jointly determine that—

"(A) an emergency situation exists with respect to an authorization for an acquisition under section 105B before an order approving the acquisition under such section can with due diligence be obtained;

"(B) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States;

"(C) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

"(D) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under this section will be acquired by targeting only persons that are reasonably believed to be located outside the United States and not United States persons;

"(E) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

"(F) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e));

"(G) minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h); and

"(H) there are guidelines that will be used to ensure that an application is filed under section 104, if otherwise required by this Act, when the Federal Government seeks to conduct electronic surveillance of a person reasonably believed to be located in the United States; and

"(2) the Director of National Intelligence and the Attorney General, or their designees, inform a judge having jurisdiction to approve an acquisition under section 105B at the time of the authorization under this section that the decision has been made to acquire foreign intelligence information.

"(c) INFORMATION, FACILITIES, AND TECHNICAL ASSISTANCE.—Pursuant to an authorization of an acquisition under this section, the Attorney General may direct a communications service provider, custodian, or an officer, employee, or agent of such service provider or custodian, who has the lawful authority to access the information, facilities, or technical assistance necessary to accomplish such acquisition to—

"(1) furnish the Attorney General forthwith with such information, facilities, or technical assistance in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition; and

"(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished.".

### SEC. 5. OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105C the following new section:

### "OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES

"SEC. 105D. (a) APPLICATION; PROCEDURES; ORDERS.—Not later than 7 days after an application is submitted under section 105B(a) or an order is issued under section 105B(e), the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress—

"(1) in the case of an application, a copy of the application, including the certification made under section 105B(b)(1); and

"(2) in the case of an order, a copy of the order, including the procedures and guidelines referred to in section 105B(e)(1)(E).

"(b) QUARTERLY AUDITS.—

"(1) AUDIT.—Not later than 120 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Inspector General of the Department of Justice shall complete an audit on the implementation of and compliance with the procedures and guidelines referred to in section 105B(e)(1)(E) and shall submit to the appropriate committees of Congress, the Attorney General, the Director of National Intelligence, and the court established under section 103(a) the results of such audit, including, for each order authorizing the acquisition of foreign intelligence under section 105B—

"(A) the number of targets of an acquisition under such order that were later determined to be located in the United States;

"(B) the number of persons located in the United States whose communications have been acquired under such order;

"(C) the number and nature of reports disseminated containing information on a United States person that was collected under such order; and

"(D) the number of applications submitted for approval of electronic surveillance under section 104 for targets whose communications were acquired under such order.

"(2) REPORT.—Not later than 30 days after the completion of an audit under paragraph (1), the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report containing the results of such audit.

"(c) COMPLIANCE REPORTS.—Not later than 60 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report concerning acquisitions under section 105B during the previous 120-day period. Each report submitted under this section shall include a description of any incidents of non-compliance with an order issued under section 105B(e), including incidents of non-compliance by—

"(1) an element of the intelligence community with minimization procedures referred to in section 105B(e)(1)(E)(i);

"(2) an element of the intelligence community with procedures referred to in section 105B(e)(1)(E)(ii);

"(3) an element of the intelligence community with guidelines referred to in section 105B(e)(1)(E)(iii); and

"(4) a person directed to provide information, facilities, or technical assistance under such order.

"(d) REPORT ON EMERGENCY AUTHORITY.—The Director of National Intelligence and the Attorney General shall annually submit to the appropriate committees of Congress a report containing the number of emergency authorizations of acquisitions under section 105C and a description of any incidents of non-compliance with an emergency authorization under such section.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Permanent Select Committee on Intelligence of the House of Representatives;

"(2) the Select Committee on Intelligence of the Senate; and

"(3) the Committees on the Judiciary of the House of Representatives and the Senate.".

### SEC. 6. FOREIGN INTELLIGENCE SURVEILLANCE COURT EN BANC.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

"(g) In any case where the court established under subsection (a) or a judge of such court is required to review a matter under this Act, the court may, at the discretion of the court, sit en banc to review such matter and issue any orders related to such matter.".

### SEC. 7. AUDIT OF WARRANTLESS SURVEILLANCE PROGRAMS.

(a) AUDIT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall complete an audit of all programs of the Federal Government involving the acquisition of communications conducted without a court order on or after September 11, 2001, including the Terrorist Surveillance Program referred to by the President in a radio address on December 17, 2005. Such audit shall include acquiring all documents relevant to such programs, including memoranda concerning the legal authority of a program, authorizations of a program, certifications to telecommunications carriers, and court orders.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the completion of the audit under subsection (a), the Inspector General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report containing the results of such audit, including all documents acquired pursuant to conducting such audit.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by the Inspector General or the appropriate staff of the Office of the Inspector General of the Department of Justice for a security clearance necessary for the conduct of the audit under subsection (a) is conducted as expeditiously as possible.

### SEC. 8. RECORD-KEEPING SYSTEM ON ACQUISITION OF COMMUNICATIONS OF UNITED STATES PERSONS.

(a) RECORD-KEEPING SYSTEM.—The Director of National Intelligence and the Attorney General shall jointly develop and maintain a record-keeping system that will keep track of—

(1) the instances where the identity of a United States person whose communications were acquired was disclosed by an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) that collected the communications to other departments or agencies of the United States; and

(2) the departments and agencies of the Federal Government and persons to whom such identity information was disclosed.

(b) REPORT.—The Director of National Intelligence and the Attorney General shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on the record-keeping system created under subsection (a), including the number of instances referred to in paragraph (1).

### SEC. 9. AUTHORIZATION FOR INCREASED RESOURCES RELATING TO FOREIGN INTELLIGENCE SURVEILLANCE.

There are authorized to be appropriated the Department of Justice, for the activities of the Office of the Inspector General, the Office of Intelligence Policy and Review, and other appropriate elements of the National Security Division, and the National Security Agency such sums as may be necessary to meet the personnel and information technology demands to ensure the timely and efficient processing of—

(1) applications and other submissions to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(2) the audit and reporting requirements under—

(A) section 105D of such Act; and

(B) section 7; and

(3) the record-keeping system and reporting requirements under section 8.

### SEC. 10. REITERATION OF FISA AS THE EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE MAY BE CONDUCTED FOR GATHERING FOREIGN INTELLIGENCE INFORMATION.

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted for the purpose of gathering foreign intelligence information.

(b) SPECIFIC AUTHORIZATION REQUIRED FOR EXCEPTION.—Subsection (a) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to subsection (a).

### SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C and inserting the following new items:

"Sec. 105A. Clarification of electronic surveillance of non-United States persons outside the United States.

"Sec. 105B. Procedure for authorizing acquisitions of communications of non-United States persons located outside the United States.

"Sec. 105C. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States.

"Sec. 105D. Oversight of acquisitions of communications of persons located outside of the United States.".

(b) SECTION 103(e) OF FISA.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or"; and

(2) in paragraph (2), by striking "105B(h) or".

(c) REPEAL OF CERTAIN PROVISIONS OF THE PROTECT AMERICA ACT.—Sections 4 and 6 of the Protect America Act (Public Law 110–55) are hereby repealed.

### SEC. 12. SUNSET; TRANSITION PROCEDURES.

(a) SUNSET OF NEW PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), effective on December 31, 2009—

(A) sections 105A, 105B, 105C, and 105D of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) are hereby repealed; and

(B) the table of contents in the first section of such Act is amended by striking the items relating to sections 105A, 105B, 105C, and 105D.

(2) ACQUISITIONS AUTHORIZED PRIOR TO SUNSET.—Any authorization or order issued under section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2009, shall continue in effect until the date of the expiration of such authorization or order.

(b) ACQUISITIONS AUTHORIZED PRIOR TO ENACTMENT.—

(1) EFFECT.—Notwithstanding the amendments made by this Act, an authorization of the acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) made before the date of the enactment of this Act shall remain in effect until the date of the expiration of such authorization or the date that is 180 days after such date of enactment, whichever is earlier.

(2) REPORT.—Not later than 30 days after the date of the expiration of all authorizations of acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (as added by Public Law 110–55) made before the date of the enactment of this Act in accordance with paragraph (1), the Director of National Intelligence and the Attorney General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on such authorizations, including—

(A) the number of targets of an acquisition under section 105B of such Act (as in effect on the day before the date of the enactment of this Act) that were later determined to be located in the United States;

(B) the number of persons located in the United States whose communications have been acquired under such section;

(C) the number of reports disseminated containing information on a United States person that was collected under such section;

(D) the number of applications submitted for approval of electronic surveillance under section 104 of such Act based upon information collected pursuant to an acquisition authorized under section 105B of such Act (as in effect on the day before the date of the enactment of this Act); and

(E) a description of any incidents of non-compliance with an authorization under such section, including incidents of non-compliance by—

(i) an element of the intelligence community with procedures referred to in subsection (a)(1) of such section;

(ii) an element of the intelligence community with minimization procedures referred to in subsection (a)(5) of such section; and

(iii) a person directed to provide information, facilities, or technical assistance under subsection (e) of such section.

(3) INTELLIGENCE COMMUNITY DEFINED.—In this subsection, the term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

The SPEAKER pro tempore. Pursuant to House Resolution 746, in lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 110–385, modified by the amendment printed in part B of the report, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007" or "RESTORE Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Clarification of electronic surveillance of non-United States persons outside the United States.
Sec. 3. Additional authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.
Sec. 4. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.
Sec. 5. Oversight of acquisitions of communications of non-United States persons located outside of the United States who may be communicating with persons inside the United States.
Sec. 6. Foreign Intelligence Surveillance Court en banc.
Sec. 7. Foreign Intelligence Surveillance Court matters.
Sec. 8. Reiteration of FISA as the exclusive means by which electronic surveillance may be conducted for gathering foreign intelligence information.
Sec. 9. Enhancement of electronic surveillance authority in wartime and other collection.
Sec. 10. Audit of warrantless surveillance programs.
Sec. 11. Record-keeping system on acquisition of communications of United States persons.
Sec. 12. Authorization for increased resources relating to foreign intelligence surveillance.
Sec. 13. Document management system for applications for orders approving electronic surveillance.
Sec. 14. Training of intelligence community personnel in foreign intelligence collection matters.
Sec. 15. Information for Congress on the terrorist surveillance program and similar programs.
Sec. 16. Technical and conforming amendments.
Sec. 17. Sunset; transition procedures.

### SEC. 2. CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

Section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES

"SEC. 105A. (a) FOREIGN TO FOREIGN COMMUNICATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, a court order is not required for electronic surveillance directed at the acquisition of the contents of any communication between persons that are not known to be United States persons and are reasonably believed to be located outside the United States for the purpose of collecting foreign intelligence information, without respect to whether the communication passes through the United States or the surveillance device is located within the United States.

"(2) TREATMENT OF INADVERTENT INTERCEPTIONS.—If electronic surveillance referred to in paragraph (1) inadvertently collects a communication in which at least one party to the communication is located inside the United States or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General that require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated, or used for any purpose or retained for longer than 7 days unless a court order under section 105 is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person.

"(b) COMMUNICATIONS OF NON-UNITED STATES PERSONS OUTSIDE OF THE UNITED STATES.—Notwithstanding any other provision of this Act other than subsection (a), electronic surveillance that is directed at the acquisition of the communications of a person that is reasonably believed to be located outside the United States and not a United States person for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting that person shall be conducted pursuant to—

"(1) an order approved in accordance with section 105 or 105B; or

"(2) an emergency authorization in accordance with section 105 or 105C.".

### SEC. 3. ADDITIONAL AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

Section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"ADDITIONAL AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

"SEC. 105B. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly apply to a judge of the court established under section 103(a) for an ex parte order, or the extension of an order, authorizing for a period of up to one year the acquisition of communications of persons that are reasonably believed to be located outside the United States and not United States persons for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting those persons.

"(b) APPLICATION INCLUSIONS.—An application under subsection (a) shall include—

"(1) a certification by the Director of National Intelligence and the Attorney General that—

"(A) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States who may be communicating with persons inside the United States;

"(B) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

"(C) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; and

"(D) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)); and

"(2) a description of—

"(A) the procedures that will be used by the Director of National Intelligence and the Attorney General during the duration of the order to determine that there is a reasonable belief that the persons that are the targets of the acquisition are located outside the United States and not United States persons;

"(B) the nature of the information sought, including the identity of any foreign power against whom the acquisition will be directed;

"(C) minimization procedures that meet the definition of minimization procedures under section 101(h) to be used with respect to such acquisition; and

"(D) the guidelines that will be used to ensure that an application is filed under section 104, if otherwise required by this Act, when a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States.

"(c) SPECIFIC PLACE NOT REQUIRED.—An application under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

"(d) REVIEW OF "APPLICATION; APPEALS.—

"(1) REVIEW OF APPLICATION.—Not later than 15 days after a judge receives an application under subsection (a), the judge shall review such application and shall approve the application if the judge finds that—

"(A) the proposed procedures referred to in subsection (b)(2)(A) are reasonably designed to determine whether the targets of the acquisition are located outside the United States and not United States persons;

"(B) the proposed minimization procedures referred to in subsection (b)(2)(C) meet the definition of minimization procedures under section 101(h); and

"(C) the guidelines referred to in subsection (b)(2)(D) are reasonably designed to ensure that an application is filed under section 104, if otherwise required by this Act, when a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States.

"(2) TEMPORARY ORDER; APPEALS.—

"(A) TEMPORARY ORDER.—A judge denying an application under paragraph (1) may, at the application of the United States, issue a temporary order to authorize an acquisition under section 105B in accordance with the application submitted under subsection (a) during the pendency of any appeal of the denial of such application.

"(B) APPEALS.—The United States may appeal the denial of an application for an order under paragraph (1) or a temporary order under subparagraph (A) in accordance with section 103.

"(e) ORDER.—

"(1) IN GENERAL.—A judge approving an application under subsection (d) shall issue an order—

"(A) authorizing the acquisition of the contents of the communications as requested, or as modified by the judge;

"(B) requiring the communications service provider or custodian, or officer, employee, or agent of such service provider or custodian, who has authorized access to the information, facilities, or technical assistance necessary to accomplish the acquisition to provide such information, facilities, or technical assistance necessary to accomplish the acquisition and to produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition;

"(C) requiring such communications service provider, custodian, officer, employee, or agent, upon the request of the applicant, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished;

"(D) directing the Federal Government to—

"(i) compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to such order;

"(ii) provide a copy of the portion of the order directing the person to comply with the order to such person; and

"(iii) a certification stating that the acquisition is authorized under this section and that all requirements of this section have been met; and".

"(E) directing the applicant to follow—

"(i) the procedures referred to in subsection (b)(2)(A) as proposed or as modified by the judge;

"(ii) the minimization procedures referred to in subsection (b)(2)(C) as proposed or as modified by the judge; and

"(iii) the guidelines referred to in subsection (b)(2)(D) as proposed or as modified by the judge.

"(2) FAILURE TO COMPLY.—If a person fails to comply with an order issued under paragraph (1), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the order. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

"(3) LIABILITY OF ORDER.—Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with an order issued under this subsection.

"(4) RETENTION OF ORDER.—The Director of National Intelligence and the court established under subsection 103(a) shall retain an order issued under this section for a period of not less than 10 years from the date on which such order is issued.

"(5) ASSESSMENT OF COMPLIANCE WITH COURT ORDER.—At or before the end of the period of time for which an acquisition is approved by an order or an extension under this section, the court established under section 103(a) shall, not less frequently than once each quarter, assess compliance with the procedures and guidelines referred to in paragraph (1)(E) and review the circumstances under which information concerning United States persons was acquired, retained, or disseminated.".

### SEC. 4. EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

Section 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

"SEC. 105C. (a) APPLICATION AFTER EMERGENCY AUTHORIZATION.—As soon as is practicable, but not more than 7 days after the Director of National Intelligence and the Attorney General authorize an acquisition under this section, an application for an order authorizing the acquisition in accordance with section 105B shall be submitted to the judge referred to in subsection (b)(2) of this section for approval of the acquisition in accordance with section 105B.

"(b) EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly authorize the emergency acquisition of foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) for a period of not more than 45 days if—

"(1) the Director of National Intelligence and the Attorney General jointly determine that—

"(A) an emergency situation exists with respect to an authorization for an acquisition under section 105B before an order approving the acquisition under such section can with due diligence be obtained;

"(B) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States who may be communicating with persons inside the United States;

"(C) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

"(D) there are procedures in place that will be used by the Director of National Intelligence and the Attorney General during the duration of the authorization to determine if there is a reasonable belief that the persons that are the targets of the acquisition are located outside the United States and not United States persons;

"(E) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

"(F) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e));

"(G) minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h); and

"(H) there are guidelines that will be used to ensure that an application is filed under section 104, if otherwise required by this Act, when a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States; and

"(2) the Director of National Intelligence and the Attorney General, or their designees, inform a judge having jurisdiction to approve an acquisition under section 105B at the time of the authorization under this section that the decision has been made to acquire foreign intelligence information.

"(c) INFORMATION, FACILITIES, AND TECHNICAL ASSISTANCE.—

"(1) DIRECTIVE.—Pursuant to an authorization of an acquisition under this section, the Attorney General may direct a communications service provider, custodian, or an officer, employee, or agent of such service provider or custodian, who has the lawful authority to access the information, facilities, or technical assistance necessary to accomplish such acquisition to—

"(A) furnish the Attorney General forthwith with such information, facilities, or technical assistance in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished.

"(2) PARAMETERS; CERTIFICATIONS.—The Attorney General shall provide to any person directed to provide assistance under paragraph (1) with—

"(A) a document setting forth the parameters of the directive;

"(B) a certification stating that—

"(i) the emergency authorization has been issued pursuant to this section;

"(ii) all requirements of this section have been met;

"(iii) a judge has been informed of the emergency authorization in accordance with subsection (b)(2); and

"(iv) an application will be submitted in accordance with subsection (a); and

"(C) a certification that the recipient of the directive shall be compensated, at the prevailing rate, for providing information, facilities, or assistance pursuant to such directive.".

### SEC. 5. OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105C the following new section:

"OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

"SEC. 105D. (a) APPLICATION; PROCEDURES; ORDERS.—Not later than 7 days after an application is submitted under section 105B(a) or an order is issued under section 105B(e), the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress—

"(1) in the case of an application—

"(A) a copy of the application, including the certification made under section 105B(b)(1); and

"(B) a description of the primary purpose of the acquisition for which the application is submitted; and

"(2) in the case of an order, a copy of the order, including the procedures and guidelines referred to in section 105B(e)(1)(E).

"(b) REGULAR AUDITS.—

"(1) AUDIT.—Not later than 120 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Inspector General of the Department of Justice shall complete an audit on the implementation of and compliance with the procedures and guidelines referred to in section 105B(e)(1)(E) and shall submit to the appropriate committees of Congress, the Attorney General, the Director of National Intelligence, and the court established under section 103(a) the results of such audit, including, for each order authorizing the acquisition of foreign intelligence under section 105B—

"(A) the number of targets of an acquisition under such order that were later determined to be located in the United States;

"(B) the number of persons located in the United States whose communications have been acquired under such order;

"(C) the number and nature of reports disseminated containing information on a United States person that was collected under such order; and

"(D) the number of applications submitted for approval of electronic surveillance under section 104 for targets whose communications were acquired under such order.

"(2) REPORT.—Not later than 30 days after the completion of an audit under paragraph (1), the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report containing the results of such audit.

"(c) COMPLIANCE REPORTS.—Not later than 60 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report concerning acquisitions under section 105B during the previous period. Each report submitted under this section shall include a description of any incidents of non-compliance with an order issued under section 105B(e), including incidents of non-compliance by—

"(1) an element of the intelligence community with procedures referred to in section 105B(e)(1)(E)(i);

"(2) an element of the intelligence community with minimization procedures referred to in section 105B(e)(1)(E)(ii);

"(3) an element of the intelligence community with guidelines referred to in section 105B(e)(1)(E)(iii); and

"(4) a person directed to provide information, facilities, or technical assistance under such order.

"(d) REPORT ON EMERGENCY AUTHORITY.—The Director of National Intelligence and the Attorney General shall annually submit to the appropriate committees of Congress a report containing the number of emergency authorizations of acquisitions under section 105C and a description of any incidents of non-compliance with an emergency authorization under such section.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Permanent Select Committee on Intelligence of the House of Representatives;

"(2) the Select Committee on Intelligence of the Senate; and

"(3) the Committees on the Judiciary of the House of Representatives and the Senate.".

### SEC. 6. FOREIGN INTELLIGENCE SURVEILLANCE COURT EN BANC.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

"(g) In any case where the court established under subsection (a) or a judge of such court is required to review a matter under this Act, the court may, at the discretion of the court, sit en banc to review such matter and issue any orders related to such matter.".

### SEC. 7. FOREIGN INTELLIGENCE SURVEILLANCE COURT MATTERS.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1) (as so designated)—

(A) by striking "11" and inserting "15"; and

(B) by inserting "at least" before "seven of the United States judicial circuits"; and

(3) by designating the second sentence as paragraph (3) and indenting such paragraph, as so designated, two ems from the left margin.

(b) CONSIDERATION OF EMERGENCY APPLICATIONS.—Such section is further amended by inserting after paragraph (1) (as designated by subsection (a)(1)) the following new paragraph:

"(2) A judge of the court shall make a determination to approve, deny, or modify an application submitted pursuant to section 105(f), section 304(e), or section 403 not later than 24 hours after the receipt of such application by the court.".

### SEC. 8. REITERATION OF FISA AS THE EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE MAY BE CONDUCTED FOR GATHERING FOREIGN INTELLIGENCE INFORMATION.

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted for the purpose of gathering foreign intelligence information.

(b) SPECIFIC AUTHORIZATION REQUIRED FOR EXCEPTION.—Subsection (a) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to subsection (a).

### SEC. 9. ENHANCEMENT OF ELECTRONIC SURVEILLANCE AUTHORITY IN WARTIME AND OTHER COLLECTION.

Sections 111, 309, and 404 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1811, 1829, and 1844) are amended by striking "Congress" and inserting "Congress or an authorization for the use of military force described in section 2(c)(2) of the War Powers Resolution (50 U.S.C. 1541(c)(2)) if such authorization contains a specific authorization for foreign intelligence collection under this section, or if the Congress is unable to convene because of an attack upon the United States.".

### SEC. 10. AUDIT OF WARRANTLESS SURVEILLANCE PROGRAMS.

(a) AUDIT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall complete an audit of all programs of the Federal Government involving the acquisition of communications conducted without a court order on or after September 11, 2001, including the Terrorist Surveillance Program referred to by the President in a radio address on December 17, 2005. Such audit shall include acquiring all documents relevant to such programs, including memoranda concerning the legal authority of a program, authorizations of a program, certifications to telecommunications carriers, and court orders.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the completion of the audit under subsection (a), the Inspector General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report containing the results of such audit, including all documents acquired pursuant to conducting such audit.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by the Inspector General or the appropriate staff of the Office of the Inspector General of the Department of Justice for a security clearance necessary for the conduct of the audit under subsection (a) is conducted as expeditiously as possible.

### SEC. 11. RECORD-KEEPING SYSTEM ON ACQUISITION OF COMMUNICATIONS OF UNITED STATES PERSONS.

(a) RECORD-KEEPING SYSTEM.—The Director of National Intelligence and the Attorney General shall jointly develop and maintain a record-keeping system that will keep track of—

(1) the instances where the identity of a United States person whose communications were acquired was disclosed by an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) that collected the communications to other departments or agencies of the United States; and

(2) the departments and agencies of the Federal Government and persons to whom such identity information was disclosed.

(b) REPORT.—The Director of National Intelligence and the Attorney General shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on the record-keeping system created under subsection (a), including the number of instances referred to in paragraph (1).

### SEC. 12. AUTHORIZATION FOR INCREASED RESOURCES RELATING TO FOREIGN INTELLIGENCE SURVEILLANCE.

(a) IN GENERAL.—There are authorized to be appropriated the Department of Justice, for the activities of the Office of the Inspector General, the appropriate elements of the National Security Division, and the National Security Agency such sums as may be necessary to meet the personnel and information technology demands to ensure the timely and efficient processing of—

(1) applications and other submissions to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(2) the audit and reporting requirements under—

(A) section 105D of such Act; and

(B) section 10; and

(3) the record-keeping system and reporting requirements under section 11.

(b) ADDITIONAL PERSONNEL FOR PREPARATION AND CONSIDERATION OF APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE AND PHYSICAL SEARCH.—

(1) NATIONAL SECURITY DIVISION OF THE DEPARTMENT OF JUSTICE.—

(A) ADDITIONAL PERSONNEL.—The National Security Division of the Department of Justice is hereby authorized such additional personnel as may be necessary to carry out the prompt and timely preparation, modification, and review of applications under Foreign Intelligence Surveillance Act of 1978 for orders under that Act for foreign intelligence purposes.

(B) ASSIGNMENT.—The Attorney General shall assign personnel authorized by paragraph (1) to and among appropriate offices of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) in order that such personnel may directly assist personnel of the Intelligence Community in preparing applications described in that paragraph and conduct prompt and effective oversight of the activities of such agencies under Foreign Intelligence Surveillance Court orders.

(2) DIRECTOR OF NATIONAL INTELLIGENCE.—

(A) ADDITIONAL LEGAL AND OTHER PERSONNEL.—The Director of National Intelligence is hereby authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under the Foreign Intelligence Surveillance Act of 1978 for orders under that Act approving electronic surveillance for foreign intelligence purposes.

(B) ASSIGNMENT.—The Director of National Intelligence shall assign personnel authorized by paragraph (1) to and among the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), including the field offices of the Federal Bureau of Investigation, in order that such personnel may directly assist personnel of the intelligence community in preparing applications described in that paragraph.

(3) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is hereby authorized for the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) such additional staff personnel as may be necessary to facilitate the prompt and timely consideration by that court of applications under such Act for orders under such Act approving electronic surveillance for foreign intelligence purposes. Personnel authorized by this paragraph shall perform such duties relating to the consideration of such applications as that court shall direct.

(4) SUPPLEMENT NOT SUPPLANT.—The personnel authorized by this section are in addition to any other personnel authorized by law.

### SEC. 13. DOCUMENT MANAGEMENT SYSTEM FOR APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) SYSTEM REQUIRED.—The Attorney General shall, in consultation with the Director of National Intelligence and the Foreign Intelligence Surveillance Court, develop and implement a secure, classified document management system that permits the prompt preparation, modification, and review by appropriate personnel of the Department of Justice, the Federal Bureau of Investigation, the National Security Agency, and other applicable elements of the United States Government of applications under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) before their submission to the Foreign Intelligence Surveillance Court.

(b) SCOPE OF SYSTEM.—The document management system required by subsection (a) shall—

(1) permit and facilitate the prompt submittal of applications to the Foreign Intelligence Surveillance Court under the Foreign Intelligence Surveillance Act of 1978; and

(2) permit and facilitate the prompt transmittal of rulings of the Foreign Intelligence Surveillance Court to personnel submitting applications described in paragraph (1), and provide for the secure electronic storage and retrieval of all such applications and related matters with the court and for their secure transmission to the National Archives and Records Administration.

### SEC. 14. TRAINING OF INTELLIGENCE COMMUNITY PERSONNEL IN FOREIGN INTELLIGENCE COLLECTION MATTERS.

The Director of National Intelligence shall, in consultation with the Attorney General—

(1) develop regulations to establish procedures for conducting and seeking approval of electronic surveillance, physical search, and the installation and use of pen registers and trap and trace devices on an emergency basis, and for preparing and properly submitting and receiving applications and orders under the Foreign Intelligence Surveillance Act of 1978; and

(2) prescribe related training on the Foreign Intelligence Surveillance Act of 1978 and related legal matters for the personnel of the applicable agencies of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

### SEC. 15. INFORMATION FOR CONGRESS ON THE TERRORIST SURVEILLANCE PROGRAM AND SIMILAR PROGRAMS.

As soon as practicable after the date of the enactment of this Act, but not later than seven days after such date, the President shall fully inform each member of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on the following:

(1) The Terrorist Surveillance Program of the National Security Agency.

(2) Any program in existence from September 11, 2001, until the effective date of this Act that involves, whether in part or in whole, the electronic surveillance of United States persons in the United States for foreign intelligence or other purposes, and which is conducted by any department, agency, or other element of the United States Government, or by any entity at the direction of a department, agency, or other element of the United States Government, without fully complying with the procedures set forth in the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or chapter 119, 121, or 206 of title 18, United States Code.

### SEC. 16. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Table of Contents.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C and inserting the following new items:

"Sec. 105A. Clarification of electronic surveillance of non-United States persons outside the United States.

"Sec. 105B. Additional authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.

"Sec. 105C. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.

"Sec. 105D. Oversight of acquisitions of communications of non-United States persons located outside of the United States who may be communicating with persons inside the United States.".

(b) Section 103(e) of FISA.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or"; and

(2) in paragraph (2), by striking "105B(h) or".

(c) Repeal of Certain Provisions of the Protect America Act of 2007.—Sections 4 and 6 of the Protect America Act (Public Law 110–55) are hereby repealed.

### SEC. 17. SUNSET; TRANSITION PROCEDURES.

(a) Sunset of New Provisions.—

(1) In general.—Except as provided in paragraph (2), effective on December 31, 2009—

(A) sections 105A, 105B, 105C, and 105D of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) are hereby repealed; and

(B) the table of contents in the first section of such Act is amended by striking the items relating to sections 105A, 105B, 105C, and 105D.

(2) Acquisitions authorized prior to sunset.—Any authorization or order issued under section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2009, shall continue in effect until the date of the expiration of such authorization or order.

(b) Acquisitions Authorized Prior to Enactment.—

(1) Effect.—Notwithstanding the amendments made by this Act, an authorization of the acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) made before the date of the enactment of this Act shall remain in effect until the date of the expiration of such authorization or the date that is 180 days after such date of enactment, whichever is earlier.

(2) Report.—Not later than 30 days after the date of the expiration of all authorizations of acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (as added by Public Law 110–55) made before the date of the enactment of this Act in accordance with paragraph (1), the Director of National Intelligence and the Attorney General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on such authorizations, including—

(A) the number of targets of an acquisition under section 105B of such Act (as in effect on the day before the date of the enactment of this Act) that were later determined to be located in the United States;

(B) the number of persons located in the United States whose communications have been acquired under such section;

(C) the number of reports disseminated containing information on a United States person that was collected under such section;

(D) the number of applications submitted for approval of electronic surveillance under section 104 of such Act based upon information collected pursuant to an acquisition authorized under section 105B of such Act (as in effect on the day before the date of the enactment of this Act); and

(E) a description of any incidents of non-compliance with an authorization under such section, including incidents of non-compliance by—

(i) an element of the intelligence community with procedures referred to in subsection (a)(1) of such section;

(ii) an element of the intelligence community with minimization procedures referred to in subsection (a)(5) of such section; and

(iii) a person directed to provide information, facilities, or technical assistance under subsection (e) of such section.

(3) Intelligence community defined.—In this subsection, the term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

### SEC. ___. CERTIFICATION TO COMMUNICATIONS SERVICE PROVIDERS THAT ACQUISITIONS ARE AUTHORIZED UNDER FISA.

(a) Authorization Under Section 102.—Section 102(a) of the Foreign Intelligence Surveillance Act of of 1978 (50 U.S.C. 1802(a)) is amended by striking "furnishing such aid" and inserting "furnishing such aid and shall provide such carrier with a certification stating that the electronic surveillance is authorized under this section and that all requirements of this section have been met".

(b) Authorization Under Section 105.—Section 105(c)(2) of such Act (50 U.S.C. 1805(c)(2)) is amended—

(1) in subparagraph (C), by striking "; and" and inserting ";";

(2) in subparagraph (D), by striking "aid." and inserting "aid; and"; and

(3) by adding at the end the following new subparagraph:

"(E) that the applicant provide such carrier, landlord, custodian, or other person with a certification stating that the electronic surveillance is authorized under this section and that all requirements of this section have been met.".

### SEC. ___. STATUTE OF LIMITATIONS.

(a) In General.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following new subsection:

"(e) Statute of Limitations.—No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.".

(b) Application.—The amendment made by subsection (a) shall apply to any offense committed before the date of the enactment of this Act if the statute of limitations applicable to that offense has not run as of such date.

### SEC. ___. NO RIGHTS UNDER THE RESTORE ACT FOR UNLAWFUL RESIDENTS.

Nothing in this Act or the amendments made by this Act shall be construed to prevent lawfully conducted surveillance of or grant any rights to an alien not lawfully permitted to be in or remain in the United States.

The SPEAKER pro tempore. Debate shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Michigan (Mr. Conyers) and the gentleman from Texas (Mr. Smith) each will control 30 minutes and the gentleman from Texas (Mr. Reyes) and the gentleman from Michigan (Mr. Hoekstra) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. Conyers).

☐ 1230

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material for the Record on H.R. 3773.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 6 years ago the administration unilaterally chose to engage in warrantless surveillance of American citizens without court review. That decision created a legal and political quagmire. To fight terrorism and prevent another 9/11, we need to have an effective and legal system of intelligence gathering. That is what we are here to do today.

When that old scheme broke down, the administration then forced Congress to accept an equally flawed statute in August, the Protect America Act. The Protect America Act granted broad, new powers to engage in warrantless searches within the United States, including physical searches of our homes, computers, offices, libraries and medical records. There was a valiant fight against it, but we did not prevail.

Mr. Speaker, at this time I want to acknowledge the great work of the chairman of the Intelligence Committee, SILVESTRE REYES, for what he did, and on the Judiciary Committee I am quite proud of JERRY NADLER of New York, the chairman of the Constitution Subcommittee, and SHEILA JACKSON-LEE, the distinguished gentlewoman from Texas. Also the chairman of the Crime subcommittee, BOBBY SCOTT of Virginia.

The PATRIOT Act granted broad new powers to engage in warrantless searches within the United States. It included, as I said, physical searches of our homes, of our computers, offices, libraries, and even medical records. The law contained no meaningful oversight whatsoever and went around the FISA Court. It should not be made permanent. That is why we are here today with the RESTORE Act, to create a framework for legal surveillance that includes the FISA Court.

Careful consideration by the Judiciary and by the Intelligence Committees addresses the need for flexibility in intelligence gathering and delivers the ability to deal with the modern communications networks. More importantly, it is consistent with the rule of law, the Constitution, and our democratic values.

Let's be clear about how the RESTORE Act's "basket" court orders work. These orders are not individual warrants for Osama bin Laden or other terrorists. They allow surveillance of an entire terrorist group or other foreign power through a flexible court process. This act prohibits reverse targeting to engage in warrantless spying on Americans. In approving the order, the court must also approve the guidelines and procedures that will be used to protect the rights of Americans under the Constitution and under the Foreign Intelligence Surveillance Act.

When the intelligence community turns its attention to Americans at home, they will have to get a warrant. That isn't just good policy; this is the critically important fourth amendment in action. So RESTORE even brings the court into the emergency provisions. NSA must notify the court when they start emergency acquisition, and they must seek a court order within seven days. This is not a secret process. The court knows when it is started and is awaiting the application.

Mr. Speaker, the phone company can't even turn on the switch unless it has a certification from the government that they are actively seeking that court order. If the application is turned down, the surveillance shuts off, unless the court specifically stays their ruling, pending appeal. That appeal must be resolved within 45 days. These emergency authorizations are not a backdoor way to avoid court review. In fact, the court will be looking at the emergency from the very first day.

The bill also provides other critical safeguards: periodic audits by the inspector general; narrow scope of authority to security threats, not just anything. It protects privacy of Americans traveling abroad and, most important, sunsets the legislation in December of the year 2009 so that we can review it one more time.

Importantly, the bill has no retroactive immunity for telecommunications carriers whatsoever. Why? Because we have been refused the documents to determine whether retroactive immunity has any place or not. Interestingly enough, that was delivered to the Senate. They have the documents. We, begging, pleading, screaming, we don't have the documents. So no retroactive immunity. Until we receive these underlying documents, there is no way we can begin any consideration of that request. So the legislation before us today is a very, very important start-over improving the measure, the Protect America Act, that still exists.

Please join with me in a careful consideration of everything in this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the Democratic leadership calls the RESTORE Act of 2007 a compromise. Well, I agree. It compromises our national security.

Why do Democrats want to make it more difficult to gather intelligence about terrorists after 9/11 than before 9/11? Since the Foreign Intelligence Surveillance Act was enacted 30 years ago, our terrorist fighting agencies have been able to gather information about terrorists without obtaining a court order. Why burden our intelligence agencies now? Why make it harder to find Osama bin Laden? Why protect terrorists?

This bill, for the first time, requires a court order to monitor foreign persons outside the United States. If Osama bin Laden makes a call and we don't know who it is to, a court order must be obtained. That takes many hours and could well mean we miss an opportunity to stop an attack.

The bill omits liability protection for telephone companies that provided the Federal Government with critical information after 9/11. These companies deserve our thanks, not a flurry of frivolous lawsuits.

The bill sunsets in 4 years, yet our agencies need certainty and permanence so they can develop new procedures and train employees.

Mr. Speaker, we don't need the RESTORE Act. We do need to restore the ability of the Federal Government to gather information about terrorists and to stop them.

Mr. Speaker, I yield 2 minutes to the minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the law in place today, the law that we brought up to today's technical standards in August, is essentially the law that the Congress passed in 1978, a Congress that had a majority of Democrats in it. Jimmy Carter, President Carter, signed that bill, and it has worked for 30 years now.

The way this bill is drafted, the administration would be forced to seek warrants, as Mr. SMITH just said, for foreign targets in case they might call the United States. If Osama bin Laden calls the United States, we should know it. If Osama bin Laden calls and it turns out to be a call that didn't matter, there are ways to minimize that. In all likelihood, if Osama bin Laden called, it shouldn't be a matter that we shouldn't know about. If he calls to order a pizza and says "deliver the pizza to cave 56 in Bora Bora," that is something we ought to know at that minute. We should not have to go to court to monitor these calls, just in case they call somebody in the United States.

Granting what in essence is de facto fourth amendment constitutional rights to noncitizens who are not in this country makes no sense at all. It is not the right direction. We need a permanent fix.

This bill does not contain, as my good friend Mr. CONYERS said, retroactive liability. We need to have liability for those companies that stepped up after 9/11 and immediately helped the country begin to monitor the things we needed to monitor. We still don't clarify in this bill what our intelligence agencies do.

This does not solve any problems. It creates problems. When you have a system that has worked in one way, and effectively, for 30 years, there is no reason to change that system. This bill makes needless, dangerous changes.

I hope we vote "no" on this bill today, and get down, as we did in late July, to the reality of what we have to do to defend the country.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 6 years after the tragic attacks of 9/11, Osama bin Laden remains at large. The minority whip may make light about ordering pizza, but the reality is we still haven't gotten Osama bin Laden and America faces a continuing threat from al Qaeda and other terrorist groups.

Just this week, Admiral Scott Redd, Director of the National Counterterrorism Center, said that the Iraq war has created a giant recruiting tool for al Qaeda. When asked if we are safer as a result of our invasion of Iraq, Admiral Redd said, "Tactically, probably not."

Mindful of this threat, our committees have drafted the RESTORE Act. I wish to thank Chairman CONYERS and members of both committees for their great work in drafting this legislation. The RESTORE Act arms our intelligence community with powerful new authorities to conduct electronic surveillance of terrorist targets around the world, but it also restores essential constitutional protections for Americans that were sharply eroded when the President signed the Protect America Act, or PAA, last August.

Some on the other side want to extend the PAA permanently. That would be a huge mistake. According to expert testimony we have received in our committee, the PAA authorizes warrantless domestic searches of Americans' homes, mail, computers and medical records, as the chairman of the Judiciary Committee observed earlier.

Although we don't have any information at this time that the Bush administration is using this authority in this way, we must guard against the possibility of abuse in the future. Our committee heard testimony that the PAA even allows spying without probable cause on our own soldiers deployed overseas talking to their families back home. That, Mr. Speaker, is wrong.

The RESTORE Act helps restore the balance between security and liberty. The RESTORE Act puts the FISA Court back in the business of protecting Americans' constitutional rights, after the President and Vice President put the court out of business 6 years ago.

Some will try to portray this bill as extending rights to terrorists. We have heard that this morning. That is absolutely false. This bill does not require individual warrants for terrorists such as Osama bin Laden. The bill does not extend fourth amendment rights to foreigners.

What the RESTORE Act does is allow "block surveillance" of terrorists overseas with speed and agility. And we will never go dark, because the bill includes an emergency provision that allows surveillance to continue for 45 days, even before the court approves the procedures to protect Americans.

This legislation will restore accountability and oversight in all three branches. It restores regular audits and reports by the Department of Justice, which will be reviewed by the Congress. It also requires an audit of the President's Domestic Surveillance Program and other warrantless surveillance programs.

Perhaps most importantly, it ensures that when an American is the target of surveillance, an individualized warrant is required.

Some of my colleagues on the other side of the aisle prefer an approach that would allow the administration to police itself. This simply is unacceptable. If we have learned anything from the past 6 years, it is that unchecked executive power is a recipe for abuse and it has not made us safer.

□ 1245

Mr. Speaker, I have served my country as a soldier in combat in Vietnam, as a law enforcement professional on our southern border, and as a Member of Congress for the past decade. I have seen the great strength of our country; and in my view, the source of that great strength is our Constitution. The RESTORE Act provides tools to keep this Nation safe and upholds our Constitution and our laws. So I urge my colleagues to vote "yes" on the RESTORE Act.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the former chairman and current ranking member of the Homeland Security Committee, the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the ranking member for yielding and, Mr. Speaker, I rise today in opposition to this legislation.

Mr. Speaker, the United States has been at war with Islamic terrorism since September 11, 2001. This is a war which threatens our survival as a civilization, and it is a war where it is essential that we maximize the use of electronic surveillance which is one of the strongest weapons in our arsenal. It is a weapon which should not be trivialized, nor should the struggle be trivialized by using such terms as "spying" and "snooping."

It is important we keep in mind who the real enemy is. The real enemy is al Qaeda and Islamic terrorism, not the men and women of our own government who are working so hard to protect us.

Mr. Speaker, the Protect America Act, which was passed less than 3 months ago, updated FISA and struck the appropriate balance between protecting our citizens from terrorist attacks and protecting our civil liberties. Tragically, today's bill, the RESTORE Act, marks an undeniable retreat in the war against Islamic terrorism. It limits the type of foreign intelligence information that may be acquired and actually gives foreign targets more protections than Americans get in criminal cases here at home.

By sunsetting this legislation in 2 years, the RESTORE Act fails to provide permanency and guidance to the intelligence community. The RESTORE Act also fails to provide legal protection and immunity to those American companies who answered the call of this administration and also answered the call of an administration which believed that this policy was legal, and not only this administration, but high-ranking officials from previous administrations, Democrat and Republican, who believed that these policies were legal and constitutional. There was no personal gain for these companies. To allow them to be subjected to lawsuits for answering the Nation's call in time of great peril is mean-spirited, vindictive and shortsighted.

Mr. Speaker, I strongly urge defeat of this misguided legislation.

Mr. CONYERS. Mr. Speaker, I am proud to recognize the chairman of the Crime Subcommittee, BOBBY SCOTT of Virginia, for 3 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding and appreciate his leadership in efforts to address warrantless surveillance under the Foreign Intelligence Surveillance Act, or FISA, and for introducing a bill that corrects many of the shortcomings of the bill that passed the House last August.

The RESTORE Act establishes a strong framework, much stronger than the administration's bill, to fight terrorism effectively, while providing reasonable safeguards to protect personal privacy. There are several important clarifications made in the bill.

One important change draws the appropriate distinctions based on physical location and types of targets. There has never been any controversy over the fact that surveillance directed at people, all of whom are overseas, you don't need a warrant in that situation.

The second is that the bill removes vague and overbroad language in the bill that passed last August that would allow wiretapping of conversations without a warrant if the communication was concerning a foreign target. That by its own wording suggests that if two citizens are in the United States talking about someone overseas, you could wiretap their communications without a warrant. The bill before us makes it clear that the persons involved in the conversation must be overseas, not just that the subject of the conversation must be overseas.

Third, the RESTORE Act goes a step further than the administration's bill and only allows expanded wiretapping authority in cases involving foreign intelligence unless it relates specifically to national security, as opposed to the overexpansive nature of foreign intelligence. Foreign intelligence can include anything, a trade deal or anything of general foreign affairs activities. If you are talking about national security, let's talk about national security.

Finally, the RESTORE Act was made even stronger in the committee by requiring the Department of Justice in its application to the court to specify the primary purpose of the wiretapping. Under FISA, when an agent wanted to obtain a warrant, he had to certify the purpose of the wiretap. The standard was altered in the PATRIOT Act which says it only has to be a significant purpose.

We have to put this change in context because the Department of Justice has not credibly refuted the allegations that some U.S. Attorneys were fired because they failed to indict Democrats in time to affect an upcoming election. So if the Department of Justice wiretapped someone when foreign intelligence is not the primary purpose, you have to wonder what the primary purpose is. This bill would require the administration to reveal the true purpose of the wiretap.

Mr. Speaker, in the fight against terrorism, we do not have to sacrifice constitutional protections or trust this administration to secretly protect the rights of Americans without public accountability. It is important to note that everything that the administration can do in its own bill it can do under this bill. We just require them to get a warrant before they do it or get a warrant after they do it if they are in a hurry, but they can wiretap and get the information. We just provide a little modicum of oversight to ensure that the laws are being obeyed.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), the ranking member of the Crime, Terrorism and Homeland Security Subcommittee of the Judiciary Committee.

Mr. FORBES. Mr. Speaker, as you listen to this debate and those watching at home listen to it, the only thing that they hear are Democrats saying one thing and Republicans saying another thing. They don't know who to believe. They listen to the debate and they hear hatred of the Presidency and hatred of Republicans. But, Mr. Speaker, we just invite you today, take a moment and a breath and put all of that hatred on the shelf for just a second, and to remember that the Director of National Intelligence, not an appointee from President Bush but from President Clinton, has stated that their approach will be devastating to the intelligence-gathering capability of the United States.

Mr. Speaker, here are the facts that we know. In the late 1990s, we cut intelligence. Then we had 9/11 where we had the worst terrorist attack to ever hit our shores. Since that time, regardless of who did it and deserves the credit, we have not had a major terrorist attack hit the United States, and now we are trying to repeat the cycle and cut intelligence-gathering capability again. We all know what is going to happen if, and some would say when, another terrorist attack hits. We are going to bring law enforcement in and we are going to point our finger at them and say: Why didn't you stop it?

Mr. Speaker, just recently we had one of our NFL football coaches get in trouble because he was trying to steal the signals of an opposing team. Everyone argued and agreed that wasn't fair. And they were right; but that was a game. Mr. Speaker, in this particular situation it is not a game. We don't want a fair fight. We want to steal every signal we can from enemies who are trying to harm this Nation, and we want to know what they are doing before they do it so we can protect and defend this country.

Mr. Speaker, I just invite us to take the hatred off the shelf, take the rhetoric off the shelf, and to exchange it for ration and reason so we can do what we need to do to gather the intelligence to keep our people safe.

Mr. REYES. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL), a fellow Vietnam veteran, a member of the House Intelligence Committee.

Mr. BOSWELL. Mr. Speaker, first I support this bill. It is a good bill, and it protects the Constitution.

I would like to speak principally to my colleagues who, like me, are concerned about what the bill does and the fact that it does not address fully the issue of carrier liability. As you know, the administration and telecommunication companies have requested that we provide them with immunity from lawsuits or prosecutions arising out of information and assistance they may have provided to the intelligence community.

Now, we don't precisely know what information they have provided. We don't know what they were told by the administration about the legality of what they were doing. I hope and believe those companies acted in good faith with patriotism. They were trying to do their part for national security, and I think they deserve our appreciation. I take seriously their concerns that they might be subject to liability.

That being said, I don't believe it should be the responsibility of the telecommunications companies to prove that they provided the information in a legal way if the Federal Government fails to meet the burden of proof that the demand or request for information is brought forth in a legal manner. If that burden of proof is not met, it should be the government that should be held primarily accountable.

I believe that eventually we should be able to take care of any company who acted in good faith and cooperated in the name of protecting our Nation. No one who acted out of good faith with a desire to protect America should be punished. But we must know what brought forth their action, and under what circumstances, and what pressure, if any, they acted. As this process moves forward, I expect to get more information from the administration on their generation of the demands or requests for information. Support the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my colleague and the former district judge from Texas (Mr. GOHMERT), who is also the deputy ranking member of the Crime, Terrorism and Homeland Security Subcommittee of the Judiciary Committee.

Mr. GOHMERT. I thank the ranking member.

I appreciate Chairman REYES' service to this country. I believe people on the other side of the aisle mean well when they say they want to protect the Constitution. The problem is this extends the Constitution beyond America to our enemies on foreign soil who cut off heads of Americans. That's just the way it is. It does that.

Now, we keep hearing across the aisle: This has nothing to do with foreign-to-foreign calls; it has nothing to do with foreign terrorists on foreign soil calling foreign terrorists, and it says that in the bill. You don't have to worry about that. You don't need a warrant for that.

The trouble is there is no conceivable time that an honest intelligence gatherer overseas can swear that a foreign terrorist that he wants to surveil will never under any circumstances call the United States. Since he can't swear to that and since there is a chance, especially since this law is public and the terrorists will know all they need to do is call America, order flowers, call time and temperature, they have made a call on American soil and they come within the requirement of getting a court order. It is very clear.

This doesn't extend the Constitution in a way that it should be on American soil. It protects enemies. I know people on the other side, you just want to protect civil liberties, but what scares me is what will happen when a terrorist attack in the nature of 9/11 comes again. People will rush to take away civil liberties, and people will voluntarily give up civil liberties for protection, liberties that were so hard fought.

So for those who are really going to be protected, I don't understand the concern. This is going to protect also Americans who get calls from foreign terrorists on foreign soil. That is what this is really going to do.

I don't think it is too much in the interest of America, tell your American friends to tell their terrorist friends on foreign soil, don't call me, use some other means of communication.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the gentlewoman from California (Ms. HARMAN) whose experience in intelligence matters and FISA in particular are well known, and I yield to her 2½ minutes.

□ 1300

Ms. HARMAN. Mr. Speaker, I thank Chairman CONYERS for yielding to me and commend him, Chairman REYES, and others for their work on this bill.

Though I no longer serve on the Intelligence Committee, I have followed this issue with intense interest. This bill contains many provisions that I and others authored over recent years. It is a strong bill and I strongly support it.

It amends FISA to permit more speed and agility in the effort to conduct surveillance of those who would do us harm, but it also provides more resources in a court-approved framework to assure that the constitutional rights of Americans are protected.

I continue to follow the intelligence in my role as Chair of the Homeland Security Intelligence Subcommittee, and threats against our homeland are real. Westerners are training in al Qaeda camps in the tribal areas of Pakistan. Europe, especially Britain, may experience more attacks. Plots have recently been foiled in Denmark and Germany. We helped Britain disrupt the so-called "liquid bomb plot" in August of 2006, a plot that could have killed more Americans than were killed on 9/11 as they flew on U.S.-bound airlines from England.

Mr. Speaker, all Members want to protect America. All Members want to protect America. So it deeply saddens me that this is yet another partisan debate. It could have been otherwise.

For several weeks, PETE HOEKSTRA, who chaired the Intelligence Committee when I was privileged to serve as ranking member, and I tried to fashion a bipartisan bill. Our list of principles could, I believe, have garnered broad support in both caucuses and led to a veto-proof majority in this House.

Americans want Congress on a bipartisan basis to assure we disrupt plots to harm us and protect our Constitution. We could do both and we must do both. This is a strong bill. It does both. Vote "aye."

Mr. EVERETT. Mr. Speaker, I rise today in strong opposition to the RESTORE Act, which reauthorizes the Foreign Intelligence Surveillance program. As a Member of the Select Committee on Intelligence, I am deeply troubled that the majority has determined to handcuff the ability of the Intelligence Community, IC, to collect foreign intelligence information.

Forgive me for stating the obvious, but ladies and gentleman, we are at war. We should be helping the IC in their efforts to protect Americans and fight the war on terror; this legislation needlessly ties our hands in collecting foreign intelligence information.

Here are a few of the problems with this bill: No liability protection for the telecommunications companies who have responded to the IC's call for help since the 9/11 attacks; extends constitutional, 4th Amendment, protections for terrorists by requiring FISA court approval to monitor individuals outside the U.S.; new and cumbersome FISA court guidelines for IC operations; Justice Department audits of IC activities and operations; onerous and duplicative reporting requirements by the DNI; and the list goes on . . . .

Mr. Speaker, under this legislation, the Majority has made it clear that our Intelligence agencies should be guided by the tenants of the American Civil Liberties Union, ACLU, when monitoring terrorist activity.

This policy is reckless and I urge a "no" vote.

Mr. BACA. Mr. Speaker, I rise today to ask for support of the RESTORE Act. It provides important tools to support U.S. intelligence gathering efforts and protects against terrorists. And it does so while safeguarding Americans' civil liberties.

I hope that as the legislative process plays out, the issue of carrier immunity is dealt with in a manner that will facilitate cooperation. Obtaining intelligence to protect our country against terrorists is the ultimate goal and this bill does this in a fair and balanced manner. Innocent Americans will have stronger protections and the intelligence needed to protect our country will not be compromised. Accountability is always a good thing.

We will have much needed congressional oversight, compliance reports from the Attorney General and audit reports by the Inspector General of the Department of Justice.

The RESTORE Act is a great balance and a positive move in the right direction.

Please support this important legislation.

Mr. CHANDLER. Mr. Speaker, while I am pleased to stand here today and support the RESTORE Act of 2007 because I believe it is critical as part of our nation's defense, I urge us to work together in the coming weeks to end the uncertainty facing some of our corporate citizens in dealing with the threat posed by Islamic fundamentalists.

Particularly, .I am referring to our nation's telecommunications carriers, companies that historically have been a critical piece of our successful national security apparatus. These U.S. companies, who combined employ well over half a million Americans, should be treated with appreciation for the cooperation they display in the effort to keep our people safe.

In the confusion and muddied backdrop of the debate, what has clearly been left aside is the longstanding and consistent policy of Congress and the courts that governs the way these companies may lawfully provide assistance to law enforcement and intelligence agencies. This policy is that telecommunications carriers are authorized to assist government agencies in a wide variety of circumstances; public policy encourages such cooperation; and, consistent with that policy, when a carrier cooperates in good faith with a duly authorized request for assistance, the carrier is immune from liability to third-parties. In the interest of our nation's security, these carriers should continue to have immunity when cooperating in good faith.

We must work together over the coming weeks to clarify the role of carriers in this debate, and specifically offer the appropriate path to immunity when such highly sensitive matters are involved. Telecommunications carriers are nothing less than patriotic citizens fulfilling their role in our global struggle against terrorism.

Mr. SHULER. Mr. Speaker, I rise today in opposition to House Resolution 746, providing for consideration of H.R. 3773, the RESTORE Act of 2007. While I support many of the provisions of the underlying bill, I remain concerned that this bill is silent on the issue of carrier liability.

This rule provides no opportunity to amend the bill to address this important issue. In my view that is a mistake, and one which I hope will be dealt with before the legislation is sent to the President for his signature.

The failure of this House to address the issue of carrier liability may have significant long term implications for our future ability to protect our citizens. I encourage my colleagues to consider the incentives the legislation creates and find a constructive way to deal with the carrier liability issue.

Therefore, while I do intend to support the underlying legislation when faced with an up or down decision later today, I oppose this closed rule, and urge the leadership of both Houses of Congress to work together during the conference process to address this issue. I urge my colleagues to vote "no" on this closed rule.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 746, further proceedings on the bill will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

☐ 1453

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROSS) at 2 o'clock and 53 minutes p.m.

## PROVIDING FOR CONSIDERATION OF H.R. 2095, FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 724 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 724

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2095 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 724 provides a structured rule for consideration of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. The resolution provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule makes 4 amendments in order. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI.

As the debate in the Rules Committee demonstrated, Members on both sides of the aisle are focused on getting this bill to conference and onto the President's desk, and this rule reflects that consensus.

I want to thank Chairman OBERSTAR and Chairwoman BROWN for their leadership in addressing rail safety issues. Attention and investment to the safety of our rail infrastructure and workers is needed.

Congress last reauthorized the Federal Railroad Administration, also known as FRA, rail safety programs in 1994 and that authorization lapsed in 1998. In the time since Congress last took a comprehensive look at railroad safety, much has changed with our Nation's freight and passenger rail infrastructure. The amount of goods transported by rail has increased dramatically and more often our population is turning to rail as an alternative to getting into their cars. This is creating a greater demand on our rail infrastructure.

The bill before us today, the Federal Railroad Safety Improvement Act of 2007, would authorize our Federal rail safety programs at $1.2 billion over 4 years. This bill makes important investments in our current rail safety programs and creates new grant programs for grade crossing safety and train control technology.

Additionally, the importance of safety will be reflected in the renaming of the FRA to the Federal Railroad Safety Administration. This is significant because a new name would emphasize the Federal role in the safety of rail transportation.

A fresh look at rail safety is long overdue. Over the next 20 years, the demand for freight and passenger rail is expected to grow and continue to play an important role in our economy and in our communities. Now is the time to make an investment in the safety of our rail infrastructure, as well as the training of the men and women who work on the rail lines. This way we can embrace the growth of our Nation's infrastructure and face it in a responsible way.

For example, the Department of Transportation has estimated that the amount of freight moved on rail will increase by 50 percent from 1998 to 2020. If you live in a community with a rail line, you are already experiencing this growth firsthand. In my district of Sacramento, there are two freight lines, and the largest railroad switching yard west of the Mississippi lies just outside of my district in Roseville. I understand how big a role freight lines play in a community. When something goes wrong with a freight line, the community knows about it immediately. Freight carried by these rail lines must be transported safely and securely, particularly when it travels through densely populated urban areas.

As the freight rail industry continues to grow, it will need a well-trained and safe workforce. Addressing safety and training issues now will benefit all our communities and our national economy in future years.

☐ 1500

This bill makes that investment and nearly doubles the number of FRA inspectors from 440 to 800.

Safety on our passenger rail lines is equally important. In fiscal year 2007, close to 26 million passengers chose to take trains. This is a 6.3 percent increase from the previous year. We can only expect these ridership numbers to increase as Americans seek travel alternatives in an attempt to turn away from congested highways and overstressed airlines.

In northern California, the Capital Corridor line has shown incredible increases in ridership. In 1998, 544,000 passengers traveled on the Capital Corridor line. In 2007, the Capital Corridor ridership has almost tripled to almost 1.5 million passengers.

In 2007, throughout the entire State of California, 5 million passengers rode on rail. Translated to vehicle miles, that is 500 million miles, which, simply put, means half a billion vehicle miles not on our highways and thus saving gas, reducing congestion and not polluting our air.

I say this because we need to protect and encourage this upward trend not only in California but across the Nation.

To do this, it is important that we invest in safety at a proportional rate to our ridership growth and freight growth. Our citizens must continue to have confidence in our rail infrastructure.

Finally, the demand on our rail infrastructure has outgrown our ability to keep our rail system safe. We must also ensure that our rail workers are getting the training they need, but also the rest between shifts.

According to the FRA, 40 percent of all train accidents are the result of human factors, and 1 in 4 of those accidents results from fatigue. These accidents are preventable, and it's time that we address the problem.

This bill makes the necessary changes to address employee fatigue. It increases the minimum rest period for employees from 8 to 10 hours and also phases in a limit of 10 hours of the amount of limbo time an employee can accrue each month.

In closing, this bill addresses the critical issues of worker fatigue, timely and thorough inspections, as well as enforcement of safety regulations. In short, this bill reinstates rail safety as a top priority for our communities, workforce, and the millions of people who ride our rail lines.

I encourage my colleagues to vote for this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to thank my friend, the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself such time as I may consume.

The Federal Railroad Administration was created by the Department of Transportation Act of 1966. The Federal Railroad Administration, FRA, is charged with overseeing the Federal rail safety program.

As all of our colleagues know, Mr. Speaker, railroads crisscross every congressional district, and their safe operation is of national importance, especially since they play such an integral part in our national economy by transporting products and people to and from ports, and in the instance of products, from manufacturers, to suppliers, to the consumers.

Since 1978, there's been a dramatic decline in the number of railway accidents. Last year, there were just over 2,800 such accidents, obviously too many, but a significant decline compared to the past. Obviously more can be done to reduce the number of accidents and save lives, and more should be done.

FRA classifies the causes of train accidents into 5 categories: human factors, track and structures, equipment, signal and train control, and miscellaneous. Of those categories, human factors and track are responsible for the majority of train accidents. Last year, 2006, over 70 percent of such accidents were caused by human factors or track defects.

Most rail-related deaths are to pedestrians on rail lines, trying to cross obviously, and motorists colliding with trains at grade crossings. While there are nearly 1,000 rail-related deaths each year, about 20 to 30 rail employees unfortunately are killed while on duty each year.

The underlying legislation being brought forward by this rule, the Federal Railroad Safety Improvement Act of 2007, seeks to reduce the number of accidents caused by human fatigue by strengthening the hours of service law for signalmen and train crews. The legislation makes changes to what is known as limbo time, which is the wait period when locomotive crews wait for pickup after a day's run. Specifically, the bill phases down limbo time over 3 years, 40 to 30 to 10 hours per month. The bill also creates new exceptions to limbo time in the case of an accident, track obstruction, weather delays or natural disasters. It gives signal and train workers additional hours of rest, 10 hours in 24, and mandatory days off, 1 in 7.

The Department of Transportation estimates that by 2020 the amount of freight moved by rail, measured by weight, will increase by approximately 50 percent. Furthermore, many local governments are interested in establishing, or expanding, commuter rail operations, which often operate on the freight rail network. As a result, the number of train miles on the Nation's freight rail network will significantly increase in the coming years. If train accident rates do not improve, this will lead obviously to an increased number of accidents, injuries and fatalities and some of the gains of the past decade may be lost, and obviously we'd like to avoid that.

I'd like to thank both Chairman OBERSTAR and Ranking Member MICA for their bipartisan work on this legislation, especially on this issue of the limbo time. I think it goes to show that when people are willing to work together across the aisle to try to come up with compromises that good progress can be made.

Now, unlike the bipartisan nature by which the Transportation Committee worked on this bill, the majority in the Rules Committee did not live up to that standard. Only four out of 10 amendments. There were 10 amendments proposed. A lot of time those amendments take a lot of work by Members, a lot of work, a lot of time, a lot of dedication, and only 4 out of the 10 amendments that Members brought to the Rules Committee were made in order, and of those, only one was an amendment by a Member of the Republican side of the aisle.

During consideration of this rule, Mr. Speaker, the minority made several attempts to make Republican amendments in order, but in the Rules Committee, the majority blocked each amendment by a party-line vote, and I think that's unfortunate. It's quite a contrast to how the Transportation Committee worked and some other committees in this Congress.

It's unfortunate, especially when we take into account the promises made by the majority that they would bring transparency and openness and fairness to the process. We see time and time and time again exactly the opposite. This is really sad.

Mr. Speaker, I reserve my time.

Ms. MATSUI. Mr. Speaker, I'd like to inquire of the gentleman from Florida if he has any more speakers.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inform my friend that we do not.

Ms. MATSUI. Okay. I'm prepared to close after he's finished.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, thank you very much for your courtesy. I thank my good friend Ms. MATSUI for hers as well.

Again, with regard to the underlying legislation, it's important legislation. I think it's a good work product that's come forth from compromise, people reaching out from both sides of the aisle and working together. But the rule, unfortunately, is most unfair, as is typically the case with this new majority.

Mr. Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman of a committee of jurisdiction includes either a list of earmarks contained in the bill or report, or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress.

However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

I'd like to direct our colleagues, Mr. Speaker, to a letter that the House Parliamentarian, Mr. John Sullivan, recently sent to the Rules Chair, Ms. SLAUGHTER, which confirms what we have been saying since January, that the Democratic earmark rule contains loopholes. In his letter to Chairwoman SLAUGHTER, the Parliamentarian states that the Democratic earmark rule "does not comprehensively apply to all legislative proposition at all stages of the legislative process."

I will insert this letter in the RECORD at this point.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
*Washington, DC, October 2, 2007.*

Hon. LOUISE MCINTOSH SLAUGHTER,
*Committee on Rules, House of Representatives, Washington, DC.*

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order "except those arising under clause 9 of rule XXI" should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called "manager's amendment" to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called "manager's amendment," i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

John V. Sullivan.

This amendment will restore the enforceability and accountability of the earmark rule to where it was at the end of the 109th Congress to provide Members with an opportunity to bring the question of earmarks before the House for a vote. I would urge all my colleagues to close this loophole by opposing the previous question.

Mr. Speaker, at this time, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida and yield myself the balance of my time.

Let me first say that the earmark rule is not waived in this rule despite the claims of my colleagues. I urge them to read lines 6 and 7, that the rule specifically excludes the earmark rule from the waiver. Any suggestion otherwise is simply untrue.

Mr. Speaker, this bill is important to our economy and the millions of Americans who travel on trains every year. This is the first time in well over a decade that Congress has taken a comprehensive look at our rail safety programs. During that time, the demand on our freight and passenger rail infrastructure has increased dramatically.

This bill addresses the critical issues of worker fatigue, timely and thorough inspections, as well as enforcement of safety regulations.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. Lincoln Diaz-Balart of Florida is as follows:

### Amendment to H. Res. 724 Offered by Mr. Lincoln Diaz-Balart of Florida

At the end of the resolution, add the following:

Sec. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

### The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 724, if ordered; and suspending the rules on H. Con. Res. 222.

The vote was taken by electronic device, and there were—yeas 218, nays 194, not voting 19, as follows:

[Roll No. 977]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—19

Carson
Culberson
Hastert
Hirono
Jindal
Johnson, E. B.
Jones (OH)
Knollenberg
Lewis (GA)
Mahoney (FL)
Markey
Moore (WI)
Musgrave
Olver
Scott (GA)
Tancredo
Whitfield
Wilson (OH)
Young (AK)

□ 1537

Ms. GINNY BROWN-WAITE of Florida changed her vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 977, I voted electronically, but for some reason, my vote was not recorded. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## COMMENDING NASA LANGLEY RESEARCH CENTER ON ITS 90TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 222, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 10, as follows:

[Roll No. 978]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski

LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—10

Carson
Jindal
Johnson (GA)
Johnson, E. B.
Lewis (GA)
Markey
Peterson (PA)
Tancredo
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1548

Mr. SHAYS, Mr. HELLER of Nevada, Mr. SULLIVAN, Mrs. SCHMIDT, Mrs. CUBIN, and Mr. TERRY changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2095, and to include extraneous material in the RECORD pertinent thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

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## FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 724 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2095.

☐ 1550

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, with Mr. POMEROY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and colleagues, we gather here for an historic moment in the history of transportation, particularly the history of rail transportation. And I'm glad there are so many Members still gathered on the floor to listen to an erudite conversation that we are going to have on both sides of the aisle about the history of rail safety.

Although our committee has had jurisdiction over the rail sector for the past dozen years, this is the first time the committee has brought a rail safety authorization bill to the House floor. It is, in fact, only the second time in 100 years that the House will consider amendments, adjustments to the hours of service rule in the rail sector.

We bring to you an important bill that addresses long-neglected failings and shortcomings of safety in the rail sector that will make the railroad safer in the future; that will make jobs for workers in that sector safer in the future; that will make safer passage through towns through which railroads pass, often with toxic substances, toxic chemicals, frankly, the safest way to move those substances, but we are going to make it safer with this legislation.

I particularly want to thank the distinguished Chair of the Subcommittee on Railroads, the gentlewoman from Florida (Ms. CORRINE BROWN) for her persistent leadership, persistent efforts over the past years of service on the committee in support of rail safety; and the gentleman from Florida (Mr. MICA), ranking member of the full committee, participating in substantive discussions that resulted in compromises that we bring to the floor; and to the gentleman from Pennsylvania (Mr. SHUSTER), who has a large rail presence in his own district and, of course, in the State of Pennsylvania.

In each of the past five Congresses, I have introduced for consideration by the committee broad scope rail safety legislation and pledged that if it isn't considered in each of those Congresses, when the majority would turn and I would have the opportunity to lead the committee, that we would move such legislation. And today we deliver on that commitment.

The discussions that we had were inclusive. They were extensive. They were intensive. There were adjustments made on both sides with the result that, as the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) said during consideration of the rule, this is a bipartisan bill.

The Federal Railroad Administration has reported that the total number of train accidents, collisions, derailments, and others increased from 2,504 in 1994 over the next decade to 3,325 in 2005. Thankfully, over the last year, that number decreased to 2,925. Those improvements in rail safety statistics are a good sign. But I know from more than 25 years of chairing subcommittees on safety issues that we have a long way to go. Serious accidents resulting in fatalities, injuries, and environmental damages continue to occur and will continue to occur. Equipment can fail, people make mistakes, storms happen that cause those accidents. But we have to do everything that is possible in our realm to make sure that those accidents are minimized.

Safety requires constant vigilance by workers on the job, by employers, by government safety oversight agencies, and by the Congress. Whether it is in mining, whether in maritime, whether in aviation, trucking, highway passenger vehicle traffic, or in the railways, vigilance is the key to safety. Safety, I define, is the relative absence of risk. And when we apply that standard to every mode of transportation and we enforce it, we will achieve greater protection of the public interest.

The FRA says that 40 percent of all train accidents result from human factors, and that's a comparable number in the other modes of transportation as well. In railroading, one in four of those accidents results from fatigue. In testimony at our committee hearings, the National Transportation Safety Board said, "The current railroad hours of service laws permit, and many rail carriers require, the most burdensome, fatigue-inducing work schedule of any federally regulated transportation mode in the country." And a comparison of the modes is revealing.

A commercial part 121 airline pilot can work up to 100 hours a month. A part 135, generally known as a charter operation, can work up to 120 hours a month. Shipboard personnel on ocean-going vessels can work up to 360 hours a month. A truck driver can be on duty for 350 hours a month. But in train crews, they can be on duty up to 432 hours a month. That's 14 hours a day for each of those 30 days.

Fatigue sets in. Fatigue causes people to lose concentration, to lose focus, to lose control. Vince Lombardi said, "Fatigue makes cowards of us all." He didn't mean physical cowards. He meant inability to make the right judgments.

□ 1600

And that's what fatigue does in the workplace. If you have any question about it, look at some of the things we say around this body at 2, 3 or 4 o'clock in the morning after 14 or 16 hours of debate. It doesn't make a whole lot of sense when you listen to it or when you read it. And it doesn't make any better sentence in the locomotive.

Congress made some slight modifications to the hours of service law in 1969, but this bill is the first major reform of rail hours of service standards since 1907. Our duty is to make hours of service safer and better. And this bill provides signal and train crews with rest, prohibits them from working more than 12 hours in a day, limits limbo time. I said in the beginning of the hearing, if it was good enough for the Pope to eliminate limbo, it ought to be good enough for the Congress to at least limit it in rail service.

The bill also requires all class 1 railroads to implement a positive train control system, which was the NTSB's most wanted transportation safety improvement since this was developed in 1990.

The legislation also addresses track safety. In 2006, track-related accidents surpassed human factors as the leading cause of all train accidents. Just look at the list. Most recently, in Oneida, New York; Pico Rivera in California; Home Valley in Washington; Minot, North Dakota; Nodaway, Iowa. All of them raise serious questions about the condition and the safety of the track on the Nation's railways, call into question the adequacy of track safety regulation and FRA's, Federal Railroad Association's, oversight of those conditions.

This bill requires the railroads to inspect their tracks, to look for internal defects, and provides increased funding for Federal Railroad Administration for track inspection technology, and strengthens enforcement at the Federal Railroad Administration.

FRA investigated just 13 percent of the most serious grade crossing collisions. We've got to do better than that. In 2004, the FAA conducted onsite investigations of 1,392, 93 percent of the aviation accidents that FAA had responsibility for investigating, but the FRA did only 13 percent. That's not good enough. That's not conducting oversight. That's not accepting and exercising your governmental oversight responsibility and responsibility to the public.

We increase the number of inspectors for safety at the FRA. We will double the number of Federal rail safety inspectors over the next 4 years. And we do many other items that are of great importance. I will include in the RECORD at this point the committee document that lists in specific detail all those safety improvements.

## H.R. 2095, THE FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

### REAUTHORIZES THE FRA

Establishes the FRSA. Re-establishes the Federal Railroad Administration as the Federal Railroad Safety Administration (FRSA), which shall consider the assignment and maintenance of safety as the highest priority. Creates a new position of Chief Safety Officer.

Rail Safety Strategy. Requires the Secretary to develop a long-term strategy for improving rail safety, which must include an annual plan and schedule for, among other things, reducing the number and rates of accidents, injuries, and fatalities involving railroads.

Reports. Requires regular reporting from the Department of Transportation's Inspector General and the National Transportation Safety Board on the FRSA's progress in implementing statutory mandates and open safety recommendations.

Financing. Increases funding for the Federal rail safety program for fiscal years 2008 through 2011, as follows: $230 million for FY2008; $260 million for FY2009; $295 million for FY2010; and $335 million for FY2011. In addition, $18 million is authorized for the design, development, and construction of the Facility for Underground Rail Station and Tunnel at the Transportation Technology Center in Pueblo, Colorado.

### WORKER AND PUBLIC SAFETY

Hours of Service Reform. Provides signal and train crews with additional rest; prohibits them from working in excess of 12 hours; extends hours-of-service standards to railroad contractors; limits limbo time; eliminates the use of camp cars; and requires railroads to develop fatigue management plans.

Training. Establish minimum training standards for railroad workers, and requires the certification of conductors and carmen.

Medical Attention. Prohibits railroads from denying, delaying, or interfering with the medical or first aid treatment of injured workers, and from disciplining those workers that request treatment. Also requires railroads to arrange for immediate transport of injured workers to the nearest hospital.

Emergency Escape Breathing Apparatus. Provides emergency breathing apparatus for all crewmembers on freight trains carrying hazardous materials that would pose an inhalation hazard in the event of unintentional release.

Installation of Safety Technologies. Mandates implementation of positive train control by December 31, 2014, and authorizes the FRSA to establish a grant program to assist railroads in implementing this requirement. Also requires railroads to either install technologies in nonsignaled territories that alert train crews of misaligned switches or operate trains in such areas at speeds that will allow them to safely stop in advance of a misaligned switch.

Rail Passenger Disaster Family Assistance. Directs the NTSB to establish a program to assist victims and their families involved in a passenger rail accident, modeled after a similar aviation disaster program.

### TRACK SAFETY

Internal Rail Defects. Requires railroads to conduct inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects, and to perform integrity inspections to manage an annual service failure rate of less than 0.1 per track mile on high-risk corridors. Also encourages railroad use of advanced rail defect inspection equipment and similar technologies as part of a comprehensive rail inspection program.

Concrete Crossties. Directs the FRSA to develop and implement regulations for all classes of track for concrete rail ties.

Inspection Technologies. Directs the FRSA to purchase, with amounts appropriated, six Gage Restraint Measurement System vehicles and five track geometry vehicles to enable the deployment of one Gage Restraint Measurement System vehicle and one track geometry vehicle in each region.

### GRADE CROSSING SAFETY

Toll Free Number to Report Grade Crossing Problems. Requires the railroads to establish and maintain a toll-free telephone number for reporting malfunctions of grade crossing signals, gates, and other devices and disabled vehicles blocking railroad tracks.

Sight Distance. Directs the railroads to remove overgrown vegetation at grade crossings, which can obstruct the view of approaching pedestrians and vehicles.

Accident and Incident Reporting. Requires the FRSA to conduct periodic audits of railroads to ensure they are reporting all accidents and incidents the National Accident Database.

National Crossing Inventory. Requires railroads to report current information, including information about warning devices and signage, on grade crossings to enable the FRSA to maintain an accurate inventory of such crossings.

State Action Plan. Requires the Secretary to identify on an annual basis the top 10 States that have had the most grade crossing collisions, and to work with them to develop a State Grade Crossing Action Plan that identifies specific solutions for improving safety at grade crossings.

Emergency Grade Crossing Improvements. Establishes a grant program to provide emergency grade crossing safety improvements at locations where there has been a grade crossing collision involving a school bus or multiple injuries/fatalities.

### ENFORCEMENT

Civil Penalties. Increases civil penalties for certain rail safety violations from $10,000 to $25,000. The minimum civil penalty remains $500. For grossly negligent violations or a pattern of repeated violations, the maximum civil penalty is increased from $20,000 under current law to not more than $100,000.

Criminal Penalties. Increases the maximum penalty for failing to me an accident or incident report from $500 to $2,500.

Enforcement Transparency. Requires the FRA to provide a monthly updated summary to the public of all railroad enforcement actions taken by the Secretary.

Safety Investigations. Makes it unlawful for any person to knowingly interfere with, obstruct, or hamper an investigation by the Secretary of Transportation or the National Transportation Safety Board.

Railroad Radio Monitoring. Authorizes the FRSA to intercept and record certain railroad radio communications for the purpose of correcting safety problems and mitigating the likelihood of accidents or incidents.

Inspector Staffing. Doubles the number of Federal rail safety inspectors by December 31, 2011.

### OTHER

Tunnel Information. Requires railroads to maintain certain information related to structural inspections and maintenance activities for tunnels, and requires those railroads to provide periodic briefings to the government of the local jurisdictions in which the tunnels are located, including updates whenever a repair or rehabilitation projects alters the methods of ingress and egress into and out of the tunnels.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

We are here today to consider one of the most important pieces of legislation that we will undertake this year, as the chairman pointed out, the Federal Rail Safety Improvement Act of 2007.

As the chairman pointed out, there are still accidents that occur and there are still deaths that occur on rail, but to put that into perspective, in 2006, it was in fact the safest year ever in our Nation's railroad history.

Over the past 30 years, we have made tremendous progress in reducing the number of train accidents and deaths that occur around our rail yards and railroad lines. Let me give you some of those statistics.

In 1996, there were 33 railroad employees that were killed; in 2006, it's down to 16. Now, that's 16 too many, and we can continue to reduce that as we're attempting to do in this bill, but as you can see, there has been definite improvement.

Passenger trains, which were carrying, in 1996, 397 million people, in that year, there were 12 passengers killed. In 2006, there were 549 million passengers that were transported by train, and there were only 2 killed in 2006. Once again, a significant decrease. Any death is too many, but we're seeing positive results in the rail industry. In 1996, 488 people were killed at grade crossing accidents; and in 2006, that number, again, is down to 369.

While those numbers are high, this bill is going to address, as I will talk about here, how it's going to address those unsafe conditions and how we can improve making them safer for the traveling public and, of course, the rail industry.

One of the biggest issues we address in this bill is limbo time, the time that train crews must wait for pickup at the end of a run. Limbo time is very complicated. We went through some complicated negotiations, but in the end, limbo time will still exist. And I think it's important that people know that the limbo time that employees wait at the end of their run, they are being paid for limbo time, but it extends that waiting period and can result in crews being fatigued. So we phased that down in this bill. We phased down limbo time to 10 hours per month over a period of 3 years. Complete elimination of limbo time would have had some unintended consequences, like forcing train crew members to relocate their homes to new reporting points. The compromised language in this bill avoids disrupting the lives of rail workers and should permit railroad operations to continue smoothly and safely.

Another safety concern addressed in this bill is installation of positive train control, or PTC. The bill mandates that PTC be installed by the year 2014, but also provides up to 2 years of leeway in case a better or more effective system is developed.

Installation of PTC will likely cost about $3 billion, but the people that use the system will pay for that. That's not going to be passed on to the taxpayers, but the people that use the system and the rail industry will see some positive things happening in their operations to help them lower their costs. That's why I think it's important that we install an effective and reliable system, and this bill will ensure that.

I must admit that I think the bill still has some weaknesses, and we need to continue to improve in some critical areas. Grade crossing and trespassing fatalities, still the numbers are high. As I mentioned earlier, in 1996, there were 471 fatalities. That number went up, trespassers that died in 2006, to 517. And trespassers are people that are going onto rail properties illegally, they don't belong there, but those trespassing deaths are something we have to address.

Grade crossing fatalities. Again, we've seen them decrease, but we need to do more. I am grateful to Mr. GRAVES, who submitted an important amendment in the committee markup. The amendment is now part of the bill and authorizes up to $250,000 in emergency funding for a crossing which experiences a collision with a school bus or an accident where there is a fatality. Presently, if there is a fatality, that grade crossing just stays on the list, but with Mr. GRAVES' amendment, we're going to push it up until it's prioritized and make sure that crossing is dealt with in a timely manner.

I am also grateful to Mr. BROWN from South Carolina, who helped us create a provision fostering the use of advanced warning devices at railroad crossings.

In closing, I want to thank Chairman OBERSTAR and Chairwoman BROWN, the subcommittee Chair, for working with me and Mr. MICA in trying to make this bill a better bill. As I said, there are still some improvements that we would like to see, and we will continue to work through the process to make the bill a stronger bill.

I urge my colleagues to support H.R. 2095.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the distinguished Chair of our Rail Subcommittee, Ms. BROWN, the gentlelady from Florida.

Ms. CORRINE BROWN of Florida. First of all, let me just thank Chairman OBERSTAR for his leadership on Transportation. Truly, Mr. OBERSTAR is a transportation guru. And his motto, "Transportation is the committee that put America to work," I want to thank you for "let's put America to work safely." I also want to thank Mr. MICA and Mr. SHUSTER for their hard work on this legislation.

Developing this rail safety legislation was the number one priority for the Railroad Subcommittee. Congress last passed legislation to reauthorize the Federal Railroad Administration in 1994. That authorization expired in 1998. Since that time, the railroad industry has changed greatly. Economic growth and increase in international trade has led to record traffic levels. At the same time, Amtrak and the commuter railroads, which often operate freight rail lines, are moving more passengers, which means that there's lots of pressure on the rail system, and this has a major impact on work and public safety.

Since the beginning of the 110th Congress, the subcommittee has held 6 hearings on rail safety, examined fatigue, the role of human factors in rail accidents, and the reauthorization of the Federal Rail Safety program. We also held 2 hearings in Texas and California.

In addition to the subcommittee's hearings, we met with labor, the railroads, government agencies, and other interested parties in crafting this legislation. Through some tough negotiations, we were able to develop a bipartisan agreement on the most difficult issues, and I believe we have a really good bill. Let me highlight a number of provisions in the bill.

H.R. 2095 reauthorized the FRA as the Federal Railroad Safety Administration and ensures that it will consider and assign maintenance and safety as their highest priority.

The bill seeks to help prevent accidents caused by human factors, which accounts for about 40 percent of all rail accidents, by strengthening the hours of service law, increasing worker training and qualifications, and implementing advanced safety technologies.

This bill improves safety at our Nation's grade crossings. It requires railroads to establish, maintain, and post a toll-free number at all grade crossings to receive calls regarding malfunctions of signals, crossing gates, or disabled vehicles blocking crossings.

H.R. 2095 directs the Secretary to prescribe regulations regarding railroads to remove all overgrown vegetation from their right-of-way to improve the view of pedestrians and motor vehicle operators. H.R. 2095 also requires railroads to develop and submit to the Secretary a plan for implementing a positive train control system by December 31, 2014.

Further, it requires the Secretary of Transportation to develop a long-term strategy for improving railroad safety, which must include a plan and schedule for reducing the number and rates of accidents, injuries and fatalities involving railroads.

Simply put, this legislation is going to save lives. I look forward to going to conference and putting a bill on the President's desk for his signature.

I want to again thank Chairman OBERSTAR for his leadership on the committee. And I would encourage all of my colleagues to support this legislation.

Mr. SHUSTER. I yield as much time as he may consume to the distinguished ranking member of the Transportation Committee.

Mr. MICA. Thank you, Mr. SHUSTER, for yielding me time, and also for managing the time today on this bill. Mr. SHUSTER is doing an outstanding job in leading the Republican side of the Rail Subcommittee, and I appreciate his fine efforts. Also, the great efforts of my colleague from Florida (Ms. CORRINE BROWN), who chairs the subcommittee. And indeed, we are fortunate to have someone with Mr. OBERSTAR's leadership at our helm, chairing the committee after a long wait of some 32 years. I know this has been one of his priorities, rail safety, and I'm pleased that he has an opportunity to bring his bill to the floor today.

Now, of course, ladies and gentlemen of the House, my colleagues, we all want safe rail, we want safe infrastructure in our Nation, and it is important that we do everything possible to move safety forward and to make certain that freight rail, passenger rail, that our crossings, that those that work and are employed in this great industry are as safe as possible. And I think that that was the original intent.

Now, let me say that I have an agreement with Mr. OBERSTAR, Ms. BROWN and Mr. SHUSTER to support this bill on passage, and I intend to put my card in the reader and I will vote "yes." That doesn't prohibit me from talking a little bit about the bill and the genesis of this bill.

□ 1615

Now, the intent is one thing about this legislation, and I think, again, it was safety and well-intended. But unfortunately, I think we started out with a bad bill.

The other side won the election, and there were some presents to be presented to labor. This doesn't have a red bow on it. But this started out as something I think that was sort of a gift to labor from the election. It is nice to approach legislation from that standpoint. But I think we have been able to take what I consider a very bad bill, that its intention was to actually codify some of the labor work rules relating to our rail industry. We have taken that bad legislation, and we have made it a little bit better. I think we still have a ways to go.

There are some good things in this. Mr. OBERSTAR pointed out that we did take the number one recommendation of the NTSB, the National Transportation Safety Board. That is the board that does investigate accidents. It is important that we take from them the best information they have possible and then translate that into legislative action so that accident doesn't occur. So, one, we have taken their recommendation, a positive train separation, and it is part of this bill. I am complimentary of that.

I think Mr. GRAVES, the gentleman from Missouri, a member of our committee and outstanding subcommittee Chair, I am sorry, ranking member, of the Public Buildings Subcommittee, his crossing prioritization for changing out dangerous crossings is an excellent provision. I think also that there is a good provision in this for acquiring some of the technical equipment. You have to understand, Mr. SHUSTER said there are very few accidents. In fact, the latest statistics that we have, there were 16 employee deaths in 2006. Only six of the deaths involved train accidents. So it is a very low number. That is compared to 25 of 33 employee deaths in 1996. So there is substantial improvement in that regard.

But if you look at some of the factors, and we have the factors that cause train accidents, you find the human factor is number one. It accounts for some 35, almost 36 percent of train accidents. This bill doesn't do enough, really, to deal with the human factors, in my opinion. Some of that involves training and some other things that we should be addressing.

The second is track defects. I had a chance, when I was going to college, I worked 16 hours a day, 7 days a week on the rail to finance my college education, part of it, and I got to see some of what happens on the railroads firsthand. Track defects today are very difficult to detect just by some of the measures that we have, for example, in this bill.

This bill mandates that we have almost a doubling of track inspectors. Now, that is a nice gift also to the unions. We will get a few more union members. But is that what we need when the way to really detect track defects is with the latest technology and equipment? I did say the bill has authorization for acquisition of, I think, six additional track testing pieces of equipment. But if we really want to do that, we should be spending not just more money on bodies and inspectors and routine inspections, increasing those, kind of makework; we should be, first of all, making certain that we have a risk-based inspection system.

When I became chairman of Aviation, that was one of the things we did in Aviation, and I gave my blessings to, back in 1991. We have enjoyed the safest period of aviation safety, passenger aircraft safety, in the history of our Nation. I believe that is because it is a risk-based system. Rather than going out on a Monday, we are going to inspect this piece of equipment and then we schedule that for the next month on Monday and we go back and we do it and we add inspectors, we look at where the risks are and that is where we put our resources. It is not always how much we spend; it is how we spend it and how we apply those dollars.

Again, I have some questions about the approach in this bill. We do have an agreement. I am pleased to support this. My hope is that we can take this bill as we have done working with Mr. OBERSTAR, Ms. BROWN, Mr. SHUSTER, and we can craft it into a better piece of legislation as it goes hopefully through conference, and I will support it.

In closing, there are some questions about the amendments. I will support the manager's amendment which I agreed to. The other three Members have asked me, and I say, you pick and choose. Mr. OBERSTAR and I did not make the decision on the three other amendments the Rules Committee brought forth, and you will have to assess them as to their own merits.

It is important that we take this legislation up. It is important that we move together in a bipartisan fashion. I have a little bit different set of priorities, again, on some of the issues that we have addressed in the legislation. But I have a fond hope that through a bipartisan future effort we can approve this legislation and continue to make certain that our rail employees, our rail passengers and those that cross the railroad tracks in our communities are safe.

Mr. OBERSTAR. Mr. Chairman, I yield myself 15 seconds.

I thank the gentleman for his comments, for his support of the bill. I am delighted to learn that the gentleman spent so much time on the railroad going through college. We share that. I worked on the rail during my years in the iron ore mines. I worked those double-aught shifts, as well, and I know how hard hours of service are and how important it is for us to put those limits on.

I now yield 3 minutes to the distinguished gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. I thank the gentleman from Minnesota, and I thank you for your leadership on this very important bill, and Chairwoman BROWN, as well, for your exceptional leadership.

Mr. Chairman, I rise today in support of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007, and urge swift passage of the measure. I believe that this bill addresses many important issues that have been ignored for far too long. I am grateful to the chairwoman, as well, for the inclusion of the language that authorizes funding for the tunnel to be built at the Transportation Technology Center, an internationally recognized train testing facility that she was able to tour last year. It is located in Pueblo, Colorado. TTC is used by the Federal Railroad Administration to conduct significant research and development on rail safety.

TTC offers 48 miles of railroad track to test rolling stock, track components, signal and safety devices, track structure and vehicle performance. It also has several one-of-a-kind laboratory test facilities used for evaluating vehicle dynamics, structural characteristics and advanced braking systems. TTC already operates as a world-class research and test center offering a wide range of capabilities in railroad and transit research.

For the past 2 years, we have been working to get funding for a facility for an underground rail station and tunnel at TTC. The tunnel will add to the center's capabilities and serve as an invaluable resource as we strive to ensure that our Nation's railroads are safe and secure against possible terror attacks. Recent events have sadly demonstrated the vulnerability of underground mass transit systems. Safety experts have identified a number of technology and training needs to prevent attacks on tunnels and lessen the consequences of such attacks. These needs include detection systems, dispersal control and decontamination techniques.

The distinctive, remote environment of TTC allows such testing and training activities to be carried out at a secure location, without disruption to the flow of passenger and rail traffic in and around urban areas. I applaud Chairman OBERSTAR, Chairwoman BROWN and Mr. SHUSTER for recognizing the important role that such a tunnel will play in rail safety. I believe H.R. 2095 ensures that we remain the world's safest rail system, and I urge my colleagues to support this bill.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. I thank the ranking member for yielding his time. I certainly appreciate the good work he has done with Ranking Member MICA on this important rail safety bill. Of course, Chairwoman BROWN and Chairman OBERSTAR have been exemplary in working in a bipartisan way to bring this product to the House floor today, and I certainly hope all Members will find a way to support this legislation.

Mr. Chairman, I rise today to speak to only one element of the bill that I had particular interest in, and that is with regard to a new reporting requirement for the rails to disclose on an annual basis to the Surface Transportation Board the amount of money spent out of their capital for improvements to rail, track, locomotives and other related maintenance which will give us, I believe for the first time, critical metrics to analyze what they are doing to preserve the safety of our rail system.

Of course, safety is uppermost in our mind today, but our rail system is also the heart of our economy. The ability to move goods and services and people across this great Nation over our rail system is absolutely essential going forward. We must judge based on their actual expenditure whether the rails themselves are engaging in appropriate conduct in spending the necessary funds to make this system safe and sound.

I have great concerns that in periods of record profitability, Wall Street analysts have identified these systems as being very undervalued. In fact, there are indications that some hedge fund managers are acquiring large blocks of railroad stock and the consequential reaction has been by the rails to repurchase their own stock and perhaps divert needed resources from necessary and very important infrastructure improvements.

I commend the committee leadership for the inclusion of this important provision, as I think going forward it will enable this Congress to take actions that are necessary and proper to preserve this important system.

Mr. OBERSTAR. I would like to inquire of the time remaining on both sides.

The CHAIRMAN. The gentleman from Minnesota has 12½ minutes remaining. The gentleman from Pennsylvania has 14½ minutes remaining.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, I rise in strong support of H.R. 2095. I congratulate all my colleagues for this strong bipartisan railroad safety bill, and I associate myself with the remarks of the gentleman who just spoke.

It is of utmost importance to my district because over 160 trains travel through my district daily carrying over 14,000 containers, many containing hazardous material, carrying $400 billion worth of trade, most of it for the eastern part of the United States. It is expected to triple by the year 2020.

We have experienced many derailments in my area. That has caused great distress not only to my families, to the businesses, the damage, the economic impact it has had, the threat to the public safety, and the anxiety caused along that railroad corridor.

This Railroad Safety Improvement Act helps prevent future derailments by improving track safety, improving grade crossing safety, improving whistleblower protections, addressing concerns over railroad fatigue, and ensures enforcement by clarifying the U.S. Attorney General's authority to bring civil action against the railroads, increasing penalties, increasing reporting of enforcement actions, and many other areas that are very, very important.

This bill includes two of my amendments to section 605, creating strict training standards for railroad inspectors, tough training for all rail employees who expressed to us their lack of training curriculum and additional training requirements for railroad inspectors who have expressed that they need that training.

My amendment creates strong training, testing and skills evaluation measures, ensures that the train inspectors are able to address critical safety defects that contribute to derailments and accidents in a timely basis. I couldn't agree more with the gentleman. We need to look at new technology that is going to help us get there. But we also need the support of the railroads.

My second amendment in section 407 authorizes $1.5 million for operation life safety for a total of $6 million. I certainly want to show that we all cooperate in this and look forward to having this vote pass with great success.

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. LATOURETTE), the distinguished former chairman of the Rail Subcommittee and one of America's experts in the rail industry.

Mr. LATOURETTE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. A number of the speakers who will speak on this bill today, when the bill was first introduced I had some difficulty with some of the provisions, but I want to thank Chairman OBERSTAR, Chairwoman BROWN, Ranking Member MICA and Ranking Member SHUSTER for continuing the great hallmark of the Transportation and Infrastructure Committee and working through those issues, be it limbo time, be it Federal preemption, be it a variety of other issues, and reaching a product that was brought to the floor today that I think that most, if not all of us, will be supportive of, as well.

□ 1630

Just a moment about Chairman OBERSTAR. When the majority changed, there's more Democrats on the committee than there are Republicans. They could write their own bill. But that hasn't been the way this committee has ever worked, and that isn't the way Chairman OBERSTAR is running the committee either. He reached out to our side of the aisle to talk about these issues, and the result is that he has brought to the floor a piece of legislation that will overwhelmingly pass sometime later this evening.

Mr. Chairman, this important legislation will bring industry and government a long way towards the shared goal of improving rail safety. Although the number of train accidents decreased last year by almost 500, it is unclear whether that 1-year progress will continue. We are and we should always be looking for new ways to improve safety, not only for railroad employees, but for the surrounding communities as well.

Despite everyone's best intentions, disasters will strike. As the current Speaker pro tempore is well aware, in January of 2002, a Canadian Pacific train derailed 31 of its 112 cars in Minot, North Dakota. Five tank cars carrying anhydrous ammonia, a liquefied compressed gas, catastrophically ruptured, and a toxic vapor plume covered the derailment site and surrounding area. More than 11,000 people were impacted, and there was one fatality. More than 300 people were injured, including 2 members of the crew. Damages in that event exceeded $2 million, and more than $8 million has been spent for environmental cleanup efforts.

Mr. Chairman, just last week in Painesville, Ohio, about a mile from my district office, a CSX train derailed 30 of its 112 cars. A car containing ethanol exploded and fire engulfed several cars containing grain and ethanol. It burned for a number of days. More than 1,000 residents were evacuated, schools were disrupted, and roads, highways and businesses closed. Fortunately, in our event there were no injuries, but it was a tremendous disruption in the lives of many people. The 6 law enforcement agencies and 24 local fire departments that responded put in an untold number of overtime hours. Officials are only now evaluating the environmental fallout as they search for a cause.

To its credit, CSX Rail has stepped up following this incident. They are paying for hotel rooms of displaced persons, assisting in a variety of manners with the recovery and cleanup efforts, and have shown that they are willing to take responsibility when something goes awry. Our local responders and CSX worked together and provided a seamless response in Painesville.

Mr. Chairman, I am also happy to announce that following my conversation last Friday with Tony Ingram, the chief operating officer of CSX, the company has offered to work to cover the costs incurred by our local first responders. I greatly appreciate that and know that this is going to be a huge relief to cash-strapped communities in my district whose budget cannot handle the overtime.

While CSX is doing its best to minimize the damage this derailment has caused, it goes to show that when accidents do happen, this disruption is enormous. We must do everything that we can to prevent these types of incidents from occurring. The bill that Mr. OBERSTAR has brought forward today before the Congress takes a number of steps in the right direction. I urge my colleagues to support the bill.

Mr. OBERSTAR. Mr. Chairman, I yield myself 5 seconds.

Mr. Chairman, I express my great sympathy to the gentleman from Ohio on the tragedy, and for his description of it, and also my appreciation for his kind words about our work on the committee.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), whose district includes the greatest confluence of rail in the whole country.

Mr. LIPINSKI. Mr. Chairman, I thank the chairman of the committee for yielding and for all his tireless efforts on behalf of rail safety.

Mr. Chairman, today I rise in strong support of the Federal Railroad Safety Improvement Act. As the chairman says, I represent part of Chicago, which is the rail hub of the Nation. I understand just how important railroad traffic is, railroads are to this country, both passenger and freight. In all transportation, safety is key.

This bill makes crucial improvements in safety for rail employees, passengers and all Americans who live, work, travel along rail lines. I would like to commend Chairman OBERSTAR, Subcommittee Chairwoman BROWN, Ranking Member SHUSTER, and Ranking Member MICA for their work on this bill.

Mr. Chairman, among the other important improvements that come in this bill, H.R. 2095 works to strengthen the integrity of our Nation's rail system, encourages the implementation of new technologies, such as positive train control systems, known as PTC. I am especially pleased that, at my request, the committee included language in the bill that provides Federal funding to expedite PTC installation. PTC systems can drastically reduce collisions, derailments and other accidents, while at the same time improving efficiency. It's clearly a much-needed advance.

I also want to speak right now in strong support of the Napolitano amendment, which broadly ensures Mexican trains entering the U.S. continue to receive proper brake, mechanical and hazardous material inspections by highly skilled American personnel.

Mr. Chairman, this bill is essential for continued safety of our railways. I urge adoption of the Napolitano amendment and passage of the underlying bill.

Mr. SHUSTER. Mr. Chairman, at this time I have no further speakers, so I will continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, at this time I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the chairman, not only for yielding, but his extraordinarily hard work in preparing this bill, along with my good friend, the gentlewoman from Florida, who together have crafted a bill, working with Mr. MICA and Mr. SHUSTER, so that what we have before us is a classic bipartisan bill and one that is urgently needed.

This is a public transportation bill, and it looks to a part of our economy upon which we are disproportionately dependent. It also happens to be a mode of transportation that is relatively clean. I got to thinking about the importance of this bill, Mr. Chairman, and I could only think about where we have spent much more time, and that is on air travel. Yet, we have limited the time that pilots, and, for that matter, other air personnel can be on duty and certainly in the air.

Rail employees for decades have simply absorbed the burden of extraordinary numbers of hours away from home, on duty. How have we escaped some catastrophic accidents that would linger in our minds? I think it is only because of the courage and the perseverance of rail personnel, who obviously have worked through fatigue and who have simply taken on their shoulders most of the hardships. I don't even want to think about what the cost of family life has been with regards to children, the cost of being away when there has been an emergency or death in the family or someone is lingering. I just don't want to think about that, because when I do, I am reminded about how late this bill is and how urgent it is.

So I want to thank the chairman, and I want to commend the courage of rail workers, and especially I want to do so as a member of the Homeland Security Committee, which is deeply affected as well.

Mr. SHUSTER. Mr. Chairman, I reserve my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I would like to thank Chairman OBERSTAR, Ranking Member MICA, Chairwoman BROWN and Ranking Member SHUSTER for their work on this bill.

My district is located in a densely populated area on Long Island, New York. We have the comfort and convenience of rail transportation to New York City by the Long Island Railroad. The Long Island Railroad moves safely through the Fourth Congressional District with the use of locomotive horns at train crossings.

Although the use of horns at train crossings ensures the safety of the surrounding communities, horn noise also has a substantial impact on the quality of life of individuals living in those communities.

For example, in Cedarhurst, New York, there are five train crossings within a half mile. Because the crossings are so close together, the result is a continuous horn blast as the train moves through the community. The horn noise can be so loud and last so long that individuals must stop any ongoing conversations for several minutes. This happens most often during rush hour, but continues approximately 50 times throughout the day. Individuals find it difficult to sleep through the horn noise, even with the use of earplugs, and are awakened early in the morning and late in the evening. Also, because my district is so densely populated, the horn noise bounces off many of the buildings nearest the railroad and seems to intensify as it moves through the community.

I support the Federal Railroad Administration and its primary goal of ensuring the safety of railroads and trains across the country and in the Fourth Congressional District of New York. I do not and will not support any measure that will reduce the safety of railroads and trains coming through my community.

With that in mind, I also understand the effect of locomotive noise that does interfere with the quality of life. I have received countless letters and e-mails from my constituents expressing how noise affects their daily lives.

Due to the impact that locomotive horn noise has on the communities in my district, I support the language in the manager's amendment that allows the Secretary to consider the impact of horn noise on the local community and the unique characteristics of the community that it is serving in considering applications for waivers or exemptions.

I want to thank Chairman OBERSTAR for working with me on this issue and allowing me the time to express my support for his amendment and the bill.

Mr. SHUSTER. Mr. Chairman, I continue to reserve my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, let me take this opportunity first of all to rise and indicate that I am here on behalf of the Napolitano amendment. The amendment would prohibit Mexican companies and inspectors from performing mechanical inspections of trains unless they meet specific U.S. standards, including rigorous training of inspectors.

I think that is essential. We have some 10,000 trains that cross the U.S.-Mexican border through my district alone. We had over 4 derailments in 2004. We think this is an amendment that is important and is critical in order for us to continue to have safety in those trains.

So I want to encourage the passage of the amendment by Congresswoman GRACE NAPOLITANO that will allow an opportunity for those inspectors to be well trained and to make sure that they specify U.S. standards before that occurs.

As I indicated earlier, I represent the longest stretch of the Mexican border of any Member of Congress, and I think that this is an area of significance and importance.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, through this process, we have had some significant differences, but we were able to work them out and produce a product that has bipartisan support in the committee. For me, it was a great experience working with Chairwoman BROWN, but especially working with Chairman OBERSTAR. At times it was quite daunting to go into negotiations with somebody who not only knows the current issues of the rail history, but knows the vast history of the rail industry. So I made it through the process and learned quite a bit, and I appreciate the chairman and chairwoman for working with me, and also, of course, Mr. MICA for giving me the responsibility on this piece of legislation.

Mr. Chairman, I urge my colleagues to support H.R. 2095, the Federal Rail Safety Improvement Act of 2007.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I again want to express my great appreciation to Ms. BROWN for years of advocacy for rail issues and for her championing of the rail safety matters, and to thank the distinguished gentleman from Pennsylvania, who has devoted a great deal of energy and time and effort to rail from his first day on the committee, asking the committee to hold a hearing in 2001 in his district on rail maintenance yard issues and continuation of rail service. It turned out to be a very enlightening hearing.

He has remained engaged in the issues. As the gentleman said a moment ago, we did not just throw issues on the table; we rather sat around the table after the hearings and discussed in detail repeatedly subject matters, made concessions on each side, adjustments, understanding each other's concerns, and reached not the ideal of each side, but ideal in the best public interest. The result is, I believe, a bill that substantially advances the cause of rail safety.

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I must say in passing that it diminishes the substance of the bill to say that it is, as the previous speaker did, a gift to rail labor. This is a gift to all Americans, to all residents of communities that are home to railroads, to rail makeup yards through which the goods of America move, through which the coal and the grain and the containers move. It is safety for them. It is safety for the workers on the railroads. It is in the best interest of all America. I urge passage of the bill.

Ms. GIFFORDS. Mr. Chairman, I am pleased to vote today in support of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007.

This legislation includes important safety improvements that will positively impact railroad workers and passengers.

H.R. 2095 recognizes that railroad workers have tremendous responsibilities. Americans rely on them to transport commercial goods that are critical to our economy and to keep passengers and the public safe. The bill promotes a safer and healthier work environment and requires railroad companies to devise and implement fatigue management plans.

Additionally, this bill will ensure that railroad employees who handle hazardous waste moving through our communities are properly rested and alert.

I am pleased that concerns about the safety of locomotive engineers are reflected in H.R. 2095 which calls for a formal study of locomotive cab design. This study will take into account the health effects of locomotive seats, diesel-fume inhalation for lead and trailing locomotives, and other cab working conditions.

H.R 2095 also includes protections for whistle-blowers who report unsafe conditions and personal injuries.

I thank Chairman OBERSTAR for bringing this legislation forward and ask my colleagues to join me in voting for its passage.

Mr. CUMMINGS. Mr. Chairman, I rise today in strong support of the Federal Railroad Safety Improvement Act of 2007, H.R. 2095, authored by Congressman JAMES OBERSTAR, Chairman of the Committee on Transportation and Infrastructure, and Congresswoman

CORRINE BROWN, Chairwoman of the Subcommittee on Railroads, Pipelines, and Hazardous Materials.

This legislation, which I believe adequately balances overdue safety improvements with the need to keep commerce moving, is the first significant rail safety legislation to come before the House since the most recent authorization of federal safety programs expired nearly 10 years ago.

I am proud to be a co-sponsor of this measure and I applaud the dedicated leadership that has brought this legislation to the floor today.

Particular attention should be given to the measures included in H.R. 2095—and in the manager's amendment also under consideration—that address the unique safety concerns associated with railroad tunnels and bridges.

On July 18, 2001, a CSX train traveling through the Howard Street Tunnel in my district in Baltimore derailed, puncturing several tank cars and igniting a flammable liquid that created a massive fire.

Following that terrible accident, I joined Chairman OBERSTAR in requesting the Government Accountability Office (GAO) to undertake a study on railroad tunnel and bridge safety. This study was released on August 30th of this year.

In brief, the study found that Class I railroads own and maintain more than 61,000 bridges and more than 800 tunnels—while Class II railroads own and maintain more than 15,000 bridges. These are staggering numbers that clearly demonstrate how important the safety of these pieces of infrastructure is to the operation of our Nation's rail network.

The legislation and manager's amendment before us today address concerns raised both in the GAO report and in the National Transportation Safety Board's (NTSB) report on the Howard Street Tunnel fire.

Section 609 of the underlying bill, which I offered as an amendment during the Committee markup of this legislation, is intended to ensure that the first responders called to incidents in rail tunnels have all of the information they need to provide an effective response to the situation they encounter.

Section 609 responds directly to the NTSB's findings in its investigation of the Howard Street Tunnel fire that Baltimore City first responders did not have adequate information on hazardous discharge procedures in the Tunnel or on ingress and egress pathways into and out of the Tunnel.

To ensure that such a situation is never repeated, Section 609 requires railroads to make available to local jurisdictions information on rail tunnel ingress and egress pathways and on the types of cargoes transported through long tunnels or tunnels through which more than 5 passenger trains per day or more than 500 carloads of toxic inhalation materials per year are moved.

The manager's amendment before us responds directly to the findings of the recent GAO report by imposing significant new safety requirements on railroads regarding the assessment of bridge weight bearing capacity and bridge inspection procedures.

Additionally, it imposes new requirements on the review of bridge inspection data by the Federal Railroad Administration.

Through these measures, the manager's amendment seeks to create a comprehensive safety regime for railroad bridges—which is long overdue.

The measures in H.R. 2095 on railroad tunnels and bridges are just two of the many safety improvements that this bill would make in the operation of our Nation's railroad network—but are examples of how this bill responds directly to the safety concerns that have been identified since the last reauthorization of the Federal Railroad Administration.

I am confident that enactment of H.R. 2095 will significantly improve the safety of rail operations in the United States. I again thank Chairman OBERSTAR—and Chairwoman BROWN—for their work on this measure and I urge its passage.

Mr. REYES. Mr. Chairman, I rise today in strong support of H.R. 2095 the Federal Railroad Safety Improvement Act of 2007. This bill, introduced by my colleague Chairman JAMES L. OBERSTAR, provides a long-overdue reauthorization and reorganization of the Federal Railroad Administration. I am proud to count myself as a cosponsor of this legislation.

My district of El Paso has a rich history with the railroad industry. Following the arrival of the railroads in 1881, El Paso experienced enormous economic growth due in part to the railroad connections in the area. Today, my city's connections to the industry persist, and hundreds of my constituents go to work in the rail yards and along the tracks every day. Rail workers and the Americans who live near rail operations deserve the highest level of safety, and the Federal Railroad Safety Improvement Act provides just that.

Roughly 40 percent of all train accidents are the result of human factors, and, of this startling number, one in four results from fatigue. This bill will set new hours-of-service for our railroad workers and will help ensure they follow proper rest and shift periods. Under the proposed measures, personnel would receive at least 10 hours of rest per 24-hour period and would ultimately be limited to no more than 12 consecutive hours of shift work. The bill would also nearly double the number of rail safety inspection and enforcement staff. These changes would hopefully reduce the number of accidents caused by human error and fatigue and would help ensure safer working conditions for the approximately 1,100 rail workers of El Paso and across the United States.

In addition, H.R. 2095 would reorganize the Federal Railroad Administration (FRA) and rename it the Federal Railroad Safety Administration (FRSA). Over the 4-year period from 2007 to 2011, the FRSA would authorize $1.1 billion for general expenses and grant programs. This legislation has taken into account many of the safety investigations and recommendations of the Department of Transportation, especially regarding human fatigue, defective tracks, and railroad crossings. With the reauthorization of this funding, I am confident that great strides will be made to improve the safety of the railroad industry in the United States.

Mr. Chairman, I ask that my colleagues join me in supporting this important legislation so that substantial improvements in Federal railroad safety can be made nationwide.

Mr. OBERSTAR. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2095

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Federal Railroad Safety Improvement Act of 2007".*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Definitions.*

*TITLE I—FEDERAL RAILROAD SAFETY ADMINISTRATION*

*Sec. 101. Establishment of Federal Railroad Safety Administration.*
*Sec. 102. Railroad safety strategy.*
*Sec. 103. Reports.*
*Sec. 104. Rulemaking process.*
*Sec. 105. Authorization of appropriations.*

*TITLE II—EMPLOYEE FATIGUE*

*Sec. 201. Hours of service reform.*
*Sec. 202. Employee sleeping quarters.*
*Sec. 203. Fatigue management plans.*
*Sec. 204. Regulatory authority.*
*Sec. 205. Conforming amendment.*

*TITLE III—PROTECTION OF EMPLOYEES AND WITNESSES*

*Sec. 301. Employee protections.*

*TITLE IV—GRADE CROSSINGS*

*Sec. 401. Toll-free number to report grade crossing problems.*
*Sec. 402. Roadway user sight distance at highway-rail grade crossings.*
*Sec. 403. Grade crossing signal violations.*
*Sec. 404. National crossing inventory.*
*Sec. 405. Accident and incident reporting.*
*Sec. 406. Authority to buy promotional items to improve railroad crossing safety and prevent railroad trespass.*
*Sec. 407. Operation Lifesaver.*
*Sec. 408. State action plan.*
*Sec. 409. Fostering introduction of new technology to improve safety at highway-rail grade crossings.*

*TITLE V—ENFORCEMENT*

*Sec. 501. Enforcement.*
*Sec. 502. Civil penalties.*
*Sec. 503. Criminal penalties.*
*Sec. 504. Expansion of emergency order authority.*
*Sec. 505. Enforcement transparency.*
*Sec. 506. Interfering with or hampering safety investigations.*
*Sec. 507. Railroad radio monitoring authority.*
*Sec. 508. Inspector staffing.*

*TITLE VI—MISCELLANEOUS PROVISIONS*

*Sec. 601. Positive train control systems.*
*Sec. 602. Warning in nonsignaled territory.*
*Sec. 603. Track safety.*
*Sec. 604. Certification of conductors.*
*Sec. 605. Minimum training standards.*
*Sec. 606. Prompt medical attention.*
*Sec. 607. Emergency escape breathing apparatus.*
*Sec. 608. Locomotive cab environment.*
*Sec. 609. Tunnel information.*

*Sec. 610. Railroad police.*
*Sec. 611. Museum locomotive study.*
*Sec. 612. Certification of carmen.*
*Sec. 613. Train control systems deployment grants.*
*Sec. 614. Infrastructure safety investment reports.*
*Sec. 615. Emergency grade crossing safety improvements.*
*Sec. 616. Clarifications regarding State law causes of action.*

*TITLE VII—RAIL PASSENGER DISASTER FAMILY ASSISTANCE*

*Sec. 701. Short title.*
*Sec. 702. Assistance by National Transportation Safety Board to families of passengers involved in rail passenger accidents.*
*Sec. 703. Rail passenger carrier plans to address needs of families of passengers involved in rail passenger accidents.*
*Sec. 704. Establishment of task force.*

### *SEC. 2. DEFINITIONS.*

*For purposes of this Act, the terms "railroad" and "railroad carrier" have the meaning given those terms in section 20102 of title 49, United States Code.*

## *TITLE I—FEDERAL RAILROAD SAFETY ADMINISTRATION*

### *SEC. 101. ESTABLISHMENT OF FEDERAL RAILROAD SAFETY ADMINISTRATION.*

*(a) AMENDMENT.—Section 103 of title 49, United States Code, is amended to read as follows:*

***"§ 103. Federal Railroad Safety Administration***

*"(a) IN GENERAL.—The Federal Railroad Safety Administration (in this section referred to as the 'Administration') shall be an administration in the Department of Transportation. To carry out all railroad safety laws of the United States, the Administration shall be divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation shall be responsible for enforcing those laws and for ensuring that those laws are uniformly administered and enforced among the safety offices.*

*"(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in railroad transportation.*

*"(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in railroad safety, hazardous materials safety, or other transportation safety. The Administrator shall report directly to the Secretary of Transportation.*

*"(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator who shall be appointed by the Secretary. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.*

*"(e) CHIEF SAFETY OFFICER.—The Administration shall have an Associate Administrator for Railroad Safety appointed in the competitive service by the Secretary. The Associate Administrator shall be the Chief Safety Officer of the Administration. The Associate Administrator shall carry out the duties and powers prescribed by the Administrator.*

*"(f) DUTIES AND POWERS OF THE ADMINISTRATOR.—The Administrator shall carry out—*

*"(1) duties and powers related to railroad safety vested in the Secretary by section 20134(c) and chapters 203 through 211 of this title, and by chapter 213 of this title for carrying out chapters 203 through 211; and*

*"(2) other duties and powers prescribed by the Secretary.*

*"(g) LIMITATION.—A duty or power specified in subsection (f)(1) may be transferred to another part of the Department of Transportation or another Federal Government entity only when specifically provided by law. A decision of the Administrator in carrying out the duties or powers of the Administration and involving notice and hearing required by law is administratively final.*

*"(h) AUTHORITIES.—Subject to the provisions of subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Secretary of Transportation may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and make such payments, by way of advance or reimbursement, as the Secretary may determine to be necessary or appropriate to carry out functions at the Administration. The authority of the Secretary granted by this subsection shall be carried out by the Administrator. Notwithstanding any other provision of this chapter, no authority to enter into contracts or to make payments under this subsection shall be effective, except as provided for in appropriations Acts.".*

*(b) REFERENCES AND CONFORMING AMENDMENTS.—(1) All references in Federal law to the Federal Railroad Administration shall be deemed to be references to the Federal Railroad Safety Administration.*

*(2) The item relating to section 103 in the table of sections of chapter 1 of title 49, United States Code, is amended to read as follows:*

*"103. Federal Railroad Safety Administration.".*

### *SEC. 102. RAILROAD SAFETY STRATEGY.*

*(a) SAFETY GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary of Transportation shall develop a long-term strategy for improving railroad safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:*

*(1) Reducing the number and rates of accidents, injuries, and fatalities involving railroads.*

*(2) Improving the consistency and effectiveness of enforcement and compliance programs.*

*(3) Identifying and targeting enforcement at, and safety improvements to, high-risk highway-rail grade crossings.*

*(4) Improving research efforts to enhance and promote railroad safety and performance.*

*(b) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.*

*(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—The Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the strategy and annual plan at the same time as the President's budget submission.*

*(d) ACHIEVEMENT OF GOALS.—*

*(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary of Transportation and the Administrator of the Federal Railroad Safety Administration shall assess the progress of the Administration toward achieving the strategic goals described in subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Federal Railroad Safety Administration and shall identify any deficiencies that should be remediated before the next progress assessment.*

*(2) REPORT TO CONGRESS.—The Secretary shall transmit a report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the performance of the Federal Railroad Safety Administration relative to the goals of the railroad safety strategy and annual plans under subsection (a).*

### *SEC. 103. REPORTS.*

*(a) REPORTS BY THE INSPECTOR GENERAL.—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit to the Secretary of Transportation and the Administrator of the Federal Railroad Safety Administration a report containing the following:*

*(1) A list of each statutory mandate regarding railroad safety that has not been implemented.*

*(2) A list of each open safety recommendation made by the National Transportation Safety Board or the Inspector General regarding railroad safety.*

*(b) REPORTS BY THE SECRETARY.—*

*(1) STATUTORY MANDATES.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter until each of the mandates referred to in subsection (a)(1) has been implemented, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the specific actions taken to implement such mandates.*

*(2) NTSB AND INSPECTOR GENERAL RECOMMENDATIONS.—Not later than January 1st of each year, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing each recommendation referred to in subsection (a)(2), a copy of the Department of Transportation response to each such recommendation, and a progress report on implementing each such recommendation.*

### *SEC. 104. RULEMAKING PROCESS.*

*(a) AMENDMENT.—Subchapter I of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following new section:*

***"§ 20116. Rulemaking process***

*"No rule or order issued by the Secretary under this part shall be effective if it incorporates by reference a code, rule, standard, requirement, or practice issued by an association or other entity that is not an agency of the Federal Government, unless that reference is to a particular code, rule, standard, requirement, or practice adopted before the date on which the rule is issued by the Secretary, and unless the date on which the code, rule, standard, requirement, or practice was adopted is specifically cited in the rule.".*

*(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter I of chapter 201 of title 49, United States Code, is amended by adding after the item relating to section 20115 the following new item:*

*"20116. Rulemaking process.".*

### *SEC. 105. AUTHORIZATION OF APPROPRIATIONS.*

*Section 20117(a) of title 49, United States Code, is amended to read as follows:*

*"(a) IN GENERAL.—(1) There are authorized to be appropriated to the Secretary of Transportation to carry out this part and to carry out responsibilities under chapter 51 as delegated or authorized by the Secretary—*

*"(A) $230,000,000 for fiscal year 2008;*
*"(B) $260,000,000 for fiscal year 2009;*
*"(C) $295,000,000 for fiscal year 2010; and*
*"(D) $335,000,000 for fiscal year 2011.*

*"(2) With amounts appropriated pursuant to paragraph (1), the Secretary shall purchase 6 Gage Restraint Measurement System vehicles and 5 track geometry vehicles to enable the deployment of 1 Gage Restraint Measurement System vehicle and 1 track geometry vehicle in each region.*

*"(3) There are authorized to be appropriated to the Secretary $18,000,000 for the period encompassing fiscal years 2008 through 2011 to design, develop, and construct the Facility for Underground Rail Station and Tunnel at the Transportation Technology Center in Pueblo, Colorado. The facility shall be used to test and evaluate the vulnerabilities of above-ground and underground rail tunnels to prevent accidents and incidents in such tunnels, to mitigate and remediate the consequences of any such accidents or incidents, and to provide a realistic scenario for training emergency responders.*

*"(4) Such sums as may be necessary from the amount appropriated pursuant to paragraph (1) for each of the fiscal years 2008 through 2011 shall be made available to the Secretary for personnel in regional offices and in Washington, D.C., whose duties primarily involve rail security.".*

### TITLE II—EMPLOYEE FATIGUE

### SEC. 201. HOURS OF SERVICE REFORM.

*(a) DEFINITIONS.—Section 21101(4) of title 49, United States Code, is amended by striking "employed by a railroad carrier".*

*(b) LIMITATION ON DUTY HOURS OF SIGNAL EMPLOYEES.—Section 21104 of title 49, United States Code, is amended—*

*(1) by amending subsection (a) to read as follows:*

*"(a) GENERAL.—Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a signal employee, and a railroad contractor and its officers and agents may not require or allow a signal employee, to remain or go on duty—*

*"(1) unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours;*

*"(2) for a period in excess of 12 consecutive hours; or*

*"(3) unless that employee has had at least one period of at least 24 consecutive hours off duty in the past 7 consecutive days.*

*The Secretary may waive paragraph (3) if a collective bargaining agreement provides a different arrangement and such arrangement provides an equivalent level of safety.";*

*(2) in subsection (b)(3) by striking ", except that up to one hour of that time spent returning from the final trouble call of a period of continuous or broken service is time off duty";*

*(3) in subsection (c)—*

*(A) by inserting "for not more than 3 days during a period of 7 consecutive days" after "24 consecutive hours"; and*

*(B) by adding at the end the following: "A signal employee may not be allowed to remain or go on duty under the emergency authority provided under this subsection to conduct routine repairs, routine maintenance, or routine inspection of signal systems.";*

*(4) by adding at the end the following new subsections:*

*"(d) COMMUNICATION DURING TIME OFF DUTY.—During a signal employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a), a railroad carrier, and its managers, supervisors, officers, and agents, shall not communicate with the signal employee by telephone, by pager, or in any other manner that could disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation posing potential risks to the employee's safety or health.*

*"(e) EXCLUSIVITY.—The hours of service, duty hours, and rest periods of signal employees shall be governed exclusively by this chapter. Signal employees operating motor vehicles shall not be subject to any hours of service rules, duty hours, or rest period rules promulgated by any Federal authority, including the Federal Motor Carrier Safety Administration, other than the Federal Railroad Safety Administration.".*

*(c) LIMITATION ON DUTY HOURS OF TRAIN EMPLOYEES.—Section 21103 of title 49, United States Code, is amended—*

*(1) by amending subsection (a) to read as follows:*

*"(a) GENERAL.—Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a train employee to remain or go on duty—*

*"(1) unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours;*

*"(2) for a period in excess of 12 consecutive hours; or*

*"(3) unless that employee has had at least one period of at least 24 consecutive hours off duty in the past 7 consecutive days.*

*The Secretary may waive paragraph (3) if a collective bargaining agreement provides a different arrangement and such arrangement provides an equivalent level of safety.";*

*(2) by amending subsection (b)(4) to read as follows:*

*"(4)(A)(i) Except as provided in clauses (ii) and (iii), time spent in deadhead transportation to a duty assignment, time spent waiting for deadhead transportation, and time spent in deadhead transportation from a duty assignment to a place of final release is time on duty.*

*"(ii) Time spent waiting for deadhead transportation and time spent in deadhead transportation from a duty assignment to a place of final release is neither time on duty nor time off duty in situations involving delays in the operations of the railroad carrier, when the delays were caused by any of the following:*

*"(I) A casualty.*

*"(II) An accident.*

*"(III) A track obstruction.*

*"(IV) An act of God.*

*"(V) A weather event causing a delay.*

*"(VI) A snowstorm.*

*"(VII) A landslide.*

*"(VIII) A track or bridge washout.*

*"(IX) A derailment.*

*"(X) A major equipment failure which prevents a train from advancing.*

*"(XI) Other delay from a cause unknown or unforeseeable to a railroad carrier and its officers and agents in charge of the employee when the employee left a designated terminal.*

*"(iii) In addition to any time qualifying as neither on duty nor off duty under clause (ii), at the election of the railroad carrier, time spent waiting for deadhead transportation and time spent in deadhead transportation to the place of final release may be treated as neither time on duty nor time off duty, subject to the following limitations:*

*"(I) Not more than 40 hours a month may be elected by the railroad carrier, for an employee, during the period from the date of enactment of the Federal Railroad Safety Improvement Act of 2007 to one year after such date of enactment.*

*"(II) Not more than 30 hours a month may be elected by the railroad carrier, for an employee, during the period beginning one year after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 and ending two years after such date of enactment.*

*"(III) Not more than 10 hours a month may be elected by the railroad carrier, for an employee, during the period beginning two years after the date of enactment of the Federal Railroad Safety Improvement Act of 2007.*

*"(B) Each railroad carrier shall report to the Secretary of Transportation, in accordance with procedures contained in 49 CFR 228.19, each instance within 30 days after the calendar month in which the instance occurs that a member of a train or engine crew or other employee engaged in or connected with the movement of any train, including a hostler, exceeds 12 consecutive hours, including—*

*"(i) time on duty; and*

*"(ii) time spent waiting for deadhead transportation and the time spent in deadhead transportation from a duty assignment to the place of final release, that is not time on duty.*

*"(C) If—*

*"(i) the time spent waiting for deadhead transportation, and the time spent in deadhead transportation from a duty assignment to the place of final release, that is not time on duty; plus*

*"(ii) the time on duty,*

*exceeds 12 consecutive hours, the railroad carrier and its officers and agents shall provide the train employee with additional time off duty equal to the number of hours that such sum exceeds 12 hours."; and*

*(3) by adding at the end the following new subsection:*

*"(d) COMMUNICATION DURING TIME OFF DUTY.—During a train employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a), or during an interim period of at least 4 consecutive hours available for rest under subsection (b)(7), a railroad carrier, and its managers, supervisors, officers, and agents, shall not communicate with the train employee by telephone, by pager, or in any other manner that could disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation posing potential risks to the employee's safety or health.".*

### SEC. 202. EMPLOYEE SLEEPING QUARTERS.

*Section 21106 of title 49, United States Code, is amended—*

*(1) by inserting "(a) IN GENERAL.—" before "A railroad carrier"; and*

*(2) by adding at the end the following new subsection:*

*"(b) CAMP CARS.—Effective 12 months after the date of enactment of this subsection, a railroad carrier and its officers and agents may not provide sleeping quarters through the use of camp cars, as defined in Appendix C to part 228 of title 49 of the Code of Federal Regulations, for employees and any individuals employed to maintain the right of way of a railroad carrier.".*

### SEC. 203. FATIGUE MANAGEMENT PLANS.

*(a) AMENDMENT.—Chapter 211 of title 49, United States Code, is amended by adding at the end the following new section:*

**"§21109. Fatigue management plans**

*"(a) PLAN SUBMISSION.—*

*"(1) REQUIREMENT.—Each railroad carrier shall submit to the Secretary of Transportation, and update at least once every 2 years, a fatigue management plan that is designed to reduce the fatigue experienced by railroad employees and to reduce the likelihood of accidents and injuries caused by fatigue. The plan shall address the safety effects of fatigue on all employees performing safety sensitive functions, including employees not covered by this chapter. The plan shall be submitted not later than 1 year after the date of the enactment of this section, or not later than 45 days prior to commencing operations, whichever is later.*

*"(2) CONTENTS OF PLAN.—The fatigue management plan shall—*

*"(A) identify and prioritize all situations that pose a risk for safety that may be affected by fatigue;*

"(B) include the railroad carrier's—

"(i) rationale for including and not including each element described in subsection (b)(2) in the plan;

"(ii) analysis supporting each element included in the plan; and

"(iii) explanations for how each element in the plan will reduce the risk associated with fatigue;

"(C) describe how every condition on the railroad carrier's property, and every type of employee, that is likely to be affected by fatigue is addressed in the plan; and

"(D) include the name, title, address, and telephone number of the primary person to be contacted with regard to review of the plan.

"(3) APPROVAL.—(A) The Secretary shall review each proposed plan and approve or disapprove such plan based on whether the requirements of this section are sufficiently and appropriately addressed and the proposals are adequately justified in the plan.

"(B) If the proposed plan is not approved, the Secretary shall notify the affected railroad carrier as to the specific points in which the proposed plan is deficient, and the railroad carrier shall correct all deficiencies within 30 days following receipt of written notice from the Secretary. If a railroad carrier does not submit a plan (or, when directed by the Secretary, an amended plan), or if a railroad carrier's amended plan is not approved by the Secretary, the Secretary shall prescribe a fatigue management plan for the railroad carrier.

"(4) EMPLOYEE PARTICIPATION.—(A) Each affected railroad carrier shall consult with, and employ good faith and use its best efforts to reach agreement by consensus with, all of its directly affected employee groups on the contents of the fatigue management plan, and, except as provided in subparagraph (C), shall jointly with such groups submit the plan to the Secretary.

"(B) In the event that labor organizations represent classes or crafts of directly affected employees of the railroad carrier, the railroad carrier shall consult with these organizations in drafting the plan. The Secretary may provide technical assistance and guidance to such parties in the drafting of the plan.

"(C) If the railroad carrier and its directly affected employees (including any labor organization representing a class or craft of directly affected employees of the railroad carrier) cannot reach consensus on the proposed contents of the plan, then—

"(i) the railroad carrier shall file the plan with the Secretary; and

"(ii) directly affected employees and labor organizations representing a class or craft of directly affected employees may, at their option, file a statement with the Secretary explaining their views on the plan on which consensus was not reached.

"(b) ELEMENTS OF THE FATIGUE MANAGEMENT PLAN.—

"(1) CONSIDERATION OF VARYING CIRCUMSTANCES.—Each plan filed with the Secretary under the procedures of subsection (a) shall take into account the varying circumstances of operations by the railroad carrier on different parts of its system, and shall prescribe appropriate fatigue countermeasures to address those varying circumstances.

"(2) ISSUES AFFECTING ALL EMPLOYEES PERFORMING SAFETY SENSITIVE FUNCTIONS.—The railroad carrier shall consider the need to include in its fatigue management plan elements addressing each of the following issues:

"(A) Education and training on the physiological and human factors that affect fatigue, as well as strategies to counter fatigue, based on current and evolving scientific and medical research and literature.

"(B) Opportunities for identification, diagnosis, and treatment of any medical condition that may affect alertness or fatigue, including sleep disorders.

"(C) Effects on employee fatigue of emergency response involving both short-term emergency situations, including derailments, and long-term emergency situations, including natural disasters.

"(D) Scheduling practices involving train lineups and calling times, including work/rest cycles for shift workers and on-call employees that permit employees to compensate for cumulative sleep loss by guaranteeing a minimum number of consecutive days off (exclusive of time off due to illness or injury).

"(E) Minimizing the incidence of fatigue that occurs as a result of working at times when the natural circadian rhythm increases fatigue.

"(F) Alertness strategies, such as policies on napping, to address acute sleepiness and fatigue while an employee is on duty.

"(G) Opportunities to obtain restful sleep at lodging facilities, including sleeping quarters provided by the railroad carrier.

"(H) In connection with the scheduling of a duty call, increasing the number of consecutive hours of rest off duty, during which an employee receives no communication from the employing railroad carrier or its managers, supervisors, officers, or agents.

"(I) Avoiding abrupt changes in rest cycles for employees returning to duty after an extended absence due to circumstances such as illness or injury.

"(J) Additional elements as the Secretary considers appropriate.

"(c) COMPLIANCE AND ENFORCEMENT.—

"(1) COMPLIANCE REQUIREMENT.—Effective upon approval or prescription of a fatigue management plan, compliance with that fatigue management plan becomes mandatory and enforceable by the Secretary.

"(2) EFFECTIVE DATE.—A fatigue management plan may include effective dates later than the date of approval of the plan, and may include different effective dates for different parts of the plan.

"(3) AUDITS.—To enforce this section, the Secretary may conduct inspections and periodic audits of a railroad carrier's compliance with its fatigue management plan.

"(d) DEFINITION.—For purposes of this section the term 'directly affected employees' means employees, including employees of an independent contractor or subcontractor, to whose hours of service the terms of a fatigue management plan specifically apply.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 211 of title 49, United States Code, is amended by adding at the end the following new item:

"21109. Fatigue management plans.".

### SEC. 204. REGULATORY AUTHORITY.

(a) AMENDMENT.—Chapter 211 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

**"§ 21110. Regulatory authority**

"The Secretary of Transportation may by regulation—

"(1) reduce the maximum hours an employee may be required or allowed to go or remain on duty to a level less than the level established under this chapter, based on scientific and medical research; or

"(2) increase the minimum hours an employee may be required or allowed to rest to a level greater than the level established under this chapter, based on scientific and medical research.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 211 of title 49, United States Code, is amended by adding at the end the following new item:

"21110. Regulatory authority.".

### SEC. 205. CONFORMING AMENDMENT.

Section 21303(c) of title 49, United States Code, is amended by striking "officers and agents" and inserting "managers, supervisors, officers, and agents".

## TITLE III—PROTECTION OF EMPLOYEES AND WITNESSES

### SEC. 301. EMPLOYEE PROTECTIONS.

Section 20109 of title 49, United States Code, is amended to read as follows:

**"§ 20109. Employee protections**

"(a) PROTECTED ACTIONS.—A railroad carrier engaged in interstate or foreign commerce, and an officer or employee of such a railroad carrier, shall not by threat, intimidation, or otherwise attempt to prevent an employee from, or discharge, discipline, or in any way discriminate against an employee for—

"(1) filing a complaint or bringing or causing to be brought a proceeding related to the enforcement of this part or, as applicable to railroad safety, chapter 51 or 57 of this title;

"(2) testifying in a proceeding described in paragraph (1);

"(3) notifying, or attempting to notify, the railroad carrier or the Secretary of Transportation of a work-related personal injury or work-related illness of an employee;

"(4) cooperating with a safety investigation by the Secretary of Transportation or the National Transportation Safety Board;

"(5) furnishing information to the Secretary of Transportation, the National Transportation Safety Board, or any other public official as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with railroad transportation; or

"(6) accurately reporting hours of duty pursuant to chapter 211.

"(b) HAZARDOUS CONDITIONS.—(1) A railroad carrier engaged in interstate or foreign commerce, and an officer or employee of such a railroad carrier, shall not by threat, intimidation, or otherwise attempt to prevent an employee from, or discharge, discipline, or in any way discriminate against an employee for—

"(A) reporting a hazardous condition;

"(B) refusing to work when confronted by a hazardous condition related to the performance of the employee's duties, if the conditions described in paragraph (2) exist; or

"(C) refusing to authorize the use of any safety-related equipment, track, or structures, if the employee is responsible for the inspection or repair of the equipment, track, or structures, when the employee believes that the equipment, track, or structures are in a hazardous condition, if the conditions described in paragraph (2) exist.

"(2) A refusal is protected under paragraph (1)(B) and (C) if—

"(A) the refusal is made in good faith and no reasonable alternative to the refusal is available to the employee;

"(B) the employee reasonably concludes that—

"(i) the hazardous condition presents an imminent danger of death or serious injury; and

"(ii) the urgency of the situation does not allow sufficient time to eliminate the danger without such refusal; and

"(C) the employee, where possible, has notified the carrier of the existence of the hazardous condition and the intention not to perform further work, or not to authorize the use of the hazardous equipment, track, or structures, unless the condition is corrected immediately or the equipment, track, or structures are repaired properly or replaced.

"(3) This subsection does not apply to security personnel employed by a railroad carrier to protect individuals and property transported by railroad.

"(c) ENFORCEMENT ACTION.—

"(1) IN GENERAL.—An employee who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief in accordance with the provisions of this section, with any petition or other request for relief under this section to be initiated by filing a complaint with the Secretary of Labor.

"(2) PROCEDURE.—

"(A) IN GENERAL.—An action under this section shall be governed under the rules and procedures set forth in section 42121(b).

"(B) EXCEPTION.—Notification made under section 42121(b)(1) shall be made to the person named in the complaint and to the person's employer.

"(C) BURDENS OF PROOF.—An action brought under this section shall be governed by the legal burdens of proof set forth in section 42121(b).

"(D) STATUTE OF LIMITATIONS.—An action under this section shall be commenced not later than 1 year after the date on which the violation occurs.

"(3) DE NOVO REVIEW.—If the Secretary of Labor has not issued a final decision within 180 days after the filing of the complaint (or, in the event that a final order or decision is issued by the Secretary of Labor, whether within the 180-day period or thereafter, then, not later than 90 days after such an order or decision is issued), the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

"(d) REMEDIES.—

"(1) IN GENERAL.—An employee prevailing in any action under this section shall be entitled to all relief necessary to make the covered individual whole.

"(2) DAMAGES.—Relief in an action under this section shall include—

"(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

"(B) the amount of any back pay, with interest; and

"(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

"(3) POSSIBLE RELIEF.—Relief may also include punitive damages in an amount not to exceed 10 times the amount of any compensatory damages awarded under this section.

"(e) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—It shall be unlawful for any railroad carrier to commit an act prohibited by subsection (a). Any person who willfully violates this section by terminating or retaliating against any such covered individual who makes a claim under this section shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

"(2) REPORTING REQUIREMENT.—

"(A) IN GENERAL.—The Attorney General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report on the enforcement of paragraph (1).

"(B) CONTENTS.—Each such report shall—

"(i) identify each case in which formal charges under paragraph (1) were brought;

"(ii) describe the status or disposition of each such case; and

"(iii) in any actions under subsection (c)(1) in which the employee was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges under paragraph (1) of this subsection have been brought and, if not, the reasons therefor.

"(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

"(g) RIGHTS RETAINED BY COVERED INDIVIDUAL.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.".

## TITLE IV—GRADE CROSSINGS

### SEC. 401. TOLL-FREE NUMBER TO REPORT GRADE CROSSING PROBLEMS.

Section 20152 of title 49, United States Code, is amended to read as follows:

**"§20152. Emergency notification of grade crossing problems**

"Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall require each railroad carrier to—

"(1) establish and maintain a toll-free telephone service, for rights-of-way over which it dispatches trains, to directly receive calls reporting—

"(A) malfunctions of signals, crossing gates, and other devices to promote safety at the grade crossing of railroad tracks on those rights-of-way and public or private roads; and

"(B) disabled vehicles blocking railroad tracks at such grade crossings;

"(2) upon receiving a report of a malfunction or disabled vehicle pursuant to paragraph (1), immediately contact trains operating near the grade crossing to warn them of the malfunction or disabled vehicle;

"(3) upon receiving a report of a malfunction or disabled vehicle pursuant to paragraph (1), and after contacting trains pursuant to paragraph (2), contact, as necessary, appropriate public safety officials having jurisdiction over the grade crossing to provide them with the information necessary for them to direct traffic, assist in the removal of the disabled vehicle, or carry out other activities appropriate to responding to the hazardous circumstance; and

"(4) ensure the placement at each grade crossing on rights-of-way that it owns of appropriately located signs, on which shall appear, at a minimum—

"(A) a toll-free telephone number to be used for placing calls described in paragraph (1) to the railroad carrier dispatching trains on that right-of-way;

"(B) an explanation of the purpose of that toll-free number as described in paragraph (1); and

"(C) the grade crossing number assigned for that crossing by the National Highway-Rail Crossing Inventory established by the Department of Transportation.

The Secretary of Transportation shall implement this section through appropriate regulations.".

### SEC. 402. ROADWAY USER SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

**"§20156. Roadway user sight distance at highway-rail grade crossings**

"(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations that require each railroad carrier to remove from its rights-of-way at all public highway-rail grade crossings, and at all private highway-rail grade crossings open to unrestricted public access (as declared in writing by the holder of the crossing right), grass, brush, shrubbery, trees, and other vegetation which may obstruct the view of a pedestrian or a vehicle operator for a reasonable distance in either direction of the train's approach, and to maintain its rights-of-way at all such crossings free of such vegetation. In prescribing the regulations, the Secretary shall take into consideration to the extent practicable—

"(1) the type of warning device or warning devices installed at the crossing;

"(2) factors affecting the timeliness and effectiveness of roadway user decisionmaking, including the maximum allowable roadway speed, maximum authorized train speed, angle of intersection, and topography;

"(3) the presence or absence of other sight distance obstructions off the railroad right-of-way; and

"(4) any other factors affecting safety at such crossings.

"(b) PROTECTED VEGETATION.—In promulgating regulations pursuant to this section, the Secretary may make allowance for preservation of trees and other ornamental or protective growth where State or local law or policy would otherwise protect the vegetation from removal and where the roadway authority or private crossing holder is notified of the sight distance obstruction and, within a reasonable period specified by the regulation, takes appropriate temporary and permanent action to abate the hazard to roadway users (such as by closing the crossing, posting supplementary signage, installing active warning devices, lowering roadway speed, or installing traffic calming devices).

"(c) NO PREEMPTION.—Notwithstanding section 20106, subsections (a) and (b) of this section do not prohibit a State from continuing in force, or from enacting, a law, regulation, or order requiring the removal of obstructive vegetation from a railroad right-of-way for safety reasons that is more stringent than the requirements of the regulations prescribed pursuant to this section.

"(d) MODEL LEGISLATION.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary, after consultation with the Federal Railroad Safety Administration, the Federal Highway Administration, and States, shall develop and make available to States model legislation providing for improving safety by addressing sight obstructions at highway-rail grade crossings that are equipped solely with passive warnings, such as permanent structures, temporary structures, and standing railroad equipment, as recommended by the Inspector General of the Department of Transportation in Report No. MH–2007–044.".

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter II of chapter 201 is amended by inserting after the item relating to section 20155 the following new item:

"20156. Roadway user sight distance at highway-rail grade crossings.".

### SEC. 403. GRADE CROSSING SIGNAL VIOLATIONS.

(a) AMENDMENTS.—Section 20151 of title 49, United States Code, is amended—

(1) by amending the section heading to read as follows:

**"§20151. Railroad trespassing, vandalism, and signal violation prevention strategy";**

(2) in subsection (a)—

(A) by striking "and vandalism affecting railroad safety" and inserting in lieu thereof ", vandalism affecting railroad safety, and violations of grade crossing signals";

(B) by inserting ", concerning trespassing and vandalism," after "such evaluation and review"; and

*(C) by inserting "The second such evaluation and review, concerning violations of grade crossing signals, shall be completed before April 1, 2008." after "November 2, 1994.";*

*(3) in the subsection heading of subsection (b), by inserting "FOR TRESPASSING AND VANDALISM PREVENTION" after "OUTREACH PROGRAM";*

*(4) in subsection (c)—*

*(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;*

*(B) by inserting "(1)" after "MODEL LEGISLATION.—"; and*

*(C) by adding at the end the following new paragraph:*

*"(2) Within 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary, after consultation with State and local governments, railroad carriers, and rail labor organizations, shall develop and make available to State and local governments model State legislation providing for civil or criminal penalties, or both, for violations of grade crossing signals."; and*

*(5) by adding at the end the following new subsection:*

*"(d) DEFINITION.—For purposes of this section, the term 'violation of grade crossing signals' includes any action by a motorist, unless directed by an authorized safety officer—*

*"(1) to drive around a grade crossing gate in a position intended to block passage over railroad tracks;*

*"(2) to drive through a flashing grade crossing signal;*

*"(3) to drive through a grade crossing with passive warning signs without ensuring that the grade crossing could be safely crossed before any train arrived; and*

*"(4) in the vicinity of a grade crossing, that creates a hazard of an accident involving injury or property damage at the grade crossing.".*

*(b) CONFORMING AMENDMENT.—The item relating to section 20151 in the table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended to read as follows:*

*"20151. Railroad trespassing, vandalism, and signal violation prevention strategy.".*

### *SEC. 404. NATIONAL CROSSING INVENTORY.*

*(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:*

***"§ 20157. National crossing inventory***

*"(a) INITIAL REPORTING OF INFORMATION ABOUT PREVIOUSLY UNREPORTED CROSSINGS.—Not later than 1 year after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 or 6 months after a new crossing becomes operational, whichever occurs later, each railroad carrier shall—*

*"(1) report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each previously unreported crossing through which it operates; or*

*"(2) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.*

*"(b) UPDATING OF CROSSING INFORMATION.—(1) On a periodic basis beginning not later than 3 years after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 and on or before September 30 of every third year thereafter, or as otherwise specified by the Secretary, each railroad carrier shall—*

*"(A) report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each crossing through which it operates; or*

*"(B) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.*

*"(2) A railroad carrier that sells a crossing or any part of a crossing on or after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 shall, not later than the date that is 18 months after the date of enactment of that Act or 3 months after the sale, whichever occurs later, or as otherwise specified by the Secretary, report to the Secretary current information, as specified by the Secretary, concerning the change in ownership of the crossing or part of the crossing.*

*"(c) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this section. The Secretary may enforce each provision of the Department of Transportation's statement of the national highway-rail crossing inventory policy, procedures, and instruction for States and railroads that is in effect on the date of enactment of the Federal Railroad Safety Improvement Act of 2007, until such provision is superseded by a regulation issued under this section.*

*"(d) DEFINITIONS.—In this section:*

*"(1) CROSSING.—The term 'crossing' means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks either at grade or grade-separated, where—*

*"(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or*

*"(B) a pathway dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade-separated.*

*"(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.".*

*(b) CONFORMING AMENDMENT.—The table of sections for such subchapter II of chapter 201 is amended by adding at the end the following new item:*

*"20157. National crossing inventory.".*

*(c) REPORTING AND UPDATING.—Section 130 of title 23, United States Code, is amended by adding at the end the following:*

*"(l) NATIONAL CROSSING INVENTORY.—*

*"(1) INITIAL REPORTING OF CROSSING INFORMATION.—Not later than 1 year after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 or within 6 months of a new crossing becoming operational, whichever occurs later, each State shall report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each previously unreported crossing located within its borders.*

*"(2) PERIODIC UPDATING OF CROSSING INFORMATION.—On a periodic basis beginning not later than 3 years after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 and on or before September 30 of every third year thereafter, or as otherwise specified by the Secretary, each State shall report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each crossing located within its borders.*

*"(3) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this subsection. The Secretary may enforce each provision of the Department of Transportation's statement of the national highway-rail crossing inventory policy, procedures, and instructions for States and railroads that is in effect on the date of enactment of the Federal Railroad Safety Improvement Act of 2007, until such provision is superseded by a regulation issued under this subsection.*

*"(4) DEFINITIONS.—In this subsection, the terms 'crossing' and 'State' have the meaning given those terms by section 20157(d)(1) and (2), respectively, of title 49.".*

*(d) CIVIL PENALTIES.—(1) Section 21301(a)(1) of title 49, United States Code, is amended—*

*(A) by inserting "with section 20157 or" after "comply" in the first sentence; and*

*(B) by inserting "section 20157 of this title or" after "violating" in the second sentence.*

*(2) Section 21301(a)(2) of title 49, United States Code, is amended by inserting "The Secretary shall impose a civil penalty for a violation of section 20157 of this title." after the first sentence.*

### *SEC. 405. ACCIDENT AND INCIDENT REPORTING.*

*The Federal Railroad Safety Administration shall conduct an audit of each Class I railroad at least once every 2 years and conduct an audit of each non-Class I railroad at least once every 5 years to ensure that all grade crossing collisions and fatalities are reported to the national accident database.*

### *SEC. 406. AUTHORITY TO BUY PROMOTIONAL ITEMS TO IMPROVE RAILROAD CROSSING SAFETY AND PREVENT RAILROAD TRESPASS.*

*Section 20134(a) of title 49, United States Code, is amended by adding at the end the following: "The Secretary may purchase promotional items of nominal value and distribute them to the public without charge as part of an educational or awareness program to accomplish the purposes of this section and of any other sections of this title related to improving the safety of highway-rail crossings and to prevent trespass on railroad rights of way, and the Secretary shall prescribe guidelines for the administration of this authority.".*

### *SEC. 407. OPERATION LIFESAVER.*

*(a) GRANT.—The Federal Railroad Safety Administration shall make a grant or grants to Operation Lifesaver to carry out a public information and education program to help prevent and reduce pedestrian, bicycle, motor vehicle, and other incidents, injuries, and fatalities, and to improve awareness along railroad rights-of-way and at highway-rail grade crossings. This includes development, placement, and dissemination of Public Service Announcements in newspaper, radio, television, and other media. It will also include school presentations, brochures and materials, support for public awareness campaigns, and related support for the activities of Operation Lifesaver's member organizations.*

*(b) PILOT PROGRAM.—Funds provided under subsection (a) may also be used by Operation Lifesaver to implement a pilot program, to be known as the Railroad Safety Public Awareness Program, that addresses the need for targeted, sustained community outreach on the subjects described in subsection (a). Such pilot program shall be established in States and communities where risk is greatest, in terms of the number of crashes and population density near the railroad, including residences, businesses, and schools. Such pilot program shall be carried out through grants to Operation Lifesaver for work with community leaders, school districts, and public and private partners to identify the communities at greatest risk, and through development of an implementation plan. An evaluation component requirement shall be included in the grant to measure results.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Railroad Safety Administration for carrying out this section $1,500,000 for each of the fiscal years 2008 through 2011.*

### *SEC. 408. STATE ACTION PLAN.*

*(a) IN GENERAL.—The Secretary shall identify on an annual basis the top 10 States that have had the most highway-rail grade crossing collisions over the past year. The Secretary shall work with each of these States to develop a State Grade Crossing Action Plan that identifies*

specific solutions for improving safety at crossings, particularly at crossings that have experienced multiple accidents.

(b) REVIEW AND APPROVAL.—Not later than 60 days after the Secretary receives a plan under subsection (a), the Secretary shall review and approve or disapprove it. If the proposed plan is not approved, the Secretary shall notify the affected State as to the specific points in which the proposed plan is deficient, and the State shall correct all deficiencies within 30 days following receipt of written notice from the Secretary.

### SEC. 409. FOSTERING INTRODUCTION OF NEW TECHNOLOGY TO IMPROVE SAFETY AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) AMENDMENT.—Chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

**"§20165. Fostering introduction of new technology to improve safety at highway-rail grade crossings**

"(a) FINDINGS.—(1) Collisions between highway users and trains at highway-rail grade crossings continue to cause an unacceptable loss of life and serious personal injury and also threaten the safety of rail transportation.

"(2) While elimination of at-grade crossings through consolidation of crossings and grade separations offers the greatest long-term promise for optimizing the safety and efficiency of the two modes of transportation, over 140,000 public grade crossings remain on the general rail system—approximately one for each route mile on the general rail system.

"(3) Conventional highway traffic control devices such as flashing lights and gates are effective in warning motorists of a train's approach to an equipped crossing.

"(4) Since enactment of the Highway Safety Act of 1973, over $4,200,000,000 of Federal funding has been invested in safety improvements at highway-rail grade crossings, yet a majority of public highway-rail grade crossings are not yet equipped with active warning systems.

"(5) The emergence of new technologies supporting Intelligent Transportation Systems presents opportunities for more effective and affordable warnings and safer passage of highway users and trains at remaining highway-rail grade crossings.

"(6) Implementation of new crossing safety technology will require extensive cooperation between highway authorities and railroad carriers.

"(7) Federal Railroad Safety Administration regulations establishing performance standards for processor-based signal and train control systems provide a suitable framework for qualification of new or novel technology at highway-rail grade crossings, and the Federal Highway Administration's Manual on Uniform Traffic Control Devices provides an appropriate means of determining highway user interface with such new technology.

"(b) POLICY.—It is the policy of the United States to encourage the development of new technology that can prevent loss of life and injuries at highway-rail grade crossings. The Secretary of Transportation is designated to carry out this policy in consultation with States and necessary public and private entities.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new item:

"20165. Fostering introduction of new technology to improve safety at highway-rail grade crossings.".

## TITLE V—ENFORCEMENT

### SEC. 501. ENFORCEMENT.

Section 20112(a) of title 49, United States Code, is amended—

(1) by inserting "this part or" in paragraph (1) after "enforce,";

(2) by striking "21301" in paragraph (2) and inserting "21301, 21302, or 21303";

(3) by striking "subpena" in paragraph (3) and inserting "subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition"; and

(4) by striking "chapter." in paragraph (3) and inserting "part.".

### SEC. 502. CIVIL PENALTIES.

(a) GENERAL VIOLATIONS OF CHAPTER 201.—Section 21301(a)(2) of title 49, United States Code, is amended—

(1) by striking "$10,000" and inserting "$25,000"; and

(2) by striking "$20,000" and inserting "$100,000".

(b) ACCIDENT AND INCIDENT VIOLATIONS OF CHAPTER 201; VIOLATIONS OF CHAPTERS 203 THROUGH 209.—Section 21302(a)(2) of title 49, United States Code, is amended—

(1) by striking "$10,000" and inserting "$25,000"; and

(2) by striking "$20,000" and inserting "$100,000".

(c) VIOLATIONS OF CHAPTER 211.—Section 21303(a)(2) of title 49, United States Code, is amended—

(1) by striking "$10,000" and inserting "$25,000"; and

(2) by striking "$20,000" and inserting "$100,000".

### SEC. 503. CRIMINAL PENALTIES.

Section 21311(b) of title 49, United States Code, is amended by striking "$500" both places it appears and inserting "$2,500".

### SEC. 504. EXPANSION OF EMERGENCY ORDER AUTHORITY.

Section 20104(a)(1) of title 49, United States Code, is amended by striking "death or personal injury" and inserting "death, personal injury, or significant harm to the environment".

### SEC. 505. ENFORCEMENT TRANSPARENCY.

(a) AMENDMENT.—Subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

**"§20118. Enforcement transparency**

"(a) IN GENERAL.—Not later than December 31, 2007, the Secretary of Transportation shall—

"(1) provide a monthly updated summary to the public of all railroad enforcement actions taken by the Secretary or the Federal Railroad Safety Administration, from the time a notice commencing an enforcement action is issued until the enforcement action is final;

"(2) include in each such summary identification of the railroad carrier or person involved in the enforcement activity, the type of alleged violation, the penalty or penalties proposed, any changes in case status since the previous summary, the final assessment amount of each penalty, and the reasons for a reduction in the proposed penalty, if appropriate; and

"(3) provide a mechanism by which a railroad carrier or person named in an enforcement action may make information, explanations, or documents it believes are responsive to the enforcement action available to the public.

"(b) ELECTRONIC AVAILABILITY.—Each summary under this section shall be made available to the public by electronic means.

"(c) RELATIONSHIP TO FOIA.—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20118. Enforcement transparency.".

### SEC. 506. INTERFERING WITH OR HAMPERING SAFETY INVESTIGATIONS.

(a) AMENDMENT.—Subchapter II of chapter 213 of title 49, United States Code, is amended by adding at the end the following new section:

**"§21312. Interfering with or hampering safety investigations**

"(a) IN GENERAL.—It shall be unlawful for any person knowingly to interfere with, obstruct, or hamper an investigation by the Secretary of Transportation conducted under section 20703 or 20902 of this title, or a railroad investigation by the National Transportation Safety Board under chapter 11 of this title.

"(b) INTIMIDATION AND HARASSMENT.—It shall be unlawful for any person, with regard to an investigation conducted by the Secretary under section 20703 or 20902 of this title, or a railroad investigation by the National Transportation Safety Board under chapter 11 of this title, knowingly or intentionally to use intimidation, harassment, threats, or physical force toward another person, or corruptly persuade another person, or attempt to do so, or engage in misleading conduct toward another person, with the intent or effect of—

"(1) influencing the testimony or statement of any person;

"(2) hindering, delaying, preventing, or dissuading any person from—

"(A) attending a proceeding or interview with, testifying before, or providing a written statement to, a National Transportation Safety Board railroad investigator, a Federal railroad safety inspector or State railroad safety inspector, or their superiors;

"(B) communicating or reporting to a National Transportation Safety Board railroad investigator, a Federal railroad safety inspector, or a State railroad safety inspector, or their superiors, information relating to the commission or possible commission of one or more violations of this part or of chapter 51 of this title; or

"(C) recommending or using any legal remedy available to the Secretary under this title; or

"(3) causing or inducing any person to—

"(A) withhold testimony, or a statement, record, document, or other object, from the investigation;

"(B) alter, destroy, mutilate, or conceal a statement, record, document, or other object with intent to impair the integrity or availability of the statement, record, document, or other object for use in the investigation;

"(C) evade legal process summoning that person to appear as a witness, or to produce a statement, record, document, or other object, in the investigation; or

"(D) be absent from an investigation to which such person has been summoned by legal process.

"(c) ELEMENTS OF VIOLATION.—(1) For the purposes of this section, the testimony or statement, or the record, document, or other object, need not be admissible in evidence or free from a claim of privilege.

"(2) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance that the investigation is being conducted by the Secretary under section 20703 or 20902 of this title or by the National Transportation Safety Board under chapter 11 of this title.

"(d) CRIMINAL PENALTIES.—A person violating this section shall be fined under title 18, imprisoned for not more than 1 year, or both.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 213 of title 49, United States Code, is amended by adding at the end the following new item:

"21312. Interfering with or hampering safety investigations.".

### *SEC. 507. RAILROAD RADIO MONITORING AUTHORITY.*

*Section 20107 of title 49, United States Code, is amended by inserting at the end the following:*

*"(c) RAILROAD RADIO COMMUNICATIONS.—*

*"(1) IN GENERAL.—To carry out the Secretary's responsibilities under this part and under chapter 51, the Secretary may authorize officers, employees, or agents of the Secretary to conduct the following activities in circumstances the Secretary finds to be reasonable:*

*"(A) Intercepting a radio communication, with or without the consent of the sender or other receivers of the communication, but only where such communication is broadcast or transmitted over a radio frequency which is—*

*"(i) authorized for use by one or more railroad carriers by the Federal Communications Commission; and*

*"(ii) primarily used by such railroad carriers for communications in connection with railroad operations.*

*"(B) Communicating the existence, contents, substance, purport, effect, or meaning of the communication, subject to the restrictions in paragraph (3).*

*"(C) Receiving or assisting in receiving the communication (or any information therein contained).*

*"(D) Disclosing the contents, substance, purport, effect, or meaning of the communication (or any part thereof of such communication) or using the communication (or any information contained therein), subject to the restrictions in paragraph (3), after having received the communication or acquired knowledge of the contents, substance, purport, effect, or meaning of the communication (or any part thereof).*

*"(E) Recording the communication by any means, including writing and tape recording.*

*"(2) ACCIDENT PREVENTION AND ACCIDENT INVESTIGATION.—The Secretary, and officers, employees, and agents of the Department of Transportation authorized by the Secretary, may engage in the activities authorized by paragraph (1) for the purpose of accident prevention and accident investigation.*

*"(3) USE OF INFORMATION.—(A) Information obtained through activities authorized by paragraphs (1) and (2) shall not be admitted into evidence in any administrative or judicial proceeding except—*

*"(i) in a prosecution of a felony under Federal or State criminal law; or*

*"(ii) to impeach evidence offered by a party other than the Federal Government regarding the existence, electronic characteristics, content, substance, purport, effect, meaning, or timing of, or identity of parties to, a communication intercepted pursuant to paragraphs (1) and (2) in proceedings pursuant to section 5122, 5123, 20702(b), 20111, 20112, 20113, or 20114 of this title.*

*"(B) If information obtained through activities set forth in paragraphs (1) and (2) is admitted into evidence for impeachment purposes in accordance with subparagraph (A), the court, administrative law judge, or other officer before whom the proceeding is conducted may make such protective orders regarding the confidentiality or use of the information as may be appropriate in the circumstances to protect privacy and administer justice.*

*"(C) No evidence shall be excluded in an administrative or judicial proceeding solely because the government would not have learned of the existence of or obtained such evidence but for the interception of information that is not admissible in such proceeding under subparagraph (A).*

*"(D) Information obtained through activities set forth in paragraphs (1) and (2) shall not be subject to publication or disclosure, or search or review in connection therewith, under section 552 of title 5.*

*"(E) Nothing in this subsection shall be construed to impair or otherwise affect the authority of the United States to intercept a communication, and collect, retain, analyze, use, and disseminate the information obtained thereby, under a provision of law other than this subsection.*

*"(4) APPLICATION WITH OTHER LAW.—Section 705 of the Communications Act of 1934 (47 U.S.C. 605) and chapter 119 of title 18 shall not apply to conduct authorized by and pursuant to this subsection.".*

### *SEC. 508. INSPECTOR STAFFING.*

*The Secretary shall increase the total number of positions for railroad safety inspection and enforcement personnel at the Federal Railroad Safety Administration so that by December 31, 2008, the total number of such positions is at least 500, by December 31, 2009, the total number of such positions is at least 600, by December 31, 2010, the total number of such positions is at least 700, and by December 31, 2011, the total number of positions is at least 800.*

## *TITLE VI—MISCELLANEOUS PROVISIONS*

### *SEC. 601. POSITIVE TRAIN CONTROL SYSTEMS.*

*(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, each Class I railroad carrier shall develop and submit to the Secretary a plan for implementing a positive train control system by December 31, 2014, that will minimize the risk of train collisions and over-speed derailments, provide protection to maintenance-of-way workers within established work zone limits, and minimize the risk of the movement of a train through a switch left in the wrong position.*

*(b) SAFETY REDUNDANCY.—The positive train control system required under subsection (a) shall provide a safety redundancy to minimize the risk of accidents by overriding human performance failures involving train movements on main line tracks.*

*(c) CONTENTS OF PLAN.—The Secretary may provide technical assistance and guidance to railroad carriers in developing the plans required under subsection (a), and shall require that each railroad carrier include in the plan, at a minimum—*

*(1) measurable goals, including a strategy and timeline for implementation of such systems;*

*(2) a prioritization of how the systems will be implemented, with particular emphasis on high-risk corridors such as those that have significant movements of hazardous materials or where commuter and intercity passenger railroads operate;*

*(3) identification of detailed steps the carriers will take to implement the systems; and*

*(4) any other element the Secretary considers appropriate.*

*(d) REVIEW AND APPROVAL.—Not later than 90 days after the Secretary receives a plan, the Secretary shall review and approve it. If the proposed plan is not approved, the Secretary shall notify the affected railroad carrier as to the specific points in which the proposed plan is deficient, and the railroad carrier shall correct all deficiencies within 30 days following receipt of written notice from the Secretary. The Secretary shall annually conduct a review to ensure that the railroads are complying with their plans.*

*(e) REPORT.—Not later than December 31, 2011, the Secretary shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the progress of the railroad carriers in implementing such positive train control systems.*

*(f) AUTHORITY TO EXTEND DEADLINE.—The Secretary may extend the date for implementation required under subsection (a) for any Class I railroad carrier for a period of not more than 24 months if the Secretary determines such an extension is necessary—*

*(1) to implement a more effective positive train control system than would be possible under the date established in subsection (a);*

*(2) to obtain interoperability between positive train control systems implemented by railroad carriers;*

*(3) for the Secretary to determine that a positive train control system meets the requirements of this section and regulations issued by the Secretary; or*

*(4) to otherwise enhance safety.*

*(g) CERTIFICATION.—The Secretary shall not permit the installation of any positive train control system or component unless the Secretary has certified that such system or component has not experienced a safety-critical failure during prior testing and evaluation. If such a failure has occurred, the system or component may be repaired and evaluated in accordance with part 236 of title 49 of the Code of Federal Regulations and may be installed when the Secretary certifies that the factors causing the failure have been corrected and approves the system for installation in accordance with such part 236.*

*(h) NOTICE.—Not later than 30 days after the Secretary grants an extension under subsection (f), the Secretary shall publish a notice in the Federal Register that identifies the Class I railroad carrier that is being granted the extension, the reasons for granting the extension, and the length of the extension.*

### *SEC. 602. WARNING IN NONSIGNALED TERRITORY.*

*(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:*

***"§20158. Warning in nonsignaled territory***

*"Not later than 12 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations that require railroads, with respect to main lines in nonsignaled territory without a train speed enforcement system that would stop a train in advance of a misaligned switch, to either—*

*"(1) install an automatically activated device, in addition to the switch banner, that will, visually or electronically, compellingly capture the attention of the employees involved with switch operations and clearly convey the status of the switch both in daylight and darkness; or*

*"(2) operate trains at speeds that will allow them to be safely stopped in advance of misaligned switches.".*

*(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:*

*"20158. Warning in nonsignaled territory.".*

### *SEC. 603. TRACK SAFETY.*

*(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:*

***"§20159. Track safety***

*"(a) RAIL INTEGRITY.—Not later than 12 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations to require railroad carriers to manage the rail in their tracks so as to minimize accidents due to internal rail flaws. The regulations shall, at a minimum—*

*"(1) require railroad carriers to conduct ultrasonic or other appropriate inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects;*

*"(2) require railroad carriers to perform rail integrity inspections to manage an annual service failure rate of less than .1 per track mile on high-risk corridors such as those that have significant movements of hazardous materials or*

*where commuter and intercity passenger railroads operate; and*

*"(3) encourage railroad carrier use of advanced rail defect inspection equipment and similar technologies as part of a comprehensive rail inspection program.*

*"(b) CONCRETE CROSSTIES.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary shall develop and implement regulations for all classes of track for concrete crossties that address, at a minimum—*

*"(1) limits for rail seat abrasion;*

*"(2) concrete crosstie pad wear limits;*

*"(3) missing or broken rail fasteners;*

*"(4) loss of appropriate toeload pressure;*

*"(5) improper fastener configurations; and*

*"(6) excessive lateral rail movement.".*

*(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:*

*"20159. Track safety.".*

### *SEC. 604. CERTIFICATION OF CONDUCTORS.*

*(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:*

#### *"§20160. Certification of conductors*

*"(a) REGULATIONS.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations and issue orders to establish a program requiring the certification of train conductors. In prescribing such regulations, the Secretary shall require that conductors on passenger trains be trained in security, first aid, and emergency preparedness.*

*"(b) PROGRAM DESIGN.—The program established under this section shall be designed based on the requirements of section 20135(b) through (e).".*

*(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:*

*"20160. Certification of conductors.".*

### *SEC. 605. MINIMUM TRAINING STANDARDS.*

*(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:*

#### *"§20161. Minimum training standards*

*"The Secretary of Transportation shall, not later than 180 days after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, establish—*

*"(1) minimum training standards for each class and craft of railroad employees, which shall require railroad carriers to qualify or otherwise document the proficiency of their employees in each class and craft regarding their knowledge of, and ability to comply with, Federal railroad safety laws and regulations and railroad carrier rules and procedures promulgated to implement those Federal railroad safety laws and regulations;*

*"(2) a requirement for railroad carriers to submit their training and qualification programs to the Federal Railroad Safety Administration for approval; and*

*"(3) a minimum training curriculum, and ongoing training criteria, testing, and skills evaluation measures to ensure that railroad employees charged with the inspection of track or railroad equipment are qualified to assess railroad compliance with Federal standards to identify defective conditions and initiate immediate remedial action to correct critical safety defects that are known to contribute to derailments, accidents, or injury. In implementing the requirements of this paragraph, the Secretary shall take into consideration existing training programs of railroad carriers.".*

*(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:*

*"20161. Minimum training standards.".*

### *SEC. 606. PROMPT MEDICAL ATTENTION.*

*(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:*

#### *"§20162. Prompt medical attention*

*"(a) PROHIBITION.—A railroad or person covered under this title shall not deny, delay, or interfere with the medical or first aid treatment of an employee who is injured during the course of employment. If transportation to a hospital is requested by an employee who is injured during the course of employment, the railroad shall promptly arrange to have the injured employee transported to the nearest medically appropriate hospital.*

*"(b) DISCIPLINE.—A railroad or person covered under this title shall not discipline, or threaten discipline to, an employee for requesting medical or first aid treatment, or for following orders or a treatment plan of a treating physician. For purposes of this subsection, discipline means to bring charges against a person in a disciplinary proceeding, suspend, terminate, place on probation, or make note of reprimand on an employee's record.".*

*(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:*

*"20162. Prompt medical attention.".*

### *SEC. 607. EMERGENCY ESCAPE BREATHING APPARATUS.*

*(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:*

#### *"§20163. Emergency escape breathing apparatus*

*"Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations that require railroads to—*

*"(1) provide emergency escape breathing apparatus for all crewmembers on freight trains carrying hazardous materials that would pose an inhalation hazard in the event of release; and*

*"(2) provide their crewmembers with appropriate training for using the breathing apparatus.".*

*(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:*

*"20163. Emergency escape breathing apparatus.".*

### *SEC. 608. LOCOMOTIVE CAB ENVIRONMENT.*

*Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the effects of the locomotive cab environment on the safety, health, and performance of train crews.*

### *SEC. 609. TUNNEL INFORMATION.*

*Not later than 120 days after the date of enactment of this Act, each railroad carrier (as defined in section 20102 of title 49, United States Code) shall, with respect to each of its tunnels which—*

*(1) are longer than 1000 feet and located under a city with a population of 400,000 or greater; or*

*(2) carry 5 or more scheduled passenger trains per day, or 500 or more carloads of Toxic Inhalation Hazardous materials per year,*

*maintain for at least two years historical documentation of structural inspection and maintenance activities for such tunnels, including information on the methods of ingress and egress into and out of the tunnel, the types of cargos typically transported through the tunnel, and schematics or blueprints for the tunnel, when available. Upon request, a railroad carrier shall also provide periodic briefings to the government of the local jurisdiction in which the tunnel is located, including updates whenever a repair or rehabilitation project substantially alters the methods of ingress and egress. Such governments shall use appropriate means to protect and restrict the distribution of any security sensitive information provided by the railroad carrier under this section, consistent with national security interests.*

### *SEC. 610. RAILROAD POLICE.*

*Section 28101 of title 49, United States Code, is amended by striking "the rail carrier" each place it appears and inserting "any rail carrier".*

### *SEC. 611. MUSEUM LOCOMOTIVE STUDY.*

*(a) STUDY.—The Secretary of Transportation shall conduct a study of its regulations relating to safety inspections of diesel-electric locomotives and equipment and the safety consequences of requiring less frequent inspections of such locomotives which are operated by museums, including annual inspections or inspections based on accumulated operating hours. The study shall include an analysis of the safety consequences of requiring less frequent air brake inspections of such locomotives.*

*(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall transmit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.*

### *SEC. 612. CERTIFICATION OF CARMEN.*

*(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:*

#### *"§20164. Certification of carmen*

*"(a) REGULATIONS.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations and issue orders to establish a program requiring the certification of carmen, including all employees performing mechanical inspections, brake system inspections, or maintenance on freight and passenger rail cars.*

*"(b) PROGRAM DESIGN.—The program established under this section shall be designed by the Secretary of Transportation based on the requirements of parts 215, 221, 231, 232, and 238 of title 49 of the Code of Federal Regulations.".*

*(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:*

*"20164. Certification of carmen.".*

### *SEC. 613. TRAIN CONTROL SYSTEMS DEPLOYMENT GRANTS.*

*(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a grant program for the deployment of train control and component technologies, including—*

*(1) communications-based train control systems designed to prevent train movement authority violations, over-speed violations, and*

train collision accidents caused by noncompliance with authorities as well as to provide additional protections to roadway workers and protect against open switches in nonsignal territories;

(2) remote control power switch technology;

(3) switch point monitoring technology; and

(4) track integrity circuit technology.

(b) GRANT CRITERIA.—

(1) ELIGIBILITY.—Grants shall be made under this section to eligible passenger and freight railroad carriers and State and local governments for projects described in subsection (a) that have a public benefit of improved safety or network efficiency.

(2) IMPLEMENTATION PLAN.—An applicant for a grant made pursuant to this section shall file with the Secretary a train control implementation plan that shall describe the overall safety and efficiency benefits of installing systems described in subsection (a) and the stages for implementing such systems.

(3) CONSIDERATION.—The Secretary shall give priority consideration to applications that benefit both passenger and freight safety and efficiency, or incentivize train control technology deployment on high-risk corridors such as those that have significant movements of hazardous materials or where commuter and intercity passenger railroads operate.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2011 to carry out this section.

(2) Amounts made available pursuant to this subsection shall remain available until expended.

### SEC. 614. INFRASTRUCTURE SAFETY INVESTMENT REPORTS.

Not later than February 15th of each year, each Class I railroad shall file a report with both the Federal Railroad Safety Administration and the Surface Transportation Board detailing, by State, the infrastructure investments and maintenance they have performed on their system, including but not limited to track, locomotives, railcars, and grade crossings, in the previous calendar year to ensure the safe movement of freight, and their plans for such investments and maintenance in the current calendar year. Such reports shall be publicly available, and any interested party may file comments about the reports, which also shall be made public.

### SEC. 615. EMERGENCY GRADE CROSSING SAFETY IMPROVEMENTS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation shall establish a grant program to provide for emergency grade crossing safety improvements, including the installation, repair, or improvement of—

(1) railroad crossing signals, gates, and related technologies, including median barriers and four quadrant gates;

(2) highway traffic signalization, including highway signals tied to railroad signal systems;

(3) highway lighting and crossing approach signage;

(4) roadway improvements, including railroad crossing panels and surfaces; and

(5) related work to mitigate dangerous conditions.

(b) GRANT CRITERIA.—

(1) ELIGIBILITY.—The Secretary may make grants to State and local governments under this section to provide emergency grade crossing safety improvements at a location where there has been a railroad grade crossing collision with a school bus, or collision involving three or more serious bodily injuries or fatalities.

(2) MAXIMUM AMOUNT.—Grants awarded under paragraph (1) shall not exceed $250,000 per crossing.

(3) NO STATE OR LOCAL SHARE.—The Secretary shall not require the contribution of a State or local share as a condition of the grant.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2011 to carry out this section. Amounts made available under this subsection shall remain available until expended.

### SEC. 616. CLARIFICATIONS REGARDING STATE LAW CAUSES OF ACTION.

Section 20106 of title 49, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Laws, regulations"; and

(2) by inserting at the end the following new subsection:

"(b) CLARIFICATIONS REGARDING STATE LAW CAUSES OF ACTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party has violated the Federal standard of care established by a regulation or order issued by the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to the railroad security matters) covering the subject matter as provided in subsection (a) of this section. This includes actions under State law for a party's violation of or failure to adequately comply with its own plan, rule, or standard that it created pursuant to a regulation or order issued by either of the Secretaries or for a party's failure to adequately comply with a law, regulation, or order issued by either of the Secretaries. Actions under State law for a violation of a State law, regulation, or order that is not inconsistent with subsection (a)(2) are also not preempted.

"(2) RETROACTIVITY.—This subsection shall apply to all pending State law causes of action arising from events or activities occurring on or after January 18, 2002.".

## TITLE VII—RAIL PASSENGER DISASTER FAMILY ASSISTANCE

### SEC. 701. SHORT TITLE.

This title may be cited as the "Rail Passenger Disaster Family Assistance Act of 2007".

### SEC. 702. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

**"§ 1139. Assistance to families of passengers involved in rail passenger accidents**

"(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

"(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

"(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

"(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

"(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

"(2) communicating with the families of passengers involved in the accident as to the roles of—

"(A) the organization designated for an accident under subsection (a)(2);

"(B) Government agencies; and

"(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

"(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

"(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

"(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

"(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

"(4) To arrange a suitable memorial service, in consultation with the families.

"(d) PASSENGER LISTS.—

"(1) REQUESTS FOR PASSENGER LISTS.—

"(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

"(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

"(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

"(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

"(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

"(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

"(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

"(g) PROHIBITED ACTIONS.—

"(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) *may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.*

*"(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.*

*"(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.*

*"(h) DEFINITIONS.—In this section, the following definitions apply:*

*"(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster occurring in the provision of—*

*"(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or*

*"(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,*

*regardless of its cause or suspected cause.*

*"(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing—*

*"(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or*

*"(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,*

*except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.*

*"(3) PASSENGER.—The term 'passenger' includes—*

*"(A) an employee of a rail passenger carrier aboard a train;*

*"(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and*

*"(C) any other person injured or killed in the accident.*

*"(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.*

*"(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—*

*"(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.*

*"(2) BOARD ASSISTANCE.—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.".*

*(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1138 the following:*

*"1139. Assistance to families of passengers involved in rail passenger accidents.".*

### SEC. 703. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

*(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:*

### "CHAPTER 251—FAMILY ASSISTANCE

*"Sec.*

*"25101. Plans to address needs of families of passengers involved in rail passenger accidents.*

### *"§25101. Plans to address needs of families of passengers involved in rail passenger accidents*

*"(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.*

*"(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:*

*"(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.*

*"(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1139(a)(2) of this title or the services of other suitably trained individuals.*

*"(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.*

*"(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1139(a)(1) of this title, and to the organization designated for the accident under section 1139(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.*

*"(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.*

*"(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.*

*"(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.*

*"(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.*

*"(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.*

*"(10) An assurance that the rail passenger carrier will work with any organization designated under section 1139(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.*

*"(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1139(a)(2) of this title for services provided by the organization.*

*"(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.*

*"(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.*

*"(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.*

*"(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.*

*"(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.*

*"(d) DEFINITIONS.—In this section—*

*"(1) the terms 'rail passenger accident' and 'rail passenger carrier' have the meanings such terms have in section 1139 of this title; and*

*"(2) the term 'passenger' means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.*

*"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.".*

*(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:*

*"251. FAMILY ASSISTANCE .............. 25101".*

### SEC. 704. ESTABLISHMENT OF TASK FORCE.

*(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National*

*Transportation Safety Board, organizations potentially designated under section 1139(a)(2) of title 49, United States Code, rail passenger carriers, and families which have been involved in rail accidents, shall establish a task force consisting of representatives of such entities and families, representatives of passenger rail carrier employees, and representatives of such other entities as the Secretary considers appropriate.*

*(b) MODEL PLAN AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—*

*(1) a model plan to assist passenger rail carriers in responding to passenger rail accidents;*

*(2) recommendations on methods to improve the timeliness of the notification provided by passenger rail carriers to the families of passengers involved in a passenger rail accident;*

*(3) recommendations on methods to ensure that the families of passengers involved in a passenger rail accident who are not citizens of the United States receive appropriate assistance; and*

*(4) recommendations on methods to ensure that emergency services personnel have as immediate and accurate a count of the number of passengers onboard the train as possible.*

*(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).*

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–371. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–371.

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 27, line 19, through page 34, line 14, amend title III to read as follows (and amend the table of contents accordingly):

TITLE III—BRIDGE SAFETY

**SEC. 301. RAILROAD BRIDGE SAFETY ASSURANCE.**

Not later than 12 months after the date of enactment of this Act, the Federal Railroad Safety Administration shall implement regulations requiring owners of track carried on one or more railroad bridges to adopt safety practices to prevent the deterioration of railroad bridges and reduce the risk of human casualties, environmental damage, and disruption to the Nation's transportation system that would result from a catastrophic bridge failure. The regulations shall, at a minimum—

(1) require each track owner to—

(A) develop and maintain an accurate inventory of its railroad bridges, which shall identify the location of each bridge, its configuration, type of construction, number of spans, span lengths, and all other information necessary to provide for the safe management of the bridges;

(B) ensure that a professional engineer competent in the field of railroad bridge engineering, or a qualified person under the supervision of the track owner, determines bridge capacity;

(C) maintain, and update as appropriate, a record of the safe capacity of each bridge which carries its track and, if available, maintain the original design documents of each bridge and a documentation of all repairs, modifications, and inspections of the bridge;

(D) develop, maintain, and enforce a written procedure that will ensure that its bridges are not loaded beyond their capacities;

(E) conduct regular comprehensive inspections of each bridge, at least once per year, and maintain records of those inspections that include the date on which the inspection was performed, the precise identification of the bridge inspected, the items inspected, an accurate description of the condition of those items, and a narrative of any inspection item that is found by the inspector to be a potential problem;

(F) ensure that the level of detail and the inspection procedures are appropriate to the configuration of the bridge, conditions found during previous inspections, and the nature of the railroad traffic moved over the bridge, including car weights, train frequency and length, levels of passenger and hazardous materials traffic, and vulnerability of the bridge to damage;

(G) ensure that an engineer who is competent in the field of railroad bridge engineering—

(i) is responsible for the development of all inspection procedures;

(ii) reviews all inspection reports; and

(iii) determines whether bridges are being inspected according to the applicable procedures and frequency, and reviews any items noted by an inspector as exceptions; and

(H) designate qualified bridge inspectors or maintenance personnel to authorize the operation of trains on bridges following repairs, damage, or indications of potential structural problems;

(2) instruct Administration bridge inspectors to obtain copies of the most recent bridge management programs and procedures of each railroad within the inspector's areas of responsibility, and require that inspectors use those programs when conducting bridge inspections; and

(3) establish a program to review bridge inspection and maintenance data from railroads and Administration bridge inspectors periodically.

Page 73, lines 18 through 21, strike section 610.

Page 73, line 22, through page 77, line 16, redesignate sections 611 through 615 as sections 610 through 614, respectively (and amend the table of contents accordingly).

Page 79, line 1, through page 80, line 7, strike section 616 (and amend the table of contents accordingly).

Page 80, after line 7, insert the following new section (and amend the table of contents accordingly):

**SEC. 615. LOCOMOTIVE HORN REQUIREMENT WAIVER.**

Section 20153(c) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary, in reviewing applications for waivers or exemptions, shall consider horn noise and the impact of such noise on the local community and the unique characteristics of the community.".

The CHAIRMAN. Pursuant to House Resolution 724, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

The collapse of the Interstate 35 bridge in Minneapolis on August 1 while I was at this very microphone managing a conference report on water resources amendments stunned the Nation, stunned this House. It startled my colleagues in the Minnesota delegation and our colleagues on the committee.

But shortly after that, the Federal Railroad Administration and the GAO warned that many of the Nation's 76,000 railroad bridges may also be at risk.

FRA on September 11 issued a rail safety advisory on railroad bridges, reporting that 52 accidents over the period 1982 to 1986 were caused by the catastrophic structural failure of railroad bridges. The most recent accident was the M&B Railroad near Myrtlewood, Alabama, where a train of solid-fuel rocket motors derailed when a timber trestle railroad bridge collapsed under that train. Several cars, one carrying a rocket motor, rolled onto their side. Six people were injured.

Bridge failures do not account for the majority of train accidents, but FRA noted and updated their guidelines and reported that they have found instances "where lack of adherence to the FRA's bridge safety policy resulted in trains operating over structural deficiencies in steel bridges that could easily have resulted in serious train accidents." We deal with that issue, among others, in this manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I do not oppose the amendment, but ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, Chairman OBERSTAR's manager's amendment contains several important provisions. First, it codifies FRA's existing safety advisory on railroad bridges. This provision will help ensure that the recent tragic collapse of the highway bridge in Minneapolis will never be repeated on our Nation's rail system.

The manager's amendment also modifies the Swift Act, which requires locomotives to sound whistles at every crossing in the Nation. The amendment will require the FRA to take into account the impact of horn use on local communities.

For example, the town of Baldwin, Florida, is only a mile wide, but has a number of rail crossings and heavy train traffic. According to Mayor Godbold of Baldwin, locomotives sound their horns over a thousand times per day in this small town. The amendment will help Baldwin and other towns balance issues of safety and noise pollution.

Finally, the manager's amendment makes some technical corrections deleting the preemption and the police provisions which have already been enacted in the 9/11 bill.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. COHEN), a member of the committee.

Mr. COHEN. Mr. Chairman, I want to thank the chairman and the ranking member and Mr. SHUSTER for doing such a wonderful job on this bill. The chairman is passionate about this issue, and the American people are fortunate to have people in the Chair's position who are knowledgeable and passionate about the subject matter.

I rise today in support of the H.R. 2095, and am pleased to be a cosponsor of this legislation which would reorganize the Federal Railroad Administration as the Federal Railroad Safety Administration, and requires the Secretary of Transportation to develop a long-term strategy for reducing the number and rates of accidents, injuries, and fatalities involving railroads. It is not just linguistics; it is action and direction.

The city of Memphis, which lies along the Tennessee border, is a major hub for the railroad industry. The city ranks third nationally in the number of class 1 railroads. According to the Memphis Regional Chamber, 220 trains pass through Memphis every day. Between January and July of 2007, there were 36 rail accidents in Shelby County, two of which were fatal. Consequently, railroad safety is critically important to my district.

I was pleased that this Congress passed and enacted H.R. 1401, the Rail and Public Transportation Security Act, which was designed to enhance the security of our railroad transportation systems. The bill also adopted an amendment I introduced which called on the Secretary of Transportation, in consultation with the Homeland Security Secretary, to work to minimize the hazards of toxic inhalation hazardous material.

This legislation today goes further by focusing on rail safety for passengers, pedestrians and train workers. The bill changes the hours of service rules for railroad workers and includes measures to improve areas where railroad tracks cross roads. This happens too frequently in Memphis, particularly in the university district.

In response to inspection personnel shortages, the measure requires the Department of Transportation increase the number of Federal Railroad Safety Administration safety inspections and enforcement personnel, setting targets that are reachable and good for the public. I urge all Members to support passage of the bill.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time to point out that in the manager's amendment, we strike section 301, the whistleblower provision, and section 616, the preemption provision, which was included in the security bill. And I note those two because they are two of the five objections the administration raises in its statement of administration policy, so they are objecting to two items not in the bill nor in the manager's amendment. Therefore, I urge support of the manager's amendment.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to take this time to again thank Chairman OBERSTAR for his leadership on the issue of safety.

The Managers amendment clarifies two important issues that have been dealt with in other legislation. The whistleblower protections and changes to federal preemption which the committee worked hard to fix.

It also includes language that requires railroad owners to adopt measures that improve the safety of railroad bridges, and requires the Secretary to consider community concerns when granting exemptions for sounding locomotive whistles.

I encourage my colleagues to support this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

### AMENDMENT NO. 2 OFFERED BY MRS. NAPOLITANO

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–371.

Mrs. NAPOLITANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. NAPOLITANO:

At the end of title VI, add the following new section (and amend the table of contents accordingly):

### SEC. 617. SAFETY INSPECTIONS IN MEXICO.

(a) IN GENERAL.—Mechanical and brake inspections of rail cars performed in Mexico shall not be treated as satisfying United States rail safety laws or regulations unless the Secretary of Transportation certifies that—

(1) such inspections are being performed under regulations and standards equivalent to those applicable in the United States, including comparable enforcement procedures;

(2) the Mexican counterparts to the Federal Railroad Safety Administration are effectively enforcing such standards;

(3) the inspections are being performed by employees receiving comparable classroom and on the job training as is the norm in the United States;

(4) inspection records are maintained in both English and Spanish, and such records are available to the Federal Railroad Safety Administration for review; and

(5) the Federal Railroad Safety Administration is permitted to perform onsite inspections for the purpose of ensuring compliance with the requirements of this subsection.

(b) HAZARDOUS MATERIAL INSPECTIONS.—Notwithstanding subsection (a), no hazardous material inspections performed in Mexico shall be treated as having satisfied the applicable United States rail safety laws and regulations.

The CHAIRMAN. Pursuant to House Resolution 724, the gentlewoman from California (Mrs. NAPOLITANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, my amendment ensures that trains entering or reentering this country from Mexico are certified and inspected. Over 10,000 trains enter the United States from Mexico through Calexico, San Ysidro, Brownsville, El Paso, Laredo, Eagle Pass and Arizona at Nogales. Currently, all trains crossing the border are inspected by our own U.S. inspectors who are highly trained, must follow stringent FRA requirements, fully understand rail safety laws, earn a good salary with strong benefits, and the rail companies they work for are fully liable in case of an accident.

U.S. railroad companies have been trying to outsource inspections to Mexico. Union Pacific has been twice denied by FRA in 2004 and 2007. We must set up a process for the Department of Transportation to ensure continued protection with legitimate inspections.

Mexican inspectors have much lower standards for safety than our U.S. inspectors, are not versed in U.S. laws and regulations, and are poorly compensated compared to U.S. inspectors.

My amendment ensures that all trains coming into the United States from Mexico continue to be safe for rail travel in our country and prohibits Mexican inspectors from performing safety inspections unless the U.S. Secretary of Transportation certifies that inspections are performed under U.S. regulation and U.S. standards, that the Mexican Government is effectively enforcing such safety standards, that inspectors are receiving comparable classroom and on-the-job training as in the U.S., inspection records are maintained in both English and Spanish, records are available to the FRA for review, and the FRA is permitted to perform on-site inspections in Mexico.

My amendment also forbids inspections of any hazardous material railcars from taking place in Mexico. FRA must have the ability to grant waivers only if strict safety precautions are in place and adhered to. My amendment protects against future attempts by railroads to apply for inspections in Mexico unless they follow restrictions. My amendment ensures safety and security of all trains entering the United States through the southern border.

Mr. Chairman, I ask my colleagues to support this important safety amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition, though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I have some concerns with this amendment which attempts to regulate railcar brake inspections in Mexico.

As I understand it, this issue has already been dealt with by the FRA. The Union Pacific Railroad had requested a limited waiver to do certain air brake testing in Mexico, but the Federal Rail Administration denied that waiver. So air brake and other safety inspections are actually being done on the American side of the border.

A potentially larger issue is that this amendment attempts to regulate labor conditions in Mexico. This amendment would interfere with the existing flow of commerce across our southern border. I do not have an answer to that, but I am concerned it could be construed as violating NAFTA.

While I agree with Mrs. NAPOLITANO's intent of ensuring a safe U.S. rail system, I have great concerns. But I hope we can work together as we go through conference to take care of my concerns. I thank the chairman.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1½ minutes to point out that although the gentleman is right, the FRA did deny Union Pacific, the denial is "without prejudice to the submission of a future request addressing the same subject matter," so the issue remains alive and it seems appropriate to address it in this manner.

The gentleman does raise a concern about the NAFTA agreement and such language might run in contravention, but safety always trumps other issues. In our aviation trade agreements with other countries, the U.S. rules on safety prevail over those of the trading nation. We are elevating this whole role of safety in the FRA and changing its title to the Federal Railroad Safety Administration.

I think we should explore further in that context and with relationship to aviation the effect of NAFTA and the effect this language might have within NAFTA, and I will be glad to pursue that with the gentleman.

Mr. Chairman, I reserve the balance of my time.

□ 1700

Mrs. NAPOLITANO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chairman, I commend my friend GRACE NAPOLITANO for her leadership on this amendment.

This amendment is about protecting American jobs, and I state, about protecting American jobs. It's about ensuring the safety of our workers and our communities. It's about securing our Nation's borders. We must not let the railroad industry outsource this important work. The safety and security of our Nation depends on it.

Ten thousand trains enter the United States from Mexico each year. We must ensure the highest standards for safety inspections of these trains. American workers know how to do it best.

This amendment ensures the highest safety, training and enforcement standards are met. In the wake of 9/11 and in light of the train derailments we've seen, and I know that in my district we had one, it is the least we can do to enhance the safety of our community and ensure our Nation's safety.

I urge my colleagues to vote in favor of GRACE NAPOLITANO's amendment.

Mrs. NAPOLITANO. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I'm glad that the chairman of the committee pointed out that this is an ongoing issue.

In 2004, 2007, when it was requested, it may have been denied, but in San Antonio, we've had such a rash of accidents for the past 5 years that finally railroad safety came to the forefront and we are recognizing some progress. Let's not go backward and allow these waivers.

When the FRA denied the UP waiver in 2004, it did so because they found that documentation on employee training was insufficient and unsatisfactory. When they withdrew their request in 2007, the company spokesman commented that the political climate was wrong for them to push for the waiver.

But let us make sure that the political climate remains unfavorable and that common sense will prevail and only so if we pass this amendment, and I urge all my colleagues to vote "yes" on the Napolitano amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to commend the congresswoman for introducing this amendment. She's a great addition to the Transportation Committee, but she has come with strong support for railroad safety, and I want to thank her.

This is a perfect addition to this safety legislation. This amendment prohibits Mexican companies and inspectors from performing mechanical and brake inspections unless they follow U.S. safety, training and enforcement standards. It makes no sense to apply rail safety measures in the U.S. if they are not going to apply to trains coming in from Mexico. This is just a commonsense amendment.

I encourage my colleagues to support this amendment.

Mr. OBERSTAR. Under the rule, the gentlewoman from California has the right to close on her amendment?

The CHAIRMAN. The gentleman from Minnesota is right. The gentlewoman from California does have the right to close.

Mr. OBERSTAR. Mr. Chairman, with the further caveat about the issues raised by the gentleman from Pennsylvania about the possible effect on NAFTA, a matter going forward we can review with the appropriate authorities, I urge support for the amendment of the gentlewoman from California.

Mr. Chairman, I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, I thank Chairman OBERSTAR and Ranking Member MICA and all my colleagues.

This is a very important bill to continue making the FRA the safety agency it's supposed to be. We need to be able to ensure that any railcar traveling in the U.S. carries the same safety inspection standards as any other railcar.

So, with that, I ask for an "aye" vote and support for the amendment and the full bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO).

The amendment was agreed to.

### AMENDMENT NO. 3 OFFERED BY MR. PALLONE

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–371.

Mr. PALLONE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PALLONE:

Page 80, after line 7, insert the following new section (and amend the table of contents accordingly):

### SEC. 617. SURFACE TRANSPORTATION BOARD JURISDICTION OVER SOLID WASTE FACILITIES.

Section 10501 of title 49, United States Code, is amended—

(1) by striking "facilities," in subsection (b)(2) and inserting "facilities (except solid waste rail transfer facilities as defined in subsection (c)(3)(C)),"; and

(2) by adding at the end of subsection (c)(3) the following new subparagraph:

"(C) Nothing in this section preempts a State or local governmental authority from regulating solid waste rail transfer facilities. For purposes of this subparagraph, the term 'solid waste rail transfer facility' means the portion of any facility owned or operated by or on behalf of a rail carrier, at which occurs the—

"(i) collection, storage, or transfer, outside of original shipping containers;

"(ii) separation; or

"(iii) processing (including baling, crushing, compacting, and shredding),

of solid waste, as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).".

The CHAIRMAN. Pursuant to House Resolution 724, the gentleman from New Jersey (Mr. PALLONE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will exclude solid waste rail transfer facilities from the exclusive jurisdiction of the Surface Transportation Board and provide that laws outlining the STB's jurisdiction would not preempt the authority of State and local governments to regulate such facilities.

In New Jersey, and all over the country, certain waste handlers and railroad companies have tried to exploit a supposed loophole in Federal law in order to set up unregulated waste transfer facilities.

Under the Interstate Commerce Commission Termination Act of 1995, the STB has exclusive jurisdiction over transportation by rail carriers and the ability to grant Federal preemption over other laws at any level, local, State or Federal, that might impede such transportation.

But Congress intended such authority to extend only transportation by rail, not to the operation of facilities that are merely sited next to rail operations or have a business connection to a rail company.

Unfortunately, certain companies have exploited this loophole to build or plan waste transfer stations next to rail lines and avoid any regulation from the State or local authorities.

It's my hope that this amendment will take the STB out of the waste management business by ensuring that State and local governments have the right to regulate solid waste transfer stations.

We must ensure that solid waste facilities follow the rules and do not pollute pristine open space, and do all that we can to protect our environment from unregulated facilities.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Mr. Chairman, this amendment deals with STB preemption of laws regarding railroad waste transportation facilities. The Rail Subcommittee has held several hearings on this issue, one last year and another just yesterday.

I've a great interest in this issue, as my home State of Pennsylvania is the number one recipient of imported waste from other States, most of it coming from New Jersey and New York City. So, as I said, I've great concern.

At yesterday's hearing, we heard many complaints from local communities about illegal railroad, or not even railroads, but people who claim the railroads, that are waste facilities. We also heard from the STB that most local laws are not currently preempted by Federal law. In fact, many entities claiming Federal preemption do not have legitimate claims.

I think it's clear that this law has to be clarified to make it easier to stop unscrupulous operators that Mr. PALLONE mentioned in his State of New Jersey, but regarding Mr. PALLONE's amendment, the STB has told our rail staff that this amendment needs improvement to accomplish that, to accomplish the stated goal of regulating railroad waste facilities.

In fact, I quote from a letter from the chairman of STB that says his "general concern with the Pallone amendment is that it is overbroad and could result in local land use and zoning agencies exerting jurisdiction over legitimate rail transportation projects and impeding interstate commerce."

In addition, the STB is already in the process of addressing many of these issues, which they need to do. If people were out there operating waste facilities in an illegal or unscrupulous manner, that needs to be addressed.

I would like to work with Mr. PALLONE on this issue, but I'm going to oppose this amendment on those grounds. We need to encourage States to deal with their trash problem, all of us across this country. We all produce waste. We've got to make sure in our neighborhoods that we're taking care of our own waste and not shipping it to other States, and I'm just concerned that that's what will occur if this amendment is passed. And so I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from New Jersey (Mr. PALLONE) has 3½ minutes remaining. The gentleman from Pennsylvania (Mr. SHUSTER) has 3 minutes remaining.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN), the subcommittee Chair.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to compliment Congressman PALLONE for his hard work on this issue of rail-owned waste transfer facilities.

Yesterday, the Railroad Subcommittee held a hearing on rail-owned municipal waste transfer facilities. We learned that there is a growing concern in the Northeast that some railroads are using Federal preemptions standards to shield themselves from important State and local environmental laws which are leading to a lack of environmental and health-related oversight of these facilities.

This language may need to be refined to ensure that States and localities don't overregulate the industry, but this is the right first step in ensuring that railroad operated waste transfer stations are not posing a health or environmental risk to the communities where they're operating.

I encourage my colleagues to support this amendment, and I think we will work as we go toward conference to improve it and refine the language.

Mr. SHUSTER. Mr. Chairman, I have no further speakers, and I reserve my time.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR), the chairman of the committee.

Mr. OBERSTAR. Mr. Chairman, the essential issue here is not whether the noxious fumes, whether the groundwater pollution caused by solid waste deposited on rail property should be regulated. The question here is whether the language and the manner in which the gentleman proposes to prevent those effects upon nearby communities is in interference with the authority and the preemption authority of the Federal Railroad Administration.

Mr. Mulvey, one of the commissioners of the Surface Transportation Board, said, "I believe that an amendment such as this is necessary to redress the growing misuse of Federal railroad preemption law . . . with respect to solid waste transload facilities." But he, too, expresses concerns that it could be interpreted too broadly to frustrate the zoning of legitimate solid waste transfer facilities.

This is an issue, he says, that can be worked out. It can be worked out, and we are committed to doing so, with participation of the gentleman from Pennsylvania.

The CHAIRMAN. The time remaining is the gentleman from Pennsylvania (Mr. SHUSTER) has 3 minutes remaining. The gentleman from New Jersey (Mr. PALLONE) has 1½ minutes remaining. The gentleman from Pennsylvania has the right to close.

Mr. SHUSTER. Mr. Chairman, I agree with what the chairman said. Again, I don't disagree with the situation that is occurring that appears significant in New Jersey.

I am concerned, as I stated, that this language is going to allow communities to stop legitimate and law-abiding rail entities and operations, to stop them when they don't like it. I have great concern in that.

I believe the trash issue, as I said, is significant. Pennsylvania is the biggest importer of trash in the Nation with 10 million tons every year coming across the border into Pennsylvania.

My concern is that this problem will get pushed out of New Jersey and out of other States into States that are more willing to handle it, and as I said, we all produce trash. I'm sure today I've got half a waste can or more in my office. My community produces trash. Communities have to deal with that problem.

Again, nobody wants a landfill in their backyard, but the reality is we've got to have landfills. We've got to have these waste transfer stations. We've got to make sure, though, that people that are operating them are operating them properly so that we're not damaging the environment, that we aren't doing negative things to our communities because, as we heard yesterday, outside of Philadelphia and Bensalem, Mr. MURPHY's district, they were trying to redevelop their town, and right across the street, somebody wants to come in and put in a waste treatment facility or waste transfer station that's not going to be positive for that community.

So, again, local communities have to have some say, but we've got to make sure they're not overstepping and stopping legitimate operations.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I think it's clear the amendment does not apply to containerized facilities. They still are subject to the Federal preemption. The only question is whether there's infringement on preemption with open facilities, open solid waste storage facilities. That is a matter on which I think with further discussion we can reach an amicable resolution.

Mr. SHUSTER. I appreciate and look forward to having those discussions. I, again, oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I thank the gentleman from New Jersey.

Mr. Chairman, I rise today to urge my colleagues to support this critical amendment that we are offering with my good friend Mr. PALLONE of New Jersey.

Right now in districts across America companies are trying to skirt the law and put our communities at risk.

□ 1715

In my district in Bensalem of Bucks County, Pennsylvania, a company is trying to construct a waste transfer facility despite widespread public opposition. A few months ago I stood with the leaders of Bensalem, Mayor Joseph DiGirolamo and State Representative Gene DiGirolamo, as we urged Congress to close this loophole that allows this end-run around local and State laws.

This is not a partisan issue, as these two Republican leaders of Bensalem will attest to. After all, ensuring that our neighborhoods are kept clean and safe isn't about politics; it is about doing what is right. With this amendment, we have an opportunity to protect our neighborhoods. I urge swift passage of this important amendment.

The CHAIRMAN. The gentleman from New Jersey is recognized for the 30 seconds remaining.

Mr. PALLONE. Thank you, Mr. Chairman. Let me just thank Mr. MURPHY, who I should say is a cosponsor with me of this amendment.

I include for the RECORD the letter from the Commissioner of the Surface Transportation Board, Mr. Francis Mulvey, to Chairwoman BROWN where he indicates his support of the amendment. He does, as the chairman of the full committee says, believe that there may be some issues that will have to be worked out as we move to conference or whatever on this. I would assure my colleague from Pennsylvania that we would try to do that. I urge support of the amendment.

SURFACE TRANSPORTATION BOARD,
*Washington, DC, October 17, 2007.*

Hon. CORRINE BROWN,
*Chairwoman, Subcommittee on Railroads, Pipelines and Hazardous Materials, House of Representatives, Washington, DC.*

DEAR CHAIRWOMAN BROWN: I am writing in support of the pending Pallone-Murphy Amendment to be offered to H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. In accordance with my testimony before the Subcommittee at yesterday's hearing, I believe that an amendment such as this is necessary to redress the growing misuse of federal railroad preemption law, 49 U.S.C. 10501(b), with respect to solid waste transload facilities.

I am concerned that the Amendment could possibly be interpreted too broadly to enable State and local governments to frustrate the zoning of legitimate solid waste transload facilities, but I believe this is an issue that can be worked out as the Amendment and Bill move forward.

I also want to echo my testimony yesterday by making it clear that determining where the boundaries of federal preemption lie is a delicate process, as shown by the Board's and courts' thoughtful interpretations over the past 12 years since the passage of the ICC Termination Act of 1995. I do not believe that the scope of preemption should be narrowed any more than is necessary to prevent its misuse. Under no circumstances should State and local police powers be circumscribed.

Thank you for your consideration of my views. I remain available to answer any further questions you or other Members may have about this issue.

Sinerely,

FRANCIS P. MULVEY,
*Commissioner.*

Mr. HOLT. Mr. Chairman, I rise today to support the amendment from my colleague from New Jersey, Mr. PALLONE and my colleague from Pennsylvania, Mr. MURPHY to the Federal Railway Safety and Safety Improvement Act.

Mr. PALLONE and Mr. MURPHY's amendment would exclude from the jurisdiction of the Surface Transportation Board the regulation and approval of solid waste transfer and processing facilities near railway stations. This amendment addresses a serious environmental concern in allowing companies to skirt solid waste regulations and I fully support this amendment.

The Interstate Commerce Commission Termination Act of 1995 gave the STB jurisdiction over transportation by rail carriers and authorized the STB to pre-empt Federal, State or local laws in conflict with Commerce Clause. This law was intended to extend the STB's authority only to railroad operations, not to the operation of facilities located by rail services or to businesses which have a connection to a rail company. Unfortunately, confusion about Congressional intent behind the ICCTA has been exploited by some companies to override State and Federal environmental regulations for the sake of profit and have put both the environment and the public health at risk.

It is through a gross misinterpretation of ICCTA that the STB allows companies to seek Federal preemption of a host of environmental and public health laws by simply locating their facilities on railroad property. One of the more egregious examples of this abuse is the building of solid waste facilities along rail lines. In the State of New Jersey, the STB has allowed nine railroad transfer facilities to operate under the supposed Federal preemption supposedly authorized through the ICCTA—at least one of which handles toxic waste.

Many of these facilities are little more than trash heaps which do not have to comply with either State or Federal solid waste regulations. This is unacceptable. We have spent the last decade working to clean up the damage that has been caused by improper waste disposal, and continuing to allow companies to exploit the ICCTA is a step backwards in the progress we have made in regulating this industry. Mr. PALLONE and Mr. MURPHY's amendment would take a crucial step towards correcting this problem and I urge my colleagues to support it.

Mr. RAHALL. Mr. Chairman, it has been over a decade since Congress passed the Interstate Commerce Clause Termination Act.

While I have the deepest respect for my colleague from New Jersey who sponsored this amendment, I feel his amendment is overly broad and violates the letter and spirit of the ICCTA.

According to the gentleman from New Jersey's amendment, any State and local agency can regulate railroad-owned, solid waste rail transfer facilities.

Father, forgive them; for they know not what they do.

Adoption of this amendment would mean that if a railroad were to try and establish a solid waste transload facility, local government authorities would have very few checks on their ability to regulate this industry.

There are no jurisdictional requirements in this amendment, no limit to the number of authorities which could mount challenges. It would begin to dismantle, piece by piece, the federal preemption that is integral to our national rail system.

Many of the individuals supporting this amendment today will tell you how states are unable to protect their citizens under the current guidelines set forth by the Surface Transportation Board.

What you may not hear, is that a State can protect the health and safety of their citizens.

Should companies violate the laws and regulations governing health and safety problems, a state can use its police power, take the offending railroad to court, or petition the Surface Transportation Board to halt the railroads operations.

New Jersey was able to shut down three waste transload facilities earlier this year, because the facility violated the fire safety laws.

These transportation facilities were not created through judicial fiat, they are defined in the very legislation we crafted a decade ago. They were addressed wholesale because we knew that to grant certain commodities preemption, and deny it to others, would create a daunting patchwork of regulation.

This amendment, as well intentioned as it may be, begins the path down that slippery slope. What's next? Will a State's department of environmental protection decide that it doesn't like the transportation of coal, or liquid natural gas, because of the pollution it may cause?

Mr. Chairman, I urge the defeat of this poorly crafted amendment,

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The amendment was agreed to.

### AMENDMENT NO. 4 OFFERED BY MR. ROHRABACHER

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–371.

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROHRABACHER:

Page 12, line 16, insert the following new paragraph before the close quotation mark:

"(5) There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2011 such sums as may be necessary to design and develop a pilot electric cargo conveyor system for the transportation of containers from ports to depots outside of urban areas.".

The CHAIRMAN. Pursuant to House Resolution 724, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, the amendment I am offering on behalf of myself and my colleague from California (Ms. RICHARDSON) provides authorization for the rails of the next generation. As this Congress looks at ways to curb pollution, new technologies such as electric conveyor systems are key in reducing our impact on the environment, while getting the job done more efficiently, thus promoting the economic prosperity and, of course, the well-being of the American people.

Currently, logjams occur as offloaded freight is bottlenecked at our ports waiting for trucks to take containers to interior rail and trucking hubs. Electric conveyor systems, on a set rail, can streamline this process, reducing costs to the American consumer as well as eliminating pollution that would otherwise come from these container hauling trucks.

It is also an issue of safety. American ports are found in coastal metropolitan areas. As the Minnesota bridge disaster reminds us, it is fitting that we look at the safety of our current infrastructure. But we should also look towards the future and the systems that will be in place in the years ahead. Electric conveyor systems have already proven to be extremely safe and efficient, but we would be remiss if we do not offer these systems the same funds for safety that we offer our current rail lines, and that is what this amendment seeks to accomplish. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition, though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I yield myself 2¾ minutes.

This is a proposal that really does have a thousand fathers. The distinguished gentleman from California (Mr. ROHRABACHER) is an advocate for this initiative; I believe the Governor of his State is an advocate for it, as the mayor of Los Angeles is an advocate for it. I know the City of San Diego and their planning organization are for this kind of initiative, the Department of Transportation, the Federal Railroad Administration, the Port of Los Angeles-Long Beach is an advocate for this. And I am an advocate for it. And I think that in this initiative we have found the ideal solution to intermodalism, to movement of goods, reduction of noise, of pollution, of accidents, of intersection of goods, people, and vehicles by adopting the maglev technology. This was an idea that I advocated well in advance of ISTEA in 1991. We got first funding in the ISTEA legislation for study of maglev technology. And then in TEA–21, under then Chairman Shuster, advocating experimental projects. It took years of development, but finally General Atomics, under contract with the Department of Transportation, perfected the technology. And then it was the Port of Long Beach/Los Angeles that said we would like to move containers with it before you start moving people. The ideal solution. I wish I had thought of it myself. But it was the port that came to the idea, and then the gentleman from California working with the port authority and with the State embraced this idea.

This can be a very exciting, successful initiative. We have a paying customer, containers. And with a combination of some Federal grant funding and loans from the railroad infrastructure loan program to whatever the sponsoring authority may be, it can be a State, it can be a railroad, this project can be very successful. We can have one not only in California but in discussion with the Chair of the Rail Subcommittee, Ms. BROWN, the Port of Jacksonville would be interested in such an initiative.

So I just want to point out that while the gentleman advances the cause, it is not limited only to California. The language of the amendment says, authorized to be appropriated such funds as may be necessary to design and develop a pilot electric cargo conveyor system for the transportation of containers from ports to depots outside of urban areas. A brilliant solution.

I reserve the balance of my time.

Mr. ROHRABACHER. How much time do I have left?

The CHAIRMAN. The gentleman from California has 3 minutes remaining.

Mr. ROHRABACHER. I would yield myself 1 minute and I would just suggest that that is the kind of opposition that I like. I thank you very much.

The vision Mr. OBERSTAR has just laid out is exactly what we are trying to do. Mr. OBERSTAR, of course, is responsible for today, but he is also, by working together with us, we are trying to make sure that we are building a better tomorrow based on the technology of tomorrow that will overcome some of the problems of today.

And let us note for the record, this is probably the first legislative step toward the direction of fulfilling the vision that Mr. OBERSTAR just outlined for us of what the potential of this is. So if they go back in history and 5, 10 years from now we have an incredible working system that takes tens of thousands of trucks off the road and it helps our environment, we can look back to this vote and this floor discussion as the first step.

I appreciate that very much and look forward to working with you. I think this is the perfect bipartisan effort where all of us can come together of any project that I know of.

I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, as Mr. ROHRABACHER pointed out, this authorizes a program to install a pilot electric conveyer system for cargo. There have been several concepts developed for the Port of Los Angeles to move cargo using electric trucks, LNG trucks, automated shuttles, and even maglev. The general idea is, as Mr. ROHRABACHER has pointed out, to get rid of the diesel trucks and move the cargo to outlying areas for transload to trains or truck. This would cut air pollution and potentially cut the congestion that exists now in the Port of Los Angeles, and would certainly benefit all of the Nation as we develop these types of transportation ideas.

I support Mr. ROHRABACHER's goal of reducing congestion and pollution and urge support of the amendment.

Mr. OBERSTAR. How much time do I have remaining?

The CHAIRMAN. The gentleman has 2½ minutes remaining. The gentleman from California has 1 minute remaining.

Mr. OBERSTAR. I yield 1½ minutes to the distinguished Chair of our Subcommittee on Rail, Ms. BROWN.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I know that this is something that my friend Juanita Millender-McDonald supported and worked hard to realize.

Representing the Port of Jacksonville, I fully understand how important it is to efficiently and safely unload cargo and get it moving to its final destination. As business continues to grow at ports across America, it is becoming increasingly necessary to find alternatives to trucking this increased cargo through towns and communities. This pilot program is one option for transporting cargo outside major urban areas, and we need to seek other solutions.

Mr. Chairman, I know that you addressed this issue, but can you tell us a little bit more how this pilot program will work? Will it limit itself to people in California, or would people in Jacksonville, all over the country, be able to participate in this pilot program?

Mr. OBERSTAR. If the gentlewoman would yield, the language is very broad. It says: Such sums as may be necessary to design and develop a pilot electric conveyor system. But I think that is not limited to one. That is broad enough language to be interpreted as to embrace more than one such project. It would be done by the Department of Transportation through the Federal Railroad Administration with appropriated funds. But also, the applicant has the authority under existing law in the SAFETEA-LU bill to apply for some of the $35 billion in railroad infrastructure loan funding.

Ms. CORRINE BROWN of Florida. I thank the chairman.

Mr. ROHRABACHER. I yield myself the balance of my time.

Again, I would like to thank Chairman OBERSTAR for his support and partnership in this. I would hope that we start with a demonstration at the Port of Los Angeles/Long Beach, whereas it would take tens of thousands of trucks off the road just there, but something that would be a model for the rest of the country.

And let me also suggest that, as we have discussed, this is a project that could well pay for itself and be done with having people who are using the system pay back what the cost of the system is. So it is something that we can work on and mold together in a way that will really serve the environment and make our country more efficient.

Let me note that Juanita Millender-McDonald, who was the Representative from Long Beach as well as myself, was a great supporter of this concept. We talked many times on this. Maybe we will name it after her in her memory. We miss her today. But Ms. RICHARDSON who took her place is very supportive of this as well, so we are working on this as a team. I deeply appreciate this positive spirit on both sides of the aisle, and ask my colleagues to support this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of the time.

Earlier, I said this project has a thousand fathers. I should have said a thousand parents, because there are mothers and fathers in the presence of the gentlewoman from Florida and the gentlewoman from California, the newest member of our committee, Ms. RICHARDSON.

And I love the gentleman's enthusiasm. Mr. ROHRABACHER has from the time we began discussing this project been a very vigorous and knowledgeable supporter of the project. He has also worked to bring local interests in to work with the Governor of California. I think with this enthusiasm and with this broad bipartisan and bicoastal interest, the Pacific Coast and the Atlantic Coast, that we will see something happen. There is going to be a project resulting from this when we get this legislation enacted.

Mr. Chairman, I yield back the balance of my time and ask for support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. POMEROY, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, pursuant to House Resolution 724, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 1730

MOTION TO RECOMMIT OFFERED BY MR. SALI

Mr. SALI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SALI. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sali of Idaho moves to recommit the bill H.R. 2095 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendments:

Strike "Federal Railroad Safety Administration" each place it appears and insert "Federal Railroad Administration".

Page 80, after line 7, insert the following new section (and amend the table of contents accordingly):

**SEC. 617. FUNDING LIMITATION.**

None of the funds made available pursuant to this Act or the amendments made by this Act may be used to change the name of the Federal Railroad Administration established under section 103 of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SALI) is recognized for 5 minutes in support of his motion.

Mr. SALI. Mr. Speaker, Congress has a spending problem. The budget passed earlier this year anticipates spending $2.9 trillion over the next 12 months. That is more money than the total value of all goods and services produced in Germany at $2.87 trillion, China at $2.52 trillion, or the United Kingdom at $2.34 trillion.

This spending problem is further evidenced by a whopping $9 trillion national debt, a debt that can only be addressed by drastic change. Those changes will only come as Congress prioritizes and makes tough decisions, funding priorities and cutting wasteful spending.

Safety is an important issue. No one argues that point. But spending taxpayer money to rename a 40-year-old agency is just plain ridiculous, and yet, that is one of the things that this bill proposes to do.

The Federal Railroad Administration was created in 1966. Today's bill proposes to change the name of the agency to insert the word "safety" renaming it the Federal Railroad Safety Administration. While this sounds innocuous enough, it raises some very practical considerations for spending the American taxpayers' money.

The Federal Railroad Administration has 837 employees. Printing new business cards for everyone to reflect their new agency, at a cost of $30 per person, will cost taxpayers more than $25,000.

Consider also that the agency has eight regional offices across the country, all of which will require new signs to reflect the new agency name. Again, this raises questions: How much taxpayer money will the agency spend for these new signs?

How much taxpayer money will the agency spend to print new letterhead to reflect this name change, an agency that spent nearly $200,000 in printing costs last year?

How much taxpayer money will the agency spend issuing new regulations that reflect this new name?

Mr. Speaker, the bottom line is this. While all of these expenses are relatively modest in light of the $1.11 billion proposed to be authorized by this bill over 4 years, this kind of spending is unnecessary and, frankly, ridiculous.

If the point of this bill is safety, then why not spend the money on safety? Don't spend the hard-earned money of American families and individuals just to rename an agency. That type of spending is an out and out waste of taxpayer money.

Yes, Congress has a spending problem. The only way Congress will cure that problem is to prioritize, make tough decisions and learn, like everyone else, how to live within a budget.

Let us spend money on the priorities that serve the American people best. Let us save this kind of name-changing, sign-adjusting business until a day that we have extra money and no deficit.

I urge my colleagues to vote against needless spending, and please join me in voting for this motion to recommit.

I yield back the remainder of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to this rather frivolous amendment.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. The only thing I can say for it is that I wish the gentleman had been here in 1995 when the Republican majority forced upon National Airport and the Washington Metropolitan Area Government Authority, Airport Authority, the changing of the name to Ronald Reagan Washington National Airport. And they did so, I say to the gentleman from Idaho, with their finger in the nose of the authorities, saying either you make the changes and you spend the money or we'll take your money away from you. And they said it right here on this floor.

What was the purpose of changing the name of that airport? No useful benefit.

We are creating a new safety emphasis for the Federal Railroad Administration.

In 1996, this committee and this Congress created a Motor Carrier Safety Administration. I didn't hear anybody jump up on the floor and say, Oh, my God, it's going to cost money to change the stationery of the agency.

Baloney. It doesn't cost any money at all. You just use up the existing stationery you have and print new ones. It doesn't cost you any new money. This is bogus. I have no idea where people get such ideas as this.

But when it comes to some priority that some people on the other side of the aisle had in previous Congresses, they shove it down the throat of the Washington Metropolitan Airport Authority and say, You will change the name on all the facilities. You will change, they said to the National Park Service, signs leading to the airport, and you will do it at your expense, at the Federal Government expense.

Here it's going to be a change of stationery. You run out of the existing stationery they have and print new ones that says "safety" on it.

Maybe he's getting at something more sinister. Maybe the gentleman doesn't want "safety" to be in the title of this agency. Maybe the gentleman doesn't want, and anyone who votes for such an amendment, doesn't want "safety" to be in the name of the agency that regulates safety in the public interest.

Vote against this amendment. This is nonsense.

I yield back.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SALI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 11, as follows:

[Roll No. 979]

YEAS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—222

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)

Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—11

Ackerman
Carson
Conyers
Granger
Jindal
Johnson, E. B.
Matsui
McMorris Rodgers
Meek (FL)
Tancredo
Wilson (OH)

☐ 1803

Messrs. FILNER, BERMAN, CARDOZA, KAGEN, CARNEY, DAVIS of Illinois, MARIO DIAZ-BALART of Florida, and ENGEL, and Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, and Ms. HOOLEY changed their vote from "yea" to "nay."

Messrs. TOM DAVIS of Virginia, UDALL of Colorado, TIBERI, and MACK, and Ms. GIFFORDS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 38, not voting 16, as follows:

[Roll No. 980]

YEAS—377

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—38

Barton (TX)
Blackburn
Broun (GA)
Burton (IN)
Buyer
Campbell (CA)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Herger
Jordan
King (IA)
Kingston
Lamborn
Linder
Marchant
McHenry
Musgrave
Myrick
Paul
Pence
Pitts
Price (GA)
Sali
Sensenbrenner
Sessions
Shadegg
Wamp

NOT VOTING—16

Ackerman
Berman
Carson
Conyers
Gordon
Granger
Jindal
Johnson, E. B.
Lowey
Matsui
Meek (FL)
Pryce (OH)
Serrano
Smith (WA)
Tancredo
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

☐ 1810

Mr. ROYCE changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, unfortunately, I was unable to be present for the rollcall votes on H.R. 2095, the Federal Railroad Safety Improvement Act and the Republican motion to recommit. Had I been present, I would have voted "yea" on H.R. 2095 and "nay" on the motion to recommit.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2095, FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2095, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

☐ 1815

## RECOGNIZING COMMUNITY CHRISTIAN ACADEMY

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Madam Speaker, I rise this evening to recognize the achievements of Community Christian Academy in Independence, Kentucky.

Founded in 1983 by the Community Pentecostal Church, the academy was born out of a strong desire to provide a first-rate education rooted in the fundamentals of Christianity. What began as a small school has grown into one of the most respected private schools in northern Kentucky.

The academy offers curriculum from kindergarten through high school. Recent years have seen the school and its facilities grow by leaps and bounds, becoming a fixture in the community. CCA is accredited through the International Christian Accrediting Association and the Non-Public School Commission of Kentucky.

The academy is known for its family-oriented atmosphere that emphasizes the participation of the entire family in the education of their 200 students.

Recently, CCA was recognized by Cincinnati Magazine as one of the best private high schools in the greater Cincinnati area. This achievement would not be possible without the support of an outstanding staff and faculty, guided by Principal Tara Bates.

I am pleased to recognize the achievements of students, parents and educators at the Community Christian Academy. For over 20 years, CCA has produced highly educated students in God's image. Tonight, I would ask my colleagues to join me in recognizing their commitment to excellence in education, dedication to their students and to thank them for their contributions to our community.

## HONORING STAFF SERGEANT LILLIAN CLAMENS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today in honor of Staff Sergeant Lillian Clamens, who was killed in Iraq on October 10, 2 days before she was scheduled to come home, when insurgents launched a rocket attack on her unit. I want to extend my deepest condolences to her husband, Raymond, her three children, Victoria, Alana, and Ayinde, her parents and all of her family and friends.

Staff Sergeant Clamens was a true American patriot devoted to her family and her country. She served in the Army Reserve for more than 15 years and was assigned to the 1st Postal Platoon, 834th Adjutant General Company, in Miami. Prior to her deployment, she worked as an administrative clerk at the U.S. Southern Command in Doral.

She exemplified the best our Nation has to offer: A loving mother of 3 children, a devoted wife, and a soldier selflessly committed to serving our country.

Madam Speaker, her life will continue to inspire all those who knew her and many who frankly did not know her. The United States and our world is a far better place because of her service. The best way to honor her is to replicate her devotion to her country and her family.

She gave the ultimate sacrifice to help defend our freedoms and advance liberty for so many others. She was a true American hero whose dedication to freedom and family, Madam Speaker, made a difference in this world. I join all Americans in expressing my deepest sympathies to the family and friends of Staff Sergeant Lillian Clamens. Her commitment to, and sacrifice for, our great Nation will never be forgotten. She has the deepest gratitude and devotion of our Nation.

## GITMO VS. FEDERAL PRISON

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, we hear much hype about how bad GITMO prison is. That's where we keep prisoners of war, those terrorists that have been captured on the battlefield that have tried to kill Americans. The uninformed have compared the place to a gulag and a dungeon. I have been there and the place is neither.

Be that as it may, some POWs are treated better there than our Border Agents Ramos and Compean, who were sent to Federal prison for shooting a border drug smuggler. This is the case where our government let a drug dealer go free and put border protectors in prison for 11 and 12 years.

Most POWs at GITMO are not in solitary confinement. But the border agents have been in solitary confinement for most of their sentences. The POWs get 9 hours a day of exercise, including soccer. The border agents spend 23 hours a day in their cells. The POWs watch Arabic TV. The border agents watch no TV. The POWs receive the same medical treatment as the United States military, but 1 border agent was assaulted in prison and didn't see a doctor for 5 days.

Madam Speaker, only in America do we treat terrorists and POWs better in GITMO than we do border agents who went to prison for protecting the border.

And that's just the way it is.

## SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## CLEAN, SUSTAINABLE, RENEWABLE FUEL PRODUCED IN AMERICA BY AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) is recognized for 5 minutes.

Ms. HERSETH SANDLIN. Madam Speaker, I rise today to talk about energy, about where this Nation's energy should come from, and what form it should take. In my view, the answer is clear. Our energy should come from America, produced in America, by Americans, with the profits staying here at home. It should be clean, sustainable and renewable. These should be the overriding considerations for the energy policy that we are seeking to implement in this Congress. If we accept these criteria, and I think the American people already have, then an important part of the solution becomes clear. We must greatly increase our capacity to produce, distribute and utilize biofuels.

Just yesterday, the price of a barrel of oil hit yet another all-time high, more than $88 per barrel. A few years ago, this development would have been shocking. Yet no one was surprised by the news. We have become accustomed to oil prices shattering records every few weeks, and $100 oil seems to be a virtual certainty in the near future. Even without all the other problems, geopolitical, environmental, supply, that flow from our addiction to oil, its price volatility alone dictates that we must move in a bold new direction.

Yet since peaking at $3.20 a gallon in late May, gas prices at the pump have declined to an average of about $2.76 a gallon nationwide for regular unleaded. What accounts for this? A significant factor in bringing retail gas prices down for American families is ethanol. According to an article earlier this week in CNN.com, "Gasoline prices have been held down in part by rising supplies of ethanol, which has been coming down in price in recent weeks. Ethanol production jumped 34 percent to 13.1 million barrels a month in July, the latest month for which data is available, from July 2006."

Even the Wall Street Journal, whose editorial board arguably has been biased against and relentless in its disparagement of ethanol, stated in a September 21 article that despite recent record-high petroleum prices, there is "another reason for steady gasoline prices: the use of ethanol as an additive to gasoline is on the rise. While crude prices have soared, ethanol prices have dropped as much as 30 percent in recent months. Ethanol costs more than 60 cents a gallon less than gasoline, and gasoline suppliers can offset some of the rise in crude-oil prices by blending their gasoline with small amounts of the cheaper fuel."

The facts are clear: Ethanol is cleaner and less polluting than gasoline. It is grown right here at home with the benefits flowing to rural communities rather than foreign governments who may or may not be friendly. It is renewable and it is sustainable. Finally, it is cheaper than gasoline and helping to keep costs down at the pump for American consumers.

Yet, despite its obvious benefits, since corn farmers started producing this product 30 years ago, opponents of the industry, primarily Big Oil and its mouthpieces, have never stopped trying to undermine it. For many years, "energy balance" was the opponents' rallying cry. They claimed that ethanol took more units of energy to make than it yielded when it was burned. If that was ever true, it hasn't been the case in at least the last decade, and countless reputable studies have confirmed that fact. With remarkable increases in corn yields and ethanol efficiency in recent years, there is no question that there is a tremendous net energy gain in the production of corn-based ethanol. Yet even the most biased naysayer can no longer make that argument with a straight face, and that red herring seems finally to be dead.

Industry opponents now have a new angle of attack, and we are again being told that the sky is about to fall. The new argument? Americans will go hungry because demand for corn is rising. While we are using more corn for energy than we ever have before and demand for that product has risen, we have seen only modest increases in food prices, and those are attributable to many factors. Just yesterday, Acting Agriculture Secretary Chuck Connor indicated he expects food prices to increase next year at a moderate rate, in line with where they have been in recent years. Because increases in food costs in the country have been well below the rate of inflation for many years, this bodes well for consumers. He also explained that there were many significant factors affecting the cost of food today, including disappointing wheat yields around the world and high energy costs.

Finally, as the farmers in my State have repeatedly told me, there is one truism about American agriculture: The cure for high prices is high prices. In other words, when the value of a certain commodity goes up, farmers will rush to produce more of it. And this year has been as clear a demonstration of that as we have ever had in agriculture. Futures prices for corn were high this spring, and farmers took that into consideration when making their planting decisions. According to just-released USDA estimates, corn production for this year is forecast at 13.3 billion bushels, 26 percent above 2006. When it's in the bin, the 2007 corn crop would be the largest on record, with more acres harvested than any year since 1933.

These facts clearly indicate that American farmers have the ability to produce enough corn to meet the needs of U.S. consumers, for both food and energy. This is a winning formula for consumers, for agriculture and the environment and will propel us toward our ultimate goal: Producing clean, sustainable, renewable fuel in America, by Americans, with the profits staying here at home.

## UNJUST PROSECUTION AND HARSH TREATMENT OF RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, today is day 274 of incarceration for 2 former U.S. Border Patrol agents. Agents Ramos and Compean were convicted in March of 2006 for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas.

Two decorated Border Patrol agents with exemplary records, who were doing their duty to protect the American people from an illegal American drug smuggler, are serving 11 and 12 years in prison.

Since the agents' convictions, thousands of American citizens and dozens of Members of Congress have called for justice for these 2 border agents. You just heard the Congressman from Texas (Mr. POE) speak about this issue in a 1-minute speech. These 2 decorated agents were doing their duty to enforce the law and did not deserve to spend 1 day in prison.

While these 2 men appeal their convictions, they continue to languish in solitary confinement. Nine months of solitary confinement is unacceptable. The Bureau of Prisons has violated its own guidelines which state that administrative detention is intended to be used for "short periods not to exceed 90 days."

Although former law enforcement officers face increased safety risks in prison, the harmful effects of prolonged solitary confinement are well-documented. Solitary confinement is not an acceptable long-term solution for ensuring their physical safety.

This week, I was pleased to join my friend, Congressman ROHRABACHER, and many other of my friends, including Congressman POE, in signing a letter to Mr. Michael Mukasey. This letter asked that, upon confirmation, the new Attorney General will thoroughly examine the flaws of this prosecution and will put an end to the harsh treatment these agents are receiving in prison. A directive from the Director of the Bureau of Prisons or the Attorney General can correct this unfair treatment.

Madam Speaker, with an unbiased review by the incoming Attorney General, I am hopeful that this gross miscarriage of justice will be corrected.

I say in closing, Madam Speaker, to the families of Mr. Ramos and Mr. Compean, please know that there are many of us in the United States Congress, the House and the Senate, that are trying to do what is right for your loved ones. This is an injustice that should not be allowed to continue. We need to bring justice to this injustice for these 2 men.

May God continue to bless America and our men and women in uniform.

□ 1830

## THE VALUE OF THE JUSTICE SYSTEM IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Madam Speaker, according to today's Baltimore Sun, there have been 240 homicides in my hometown of Baltimore City, 22 more deaths than this time last year. Unfortunately, many of these victims and their families will not have closure because of the inability of law enforcement to bring their killers to justice. This is due in large part to the fear that witnesses have in coming forward.

Witness intimidation is a serious threat to our justice system. According to the National Institute of Justice, 51 percent of prosecutors in large jurisdictions find witness intimidation to be a major problem. In Baltimore City, it is estimated that witness intimidation occurs in 90 percent of the cases that are prosecuted.

Madam Speaker, protecting witnesses is a core government function.

It is standard in the Federal system, and State and local prosecutors should have the same tools. However, there is a great disparity between funding and witness services, if any, that are provided by local authorities and those of the Federal Witness Security Program within the United States Marshals Service that operates on a $40 million budget to assist 17,500 witnesses and their family members with gaining new lives, new identities, and new jobs.

The Milwaukee Journal Sentinel recently reported on the problems associated with inadequate witness protection programs. Maurice Pulley was shot to death in front of his home, the apparent victim of retaliation for agreeing to cooperate with authorities. Just 3 days prior to his death, Mr. Pulley had agreed to testify as a witnesses against Calvin Glover for shooting him on June 30; however, law enforcement was not able to offer him assistance because the witness program in the county was essentially terminated due to budget cuts. The sheriff even admitted to occasionally relying on private funding to relocate witnesses.

Madam Speaker, the same week, the Denver Post told a story of Javad Marshall-Fields and his fiancee, who were gunned down just days before he was scheduled to testify against Robert Ray. In 2004, Robert Ray shot and killed 1 person and wounded 2 others, including Javad Marshall-Fields.

A program to protect State witnesses has been in existence in Colorado for over 12 years; however, the budget was recently cut from $100,000 to $50,000. Unfortunately, it now allows for a little more than a bus ticket or security deposit for a new apartment.

To make matters worse, it appears that no one told Javad that this program even existed, even though prosecutors filed a motion to keep his address and those of 5 other witnesses secret due to their fear of retribution. Why was Javad not notified of the program? His mom was told that it was because he did not ask.

Madam Speaker, as I always say, there is nothing worse than a person not knowing what they don't know. This is why I recently teamed up with Baltimore City's State's Attorney Patricia Jessamy to film a public service announcement encouraging people in the communities to come forward if they have witnessed a crime, or if they have already come forward and feel they may need protection.

Additionally, I have introduced H.R. 933, the Witness Security and Protection Act of 2007, that authorizes $270 million over the next 3 years to enable State and local prosecutors who demonstrate a need for funds to protect witnesses in cases involving gangs or other violence to establish short-term witness protection programs. This legislation will assist in correcting the inequity that exists between the Federal and State level. I call upon my colleagues to support its enactment.

Improving protection for State and local witnesses will move us one step closer to alleviating the fears and threats to prospective witnesses and help safeguard our communities from violence. It is time that we show our commitment to our constituents and the justice system, because without witnesses, there can be no justice.

## HONORING STAFF SERGEANT ERIC DUCKWORTH, UNITED STATES ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, in America's first war, fighting for freedom it was said by Patrick Henry, the great orator, "The battle, sir, is not to the strong alone; it is to the vigilant, the active and to the brave." We are fortunate that those words still ring true today and that American soldiers overseas carry those values into battle.

One such warrior was Staff Sergeant Eric Duckworth. Army Staff Sergeant Eric Duckworth was killed in the line of duty in Iraq just a few days ago, on October 10, when he was leading a convoy and his vehicle was hit by an IED, an improvised explosive device, on the side of the road.

Madam Speaker, Sergeant Duckworth was 26 years of age and on his second tour in Iraq. He graduated from Clear Lake High School in Houston, Texas, in 1999, and while in high school, he wanted to participate in the military, so he joined the Reserve Officers Training Corps, the ROTC. Of course, as soon as he graduated from high school, he joined the United States Army.

His parents, Michael and Barbara Duckworth, of The Woodlands, Texas, say that for as long as they can remember, their son Eric wanted to serve his country in public service both in law enforcement and in the military. His father, Michael, described him as an outgoing and good-humored son. He further said, "Eric was full of love and laughter and a Godly spirit, but, above all, he was a true soldier and a proud warrior."

When I talked to Michael about his son Eric, he told me that Eric's only two wishes were that he serve in the military and that he also serve in law enforcement. Those wishes were granted when he was a military police officer and also a member of the United States Army.

Sergeant Duckworth was also a husband and a father. He is survived by his wife of 5 years, Sonya, and they have three children: Kaylynn, age 10; Madison, age 4; and young Michael, age 1. Eric's mom, Barbara, would send what I call "care packages" overseas to her son Eric, and what she included in those packages tells us a lot about Eric and his personality. He received beef jerky, bubble gum, NASCAR magazines, and Dallas Cowboy T-shirts.

Eric said that the Iraqi people were grateful to Americans for their sacrifice in Iraq. Sergeant Duckworth also said it was his destiny and his belief that he should be an American soldier. He shared that belief with his mother in their last conversation they had together before he was killed in Iraq.

Madam Speaker, Eric's father spoke of his pride in his son's firm belief and dedication to the mission in Iraq. Eric's father, Michael, said Eric believed in his purpose, and his children, his nieces, his nephews will all grow up in a better world because of Eric's dedication to America.

So not only Eric, but the whole Duckworth family felt it was important that Staff Sergeant Eric Duckworth serve in the United States Army overseas. Sergeant Duckworth's service to his family and the Army and this country will always be remembered. Of course he is one of those few proud American heroes.

Madam Speaker, this is a photograph of Staff Sergeant Eric Duckworth. He was a real person that lived and died for the rest of us. His service reminds me of the lyrics to a song written by Toby Keith that is titled, "The American Soldier." Part of those lyrics say, "I will always do my duty, no matter what the price. I have counted up the cost, but I know the sacrifice. I don't want to die, but if dying is asked of me, I will bare that cross with honor, because freedom doesn't come free. I'm an American soldier, an American soldier."

Staff Sergeant Duckworth, America appreciates your sacrifice on the alter of freedom for the rest of us, and we also appreciate the sacrifice of the entire Duckworth family down in Houston, Texas. We are sympathetic and grieve with this family, but are proud of their son who served in the United States Army.

And that's just the way it is.

## TAKING CARE OF AMERICA'S VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, tonight I would like to discuss briefly another case of one of our very valiant soldiers who has returned to Ohio and numbers himself among the walking wounded.

My question to the President of the United States, my question to Members of this Congress, is what is wrong with the government of this country when we cannot move the bill we passed in this House that increased veterans spending by 18 percent, get it through the other body and to the President of the United States to sign? What is wrong with the way we govern that the President of the United States cannot call the leader of the other body and say, "Move the bill so we can take care of the over 100,000 wounded that are coming home to us"?

The soldier I would like to talk about is only one of many that I met last Sunday who returned home from Iraq and is not being treated. This is a soldier who saw duty as a member of the 983rd Army Engineering Battalion, Combat, Heavy Duty, in Iraq, saw conflict, came home wounded, and is not getting treatment.

Here is what happened. There was an accident involving a truck and IEDs over there in Iraq and this particular soldier had a severe spinal cord injury and injuries to his head. In addition to that, since returning home, has had grand mal seizures, epileptic seizures. He never had that before he went to Iraq.

The military said, "There is something wrong with him. We will give him a 60 percent disability. But we won't give him 100 percent disability, because maybe he got those injuries from playing football in high school." Football in high school? He never had seizures until he went to Iraq and got injured.

So the military says, "Well, we will try to fix your neck." He goes through an operation in a hospital several hours away. It is very difficult for him to return there, because he doesn't have regular employment at this time and he is dealing with PTSD on top of everything else.

Now, why doesn't the government of the United States make it easy for wounded veterans, and we are not talking about 25 million people, we are talking about somewhere between 100,000 and 150,000 Americans to get cared for closest to home? Why can't we do that? Why can't the President of the United States, he is Commander-in-Chief of our Armed Forces, and this Congress, work together in the national interest to take care of all the soldiers that are coming home to us wounded?

In that particular unit that I visited on Sunday, there are many, many, many, many servicemembers who have PTSD. Why are they being asked to go 2½ hours away from home, spend an entire day waiting in line at a hospital, and then maybe coming back home again and wasting a day when they don't get paid at work, if they have a job? Why can't we take care of them close to home? We are not talking about 25 million people. We are talking about a very discrete set of Americans who put their lives on the line for us, and yet we can't find a way to care for them?

I hope the President of the United States has somebody listening to this tonight, because as Commander-in-Chief, it would be very easy to call over to that other body and to move our Department of Veterans Affairs bill out of this Congress, up Pennsylvania Avenue, get it signed, and with dispatch get the Secretary of Defense and Secretary of Veterans Affairs and say, "Work with the Congress. Work with the individuals who are here. Let's get these ill veterans to the care they need."

Why do we make it so hard? Why do we put the burden on the veteran? I had one veteran come up to me and say, "Congresswoman, my knee is all messed up. I had an accident over there. Why did the DOD discharge me before fixing my knee?" Now he has got to take weeks and weeks off of work, which he is unwilling to do, to try and go get an operation at a hospital very far from where he lives, and he doesn't have a support system in place.

Why would we do that? Why would the DOD not find a way to take a valorous veteran who is part of a combat engineering battalion and take care of him? Why do we let him fall between the cracks between the DOD and the VA? It is our responsibilities and the President's responsibility to care for these veterans, and we had best get at it.

□ 1845

## SUPPORT VETO OVERRIDE ON SCHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Ms. HIRONO) is recognized for 5 minutes.

Ms. HIRONO. Madam Speaker, I rise today to urge my colleagues to override the President's veto of the Children's Health Insurance Program reauthorization. The bill we sent him earlier this month would provide health insurance for 10 million low-income children.

This includes continuing insurance for the 20,000 kids in my State of Hawaii already in the program, and reaching out to provide coverage for an additional 12,000 Hawaiian children currently eligible but not yet enrolled in the program.

I am disappointed that the President and many Members on the other side of the aisle have taken what can fairly be characterized as a stand against children. This is how much of the country views their position. Apparently even the President is aware that his veto was a bad decision because he now says that he wants to find a way to compromise with Congress. However, the CHIP reauthorization that the President vetoed was already a bipartisan compromise.

The original bill we passed in the House would have ensured health care for children of legal immigrants and other important provisions that the Senate saw fit to cut. So the version of the legislation that the President vetoed was in fact already a compromise bill.

It is not surprising that we have strong public support for a bill that reflects our American values. Forty-three Governors, Republican and Democratic Governors alike, share our belief that all children deserve access to health care. Senate Republicans who helped shape the legislation agree.

The Honolulu Star-Bulletin summed it up precisely in an editorial this month by declaring that the President's "veto is indefensible."

Therefore, I urge my colleagues not to defend the President's indefensible veto, but to instead join together in defense of the most vulnerable among us, our children.

This is not only the right thing to do, it is the fiscally responsible thing to do. The bill is fully paid for, and the cost of this preventive care will save substantial money over time as we keep children out of unnecessary and expensive emergency room visits.

I am also distressed but not surprised by the President's misinformation in defending his veto. He would like people to believe that our bill provides health coverage to families who don't need it, those who are making $83,000 for a family of four. This is simply not true. In fact, our bill does the opposite.

Our bill helps States reach out to enroll the poorest children most in need of health coverage and it decreases Federal contributions to States which cover families over 300 percent of the Federal poverty line.

What this veto comes down to is a question of values: Should every child in this country have health care? Does every child deserve a chance to grow up into a healthy adult? I think so, as do my constituents in Hawaii and indeed the majority of Americans.

Tomorrow's vote will reflect our values, and I urge my colleagues to stand with our children.

## SCHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. WALZ) is recognized for 60 minutes as the designee of the majority leader.

Mr. WALZ of Minnesota. Madam Speaker, I thank my colleagues who are here tonight. As a new Member, I am joined by other new Members who have been in this body for 9 months. Tomorrow we have an opportunity to take an important and historic vote, the veto override on SCHIP.

It is a piece of legislation that many of us believe, as you just heard our colleague from Hawaii so clearly illustrate, is critically important to the health of our Nation's children.

We came here 9 months ago from the classroom, from the courtroom, from the board room, and from the operating room. And we are here tonight with a single purpose, to talk about the importance of this piece of legislation to clearly illustrate when this body makes a choice like we will make tomorrow, and the President talks about it being a budgetary issue, he is partially right. Budgets are financial documents, but they are also much more. They are a reflection of the values that we as a Nation share.

Tomorrow we will have the opportunity to show as a people that we value our children. We value their health. We value our future. The greatest asset we have is these children.

At my house this weekend was a very special occasion and one I felt very blessed to be able to attend. My son, Gus, celebrated his first birthday on Saturday. He was surrounded by grandparents, cousins, aunts, uncles and friends. A good time was had by all.

I came back to Washington and on Tuesday morning my wife said Gus was feeling a little bad, and she took him to see our doctor. Gus had an earache and he was put on some antibiotics and he was given a little bit of Motrin. He had 1 rough night, but was feeling better the next day.

The thought of this little guy going through any type of pain or suffering over something so treatable and so easy to take care of as an earache would be unimaginable to me. And yet, that is what happens to 9 million children across this country. That is what their parents go through.

The President has made it clear, those types of issues, and if Gus happened to be someone without health insurance, he would have suffered through an earache. Or maybe Gus would have a parent who couldn't suffer through it and would have taken him to the emergency room where it would cost far more.

So my colleagues and I are committed to making sure that no parent has to make the choice whether to take their child to get their care. That no parent has to have the gut-wrenching experience of deciding if they are going to pay bills, or if they are going to try to pay out of pocket to get their child covered.

This government and we as a people can do far better. Tonight, we are going to take you through the process of this legislation. We are going to take our colleagues through everything that is involved and the myths that have been perpetuated. This is something that is difficult for myself and my colleagues to deal with. We are going to hear from people like Dr. KAGEN, who has seen what happens if children cannot get health care or are suffering with asthma, and he will talk about the implications of what it takes to get a child covered.

I think each of my colleagues here tonight will put a face on this for you. My colleagues have an opportunity to cast a vote tomorrow to override the veto and provide this Nation's children with the health care they deserve. It is not a privilege for them, it is a right as an American citizen, and we are here to guarantee that. We are here to make an investment in our future and do the fiscally responsible thing.

This program is 10 years old now. It has been highly successful. No matter what the President said, it is clear, and people need to know this, this is a cap block grant program. This is State administered. This is private physicians and private insurance. Any words to the contrary is muddying the waters on this. We have seen this President try this before. He tried to sell this Nation on privatized Social Security, and this body said no. This President sold us, and many of us feel very strongly about this, sold us on the necessity to go to war in Iraq, and here we sit 5 years later understanding the implications of that.

We have an administration that is trying to sell this body a bill of goods. We are ready to override this veto tomorrow, and my colleagues here tonight are ready to illustrate to this body why they should cast their vote tomorrow in favor of overriding this veto.

It is a great pleasure to turn over to my good friend from neighboring Wisconsin and also one of the very few physicians in this body, someone who has worked on these issues his entire life who is dedicated to the treatment and making sure our children are healthy, and that is my good colleague, Dr. KAGEN from Wisconsin.

Mr. KAGEN. I thank my colleague, and I appreciate your kind words and your passion and your introductory remarks about SCHIP, which in Wisconsin is under the name of BadgerCare. BadgerCare cares for about 57,000 Wisconsinites today.

Would the President change his mind and sign the bill we passed, by enacting SCHIP in Wisconsin, we could sign up an additional 37,000 children and perhaps their young mothers as well. This is a bill that will determine what kind of Nation we are and which direction we are going to turn.

It will also answer the question whose side are we on. Are we on the side of special interests, the big insurance companies, or are we on the side of ordinary people, hardworking families that simply don't have enough money to purchase private insurance.

Ninety percent of the people in the SCHIP program across the country earn less than $41,000 a year. And I submit if you are making $41,000 every year, you don't have $12,000 or $14,000 to pay for private health insurance. This is a necessary program that will determine the life and the health of our children, on whose future we all depend.

I yield to my colleague, BRUCE BRALEY from Iowa.

Mr. BRALEY of Iowa. That is an interesting point, because we have been hearing all week how some people with incomes as high as $85,000 will be covered. How does that square with the comment you just made that 90 percent of the people under the program are making less than $45,000?

Mr. KAGEN. I would say it is a smokescreen, like many of the attempts of this administration to cloud the issues and kick up some smoke, to confuse the American people.

The State of New York asked for a waiver to cover those people under $83,000 of income. They were refused under the SCHIP program; but that refusal became a fact. The fact is that we have never enacted legislation that covers people above $41,000. $63,000. I think $60,000 will be the number now. But, look, this is about kids. Let's put a human face on this before we go any further.

This is a young girl. She is 3 years of age. She is Kailee Meronek. She lives in a trailer home with her 3-month-old sister; her mother, Wendy; and her father, Scott, who is a stay-at-home dad. Her mother, Wendy, makes $2.33 an hour working in a restaurant, plus tips. They don't have the money to pay for insurance. They are covered by BadgerCare funded through SCHIP. This is the face of America. We cannot turn our backs on our Nation's children. They are our treasure.

Mr. WALZ of Minnesota. I thank the gentleman from Wisconsin, and I would like to talk a little bit about this.

This issue we are discussing is a program which has proven to be highly successful. It was put in to understand and address the issue that if you do not treat children with preventive medical care, you will treat them with chronic care down the road. Or you will treat them in a setting that is much more expensive, like in the emergency room.

This President is mischaracterizing what is going on here. The President is talking about some of the myths that he is putting out there to make this appear like this is some type of government-run health care program. Now I find it a bit ironic and a little bit disingenuous that there are Members who sit in this body tonight who would vote against SCHIP, yet receive government-paid-for health care coverage. These are children who do not have the choice.

President Bush, using the $83,000 level, is simply doing it, and these are not my words. Take a look at this. This was USA Today talking about what they call the $83,000 question. "Bush's claim is misleading at best; simply wrong at worst. The House would do well to look past the President's deceptive rhetoric and override this veto."

The President is misleading the public on exactly what this does.

This is not the way to have this debate. This Nation needs to have an open, honest debate. Do we value our children to the point that we are willing to invest in basic preventive health care? And it is a question that stretches from Minnesota to Iowa to Wisconsin and across to our good friend out in California. I am glad to be joined tonight by Mr. McNERNEY who, coming from the most populous State, understands the issues that face this, and understands that when a program is administered in coordination with the State at a local level, that invests in preventive care, that is a very conservative notion, and it is one that this Nation would be well served to, as our friends at USA Today said, look past the rhetoric.

I yield to the gentleman from California.

Mr. McNERNEY. I thank my friend from Minnesota.

Madam Speaker, the President turned his back on about 10 million American children that he could have protected. I am actually appalled by this decision to veto funding for children's health insurance, and his rejection of support from nearly every U.S. Governor and almost three-quarters of the American people.

The Children's Health Insurance Program is a good program. It is worthy and efficient. It costs less than $3.50 per day per child.

□ 1900

However, rather than protecting our children, this President put at risk nearly 45,000 of the children in my district and millions of children across the United States. As the cost of health care continues to rise, which it will, it's reckless to oppose a plan that covers our country's most needy children.

Let me tell you what I'm talking about in more personal terms. It's going to cost a family of four about $750 a month for health insurance. That's about $9,000 a year. If you're earning $45,000, you have a family of four, $9,000 is completely out of reach, and this follows on my good friend from Wisconsin.

You have to pay for gasoline, you have to pay for your car, for your transportation, about $1,000 to $2,000 for your mortgage. How on Earth are you going to be able to afford $9,000 a year for health insurance? You're going to be forced to take your children to the emergency rooms when their situations are critical.

So the Children's Health Insurance Program is very important. It's needed. Our children need to have that.

Mr. KAGEN. So let me review and see if I get this straight.

These funds come from the Federal Government in the grant form. It's capped in this expense. It goes to every State, and every State that we have in the Union fashions their own program, whether or not they choose to cover the mother of a child.

Listen, as a doctor, I have to tell you, in 30 years of practicing medicine, I have never seen a child in my examination room without the mother or a caregiver that was responsible for the children. So we, in Wisconsin, cover the parent, the mother, as well in order to increase the enrollment in this program.

This reauthorization of this SCHIP program, it's primary intent is not just to retain the 3.8 million children who are covered, but to expand it to all the children in the country who are already eligible and to expand it from 200 percent of Federal poverty level up to 300 percent.

So, if I understand the facts, the facts are these. It's a State-run private program. Poorest working families are the focus. It costs $3.50 a day per child to keep them covered, and we hope to cover 10.4, 10.8 million children across the country. So these are the facts as I understand them. Covers kids up to age 19; is that right?

And did you hear the same argument that I heard on this floor, that it might cover illegal aliens? Is that a fact?

Mr. WALZ of Minnesota. Well, no, absolutely. But I think it goes back to this about the open, honest discussion.

This Nation I think overwhelmingly, and we know that in each of our districts, whether it's California, Wisconsin, Iowa, Minnesota, no matter where we're at, we hear this, Madam Speaker.

I would like to just for a minute before I send this back over to my good friend from California, I think it's important to understand that all of us received a letter today, an impassioned letter, one that I feel very strongly illustrates where we're at. And this came from our colleagues over in the other Chamber, over in the Senate. It came from Senator BAUCUS, the Democrat from Montana. It came from Senator GRASSLEY, your Senator from Iowa. It came from Senator ROCKEFELLER in West Virginia, and it came from Senator HATCH out in Utah. And what they told us was this. They sent us this letter dated today as we get ready to cast this vote.

"Dear Colleague:

"As you prepare to cast your vote tomorrow on the Children's Health Insurance Program Reauthorization Act, those of us who took lead roles in writing the bill in the Senate would like to provide you with detailed information about the legislation. The material below responds directly to the great amount of misinformation that has been spread about this bill. We hope that you will take time to review these facts before you vote. The four of us worked together on a bipartisan basis for most of this year to craft" this piece of legislation "that will do just what we all want to do: serve low-income children who currently lack health coverage. The following information separates fact from fiction." And let me read you their first line.

"Fiction: The compromise bill would expand coverage for children in families with incomes of up to $83,000 a year.

"Fact: The bill does not raise the eligibility level for CHIP. While the State of New York did ask the Department of Health and Human Services for approval to raise eligibility" of the poverty level to 400 percent, "the Secretary rejected New York's request."

Many of us in here understand why New York City would ask to raise it in this case. It was not accepted, but the issue is the cost of living and the cost of delivery in New York City, but it was rejected. It never happened. It never went through.

The President of the United States restated a myth today with the purposeful intention of misleading, as this said, at best, wrong at worst, and I said, these are the types of things, we're here to have the discussion.

If this body and Members that were with us choose to cast their vote against overriding this veto, it should be based on factual knowledge. It should be based on the understanding of what this is going to do, and it should not be based on political rhetoric.

And with that, I turn it back over to my friend and colleague from Iowa.

Mr. BRALEY of Iowa. I don't understand, because you mentioned three key Republican sponsors of the SCHIP bill in the Senate, one my Senator and my constituent from Iowa, Senator CHARLES GRASSLEY.

And I'm looking at today's Congress Daily and there's a quote in here from TOM REYNOLDS, a Representative from New York, and he says, I want Republicans at the table and then I want to write a decent bill that will serve poor children first.

But it sounds to me like Republicans were at the table for months helping craft a bipartisan compromise bill that put the needs of poor children first. So I'm confused.

Mr. WALZ of Minnesota. And I would respond to that, and the thing that I think this Nation wants more than anything is, this is a body and there are Members, please don't get us wrong. There's a veto-proof majority with many Republican sponsors on the Senate side. We had 45 of our Republican colleagues in this body vote with this.

This was crafted in 1997 under President Clinton, Democratic President, and a Republican House and Senate. This is a good piece of legislation.

I might also add that 43 of the Nation's 50 Governors are supporting this wholeheartedly, the piece of legislation we came up with. Fifteen of those are Republicans, including my Republican Governor, Governor Pawlenty, who happens to chair the Governors' Conference in this country.

So this is a strong piece of legislation. Many of us I think are quite confused, as you're right. This is something that Republican authorship on this should be proud of, as Senator GRASSLEY and Senator HATCH have been, and I applaud them for their vision. I applaud them for reaching across to us to find a good piece of legislation, and I yield to my friend from Wisconsin.

Mr. KAGEN. But it isn't just Governors, both Democrat and Republican, that support children's health care. It isn't just the overwhelming majority of Senators. It isn't just the majority of Congresspeople. It's groups like Easter Seals, the March of Dimes, the American Medical Association, American Hospital Association, American Academy of Family Practice, American Academy of Pediatrics, and on and on we go.

Every organization that cares about people, including members of the faith community of all persuasions, is in back of this bill.

This bill makes sense. It's good for our children's health. It's good for our businesses. It just makes sense to invest in our children's future. To turn our back now at this point is morally unacceptable. It is morally unacceptable.

Mr. MCNERNEY. I just want to follow up on the bipartisanship here.

We passed this with a good margin here in the House. We got 265 votes, a clear bipartisan majority. They got 69 votes in the Senate, more than two-thirds. Our Governor in California, Arnold Schwarzenegger supports SCHIP. This is a significant achievement for us to work together to have us produce something that the majority of Americans want across the board, bipartisanship. They want us to cooperate. They want us to do good things for the country. Here, we produce something, we're proud and I'm proud of it, and the President chose to veto it.

So I think this shows that we can work together and that the President needs to come around to our way of seeing this. This is good for the children. Americans want it.

Mr. KAGEN. I don't want anyone in this Chamber or anyone in America to misunderstand the situation.

We present this bill. It's already a compromise. We passed a bill that cared not just for children but for our senior citizens on Medicare. Medicare beneficiaries, when we sent the bill to the Senate, would have gained what? At no additional co-pay, they would have preventive health care measures like mammograms, cancer screening, diabetic education coverage. But the Senate chopped off the health care additions for our senior citizens, said, no, this is a children's bill, and they sent us a bill that I felt was morally responsible.

This bill meets the needs of children. It's accepted by doctors, by insurance companies, by private hospitals. This bill is passable. This bill should not have been vetoed.

Mr. WALZ of Minnesota. I think it's critically important, Madam Speaker, to understand the President is framing this in simply a dollars and cents argument. He's saying that this goes beyond authoring $35 billion in terms of what the compromise piece of legislation that overwhelmingly, in a veto-proof majority in the Senate, has passed, a large number of our colleagues across the aisle, 45, to join us on this piece of legislation.

Dr. KAGEN so clearly pointed out everyone from AARP to the Children's Defense Fund, Easter Seals, March of Dimes, Cancer Society, across the board, American Nurses Association, pediatric physicians across the country agree that this is a good bill.

But let's say for a minute that that's not the case and let's say that it is strictly a fiscal thing, if the President can separate a budget into being strictly a fiscal document, not a moral document that affects this Nation's values. He is still undercutting massively what it's going to take.

We have watched this administration throughout the President's tenure continue to underestimate the need. We saw it in the Veterans Administration, where we saw the President say, well, I have two things that I think about the Veterans Administration. We are going to see fewer soldiers coming into the system, and health care is going to cost less.

Well, there's not a person in America that wouldn't take the bet the sun's not going to rise tomorrow before they would take that.

So, in the President's bill here, under the President's current piece of legislation, not only will we not add the 9 million American children who aren't covered, and I would like the President to go by and decide which one of those faces gets coverage and which one does not in this Nation. If he chooses to go with his piece of legislation, asking us to compromise, he is going to cut 840,000 children who are currently on the program off. We're not talking about even maintaining the program. We're talking about undercutting it. And under our bipartisan congressional bill, 3.8 million additional children will receive their coverage.

So you can see the difference here. When we have compromised, when Senator GRASSLEY, Senator HATCH, when 69 Senators on the Senate side and 265 Members of this body and over 70 percent of the American public say this is a good piece of legislation, we have done our compromising. It is now time for the President to decide that he is not the sole decider on this.

The American public has spoken on this, and it is time to do the right thing: Cover our children, get them good preventative care, keep them out of the emergency rooms, keep them healthy, keep them in school, keep them moving forward, and keep this Nation in a place where it should be.

With that, I yield to the gentleman from Iowa.

Mr. BRALEY of Iowa. I appreciate that and I thank the gentleman, and I think that the heading of the chart that you're standing next to summarizes what this really boils down to, because there's been a disconnect between what the President says about his commitment to children's health care and what his actions represent.

I'd like my colleagues who are here tonight to take a walk down memory lane with me, because many of us got our motivation to run for office as a result of the 2004 Presidential elections. And if you remember back with me to September 2, 2004, at the Republican National Convention, this is what our President George Bush said about his commitment to children's health care.

He said, America's children must also have a healthy start in life. In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible, but not signed up, for the government's health insurance programs, the very same programs we're talking about here tonight.

He begins again, We will not allow a lack of attention or information to stand between these children and the health care they need. That's what our President said as he stood on the brink of his second nomination.

Now, I want to take you back to what was one of the most memorable nights of my life, my first State of the Union address, which took place right in this Chamber, January 23, 2007. I sat in here with all of my new colleagues listening to the direction from our President on what he was going to do to lead us in a new direction on health care.

What did he say on this subject? When it comes to health care, government has an obligation to care for the elderly, the disabled and poor children. We will meet those responsibilities.

Well, his words don't mesh with his actions in vetoing this important legislation, and that is why it is important for us, on behalf of those children, America's kids, to stand up and speak out and say it's time to live up to the values that you have been talking about and deliver on the promises to insure America's uninsured children.

Mr. KAGEN. Well, I think you get it and I think the American people are beginning to understand that it takes officeholders with good judgment. People in Wisconsin have been writing to me and sending me postcards and e-mails, and I'll just quote from a constituent from Appleton, What is it with this country? Health care for the rich and those in government? The rest of us can just die or try and live with broken bones and illness.

I think the American people are beginning to understand whose side we're on and where we need to be going in this country. We cannot allow this veto to stand. It's morally unacceptable. It's bad for our business. It's bad for the health of our Nation.

We know from our studies that children, if they're healthy, well-nourished in the first 5 years of life, it sets them up for good health for years to come. We know that the developing human mind in the first 5 years is beginning to jell and form neuronic structures and connections that will help them all throughout their days.

We have to be kind to our youth and our seniors as well. Of course, I would like the original version of this bill, but things in this place aren't always the way we like them. We did compromise. This is a compromise bill. It's one that makes sense and is good for our health.

□ 1915

We often tell ourselves that America is the greatest country on the Earth and it is the greatest country in history. Now it is time for us to live up to that expectation and to that level of greatness and protect our children, our children from age 0 to 5, they are forming, their brains are forming and they are going to develop attitudes and health characteristics that follow them their entire lives. We need to protect the least among us, those that are least able to defend themselves and protect themselves. We need to make sure that we give them the start in life that allow them to achieve great things and continue to lead our country into greatness, defend our liberty, to defend our ideas. And we start that with good health at the youngest age.

I yield back to my friend from Iowa.

Mr. BRALEY of Iowa. I want to thank you. One of the things that we rarely talk about is the human faces that Congressman KAGEN was good enough to share with us from our district. And I want to share a personal experience from my own life, and I think it illustrates the importance of what we are talking about here today.

About 15 years ago when my wife and I had our three children, who were all young and in school, my wife and I got involved through our church in a mentoring program at a city center school in Waterloo, Iowa where we lived. As a result of that, I started mentoring a young fourth grade student named DeUndre, and then I got involved in Big Brothers, Big Sisters as an outreach of that program and spent a lot of time with him and his family.

When he was in sixth grade, DeUndre started complaining of pain in his abdominal area, and he ended up going to the hospital and they diagnosed him with acute large cell non-Hodgkin's lymphoma. They did surgery to remove the tumor, and then he spent about 6 weeks undergoing chemotherapy in the pediatric oncology unit at the University of Iowa Hospitals and Clinics in Iowa City. And I was faced with a choice, because he had nobody in his family who could go with him and be there when he was going through that ordeal. And I made a decision after speaking to my wife that it was going to be me who was there for him. And I spent that time watching young children with IV drips in their arms receiving chemotherapy, no hair, going in and out of each other's room, taking care of each other and helping each other get through a very difficult time in their lives, knowing full well that many of those kids were not going to live to see their 15th birthday.

And one of the things that I learned from that is that people like DeUndre, who depended on Medicaid to provide for their health care, were lucky because they had the resources to get a diagnosis and treatment that saved their lives. Many of the kids we are talking about in these 10 million uninsured children are in that window between those who qualify for Medicaid benefits and those covered by private pay plans. And that is why it is so critical that we perform the role that we are talking about so that those children aren't stuck without the opportunity to get early intervention, early diagnosis, and early treatment of life-threatening illnesses and diseases. It does make a difference in the lives of these kids, and that is why we are here tonight talking about this important issue.

I yield back to my friend from Minnesota.

Mr. WALZ of Minnesota. I appreciate the gentleman's passion on this. And I think it is really critical to point out, the gentleman was bringing to notion of how SCHIP works, and we already had addressed the issue of the $83,000 question that we know is just plain misleading.

I want to mention, in this idea of where this health care is going to come from, who is going to provide it; and I know that one of the issues that most affects families, they don't care what kind of insurance it is if they don't have it; they simply need to get it. And one of the issues here, and this again comes from Senators GRASSLEY and HATCH, the fiction of this, that Congress by doing this, the congressional bill is a step towards government-run health care.

This is our Republican leadership in the Senate listing the facts. SCHIP is a leader in combining public-private solutions to provide health care coverage to uninsured children. The CHIP Reauthorization Act encourages a mix of public and private solutions to cover children and limits the scope of the program to the low-income, uninsured children Congress meant to be covered.

So this idea of perpetuating these myths first and foremost doesn't get us at the heart of this. The bottom line on this is, this is a wonderful mix of trying to deliver in that gap area.

Now, when we are talking some of these numbers that we are throwing around, 300 percent of poverty and those types of numbers; right now for last year, this is a family at poverty level, $17,170. Now, I would like to see how someone can make that budget work. I can guarantee you that this body could not do it. And then at 200 percent of poverty is then the $34,340 as you hear some of these numbers coming up. So the President's claim that this is pushing children into some type of government-sponsored health care is simply not the case.

And the last thing I would like to do on this is that children who already have insurance, this myth has been out there and this is listed here. The fiction is Congress would move children with private insurance into government-run health care. The President reiterated that myth today at his press conference. The fact, according to Senators GRASSLEY and HATCH is, according to independent Congressional Budget Office, and the one thing I would like to make very clear is the President is totally entitled to his opinion; he is not entitled to his facts. And the Congressional Budget Office, which is independent, clearly states, the Congressional Budget Office: The rate of substitution of public coverage for private coverage or what is called crowding out would be lower under the compromise bill than it is under current law.

So the fact is, not only is this not going to happen, it is going to get better under this piece of legislation because the coverage will be there. So this idea of these myths, and when you hear the story of a young man who is facing these type things or a family that is going to take those type of decisions, and the President trying to tell the American public, well, this is for rich people, 94 percent of people falling in that 200 percent or lower that are on that are children. The President is saying it is those with $83,000; it is government-sponsored socialized medicine. We dug that word back out of the seventies, apparently. Or, it is going to force people who have private health insurance to take it on the government dole. None of those things are true.

I yield to the gentleman from California.

Mr. McNERNEY. I want to follow up on what my good friend and colleague from Iowa said about being in the children's hospital and looking at children suffering with devastating diseases. We can think of this as sad, but if we look at that with the great spirit and hope that these young children are showing, we can find true inspiration. We can find true appreciation for the human spirit. But, we cannot let them suffer alone. We must stand together. We must come together for these children and give them the help they need to overcome these devastating illnesses and bring the kind of future that they will bring to our country and to the future of the world.

With that, I would like to yield to my colleague from Wisconsin.

Mr. KAGEN. I think that we are beginning to air out some of the smoke that has been filling up this chamber and some of the misinformation coming from the bully pulpit down the street. But I don't think that message of confusion is confusing anyone like Wendy and her 3-month-old baby Cassidy. Cassidy, the 3-month-old baby that she is holding, she doesn't understand health care. She doesn't think about having insurance. She is looking for her next meal. She is hoping that she has got someone there to support her, to help her out, to help lift her up through her early years, I am sure. And Wendy is working hard at $2.33 an hour plus tips. She is working hard. She needs a little lift, a little help along the way.

But I know that people in Northeast Wisconsin, because I've asked them: Look, I'm working for you. I'm your hired hand. Here is your hard-earned tax money. Where do you want me to spend your money, here at home on your children to guarantee that they are healthy, that they can see their own doctor, their own physician in their doctor's office and not in the emergency room? Or, do you want your money to be spent overseas in the sands of Iraq?

I yield to Mr. WALZ who has some data on what it is costing us per day.

Mr. WALZ of Minnesota. What I would like to talk about first is, and I said the good news in this is, this is a defining moment tomorrow. This is a defining moment, Madam Speaker, and my colleagues in this House, of what this body does to represent the American people. And if my colleagues who are undecided as of now want to know where the American people are at, the latest poll just came out from CBS News. This is the largest one done to date on this, and here are the factors: Would you favor the Democratic version of expanding SCHIP? Eighty-one percent of people in this country, in Iowa, in California, Minnesota, in Wisconsin, in Florida, in Georgia, across this Nation, agree.

Now, here is the real kicker. This is the part I think for us to listen and to hear this. They look at that picture. They see that little baby, they see that mother. And this Nation's heart is where it is at. They know exactly what we need to do.

They even went so far as to ask them a tough question. Keep in mind, under this new House leadership over the last 9 months, we have to balance the budget. We have to go by PAYGO. It is no more paying and letting the children in the future pay for it. That is not happening on this. So under this piece of legislation, they even asked people in this poll: Would you be willing to pay more taxes to expand to this program? Seventy-four percent said yes. Seventy-four percent of the American public is willing to give their tax dollars to help fellow American children receive the health care that they know they so richly deserve. And the issue of that is, is this Nation knows it is morally right, it is fiscally right, and it invests in the future.

I said we know this is an issue that the American people, as Dr. KAGEN illustrated, the physicians are with it. The groups that care about this are with it. The majority of Members in the Senate are with us. The majority of the Members of the House are with it. And we have an opportunity here. We are about 12 hours away from being able to decide and override this veto and show that the system works.

Mr. BRALEY of Iowa. One of the things we have been talking about is what this program would do that the President vetoed. But what we really haven't spent a lot of time talking about is what the President originally proposed, and what that would mean for existing children who are covered by SCHIP and would lose their benefit if the President's plan had been put in place. And when President Bush originally proposed his SCHIP proposal, it provided a $5 billion increase over a 5-year period, which wouldn't even be enough to maintain the current enrollment of kids under SCHIP.

I would just like my friend from Minnesota to comment about what we really haven't been talking about, and that is where the President stands when it comes to taking care of our kids.

Mr. WALZ of Minnesota. Absolutely. And this issue again comes back to the basic core principles of budgeting. I would just like to refer to the chart here for a moment.

Whenever you make a budget and whenever we sit down in this body, we have to determine what our values are, what our priorities are, put them in order, and pay for them accordingly. The President has indicated that this is simply too expensive, that we cannot do it. Now, to keep in mind, I want to give an illustration here. The cost of a day in Iraq in the war is about $33 million. To get an idea, that is about a quarter of a million children we could cover. For 37 days, just over a month of what this war is costing us, and this number doesn't include, by the way, soldiers' salaries nor the health care costs that, it was estimated in a hearing I was at today, are going to cost us somewhere in the neighborhood of $9 billion a year, probably stretching, with the total cost coming from CBO and the Congressional Research Service, to $1.3 trillion over the next 15 years. We could cover all 10 million kids.

So we have got a decision to make in this country, where we are going to put our resources, where we are going to invest, where we are going to see the future on this. And this is a simple decision. When the President comes to this body and will demand, cajole, just about everything you can think of and tell us why he is going to need $200 billion, of course he told us 5 years ago that it was silly when General Shinseki mentioned that this might cost $100 billion. Of course, General Shinseki was let go. He didn't agree with that budgeting. Or, that we might actually have to take care of more veterans. That is why we ended up short for the last 3 years taking care of our veterans.

So the President is going to say this is a budgeting issue. This is the same gentleman that did what the previous 42 Presidents could not do. He got us into a trillion dollars in debt to foreign nations. It took him about 60 months to be able to do that while it took 218 years for our previous administrations. This is the one who took a massive surplus under the Clinton administration and turned it into a massive deficit.

So the President's credibility when it comes to fiscal matters is pretty much zero. This Nation, 81 percent by the latest numbers, and possibly more, are saying, invest in the children, invest in the health care. Do what is right.

I yield to the doctor from Wisconsin.

Mr. KAGEN. I don't want anyone to mistake my position on this. I am not in favor of government-run health care. We don't need socialized medicine in these United States. We do have a VA system that was in disarray until we got here. This class of 2006 helped to save our military veterans' health care. We helped to save our active military from a condition that was deplorable. Everything that the President has said he was, he is not. He was not conservative. He spent us into the drink. It is borrow and spend, and borrow and spend.

But this discussion, really, is about our Nation's children. It is really about where we are going as a Nation and what kind of Nation we really, really are. From your report of the recent poll, the American people get it. And we are resonant to their message. We are listening to their message. We have got the judgment. But, my friends, people of the country have to understand that Cassidy doesn't have a murmur of a prayer unless we get in the next several hours, by tomorrow when we vote on this bill, another 15 votes from our

Republican side. We have got the Democratic votes. We need our Republican colleagues to come on over, to understand that this is not about partisanship. We cannot separate the politics and the policy. We have to put them together. They have to be in harmony for our children to get the health care that they so richly deserve.

I believe in my heart that with good people thinking this thing all the way through; one of the problems we have had in this country in the last several years, we have had an administration that in my opinion doesn't think things all the way through. You cannot say "no" to Cassidy; you cannot say "no" to Kailee and the millions of other children that need our support in the next several hours.

I yield to the gentleman from California.

□ 1930

Mr. MCNERNEY. We know the poll numbers are very strong, 81 percent. We know the financial numbers are very strong. But this isn't about polls. It's not about money. It's about our responsibility, living up to our responsibility as Americans to our children.

We know that we can send a man to the Moon. We can make technology. We can produce the best art, the best science, the best music, and, yes, we do have the very best health care services in the entire world. So let's extend some of that service to the ones among us that need it the very most, the poorest children, Cassidy and her daughter, the children that cannot afford it that need health care to get through those first 5 years of life.

So let's come together. I urge my colleagues to come together to do the right thing and to vote in a bipartisan way to override this misguided veto and pass the Children's Health Insurance Program.

Mr. WALZ of Minnesota. Well, I thank the gentleman, and I'm encouraged. I'm encouraged by the number of Members of this body that understand this issue. I'm encouraged by the willingness of our friends on both sides of the aisle to come together. I'm truly encouraged by the leadership of Senator GRASSLEY and Senator HATCH working on this.

I'd like to bring up one more point on this of fiction versus fact, that I think this is one of the, maybe the meanest spirited part of this. And something that gets brought up, and unfortunately all too often is brought up, this idea of scapegoating or trying to mislead the way the public, it obviously is not working very well with the numbers coming out of the latest poll, but this idea that somehow a nonlegal resident of this country, an illegal immigrant would be eligible for this. I don't know how many times we need to state this. But I think that, Madam Speaker, that those of us in this body owe it to one another to be very, very clear when we state this.

The fiction part says that the compromise bill would allow illegal immigrants to get SCHIP. Here's what our Republican leadership in the Senate has said. "Section 605 of our bill states the following: Nothing in this act allows Federal payment for individuals who are not legal residents." Anything to the contrary, if I would go back to the beginning, is simply misleading or, at worst, is an absolute attempt to distort or to be dishonest about this.

This is not, and I reflect back with each of my colleagues here. This is not a Democratic bill. This was a bill that was crafted under a Republican House and Senate and a Democratic President. It is a good piece of legislation. Our 43 Governors across the country support it. Numerous organizations that you have heard about, ranging the spectrum from the American Medical Association to the Easter Seals to the Cancer Society, to AARP, you name it and they're there. This is a good piece of legislation. And if the American public wants to understand how close this is or if, Madam Speaker, if you'd like to check with the Members of this body, there needs to be about 25 Members of this body switch where they're at on this issue. That's all we're asking for, to switch them. We've got them to compromise on that. We get these 25 people, and all of a sudden we're looking at 10 million children getting the care that they can.

Decisions are big around here. There's repercussions for your decisions. There's repercussions on the American public understanding what this body's job is supposed to do. And by all accounts, and each of us hear it, the American public, I would be willing to bet, it would be very difficult to find any issue that 81 percent of the American public agrees on, and this is the issue.

So tomorrow we have the opportunity. The President can choose to see if he wants to see his veto upheld. The Members of this body have the opportunity to make a difference.

So, Dr. KAGEN.

Mr. KAGEN. Mr. WALZ, I thank you for yielding. And I'd like to share with you, my colleagues, one of the lessons I learned as I left my medical practice and entered the world of politics to become a candidate and now Congressperson here in Washington.

I used to think it was doctors and nurses that really determined who would live and who would die. But really, it's politicians like you and I. It's politicians that will determine whether or not Cassidy has access to health care that she requires. It's politicians that took us to war based on lies and deceptions. It's politicians that have to get over the fact that they're not going to get a political donation from a child. The children don't have a voice in this body. We have to stand up and speak for them.

One of those people, not a child, from Marinette, Wisconsin, wrote to me this: "I'm a single person but I can't afford medical insurance unless it has a very high deductible, and then it's still expensive. I have many medical problems, and cancer runs in my family, but I can't afford tests or treatments because I don't meet requirements for free checkups."

You know, my friends, it's not just about children. This bill is focusing on the health needs of our children.

Later in this session, and next session, we will also take up the cause to guarantee access to everyone. Every citizen in this country deserves the right to see their doctor, their doctor when they need it. And I believe, in my heart, that we'll come around to get these 15 votes to override this veto and begin to change America.

We have to begin to think differently in this country and solve our problems by getting together, by working together and building a better future for everyone. It has to start tomorrow, in my opinion, and the opinion of many people throughout the country. It has to start now, right here and right now by caring for those who are most in need, our Nation's children, on whose future we all depend.

And I yield to my colleague.

Mr. BRALEY of Iowa. Well, I wanted you to yield for a question, because I think a lot of us remember those old Fram Oil commercials where you can pay me now or pay me later. And as a physician who's taken care of children, as a physician who got referrals from primary care physicians, one of the things we're always concerned about in this body is the long-term cost of health care as we move forward as a Nation and how we're going to be able to afford health care for every man, woman and child in this country.

But what I'd like you to talk about is what impact it has on our long-term health care costs when people like Cassidy don't get access to the primary care, they don't get early diagnoses, they don't get early treatment, they don't get early interventions that allow us to nip those problems early on before they turn into catastrophic illnesses where the cost is greatly escalated.

And because of your background, I would ask my friend from Wisconsin if you could enlighten us about what that means in a practical setting.

Mr. KAGEN. Well, when an attorney asks me a question, I have to give a short answer, yes. You're right. In more detail, and quite seriously, every study that's ever been performed has proven that preventive health care, that disease management, saves money and saves lives. In diabetes it saves limbs. If you have a diabetic that is more under control, with their glucose maintained within a normal range, you gain longer life, less kidney failure, less heart disease, and your limbs, the circulation in your limbs, your lower extremities, in particular, are maintained. Diabetes is one example. In asthma it's yet another.

Several years ago, 5,000-some children and adults would die from asthma attacks in this country, and with a disease management program, we've reduced the hospitalization rate of children with asthma.

Asthma is the number one cause of hospitalization for children. Asthma is a very common illness today. It's in epidemic proportion in our major cities. Where, in our major cities? Well, there's lower poverty rates in our lower cities. And it is our Nation's children who are in low-income stratas that are developing allergy and asthma much more frequently. They need preventive health care. It saves money and it saves lives.

And to think of it a little differently, we can lower the taxes of every town, of every city, of every State in this country by having children that are healthy. By investing in the health of our children, we can lower people's taxes. This just hasn't sunk in yet. It will some day, if we fail to cover our children's health care.

And I yield.

Mr. WALZ of Minnesota. Well, I think the two gentlemen make excellent points on this. It's about having a vision. It's about understanding investment.

I would argue it has sunk in, Madam Speaker, to 81 percent of the country. It simply hasn't sunk in to another 25 Members of this body that will start to get that.

I want to give just an example here, a couple on this. This idea that the President's going to decide again, and the claims that came up here and, of course, the chart we talked about where the President's going to cut back on numbers, we have a situation now where we have children uncovered. The President is going to decide. Now, our bill is going to get us to the number we want to try to get to. The President is going to say, no, there's not enough there to get that. Well, he calls himself the decider. So Madam Speaker, I'd like you to think about this, and I'd like Members of this body to think about this.

Who gets coverage? Which one of these families gets coverage? You decide. Some aren't going to if you get the President's way. Our way makes the decision pretty easy. Cover the children.

How about the Wilkerson family from St. Petersburg, Florida?

"This is personal not only to us but millions of parents," said Bethany's mother, Dara, in a telephone interview.

"Dara Wilkerson said Bethany had to have heart surgery in 2005, when she was 6 months old, after doctors told them she'd been born with 2 holes in her heart and a valve that didn't close. The Wilkersons said their annual income was about $34,000 from their jobs, and they couldn't afford private insurance, and it wasn't offered to them. But even if they could, Bethany had a preexisting condition. The heart problem she was born with made enrollment in private plans impossible, her mother said. Thanks to Florida's version of SCHIP, the State Kid Care Program, Bethany gets the care she needs and has recovered and is a healthy, happy little girl."

The President can be the decider. Does Bethany and her family get the coverage or not? It's his decision.

How about the Spaeth family from Kentucky?

Tonya Spaeth will give birth to a baby whose health care is the subject of a contentious debate on Capitol Hill. For the Spaeth family, such matters go far beyond a political debate. The baby's 2 older siblings have spent much of their lives in Kentucky's version of KCHIP, which insures 51,000 uninsured, low-income children who don't qualify for Medicaid. The Spaeths pay $1 or $2 for prescription medication and a $20 monthly premium. Mom and dad both work, but are absolutely unable to afford private insurance, which would run about $400 a month. So you want to throw them off? We can see what they did.

How about the Mackey family from Memphis, Tennessee? When Barbara Mackey's sister sent her an e-mail earlier this year about Tennessee's new CoverKids health care, she jumped at the chance. CoverKids is making a huge difference, said Barbara, who earns less than $20,000 a year as a bookkeeper at a church daycare center. The center offers health insurance to employees but not their dependents. Barbara said 3 of her 4 children were covered under the TennCare health insurance program for the poor, but lost coverage when the State ruled that the family's income was too high to qualify. So do you want to throw off Barbara Mackey and her children?

The list goes on and on and on. So the decider is going to be able to make a decision. We, as the deciders of the people's will, the 81 percent of people who agree with this, the 74 percent who are willing to give up their hard-earned dollars to help invest, as we heard our good colleague from Iowa and from Wisconsin say, this is a good piece of legislation. It's bipartisan. It's well vetted. It's ready to go. It passed both Chambers. It was vetoed. And tomorrow we're going to have the opportunity to set that record straight. And I look forward to this vote. I look forward to standing on this floor with my colleagues and proudly casting that vote, knowing that this Nation's priorities are straight. This Nation's priorities are right. This Nation's commitments to its children are unwavering.

I yield to the gentleman from Wisconsin.

Mr. KAGEN. Let me share with you just one such story of a patient of mine; actually, her children were my patients, and Jenny was a single mom with 2 young asthmatic children. And they were in my office by referral from their physician, and I made a diagnosis. I wrote some prescriptions for each child. I said, "Hey, I'll see you in a month, and they'll be doing fine. They'll be back in school. They'll get the education they need. They'll be healthy."

A month later she came back in with her children and these children were still wheezing. You know me pretty well; I'm right to the point. I said, "Well, you know, Jenny, this medicine works pretty good if you put it in their mouths." And she was sitting next to me and she took up her purse and opened it up and took out the very same prescriptions I had given her a month earlier and put them on my counter. And she said, "Well, Dr. KAGEN, I don't have the money to put it in their mouths. I took your prescriptions that you gave me to the pharmacy. I stood at the counter. I could see the medicine, but I couldn't afford to put it in their mouths. What are you going to do about this? How can you help me? How can you help me?"

Well, I stood up and said that's it. I've got to run for Congress. I can't change health care by becoming mayor of Appleton, Wisconsin. I can't change health care by going to be a Governor in the State House because we can't fix health care. This is a national crisis. You can't fix it State by State. Insurance companies are hiding behind State lines.

So I came here to work with you. As you all came here, so did I, to bring our country back to the basics. We have to get back to the basics in this country. And I'll just echo, not just what my patients have been telling me, but everybody along the parade routes, everybody I meet at the grocery store, everywhere I go, people say this: "Hey, KAGEN, I want my country back." They don't just mean a border that they can see. They don't just mean having a President that will obey the rule of law. They mean they want their morals back. They want their standing, their country to stand up tall and say we care about our children and we're willing to invest in their future.

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This is Jenny's story, and I bring it to you and I share it with the Nation. We cannot turn our back. We cannot say no to Jenny. We cannot say no to Wendy and her children. They are working hard. These are hardworking people. The 47 million people that don't have health insurance today, two-thirds of them are hardworking people. They simply don't have the money to pay an insurance company for what benefits they may or may not get if they have insurance.

But this bill just makes sense. It's good for our Nation's health. It's good for our business. It's paid for. It's pay-as-you-go. Where do you want to spend your money if not on your children and their future?

I yield back to Mr. McNERNEY.

Mr. McNERNEY. Thank you very much.

I would like to ask a rhetorical question. What gives you the most joy in life? And the answer, of course, is your children.

You go to the mall. You are walking down. You've had a hard day. You see a child. You bend over, you talk to it. It brings a smile to your face. You're walking down the street in your neighborhood. A young mother comes along with a baby and cart. It brings a smile to your face.

And it's not just the United States of America. It's a worldwide phenomenon. People love children. They love to dote on their children. They love to spend money on their children. They love to do everything they can to give their children the best possible future they can.

So why can't we come together on a bipartisan basis and give our children the health care they need to be productive citizens in this country, in this world.

And that's a rhetorical question that I will leave with the gentleman from Wisconsin.

Mr. KAGEN. Madam Speaker, it's not such a difficult question to ask, Whose side are you on? Are you on the side of Cassidy and her mother, Wendy? I am. I know my colleagues are. Whose side are we on? We will answer that question tomorrow.

Mr. BRALEY of Iowa. Madam Speaker, we have talked about the human face of this problem, and I just want to briefly talk about the numbers that affect a single congressional district.

In my district, the First District of Iowa, 7,000 children are covered by the Children's Health Insurance Program. In the State of Iowa, there are currently 37,000 children who benefit from this program. This bill will allow 26,400 additional children to have the benefits of health care. But if we don't act, 37,000 children could lose the opportunity in my State to have the type of coverage we're talking about.

And one thing we can't do is we can't turn our back on those kids. We can't collectively fail to have that smile from doing something right that we all believe in, taking care of the most vulnerable people in our society, making sure they have their basic needs met. That is a responsibility we all have as parents. That is a collective responsibility we have as a Nation to the children of this country. And when we come into this Chamber every day, that should be the foremost thing in our minds: providing basic needs and making sure that they are met and empowering people to meet those needs on their own.

So with that I want to thank my colleagues for joining us here tonight.

Mr. WALZ of Minnesota. I thank my colleagues. I thank you for your passion. I thank you for speaking out for those Americans and speaking out especially for those that are least able amongst us, the children, the children of those that are not as advantaged.

It doesn't happen often, but tomorrow we are going to get the opportunity. You hear a lot of politicians talk about family values. Tomorrow they are going to get an opportunity to cast a vote that really will affect family values. That ability to put that smile on that child. That ability to take that child in and give them the preventative care necessary to see that child grow up and be a productive member of society.

I am proud to be prepared to cast this vote to override this veto with my colleagues.

Mr. KAGEN. And together we will.

## SCHIP AND EARMARK REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY. Madam Speaker, I thank my leadership for allowing me to lead the time during this next hour. And my intention, Madam Speaker and my colleagues, is to talk about something that is hugely important in this town, in this body, and across this country, and, of course, that is the issue of earmarks.

But, Madam Speaker, before I get to that, I couldn't help but hear my colleagues on the other side, the freshmen Democrats, who just spoke about the SCHIP program. I will say this, Madam Speaker: they spoke well. They spoke in a very articulate manner. I commend them for their sense of presence in this body. They are all doing a great job.

But, Madam Speaker, talking about overstating and being over the top on some of the comments that were made that I just heard over this last hour listening to my colleagues, it's amazing.

The gentleman from Minnesota was critical of the President, overstating the issue of the SCHIP program in regard to covering children from families up to 400 percent of the Federal poverty level. I don't necessarily argue with the gentleman over that point. But then the doctor from Wisconsin went on to make a comment, and I think I am accurate in quoting him. He suggested that the Commander in Chief, the President of the United States, went to Iraq over lies. Then he went on to say that the country needs more than a President who refuses to obey the rule of law.

Now, you talk about overstatements and embellishing and really getting entirely off the subject. So I just want to remind my colleagues, let's do indeed stick to the facts.

The facts, Madam Speaker, in regard to the State of Wisconsin, my good friend, the good doctor, the allergist from Wisconsin, I would quickly point out to him that in his State, he showed that picture, that kind of heart-rendering, tugging-at-your-heart-strings picture of the mother and child, the mom, Wendy, and the child, Cassidy, and sort of making his point that we need to expand this SCHIP coverage by 140 percent to cover 6.4 million children that we are covering under the current program, but to increase that to over 10 million children.

Well, not only that, Madam Speaker and my colleagues, but the gentleman from Wisconsin, in his State 66 percent of the people that are covered under the SCHIP program are the Wendys, not the Cassidys. Mom and dad that have maybe one child that are in that income bracket, 100 to, I think, in Wisconsin it goes up to 180 percent of the Federal poverty level. Not only are the children covered but the parents are covered as well such that in that State, 66 percent of the total people covered are adults, not children at all. And Wisconsin is not the most egregious State, Madam Speaker. There are a number of others.

The State of Minnesota, the gentleman from Minnesota was leading the time. I think probably 70 percent in Minnesota are adults.

And if my colleagues want to come down, I will yield to them if they want to dispute those figures and we will talk about it. I would be proud to have them interrupt me and get in a colloquy, in fact, about this.

So I am here tonight during this Special Hour, Madam Speaker, to talk about earmark reform, and we will get to that. But I think this is just really important because this is a historic vote tomorrow. This is a historic vote. And colleagues on both sides of the aisle will have an opportunity to say do we want to reauthorize a good program, you might say even a Republican program with Senators like Senator HATCH back in 1997 when this program was started. Not an entitlement program, Madam Speaker, no. Not an entitlement program. A block grant lasting 10 years, spending about $1 billion a year on the program to cover 6 million children. And, yes, we Republicans, we fiscal conservatives, and the President of the United States have a compassion, and we understand that Biblical phrase "suffer the little children" that the Speaker likes to use over and over again in trying to make her point.

But we want to make sure that we cover those children that have the greatest need, those children between 100 and 200 percent of the Federal poverty level. And there are almost 750,000 to 1 million of those kids, those children, in those families who have fallen through the cracks. The States have not done a good enough job of finding them.

Madam Speaker, I am very, very proud of my State of Georgia. I represent the northwest part of that State, District 11. We have lots of children in this program. In fact, in Georgia we are covering about 280,000 children. And we still are missing a few. But they are not children and families making 300 percent of the Federal poverty level. That's $63,000 a year. And if you allow that, as this new Democratic expansion does, as a matter of routine, and then you also say not only do the children, each child in that family, one, two, five, whatever, but their parents also get coverage, well, that's why I'm just trying to make this point.

I love my colleagues on both sides of the aisle. These four freshmen Democrats are outstanding Members, and they speak very well, as I said. They just speak facts that are not factual and they embellish their points, and I think that the truth needs to be told on this.

The truth is that we in the minority now, we want to expand this program. We voted for the continuing resolution so that it did not expire. We will vote to sustain the President's veto tomorrow because we don't need to raise the spending, Madam Speaker, on this bill 140 percent and cover 4 million additional children.

I think it was Mr. WALZ from Minnesota who had this nice poster showing the amount of money that we spend every day, every month in Iraq trying to defeat this Islamic extremism, to fight this global war on terror, and saying that, well, you know, if we had 37 days' worth of spending in Iraq and Afghanistan that we could use on this SCHIP program, we could cover 10 million additional children, give them health care, dental care, Cadillac coverage. Well, he is right about that. There is no doubt we could. And what good would that health care coverage for those children do if some Osama bin Laden look-alike came into this country and blew them to smithereens?

So let's get our priorities straight here, my colleagues. Let's get our priorities straight. We need to protect the children. We need to protect the adults. We need to protect hardworking men and women in this country and not let 3,700 of them be slaughtered in a 20-minute period of time, in the blink of an eye, because we were not willing to defend this country against global terrorism and Islamofascism.

So this is not a matter of either/or here. And, again, numbers are great. You use your statistics and you make your points. But I hope, my colleagues and Madam Speaker, that I have made my point well in regard to priorities. So let's get this real. Let's sit down with the Democratic leadership. The President I know will do that after we sustain his veto.

Hopefully, there will be some Republicans, Madam Speaker, at the table. Our colleagues keep talking about the bipartisan bill and they keep saying Senator GRASSLEY and Senator HATCH. Well, okay, Senators GRASSLEY and HATCH. But we have got, I think, 47 other Republican Senators in the other body. And, yes, they may have a few Republicans on this side who they have scared into supporting this massive expansion.

But we don't need to do that. The President can sit down with, hopefully, our leadership, both Democratic and Republican. Minority rights here. Let Mr. BOEHNER in the room. Let Mr. BARTON in. Let Mr. DEAL in. Let our ranking members from the Ways and Means Committee, Mr. MCCRERY, let them in the room too and sit down with the President, with Democratic leadership, with the Senate, with the Republican Senators. I'm sure they will be there.

And say, look, we made a proposal. Initially, the President said we are going to expand this program 20 percent. You say it's not enough. All right. Well, let's get to the table. Let's leave our guns at the door, if you will, Madam Speaker. And maybe it does need to be a 35 percent increase, possibly even 40 percent. That would increase this program over a 5-year period of time by $10 billion. But not $35 billion when what you cover in those additional 4 million children are those whose families are making a pretty darn good income at $63,000 a year and they are already on a health insurance program, a private health insurance program. But, Madam Speaker, wouldn't you, if you got the opportunity to drop your private coverage for your kids and those monthly premiums, say, Manna from heaven, we're now going to get on the government public trough? Wonderful. Wonderful.

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And I go back to that, talking a little bit in response to, again, my physician colleague, I think most of my colleagues know that that was my profession, too, before coming to this body. But the doctor from Wisconsin was showing those pictures, that picture, again, of Wendy and Cassidy. Well, Wendy, if she needs public coverage for her health care, should get it under the Medicaid program. But guess what? The State has to pay more under the Medicaid program, significantly more, probably, I would guess that that's absolutely true in Wisconsin, than on this SCHIP program. So it's a better deal, obviously, to cover her under SCHIP than under Medicaid if she had a waiver, if Wisconsin had a waiver, could cover her income level. You see my colleagues, you get it? This is simply a matter of fact, the truth. Maybe sometimes the truth hurts, but connect the dots here, connect the dots.

Mr. Speaker, I don't think the Democratic leadership wanted to give the President a bill that he could sign because there's a lot of politics in all of this. And there is always, well, you know, "these cruel Republicans." These cold-hearted, they don't care about the children. They don't care about the veterans. They don't care about the hardworking men and women of this country, so let's stick it to the rich." And of course the rich is anybody making more than $75,000 a year.

So, Mr. Speaker, it wasn't my intention to talk about this, but I think you can see, my colleagues, that the previous hour kind of stirred me up a little bit, and I wanted to get the facts out there. Because this is a historic vote tomorrow, and I plan to vote to sustain the President's veto.

Mr. Speaker, my main purpose tonight in this hour, and I think some of my colleagues will be joining me a little bit later in the hour, is to talk about something that I can talk about in a very, very bipartisan way, and that is, the need for earmark reform. This problem with earmarks, a lot of people say that's the reason, that's part of the reason. Maybe there are two or three things that you can point to, I won't spell them out. I think most people understand that we lost our majority. "We," I'm talking about now the Republican Caucus. We had the majority in this House for 12 years, and in November of 2006, obviously, we lost it. And a lot of people would say, the political pundits and folks back in my district, the Republican base, you guys, why in the world did you not rein in spending? You know, you had an opportunity, you had a Republican President, you had control of both the House and the Senate. Of course, control of the Senate, I think the Democrats are finding out right now that control of the Senate by two votes doesn't get you very far, and of course that was certainly a problem for us in the majority. But it is without question, in my mind, that this prolific spending really caused us some serious problems at the ballot box. And some of it has to do with these so-called "Member initiatives," earmarks, a lot of people just flat out call it "pork."

So, I think it's a problem. Clearly, it's a problem. The American public perceives it to be a problem; therefore, it is a problem. And if you ask people in red States or blue States, they'll tell you the same thing: It's not right.

Now, there are Members who will stand up here and very staunchly defend Member initiatives. They will make the argument that, well, each Member, 435 of us, 100 in the other body, knows our people, knows our State, knows our district, understands what the needs are. People come to us, whether it's a school or county or city government or an individual entrepreneur that's got a new product that can save the lives of our soldiers injured on the battlefield, and that's a good thing, that's an appropriate thing for us to point out. Maybe the departments that we fund in this $933 billion discretionary spending pot that we divide up among all these different agencies and departments of Federal Government, that they can't know, they can't get into each and every State, although they may have regional offices. So, it's good, it's good that Members, Mr. Speaker, are able to bring that to the attention of the appropriators and make a request and get what's called by the general public and by the watchdog groups "earmarks" or "pork." We like to refer to them as "Member-directed initiatives."

And I'm a little bit torn about it. I do believe that Member initiatives can be a very good thing if Members do the right thing and there is no quid pro quo in regard to trying to grant a favor, if you will, for a constituent for a worthwhile, needy project that would ultimately help everybody, not just a very narrow group of people.

But this system, Mr. Speaker, has really gone amuck. Now, I've only been here 5 years; I'm in my third term. Have I asked for Member initiatives for the 11th District of Georgia? Absolutely, Mr. Speaker. Indeed, I have done that. I have learned how to do it, not nearly as successfully as some of my colleagues. Some people are absolute experts at it, but we all kind of learn the process. It's not part of our orientation, by the way. If it was such a good thing, it seems like they would include it in the orientation manual for new Members. But you just kind of learn this on the slide. You know, you talk to your senior colleagues who have been around here for a while and you find out how the system works. And so, you do. And I like to feel that I can shine the light of day, Mr. Speaker, on every single one of those Member initiatives that I've asked for; certainly not gotten them all. In fact, the ones that I have been granted, usually it's far less than the request. So, we've been doing this for a long time and we've talked about reforming it for a long time.

When we were in the majority, Mr. Speaker, and I say "we." You and I are Members of this body proudly, but I'm talking about "we" the Republican Members. When we were in the majority, I think we finally recognized that something needed to be done and we tried to put some sunshine on the process. And we said, look, at the very least, let's make sure that when Members put these projects, these earmark projects in a bill, not just the appropriations bill, but also an authorizing bill, or maybe a narrowly drawn tax bill, all those tax bills, of course, originate in the House through the Ways and Means Committee, but if it's a tax advantage that affects just a handful of people, that's kind of a special deal, that's a special favor, and that has to be justified.

So, we recommended in our ethics reform package in the 109th Congress, let's make sure that all of those Member initiatives are written in the bill and in the bill's report. And it specifically says who the Member was making the request, from what State, what the project is, how much money is going to be spent. And that particular earmark could be challenged by another Member. Another Member, during an appropriations vote and discussion, a Member could stand up and say, "I have an amendment to strike such and such an earmark." I would hope that Members would do that in a bipartisan way and that Democrats wouldn't just attack Republican earmarks and Republicans attack Democratic earmarks. If you're truly sincere about the process, you would look at it without any view of whether the earmark has an "R" or a "D" behind it, Mr. Speaker, and you would challenge it on its merits and then would have an up-or-down vote. That's good, that's a good thing.

Unfortunately, Mr. Speaker, when the new majority took over, that language in earmark reform was changed such that it's not required that the light of day shine on earmarks and authorizing bills or tax bills, just in the appropriations process. But that's not enough, that's not enough.

In the next few minutes I want to talk about something that I have introduced, a bill that I think would take us a lot further down the road toward, if you will, Mr. Speaker, cleaning up this process.

Now, I'm going to ask our good, young page who is here tonight, as they always are, working hard for us late at night, to bring the easel up. I've got about three posters, and I want to share some quotes with you. But while he's doing that, Mr. Speaker, I see that one of my colleagues, my classmate from the great State of New Jersey, I believe that's the Garden State if I'm correct, is with us on the floor. And the gentleman I'm talking about, Representative SCOTT Garrett, is also my colleague on the Republican Study Committee, and I thank him for joining me tonight.

At this time, I would like to yield time to Mr. GARRETT.

Mr. GARRETT of New Jersey. I thank the gentleman for yielding time.

I want to begin by just complimenting one, two, three people. First of all, compliment Dr. GINGREY for having this session here on the floor tonight to bring this very important subject once again to the well so that we can have this debate, have this dialogue to address an issue that the American public is rightfully concerned about.

Secondly, and I'm sure Dr. GINGREY will agree with this, we should always applaud the gentleman from Arizona, JEFF FLAKE, who has been, let us say, the "voice in the wilderness," if you will, for a number of years when it came to earmarks coming to the floor, repeatedly, time and time again, before you and I were even in Congress, bringing this to the attention of the Members from both sides of the aisle, trying to shine that light of day. Unfortunately, the process was not such that the information was going out. He did it sporadically, at best, because he had to literally go through the bills page by page to try to gather the information. And when he did, he would gather those infamous examples that he would then bring to the floor, outrageous examples, and try to get a majority of Members of either side of the House to support him in deleting those egregious earmarks. Unfortunately, in nine out of 10, actually, it's probably more like 99 out of 100 examples, he didn't get the support that he deserved.

And the third group of individuals that I think we should applaud is the American public, because they have been rightfully outraged from the very start, as soon as the information began to come out of this House, as to where their tax dollars are going. The American public saw that their hard-earned tax dollars that they work every week and send in their taxes to the Federal Government, to Washington, D.C., are going to absurd things: the rain forest in the central United States or "bridges to nowhere" and that sort of thing. It is only, I think, because their outrage has gotten to such an extent that Congress, especially from the other side of the aisle, the Democrat majority, is finally beginning to listen. And you and I also agree that they have not quite listened well enough because they have not brought through the sunshine and the adequacy of information that you and I would like to see and that the American public would like to see.

So I just want to start off by saying, let's applaud those and give credit, yourself and JEFF FLAKE and the American public, where credit is due.

I know you're about to talk about your proposal, so maybe I will cut my comments to a couple here because I would like to maybe discuss your proposal in detail so we can flush it out. But let me just raise this one point, and I think this is probably a good segue for where you're going to go into this.

When it comes to earmarks, when you think about earmarks, it is right to say that they are really a very small part of the overall expenditure of the Federal Government. Unfortunately, I think some Members and lobbyists also spend, unfortunately, a disproportionate amount of their energy and time attaining those earmarks. I don't think that's why they sent us to Washington, to spend so much of our time trying to slice out a small percentage of the budget to bring back home.

We know that some Members probably spend more of their time than others. We also know that some Members have been more successful than others in bringing home those earmark dollars in perhaps a way that some would argue is not the most equitable and fair way. And I think that's what your bill will get to, to provide a more equitable and fair distribution of dollars.

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How is the money being spent right now? Well, I understand that the average House Republican receives approximately $8.7 million on average in earmarks. I think that is an average as far as described as being a mean, or median, as opposed to a mode, when it comes to averages because some of them are considerably less and some of them have considerably more. The average Democrat, though, remember the Republican is $8.7 million, the average Democrat receives $10.3 million in earmark funds. And you have to scratch your head and think, where is the fairness there? Just because someone lives in a Democrat district, he may be a Democrat himself or he may be a Republican, is he more worthy? Did he pay more taxes that he is going to get more dollars coming into his district? Conversely, just because someone lives in a Republican district and he may well be a Democrat, as well, why is he being shortchanged? He is receiving on average a couple million dollars less.

Now, I said a moment ago those are averages. Some are lower. I don't know where you or I stand on those numbers. But some are considerably higher than that. The Speaker received some $67 million in earmarks in the last go around, and then there, of course, is the very cream of the crop, the very top, appropriations cardinal, Congressman MURTHA, topped the list at over $179 million in earmarks to his district. $166 million were in defense earmarks. Someone suggested that when you are collecting and spending $166 million, you are no longer just a congressman, you are now a CEO of a mid-sized company at that point. Of course, the interesting thing there is you are a CEO of a mid-sized company that has been bankrolled by the taxpayers of the country. That is something that we should focus the light of day on: Why are some people being treated better than others just by who they are, what positions they hold and what ranking positions they have in various committees.

I think your legislation will possibly try to address those issues. And if it does, and as I understand it does adequately, it will go a long way to providing the equity and fairness that the American public has been seeking and has been outraged that we have not been providing them in the past.

I would like to touch on some other points as far as really the scope of where earmarks go and some of the other things we may need to do, but I think this is a great segue into what your bill is able to address, and I yield back to the gentleman at this time.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from New Jersey. I hope he will be able to stay with us throughout the hour because I do want to segue back and forth with him as we delve more deeply into this issue. But at this point I want to ask my colleagues on both sides of the aisle tonight, focus on these three charts, posters, if you will, that I've got because I think this is so telling in regard to why I said, at the outset, when we started talking about this problem, that this is bipartisan. This is a bipartisan problem. It needs a bipartisan solution.

When we were in the majority, maybe doing the exact same thing, business as usual in regard to what the gentleman from New Jersey just pointed out, and in the way these earmarks are handed out with sort of, first, if you are one of the fortunate 65 that sit on the Appropriations Committee, whether you are in the minority or the majority, especially if you are in the majority, you get a much, much, much, much bigger bite at the apple, the earmark apple, than some rank-and-file Member on either side of the aisle that is part of the "obscure caucus" that sometimes we refer to. That is not right. That is absolutely not right.

Listen to what Ms. PELOSI, the minority leader in the 109th Congress, said, and I think she was absolutely dead on right when she said it. Here is the quote, Mr. Speaker, "If you are going to have earmarks and you are going to have transparency, you have to do it in the appropriations bill and in the tax bill, and in the authorizing bill. I would put that in writing." That is a quote from the gentlewoman, the distinguished current Speaker, then minority leader from California, Speaker PELOSI, minority leader at that time. She made that statement in September of 2006, exactly September 7. I guess campaign season. That was a good thing to say.

I think the public paid attention to it. I think it might have helped the Democrats regain the majority as they now enjoy in the 110th. I don't know what has happened with the Speaker. Right now, the minority leader, JOHN BOEHNER, the gentleman from Ohio who has been in this body since, well, I don't know when. He is still a young man. But he has never asked for an earmark. Do you think it is because Ohio or his district doesn't have the need? No. I think he thinks or he feels there's too much temptation for quid pro quo and corruption and he works very diligently to try to get through the regular process of applying for grants and helping his district know how to do that, that that is the better way.

Well, he has dropped a bill in this Congress, in the House, to do exactly what we tried to do under the Republican leadership, Mr. Speaker, in the 109th, do exactly what Madam Speaker PELOSI said on September 7, 2006. Do you know where that bill is? It is buried. It could have a hearing. It could be brought to this floor. Gosh, we could do it this Friday. That was another pledge that the Democrats made, Mr. Speaker, that we were going to work 5-day weeks and I bet you we will be leaving here on Thursday night. Heck, we could bring this bill up. The leadership just has to agree to do it, and we could be voting on this very issue on Friday. But, no, it is buried. It hasn't seen the light of day. So we Republicans, maybe hopefully some like-minded, good Democrats, maybe the Blue Dog Coalition, maybe the Congressional Black Caucus who is sick and tired of getting the short end of the stick in regard to this earmark process would sign that discharge petition and let us get 218 signatures so that we can immediately bring that bill that Ms. PELOSI recommended to the floor. That seems pretty straightforward to me. Let's do what she asked us to do.

Mr. Speaker, the next line is another quote from our now current Speaker, and she said this, if she were to become Speaker in the next Congress, PELOSI said she would press to severely reduce earmarks. And this is a quote. That was what the reporter wrote in the Wall Street Journal. But this is a quote that the current Speaker gave to him. "Personally, myself, I would get rid of all of them," she says. "None of them is worth the skepticism, the cynicism the public has and the fiscal irresponsibility of it." That was in the Wall Street Journal.

Yet, Speaker PELOSI, she herself is on track to take home $100 million this year in the earmark member initiative category.

That just astounds me. That just astounds me. What she said here, my colleagues, is so true. "None of them is worth the skepticism, the cynicism, the public has." Now, Mr. Speaker, I want to ask my colleagues to pay attention to an article that was written today, USA Today, quick read, easy read, Wednesday, October 17, front page, should have been above the fold, below the fold, but here is the byline on this article, my colleagues: Timing of Gifts Stirs Earmark Debate. And then the subtitle: Donations Made After Funding Added to the Bill.

Now, Mr. Speaker, I want to read the first paragraph. The article is short, but I am not going to read the entire article. But this is what it says in the first paragraph:

"Days after a Senate committee approved $1 million for a Woodstock, New York, concert museum, the project's Republican billionaire backer and his family contributed $29,200 to help the Democrats who requested the money, Senators Hillary Rodham Clinton and Charles Schumer." A $29,200 contribution from this billionaire and his family. Within the limits? Sure, within the legal limits. I am sure it probably was him, his wife and his kids, adult children who are permitted to make contributions. Maybe Senators CLINTON and SCHUMER have leadership PACs and they can get $5,000 a chunk to those PACs.

Then the article goes on and says:

"It's neither illegal nor unusual for contributors to benefit from congressionally directed spending known as earmarks, but the timing of the June donations is grist for critics who see a link between legislative pet projects and campaign money."

Now, I am going to tell you, I don't want to say that that is the proof of the pudding, but it is mighty suspicious. And I don't think it passes the smell test.

I am not being overly critical of these two Senators. The problem is on both sides of the aisle in both Chambers. What really called my attention to it, Mr. Speaker, was an article about a month ago in CQ Weekly in the title, the front page, Playing the Earmark Game and How It is Done, and how certain Members get, as I pointed out earlier, a much, much bigger bite at the apple. I will tell you, my colleagues, you know this. I hope the American public knows it. It is going to be members of the Appropriations Committee. It is going to be the party leaders, possibly on both sides of the aisle, or it is going to be Members who have had a tough election in a very competitive district, and we run it every 2 years and they are going to have a tough reelect, be they Republicans or Democrats, and, therefore, those Members are going to be granted a lot more. Mr. GARRETT talked about the average of $8 million. Maybe those are the ones that get $25 million worth of a bite at the apple so they can appear to be doing more for their district. They are a great Member, so let's reelect them. They are bringing home the pork. They are bringing home the bacon.

But you know what happens with that process, Mr. Speaker, and there are several articles in this magazine. This one is titled, Gaps Along Racial Lines. What happens to Members of this body who may be from minority majority districts or Latino districts or inner city districts and they easily get elected. They are very popular in their district. So they don't need any shoring up to get reelected. So they get maybe $1 million instead of $8 million, and somebody else, some powerful Member gets $180 million for their district. That is flat wrong. Because, Mr. Speaker, those Members that I just described, whether they are members of the Congressional Black Caucus or the Latino caucus or they represent a rural district in Georgia, they have 670,000 people that they represent, and they have poor towns and poor counties and poor school systems that need the money, that need the project, and they don't get it. It goes to the fat cats. That is just flat wrong.

We are going to try to change that. Some Members think that the solution to this problem, Mr. Speaker, is a nuclear option, and that would be to totally eliminate all earmarks tomorrow. No more earmark Member initiatives and we stop all this temptation that any Member could fall prey to, any Member, including myself.

□ 2030

So I can concur and understand that feeling that we might need to completely, totally stop the earmark process. But then, again, many Members have pointed out to me that, you know, Congressman, we don't mind putting our earmarks out there for the light of day, we don't mind them being challenged, but don't take them away from us, because we are doing it right. Don't ruin a process that could be good because there are a few rotten eggs in the basket. I understand that argument as well.

My proposed legislation, and I appreciate Mr. GARRETT from New Jersey still being with me because I want to yield some time to him and get into a colloquy about the bill, Mr. Speaker, but what it does is this. It says, look, in 2006, the high water mark of earmarks, when $29 billion worth of discretionary spending, about 3 percent of the overall discretionary spending was earmarked by House and Senate Members, well, let's do this in my bill. It says to cut that amount by 50 percent.

Mr. Speaker, that is also almost a PELOSI quote. What was called for by the Democrats when they were in the minority trying to seek the majority, let's cut these earmarks by 50 percent in one fell swoop. So that is what my bill does; it cuts that $29 billion to $14 billion. Then you do a little arithmetic, not calculus, but a little bit of arithmetic, and you divide 535 into that $14 billion number and you come up with a figure of $27 million. The bill says no Member, no Member from Pennsylvania, no Member from California, no powerful Democrat, no powerful ranking member, no appropriator, nobody who needs help propping up them for the next election, nobody can get more than $27 million worth of earmarks for their district.

Now that doesn't mean they have to take them. If Members like Mr. GARRETT and Mr. FLAKE and Mr. BOEHNER and Mr. HENSARLING and a total of 12 Republicans stand strong on principle and say that earmarking is wrong and I want to say that my $27 million should go back to the taxpayer and subtract that number from the 302(A) allocation, as we call it, that is some real money. The first thing you know, you might have 100 Members doing that, or 300 Members on both sides of the aisle saying "I want to end this process." That opportunity is there. The money wouldn't be spent by somebody else.

Mr. Speaker, but, on the other hand, if a Member had something that they felt very strongly about, whether it was a road project or repairing a bridge infrastructure, obviously the State of Minnesota knows what I am talking about, or widening a port so that these large container ships can come in that are now going to be able to come in through the Panama Canal, there's merit. So a lot of Members would say, you know, I really need this. Maybe one year $15 million; possibly the next year, the max; maybe the next year nothing, in which case the taxpayer would benefit from that as well. That is what this bill is all about. It's about putting some fairness, restoring some integrity to the process, and also controlling spending.

Mr. Speaker, my thinking on this is really twofold, controlling spending, and also ending this climate, if you will, of corruption, where Members on both sides of the aisle, and I don't think there is a Member of this body that comes here without a great deal of integrity and honesty. I don't believe they could look people in the eye in their district and get elected. It is hard to get elected to the Congress, to the House or the Senate. I think people come here with good character. But I think, unfortunately, the process will adversely affect a few. We can name some bodies that are littered and strewn about this place, that actually some of them are now spending time in the Crossbar Hotel, as my dad used to say.

So this bill, I think, would help. It would be a great start; not just a little move, but a fairly draconian move. A lot of Members are not going to like it. I have already begun to accumulate cosponsors, and every day we get several more, and hopefully this is something that we can accomplish.

Mr. Speaker, I would like to yield back to my colleague from New Jersey (Mr. GARRETT) at this time for further commentary.

Mr. GARRETT of New Jersey. Mr. Speaker, I appreciate the gentleman for yielding.

Mr. Speaker, as I sit here, and here we are in October, the question that always first comes to my mind is 10 months into the 110th Congress under now the new Democratic control, and what has that 10 months wrought: The largest tax increase in U.S. history, the creation of a budget by them with slush funds where there's no accountability; and, finally, the lack of transparency that was promised to us. That last point I think is what Dr. GINGREY is talking about here this evening. I am glad to join him to illuminate that issue a little bit more, the lack of transparency.

The Democrats ran the election of last year saying that there was not enough transparency and openness in the prior Congresses and that if they were elected and put in a position of power, they would bring that transparency, the openness, the sunshine, if you will, to this floor. That is what they campaigned on. That is even, as Dr. GINGREY says here with the charts, the quotes from Speaker PELOSI, what they promised even after they came into a position of power. Of course that has not occurred.

Mr. Speaker, some who may be listening to us here right now say why didn't the Republicans do this when they were in charge? The fact of the matter is, as you may recall, we did. We did pass legislation in the 109th Congress to bring transparency to reform the earmark process. Unfortunately, not all those reforms were carried over with us into the new 110th Congress, and, I should add, some of the changes that have occurred in the 110th Congress only came about because of people like Dr. GINGREY, JEFF FLAKE, and other people, JEB HENSARLING from the RNC, coming to the floor and compelling and forcing the additional reforms that we have seen so far in this 110th Congress.

Let me just make this point. In earmarks right now, and it only applies basically to appropriation bills, which of course you have already spoken as far as the discharge petition, but in the rules of the House right now you would think that the American public would have the information now at hand that they have been asking for all along: Who's sponsoring the earmark, what the earmark is for, and how much money that earmark is allocating. You would think that is the case because that is the reform we compel the other side of the aisle to implement.

Well, they passed the rule, but they are not implementing the rule. What they did was quite clever. You take a piece of legislation that can be literally this thick, as far as a bill is concerned, an appropriation bill, or even thicker than this as well, and that information is in here, who sponsored it, how much it's for, and what the project is, but it's not in one place. Instead what they did was put it in two places. So you go to one page where it has the sponsor's name and the project, then you go 100 pages later on and there will be the project and the amount.

Now you have to search through literally thousands of pages, thousands of lines, and to put the two together to find out that, well, Congressman MURTHA, for example, had this particular project in his district. You have to spend literally hours and hours and days and days to put it together to get that number that we gave before, $166 million in Defense Appropriations.

I commend "Congressional Quarterly", because that magazine did spend the time to put together that data and has published the report, and it was an outside organization that actually did much of the spreadsheets on that. Finally, the American taxpayer has that information, no thanks to the other side of the aisle, because they put it together in a convoluted and basically in an orchestrated manner to make sure that the information they were required to reveal to the American public was presented in a way that you could not see it.

The proposal that you are presenting to us tonight is a good one. I believe it is a step in the right direction, and I think the gentleman from Georgia would agree that it is a step in the right direction, and that we can even eventually, if we can get this step done, we can go even further, as you illustrated, to get even more information and to rein this in even further.

Mr. GINGREY. Mr. Speaker, reclaiming my time, yes to the gentleman's question in regard to maybe this being a good first step, and almost a giant step, not a baby step.

Mr. GARRETT of New Jersey. I didn't mean to say it wasn't a good first step.

Mr. GINGREY. And we should go further. But I would tell my colleague, Mr. Speaker, that in a way it is analogous, and forgive me for using medical analogies, but I spent 31 years of my adult life doing that, of trying to wean someone off heroin, a drug addict. Mr. Speaker, you can't do that cold turkey. It would kill the drug addict, so they go through a detoxification process, if you will, and that is not a pretty thing to see. Then they are gradually weaned off and switched over to a drug called methadone. It is a heroin-like substance, an analog. It can take sometimes a couple of years, even when a drug addict is cooperating and wants to be cured of their addiction.

I think I am not overstating it. I don't think I am embellishing here when I say this Member-initiative earmark process has become an addiction. I truly believe it has. And it is tough. So to cut it in half in one fell swoop and put caps on it, and, as Mr. GARRETT, the gentleman from New Jersey pointed out, shine the light of day on it so that you can see it and you can find it, obey not only the letter of the law, but, for goodness' sake, obey the spirit of the law and not make it difficult for watchdog groups or other Members or John Q. Public to look in the CONGRESSIONAL RECORD or read these bills and find out what is in there.

So there is no question that Mr. GARRETT is right, that after we get this done, go through the detoxification process, if you will, we will then try to wean this body off of this process, because I think we ultimately need to do that.

I yield to the gentleman.

Mr. GARRETT of New Jersey. Just a point that comes to mind. One of the issues that we will be dealing with this week is SCHIP. There is a piece of legislation you wouldn't think would be prone to earmarks. If you listen to the other side, they would tell you, hey, there are no earmarks in there.

That is one of the peculiarities of the rule, the way the Democrats have written it as far as providing transparency. All you have to do is take your bill, that could be chockfull with all of your favorite pet earmarks from the cardinals and the chairmen of your committees and all your other friends, and the ones requested by lobbyists and what have you, and all the Democratic majority has to do is say, we hereby say there are no earmarks in here, and that is it. You and I can come to the floor and rail about it all we want and say, yes, there are. Look at page 72, line B. Here is an earmark.

That is exactly what happened with the SCHIP legislation. They said there are no earmarks here. Lo and behold, there are. There are literally billions of dollars in earmarks in that going to special projects and special hospitals across the country, and you and I would not know about it if we were just to trust them and take them at their word.

Mr. GINGREY. Mr. Speaker, I thank the gentleman. As we talked about earlier in the hour, as we are approaching the culmination of our time, this earmark that is described in the USA Today on the front page talks about $1 million for some Woodstock museum.

Some of us who grew up in the Deep South who remember reading about Woodstock and seeing the video clips were somewhat appalled about what went on there, Mr. Speaker, so I am sure that that would be an earmark that Mr. FLAKE or Mr. HENSARLING or Mr. GARRETT or myself would like to stand up and say, I don't care if it is to some billionaire Republican making the request, and then the next day writing a check in the aggregate of $29,200 to the 2 Senators from New York. Maybe that is within the legal rights to do that, but it sure doesn't pass the smell test.

That is where we are. I have talked to my colleagues about, well, how could we possibly take this a step further, those colleagues who really agree with me that this process is totally out of hand, and maybe phase out earmarks over a 3- or 4-year period of time.

□ 2045

Obviously another way to approach it would be to say drop a bill that says we totally eliminate, or drop a bill that says we are going to have a 1- or 2-year moratorium. I could support either one of those.

But if Members still feel very strongly that a Member-directed initiative done correctly have merit and value, then the bill, I think, I am presenting will put some fairness into the process.

I yield to my friend.

Mr. GARRETT of New Jersey. None of these things, as good as all these ideas are, are going to happen unless the majority party, the Democrat Party, Speaker PELOSI agrees they are actually the right thing to do and are willing to move the legislation.

Your bill that would move in the direction that the American public wants us to move, to rein in excessive spending, to rein in earmarks, to put a clamp or a lid on them, to move in the direction of moving them out entirely or at least scaling them down, will not move unless the Speaker, Speaker PELOSI, says that is a good idea and she will post the bill.

The legislation that you spoke about at the top of hour regarding the discharge petition that the Republican leader has that would expand earmark information to not just appropriation bills but also to authorizing legislation, to clean up some of the areas that have given them the latitude to actually continue to hide this information from the American public. That piece of legislation will not move unless the Democrat Party and Speaker PELOSI finally hear from the American public and realize this is what the American public wants us to do and wants us to move that legislation.

It is still early in the evening. It is only a quarter of 9. I am sure Speaker PELOSI is in her office or somewhere in the Capitol as we speak. I would invite her to come to the floor right now and join us with either one of those pieces of legislation. Maybe you could recite the words right back to her that she said some time ago, and remind her of what she said when it comes to the issue of giving transparency and openness. I would invite her to come to the floor and join us in this debate this evening, to say she will move these, will move these things in the next days, weeks. Just before the winter holiday so when we leave here in the next several weeks or months, they, we can say in the first session of the 110th Congress we finally gave the American public what they were promised when the Democrat majority came into Congress. I will eagerly await her arrival here.

Mr. GINGREY. The gentleman is exactly right. The Speaker could say forget about Minority Leader BOEHNER's discharge petition, we are going to bring it up under regular order. We are going to do the right thing. We are going to do what I, Madam Speaker, said she would do in September of 2006.

Mr. Speaker, I appreciate the opportunity to be here tonight and I thank the gentleman from New Jersey (Mr. GARRETT) for taking this hour and to say to colleagues on both sides of the aisle, I think most of my colleagues would agree, even though I had to rebut the four outstanding freshmen Democrats that had the previous hour regarding the SCHIP program.

I think most of my colleagues would agree that I am not a real partisan Member, and I enjoy comity. That is the way I think it should be. But we have a problem here in River City, whether it is Republican leadership or Democratic leaders.

Mr. Speaker, I truly believe that the party, if it becomes partisan, the party that will take hold of this idea and pledge to the American people that we are going to do something about it once and for all, and as Mr. FLAKE has said to me often, it is one thing to air out our laundry, but we need to clean it. We don't need to just air it, we need to clean it up. I agree with him completely. Again, I think the party that will adopt that or fight for it is the party that either deserves to keep their majority or regain their majority.

## 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. SPACE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House. My good friend, the gentleman from Georgia (Mr. GINGREY), we have traveled together and served together. I want that chart that he has. I keep asking him for it. About how when Democrats take control, pork barrel spending is cut in half. I appreciate it. I am glad for his accuracy.

It is so good to serve with my colleagues up here in Washington, DC. I am here with my good friend, Congresswoman WASSERMAN SCHULTZ. Our districts neighbor each other in south Florida. We have been good friends for a long time. We are here tonight part of the 30-Something Working Group.

Mr. Speaker, as you know, we come to the floor once, twice, and when we can three times a week to share with Members issues we are working on here.

We want to make sure that all of the Members are fully aware of what is happening in Iraq. As of today, October 17, 10 a.m. report, there have been 3,824 deaths in Iraq. The total number wounded in action and returned to duty is 15,604. The total number of wounded in action not returning to duty is 12,674.

We want to make sure that is not only a part of the CONGRESSIONAL RECORD, but that every Member of Congress understands the sacrifice those who are in harm's way are making. And those of us who are policymakers, that we make sure that we take the appropriate steps to do away with that number continually going up on a daily basis.

Mr. Speaker, I want to turn it over to my colleagues that are here, but tonight I just want to take a point because the President today had a press conference. We did some good things. We gave out a Congressional Gold Medal today, and the President decided to release a press release driving over to the Capitol here.

It was very interesting. In his statements he said that the 110th Congress, Democratic-controlled Congress, whether it be House or Senate, they need to go to work. That is interesting because I have record-breaking information here. We have taken more rollcall votes than any other Congress in the history of the United States of America. We are working 5 days a week in many cases. We have deaths or what have you. We have to pause for that. And national holidays and religious holidays that need to be recognized because there is sensitivity towards that.

But I can't understand, we start talking about going to work. Let me read down the list of things we have done. The 9/11 Commission recommendations, all of them, to protect America from terrorism, passed. And the President said he wasn't going to sign it, but the American people pushed him and said they wanted to be safe, and he finally signed it.

The largest college aid expansion since 1944, the GI bill, saving the average American $4,400. The President said he would never sign that bill. Because of the hard work of Members that voted for that bill, and these are bipartisan votes. I want to make sure that those who are paying attention to what we are saying here on the floor, those Members and Americans, that they understand this is not a Democratic message, this is a bipartisan message on behalf of the people of this country.

The minimum-wage increase which raised the minimum wage for some 13 million Americans, passed and signed into law. The President said he wasn't going to sign that, but it was such a good piece of legislation. People wanted it to happen for many, many years. We said we will not allow the Members of Congress to receive a pay raise until we give the American people a pay raise.

Innovation agenda to promote 21st century jobs, passed and signed into law. All of this was signed into law at like 7:30 on a Friday evening as the President is leaving to go to Camp David.

Again, tough lobbying and ethics reforms that many of the independent reform groups are so happy that finally passed off this floor, through the Senate, and signed into law.

Reconstruction assistance for the gulf coast disaster hurricanes, never would have happened, Mr. Speaker, if it wasn't for the push of this Democratic Congress. Actually, I remember when they had 2 amendments that came to the floor, 1 to give assistance to the victims of Hurricane Katrina and Hurricane Rita, and 1 to continue the funding for the war for 3 months, they came in 2 amendments, never would have happened if it wasn't for a Democratic-controlled Congress pushing it through.

Expansion of life-saving medical research stem cells, passed on a bipartisan vote, vetoed by the President. Okay.

Again, health care for 10 million children and working families, passed by a bipartisan vote. A bipartisan vote which tomorrow, and we are going to talk about that here tonight, the Senate has the votes to override the President and there are some Republicans that are saying that they are going to take that vote. We have a problem here in the House because we don't have some of our friends, and I do mean some of our friends because some of our friends on the Republican side of the aisle are going to be voting with Democrats. Not with Democrats, but just to vote on behalf of children in the United States of America. We are falling eight or 10 short of those votes. I want the Members to be aware of that.

The largest veterans increase in the 77-year history of the VA passed this House and we are still waiting on it to make it through the process and hopefully the President won't veto that.

Landmark energy independence and global warming initiative, that is something that is very, very important. Also, we have other pieces of legislation that are out there.

Actually since the partisan politics started, not partisan, but some of the folks being partisan on this, 45 that we had last time of Republicans that joined Democrats on that bipartisan vote, so that's not 10, that's not 15, that's not 20, that is 45 of our Republican colleagues that, because of the Democratic leadership bringing it to the floor, knew it was a good idea and voted on behalf of their districts.

With that, I want to make sure, just in case someone gets confused about that issue, because we are going to talk about SCHIP. We are going to do a hard push on SCHIP because this is about children's health care, and it is very, very important.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you. It is wonderful to be here with my good and long-time friend, Mr. MEEK of Florida, and our relatively new friend, Mr. ALTMIRE from Pennsylvania. I have to tell you, Mr. ALTMIRE, it has been such a pleasure to have the 41 new freshmen Members of our Democratic Caucus join us in being able to move this country in a new direction. It has really injected a vibrancy, a new vibrancy, an energized vibrancy, into our caucus. You guys are fresh from the campaign trail, as Speaker PELOSI always talks about. You came with stories from the grass roots and talking about things that people in America care about.

Oftentimes what happens in this institution here, we get a little stale and crusty. When we are all making, many of us, policy thousands of miles away from our constituents. Myself and Mr. MEEK, we are a thousand miles from our constituents. You are a good 2 or 3-hour drive from yours. Mr. MURPHY is a little further than that. It becomes easy to be desensitized to what the real needs and concerns are. We get wrapped up in how important Congress supposedly is, and that is when it gets dangerous.

That is what happened to our friends on the other side of the aisle when they were in charge over the last 2 years. They were engulfed by a culture of corruption. They really engaged in the priorities of K Street and the priorities of the wealthiest people in America instead of the priorities of the average working family, and that is what SCHIP is all about. That is what the Children's Health Insurance Program is all about. It is about getting basic health care, not to people who make a lot of money, not to people who have private health insurance as the President has said who would supposedly drop it if they were suddenly eligible for SCHIP, but for people who are the working poor, the people who fall in the huge gap that exists between not qualifying for Medicaid and not being able to afford to buy either the insurance that your employer provides you or buying it on your own.

So what that means is that if you don't have a children's health insurance program that your child is eligible for and that your child has access to, then you are using the emergency room as your primary means of health care. So I am so glad we had the infusion of energy from your class, Mr. ALTMIRE and Mr. MURPHY, so we could make sure we could pass bipartisan legislation like the Children's Health Insurance Program.

Mr. MEEK referred to the President's comments about how Congress needs to get to work. Again, it is funny. It is humorous. It is actually sad. I joined Congress in the 109th Congress, the term before Mr. MURPHY and Mr. ALTMIRE, and a couple of terms after Mr. MEEK. We were in session in the 109th Congress a total of 89 days.

□ 2100

Now how many days are there in a year?

Mr. ALTMIRE. 365.

Ms. WASSERMAN SCHULTZ. Okay. And I actually don't know how many of those 365 days are weekends. So, you know, if you discount those, I can't really calculate the math that quickly, but just a couple hundred, right, couple hundred days, and we were in session for 89. It was a record low for the history of the Congresses. We were known as the do nothingest of do nothing Congresses.

So I think the President needs to take a look at history, maybe open a history book, maybe open a book, and take a look at what actually goes on here in the 110th since Democrats took control versus what was going on for the last 12 years.

We're about making sure that we get the America people's priorities in focus: children's health insurance; making sure that we can focus on alternative energy sources; making sure we can expand health care for more individuals; truly end America's addiction to foreign oil; recognize that global warming is a problem and not just say that it is and do nothing. We want to make sure that the future is really bright for the American people.

Mr. ALTMIRE. I wanted to talk a little bit about what the President said today as well, and he focused his remarks in large part on the SCHIP vote that we're going to take tomorrow in this House. This, as we speak, is the day before we're going to take a vote on whether or not to override the veto that the President put forward on a plan that passed with overwhelming bipartisan support from both Houses. Sixty-seven Members of the United States Senate and 265 Members of the House voted for the SCHIP bill, bipartisan.

And one of the things the President put forward today and has said in the past as well, we need to compromise; we need to come together. Well, I would say to the President, Mr. Speaker, that we have, in fact, made substantial compromise. We have come together as Republicans and Democrats. We put forward a bill in the House. The Senate put forward a bill. We conferenced a bill. We came to an agreement that passed with overwhelming support among both parties. We sent it to the White House, and the President, as he certainly is able to do under the Constitution and is his right to do so, he vetoed the bill, and we're going to have a vote tomorrow on whether or not to override the veto.

But don't pretend that this was not a compromise piece of legislation that took weeks and months to hammer out the details and to work together with Republicans and Democrats alike, voting to support this piece of legislation that enjoys 70 to 80 percent approval in the country according to recent polls.

I wanted to talk a little bit about what the President said were his problems with the SCHIP bill, and one of the things that he continues to throw out there as well: this is socialized medicine; this is a big Federal Government program that's a movement towards Big Government health care. And that just could not be further from the truth.

Let's take a look at what the SCHIP program is. This is a capped block grant. The money is capped from the Federal level. It's sent to the States and the States carry out the program. It's a State-administered program, and almost every State in the country contracts out their SCHIP program in the private health insurance market, in the private market. So this could not be further from the big Federal Government takeover of socialized medicine scheme. It's administered in the private market.

We could spend our entire hour here tonight listening to groups that have endorsed this bill, but for the purposes of refuting what the President says, I would point to the health insurance industry in this country, which is certainly never going to support anything that's remotely close or a movement towards federalized health care, socialized medicine. They support this legislation, as does, as Speaker PELOSI often says, everyone alphabetically from the AARP to the YWCA. This has overwhelming support around the country, overwhelming support among Republicans and overwhelming support among Democrats.

So, again, the President's welcome to veto this bill. He's able to do so, and he exercised that right, but let's be truthful about what's really in this piece of legislation.

He talks about how it affects families making up to $83,000. Well, what are the facts behind that claim? Where did that number come from? That comes from the fact, as I said, this is administered by the States, and I would welcome my friend from Ohio, Mr. RYAN, as well, who has taken a break from watching the Cleveland Indians tonight.

We have $83,000 as 400 percent of poverty. There was one State in the country, New York State, applied for a waiver. Four hundred percent of poverty they wanted to cover. That waiver was denied. It did not take effect. No other State in the country does it.

Mr. MEEK of Florida. I would like you to just yield for a minute because, as you know, in the 30-something Working Group we always enjoy seeing our friends come by, and the majority whip came to the floor, heard we were talking about children's health care, and thought he would just stop by and share something with the Members, and I yield to him.

Mr. CLYBURN. Mr. Speaker, I want to thank the 30-somethings for allowing me to intrude on their discussion here this evening.

I think that tomorrow when we come before the American people to take a vote on whether or not we ought to override the President's veto, it's a very important program. I think it's important for the American people to think about a couple of mischaracterizations that have gone on concerning this program.

First of all, we are hearing our friends on the other side call this Children's Health Insurance Program some kind of step towards socialized medicine. I find that very strange that when the President came before the American people, asking for a second term, at his convention, when he accepted the nomination, he called for an expansion of the Children's Health Insurance Program, and I think we ought to ask ourselves how can a program be socialized medicine for 10 million children but it's not socialized medicine for 6 million children. I think that it says something about the commitment that the President made to the American people and to his own party at his last nominating convention.

Second mischaracterization I think that the American people ought to really think about, and that is the accusation that this Congress, our party, the Democratic Party is ignoring poor children by pushing this program. The fact of the matter is lower-income children will have an opportunity through Medicaid. That's there now. It's been there for a long time.

SCHIP was not designed for that purpose. This program was designed as middle-income relief, relief for middle-income families, for families whose children are in need of health care, but their incomes are a little bit too high for them to qualify for Medicaid but not high enough for them to be able to afford the health care that they need in the private market.

So I think that tomorrow, as we get ready to say to the American people exactly what our values are, I think that the people who are planning to vote to sustain this veto ought to ask themselves what is it that I'm doing, and I think that what they will be doing would be denying health care, denying to children, they will be denying relief to the middle-income families who work every day trying to make ends meet, but while they're trying to feed their families, to provide for their educations, to shelter them, they do not have enough left to afford the kind of health care that they need.

So I want to thank you all for highlighting this program this evening, and I know that for the 30-somethings it may not be all that important now but for us 60-somethings, this is a mighty important program for our grandchildren, and thank you so much for allowing me to intrude this evening.

Mr. MEEK of Florida. Thank you for joining us.

Mr. ALTMIRE. It was great to hear from one of the true giants of this House, the distinguished whip from South Carolina, Mr. CLYBURN. Thank you for joining us tonight.

I was talking about this $83,000 income level that the President continues to throw out there, and it's factually inaccurate. It's just completely false.

As I was saying, the history of it is New York State, one State in this country, applied for a waiver, attempting to reach the 400 percent of poverty level. That waiver was denied, never took effect. Those families were not covered, but the President uses that as his example of what could happen if we put this legislation forward.

Well, the reality is, as under current law, it doesn't change in our bill; it would have to be approved. Any change in income up to that level would have to be approved by the administration. So if the President did not want to see any State move forward, he would say that that is denied, as it was denied when New York State tried to put that forward.

So to say that the $83,000 figure is the reason for his veto is just factually inaccurate, at least using it as an example.

Importantly, the bill that we passed limits the Federal matching percentage and gives States a strong disincentive for going above 300 percent of poverty which would be about $62,000. So the States have a strong incentive to not even attempt to go above 300 percent of poverty; and as I said, it's inaccurate for the President to say that that's the reason for his veto.

So I'll continue a little bit later on that, but we're joined by Mr. MURPHY from Connecticut, and I mentioned earlier that Mr. RYAN from Ohio has been watching the baseball playoffs. Well, unfortunately, Mr. MURPHY from Connecticut is on the other end of that.

Mr. MURPHY of Connecticut. We needed an off night tonight. We got an off night from the playoffs. So those of us that wallowed in the Boston defeat are glad to have a little separation to let our team regroup and rethink how they're going to approach this.

It's rare that we have five members of the 30-somethings here. As the two new Members here, I want to make sure we understand our place. So I'm going to be very, very brief and just say this: To add on to all the great reasons why we should do this, this is reaching out to families that have done everything that we've asked them to do; they're playing by the rules. They simply can't afford insurance in a market in which in a State like Connecticut you're going to pay $8,000 or $9,000 out of pocket before an insurance company picks up dollar one for the average family plan that you look at on a lot of these insurance programs.

It's the right thing to do because it saves money in the long run because you're getting preventative care to the kids that are going to end up sick and in the hospital later on and end up costing the system way more money because you didn't invest in prevention and end up paying for crisis care.

I think it's also important to note that this bill is paid for. This bill is part of an effort here in this Congress to advance some of the most important programs in the middle class. We're talking about health care programs, student loan programs, minimum wage and do it in a way that doesn't add to this enormous, unfathomable deficit that the Republican Congress put us under.

Let's just talk about the facts, because Mr. RYAN and Mr. MEEK especially talked about this over and over and over again on the floor here.

When the Republicans took control, they had a $5.6 trillion surplus that President Clinton left them with. They have now turned it into, along with this President, a $2 trillion 10-year deficit. The debt which started at the beginning of the President's administration at $5.7 trillion has ballooned to $9 trillion.

So our biggest task here is to make sure that we don't add to that just unbelievable amount of money that this country and every single citizen here owes, and guess what, we are able to do that, to pass a 5-year budget that's going to be balanced after 5 years, to pass a rule that mandates that we don't spend a dime of new money without accounting for how we pay for it. We're able to run the most fiscally responsible Congress that this country has seen in a very long time, while maintaining our commitment to expand programs that help the middle class.

That's what we have to remember when we talk about this SCHIP bill, the children's health bill, is that this isn't more deficit spending. This is targeted spending on people who need it, the middle class. It's paid for.

Mr. RYAN of Ohio. Remember the beginning of this Congress that we gave an opportunity for every Member of this House to vote against paying the oil companies about $14 billion in oil subsidies, and a lot of our friends, who are now voting against the SCHIP for fiscal responsibility reasons, voted to make sure that we could not take that basically corporate welfare that we were giving to the oil companies. They voted to sustain basically that corporate welfare that was going to the oil companies.

But it's important for us to recognize that Members of the Republican Party, the same Members who were voting against SCHIP, voted against the Democrats pulling the money from the oil companies and putting it back into alternative energy, to health care, to education, all these. You had this opportunity to do this, and they refused to do it.

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And to say now that you are going to draw the line in the sand, Mr. ALTMIRE, you are going to draw the line in the sand on children's health care after raising the debt limit, as the gentleman from Connecticut just mentioned, five times they have asked to borrow more money from China, from Japan, from OPEC countries. Now you are going to draw the line in the sand on children's health care?

Now, people are sitting at home saying, I don't know a whole lot about politics, Mr. Speaker, but my goodness gracious, you are picking this battle now on the backs of children. And I don't know, I didn't get to hear your whole argument on socialism. But my question is this. If everyone is saying that this is socialism, that this is somehow a socialistic step towards national socialized medicine, why are you negotiating it in the first place?

Mr. MEEK of Florida. And the good thing about the 30-Something, we really get into a conversation about this. And behind you, you can see, I will let you explain that chart there. But I want Ms. WASSERMAN SCHULTZ and I just to share a little bit. You say that everyone is saying that it is socialized medicine. That is not the case. Do you know who is saying that? The Bush administration. Do you know who else is saying that? Our friends on the Republican side that are not even thinking about health care. They are thinking about how I need to protect the GOP philosophy on Capitol Hill. Not in America.

Let me just read this here. CBS News poll that was taken says, and here the headline goes and you can go on, it says CBSnews.com. Don't believe me. You can go on there if you don't believe what I am telling you. This came right off of this sheet here: Do you favor or oppose expanding the children's health care plan? Eighty-one percent said I am in favor of it. I am in favor of the Democratic plan. And the headline goes: Most backed Democrats and kids health care fight. It says, those that oppose, 15 percent.

So, Mr. RYAN, when we look at that, we have to look at it for what it is worth. And I know Ms. WASSERMAN SCHULTZ has something from the USA Today. And I will yield back, but I want to share that with you, Mr. RYAN.

Mr. RYAN of Ohio. I just want to say, the argument that you are going to hear over the next day is socialism. As the gentleman from Florida just said, it is like, what are you talking about? Go in to private hospitals, private doctors, there is no question that this is privately administered. But here is the question. If we peel it back $1 billion or $5 billion, is that all of a sudden not socialism anymore? I mean, at what number do we get to where it stops becoming socialism and it starts becoming a private, some kind of health care system?

The arguments, the strawmen, the red herrings that have been put up on this debate are absolutely ridiculous. And I can't believe the President would draw the line in the sand and just have no arguments to back it up.

Mr. ALTMIRE. Let me add one quote to build on that, Mr. RYAN. This is from one of our Republican colleagues who seems to get this. DAVID HOBSON, a Republican, pretty reasonable.

Mr. RYAN of Ohio. From Ohio. A good guy.

Mr. ALTMIRE. Talking about the President, he said, "I don't know who is advising him up there, but the President is really out of touch. It is too little, too late for him to be a fiscal conservative. He should have vetoed the farm bill. Now, he is against the SCHIP bill, and he wants $190 billion more for the war."

So there are Republicans who get this. The President and a lot of these so-called fiscally conservative Republicans are Johnny-come-latelies on this issue. All of a sudden, after ballooning deficits and skyrocketing spending, now, when it comes to kids' health they are going to all of a sudden be fiscal conservatives. So it is nice; we are talking about this year's Democrats, but there are some Republicans who get that as well.

Ms. WASSERMAN SCHULTZ. Mr. MURPHY, Mr. RYAN, Mr. ALTMIRE, Mr. MEEK, we in the 30-Something Working Group generally try to make sure that the people that are able to listen to us, our colleagues, the Speaker, and anyone else within the sound of our voice, when we do these round robin conversations on the House floor we ask people not to take our word for it. We ask people to look at the third-party validators that we present on the floor and judge for themselves. We are presenting the facts here, not just making stuff up and talking in flowery sound bites.

Let's look at today's editorial in USA Today. What they said today about the President's veto and what action Congress should take tomorrow is our view on the children's health program. Bush Gives Bogus Answers to the $83,000 Question. That is the headline on the editorial. In summary, the main quote which summarizes the body of their editorial is that, "Bush's claim is misleading at best, simply wrong at worst. The House would do well to look past the President's deceptive rhetoric and override his veto." That is USA Today's editorial from today.

We are going to cast this vote tomorrow, my friends, and people have a choice. When they swore to uphold the Constitution, at the same time we know that they made a commitment to their constituents to stand up for them; and that when you represent your constituents in government, you are supposed to do that and be there for people who don't have a voice. That is what this vote is about. It is who is for kids, and who stands with the President. It is very stark, very black and white.

Mr. ALTMIRE. I want to talk about that very point. The editorial that you held up hits the nail precisely on the head. If you are the President of the United States and you want to veto this bill, at least be factually accurate and honest about why you are vetoing the bill.

Mr. MEEK of Florida. Mr. ALTMIRE, I mean, factually, you said factually accurate? This whole administration is about misperception. It is about look right, we are going left. I mean, it is not about that. The good thing about it, Mr. ALTMIRE, is that you were elected and your colleagues were elected in this last Congress that brought about that paradigm shift. And that wasn't because it was something great that an individual did; that was the fact that the American people wanted to move in a new direction. Now we are moving in that new direction. We have the same game, but the Congress is changing, and we are not going to allow that to happen. And I am glad that the Speaker is saying, listen, we are going to insure 10 million children, period, dot, and we are going to stand there.

Ms. WASSERMAN SCHULTZ. The only thing I want to jump in on, Mr. ALTMIRE, is that the bottom line is that the track record of this administration is that generally the facts are not on the side of their argument, so they have to make it up. I mean, that has been their M.O. the entire, we are on 7 years now, their entire administration. When the facts aren't on your side, make it up. And just like Mr. MEEK has said repeatedly on this floor during our working group sessions, make it up and repeat it over and over and over again, and hopefully people will believe it is true. Only the people are on to them now.

Mr. ALTMIRE. We have had many 30-Something sessions on that very topic and a variety of issues. My point on the SCHIP bill and the veto override vote we are taking tomorrow is, if you are going to threaten to veto or you are going to veto the bill and justify the veto, be honest about why you are doing it. Just say, "Look, I don't agree with expanding the program. I don't think this is a good program. I don't want to do it." That is his prerogative to make that case. Don't say it is too expensive when it doesn't cost one additional penny, it doesn't add one additional penny to the Federal deficit. This bill is paid for. It doesn't add one penny. Don't say it is too expensive.

We talked about the $83,000 in your chart and the USA Today, and everybody who has looked at this knows that is a false statement, to say that this allows you to go up to $83,000 unchecked, and the socialized medicine that we talked about. Don't throw those out there, because they are not only not true, they are blatantly false. So don't say that is why you are vetoing the bill. Just say, "I don't like this program. I don't want to expand it. I don't want to give health care to 10 million children." That is his prerogative to say that. That would be a more accurate statement than the reasons he is giving us to veto this bill.

We have four people who want to speak.

Mr. MEEK of Florida. Mr. RYAN wants to say something, but I want Mr. MURPHY to say something because he stood up and he likely had something he wanted to share. Ms. WASSERMAN SCHULTZ and I are always willing to share, because we have a whole notebook full of stuff that we are just ready to take off on.

Mr. MURPHY of Connecticut. I don't have notebooks; I just have loose scraps of paper. I haven't reached that level of organization of veteran Members like yourselves.

Let me talk about one more myth. There is not a bill that comes before this House, and you and I, Mr. ALTMIRE, are new here, so we are figuring this out as we go along. But there is not a bill that comes before this House that somebody on the other side doesn't scream "illegal immigrants" over. Right? That is just sort of the buzz word that accompanies every bill here.

We had a Native American housing bill before this House a couple of weeks back, and somebody on the other side filed an amendment to make sure that no Native American housing benefits went to illegal immigrants. Now, I know that we run our programs pretty inefficiently in this country, but you have to really mismanage the Native American housing program in order to give some of the housing to illegal immigrants.

So what they are saying on the other side is that this children's health care bill is going to go to illegal immigrants. Not true. Find me anywhere in that bill that allows for that. In fact, Mr. ALTMIRE, it doesn't even allow for those health care benefits as part of the SCHIP program to go to legal immigrants, people who have their papers, did everything right, are waiting to become citizens of this country. They can't get the children's health care program under this bill.

Mr. ALTMIRE. It is expressly prohibited under the bill.

Mr. MURPHY of Connecticut. It lays it out, black and white. So yet another example of if you say it over and over again and you hope that people believe it. As we have said over and over, the agenda here is pretty clear. Republicans and the President simply do not want this Congress to extend basic foundational health care rights to middle-class, to kids, and they are coming up with all sorts of crazy arguments that don't have truth, a strain of truth in them to try to stop them.

Mr. RYAN of Ohio. I just hope our friends who are opposing this bill to cover children's health care because of the cost of it, which we are paying for, will scrutinize the Iraq spending as it starts to come up over the next few weeks and few months. As we went over already, one day in Iraq, $330 million would cover 270,000 kids for a year for this program. That is one day. And if you go through 1 week, $2.3 billion would cover 1.8 million kids. And less than 40 days in Iraq would cover all of these kids that we want to cover, 10 million kids, for 1 year. Forty days in Iraq. And all we are saying is our priority is this.

Now, I just want to take a minute here to just go over what has happened over the past 8 or 9 or 10 months here in Congress, what we have done, how we have shifted the priorities. We have the same Members who are voting against this bill who voted against the minimum wage increase. We have the same Members who are going to vote against the children's health care bill are the same Members who voted against us increasing the Pell Grant and cutting the interest rates for college loans in half, the same group of folks.

When we wanted to invest all this money in alternative energy research, we took it from the oil companies, corporate welfare, put it into alternative energy research. The same group of folks that voted against this SCHIP bill, children's health care bill, voted against that, too. And all of these issues come up. The only thing we can get them to agree on is probably the veterans spending, which was the largest increase in the history of the VA.

So what we are saying is there is a pattern, Mr. Speaker, there is a pattern of behavior of a certain fringe group of people who are here that even very conservative people have agreed with us on this issue, and we can't get enough to override the veto.

I don't know about you guys, but I have got a little restaurant I go to back home called Vernon's Restaurant, Vernon's Cafe, great Italian. But when you are sitting there and you are eating and you are talking to your friends who go through everyday life, they are talking about their student loans, they are talking about health care, they are talking about what are we going to do to stimulate the economy? Why are we so dependent on foreign oil? And we all have our own little Vernon's in all of our communities. We are trying to address these bread and butter economic issues, and I think we have in this Congress. And the one that lays before us here is children's health care. For God's sake, Mr. Speaker, God help us if we can't pass children's health care.

Mr. MEEK of Florida. Mr. RYAN, it is good that all of us agree here that is on the floor here tonight, along with hundreds of other Members of Congress. But it only takes a very small percentage of numbers to say "no."

And what is interesting, Mr. RYAN, when we start talking about fact versus fiction; be accurate if you are going to share something. Accuracy is not necessarily a value here in Washington, D.C. We pride ourselves, Mr. Speaker, here on the 30-Something Working Group, we go through a lot of pain and suffering and research and all of that to make sure that what we are sharing with the American people is actually fact and not fiction. If we had more fact, we would have better policymaking here in Washington, D.C.

The fact that the President would say, oh, well, you know, the Democratic Congress needs to go to work, when we broke records in the history of the Republic of 980 rollcall votes. And that is not just post offices. That is major policy that has passed off this floor.

Still saying that, what Mr. RYAN is saying, the bottom line is as we go into the last closing minutes of our time here on the floor, the bottom line is we are going to see a separation from those that are willing to lead and those that are willing to follow tomorrow.

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There's going to be a supermajority vote to vote for children's health care to override the President of the United States. The only time he ever vetoed a piece of legislation last Congress was dealing with the stem cell research bill, and he did that. Okay. But now, every week he's threatening a veto. He's threatening a veto.

Mr. RYAN, over there, has a chart that shows how record oil prices under the Bush administration are continuing to climb to today's oil prices rate that is at the top, that's record-breaking at the top.

Meanwhile, we're around here trying to provide health care for children. We have a war that's going on that the President is willing, you know, to say, oh, well, it's okay for us to borrow from foreign nations to continue a war in Iraq, but we're not willing to provide health care for our own children.

And the sad part, and Ms. WASSERMAN SCHULTZ said funny and then we agreed on sad, the sad part is the fact that these are American children. I mean, I've been to Iraq. Mr. ALTMIRE and I have been to Iraq recently, and some of the Members here, we've been. And the real issue is this, is the fact that we went into a health care facility. Iraqi children there are getting health care. I mean, you have U.S. troops that are in neighborhoods that are giving shots and evaluations. I don't have anyone in my neighborhood giving shots and evaluations to all the children and not asking for any documentation if you have health care or not. It's almost universal.

And so we're sitting here, and the President's going to stand on a small ant hill saying, well, you know, I think it's just too much that we're investing, and using some sort of, you know, hocus pocus talking about social medicine.

Meanwhile, children are going to the CVS, Rite-Aid or whatever the case may be, families trying to cure themselves. So I just want to make sure, I want to put the pressure on my colleagues to make sure that they override. And in closing, I'm going to send it over to Ms. WASSERMAN SCHULTZ.

Y'all know this chart. This is the first action, one of the first actions that we took as relates to the Iraq war. It had all of the requirements in there to bring our men and women home, put the pressure on the Iraqis to stand up. And the Republicans went down there and stood with the President and said we stand with the President so that the Congress will never override the President. And they may not have one of these because if they do I'm going to have my staff down there with a camera to take a picture to make sure that we have the second picture.

But those that stand with the President tomorrow in not allowing us to override when we have a bipartisan vote out of this House, and we have Senators that are standing up here like ORRIN HATCH, GRASSLEY, a number of other Republicans that are saying, hey, you know, Mr. President, you're wrong. But we have some House Members here that are saying, well, we're with the President. You continue to stand with the President. I would appreciate some sort of public kind of standing out with the President because the bottom line is, I believe those Members, Mr. Speaker, all due respect, they will be at home reading this process in the paper and paying attention to C-SPAN and seeing what's going on because their constituents will not allow a Member to vote against their own children and then say, I want to go back to Congress and represent you.

Ms. WASSERMAN SCHULTZ, I'm sorry I went past 30 seconds when you asked me to yield.

Ms. WASSERMAN SCHULTZ. That's okay because we are all pretty worked up about this. This is really important when it comes down to making sure. I have kids too. And Mr. ALTMIRE has kids. One day Mr. MURPHY and Mr. RYAN are going to have kids. It really matters to all of us.

But one of the important points that we have not made is how effective this program is. The SCHIP program, the Children's Health Insurance Program provides health care to kids who need it and who wouldn't have it if there wasn't an SCHIP program, and there won't be an SCHIP program if we don't make sure we override the President's veto or pass a bill and make sure we keep putting it on his desk until he signs it.

I think it's interesting, the President likes to call himself The Decider. So it's time for him to decide which of the families he thinks shouldn't get coverage, don't deserve health insurance.

How about this family? The Wilkerson family in St. Petersburg, Florida. This is personal, this is the Mom speaking. This is personal not only to us, but for millions of parents across the United States, said Bethany's mother, Dara, in a telephone call Monday with reporters about why she and her husband, Bo, are allowing such a focus on their daughter. Dara Wilkerson said Bethany had to have heart surgery in 2005 when she was 6 months old after doctors told them she had been born with 2 holes in her heart and a valve that didn't close as it should.

The Wilkersons said their annual household income is about $34,000 from their jobs, and they cannot afford private insurance. But even if they could, Bethany's pre-existing condition, the heart problem she was born with, made enrollment in a private plan impossible, her mother said. Thanks to Florida's version of SCHIP, the State KidCare program, she said Bethany gets the care she needs to recover from her lifesaving surgery.

Those are the kinds of kids that get coverage that wouldn't get it if not for the SCHIP program. Those are the kinds of kids that our colleagues who choose not to vote to override the President's veto tomorrow are going to deny.

And that's the last thing I wanted to say as we wrap up since we've got 5 of us here tonight, and I don't know who to throw it to.

Mr. ALTMIRE. I just have one more myth that I wanted to throw out there that none of us touched on, before our time runs out, and that's this idea of this bill promoting adults being in the SCHIP program. And the President used that as one of his examples. He talked about it today and has talked about it in the past.

Well, what are the facts of adults being in the SCHIP program? It is true that under the current SCHIP program, the plan that is current law and has been for the past 10 years, some States have made the determination to cover the parents of children, thinking that that will entice them to take their entire family to the doctor. And that's debatable. It's something that's certainly under a policy discussion we could have that debate.

But what does our bill do about that? Our bill's a reauthorization of the program. And the President says we're going to encourage adults to get into the program. Well, you know what our bill does? Our bill phases out adults being eligible for the program over a 2-year period. And after that 2-year period, the only adults that would be allowed into the SCHIP program are pregnant women, if it's determined by the State, again, it's a State option that they should be covered, and there's no guarantee that any State in the country would do that. But we phase out the current part of the SCHIP bill that allows adults into the program.

So for the President of the United States to stand up before a camera and say, I'm going to veto this bill because it allows adults to get coverage under SCHIP, is again just factually inaccurate.

So with that, if Mr. MURPHY is ready. I will yield some time to him.

Mr. MURPHY of Connecticut. I just think in the end this is about choices, Mr. ALTMIRE. Mr. RYAN was talking about it before. This is about whether you want to continue to throw billions upon billions of dollars into a war in Iraq that, frankly, is probably making this country less safe rather than more safe as it breeds terrorism and Islamic jihadists within the boundaries of Iraq.

It's about whether you want to continue to give away $12 to $18 billion of tax breaks to the oil companies that the oil companies themselves say they don't need to continue putting products into the American market. Do you want to continue to subsidize the drug industry, which is making out like bandits off of a prescription drug program that pads their pockets and their profits, as we just found out from a new report from the Government Oversight Committee that tells us that we're wasting $15 billion a year on the Medicare prescription drug program.

You want to help drug companies or poor kids? Do you want to help oil companies or poor kids? Do you want to throw more money in a religious civil war, or do you want to help poor kids? I mean, the reason why these polls, one after another, come out pleading with Congress to get its act together and pass children's health care is because everybody out there in the community, at the social halls, at the union halls, at the churches, at the synagogues, at the pasta suppers and the pancake breakfasts, the PTA, they've all figured out that we're making the wrong choice; that in the end the choice is easy. You help middle-class families afford college. You help them get health care. You boost their wages up to a livable wage, and you can do that without spending another dime in taxpayer money in the end. I mean, that's the great thing. You don't want to have to raise anybody's taxes to do it. You just make different choices. Iraq, oil companies, drug companies, instead, minimum wage, health care, kids going to college. I mean, that seems like common sense, Mr. RYAN.

Mr. RYAN of Ohio. Well, the one thing that is important too, I mean, a lot of people would say that, you know, well, my kid has insurance and we're fine and everything else. You know, but if your kid's sitting in a classroom with a kid who is sick that does not have health care because they don't qualify for Medicaid, they're going to get your kid sick. And I think this kind of ties the whole argument together that we are in this together. You know, we have to make very sound, prudent, targeted investments in certain areas that are going to yield a lot of benefits.

These are the same kids we're asking to go off to college and get a degree in math and science. But if at a young age these kids don't have health care, where they can, if they get sick, have something, and I find it completely outrageous that in 2007 we would have a President of the United States say, go to the emergency room, or these kids can go to the emergency room. I mean, that's just ridiculous. That's just ridiculous. You don't have to be a Philadelphia lawyer to figure out that it's going to cost everyone a lot more money if this kid that has a cold ends up 2 weeks later in the emergency room with pneumonia or something worse and spends 2 weeks in the hospital.

I mean, that costs us hundreds of thousands of dollars, as opposed to a prescription that would cost 20 or 30 bucks. I mean, this is some pretty basic stuff here. And the fact that the President has drawn the line in the sand on this doesn't make a whole lot of sense.

So in closing, I want to thank everybody, Mr. Speaker, for being here and for participating in the 30-somethings. But I also want to say that it's been a very enjoyable week for those of us who are baseball fans in northeast Ohio. Those folks who may happen to be in, say, Pittsburgh or like Florida, or like New England for example, who, baseball season ended a long time ago for some of you, and others who are not faring as well, our sympathies go out to you. But in Cleveland, northeast Ohio, Youngstown, Akron, it's been a great week, followed up by a great week we had a few weeks ago. And many of you may not know, Mr. Speaker, that the new WBO/WBC middleweight champion of the world, Kelly Pavlick, is from Youngstown, Ohio, too.

Ms. WASSERMAN SCHULTZ. Mr. RYAN, I'll just remind you that our weather is still always better than yours.

Mr. MEEK of Florida. And also, Mr. RYAN, you shared that with us last week; you shared that with us the day before that. We're happy that the welterweight and middleweight champion is from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I'm not getting the kind of happy vibe from my friends.

Mr. MEEK of Florida. Mr. RYAN, we were very mild. Those of us from Florida were very mild when the University of Florida, and I'll take this from Ms. WASSERMAN SCHULTZ because if she says it she may not be as mild as I am when a certain team in Ohio, not only in football, but basketball, found themselves, no I will not yield. So what I'm saying, this whole dancing in the end zone experience that you're having now about going on and on and on, Florida, I mean, the Marlins are nowhere in this thing, and we had nothing, we're just sitting here quiet, doing an hour with you and we're not, we're not talking sports, we're all friends. We're talking about children's health care.

But we understand that those victories, the people of Youngstown, Ohio, being in Niles, Ohio, and other cities around it are very represented here under your leadership, sir, and I respect that. And I'm saying there is a limit.

Mr. RYAN of Ohio. I appreciate that. But I think, I want to, for the record, I want to clear this up. He says that the Florida folks weren't dancing in the end zone when University of Florida won the national title. I remember Ms. WASSERMAN SCHULTZ showing up here in like royal blue and orange wardrobe with a purse that had a gator on it. I remember that. So that was a little bit of dancing in the end zone. I am being polite. I didn't even mention the fact that the Ohio State Buckeyes football team was number one in the Nation. I'm trying to be polite here. So if you'd show me a little respect.

Mr. MURPHY of Connecticut. Mr. RYAN, let me ask you a question: When was the last year that your team, the Indians, won the World Series? When was that? It was a long time ago. It was a long time ago. It's just something you might want to remember, that there might be a reason why it's taking so long to get over that hump. There is still a game left, Mr. RYAN.

Ms. WASSERMAN SCHULTZ. Actually, Mr. RYAN, I think the last time they were in the World Series they lost to the Marlins, come to think of it.

Mr. RYAN of Ohio. Can we live in the present? The Dalai Lama was here today, Mr. Speaker, and he's pretty much focused on how we should live in the present moment, and I think it would behoove all of you to take the Dalai Lama's advice on that.

Ms. WASSERMAN SCHULTZ. But we digress.

Mr. MEEK of Florida. Mr. RYAN, we just could not sit here and not give the representation that we were sent up here to carry out.

But, Mr. RYAN, you know, in all seriousness to all the Members, I mean, the good thing about the 30-Something Working Group, we work so hard we have to add some humor in every now and then, especially when we work a full day and it's a quarter to 10 and we're still here on the floor.

The bottom line is one of the real historic votes of the 110th Congress will take place tomorrow.

☐ 2145

And I'm asking the Members, those that are not willing to override the President's veto of children's health care in the United States of America, and we don't have to worry about any Democrats, but need it be Republicans, I implore you to please reconsider on behalf of the children of the United States of America.

This is not about our children. My kids, they have health care. I am a Member of Congress, but I wasn't elected for my children to have health care. I didn't go out and give the speech, Mr. Speaker, and say "I want you to vote for me because my children need health care and I need health care. Send me to Washington. And I am not going to vote for you to have health care, but I want my kids to have health care."

Ms. WASSERMAN SCHULTZ. It's important to point out that you pay for your children's health care.

Mr. MEEK of Florida. Absolutely. Absolutely. But the real issue is this: At least I have a plan that I can afford, and the average American doesn't have that. And especially for these poor families, they need it.

So I don't think that anyone who votes against this went to their constituents and gave the brimstone speech or whatever you want to call it saying, "I'm going to Washington, and when we have an opportunity to insure 10 million American children that need health care, I am going to vote against it. Vote for me on Tuesday" and walk away. That did not happen. I guarantee you it did not happen.

And I want those Members to pay very close attention to when they put their card in the voting machine tomorrow and they vote that they look at that red light, if they press red, and correct their vote immediately on behalf of the children who don't have health care.

We are given this card here. This card is to help children, to be able to help Americans have a better life, and if you vote against it, it is really going to be a sad situation for our poorer families that are here in the United States of America and those families that are financially challenged.

Mr. RYAN of Ohio. We joke around about baseball and Cleveland, Mr. Speaker. The Cleveland Indians are doing great, but Cleveland is the poorest city in the entire country. There are a lot of kids in that city who would, hopefully, be eligible for this program and be able to take advantage of it. The same in Pittsburgh and Miami and cities in Florida and certainly Boston. So this is important stuff that we need to deal with and, hopefully, we have been able to persuade a few votes.

Ms. WASSERMAN SCHULTZ. Why don't you give out the Web site.

Mr. RYAN of Ohio. Mr. Speaker, the Web site is www.speaker.gov/30something. But I hope this has been persuasive to folks who are on the borderline here deciding on what to do.

Mr. MEEK of Florida. Thank you. We pray and hope that they join us.

And I just want to thank Mr. ALTMIRE and, you, Mr. RYAN, and Mr. MURPHY and Ms. WASSERMAN SCHULTZ for being here with us.

We will vote tomorrow. We will be on the floor continuing in the debate.

Mr. ALTMIRE, I want to thank you for being very factual on the bill and sharing with the Members what is actually in the bill. A lot of folks don't take the time to find out what's actually in the bill; so I am glad you brought that perspective to the floor tonight.

With that, Mr. Speaker, it was an honor addressing the House.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SPACE). All Members are reminded that assertions that the President has been deceptive constitute an indecorous descent to personalities and are thus a violation of House rules.

## PARLIAMENTARY INQUIRY

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, my understanding of the rule that you just cited is that Members need to refrain from making direct accusations of the President's being deceptive or referring to the President as a prevaricator or any other word that might apply.

What I did on the House floor this evening was read from a newspaper editorial's opinion. I did not directly make any reference. So I wanted to make sure that we clarify that that was not a violation of the rules.

The SPEAKER pro tempore. The gentlewoman is incorrect. The House rules do not permit a Member to make an improper statement under the guise that it is a quote from another.

Ms. WASSERMAN SCHULTZ. I will take that under advisement, Mr. Speaker, but that is something that I would like to look into on my own and would be happy to follow up with the Parliamentarian. Thank you.

## THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Once again, Mr. Speaker, I appreciate the privilege of being recognized to address you here on the floor of the United States Congress.

And as I have listened to some of the dialogue that has been rolled out here before me, I think it's imperative that someone come to the floor to bring another voice and another opinion and another viewpoint to this subject matter, particularly of SCHIP.

The first point that I would make, Mr. Speaker, is that the SCHIP issue that has been kicked around this Congress now into its third week that perhaps comes before the floor tomorrow in an effort to override the President's very prudent and well-reasoned veto has been turned into a political issue rather than a policy issue.

SCHIP, State Children's Health Insurance Program, now, one could read that acronym and perhaps get a little better idea of what it stands for by reading the poster, Mr. Speaker. And I have heard presenter after presenter here this evening over on the other side of the aisle address this issue as children's health care and the allegation that the people that are guarding the taxpayers' dollars and seeking to get the resources that are here for the SCHIP program into the benefit of children, those who want a responsible program, those that don't want to chase people off of their own private health insurance but those that want to encourage parents, responsible parents, those who can afford it, to provide the health insurance for their children, those who want to encourage employers to provide health insurance as part of the employment package and keep in that package the insurance of the children, those of us who don't want to grow government, that want more personal responsibility, those of us who respect and appreciate the best health care system in the world, those of us who recognize that if there is a private sector investment, if people are responsible for their own health care, if parents take responsibility for their children's health insurance that this invisible hand that Adam Smith wrote about, this consumer's guide to how the health care in America will be developed, how it will evolve, how the research will be done, how the development will be done, how we will be marketing health insurance and how we will be providing services, this best system we have in the world is something we want to preserve.

And I can't think of a single thing we could do to destroy the best health care system in the world rather than to institutionalize it and federalize it and make it a socialized medicine program. Now, how do you do that?

Well, here on the floor, Mr. Speaker, of the United States Congress, September 22, 1993, President Clinton asked for a joint session of Congress. It's unusual for a President to ask to come speak to the House and the Senate in a joint session aside from the State of the Union address, but he did that on September 22, 1993, I think because Hillary actually advised him to, myself. And I have read the speech, and it is about a dozen pages long. And in that speech is component after component of a nationalized, socialized medicine program that was rolled out by the new Clinton administration in the fall of 1993.

And America looked at that. And, Mr. Speaker, I still have that poster, and I have it in the collection of my archives that shows "Hillary Care." It shows a laminated poster about that wide and about that high, and if you look at it in its fine print, it's the flow chart for all the government agencies and all of the price limiting and price control and all the eventual, one can only conclude, health care rationing as well.

That whole flow chart is there on that laminated chart. That laminated chart is something that was put up before Americans in magazine after magazine, newspaper after newspaper, and published by good organizations so we could understand what it was that the Clinton administration wanted to impose upon Americans in September of 1993.

And as he laid out this case here from just in front of where you are, Mr. Speaker, he began to make a compelling case because he's a good salesman. But the American people sat and watched their television, and they reached down and pinched themselves: Do I really believe what I hear? What is coming out of the mouth of this President that sounds so good? Well, on that night the American people thought it sounded all right. They heard the message that you don't have to be responsible for the bills and you don't have to make any more health care decisions. The government will do that for you. The government will take the money out of the pockets of the people that are more wealthy than you are and put it into the pockets of the people that are of your income and less and take over some of that responsibility that you have, and somehow the world will be a better place.

Well, that was the marketing technique of that dozen-page speech September 22, 1993, Mr. Speaker. But when the sun came up on the morning of September 23, 1993, the Americans that had pinched themselves when they listened to the speech had slept upon the policy, and they began to take it apart piece by piece, one component of the flow chart, another component of the flow chart; and we ended up with an educated American populace that, after having listened to some people like "Harry and Louise," after having listened to Senator Phil Gramm over in the Senate say "We are going to have national health care in America over my cold, dead political body," which was a statement that Phil Gramm of Texas made on the floor of the United States Senate back during those years more than a decade ago, Mr. Speaker, the American people one at a time, sometimes by the dozens, sometimes by the hundreds, and, in fact, by the thousands rose up and said, no, we don't want national health care. We don't want that.

But a component that we did support, a component that was brought forth from this Congress in about 1997, by my recollection, and I could be off a year or so, Mr. Speaker, so I qualify that, was this component that we call SCHIP, State Children's Health Insurance Program. SCHIP was something that came out of this Republican Congress that was designed to subsidize health insurance premiums for the children in families that were low income but not low enough income to qualify for Medicaid. That's the policy that was put in place in the mid-1990s, Mr. Speaker, and that is the policy that in 1998 went into law, as ratified in the Iowa legislature as I was a State senator there. We called it "Hawk-I." We did that to give it a State moniker. And the policy that was put in place in Iowa and across this country at the time was 200 percent of the poverty level.

If you are a family of four, let's say Mom, Pa, and a couple of kids, and you are making something less than 200 percent of the poverty level, then you would qualify for a Federal subsidy for the health insurance program. And there were matching funds there. So it was a pretty good deal for the State to draw down Federal dollars to set up the SCHIP program, and every other State that I know of and the Hawk-I program in Iowa, as we called it, SCHIP, 200 percent of poverty.

Well, some might look at the charts today and dial it up on their Web page, and I think I have one here from Iowa. But the number it has, it shows about $41,000 for a family of four. And that family of four, though, has an exemption, and the exemption is 20 percent. So as I look at the number, Mr. Speaker, it comes together like this:

If you are a family of four, an income limit at 200 percent of poverty in the State of Iowa, $41,300, but you get a 20 percent discount. And 20 percent of your income is not included because, presumably, that's some of the waivers that have been granted. And 20 percent of your income is not included because you use that for living expenses. I actually think a far higher percentage of that income is used for living expenses especially in lower-income people. But 200 percent of poverty, $41,000 and change, 20 percent not included. So it really works out to be that you take the $41,000 and divide it by .8, and what qualifies in Iowa today under this SCHIP program, current law, not the one that passed the House of Representatives here that was negotiated down in the Senate, but what is current law today that I've defended, that I've supported, that I've voted for, and that Republicans have appropriated funds to for about a decade, the current law in Iowa is if you are a family of Mom, Dad, two kids, you qualify for SCHIP funding, which is Federal subsidy for your health insurance, at $51,625.

□ 2200

Now, the debate should be, not about the allegation that there's somebody here that hates kids. I don't know anybody that hates kids. Most of us have children. We all love our kids; we love our grandkids. To make those kinds of allegations should be beneath the dignity of the people over there on that side, or either side. We know that's false and that's specious, and it's myopic to believe that. And somehow they think you, and I speak to that in general terms, Mr. Speaker, as the voters, will buy the idea of the allegations that they make.

But we set this up for low-income families. Low-income families are someplace, I think, below $51,625 for a family of four, but that's what qualifies today. This Pelosi Congress passed an SCHIP program that granted Federal subsidies for health insurance premiums at 400 percent of poverty; 400 percent.

So could we still, under the House plan, the "Pelosi plan," could we ever claim that this is a program for poor kids at 400 percent of poverty? Well, what does that mean to the average American, Mr. Speaker? I don't know. But I live in Middle America, and we're pretty much an average State for income and an average State for population. And we have got a few things that are above average, I have to confess. If pressed, I can give you a long list, but 400 percent of poverty promoted and passed off this floor by the Pelosi Congress is $103,250 for a family of four. That's what this Congress was determined to put out here to the American people. That's what this Congress passed over to the Senate and said it's for the kids. It's for the poor kids. In fact, it was for the poor kids up to $103,250 in income for a family of four.

Now, this debate hasn't been about for the kids; I mean, this subject, this policy isn't about for the kids, and it isn't really any longer about the poor kids. It's about the argument that they're not saying, which is, are we going to lay the cornerstone for socialized medicine or are we not? Are we going to go along with the idea that we want to take away the incentive to be personally responsible as a family, a working family, maybe a two-income working family, maybe mom making $50,000 a year and pa making $50,000 a year and coming in there at $100,000 for a family of four and then saying, but taxpayer, let me have a little bit of money to fund the health insurance for my kids.

Even if the employer is providing that policy and it's part of the employment package, this program that was pushed by the majority in this Congress would take two million kids off of their own private health insurance that was funded by the labor of their parents, whether it's a direct check written to purchase the health insurance or whether it is the employment package that's there, two million kids off of that list and put them on the government-funded health insurance.

Now, why would anybody want to do that? Why would anybody that believed in this great gift of freedom that we have, why would anybody step in here and say, I don't want you to have that kind of personal responsibility. We don't need that kind of independence in America. We don't need that kind of character. We don't need that kind of work ethic. We want to take that away from you. We want you to be dependent upon these other taxpayers over here because somehow the nanny state can do a better job than you can do at taking care of your own kids, your own family, your own well-being. That's the psychology. And it has a certain amount of contempt for those working people that have the pride and the dignity to take care of themselves.

We, on this side, respect that labor and appreciate that. And many of us have pulled ourselves up by our bootstraps, paid for the health insurance for our children, taken care of our own, and paid the taxes besides that went to the people that were truly needy, those people that were on Medicaid, those people that were lower income. And some of us came up out of low-income, and actually, there have been years when I had no income when I got done figuring out my income for a bad year for a small businessman; sometimes it's in the red.

We carried our own share of this load and paid our share of taxes and took care of our own kids, and now we come along here and say, well, you don't know how to do that. We can find a better way because somebody out there is paying some taxes, and we can take their money and we're going to stick it back in here and create a program that takes the burden off of you.

And so what are we willing to do? If we listen to the majority, if we listen to this San Francisco policy that has been coming forth here for the last 60 minutes, if we would accept the idea that, unless you're making over $103,250 a year, at least in Iowa, for a family of four, you shouldn't have to pay for your own health insurance for your kids, the government can do it. Well, that's the cornerstone of socialized medicine, Mr. Speaker. And the argument otherwise just doesn't sustain itself against the facts.

And the constant argument that comes up that this is about children's health care is another misnomer. They start out with the wrong foundation in their argument. This is not about children's health care. This is the same kind of argument of rolling together the argument of illegal immigrants and legal immigrants, packaging them all up into one and using the term "immigration," and then saying that because we're opposed to illegal immigrants, we're also opposed to legal immigrants.

Well, the same argument is what they're trying to apply here. If one is opposed to providing health insurance subsidies from hardworking taxpayers to people making over $100,000 a year, they interpret that to mean that you're against health care for kids.

You know, we are still a rational society. We still have people that can deductively reason. We have people that can add up two plus two is four and be able to reason that when the allegation is made on the other side of the aisle that somehow anybody is against health care for kids when every kid in America has access to health care, every kid in America that's in a family, I will say every legal kid in America that's in a family that meets those low guidelines for Medicaid has 100 percent of their health care taken care of.

And those between Medicare qualifications and on up to that threshold, Iowa is an example, of $51,625, those kids have their health insurance premiums subsidized by the Federal taxpayer. That's current law. This Congress wanted to take it to $103,250; and when it went over to the Senate, it got negotiated down to 300 percent of poverty. That is still, in my State, $77,437. I say that's no longer middle income.

We want to take care of those people that are having a hard time making it, but we do not want to create a dependency society, unless, of course, you come from that side of the aisle, Mr. Speaker, and you're politically dependent upon a dependency society. And that's what's going on. That's what this argument is about. This is about creating a dependent society that will constantly come forth and support policies that make them dependent upon those people that are currently in the majority.

And how does the vitality of this Nation succeed if we're going to continue to dial down the vitality of Americans? Don't we know the difference, couldn't we figure this out? We saw socialism come crashing down November 9, 1989, when the Wall started coming down in East Germany, in East Berlin. That should have been the definite answer on a managed economy.

But I continually hear the argument come up over and over again, people over here, they get elected to the United States Congress that don't believe in the free enterprise system, that don't believe in the incentive program, that don't understand the invisible hand, that think somehow the free market economy is built to take advantage of people that don't have as much as anybody else. They don't seem to understand that we have people that start out with nothing that get wealthy in America, and that's realizing and living the American Dream. Even though they have some of those Members in their own caucus over there who have succeeded by these free market standards, they don't believe in the free enterprise system. They believe in a managed state, they believe in a nanny state. And so they want to be a nanny to all the kids, because if they do that, then those families become dependent upon them for the largess that's dipped out of the pockets of the working people in America to the point where this policy, this SCHIP policy that passed off the floor of this House of Representatives, would have not only funded kids and families up over $103,000 a year, families of four, but 70,000 of those families that would qualify for SCHIP, 70,000 families, not 70,000 kids, but 70,000 families also would have obligated to pay for the alternative minimum tax, the tax on the rich that was created years ago.

Now, tell me how you argue that's not socialized medicine when you've got to subsidize the health care of families so they can afford to pay the alternative minimum tax. That's the strategy. If you start on one end and you start on the other, you have people that are well off, paying more and more taxes, that's called "progressive taxes." Those progressive taxes go higher and higher and higher. They come in from this way. And then you subsidize over on this side and you take care of things like heat subsidy and rent subsidy and health insurance premiums and Medicaid. And you come in from this way, you fund people's families this way, and you tax the wealthy this way, and then when they meet in the middle, you have socialism. When you have taken from the rich and given to everybody else and you have done this great class leveler, if everybody has the same income, now you've reached socialism.

But this goes even further, this SCHIP program. It crosses the line, Mr. Speaker. And so those paying the alternative minimum tax are pulled down here. Those that are receiving the SCHIP program subsidy up to 400 percent of poverty, the first passage out of this House, we're over here, 70,000 families in the middle. We've come all the way.

This policy closes the entire gap on the question of whether the people on this side of the aisle are truly Socialists, whether they believe in a free market system or whether they believe in a dependency society. Well, it's a dependency society that they believe in, Mr. Speaker.

And I will add, there are Presidential politics involved in this agenda. Now, simply, if the majority cared about the policy, we would be sitting down negotiating what it is we can agree on and trying to come up with the votes to put a policy together there. But, instead, they allege that there are all these kids that are not going to get their health care. Never true, always false, always a false statement.

In fact, when those statements were being made, we had passed off of this floor a continuing resolution that guarantees current SCHIP policy all the way to November 16th of this year. We did that so we would make sure there was no gap for any kid in America. And by the way, if we didn't care about SCHIP, wouldn't we have maybe not funded it, or underfunded it, or let it expire, or voted it out sometime when Republicans were in the majority?

How can one think that the allegation from Democrats today, when they've got the gavel, that now all of a sudden the people on this side that created SCHIP and funded SCHIP and nurtured it and protected it for a decade now have changed their mind? It's a ridiculous assumption, and it's false, Mr. Speaker. And this is about whether we're going to lay the cornerstone for socialized medicine. So political and Presidential politics play right into this.

We have these debates going on all over the country. They are concentrated in Iowa, and they are concentrated in New Hampshire. I will concede that, Mr. Speaker. And so every single Democrat Presidential candidate is for expanding this SCHIP as far as they can get it. I haven't heard a single one of them say, that's a bit too much, I think we've gone too far. I think we might have come so far from the left that we crossed over and tapped into those alternative minimum tax payers, that was maybe too much. Not one. Not a voice of fiscal responsibility, not a peep out of the advocates that says that they would ever draw the line anywhere. Because, truthfully, Mr. Speaker, they wouldn't draw the line anywhere. They simply would keep spending tax dollars, keep creating more government programs until there is no free market system left.

This is the cornerstone of socialized medicine. This does have to do with the Presidential politics. That is one of the reasons why it's been raised up to this level. When the President correctly and appropriately vetoed this bill, this $35 billion expansion, he had on the table $5.8 billion in increase, I support that. I support an extension of this, and I'm an original cosponsor of the legislation that carries this SCHIP funding out another 18 months to get us past the silly season of the Presidential and congressional elections, and perhaps we can have a serious debate then about the policy.

Meanwhile, I haven't heard a lot of noise about deficiencies in the program we have today. We have so many discrepancies in this program, Mr. Speaker, that we haven't really had the time to weigh them all in here on the floor of the United States Congress. But I want to make sure that I lay out what this really is about, SCHIP. Here's what it really stands for, SCHIP, "Socialized Clinton-style Hillary Care for Illegals and Their Parents." That's SCHIP. I'll say it again. "Socialized Clinton-style Hillary Care for Illegals and Their Parents."

Well, I didn't address the illegal part of this. And there has been significant discourse across the country, but who has got the facts right on whether this legislation enables and enacts funding for health insurance premium subsidies, and in this case, also health care for those who are eligible for deportation?

☐ 2215

Let me say this, Mr. Speaker, if ICE, if Immigration Customs Enforcement were required to deliver the voucher for SCHIP, as designed by the Democrat majority here in Congress, if they delivered those vouchers, Mr. Speaker, they would be compelled to bring a lot of those folks and deliver them back to their home country. That is the fact of this, because they have reduced the standards, the standards under Medicaid more so than SCHIP, the standards under Medicaid that are current law today, see, you have to qualify as a citizen of the United States in order to qualify for the benefit. If you want to come over here on a visitor's visa, or a student visa, or a green card, we have already, long ago, made the agreement that we don't think that the taxpayers should subsidize those folks who come here to America for the first 5 years. So we set the standard, demonstrate your citizenship. There's a whole list of ways to do that. The primary two are a birth certificate with supporting documents or a passport, which has already required the supporting documents. That is the standard that is in current law, Mr. Speaker.

This legislation that was promoted here by the Pelosi Congress and sent to the Senate and passed off the floor of the Senate, and thankfully vetoed by the President, has lowered those standards so that now presentation of a legitimate Social Security number is all that is required to demonstrate your lawful presence in the United States and your eligibility, for now, in this particular case, it also includes Medicaid, as well as SCHIP. The result is that we know that we have millions of people employed in the United States illegally who have presented a Social Security number that may or may not have been a legitimate one, but all they need to do is identify a legitimate Social Security number, present it to their employer, their employer sent that number off to the Social Security Administration. That was all that was required. There might be 1,000 people with the same number. Well, they all get paid every Friday and the benefits all get stacked up on that, and it is called the no match list in a way. Some of it is duplicates. There is also the no match list. Then there is the nonwork Social Security numbers that are given to people that aren't eligible to work here but they needed the number for another reason while they were here as a visitor. There are millions of nonwork Social Security numbers.

Well, all of those that are legitimate or valid may not identify an American citizen, and the Social Security Administration has put out a statement that it is inadequate to take a Social Security number and use that to verify citizenship. But that, under the new standards by this majority in Congress, would be all that is required now to qualify for Medicaid benefits and, Mr. Speaker, to qualify for SCHIP benefits. In Iowa that's Hawk-I.

The Congressional Budget Office has concluded that the net cost to taxpayers, and now I have to do the math on this, is $3.7 billion in extra funding by lowering those citizenship standards. Much of that will go to illegals, people that are unlawfully in the United States, people that if ICE delivered the check, delivered the voucher, if they are going to follow through on the law, they would have to pick them up and take them home.

There is another $2.8 billion that is the States' share of that obligation. So the net cost for opening up, the standards that allow people who are unlawfully present in the United States and ineligible for Medicaid benefits and SCHIP benefits to open up those standards, the net cost to the taxpayers directed by the Congressional Budget Office is $6.5 billion.

Yet, Mr. Speaker, I have highly positioned people here in the House of Representatives and over in the other body that say, that's not true. Well, if that is the case, Mr. Speaker, let them roll the language out. Show me where that loophole is closed. I have read the language. I am saying the loophole doesn't exist. I believe that this is, as I said earlier, SCHIP, Socialized Clinton-style Hillary-care for Illegals and Their Parents. That will be the result. That is the cornerstone of socialized medicine, the weakened citizenship requirements.

I will make another point, and that is when my State gets finished paying the increase in tobacco tax, the 61 cents a pack that is added on to the current Federal 39 cents, that is a 156 percent increase of tobacco tax on cigarettes. Now, I am not here to plead for the smokers except I will plead with you all, Mr. Speaker, if you are smokers, please quit. We all know it is not good for you. Read the side of the pack. That is where you get all the information you need to know to make that decision. But when you increase the tax, we have a lot of middle- and low-income people are smokers. They will pay a disproportionate share of that tax. But when they pay that tax in my State, of course, there will be an increased revenue on tobacco tax in all States. That money, that 61 cents a pack additional that brings the tax up to $1 a pack, flows here to Washington, DC and then we sit here and make the decisions on flowing it back to the States. We know, according to the Centers For Disease Control on this particular statistic, we know that in my State, we pay additional taxes, and then money comes back in under SCHIP, and the net loss to my Iowa taxpayers is $226 million. $226 million is our net loss for this program. Why would we want to be for a program that is going to cost everybody in Iowa more money and you get less back? This brilliant plan, and I will get that to a chart here to illustrate it a little bit better, but this brilliant plan also presumes that there is going to be a whole lot more smokers that will be recruited in order to fund the extra cost of this SCHIP program. That number is over the years of this program an additional 22.4 million new smokers.

Now, Mr. Speaker, I am having a little trouble with the math on this. How does this work? How does this work that you increase the tax on tobacco and you kick that tobacco tax up from 39 cents, add 61 cents, now you are a buck a pack. Now that cigarettes got 61 cents more expensive, we are going to have 22.4 million more new smokers. It defies any kind of logic or any kind of rationale. That is typical for Washington, some will say. But I think we have a strong record of being for the kids. We have a strong record of providing for their health care. No one could bring a child out here on a poster or to the floor or before a press conference and say this kid didn't have access to health care. In fact, the examples that have been used by the majority on the other side, Mr. Speaker, are examples of kids that already qualify. And if they do not, I would like to have them point out the exceptions.

So at this point in this opportunity that I have, I see that my good friend from New Jersey (Mr. GARRETT) who has been a strong and vigilant voice for the taxpayers of America and prudent policy that produces the right result has arrived on the floor.

I would be happy to yield him such time as he may consume.

Mr. GARRETT of New Jersey. I thank the gentleman from Iowa for coming to the floor and speaking on SCHIP. I was on the floor earlier this evening, as you may know, with Dr. GINGREY. We were speaking about earmarks. After us, the other side of the aisle began their talk about SCHIP. I was hoping to interject when they were on the floor but that was not possible. So I'm glad you bring this issue up.

Let me touch on one point you are talking about. That is the cigarette tax. You made a generalized statement. Let me give you an actual number here. The SCHIP program, of course, is intended to benefit the low-income and the indigent children. The question is how is this being funded? You had correctly stated it is going to be funded by a cigarette tax. You generalized the statement that the cigarette tax generally falls disproportionately on the poor. And that actually is correct.

A study was done in 1990. It said that people who made under $10,000 per year paid almost twice as much in cigarette taxes as those who made $50,000 and above. So there is the irony. We are trying to provide a health care program for the poor. And on whose back is it going to be placed? It is going to be placed and paid for by those very same poor people who are paying a substantially higher cigarette tax.

The study goes on to say that there are other adverse impacts to raising the cigarette tax. One of them you wouldn't necessarily think of. But when you raise the taxes that high, much higher, a higher Federal cigarette tax, the study says, will lead to more violent crime. The foundation's chief economist has documented that higher cigarette taxes fuel black-market activity, including truck hijackings and other armed robberies. In 2003 he said, for example, 200 cases of cigarettes in a modest-sized transport truck would have a retail value in New York City of around $1 million and would be a tempting market for thieves. So these are the side issues you don't hear about when you hear the bumper sticker rhetoric from the other side.

The other thing that you don't hear from, and I will yield back at any moment if the gentleman has a point to make here I see with his signs or charts. Another interesting point is the need for the overall program. I don't want to get bogged down in numbers and you are better facilitated with the charts there. But let's take a look at where we have been over the last 20 years when we talk about children in need. In 1987, now look at 1997 and 2002. In 1987, child poverty rate in this country was 18.7 percent. The eligible children who were eligible for programs, at that time, 20.3 percent. So just about the same numbers who were eligible for some sort of a government program such as Medicaid were at the same approximate number who were in the child poverty rate. In 1996, you go ahead about 10 years, those numbers now are about 20 percent in the poverty level, 28 percent eligibility, that means we have now reached a point where more kids were eligible for government assistance than were actually classified as childhood poverty. Flash ahead now to 2002, the rate now of overall childhood poverty rate, 16.7 percent, eligibility though for government assistance and Medicaid and the like, government health insurance, 47.1 percent. We have gotten to the point where almost half of the kids in this country are now entitled to welfare payments.

You had on your other chart when I came in here a neat little acronym for what SCHIP was. We have to call it what it really is. H.R. 976, SCHIP expansion, Socialized Clinton-style Hillary-care for Illegals and Their Parents, SCHIP. Well, that's true. And another way of calling it is welfare. We have gotten to the point where almost half the kids in this country are now eligible for Hillary-care, welfare, whereas the poverty rate for these children has actually decreased during that period of time to around 16.7 percent.

We have gone in the right direction in this country as far as reducing the number of all kids who are in poverty, but we have vastly exceeded what the actual need is.

Mr. KING of Iowa. I thank the gentleman from New Jersey. While you are here, a question arises in my mind and perhaps you are more astute in the nuances of history, and neither of us were here during the nineties when the welfare to work, the welfare reform program was put into place. I pose this question. There is a part in my recollection I am not certain about, but it seems that one of the criticisms to welfare reform, getting people off of welfare and putting them on work, "workfare" we often called it, and there was significant success in some of the States. Wisconsin got a lot of publicity, I think, that launched Governor Tommy Thompson on a pretty successful path. Also, in my State we did a very good job and very successful working in conjunction with the policy established here out of Congress.

But it is my recollection that a component in the master plan to succeed in welfare reform was that if you took people off welfare and they couldn't afford health insurance for their children, they would be more likely to stay on welfare and less likely to work. So that was one of the components of the psychology in creating the SCHIP program in the first place, dialed in at 200 percent of poverty.

I would ask the gentleman from New Jersey if that is consistent with your recollection.

Mr. GARRETT of New Jersey. That is absolutely consistent with my recollection.

Another aspect of it was at the time that the master plan as you described it at that time was to be more, was to be broader than what eventually transpired, and that was to include the block grant type arrangement for Medicaid, as well. Had we done that, we would not be in this budgetary crisis that we find right now where Medicaid has continued to have gone up, and the States actually would have been in a better situation than they are right now. Just as with Medicare, just as with the welfare reform movement, when the States were issued a block grant and given the significant flexibility that they had with the set dollar amount, the States were able to use the ingenuity of their States to actually decrease the enrollment of their welfare recipients and at the same time actually since the dollar limit remained the same, the per capita number per recipient actually went up. So those individuals who had the most need, if you will, had the most difficulty climbing out of their condition and their plight that they were in, you had a larger dollar value that you are able to apply to their particular condition.

☐ 2230

Had we done the same thing as this Republican Congress at the time intended to, but we were stopped, as you recall; President Clinton put up the roadblock to it. We could have done the exact same thing with Medicaid, done it in a flexible block grant arrangement to the 50 States. The Governors of those States would have no strings attached to it whatsoever. They could have decided who and how they were going to get into it. You could have had an SCHIP-type arrangement where you allowed them to go into privatized health insurance programs. The benefit there would of course be, just as a side issue, that you would not be squeezing out the private sector marketplace. You would be opening up and creating greater competition and you would not be having this dilemma that we are facing right now. That was all the possibilities we had back in 1996. We lost it at that time because of President Clinton and what he was trying to do.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I put this poster up. This shows the different levels in the maximum income levels for qualifications in Iowa income today, which I think is representative across the country. This is the number that I spoke about earlier. This is current law as it is applied in Iowa today, a family of four qualifying for the State Children's Health Insurance Program subsidy dollars making $51,625 a year. We also have significant number of kids that qualify, not just in Iowa, but across the country, that are not recruited, they are not signed up under this program.

Now, I am going to operate under the theory that if the family has sufficient income or if they have the health insurance that's provided through their employers, they may well not want to complicate their plan and they may be a lot happier taking care of their own health insurance premiums. I am happy if they are.

Mr. Speaker, it isn't my job to come here to this United States Congress and ask people to be more dependent upon the tax dollars that we are squeezing out of the working people in America. That is all the taxpayers in America have to contribute to this. So we want to take care of the poor people, take care of those at that threshold of Medicaid, but we chose that number to be at 200 percent, and because of waivers, we are at $51,625 for that family of four in Iowa.

This is what the Pelosi Congress passed; the first pass off the floor that went to the Senate, which set Iowa at $103,250 for a family of four. Who in the world thinks that that is poverty, a six-figure income for a family of four, that is a poverty level where you can't sustain your own income or you can't sustain your own responsibilities for health insurance. By the way, who's making that kind of money that doesn't have some kind of arrangements for health insurance?

Well, there is an answer to that, Mr. Speaker. In one of those posters, I think it's this handy poster behind here. Before I go to the next poster, I want to ask the gentleman from New Jersey, at this 400 percent of poverty here, the 300 percent, for 200 here, what kind of creativity does New Jersey have and what one might expect on a chart if one had this set-up for the New Jersey residents.

Mr. GARRETT of New Jersey. Well, New Jersey, as you may know, has not gone up to the 400. New York is, I think, the only State that as of current law, not the bill just approved by the House, under current law, New York has attempted to go up to 400 percent. New Jersey is at 350 percent, which puts us at around, for a family of four, $72,000. Now the median income is around $61,000 or $62,000 for the State of New Jersey, which means you're at the average.

Mr. Speaker, so what are we saying here? We are saying that even those who are above average in income are now going to eligible for socialized welfare payments. Once a month they will get a welfare payment. It won't be in the form of a check, like a normal welfare payment coming to you to cash. Instead, it will be delivered directly to the insurance company, or other method.

What that means is this. For every 10 people that you wish to enroll under the plan under the Pelosi method, approximately 6 of those people will already have insurance. So in that last chart you would say up in the $103,000 range. Every 10 new children that you bring into the program, these 6 over here already had insurance. You're only adding these 4 children over here. But you're doing it at a tremendous cost. You're using taxpayers' dollars now to pay for those children who maybe their parents are making $103,000.

Wouldn't it be so much better if those tax dollars were going to try to find a way to make sure that these 4 kids had all the, not only insurance, but also the actual health care, which is a question that I think you were bringing up before, because at the end of the day that is really what we should be focused on, making sure those kids have health care. Because it does those 4 kids absolutely no good just to make sure that they have insurance if they can't find a doctor to treat them.

How many people do you know of, senior citizens who have Medicare and go out and try to find a doctor to accept their Medicare payments, and they find out there's no Medicare doctors receiving Medicare recipients. How many people do you know that are on Medicaid right now, which is an insurance policy, and try to go out and find a doctor who says they are still taking Medicaid patients, and they are not taking them.

Mr. Speaker, we have done nothing if we simply have insured four new children under this SCHIP program if it's set up in such a manner that there is nothing else to facilitate more doctors to be out there to actually get care. We have done nothing to improve the health care coverage, all we've done is a sound bite for the Democrats, saying we improved insurance coverage.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman.

Mr. Speaker, as you spoke, I put up this chart that tells us about what level of health insurance is there for kids. As you go up the chart here, and I will draw the line at 300 percent of poverty, 77 percent have health insurance; at 400 percent, 89 percent. Then actually up to 400 percent, 89 percent do. Once you reach the level that was passed off here by the majority in this Congress, there are only 5 percent of the kids that don't have health insurance.

So what were we trying to fix that covered 95 percent of those kids? What was it that had a greater value to this society than people being able to make their own decisions with their own money. I will argue again, this lays the cornerstone for socialized medicine and it pushes kids off of their own private health insurance.

The CBO has some numbers that shows for everyone that would be picked up and put on health insurance, there is another one that has their own health insurance that they will be leveraged off of it. A 1-to-1 ratio. In that number are 2 million kids that are currently insured by this current program, the bill that will come up again tomorrow, where we will sustain the President's veto. Should we fail to do that, there will be 2 million kids in America that will lose their own private health insurance because their decision will be made let the government pay for it instead.

I call that irresponsible. I call that poor policy. If you believe in socialized medicine, if you believe in a managed economy, if you believe in a managed society, if you believe in less freedom and more dependency, then make the argument, make the argument, Democrats. If that is your vision, stand up and say so. But instead they say no, it is not about socialized health care. This is about kids.

Well, I care about my kids. I care about their future, Mr. Speaker. I care about my grandchildren and their future. And when I hear my colleagues over on this side of the aisle talk about the legacy that we are shaping here on the floor of the United States Congress, they are thinking about the legacy that has been handed to us, down from God through the hands of our Founding Fathers, on to that document where they pledged their lives, their fortunes and their sacred honor, which is the Declaration, and on to the Constitution, this great legacy that has flowed to us, God's gift of freedom, is being diminished day by day on the floor of the United States Congress, trading off our freedom for dependency, trading off our freedom for, even today with the FISA debate, less security.

What is the vision here on the other side of the aisle? I want to hang onto those gifts that we have. I want my children to have more opportunities than I had, not less. I don't want to diminish those opportunities by taking away from them their freedoms, taking away their decisionmaking, making them so dependent that they lose their vitality, that they forget that they have to go out and work, earn, save and invest and plan for and manage their own future.

Even Jimmy Carter said back in about 1976 that people that work should live better than those who don't. Too bad he didn't follow through on that philosophy. But that was a memorable quote that I thought was a memorable one that he made when he was campaigning for President back in Iowa back then, that people that work hard and plan have to have some reward, and if you take their reward away, the hard-earned sweat from their brow, and you require them to pay the Alternative Minimum Tax, because you say you made too much money and the tax rates we made aren't good enough to get all the money we want out of you, so we will add this extra Alternative Minimum Tax on here, and 70,000 of those families have to have the health insurance for their children subsidized because you set up a policy that is closed and cross the loop from independents, from progressive tax, to socialism, then we are here to say, Mr. Speaker, that is wrong.

I take that stand and I draw that bright line. That is wrong. I want freedom. I want personal responsibility. I want to reward the people that make their own decisions. They need to have the freedom that comes with the dollars that they earn to the maximum extent possible.

I will be happy to yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Just one point on this issue of freedom and the opportunities that come from it and therefore the incentives that also lead to it.

We spoke just a moment ago with regard to the 1996 welfare reform package. Back when that was done, one thing that did impact the Medicaid program was a change to who was entitled to benefits. So in the 1996 Medicaid reform, they eliminated Medicaid benefits for noncitizen immigrants. Noncitizen immigrants. That means someone in the country legally, not illegal immigrants, but people in this country legally, so they are non-citizens and immigrants, they were eliminated from getting Medicaid coverage.

Now, the critics of the proposal you may recall at that time said wait, wait, wait. If we are going to take this class of people who are otherwise eligible economically income-wise out of the pool that are eligible for Medicaid, we know what is going to happen. Their health condition is going to deteriorate, and, as importantly, their coverage level is going to go down.

But you know what? For just the point you were saying, the increase in freedom, that did not occur. There was now a new incentive. Since they were not eligible to get Medicaid anymore, there was an incentive to do just what you say, to go out work, either get a job that had health insurance provided for it, or, if not, get a job that paid enough that they were able to buy insurance or do something to the health insurance.

So the result of that group being excluded from Medicaid coverage at that time, from 1996 forward, was an increase in insurance coverage for that class of individuals.

That is what we learned from expanding freedom, expanding opportunity, providing an incentive, as opposed to what is in the socialized Clinton-style health care for illegals and their parents SCHIP plan, is a disincentive and a phasing out and pushing out for the opportunities for individuals.

Mr. KING of Iowa. I thank the gentleman from New Jersey, and I take you north of the border. We started to hear in the news in the last week or so something that has been brought to our attention here in this Congress where we have some Interparliamentary exchange, and I have sat down with the Canadians perhaps 3 years ago.

They pressed the case that we need to do a better job of controlling our borders because we had people pouring into the United States, coming here illegally, and once they got established here, they realized there were welfare benefits to be had in Canada. And they were having thousands, at that time, about 3 years ago, they had about 50,000 illegal immigrants that they said had poured through the United States and into Canada and they were putting too much pressure on their welfare system.

So I asked the question in that meeting, what percentage of those that arrive sign up and qualify for welfare? Their answer was, Mr. Speaker, virtually 100 percent of them, because that is how the Canadian laws are set up as a magnet.

If you saw in the news this past week, there is a community there not too far north of the border into Canada that has started to raise an issue, and they said they are enclaves that are being created here with illegal immigrants that have been illegal in the United States that have gone on into Canada because the welfare benefits are better.

They interviewed some of them on the street where they laughed and smiled about how it was that their welfare check came on time, there weren't so many snags and snafus in the welfare system in Canada, and they were glad to be there despite the winters.

That was the message I got, Mr. Speaker. And I think that study in sociology that the gentleman from New Jersey (Mr. GARRETT) has laid out speaks to that, that people will follow a path, and if you grant them a safety net, that is fine. It fits the standards I think of the American people. But when you crank that safety net up, at some level the safety net becomes a hammock. Then they rest back in the hammock and they lose their desire to produce, there is not a reason any longer. So the merit that comes from having to produce, of having that responsibility, is part of what gives us a vitality in this country.

As I started this discussion out in the beginning, I talked briefly about the defeat of communism, the defeat of socialism, the collapse of the Soviet empire, because they found out that a managed economy and socialism didn't work. That when you let people earn, save, work, invest, and they decide when they make their purchases and they decide how they go about doing that, that creates opportunities in a free market system.

☐ 2245

You simply cannot manage an economy without it. It manages itself under the free market system, and people have an incentive to go to work because there is a reward for that work.

If you take that reward away and you do the great leveler and you make the argument like is being made in this Socialized Clinton-style Hillary-care for Illegals and their Parents, if you make the argument that you make too much money, we are going to take it. And, by the way, we are going to take all of that that comes down someplace in the middle, and then we are going to subsidize your expenses on up to that point, and in fact we are going to cross them to where we are going to tax you on the alternative minimum tax and provide health insurance for your kids, that is the definition of the nanny state. That is a definition of socialism, and that is a definition for a nation losing its vitality, its confidence, its ambition. And the sum total of the individual productivity in America under this plan, Mr. Speaker, goes down. American people will not work as hard. They will not be as prudent and as responsible under this program that they have brought off this floor in this Pelosi Congress, and that diminishes all of us.

We need to be about raising the average individual productivity of all of our people and the quality of our life and raising our own personal responsibility. It is not just economic, Mr. Speaker, it is cultural. It is the work ethic. We used to call it the Protestant work ethic until we figured out that the Catholics got with that program pretty good, too.

But we went to work and we raised our families. We understand that is our first responsibility, then our neighborhood and our community. Also our schools and our churches and our States and our country. God, then country, make this a better place than it was when you came. That is the charge that has been handed to us because we are such grateful beneficiaries of this American Dream that has been passed to us. And we squander it under this program.

We diminish all of us when we increase the dependency, especially when we can't make an honest argument, an argument that speaks to the issue, an argument that says over there, if they just stand up and say "I am for socialized medicine," at least the Presidential candidates, the Democrats, have done that.

They haven't quite done that over there yet. They want to change the subject matter. They are for socialized medicine. We are for freedom. We are for the kids.

I yield to the gentleman.

Mr. GARRETT of New Jersey. Mr. Speaker, I should point out that the dependency and the loss of freedom is not only for the individual, it is for the State, too. What CHIP does is create an incentive for States to add more people onto the program since there is a 3 to 1 ratio as far as the dollars. The State spends $1, and they get basically a 3 to 1 ratio in dollars from the Federal Government.

That means that the State is no longer incentivized to do other creative things to actually improve the health of the kids in the State, just so they can turn around and say we are getting Federal dollars to put the kids on health insurance. So not only do we disincentivize or take away incentives from individuals, we take away incentives from the States to do the right things for themselves. We see it in New Jersey. I am sure you see it in your State.

Mr. KING of Iowa. One other point. This isn't all just about kids on SCHIP. You have States like Minnesota, 87 percent of the beneficiaries are adults, not kids. We need to take these resources and push them down to where they go to the kids that are the reason for this program. We need to provide and maintain this personal responsibility. Two hundred percent of poverty has been a good target for more than 10 years. Four hundred percent of poverty is taking the path to socialism. Three hundred percent is too much. But this program that is before us today is Socialized Clinton-style Hillary-care for Illegals and their Parents.

Mr. Speaker, I will let that be the last word.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COSTA) to revise and extend their remarks and include extraneous material:)

Ms. HERSETH SANDLIN, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. HIRONO, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and October 24.

Mr. JONES of North Carolina, for 5 minutes, October 24.

## BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 15, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 1124. To extend the District of Columbia College Access Act of 1999.

H.R. 2467. To designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building".

H.R. 2587. A Bill to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office Building".

H.R. 2654. To designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the "Eleanor McGovern Post Office Building".

H.R. 2765. To designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office".

H.R. 2778. To designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station".

H.R. 2825. To designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Owen Lovejoy Princeton Post Office Building".

H.R. 3052. To designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the "John Herschel Glenn, Jr. Post Office Building".

H.R. 3106. To designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office".

## ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, October 18, 2007, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3748. A letter from the Acting Director/PDRA — PARA/RUS/USDA, Department of Agriculture, transmitting the Department's final rule — Community Connect Broadband Grant Program (RIN: 0572-AC08) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3749. A letter from the Director, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting notification regarding a report pursuant to Section 368 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

3750. A letter from the Assistant Administrator for Power Marketing Liaison, Department of Energy, transmitting notification regarding a report pursuant to Section 2605(e) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

3751. A letter from the Secretary, Department of Health and Human Services, transmitting the fourth annual financial report to Congress required by the Medical Device User Fee and Modernization Act of 2002 (MDUFMA), covering FY 2006; to the Committee on Energy and Commerce.

3752. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2006 financial report for the

Animal Drug User Fee Act of 2003 (ADUFA); to the Committee on Energy and Commerce.

3753. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-028, New Designated Countries-Bulgaria, Dominican Republic, and Romania [FAC 2005-19; FAR Case 2006-028; Item VIII; Docket 2007-0001, Sequence 01] (RIN: 9000-AK77) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3754. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-025, Online Representations and Certifications Application Review [FAC 2005-19; FAR Case 2006-025; Item IX; Docket 2007-0001, Sequence 3] (RIN: 9000-AK76) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3755. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-006, Free Trade Agreeemnts-El Salvador, Honduras, and Nicaragua [FAC 2005-19; FAR Case 2006-006; Item X; Docket 2006-0020; Sequence 7] (RIN: 9000-AK49) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3756. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-017, Free Trade Agreements-Bahrain and Guatemala [FAC 2005-19; FAR Case 2006-017; Item XI; Docket 2006-0020; Sequence 11] (RIN: 9000-AK61) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3757. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-19; Item XIII; Docket FAR-2007-0003; Sequence 2] received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3758. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-027, Accepting and Dispensing of $1 Coin [FAC 2005-19; FAR Case 2006-027; Item XII Docket 2007-0001, Sequence 5] (RIN 9000-AK54) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3759. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-19; Small Entity Compliance Guide [Docket FAR-2007-0002, Sequence 4] received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3760. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Contribution Election and Contribution Allocations; Correction of Administrative Errors; Availability of Records; Death Benefits; Loan Program; Thrift Savings Plan — received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3761. A letter from the Office of Personnel Management, transmitting the Office's final rule — Reemployment of Civilian Retirees to Meet Exceptional Employment Needs (RIN: 3206-AI32) received September 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3762. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a copy of the ecosystem restoration project along the Snake River near Jackson Hole, Teton County, Wyoming; to the Committee on Transportation and Infrastructure.

3763. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting notification that the Secretary of the Army supports the reauthorization of the American and Sacramento Rivers, Folsom Dam Modification, California, as provided in Section 3029(b) of the Water Resources Development Act of 2007; (H. Doc. No. 110-63); to the Committee on Transportation and Infrastructure and ordered to be printed.

3764. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting notification that the Secretary of the Army supports the authorization and plans to implement the flood damage reduction project for the Des Moines and Raccoon Rivers, Des Moines, Iowa; (H. Doc. No. 110-64); to the Committee on Transportation and Infrastructure and ordered to be printed.

3765. A letter from the Under Secretary for Science, Department of Energy, transmitting notification regarding a report pursuant to Section 1010 of the Energy Policy Act of 2005; to the Committee on Science and Technology.

3766. A letter from the Under Secretary for Science, Department of Energy, transmitting notification regarding a report pursuant to Section 1102(e) of the Energy Policy Act of 2005; to the Committee on Science and Technology.

3767. A letter from the Under Secretary for Science, Department of Energy, transmitting notification regarding a report pursuant to Section 1814 of the Energy Policy Act of 2005; to the Committee on Science and Technology.

3768. A letter from the Under Secretary for Science, Department of Energy, transmitting notification regarding a report pursuant to Section 979 of the Energy Policy Act of 2005; to the Committee on Science and Technology.

3769. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2004"; to the Committee on Science and Technology.

3770. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "The Mentoring Children of Prisoners Program," pursuant to Public Law 107-133, section 121 (439)(g); to the Committee on Ways and Means.

3771. A letter from the United States Trade Representative, Executive Office of the President, transmitting the Report on Progress in Reducing Trade-Related Barriers to the Export of Greenhouse Gas Intensity Reducing Technologies, pursuant to Public Law 109-58, section 1611; to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SESTAK:

H.R. 3863. A bill to provide a strategic approach to the war in Iraq to enhance the national security interests of the United States both at home and abroad, while ensuring the safety of the United States Armed Forces and ensuring stability in Iraq and the Middle East; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP of Michigan (for himself, Mr. HULSHOF, Mr. BOUSTANY, Mrs. MYRICK, Mr. LEWIS of Kentucky, and Ms. GRANGER):

H.R. 3864. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself and Mr. JONES of North Carolina):

H.R. 3865. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself and Ms. CLARKE):

H.R. 3866. A bill to reauthorize certain programs under the Small Business Act for each of fiscal years 2008 and 2009; to the Committee on Small Business.

By Ms. VELÁZQUEZ (for herself, Ms. FALLIN, Ms. CLARKE, and Mr. REYES):

H.R. 3867. A bill to update and expand the procurement programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. POMEROY (for himself and Mr. CANTOR):

H.R. 3868. A bill to provide an orderly transition to new requirements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. RAMSTAD, and Mr. KLINE of Minnesota):

H.R. 3869. A bill making appropriations to the Department of Transportation to repair and reconstruct the bridge that collapsed on August 1, 2007, on Interstate Route I-35W in Minneapolis, Minnesota, for the year ending September 30, 2008; to the Committee on Appropriations.

By Ms. DELAURO:

H.R. 3870. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care workforce development initiatives, and for other purposes; to the Committee on Education and Labor.

By Mr. ELLSWORTH:

H.R. 3871. A bill to amend the Communications Act of 1934 to require certain schools having computers with Internet access that receive services at discounted rates to certify that, as part of the required Internet safety policy, the schools are educating minors about appropriate online behavior; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 3872. A bill to amend title XXI of the Social Security Act to impose requirements on coverage of children in higher income families under the State Children's Health Insurance Program (SCHIP); to the Committee on Energy and Commerce.

By Mr. HODES (for himself and Mrs. CAPITO):

H.R. 3873. A bill to expedite the transfer of ownership of rural multifamily housing projects with loans made or insured under section 515 of the Housing Act of 1949 so that such projects are rehabilitated and preserved for use for affordable housing; to the Committee on Financial Services.

By Mr. KAGEN (for himself, Mr. RAMSTAD, Mr. KIND, and Mr. ENGLISH of Pennsylvania):

H.R. 3874. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself and Mr. ISSA):

H.R. 3875. A bill to permit the Secretary of Labor to make an administrative determination of the amount of unpaid wages owed for certain violations of the Fair Labor Standards Act in the New Orleans region after Hurricane Katrina; to the Committee on Education and Labor.

By Ms. LEE (for herself, Mr. ELLISON, and Mr. GRIJALVA):

H.R. 3876. A bill to amend the Internal Revenue Code of 1986 to limit the deductibility of excessive rates of executive compensation; to the Committee on Ways and Means.

By Mr. MATHESON (for himself, Mr. GORDON, Mr. WHITFIELD, Mr. ROSS, Mr. DAVIS of Kentucky, Mr. YOUNG of Alaska, Mr. CANNON, Mr. BACHUS, and Mr. ROGERS of Kentucky):

H.R. 3877. A bill to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards regarding underground communications to protect miners in the United States; to the Committee on Science and Technology.

By Mr. MCCAUL of Texas (for himself, Mr. DENT, and Mr. CLEAVER):

H.R. 3878. A bill to authorize the National Science Foundation to accept and use contributed funds from the Department of Energy for certain activities related to the Energy for Sustainability program; to the Committee on Science and Technology.

By Mr. PATRICK MURPHY of Pennsylvania:

H.R. 3879. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3880. A bill to amend title 40, United States Code, to authorize the National Capital Planning Commission to designate and modify the boundaries of the National Mall area in the District of Columbia reserved for the location of commemorative works of preeminent historical and lasting significance to the United States and other activities, to require the Secretary of the Interior and the Administrator of General Services to make recommendations for the termination of the authority of a person to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources.

By Mr. UDALL of New Mexico (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 3881. A bill to amend the Internal Revenue Code of 1986 to modify the rules for charitable contributions of fractional gifts; to the Committee on Ways and Means.

By Mr. WALZ of Minnesota (for himself, Mr. KLINE of Minnesota, Mr. PETERSON of Minnesota, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mrs. BACHMANN, Mr. RAMSTAD, Mr. ELLISON, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. LOEBSACK, and Mr. LATHAM):

H.R. 3882. A bill to amend title 38, United States Code, to change the length of the obligated period of service on active duty required for receiving certain education benefits administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina:

H.R. 3883. A bill to amend the Federal Water Pollution Control Act to direct the Administrator of the Environmental Protection Agency to give priority consideration to Port Royal Sound, South Carolina, in selecting estuaries of national significance and convening management conferences under the national estuary program; to the Committee on Transportation and Infrastructure.

By Mr. WELCH of Vermont:

H.J. Res. 59. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on Foreign Affairs.

By Mrs. LOWEY (for herself, Mr. REGULA, Mr. ARCURI, Mr. NADLER, Ms. MCCOLLUM of Minnesota, Mr. COURTNEY, Mrs. MCCARTHY of New York, Ms. MOORE of Wisconsin, Mr. ROTHMAN, and Mr. HALL of New York):

H. Con. Res. 238. Concurrent resolution supporting the goals and ideals of "Lights On Afterschool!", a national celebration of after-school programs; to the Committee on Education and Labor.

By Mr. MCCRERY (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. BAKER, Mr. JEFFERSON, Mr. JINDAL, and Mr. MELANCON):

H. Res. 752. A resolution honoring the life and expressing condolences of the House of Representatives on the passing of the Honorable Joe D. Waggonner, Jr., former United States Congressman; to the Committee on House Administration.

By Mr. MORAN of Virginia (for himself, Mr. TOM DAVIS of Virginia, and Mr. WOLF):

H. Res. 753. A resolution honoring and thanking the soldiers that served the top secret units for the United States Military Intelligence Service under the project name "Post Office Box 1142"; to the Committee on Armed Services.

By Mr. UDALL of Colorado (for himself, Mrs. CAPPS, Mr. WALSH of New York, Mrs. BONO, Mrs. NAPOLITANO, Ms. BORDALLO, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. ARCURI, Ms. SCHAKOWSKY, Ms. WATSON, and Mr. TOWNS):

H. Res. 754. A resolution congratulating the United States Women's National Soccer Team on its performance at the 2007 FIFA Women's World Cup in China; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself and Mr. JONES of North Carolina):

H. Res. 755. A resolution recognizing the 90th anniversary of the founding of the National Federation of Federal Employees and congratulating the members and officers of the National Federation of Federal Employees for the union's many achievements; to the Committee on Oversight and Government Reform.

## ADDITIONAL SPONSORS

**Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:**

H.R. 17: Mr. JACKSON of Illinois.

H.R. 92: Mrs. MYRICK.

H.R. 138: Mr. MCCOTTER.

H.R. 303: Mrs. BOYDA of Kansas.

H.R. 332: Mr. NEUGEBAUER.

H.R. 371: Mr. RYAN of Wisconsin.

H.R. 618: Mr. ROGERS of Alabama.

H.R. 649: Mr. ENGLISH of Pennsylvania.

H.R. 690: Mr. DENT.

H.R. 715: Mr. FORTENBERRY, Mr. BACA, Mrs. TAUSCHER, Mr. SPRATT, Mr. NADLER, Mr. UDALL of Colorado, and Mr. KING of New York.

H.R. 743: Mr. SIRES, Mr. YOUNG of Alaska, and Mr. RAMSTAD.

H.R. 758: Mr. HARE.

H.R. 897: Ms. NORTON and Ms. WATSON.

H.R. 989: Mr. EHLERS.

H.R. 1000: Mr. HARE, Mr. BISHOP of Georgia, Mr. VAN HOLLEN, Ms. SHEA-PORTER, and Mr. ROSS.

H.R. 1004: Mr. GONZALEZ, Mr. GENE GREEN of Texas, and Mrs. MALONEY of New York.

H.R. 1072: Mr. BERMAN.

H.R. 1169: Mr. JACKSON of Illinois.

H.R. 1190: Mr. MILLER of North Carolina.

H.R. 1229: Mr. SESTAK.

H.R. 1245: Mr. BROWN of South Carolina.

H.R. 1246: Mr. JACKSON of Illinois, Mr. PATRICK MURPHY of Pennsylvania, Mr. KLEIN of Florida, Mr. THOMPSON of California, and Mr. AL GREEN of Texas.

H.R. 1275: Ms. JACKSON-LEE of Texas, Ms. VELÁZQUEZ, and Mr. HOLT.

H.R. 1363: Ms. MATSUI, Mr. SERRANO, and Mr. HONDA.

H.R. 1420: Mr. ALLEN and Mr. ENGEL.

H.R. 1428: Mr. BUCHANAN and Mr. BOSWELL.

H.R. 1497: Mr. SHULER and Mr. ROSS.

H.R. 1583: Mr. MCNERNEY.

H.R. 1663: Mr. EMANUEL and Mr. YARMUTH.

H.R. 1665: Mr. DEAL of Georgia and Mr. BARROW.

H.R. 1726: Mr. BLUMENAUER.

H.R. 1738: Mr. ALEXANDER and Mr. MICHAUD.

H.R. 1740: Ms. ROS-LEHTINEN.

H.R. 1760: Mr. BARROW.

H.R. 1809: Mr. RAHALL.

H.R. 1840: Mr. BLUMENAUER, Mr. LEWIS of Kentucky, Ms. BERKLEY, and Mr. VAN HOLLEN.

H.R. 1866: Mr. SESTAK.

H.R. 1971: Mr. WICKER.

H.R. 1983: Mr. FRANKS of Arizona.

H.R. 1992: Mr. WELCH of Vermont, Mr. HILL, Mr. HINCHEY, Mr. GUTIERREZ, and Mrs. CHRISTENSEN.

H.R. 2026: Mr. SPRATT.

H.R. 2046: Mr. COHEN.

H.R. 2049: Ms. HIRONO and Mr. AL GREEN of Texas.

H.R. 2066: Mr. SESTAK.

H.R. 2073: Mrs. BOYDA of Kansas.

H.R. 2122: Mr. SHAYS and Mr. WYNN.

H.R. 2167: Mrs. MALONEY of New York.

H.R. 2188: Mr. KUCINICH.

H.R. 2257: Mrs. MCCARTHY of New York.

H.R. 2262: Mr. FILNER.

H.R. 2265: Mr. HASTINGS of Florida.

H.R. 2266: Mr. HARE.

H.R. 2267: Mr. BRADY of Pennsylvania.

H.R. 2312: Mr. LAMBORN.

H.R. 2343: Mr. ALTMIRE.

H.R. 2391: Mr. BACHUS.

H.R. 2392: Mr. HASTINGS of Florida.

H.R. 2417: Mr. JEFFERSON.

H.R. 2472: Mr. STUPAK and Mrs. EMERSON.

H.R. 2477: Mr. STARK.

H.R. 2503: Mr. SESTAK.

H.R. 2514: Mr. FRANK of Massachusetts, Mr. BERMAN, Mrs. TAUSCHER, and Mr. RAHALL.

H.R. 2611: Mr. HARE.

H.R. 2652: Mr. CARNAHAN and Ms. KAPTUR.

H.R. 2702: Mr. ALLEN and Mr. JEFFERSON.

H.R. 2734: Mr. MCCOTTER.

H.R. 2807: Mr. SALI and Mr. BOEHNER.

H.R. 2827: Mr. MANZULLO and Mr. HARE.

H.R. 2915: Mr. HARE.

H.R. 3058: Mrs. MCMORRIS RODGERS, Mr. RENZI, and Mr. DAVID DAVIS of Tennessee.

H.R. 3077: Mr. MELANCON.

H.R. 3091: Mr. BLUMENAUER.

H.R. 3109: Mr. SOUDER.

H.R. 3119: Mr. BLUMENAUER, Mr. ELLISON, and Mr. RANGEL.

H.R. 3167: Mr. SARBANES.

H.R. 3176: Mr. PRICE of Georgia and Mr. FEENEY.

H.R. 3219: Mr. STARK.

H.R. 3223: Mr. FILNER.

H.R. 3256: Mr. HARE.

H.R. 3282: Mr. STUPAK and Mr. LEWIS of Kentucky.

H.R. 3289: Mr. JEFFERSON.

H.R. 3314: Mr. STARK, Mr. WU, Mr. VAN HOLLEN, and Mr. GENE GREEN of Texas.

H.R. 3327: Mr. FERGUSON, Mr. SESTAK, and Mr. STARK.

H.R. 3334: Ms. CASTOR.

H.R. 3339: Mr. CLAY.

H.R. 3380: Mr. MILLER of Florida.

H.R. 3391: Mr. BRADY of Pennsylvania.

H.R. 3448: Ms. LEE.

H.R. 3470: Mr. BARROW, Mr. BISHOP of Georgia, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. GINGREY, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. LINDER, Mr. MARSHALL, Mr. PRICE of Georgia, Mr. SCOTT of Georgia, and Mr. WESTMORELAND.

H.R. 3512: Mr. GRIJALVA, Mr. KIND, Ms. LEE, and Mr. TOWNS.

H.R. 3533: Mr. HARE, Mr. PERLMUTTER, Mr. HODES, Ms. JACKSON-LEE of Texas, Mr. ALLEN, Mr. LEWIS of Georgia, Mr. GRAVES, Mr. DOYLE, and Mr. ROSS.

H.R. 3548: Mr. ALTMIRE.

H.R. 3559: Mr. LAMBORN.

H.R. 3569: Mr. DANIEL E. LUNGREN of California, Mr. DOOLITTLE, Ms. MATSUI, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. COSTA, Mr. BERMAN, Mr. SCHIFF, Mr. WAXMAN, Mr. BECERRA, Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. WATERS, Ms. RICHARDSON, and Mrs. NAPOLITANO.

H.R. 3584: Mr. COLE of Oklahoma.

H.R. 3609: Mr. HINCHEY and Mrs. LOWEY.

H.R. 3652: Mr. CARNAHAN and Ms. KAPTUR.

H.R. 3670: Ms. BERKLEY, Mr. CALVERT, Mrs. TAUSCHER, Mr. WAXMAN, and Mr. THOMPSON of California.

H.R. 3674: Mr. BLUMENAUER.

H.R. 3676: Mr. MILLER of North Carolina, Mr. GORDON of Tennessee, Mr. BOREN, and Mrs. EMERSON.

H.R. 3689: Mr. BARROW.

H.R. 3691: Mr. BISHOP of New York, Ms. CASTOR, Mr. DICKS, Mr. ENGEL, Mr. FARR, Mr. KENNEDY, Ms. LEE, Mrs. LOWEY, Mr. PERLMUTTER, Mr. ROSS, Mr. RYAN of Ohio, Ms. SHEA-PORTER, Mrs. TAUSCHER, Mr. WALZ of Minnesota, Mr. WAXMAN, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, and Mrs. BOYDA of Kansas.

H.R. 3705: Mr. BLUMENAUER.

H.R. 3729: Mr. CALVERT, Mr. JONES of North Carolina, Mr. TERRY, Mr. NUNES, and Mr. GALLEGLY.

H.R. 3737: Mr. SMITH of Texas.

H.R. 3738: Mr. HOEKSTRA, Mr. HERGER, Mr. DAVID DAVIS of Tennessee, Mr. PENCE, Mr. MANZULLO, Mr. DEAL of Georgia, and Mr. FRANKS of Arizona.

H.R. 3742: Mr. MCNERNEY and Ms. MCCOLLUM of Minnesota.

H.R. 3779: Mr. GOODE, Mr. REHBERG, and Mr. SMITH of New Jersey.

H.R. 3782: Mr. ELLISON.

H.R. 3793: Mr. JOHNSON of Georgia, Mr. DENT, Ms. BORDALLO, Ms. SUTTON, Mr. DONNELLY, Mr. BRADY of Pennsylvania, Mrs. BOYDA of Kansas, Mr. WALZ of Minnesota, Mr. SHULER, Mr. STUPAK, Mr. YARMUTH, Mr. WAMP, Mr. WU, Mr. ELLSWORTH, Ms. SHEA-PORTER, Mr. SARBANES, Mr. KENNEDY, and Mr. CARNEY.

H.R. 3797: Mr. BLUMENAUER.

H.R. 3812: Mr. WAXMAN, Ms. SCHAKOWSKY, and Mr. JEFFERSON.

H.R. 3826: Mr. CARNEY, Mr. CRAMER, Mr. HILL, Mr. SHULER, Mr. PATRICK MURPHY of Pennsylvania, Mr. MAHONEY of Florida, Mr. CARDOZA, Mr. MOORE of Kansas, Mr. BOSWELL, Mr. COSTA, Mr. ROSS, Mr. LINCOLN DAVIS of Tennessee, and Mr. SCOTT of Georgia.

H.R. 3830: Mr. BAIRD.

H.R. 3837: Mr. CAPUANO.

H.R. 3852: Mrs. BLACKBURN and Mr. WALZ of Minnesota.

H.J. Res. 53: Mr. PAUL.

H.J. Res. 54: Mr. GERLACH, Mr. BILIRAKIS, Mr. COURTNEY, and Ms. SLAUGHTER.

H. Con. Res. 32: Mr. PUTNAM.

H. Con. Res. 134: Ms. SCHAKOWSKY.

H. Con. Res. 216: Mr. POE, Mr. BURTON of Indiana, and Mr. HENSARLING.

H. Con. Res. 220: Mr. MCCOTTER.

H. Con. Res. 224: Mr. HOYER, Mr. MORAN of Virginia, and Ms. DEGETTE.

H. Con. Res. 227: Mr. HASTINGS of Florida and Mr. TOWNS.

H. Con. Res. 230: Mr. SHAYS, Mrs. MCMORRIS RODGERS, Ms. NORTON, and Ms. DELAURO.

H. Con. Res. 234: Mr. MCCOTTER, Mr. ACKERMAN, Mr. MARKEY, and Mr. EHLERS.

H. Res. 68: Ms. WATERS and Ms. DELAURO.

H. Res. 185: Mr. SHERMAN.

H. Res. 213: Mr. SESTAK.

H. Res. 237: Mrs. TAUSCHER.

H. Res. 373: Ms. BERKLEY.

H. Res. 563: Mr. FILNER and Mr. SCOTT of Virginia.

H. Res. 578: Mr. PEARCE, Mr. BROWN of South Carolina, Ms. ROS-LEHTINEN, Mr. NUNES, Mr. WALDEN of Oregon, Mr. BURGESS, Mr. NEUGEBAUER, Mr. BARRETT of South Carolina, Mr. RADANOVICH, Mr. MCINTYRE, Mr. DAVID DAVIS of Tennessee, Mr. MARCHANT, Mr. LAHOOD, and Mr. BARROW.

H. Res. 618: Mr. WATT, Mr. COSTA, Mr. BISHOP of Georgia, Mr. HASTINGS of Florida, Mr. PRICE of North Carolina, Mr. HINCHEY, Mr. TOWNS, and Mr. MILLER of North Carolina.

H. Res. 661: Ms. CLARKE, Mr. LEWIS of Georgia, Mr. RUSH, Mr. RANGEL, Mr. TOWNS, Mr. CLAY, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. FATTAH, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Mr. WYNN, Mr. CLEAVER, Mr. WATT, Mr. JEFFERSON, Mr. MACK, Mrs. BONO, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. WOOLSEY.

H. Res. 684: Mr. BERRY, Mr. ETHERIDGE, Mr. CHANDLER, Mr. POMEROY, Mr. RUPPERSBERGER, Mr. EDWARDS, Mr. CARDOZA, Mr. SALAZAR, Mr. HOYER, and Mr. CALVERT.

H. Res. 689: Mr. MICHAUD.

H. Res. 709: Mr. BARTON of Texas.

H. Res. 715: Mr. CALVERT, Mrs. MCMORRIS RODGERS, and Mr. TERRY.

H. Res. 726: Mr. LEWIS of Georgia, Mr. HARE, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. HASTINGS of Florida, Mr. NEAL of Massachusetts, and Mr. LANGEVIN.

H. Res. 744: Mr. YOUNG of Alaska, Mr. SHULER, Mr. PETERSON of Minnesota, Mr. BRADY of Pennsylvania, Mr. RENZI, and Mr. SCHIFF.

H. Res. 747: Mr. ACKERMAN, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. AL GREEN of Texas, Mr. HOLT, Mr. ISRAEL, Ms. LEE, Mrs. MALONEY of New York, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. STARK, Mr. WEXLER, Ms. BERKLEY, Mr. CARDOZA, Mr. FILNER, Ms. ROS-LEHTINEN, Mr. BERMAN, Ms. CLARKE, Mr. FALEOMAVAEGA, Mr. HASTINGS of Florida, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, Mr. MCNULTY, Mr. PALLONE, Mr. ROYCE, Mr. VAN HOLLEN, Mr. ENGEL, Mr. LAMPSON, and Ms. WASSERMAN SCHULTZ.

H. Res. 748: Mr. BURTON of Indiana and Mr. PICKERING.

H. Res. 751: Ms. PRYCE of Ohio.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. LARSEN of Washington.

## PETITIONS, ETC.

Under clause 3 of rule XII:

179. The SPEAKER presented a petition of the City Commission of Belle Glade, Florida, relative to Resolution No. 2613 requesting the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike, and surrounding Lake Okeechobee, into compliance with current levee protection safety standards; which was referred to the Committee on Transportation and Infrastructure.

# EXTENSIONS OF REMARKS

## TRIBUTE TO MRS. ANN SAMPSON

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. LATHAM. Madam Speaker, I rise to recognize the service of Mrs. Ann Sampson, as the devoted Golden Stars Drill Team coach at Eagle Grove High School in Eagle Grove, Iowa.

Ann has served as the coach of the drill team she founded for the past 14 years. Her passion for this team has had, and will continue to have, a lasting impact on the many young ladies that were fortunate enough to be led by Ann.

During Ann's first year as coach, the team did not have the resources for uniforms during performances, so she found old flag squad outfits at the high school and managed to transform them into the new uniforms for the team. Her exceptional organizational skills and the team's rapid success led to the first Golden Stars Drill Team Night at the end of the team's inaugural school year, which raised enough money for brand new uniforms the next school year. In her third year coaching, and second year competing, Ann led the Golden Stars to their first state title.

Ann's impact on the young ladies wasn't limited to just the dance floor; important life lessons for achievement were instilled. Ann focused the team on forming a family bond, as a recipe for success. The Golden Stars motto is "you're only as strong as your weakest link." This motto speaks of Ann's natural abilities to lead this team through the years.

I consider it a great honor to represent Ann Sampson in the United States Congress. I know that my colleagues will join me in thanking her for her service to the youth of Iowa and wish her and her family all the best that the future brings them.

## PERSONAL EXPLANATION

**HON. K. MICHAEL CONAWAY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. CONAWAY. Madam Speaker, on rollcall No. 961, H. Res. 738—Expressing the sense of the House of Representatives regarding the Government of Syria's continued interference in the internal affairs of Lebanon. Had I been present, I would have voted "yea."

## IN RECOGNITION OF THE RETIRED SENIOR VOLUNTEER PROGRAM OF GREATER CLEVELAND

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. KUCINICH. Madam Speaker, I rise today to recognize the Retired Senior Volunteer Program of Greater Cleveland (RSVP) on the occasion of their 35th anniversary of service to community non-profits and countless people in the Cleveland area.

RSVP is part of the Corporation for National and Community Service, one of the largest volunteer efforts in the country. The Greater Cleveland chapter of RSVP opened its doors in 1972, back when I was a Cleveland city councilman, and it is one of the biggest—and perhaps the best—in the country today.

Based on principles of giving back to a society which has given, the over 3,200 volunteers contribute over 400,000 hours of service to the community each year to more than 200 nonprofit agencies. Many of these organizations simply could not exist without the help of the RSVP volunteers, and none could provide the level of quality service the volunteers offer without them. The list of organizations utilizing generous commitment of RSVP volunteers is broad and ranges from hospitals, to museums, to hunger centers, and to schools.

Meals are prepared and delivered to homebound residents that might otherwise not have access to this service. School children are helped with their literacy skills and provided with quality adult role models. New citizens are welcomed to the country. The bereaved and ill are counseled. Educational tours are provided to students and the general public at NASA, the Cleveland Museum of Natural History and the Great Lakes Science Center, among many educational and entertaining outlets. And the list goes on.

One of the great successes of Cleveland's RSVP program is the management of a tutoring program for children in the Cleveland municipal schools called Experience Corps. During this school year alone, 220 tutors mentored 1,400 students in 14 elementary schools, and the hope is to someday be able to provide quality tutors to all children that need help. Cleveland's Experience Corps program, part of a national effort, has been so successful that it was selected as 1 of 4 throughout the country to serve as a model for expansion of the program nationally.

Community projects, such as festivals, fairs, walkathons and other civic functions, depend largely on volunteers for short-term or one-time assignments, and RSVP comes through with a group called Team RSVP. This year, Team RSVP volunteers have already participated in more than 100 community events, with many more scheduled through the end of 2007.

A group of volunteers called the RSVP Players creates and presents educational and entertaining performances for audiences of older adults throughout Northeast Ohio. The troupe has also assisted with informational programs about Medicare information, prescription misuse, predatory lending, re-entering the job market and other issues relevant to seniors.

Madam Speaker and colleagues, please join me in honoring RSVP of Greater Cleveland, an organization with an extraordinary commitment to service in the Cleveland area, and its humble volunteers that fill numerous needs in Ohio's 10th Congressional District and beyond. Their footprint is large and deep, and their accomplishments will be felt for generations to come.

## TRIBUTE TO MISSY THOMS AND JIM KAVARS

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. LATHAM. Madam Speaker, I rise today to recognize two heroic individuals from north Iowa for their swift and unselfish actions, which resulted in saving a man's life.

On Saturday, September 29, 2007, Eusebio "Joe" Garcia of Albert Lea, Minnesota, was driving on a highway in Mason City, Iowa, when he suffered a heart attack and lost control of his vehicle into the median.

Missy Thoms of Mason City and Jim Kavars of Clear Lake witnessed the vehicle in the median and quickly came to the scene to assist. Joe did not have a pulse and was not breathing. Missy and Jim conducted CPR until the paramedics arrived. Missy, a nurse at Mercy Hospital in Mason City, advised the paramedics that Joe needed an IV and to be defibrillated. With that helpful information and Missy and Jim's work, the paramedics revived Joe's breathing before they even had him in the ambulance.

Missy and Jim are great examples to use when teaching our children and grandchildren about the importance of helping thy neighbor.

I know that all of my colleagues join me in commending Missy Thoms and Jim Kavars and honoring them for their swift and unselfish actions which resulted in saving Joe Garcia's life. I am truly honored to represent both of these heroes in the United States Congress.

## PERSONAL EXPLANATION

**HON. K. MICHAEL CONAWAY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. CONAWAY. Madam Speaker, on rollcall No. 962, H.R. 2089—To designate the facility

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office."

Had I been present, I would have voted "yea."

## IN REMEMBRANCE OF BERNADETTE PAVLISH

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Bernadette Pavlish, a devoted wife and loving mother, and I celebrate her dedication to her family and the community.

By all accounts, Bernadette simply lit up an entire room with her presence. Her smile became an instant source of comfort and joy for anyone who was lucky enough to cross paths with her. Bernadette was extremely generous with her time and talents; she never passed up an opportunity to help someone.

Madam Speaker and colleagues, please join me in remembering Bernadette Pavlish, who is survived by her husband James, and her children Ursula, Vincent and Lavinia. Although she has passed, her spirit will continue to shine brightly and her memory will live on in all those blessed to have known her.

## TRIBUTE TO AUGUST GLIEM

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. LATHAM. Madam Speaker, I rise today to recognize August Gliem of Ogden, Iowa, for his longtime service to the International Lions Club. Gus was recently awarded the 50- Year Monarch Milestone Chevron Award for his 50 years of service to the Lions Club, which began on July 1, 1957.

The International Lions Club is a volunteer organization which works together to answer the needs that challenge communities around the world, including an end to preventable blindness, cleaning local parks and providing essential supplies to victims of natural disasters.

Fifty years of service isn't slowing Gus down, and I am told that he is still very active in the Lions Club. I consider it an honor to serve Gus in the United States Congress and I know that my colleagues will join me in recognizing and honoring Gus' dedication to his community and his commitment to the International Lions Club.

## PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. CONAWAY. Madam Speaker, on rollcall No. 963, H.R. 20—Melanie Blocker-Stokes Postpartum Depression Research and Care Act. Had I been present, I would have voted "yea."

## HONORING KRIV-TV'S GREGG GROOGAN, MARK MULLER AND APRILLE MEEK FOR WINNING THE CASEY MEDAL FOR MERITORIOUS JOURNALISM

### HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. AL GREEN of Texas. Madam Speaker, it is my pleasure to honor three remarkable journalists at Houston's own KRIV-TV for winning the prestigious Casey Medal for Meritorious Journalism.

Greg Groogan, Mark Muller and Aprille Meek last week received the 2007 Casey Medal for Meritorious Journalism for short form television for their insightful story on the difficulties faced by Texas's parents of children using special education, "Special Ed-Broken Promise?" This story, the opening of a several-month series on special education in Texas, provided an eye-opening look at the hurdles that special education parents face in providing the "free appropriate public education" to which they are entitled per the Individual with Disabilities Education Act.

For Mr. Groogan, Mr. Muller and Ms. Meek, this impressive award represents the culmination of the excellent work that they have done over the years for KRIV-TV. Mr. Groogan alone has won over sixty journalism awards, including five Lone Star Emmys, 15 Associated Press Awards, and honors from the Houston Press Club, the Texas Cancer Society and the Texas State Teachers Association. Over 700 journalists entered the contest for the 2007 Casey Medals, demonstrating that these journalists truly went above and beyond the call of duty with the excellent work for which they received the Casey Medal.

In awarding these three deserving individuals with the Casey Medal, the Casey Journalism Center on Children and Families described "Special Ed-Broken Promise?" as a "masterful job," and indeed it was. It is fitting that this award would go to individuals who have shown incredible courage, tenacity and wisdom in their reporting. I congratulate Mr. Groogan, Mr. Muller and Ms. Meek for this well-deserved award and I hope that their work serves as an inspiration to others across the nation.

## HONORING DR. MOHANA ARLA

### HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Dr. Mohana Arla, an outstanding man with a great record of community service. Dr. Arla, a resident of Bullitt County, has been named Distinguished Citizen of the Year by the Bullitt County Education Association.

Dr. Arla has provided medical care for the citizens of Bullit County for many years. He is an internal medicine physician with Bullitt County Family Practitioners in Hillview, Kentucky and has his own practice in Lebanon Junction, Kentucky. Dr. Arla has been a strong advocate of bringing additional medical practitioners to the Bullitt County area.

In July of 2007 Dr. Arla partnered with Jewish Hospital Medical Center South to conduct a free weight-loss program for the residents of Bullitt County. The program, titled "Lose a Pound, Gain a Dollar," gave residents the opportunity to lose weight while offering them a monetary reward for their hard work. This program is a great example of his commitment to improving the lives of Bullitt County's residents.

Dr. Arla has also demonstrated a strong commitment to local education. He has been very involved in efforts to bring a community college to Bullitt County. Dr. Arla is a member of the County Board leading the effort and has made a substantial donation to this cause.

It is my privilege to recognize Dr. Mohana Arla today, before the entire United States House of Representatives, for his hard work and service to his community.

## HONORING RETIRED DALLAS POLICE OFFICER REX POST

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. HENSARLING. Madam Speaker, today I, along with Representative RALPH HALL, would like to honor retired Dallas Police Officer, Corporal Rex Post. Corporal Post has been a fixture in the Dallas Police Department for over 24 years. Along with his normal duties as a patrol officer, Corporal Post was also a class advisor at the police academy and, when he was off duty, he was neighborhood crime watch patrol officer in the Lakewood neighborhood of Dallas.

Corporal Post's outstanding character can best be seen in his interactions with his community. Last year a senior citizen in Corporal Post's neighborhood was robbed of her money by a stranger who had come to her door. Corporal Post not only made sure the neighborhood was safe, but he and his family also brought her gifts to lift her spirits.

Recently, Corporal Post was diagnosed with stage-four colon cancer, which is a life-threatening cancer. In a show of support, his family, friends, and community have rallied around him as he battles the cancer. He says it is faith and the love of his wife Janet and sons Rex III, Austin, and Jonathan that keep him strong.

Madam Speaker, as Representatives of the city of Dallas, Texas and Paris, Texas, it is our distinct honor to commend retired Dallas Police Officer, Corporal Rex Post, for his outstanding service to his community and his courageous attitude and faith.

## TRIBUTE TO CHAD SCHIEBER

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. CAMP of Michigan. Madam Speaker, today I rise to honor the life of Chad Schieber.

Chad was a dedicated police officer, an active member of the Midland, Michigan, community, and a loving husband and father. Chad was born in Midland, but he spent much of his early life in Traverse City, Michigan, where he grew up and attended the police academy. In 1994, Chad returned to Midland and joined the Midland Police Department.

As an officer, he consistently went above and beyond the call of duty. His accomplishments include being a mountain bike instructor within the department, helping organize the Midland Youth Law Enforcement Academy, serving as coordinator for the Midland County Crime Stoppers, implementing the department's child DNA identification program, and helping to establish the Midland Law Enforcement Memorial. For his efforts, Chad was honored with the 2006 Carl and Esther Gerstacker Law Enforcement Officer of the Year Award by the Midland Police Department.

Chad was a devoted Christian and member of the Midland Christian Celebration Center. Chad served on the church's board, and he and his wife Sarah touched many lives through the marriage ministries they conducted.

Chad's biggest joy in life was his family. He leaves behind his wife, Sarah, of 12 years, his daughter Abigayle, and sons Noah and Micah.

Madam Speaker, I would like to pay tribute to Chad Schieber for his life of service and extend my sincerest sympathies to his family, friends and loved ones.

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## HONORING SAM WASHINGTON

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. DINGELL. Madam Speaker, it is with a heavy heart that I rise to let my colleagues know that we recently lost one of our nation's most dedicated conservationists. Marvin "Sam" Washington embodied the American tradition of conservation. I want his family to know that Sam was an inspiration to us all and that he will be very sorely missed.

An avid hunter and angler, Sam served on the Board of Directors of Michigan United Conservation Clubs (MUCC) and was also a member of the Michigan Natural Resources Trust Fund and the State Parks Advisory Committee. From 2003 to 2007, Sam served as Executive Director of the MUCC, becoming one of our strongest advocates for access to Michigan's natural resources and protection of Michigan's hunting and fishing heritage.

Sam was a passionate outdoorsman who channeled his love of wildlife into action. He understood that nature must be cherished, enjoyed and preserved for future generations—not exploited. At a time when many of our natural resources are at risk, Sam stood tall, fighting for action on global warming, mercury emissions, wetlands protection and responsible land use.

Sam was much more than a conservationist, however—he was an integral part of his community. He taught English and coached various sports in the Bloomfield Hills School District. He was also a minister, as well as a dedicated husband and father to his wife Peggy and 2 daughters, Jenny and Wendy.

Madam Speaker, I would ask that all my colleagues join me in paying tribute to a great American conservationist, my friend Sam Washington.

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## HONORING THE LIFE OF MONSIGNOR FRANK SAMMONS

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. WALSH of New York. Madam Speaker, I rise today to honor the life of Syracuse native Monsignor Frank Sammons, who passed away on July 7 at the age of 87.

Throughout his life Monsignor Sammons was dedicated not only to the priesthood and his faith, but also to the people and communities he served.

A graduate of St. Vincent de Paul High School, Sammons continued his education at Niagara University, St. Bernard's Seminary, and the Theological College of Washington, DC. He was ordained into the Catholic priesthood on May 15, 1947 and served as parochial vicar in his first assignment at St. John the Baptist Church in Syracuse, New York.

In 1968, Monsignor Sammons became the pastor of St. Patrick's Church on Tipperary Hill where he served until his retirement in 1995. Even in retirement, Monsignor Sammons was active in the church and the community. He served at St. Matthew's Parish in East Syracuse and as Diocesan Minister to retired priests. Sammons also belonged to the Bishop Ludden Planning Committee and served as the Chaplain for Bishop Grimes' athletics.

Monsignor Sammons was equally as passionate about sports and youth as he was about the priesthood. A former athlete himself, Sammons was inducted into the Greater Syracuse Sports Hall of Fame. He founded the City-County Youth Board and served on the National Conference of Catholic Youth. Sammons also served as director of the Catholic Youth Organization, CYO, and he founded the organization's popular youth basketball league. In addition, Monsignor Sammons served as director of Lourdes Camp in Skaneateles, New York. He also took on the role of athletic director for all three Syracuse Catholic High Schools: Christian Brothers Academy, Bishop Grimes, and Bishop Ludden.

Monsignor Sammons' commitment to the Catholic Church and the people—especially the youth—that he served is unquestionable. Monsignor Sammons was a fixture in our community, and he will be sorely missed.

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## AZERBAIJAN'S STATE INDEPENDENCE DAY

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, one of our key democratic allies—the Republic of Azerbaijan—is set to celebrate the 16th Anniversary of its re-independence on October 18. In the current global political climate, Azerbaijan is unique among democracies as the world's first Muslim democratic republic! A status I both commend and support.

Azerbaijan's first glimpse as a democratic republic came in 1918 shortly after the fall of the Russian Empire. Unfortunately, the Red Anny invaded on April 28, 1920 and thereby preempting further democratization at that time.

Azerbaijan's second opportunity for freedom and self-determination came at a heavy price following the 1990 invasion of Baku by Soviet troops, resulting in the death of more than a hundred thirty civilians. Moscow rule grew weaker in Azerbaijan and by 1991 popular pressure led the country to declare its independence.

Given past Soviet rule and difficult geopolitical environment between Russia and Iran, Azerbaijan's determination to look westward for its political and economic allies should be applauded.

Azerbaijan cooperates with the United States within international and regional institutions including UN, Organization for Security and Cooperation in Europe (OSCE) and NATO's Partnership for Peace program. Azerbaijan also works together with the United States within the framework of the Organization for Democracy and Development—GUAM which is comprised of Azerbaijan, Georgia, Moldova, and Ukraine. The group was created as a political, economic and strategic alliance aimed at overcoming common risks and threats and strengthening the independence and sovereignty of its member states.

The Republic of Azerbaijan is a standout nation among the South Caucasus countries, with a population of 8 million people and an ambitious economic policy. During the last decade Azerbaijan has been implementing structural reforms and adopting numerous laws and legislative changes, paving the way toward further integration within the global economy. The nation has been moving toward a more diversified economy to achieve sustainable growth and to meet the social and development needs of its population. As reported by the International Monetary Fund, IMF, Azerbaijan's macroeconomic performance "has been impressive with strong growth, low inflation, and a stable exchange rate." Real GDP grew by an annual average of over 10 percent during the last 6 years and built up to 34.4 percent in the first 8 months of 2006, driven by investments in the energy sector, followed by growth in the construction and transportation sectors, and agriculture.

Since signing the "Contract of the Century" in 1994 Azerbaijan has developed its energy sources within the Caspian region to diversify western energy supplies. On July 13, 2006 the Baku-Tbilisi-Ceyhan main oil export pipeline was inaugurated. The Baku-Tbilisi-Erzurum natural gas pipeline is expected to be completed this fall. Azerbaijan also actively promotes the Baku-Tbilisi-Kars railroad project which has been recognized as an important part of East-West and North-South transport corridor.

Diversification of the economy and ensuring the development of non-oil sectors is a priority for the government. This policy includes implementation of projects and programs that create favorable conditions for development of private entrepreneurship, attracting investment in non-oil sector, creating new jobs, evaluation of potential industries and markets, and development of infrastructure in the regions.

The last 16 years of independence has not been without challenges. In 1993 the UN Security Council adopted four resolutions demanding complete, unconditional, and immediate withdrawal of Armenian forces from the occupied territories of Azerbaijan. NATO, OSCE, EU, and other international organizations also repeatedly called for the restoration of Azerbaijan's territorial integrity.

In January 2005 the Parliamentary Assembly of the Council of Europe adopted a resolution clearly stating that "considerable parts of the territory of Azerbaijan are still occupied by Armenian forces and separatist forces are still in control of the Nagorno-Karabakh region" and urged the withdrawal of Armenian military forces from all Azerbaijani territories.

We, the United States, recognize Nagorno-Karabakh as a part of Azerbaijan. A State Department's 2005 Fact Sheet states: "The United States does not recognize Nagorno-Karabakh as an independent country, and its leadership is not recognized internationally or by the United States. The United States supports the territorial integrity of Azerbaijan and holds that the future status of Nagorno-Karabakh is a matter of negotiation between the parties."

Let us today commend the Republic of Azerbaijan on their forthcoming 16th Anniversary celebrations. And, let us today commit ourselves to their continued development as a global partner against the war on terrorism, toward economic growth, diversification of energy resources, and strengthening stability and security in the region.

## TRIBUTE TO SERGEANT BRIAN DEGENHARDT, OFFICER THOMAS BARKER, AND OFFICER JAMES CONLAN OF THE CHICAGO POLICE DEPARTMENT

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Ms. SCHAKOWSKY. Madam Speaker, I'd like to take this opportunity to congratulate members of the Chicago Police Department, including Sergeant Brian Degenhardt, Officer Thomas Barker, and Officer James Conlan, for receiving the "2007 Humane Law Enforcement Award" last week from The Humane Society of the United States and the National District Attorneys Association. This award was presented to Chicago's Police Department for the creation of its Animal Crimes Unit, which focuses on tackling illegal animal fighting in urban Chicago, where dogfighting has unfortunately flourished in recent years.

With its innovative focus on animal abuse prosecutions, the Animal Crimes Unit of the Chicago Police Department, overseen by Sergeant Degenhardt, now leads the way in combating dogfighting and serves as a model for tackling this insidious crime across the Nation. Although only 1 single officer in the city used to address crimes against animals in the past, there are now more than 8 specially-trained officers within the Animal Crimes Unit. In 2007 alone, officers Thomas Barker and James Conlan logged more than 40 arrests related to dogfighting and animal abuse, and they recovered more than 100 abused dogs.

But the accomplishments of the Unit don't stop there. When Sergeant Degenhardt was making the case for the creation of the Animal Crimes Unit, he analyzed arrest records for the city between July 2001 and July 2004 and discovered that nearly 70 percent of the 300 individuals arrested for animal crimes were also arrested for other felonies. The methods used by the Animal Crimes Unit have also led to a reduction in other types of criminal activities, including human violence and drug dealing.

I am pleased to join The Humane Society of the United States and the National District Attorneys Association in congratulating these individuals in honor of their dedicated work on behalf of animals.

## HONORING THE TUSKEGEE AIRMEN

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. UDALL of Colorado. Madam Speaker, I rise today to honor the Army Air Corps' legendary Tuskegee Airmen. On March 29, 2007, in the U.S. Capitol Rotunda, the surviving Tuskegee Airmen were awarded the Congressional Gold Medal, the most prestigious recognition that federal lawmakers can bestow. Tuskegee Airmen, from Colorado, that received the Congressional Gold Medal include: James E. Harrison, James H. Harvey III, Samuel C. Hunter Jr., Franklin J. Macon, John W. Mosley, Fitzroy "Buck" Newsum, Marion R. Rodgers, David A. Smith, William A. Walters, and Randolph Edwards.

The first African-American airmen unit in the U.S. military trained in Tuskegee, Alabama. A total of 450 Tuskegee Airmen served overseas on various missions. During WWII, the Airmen flew missions over North Africa, Italy and Sicily. Collectively, they flew more than 15,000 combat sorties, shot down 111 German planes, and disabled 150 German planes on the ground. Thirty-three Airmen were shot down and held as paws, and 66 of the Airmen were killed.

The Tuskegee Airmen got their start in 1941 after the NAACP filed a lawsuit. President Franklin Roosevelt started the Army Air Corps training program as the first African-American training program. The Airmen were segregated from other units and endured blatant racism and discrimination while helping win World War II and change our Nation for the better. Their achievements helped contribute to the eventual integration of African-Americans into the military and also helped lead the way for further desegregation throughout the Nation.

I ask my colleagues to join me in congratulating James E. Harrison, James H. Harvey III, Samuel C. Hunter Jr., Franklin J. Macon, John W. Mosley, Fitzroy "Buck" Newsum, Marion R. Rodgers, David A. Smith, William A. Walters, and Randolph Edwards for their patriotism and service to the United States of America. Their triumph over racism and discrimination, along with their outstanding service, is inspirational, and they are a source of pride for America and for all of Colorado. I wish them continued health and happiness.

## RECOGNIZING MARGARET M. (PEGGY) MULLAN'S OUTSTANDING LEADERSHIP OF THE AMERICAN ASSOCIATION OF HOMES AND SERVICES FOR THE AGING

### HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. SHADEGG. Madam Speaker, I'd like to take this opportunity to recognize an outstanding leader in the field of long-term care and aging services. Margaret M. (Peggy) Mullan is the outgoing chair of the American Association of Homes and Services for the Aging (AAHSA), and I congratulate her on what has been accomplished during her 2-year term.

AAHSA members help millions of individuals and their families every day through mission-driven, not-for-profit organizations dedicated to providing the services that people need, when they need them, in the place they call home. Its 5,700 member organizations, many of which have served their communities for generations, offer the continuum of aging services: adult day services, home health, community services, senior housing, assisted living residences, continuing care retirement communities and nursing homes. AAHSA's commitment is to create the future of aging services through quality people can trust.

During the 2 years that Peggy Mullan led AAHSA, she worked tirelessly to transform aging services, and her leadership has moved the field forward in a number of ways. Under her stewardship, AAHSA has created the Long-Term Care Solutions Project, an innovative plan to revise the financing of aging services. In addition, she placed major emphasis on diversity as part of her leadership agenda, achieving substantive, enduring, and diverse leadership development among our members. She presided over the inauguration of the Advancing Excellence in Nursing Homes campaign, a coalition of long-term care providers, caregivers, medical and quality improvement experts, government agencies, consumers and other stakeholders dedicated to reinvigorating efforts to improve the quality of care and quality of life for those living or recuperating in America's nursing homes. She positioned AAHSA as a leader in achieving the goals of the National Commission for Quality Long-term Care, a non-partisan, independent body charged with improving long-term care in America. The commission is working to develop solutions to the challenges of better financing for long-term care, ensuring consumer choice, attracting and retaining qualified caregivers, and making useful information on long-term care options available to consumers.

Peggy Mullan is a true leader in the field of aging services. In addition to chairing AAHSA, she is the executive director of the not-for-profit Beatitudes Campus in Phoenix, where over 600 elders live in apartments, assisted living, and a skilled nursing center. Hundreds of other elders from the surrounding community receive rehabilitation and education at Beatitudes. At Beatitudes, she has been instrumental in developing a seamlessly integrated system of services to meet the changing needs of residents as they age, a model for the way aging services should be provided to America's elders. Prior to her work at Beatitudes, Peggy had a leadership role with Volunteers of America. She has chaired the Arizona Association of Homes for the Aging, and has served on Arizona governor's committees and task forces on the nursing shortage, long-term care, Alzheimer's residential care, and assisted living. She also has been a delegate to the White House Conference on Aging.

Although Peggy Mullan is stepping down as AAHSA's chair, her service to our country's elder population will continue. I urge my colleagues to join me in congratulating her on her leadership and I look forward to continuing to work with her to create a healthy, ethical, and affordable system of long-term care and aging services for America's elders.

## TRIBUTE TO EMPLOYMENT HORIZONS

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor Employment Horizons of Morris County, New Jersey, a vibrant organization I am proud to represent! On Thursday, October 18, 2007, Employment Horizons is celebrating its 50th anniversary.

Founded in 1957, Employment Horizons is the premiere, not-for-profit agency providing comprehensive employment, training and job placement services to persons with disabilities in the greater Morris County area.

Employment Horizons, formerly known as the Occupational Training Center of Morris County, was founded by a group of concerned parents who wanted to expand work and personal growth opportunities for their children with disabilities. During the 1950s and 60s, those with disabilities had very few options available to them and special education services were just evolving. Work centers, such as their packaging and assembly unit, were developed at that time to provide disabled adults with a place where they could earn money and maintain their self-respect. Over the years the agency has experienced rapid growth in the number of and breadth of services provided to meet the needs and choices of the individuals they serve, both on-site as well as in the community, as well as to meet the changing needs of the business community.

As a social business enterprise, the agency seeks to provide high-quality, competitively priced, services to the business community through their commercial operations while, at the same time, furthering their mission to "assist people with barriers to employment to achieve their individual vocational objectives and establish self-sufficiency in the community."

Over the past 50 years, Employment Horizons has established relationships with hundreds of businesses and created training and employment opportunities for thousands of individuals who require special assistance to obtain employment.

Madam Speaker, I am privileged to honor Employment Horizons. I urge you and my colleagues to join me in congratulating the members of Employment Horizons for their fifty years of service! Again, I offer my praise and thanks to their dedicated trustees, administration, support staff, volunteers and active parents who work tirelessly on behalf of Employment Horizons' children.

## HONORING THE 50TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS OF FREMONT, NEWARK AND UNION CITY

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. STARK. Madam Speaker I rise today to honor the League of Women Voters of Fremont, Newark and Union City. On October 27, 2007, the League will be celebrating 50 years of civic engagement with our community. Individuals who helped to shape the Tri-Cities of Fremont, Newark and Union City, after their incorporation, formed the League.

Over the last 50 years, members of the League of Women Voters of Fremont, Newark and Union City have registered thousands of voters, hosted hundreds of candidate and other public forums, published and distributed voter information, and produced a community based cable program that has been actively broadcasting for over 10 years.

The League of Women Voters of Fremont, Newark and Union City has stayed true to its mission and held to its motto: Democracy is not a spectator sport! The League has been a leading voice for voter service, citizen education, advocacy, and government accountability.

I applaud the League members for their commitment to empower citizens to shape better communities. The Tri-Cities, over the last 50 years, have greatly benefited from the League's activities and initiatives to make a positive difference.

I join the Tri-Cities community in thanking the members of the League of Women Voters of Fremont, Newark and Union City for their untiring efforts and send best wishes for many more years of successful public service.

## HONORING BUCKS COUNTY COMMISSIONER SANDRA MILLER

### HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Bucks County Commissioner Sandra Miller, a dear friend and committed public servant. Commissioner Miller has served Bucks County for over 16 years. First elected to the County Commission in 1991, Sandy was re-elected again 1995, 1999 and 2003.

As a Bucks County Commissioner, Sandra Miller was responsible for a county operating budget of over $450 million and a workforce of 2,800 employees. Through her efforts, she was responsible for preserving over 12,000 acres of open space. She also made significant improvements to the emergency management system including the 9–1–1 emergency call system.

The Commissioner and I both attended Bucks County Community College. While I stayed just 1 year, she finished what she started—she graduated from BCCC and went on to the Philadelphia College of Textiles and Science. Sandra was the first graduate of the Community College to serve on its board of trustees. Commissioner Miller was also a pioneer—she was the first woman to serve on the Middletown Township Zoning Hearing Board. As a member of the County Commissioners Association of Pennsylvania, she is a past chair of the Democratic Caucus and was a member of the Tax Reform Committee.

Madam Speaker, Commissioner Miller is not just a great public servant; she is also a close friend. She has stood with me through tough times—times when others weren't around. She is second to none in her knowledge of Bucks County. She is a trusted advisor, a loyal friend and the dean of our county.

Madam Speaker, Commissioner Sandy Miller has led our community with distinction and her legacy is a source of great pride, both to the Miller family and to all of Bucks County. Her selfless devotion to the residents of Bucks County, Pennsylvania has been unwavering and her work to make Bucks County an even better place to live will no doubt continue after she leaves the County Commission. I urge my colleagues to join me today in thanking Commissioner Miller for a career of dedicated service as we wish her luck as she leaves public service and enters private life.

## PRESIDENT'S VETO ON S-CHIP

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. BACA. Madam Speaker, I rise today in strong support of the SCHIP program. President Bush's veto on SCHIP has abandoned at least 24,000 children in my District alone. President Bush claims we want "gimmicks" and "funding schemes"—we don't want gimmicks we want insurance for 8.7 million uninsured children. Children like Kristofer and Felecity Famutimi from San Bernardino County, whose hospital care for sickle cell anemia crippled the family financially. Their mom, Ola had to quit her job to take care of them. SCHIP is the only reason they have pulled through.

President Bush claims that Democrats are "putting health coverage for poor children at risk—to gain political points". I am not voting for politics, I am voting for the 33,000 children in my District who are currently uninsured. Covering 800,000 children costs the same as 1 week of the war in Iraq. It is time America gets her priorities in order. I urge my colleagues to secure the futures of our Nations' poorest children by voting to override the President's veto.

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## HONORING TEMPLE BETH EL'S 80TH ANNIVERSARY

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Temple Beth El as it celebrates its 80th anniversary. A celebration will be held on October 19 in my hometown of Flint, Michigan.

Members of the community committed to principles of Reform Judaism founded Temple Beth El in 1927. The first services were held in the Paterson Building in downtown Flint. Rabbi Leo M. Franklin of Temple Beth El Detroit presided over the signing of the Articles of Association. Maurice Rosenbaum, Moses Rosenthal, Arthur Dubois, and Harry Winegarden were the first officers. The Temple Reform Sisterhood, under the direction of Mrs. James Rapport, started on June 8, 1927 and officially changed its name to Temple Beth Sisterhood when Temple Beth El was formally founded later in the same year.

In January 1935 the first permanent home for the Temple was purchased. Located at the corner of Liberty and East Second Street, it provided a place for services and religious school. The mortgage was burned on October 19, 1941 and the following year the Temple joined the Union of American Hebrew Congregations. It remains affiliated with this organization until today.

Under the direction of Rabbi Morton M. Applebaum the congregation expanded and soon needed a larger space. The Temple moved to the building on Ballenger Highway and the first services held there took place on April 14, 1950. The Jewish community worldwide was in mourning over the murder of six million Jews during the Holocaust. The role of the synagogue as the center of Jewish life took on new meaning and the opening of the new Temple was heralded as an example of the vibrancy of the Flint Reform Jewish Community.

To meet the needs of the community Temple Beth El moved to its present location. This move has provided opportunities to interact with its sister congregation, Beth Israel. The sanctuary and building were designed to enhance the congregation's ability to face the future and meet the challenges of tomorrow. Under the direction of Rabbi Karen Companez, the Temple's first female Rabbi, Temple Beth El has augmented its reputation as the friendly "Temple Family."

Madam Speaker, I ask the House of Representative to rise with me today and applaud Temple Beth El as it celebrates 80 years of spiritual vitality and dedicated community involvement. I congratulate them for their achievement and echo Dr. Max S. Hart when he prayed, "May God let his countenance shine upon all of us, and cause this Congregation to flourish and prosper for the next fifty years."

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## RECOGNIZING THE SOUTH LEXINGTON 12-YEAR-OLD ALL-STAR TEAM

### HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. CHANDLER. Madam Speaker, today I would like to recognize the South Lexington 12-year-old All-Star team of Lexington, Kentucky, who recently won the 2007 Cal Ripken/Major 60 World Series in Van Buren, Arizona. This phenomenal group of young people went undefeated this season, securing the World Series title in the final round against Scottsdale, Arizona.

Demonstrating admirable determination and teamwork, the 2007 South Lexington team indisputably rose to the occasion. This year's exciting win is no surprise but merely represents the hard work the players put in all season. The team was no doubt inspired by years of success by previous South Lexington Youth Baseball teams. Ten different South Lexington teams have gone to the Ripken World Series, and in the past 15 years, three of these teams returned home with the title.

I would like to congratulate Coach Kevin Payne, others who supported the team, and, in particular, the players on their success. It is an honor to have such an inspiring group of individuals represent Kentucky's youth, and I very much look forward to seeing the continued achievements of these remarkable young men in the future.

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## PROMOTION OF ARTISTIC GIVING ACT OF 2007

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. UDALL of New Mexico. Madam Speaker, I rise today with my colleague from Pennsylvania, Mr. ENGLISH, to introduce the Promotion of Artistic Giving Act of 2007, legislation that would amend recently enacted limitations on the donation of fractional gifts with more measured restrictions.

Fractional gifts are charitable donations to museums and galleries of partial interests in art or other collectibles that confer a substantial public benefit while permitting a tax benefit over an extended period of time. Like all qualified charitable gifts, the taxpayer receives an income tax deduction of up to 30 percent of his or her adjusted gross income for the donation to the charitable institution—in this case, museums. Fractional gifts are a valuable tool for many taxpayers due to the value of the art or collectible being donated as the value of the gift is far in excess of the amount of the available deduction. The benefit of these types of donations is that many fractional gifts would never be given to a museum without the potential donor being able to participate in an extended gift-giving program.

While well intentioned, the unnecessarily harsh provisions relating to fractional giving included in the Pension Protection Act of 2006, PPA, have effectively ceased charitable donations of partial interests in art to our Nation's museums and galleries. In trying to close a tax loophole, the PPA suffocated a time-honored method of giving that has made many of our national treasures such as the Hope Diamond and Vincent Van Gogh's "White Roses" available to the public. By rolling back some of the most restrictive provisions of the PPA, this legislation strikes the right balance between tax and charitable giving policy, addresses concerns about tax evasion, removes fractional giving from estate and gift tax provisions, and again encourages lifetime donations of art for the enjoyment of the public.

Since the passage of the PPA, fractional giving has dramatically decreased. For instance, a Santa Fe, New Mexico, museum had a potential donor of a tribal folk art collection worth approximately $2 million withdraw an offer to give the collection to the museum. Similarly, a potential fractional gift of an important body of work from a well-known Pennsylvania artist has been withheld as a result of the change in law.

The PPA made two dramatic changes to the income tax deduction benefits available to donors. First, donors of appreciating artwork are now limited on all contributions to the fair market value determined at the time of the donation of the initial fractional gift. Second, donors are now required to complete the fractional gift within a 10-year period. Combined, these changes negated much of the tax benefits for donating a fractional gift of valuable pieces of artwork and need to be modified. This legislation would slightly modify these provisions to require taxpayers to get a certified appraisal from the Art Advisory Board at IRS for gifts of over $1 million and require gifts be completed during the life of the donor. These modest changes will address congressional concerns about valuation of gifts and unlimited time periods for gifts while providing the necessary incentives for these types of charitable donations.

Unfortunately, the PPA also modified estate and gift tax rules for fractional gifts. These rules have proven to be unworkable and unnecessary. The abuses of fractional giving involved the income tax deduction, not any reduction in estate or gift taxes. Modifying the estate and gift tax laws based on valuation and recapture rules applied for income tax purposes will result in unfair outcomes for taxpayers. Unless these rules are modified taxpayers of completed gifts could have estate tax liability on an asset that is no longer in their estate or have gift tax liability on gifts that were never made. For these reasons, our legislation essentially removes the changes made in PPA to estate and gift tax rules for fractional gifts.

Our Nation has a wealth of culture and creativity. Museums are the venue through which individuals can learn from, engage in, and enjoy history, culture, and art. Our bill will encourage the transfer of museum quality pieces from individuals to public institutions.

I look forward to working with my colleagues on swift passage of this important legislation.

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## HONORING LT. COL. PEDRO ALTIERY

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. ENGEL. Madam Speaker, among the many of our men and women who serve in Iraq are the Nurse Corps Officers who treat the ill and the wounded, giving sustenance while saving lives.

Lt. Col. Pedro Altiery is one such member of that Corps whose exceptionally meritorious service earned him the Bronze Star for his service during Operation Iraqi Freedom from March, 2005 to May, 2006.

He was described as one of the best Nurse Corps Officers who ensured the highest standards were kept in operating rooms and in providing quality care to the detainee population. He developed a highly organized, professional and clinically excellent team which could be called on in a moment's notice to be fully operational.

He set the tone for his team with his enthusiastic leadership. He wrote detailed Standards of Operating Procedure that are still used today and will be for the duration of Operation Iraqi Freedom.

I salute the great work done by Lt. Col. Altiery under exhausting conditions while maintaining his extraordinary technical skill and expertise. As well as thank him for his meritorious service to our country.

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## PERSONAL EXPLANATION

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mrs. MALONEY of New York. Madam Speaker, I was unable to cast floor votes during the week of October 8, 2007, and on October 15, 2007, because of a death in the family.

Had I been present for the votes, I would have voted "yea" on rollcall votes 949, 950, 951, 952, 953, 954, 955, 958, 960, 961, 962, and 963, and "no" on rollcall votes 956, 957, 959.

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## PERSONAL EXPLANATION

### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. WELLER of Illinois. Madam Speaker, I was absent on Monday, October 15 through mid-day Tuesday, October 16, due to an illness in the family.

If I were present I would have voted "yea" on rollcall vote 961, "yea" on rollcall vote 962, "yea" on rollcall vote 963, "no" on rollcall vote 964, "no" on rollcall vote 965, "no" on rollcall vote 966, "no" on rollcall vote 967, "yea" on rollcall vote 968, "yea" on rollcall vote 969, "yea" on rollcall vote 970, and "yea" on rollcall vote 971.

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## HONORING THE 80TH ANNIVERSARY OF CALTRAN'S STRUCTURE MAINTENANCE AND INVESTIGATIONS

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. THOMPSON of California. Madam Speaker, I rise today to pay tribute to the dedicated professionals of the California Department of Transportation's Office of Structure Maintenance & Investigations, which is marking its 80th anniversary of service to the people of the Golden State.

In 1927, while Babe Ruth swatted 60 home runs and Charles Lindbergh crossed the Atlantic Ocean solo, the State of California showed the wisdom and foresight to create a special branch of engineering experts to ensure the safety and reliability of its State highways and bridges.

Babe Ruth's home run mark fell in 1961 to the bat of Roger Maris and air travel over the "pond" became a routine occurrence. All the while, California's bridge maintenance program has stood the test of time and continues to deliver on its mission of providing Californians with a safe and dependable network of bridges carrying traffic and pedestrians over rivers, canyons, railroads, highways and city streets all across the Golden State.

That effort is still paying dividends for California and the Nation. More than 24,000 State and local agency bridges in California reliably serve millions of travelers and billions of dollars of commerce because of the ongoing care provided by Structure Maintenance & Investigations staff. These structures run the gamut from the majestic San Francisco-Oakland Bay and San Diego-Coronado bridges to the historic arch spans along the scenic Monterey Coast and the tens of thousands of unassuming concrete, steel and timber bridges dotting the California landscape.

The safety and reliability of California's bridges has been instrumental in fueling one of the world's largest economies. More than 160 million vehicle trips are recorded on California's transportation system each day.

Caltran's Structure Maintenance & Investigations engineering personnel have conducted more than 650,000 routine inspections and thousands of special hydraulic, steel and underwater bridge inspections since 1927. They look for any signs of deterioration, fatigue or distress in bridge decks, superstructures and substructures, and the office has initiated tens of millions of dollars in repairs to ensure the safety and structural integrity of each public agency bridge in California.

Thanks to the ongoing dedication of the Structure Maintenance & Investigations professionals, no public agency bridge in California has ever collapsed due to neglect. The bridge inspection program pioneered by Structure Maintenance & Investigations has become the model for transportation agencies around the Nation and the world.

As part of its ongoing bridge maintenance program, Structure Maintenance & Investigations maintains a library of more than one million documents, some dating back more than 100 years, documenting the history of each public agency bridge in California.

Structure Maintenance & Investigations personnel have responded in a timely and heroic fashion to a myriad of natural and manmade disasters to protect public safety and complete any needed repairs to California's transportation system. While their efforts have been well chronicled in major disasters such as the 1989 Loma Prieta and 1994 Northridge earthquakes, SM&I personnel routinely answer the call to protect public safety. Such a case occurred last year in California's Sonoma County where two engineers risked their own safety to inspect the Highway 128 bridge over the rampaging Russian River near Guerneville. The engineers determined that the floodwaters had compromised the integrity of the bridge. They closed the structure and initiated a project that resulted in construction of a new bridge.

Madam Speaker and colleagues, it is appropriate for us to convey to all the dedicated professionals at the California Department of Transportation Office of Structure Maintenance & Investigations the thanks of a grateful state for years of dedicated service ensuring the safety and reliability of our transportation system.

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## HONORING ROSAMOND BEATRICE OCTOBER

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. ENGEL. Madam Speaker, Rosamond Beatrice October is 100 years old and the United States was fortunate to woo her from her native Guyana. She was born there on November 6, 1907 and has lived through perhaps the most remarkable age in the world's history.

In 1928 she and William October were married and had two children before they adopted several more. She was a successful caterer in Guyana and in 1973, at an age when most people have retired; she came to America and continued her successful catering operations.

She is a grandmother of 12 and great grandmother of 14, and aunt of several nieces and nephews. She lives with her daughter, Claudette Cox, in the Bronx and is the oldest member of the Eastchester Presbyterian Church. She attributes her long life to her faith and trust in God. And we thank God for allowing Mrs. October to remain with us and share her gifts of love and experience with us all.

I offer her my sincere wishes for the happiest of birthdays and congratulate her for a long and successful life.

## HONORING THE DISTINGUISHED CAREER OF REPRESENTATIVE LOUIS W. STOKES

### HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. COOPER. Madam Speaker, I rise today to honor a former Member of this body, Louis W. Stokes, for his contributions both in service to our Nation and to the State of Ohio. Representative Stokes has made significant strides in increasing benefits to veterans in the Cleveland area, and through his work on the Appropriations Committee, he brought significant increases in revenue to the Cleveland's East Side. He was recently inaugurated into the Karamu House Hall of Fame for his contributions to the continued legacy of Cleveland's black settlement house and theatre.

Louis Stokes was born in Cleveland and grew up in one of the Nation's first federally funded housing projects, the Outhwaite Homes. He served in the Army during World War II, attended Western Reserve University and Cleveland-Marshall College of Law, and began practicing law in Cleveland in 1953. In 1968, Stokes argued the seminal "stop and frisk" Terry v. Ohio case in front of the United States Supreme Court. He was elected to the House in 1968, representing the 21st District and then the newly created 11th District, both on Cleveland's East Side. He was Chairman of the House Select Committee on Assassinations, charged with investigating the murders of President John F. Kennedy and civil rights leader Martin Luther King, Jr. He also served on the House committee that investigated the Iran-Contra Affair and was a founding member of the Congressional Black Caucus. By the time of his retirement in 1999, Stokes had represented the people of Cleveland for nearly 30 years. He was dean of the Ohio delegation and one of the most senior members of this body.

Madam Speaker, Louis Stokes' contributions to public life have been celebrated in many ways, not least of which is the Louis W. Stokes Health Policy Lecture at Meharry Medical College in Nashville. Today, October 17, 2007, Representative Stokes was honored at Meharry for his pioneering contributions to the field of health policy and law. And today I rise to extend my heartfelt congratulations and appreciation to Louis Stokes, to celebrate his long career of public service and to encourage my colleagues to join me in honoring him. May his words inspire new generations of leaders to follow in his footsteps and serve their country.

## "THE WAR" AS OPINED BY WINSTON GROOM OF POINT CLEAR, ALABAMA

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. BONNER. Madam Speaker, earlier this week one of my constituents—nationally renowned author and historian, Winston Groom—wrote an op-ed piece for the Mobile Press-Register offering at least one theory as to why the reviews of Ken Burns's recent documentary series, "The War," have been panned by several of America's leading and supposedly "most respected" national publications.

As you may know, "The War" recently aired throughout the Nation on PBS. While admitting that the "Second World War was fought in thousands of places, too many for any one accounting," Mr. Bums and his extraordinarily talented team tell the story of 4 American towns and how some of the citizens from those towns experienced and remember "The War."

The personal accounts of these men and women in their own unique dialects and accents tell an important and powerful story of World War II and the men and women that Tom Brokaw, among others, has deemed "The Greatest Generation."

This documentary shows the significant sacrifices made by the brave men and women of the American military, as well as the millions of American families whose loved ones were fighting the forces of evil during the Second World War.

As Mr. Groom so eloquently explains in his article, the underlying complaint of "The War," shared by many in the mainstream media who reviewed the film, is "grounded in the new liberal fad of 'moral relativism'" and self-hatred. Unbelievably, some of these critics appear to believe that Mr. Burns's documentary was simply too "pro-American" and not sympathetic enough to the Germans and the Japanese.

After watching this fascinating documentary with my wife and children, I, personally, could not be more proud to be an American. Moreover, I believe this film should be required watching in every school in America.

Today, Madam Speaker, I rise to ask that this op-ed piece be entered into the CONGRESSIONAL RECORD in its entirety, for I believe Winston Groom may be on to something:

HATCHET JOB ON "THE WAR"

(By Winston Groom)

Many of you who enjoyed Ken Burns's "The War" may or may not be surprised that much of the mainstream media trashed the series.

At the simplest level, their complaints illustrate the common literary fallacy in which the critic reviews not the film (or book) that was written, but the one that he wanted to see written. But this is merely one technique of doing a hatchet job.

The underlying complaint against Burns's film by such revered organs as "The New York Times", "The New Yorker", "Slate" magazine, etc., is grounded in the new liberal fad of "moral relativism" or "moral equivalency", "a doctrine that seeks to have us believe that in the real world, there are in fact no "good guys" or "bad guys."

Instead, everything is "relative" (i.e. Oh, poor Adolf. He was simply misunderstood.).

Thus, Alessandra Stanley of the Times felt compelled to inform her readers that, "Examining a global war from the perspective of only one belligerent is rarely a good idea."

I myself had a similar run-in with that kind of thinking when the Times trashed my history "1942: The Year That Tried Men's Souls," so I know whereof I speak.

In that instance, the Times for some reason assigned the hatchet job to its theater editor, who carped that I was "cheerleading" for America and "conducting a pep rally for the Allies." It made me wonder just who she wanted me to cheer for—Hitler? Tojo? Or were we all of us—Japan, Germany, America, England, Russia—equally at fault for the war?

In the online magazine "Slate", Beverly Gage was constrained to label "The War" "manipulative, nostalgic and nationalistic, " and lamented that it offered "no commentary from the German or Japanese" side.

To be fair, she also complained that it offered no commentary from the British or Canadians, to which she might also have added that we didn't hear about the Norwegians or the Peruvians—or the Ugandans, for all it matters.

The point is, that was not what the film was about. It was about America and Americans in World War II, as was plainly stated at the beginning of each episode. To be fair again, Ms. Gage acknowledges this, or, in her words, "Burns admits this," but then she goes on to complain about it anyway.

Ms. Gage also spears the film for offering "fantastically sentimental stuff—Ken Burns at his most indulgent."

I, for one, didn't see anything particularly sentimental about pictures of dead American Marines floating face down on the beaches of Tarawa or being carted off the battlefield.

Ms. Gage also hints in her review that the story told by Mobile's Eugene Sledge about some Marines pulling gold teeth from dying Japanese soldiers smacks of American racism, since in the European Theater, the absence of that unpleasant custom presumably denied similarly situated Germans their experience of a lifetime.

In The New Yorker, Nancy Franklin's objection, rather than moral relativism, is that "The War" is just plain bad film-making.

"They've taken a subject that is inexhaustible and made it merely exhausting," she writes, before going on to complain about the sound track and narration and that a lot of the footage Burns selected had been used before—as if Burns, being unable to conjure up some stash of unused footage, was somehow obligated to use old bad footage instead.

She also found tedious Burns's style of using real participants in the war to describe their experiences rather than, one supposes, using analysts, historians and politicians. Myself, I rather enjoyed hearing from such contributors as Dwain Luce, Sid and Katherine Phillips, Maurice Bell, Willie Rushton and others who actually lived it.

As Ms. Stanley writes in her review, "'The War' gives generous voice to a wide variety of voices, but they are all American voices," which, she complains, "is the only tale Burns wants to tell."

The strange implication here is that surely Burns could have dug up a Hiroshima survivor or a fugitive Nazi SS man to tell his side of the story—or better yet, a Kamikaze pilot.

What really underlies this "moral relativism" is the fetish of self-hatred that has become so pervasive in the mainstream media and the halls of academia. Whatever the issue, "America is at least no better than the rest of them, and probably worse" is their mantra, and anything that smacks of patriotism is automatically suspect.

Heaven help us if this had been the bunch in Philadelphia on the Fourth of July, 1776, when they were trying to find people to sign the Declaration of Independence.

## HONORING CAPTAIN JOAN R. DAVIS

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. ENGEL. Madam Speaker, Captain Joan R. Davis was awarded the Army Commendation Medal, the Iraq Campaign Medal, and the Army Achievement Medal, among other awards, for her accomplishments as Head Nurse in Camp Bucca, Iraq.

There she was responsible for the comprehensive health care needs and provision of health care to more than 8,600 detainees. To accomplish this she was responsible for the oversight of 10 officers and 75 enlisted personnel.

Among her many duties was the assessment, planning, and implementation and evaluation of detainees at the facility. She provided consultations with other members of the allied health care team on the highly complex comprehensive nursing care of the diabetic population.

She also served as liaison with forward Operating Base and Theater Internment Facilities.

We are fortunate to have such an individual with us here in the Bronx, as a Registered Nurse at Montefiore Medical Center. I congratulate her for her dedicated service to our country and for her equally dedicated service at MMC.

## RESOLUTION CONGRATULATING THE UNITED STATES WOMEN'S NATIONAL SOCCER TEAM ON ITS PERFORMANCE AT THE 2007 FIFA WOMEN'S WORLD CUP

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. UDALL of Colorado. Madam Speaker, I rise today to congratulate the United States Women's National Soccer Team on its recent performance at the 2007 FIFA Women's World Cup in China.

I am pleased to be introducing this resolution with the support of my colleagues Mrs. BONO, Mr. WALSH, Mrs. CAPPS, Mrs. NAPOLITANO, Ms. BORDALLO, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. ARCURI, Ms. SCHAKOWSKY, Ms. WATSON and Mr. TOWNS.

In the spirit of international goodwill, the women of our National Soccer Team competed with the elite women of Norway, Nigeria, England, and Sweden exhibiting sportsmanship and determination every moment on and off the field. Furthermore, finishing in the semifinals, the team maintained its record as being the only country to finish in the top 3 in all 5 Women's World Cup tournaments that have been contested.

Their contribution to American female athletics is a testament to the legacy of Title IX, now in its 35th year, as well as the dedication and hard work of the players, coaches, and trainers. The support of women's soccer fans around the globe for the games of the 2007 FIFA Women's World Cup anticipates the coming 2008 Summer Olympics and the 2009 opening of a women's professional soccer league in the United States.

Madam Speaker, I commend the United States Women's National Soccer Team and ask my colleagues to join me in affirming the importance of athletic participation for young women and men across our Nation.

## RECOGNITION OF THE 2007 OKALOOSA COUNTY FARM FAMILY OF THE YEAR

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. MILLER of Florida. Madam Speaker, on behalf of the U.S. Congress, it is an honor for me to rise today in recognition of the Gerald Brooks family for being selected the 2007 Okaloosa County Farm Family of the Year and for their contributions to the agricultural development of Baker, a city in my district in northwest Florida.

For over 35 years, Gerald and his wife Mary have been actively involved in farming in northwest Florida. Gerald was born and raised on the farm and while being one of nine children, he was the only child who stayed in farming. The family business began around 1930, when Gerald's grandparents relocated from Evergreen, Alabama to Okaloosa County. They moved to the farm's present location in 1940. Sharecropping corn with his grandfather during his last year of high school helped to groom young Gerald for one day taking over the family farm.

After serving in the United States Army from 1969 to 1971, Gerald began farming full time. He demonstrated his tremendous work ethic in all aspects of farming. He has worked tirelessly to improve the agricultural and farming practices for his community by serving on the Farm Bureau of Directors and the Okaloosa County Extension Advisory Committee for several years. Gerald continues to assist the local Extension office by offering his land for on-farm demonstrations, which includes a current project with a soybean Asian rust plot.

Throughout the years, the Brooks family farm has produced cotton, peanuts, soybeans, wheat, and the largest selection of fresh vegetables in the area. Gerald personally plans, plants, and manages all growing of the crops in addition to other day-to-day operations on the farm, while his sister, Kathy, oversees the harvesting and marketing of the crops.

Madam Speaker, on behalf of the U.S. Congress, I would like to offer my sincere commendation to a family that is a role model for all of us. A deep sense of civic contribution and values has been instilled through all the generations of the Gerald Brooks family. It is my hope that this family tradition continues for many more generations.

## TRIBUTE TO FAUNE RIGGIN

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Faune Riggin on being recognized as one of the top ten programmers in small market radio in America. As Program and News Director at KZIM–KSIM radio in Cape Girardeau, Missouri, Faune has brought passion, hard work and innovative ideas to her job. Her talented work has made an enduring impact on the communities which comprise the KZIM–KSIM radio listening area.

Faune understands the importance of radio. Radio is an essential part of the lives of many Americans. It is more than just an information vehicle or advertising tool—it connects our communities. Since joining KZIM–KSIM, Faune has worked tirelessly to ensure listeners remain informed and connected.

Faune's successes, both in and out of the radio industry, have been observed and duplicated by the staff at KZIM–KSIM. Her passion and commitment to excellence continues to inspire others to dedicate themselves to the same ideals. Not only is Faune a true professional, she remains a valued member of the Cape Girardeau Community by involving herself in charities and lending a helping hand to others.

Madam Speaker, it is a great privilege to honor Faune Riggin on this great achievement. I ask that you join me along with Faune's family, friends and listeners to congratulate her on this momentous occasion and to wish her a rewarding and productive future.

## MALVERN FEDERAL SAVINGS BANK 120TH ANNIVERSARY

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. GERLACH. Madam Speaker, I rise today to honor the Malvern Federal Savings Bank as it celebrates its 120th Anniversary this year. Malvern Federal Savings Bank, first known as the Malvern and Duffryn Mawr Building and Loan Association, opened its doors in 1887 at King Street and Warren Avenue in Malvern, PA. The Bank moved to new locations on Malvern's King Street in both 1938 and 1955, and to nearby Paoli in 1957. The Bank headquarters, which underwent an extensive renovation in 2004, remains in Paoli today. The institution has continued to expand through the opening of multiple financial centers and today has offices in Paoli, Berwyn, Malvern, Westtown, Lionville, Exton and South Coventry.

The community bank has dedicated itself through the years to fulfilling the financial needs of people and businesses throughout Chester County, Pennsylvania and the surrounding areas. For 120 years, Malvern Federal Savings Bank has remained a mutual savings bank owned by its depositors, thus ensuring that it always meets the needs of the community first. The Bank prides itself on staying active in the community, donating time and funds to numerous local events and fundraisers each year, as a way to give back to residents and businesses that have been supportive for so many decades.

Ron Anderson currently serves as the Bank's president and chief financial officer and F. Claire Hughes, Jr. as the chairman. Malvern Federal Savings Bank is one of the oldest banks based in Chester County and continues to offer numerous services to its customers and community.

I know all my colleagues join me today in congratulating the Malvern Federal Savings Bank as it celebrates its 120th Anniversary and continues its proud tradition of community involvement, business excellence, and superior customer service.

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## A PROCLAMATION HONORING THE 550TH ANNIVERSARY OF THE MORAVIAN CHURCH IN GNADENHUTTEN, OHIO

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the Moravian Church of Gnadenhutten, Ohio celebrates the 550th anniversary of the Moravian Church with great joy; and

Whereas, this occasion is a time to look back at the origins of our great state with the founding of the first settlement in Ohio by missionary David Zeisberger amongst the Le Nape Indians in 1772; and

Whereas, the Moravian Church continues as the oldest Protestant denomination in existence; and

Whereas, the Moravian Church have demonstrated excellence in its calling as a church, and we are proud to have it in the great state of Ohio and our Nation; be it

*Resolved*, That along with the residents of the 18th Congressional District, I commend the congregation for their unwavering commitment, recognizing that all great achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this congregation has had in the community and in the lives of those people they have touched.

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## SUPPLEMENTARY DOCUMENTS ON TRANSGENDER ISSUES

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. FRANK of Massachusetts. Mr. Speaker, on October 9, I delivered a speech in the House regarding, among other things, my involvement in advocating for civil rights protections for transgender individuals. Following those remarks, I inadvertently failed to submit for the RECORD several documents to which I had made reference during the speech, specifically excerpts from testimony I gave before an Education and Labor Committee subcommittee last month in support of including full transgender protection in the Employment Non-Discrimination Act, and from 2 other speeches addressing transgender issues that I offered during previous debates on the House floor. In order to give a fuller picture of my views on these important topics, I ask that the documents be printed here.

#### EXCERPT FROM TESTIMONY OF U.S. REP. BARNEY FRANK, SUBCOMMITTEE ON HEALTH, EMPLOYMENT, LABOR AND PENSIONS, "THE EMPLOYMENT NON-DISCRIMINATION ACT, H.R. 2015," SEPTEMBER 5, 2007

Mr. FRANK of Massachusetts. . . . And then we have the issue that my colleague so ably discussed of the transgendered—and I understand that this is a new issue for people. There are people who were born with the physical characteristics of one sex who strongly identify with the other. Some of them have a physical change, some of them don't. Let me make a plea to all of my colleagues—these are people—think what it must be like to be born with that set of feelings. Think what it must be like, think what stress—what agony you go through—to defy society's conventions to the extent where you make that kind of a statement. This is something people are driven to do. Is there any reason why any of us should make the lives of those people more difficult than they already are?

Obviously these are people who are coping and things are getting better. Things are better in many ways. When I was younger, a lot of things were difficult that are less difficult today. But what we say here is if someone has these feelings—if someone is born with one set of characteristics and strongly identifies the other way—should you fire him? You deny him a promotion? You say no matter how good your job is, that makes me uneasy so out you go. That we say in here you can make rules that those people have to abide by. That they dress in a gender consistent way . . .

There is another issue we . . . have to talk about. What happens when they're all in the shower together—you know you can segregate bathrooms, but in showers it's a little difficult. This says no, people don't have the right to go into open places where people are unclothed in a way that's to embarrass people. That we talk about an accommodation, again people will say, "well you didn't do that well enough." There's room for some fine-tuning there, but on a fundamental principle—particularly for those people who are themselves made the most uneasy by the transgender issue—and I must say having worked with a lot of transgender people, I would tell my friends you get over it pretty quickly. Because what you find out is you're dealing with human beings like all the rest of us—normal human beings who have the same emotions and needs and strengths and weaknesses all of us have. But for those who are not yet at the point of comfort with them, do we really feel driven to make life harder for these people?

By the way, I just want to deal with this choice issue. No one I believe in the history of the world has said, "you know what, life's too easy. I think although I was born a woman I'm going to act like a man. I think that would be a real lark. I think I'll just go through life that way and invite physical abuse and invite all kinds of ridicule." So that's all we're saying. And let me say here—a final appeal—if there's any institution that ought to understand this it's here. Let me tell you what I know. This institution—we as Members—are very well served by a large number of gay and lesbian employees. And many of my colleagues on the Republican side know that and have, to their credit, employed them.

I wouldn't have said this a couple of years ago, but after the recent incident it's now public. For years the Clerk of this House was a gay man, a Republican named Jeff Trandahl, whose orientation became public because he behaved in a very honorable and admired way in the issue of our former colleague, Mr. Foley. And the Ethics Committee saluted Mr. Trandahl. You know, Jeff Trandahl is an example and I know Jeff well and he's a friend whom I respect and admire and given the role he played, how much easier it would have been—maybe some troubles could have been avoided if there were legal protections that he and others would have had so they would not be subject to prejudice.

I'll acknowledge—yes—as Mike Carney's example will show and my own example will show—people say "well you know some of these gay people are misbehaving." Yeah, living a life that you were trying to hide from others is not a prescription for model behavior. And you do dumb things in the closet sometimes. It's not an excuse. It's your fault when you do them. But it's in society's interest to diminish that pressure. And you can do that today. Thank you.

#### APPOINTMENT OF CONFEREES ON H.R. 4200, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—House of Representatives—September 28, 2004—Excerpt From Debate on Hate Crimes Legislation

Mr. FRANK of Massachusetts. This bill criminalizes actions that consist of violence against individuals. It allows the Attorney General to enter under certain limited circumstances, if it is a Federal crime of violence under the Federal U.S. Code. It allows certain other things if there is an act of bodily injury or an attempt to cause bodily injury. Nothing in here criminalizes speech. In fact, when people start talking about Sweden, it is a pretty good indication that they do not have anything to talk about with regard to the law that we are voting on in America. By the way, America, unlike Sweden, has a first amendment, and the Supreme Court would have banned that if anybody tried to.

Finally, to refute that argument, which is without any merit whatsoever; I mean, sometimes we get close questions here. That one has no merit. There is nothing remotely in this bill that threatens anybody's speech. But here is the proof of it, and it also is a sign of the gross inconsistency of those on the other side. We are not starting down any path today, except the path of their illogic.

What we are doing is adding a category to existing Federal categories. There are already on the books laws that create hate crimes. It is not the case that every crime is treated equally.

By the way, there was one category of people, and violence against them is much more seriously treated than violence against anybody else. If you are so offended by that, where is your motion to amend the law and take away the statute that says it is a super Federal crime to assault one of us. If a Member of Congress and a private citizen are walking down the street and they are both assaulted, it is a much more serious crime against the Member of Congress. Where is your consistency? If you mean what you say, why have you not gone after that, or is it okay if you are protected, Madam Speaker?

And then we have race on the books, and we have religion. Has anybody ever found a case where they say, well, once you do this, someone's free speech will be impugned? Are you telling me there are no racists in America? Are you telling me that no one makes racially offensive remarks? People do. And none of them, none of them have ever been prosecuted for hate speech.

So, in fact, you deny the reality, Madam Speaker, when people say this, that there are already on the books certain categories that are treated as hate crimes. None of them have led to there being any impugning of people's free speech.

Then the question is, why do we want to do this? In the first place, no one is saying that if you were violently assaulted, you will not be protected by the law. Why do we add an additional element if it is a hate crime? And here is the reason: When people are going out and singling out people because of their race or their color; and, by the way, if people who are white are being assaulted by people of another race because of their race, that is a hate crime, and it ought to be treated as such. I do not share the view that that is a bad thing. It is wrong for thugs to tyrannize people because of that, and it is worse than another crime for this reason.

If some individual is walking down the street and is randomly assaulted, he or she is traumatized. But if another individual is singled out because of her race or religion or sexual orientation or gender, then it is not simply the individual who has been assaulted but others who share that characteristic who are put in fear.

We do have a particular problem. The gentleman said, well, you are saying gender instead of sex. Yes, there are people who are transgendered in our society. They are sadly often victimized. They are often victims of violence. Yes, I think it is a good idea to come to their aid. And if the gentleman thinks it is a mistake to go to the aid of people who are transgendered who are more often than others victimized and who are put in fear for that, then we do disagree, and I welcome the chance to vote on it.

CHILDREN'S SAFETY ACT OF 2005—House of Representatives—September 14, 2005—Excerpt From Discussion of Hate Crimes Legislation

Mr. FRANK of Massachusetts. Mr. Chairman, I want to address some of the misconceptions that arise when we deal with this legislation. I and many of the strongest proponents of hate crimes legislation are also among the strongest proponents of free expression in this House, and I want to be very clear. A belief in free expression means the belief in the right of obnoxious people to say hateful things. This is not an effort to prevent people from engaging in racist or homophobic or sexist insults. I regard that to be a very unpleasant but fully constitutionally protected practice, and there have been mistaken assertions in this.

There was in fact a case in Philadelphia which lent itself to the interpretation that unpleasant speech was being prosecuted. That case was thrown out of court, and it was wrong. Nothing in this law in any way, this amendment that the gentleman from Michigan, who happens to be one of the greatest defenders of freedom of expression in the history of Congress, nothing in this amendment impinges in any way on anybody's right to say or write anything they want.

What it says is that if you commit an act which is otherwise a crime, because the predicate for this is that you have to commit a physical act which would be a crime against a person or property, but generally against a person, that it becomes an aggravating factor if it is demonstrated to be motivated, and the courts have made it clear that you have to demonstrate this is an element of the crime in some way, you must demonstrate that it was motivated by prejudice.

Now the argument is, well, why is one kind of crime worse than any other? Well, in fact, of course, our laws, State and Federal, are replete with examples where the exact same act is treated more harshly depending on the motivation. We have laws that particularly single out crimes against the elderly. We have laws that say if you desecrate one kind of property it is worse than if you desecrate another.

Here is the rationale for this. If an individual is assaulted and the individual chosen for the assault was chosen randomly, that is a very serious problem for that individual, and the crime ought to be punished and the individual protected. But where individuals are singled out for assault because of their race, because of their sexual orientation, because of their gender or identity, and transgendered people are among those who have been most recently viciously and violently attacked, it is not simply the victim of the violent assault who is assaulted. Other people in that vicinity, in that area, who share those characteristics, are also put in fear. And it is legitimate for us to say that when you have individuals being singled out because of a certain characteristic, this becomes a crime that transcends the assault against the individual. It does not mean we do not protect the individual. It means that we go beyond that.

Now there are people who say, look, if you hit anybody, it is exactly the same thing. I doubt their sincerity, Mr. Chairman. Because, as I understand it, under Federal law, if one of us were to be walking out in the street with a private citizen and we were both assaulted, the individual assaulting us has committed a greater crime than the individual assaulting a private citizen. That is, we have one category of hate crimes in that it is a more serious crime to assault a Member of Congress.

Now, by the way, it is obviously not in any way constitutionally inappropriate to denounce Members of Congress. We all know that. So anyone who thinks that when you have enhanced a sentencing by singling out an individual you have immunized him or her from criticism, just look at us. I do not know anybody who is proposing that we get rid of that.

So here is what we are dealing with. We are dealing with a law which in no way impinges on anyone's freedom of expression and says that when individuals are physically harmed in part because of who they are that others who share that characteristic are also put in fear, and that is a way to try to diminish that form of activity.

I should add, too, that we have recently seen more of an outbreak of this sort of violence against people who are transgendered, and it is important for us to come to people's aid . . .

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## A PROCLAMATION HONORING THE 90TH BIRTHDAY OF THE AMERICAN RED CROSS IN HOLMES COUNTY, OHIO

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. SPACE. Madam Speaker:

Whereas, the Holmes County Red Cross celebrates its 90th birthday with great joy; and

Whereas, the Homes County Red Cross provides vital services to the residents of Holmes County; and

Whereas, services such as Health and Safety, Disaster Services, Armed Forces Emergency Services, and Blood Services are provided; and

Whereas, these services provide communication, training and education; be it

*Resolved*, That along with the residents of the 18th Congressional District, I congratulate you on your 90th Birthday. With great appreciation and respect, we recognize the tremendous impact the Holmes County Red Cross has had in the community and in the lives of those people you have touched.

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## HONORING LONG BEACH CALIFORNIA SCHOOL DISTRICT

### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to proudly honor the Long Beach Unified School District. While we work to reauthorize the No Child Left Behind Act to improve access to quality education for all of America's children, the Long Beach Unified School District shines as an example of what we hope to accomplish.

This district is California's third largest and is setting an example for districts across the nation to follow, by showing that all students, no matter their background, history, or personal obstacles, can achieve their full potential. It was a finalist for this year's Broad Prize for Urban Education, which is a great honor. That accomplishment is all the more amazing because Long Beach, which won the top prize in 2003, is the only former winner to make it back into the finals.

Under the leadership of Superintendent Chris Steinhauser, Long Beach is showing what public schools can do. Superintendent Steinhauser works with parents, teachers, board members, and other community members to create a district that has a "team feeling." The effect is a system that demands results and delivers solutions to the many problems that districts face.

The "Long Beach Way" puts into practice the best of school reform, whether homegrown or from somewhere else. Innovative programs such as Intervention Counselors, who work with high school students at risk of failing, and Algebra ABCD, which provides additional supports that allow students to achieve at high levels, are just two of the exemplary programs that Long Beach Unified provides for its 90,000 diverse students.

I commend the hard working teachers and administrators of Long Beach for their contributions and commitment. It is also important to recognize the support from parents and the community. These combined efforts have been instrumental in ensuring a quality education for all children within the district. I am proud to represent and honor Long Beach Unified School District.

## NATIONAL MALL REVITALIZATION AND DESIGNATION ACT OF 2007

## HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Ms. NORTON. Madam Speaker, I rise today to introduce the National Mall Revitalization and Designation Act of 2007. The National Mall is one of Washington's best known and most treasured sites, but also is the District's most neglected and undervalued. The Mall lacks everything that a majestic natural wonder deserves, from an official identity to necessary amenities. My bill (1) authorizes the National Capital Planning Commission (NCPC) to officially designate and expand the boundaries of the Mall and (2) requires the Secretary of the Interior to submit a plan to enhance visitor enjoyment and cultural experiences within 180 days of passage of the bill.

I worked closely with NCPC and other agencies in framing the bill. It would give the NCPC the responsibility and the necessary flexibility to designate the Mall area for the first time since its creation and to expand the Mall area when appropriate. The bill requires the NCPC, to accommodate future commemorative works and cultural institutions, working with key federal and local agencies, and with participation from the public and recognized national leaders in culture and development.

Frustrated at continually fighting off proposals for new monuments, museums, and memorials, on the crowded Mall space, I asked the NCPC to devise a Mall preservation plan 5 years ago. In 2003, Congress amended the Commemorative Works Act to enact the NCPC's designation of a no-build zone where no new memorials can be built. This action was helpful in quelling some but by no means all of the demand from groups and individuals for placement on what they view as the Mall. The bill spells out the needed authority to preserve the no-build zone while expanding the mall to accommodate commemorative works.

The NCPC and the Commission on Fine Arts (FAC) are working on the National Capital Framework Plan and already have shown they can identify sites near the existing Mall which are suitable for new memorials, including East Potomac Park, a part of the Mall area that is seldom viewed as integral to the more familiar space between the Capitol and the Lincoln Memorial; Banneker Overlook, the grounds around RFK Stadium, the Kennedy Center Plaza site and the new South Capitol gateways. Five new prestigious memorials are scheduled for such sites, including the Eisenhower Memorial and the U.S. Air Force Memorial.

I appreciate that NCPC and the FAC work closely with the District of Columbia in designating off-Mall sites for new monuments. The District welcomes the expanded Mall into appropriate neighborhoods, enhancing the work of the District of Columbia government and local organizations such as Cultural Tourism that offer historic tours of District neighborhoods in developing the tourism that is vital to the city's economy. Additional Mall sites for various monuments also complement the creation of entire new neighborhoods now underway near the Mall particularly the District's redevelopment of the Southwest waterfront and my own work on the Southeast Federal Center, now known as The Yards, that is to becoming a mixed use public-private development and waterfront park.

A second and important goal of the bill is to make the Mall a living, breathing, active place where things happen and visitors can be comfortable. The bill seeks to achieve this vibrancy by requiring the Secretary of the Interior to submit a plan, in consultation with the appropriate Federal agencies, and leaders in culture and development and the public, to "enhance visitor enjoyment, amenities, cultural experiences in and the vitality of (the National Mall)." Bordered by world class cultural institutions, the Mall itself has been reduced to a lawn with a only a few—too few ordinary benches and a couple of fast food restaurants. The Mall lacks the most basic amenities appropriate to such an area including restrooms, shelter and informal places to gather and interesting places to eat. When it rains, there are no places to stay dry on the Mall and when the humidity reaches sky high, there are few places to rest and have a cold drink. Nevertheless, in writing this bill I was compelled to recognize today's reality that funds to make the Mall the 21st century destination it deserves to become are simply not available, and will not become available in the near future until the deficit and other priorities make room. Yet, the Mall needs a total makeover for the 21st century to be worthy of L'Enfant's vision for the city he planned and the MacMillan Plan that is largely responsible for the space between the Capitol and the Lincoln Memorial that is known today as the Mall. However, we must move now to begin to do all we can to rescue this space from its present dull and uninviting condition, damaged by heavy use and often used as no more than a pass-through, despite its magnificent potential. With the necessary imagination, a plan to make Mall a welcoming place with cultural and other amenities envisioned by the bill is achievable now.

The Mall Designation and Revitalization Act is the first step in an effort to begin to give the Mall its due after decades of neglect and indifference. The bill begins at the beginning, defining for the first time what we mean by the Mall, allowing for expansion of its natural contours, and taking the first steps to breathe life into a space that is meant for people to enjoy.

## A PROCLAMATION HONORING 70TH ANNIVERSARY OF THE POMERENE HOSPITAL IN MILLERSBURG, OHIO

## HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. SPACE. Madam Speaker:

Whereas, Pomerene Hospital celebrates the 70th anniversary with great joy; and

Whereas, Pomerene Hospital cares for the community's health through communication and trust; and

Whereas, the Hospital has grown from a staff of 10 physicians and continues to grow while serving Holmes County; be it

*Resolved,* That along with his friends, family, and the residents of the 18th Congressional District, I congratulate you on your 70th Anniversary. With great appreciation and respect, we recognize the tremendous impact this hospital has had in the community and in the lives of those people you have touched.

## TRIBUTE TO LILLIE MAE WHITE JOHNSON

## HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Ms. KILPATRICK. Madam Speaker, I rise today not only as a Member of Congress, but as Chairwoman of the Congressional Black Caucus, to pay tribute to an outstanding Texan and human being, Mrs. Lillie Mae White Johnson, who passed away on Monday, October 15, 2007. Mrs. Johnson was a woman of character, compassion, and courage, and she will be mourned by a large circle of family, friends and admirers.

She was born January 9, 1911 in Waco, Texas. The youngest of 6 children born to Thomas and Sarah Burks White, she was preceded in death by her parents, her husband Edward Johnson, and siblings Beulah White Bridgewater, Eliza White Ashford, Ella White Glasker, George White and Arthur White.

Mrs. Johnson was an honor graduate of AJ Moore High School, which is located in Waco, Texas in 1929 and attended Central State Business College. She married Edward Johnson in 1931 and was a faithful and devoted wife for almost 50 years. To this marriage, 4 children were born; 3 daughters and 1 son. After he husband's death in 1981, she moved to Grand Prairie, Texas and made her home with her oldest daughter, Sallye Moore.

At an early age, Mrs. Johnson joined the Chapel Hill Baptist Church in Waco, Texas and later joined the Toliver Chapel Baptist Church. They were loyal and faithful members for almost 50 years. As a member of Toliver Chapel Baptist, she was active in the Women's Mission, sang in the choir, and assisted with many children's activities.

Mrs. Johnson loved traveling. In addition to residing in Texas, she lived in Florida and California while her husband served in the United States Navy and pursued his career in civil service for the United Sates Department of Veteran Affairs.

Mrs. Johnson was raised in a spiritually influenced home with strong family values shared with her children. Her children, grandchildren, and many nieces and nephews are blessed to have been influenced by her deep Christian faith and joyous disposition. She was a compassionate person who loved to spend time with her children and their families. Her family will deeply miss her smile, her personal warmth, and thoughtful ways. For many years, Mrs. Johnson hosted large family dinners and catered to her family member's individual preferences.

She was a founding and active member in the Mamie Robinson Social and Family Charity Club until she relocated to Grand Prairie, Texas. The Waco News Tribune in 1979 and the Delta Alpha Omega Chapter of Alpha Kappa Alpha Sorority in 1980 named Mrs. Johnson "Mother of the Year."

After moving to Grand Prairie in 1981, she joined St. John Baptist Church. As a member of St. John, Mrs. Johnson was active in the Senior Women's Ministry, Ruth and Doris Ministry, Mission Choir, Generations Ministry and Adult Sunday School. In the community, she served as a member of the Willing Workers, Carter-Olive Senior Citizens Group and was a strong supporter of the Johnie Stanton, "Just Say No" Club. She especially enjoyed the fellowship of the Senior Citizen's Nutrition Group.

Mrs. Johnson was a dedicated homemaker. Mrs. Johnson's love and dedication to her husband, her children, and grandchildren is what provided them with the inspiration in which to achieve their many accomplishments.

She loved her home and was happiest when she was with her family. Mrs. Johnson was also an avid reader. Her children and grandchildren cherish the memories of the time she spent with them in the small library she established in the family home.

She is survived by her daughters, Sallye Ruth Johnson Moore and husband, Vandine of Grand Prairie, TX, U.S. Congresswoman Eddie Bernice Johnson of Dallas, TX and Washington, DC and former husband Lacy Kirk Johnson, Lee Helen Johnson Willis of Houston, TX and husband Favor DePriest Willis, Esq. (deceased), son Carl Edward Johnson and wife Beverly; grandchildren: Gregory Dean Moore and wife Juana of Plano, TX, Dawrence Kirk Johnson and wife Sondra of Austin, TX, Karlton Jamar Johnson and Kanish JaKayel of Waco, TX; great grandchildren: Gregory Dean Moore II and Preston Andrew Moore of Plano, TX, Dawrence Kirk Johnson II, David Edward Johnson and James Lacy Johnson of Austin, TX, Jay Lynne Kourtney Johnson and Karlton Jamar Johnson II of Waco, TX; Special Niece: Luberta White Mayse of Waco, TX, Special Nephew: Robert Lee (RL) Ashford of Los Angeles, CA, sister in law: Mrs. Fannie Mae Johnson Wells of Brenham and Giddings, TX and many other special nieces and nephews and a host of family members and friends.

On behalf of the Congressional Black Caucus and our colleagues in Congress, may God carry her soul gently in her passage to peace. We know God joins with us today as we pray, "Sleep well my good and faithful servant." May we all know the service to others as epitomized by Mrs. Lillie Mae White Johnson.

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## A PROCLAMATION HONORING THE 175TH ANNIVERSARY OF THE ZION REFORM CHURCH OF WINESBURG, OHIO

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the Zion Reform Church of Winesburg, Ohio celebrate the 175th anniversary with great joy; and

Whereas, this milestone is the result of what a tempered people began on September 9th, 1832; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lays in our gracious commitment in unity to each other in the bonds of brotherhood; and

Whereas, you have demonstrated excellence in your calling as a church, anything less would have left you bereaved of such a jubilant occasion, and we are proud to have you as sons and daughters in the great state of Ohio and of our nation; be it

*Resolved,* That along with his friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavered labor and commitment, recognizing that all great achievements come at a cost. With great appreciation and respect, we wish you continued abundant grace as you continue to labor for your Lord, Jesus Christ.

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## TRIBUTE TO LANCELOT WRIGHT

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a friend and an entrepreneur who has overcome adversity and achieved great success. Lancelot Devon Wright, known as Lance to his friends, is being honored by his community and his family on October 23, 2007 for his 20 years of success leading businesses in Columbia, South Carolina.

Lance Wright was born to a single mom in Boston, Massachusetts in 1966. During his younger years, Lance was raised by both his mom, Joan Joanne Wright, and his grandparents, Mr. and Mrs. Joe Wright of Holly Hill, South Carolina. Lance and his mother moved to Columbia when he was 10 years old, and it is the town he still calls home. He spent his formative years at Fort Jackson elementary schools and W.J. Keenan High School. One of his passions in high school was tennis, and he was quite accomplished at the game. His competitiveness on the court was a precursor to his competitiveness in business.

Although Lance's family didn't have much financially, he did grow up with a tremendous work ethic. At the age of 14, he became a dishwasher for a local renowned caterer, Bob Funderburk. Mr. Funderburk served as a mentor to Lance, and set him on a promising path.

While a student at the University of South Carolina, Lance worked his way up at the USC Faculty House restaurant from kitchen manager, to food and beverage manager, and eventually he became a chef. These jobs enabled Lance to pay for college, help his family, and gave him the skills he would need to launch a career.

At 21, Lance left college to start his own restaurant, the Las Vegas Deli in downtown Columbia. He and his business partner, Lenwood Greene, employed 10 people and built a successful restaurant. After 5 years, The Deli, as it was known, was forced to close when the building owner sold the property. Lance and Lenwood then opened their second restaurant, The Grille. The business was such a success it spun off to create a nightclub called Sunset Place and a billiards hall known as Sunset Pub. Finally The Grille also launched a very profitable catering business.

It was during this time that Lance reignited his love for tennis. He joined a men's tennis team at Greenview Park in Columbia. As captain of their team, he recognized that the tennis facilities at Greenview were sorely lacking. He led an effort to get the City of Columbia to upgrade the facilities. In 1997, the City supported Lance and his grassroots effort, and made a commitment to build a new tennis facility. Today Greenview Park has 9 lighted tennis courts, hosts numerous teams for league play and tournaments, and provides programs for youth.

In 1995, Lance married Adrienne Felder of Columbia. It became clear a few years into his marriage that his businesses were taking too much time away from his family. So in 1998, he made a break from The Grille and began Home Choice Mortgage in a spare bedroom at his home. The business grew to 7 employees, and provided alternative financing for residential loans to many South Carolinians.

Yet Lance knew there were community needs and that he had the entrepreneurial skills to help address those needs. As a child, he often rode his bike to a pharmacy to pick up his grandmother's medical supplies and prescriptions. That experience helped him visualize the need for a mail order company to supply these products to rural communities and senior citizens. In January 2000 he launched National Direct Diabetic Supply. Lance and his two associates, Tom Crocker and Andre Lewis, began the company to serve diabetics by mail. The company grew so quickly they had to move every year for the first 3 years to accommodate its growth.

Currently the company exists as National Direct Home Pharmacy. It has added additional services which include a full service pharmacy. Lance, as CEO and President, oversees approximately 125 employees and serves patients all over the country. He still maintains the company headquarters in Columbia, South Carolina.

Lance continues to support the community and contributes generously to the arts, the First Tee golf program for youth, and the American Diabetes Association among other worthy causes. He and his wife, Adrienne, have 2 sons, Lancelot II and Sean Christopher.

Lance continues to support the community and contributes generously to the arts, the First Tee golf program for youth, and the American Diabetes Association among other worthy causes. He and his wife, Adrienne, have 2 sons, Lancelot II and Sean Christopher.

Madam Speaker, I invite you and my colleagues to join me in congratulating Lancelot Wright, Sr. for 20 years of entrepreneurial success and dedication to his community. His perseverance and passion have built a better life for his family, his community and the customers he serves. Lance is a true success story, whose life could have taken a very different direction. His family, faith and his fortitude helped him achieve remarkable things. I wish him continued success and Godspeed!

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## HONORING THE LIFE OF KATHLEEN McCREE LEWIS

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. CONYERS. Madam Speaker, I rise tonight to honor the life of Kathleen McCree Lewis who recently passed away. The daughter of the late, Federal Judge, Wade McCree. "Kathy Lewis", as she was known, to all of us, was the lifelong partner and wife of David Baker Lewis and loving mother to Aaron and Sarah, their two children. Kathy was a dear friend and a loyal supporter of the Detroit, Michigan community. I valued her friendship and loyalty to her family and friends. She always gave her greatest effort to all that she accomplished. Kathy will always remain in our hearts and minds as a woman who dedicated her life to her family and to her community.

Kathy was a distinguished partner in the law firm of Dykema Gossett, Detroit, Michigan, where she was a specialist in appellate litigation. As an outstanding member of the State of Michigan Bar she was known for her continued involvement and support for all areas of substantive civil law, which included specialties in anti-trust, bankruptcy, environmental, banking, land use, product liability, intellectual property, and general commercial law.

Kathy was well recognized on the State and Federal level and in the U.S. Court of Appeals in more than five jurisdictions, as well as in the United States Supreme Court. Kathy achieved recognition by "Law and Politics" as one of the best lawyers in America and Michigan Lawyers Weekly named Kathy as one of Michigan's top ten lawyers of 2006.

Kathy was the recipient of the 1992 Wayne County neighborhood legal services award and the 1993 Dykema Gossett Pro bono award. She was named one of Detroit's most influential women. Kathy and her husband David jointly received the Learned Hand Award, from the Detroit Chapter of the American Jewish Committee Institute of Human Rights, for their civic, educational and philanthropic endeavors.

The greater Michigan community will sorely miss her generous efforts that she graciously gave on behalf of the committee on Children's Rights Litigation, Children's Hospital of Michigan, Children's Museum Friends, Grosse Pointe Academy, Detroit Chapter's of International Summer Villages, Inc., Jack and Jill of America, Inc., as well as other educational and philanthropic activities which were so much a part of her life. The world needs more individuals like Kathy, who give so much and ask for so little in return. Tonight, I and the people of the State of Michigan, will mourn the loss of Kathleen McCree Lewis.

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## A PROCLAMATION HONORING THE 100TH ANNIVERSARY OF TUSCORA PARK IN NEW PHILADELPHIA, OHIO

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 17, 2007*

Mr. SPACE. Madam Speaker:

Whereas, Tuscora Park at New Philadelphia is celebrating 100 years of operation; and

Whereas, the park is 1 of 38 in the U.S. to celebrate this historical milestone; and

Whereas, Tuscora Park has brought wonderful memories to countless patrons and will continue to create memories for years to come; and

Whereas, the old amusement park has evolved into a municipal park and is still enjoyed by the community; now, therefore, be it

*Resolved,* That along with his friends, family, and the residents of the 18th Congressional District, I applaud Tuscora Park and the community that has supported it for 100 years.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 18, 2007 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### OCTOBER 23

10 a.m.

Environment and Public Works

To hold hearings to examine the human impacts of global warming.

SD–406

Health, Education, Labor, and Pensions

To hold hearings to examine the efficacy of the Energy Employees Occupational Illness Compensation Program, focusing on our Cold War heroes.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine six years after the anthrax attacks, focusing on our preparedness to respond to bioterrorism.

SD–342

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold an oversight hearing to examine the Surface Transportation Board and regulation related to railroads.

SR–253

2:30 p.m.

Intelligence

To hold hearings to examine the Federal Bureau of Investigation (FBI) strategic plan.

SDG–50

### OCTOBER 24

9:30 a.m.

Veterans' Affairs

To hold hearings to examine to consider pending legislation.

SD–562

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the future of radio.

SR–253

Homeland Security and Governmental Affairs

To hold hearings to examine ways to build an effective terrorist screening system.

SD–342

Judiciary

To hold hearings to examine pending nominations.

SD–226

Environment and Public Works

Private Sector and Consumer Solutions to Global Warming and Wildlife Protection Subcommittee

To hold hearings to examine proposed legislation entitled "America's Climate Security Act of 2007".

SD–406

10:30 a.m.

Aging

To hold hearings to examine hidden 401K fees, focusing on ways that disclosure can increase retirement security.

SD–628

1:30 p.m.

Judiciary

To hold hearings to examine the role of federally-funded university research in the patent system.

SD–226

2 p.m.
Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine international accounting standards, focusing on opportunities, challenges, and global coverage issues.
SD–538

5 p.m.
Intelligence
To hold a closed conference to examine the fiscal year 2008 Intelligence Authorization bill.
S–407, Capitol

OCTOBER 25

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the nominations of Gregory F. Jacob, of New Jersey, to be Solicitor, and Howard Radzely, of Maryland, to be Deputy Secretary, both of the Department of Labor.
SD–430

Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine sweatshop conditions in the toy industry in China.
SR–253

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine single audits, focusing on a recent study on the potential impacts that implementing certain recommendations could have to help ensure that federal funds are safeguarded.
SD–342

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

OCTOBER 31

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine vocational rehabilitation.
SD–562

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine universal telephone service.
SR–253

NOVEMBER 7

10 a.m.
Rules and Administration
To hold hearings to examine the Government Accountability Office report focusing on funding challenges and facilities maintenance at the Smithsonian Institution.
SR–301

# HOUSE OF REPRESENTATIVES—*Thursday, October 18, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 18, 2007.*

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Hear us, O God, as we call upon Your holy name and bend our heads in prayer. You can inspire us as You have inspired others throughout the ages.

Make us instruments of peace and towers of strength because of our practice of self-control. Give to Your people, both in government here in this Chamber and living across the Nation, the wisdom to see that no good life can come to us without good discipline. Give us the grace to discipline our speech so that we may speak with honesty and clarity that will only benefit others and not confuse or ridicule others.

Help us to discipline our thinking and our actions so that others may be edified by the way democracy works, accomplishes the will of the people for the lasting good of the people, and gives You glory now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. TIM MURPHY) come forward and lead the House in the Pledge of Allegiance.

Mr. TIM MURPHY of Pennsylvania led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 5 requests for 1-minute speeches on each side of the aisle.

## RECOGNIZING THE 150TH ANNIVERSARY OF COGGON, IOWA

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Madam Speaker, I rise today to recognize the 150th anniversary of the town in which I grew up, Coggon, Iowa. Coggon's motto is, "The One and Only." Indeed, there is only one Coggon, but like so many small towns across our country, it is a place people are proud to call home.

I know that the people of Coggon appreciate the genial nature and the proud history of the town. The name Coggon was agreed upon at a banquet held at the Clemons House in 1888. Superintendent T. Spaulding suggested it. He had received a letter from his cousin, William Coggon, and thought the name would be appropriate. At that time, Superintendent Spaulding was supervising the construction of the Illinois Central Railroad through the town. This railroad would later prove to be an economic engine for Coggon, bringing in economic development and encouraging the growth of businesses. And on July 24, 1888, the settlement became Coggon, Iowa.

Today, this small, wonderful town is populated by 745 people. Small towns have been the lifeblood of America. Even now, my own family and I live in Dimock, Pennsylvania, a town with a population of about 70. We take the time to get to know our neighbors, we are a community of values and we work hard to support our families.

Coggon, Iowa is the small town that lives in all of us. I ask my colleagues to join me in recognizing Coggon's 150th anniversary.

## COMMENDING GARY LLOYD KNIGHT, DEPUTY GARRISON COMMANDER OF FORT BRAGG, NORTH CAROLINA

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Madam Speaker, today I rise to congratulate and praise an exceptional individual who has dedicated himself to serving our Nation and the men and women of Fort Bragg, North Carolina. Gary Knight is a remarkable person, and I want to acknowledge his accomplishments and efforts as he retires on November 1, 2007 after over 40 years of public service. I am proud to have had the opportunity to work with him closely as Deputy Garrison Commander of Fort Bragg and am honored to call him my friend.

A native of New York, New York, who grew up in rural Georgia, Gary Knight was assigned to Garrison Command as the Deputy Garrison Commander in 1998, where he continues to serve today.

Gary's personal commitment to supporting our soldiers, Army civilians and families in the Fort Bragg community cannot be underestimated. As Deputy Garrison Commander at Fort Bragg, Gary Knight runs the day-to-day operations of the largest military installation in the world. Through his efforts and exceptional performance in support of the Army's finest warfighters, he has forged the Epicenter of the Universe into a more efficient Army installation, which is playing a central role in the global war against terrorists.

Gary Knight is a veteran of the United States Air Force. His many awards include selection as the 1989 Fort Bragg Executive of the Year, the Meritorious Civilian Service Award, the Superior Civilian Service Award, the Commanders Award for Civilian Service, and the Achievement Medal For Civilian Service.

Mr. Knight and his wonderful wife, Diana, an Army veteran and career Civil Servicemember, have 4 children, Gary, Bobby, Stacey and Melissa, and 4 grandchildren, Lindsey, Trey, Diana and Madiline.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, I wish Gary Knight the best on his upcoming retirement and thank him for all he has done for our soldiers and this great Nation.

## CHIP PROGRAM IS COST EFFECTIVE

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Madam Speaker, President Bush rejected the wishes of the American people, 68 Senators, 43 Governors, and 265 Members of this body when he vetoed the children's health bill.

The reason that so many Democrats and Republicans support the CHIP Reauthorization Act is that it is consensus legislation that was crafted in a bipartisan fashion.

Over the last 10 years, the children's health program has proven to be a popular and successful program, with 6 million children currently receiving quality private health care. It costs less than $3.50 per day to cover a child through the CHIP program. Insuring kids is also cost effective for taxpayers who end up picking up the tab for indigent care in emergency rooms, the most expensive way to care for a child's health. A child is also more likely to succeed in education and life if they have access to health care at an early age, and it certainly benefits our Nation in the long run.

Madam Speaker, I would hope more of my Republican colleagues would work together to recognize the success story of CHIP, and would join us today in overriding the President's veto. We need to ensure that more children have access to quality health care.

## HEALTHY HOSPITALS ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, yesterday's headlines stated that more people will die from MRSA infections than die from AIDS, but that's just the beginning of the story, for actually some 90,000 people will likely die this year from an infection they pick up in a hospital or receiving health care. Tragic news. We also hear about students in school who have died from MRSA infections. But the point is hospitals are taking actions to reduce its infection rates, and yet Congress is not doing anything to help address this issue.

We can do something about it by passing legislation I've introduced, H.R. 1174, the Healthy Hospitals Act. My legislation would require hospitals to report infection rates. After all, people can find out if their airline is on time; why not be able to find out if your hospital is infection free. Nineteen States currently require reporting, and several other States are considering legislation. Medicare earlier this summer began denying hospitals reimbursement for hospital-related infections.

It is long overdue that Congress act. Let's standardize hospital reporting practices and fight hospital-related infections. I ask my colleagues to please cosponsor the Healthy Hospitals Act.

## OVERRIDE SCHIP VETO

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Good morning, Madam Speaker.

Today, the House will vote to override the President's veto of the SCHIP bill.

At the beginning of this debate some months ago, I said that if America is the greatest country in the world, then we ought to guarantee that all of our children have health insurance. Greatness is not measured by the size of our military industrial complex. Greatness is measured by whether we can provide health insurance for 10 million American children.

Now, the President has said no, but according to all the polls, the American people say yes. Majorities in both Houses have said yes. Governors have said yes. Private charities have said yes, that we ought to provide health insurance for children in America.

This is not a matter of a market fix. Small businesses cannot afford to provide health insurance. Working families, many of them, cannot afford to buy health insurance on the private market.

In addition, this bill provides a guarantee of dental coverage, because in America, the greatest country, children should not die because they don't have dental coverage. The bill provides dental coverage and mental health coverage. It's simple: We're the greatest country. We ought to provide health insurance for all our children.

## NATIONAL SAVE FOR RETIREMENT WEEK

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, October 21 through October 27 will be National Save for Retirement Week. I hope folks take a few moments next week to look at their personal savings to see what more they can do to save for retirement. Saving for retirement can be an overwhelming task if left to the last minute. Just like most things in life, if you fail to plan, you plan to fail. Retirement doesn't have to be that way. You can choose to save.

To learn retirement planning tips and to complete a ballpark estimate on how much it will cost you to live in retirement, go to the Website choosetosave.org. It's time for you to start planning your future retirement today. Do it now.

## HOUSE REPUBLICANS SHOULD JOIN US IN OVERRIDING THE PRESIDENT'S CHIP VETO

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, 10 years ago, the Children's Health Insurance Program was created in a strong bipartisan fashion to ensure more low-income children have access to quality health care. Today, thanks to CHIP, 6 million children who would otherwise be uninsured can see the doctor of their family's choice any time they want.

For the first 8 years of the CHIP program, the number of uninsured children fell significantly, but that changed 2 years ago, and the trend continued last year when 700,000 more children joined the ranks of the uninsured. That was simply unacceptable to many of us here in Congress, and that's why we crafted a final bipartisan agreement that not only continues to provide health care access to 6 million kids who are already in the program, but also to 4 million others who are also eligible for CHIP. If the President had his way, the number of uninsured children would go up by at least 800,000 over the next year. That is why we need to override his veto today.

## SUSTAIN THE PRESIDENT'S VETO

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, today the liberal leadership of this House will attempt to override the President's veto of SCHIP.

For weeks, they have been taking to the airwaves and talking about anybody that opposes this bill is against disadvantaged children. Well, that's just not what this bill is about.

Their bill would change a block grant program to an entitlement; it would provide taxpayer-funded health care to illegal immigrants; it would add more adults and what the IRS calls high-income families to the government health care rolls. It would even remove people from private insurance rolls and place them on the government rolls. And, most important, it's going to move that decision between a doctor and a patient to a bureaucrat. Well, that is what they are for.

I suggest that we show respect for the children of the working poor that this bill was initially set up to address, that we sustain the President's veto. Let's start over. Show the issue the respect it deserves.

□ 1015

## OVERRIDE THE SCHIP VETO

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, today we have the opportunity to right a wrong, the President's wrong in vetoing SCHIP reauthorization. Rather than admit that this veto is in error, the Bush administration has embarked on this misinformation campaign.

This legislation does not expand SCHIP eligibility. It does not extend coverage to households with incomes up to $83,000 a year. It does not promote government-run health insurance.

Rather, this legislation has targeted uninsured American children living in poverty, children who already qualify for SCHIP but that don't have health care due to a lack of funding.

One of the most important reforms in this legislation is the creation of an incentive fund, a fund for States to enroll the 4 million children who currently are eligible for the program but are not enrolled.

Further, this legislation phases out the use of SCHIP funds to cover adults. Let's not forget it was the administration who allowed States to put adults into this program. Please, let's get this right. Override this veto.

## BROADCASTER FREEDOM ACT DISCHARGE PETITION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. This summer, some of the most powerful Members of Congress, the House and the Senate, advocated a return of censorship to the airwaves of America in the form of the so-called Fairness Doctrine. I, along with more than 200 of my colleagues, introduced the Broadcaster Freedom Act. It would ensure that no future President could regulate the airwaves of America without an act of Congress.

Yesterday, House Republicans introduced a discharge petition to bring the Broadcaster Freedom Act to the floor of Congress. In 1 day, Madam Speaker, over 125 Members of Congress signed this petition.

The American people should know, if 218 Members of Congress sign this petition, we can have an up-or-down vote on legislation that would keep the Fairness Doctrine from ever coming back.

I urge my colleagues, Republicans and Democrats, if you believe in broadcast freedom, if you believe in the freedom of the press, if you believe that freedom of the press is not a partisan issue, sign the petition. Bring the Broadcaster Freedom Act to the floor of the Congress and freedom will win again in Congress.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 219, nays 187, answered "present" 2, not voting 23, as follows:

[Roll No. 981]

YEAS—219

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
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Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Wexler
Whitfield
Woolsey
Wu
Wynn
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hooley
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

ANSWERED "PRESENT"—2

Gohmert
Tancredo

NOT VOTING—23

Carson
Conyers
Doyle
Emerson
Gutierrez
Hall (NY)
Hunter
Jindal
Johnson, E. B.
Jones (OH)
Kennedy
King (NY)
Marshall
Miller, George
Mollohan
Peterson (PA)
Ramstad
Reyes
Schakowsky
Waxman
Weiner
Wilson (OH)
Young (AK)

□ 1044

Mr. BURTON of Indiana changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 17, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. William Francis Galvin, Secretary of the Commonwealth of Massachusetts, indicating that, according to the unofficial returns of the Special Election held October 16, 2007, the Honorable Nicola S. Tsongas was elected Representative to Congress for the Fifth Congressional District, Massachusetts.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
*Clerk.*

Enclosure.

THE COMMONWEALTH OF MASSACHUSETTS, SECRETARY OF THE COMMONWEALTH,
*Boston, MA, October 17, 2007.*

Hon. LORRAINE C. MILLER,
*Clerk, House of Representatives,*
*Washington, DC.*

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special State Election held on Tuesday, October 16, 2007, for the office of Representative in Congress from the Fifth Congressional District of Massachusetts, show that Nicola S. Tsongas received 54,328 votes out of 105,985 total votes cast for that office.

It would appear from these unofficial results that Nicola S. Tsongas was elected as Representative in Congress from the Fifth Congressional District of Massachusetts.

To the best of my knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by those municipalities located within the Fifth Congressional District, an official Certificate of Election will be prepared for transmittal as required by law.

Thank you for your attention to this matter.

Very truly yours,
WILLIAM FRANCIS GALVIN,
*Secretary of the Commonwealth.*

## SWEARING IN OF THE HONORABLE NIKI TSONGAS, OF MASSACHUSETTS, AS A MEMBER OF THE HOUSE

Mr. MARKEY. Madam Speaker, I ask unanimous consent that the gentlewoman from Massachusetts, the Honorable NIKI S. TSONGAS, be permitted to take the oath of office today.

Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. Will the Representative-elect and members of the Massachusetts delegation present themselves in the well, including the United States Senators.

Ms. TSONGAS appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 110th Congress.

## WELCOMING THE HONORABLE NIKI TSONGAS TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. The Chair recognizes the distinguished dean of the Massachusetts delegation, Mr. MARKEY.

Mr. MARKEY. Madam Speaker, on behalf of the entire Massachusetts congressional delegation, it is my great pleasure and privilege to introduce the newest Member of the 110th Congress, the gentlelady from the Fifth Congressional District of Massachusetts, NIKI TSONGAS.

NIKI TSONGAS is the eldest of four sisters who grew up in a military family bouncing between air bases all across the United States, Europe, and Japan. In 1967, while her father was stationed at the Pentagon, she met her future husband, our late distinguished House colleague, Paul Tsongas, while he was working just across the street as an intern in the office of then Fifth District Congressman Brad Morse.

NIKI was Paul's soul mate and his strongest supporter when he ran successfully to join us here in the House of Representatives in January of 1975 and for the Senate in 1978. She was at Paul's side when he ran for the Presidency in 1992 and when he fought so valiantly against the cancer that finally claimed him in 1997.

Over the years, NIKI TSONGAS has been a social worker, a community leader in Lowell, a lawyer, and an educator. As a community leader, she has had a passion for social and environmental justice, which she brings with her as she arrives in Congress. And through it all, she was an amazing mother to three daughters, Ashley, Katina and Molly.

Lowell and the Merrimack Valley has a strong industrial past, and nobody will better represent the roll-up-your-sleeves, hard work persona of this area like NIKI TSONGAS.

In January, our delegation was proud to cast our votes for the first female Speaker of the House. Today, I am proud to introduce the first female Member of the Massachusetts congressional delegation in 25 years.

I give you the distinguished gentlelady from the Commonwealth of Massachusetts, Congresswoman NIKI TSONGAS.

Ms. TSONGAS. Madam Speaker, it has been a real honor and pleasure and treasure to be sworn in by the first female House Speaker. Thank you so much.

And I want to thank ED MARKEY and the members of the delegation who have been so supportive of me as I have journeyed through this most remarkable campaign. It was hard fought, but here we are. Thank you so much for all of the help you provided. It is my great honor to be part of this most remarkable institution. Thank you.

My race was about a lot of things. But as we approached the end, it was so valuable to me to be able to say that I want to come here and have my first vote cast to be around children's health.

There is nothing more fundamental to the long-term capacity of this country than to take care of its most vulnerable citizens. And so for me to arrive on this day and cast my vote to override the President's veto is something I will always remember, that I was part of this great debate around the future of our country, the generational responsibility we have both to our young and to our old, and to be here on this most remarkable day.

I am going to keep this short. We have a lot of work to do. That is one thing I learned throughout this campaign; people want change. They want us to come to the table, solve problems and move this country forward, and I am happy to be here to be part of that most remarkable opportunity. Thank you.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentlewoman from Massachusetts, the whole number of the House is 433.

## CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mrs. TAUSCHER). The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 976) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of October 3, 2007, at page 26315.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. DINGELL) is recognized for 1 hour.

Mr. DINGELL. Madam Speaker, for purposes of debate only, I yield 30 minutes to my good friend, the distinguished gentleman from Texas (Mr. BARTON).

I will also yield 15 minutes of my time to the distinguished gentleman from New York (Mr. RANGEL) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. DINGELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the matter under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Madam Speaker, I yield myself 2 minutes.

Today we face an awesome responsibility to do what is right for America's children. The debate here is about one thing only: health care for kids. Some have tried to change the subject, obfuscating this debate with misconceptions, half-truths, and outright lies. Whether this is ignorance or malfeasance, allow me to help them understand the legislation.

First, the bill terminates the coverage of adults under the CHIP program. I repeat, terminates.

Second, the bill prohibits the use of Federal funds for illegal aliens. Section 605 plainly states, "No Federal Funding for Illegal Aliens."

Third, the bill is fully paid for and will not increase the national debt. In fact, CBO estimates this bill, if enacted, will return money to the Treasury.

The legislation before us would provide health care and health insurance coverage for 10 million needy American children. It provides funding for States to enroll millions of low-income children who are already eligible for benefits yet remain uninsured. Under current law, these boys and girls are entitled to their benefits. Continuing this situation of not providing coverage is a travesty.

I am not alone in this view. Former Surgeons General for Presidents Carter, Reagan, Bush, Clinton and for the current President recently wrote in support of this legislation the following: "We implore you to not put off the health needs of our Nation's children. Please act today."

This legislation has the strong backing of the entire medical community, children advocates, educators, school administrators and school boards, as well as insurance companies across the country, and 43 of the Nation's Governors want SCHIP enacted because they know children cannot learn if they are not well.

□ 1100

They also know something else. These are the most vulnerable people in our society. We will be judged how we care for them; but beyond that, this is an investment in the future of the country. More than 300 organizations and a long list of distinguished Americans support this bill.

I urge my colleagues to join in overriding the veto.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent, of the 30 minutes that I control, I yield 15 minutes of that to the ranking member of the Ways and Means Committee, Mr. MCCRERY of Louisiana, to control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the distinguished ranking member of the Health Subcommittee of the Energy and Commerce Committee, Mr. DEAL of Georgia.

Mr. DEAL of Georgia. I thank the gentleman for yielding.

All of us would like to see an extension of the SCHIP program, and I think there are some very basic principles on which all of us should agree, principles that should be embodied in a bipartisan piece of legislation. I would suggest there are five.

First of all, we should put the poorest children at the front of the line. That means we should require States actually to enroll 90 percent of their SCHIP and Medicaid-eligible children under 200 percent of the poverty line before they start enrolling children at higher income levels.

Two, no families with incomes above 250 percent of the Federal poverty level should be eligible for Federal SCHIP funds. States that want to go above that should feel free to do so with their own funds; but hardworking, tax-paying families in the Midwest and the Southeast shouldn't be forced to subsidize the health care for children and families in the richer States who are making over $82,000 per year.

Third, no Federal SCHIP funds for adults other than pregnant women beginning in 2009. We should give the States a year to transition their low-income adults to Medicaid, which is where they belong, and stop taking away limited resources from needy children and giving them to childless adults.

Fourth, keep the existing Federal requirement that States actually document the citizenship and identity of all of the applicants for Medicaid and clearly state in the bill that illegal immigrants are prohibited from receiving Medicaid or SCHIP benefits. Being able to write down a Social Security number doesn't actually prove you're a United States citizen. Federal benefits should not go to illegal immigrants.

Fifth, no millionaires in SCHIP. We should simply put a $1 million net asset cap on eligibility for Federal SCHIP funds. If you have over $1 million in net assets, you should be able to afford to pay for your children's health insurance.

Mr. RANGEL. Madam Speaker, I yield myself 2 minutes. After my 2 minutes, I ask unanimous consent to turn the remaining time to Chairman STARK to be able to yield to other people as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Madam Speaker, let me stand in a sense of bipartisanship, especially to my Republican friends, and remind you that come the next election, President Bush is going to be there at his ranch in Texas, and he will not be with you at the polls.

I say that because by that time the truth will have caught up with the message that the President is giving and most of you are using to sustain the President's veto.

Let me get to the one that I'm most familiar with, this $83,000 ability of people to enjoy SCHIP. No one is more familiar with this than I am. It was the great State of New York that exercised its request for a waiver to ask the President of the United States whether or not a family of four would be allowed to buy in, even though they were making $83,000. And guess what, under existing law, not new law, the President of the United States says, hell, no, you can't do it.

So we've got to emphasize over and over again, you could ask for it for $1 million because it's not an entitlement, it's a block grant, and the Governors can ask for anything they want over 200 percent over poverty, and the President, Republican or Democrat or whoever she might be, will be able to say, no, you're not going to be able to do it. So knock that out.

And for all of the people that are upset with immigrants, legal or illegal, we're just going to put in big letters so that by the time November gets here that in the bill that the President has vetoed it says no illegal alien can receive the benefits of the bill.

And since you're so against adults receiving benefits, the bill is eliminating adults.

So if you can't be with us today, try to think of yourself in November, and maybe we can work out something.

Mr. McCRERY. Madam Speaker, I yield myself so much time as I may consume.

Ten years ago, Republicans and Democrats came together to create an SCHIP program with a stable funding source. It was a truly paid-for program. Throughout the process this year, we've been talking about the fact that this SCHIP reauthorization that's before the House today is not paid for. It's paid for only if you accept the budget gimmick that is used to make it appear on paper over the 10-year budget window that the program is paid for.

But I don't think any of us realized just how steep that cliff in the bill is until today, because last night my staff received from the nonpartisan Congressional Budget Office new numbers that show very clearly that under the bill that's before us today, total enrollment in SCHIP is expected to drop by 6.5 million children in the second five years of the program. Does anybody believe that is going to happen? Of course not. But the way the bill is designed, that's what would happen. We know that's not going to be reality.

Under this bill, the way it's designed, Democrats would have people believe that SCHIP enrollment, kids enrolled in this program, will drop to only 1.3 million by 2017.

Under a realistic expansion of the program, which the President has proposed and we support, there would be 2.9 million kids enrolled in the program in 2017. So under this bill that's before us today, you'd have 1.6 million fewer kids enrolled in SCHIP than you would under the President's budget. That's not realistic. We know that's not going to happen.

So how does that problem get fixed after 5 years? Massive tax increases. That's how it gets fixed. This House will be back here having to finance the real costs of the then-existent SCHIP program over the next 5 years, which CBO estimates will require about another $40 billion in revenues over and above the new $35 billion that this bill would impose on the American taxpayers.

So there is a better way. It's the way we created for this program in the first place, a bipartisan, fiscally responsible, truly fiscally responsible program to help kids in need.

I hope that the majority will be willing to join with us, all of us, to create that bipartisan program again when this veto is sustained.

Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE), the chairman of the subcommittee, a great expert on the business of health.

Mr. PALLONE. Thank you, Mr. Chairman.

I just keep hearing inaccurate information on the other side of the aisle in an effort to try to sustain this veto, and it's simply not right.

First of all, this bill is totally paid for with a tobacco tax increase. Now, you may not like that if you don't like your tobacco taxed, but that's how it's paid for and it's a good way to pay for it.

Secondly, this idea that the President's alternative will not take kids off the rolls, that is simply not true. With the President's alternative, 800,000 children that are now covered by SCHIP will not have SCHIP anymore.

The President's veto of this bill was a slap in the face not only to this Congress but to the millions of children who, without this bill, will continue to be uninsured or, worse, lose the insurance they currently have.

And this is the truth about CHIP. Just listen up. The bipartisan CHIP proposal is supported by 72 percent of the American people, two-thirds of the Senate, the majority of the House, 43 State Governors, and more than 300 organizations nationwide.

The President is deluding himself if he doesn't think this veto is going to hurt millions of children; and unless we override, there are just going to be a lot of kids who simply cannot go to the doctor and would have to go to the emergency room.

What we sent to the President was a reasonable, bipartisan bill that would cover 4 million previously uninsured low-income children, most of whom are in working families, a total of 10 million. The vast majority of these kids are the very lowest income children who have no other options for care.

The President claims this bill covers rich kids, but it's not true. Senator HATCH who helped write this bill said 92 percent of the kids will be under 200 percent of the poverty level.

The President has also said that this bill opens the door to government-sponsored health care because it encourages families to drop their coverage. Simply not true. CBO said that that is not the case.

The best way to avoid crowd-out is to basically pass this bill. The problem is we continue to get inaccurate information from the other side of the aisle.

I would urge my Republican colleagues today to vote with their conscience, instead of with this misguided loyalty to the President who is out of touch with America's families.

Vote to override.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the ranking member for yielding to me and appreciate the privilege to address this issue again here on the House floor.

I think we miss the point sometimes on what this is about. This isn't about sometimes the nuances of all of this. This is about where we take this Nation, and I'm seeing this debate in Iowa and across this country.

And what this is about, SCHIP stands for Socialized, Clinton-style Hillarycare for Illegals and their Parents. That's what happens, and it is illegals that are being funded by this because all they have to do is write down a Social Security number.

The CBO, the Congressional Budget Office, has given us a number, $6.5 billion in additional costs that flow over to people that are not citizens because we've lowered the standards. Whatever gets said, that's the language that's in there, and the cost is there, $6.5 billion.

So this is SCHIP, Socialized Clinton-style Hillarycare for Illegals and their Parents. This is the cornerstone of socialized medicine. It's put in place. That's what this debate is about: Make people dependent so they don't have individual responsibility and you can have more people dependent upon your votes on the floor of this Congress and less vitality in America.

Mr. DINGELL. Madam Speaker, I yield myself 15 seconds for purposes of responding to the comments just made.

I want my colleagues to take a careful look at the remarks just made and the poster just presented. Every one of those statements is false. There is no treatment in this for illegals. There is no treatment in this for their parents. This is not socialized medicine.

It is supported by the health care industry. It is also supported by the insurance industry. It has no relationship to and it doesn't even look like the Hillarycare thing about which the gentleman complains.

I would note something else. This is a proposal which is a block grant to the States. It is not an entitlement.

Mr. STARK. Madam Speaker, I yield myself 2 minutes.

First of all, I'm just amazed that the Republicans are worried that we can't pay for insuring an additional 10 million children. They sure don't care about finding $200 billion to fight the illegal war in Iraq. Where are you going to get that money? You are going to tell us lies like you're telling us today? Is that how you're going to fund the war?

You don't have money to fund the war or children, but you're going to spend it to blow up innocent people if we can get enough kids to grow old enough for you to send to Iraq to get their heads blown off for the President's amusement.

This bill would provide health care for 10 million children; and unlike the President's own kids, these children can't see a doctor or receive necessary care. Six million are insured through the Children's Health Insurance Program, and they'll do better in school and in life.

□ 1115

In California, the President's veto will cause the legislature to draw up emergency regulations to cut some 800,000 children off the rolls in California and create a waiting list. I hope my California Republican colleagues will understand that if they don't vote to override this veto, they are destroying health care for many of our children in California.

In his previous job as an actor, our Governor used to play make-believe and blow things up. Well, the Republicans in Congress are playing make-believe today with children's lives. They claim they can't afford health care. They say the bill will socialize medicine. Tell that to ORRIN HATCH, CHUCK GRASSLEY, and TED STEVENS, those socialists on the other side of the Capitol. The truth is, the CHIP program allows States to cover children primarily through private health care plans.

But President Bush's statements about children's health shouldn't be taken any more seriously than his lies about the war in Iraq. The truth is that Bush just likes to blow things up in Iraq, in the United States, and in Congress.

I urge my colleagues to vote to override his veto. America's children need and deserve health care despite the President's desire to deny it to them.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to engage in personalities toward the President.

Mr. McCRERY. I thank the Speaker for that admonition.

Madam Speaker, at this time I would yield 2 minutes to the gentleman from Texas, a member of the Ways and Means Committee, Mr. BRADY.

Mr. BRADY of Texas. Madam Speaker, that gentle reminder is not enough. It is despicable to have a Member of this Congress accuse this President, any President, of willfully blowing the heads, quote, blowing the heads off our young men and women over in Iraq and Afghanistan. Having a brother who is an Army medic and served in Iraq, having spent this weekend with a family who lost their son in Iraq, it is beneath contempt, beneath contempt, to have a Member of Congress stand here and accuse the President of, in effect, assassinating our troops in Iraq and Afghanistan. It is dead wrong. And it is beneath contempt as well that we will sit here silently and allow such a remark to be tolerated, accepted if not embraced. And I will guarantee you, no Member on this side will stand up here and disavow those remarks, unfortunately, today.

It is bad enough that we are playing politics with the war. Now we are playing politics with our kids. The claim that the Republicans don't support this program is equally untrue. We created it. This is a great program. It keeps kids healthy. It helps their families avoid serious illness, keeps them out of our emergency rooms. It is a great program.

When we created it, we did it the right way. We sat down with the President, President Clinton, and we worked out a good plan for kids. And then, more importantly, we believed in it enough to pay for it. We paid for the whole 10 years. This plan does not. It is only half paid for. It is only half paid for. It is just like these predatory loans; the first years are affordable, and then it balloons beyond what we can pay for it. If we believe in it, let's pay for it now. It allows abuses to continue. It doesn't cover the poor kids first.

My question is, why don't we sit down, why don't we quit playing political games with our kids, sit down with Republicans and Democrats with the White House and find a solution that is right for our children.

Mr. DINGELL. Madam Speaker, I am delighted to yield to the distinguished gentleman from Utah (Mr. MATHESON) 1 minute.

Mr. MATHESON. Madam Speaker, I have long stated that caring for our children is always the right thing to do. Every parent in my State of Utah and in this country knows that access to health care and preventive medicine for our kids is the right thing to do.

It has been 10 years ago that we passed this program. It has helped insure more than 6 million children, and that is a good thing. And we have made that type of progress even as health care costs have gone up and the number of people struggling to get and to pay for health insurance has increased. We made that progress through the Children's Health Insurance Program because it is a model that works. The States do their part, the Federal Government does its part, private insurance does its part, and the families through copays and premiums do their part as well.

At a time when it is often tough to make progress on important issues, why would we want to turn our backs on our kids and stop progress in its tracks?

As Members of Congress, none of us have to worry about this. We all have insurance for our kids. We don't need to worry about being one huge medical bill away from facing bankruptcy. Let's think about the folks who aren't in the same situation that we all have as Members of Congress. The best investment we can make is in our kids. I urge Congress to override the President's veto.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

There has been a lot of rhetoric today and a lot of talk about polling and how Americans everywhere support this, Governors support this, people at the local level support it.

We have in this country something called representative government. We are sent here and we are given access to figures and numbers that perhaps others don't have. What figures and numbers I am talking about tell us that we cannot sustain the trend that we are on, particularly ramping up a program like this and spending more than we have in the past. We simply can't sustain it, particularly when gimmicks are used in the outyears to pay for it. We know that. Perhaps those who are responding to the polls do not.

George Washington once said: If to please the people we do what we ourselves disapprove, how will we afterwards defend our work?

That is what we are here for, to do what we know is right. When I am told you have got to do what your conscience says, my conscience says that we can't afford this. If we have to use gimmicks in the outyears to pay for it, we simply can't afford to expand this program.

Mr. STARK. Madam Speaker, I would like to recognize for 1 minute a distinguished member of the Ways and Means Committee, the gentlelady from Pennsylvania (Ms. SCHWARTZ) who, unlike the Republicans, has had some experience with the truth and knows that occasionally it hurts.

Ms. SCHWARTZ. The President has rejected legislation to strengthen and expand CHIP for 10 million children of hardworking American families. The President's veto makes it clear that he has chosen to ignore the financial struggles of working families in this country who are unable to afford health care for their children. His veto makes clear that health care for America's children simply is not a priority for him; and the Republicans in this Chamber who support his veto today illustrate that they, like the President, does not understand or have chosen to ignore how well CHIP has worked and how positively it has impacted the lives of millions of American families.

The Nation's Governors, health care providers, children's advocates, insurance executives, labor unions, religious leaders, parents and grandparents all support CHIP's affordable coverage for millions of American children. They know the President's veto is shortsighted, it is callous, and it is wrong.

Today is the day of decision to stand with the President or to stand with America's children. Ten million American children and their families are waiting.

Mr. McCRERY. Madam Speaker, I recognize for 1½ minutes the distinguished gentleman from California

(Mr. HERGER), the ranking member on the Trade Subcommittee of the Ways and Means Committee.

Mr. HERGER. Madam Speaker, all of us support SCHIP and we all want to reauthorize it, but we need to put low-income kids first.

This bill would expand the program to families making more than $60,000 a year. That is not low income. It is a majority of the households in America. There is a better way. Reauthorize SCHIP and keep it focused on truly needy children, and then tackle rising health care costs that are squeezing middle-class families.

Tax credits could help 10½ million kids from middle-income families gain or keep their health care coverage. Millions more would benefit if families could purchase less expensive health plans from across State lines. Let's defeat this motion and get to work on making health care more affordable for all Americans.

Mr. DINGELL. Madam Speaker, at this time it is my privilege to show the bipartisanship of this bill which is supported by one of every four of our Republican colleagues, including our dear friends Mr. GRASSLEY and Mr. HATCH in the Senate. At this time, I yield to the distinguished gentlewoman from New Mexico (Mrs. WILSON) 1 minute.

Mrs. WILSON of New Mexico. Ten years ago, the Children's Health Insurance Program passed with a Republican Congress and a Democratic President. Now we are trying to reauthorize it with a Democratic Congress and a Republican President. We should be able to do this, and we should be able to do it in a bipartisan way.

The Children's Health Insurance Program has reduced the number of uninsured children in this country and has given them access to primary care. They live healthier lives because of it. This is not a great bill, but it is a good bill; and I have supported this bill, and I encourage my colleagues to support it again today.

In particular, it phases out the participation of adults in this program. This program is for kids, for low-income kids, not for adults. And successive administrations have been approving the admission of adults to the program, and that was not its intent.

New Mexico in particular will benefit from this program because it allows lower income kids to be participants in the program. Because of an anomaly of the original law, New Mexico's lowest income kids are not eligible for this program. I would urge my colleagues to vote in favor of the bill today.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to a distinguished member of the Energy and Commerce Committee, Mrs. BLACKBURN of Tennessee.

Mrs. BLACKBURN. Madam Speaker, we do all know what this debate is about, but I think there is still confusion about the context of this bill and the content of this bill. We have heard our colleagues across the aisle saying that it has to do with supporting health care for disadvantaged children. But, unfortunately, that is not exactly what this bill does.

We are all for health care for children of the working poor, but some of the things that this bill is about: It would move a very successful block grant program to an entitlement. It would provide free taxpayer-funded health care to illegal immigrants. It would add more adults than what our own IRS calls high-income families to the government health care rolls. It would remove people from private insurance and put them over on the government rolls. It would, in many cases, replace the doctor-patient relationship with the bureaucrat making the decision.

It doesn't live up to its name. It doesn't live up to what it is supposed to do. How do you pay for it? With budget gimmicks. Look at what happens in 2012. Let's show respect for the issue. Take it back. Sustain the President's veto.

Mr. STARK. Madam Speaker, I yield to the distinguished gentleman from New York (Mr. HALL) 1 minute.

Mr. HALL of New York. Madam Speaker, in a move that defies logic, President Bush made the mistake of vetoing the Children's Health Insurance Program, or CHIP, contradicting an explicit pledge he made during the 2004 campaign to "lead an aggressive effort to make sure uninsured children receive health coverage, guaranteeing them a healthy start in life." Instead of living up to that promise, he is denying millions of children access to high quality, affordable health care.

CHIP is a vital program for both the Nation and the State of New York. Since 1997, it has proven to be a popular, successful program, covering 6.6 million children nationwide, and helping to reduce the number of uninsured children in my State of New York by 40 percent. The bill he vetoed would help 268,000 more of New York's kids.

The President has said that children don't need health care; all they need to do when they get sick is go to an emergency room. I am not sure if that comment was uninformed and irresponsible or simply callous, but I think that parents of New York would like to see the veto overridden.

Mr. McCRERY. Madam Speaker, I ask unanimous consent that Mr. HULSHOF, a member of the Health Subcommittee of the Ways and Means Committee, be permitted to allocate the remainder of the time on my side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HULSHOF. Madam Speaker, I yield myself 2 minutes.

Never in my wildest dreams would I imagine that on a day in August of 1997 that a Democratic President would sign a bill presented by a Republican Congress, and that that would be a high-water mark as far as consensus between a divided government, 10 years ago, the high-water mark of a divided government coming together to create a solution. I was here to help create the bill. In that instance, a Republican Congress worked with, negotiated with, compromised with the President of the other party to create a solution to the problem of children who had no health insurance.

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Now, I would say, Madam Speaker, that the 2007 version of the Children's Health Insurance Program is almost unrecognizable from the original bill, and certainly beyond the original intent of that bill.

For instance, New Jersey currently has a planned amendment that would use income disregards which would allow it to raise its SCHIP eligibility levels to 350 percent of poverty. That's about $71,000 for a family of four. And don't just take my word for it. Look at section 114, subparagraph A under the bill. And that would continue under this bill.

Many adults without children would be eligible under this bill. Don't take my word for it. Read subparagraph A of section 112 of the bill. You know, the bill allows States to move them to Medicaid, but allows it to pay.

The Federal Government should not be, in my humble opinion, in the business of paying for States who want to cover childless adults that are grandfathered in this bill. And on behalf of my constituents in Missouri, should I ask them to reach in their pockets then and to pay for health care for a family of four in New Jersey making $70,000 or a family of four in New York making $80,000?

So it comes down to this. In fact, there are still 79,000 kids in Missouri, Madam Speaker, that are still at or below 200 percent of poverty. Those are the kids we need to reach out to to provide health insurance.

So the question at the end of this vote is this, to my friends on the other side, Do you want the politics or do you want the policy?

Mr. DINGELL. Madam Speaker, at this time I yield to the distinguished majority whip, the gentleman from South Carolina, my friend, Mr. CLYBURN, 3 minutes.

Mr. CLYBURN. Madam Speaker, when it comes to the war on terror, the President is always quick to remind members of the international community that they're either with us or against us. There is no neutral or impartial position that can be taken. Well, I'm here to tell my colleagues today that there is no nonaligned position that they can assume on child care. You either support working families with health care for their children, or you don't. It's just that simple.

Now, I've heard the specious claims that SCHIP is a form of socialized medicine. The President did not call it socialized medicine when he promised the American people he would seek to expand the program when he was accepting the party's nomination for a second term. Then again, how can it be socialized medicine when it covers 10 million children and not be socialized medicine for 6 million children?

And the outrageous claim that this Congress is neglecting poor children is inaccurate. We already provide assistance to poor children through Medicaid. SCHIP is designed to provide assistance to those working families whose incomes are too high to qualify for Medicaid and too low to purchase private health care coverage.

If you do not want to provide relief to middle-income families, you should just have the guts to say so. But don't come here to the floor and mislabel this bill as socialized medicine or accuse Democrats of not prioritizing the needs of America's children.

I implore those of you who plan to vote to sustain the veto to reconsider your position. Think of how devastated you would be if your children and grandchildren had to go without basic health care. Imagine the hopelessness and despair you would feel in such a situation.

This is where we are today, because when you cast your votes today, you either stand with our children or you stand against them. There is no in between.

Let's vote to override the President's veto.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to a distinguished member of the Energy and Commerce Committee, Mr. WALDEN of Oregon.

Mr. WALDEN of Oregon. Madam Speaker, I rise today to say that I support expansion of the children's health care program, but not in its current form, and here's why. Half of the 1.2 million new enrollees in the expansion of SCHIP under this proposal already have insurance, already have insurance, and that's according to the Congressional Budget Office. When it comes to adults, they cost 60 percent more to care for than kids. This program should be about helping expand coverage to children whose families do not have access to health insurance.

I spent 21 years in small business. I'd never sign a contract that I knew I couldn't keep my word on. This bill is unfunded after year 5. In year 6, according to the Congressional Budget Office, this program is short about 80 percent.

Beyond that, if we took the million and a half adults off of this program and put them on Medicaid, which they're eligible to do, then that would free up funds that could go to help kids. In fact, I think it's about 780,000 adults in 2012 would still be on this program. That would fund 1,150,000 children who could be put on Medicaid.

Mr. STARK. Madam Speaker, I am delighted to recognize the distinguished gentleman from Illinois (Mr. EMANUEL), the chairman of the Democratic Caucus, who has a brilliant 3-minute speech, and I yield him 1 minute in which to present it.

Mr. EMANUEL. Madam Speaker, Dolores Sweeney, from my district, works for an insurance company that doesn't provide health care for her or her children. She earns a paycheck, not a welfare check. She has 3 children and would like to buy private health care, but can't afford to do so.

Dolores Sweeney's children are on SCHIP, and without the SCHIP program they would go without health care, or she would have to go without a job.

Our bill does right by Dolores Sweeney and the other 10 million children from working families.

I believe that you care about the poor, but I wonder why you voted to cut $8 billion from Medicaid.

I believe that you think this is excessive cost, but you never said that about the $680 billion for Iraq, no questions asked.

And I believe that you say that this is a taxpayer-funded government-run health care, just like the health care your kids get in the Federal Government program. This is exactly that.

I believe the sincerity of your positions; but time and again, when it came to standing up for poor kids, you cut Medicaid. When it came to excessive cost, you provided $680 billion for the war in Iraq. And when it comes to government-funded health care, if it's good enough for your kids, it's good enough for Dolores Sweeney's children.

Mr. HULSHOF. I continue to reserve my time, Madam Speaker.

Mr. DINGELL. Madam Speaker, at this time I reserve my time.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the distinguished Congressman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Madam Speaker, I believe that every child deserves proper health care. I support SCHIP's renewal with increased funding. And I also support its expansion, but I believe it must be done in a responsible manner, a manner that ensures valuable resources target our Nation's most vulnerable children without unnecessarily expanding the program to those who do not need it.

According to the Congressional Budget Office, of the 4 million children who would receive coverage under the current proposal, approximately 40 percent already have private insurance. Our dialogue should focus on our children who are uninsurable, sick children who have exhausted private coverage, and families who cannot afford coverage for their children. Yesterday, I introduced a measure that seeks to achieve this goal.

Congress now has the opportunity to engage in a productive, bipartisan discussion focusing on strengthening the SCHIP program.

Mr. STARK. Madam Speaker, I am delighted to yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. Madam Speaker, the moment of truth has arrived. And now, our Republican friends have a very clear choice that they must make. They can stand with 10 million American kids who need, deserve and currently are eligible for health insurance under the CHIP program.

They can stand with the bipartisan majorities in the House and Senate who supported compromise legislation to reauthorize CHIP, including 18 Republican Senators and 45 House Republicans.

They can stand with the States' Governors, the American Medical Association, the Association of Health Insurance Plans, pharmaceutical companies, nurses, children's advocates. And most important, they can, stand with the American people, 81 percent of whom support expanding the CHIP program to cover more low-income children, according to a just-released CBS News poll.

This poll, of course, was taken long after the American people knew exactly what the terms of this bill are all about. Eighty-one percent, including a large, over two-thirds majority of independents and including over 60 percent of the Republicans polled, believe that we ought to move forward on this bill.

Or, Madam Speaker, House Republicans can choose today to stand with President Bush, who earlier this month broke his own campaign promise to extend insurance coverage under CHIP to millions of additional low-income American children, low-income American children.

They can choose to stand with President Bush, who continues to make inaccurate and misleading claims about the bipartisan bill that he has vetoed; claims that have been repudiated by Senators HATCH, GRASSLEY, ROBERTS and many other Republicans.

Let me remind my Republican colleagues, who I believe want to help children, as the gentleman who preceded me said, here is what President Bush told the American people 3 years ago when he was seeking their votes for re-election at the Republican National Convention, the President of the United States, 2004, seeking re-election, promising what he would do: "In a new term, we will lead an aggressive effort to enroll millions of children who are eligible but not signed up for government health insurance programs. We will not allow a lack of attention or information to stand between these children and the health care they need."

That is what President Bush said in 2004 when he was seeking the votes of the American people for re-election. Yet, the President's own proposal that he has made this year would force nearly 1 million children from low-income families who are participating in CHIP to be dropped from the present CHIP program. So his proposal not only does not add the millions that he promised to add in 2004, but it drops over 830,000 children.

In sharp contrast, Madam Speaker, through this bipartisan compromise this Congress has done exactly what the President said he would do if reelected.

The American people have heard both sides of this issue, and they have disagreed with the President. They stand with America's children, and so must this Congress.

I urge my Republican colleagues, and the reason I say I urge my Republican colleagues, because we believe that there are very few, if any, Democrats who will not vote with the children this day.

Look at the facts. Look into your hearts. Look beyond partisanship and politics. Look at the pictures of your loved ones back in your office and ask, what if they were the ones today who needed health insurance?

Luckily, our children are covered. Our children are covered.

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But think of the millions of children to whom President Bush referred to in 2004 that he promised to add to this critical program.

This, I suggest to all of us, is a defining moment for the Congress of the United States. Will we, as the Founding Fathers contemplated, exercise the policymaking authority, or will we once again crumble, complicit in the President's failure to respond to the views of the American public and to our children?

My friends on both sides of the aisle, let us come together. Let us come together and do the right thing for our children and for our Nation. Let's override the President's unjustified veto of this compromise, bipartisan legislation. Let us ensure that 10 million low-income children have the health care coverage they need and deserve. This will not be a partisan victory if we override this veto. It will be a victory for our children and for the President's promise.

Vote to override this veto. Vote for our children.

Mr. HULSHOF. Madam Speaker, I continue to reserve the balance of my time.

Mr. DINGELL. Madam Speaker, at this time I yield 1 minute to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Madam Speaker, this is a moment of truth for millions of American children and the hard-working families who love them. With this vote we can say yes to providing health care to 10 million children.

The Children's Health Insurance Program is pro-family and pro-work.

You know, there has been a lot said over the last 7 years about leaving no child behind. Well, today we can do something about it. The choice is clear: A "yes" vote means 10 million children receive better health care. A "no" vote will leave millions of children behind without adequate health care.

Our children don't need slogans. They don't even need good intentions. Today, they need our vote. Today, they deserve our vote.

I would ask each Member one question: If this vote meant the difference between your child or grandchild having health insurance or not, how would you vote? How would you vote?

Mr. BARTON of Texas. Madam Speaker, I am proud to yield 1 minute to a distinguished member of the Energy and Commerce Committee, the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Madam Speaker, I listened to one of my colleagues just a moment ago say that this bill should be easy to reauthorize and should be done on a bipartisan basis, and, indeed, it should. But it is not because it has fallen victim to politics. It is victim to overreaching and political exploitation.

This is a program that is supposed to be about uninsured poor children. But the President vetoed it because the majority insisted on expanding it to already insured middle-class children and adults.

We can reform this program and keep it where it is supposed to be, and then we can move on to real health care reform. In his State of the Union address this year, the President proposed an idea to help every uninsured American, a proposal to end the outrageous discrimination by which those who have employer-based insurance get it with pretax dollars but the rest, who don't, have to pay more.

We can do better for all Americans. We can help all the uninsured. And when this veto is sustained today, as it should be, let's reauthorize this program, but then let's reform health care for all the uninsured.

Mr. STARK. Madam Speaker, I would like to yield for the purpose of making a unanimous consent request to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

I proudly rise to vote to override the President's veto and to support 10 million children with health care.

Madam Speaker, as the chair of the Congressional Children's Caucus, I rise to announce that I will proudly cast my vote to override the President's veto of H.R. 976, the "State Children's Health Insurance Program (SCHIP) Authorization Act of 2007."

By vetoing the bipartisan SCHIP Authorization Act, the President vetoed the will of the American people. By vetoing this legislation, the President turned a deaf ear and a blind eye to the loud message sent by the American people last November.

I will vote to override the President's veto because I can think of few goals more important than ensuring that our children have access to health coverage. I will vote to override the President's veto because I put the needs of America's children first.

Madam Speaker, this important legislation commits $50 billion to reauthorize and improve the State Children's Health Insurance Program (SCHIP), and it also makes critical investments in Medicare to protect the health care available to our Nation's senior citizens. I strongly urge my colleagues to join me in voting to override the President's veto.

Madam Speaker, SCHIP was created in 1997, with broad bipartisan support, to address the critical issue of the large numbers of children in our country without access to health care. It serves the children of working families who earn too much money to qualify for Medicaid, but who either are not able to afford health insurance or whose parents hold jobs without health care benefits.

Children without health insurance often forgo crucial preventative treatment. They cannot go to the doctor for annual checkups or to receive treatment for relatively minor illnesses, allowing easily treatable ailments to become serious medical emergencies. They must instead rely on costly emergency care. This has serious health implications for these children, and it creates additional financial burdens on their families, communities, and the entire Nation.

This year alone, 6 million children are receiving health care as a result of SCHIP. However, funding for this visionary program expires September 30. Congress must act now to ensure that these millions of children can continue to receive quality, affordable health insurance.

As chair of the Congressional Children's Caucus, I can think of few goals more important than ensuring that our children have access to health coverage. It costs us less than $3.50 a day to cover a child through SCHIP. For this small sum, we can ensure that a child from a working family can receive crucial preventative care, allowing them to be more successful in school and in life. Without this program, millions of children will lose health coverage, further straining our already tenuous health care safety net.

Additionally, through this legislation, we have an opportunity to make health care even more available to America's children. The majority of uninsured children are currently eligible for coverage, either through SCHIP or through Medicaid. We must demonstrate our commitment to identifying and enrolling these children, through both increased funding and a campaign of concerted outreach. This legislation provides States with the tools and incentives they need to reach these unenrolled children without expanding the program to make more children eligible.

In my home state of Texas, as of June 2006, SCHIP was benefiting 293,000 children. This is a decline of over 33,000 children from the previous year. We must continue to work to ensure that all eligible children can participate in this important program. To this end, Texas Governor Rick Perry signed legislation in June which, among other things, creates a community outreach campaign for SCHIP.

In addition to reauthorizing and improving the SCHIP program, this legislation also protects and improves Medicare. Due to a broken payment formula, access to medical services for senior citizens and people with disabilities is currently in jeopardy. Physicians who provide health care to Medicare beneficiaries face a 10 percent cut in their reimbursement rates next year, with the prospect of further reductions in years to come looming on the horizon. The budget proposed by the Bush administration does not help these doctors, or the patients that they serve.

This is extremely important legislation providing for the health coverage of 11 million low-income children, as well as protecting the health services available to senior citizens and persons with disabilities. President Bush was wrong to veto this legislation. I stand strong with the children of America in voting to override his cruel veto.

Mr. STARK. Madam Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania.

Mr. SESTAK. Madam Speaker, I rise today in support of a bill that I do understand has expanded dental care and I do understand puts mental parity more on a par with physical disability.

But I must rise today because that number of nearly 4 million children uninsured is almost too large for me to comprehend that we haven't done something before, based upon when my daughter, struck with a malignant brain tumor and given 3 to 9 months to live at age of 4, and you all provided me, as a 31-year military veteran, with the opportunity for her to live.

But what I was most struck by was her roommate when she began her chemotherapy. A young 2½-year-old boy, where we listened and could not help in that small room hear social workers come and go for 6 hours as they tried to determine whether that young boy, struck with acute leukemia, whose parents did not have health care, would have the same opportunity as you gave my daughter; that this Nation gave them the time for not just quality of life but for life.

I rise in support of this bill to give all children what you gave me as a member of the Armed Forces.

Mr. HULSHOF. Madam Speaker, I am pleased to yield 2 minutes to an individual who is now the ranking member of the Health Subcommittee, who also helped create the Children's Health Insurance Program back in 1997, the gentleman from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. I thank the gentleman for yielding.

First, I would like to make one point perfectly clear: Republicans support health care for low-income children.

Second, I want to address something that was said on the floor the last time we considered this issue. It was said that failing to cast a "yea" vote would give new meaning to the phrase "suffer the little children." However, it's the failure of this legislation to refocus benefits on low-income children that gives new meaning to the phrase "suffer the little children."

If, as the verse continues, it is to these children "that the Kingdom of God belongs," then why is this children's program failing to serve so many children? How is it that in my home State of Michigan 87,000 eligible children don't have health care while 39,000 adults are in the program?

How is it that in Minnesota 87 percent of the enrollees in this children's program are adults?

How is it that this low-income program is covering families in New Jersey making more than $70,000 a year? No wonder New York wanted to go over $80,000.

Ladies and gentlemen, the answer to these questions is clear. The majority does not want a low-income children's plan. They want what Hillary Clinton called for in 1994, the first step towards nationalized, government-run, controlled health care.

We should not be diluting this children's program, and we should not be diverting money away from these low-income kids.

I am proud to have offered yesterday the Kids First Act, a bill that would return this program to its roots, insuring low-income children, covering an additional 1.3 million American children, does not raise taxes, and is fully funded. This is the kind of legislation we should be debating instead of continuing this senseless stalemate that uses children as political pawns.

I urge my colleagues to vote against this veto override, and more importantly, I urge my colleagues to quickly compromise on this important issue and ensure that low-income American children have health care coverage.

Mr. DINGELL. Madam Speaker, I would just note that my good Republican colleagues have ignored one fact that is important, and that is that every time that there is an inclusion of anybody over the level of 200 percent of poverty, it is on an express waiver granted by the Republican White House.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I would like to yield 1 minute to the distinguished member of the Energy and Commerce Committee, Dr. BURGESS of Denton, Texas.

Mr. BURGESS. I thank the gentleman for yielding.

Madam Speaker, I come to the floor of the House today to say that I support the reauthorization of the State Children's Health Insurance Program. It's a good program that deserves to be reauthorized. I wasn't here when it was first passed in 1997, but I believe in the original intent of this program.

Madam Speaker, I believe it is critical to focus on the most important recipients of this program: That's the poor children, poor kids first.

Madam Speaker, this debate is not about money; it is about freedom. And it is also critical to remember to focus on what is necessary to do to cover the poor kids. And every opportunity for expansion, every opportunity for expansion based on income set-asides, expanding covering adults, expanding covering people in the country without the benefit of a Social Security number, every time we expand the benefit, we limit the benefit for the poor and the near poor, the initial population that we were supposed to be covering. We can't cover those other populations at the expense of people that we are required to take care of.

Finding more of the truly eligible children is hard work. It's hard work, but it's the right thing to do. Hard work first. It is the right thing to do.

Mr. STARK. Madam Speaker, I am pleased to yield 1 minute to the distinguished member of the Ways and Means Committee, the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Speaker, today we must override the President's veto because it is the right thing to do for our children.

We have a mission, an obligation, and a mandate to provide health insurance for all of the children and override the President's veto.

We can spend millions and billions of dollars on war, but we cannot take care of health care for our children? It would be a shame and a disgrace not to take care of the little children.

We must take care of the children. "Suffer the little children." They need our help and they need it now. Override this veto.

Mr. HULSHOF. Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Madam Speaker, as Senator GRASSLEY wrote in a letter to The Washington Post, it's fine to have a philosophical debate over the merits of this program, but opponents should be intellectually honest about what the bill does and does not do.

Despite this, the President and a few supporters are still clinging to a series of distortions and spin to try to mislead the public. The President keeps talking about families earning as much as $83,000. If this were true, I would have voted against this program. And as for the exception for New Jersey, the $72,000 was requested by a Republican Governor and approved by President Bush's administration. Some of the President's supporters have claimed we didn't provide a way to pay for this bill, but we did. As Americans, we want our children to be healthy and productive.

The irony did not escape me that while the President was attacking SCHIP, I was sitting in a hearing of the Armed Services Committee, of which I am a member. The topic was waste and fraud in Iraq, billions of dollars. Like I said, the irony did not escape me, and it did not escape most Americans.

We must override this veto.

### PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BARTON of Texas. Madam Speaker, is it acceptable under the rule that we are operating under, as long as we control time, to recognize a Member more than once as long as you control the time?

The SPEAKER pro tempore. Recognition is within the discretion of the Chair.

Mr. BARTON of Texas. I'm not sure I understand. Let me rephrase my question.

The SPEAKER pro tempore. Is the gentleman seeking to have another Member recognized that has already spoken?

Mr. BARTON of Texas. I want to recognize myself now and then recognize myself later in the debate, because my speakers aren't here. Is that acceptable, Madam Speaker?

The SPEAKER pro tempore. In controlling time the gentleman may speak more than once and may yield to another more than once.

Mr. BARTON of Texas. Madam Speaker, I yield myself 1 minute.

Madam Speaker, one of the things that has been talked about in this debate is that the pending bill before us does not allow illegal aliens to receive benefits, and there is a section in the bill, section 605 that says that. But it has no enforcement. And in another part of the bill the requirement for citizenship verification is repealed, and the substitution for that is a requirement that a beneficiary or potential beneficiary simply show a Social Security number.

□ 1200

And as we all know, there are millions of fraudulent Social Security numbers floating around. So when we actually do get down to negotiating the conference after this veto is sustained, I hope that my friends in the majority will work with us in the minority to make sure that illegal aliens do not get benefits and that we have the appropriate enforcement mechanism in the bill that we send to the President.

With that, I reserve the balance of my time.

Mr. STARK. Madam Speaker, I am delighted to recognize a member of the Ways and Means Committee, the distinguished lady from Nevada (Ms. BERKLEY) for 1 minute.

Ms. BERKLEY. I thank the gentleman for yielding.

Madam Speaker, coming from a State with one of the highest percentages of uninsured children, I know how important it is that we succeed in overriding the President's veto today.

I think it's absolutely shameful that in the United States of America, in the 21st century, in a country of such great abundance, we have to override a Presidential veto to provide essential health care to kids from lower-income, hardworking American families.

Passage of this bill is essential to ensure continued coverage for the more than 30,000 kids currently receiving their health care by the SCHIP program in Nevada. And the bill will also enable Nevada to reach out to the nearly 70,000 children currently eligible who remain uninsured and not in the program because of a lack of funding.

I urge my colleagues to vote to override this veto. It's a shame that he vetoed this bill in the first place.

Mr. HULSHOF. Before yielding to my friend from Texas, I yield myself such time as I may consume to respond to a previous speaker, the gentlelady from New Hampshire, who said that she would have voted against the original bill had she known or had she believed that, in fact, a family of 4 making $80,000 would qualify their children. Well, in fact, I would point the gentlelady to section 114, subparagraph A of the bill that allows income disregards.

And I would say to the distinguished chairman of the Energy and Commerce Committee, who pointed out that, yes, it was the administration that granted the waiver, there are some on this side who would suggest the administration has approved unwise waivers in the past. But even this administration has indicated to a particular Governor that before we allow this waiver to occur, in the instance of New Jersey, so many additional enrollees would have to meet the intent of the SCHIP program, to which the Governor said, "I don't have to abide by that." And I find that a bit difficult to swallow as we then discuss whether this should be the law of the land.

I am now pleased to yield 1 minute to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Ten years ago, a Republican Congress created SCHIP to provide health insurance benefits to children who are uninsured, who are Americans, and whose parents represent the working poor. Yet today, once again, this Democrat Congress will try to do something else, and that is, give these same benefits to adults, to illegal immigrants, to those who are already insured, and to some of the wealthiest among us. These are the facts.

Although the program was designed for those up to 200 percent of poverty, we know today there are families of up to $82,000 of income receiving these benefits. Although the program was designed for children, we know almost 20 States now serve more adults than children. Although the program was designed for Americans, the Democrats strip out proof-of-citizenship measures. And although the program was designed for the uninsured, CBO said this will have the effect of taking 2 million off and putting them on a government insurance program. That is wrong.

Mr. STARK. Madam Speaker, at this time, I am delighted to recognize the gentlelady from Arizona (Ms. GIFFORDS) for 1 minute.

Ms. GIFFORDS. Madam Speaker, I rise today on behalf of the 179,000 children in the State of Arizona who need Congress to stand up for them.

Ten million American children need SCHIP, known as KidsCare in my home State of Arizona, because it changes their lives. For example, when Collin Bollinger was born, his mother, Sherry, did not have health insurance. Sherry was gainfully employed, but she could not afford her company's high insurance premiums and did not qualify for Medicaid. After Collin's second birthday and a series of ear infections, Sherry scraped and borrowed enough money for private insurance to cover Collin at the high cost of $150 per month. At times, Sherry chose her son's health care over paying the rent and having a full dinner.

Then she discovered the KidsCare program; her premiums then fell by 90 percent per month. With the money that Sherry saved, she could even afford her own health insurance. Now Collin is a straight A student. He plays football at Cienega High School and leads a happy and healthy life. His mother credits KidsCare.

Mr. BARTON of Texas. Madam Speaker, I just have 2 speakers left, the distinguished minority leader and myself. I'm prepared to do the mini-close. I assume that Ms. PELOSI is going to close for the majority, so we're kind of in a holding pattern here.

The SPEAKER pro tempore. The Chair will recognize for closing speeches in the reverse order of opening: Mr. HULSHOF, Mr. STARK, Mr. BARTON, and then Mr. DINGELL.

Mr. DINGELL. Madam Speaker, I would observe that here we have three speakers before we're prepared to close. And if you would permit, Madam Speaker, the Speaker, Ms. PELOSI, will close for us.

Madam Speaker, at this time, I'm delighted to yield 1 minute to the distinguished gentleman from North Carolina (Mr. SHULER).

Mr. SHULER. I thank the distinguished gentleman.

Madam Speaker, every night when we sit down, we talk to our children, we say our prayers, my wife and I, we thank God for the many blessings He has bestowed upon us, some of those blessings that we don't even recognize so much every single day, like having health care for our children. But there are children and parents every day for whom that is a constant reminder.

And here we have questions about what is important, how many children will it be. My children, age three and six, they talk about and they pray that God will bless all children. We talk about, across the aisle, I am pro-life. My distinguished colleagues across the aisle talk about being pro-life. It is time they start being pro-life today and start by overriding this veto.

Mr. DINGELL. Madam Speaker, at this time, I yield 1 minute to the distinguished gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. I thank the Chair of our Energy and Commerce Committee.

Madam Speaker, we have a health care crisis in our country. And the President vetoing the SCHIP bill has made bad policy based on bad information. We've heard it from the floor today from the minority.

The President should know we target low-income children below 200 percent of poverty. The President should know that we focus SCHIP on children and phase out parents and childless adults that were allowed by this administration to be covered. The President should know that the bill covers 4 million children who are eligible for SCHIP but not enrolled. The President should know that we do not cover illegal alien children. It's frustrating, when we have a health care crisis in our country, that we can't cover the children.

When the White House asked Congress just recently for a special $190 billion for the war in Iraq, over and above the hundreds of billions we've already spent, why can't we find much less than that for covering 10 million low-income children, parents who are working in this country?

We have a health care crisis, and the Republican minority and the President have turned their back on that crisis, especially to the children.

Madam Speaker we have a health care crisis in our country. In vetoing our SCHIP bill, the President has invoked a bad policy based on bad information.

The President should know we target low-income children below 200 percent of poverty.

The President should know we focus SCHIP on children, and phase out parents and childless adults that were allowed by his administration.

The President should know the bill covers 4 million children who are eligible for SCHIP but not enrolled.

The President should know this does not cover undocumented children. Under the President's proposal, 6 million of our children eligible for SCHIP would remain without health insurance.

And, an additional 700,000 children currently in the program would join them in the ranks of the uninsured.

If the President is so concerned about adults and middle income families in the SCHIP program, he should sign this bill which effectively addresses those concerns.

America's low-income children shouldn't suffer because the President can't get his facts straight.

More than 8 in 10 Americans support this legislation to expand SCHIP for children.

When the White House asks Congress for a special $190 billion for the war in Iraq, over and above hundreds of billions already spent why can't they find much less to cover 10 million low-income children.

This is the people's House, and it is our duty to override this veto and listen to the American people.

Mr. STARK. Madam Speaker, I yield myself 1 minute.

I hope that we can find, as we close today and we come to this vote, enough people on both sides of the aisle who will vote to override the veto. It doesn't make much sense. There is no cost, there are no illegal aliens, there are no rich people, unless the Republicans choose to make it possible for them. It's a bill that is paid for, unlike the war, which the Republicans don't mention.

What are you going to do for that 200 or 300 billion bucks, folks, that you're spending to kill these kids when they grow up? You can't answer that, can you? You look at your shoes, look up here, you don't know.

So you don't even want to talk about $200 or $300 billion to kill innocent Iraqis and young men and women. There is no Member of this House that has an enlisted child over there. There is no risk for you guys.

The SPEAKER pro tempore. The gentleman's time has expired.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. STARK. I yield myself an additional 30 seconds.

The fact that we don't want to talk about killing children that we send to die in a war and spend $200 billion, we're going to shuffle on, calling things "socialism," Madam Speaker. And we're going to talk about if we only had a chance to do this a little better to make sure that illegal aliens were treated a little less fairly than they are now, we might vote for it. It's too bad. It's too bad they're voting to harm children for a bunch of really petty grievances that they have in the minority. I hope they will change their minds and vote to override the veto.

Mr. HULSHOF. Madam Speaker, I yield myself 1½ minutes.

With all respect, Madam Speaker, I don't need to be lectured to by a Member who did not even support the original Children's Health Insurance Program.

The fact is that we reached compromise 10 years ago. And I recognize that the chairman of the Health Subcommittee can ram through a bill when you've got the votes, as the original bill was done, without any input from anybody else, that it's my way or the highway. And I recognize that when you have the votes, that's one way you can try to enact legislation.

So my question still stands, after this veto is sustained, Do you want the politics or do you want the policy? I hope the latter. Because I guarantee you we can have a meeting of the minds.

Mr. CAMP and I, Mr. BOUSTANY, in fact, introduced the Kids First Act that would reauthorize this program. It's similar to the alternative in the Senate that would increase State allotments by $14 billion over the next 5 years, that would allow 1.3 million new low-income children to be covered, that reimburses States at their Medicaid matching rate, fully offsets the bill without raising taxes, bolsters current provisions to provide premium assistance to kids who have access to private coverage so that we can better coordinate public and private programs to prevent the crowding-out effect.

So once this political effort is done, I hope we can have a meeting of the minds.

Mr. DINGELL. Madam Speaker, at this time I reserve my time. I have one more speaker and then the Speaker who will be closing for us.

Mr. BARTON of Texas. Madam Speaker, I yield myself 4 minutes.

□ 1215

Madam Speaker, what we have today is a classic case of a Washington, DC, nonintersecting conversation. Since the President vetoed this bill several weeks ago, my friends on the majority side have spent 2 weeks encouraging outside groups and perhaps their political arm, I am not sure about that, to spend millions of dollars in television and radio ads bombarding targeted Republicans to get them to change their vote.

Now, that is only the sixth time in history that we know of that a veto has not been brought to the floor immediately on the President's veto. The result is going to be that when we get to the vote in the next hour or so, the next 30 minutes or so, the President's veto will be sustained. Then, hopefully, we will have the real bipartisan negotiations that should have started 6 or 7 months ago.

It is interesting to me that we are still having a misunderstanding about the basic facts. And the reason is, we have never had a legislative hearing in either the Ways and Means Committee or the Energy and Commerce Committee. We have not had a subcommittee markup in either of the jurisdictional committees. And we really didn't have a markup at full committee, because the original bill for SCHIP was a 500-page mammoth bill that we got at midnight the day before it was supposed to be marked up in the case of the Energy and Commerce Committee.

But once we do sustain the President's veto, we are going to have these negotiations I hope. And first we are going to talk about the kids. Both sides are talking about the kids. Well, here are the facts. Under current law, every child in America who is below 100 percent of poverty is covered by Medicaid. Both parties support that. Under current law, every child in America who lives in a family between 100 and 200 percent of poverty is covered by SCHIP if they will sign up. Now, there are some children and families that won't sign up. In Dallas, Texas, I am told that only 33 percent of the eligible SCHIP children are actually in an SCHIP program. That is a travesty. We ought to do something together to reach out to those children and those families to make sure that they either have SCHIP coverage or private insurance, that they have something. We can work together on that on a bipartisan basis.

Now, once you get above 200 percent of poverty, we have a difference of opinion. The original House bill said go to 400 percent of poverty. That bill is dead. The bill before us goes to 300 percent. It is a legitimate policy argument: If you want to go above and expand the program, how much do you expand it above 200 percent? Do you go to 300 percent? Do you go to 250 percent? The Republican alternative is, let's cover the lowest income kids first. Once we get 90 percent of those kids covered below 200 percent of poverty, let's let States go to 250 percent. That is the Barton-Deal alternative that we have the discharge petition on. But that is a legitimate policy argument.

Now, let's talk about illegal aliens. Under current law, you are not supposed to cover a child of an illegal alien. But they are covered because there is no verification enforcement system. In the pending bill, they have section 605 that says no benefit shall go to children of illegal aliens. But that is all it says. There is no enforcement mechanism. There is no enforcement mechanism. That is something we can work on in the conference. That is something we can work on together to really put some enforcement to make sure that SCHIP benefits are for citizens and legal residents. We can work on that.

Let's vote to sustain the President's veto, and then let's work together to get a program that really is for the kids, not for adults, that really is for citizens, and that we can afford.

Well, Madam Speaker, there they go again. Once again, we are being forced by the Democratic Leadership of the House to vote on a bill that exists almost exclusively to help Democrats score political points against the President.

We're going to sustain the President's veto today, and we're going to do it because the President did the right thing by vetoing this poorly written expansion of federalized health care that leaves the poorest kids behind. Anybody who cares about needy children can vote against this bad bill proudly.

I'm both proud and concerned that Republicans had no part in writing this legislation. Proud because this bill is an embarrassment. Concerned because we're all supposed to be legislating on behalf of children, and as everybody knows, no Republican Member of this House was even asked for an opinion, much less invited to participate in writing the Democratic SCHIP bill.

I don't even think the Democrats who wrote it understand what they've done. I challenge the supporters of this bill to look people in the eye and say that they understand all of the provisions that are actually in this bill. Because I have some questions for you.

Madam Speaker, it would be a compliment to say that the so-called process which produced this bill is an abuse of our democratic system of Government. It was so much worse than garden-variety abuse. It was pathetic. Yet, I'm sure that some will show up here with a handful of talking points from your Democratic staffers who actually constructed this legislation, and you will explain to us that it is not an abomination at all, but a wondrous triumph of bipartisanship.

Give me the name of one Republican in the entire House of Representatives who directly participated in these discussions. Name just one.

I know that the authors of this bill certainly did not consult with either Mr. DEAL or myself, I know that they have not included any Members of the Republican Leadership in the House; and I'm not aware of a single Republican Member of the Energy and Commerce Committee or the Ways and Means Committee being invited to participate in this process.

And although we were excluded from the negotiations and the Democratic Leadership has repeatedly refused to hold a legislative hearing on this bill, we have learned a few facts from the official projections produced by the Congressional Budget Office, and from what I've read, this bill isn't something that I could ever support.

For example, we know that the vast majority of the people added to the SCHIP program under the Democrats' bill will either already have private health insurance or they live in families with incomes too high to be eligible for SCHIP coverage today.

In fact, the Congressional Budget Office projects that H.R. 976 will lead to over 1.2 million new enrollees will be added to SCHIP as a result of an "expansion of SCHIP and Medicaid eligibility to new populations." This means that these 1.2 million children live in families whose incomes are too high to qualify for the current SCHIP program. On the other hand, CBO projects that only 800,000 currently SCHIP eligible kids will be enrolled as a result of H.R. 976. This means that 50 percent more higher-income kids will be enrolled than currently SCHIP eligible kids.

And who will be paying for this expansion of SCHIP eligibility to higher-income families? Well, according to the Congressional Research Service, the vast majority of the $70 billion in additional tobacco tax revenues will come from low-income families. In fact, the Congressional Research Service said that tobacco taxes are "the most regressive of the federal taxes."

So, with H.R. 976, the Democrats really are taxing the poor in order to give to the rich.

In their defense, I guess it is difficult for the Democratic Leadership to know exactly what is in their own bill since it has neither been subject to a single legislative hearing nor conferenced by the House and the Senate.

Madam Speaker, I wonder if someone can explain to me why the Democratic Leadership decided to wait until just days before SCHIP expires to bring their reauthorization to the House floor. We have known for well over 10 years that the current SCHIP authorization would expire on September 30, 2007, and the Democratic Leadership in the House and the Senate have known since early November of 2006 that they would be in charge of actually producing a bill to reauthorize this vital health care program for low-income, uninsured children. Yet, here they were, a full 10 months later, jamming a bill through the House with fewer than three legislative days before the entire program expires and children's health care stops.

Well, Madam Speaker, I was not sent here by the 6th District of Texas to be quiet and do what the gentle lady from San Francisco instructs me to do. I was sent here to represent my constituents' best interests and I demand the ability to do what I have sworn to do.

We all know that the President promised to veto this version of the bill, so why did we waste precious time on a bill that we all know didn't stand a chance of ever becoming law?

While we are down here on the floor participating in this Theatre of the Absurd, the Democratic Leadership is in the back rooms trying to figure how they will extend the SCHIP program for another 6 months or a year. We all know this to be a fact, but I guess the Democrats want to pick a fight with the president so they can pretend that he is against children, and only then will they permit everybody to do the right thing and extend SCHIP.

Madam Speaker, I'm sorry it's come to this. The pettiness of this transparent political strategy to damage and weaken the president is a new low.

I'd hoped that we would not engage in this game, and it's still not too late to stop it. We could start debating how to best extend the SCHIP program so that we can actually do the job people sent us here to do. We still have a chance to write a responsible, long-term reauthorization of the SCHIP program. Now, it's true that writing a solid, bipartisan bill will not give the Democrats the "political victory" that they are hoping for, but that's the price that Democrats will have to pay. Given that millions of needy children are depending on us, it doesn't seem like a big price.

I am ready to start today to sit down with the Majority and reach a compromise bill so we can reauthorize this program expeditiously. Short 6-week extensions are irresponsible. We can and should come up with a compromise that can be signed into law and that ensures that low income children continue to have access to the SCHIP program. We should not drag this political process out any longer than today. Let us dispense with politics and commence with legislating.

Here's a way that will get me to call the President and urge him to sign up fast.

Require that States find and enroll 90 percent of the kids under 200 percent of the Federal Poverty Level before they go looking for more people with higher incomes.

States should be free to spend their own money, of course, but Federal taxpayers in 49 States shouldn't be made to subsidize the health care premiums for one State making $80,000 a year.

No adults except pregnant women, please. No more childless couples and, beginning in 2009, and Medicaid-eligible adults should move to Medicaid.

Let's preserve the requirement that States document the citizenship and identity of Medicaid applicants. Just writing down a Social Security number doesn't make you a citizen.

A bipartisan effort could pass this bill in a week, and doing so would make sense to poor kids, their families and nearly everybody outside the Democratic Congressional Campaign Committee.

Mr. HULSHOF. Madam Speaker, I yield the balance of my time to the ranking member of the Ways and Means Committee, my good friend, the gentleman from Louisiana.

The SPEAKER pro tempore. The gentleman from Louisiana is recognized for 1½ minutes.

Mr. MCCRERY. I thank the gentleman for yielding.

Madam Speaker, I have with me, I am going to submit this for inclusion in the RECORD, a page from a report from the Congressional Budget Office that we received last night. This one page puts the lie to the assertion that this bill is paid for, at least in any terms that a reasonable person would agree that the bill is actually paid for. What this sheet says, in 2012, under the March 2007 baseline, CBO estimated 3.3 million people, not just children, 3.3 million people would be covered. Under the President's proposal, in his budget, CBO estimated 4 million people would be covered in 2012. If the current program with all the exceptions and waivers were continued, CBO says that in 2012, 5.3 million children will be covered. CBO says under the bill on the floor in 2012, 7.8 million people would be covered. But then they say, in 2017, 5 years later, under the President's budget, 2.9 million people would be covered. Under the current program, with all the exceptions and waivers, 5.6, and under this bill, 1.3 million people. So you go down from 7.8 million to 1.3 million over 5 years, and you are telling me that that is going to take place? It is not. You know it. And you are going to have to pay for it to the tune, the CBO says, of $40 billion.

CBO PROJECTIONS OF SCHIP AVERAGE MONTHLY ENROLLMENT (BY FISCAL YEAR, IN MILLIONS)[1, 2]

| | 2008 | 2012 | 2017 |
|---|---|---|---|
| March 2007 Baseline[3] | 4.1 | 3.3 | 2.1 |
| President's FY 2008 Budget[4] | 4.9 | 4.0 | 2.9 |
| Maintain current programs[5] | 5.0 | 5.3 | 5.6 |
| H.R. 976, CHIPRA[6] | NA | 7.8 | 1.3 |

[1] The figures in this table include the program's adult enrollees, who account for less than 10 percent of total SCHIP enrollment. These figures represent the average number of individuals who could be covered in a typical month. The total number of individuals enrolled at any time during the year would be about 170 percent of these figures. These figures do not include enrollment in the U.S. territories.

[2] These enrollment figures are for SCHIP only. Relative to the baseline, the President's proposal and maintaining current programs would reduce Medicaid enrollment by shifting some children to SCHIP. In 2012, CHIPRA would also shift some children from Medicaid to SCHIP; however, in 2017 the reduced SCHIP funding levels under an extrapolation of CHIPRA would cause a shift in children from SCHIP to Medicaid. CHIPRA would increase Medicaid enrollment overall by providing financial incentives to states to enroll additional children.

[3] Title XXI of the Social Security Act authorizes SCHIP through 2007. Consistent with statutory guidelines, CBO assumes in its baseline spending projections that funding for the program in later years will continue at its 2007 level of $5.0 billion.

[4] The Administration proposes funding of $5.0 billion in 2008, $5.3 billion in 2009, and $6.5 billion in each of fiscal years 2010 through 2012.

[5] Assumes increases in funding sufficient to account for increases in health spending per enrollee and the projected number of enrollees (due both to population growth and increases in the number of uninsured). Also assumes no change in eligibility rules or benefit packages after 2008.

[6] CHIPRA authorizes SCHIP through 2012. For budget scoring purposes CBO has projected spending under CHIPRA through 2017, based on the funding level at the end of 2012—an allotment of $3.5 billion per year. The 2017 enrollment figures shown there reflect that extrapolation.

**Note:** SCHIP = the State Children's Health Insurance Program, CHIPRA = the Children's Health Insurance Program Reauthorization Act of 2007, as cleared by the Congress on September 27, 2007.

Mr. STARK. Madam Speaker, I would like to recognize the gentlewoman from Colorado for 1 minute.

And pending that recognition, I would just like to point out that under the Republican plan, by 2017 we probably will have killed 20,000 soldiers in Iraq spending $200 billion.

Mr. BARTON of Texas. Madam Speaker, I ask that the gentleman's words be taken down.

□ 1230

The SPEAKER pro tempore. The Clerk will report the words.

The Clerk read as follows:

"I would just like to point out that under the Republican plan, by 2017 we probably will have killed 20,000 soldiers in Iraq spending $200 billion."

The SPEAKER pro tempore. The words do not descend to personality within the meaning of rule XVII. Nor do they engage in such inflammatory rhetoric as might otherwise breach decorum.

The words are not out of order.

The gentleman from California may proceed.

Mr. STARK. Madam Speaker, I yield the balance of my time to the gentlewoman from Colorado (Ms. DEGETTE).

The SPEAKER pro tempore. The gentlewoman from Colorado is recognized for 1 minute.

Ms. DEGETTE. Madam Speaker, I stand with the 81 percent of Americans who support this bipartisan compromise bill that gives health care to 10 million poor children in this country. It builds upon the strong foundation of SCHIP and covers almost 4 million additional children.

You can use whatever words you want to talk about this bill, but here's the truth and here are the real facts: the bill does not cover adults, the bill does not cover people who are here illegally, and it does not cover the wealthy. It is fully paid for.

We in Congress should hang our heads in shame if the wealthiest country in the world refuses to provide basic health care to the children of our land. Let us rekindle the bipartisan spirit of the past and join together to reauthorize the State Children's Health Insurance Program. Let us put the working families of this country first. Let us override this veto.

Mr. BARTON of Texas. Madam Speaker, I want to yield our last minute to the distinguished minority leader from the State of the current number one college football team in the country, Ohio State, Mr. BOEHNER of Ohio.

Mr. BOEHNER. Madam Speaker, I am disappointed that we have reached this point. I think all of us know that Democrats want to renew the SCHIP program and Republicans want to renew the SCHIP program. We haven't been afforded the opportunity to sit down and work together to resolve the differences we might have in order to keep this important program alive and available to children in America who deserve and need good health care coverage. I hope that that opportunity to sit down and work together comes today after this vote.

In 1997, Republicans and Democrats worked together to create the State Children's Health Insurance Program. We worked to ensure that low-income children without health insurance come first. But I think all of us know that is not what has happened.

Today, there are 500,000 eligible low-income children for this program who are not covered. Yet there are some 700,000 adults around America who are covered under the Children's Health Insurance Program. I think the numbers speak for themselves. In Minnesota, 87 percent of the people on the Children's Health Insurance Program are adults.

In Wisconsin, 66 percent of the people on the Children's Health Insurance Program are adults.

Madam Speaker, what we have been working towards is trying to find a way to say that we ought to insure poor children first. I know States have all kinds of ideas about how to expand this program, but let's not let this become another Washington program that starts with one principle in mind and then becomes something for everyone. Why can't we refocus the program to ensure that we help those poor children who do not have health insurance before we get into insuring adults and people beyond the low-income folks that we are trying to help?

I think the President vetoed this bill because, frankly, I think the majority sent it to him to ensure that it was vetoed. There were no conversations in this House between Democrats and Republicans on what this bill would ever look like. I don't think there was ever any intention that this bill be sent to the White House to be signed into law.

It is a point that I have made here before, and I am going to make it again: the American people are tired of all the political games. They want us to find some way to work together to resolve our differences and to help move America forward. What we have seen over the last several months on this bill, and especially the last 2 weeks, is an example of the political games that the American people are tired of.

Madam Speaker, when you begin to look at Congress's approval ratings, it shouldn't come to anyone's surprise in this Chamber that they are very low. And why are they low? Because I think Americans are tired of the rhetoric, they are tired of the political games, and they want us to find some way to work together to address their needs and their concerns.

Two weeks ago, when the President vetoed this bill because we didn't put poor children first, we could have had this vote right then and there. We could have had the override vote. Then we could have sat down and begun to resolve our differences. By now we could have had them resolved and we could actually be here today on a new bill that makes sure that the poor children who don't have health insurance actually get it.

Madam Speaker, what I would say to all of my colleagues is that I would hope that the political games will come to an end.

On behalf of House Republicans, I again extend this invitation to all of you: Let's sit down and work together in a bipartisan manner to resolve our differences. Secondly, let's make sure that we put poor children first.

Mr. DINGELL. Madam Speaker, before I yield to our Speaker to close, I yield myself 30 seconds.

Madam Speaker, I will submit for the RECORD a letter from Peter Orszag, Director of the Congressional Budget Office. That office notes several things. First of all, 1, this bill actually saves money for the Treasury; 2, it is fiscally responsible; 3, it is fully paid for.

The bill also covers approximately 10 million children in 2012, but it authorizes that only through 2012. In my Republican colleague's comparison with events in the year 2017, those comparisons are both impossible and bogus. I would note that the legislation covers 4 million more children than the administration's proposal.

CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, October 18, 2007.*

Hon. JOHN D. DINGELL,
*Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: In response to questions that we have been asked about the enclosed enrollment table that CBO circulated yesterday regarding the State Children's Health Insurance Program (SCHIP), two points are worth noting. First, as indicated in footnote 2 of the table, the enrollment figures are for SCHIP only. The Children's Health Insurance Program Reauthorization Act (CHIPRA) would also raise enrollment in Medicaid by 1.3 million in 2012 relative to the baseline. Second, as indicated in footnote 6 of the enclosed table, CHIPRA authorizes SCHIP only through 2012, and the figures for 2017 are therefore based on an extrapolation of CHIPRA beyond the legislation's authorization window. Under that extrapolation of CHIPRA through 2017, SCHIP and Medicaid enrollment combined would rise relative to the baseline.

If you have any further questions, please feel free to contact Keith Fontenot at 226-2800.

Sincerely,

PETER R. ORSZAG,
*Director.*

Enclosure.

CBO PROJECTIONS OF SCHIP AVERAGE MONTHLY ENROLLMENT (BY FISCAL YEAR, IN MILLIONS)[1, 2]

| | 2008 | 2012 | 2017 |
|---|---|---|---|
| March 2007 Baseline[3] | 4.1 | 3.3 | 2.1 |
| President's FY 2008 Budget[4] | 4.9 | 4.0 | 2.9 |
| Maintain current programs[5] | 5.0 | 5.3 | 5.6 |
| H.R. 976, CHIPRA[6] | not available | 7.8 | 1.3 |

[1] The figures in this table include the program's adult enrollees, who account for less than 10 percent of total SCHIP enrollment. These figures represent the average number of individuals who could be covered in a typical month. The total number of individuals enrolled at any time during the year would be about 170 percent of these figures. These figures do not include enrollment in the U.S. territories.

[2] These enrollment figures are for SCHIP only. Relative to the baseline, the President's proposal and maintaining current programs would reduce Medicaid enrollment by shifting some children to SCHIP. In 2012, CHIPRA would also shift some children from Medicaid to SCHIP; however, in 2017 the reduced SCHIP funding levels under an extrapolation of CHIPRA would cause a shift in children from SCHIP to Medicaid. CHIPRA would increase Medicaid enrollment overall by providing financial incentives to states to enroll additional children.

[3] Title XXI of the Social Security Act authorizes SCHIP through 2007. Consistent with statutory guidelines, CBO assumes in its baseline spending projections that funding for the program in later years will continue at its 2007 level of $5.0 billion.

[4] The Administration proposes funding of $5.0 billion in 2008, $5.3 billion in 2009, and $6.5 billion in each of fiscal years 2010 through 2012.

[5] Assumes increases in funding sufficient to account for increases in health spending per enrollee and the projected number of enrollees (due both to population growth and increases in the number of uninsured). Also assumes no change in eligibility rules or benefit packages after 2008.

[6] CHIPRA authorizes SCHIP through 2012. For budget scoring purposes CBO has projected spending under CHIPRA through 2017, based on the funding level at the end of 2012—an allotment of $3.5 billion per year. The 2017 enrollment figures shown there reflect that extrapolation.

Note: SCHIP = the State Children's Health Insurance Program CHIPRA = the Children's Health Insurance Program Reauthorization Act of 2007, as cleared by the Congress on September 27, 2007.

At this time it is with great pleasure and privilege that I yield the balance of my time to our distinguished Speaker for purposes of closing.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 minute.

Ms. PELOSI. Thank you, Madam Speaker. I thank the gentleman for yielding. I commend him for his exceptional leadership on this issue.

The issue of health care for Americans has been a signature issue for the Dingell family. Mr. Dingell, the distinguished chairman's father, was the author of legislation for access to health care for all Americans. He continues that tradition. He was in the chair the day and gaveled the vote on Medicare. So thank you for your years of experience and leadership, and, again, your leadership on this important issue of insuring our children.

This isn't about an issue; this is about a value. Thank you, Mr. STARK, thank you, Mr. PALLONE, for your leadership, and thanks to the distinguished Chair of the Ways and Means Committee, Mr. RANGEL, for his important and relentless leadership on this issue.

My colleagues, as I listen to the debate today, I hear a lot of subterfuge and distractions; but the fact is that this is a discussion about America's children and it is a discussion about America. There is no industrialized country in the world that anyone respects that does not provide health insurance for its children. We are the exception. This is not a designation to be proud of.

But the American people in their wisdom have this not as an issue, but as a value, as an ethic. That is why I am so proud of what has transpired since we took our first vote on this bill. That day I said we could establish ourselves as "the Children's Congress," and we did. Work remains to be done to bring that to fruition.

In the meantime, across our country, Democrats and Republicans, Governors and mayors, people who work with children or have the responsibility of delivering a system of health care have been advocating for this reauthorization of SCHIP that we have before us today. Every organization you can name, from AARP to YWCA, and everything in between, the American Medical Association, Catholic Hospital Association, Families USA, every organization you can name is supporting this legislation.

I am so proud, because earlier this week Easter Seals representatives covered the Hill with hundreds of advocates visiting Members' offices. We were pleased to hear from the president of Easter Seals, President James Williams, who said, "Without health care coverage, our early intervention in other programs for children cannot be successful." That is why the Easter Seals organization was here.

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He was very eloquent in his advocacy, but no more eloquent than the young children who were here to tell us their stories.

Today, representatives of the March of Dimes, over 400 of them, are visiting offices on Capitol Hill. And Jennifer Howse, president of the March of Dimes, has stated that SCHIP "is the health insurance lifeline for millions of low-income children who have no other way to obtain coverage."

Our country has put poor children first; that's called Medicaid. The poorest of the poor children in our country are able to receive health care through Medicaid.

I wish you could have heard the stories of some of the parents who told us, Bethany's parents who were in the other day. The press asked them if they were afraid their family would come under attack because they were lobbying for SCHIP. They said we are already under attack, but we are proud to come forward to support this initiative. We are not proud of the fact that we are low income, they said. We are trying very hard to lift ourselves up into the middle class. We work very hard not to be on Medicaid, but to be among the working poor, it is not something that we brag about, but SCHIP is something that we need.

So when the President wants to have 4 or 5 million children instead of 10 million children in his initiative, is he the one, the decider, who wants to go to that family and say, Your child is out? Bethany had heart problems from birth. She was 2 years old in July. They have been told by some people as they lobbied, The baby is better now; you don't need SCHIP anymore. Well, she does.

They said, We are not just lobbying for Bethany; we are lobbying for all of the children.

As far as the March of Dimes is concerned, and I am proudly wearing their pin, they deal with children with birth defects, and it might interest you to know that 1 of 8 children in America each year is born prematurely, around half a million babies born prematurely. Many of those children, I am not saying all, but many of those children have ongoing conditions and preconditions that bar them from getting any health insurance. Those children need SCHIP. They are in the category that makes them eligible.

And that category does not include people earning $83,000 a year. So while some of you may use that as an excuse not to vote for the program, I hope you know intellectually it is not a reason to vote against this initiative. There are currently no children enrolled in SCHIP with family income of 400 percent of the Federal poverty level, $83,000 for a family of four. In fact, 91.3 percent of the children enrolled in SCHIP are in families of four that make less than 200 percent of poverty. And 99.95 percent, just a hair under 100 percent of them, are in families under 300 percent of poverty.

So this is a sad thing. We are asking people who are working hard and playing by the rules, they are taking care of their families. They could have stayed out of work and stayed on Medicaid, but that is not what we are encouraging people to do in our country. We are encouraging them to move on and upward. And these families have to come forward and say why they have not attained the American Dream of enough wealth to afford $1,200 a month in health insurance premiums, and that's a big order.

I am so pleased, though, that with the work they have done, Easter Seals, Red Cross and all of the organizations I mentioned earlier, and the Governors and mayors, et cetera, that now 82 percent of the American people support this initiative. If I said it before, I want to say it again.

And let me also say that there are some myths about SCHIP. Well, I don't think that they are myths; I think they are excuses not to vote for the bill. I mentioned one of them. Another one is about illegal aliens.

Clearly, the bill states "no Federal funding for illegal aliens." It says it, but it is also the law of the land. Illegal aliens do not get benefits, so don't use that as an excuse to deprive 10 million children in our country who are eligible for enrollment in SCHIP that they shouldn't get it.

This has been a bipartisan effort, and some of what has been said about SCHIP is simply not true. But don't take it from me. Senator ORRIN HATCH, former Chair of the Health Committee in the Senate, now the ranking member, said: "I believe that some have given the President bad advice on this matter because I believe supporting this bipartisan compromise to provide health coverage to low-income children is the morally right thing to do. If we were truly compassionate, it seems to me, we would endorse this program." Senator ORRIN HATCH, Republican of Utah.

Senator CHARLES GRASSLEY, former chairman of the Finance Committee, another committee of jurisdiction and now the ranking member said: "The President's claims about SCHIP are flatly incorrect. The SCHIP bill is not a government takeover of health care. Screaming 'socialized medicine' during a health care debate is like screaming 'fire' in a crowded theater. It is intended to cause hysteria that diverts people from looking at the facts." Senator GRASSLEY, Republican Senator from Iowa.

So, my colleagues, we have a decision today to override the President's veto, which would be, in my view, the right thing to do for our children and for our country. It is not about compassion. It is about fairness. It is about fairness. And this is a bill again that has been bipartisan in its development and required enormous sacrifice from the Democrats in the House of Representatives. We had a much higher goal. This is what is achievable for the children. It should have been signed by the President. There is no reason that he has given that is consistent with the facts.

And so I urge my colleagues to think about the children, to think about Bethany and think about a little boy, Zeke, who was in my office this morning. He is the ambassador of the March of Dimes for 2007. He is 8 years old, born prematurely at a pound and a half, and now going out and speaking on behalf of the needs of other children.

The President is isolated in this. Don't join him in his isolation. Come forward on behalf of the children and let's truly send a signal that we are about the future. I tried to do that when I was sworn in by being surrounded by children. It was a spontaneous moment, but it was one that was clear in its message: We are gaveling this House to order on behalf of the children.

There is nothing more important that we have to do in our work than make sure that our children are healthy and safe. Today we have an opportunity to do that. Let's not miss that opportunity. Let's give a vote for the children and against the President's veto.

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for overriding the President's veto of the State Children's Health Insurance Program Reauthorization. This bipartisan legislation would provide health coverage for 10 million of our most vulnerable children. It is supported by over 80 percent of the American public, as well as bipartisan majorities in the House and Senate and 43 of our Nation's Governors.

The fact that the President and the House Republican leadership continue to oppose this critical, life-saving legislation is difficult to comprehend. All of the excuses that they have trotted out for blocking this bill—that it would cover the rich, or illegal aliens, or that it would institute "socialized" medicine—have been exposed as false. This bipartisan program puts poor kids first, as reflected in the fact that 90 percent of families covered by SCHIP live under 200 percent of the poverty level. It bars coverage of illegal immigrants, as is spelled out clearly in the bill's text. In fact, the bill does not even cover legal immigrants. Finally, the SCHIP reauthorization does not institute "socialized" medicine. Seventy-seven percent of children in the SCHIP program are covered by private insurance companies, and the American Association of Health Insurance Plans, as well as the American Medical Association and PhRMA, all support this bill. The Republicans' other excuse for opposing this bill—that we can't afford it—is disingenuous. This legislation is fully paid for with a tobacco tax. I also find it interesting that those who raise the cry of "fiscal responsibility" when it comes to a few billion dollars for poor children do not seem to have any objections to providing hundreds of billions for the President's disastrous war.

Having revealed that the Republicans' stated reasons for opposing this legislation are patently false, one is forced to wonder what is actually motivating them. I believe that the President and his supporters are blocking this legislation because they are afraid. They are afraid of SCHIP because it demonstrates that health care guaranteed by the government is workable, it is affordable, and it is popular. They worry that if SCHIP is expanded, even more Americans will begin to demand that the government guarantee health care to all our citizens, not just to poor children. After all, every other industrialized nation does so, while spending less than we do and while achieving better health outcomes for its citizens. The Republicans will apparently use every means at their disposal to ensure that health care in this country remains a privilege for those who can afford it, rather than a right guaranteed to all.

Madam Speaker, today's vote raises a moral question. Simply put: will we, as a nation, take responsibility for ensuring that all our children have necessary health coverage? All other issues raised in this debate are obfuscations meant to hide the fact that the party claiming the mantle of "family values" is in fact unwilling to back that slogan with substance. There is only one vote today that truly supports America's families. It is a vote to override this shameful veto.

Mrs. CHRISTENSEN. Madam Speaker, I rise today for one main reason: the 10 million low-income children in this Nation whose health, health care and wellness are very much at stake. This is especially true today as the House votes on whether to override the President's inhumane, unethical and irresponsible veto of the Children's Health Insurance Program.

We honored the promises we made to this Nation when we not only passed the Children's Health and Medicare Protection Act, the CHAMP Act, but when we exercised the art of compromise and passed a bipartisan CHIP bill that, though more modest than the CHAMP Act, still represented a respectable step in the right direction. In fact, the CHIP bill that so many of us stood behind would have provided health insurance coverage to nearly 4 million currently uninsured, low-income children. Unfortunately, despite our tireless efforts, the President opted to veto the bill that would have reduced the number of uninsured children in this Nation by nearly half.

Madam Speaker, we can and should do better, not only because we promised to, but because this Nation's children deserve it. We cannot and should not shortchange the most vulnerable among us, and we cannot and should not relent in our efforts to ensure that our Nation's low-income children have reliable access to the health care services and treatments that they will need to be healthy and to pursue their life's destinies.

Madam Speaker, today we have yet another opportunity to reach across the political aisle and stand together to do the right thing for America's children. As I know my colleagues on both sides of the aisle well know, the children who are currently enrolled and would be newly enrolled in CHIP are not undocumented residents; they are legal American citizens. Efforts to try to derail our intention to override the veto by inundating CHIP in an immigration debate are both unconscionable and inaccurate.

And, the children who are and would be covered by CHIP also are not children from wealthy or even middle-income families who could otherwise afford health insurance. The mythical $83,000 CHIP family is just that: a myth. They are no more real than the weapons of mass destruction we invaded Iraq to find.

The reality, however, is that more than 9 in 10 children enrolled in CHIP are from families with incomes that are below 200 percent of the Federal poverty level. That means, Madam Speaker, that CHIP kids are coming from families earning less than $41,300 a year for a family of four. These are not financially comfortable families. And, these are not families living lavishly off the backs of taxpayers. These are hardworking American families whose children's health care needs often exceed their financial means. They deserve better and their children deserve better, and we ought to override this veto to ensure that the CHIP program captures these kids and keeps them from joining the ranks of the uninsured.

It is has never been lost on me or my colleagues in the minority caucuses that CHIP is a key minority health issue. In fact, 8 in 10 currently uninsured African-American kids and 7 in 10 Hispanic children are eligible but not enrolled in the program. Without health insurance, children suffer worse health outcomes and are less able to enjoy their childhoods because of illnesses that are often preventable. Overriding the President's veto, therefore, not only will help reduce uninsurance among our Nation's most vulnerable children and improve their health, but also will help us reduce the racial and ethnic health disparities that plague our health care system.

I urge all of my colleagues to override the President's veto. We not only can and should do better, but we should demand that the President do more for our children. Let's do it now for all of America's children.

Mr. WELDON of Florida. Madam Speaker, I rise as a supporter of the State Children's Health Insurance Program, SCHIP, which focuses on covering children in families at or below 200 percent of the poverty level, $41,000 per year. I have voted to extend this program and to provide additional resources to ensure that those living in families below 200 percent of the poverty level, $41,000, have access to affordable health insurance through the SCHIP program.

Before sharing my concerns over the bill that was vetoed by the President and that we are voting on today, I would like to share with my colleagues an overview of the SCHIP reauthorization bill that I am joining in introducing today. Our bill will provide families with health care choices, health care transferability and health care security.

The bill I have cosponsored would ensure that all children between 100 percent and 200 percent of poverty are eligible to enroll in SCHIP. In addition to being able to enroll in SCHIP, these families could also decide to use their SCHIP credit to pay for the additional costs of enrolling their children in the parent's employer provided health plan. For those making between 200 percent and 300 percent of the poverty level, our bill would provide a $1,400 per child health care tax credit. This credit would be refundable for those who have tax liability less than the amount of the credit. Parents could use this credit to pay the additional costs of enrolling their children in an employer provided health care plan or in another state licensed health care plan. This plan borrows from the proposal put forward by a broad range of organizations that run the political spectrum—from the liberal Families USA, to the Chamber of Commerce, and the American Medical Association, AMA.

The biggest question remaining after this vote is taken today is whether or not our House Democrat colleagues will do something that they have by and large failed to do so far with regard to SCHIP: invite House Republicans to participate in developing the legislation. To date, House Democrat leaders have abused the rules of debate to totally shut Republicans out of the legislative process.

Two weeks ago, rather than having an up or down vote on the President's veto, the Democrat majority chose to put off the final vote for two weeks in order to engage in political posturing and partisan attacks. Today we are holding that vote and the outcome today is no different than what it would have been two weeks ago. So, why the delay? Solely for partisan posturing. Madam Speaker, our children deserve better and it is time to stop using them as political pawns. Unfortunately, recent press reports are filled with quotes from Democrat leaders stating that they want to keep this alive as a political issue, calling for "repeated votes" and temporary extensions of SCHIP over the next year, rather than approving a long-term bipartisan bill that secures SCHIP coverage for those it was intended for—children in low-income households with family incomes of less than 200 percent of the poverty level.

I would now like to address once again, why I cannot support the bill before us. This bill: 1. Fails to place a priority on first enrolling uninsured children in households earning less than $41,000 per year, 200 percent of the federal poverty level; 2. Expands government SCHIP subsidies to those making far more than the Federal poverty level; 3. Spends half of the additional SCHIP dollars to enroll children in the government SCHIP program who are already enrolled in private insurance; and 4. Uses budget gimmicks—like booting millions of children off of the program in 2012—in order to fool the public into believing they can fund the program for the next 5 years.

It is fiscally irresponsible to expand this program by enticing millions of children in families earning far above the poverty level to drop private coverage and enroll in the SCHIP program that cannot be sustained. In August, House Democrat leaders forced an earlier version of SCHIP through the House that cut over $150 billion from Medicare and moved that money into SCHIP so that they would have a way to pay for millions of new SCHIP enrollees over the next 10 years, including millions of currently insured children from middle and upper middle class families.

Their plan to cut Medicare was rejected not only by Republicans but by the U.S. Senate, and most importantly by the public at large. The bill that the President vetoed is a bait and switch. This nearly triples the size of SCHIP over the next 5 years—including enrolling millions of children currently insured by private plans—only this time they have chosen to hide from the public how they plan to pay for the program for the next 10 years. They ramp up the annual SCHIP budget to nearly $14 billion a year, and then they simply leave it to a future Congress to find a way to continue paying for the massively expanded SCHIP program. And they hand the bill to future generations of Americans. It turns out that their nearly tripling of the Federal cigarette taxes still leaves them tens of billions of dollars short. Americans should be on notice that in 2012 the Democrats will ask for another $180 billion to continue SCHIP for another 10 years.

Particularly troubling is that by significantly expanding SCHIP enrollment eligibility to those far above the poverty level, the Congressional Budget Office, CBO, estimates that millions of new SCHIP enrollees will be children that move from private coverage to the SCHIP program. By moving children from private insurance onto the government program, this bill essentially enrolls 5 uninsured children for the price of 10. Enticing millions of children to drop private coverage and sign up for SCHIP is shortsighted and irresponsible, particularly given the multibillion dollar SCHIP budget shortfall that hits in 2012.

What we should be doing is focusing this program on enrolling uninsured children in households earning less than $41,000 per year. Madam Speaker, our children and the American taxpayers deserve better than what the Democrat leadership has put before us today.

In February of this year, States that had overspent their SCHIP funding grants came to Congress begging for more money to "insure uninsured poor children." The root problem in many of these States was the fact that they had used their Federal grant to enroll children in the SCHIP program who were neither poor nor uninsured. New Jersey, for example had used their grant to enroll children in families with incomes of more than $72,000, even though there were and still are over 150,000 children in New Jersey in households earning less than $41,000 who are uninsured.

I offered an amendment in February that would have refocused SCHIP to make sure that children in families under 200 percent of the poverty level were covered first. My amendment was rejected by the liberal majority on the Committee, who Stated that they had no intent to refocus SCHIP on lower income children. Rather, they planned to continue expanding the program to those well above the poverty level—to include adults and illegal immigrants—as a step toward universal government-run health care. A recent op-ed in the Washington Post, by liberal columnist E.J. Dionne Jr., removes any doubt of this goal by writing: "This battle [over SCHIP] is central to the long-term goal of universal coverage."

While the press releases about today's bill focus on uninsured low-income children, the language in the bill is about much more than uninsured low-income children. If the bill before us was focused on low-income uninsured children, I would be voting for it. The bill before us does the opposite. It repeals recent rules requiring States to ensure that at least 95 percent of those under 200 percent of the poverty level are insured under their State SCHIP programs. Democrat leaders in Congress have responded to the rule by arguing that there is no way to ensure a 95 percent enrollment rate of uninsured children in households earning less than $41,000 per year. They argue that since they cannot achieve the goal we should simply expand the program to those in households earning more than $60,000 a year or more.

They use budget gimmicks to say that their bill is balanced and paid for through higher cigarette taxes. The Heritage Foundation has estimated that the amount of money Democrats estimate they will raise from higher cigarette taxes comes up billions of dollars short and that over the next 10 years they will have to find 22 million new smokers to bring in the amount of cigarette tax revenue they hope to raise. It is also noteworthy that lower-income Americans pay a higher percentage of cigarette taxes, but it is middle-income Americans that will receive most of the expanded SCHIP benefits under this bill.

I am also concerned over provisions included in the bill that repeal the requirement that individuals must prove citizenship in order to enroll in Medicaid and SCHIP. This opens the program to fraud and the enrollment of illegal immigrants. In 2006, the Inspector General, IG, of the Department of Health and Human Services found that 46 States allowed anyone seeking Medicaid or SCHIP to simply state they were citizens. The IG found that 27 States never sought to verify that enrollees were indeed citizens. The Congressional Budget Office (CBO) estimates that repealing this requirement will cost $1.9 billion.

And finally from a Florida perspective, Florida taxpayers come up short. Florida taxpayers will send $700 million more to Washington than we will receive back in SCHIP allocations. Where will Florida taxpayer dollars end up going? Residents of California, New York, Texas, New Mexico, Arizona and New Jersey will be the biggest recipients of Florida tax dollars. Yet, Florida has a higher rate of uninsured children than several of these.

Florida voters will also be asked to foot part of the bill for a $1.2 billion earmark inserted into the 300-page bill at the last minute by the powerful chairman of the committee for his home State of Michigan.

Madam Speaker, let's open up the legislative process and develop a strong bipartisan bill. It is time to end the politics around this issue and ensure that low-income children have access to this program.

Mr. RAMSTAD. Madam Speaker, I rise to urge my colleagues to vote to override the President's veto of H.R. 976, which extends and expands the State Children's Health Insurance Program, SCHIP.

We have a moral obligation to cover all our children so every child in America can grow up healthy. It's the right thing to do; it's also the cost-effective thing to do.

The great Minnesotan Hubert H. Humphrey once said that a key moral test of government is how we treat those who are in the dawn of life, the children. We must not flunk this moral test.

My home State of Minnesota started covering children through its medical assistance program even before SCHIP was created, but we still have far too many children without coverage—73,000 kids.

That's why I strongly support extending and expanding SCHIP. I also hope we can work together to provide greater access to private insurance coverage for America's children and other uninsured Americans.

I urge my colleagues to support overriding the veto. We cannot afford to wait any longer. It's time to break down the barriers to health care for our kids. It's time to reauthorize SCHIP. It's time that all kids have a chance to grow up healthy.

This legislation passed both the House and Senate with strong bipartisan support, and it deserves to become law.

Let's put children's health first and do the right thing. Let's override the veto of the SCHIP reauthorization and reduce the number of uninsured children by at least 70 percent.

There is no better investment than to invest in the health and well-being of America's children.

Mr. BISHOP of Georgia. Madam Speaker, since its inception in 1997, I have been a steadfast proponent of SCHIP, known in Georgia as PeachCare for Kids, and I rise today to urge my colleagues to join me in sustaining this successful program by voting to override the President's veto.

Let me first say that, while my support of children's health care has been unwavering, this is not a perfect bill. Like many of my colleagues, some provisions in the bill concern me. But let us not let "perfect" be the enemy of the "good."

On health care, our country faces a tremendous challenge, and while disagreement still impedes finding creative solutions to encourage responsibility for health care to solve problems of access for adults, it is our moral imperative to rise up and meet these challenges for our Nation's children. Furthermore, as Members of this body, it is our solemn duty to protect the youngest and most vulnerable among us. This legislation presents us with such an opportunity.

It is disappointing to see the administration throwing up so many roadblocks. Indeed, this administration has proven its willingness to "rise up and meet" other challenges. Beyond that, it has proven its willingness to sign blank checks for a military operation with an ever-changing, increasingly expensive mission. For the past 4½ and years we have been engaged in an overseas conflict that has taken a large toll on this country—in terms of both human life and taxpayer money. While it is of utmost importance to ensure our troops continue to have every dollar, dime, nickel, and penny they need to fight this war, we must not neglect our domestic priorities.

The SCHIP reauthorization asks the administration to rise up and meet the challenge of one of those domestic priorities. Plainly, the bill asks for just 41 days worth of Iraq war funding to embark on a clearly-defined, targeted, and morally justifiable mission—providing American children from low-income families with comprehensive health care.

That's right—just 41 days worth of Iraq war funding would pay for the entire SCHIP bill. Just one week of the Iraq war would pay for 1.7 million children. That's enough to cover all the children eligible for SCHIP in Georgia, as well as several other States. One week of war funding would do all that.

To my colleagues opposing this legislation, let me reiterate something many know very well: the President, recently, asked for compromise legislation.

This bill, in fact, represents a compromise, as evidenced by its broad bi-partisan support. Forty-three of our Nation's Governors, including Governor Sonny Perdue of Georgia, support this legislation, as do 270 organizations representing millions of Americans, 68 Senators and a majority of Congress.

I urge my colleagues to join the bi-partisan majority and vote in favor of overriding the President's veto.

Mr. ETHERIDGE. Madam Speaker, I will vote to override the President's veto of H.R. 976. As the only former State schools chief serving in Congress, my life's work has been to provide for a better future for the next generation, and health care is critically important to that effort. There is no doubt that the State Children's Health Insurance Program, or SCHIP, has served this Nation well and must be reauthorized and expanded. The Congressional Research Service reported this week that, at current funding levels, 21 states would run out of SCHIP money before the end of the current budget year, and funding for North Carolina would only provide coverage for needy children through May 2008.

In North Carolina, over 250,000 children who would otherwise have gone without insurance have been served by North Carolina's Health Choice. The services they get through Health Choice—regular checkups and preventative care, doctor and hospital visits when they are sick, and ongoing dental and vision benefits—make sure that North Carolina's children are as healthy and productive as possible and grow up to fulfill their best potential. Untreated illnesses can have long-term consequences, and ensuring access to health care, as SCHIP does in North Carolina and across the country, allows children to remain healthy and strong and head off expensive treatments down the road. As a nation, we must follow through on the promise of SCHIP to protect our most vulnerable citizens.

SCHIP is not government-run medical care as some have falsely claimed. SCHIP is an effective initiative to extend health insurance to working families who otherwise cannot afford to send their children to the doctor when they are sick. In North Carolina, this has meant providing a physician-directed managed care system modeled on health insurance for children of state employees and teachers. North Carolina has about the best child health programs of any state, providing seamless cost-effective care for thousands of at-risk children, each year reducing costs and becoming more effective at providing health care.

The funding increase in H.R. 976 is necessary to address shortfalls in the current SCHIP funding plan, and to allow states to reach more eligible but uninsured children. The bill expands health care coverage to 10 million children in America over the next five years. In North Carolina the $35 billion in this legislation translates into 210,000 covered children, an increase of 90,000 children. Only kids aged 6–17 with families below 200 percent of the poverty level are covered by SCHIP in North Carolina. Even if some of these children have had private insurance for some of the time, their parents only were able to afford it by cutting back on other necessities. We owe it to these children to ensure that they are continuously covered and can get the health care they need when they need it. I wholeheartedly support the increased funding and the guidelines for states in this legislation.

I have withheld my support for this bill in the past due to my concerns about the bill's funding mechanism, and I continue to be concerned about the impact of a tobacco tax increase on North Carolina's rural communities. I am working with the leadership of the House of Representatives to craft an effective disaster relief package that will assist North Carolina's farmers and help to counter any negative impact. As the Chairman of a key Agriculture Subcommittee, I will continue to work to address the needs of farm country, including finishing the Farm Bill with a real safety net for farm families and pursuing disaster relief for drought-stricken regions like North Carolina. Should the veto override fail, I will continue to urge the Congressional leadership to write a new bill that funds SCHIP without placing the burden of funding on the backs of North Carolinians.

After careful consideration, I will vote to override the President's veto, and I urge my colleagues to join me in voting for the children of America's working families.

Mr. STEARNS. Madam Speaker, for the last two weeks the Democrats have continued their political games. They have failed to correct the inherent flaws in this legislation and at a closer section by section look it is clear this legislation contains numerous errors.

Section 101: provides an appropriation of $9 billion in 2008, 25 percent more than governors of both parties have told CMS would be necessary to fully fund SCHIP next year.

Section 211: provides a new citizenship documentation option, but what this new provision does is completely erase the stricter citizenship requirements enacted in the Deficit Reduction Act. The Social Security Administration states that this provision will not guarantee that applicants who use false Social Security Numbers will be identified thus clearly opening the door for millions of illegal aliens becoming enrolled.

I hope the other side stops using these children as political pawns and crafts sound legislation that does not throw away tax dollars for votes.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of overriding the President's veto of the Children's Health Insurance Program Reauthorization Act of 2007.

I was deeply disappointed that the President exercised his veto pen on a bicameral and bipartisan bill. Not so long ago, the President pledged to expand coverage of CHIP to include eligible children who are not yet enrolled in the program. In his September 2004 speech to the Republican National Convention, the President stated—and I am quoting here, "We will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs. We will not allow a lack of attention, of information, to stand between these children and the health care they need." With this veto, the President has reversed course and turned his back on America's children.

The CHIP Reauthorization Act would reauthorize and improve the very successful Children's Health Insurance Program for 5 years. This bipartisan bill would preserve coverage for the six million children currently enrolled who otherwise would have access to health insurance while extending coverage to 3.8 million children who are already eligible, but not enrolled in the program. The bill also includes guaranteed dental coverage and mental health parity in the CHIP program. By reauthorizing this very important program, we will strengthen CHIP by improving the quality of health care children receive and at the same time increase health insurance coverage to one of the most vulnerable segments of our society.

This legislation is paid for. It increases the tobacco tax by 61 cents to a total of one dollar. Increasing the tobacco tax will save billions in health costs and is one of the most effective ways to reduce tobacco use, especially among young children. In short, raising the tobacco tax will prevent thousands of children from starting to smoke and the proceeds of the tax will be used to provide health coverage for children. That is a win-win result.

Madam Speaker, we should do the right and moral thing and override this veto. I strongly urge my House colleagues to override the President's veto on this bipartisan legislation.

Mr. EVERETT. Madam Speaker, I rise today to express my opposition to this attempt to override the President's veto of the Children's Health Insurance Program Reauthorization Act (H.R. 976). This bill expands a good program far beyond its original intent, and opens the door to government controlled healthcare. The SCHIP program was created 10 years ago under a Republican led Congress to fill a gap of uninsured, low-income children whose families fell into a salary bracket too high to receive funds under Medicaid. This bill, however, takes this money and gives it to adults, illegal immigrants, and children whose parents are currently making up to $82,000 a year. This bill would encourage more and more children to move from private health care to health care coverage from the Federal government. According to the Congressional Budget Office, as many as two million children would make this shift.

The Liberal spin machine has tried to frame the veto as "anti-children", while denying the American people the facts. This bill would cost the American people $60 billion over 5 years. This is a $35 billion increase over the current program, and is $30 billion more than the President said he would support. Even the funding sources of this bill have been hidden from the general public. This bill would add a 61 cent tax to every pack of cigarettes, which the Democrats claim will curb smoking among children. This line of thought, however, is intrinsically flawed by the fact that 22 million new smokers will be required to pay for the cost of this bill. How can anyone be anti smoking when they need the very revenue it creates to pay for the healthcare of children? In addition, in 2012, the funding for this program will all but disappear. After a 5-year campaign of signing up as many middle-class children, adults and illegal immigrants as possible, program funds will be cut by 80 percent. This will cause millions of children to be dropped from their healthcare programs, or require an even more extensive funding expansion and burden on the taxpayers.

While supporters of H.R. 976 claim the bill does not allow Federal payments for illegal residents, it severely weakens Federal law to leave those individuals a gaping loophole. Existing law requires documentation proving one's citizenship in order to be covered under Medicaid and SCHIP, however, this bill would merely require a name and social security number. According to Social Security Administration Commissioner Michael Astrue, a Social Security number would not keep someone from fraudulently receiving coverage under Medicaid of SCHIP if they claimed they were someone that they were not.

Two weeks after the President vetoed the bill the Democrat Leadership has decided to play politics and gamble on the health of these children before having this override vote. This stalling tactic has done nothing but shorten the time we have until this program expires. I am proud to sustain the President's veto and I sincerely hope that my friends on the other side of the aisle care about these children enough to create a bill that everyone can stand behind, as it was when the program first began. I urge a "no" vote on the motion to override the President's veto.

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to support the President's veto. It is important for the American people to understand that this debate is not about whether or not to reauthorize the Children's Health Insurance Program, but how we reauthorize it. This bill completely misses the mark. It is a massive expansion of a government-run program that takes resources away from the very children it was meant to help.

In this country there are millions of low-income uninsured children who are currently eligible for government help, but are not enrolled. I firmly believe it is our responsibility to cover the neediest of America's kids first.

The bill the President vetoed did just the opposite.

The Democrats' bill diverts money away from those who need it the most in order to cover kids who already have private health insurance. One in every three kids covered under this bill already has private health insurance coverage. Because the Democrats care more about how much they can expand taxpayer funded entitlement programs rather than helping those who actually need help, I will vote to sustain the President's veto.

Out of respect to the American taxpayer and the uninsured kids who need our help—Congress can and should pass a more fiscally sound bill that puts the poorest kids first.

Mr. LANTOS. Madam Speaker, I rise today in support of reauthorizing a program that has proven to be crucial to the lives of children across the Nation. The State Children's Health Insurance Program—or SCHIP, as it is known—provides access to health care for 6.6 million children. Through bipartisan efforts, Congress is trying to expand eligibility to nearly 4 million additional underserved and uninsured kids, but the President a few weeks ago decided to ignore the will of the people and veto the bill to renew this popular, worthy and socially responsible program.

I can't overstate how extraordinarily troubling this veto is. Rather than spending the $3.50 a day it would cost to provide health insurance for these children, the President instead has cynically claimed the mantle of fiscal responsibility. Had he not already presided over the largest increase in government spending since the New Deal, this claim might not ring as hollow as it sounds. Let's be clear: the President has chosen insurers and tobacco companies over the well-being of more than 10 million children and their families.

This is the wrong issue and the wrong time to pander to business interests.

Madam Speaker, it is unconscionable that American families must choose between buying a warm coat for the winter and having their children immunized. No American families should have to choose between putting food on the table and getting a life-saving operation for their son or daughter.

We go back to our respective districts and meet the people who are forced to make these sorts of decisions on a daily basis. We feel and see the utter insanity of vetoing $3.50 a day for health coverage for our neediest children. As members of the House of Representatives, we speak directly for the American people and we come to the floor to vote with their hopes and wishes foremost in our minds.

Each day that we fail to provide basic health care to kids, is a day we have failed as leaders.

Congress is The People's House, and we have a duty to represent the needs of the American people, not of multi-billion dollar international insurance companies. This administration has sided with big business too many times and at too heavy a cost to the little guy.

Republican President Calvin Coolidge once said, "The business of America is business," and it seems that the current President agrees with him. I say that this Congress' business is the people's business. I urge my colleagues to override the President's veto and allow an entire generation of America's children to grow up healthy.

Ms. SCHAKOWSKY. Madam Speaker, the day is finally here. Today, the American people will see what this body is really made of and where members stand on the issue of children's healthcare. Is this body willing to stand up to the President and override his veto? Or are my colleagues on the other side of the aisle going to fold like a house of cards and follow this President right off a cliff?

The choice is easy—you are either for healthcare for 10 million children or you are not. You can equivocate all you want and come up with an excuse that is politically expedient, but when it comes down to it, there is no way to hide from your vote.

When that voting board lights up this afternoon, we will know and remember those who let 10 million children and their families down. The President and most of the Republicans in Congress will tell you that we can't afford this bill, but don't let them fool you. This bill is fully paid for, unlike the half a trillion dollars that we have already spent in Iraq.

And keep in mind, the members that vote against this bill today are going to turn right around and vote for $190 billion more dollars for the war in Iraq. Unfortunately, it's the children that end up with the short end of the stick. The children the President is refusing to insure today are the same ones that will be forced to foot the bill for the war in Iraq tomorrow.

But you have a chance to make things right today, to set the record straight. You can show your constituents and this country that you care about the millions of uninsured American children more than continuing this disastrous war.

Please, don't let these children down. They need your vote. Vote to override this misguided veto.

Mr. SCOTT of Virginia. Madam Speaker, I rise today in support of the vote to override the President's veto of H.R. 976, the Children's Health Insurance Program Reauthorization Act. While the bill vetoed by President Bush was a watered down version of the bill passed by the House, it was at least a step in the right direction.

The SCHIP bill that Congress sent to the President was a bipartisan effort that renews and improves the Children's Health Insurance program, providing health care coverage for 10 million children. This bill preserves coverage for the 6 million children currently covered by SCHIP and expands coverage to nearly 4 million more uninsured children.

Madam Speaker, two-thirds of Americas' uninsured children are currently eligible for SCHIP or Medicaid but are not enrolled for various reasons. This bill gives states the resources and incentives to enroll, those children.

The President's budget proposal would have increased SCHIP by $5 billion over the next 5 years. This increase fails to cover the costs of simply maintaining the current SCHIP enrollment of 6 million children. In fact, according to the Congressional Budget Office, over the next 5 years, the President's budget would result in over 1 million children losing their SCHIP coverage.

Madam Speaker, the SCHIP reauthorization is supposed to be a bill to expand coverage, not reduce it. I urge my colleagues to support this bill.

Mr. KUCINICH. Madam Speaker, I rise in support of the vote to override the President's veto of SCHIP. I do so because the President's objections to government health insurance for low income children are outrageous.

That said, I still believe, the bill's failure to provide coverage for legal immigrants is reprehensible. All children deserve health care coverage. Health care is a right, not a privilege. The denial of a lifesaving service based on an arbitrary length of citizenship is simply wrong.

It is the responsibility of Congress to address the main difficulties that prevent legal immigrant children from gaining access to health care. This bill does exactly the opposite. Thus I felt compelled to vote against the bill after the Senate negotiators refused to provide health benefits to legal immigrant children. Negotiating away health care for 400,000–600,000 children as a political compromise is not acceptable.

The President has vetoed the bill because he calls it a step toward socialized medicine. This perennial straw-man is trotted out when meritorious arguments are lacking. In fact, SCHIP uses private doctors and private health care plans. More importantly, however, the President is fond of ignoring the volumes of literature showing that government-run health insurance programs that use private hospitals and doctors like Medicare and Medicaid, deliver higher quality care at lower costs with higher rates of satisfaction than private insurance plans. According to a 2007 article in the journal, Health Affairs, administrative costs of private plans were about twice as much as those for Medicaid. Medicare's overhead costs are approximately 3 percent while those of the private sector are closer to 31 percent.

That is one of the main reasons that H.R. 676, the Expanded and Improved Medicare for All Act, is the best cure for our health care ills. It captures the enormous savings to be had if Americans had health care provided through Medicare and uses them to cover everyone for all medically necessary services with no copayments, no deductibles and now premiums. That is how wasteful private insurance is. Providing cheaper coverage through the private sector simply leaves Americans with dangerously weak coverage. About 50 percent of all bankruptcies in the U.S. are related to medical bills. Of those with medically related bankruptcies, about 75 percent had insurance before they got sick. Their so-called "coverage" did not cover them. They were, in fact, underinsured. The President chose to ignore this crisis by vetoing a bill that would have not only covered uninsured children but provided better coverage for many who are one illness away from losing their money and their home.

The provisions in the bill would make substantial and crucial progress in providing health care for all American children. It would provide coverage for 3.8 million more children than are covered now and preserve coverage for 6.6 million more. It would help ensure Ohio can expand its program to include an additional 20,000 children. It targets the lowest-income uninsured children for outreach and enrollment, ensures dental coverage and mental health parity.

The President was fundamentally wrong to veto the SCHIP bill. He needs to understand the economic and moral realities behind SCHIP. I cast my vote to express that.

Mr. UDALL of Colorado. Madam Speaker, I will vote to override the Presidents veto of this urgently needed legislation.

Dr. Martin Luther King, Jr. said "of all the forms of inequality, injustice in health care is the most shocking and inhumane." H.R. 976 does not end health care inequality, but it would have provided continued coverage for children not covered by Medicare but whose parents cannot afford to buy insurance and whose employers do not provide it.

These children—currently 6 million of them—are now eligible for coverage under the Children's Health Insurance Program (CHIP)—but that program is set to expire and the President should have accepted this compromise legislation. Because the President does not accept this bi-partisan compromise bill, these 6 million will no longer have access to quality, affordable health insurance.

This legislation would assure continued coverage for those now enrolled and would provide coverage for an additional 4 million children who currently qualify, but who are not yet enrolled under CHIP.

I believe that health care should be a right, not a privilege, and this act is a step in the right direction toward that goal. So, I support this bill although I wish it went further.

Despite claims by some, this bill does not change the basic nature of the CHIP program. Instead, it maintains current eligibility requirements for CHIP. The majority of uninsured children are currently eligible for coverage—but better outreach and adequate funding are needed to identify and enroll them. This bill gives states the tools and incentives necessary to reach millions of uninsured children who are eligible for, but not enrolled in, the program.

Earlier this year, I voted for the "CHAMP" bill to extend CHIP. The House of Representatives passed that bill, and I had hoped the Senate would follow suit. It would have increased funding for the CHIP program to $50 million, instead of the lesser amount provided by this bill. The CHAMP bill would have also addressed major health care issues, first by protecting traditional Medicare and second by addressing the catastrophic 10 percent payment cuts to physicians who serve Medicare patients.

However, the bill vetoed by the President represents a compromise between the House and the Senate and deserves support today. It will pay for continued CHIP coverage by raising the federal tax by $0.61 per pack of cigarettes and similar amounts on other tobacco products. According to the American Cancer society, this means that youth smoking will be reduced by 7 percent while overall smoking will be reduced by 4 percent, with the potential that 900,000 lives will be saved.

H.R. 976 has the support of the American Medical Association, American Association of Retired Persons, Catholic Health Association, Healthcare Leadership Council, National Associations of Children's Hospitals, American Nurses Association, US Conference of Mayors, NAACP, American Cancer Society Cancer Action Network, and United Way of America.

It is imperative that we vote to override this veto in order to protect those that are most vulnerable in our society by increasing health insurance coverage for low-income children. I hope that we have the opportunity to take up the other important Medicare issues addressed in the CHAMP bill soon.

Ms. ESHOO. Madam Speaker, I rise in strong support of this effort to override the President's veto of H.R. 976, the Children's Health Insurance Program (CHIP) Reauthorization bill.

Virtually everyone with a stake in public health and health care is calling for this bill to be passed. There are 270 groups supporting this bill: 43 Republican and Democratic governors, including Governor Schwarzenegger, the American Medical Association, AARP, America's Health Insurance Plans (AHIP), the Healthcare Leadership Council, and Catholic Charities, among others.

There are at least 10 million reasons to insure the children of our Nation because 10 million children don't have healthcare coverage today.

The bill provides dental care, mental health benefits, and other medically necessary benefits that are part of the program.

The bill provides coverage to expectant mothers.

The bill allows States to provide assistance for CHIP-eligible kids to secure private insurance through a parent's employer-sponsored coverage.

The bill is fully funded by a 61-cent per pack increase in the tax on cigarettes.

The opponents of this bill are hiding behind the thinnest arguments.

They say there are only 500,000 uninsured kids who are eligible for CHIP that we need to enroll. This is incorrect. According to the Urban Institute, there are more than 6.6 million low-income children who qualify for CHIP but are yet to be enrolled. This bill provides States with the resources and incentives to ensure these kids get the coverage they're eligible for.

The President says the program will cover children in families with incomes of up to $83,000 a year. Senator GRASSLEY, the Ranking Republican on the Senate Finance Committee, disputes this charge, saying "the president has been served wrong information about what our bill will do." In fact, the bill provides incentives for States to enroll children below 200% of poverty and any State that chooses to provide more generous coverage must get approval from the Administration.

Opponents assert that the bill increases taxes on "working people." The truth is it increases taxes on smokers. Not only does this help pay for the program, but according to the Institute of Medicine, by increasing the tobacco tax, there will be a decrease in tobacco use, particularly among young people.

Opponents assert the bill will cover adults not children. Although the program has been used to cover adults in the past, this practice will be phased out over the next two years.

Opponents assert that the bill gives coverage to undocumented aliens. There is nothing in the bill that would provide such coverage. In fact, the bill says, "nothing in this act allows federal payment for individuals who are not legal residents."

The moment has arrived for the House of Representatives to override the President's veto of the Children's Health Insurance Program, and when we do, we will stand next to the children and on the side of a brighter future for them and our entire country.

Mr. McDERMOTT. Madam Speaker, this is the choice we have to make today. We stand up for our children and their future or we stand down with the President and tobacco companies. Good health or no health for millions of poor and disadvantaged children across America—that is what's at stake today.

The President will spend $50 billion in 5 months on a war in Iraq, but he won't spend $35 billion over 5 years on poor and vulnerable kids. We pay for SCRIP but we will keep paying for the war for decades to come. We take care of our children while the President passes his war costs on to our children, and grandchildren.

We can vote to provide access to quality, affordable health care for our Nation's children by voting to override this veto, or we can vote to sit back and watch the economic security of our working families erode day by day, as this Administration has done.

The President said he is using his veto pen on SCRIP to show he is relevant, but with the stroke of a pen he has merely shown he is irresponsible with the health and welfare of America's future.

Let's set a good example for our children and support a bipartisan, fiscally responsible, health care bill that will get us one step closer to universal coverage for all Americans.

Mr. McGOVERN. Madam Speaker, in Massachusetts, we have begun to address the crisis of the uninsured. We believe health care is a right, not a privilege for the wealthy.

The president's veto of the bipartisan SCHIP compromise abandons 11 million children, including 90,500 Massachusetts children. That is unacceptable.

I wish President Bush would take the time to meet hardworking families like the O'Neils of Fall River. They were just blessed with their first child, Sean. Dad works several jobs while his wife recovers her health.

But the cost of all those doctors' visits and immunizations add up. Thanks to SCHIP, Sean is a happy, healthy baby.

But thanks to the President's veto, my proactive State exhausted its SCHIP allotment on October 1. Even with the extension, all of its funds will be gone by January 11.

To justify his position, the President has decided to distort what this good bill actually does. It doesn't cover well-off families. It doesn't cover illegal immigrants. What it does do is give a hand to millions of families who are struggling to provide health care for their kids.

I simply don't understand the President's priorities. He's more than happy to sign bills giving billions of tax breaks to oil companies and multi-millionaires, but he won't sign a modest, fully-paid-for bill that helps millions of low-income children? He's willing to spend hundreds of billions of dollars—none of it paid for—in Iraq but is unwilling to sign a bill that is paid for and will keep children from losing their health care?

That makes no sense to me.

This bill has the support of the medical community, children's advocates, and even the insurance industry. There is simply no reason for the President to reject it, other than partisan politics.

I will continue to fight for this important program, and I urge all of my colleagues, Republican and Democrat, to do the same.

Mr. ORTIZ. Madam Speaker, this is a defining moment for the state of health care in this Nation . . . a defining moment for this Congress . . . and a moment when the country will watch this government take sides.

The State Children's Health Insurance bill is one of the best pieces of bipartisan legislation the House has considered in a decade. It lays bare the most significant difference between what this Congress supports and what the President—and those who stand with him in support of his veto—supports.

Supporters of SCHIP stand with working families and children . . . opponents here in Congress—and the President—stand with insurance companies. The President's veto cut off health care for over 120,000 kids in Texas.

There's just no lipstick to pretty up this pig. The President's veto was downright mean. He leaves a legacy of a war he won't pay for and children he won't give health care to. Being for war and against kids is an awful record and a horrible legacy.

Those who stand with the President today in sustaining his veto of this bipartisan bill will bear the ridicule of that record the next time they face the voters.

Those who do an unpopular thing—knowing it is the right thing to do—are rewarded by history. History will accurately note that those supporting the President in this veto are doing the bidding of the health insurance companies, at the expense of our children. Those supporting the President's veto are doing the wrong thing for the wrong reasons.

Congress created SCHIP in 1997 with broad bipartisan support. This year, 6 million children have health care because of SCHIP. The program has worked well in Texas. This has been an excellent investment for our nation, given that health care costs without insurance would be much more expensive.

The President highlighted his support for SCHIP while running for re-election in 2004. Today he—and those who stand with him in sustaining this veto—show their true colors: say one thing in political campaigns, do another when the moment comes to record your vote . . . when the rubber hits the road.

I urge my colleagues to override this veto. We are the last hope of children and families all over this country. They are watching us—all of us.

Mr. RODRIGUEZ. Madam Speaker, today the House of Representatives has an historic opportunity to provide health insurance for 10 million children from low-income families. In fact, when the House takes up a motion to override the President's veto on the State Children's Health Insurance Program (CHIP) Reauthorization Act, it will be the second time in as many months that Congress votes to provide low-income, working families with health insurance for their children.

This legislation, passed by Congress in September, is an essential step in providing better access to healthcare for the 47 million uninsured individuals in this country, 5 million of whom are children. One could argue that the state of Texas, which has the highest percentage of uninsured individuals of any state in the Nation, needs this bill the most. Texas is home to a staggering 1.4 million children who lack even the most basic health insurance.

The CHIP Reauthorization that President Bush vetoed provides health insurance for 10 million underprivileged American children. The bill adds $35 billion for the CHIP program over the next 5 years. It maintains coverage for the 6 million children who are already enrolled, and allows for an additional 3.8 million who are already eligible for the program to start receiving benefits.

Instead of supporting this modest expansion, President Bush wants to increase funding for CHIP by a mere $5 billion over the next 5 years. Such a proposal would not allow for any new eligible, uninsured children to enroll in the program. In fact, according to the nonpartisan Congressional Budget Office, President Bush's proposal would result in 840,000 children losing their CHIP coverage.

We cannot in good conscience enact a program that will push children from the CHIP rolls. I will stand behind the Congressionally-passed CHIP authorization and hope that my colleagues in the House of Representatives join me and override the President's veto today.

Ms. WOOLSEY. Madam Speaker, it's disappointing that the Administration and many Republicans can't get their priorities in order and support an expansion of SCHIP. The Administration's veto of H.R. 976, the Children's Health and Medicare Protection Act, shows just how far its priorities are from the rest of this country.

The Administration said it's too expensive. Yet the Administration has had no trouble spending half-a-trillion dollars on the occupation of Iraq. The Administration's priorities are clear: Unlimited money for occupation, no money for kids. Currently, we're spending about $14 million dollars per hour on the occupation. That means we could provide medical, dental, and mental health care to more than 10,000 low-income children for the cost of just one single hour in Iraq.

This bill was an opportunity for us to stand up and say that 10 million of our Nation's children deserve health coverage and access to dental and mental health services. In California, that would have provided 607,000 additional children with health insurance. By vetoing this bill, the Administration has turned its back on these children.

Additionally, the Administration has abandoned its promise to our Nation's military service members and their families. This legislation amends the Family and Medical Leave Act, the landmark workplace protection legislation passed 14 years ago, to provide the spouse, child, parent, and next of kin of an injured service member with 6 months of unpaid, job protected leave to care for their wounded loved one. This language is identical to the bipartisan bill, H.R. 3481, the Support for Injured Servicemembers Act, which Chairman GEORGE MILLER and I have championed in the House and Senators CHRISTOPHER DODD and HILLARY RODHAM CLINTON have fought for in the Senate. We have a moral obligation to honor our military families, who should never have to choose between keeping their jobs and support and meeting the needs of their loved ones. As the Chairwoman of the Workforce Protections Subcommittee, I believe we can no longer afford to deny these dedicated men and women the urgently needed protections included in this bill.

Children are 25 percent of our population but 100 percent of our future. I look forward to working with my fellow Members to continue to protect the health and well-being of our Nation's most valuable resource: Its children.

Mr. WILSON of South Carolina. Madam Speaker, despite all the rhetoric about the State Children's Health Insurance Program which was created by Republicans, the fact remains that we all want low-income children to have access to health care. The only difference is that Republicans have stood by the principle of covering poor children first and not covering adults, illegal aliens, and those already covered by private insurance.

The President's SCHIP proposal provides an increase of $5 billion to cover those who are currently enrolled and the 500,000 children eligible but not yet covered. The billions more in spending that the Democrats are requesting will use taxpayer dollars to provide health care for individuals SCHIP was never meant to cover. Additionally, the Democrat proposal pulls the rug out from underneath these children when funding to the program is drastically cut in 2012.

When you take the Democrat legislation at face value and look past the political rhetoric and the demagoguery, the Republican proposal to promote SCHIP is best for families and children.

In conclusion, God bless our troops, and we will never forget September 11.

Mr. LEVIN. Madam Speaker, I rise in strong support of overriding the President's veto on the Children's Health Insurance Program.

The bill would provide health coverage to more than 10 million low-income kids. In my home State of Michigan, this means expanding a program that works to 80,900 kids that are already eligible. The families of these kids make between $20,535 and $41,300 a year.

The claims against the bill are false.

This program is not for well-to-do families. Most kids the bill would cover are in families making less than $41,300 a year.

This is not about socialized medicine. It covers kids under the same private health plans and private doctors that treat the 6 million kids in the original program authorized in 1997 under a Republican Congress.

This is not about providing health insurance to illegal immigrants. Undocumented immigrants have never been eligible for the Children's Health Insurance Program and this bill requires that kids show proof of citizenship to enroll.

Today we have a choice to make. Do we, as Representatives of the 9 million uninsured kids in America, expand an effective program to provide insurance to 10 million low-income kids? Or do we let rigid ideology and false arguments stand in the way?

Mrs. BOYDA of Kansas. Madam Speaker, I am deeply troubled by the high-pitched rhetoric that dominated the recent SCHIP debate. Very unfortunately, the remarks of a few Members of Congress on both sides of the aisle crossed the line between civil discussion and a partisan shouting match. Not only are such comments inappropriate, but they distract from the critical issues facing America today.

I hope that, as the debate on SCHIP moves forward, Congress can move past the political rhetoric and focus on what really matters: helping low-income families who have no other way to afford health care for their kids.

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of this effort to override the President's veto of the State Children's Health Insurance Program Reauthorization Act.

This legislation would provide health care coverage for 10 million American children, at a cost of less than $3.50 a day per child. The State Children's Health Insurance Program Reauthorization Act is supported by individuals and organizations from across the political and ideological spectrum. It is supported by 81 percent of Americans, the majority of Congress, 43 Governors, and more than 270 organizations, including AARP, American Medical Association, and America's Health Insurance Plans.

The arguments against this bill are at best distorted and at worst flat wrong. This legislation targets low-income children, it utilizes private health insurance, and it is paid for. H.R. 976 is also a bipartisan compromise bill created with cooperation of the House, Senate, health care providers, and consumers. Most importantly, ensuring our children have health care is the right thing to do.

As a mom, it is unconscionable to me to choose not to provide health care for children in need. As a Member of Congress, I am disappointed, but not surprised, that this President has put politics before the health of America's families.

Investing in our children's health care must be a priority. I urge my colleagues to join me in voting to override the President's misguided veto of H.R. 976.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 273, nays 156, not voting 4, as follows:

[Roll No. 982]

YEAS—273

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
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Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
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Dicks
Dingell
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Donnelly
Doyle
Edwards
Ehlers
Ellison
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Emanuel
Emerson
Engel
English (PA)
Eshoo
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Frank (MA)
Gerlach
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Hill
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Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
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Larsen (WA)
Larson (CT)
Latham
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Lee
Levin
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McNulty
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Melancon
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Miller (MI)
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Miller, George
Mitchell
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Moore (KS)
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Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
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Oberstar
Obey
Olver
Ortiz
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Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
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Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
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Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
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Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
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Shuler
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Smith (NJ)
Smith (WA)
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Tauscher
Thompson (CA)
Thompson (MS)
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Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
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Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

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Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
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Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
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Hayes
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Herger
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Miller, Gary
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Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOT VOTING—4

Carson
Jindal
Johnson, E. B.
King (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

☐ 1317

So (two-thirds not being in the affirmative) the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. KING of New York. Madam Speaker, due to the sudden circumstances regarding my mother's health, I will not be present during today's rollcall vote on the override of the Presidential veto of the Children's Health Insurance Program Reauthorization Act (H.R. 976). If I were present, I would vote "yea."

The SPEAKER pro tempore (Mrs. TAUSCHER). The veto message and the bill will be referred to the Committees on Energy and Commerce and Ways and Means.

The Clerk will notify the Senate of the action of the House.

## LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. I yield to my good friend, the gentleman from South Carolina, for the purpose of inquiring about next week's schedule.

Mr. CLYBURN. I thank my friend for yielding to me.

Mr. Speaker, on Monday the House will meet at 12:30 p.m. for morning-hour business and 2 p.m. for legislative business, with votes rolled until 6:30 p.m. We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business tomorrow.

On Tuesday, the House will meet at 9 a.m. for morning-hour business and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. We expect to consider H.R. 1483, the Omnibus Parks and Public Lands Act; H.R. 1011, Virginia Ridge and Valley Act; H.R. 505, Native Hawaiian Government Reorganization Act; H.R. 3685, Employment Nondiscrimination Act; and H.R. 3867, Small Business Contracting Act. On Friday, there will be no votes in the House.

Mr. BLUNT. I thank the gentleman for that information. There are really a couple of bills I wanted to ask about that I wonder when and if they are going to be coming back. As the gentleman knows, we only have a few more weeks of legislation outside of what we might have to do on the appropriations bills.

Yesterday, I spoke on the floor, and others did, in opposition to the FISA bill, the Foreign Intelligence Surveillance Act bill, that was on the floor yesterday. We quit in the middle of that debate. I am wondering if the gentleman has any information on when that bill may come back to the floor or if you have any information that it wouldn't be coming back.

I would yield.

Mr. CLYBURN. I thank the gentleman for yielding. We do expect the bill to come back to the floor, and it is under discussion as to when that will be.

Mr. BLUNT. I thank the gentleman for that. I would say that we would be interested in trying to continue to work to get a bill on the floor on this important issue that a broad base of Members of the House on both sides could support. And as we were able to talk about earlier today, I would hope that we would have a chance maybe to look at that bill one more time.

The other bill that got a lot of attention this week was the bill that was reported out of the House Foreign Affairs Committee on Armenian genocide, and I wonder if my friend has any sense of the status of that bill.

I yield to the gentleman.

Mr. CLYBURN. I thank the gentleman. We are still looking at that bill, and we expect next week to have some announcements about it.

Mr. BLUNT. I thank the gentleman for that information. We are very interested in that bill.

On the bill that we just voted on, a vote that would have been pretty easy to predict, I believe, 2 weeks ago, I noticed just this week that the Governor of New York said that he would be willing to accept new language in that bill that would eliminate his State's ability to cover families at over 400 percent of the poverty level. I would suggest that that is one of the compromises that would really be helpful, if we could eliminate that level that appears to only initially apply to the State of New York. Last week, when Mr. HOYER and I discussed this, he suggested that if the veto was sustained, that his view was that we should have an opportunity to work together on a bill that could come to the House floor. And I am wondering if the gentleman has any information on how the majority intends to move forward now on that bill.

I yield to the gentleman.

Mr. CLYBURN. I thank the gentleman. I can tell the gentleman that we are serious about extending coverage to 10 million children. I think that the issue you just raised is an issue that has been talked about quite a bit, especially in the media, for the last 2 or 3 days, and I suspect that that is one of the things that we would be taking a look at in order to try to bring some resolution to. I think, so long as we can maintain the intentions to cover 10 million children, everything else will be under discussion.

Mr. BLUNT. I would particularly think that that would be the topic I just raised, where families of four could make up to $83,000 a year and still have their children insured by taxpayers, would be one of the areas that, if we could deal with that issue, that would be a significant step on the bill, maybe not the only step necessary. But if we could now get in a situation where we could do what the vast majority of the House said they wanted to do just a few weeks ago when we definitely went on record saying we don't want this State Child Insurance Program to go out of existence but we want to do what we can to be sure that it is meeting the real goals of the program.

☐ 1330

That would be helpful. And any efforts that we can collectively make to where we work together on this would be, I think, helpful in reaching a conclusion. And I think this too: unfortunately, I don't think many minds were changed in the last 2 weeks, and we lost 2 weeks that we could have been talking. But that's behind us now, and I'm hoping we move forward.

The other major topic that I wanted to ask a question about today to my friend was on appropriations. I've been asking every week since we started the new fiscal year, or approached the new fiscal year, when we were going to have some bills on the floor or to go to conference, rather, on bills. On the Military Quality of Life bill, the Senate Democrats have been named to the conference. The Senate Republicans have been named to the conference. The House Republicans have been named to the conference. And I'm wondering if the gentleman has any sense of when we might actually see something now begin to happen on these appropriations bills.

I yield to the gentleman.

Mr. CLYBURN. I thank the gentleman for yielding.

I wish I could give you some good sense of where we are with all of that. As you know, these discussions are taking place. The rules are a little bit different with the Senate than they are with us. We've done our work here on the House side. I would hope that those conference committees will get ready real soon. I'm sure that we'll take them up as soon as they are ready, and I hope that will be very soon. I have no sense as to when that will be. I'm very hopeful, like you are, I'm sure, that it will all be between now and November 16.

Mr. BLUNT. Well, I appreciate the gentleman's view on that. I am hopeful. I think we've got a handful of bills that have been approved now by both the House and the Senate, bills reported over to the House from the Senate; and my view is that we're beyond the time when we should have been reaching some conclusions on these bills, and urge the majority to work with the minority and find a way to get these bills done.

I think in the Mil Qual Veterans area there was a substantial increase. There's been an increase every year for the last dozen years. But a substantial increase to the tune of like $18.5 million a day in benefits to veterans and military families; and every day we let that go by just complicates the delivery of those services. And I hope we can move forward.

Mr. Speaker, I yield back my time.

## ADJOURNMENT TO MONDAY, OCTOBER 22, 2007

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. CLAY). Is there objection to the request of the gentlewoman from California?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

## COMMUNICATION FROM STAFF MEMBER OF COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following communication from Greg Lankler, Staff Assistant, Committee on Appropriations:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
*Washington, DC, October 18, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: I am submitting this letter pursuant to Rule VIII of the Rules of the House of Representatives. On October 11, 2007, I received a grand jury subpoena issued by the U.S. District Court for the Central District for California. After consulting with the Office of General Counsel, and based on the information currently available to me, I have determined that the ad testificandum aspect of that subpoena is not consistent with the rights and privileges of the House, and the duces tecum aspect of the subpoena seeks records that are not material and relevant.

Sincerely,

GREG LANKLER,
*Staff Assistant.*

## INTERNET GAMBLING REGULATION AND ENFORCEMENT ACT OF 2007

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I rise today to enter a letter cowritten by my Maryland Attorney General which raises concerns about the impact that the Internet Gambling Regulation and Enforcement Act of 2007 would have on the power of the States to make and enforce their own gambling laws. In my view, the letter raises questions that merit the consideration of my colleagues.

SEPTEMBER 28, 2007.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: We, the Attorneys General of our respective States, have grave concerns about H.R. 2046, the "Internet Gambling Regulation and Enforcement Act of 2007." We believe that the bill would undermine States' traditional powers to make and enforce their own gambling laws.

On March 21, 2006, 49 NAAG members wrote to the leadership of Congress:

"We encourage the United States Congress to help combat the skirting of state gambling regulations by enacting legislation which would address Internet gambling, while at the same time ensuring that the authority to set overall gambling regulations and policy remains where it has traditionally been most effective: at the state level."

Congress responded by enacting the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA), which has effectively driven many illicit gambling operators from the American marketplace.

But now, less than a year later, H.R. 2046 proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling companies to do business with U.S. customers. The Department of the Treasury would alone decide who would receive federal licenses and whether the licensees were complying with their terms. This would represent the first time in history that the federal government would be responsible for issuing gambling licenses.

A federal license would supersede any state enforcement action, because §5387 in H.R. 2046 would grant an affirmative defense against and prosecution or enforcement action under and Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

The bill would legalize Internet gambling in each State, unless the Governor clearly specifies existing state restrictions barring Internet gambling in whole or in part. On that basis, a State may "opt out" of legalization for all Internet gambling or certain types of gambling. However, the opt-out for types of gambling does not clearly preserve the right of States to place conditions on legal types of gambling. Thus, for example, if the State permits poker in licensed card rooms, but only between 10 a.m. and midnight, and the amount wagered cannot exceed $100 per day and the participants must be 21 or older, the federal law might nevertheless allow 18-year-olds in that State to wager much larger amounts on poker around the clock.

Furthermore, the opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

H.R. 2046 effectively nationalizes America's gambling laws on the Internet, "harmonizing" the law for the benefit of foreign gambling operations that were defying our laws for years, at least until UIGEA was enacted. We therefore oppose this proposal, and any other proposal that hinders the right of States to prohibit or regulate gambling by their residents.

Sincerely,

DOUGLAS GANSLER,
*Attorney General of Maryland.*
BILL MCCOLLUM,
*Attorney General of Florida.*

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 106

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor on House Resolution 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## HONORING THE LIFE OF RON PRESCOTT

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, I regret that the Los Angeles Unified School District in California lost one of its most prestigious leaders. Ron Prescott died a week ago, and for over 30 years he represented the district in Sacramento, California, the capital.

Ron Prescott, over the years, was voted one of the top lobbyists for children. He was charismatic, he was diplomatic, but most of all, he was dedicated to the children of our State, and particularly the second largest school district.

Ron Prescott had a way of influencing you to do the right thing. When there were several attempts to break up the unified school district, it was Ron that saved our district.

When you needed to know the facts on funding for certain programs, it was Ron who was there with the facts.

He was never the kind to be obnoxious, but the kind that you could understand. He was always clear. He was always factual. He was always committed.

We have lost a great educator. We mourn his loss.

## HONORING THE LIFE OF ERNEST WITHERS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, earlier this week, Memphis, Tennessee and the Nation lost a great photographer and a great public personage in Ernest Withers. Ernest Withers died at the age of 85. He was a gentleman who was at the right time at the right place with the camera that took the picture that showed the civil rights movement, showed the history of Memphis, Tennessee and its progress from segregation to integration to a city that's one of America's great cities today.

Mr. Withers was one of the first African Americans hired as a police officer in the city of Memphis in 1949. He left that profession and went into photography. And whenever there was an event, Mr. Withers was there. He took a picture of B.B. King and Elvis together on Beale Street. The King and the King together on Beale, back in about 1956, when B.B. was thin enough that you wouldn't recognize him, and Elvis was thin too.

He had pictures of Dr. King and the civil rights movement. He covered Oxford, Mississippi; he covered Medgar Evers. He covered all of the major civil rights events that came throughout the mid-South.

He was published in People Magazine and the New York Times, and Ebony and Jet, and was honored by the Memphis College of Art with an honorary degree in 1992, and by the Missouri School of Journalism for his great work in photography.

He'll be missed in Memphis, and his collection needs to be maintained and made available to all citizens for remembrance of what went on during the civil rights era. He'll be missed by all of us. He'll be remembered in history books and museums.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 106

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that my name be removed from House Resolution 106 as a cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

## CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–65)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2007.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 18, 2007.*

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1345

## PREVENTABLE INFECTIONS OCCURRING IN HEALTH CARE SETTINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, in the news headlines yesterday and today, we learned that more people die from an infection called MRSA than die from AIDS. The news, however, is much worse than this. And that is, if you look at the amount of preventable infections that occur in health care settings, it actually is more like 90,000 people die, will die this year from preventable infections in health care settings, and over 2 million cases will occur.

The cost to our health care system in America is over $50 billion. As we look at the cost of health care and how families cannot afford it, it is important that this Chamber take into account what we can do to reduce costs and fix the system and not just finance the system. And this is one of those areas.

Now, recently, the Center for Medicare Services, CMS, also said that they would move towards not funding treatment of preventable infections in hospitals. Now, although that is an important move, and one that will save a great deal of money and one that we believe will help motivate health care centers to take more action, it still does not help with a couple of issues. One is that there's not a universal system across America where citizens can find out what are the infection rates within certain health care settings. And those are important because when one is selecting a hospital for care or going to a clinic, it would be good to know what those infection rates are.

You know, for example, it's mandated by law that airlines have to report their on-time rates for when they depart or arrive at the gates at an airport. However, you cannot find that information about the safety levels of the hospital which you may be going for treatment or surgery, and we need to make that available.

Nineteen different States require some level of this, but, quite frankly, it is a hodgepodge of different requirements. Some report to the Department of Health. Some report some diseases and not others. And we need to make this uniform across the Nation so that patients can tell and that it is an important aspect of helping people to understand before they go into a hospital.

Now, the thing about this is these infection rates are preventable. You have issues such as MRSA, methicillin-resistant staphylococcus aureus; pneumonias; urinary tract infections; and others that could be preventable by a couple of important procedures: Washing hands; wearing gloves for procedures; sterilizing equipment; cleaning up before and after procedures, including patients' rooms and other areas; making sure that visitors to the hospital follow these same procedures; wearing a hospital gown or other clothes so that patients do not get exposed from one doctor visiting one room to the next. Some countries even require visitors to wear masks and a gown and to scrub. I understand in the United Kingdom they require the doctor to make sure they scrub and not wear jewelry room to room and to put on a different gown as they go to each room so that diseases are not spread. These are important steps that can take place. However, we don't have any kind of universal reporting system in this country.

My bill I introduced called H.R. 1174, the Healthy Hospitals Act, would help to make this uniform. And that is it would require the Secretary of Health to come up with a system of reporting and hospitals would give their information and there would be an annual report to Congress of best practices to reduce these deadly diseases.

It is tragic that more people die from infection they pick up at a health care center each year than all of our soldiers who died in Vietnam. And if we saw this as the emergency that it is, if, for example, we had heard that a plane crashed somewhere and a couple hundred people died, we would know that all sorts of Federal agencies would be all over that investigating that. If the next day another plane crashed and a couple hundred more died, an uproar would be across America as to what is happening to airplane safety. If it happened a third day in a row, probably we would shut down the airports. But here, when someone dies every 5 minutes, new infections occur all the time, we do not take this kind of action. And we need to see this as an emergency, particularly because there has been a number of hospitals which have tackled this problem and have solved this problem and have virtually eliminated some of their infection rates. We need to do this as a Nation.

In addition, my bill, H.R. 1174, would also provide, from the savings that come from reducing these infections, a grant program to hospitals that have been able to massively reduce or eliminate their infection rates.

We need to gather together as a Congress and no longer ignore this problem, which is leading to so many deaths. We need to acknowledge those hospitals and health care settings that are leading to major changes and cleaning this up and also help those hospitals that are not. We can no longer hide from this problem when we see in the news the number of deaths that are occurring there, and even now so many have this, the things that are occurring in schools as well.

We have to take vigorous action as a nation to save these lives. And I would hope that my colleagues would sign on as supporters of this bill.

## PRESIDENT'S VETO OF CHIP REAUTHORIZATION

The SPEAKER pro tempore (Mr. CLAY). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I am deeply saddened that we have failed to override the President's veto of legislation to reauthorize the Children's Health Insurance Program. This action represents a misstep of historic proportions.

It also saddens me that several Members on the other side applauded when this body failed to override the President's veto. By voting against this bipartisan, bicameral legislation, some Members of Congress have turned their backs on more than 10 million poor children who need health insurance now.

Let me be clear. The legislation that was vetoed today was an excellent piece of legislation, and our children will be worse off without it. The continuing resolution that we passed will temporarily cover children who are currently enrolled in CHIP, but the uncertainty surrounding the program's future leave our children's futures uncertain. Some States are already indicating that they will make cuts to the program if they cannot rely upon a steady Federal funding stream.

Further, the continuing resolution fails to address many of the critically important measures that we included in the reauthorization. Notably, dental, mental, and vision coverage are all absent.

We need no greater reminder of the need for these provisions than the recent death of Deamonte Driver, a 12-year-old boy from my home State of Maryland who died when an untreated tooth infection spread to his brain. Yes, he died.

Those who voted against this bill have ignored the calls of more than 81 percent of the American people and members of the Democratic and Republican Parties who support the initiative. Because of their lapse in judgment, 4 million uninsured children, 65,500 of them from my home State of Maryland, will be denied the coverage that Congress intended to grant them. Further, my colleagues who voted against this bill have shut the doctor's office door on approximately 6 million children who currently rely on CHIP for health insurance.

It chills the conscience to think of all those children who will be forced out of care.

It is particularly upsetting to consider how this will affect children with chronic disease who rely upon the CHIP benefit to get the care they need to simply survive. Lives are in the balance.

Bipartisan coalitions, including the National Governors Association and the United States Conference of Mayors, recognize the unique moral obligation we have with this legislation. Earlier this week, Mayor Sheila Dixon of my hometown of Baltimore held a press conference to call on Congress to override the President's veto. She also joined 20 mayors from across the country in signing a letter making the same appeal. Unfortunately, some of our colleagues in this Chamber stubbornly failed to acknowledge the reality that so many of us have clearly seen.

Mr. Speaker, I could talk about the benefits of reauthorizing CHIP as I have in the past statements before this Chamber, but today I will take a different approach by letting my Republican colleagues speak for me. Specifically, Mr. Speaker, I will associate myself with the following comments:

Republican Senator CHUCK GRASSLEY of Iowa said, "This is not a government takeover of health care. This is not socialized or nationalized medicine or anything like that."

Republican Senator ORRIN HATCH of Utah called the bill "an honest compromise which improves a program that works for America's low-income children."

Republican Congressman DON YOUNG of Alaska said, "Issues such as the health and well-being of our Nation's children are nothing to play politics with and nothing to scrimp on."

Republican Congressman VITO FOSSELLA of New York said the bill "will put millions of young people on the road to a longer and healthier life."

And, finally, Republican Congressman WAYNE GILCHREST from my home State of Maryland expressed his support for the bill, noting, "It focuses on the lowest income kids and fixes a lot of problems with the current program."

Mr. Speaker, I deeply regret that the President and some of our colleagues lack the foresight to recognize the critical importance of passing the CHIP reauthorization. We simply must regroup and pass this vital piece of legislation.

Access to quality care is not a privilege; it is a right. We cannot afford to play politics with our children's lives.

## FISA MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I found the comments of my friend from Maryland very interesting. I would just remind the Speaker and all who have looked on the vote today about the veto of SCHIP that when we passed the continuing resolution, we passed a continuation of SCHIP. So no children should be affected adversely during these weeks as we work to reach the compromise that the President has said he is working for.

Mr. Speaker, I thought this should be called the "FISA Week," Foreign Surveillance Intelligence Act Week. But now because of the actions of the majority, we were not able to vote on that particular bill as it was presented to us earlier this week. We already knew we would be prohibited from offering any amendments, as the Rules Committee granted a closed rule.

So let us call this the "FISA Month," since we now know there is consideration for bringing the FISA bill back next week and the importance of FISA, foreign intelligence surveillance, cannot be overestimated.

Yesterday, the Speaker of the House took the floor in the debate on the rule and, in a diplomatic or parliamentary tour de force, managed to contradict the United States Constitution, every decision made by the United States Supreme Court on this issue, and the decisions made by the appellate court of FISA, the FISA Courts. And that was when she suggested that the Constitution does not grant any inherent authority to the President to involve himself or direct, that is, foreign intelligence. As a matter of fact, every Supreme Court decision since the beginning of the Republic has recognized that. With respect to exclusivity of the law, every Supreme Court decision has recognized that such a law cannot be exclusive, as does the FISA Court, the appellate court under the FISA structure itself.

Interestingly, however, when we do look at FISA, the bill that was brought forward to us as a result of a manager's amendment's being incorporated into the bill presented to us, it contains this language: This deals with the situation in which we have, everyone agrees, a constitutionally permitted wiretap or otherwise means of collecting communications between Osama bin Laden, a terrorist target in a foreign country, a foreigner in a foreign country. We have every right to gather that information under the law. There's no disagreement. But here is what happens under the bill presented to us:

If the electronic surveillance referred to in that paragraph dealing with what we presume to be foreign-to-foreign communications inadvertently collects a communication in which at least one party to the communication is located inside the United States or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General, and, now, this is the important language, "that require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated, or used for any purpose or retained for longer than 7 days unless a court order" is given, "or," further it says, "unless the Attorney General," and this requires him specifically, "determines that the information indicates a threat of death or serious bodily harm to any person."

Now, why is this unfortunate? It is unfortunate because it changes the way we handle minimization in the criminal justice context. If we have a legal wiretap on a mafioso member and he happens to call his sainted mother or a priest or someone else, and that, therefore, is someone who was not under the wiretap, you don't have to go back to a court to get another court order in order to use whatever he said, that is, the mafioso member, against his interest. And here we would say that if in this conversation Osama bin Laden said something that didn't implicate the American but did give us information as to where Osama bin Laden was located or where Osama bin Laden was going to move, we would be prohibited from using that information, disclosing that information, disseminating that information, or keeping it for more than 7 days unless we went to a court for a new court order.

That is nonsense. That gives Osama bin Laden more protection than an American citizen in the United States who is being investigated for a criminal offense. That is nuts. Not only is it nuts, it is dangerous to the American people because it creates a situation in which we would be blinded about information which would give us an ability, first of all, to find out what the dots are and then to connect the dots as to what the threat is against the United States. There is no rationalization for it, but it is part and parcel of what we have heard from the other side that we need to give now habeas corpus rights to those people we found on the battlefield around the world who are unlawful enemy combatants. It is part and parcel of a program that puts us at risk.

I would ask us to consider it seriously next week.

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□ 1400

## CONGRATULATING CHESHIRE HIGH SCHOOL GIRLS SWIM TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, you know, we live in a world that's hard to reconcile sometimes. Now, our focus often is on the evil that exists in this world, but all too often we let that focus overwhelm the counterbalancing good things that happen in our communities every day. And I rise today to recognize that strange, delicate symmetry in my hometown of Cheshire, Connecticut.

This week, the Cheshire High School girls swim team broke the record for the longest dual-meet winning streak in American history with their 235th straight victory. As you can imagine, this is a pretty remarkable record to break. In fact, the girls on this record-breaking swim team that broke the record on Monday night weren't even alive when that streak began some 21 years ago.

I wasn't there Monday night, unfortunately, but hundreds of parents and friends and siblings and supporters were in attendance, and I heard that the record-breaking night was pretty magical. But strangely, something else happened that night, something that the girls probably didn't even notice or seek out. Monday night, the girls swim team at Cheshire High School transcended statistics and records and wins and losses. And the most important marker that they set down that night was not as the best swim team in the country, but as a bright, beaming emblem of a resurgent community with so much to celebrate.

You see, my town has been grieving over the past several months. And it's hard to figure out what else to do when you wake up one morning and find out that three of your neighbors, a mother and her two young, vibrant daughters, lost their lives in an unspeakable act of barbarism. It becomes difficult, impossible even, to square the wonderful, serene existence of life in a quiet small town with the random and brutal acts of violence that left Dr. William Petit mourning the unexplainable loss of his family.

How do you reconcile the two? How do you wake up, even for those of us who didn't know the family personally or live in that neighborhood, and pretend that the veil of safety and goodness that always seemed to envelop Cheshire, Connecticut, was still there after that? I thought about little else in the days and weeks following that incident, and I know that I wasn't alone.

But then the unexpected happens. And I know it sounds silly to even talk about a murder and a swim team in the same sentence and, frankly, of course, the two are incomparable, but therein lies the problem. There is no and there will be no one clear moment when we collectively decide that the moral order has been restored in our community. And so we're left to seek out those moments that simply remind us of why we love Cheshire in the first place and why we have confidence that our community will heal, that we will persevere, and that we will recover. This week is one of those moments.

I didn't grow up in Cheshire, so I certainly can't claim to know the town like those who call it their birthplace, but I did know a good thing when I found it. And Tuesday morning, when I heard that the record had broken, I couldn't help but wonder whether it wasn't just a coincidence that a national record 21 years in the making matured at the very moment that a burst of good news was most needed in our community. And I couldn't help but think about how this streak, which started two decades ago and has been the careful construction of hundreds of girls and thousands more family members, friends, supporters and coaches stands as a testament to the strength, persistence and spirit of our little town, not just on one night, but over the span of decades.

And so, yes, one unspeakable act can and probably should shake the confidence and faith of a community. And nothing will ever repair that damage, certainly not for the Petit family, and probably not entirely for the community that they call home.

And so we're left to look for those moments of triumph, those instances of community reaffirmation that remind us why Cheshire is such a special place to live. Well, we found one this week.

And so, Mr. Speaker, I rise today to congratulate the Cheshire High School girls swim team and to thank them for everything that they have done. Cheshire is a pretty special place to live, and Monday night reminded us of why that is.

## CALLING FOR A SECURITY SUMMIT AT O'HARE AIRPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, today's USA Today reports on a major security failure at two of our Nation's largest airports, Chicago's O'Hare and LAX. In a simulation conducted by the Transportation Security Agency, screeners at LAX missed 75 percent of hidden explosives and bomb parts carried through the security by undercover TSA agents.

Screeners at Chicago's O'Hare missed these items 60 percent of the time. According to the report, bomb materials were packed away in toiletry kits, briefcases and CD players. Now, more than 6 years after September 11, we have to fix the security failures at major hubs like O'Hare and LAX.

Security officials should call a security summit, bringing together local leaders and the Departments of Homeland Security and Transportation to schedule intensive retraining for TSA screeners, new testing standards, and accountability for lapses in security.

Much of our safety and a great deal of our economy depends on the security of O'Hare Airport. We can do this. And a security summit to fix this glaring security problem would help.

## POST OFFICE BOX 1142 RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, from 1942 through the end of the Second World War, a top secret military intelligence service operated clandestinely on the shores of our own Potomac River. At Fort Hunt Park, along the GW Parkway, a secret installation operated silently in the shadows of our Nation's Capital.

Known only by its mailing address, P.O. Box 1142, the men and women at this post provided the military intelligence that helped bring an end to World War II and gave the United States an early advantage in the Cold War.

P.O. Box 1142 was an interrogation center. Throughout the war and its aftermath, the post processed and interrogated nearly 4,000 of the most important German prisoners of war.

The men who performed the interrogations were drawn from across the country. The shared attribute is that they all spoke fluent German to be able to interact with their captives. Many were Jewish, to ensure their loyalty to America's mission. And most had friends and family battling on the front lines against Nazi Germany. To them, the war was personal and would impact their lives forever.

Despite these circumstances, their interrogations never resorted to torture, used violence, or implemented cruel tactics to obtain the vital information required to support our Nation at war. Instead, their most effective interrogation technique was to start a dialogue to develop trust with their captives. They all talked with their captives, played card games, took walks, discussed their lives, and ultimately obtained the necessary information from their captives. Despite the apparent simplicity of these methods, these interrogations resulted in the discovery of most of Germany's secret weapons programs.

P.O. Box 1142 learned about research to develop the atomic bomb, the jet engine and the V-2 rocket, all technologies that became essential informational components in waging the Cold War. The detainment and interrogation of high-ranking German officials, such as Reinhard Gehlen, who ran the German intelligence operations, advanced our military intelligence operations well beyond the Soviet Union's capabilities.

In advancing the Nation's interests and uncovering vital secrets, the interrogators at P.O. Box 1142 never resorted to tactics such as sleep deprivation, electrical shock, or waterboarding. Their captives were never sexually abused, humiliated, or tortured. They never resorted to the methods that have recently branded our Nation so negatively. As a result of the war on terror, I'm afraid that America is now haunted by lasting images of Abu Ghraib and Guantanamo Bay. The current intelligence community can learn from the men of P.O. Box 1142. For all our sake, I hope it's not too late.

Despite the vital work that the interrogators at P.O. Box 1142 performed, their activities remained closely held secrets by those who worked at the post. Many of these men never told family or loved ones. It wasn't until park rangers from the GW Memorial Parkway uncovered declassified documents and met former officers of P.O. Box 1142 that the operations that occurred at Fort Hunt Park during World War II became known.

Under the encouragement of the National Park Service, these park rangers identified veterans of P.O. Box 1142. They conducted professional oral history interviews. The deeper the park rangers dug, the more obvious it became they had discovered a remarkable story that had remained unrecognized by the officers because of their oath of secrecy.

After 2 years of work, the National Park Service decided it was time for the men of P.O. Box 1142 to finally be acknowledged. On October 5 and 6, the National Park Service held the first-ever reunion of the veterans of P.O. Box 1142 at Fort Hunt Park. The veterans raised the American flag in the post's original flag pole setting and memorialized the grounds.

Today, I'm proud to play a small part in giving justified credit for the tremendous work performed at P.O. Box 1142. Along with my northern Virginia colleagues, Congressmen TOM DAVIS and FRANK WOLF, I'm introducing a long, overdue resolution to honor the men of P.O. Box 1142.

Mr. Speaker, I extend my appreciation to these veterans. The Nation owes a great debt to them for their sacrifice to our Nation during a time of war for their pursuit of critical intelligence, while maintaining the highest level of integrity and America's moral values, and for their intrepid actions that have, until very recently, gone unacknowledged.

## REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1396

Ms. WOOLSEY. Mr. Speaker, as a sponsor of H.R. 1396, and because we inadvertently transposed some numbers, I ask unanimous consent that Representatives NITA LOWEY, RICHARD NEAL, and ARTUR DAVIS be removed as cosponsors of H.R. 1396.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

## THE PRESIDENT'S PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, all too often we've seen this administration turn a blind eye toward the priorities of our very country. While the administration has consistently failed to demonstrate restraint when it comes to escalating the occupation of Iraq, it has cold-heartedly insisted on denying the children of struggling working families with health insurance in the name of fiscal discipline. Once again, the values of the administration are glaringly out of step with the values of the American people.

The administration will not stand for accountability, transparency, or dissent when it comes to ending the occupation of Iraq. They will, however, support another blank check, resulting in more lives lost and more of our priorities left unfunded.

Earlier today, the House voted on overriding the President's veto of the children's health insurance reauthorization, or SCHIP. When the President vetoed SCHIP, he argued that the appearance of fiscal responsibility was more important than the health of 10 million of our children in this Nation. But when we learned that insuring 10 million children in America for 1 year costs the same as 40 days in Iraq, it is clear that the administration does not have its priorities straight.

Mr. Speaker, supporting our service men and women is certainly our absolute responsibility. Our Nation has an obligation to those who sacrifice and defend us during times of war. However, our servicemembers in Iraq were sent into combat without adequate training, without state-of-the-art body armor and equipment, and without assurances that their tours of duty will not be overextended. The glaring failures in Iraq show that not only is the Bush administration defunding our Nation's priorities to continue the occupation, but that it is allowing much of that money to be wasted.

The Inspector General has reported that $8.8 billion appropriated for Iraq's reconstruction cannot be accounted for. Media sources have recently reported that the administration is constructing a $600 million American Embassy located in the Green Zone in Iraq. This embassy, which is the largest in the world, in fact, it is larger than the Vatican, this embassy will include grocery stores, a movie theater, tennis courts and a social club.

It will require $1 billion a year to keep it up and to be maintained. Instead of our children's health care, the priorities of the Bush administration seem to be waste, fraud and abuse.

Mr. Speaker, when the administration vetoes a bipartisan investment in health insurance for our Nation's children, it rejects the priorities of the American people. When the administration spends billions on constructing and maintaining an embassy in Iraq while Iraq's infrastructure collapses around them, it compromises the safety of our troops abroad. And when the administration refuses to end the occupation in Iraq, it assures that countless generations will suffer for their mistakes.

Mr. Speaker, the priorities of the American people are clear. They want to provide health care for children. They want to promote peace and protect our troops. They want us to fully fund the efforts to bring our troops home. They want us to do it now.

□ 1415

## THE FREE FLOW OF INFORMATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PENCE. Mr. Speaker, I come to the floor weary but well after a week in which I have had the privilege of being involved in not one but two debates over the very freedoms enshrined in the first amendment of the Constitution of the United States. I am humbled as someone who not only has been charged with public duties in representing the good people of eastern Indiana here on the floor of the Congress, but I am humbled as someone who, from my youth, has been fascinated with the freedoms enshrined in the first amendment of the Constitution of the United States.

This week, I had the privilege of seeing legislation that I authored 3 years ago come to the floor of this Congress and be adopted in overwhelming and bipartisan measure. It was legislation known as the Free Flow of Information Act that I first introduced in the last Congress in partnership with Congressman RICK BOUCHER of Virginia, and our journey over these last 36 months brought us to that moment, this Tuesday, where we were able, through regular order, through a thorough process of committee hearings and markups and amendments on the floor, to see the first Federal legislation concerning the freedom of the press to be adopted by this Congress, a sense that freedom was enshrined in the first amendment and added by Congress to the Constitution itself.

What was especially gratifying to me was that we did it in a bipartisan way. Because I want to say as a recurrent theme this afternoon that on this floor there are many differences of opinion, but freedom is not a partisan issue in the House of Representatives. And the freedom of the press and the freedom of speech proved this week not to be a partisan issue, when 398 of our colleagues came together across the partisan divide to say "yes" to a free and independent press.

I come before this Chamber today, Mr. Speaker, to say "thanks" and to say how moving it was for me to play some small role in putting what I believe was a stitch in a tear in the fabric of the first amendment, freedom of the press. In that legislation known as the Free Flow of Information Act, we created for the first time a privilege, a qualified privilege for reporters to keep information and sources confidential.

Now, this was not a radical step. Some 33 States already have statutes that protect a reporter's privilege. But it was the first time that it has succeeded in passing the House of Representatives on the Federal level. And we await action by the Senate on similar legislation and hope for a conference committee and resolution of the matter that it might be sent to the President. We also hope, despite concerns expressed by the administration, that we can continue to shape this legislation, continue to work with the good men and women in the Department of Justice Criminal Division to dial it in in such a way that would make it possible for this President to sign this legislation.

I come before you today not just because I was privileged to co-author legislation that protected a reporter's right to the freedom of the press and a free and independent press enshrined in the Constitution, but also because I have authored one other piece of legislation about which we have taken action this week which is also about freedom of the press. It is called the Broadcaster Freedom Act. It is principally my purpose for coming before the Chamber today. But in each case, I want to begin by saying, Mr. Speaker, that I see the two as inextricably linked, that the work that Congressman RICK BOUCHER and I with, now, 390-plus of our colleagues to strengthen a free and independent press for those who engage in the business of reporting the news, we were attempting to do just as vigorously and just as effectively for those who commentate on the news. Because it has been the subject of commentators, especially commentators on talk radio in America, about which there has been much discussion and much consternation since this summer. And as I will expand further, there has been what I would characterize as, both on Capitol Hill and off Capitol Hill, troubling discussion about returning censorship on the airwaves of America by reimposing what used to be known as the Fairness Doctrine on radio and television broadcast outlets in this country.

I want to begin by stitching these two projects together because I think they are linked. Back in southern Indiana, we like to say "what is good for the goose is good for the gander." The press freedom that our Founders enshrined in the first amendment for those that engage in reporting is also the same freedom I would argue that protects those that are engaged in commentating. We tend to forget that opinions that we hear, left, right and center, on radio and television are every bit as much protected by the first amendment freedom of the press than those who are typing copy and bylines that appear on the front page of the Indianapolis Star, the Muncie Star Press, the New York Times or the Washington Post. And the business of reporting and the business of commentating are two time-honored traditions in the practice of American press that I have been able to be a part of strengthening and defending this week.

As I said, now on the first, the creation of a reporter's privilege, we were able to come to the floor and pass that legislation out of the House in strong bipartisan measure. On the second, we took action this week to file a, Mr. Speaker, what is known as a discharge petition at the Calendar here in the House of Representatives to enable the Broadcaster Freedom Act to come to the floor for an up-or-down vote.

I want to explain to my colleagues and to anyone else looking on the import of that discharge petition and why I believe it is every bit as important that we have a vote on the Broadcaster Freedom Act as I believed it was important that we have a vote on the Free Flow of Information Act.

Let me take a half step back and say once again what a joy it was for me on both of these measures to be doing freedom's work here on the floor of the Congress. Because we debate many things in our various committees and responsibilities here, some foreign, some domestic, and some having to do with spending, some things as mundane as roads and bridges and potholes, but as we saw today with our newly elected colleague, Congresswoman TSONGAS from Massachusetts, every one of us takes a very simple oath. We raise our right hand, as she did in this Chamber today, in a moment I was privileged to attend as a new colleague. We raise our right hand and we take an oath to support and uphold the Constitution of the United States and to protect her against all enemies, foreign and domestic. It is at the very center of what we are here to do. In the first amendment of that Constitution, this Congress is specifically enjoined. We are, in effect, commanded by our Founding Fathers to make no law abridging the freedom of speech or of the press. It was an application of that principle, a principle that I believe is a principle of limited government, because I happen to believe in my heart of hearts, as I said during the debate over the Federal media shield bill this week, that as a conservative who believes in limited government, I think the only check on government power in real-time is a free and independent press. There is actually nothing more consistent with my belief in limited government than my vigorous defense and advance of the interests of a free and independent press.

Now, that being said, while we have the success on the one, we need an up-or-down vote on the other for reasons that I want to describe. But I want to be clear on the point that I believe this is all tied up in our duty that each one of the 435 Members of this Congress embraced in taking that oath of office. Because I can't help but feel that whether it was the erosion of an independent press and a rising tide of reporters being threatened with subpoenas, subpoenaed, and even being put into jail that was encroaching on that injunction in the first amendment, I also believe that much of the talk about restoring regulation and outright censorship to the airwaves of America, particularly the radio airwaves of America, is also violative of that specific language in the first amendment.

Now, about the Fairness Doctrine. The American people love a fair fight, and so do I, especially where the issues of the day are debated. But I would submit that in a free market, fairness should be based on equal opportunity, not equal results. And the fairness doctrine, as it was applied to 4 decades in American radio, was a doctrine that, while it was perhaps borne of the best intentions, it was not about the equal opportunity in a wide range of ideas, but it was about dictating results on the airwaves of America. Here is where it came from.

The Radio Act of 1929 was passed into law by this Congress, perhaps well-debated in this very room. When it became law there were, quite frankly, Mr. Speaker, very few radio stations in America. I don't know the exact number off the top of my head, but radio at the time of the Depression was in its infancy. By the time that the Federal Communications Commission got around to passing the regulations that came to be known as the Fairness Doctrine in 1939, there was virtually no television in America, and radio was still in its infancy. Many communities in America, having no indigenous radio station at all, but the regulations folks then came along and said, look, there is a limited number of radio stations in America, in 1929 to 1939, and so the thought was because they are, the airwaves belong to the public, that, in effect, the Federal Communications Commission ought to make sure that both sides of controversial issues is debated fairly and evenly. It sounded reasonable enough at the time, I suspect, and while it rubs against my more libertarian instincts, I will say, there may have been a legitimate basis for the Fairness Doctrine in 1929, less so, but maybe in 1939, because of the scarce number of radio signals that were there. But from 1939 to 1987, for 4 decades, the Fairness Doctrine reined on the airwaves of America.

□ 1430

As we learned in those 40-some-odd years, there is nothing fair about the Fairness Doctrine. The elements of this regulation that were designed to ensure that both sides of the argument were heard ended up having the effect of ensuring that in most cases, on most radio stations, no sides of the argument were heard.

The reality is that from 1939 to 1987, when the Federal Communications Commission struck down the Fairness Doctrine on its own, there was virtually nothing like what has come to be known left, right and center as American talk radio today. In fact, it is almost inarguable that the dynamic forum that has emerged as talk radio today virtually began with the repeal of the Fairness Doctrine in 1987.

So the first part of this debate, Mr. Speaker, is we don't need to wonder what American broadcast radio would look like if the Fairness Doctrine were re-imposed. We have four decades of experience. We know precisely what the public airwaves would look like if we returned to this arcane rule of content regulation.

Truthfully, I think the most likely outcome is not that radio stations that carry Rush Limbaugh would also carry Alan Colmes. The reality is, faced with recordkeeping, red tape, potential legal fees that would attach to a Fairness Doctrine challenge filed with the FCC, and potential loss of their license, most of the 2,000 radio stations today that carry talk radio simply wouldn't carry it any more.

Now why do I know this? Let me be a little bit autobiographical for a second, Mr. Speaker. Before I was elected to Congress in the year 2000, I made a living in radio. I had a call-in talk radio show heard exclusively in Indiana. It was carried on 20 different radio stations, from 9 a.m. to noon. I tell people sometimes I was Rush Limbaugh on decaf. I was conservative, but wasn't in a bad mood about it. We had all different sides on. But I would bring my cheerful conservative perspective to bear across the airways of heartland Indiana every day.

Mr. Speaker, I started in radio in little old, no pun intended, Rushville, Indiana, in 1989, a little tiny show that aired from 6 to 6:30 p.m. That gave rise to a weekend show, and that gave rise to a daily show, and then I was in syndicated radio for the better part of 7 years. It was a blast. I enjoyed it. When the opportunity came for me to go into public service, I was torn because I so enjoyed the opportunity to get in front of that microphone and talk to Hoosiers every day about the things that were important to them and share my philosophy of government.

My wife and I ultimately felt a calling in our life to public service. We stepped forward. I never looked back. But I lived in the business for a long time. I spent a lot of time driving around to little radio stations across Indiana and dropping off tapes to station managers and asking them if they would carry what we conveniently entitled "The Mike Pence Show."

So I know these radio station owners, and I know that a lot of them run these stations on a shoestring. The reality is, and the reason why, when the Fairness Doctrine was in effect, there were 200 talk radio stations in America, and after the Fairness Doctrine was repealed, there are now 2,000 talk radio stations in America, is because, quite frankly, when the Fairness Doctrine was in effect, most radio stations just said we can't deal with the controversy, the recordkeeping, the making sure that we live up to Federal regulations. For heaven's sake, we can't live with the risk that somebody would file a complaint with the Federal Communications Commission and we would possibly lose our license.

I saw in the years immediately following the repeal of the Fairness Doctrine radio station owners beginning to awaken to the fact that they could put commentators on the airwaves and enjoy freedom and let nothing other than the marketplace itself choose who was going to succeed on their radio station. As my friend, the former majority leader, Dick Armey, loves to say often, and I give him credit for the phrase, freedom works.

The truth is, after the Reagan administration struck down the Fairness Doctrine, we saw an explosion of talk radio. Frankly, most of the talk shows that have succeeded on a national level reflect a center right philosophical perspective. The truth is, Mr. Speaker, that in many of the largest markets around the country, some of the most popular talk show hosts are self-described liberals, or progressives and I say more power to them.

The truth is that the reality of American talk radio today is as diverse as the American people. And yet, and now I shift on the reason for the Broadcaster Freedom Act and the reason for us taking the extraordinary measure of filing a discharge petition on the floor of the Congress, I say with a heavy heart that some on Capitol Hill are calling for a return of the Fairness Doctrine to the airwaves of America.

Mr. Speaker, I will offer some quotes, with great respect to colleagues in this Chamber and the next. Senator RICHARD DURBIN said, as quoted in The Hill on June 27: "It's time to reinstitute the Fairness Doctrine." The Senate majority whip, DICK DURBIN of Illinois, went on to say: "I have this old-fashioned attitude that when Americans hear both sides of the story, they are in a better position to make a decision."

Senator DIANNE FEINSTEIN told the same publication that she is, in fact, "looking at" reviving the Fairness Doctrine. She told Fox News on Sunday, June 24, that she was reviewing the Fairness Doctrine "because talk radio is overwhelmingly one way," in her words. Senator JOHN KERRY, the former Democratic nominee for President of the United States, and easily one of the most respected and powerful Members of the United States Senate, told the Brian Lehrer radio show on June 26: "I think the Fairness Doctrine ought to be there. I also think the Equal Time Doctrine ought to come back." He went on to say: "I mean, these are the people who wiped out one of the most profound changes in the balance of the media, is when conservatives got rid of the equal time requirements. And the result is that, you know, they have been able to squeeze down, squeeze out opinions of opposing views, and I think it's been an imposing transition in the imbalance of our public."

Mr. Speaker, three of the most powerful Members of the United States Senate this summer, in the wake of the collapse of the amnesty bill that the Senate was attempting to move, expressed with frustration the need to return Federal regulation of the airwaves of America. American Spectator recently reported that according to two Members of the House Democratic Caucus, Speaker NANCY PELOSI and STENY HOYER, they will "aggressively pursue reinstatement of the so-called Fairness Doctrine over the next 6 months." That was reported on May 14.

When I brought an amendment to the floor this summer that would just buy a 1-year moratorium to the re-imposition of the Fairness Doctrine, while 107 of my Democratic colleagues voted with us, none of the Democratic leadership or any of the leadership of the powerful committees of jurisdiction voted with us to prevent the Fairness Doctrine from returning.

Mr. Speaker, there are other examples of distinguished colleagues who have every right to hold the views they hold. I do not question their integrity or their sincerity; I just disagree with them vigorously. I do not accept the conclusion of the Center for American Progress, run by the former chief of staff of the Clinton administration. John Podesta, one of the most highly regarded thinkers in the modern Democratic Party today, runs a think tank. That group published an extensive cross-tabulated report this summer from their Center for American Progress entitled: "The Structural Imbalance of American Talk Radio." While their proposal did not specifically call for the Fairness Doctrine, frankly, it called for much worse. It called for a whole new range of regulations involving ownership and consent on the airwaves of America.

So before anyone dismisses our efforts in trying to bring the Broadcaster Freedom Act to the floor of the House of Representatives as just more politics, let me say that I believe that it is imperative that the American people know that the next President of the United States, whoever he or she might be, could reinstate the Fairness Doctrine without an act of Congress unless we pass the Broadcaster Freedom Act.

Now, let me get to the legislation and make a few other comments about our extraordinary measure in the discharge petition that we filed this week. The legislation itself is very simple. The Broadcaster Freedom Act, which I introduced with Congressman GREG WALDEN that is cosponsored by every single Republican Member of the House of Representatives, and one Democrat, I am very happy and proud to say, a formal journalist himself, Congressman JOHN YARMUTH of Kentucky, the Broadcaster Freedom Act simply says this, Mr. Speaker: it says that the Congress takes away from the FCC the power to re-impose the Fairness Doctrine without an act of Congress.

Now why is that necessary? Well, I hasten to remind my colleagues and anyone looking in that the FCC did away with the Fairness Doctrine in 1987. They were doing away with a regulation that they created. Therefore, if the FCC were to change its mind, it could bring back the Fairness Doctrine without ever consulting the Congress. The truth is, the next President of the United States is, whoever he or she might be, were they sympathetic to the opinions expressed by Senator RICHARD DURBIN, Senator JOHN KERRY, and others that we need to re-impose the Fairness Doctrine, re-impose provisions of regulations like equal time and other things, that President, whoever he or she might be, could make virtually one appointment to the FCC and restore the Fairness Doctrine like that. I think the American people have a right to know that. The Broadcaster Freedom Act essentially says we are taking that power away from the FCC to re-impose the Fairness Doctrine. It's just that simple and no more complex than that.

Mr. Speaker, why do we need to do this? Then I will talk a little bit about what we are doing tactically and strategically to get an up-or-down vote. The reason we are doing it, I think, frankly, is because who's against fairness? I have to tell you that I was not terribly surprised when a recent national poll done by the Rasmussen polling firm found that 41 percent of those surveyed said they would be willing to require radio and TV stations to offer equal amounts of conservative and liberal commentary, and only 41 percent said they opposed.

So literally the American people, as we stand today, having not had this national debate, are fairly evenly divided on what I believe amounts to censorship of the airwaves of America. But, again, it's because of that pernicious word "fairness." We have seen an entire cable television network built on the catch phrase "fair and balanced." Yet, as I said at the outset of my remarks on the House floor today, there is nothing fair about the Fairness Doctrine. The reality is that were we to bring back this archaic rule to the airwaves of America, we would see talk radio as we know it either greatly diminished or essentially vanish from the American political debate.

So the Broadcaster Freedom Act I think is an effort to run to the sound of the guns on behalf of freedom. I hope that my colleagues who know me well know that I bring the same sincerity of purpose to this mission as I brought to the legislation that I coauthored that we passed this week to create a qualified privilege for reporters in the Free Flow of Information Act. To me, it's all about that constitutional principle of a free and independent press.

Mr. Speaker, while I will say that despite the fact that the Broadcaster Freedom Act is cosponsored by 203 Members of Congress, despite the fact that the principles of broadcast freedom that were enshrined in the Pence amendment this summer that essentially created a 1-year ban on re-imposing the Fairness Doctrine passed by 309 votes, we are yet to see any action either at the committee level or on the floor calendar for consideration of the Broadcaster Freedom Act.

□ 1445

And I want to tell you, and I will talk a little technical here, Mr. Speaker, I am a regular order kind of a guy. I like legislation to go through subcommittees and committees and have hearings. I think the American people work their will when Congress is moving in the ordinary processes designed to vet and draft and redraft legislation.

And so it is an extraordinary thing for me to say that we ought to have a petition that brings the Broadcaster Freedom Act straight to the floor. In fact, in keeping with that principle, the rule that we wrote is an open rule. I would be more than willing to have several days of debate about broadcast freedom on the floor of this Congress. I would be more than willing to entertain as many amendments to the Broadcaster Freedom Act as Members wanted to propose. This is not an effort to silence the debate; it is an effort to have a debate about the freedom of American commentators on the public airwaves of America to engage in speech in a manner consistent with the first amendment.

And so this week, as I have been alluding, I along with now, I believe, the count this afternoon is about 140 Members of Congress, including all of the Republican leadership, we filed what is called a discharge petition that, if it is signed by 218 Members of Congress, will bring the Broadcaster Freedom Act to the floor of the Congress for an up-or-down vote.

While I would hope that my colleagues in the Democrat majority, while I would hope that the distinguished Speaker of the House, NANCY PELOSI, might even be looking in on my remarks today and may ultimately decide MIKE is right, we ought to have a debate and a vote on the Broadcaster Freedom Act and the discharge petition would not be necessary, I am getting the impression that is not likely to happen.

And so we have taken an extraordinary measure, and as I said, I, along with the Republican leader, JOHN BOEHNER, the Republican whip, ROY BLUNT, conference chairman, ADAM SMITH, and others are now calling on our colleagues in a spirit of good will to say: Give us an up-or-down vote on the Broadcaster Freedom Act on the floor of the House of Representatives, because I want to make a very bold statement about this legislation. And having just seen legislation that I coauthored get 398 votes on the House floor Tuesday, I hope people don't think that I am talking through my hat.

I want to say with confidence that if the Broadcaster Freedom Act was brought to the floor of the House of Representatives, I believe it would pass overwhelmingly, because every time freedom gets an up-or-down vote on the floor of Congress, freedom wins.

I go back to this summer, as I said, I introduced an amendment, the Pence amendment to the appropriations bill that funded the FCC. I didn't know how it would do. I introduced the amendment to deny any funding to the FCC in the next year to bring back the Fairness Doctrine. It was a way of starting this conversation. My gosh, it passed; 309 Members of Congress voted for the Pence amendment. It was overwhelming, including 107 backbench Members of the Democratic majority. I am sincerely grateful for that, but that was a 1-year moratorium.

The truth is we have a Presidential election just around the corner. We will have a new administration in Washington, DC, and many of the leaders of the Democratic Party on Capitol Hill are calling for a return of the Fairness Doctrine, so now is the time for us to permanently do what 309 Members of Congress voted to do for a year, and that is to ensure the ongoing freedom of the airwaves of America by passing the Broadcaster Freedom Act.

Again, I want to say I am absolutely positive it would win, and I am positive it would have an overwhelming bipartisan vote because, as we learned this week with the Free Flow of Information Act, every time freedom gets a vote on the floor of the people's House, freedom wins.

Let me close, and I notice from the clock it is coming up on the time for me to give a tour to 100 eighth graders from Dearborn County, Indiana, and I can't be late for that. But let me say, bringing back the Fairness Doctrine would amount to government control over political views expressed on the public airwaves. Plain and simple.

I say with great respect to those who think we ought to return to those 4 decades where the Federal Government thought it was its role to regulate the debate that took place on the airwaves of radio and television, I say with great respect to them, I think there is a great danger when we unleash the power of the Federal Government to corral, to organize, to minimize or categorize or prioritize the American political debate. It is the essence of my belief that as messy as freedom is, it is the freedom of the American people that has created the most powerful and the most prosperous Nation in the history of the world.

I really believe with all my heart that at the end of the day, that as messy and as painful as it sometimes is for those of us in positions of public power, that the very well-being of the Nation is tied up in those of us in this body standing for the freedoms enshrined in the first amendment.

I was asked by a reporter yesterday at a press conference, Mr. Speaker: What if all of talk radio, monolithically talk radio reflected a liberal world view, would you still be doing this?

And I stepped to the microphone confidently and I said: Well, let me tell you, a lot of people think a lot of the national news media is fairly liberal. And I agree. An awful lot of the people that report on the network national news and some of the leading newspapers in America are quite liberal in their viewpoints.

Mr. Speaker, that didn't stop me from coauthoring the Free Flow of Information Act to protect the right of reporters in the electronic news media and the print media to keep sources confidential. And I appeal to my colleagues, men and women of good will all, who voted with us this summer for broadcast freedom, to join us again and sign this discharge petition.

I said on the House floor yesterday, if you support broadcast freedom, sign the petition. If you oppose the Fairness Doctrine and the archaic notion of the Federal Communications Commission regulating the airwaves of America as it did for 4 decades, sign the petition. I said if you cherish the dynamic national asset, left, right, and center that has become American talk radio since 1987, sign the petition. And ultimately, if you don't agree with any one of those positions but you just think that broadcast freedom ought to get an up-or-down vote on the House floor, I say to my colleagues, sign the petition because it is imperative to me, and the American people understand, that if 218 Members of this body sign that piece of paper, we will get an up-or-down vote on the Broadcaster Freedom Act, and I am positive we will send the Fairness Doctrine to the ash heap of broadcast history where it belongs.

I have every confidence that Republicans and Democrats in overwhelming numbers will reject the Fairness Doctrine, will adopt the Broadcaster Freedom Act, and we will be able, like we did on Tuesday of this week, to know that we set aside politics and we stood together as a Nation behind that blood-bought freedom of speech and freedom of the press that is enshrined in the first amendment.

Lastly, let me quote President John F. Kennedy, who was a boyhood hero of mine. When I first became involved in politics, it may surprise some of my colleagues to know that I was the Youth Democrat Party Coordinator in Bartholemew County, Indiana. I am probably the only Republican in Congress who has a bust of John F. Kennedy in my campaign headquarters. But as a fellow second generation Irish American, I still find him a deeply inspirational figure.

It seems to me John F. Kennedy expressed some words that speak to our time about this debate. He said: "We are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies, and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people."

Let me say that one more time because it literally could be a part of this debate over the Fairness Doctrine today. President John F. Kennedy said: "We are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies, and competitive values." Let me stop there.

You listen to talk radio today, it is almost as if John F. Kennedy had listened to it. There are an awful lot of unpleasant facts for people in power that get mentioned on talk radio. A lot of foreign ideas. Occasionally some downright alien philosophies. If you listen to late-night talk radio, there are sometimes literally alien philosophies, and there certainly are competitive values.

But John F. Kennedy went on to say: "A nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people."

You know, America is a Nation of freedom and strong opinion, and our government must not be afraid to entrust our good people with all the facts and all the opinions necessary to make choices as an informed electorate. That is what democracy is all about. Now, is it comfortable for men and women in power who work in this rarified air of this marble building, no. But is it freedom? Is it what our Founders intended when they enshrined a free and independent press in the first amendment of the Constitution? You bet it is. I mean to tell you, our Founders did not enshrine the freedom of the press in the first amendment because they got good press. Our Founders enshrined the freedom of the press in the first amendment of the Constitution because they understood that a free and independent press is the only check on government power in real-time. And our Founders whose faces, some of which are chiseled into the wall or painted on canvasses in this Chamber, believed in limited government and they believed in holding people like me and the other 434 Members of Congress who work in this Chamber accountable to a free and vigorous debate among the American people.

So I just come to the floor today to say thank you to my colleagues, thank you for standing for a free and independent press this week in the Free Flow of Information Act. I am deeply humbled and grateful for the work of my coauthor and colleague, the gentleman from Virginia (Mr. BOUCHER) as we passed the first Federal legislation protecting a reporter's right to keep a source confidential in American history. It passed the House this week. It passed by 398 votes.

I also want to thank my colleagues who stood with me this summer against broadcast censorship, voting for my amendment to ban the Fairness Doctrine for 1 year, 309 Members, 107 Democrats in the Congress joined us, and I thank them for that.

I want to thank the 203 colleagues, all of the Republicans and one Democrat, who have cosponsored the Broadcaster Freedom Act that would send the Fairness Doctrine to the ash heap of broadcast history forever.

Now I want to close on this last legislative day of the week with a challenge.

□ 1500

I want to challenge my colleagues to sign the petition that's at the counter to bring the Broadcaster Freedom Act to the floor of the Congress for an up-or-down vote; and I say again, Mr. Speaker, to you and to my colleagues and to anyone who might be looking in, if 218 Members of Congress sign the discharge petition for the Broadcaster Freedom Act, we will bring this legislation to the floor of the Congress and it will pass.

I say that having been through literally thousands of votes on this House floor, many of which I didn't know the outcome before I showed up, some of which I had to wait a long time for the outcome, longer than I should have. But this one I say with confidence and with humility and with gratitude, if the Broadcaster Freedom Act that would do away forever with the Fairness Doctrine comes to the floor of the House of Representatives, it will pass with bipartisan support because freedom is not a partisan issue on the floor of the Congress.

I believe we proved this Tuesday with the Free Flow of Information Act what we will prove the day the Broadcaster Freedom Act comes to this floor, that every time freedom gets an up-or-down vote in the House of Representatives, freedom wins.

So I urge my colleagues, but especially those who supported broadcast freedom earlier this year, sign the discharge petition for H.R. 2905 and bring the Broadcaster Freedom Act to the floor of the Congress; 218 Member signatures will make it possible for the American people to have their say and send the Fairness Doctrine forever to the ash heap of broadcast history where it belongs.

Let's bring the Broadcaster Freedom Act to the floor. Let's let freedom reign, and let's do it together as we did this Tuesday, Republicans and Democrats, standing for the freedoms enshrined in the first amendment, the freedom of the press, the freedom of speech, the Broadcaster Freedom Act.

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## 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to be before the House once again.

As you know, the 30-Something Working Group, we come to the floor maybe once, twice, three times, if we can, a week to not only share with the Members the good things that we are doing but also some things that we are going to have to work together on, bills that we're going to have to work together on on behalf of America.

We've been able to do quite a bit this session, Mr. Speaker, and accomplish a lot in this first session. We have had record-breaking roll call votes never taken before. I think it's somewhere around 980 votes, I mean, not even counting the votes today, that have been taken here in the House that have never been taken in the history of the Republic, since the mid-70s. I believe it was 1975 or 1974 that held the record for roll call votes, and this year is not over yet, and we still have a lot of business to conduct.

I can't help but, Mr. Speaker, come to the floor and talk a little bit about what happened with the children's health care bill. I know just an hour ago we voted to override the President of the United States, and that's something that the Congress has the opportunity to do. The President decided to veto the children's health care bill. The Congress said that we would override. The Senate had the votes but the House, we weren't able to do it today. It wasn't because of Democratic Members of Congress, why we weren't able to override, and it wasn't because of 44 Republicans who voted with Democrats to override the President. It was 154 Republicans who decided to stand with the President and not voting for the override.

Now, we fell 13 votes short. What does that mean? I'm not here today to start calling names and pointing fingers, but I'm here today to make sure that the Members know that the good thing about America is that you have the second chance to do the right thing, and the Members had a second chance to do the right thing and failed to do so. The 13 Members or so failed to do so because they voted against the original bill that came before us that the President vetoed, but on the override they had the opportunity to say the right thing, and they didn't do it.

And within that 154 or within that 13, I just want to identify some of the States that will not receive health care or children's health care from the CHIP bill.

In California, 1.8 million kids have been denied health care. State of Florida, my very State, my State that I represent, those Members that voted, the 13 we fell short, voted against 616,000 kids. In Georgia, 467,000 for those Members that voted against the SCHIP bill override. Illinois, 435,000; Indiana, 199,000. And I'm just using round numbers here, Mr. Speaker. Iowa, 72,962; Kentucky, 112,000 will be denied health care because Members of the other side, 13 Republicans, said we needed to be able to close the gap, did not vote with us today to override the President. In Maryland, 185,000; and Ohio, 338,000. In Pennsylvania, 312,000 will not be able to receive health care because we fell short of 13 votes. We did not get it from the Republican side of the aisle.

South Carolina, 122,000 children will be denied health care. In Texas, 966,000 will be denied health care. In Utah, 74,000 will be denied health care. And in Wisconsin, 94,000 will be denied health care, and in Wyoming, 12,000 will be denied health care because we did not have the said votes we needed to have, 13 votes on the Republican side that we needed to override.

Now, there were a lot of things said about the SCHIP bill, and a good part of the day and some 2 hours and change was devoted to both sides having an opportunity, Democrats and Republicans, to discuss their support or lack of support for overriding the President on this veto.

Mr. Speaker, I just want to kind of point out here, this picture is going to end up being one of my National Archives pictures when I, you know, relinquish them and I let them go. I kind of keep things as I come to the floor. There are certain charts, and as you know, Mr. Speaker, I do love charts and I'm glad because they illustrate not only for the Members but they illustrate a period of time in American history which now we're living in right now.

This picture was taken when a majority of the Republican Caucus went down and went to the White House and stood with the President on the first bill that we passed to put the heat on the Iraqi Government as it relates to the politicians there in Iraq living up to its responsibilities so that our U.S. troops don't have to continue to do patrols in the streets of Iraq, to be able to do exactly what the President called for as it relates to benchmarks or timelines, that certain things are supposed to happen or else. We put that in legislation, and the Republican Conference ran down there and had a press conference with the President saying we're standing with the President.

Well, today some of the folks in this photo here stood with the President, and they're within the 154 that voted against the SCHIP bill override. It's so unfortunate that the kids that I just called out and thousands and millions of other kids are going to be denied health care. Poor kids, they're going to be denied health care.

We also have, Mr. Speaker, something that I think is very, very important. Our obligation here is to make sure the children have health care and that the good people of the United States of America have access to health care, and I'm getting more and more concerned about folks being more loyal to the President, more loyal to special interests on the minority side than, in my opinion, being loyal to some of the constituents that need our assistance; and I think that's very, very important.

I think it's important also to note that this goes beyond politics, because I believe those that voted and within the 13 because I'm glad I'm not in that number of the 154 Republicans that voted against this override. They're going to have to, within that, the 13 that was needed to override the President decided not to, and I think that there's been some career decisions that have been made.

Obviously, I mean, everyone knows that I'm a Democrat, but if I was an independent or I was a Republican or I was someone that was thinking about voting one day and taking part in this democracy of ours as it relates to the ballot, if a Congressman came up to me and said, guess what, one day I'm going to have the opportunity to vote for health care for poor children that go to school with your kids that live in your neighborhood, folks that work either in your business or people that work with you at work, I'm going to deny them health care, not once but twice, vote for me on Tuesday. There's no way in the world I know a Member did not give that speech and will not give that speech, but today walked in here, slipped the voting card in here, voted "no" and left and went home for the weekend.

This was the close of business. It was the last vote that we took. It was a major vote. We took a Journal vote earlier today. There were only two votes, approving the Journal and voting to override the President of the United States on denying poor children health care. So no one could have gotten confused about, oh, maybe I pushed the wrong button or what have you.

I just want to make sure that the Members understand that this is about serious business here, and I'm going to tell you the American people voted for a new direction. Matter of fact, this reminds me of the old days when we had the rubber-stamp Congress, and I want to make sure my staff bring the rubber stamp down from my office because we haven't had it down here probably only once in the 110th Congress, but I'm going to make sure it gets down here to the floor before I leave the floor because I can tell you, you can't go wrong with friends like that illustrated here in this picture, you can't go wrong.

The President should feel comfortable, as far as I'm concerned should write a handwritten note saying thank you for sticking with me but not sticking with the poor children of the United States of America. Ten million children we're talking about insuring.

The President says, well, you know, maybe 1 million or 2 million or 3 million or 5 million, that's my proposal or what have you, going back and forth. The bottom line is without even a real discussion, without even a real discussion the President is willing to move forward on saying that we should be in Iraq forever, and I think that's a real issue for the people of the country. I think that's a real issue because when you look at article I, section 1 of the U.S. Constitution, I mean, the Congress has a lot to do.

But what happens as it relates to not only the funding of the war in Iraq but also as it relates to policy, as we look at this issue of Iraq but we're having all this discussion about Iraq and then we try to do something domestic, major something domestic and reauthorizing a program that provides children's health care, and when you look at it, when you look at it here, Mr. Speaker, one day of funding in the war in Iraq costs $330 million and could insure 270,000 kids. One week in Iraq, one week, we're not talking about, you know, one year, we're talking one week, $2.3 billion insures 1.8 million kids.

□ 1515

One month in Iraq, $10 billion, that is $10 billion, that is with a capital B, 1.8 million kids can receive health care. And 37 days in Iraq, $12.2 billion spent, 10 million kids can receive coverage.

Now, it is all right and the President is saying, why are you even asking the question? Why are you even questioning my wisdom for even saying that we should continue to fund the war in Iraq? But meanwhile, we are sitting back here and kids are getting the veto again.

I think it is important for the Members to understand what is going on here. And I think that the reason why a lot of average Americans have a great level of frustration with Washington, DC is the fact that we can do something 10,000-plus miles away from continental United States for children that we will not even do for children here in the United States of America. Now, that is a problem.

Now, I don't have a problem. I have been to Iraq three times. I have been to Afghanistan. I have been a little bit of everywhere as it relates to the Middle East, because that is a big concern as relates to our issues that we have not only diplomatically but also as it relates to safety and that we have to engage in dialogue. But I have a problem, Mr. Speaker, of what I know and what is actually happening here on this floor.

Now, again, I am glad this chart is here now. When we start talking about having your back, I mean, the Republican conference which is a number, I am not going to generalize because 44 of the members of that conference voted with the children of America today, with Democrats, and overriding the President of the United States; but the majority, the 154 that voted against were part of the same group. Again, I am going back to the President. The President is not running again for election, but I can tell you this much; that, I can tell you that it is very, very important that we pay attention to the pattern that is taking place. Yes, we have a Democratic majority in the House, we have a Democratic majority in the Senate, but I think it is important for us to take note of the consistent voting loyal to the President. This is not a loyalty contest. People weren't elected to be loyal to any given party. They are elected to make sure that their constituents and the people of America get what they need out of their government. And when we look at this, foreign debt doubles under President Bush on the $1.9 trillion in 6 years between 2001 and 2006. Forty-two Presidents that I have here, Mr. Speaker, 42 Presidents, 224 years, $1.01 trillion, from 1776 to the year 2000, was only able to borrow from foreign nations $1.01 trillion. So the President has already trumped, with the former rubber-stamp Republican Congress in the last Congress. But it is in another form now, Mr. Speaker. It is in the form to where you see, saying, well, we no longer have the majority. The American people have taken that from us. The American people have taken that from us. Now we are in the business of stopping the new direction Congress that Republicans, Independents, Democrats voted for a new direction because they were concerned about the Republican rubber-stamp Congress following the President of the United States, the rubber-stamp Congress that was here, following the President of the United States to the new Congress, now saying, well, we have enough votes to stop the two-thirds that is needed to override the President, so that is going to be our new stance, Mr. President. We are with you all the way.

Well, I can tell you this much, Mr. Speaker and Members. I think it is important for many of those Members in the 109th Congress that followed the President, the Pied Piper, saying, let's go this way, let's vote this way, stick with me, I am going to lead you. And, guess what? Many of them are at home right now reading the paper about what is happening here in the Capitol dome because they are no longer, they are no longer in Congress. Now, some of them were friends, some of them I knew personally. That is fine. But on the policy end, they were following the President and found themselves unelected.

Now, if this was a political discussion, Mr. Speaker, I would, I would go somewhere and I would go somewhere reading the newspaper or taking a break or something, or maybe reading a good book right now or on the plane going back down to Florida. But this is about politics. Because I would just allow the 154 that voted against the override to continue to vote like they had been voting if it was about politics, because the American people will make sure that they rise up come some given Tuesday in another year from now and vote those individuals out of Congress because they are voting against children's health care.

Saying all of that, I think it is important to say where we are right now in not only history but in the present. If it was just politics, I would just go sit down, but it is not about politics. It is about children's health care. I must shed light on this and we must continue to put the pressure on. I commend the Speaker for holding her ground on this issue. I want the Speaker to continue to hold her ground on this issue because we cannot backslide on making sure that poor children have health care; not something that looks like health care, but actually has health care, so that they can be healthy and do the things that they have to do.

I tell you, Mr. Speaker, as I was in my office preparing to come to the floor, I was just reading some of the clips. I am glad the rubber stamp has made it down to the floor, and I will address the rubber stamp, I will come back to it.

It says on the headline of the New York Times, and this is hot off the press here, it says: The House Fails to Override Child Health Care Bill Veto. And the bottom line is is that the vote to override was 273–156, or 13 votes short of the necessary two-thirds majority of those voting. The bill was originally approved about a couple weeks ago, September 25, 265 voting for it and 159 voting against it.

Now, you know, one thing that this administration is not used to, Mr. Speaker, and some of our friends on the Republican side of the aisle are not used to is a bill coming to the floor already paid for. They are used to rubber stamping and saying, put it on the credit card for the next generation to pay for. I have a 10-year-old son and I have a 12-year-old daughter, and guess what? I care about their financial future. I don't want them in debt. I don't want to have them to turn around and, Mr. Speaker, having to pay to Japan, to China, to the U.K., to the Caribbean, to Taiwan, to OPEC nations, to Korea, to Hong Kong, to Germany of money that the President and the rubber-stamp Republican Congress before this Congress did because all they did was say, oh, that is fine, you want tax cuts, special interest billionaire, kazillionaire. We want to go into a new stratosphere of how many subsidies we are going to give you. We are going to do it. And guess what? We are not even concerned how we are going to pay for it. We are going to borrow from foreign nations. We are going to put it on the backs of those Americans that are not even eligible to vote right now, those Americans that were born since I have been on the floor here that are going to have to pay the bill. And in a new direction Congress, Democratic Congress, we said we weren't going to do it, and we haven't done it. And here we are again. This is a new form of the Republican rubber-stamp minority that is standing with the President all the way.

I am glad this rubber stamp is down here, because I spent a lot of time, Mr. Speaker, here on the floor with many of my colleagues. I think this stamp here one day will be properly placed somewhere in a glass case because this is what used to be. The President said, let's give tax breaks to super-wealthy corporations, record-breaking oil subsidies. Boom. No problem. Rubber stamp. It is going to happen. So shall it be written, so shall it be done. Those days are over.

But now it is in a new form. We are going to stand with you when it comes down to overriding some of the major issues that Americans care about. A, this war in Iraq as it relates to the policy that we should be passing that so many Americans are very frustrated with, the fact that the Congress and the President has not been able to come through with policy that will eventually bring our men and women home, will eventually bring our combat troops home, because we will be providing technical assistance in the region for some time. But we are losing a number of our young people and our middle-aged folks that are reservists that have been deployed longer than any other fighting force in the past and we are still here going back and forth. And the reason why we are going back and forth is the fact that we don't have the necessary votes on the Republican side to be able to override the President. And the Senate, the procedural 60 votes that you need to bring certain issues are not there, because there is only a 51 majority Democrats there. So I think it is important, not only do we report the news, but we also talk about how we can do better.

Now, I come to the floor with a clear mind and a clear heart and ask my colleagues on the Republican side of the aisle: We fell 13 votes short of providing poor children health care today. I ask, as we started to look at this issue again, and another vote will be coming up in weeks, that one goes within their soul and within their heart and think about voting in the affirmative so that we can pass the bipartisan health care opportunities for young people that we have done.

Now, this was a bipartisan bill. You know, you listen to the President, you think, oh, the Democrats sent me a bill. Well, I guess the 45 Republicans that voted with us on the original bill and the 44 that voted with us today, I guess they are Democrats, too. Or maybe they are just Members of Congress who say that it is their responsibility to make sure that poor children in their district and within the country have health care. Boy, that is something. And so I think it is very, very important that we move down and move in that direction.

I will put that rubber stamp off to the side because I never want to see those days again, but I wanted to bring it down to the floor because I thought it was fitting today that we do that.

I think it is important that we highlight the fact that there are a number of polls that have been out on this issue and who has said that Americans are in full, almost full support of expanding the children's health care bill. Eighty-one percent in the CBS poll have said, I am for health care and expanding it for poor children; 81 percent, 15 opposed. And I think that is something to look at, and I think that is something that Members should pay very, very close attention to.

I also, Mr. Speaker, I think what is important, as we started looking at what is to be done in the very near future, we have to look at the fact that we have families, we have children, we have policymakers in the States that are counting on a children's health care program. We have doctors that are concerned about the lack of health care that children already are experiencing here in the United States, and so when we started talking about reauthorization, we started talking about expanding to more kids, they are happy but now they are concerned. We have over 170 organizations that deal with children and good government and support, still in support, of overriding the President on the health care bill on the SCHIP bill that he vetoed. That is history now. But I think it is important that, I want to encourage those Members that voted for the override, I want to encourage those Members on the Republican side, the 44 that voted with Democrats to override the President, to stay encouraged. To stay encouraged, because so many times we know about the glory, Mr. Speaker, but we don't necessarily know about the story. And right now we are writing the story on providing health care to poor children in the United States of America. And I say to children of the United States of America, because you have some Members here that are willing to vote for kids in Iraq and other places that have health care but not willing to vote for our own children here in the United States to get health care. And I think it is important that as we start to build this story, there is some good chapters and some bad chapters. And I think the good chapters that can be added to this story of getting to the glory part where we are able to have expanded benefits for children and also expanded coverage for children to provide health care for the next 5 years, or as long as we can get it at that number, for some Members who voted to not allow those children to have health care to come to the side of allowing them to have health care.

□ 1530

Voting in the affirmative for children's health care, now maybe the vote would have been a little different if this was 2008 and their constituents were paying very close attention to every vote that their Congressman or Congresswoman would take here on this floor.

But, you know, the good thing about it, some may say that, but I believe that the American people are paying attention to what's going on here. I also believe that the American spirit will rise up. I said that last Congress; and a lot of folks said, yeah, you know, that's fine. The attention span, you know, of the average person is probably about, you know, a week or two or what have you. When it falls off the screen of the Today Show and other shows, it'll just kind of drift off.

But I can tell you this much: last Congress there were votes that were taken that the American people remembered. And I think it's important that folks understand that that will happen this time around.

And I'm not in the business of making sure that folks no longer serve in Congress. That's not my piece. I'm here to represent the people of the 17th Congressional District and the people of the United States of America to the best of my ability.

But I think that it's important because this is not politics, it's policy making, that those that voted against it be a part of a good chapter and allowing people to be able to have health care.

I want to commend the March of Dimes, all of the affiliates throughout the country that wrote their Congressmen and -women to vote in the affirmative to override the President.

I would like to thank those 501(c)(3) organizations. The lifeblood of their effort is through volunteers throughout America, and when they come in to volunteer for the March of Dimes, when they come in to volunteer for the Children's Defense Fund, I mean, all the different groups that are out there to do what they do on a daily basis that help this country be what it is today, I thank those individuals, because I don't want them to lose faith in the fact that we're not going to have their back. We're going to have their back. When I say "we," those of us that voted to override the President today.

I don't wake up every morning saying, hey, you know, I'm getting ready to go to the Capitol. We're going to override the President on a bill, on the children's health care bill or on making sure that we have sound policy in Iraq. I don't wake up on those days saying that I look forward to that opportunity. I don't look forward to that opportunity. I'd much rather us work in a bipartisan way to where we can move in that direction.

Well, let's look at the bill. The SCHIP bill received, I believe, 45 votes and the first time it came through here, that's bipartisan. Received, I believe, 14-plus votes in the Senate. Someone correct me if I'm wrong. That's bipartisan, Republican Members coming over and voting with Democrats to be able to move that bill through the process. That's bipartisan.

It gets to the President, all of a sudden it's partisan. Democratic Congress sent, no, it was a bipartisan Congress that sent him a children's health care bill. In the Senate, ORRIN HATCH, I mean, major Republicans are over there saying that the President's wrong and they had the votes, and they still do, to override the President of the United States. They have the votes over there.

In the House, we had a majority of votes, beyond a simple majority. We went well into, fell short 13 votes because Republican, on the Republican side of the aisle, 154 Republicans decided to stick with the President and not with the poor children in the United States of America.

I say all of that to say this: we would not have accomplished as much as we've accomplished, when I say "we," the 110th Congress, if it wasn't for a bipartisan spirit and allowing, not only Democrats, but also Republicans to have bills that they should feel good about when they vote for those bills.

Now, we talked about minimum wage passed on this floor. It was offered when we were in the minority in the last Congress, but never made it to the floor, never made it to a committee hearing.

The 9/11 recommendations, 9/11 Commission, great Americans put together a great document. It was a book, one of the best-selling books. And the President said he wasn't going to sign that. In a bipartisan way we passed that. Sent it to the President. He had to sign it.

And all of these signing opportunities, I don't call them ceremonies. You know, they usually kind of happen like on a Friday, you know, folks leaving town, about to go to Camp David, not going to make a big deal on his way out, just sign it into law instead of celebrating the bipartisan spirit we have here in the Congress and sending that legislation on.

Cutting student loan interest rates in half. That meant $4,400 in the pockets of the individuals that have taken out the loans. And who are they? Children or young people that are trying to educate themselves to help us to be a stronger America and a more professional America so we can compete against other countries. It's not all about lock and load and shooting at someone. It's about making sure that we continue to stay the economic superpower of the world and to be able to provide the leadership in the world as it relates to a shining example of how one can educate him or herself and become all they want to be in the industry that they want to be, or provide a job to allow other Americans to work.

The President said he wasn't going to sign that. Thank you to the American people, thank you to the Members going back, talking to their constituents, thank you for all of those mothers and grandparents that wrote and e-mailed and said this is wrong, and that we want, if you want, you know, there's so many times we feel that we know what to do best here in Washington, DC because we understand what you need.

Well, guess what? $4,400 in the pockets that they don't have to pay on interest rates, because the student loan companies were pocketing those dollars. We allowed those dollars to stay in the pockets of those individuals paying on the interest rate on those student loans; and they know what's best.

And guess what? I'm talking to independent voters too. I'm talking to Republican voters too. No one said, well, you know, based on my card, do I get it or not? No, not even based on your income. You get a student loan, you can be an individual punching in and punching out every day making the minimum wage, or you can be a family, a single parent, or you can be a two-parent household with a gross income of $200,000, a household income of $200,000 and you still get that $4,400. And I think it's important, the President said he wasn't going to do it; he did it.

Now I'm asking the Members of Congress to stand in there on behalf of these children, not by their doing, but due to the fact that parents are trying to provide a way of life for them, and their only penalty is the fact that they can't afford health care. That's the only penalty that they have.

We have children that we're sending up to the military academies who cannot pass the tests, not the academic tests, not the fact that they didn't have the GPA to go to the Air Force Academy or to be able to go the Citadel or what have you. It's because they couldn't pass their physical because they didn't know they had a situation that could have been corrected to where they can be one of our best and brightest within our military and they're not able to do it because they don't have what they need to have.

The school lunch program started in World War II because kids were not healthy enough to be able to go into the military because they didn't have the very nutrients that they need to be able to function and grow up here in America. And that's the reason why we have that program today.

So when we started looking at things in a broader picture, I think it's very, very, important, Members, that we pay attention to the present. The 109th, 108th Congress I was a Member of. Before that, my mother was here 10 years prior to my arrival here in Congress. I paid very close attention to her movements, member of the Appropriations Committee, spent a lot of time trying to help a lot of people here in the United States of America. I am glad that it was a broad perspective versus a small perspective of saying, well, I need to stand with a person, with the President of the United States because he said he should not have his veto overridden. And I want to thank, he has a very good legislative staff that comes down here and talks to the Members and says, you know, you need to stick with the President, stick with the President.

Meanwhile, we had all these volunteers on the side of overriding the President, on the side of children's health care, that spent their own money, Mr. Speaker, to come here to Washington, DC, walk the Halls. Thank God the Speaker had enough wisdom and the majority leader had enough wisdom to say we're going to postpone the vote to allow those most affected, those that can afford to come to Washington or go to the district office of Members of Congress and the Senate and say please vote on behalf of children's health care because the President's wrong.

It's nothing wrong with being wrong sometimes, but not all the time. And I think it's important that when we look at this whole children's health care bill, I'm reading some articles about, well, you know, the Congress and the President, they need to sit down and come together on the line of compromise. And you know something? In Iraq, the President stands right at one point here on an issue and says this is it; this is what I'm going to do; this is how I'm going to do it and have enough Republicans to be able to stand with him so we can't be able to, well, if we pass a bill it will not be successful because he will veto the bill and it will come back here and then we'll fall 13 votes short. He stands firm, and then we have to end up having to work out some sort of compromise.

I'm going to tell you, I hope that this story, like I said, you have the story and the glory of everything. I hope as we continue to write this story and providing children the kind of health care, poor children the kind of health care that they deserve, that we stand. And when I say "we," the Democrats, the Democratic Caucus that voted to override the President, and the 44 Republicans that voted with us to give us the numbers that we needed.

And it's not just what I'm saying. It's what the CONGRESSIONAL RECORD is saying. And it's what roll call vote No. 982 says. It says that 44 Republicans and 229 Democrats voted in the affirmative, a total of 273 versus 156 who voted against. So I think it's very, very important that we look at this and that Members pay attention to what's happening.

What side of history do you want to be on? What side of opportunity do you want to be on? And I think that's something that the Members are going to have to take into strong consideration.

I'm happy that the President signed bills that he said he wasn't going to sign. But it wasn't only because of our doing. It was because the American people mobilized and said, well, I know I am going to have my opportunity on a given Tuesday every other year to vote for my representation in Washington; but they mobilized to say that I have faith in this democracy and I'm going to continue to talk to Members of Congress of the importance of the children's health care bill.

And I'm asking for those Americans that took that time out to come to Washington, DC, called, e-mailed, wrote letters, I want to commend them for doing the work that they did. It was the same group, the same volunteerism that came up out of the ground, literally, when the President wanted to privatize Social Security, and a good majority of Republicans on that time was in the majority, rose up and said, well, we want to go with the President on the private accounts and privatizing. It was that same volunteer American spirit that stopped that movement.

So we can make something good happen here on behalf of children that are needing health care.

As I move into the close here, Mr. Speaker, and as I was here on the floor and I was listening to the Speaker close, I think that it's important the value of Members playing a very strong role in facts, not fiction. And I was proud to see, you know, there's a lot being said and people were saying different things. And there were some folks that said that, you know, on the Republican side, well, there's going to be funding for illegal aliens in the SCHIP bill. Well, that's not the case. That just wasn't the case.

And I'm glad that the Speaker brought this chart down here, and I asked for this chart when I came to the floor because I thought it was very, very important. Section 605, page 255, right here, right here, and I think it's important, maybe we put it on www.speaker.gov for not only the Members to see this and highlight it like this. So you go down to line 16, section 605, no Federal funding for illegal aliens. Period. So as I look through the CONGRESSIONAL RECORD, Mr. Speaker, with my highlighter I could go through almost, when I hear from my colleagues on the other side of the aisle, because they had very little to hold on to, I mean, how do you wake up in the morning and you say, well, I'm waking up this morning to deny 10 million children health care. Poor, at that. That's what I'm waking up to do this morning.

☐ 1545

Or do you say "I'm waking up this morning to stand with the President on denying 10 million poor children health care"? Or do you say, "Well, maybe I can come up with this one: Somebody said it and I'm going to continue to say it, illegal aliens are going to receive health care from this bill, so that's the reason why I can't vote for it" when the law says that it doesn't?

I mean, I hope that the volunteers continue to talk to the 154 Republicans that voted against this. "Well, families that make $83,000," that is not the case and the facts are right here. "These very wealthy families are going to get a government benefit," that is not the case. And I think it's important that we continue to shed light on this.

I think there should be some sort of meter here on the floor, to be honest with you, fact versus fiction, so that as Members come to the floor and they start talking and the meter starts moving over to the fiction side of it, then other Members will know how to judge what's accurate and what's not accurate. I think that would be very important because I think there will be better policymaking and there will be fewer excuses why people didn't vote for certain bills.

I am not going to say that I'm mad. I'm just saying that I am disappointed. But the good thing about it, 14 years in public service, some of those years in the State legislature in Florida, 5 of those years, going on 6, here in Congress, there are votes that I remember. And this will be one of the votes that I will remember for the rest of my public career as long as the people from the 17th District will have me here from Florida, the day that we fell 13 votes short, not because of the lack of effort, not because we did not have the bipartisan spirit blowing through the air conditioning ducts here in the Chamber, not because there wasn't bipartisan input in the writing of the legislation need it be House or Senate, but because 13 Members out of 154 decided not to vote in affirmation.

I think it is also important to note, Mr. Speaker, that as we leave and we come back here, I believe, on Monday and we will be voting at 6:30, I hope that the Members engage their constituents on their vote, need it be against or for providing health care to poor children. I think that there should be a line of questioning as one walks through the airport when they get back home. Some of those volunteers out there should ask, "Congressman, how did you vote on overriding the President when he vetoed health care for 10 million poor children here in the United States?" I just want to make sure that one can answer that question with great accuracy. They may miss their flight or their connecting flight or they may even miss the ride home because it's going to be a long discussion. How can you be on the other side of 270 organizations that are not partisan organizations, that are nonpartisan organizations, that are 501(c)3s, that are doctors, that are nurses, that are children's organizations, the different organizations and associations that have been created to be here for this very time to educate all of us on those disparities as it relates to health care, to expand the opportunity for 10 million children to have health care and deny it?

There was a bunch of name calling here in Washington, DC. The President called it socialized medicine. What is socialized medicine? To sit up here and say "socialized medicine" after running up a $1.19 trillion debt from foreign nations on a war and other things, tax cuts for the superwealthy, that more than 42 Presidents before him and $1.01 trillion from 1776 to 2007 couldn't do.

You take out your veto pen only one time, one time in the first term when we had a Republican Congress, one time, and that was on stem cell research. And now, all of a sudden, you have a veto pen connected to your index finger in your right hand, walking around, waiting on bipartisan bills passing through this Congress, Democrats and Republicans voting on these bills and sending them to you. And as soon as they get there, you want to veto them and then say something like the Congress is not doing what it's supposed to do.

When I was in the 109th Congress, I would already be home. We would probably vote 1 or 2 days out of the week and then we would go home. Now we're putting in the work, broke the record, 982 roll call votes and the year is not even over yet and we have a lot of work to do. Meanwhile, we have to take these votes to try to override the President. We could have been focused on another issue here today. We could have been focused on some of the appropriation bills that we were waiting to get through the process that we can't get through the process at this point.

So, Mr. Speaker, I'm glad that I had the opportunity to come down to the floor on this Thursday evening. I look forward to continuing to work with the bipartisan coalition, with the volunteer coalition in moving this issue forward. I look forward to listening to what Members are going to say in the press as to the reason why they voted for health care for children, which I am pretty sure can be a one-liner, versus those of the 13 votes that we fell short here on this floor in overriding the President and the 154 that voted against today, the dissertation that they have to write on the reason why they voted against children's having health care today.

I want to thank the work of not only the members of the committee but the staff here in working so hard here in Congress in trying to provide the health care that is needed.

I close with this, what I shared maybe about 20 minutes ago, Mr. Speaker: In the legislative process there's a great story. At the end, there is glory once we are able to provide 10 million children with health care. So as we write this story, the good thing about America is its okay to say maybe I took the wrong vote and I have made some mistakes. I will tell you, Mr. Speaker, I have made some mistakes the years I have been in public service thus far, going on 14 years.

I have taken some votes and later I said next time I have the opportunity, I'm going to vote the right way. I know more because I studied a little bit more. I have heard some input from both sides. And that's just the human spirit. I mean, that's fine. That happens. But when you have so much information and it is so clear and the evidence is there to show that we have States that are going to be running close to their program ending and children are not going to have health care and we are sitting here trying to override the President and we fall short 13 votes not because of the lack of will, not because of the lack of desire, it's because of whatever reason that those Members of Congress decided not to override the veto. The Senate has the votes to override. In the House we did not have it, and 154 of my Republican colleagues voted against our doing that. And I think that is very important to note. Again, it's not politics; it's just the facts. And the facts are what they are. And when that roll call vote took place today, which I am pretty sure you will see printed today, roll call vote 982, it may very well be the vote that may give us some new Members of Congress here that may very well provide the kind of leadership that we need. But we cannot wait on that to happen because children will be denied health care, poor children will be denied health care.

Mr. Speaker, it was an honor to address the House, and I want to thank the majority leader for allowing me to have the hour.

I know that the story will continue. We look forward to the glory. And I want to ask those that are pushing to continue to push, and I believe we will make it to where poor children will be able to receive the health care that they deserve and this country should provide.

## SCHIP

The SPEAKER pro tempore (Mr. MITCHELL). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you here on the floor of the United States House of Representatives.

There have been a number of times that I have come down here to convey a message to you and the American people. And after having listened to the gentleman from Florida and his 30-Something colleagues, my material has just gotten so massive, I'm not sure I can rebut all that in the time that I have, let alone convey the message that I came here to convey, Mr. Speaker.

First of all, there seems to be great confusion on the Democrat side of the aisle about the difference between health insurance and health care. They seem to believe, or at least would like to have the American people believe, that kids in America are being denied health care.

This debate about SCHIP has never been about health care. I would draw this comparison: You will hear often in the debates in this country about people are pro-immigrant or anti-immigrant. And when I say that, Mr. Speaker, people draw up an image about being pro-immigrant and anti-immigrant. Some people think illegal immigrants; some people think, appropriately, legal immigrants. When we say "immigrant," we should imply legal immigrant, and when we talk about illegal immigrants, we should say so.

The same goes with health care and health insurance. To interchange the terms and, I think, willfully inform the American people that this debate is about health care and to stand on the floor of the United States Congress and convey a message, Mr. Speaker, to the American people that there are kids in America that are not getting health care is not an accurate statement. And the gentleman from Florida, if he would examine his words and the meanings of the language, would know it's not an accurate statement.

This is a debate about how many Federal dollars we are going to extract from hardworking Americans to put into federally subsidized health insurance, hopefully for kids. That's what SCHIP is about. But it is not even about all kids, because today, under the current program, the program that was drafted up in 1997 and became law in 1998, was created by a Republican Congress, and it was created in the immediate aftermath of welfare reform.

Remember welfare-to-work? We had generations of people that had become so dependent on welfare that they forgot about working. We needed to move them off of welfare, and we called it "workfare" part of the time.

We also recognized that people that were low income, the working poor, when you would take them off of welfare, they didn't have enough funds to fund the health insurance for their children, so we created the State Children's Health Insurance Program. That's SCHIP. It's 10 years old now today and we are talking about reauthorizing it. That is federally funded health insurance premiums for kids.

But this program, even under the current law, has morphed into a program that if you go up to Minnesota and take a look, 87 percent of the recipients of SCHIP are adults. And most of those adults are not parents; they are single adults. And if you go to Wisconsin, 66 percent of those who are on SCHIP are adults. They have changed this program and they have morphed it away from being a program that was about health insurance premium subsidy for kids. That's a discussion they can't name.

And I challenge anyone over here, stand up now, I will yield to you. Name one kid in America that doesn't have access to health care, one health care provider that slammed their door in the face of a kid in America or anyone in America because they didn't have health insurance.

No. We take care of everyone's health care needs in America. That is not the crisis. If it was, you can bet the PELOSI side of the aisle would have marched them down here and maybe brought them up into the well for a photo op. But that population of this country doesn't exist. Everyone in America has access to health care, legal or illegal, for that matter.

□ 1600

And every child especially has access to health care.

Now, we would prefer that they all have health insurance because we believe that those who have health insurance do a better job of going for their regular check-ups, and the medical providers will track their cases and be able to monitor them and be able to get early warning signs of chronic diseases or illnesses, and be able to maintain their health in a far more effective fashion for two reasons.

One is it improves the quality of life for the children in this country, and the other is it saves money. That's why we established the SCHIP program in the first place. But it wasn't designed to take hard-earned taxpayer dollars and put them into the pockets of people who could afford health insurance for their own children; and especially it wasn't designed to be able to put the Federal incentive in place to push kids off, to talk kids off, to put an incentive so that their parents made a decision or their employer made a decision not to insure them when they were already insuring them.

And yet if you look at the numbers, the Congressional Budget Office, the nonpartisan Congressional Budget Office that the gentleman from Florida would have to acknowledge gives us the most objective number we have, says that under this proposal that the President appropriately vetoed and that this Congress refused to override would take 2 million kids today that are funded with private health insurance and push them off of that onto the government roll.

Now, why would we want to do that? What would be our incentive? If nobody's going without health care, if we have kids that don't have health insurance that are getting health care, why would we create a program or why would we grow a program that's going to take 2 million kids off of the private rolls and put them on the government? You have to be somebody that believes in socialized medicine to advocate for such a thing.

And when Republicans bring a policy that recruits more of the uninsured to go on the rolls at 200 percent of poverty and below, where I have voted and consistently supported this program and voted to appropriate funds to this program, both as a State senator and as a Member of Congress, 200 percent of poverty, I can take you to where it is in my State today, that's an example I know to be fact, we can always discuss what's fact and what isn't, but in my State today a family of 4, that's mom and dad and 2 kids, qualifies for SCHIP, that in Iowa we call it Hawk-I, premium subsidy if they're making less than $51,625 a year, Mr. Speaker. Now, that's probably a little above what's middle income for a family of 4 in the State of Iowa.

And so if we've already gone above the line of where the median is, this Pelosi Congress passed this SCHIP legislation, not over here at 300 percent of poverty, passed it over here at 400 percent of poverty, Mr. Speaker. That was the vision of the San Francisco values that have been brought here to the gavel in the chair where you're seated right now, 400 percent of poverty. Now, was there a clamor from the public that we should take their tax dollars and subsidize health insurance premiums for already insured kids that families were making over $103,000 a year? I didn't have a single letter that said so. I got a few that said, I think we ought to have socialized medicine. I think the Canadian plan is pretty good, the British plan is pretty good. The European model is all right.

They disregard the long lines and the poor care. They disregard the fact that when you go to socialized medicine you have companies created in Canada for the purpose of facilitating access to American health care systems, companies that have sprung up because the Canadian is barred from having any special pass to go in front of the line; they all have to get to the back of the line. And so people don't always live long enough to get to their health care provider in places like Canada. That's what I want to avoid.

And the companies in Canada that are created will set up this package and it will be, well, if you need a hip replacement, here's how we will do this. We will set it up so you can go to a clinic for a check-up, and we'll fly you down to whatever city it might be, let's pick one, let's say Minneapolis, and there we will give you a hotel room, or let's go to the Mayo Clinic, that's even better, in Rochester. We'll fly you down there. Here's the package; here's your hotel room; here's what it's going to cost you to go to the clinic; here's the surgeon, here's the anesthesiologist; here's the whole package.

Now you figure out you can write the check to take the weekend tour to go down to the Mayo Clinic in Rochester and get your new hip replacement and go back to Canada, because they can't get access to health care there because they have socialized medicine. That's what this debate is about, Mr. Speaker. It's about laying the cornerstone for socialized medicine in the United States of America.

Here we are in a country where every kid, every person, every adult, legal or illegal, has access to health care, and we would like to increase the numbers of insured. But a Nation that has the highest quality health care in the world, one who is the most innovative of all nations in the world, the ones that has produced more new pharmaceuticals, more new surgical techniques, more new medical technology than any other nation, however you want to measure it, as a percentage of our GDP, as a percent of our population, measure it just as the sum total of the contribution to health care in the world, this country's medical practitioners and providers are the ones that have done that.

And this cornerstone to socialized medicine that is attempted to be laid here by this Pelosi Congress undermines that innovativeness, that service, that quality that we have. And that's why 150-some of us voted "no" on overriding the President's veto. That's why the President vetoed it, because your health care, Americans, is more important than the political demagoguery that's going on here on the floor of the United States Congress.

The confusion between health care and health insurance, this debate is about health insurance, it's about us on the Republican side wanting to increase the percentage of covered kids under SCHIP under the 200 percent of poverty here, those that are not covered now that can be and still qualify, and us, as Republicans on this side, wanting to roll down the numbers of adults that have found their way into this system to be 87 percent of the recipients in Minnesota, 66 percent in Wisconsin, and a dozen or so other States that have crossed this line.

That's a standard that we're for, and it's something that they are opposed to. They won't speak up to the real issue that's here, Mr. Speaker, but this isn't about health care. It's about Federal subsidy of health insurance; it's about taking dollars out of people's pockets.

And so at this level over here, Mr. Speaker, I will submit that it works this way: We have this thing called the alternative minimum tax, which was created to tax the wealthy. They weren't paying enough tax, so Congress created a new tax, the alternative minimum tax. And under this SCHIP proposal there will be, the one that passed Congress the first time, that's over here, 70,000 families in America would qualify for SCHIP subsidy, Federal taxpayer funding, and still have to pay the alternative minimum tax, the tax on the wealthy, at the same time they're being subsidized and they can't afford the health insurance for their kids.

Now, figure that out. Think about how the circle has crossed. One circle over here is those that are so poor they need help, and the other circle over here is those that are making so much money we've got to give them an extra tax. But when you cross those 2 circles together, Mr. Speaker, and where they cross, that crescent in the middle, is 70,000 families, 70,000 families paying the alternative minimum tax and qualifying for Federal benefits for health insurance. I think that tells you that the loop for socialized medicine would be closed with this, and that's another reason the President vetoed it.

Another subject matter that was brought up by the gentleman from Florida is this subject of the billions of dollars that are spent on the global war on terror, and of course he would focus it on Iraq, which is a battle ground in the global war on terror, billions of dollars. And the argument is we can spend billions of dollars on the war, but we can't spend $35 billion subsidizing health insurance for middle-income and upper-income children of those parents that are middle- and upper-income.

Now, think about this: How cynical would you have to be to draw a diabolical argument that here we spend money over here on the war, if we've got enough money for the war, we surely have enough money for health insurance for these kids? I mean, if that's the case, if the gentleman from Florida is drawing a legitimate comparison, then you have to look at the resources over there for our soldiers, sailors, airmen and marines and say, well, I'm sorry, we're going to have to take $35 billion out of your resources and put them over here to subsidize health insurance for these kids, these kids that are getting health care, by the way.

So how many fewer bullets, how many fewer bullet-proof vests, how many MREs, how much tank fuel or aircraft fuel, how many repair parts for a Blackhawk helicopter, how much surveillance equipment out there we would have to sacrifice to take away from those soldiers to fund this Pelosi plan for SCHIP? That's the other side of the argument.

So if they're sincere, and I have heard Member after Member, Democrat after Democrat, come to this floor and go to the media and send out press releases that we're spending money on the war, we ought to be able to spend the money on the kids, well, if this is a zero sum game, then how many bullet-proof vests do they want to take away from our soldiers? How many Humvees? How much armor protection personnel? How much training, how much communication, how much human intelligence would we be willing to take away and how much risk would we be willing to put our soldiers through so that we could justify this program?

I think when they're confronted with the reality of that argument, they would have to confess that they would never allow an amendment on the floor that would cause them to have to put up a vote and go on record to make that decision. But they will ask you to believe that somehow, that because we spend money on war, that gives justification to create a socialized medicine program here. We know what the agenda is: it is socialized medicine.

And then I would argue, also, that to lay this thing out clearly, I'm going to go down through these, if I can, Mr. Speaker. This is a bit of a surprise package, I'm not sure what's underneath here, but we'll go with what we have, and that is, how do we fund this SCHIP according to the Pelosi plan?

Well, we're doing it with an increase on tax on cigarettes. Right now, the Federal tax is 39 cents a pack. This bill that the President vetoed, that this Congress refused to override, adds 61 cents a pack to cigarettes. So now the Federal tax will be $1 a pack. The States can do whatever they want. The idea is if you raise the price of cigarettes, people will smoke less. Well, that's kind of a good thing, I would think, Mr. Speaker.

But if we're going to fund this SCHIP program, these $35 billion worth of increases, then over this period of time, as we see here in this chart that is laid out, it takes it out to 22.4 million new smokers have to be recruited in order to fund this expansion of this socialized medicine program of laying the cornerstone by SCHIP; 22.4 million new smokers. Now, that runs directly against the belief, and probably to some degree of fact, that the more it costs, the less people will smoke. So we add $1 a pack, and now we have to still raise, and even though the price goes up by a 156 percent increase, we still have to recruit 22.4 million new smokers. Now, I don't want to be involved in that, Mr. Speaker. I don't want that on my conscience. I don't want to have to bring Joe Camel back and run him through the schools so we can get new smokers to fund insurance for these kids.

And another thing I would add is that, if this is about the kids, every dollar that is added to this program is added to the national debt. Now, who is going to pay that national debt? Somebody that's 58 years old or somebody that's maybe 8 years old? And I'm going to say that the ruse that this is about the kids, while at the same time pushing that $35 billion into the national debt and asking those same kids that you say you're trying to help to pay the debt they incurred, I think is where the real hypocrisy lands, Mr. Speaker. 22.4 million new smokers? Not a very sound plan.

This chart tells you what happens when you start raising the premium subsidy up for health insurance. When you get up here to this level and you get to 400 percent of poverty, which this Congress passed, then 95 percent of the kids that are on private health insurance will drop off of that private health insurance and they'll go on government. So even if they're making $1 million a year, 95 percent of those kids go to the government premium side.

If you take it on down to 400 percent of poverty and below, it's 89 percent. And as we go down lower to where we are now, it's 50 percent. I contend that, if the parents have a job and the health insurance is with the job and the employer has put a health care package out, their health insurance package out there that includes the family, and most do, why would you put a program in place that's going to cause the employer to do this calculus: I don't know why I'm paying for that if the government will pay for that. I'm going to offer a proposal here that's going to save me money. I can take that and put it in my bottom line as an employer and call it profit and tell my employees, we're going to sign you up for SCHIP.

I had a conversation with my son and daughter-in-law a couple of weeks ago. They blessed us with 2 little beautiful granddaughters, so they're a perfect model family of 4. And I said here in Iowa, where this number right here, Mr. Speaker, if this bill had been overridden today that the President vetoed, in Iowa, a family of 4 would qualify for SCHIP funding at $77,437.50, to be precise. Now, that's that family of 4, that's my son and granddaughters and daughter-in-law. The calculus is pretty easy for them. They just say, well, we're self-employed, I guess we could do this. We could set our wages up to make sure that we don't break the cap on SCHIP and the kids would be funded then by the government, wouldn't they? And I said, I don't want to hear about that.

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It was a bit of a levity kind of a conversation because they are going to take care of their responsibility and they have and they will continue to do that. But if that can be figured out in 5 seconds in the kitchen of my family, think how it can be figured out in every boardroom across America that will see an advantage here to push the kids, the children of their employees, off of their own privately funded health insurance, put them on the government-funded one, and put the profit, the savings, in their bottom line. You know that is going to happen. The people that will be the most believers of that have to be those on the other side of the line that don't believe in much for ethics and the free enterprise system that we have.

That is how that is going to work. You push people off health care and so you get to this, Mr. Speaker, and this is what this is really about, SCHIP. Some might think that is for the State Children's Health Insurance Program. But I will submit that the real motive behind this, we have Presidential debates going on and candidates all over this country concentrated in my State, New Hampshire, and others, and you can feel and sense they have been pushing health care 6, 7, 8 months to bring this debate to a head, and a delay in this Congress in coming to the negotiating table so we can actually extend this program in a responsible fashion is partly rooted in the Presidential politics and in the partisan politics in this Congress. I think the majority of it is rooted in that. So I will submit SCHIP really stands for Socialized Clinton Style Hillary Care for Illegals and Their Parents. And I hope the camera is on this so it doesn't get missed. SCHIP, Socialized Clinton Style Hillary Care for Illegals and Parents.

By the way, I did not get to that illegal component that was laid out by the gentleman from Florida. Well, one can point to language in the bill that says "you don't get to send any of this money to people who are otherwise deportable." That language is in the bill. But, Mr. Speaker, I will inform you, this body, the people in this country, that there is additional language in the bill that weakens the citizenship standards that exist today, not just for SCHIP, but for Medicaid as well. We have citizenship requirements for Medicaid that you have to demonstrate, you have to prove your citizenship. And of those conditions that will be producing a birth certificate and another document, a photo ID perhaps or a passport or a list of other documents that demonstrate your lawful presence in the United States and your eligibility for SCHIP and for Medicaid; those are current law requirements. This bill that says in 1 paragraph "this money can't go to illegals" says in another paragraph "but if you know how to write down a Social Security number, that will be all that is required."

The Social Security Administration has put out information that says you cannot verify citizenship by a Social Security number. There are millions of Social Security numbers that are not numbers for citizens. There are millions out there that are nonwork Social Security numbers, and there are millions out there that have been given to people that are here on work visas, student visas, visitors, you name it, for one reason or another, so they can get a driver's license or buy insurance, or maybe qualify for a benefit, millions of Social Security numbers that do not connote citizenship. And the only standard that is left, that is required in this current bill is you have to submit a Social Security number. And it is implied, it might even be specific, that it be a valid one. But we know how well that works when we have 20 million illegals in America and we have somewhere between 7 and 12 million working illegals in America, many, in fact most of them, using phony Social Security numbers. So if they can get a job and that number can report their wages every week and we can't figure out where they are, how in the world can anyone ever hear say, "well, none of this money is going to go to illegals" when the Congressional Budget Office has made it clear and issued their report that the net cost to taxpayers because of the opening up of the citizenship standard is 6.5 billion, that is with a B, $6.5 billion, Mr. Speaker.

There isn't an argument on this that is seriously grounded in the facts. We take our facts from the Congressional Budget Office.

So I will roll this together. In my State, currently a family of 4 qualifies for Hawk-I, SCHIP funding, for their health insurance. This isn't health care, remember; it is health insurance, at $51,625 a year. A family of 4. That is off the Web page of Governor Culver, by the way. And if this bill had passed, it would have qualified that same family of four at $77,437 a year. But this Congress first passed 400 percent of poverty, which would have qualified that same family of four at 103,250 or so dollars in that legislation, over $100,000, and not a fiscally responsible peep out of the Speaker, out of the Democrat side of the aisle that I heard, out of my Governor. No one stood up for the taxpayer on that side of the aisle. That is because they are actively engaged in laying the cornerstone for socialized medicine.

I will continue, 2.0 million children, taken off of their own private insurance, nudged off, because the government will pay for it, why would you pay for it? If it is free or you have to write a check, which line are you going to get into? There will still be a lot of patriotic Americans who will get into the "I will pay for my own line." God bless you for that. That is, by the way, 2.0 million children. That is a Congressional Budget Office number, the highest standard we have here; $6.5 billion for illegals to go on Medicaid and SCHIP? That is a Congressional Budget Office number.

You can't convince me that this isn't going to legalize access to health care services for illegals who, if we had the voucher delivered by ICE, the Immigration Custom Enforcement, would be compelled to pick them up and send them back to their own country. Think about that. If we made the couriers for vouchers for SCHIP to be ICE, they would have to come along and say, "Well, okay, here's your voucher, but you're not going to be able to cash it in because I am sending you back home again because that is the law."

How bizarre is it to hear the rhetoric coming out of that side of the aisle? These are the facts, Mr. Speaker. It weakens the citizenship requirement. It is a net loss to my State of $226 million, more tobacco tax paid sent to Washington, we get $226 million less. Bad deal, Governor Culver. You ought to understand that. That is also a number that is put out by a government office, and that is the Centers for Disease Control produced a number of a minus $226 million just for Iowa. Other States did worse. Other States were net gainers. The tobacco tax, 156 percent increase, and then, Mr. Speaker, not forgetting about the 22.4 million new smokers that we will need to get this program funded.

So, all in all, Republicans have taken care of this. We created this program. State Children's Health Insurance Program is about providing help in health insurance premiums for the children in lower income families that don't qualify for Medicaid. It is about the transition off of Medicaid on to private, on to self-reliance, on to all the dignity that comes with carrying your own load, helping transition gradually and easily off on to that. It is about that.

It is about protecting and preserving our private health care system that is the best in the world. That is where we are on this side of the aisle, Mr. Speaker. That is where the President is on this. The other side of the aisle is about laying the cornerstone for socialized medicine, because once you get 95 percent of the people dependent on a program, they consider it an entitlement. Democrats know that. The Democrat leadership knows that at least. And that, I believe, Mr. Speaker, is the strategy.

I don't know how, when they come back with the next argument that was laid out by here by Bill Clinton that they wanted to lower Medicare eligibility to 55 years old, then you look at this universe of people, people collecting SCHIP today at age 25, remember all those adults in places like Minnesota and Wisconsin, up to age 25, and if we lower Medicare eligibility to 55, now who is paying the bill for all the health insurance and health care in America? Well, it would be those folks between the ages of 25 and 55, Mr. Speaker. And don't you think that side of the aisle knows the resentment that will build when someone writes their own check for their health insurance premium and their check for the alternative minimum tax and their check for their income tax and they realize that they are paying for theirs and everybody else's. If they can't say no to this, then they are going to come back to us and say, "Give us the Canadian plan. I give up. I capitulate. Because I just can't fund it both ways. You have made it too easy for too many people. Now it is too hard for me."

That will be the calculus among the American people. That will be what ultimately closes this and builds this socialized medicine that they are trying so desperately to build. And by the way, there is no provision to fund this thing past these years that I have shown here, Mr. Speaker. That cliff in the funding drops off. It drops down to a very small percentage of the overall revenue stream. The reason is they believe that they will have a President and a majority in the House and in the Senate that will have given us the full-ride socialized medicine. So they don't have to worry about funding this through this program. Watch as this unfolds. Bill Clinton stood back in this well September 22, 1993, and he gave about an hour speech, 12 pages long, that lays out the game plan. Now his wife is poised to carry out the balance of it.

I stand here in resistance to socialized medicine or laying the cornerstone for it, but I stand with my colleagues in protecting the kids in America, protecting their freedom, protecting an investment in them. I refuse, I refuse to put this burden as a national debt upon those same kids and ask them to pay it when they get to be the age of adults.

Mr. Speaker, I yield back the balance of my time.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. DANIEL E. LUNGREN of California) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and October 25.

Mr. JONES of North Carolina, for 5 minutes, today and October 25.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KIRK, for 5 minutes, today.

## ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Monday, October 22, 2007, at 12:30 p.m., for morning-hour debate.

## OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

NIKI TSONGAS, Massachusetts, Fifth.

## OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boehner, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Nancy E. Boyda, Kevin Brady, Robert A. Brady, Bruce L. Braley, Paul C. Broun, Corrine Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, Julia Carson, John R. Carter, Michael N. Castle, Kathy Castor, Steve Chabot, Ben Chandler, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Steve Cohen, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Artur Davis, Danny K. Davis, David Davis, Geoff Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Terry Everett, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, J. Randy Forbes, Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Wayne T. Gilchrest, Kirsten E. Gillibrand, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Raúl M. Grijalva, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Phil Hare, Jane Harman, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Baron P. Hill, Maurice D. Hinchey, Ruben Hinojosa, Mazie K. Hirono, David L. Hobson, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, Bobby Jindal, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ron Klein, John Kline, Joe Knollenberg, John R. "Randy" Kuhl, Jr., Ray LaHood, Doug Lamborn, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cathy McMorris Rodgers, Jerry McNerney, Michael R. McNulty, Connie Mack, Tim Mahoney, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Earl Pomeroy, Jon C. Porter, David E. Price, Tom Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Laura Richardson, Ciro D. Rodriguez, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, John T. Salazar, Bill Sali, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Christopher Shays, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, John M. Spratt, Jr., Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Lee Terry, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Niki Tsongas, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, James T. Walsh, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Charles A. Wilson, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, John A. Yarmuth, C. W. Bill Young, Don Young

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3772. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fluazinam; Pesticide Tolerance [EPA-HQ-OPP-2007-0234; FRL-8152-4] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3773. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles L. Johnson II, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3774. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael W. Wooley, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3775. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Ronald A. Route, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

3776. A letter from the Secretary, Department of Defense, transmitting letter on the approved retirement of General Ronald E. Keys, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

3777. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting letter on the approved retirement of General Paul V. Hester, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

3778. A letter from the Regulatory Specialist, Department of the Treasury, transmitting the Department's final rule — Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks [Docket ID OCC-2007-00014] (RIN: 1557-AD02) received October 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3779. A letter from the Acting Deputy Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — The Individuals With Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program (RIN: 1820-ZA41) received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3780. A letter from the Acting Deputy Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — The Individuals With Disabilities Education Act Paperwork Waiver Demonstration Program (RIN: 1820-ZA42) received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3781. A letter from the Acting Deputy Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Technical Assistance on Data Collection-Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention — received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3782. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Definition of Cogeneration Unit in Clean Air Interstate Rule (CAIR), CAIR Federal Implementation Plans, Clean Air Mercury Rule (CAMR); and Technical Corrections to CAIR, CAIR FIPs, CAMR, and Acid Rain Program Rules [EPA-HQ-OAR-2007-0012; FRL-8483-7] (RIN: 2060-A033) received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3783. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Central Indiana To Attainment of the 8-Hour Ozone Standard [EPA-R05-OAR-2007-0173; FRL-8484-2] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3784. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Total Reduced Sulfur From Pulp and Paper Mills [EPA-R03-OAR-2005-VA-0012; FRL-8484-4] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3785. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; Transportation Conformity [EPA-R07-OAR-2007-0912; FRL-8483-3] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3786. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Kentucky: Performance Testing and Open Burning [EPA-R04-OAR-2005-KY-0004-200733, FRL-8482-5] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3787. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Georgia: Redesignation of Murray County, Georgia 8-Hour Ozone Nonattainment Area to Attainment for Ozone [EPA-R04-OAR-2007-0549-200742; FRL-8482-4] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3788. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans and Operating Permits Program; State of Iowa [EPA-R07-OAR-2007-0718; FRL-8483-1] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3789. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Mercer County Portion of the Youngstown-Warren-Sharon, OH-PA 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0344; FRL-8484-3] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3790. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Control of Particulate Matter From Pulp and Paper Mills [EPA-R03-OAR-2005-VA-0011; FRL-8484-5] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3791. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-12, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

3792. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-24, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

3793. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-05, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Egypt for defense articles and services; to the Committee on Foreign Affairs.

3794. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-03, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on Foreign Affairs.

3795. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-04, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to United Arab Emirates for defense articles and services; to the Committee on Foreign Affairs.

3796. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-08 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on Foreign Affairs.

3797. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Inspector General's semiannual report for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

3798. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Removal of Migratory Birds from Buildings (RIN: 1018-AV10) received October 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3799. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, September 19, 2006, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

3800. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2006 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

3801. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a report of the Bureau of Justice Assistance entitled, "Fiscal Year 2005 Annual Report to Congress," pursuant to 42 U.S.C. 3711; to the Committee on the Judiciary.

3802. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of a draft bill to amend the reporting requirements of Title III of the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

3803. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on "data-mining" activities pursuant to Section 126 of the USA Patriot Improvement and Reauthorization Act of 2005, Pub. L. 109-177; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3224. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; with an amendment (Rept. 110–386). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3247. A bill to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes; with an amendment (Rept. 110–387). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1483. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes, with an amendment (Rept. 110–388). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 505. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. 110–389). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3564. A bill to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes (Rept. 110–390). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Mr. TIM MURPHY of Pennsylvania:

H.R. 3884. A bill to amend title 18, United States Code, to provide for punishment for killing a member of the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 3885. A bill to suspend temporarily the duty on standard grade ferroniobium; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself and Mr. CANTOR):

H.R. 3886. A bill to optimize the delivery of critical care medicine and expand the critical care workforce; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. SMITH of New Jersey, Mr. CONYERS, Mr. WOLF, Mr. GEORGE MILLER of California, Ms. ROS-LEHTINEN, Ms. ZOE LOFGREN of California, Mr. PITTS, Mrs. MALONEY of New York, Mrs. DRAKE, Mr. NADLER, and Mr. HASTINGS of Florida):

H.R. 3887. A bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat forced labor, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE (for herself, Mr. PRICE of Georgia, Mr. FEENEY, Mr. WALBERG, Mr. BOEHNER, Mr. BLUNT, Mr. CANTOR, Mr. PUTNAM, Mr. KELLER, Mr. TERRY, Mr. ROSKAM, Mr. THORNBERRY, Mr. SESSIONS, Mr. CHABOT, Mr. DAVID DAVIS of Tennessee, Mr. HELLER, Mr. KLINE of Minnesota, Mr. PENCE, Mr. CARTER, Mr. GOHMERT, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. PITTS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. ISSA, Mr. BARTLETT of Maryland, Mr. SMITH of Nebraska, Mr. HOEKSTRA, Mrs. SCHMIDT, Mr. BROWN of South Carolina, Mr. COBLE, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. GINGREY, Mr. BOOZMAN, Mr. SMITH of Texas, Mr. GARY G. MILLER of California, Mr. CRENSHAW, Mr. WAMP, Mrs. CUBIN, and Mr. FRANKS of Arizona):

H.R. 3888. A bill to provide for a 5-year SCHIP reauthorization for coverage of low-income children, an expansion of child health care insurance coverage through tax fairness, and a health care Federalism initiative, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN:

H.R. 3889. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary; to the Committee on Veterans' Affairs.

By Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. KING of New York, Mrs. MALONEY of New York, Mr. SMITH of New Jersey, and Mr. PITTS):

H.R. 3890. A bill to amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina (for himself and Ms. BORDALLO):

H.R. 3891. A bill to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation; to the Committee on Natural Resources.

By Mr. DAVIS of Illinois (for himself, Mr. CUMMINGS, Mr. WYNN, Mr. KUCINICH, Mr. MORAN of Virginia, Ms. NORTON, Mr. JEFFERSON, Mr. SARBANES, Mr. LYNCH, and Mr. BRALEY of Iowa):

H.R. 3892. A bill to establish the Federal Labor-Management Partnership Council; to the Committee on Oversight and Government Reform.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 3893. A bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BEAN:

H.R. 3894. A bill to amend the Truth in Lending Act to establish requirements for providing negatively amortizing mortgage loans to first-time borrowers, and for other purposes; to the Committee on Financial Services.

By Ms. DELAURO (for herself, Mr. WAXMAN, Ms. WOOLSEY, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. EMANUEL, Mr. GEORGE MILLER of California, Mr. HINCHEY, Ms. MCCOLLUM of Minnesota, Ms. ZOE LOFGREN of California, Mr. GRIJALVA, Mr. MCGOVERN, and Ms. KAPTUR):

H.R. 3895. A bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Mr. WEINER, Mr. ISRAEL, Mr. HARE, and Mr. WELCH of Vermont):

H.R. 3896. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Corporation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY:

H.R. 3897. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for environmental remediation costs; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. KING of New York, Mr. TANCREDO, Mr. KUHL of New York, Mr. FEENEY, Mr. POE, Mr. BUYER, Mr. BAKER, Mrs. MYRICK, Mr. MARIO DIAZ-BALART of Florida, Mr. TERRY, and Mr. PITTS):

H.R. 3898. A bill to impose travel and other related restrictions on heads of state of countries that are state sponsors of terrorism who are attending events at the United Nations in New York City; to the Committee on Foreign Affairs.

By Mr. HUNTER:

H.R. 3899. A bill to provide a civil action for a minor injured by exposure to an entertainment product containing material that is harmful to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. HUNTER:

H.R. 3900. A bill to amend the Internal Revenue Code of 1986 to exempt from tax income from domestic manufacturing activities; to the Committee on Ways and Means.

By Mr. KIRK (for himself and Mr. ROSKAM):

H.R. 3901. A bill to require the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization, to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located on land under the jurisdiction of the eligible units of local government and within the borders of quarantine areas infested by the emerald ash borer, and for other purposes; to the Committee on Agriculture.

By Mr. LOEBSACK (for himself, Mr. HARE, and Mr. SARBANES):

H.R. 3902. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Education and Labor.

By Mr. MATHESON (for himself, Mr. HILL, Mr. GORDON, and Ms. BEAN):

H.R. 3903. A bill to amend the Consumer Product Safety Act to require the development of a multi-stage product testing process to ensure compliance of children's products with consumer product safety standards, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 3904. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT (for himself, Mr. ENGLISH of Pennsylvania, Mr. SMITH of Washington, Mr. WELLER, Ms. WATSON, Mr. BURTON of Indiana, Mr. BLUMENAUER, Mr. CROWLEY, and Mr. MEEK of Florida):

H.R. 3905. A bill to provide for an additional trade preference program for least developed countries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Foreign Affairs, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of Connecticut:

H.R. 3906. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for State and local sales tax, the deduction for qualified tuition and related expenses, the deduction for mortgage interest premiums, and the modifications to the dependent care credit; to the Committee on Ways and Means.

By Mr. MURPHY of Connecticut:

H.R. 3907. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses; to the Committee on Ways and Means.

By Mrs. MUSGRAVE (for herself, Mr. HOEKSTRA, Mrs. BACHMANN, Mr. HERGER, Mr. PITTS, Mr. SHADEGG, Mr. GOODE, Mr. WESTMORELAND, Mr. CANTOR, Mr. DOOLITTLE, Mr. DAVID DAVIS of Tennessee, Mr. WALBERG, Mr. FORTUÑO, Mrs. MYRICK, Mr. FEENEY, Mr. CAMPBELL of California, Mr. PENCE, Mr. KLINE of Minnesota, Mr. BARTLETT of Maryland, Ms. FOXX, Mr. PRICE of Georgia, Mr. GOHMERT, Mr. CARTER, Mr. BARRETT of South Carolina, Mr. BILBRAY, Mr. KING of Iowa, Mr. LAMBORN, and Mr. MCCOTTER):

H.R. 3908. A bill to direct the Architect of the Capitol to ensure that the Pledge of Allegiance to the Flag and the national motto "In God We Trust" are each displayed prominently in the Capitol Visitor Center on a permanent basis and to prohibit the Architect from removing or refusing to include language or other content from exhibits and materials relating to the Capitol Visitor Center on the grounds that the language or content includes a religious reference or Judeo-Christian content; to the Committee on House Administration.

By Mrs. TAUSCHER (for herself and Mr. CASTLE):

H.R. 3909. A bill to require a report on the size and mixture of the Air Force intertheater airlift force; to the Committee on Armed Services.

By Mr. VAN HOLLEN:

H.R. 3910. A bill to amend title 5, United States Code, to allow any Federal employee who has performed sufficient service to entitle such employee to the maximum annuity percentage allowable under the Civil Service Retirement System to terminate retirement deductions from pay; to the Committee on Oversight and Government Reform.

By Mrs. SCHMIDT (for herself, Mr. OBERSTAR, and Ms. GINNY BROWN-WAITE of Florida):

H. Con. Res. 239. Concurrent resolution recognizing and honoring birthparents who carry out an adoption plan; to the Committee on Education and Labor.

By Mr. CANTOR (for himself and Ms. BERKLEY):

H. Res. 756. A resolution condemning the Wakf's digging activities at the Temple Mount site and deploring the destruction of artifacts vitally important to Jewish, Christian and Muslim faiths; to the Committee on Foreign Affairs.

By Mr. ANDREWS (for himself, Mrs. MALONEY of New York, Ms. JACKSON-LEE of Texas, Mr. BOUCHER, and Mr. COHEN):

H. Res. 757. A resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the Equal Rights Amendment as part of the Constitution when the legislatures of an additional three States ratify the Equal Rights Amendment; to the Committee on the Judiciary.

By Mr. BLUNT (for himself and Ms. BERKLEY):

H. Res. 758. A resolution urging Palestinian Authority President Mahmoud Abbas, who is also Chairman of his Fatah party, to officially abrogate the 10 articles in the Fatah Constitution that call for Israel's destruction and terrorism against Israel, oppose any political solution to the Israeli-Palestinian conflict, and label Zionism as racism; to the Committee on Foreign Affairs.

By Mr. WAXMAN (for himself, Mr. ENGEL, Mr. BERMAN, Ms. SCHWARTZ, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. LEVIN, Mr. CANTOR, Mr. ROTHMAN, Mr. SCHIFF, Mr. HONDA, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Mr. CROWLEY, Mr. NADLER, and Mr. ACKERMAN):

H. Res. 759. A resolution recognizing the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, D.C; to the Committee on Oversight and Government Reform.

By Ms. CASTOR (for herself and Mr. REICHERT):

H. Res. 760. A resolution supporting the goals and ideals of Children's Health Month; to the Committee on Energy and Commerce.

By Mr. WOLF:

H. Res. 761. A resolution expressing the sense of the House of Representatives regarding the violation of the human rights of United Nations Special Rapporteur on Trafficking in Persons, Sigma Huda, and others, by the caretaker government of Bangladesh; to the Committee on Foreign Affairs.

## ADDITIONAL SPONSORS

**Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:**

H.R. 39: Mr. LARSON of Connecticut.

H.R. 121: Mr. WALSH of New York.

H.R. 136: Ms. GINNY BROWN-WAITE of Florida.

H.R. 138: Ms. GINNY BROWN-WAITE of Florida and Mrs. CUBIN.

H.R. 139: Mr. PAUL.

H.R. 460: Mr. CAPUANO.

H.R. 468: Mr. HASTINGS of Florida.

H.R. 503: Ms. WASSERMAN SCHULTZ.

H.R. 510: Mr. LATHAM.

H.R. 688: Ms. GIFFORDS.

H.R. 719: Mr. FEENEY.

H.R. 826: Mr. BURTON of Indiana.

H.R. 871: Mr. LANTOS.

H.R. 891: Mr. ALTMIRE, Mr. BISHOP of New York, and Mr. GERLACH.

H.R. 946: Mrs. LOWEY and Mr. FILNER.

H.R. 1108: Mr. DICKS.

H.R. 1174: Mr. STEARNS, Mr. SESTAK, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. EHLERS, Mr. JONES of North Carolina, Mr. CALVERT, Mr. MARIO DIAZ-BALART of Florida, and Mr. BOUSTANY.

H.R. 1222: Mr. HARE.

H.R. 1223: Mr. HARE.

H.R. 1244: Ms. SCHAKOWSKY and Mr. CUMMINGS.

H.R. 1275: Mr. OLVER.

H.R. 1304: Mr. KENNEDY and Mr. BACHUS.

H.R. 1314: Mr. PICKERING.

H.R. 1418: Ms. SHEA-PORTER.

H.R. 1419: Mr. WATT and Mr. RYAN of Wisconsin.

H.R. 1422: Mr. CAMP of Michigan.

H.R. 1459: Mr. BAKER.

H.R. 1552: Mr. CLAY and Mr. SCHIFF.

H.R. 1576: Mr. PRICE of North Carolina and Mr. BOUCHER.

H.R. 1584: Mr. WATT.

H.R. 1609: Mr. PETERSON of Minnesota and Mr. MILLER of North Carolina.

H.R. 1619: Mr. CALVERT and Mr. AL GREEN of Texas.

H.R. 1644: Mr. PASCRELL, Mr. MILLER of North Carolina, Ms. DEGETTE, and Ms. KILPATRICK.

H.R. 1655: Mr. HINCHEY and Ms. BERKLEY.

H.R. 1665: Mr. ROGERS of Kentucky and Mr. LAHOOD.

H.R. 1747: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1783: Mr. LoBIONDO and Ms. ZOE LOFGREN of California.

H.R. 1881: Mr. CLAY, Mr. SESTAK, and Mr. SERRANO.

H.R. 1971: Mr. COSTELLO.

H.R. 1976: Mr. PASCRELL.

H.R. 2016: Ms. SOLIS, Mr. HONDA, Ms. KILPATRICK, Mr. SPRATT, and Mr. KENNEDY.

H.R. 2045: Mr. MARKEY.

H.R. 2070: Mr. JACKSON of Illinois.

H.R. 2091: Ms. CLARKE and Mr. CARNEY.

H.R. 2123: Ms. ROS-LEHTINEN.

H.R. 2138: Mr. SALI.

H.R. 2164: Mr. GARY G. MILLER of California.

H.R. 2169: Mr. PATRICK MURPHY of Pennsylvania, Mr. HALL of New York, and Mr. SESTAK.

H.R. 2234: Ms. SLAUGHTER.

H.R. 2280: Mr. BARROW.

H.R. 2329: Mr. PLATTS and Mr. CHANDLER.

H.R. 2392: Mr. RANGEL.

H.R. 2405: Mrs. McCARTHY of New York and Mr. GILCHREST.

H.R. 2408: Mr. BOOZMAN.

H.R. 2457: Mr. WATT.

H.R. 2464: Mr. KIND and Ms. BALDWIN.

H.R. 2470: Mr. MARKEY and Mr. SESTAK.

H.R. 2508: Mr. GARY G. MILLER of California.

H.R. 2537: Mr. KAGEN, Mr. KLEIN of Florida, Ms. SCHAKOWSKY, Mr. SESTAK, and Mr. ROTHMAN.

H.R. 2550: Mr. STUPAK and Mr. SKELTON.

H.R. 2566: Mr. ELLSWORTH.

H.R. 2585: Mr. BURTON of Indiana.

H.R. 2747: Mr. LATHAM.

H.R. 2784: Mr. SMITH of Texas.

H.R. 2834: Ms. SLAUGHTER.

H.R. 2860: Mr. JINDAL.

H.R. 2933: Mr. PUTNAM.

H.R. 2964: Mr. MOORE of Kansas, Mr. CUMMINGS, Mrs. CAPPS, Mr. FILNER, and Mr. STARK.

H.R. 3001: Mr. HASTINGS of Florida.

H.R. 3005: Mr. BARROW and Ms. KILPATRICK.

H.R. 3012: Mr. GERLACH and Mr. JONES of North Carolina.

H.R. 3016: Mr. TIAHRT.

H.R. 3047: Mr. STEARNS.

H.R. 3187: Mr. SOUDER.

H.R. 3195: Mr. RYAN of Ohio, Mr. LINCOLN DAVIS of Tennessee, Ms. ROS-LEHTINEN, Ms. HIRONO, Mrs. MILLER of Michigan, Mr. BUCHANAN, and Mr. LoBIONDO.

H.R. 3212: Ms. ZOE LOFGREN of California.

H.R. 3224: Ms. HERSETH SANDLIN.

H.R. 3229: Mr. RENZI, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. BILIRAKIS, Mr. MICA, Mr. PUTNAM, Mr. KING of Iowa, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. BAKER, Mr. ROGERS of Michigan, Mr. REHBERG, Mr. PEARCE, Mr. COBLE, Mr. LaTOURETTE, Mr. TURNER, Mr. DENT, Mr. ENGLISH of Pennsylvania, Mr. SHUSTER, Mrs. BLACKBURN, Mr. DUNCAN, Mr. CARTER, Mr. HALL of Texas, Ms. GRANGER, Mr. POE, Mr. SMITH of Texas, Mr. CANTOR, Mr. FORTUÑO, Mr. CHABOT, Mr. NEUGEBAUER, Mr. BOOZMAN, Mr. SKELTON, Mr. BOEHNER, Mr. HASTERT, Mr. LaHOOD, Mr. PICKERING, Mr. SESSIONS, Mr. WICKER, Mr. GOODE, Mr. LUCAS, Mr. ROGERS of Alabama, Mr. BONNER, Mr. GRAVES, Mrs. MYRICK, Mrs. CUBIN, Mr. LATHAM, Ms. GINNY BROWN-WAITE of Florida, Mr. CUELLAR, Mr. McCAUL of Texas, Mr. FLAKE, Mr. SHULER, Ms. FOXX, Mr. COLE of Oklahoma, Mr. ROSKAM, Mr. JOHNSON of Georgia, Mr. KIRK, Mr. SHADEGG, Mr. BISHOP of Utah, Mr. McCRERY, Mr. BOREN, Mr. SIMPSON, Mr. HUNTER, Mr. BARROW, Mr. SCOTT of Georgia, Mr. MELANCON, Mr. FORTENBERRY, Mr. PORTER, Mr. REYNOLDS, Mrs. SCHMIDT, Mr. KUHL of New York, Mr. JONES of North Carolina, Mr. BOYD of Florida, Mr. ROSS, Mr. LINCOLN DAVIS of Tennessee, Mr. EHLERS, Ms. MATSUI, Mr. TERRY, Mr. CALVERT, Mr. LEWIS of Georgia, Mr. McCOTTER, Mr. SHAYS, Mr. PASCRELL, Mr. HOEKSTRA, and Mr. ISSA.

H.R. 3273: Mr. FORTENBERRY and Ms. LORETTA SANCHEZ of California.

H.R. 3281: Mr. DOYLE.

H.R. 3309: Mr. McNULTY.

H.R. 3320: Mr. BILIRAKIS.

H.R. 3339: Ms. BALDWIN.

H.R. 3363: Mr. HINCHEY.

H.R. 3378: Ms. BERKLEY, Mr. AL GREEN of Texas, and Mr. SIRES.

H.R. 3413: Mr. CAMPBELL of California.

H.R. 3418: Mr. CRAMER.

H.R. 3461: Mr. CARNAHAN, Mr. GRIJALVA, Mr. McGOVERN, Mr. BOYD of Florida, Mr. HALL of New York, Mr. BOSWELL, Mr. COOPER, and Mr. EMANUEL.

H.R. 3481: Mr. BLUMENAUER, Mr. WALZ of Minnesota, Mr. JACKSON of Illinois, Mr. FARR, Mrs. CHRISTENSEN, Mr. WELCH of Vermont, Ms. WATERS, Ms. McCOLLUM of Minnesota, Ms. HIRONO, Mr. LEWIS of Georgia, Mr. PATRICK MURPHY of Pennsylvania, and Ms. LORETTA SANCHEZ of California.

H.R. 3498: Mr. COHEN.

H.R. 3511: Mr. McCRERY, Mr. BAKER, Mr. MELANCON, Mr. BOUSTANY, Mr. JINDAL, and Mr. JEFFERSON.

H.R. 3514: Mr. HINOJOSA.

H.R. 3533: Ms. BALDWIN.

H.R. 3541: Ms. HIRONO and Mrs. CUBIN.

H.R. 3543: Mr. WALZ of Minnesota.

H.R. 3544: Ms. BALDWIN.

H.R. 3545: Mr. KIND.

H.R. 3569: Mr. HERGER, Mr. CARDOZA, Ms. ZOE LOFGREN of California, Mr. FARR, Mr. RADANOVICH, Mr. NUNES, Mr. McCARTHY of California, Mrs. CAPPS, Mr. GALLEGLY, Mr. McKEON, Mr. DREIER, Mr. SHERMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. ROYCE, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. CALVERT, Mrs. BONO, Mr. ROHRABACHER, Ms. LORETTA SANCHEZ of California, Mr. CAMPBELL of California, Mr. ISSA, Mr. BILBRAY, Mr. FILNER, Mr. HUNTER, Mrs. DAVIS of California, and Ms. PELOSI.

H.R. 3584: Mr. HENSARLING.

H.R. 3585: Mr. WU.

H.R. 3609: Mr. BLUMENAUER.

H.R. 3622: Mr. SCOTT of Georgia, Mr. MICHAUD, Mr. ADERHOLT, Mr. ALTMIRE, and Mr. BARROW.

H.R. 3627: Ms. SUTTON.

H.R. 3635: Mr. LYNCH, Mr. COSTA, and Mr. CAMP of Michigan.

H.R. 3654: Mr. BOREN, Mr. BOSWELL, Mr. CRAMER, Mr. SHULER, Mrs. DAVIS of California, Mr. PETERSON of Minnesota, Mr. CHANDLER, Mr. HELLER, Mr. KINGSTON, Mr. STEARNS, Mr. GARRETT of New Jersey, Mr. PENCE, Mr. EVERETT, Mrs. McMORRIS RODGERS, Mr. THORNBERRY, and Mr. TIBERI.

H.R. 3664: Mr. SENSENBRENNER.

H.R. 3691: Ms. BERKLEY, Mr. DAVIS of Illinois, Mr. GENE GREEN of Texas, Mr. ISRAEL, Mr. KAGEN, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PALLONE, Mr. PAYNE, Mr. STUPAK, Mr. BRALEY of Iowa, Mr. ROTHMAN, Mr. BERMAN, Mr. CARDOZA, Mr. DELAHUNT, Mr. KILDEE, Ms. KILPATRICK, Mr. CONYERS, Mr. COSTELLO, Mr. ABERCROMBIE, Mr. CROWLEY, Mr. BLUMENAUER, Mr. HASTINGS of Florida, Mr. BECERRA, Mr. GORDON, and Mr. FRANK of Massachusetts.

H.R. 3697: Mr. ENGEL.

H.R. 3710: Mr. BRADY of Pennsylvania.

H.R. 3711: Mr. SPACE, Mr. PASTOR, Mr. STUPAK, and Mr. FORTUÑO.

H.R. 3718: Mr. PATRICK MURPHY of Pennsylvania, Ms. SUTTON, and Ms. McCOLLUM of Minnesota.

H.R. 3726: Mr. ARCURI and Mr. KLEIN of Florida.

H.R. 3727: Mr. GRIJALVA.

H.R. 3753: Mr. GERLACH, Mr. FEENEY, Mr. CUELLAR, Mr. DAVIS of Alabama, Mr. MORAN of Kansas, Mr. COHEN, Mr. DREIER, Mr. LEWIS of California, Mr. CANNON, Ms. ESHOO, and Mr. RUPPERSBERGER.

H.R. 3779: Mr. GOODLATTE, Mr. GARY G. MILLER of California, Mr. AKIN, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 3793: Mr. MITCHELL, Mrs. TAUSCHER, Ms. HOOLEY, Mr. PORTER, and Mr. GORDON.

H.R. 3797: Mr. ENGLISH of Pennsylvania and Mr. CLAY.

H.R. 3801: Mr. MEEKS of New York and Mr. AL GREEN of Texas.

H.R. 3802: Mr. SMITH of Nebraska.

H.R. 3806: Mr. FRANKS of Arizona.

H.R. 3818: Mr. THORNBERRY, Mrs. McMORRIS RODGERS, Mr. BROWN of South Carolina, Mr. FLAKE, Mr. RADANOVICH, Mr. SMITH of Texas, Mr. BARRETT of South Carolina, Mr. SHADEGG, Mr. HOEKSTRA, Mr. MANZULLO, Mr. CARTER, Mr. GOHMERT, Mrs. MYRICK, Mr. FORTUÑO, Mr. DAVID DAVIS of Tennessee, and Mr. CALVERT.

H.R. 3824: Mr. DOGGETT, Mr. UPTON, Mr. GILCHREST, and Mr. MOORE of Kansas.

H.R. 3825: Mrs. McCARTHY of New York, Ms. BALDWIN, Mr. RUSH, Ms. MATSUI, Mr. ROTHMAN, Ms. ESHOO, Mr. PEARCE, and Mr. TOWNS.

H.R. 3827: Mr. CROWLEY.

H.R. 3837: Mr. CLAY.

H.R. 3841: Mr. HINCHEY.

H.R. 3864: Mr. HOEKSTRA, Mr. GINGREY, Mr. CANTOR, and Mr. BONNER.

H.R. 3875: Mr. WAXMAN, Ms. WATSON, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. TIERNEY, and Mr. BRALEY of Iowa.

H.J. Res. 54: Mr. WELDON of Florida and Mr. BARROW.

H.J. Res. 58: Mr. PETERSON of Minnesota and Mr. CONAWAY.

H. Con. Res. 11: Mr. HONDA.

H. Con. Res. 218: Ms. GINNY BROWN-WAITE of Florida, Mr. DOOLITTLE, Mr. HOEKSTRA, and Mr. DAVID DAVIS of Tennessee.

H. Con. Res. 221: Mr. ISRAEL.

H. Con. Res. 223: Mr. BLUMENAUER.

H. Con. Res. 229: Mr. HINCHEY and Mr. KENNEDY.

H. Con. Res. 230: Mr. STEARNS, Mr. PAUL, and Mr. BUTTERFIELD.

H. Con. Res. 231: Ms. KAPTUR and Mr. MORAN of Virginia.

H. Con. Res. 234: Mr. CHABOT, Ms. BORDALLO, Mr. WOLF, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. ISSA.

H. Con. Res. 235: Mr. FRANKS of Arizona.

H. Res. 111: Mr. BUCHANAN, Mr. PERLMUTTER, Mr. PETRI, Mr. RUSH, and Mr. COSTELLO.

H. Res. 237: Mr. BOOZMAN.

H. Res. 322: Mr. BRADY of Pennsylvania.

H. Res. 542: Mr. GARY G. MILLER of California and Mr. COHEN.

H. Res. 684: Mrs. BOYDA of Kansas, Ms. HERSETH SANDLIN, Mr. PETERSON of Minnesota, Mr. GOODLATTE, Mr. LUCAS, Mr. GRAVES, Mr. NEUGEBAUER, Mr. KAGEN, Mrs. GILLIBRAND, Mr. HAYES, and Mr. MAHONEY of Florida.

H. Res. 693: Mr. GRIJALVA and Mr. McDERMOTT.

H. Res. 735: Ms. BEAN, Mr. DELAHUNT, Mr. SALAZAR, Mr. LOEBSACK, Mr. McNERNEY, Mr. SIRES, Mr. PASCRELL, Mr. DeFAZIO, Mr. MITCHELL, Mr. McGOVERN, Mr. KIND, Mr. MOORE of Kansas, Mr. DICKS, Mr. OLVER, and Ms. KILPATRICK.

H. Res. 740: Mr. HONDA, Mr. SMITH of New Jersey, Ms. WOOLSEY, Ms. WATSON, Mr. WEXLER, Mr. JEFFERSON, Mr. COSTELLO, Mr. OLVER, and Mr. RANGEL.

H. Res. 748: Mr. HASTERT, Mr. FORTENBERRY, and Mr. ROGERS of Alabama.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1396: Mr. DAVIS of Alabama, Mrs. LOWEY, and Mr. NEAL of Massachusetts.

H. Res. 106: Mr. KUHL of New York, and Mr. CUMMINGS.

## DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 3, October 17, 2007, by Mr. MIKE PENCE on House Resolution 694, was signed by the following Members: Mike Pence, John A. Boehner, Roy Blunt, Adam H. Putnam, Eric Cantor, Marsha Blackburn, Adrian Smith, Michele Bachmann, Stevan Pearce, Greg Walden, Jeff Flake, Joe Wilson, Charles W. Boustany, Jr., Todd Tiahrt, Vito Fossella, Michael K. Conaway, Doc Hastings, Joseph R. Pitts, Mary Fallin, John R. "Randy" Kuhl, Jr., David Davis, Jim Jordan, Tom Price, J. Dennis Hastert, Kevin McCarthy, Thomas M. Reynolds, Judy Biggert, David Dreier, Connie Mack, Pete Sessions, Jeb Hensarling, Sam Johnson, Gary G. Miller, Mary Bono, Edward R. Royce, Sam Graves, John Campbell, Lee Terry, Dean Heller, Mike Ferguson, Gus M. Bilirakis, Ileana Ros-Lehtinen, Peter J. Roskam, J. Gresham Barrett, Henry E. Brown, Jr., Ted Poe, Jeff Miller, Daniel E. Lungren, Jeff Fortenberry, Charles W. Dent, Michael T. McCaul, Steve King, Tom Feeney, Louie Gohmert, Bill Shuster, John Abney Culberson, Virginia Foxx, Harold Rogers, Ron Lewis, John Shimkus, Barbara Cubin, Dan Burton, Lincoln Diaz-Balart, Rodney Alexander, Dennis R. Rehberg, John Kline, Frank A. LoBiondo, Mac Thornberry, Ric Keller, Fred Upton, Jo Bonner, Michael R. Turner, Scott Garrett, Chris Cannon, Ken Calvert, Jim Gerlach, Jerry Moran, Candice S. Miller, Thelma D. Drake, Dana Rohrabacher, Zach Wamp, Jo Ann Emerson, Virgil H. Goode, Jr., Kay Granger, Darrell E. Issa, Kenny Marchant, Phil English, Tim Walberg, Cathy McMorris Rodgers, Doug Lamborn, John B. Shadegg, Tom Latham, Ginny Brown-Waite, Lynn A. Westmoreland, Rob Bishop, Howard P. "Buck" McKeon, Patrick T. McHenry, Frank D. Lucas, John T. Doolittle, Wally Herger, John R. Carter, F. James Sensenbrenner, Jr., Bill Sali, Kevin Brady, Don Young, Michael K. Simpson, Michael C. Burgess, Ander Crenshaw, Jean Schmidt, Dave Weldon, Mario Diaz-Balart, Sue Wilkins Myrick, Todd W. Akin, Terry Everett, Donald A. Manzullo, Nathan Deal, Paul C. Broun, Tom Cole, Christopher Shays, Todd Russell Platts, Ralph M. Hall, Geoff Davis, Dave Camp, Roger F. Wicker, Marilyn N. Musgrave, Phil Gingrey, Thaddeus G. McCotter, Robert B. Aderholt, Bob Goodlatte, Duncan Hunter, Spencer Bachus, Bob Inglis, Lamar Smith, James T. Walsh, Trent Franks, and Mark Steven Kirk.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 2 by Mr. BOEHNER on House Resolution 559: Barbara Cubin.

# SENATE—*Thursday, October 18, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BERNARD SANDERS, a Senator from the State of Vermont.

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Rev. Dennis Ellisen, of Our Saviour's Evangelical Lutheran Church in Appleton, WI.

## PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

As we join together, confident in the gracious mercy of God, let us pray for the world and all who yearn for wholeness of life.

Dear Lord, we pray for our Senators and all leaders of our States, cities, and towns, and we pray that the world's distressed and downtrodden and most unfortunate not be neglected.

We pray for peace and reconciliation among all nations and for those leaders who govern and guide, so that ruthless and unjust ways be ended.

We pray for Your wisdom to make us caretakers of all that You have created. Empower our leaders to use their talents, interests, and abilities to restore the Earth to all its fullness, so that Your creation might be renewed.

We pray for Your Spirit to rest upon all the leaders of this great Nation, that in the midst of tremendous responsibility, they feel Your comfort and assurance that You are with them, guiding and encouraging their actions. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable BERNARD SANDERS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 18, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BERNARD SANDERS, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. SANDERS thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business for 1 hour. The Republicans will control the first half of time. We will control the second half of time. Following this period of morning business, the Senate will resume consideration of the Labor, HHS appropriations bill. Senator HARKIN and the ranking member, Senator SPECTER, will be here to move forward on this bill. If people have amendments, I hope they would do more than just think about them, that they would come and offer them and debate them. A lot of work remains to be done on this bill and other measures that require the attention of the Senate.

## MEASURES PLACED ON THE CALENDAR—S. 2179, S. 2180, S. 2184, S. 2185, H.R. 2102, AND H.R. 3678

Mr. REID. Mr. President, it is my understanding we have six bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The legislative clerk read as follows:

A bill (S. 2179) to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

A bill (S. 2180) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

A bill (S. 2184) to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.

A bill (S. 2185) to permanently extend the current marginal tax rates.

A bill (H.R. 2102) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

A bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

Mr. REID. Mr. President, I object to further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

The Senator from Wisconsin.

## WELCOMING THE GUEST CHAPLAIN

Mr. KOHL. Mr. President, today, I rise to welcome Rev. Dennis Ellisen to the Senate and to thank him for this morning's heartfelt and timely prayer.

Reverend Ellisen is the senior pastor at Our Saviour's Lutheran Church in Appleton, WI. He has served his parish for the last 31 years. Early on, his church had just a few hundred members. He has seen kids in his parish grow up to have kids of their own. Now his congregation is well over 2,600 strong.

As many in Appleton will tell you, Reverend Ellisen's ministry has touched so many families beyond his church's walls. He has been a tireless advocate for cancer research, treatment, and education. His work as an ambassador and fundraiser for the American Cancer Society has taken him to every corner of our State and every corridor of Congress. His message is unwavering: If we work together, we can beat this terrible disease.

Yet he may be best known in the community for helping comfort the terminally ill. Through his work with the Visiting Nurse Association, he started the first hospice program in Appleton many years ago.

I had the privilege of introducing Reverend Ellisen on the Senate floor in 1997. Much has changed in the world, but he has remained the humble, compassionate person I met a decade ago. And, thankfully, his important work endures.

We need to hear his hopeful invocation today. I thank Reverend Ellisen and his family for joining us.

I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Florida.

## SCHIP

Mr. MARTINEZ. Mr. President, I want to talk this morning on the much-talked-about subject of SCHIP. In this Chamber over the last several days—and I would say all over the Nation—there has been a lot of conversation about the future of the State Children's Health Insurance Program and whether this side will budge or that side will nudge the other one or who will blink first.

Clearly, we are at an impasse. Today, the President's veto of this bill—which will enlarge Government by $35 billion—will be sustained in the House, I believe. Then we will find ourselves at a place where we have to regroup and decide how to proceed in reauthorizing this very important program. It is an important program, and a program so many of America's children have benefited from, and one for which I believe we need to find a way to move forward.

I want to add my voice to those who have called for the program's reauthorization. This is a program that is working. It works in the State of Florida. It is a program that helps children. I know a lot of Florida children have been helped by it. So we have to find a way we can come together in the spirit of the program so every child who needs health care has the needed access to health care.

We should take great care, however, to avoid switching SCHIP from being a program aimed at helping poor children to a program that moves us toward a Government-sponsored, Government-run health care system. That would not serve the people in the program, and it would not serve the greater cause of reforming the bigger problem we have, and which we also have to address, which is our entire health care system.

The bill the President vetoed would have allowed coverage to the point where we would have essentially encouraged families who are today receiving coverage through private insurance to drop that insurance in favor of Government-sponsored health care coverage. I do not think that is the way to move forward with health care reform. I do not think that policy would lower health care costs or increase the access to quality health care. Both are important goals.

In talking with people in my State of Florida, they want to see SCHIP reauthorized. They want to help poor children who need health care. They understand the debate we are having, and they want a better alternative than anything that is on the table right now. So we are at an impasse. But I think we can find common ground. A real compromise needs to be reached, one that keeps the spirit of SCHIP, one that adds provisions to help find children currently eligible for assistance and signs them up for insurance.

We need a compromise that does not simply broaden the program's eligibility so people in private health insurance are forced to move to Government-sponsored health insurance because an employer sees an opportunity to save money. That is why later today I will introduce an alternative SCHIP reauthorization program composed of three elements—a full reauthorization of SCHIP, a child health care tax credit, and an aggressive outreach program to ensure all children eligible for the program have the opportunity to sign up for the insurance.

The first element enacts a full reauthorization of SCHIP, where we continue to cover children in families with incomes at or below 200 percent of the Federal poverty level.

The second element of my proposal advances tax credits to families with incomes between 200 and 300 percent of the poverty level. If a family does not have insurance, a credit provides the resources necessary to go out and purchase health insurance. Families would have the ability to purchase health insurance, health care coverage tailored to their children's unique needs.

The third element would enhance outreach for children who are currently eligible for SCHIP coverage but who are not currently enrolled.

It is estimated between 500,000 and 1.5 million children who are today eligible for SCHIP are not enrolled simply because families do not know the program is available to them.

Make no mistake: The underlying debate is not whether we are going to provide health insurance for our Nation's children. We all agree that our society can ill afford to not take care of children in need. The dispute is how are we best to achieve that goal.

One of the major differences between the vetoed SCHIP program and my alternative is that the vetoed bill created a newly eligible population and moved them into a system of Government health insurance. My proposal is patient focused. It retains for families the choice of providers and practitioners and gives parents the resources necessary to add their children to their existing health care plan.

Where our proposals are similar is in the number of children we insure. Under my proposal, 10 million children would have access to health insurance. That is the same number who would have been covered by the vetoed bill.

It is essential we come together as Republicans and Democrats to talk about a viable alternative, about how we can get this done, about something that would ensure the reauthorization of SCHIP and that expands rather than diminishes private health care coverage for children.

I would be willing to continue to discuss this issue in a way that allows us to debate whether in the reauthorization part of this bill—the $5 billion probably is not enough to cover all of the children who need to be insured under this program. I think a larger number than that $5 billion is necessary, probably closer to $10 billion.

But once we did that, then how do we go about covering that 200 percent to 300 percent of poverty—those working families who still cannot find a way to insure their children without Government assistance? We would do that through a tax credit. That tax credit would also be beneficial. It would be a way of allowing them to continue to have a private health care option, which I think is always preferable.

The insurance marketplace would adjust and continue to innovate in a way that I think would give us a much stronger, much better health care system for the children of America who so much need insurance for themselves and for us to be sure we have a healthy future for them.

I look forward to continuing to work with my colleagues in the coming days to strike a middle ground, to strike a compromise on SCHIP, to be sure we come together to let the people of America know this Congress, Republicans and Democrats, can come together to work together on something as important as the health of our children. I look forward to the days ahead, as we continue to discuss this important topic, and I look forward to having others join this effort.

I am very gratified that quite a number of the Members of the House have adopted this as their idea and are going forward with this as a plan that may have viability, may be the answer. I hope an increasing number of Senators who are now not only looking at it but also finding favor with it will create the kind of middle way that will allow us to come together to find a solution and put this important issue back where it belongs: moving forward and taking care of the children of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to join my distinguished colleague from Florida and many of my other colleagues in urging the sort of consensus building, practical problem solving Senator MARTINEZ is talking about.

It is clear we are at a current impasse on the SCHIP debate. The version that passed the Senate and passed the Congress has been vetoed by the President. It will be made even more clear in the next day or so that veto will not be overridden.

I think what the American people want us to do is not talk endlessly, debate endlessly, and simply try to score political points, but to come together around a practical compromise, a practical resolution that advances health care, particularly for poor children.

So I join my colleague from Florida in urging us to do that. My ideas about what that reasonable, practical compromise would be are very much like his. I applaud Senator MARTINEZ in terms of the ideas he has put forward to resolve this SCHIP debate.

I could not support the Senate Finance Committee version of the SCHIP bill. I could not support it for a very simple reason: I am all for the SCHIP program. I am all for covering poor children. I am not for expanding that program well beyond the boundaries of poor kids so that it is a precursor, quite frankly, to government-run, government-dominated health care. I think that is a mistake. I think expanding a program such as this and actively pushing people off private insurance, which the Finance Committee version would do, is a big mistake and moves us in the opposite direction of where we should be moving with regard to health care reform in this country.

Why do I say that about the Finance Committee bill? Well, for a simple reason: It goes well beyond the original intent of SCHIP, which is to cover poor kids. It goes beyond that in several ways. First of all, it raises the general limit of eligibility from 200 percent of poverty to 300 percent of poverty. In the United States today, 300 percent of poverty is $62,000, a family income of $62,000. But, in fact, that limit is well above that in most cases. Why? Because under the Finance Committee bill, States can define family income in innovative ways. They can take out large expenditures such as tuition from family income, so we are not talking about gross family income of $62,000. Once you take out those major components, those major sources of spending of a family, you could easily be talking about a family income of $80,000.

In addition to that, under the bill the administration—any administration—would be urged, if not mandated, to grant waivers to States in many cases to go well above even that 300-percent-plus line. So clearly, you would dramatically expand the children and the families covered under the program, and you would go well beyond what any reasonable person would define as the truly poor.

Now, why is this bad? Well, for one thing, you are crowding out folks—pushing folks off—of private insurance. There have been several analyses done of the Finance Committee bill which passed the Congress and which the President vetoed. Under those analyses of new enrollees, it is estimated that between 45 and 51 percent would be dropping private insurance to enroll in SCHIP. Now, is that the direction we want to move in, encouraging folks who have private insurance to drop it, to flee private insurance to come under the care of the Government? I think that is the wrong direction to move in.

Beyond that, if you look at new eligibility groups—in other words, not all new enrollees, but the new groups of people who would become eligible under the bill—there is a 100-percent crowd-out effect. Everybody in those new groups would be dropping private insurance to enroll in SCHIP. Is that the direction we want to move in? I think not. We talk about the problem of the uninsured in this country. Why do we want to grow that problem versus solve it by encouraging people and helping people keep their private insurance or get onto private coverage? That is not the direction we want to move in.

I believe the direction we want to move in is to encourage coverage, to make it more available, to make it more affordable. That is the sort of solution that Senator MARTINEZ and myself and others have been talking about. That is why I support the McConnell-Lott SCHIP bill and support furthering the goal of health care for all American families with tax credits that can make private coverage available and affordable.

Step 1: A real SCHIP reauthorization focused on poor kids. That is what the legislation I support does. That bill costs $8 billion in new costs over 5 years, but those new costs are fully offset. That bill would keep eligibility at 200 percent of the poverty line, but it would enroll many more new kids: 1.3 million by 2012 and 1.5 million new kids by 2017. It would also extend coverage to pregnant women and their children in the womb. That is important as well. That is a real reauthorization of the SCHIP program as it was originally designed and intended.

Now, is that good enough with regard to children's health care needs and families' health care needs? Absolutely not. There are other needs out there which we must address. Health care insurance isn't available, isn't affordable to enough folks. But rather than encouraging them to get on a government program and in half the cases actively pushing them off private insurance, why don't we help them stay on private insurance or obtain private insurance? That is the additional step we need to take through tax credit or other legislation.

So again, I urge us to do what the American people want, which is not to simply argue, talk, debate, and try to score political points endlessly, but to come together around a real and valid and commonsense compromise. That is what the American people want, so let's do it. That compromise is clearly within striking distance if we have the political will to come together around those ideas. Again, I believe the principle we should look at is a real reauthorization of SCHIP for poor children, supplemented with some additional help for those families that need the help to stay on or to get on private insurance. I don't believe the path of the current SCHIP bill, which actively pushes families off private insurance in so many cases, is the way to do it.

The proponents of that bill laud it because it would sign up 4.4 million new enrollees. Well, guess what: 4.4 million of that 2.4 million currently could have private insurance. Is that progress? Is that a great accomplishment, to push off of private insurance 2.4 million and get them on a government program at the expense of the taxpayer, when there is a better, cheaper alternative to help them stay on private insurance, to help them have more choice and control and autonomy of their health care future? That is what the American people want: More control, more choice, more autonomy, making good health insurance available and affordable. Let's reauthorize SCHIP for the truly poor and let's give them ways to make health care insurance available and affordable through instruments such as tax credits.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that whatever time remains for the Republicans be reserved until the Democrats have finished our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

(The remarks of Mrs. BOXER, Mr. LIEBERMAN, Mr. INHOFE, Mr. WARNER, Mr. COLEMAN, Ms. COLLINS, and Mr. ALEXANDER, pertaining to the introduction of S. 2191 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## ARMENIAN RESOLUTION

Mr. WARNER. Mr. President, I am greatly concerned. I had breakfast early this morning, together with the Senator from Michigan, the chairman of our committee, and two House senior Members of the Armed Services Committee—our annual meeting to work toward conference of the authorization bill—Secretary Gates and the new Chairman of the Joint Chiefs, the Admiral. We addressed this issue of the Armenian resolution in the House. I do not in any way imply that the House has moved forward on that in an improper way. I don't want to get into the politics. I simply say I perceive that this is changing, a changing issue in the House. It may well not be brought up. But the Secretary of Defense again, and the Chairman of the Joint Chiefs, reiterated the possible impact of such a resolution, were it to be passed, upon our operating forces, both in Iraq and in Afghanistan.

Mr. President, it is my intent to oppose the nonbinding resolution, passed by the House Foreign Affairs Committee, that states that the deportation of nearly 2 million Armenians from the Ottoman Empire between 1915 and 1923, resulted in the deaths of 1.5 million of them, amounted to genocide. While I deplore the killings of Armenians 92 years ago by the Ottoman Empire, I urge my colleagues to consider the grave consequences this may have on United States-Turkish relations and on interests of the United States in Europe and the Middle East. Turkey has been a steadfast ally and an indispensable friend in a critical region of the world. If Turkey decides to respond negatively to our passage of this resolution, their decision could have lasting repercussions for U.S. foreign policy interests in the region and compromise our conduct of the war in Iraq and Afghanistan.

The House resolution on the Armenian genocide appears at a particularly sensitive point in United States-Turkish relations. The possibility of a Turkish incursion into northern Iraq must be an immediate concern. There is no doubt that tensions are mounting along the Iraqi-Turkish border. The United States has urged Turkey not to send troops over the border into northern Iraq to fight Kurdish separatist rebels, who launched cross-border attacks against Turkish targets. We must all urge Turkey and Iraq to seek a diplomatic solution to this crisis and the House resolution could undermine our diplomatic leverage.

Last week, Defense Secretary Robert Gates said that relations with Turkey are vital because 70 percent of the air cargo sent to U.S. forces in Iraq and 30 percent of the fuel consumed by U.S. forces in Iraq are flown through Turkey. Secretary Gates said that U.S. commanders "believe clearly that access to airfields and roads and so on, in Turkey, would very much be put at risk if this resolution passes and the Turks react as strongly as we believe they will."

I would like to share some important facts with my colleagues about how Turkey is enabling our forces to achieve the mission we have given them. Turkey has provided over 20,000 overflight clearances to U.S. military and contracted aircraft since 2002. These flights carry critical supplies and equipment to our forces in the field, currently including 95 percent of the Mine Resistant Ambush Protected, MRAP, vehicles. These flights also include our medical evacuations from Iraq to Landstuhl, Germany. KC-135 tankers operating out of Incirlik, Turkey, have flown over 3,400 sorties and delivered 35 million gallons of fuel to U.S. fighter and transport aircraft on missions in Afghanistan and Iraq. Finally, approximately 30 percent of the fuel and 17 percent of the food used by U.S. and coalition forces enter Iraq from Turkey via the Habur Gate border crossing.

I would like to expand on these military concerns. The loss of access to critical air and ground lines of communication through Turkey to Iraq and Afghanistan may result in: (1) Temporary interruptions to the flow of cargo; (2) increased aircraft requirements; (3) increased costs; and (4) longer transit times.

If these supplies need to be rerouted by ground through Kuwait, or Jordan, we must be concerned about additional force protection issues. I am very troubled about our ground convoys that already move from Kuwait to Iraq. They are high-value targets to insurgent groups. I visited with a number of the convoy drivers on my last visit to Kuwait. We have brave and experienced drivers leading these dangerous convoys, but I am concerned about the heightened risks associated with an increase in number of convoys or employing less experienced drivers on the road to meet the new mission caused by the loss of access to lines of communications through Turkey.

There is one additional point I would like to make about the impact on our operations in Iraq. I believe we should all be concerned about the potential negative impact this resolution could have on the eventual redeployment or withdrawal of U.S. forces from Iraq. If Turkey decides to cut off our lines of communications through their country that redeployment or withdrawal would be more difficult.

I would also like to remind my colleagues that there are over 1000 Turkish soldiers in Afghanistan. Turkey remains the only Muslim country in the International Security Assistance Forces, ISAF, in Afghanistan. Their troops have significant responsibilities in ISAF which include providing security in Kabul.

I urge my colleagues to consider the consequences which may result from passing the House legislation on Armenian genocide and encourage them to reject the measure. The passage of this measure would do great harm to our relations with a key ally in NATO, our interests in the region, and our military operations in Iraq and Afghanistan.

It is the House of Representatives' business. But I do believe here in the Senate we have to address that issue.

I do not in any way disparage or denigrate the seriousness of what happened 92 years ago, at another time in history. But right now we have young men and women of the Armed Forces of the United States, and our coalition partners, risking their lives in Iraq and Afghanistan. The passage of this could have implications on nations in that region which I think could be detrimental and could put at risk the lives of our service persons.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3043, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Harkin/Specter amendment No. 3325, in the nature of a substitute.

Vitter amendment No. 3328 (to amendment No. 3325), to provide a limitation on funds with respect to preventing the importation by individuals of prescription drugs from Canada.

Dorgan amendment No. 3335 (to amendment No. 3325), to increase funding for the State Heart Disease and Stroke Prevention Program of the Centers for Disease Control and Prevention.

Thune amendment No. 3333 (to amendment No. 3325), to provide additional funding for the telehealth activities of the Health Resources and Services Administration.

Dorgan amendment No. 3345 (to amendment No. 3325), to require that the Secretary of Labor report to Congress regarding jobs lost and created as a result of the North American Free Trade Agreement.

Menendez amendment No. 3347 (to amendment No. 3325), to provide funding for the activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, we are now back on the Labor, Health and Human Services, Education, and related agencies appropriations bill.

I thought I might recap for Senators where we are. We started yesterday. I thought we had a fairly productive afternoon. We, right now, have five pending amendments that we are working on in terms of offsets. We have the Vitter amendment on drug reimportation. That language we are just working on. There is no offset needed.

We have the amendment by Senator DORGAN on heart disease. We are again looking at an offset there. We are working on that.

We have an amendment by Senator THUNE on telehealth. Again, we are working on trying to find the proper offsets.

We have another amendment by Senator DORGAN on a NAFTA study. That has not been totally agreed to yet on the other side of the aisle.

We have an amendment by Senator MENENDEZ on patient navigators. Again, I think it is broadly supported. But, again, we are working on trying to find an offset.

We adopted three amendments yesterday: the amendment by Senator FEINSTEIN which was to set up a child abuse registry; the second amendment was by Senator SMITH which was a technical fix to the Garrett Lee Smith suicide prevention bill; and then yesterday we accepted an amendment by Senator MCCASKILL which provides for a link on the Web sites of all of the departments under our jurisdiction to the IG.

I am told we have about 30 amendments filed. We have 10 that we now have worked on, so we are down to about 20 amendments. I hope we can again move rapidly today and have people come over. I see people are here waiting to offer amendments. I appreciate that very much.

Mr. President, I ask unanimous consent that these three Members be recognized to call up amendments and that the pending amendments all be set aside for this purpose. In this order it would be: Senator DEMINT, Senator DOLE, and Senator BROWN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

### AMENDMENT NO. 3338 TO AMENDMENT NO. 3325

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3338.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3338 to amendment No. 3325.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a limitation on funds with respect to the Charles B. Rangel Center for Public Service)

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated in this Act may be used for the Charles B. Rangel Center for Public Service, City College of New York, NY.

Mr. DEMINT. Mr. President, I actually wanted to bring up another amendment to speak on briefly. If there is no objection, I would like to call up amendment No. 3340 at the same time. I will speak to both of them.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3340

Mr. DEMINT. Mr. President, amendment No. 3340 is one we have already seen. It is a simple amendment that we all agree on. Both sides accepted it unanimously last week on the last appropriations bill that we considered.

This is an amendment that prohibits Members of Congress from pressuring Federal agencies to designate funds, what we call "phone marks" to special projects back home.

All of us have worked real hard to create more transparency and disclosure of earmarks. Last week we added to the last appropriations bill this amendment that would prohibit Members of Congress from going around the earmark disclosure process and pressuring Federal agencies to designate funds.

This is an amendment that I also want to add to this appropriations bill. I understand both sides will be willing to accept this again.

### AMENDMENT NO. 3338

I would like to address my second amendment at this point as well. This is a very difficult amendment to talk about because when we start talking about earmarks in the House or the Senate, all of those earmarks are something that have been designated by individual Members of Congress. So it is often taken quite personally when we challenge these amendments and make it public, particularly amendments that do not sound good to taxpaying Americans.

I want to assure my colleagues that my point is not to focus on Members of Congress but to focus on wrong ideas; in fact, wrong ideas about earmarking and spending taxpayer dollars that have discredited this body with the American people.

We know only 11 percent of the American people have any kind of favorable perspective of Congress at this point. A lot of it is because of the publicity of how we spend their money.

I was made aware by "CBS News" of a particular earmark that the House has put in their version of the Labor-HHS bill. CBS is not known for being supportive of conservative causes. They were pointing out a particular attachment to the House appropriations bill, which will be in the final bill if we do not disallow it in the Senate.

It is an earmark for $2 million that was put in this bill by Congressman RANGEL, chairman of Ways and Means. This $2 million earmark goes to a new Charles B. Rangel Center for Public Service at the City College of New York. This center does not yet exist. It is one that money is being raised for at this time.

Frankly, the college does not need this duplication of an educational service which already exists on the campus, but the description of this building includes not only an educational program—that is, a duplication of the Colin Powell Center which is already there—but it also creates a library for the personal archives of Congressman RANGEL and a well-furnished office for his personal use.

CBS made the point, and they actually called this "Monument to Me." And not just about Congressman RANGEL but about all of us who, through the earmarking process each year, are given a personal slush fund to send taxpayer dollars to our favorite causes back in our home States and districts.

Increasingly, Members of Congress are doing things such as giving money to colleges and other organizations that are naming buildings and programs after us so that it will attract more earmarks. It has become a vicious circle that Americans are on to.

CBS made the point of this waste of money. To me, it, frankly, looks very bad. It reflects poorly on all of us, and it discredits a lot of the good things we do. Again, my point is not to identify a particular Member of Congress to embarrass them but, hopefully, to embarrass us all; that we are all involved with a very bad approach to spending taxpayer dollars.

The idea of each Member of Congress—we all have papers, we all give them to colleges. Does this mean we will all get taxpayer money to send to these colleges to build some type of Presidential-like library to archive our papers and give us personal offices? I assume it is permanent.

The hard-working people in South Carolina who are paying taxes should not be building a center for Congressman RANGEL in New York. If we had plenty of extra money, maybe we could talk about it. But the fact is, we are borrowing this money from future generations to build monuments to ourselves all around the country.

My amendment would disallow the use of funds in this bill for this particular project, hopefully making a point to all of us that this is not what America expects when they send us to Congress. Our job is to do what is best for this country in our future, not to create slush funds for ourselves so we can win popularity back home by taking money back home, particularly when we get involved with this back and forth of, they named something after us, so we give money to them. It does not look good, it does not sound good, and it is not good. It is not good for our country and our future.

I encourage every Member of this Senate to vote for this amendment that would disallow funds for this project and hopefully send a message here and all around America that we are going to reform ourselves, and we are no longer going to be embarrassed by CBS and other media. Every time they point out what we are doing, we cannot hide from the fact that it is shameful. I do not want my tax dollars spent this way. I know the people in South Carolina do not. I bet if we had a chance to ask every American, not one would say this is how they expect their tax dollars to be spent.

I encourage my colleagues to vote for this amendment.

Mr. President, I ask unanimous consent that amendment No. 3340 be pending at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3340 to amendment No. 3325.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that none of the funds made available under the Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

Mr. DEMINT. I ask for the yeas and nays on amendment No. 3338.

The PRESIDING OFFICER. At the moment there is not a sufficient second.

Mr. DEMINT. Mr. President, we do have two amendments I have offered. My understanding was that there would be a voice vote on 3340, and I have asked for the yeas and nays on 3338, if I may correct my request.

Mr. HARKIN. Parliamentary inquiry: Would the Chair state the question before the Senate right now?

The PRESIDING OFFICER. The Senator from South Carolina has asked for the yeas and nays on amendment No. 3338.

Mr. DEMINT. That is correct.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Will the Senator from South Carolina repeat his request?

Mr. DEMINT. Mr. President, I ask for the yeas and nays on amendment No. 3338.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, we have not disposed of amendment No. 3340, if I am correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. We have looked at 3340. I don't know that it needs an up-or-down vote. We can accept it. I understand Senator SPECTER will accept it, also, so it is accepted on both sides.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 3340.

The amendment (No. 3340) was agreed to.

Mr. HARKIN. Mr. President, I will probably have more to say about this later, but on the amendment the Senator offered regarding the Rangel Center, I object to this amendment. It is an attack on an institution that is not in the Senate amendment before us. It is a House provision that provides funding for a center at the City College of New York. As I understand it, the center was set up basically to offer interdisciplinary programs for bachelor's degrees, master's degrees, midcareer programs, to get more minority population into management positions. Right now, non-Whites make up nearly 30 percent of our population, yet only 13.8 percent of the men and women who occupy top management and policy positions in the Federal Government are members of minority groups. We need to do more to bring minority Americans into public service. A center for public service at the City College of New York was set up to do this. It was the City College of New York that decided the name of it. As far as I know, we didn't decide that. We didn't do anything to decide the name of it. In this bill, we have funds for the Howard Baker Center in Tennessee. We have funds for a Robert Dole Center. These are centers set up at universities, and they name them. We do not. They decide to put a name on it.

I believe we ought to be in the position of saying, yes, there is a need for course work to help minorities get into midmanagement and senior positions in the Federal Government. That is laudable. But what the university names it ought to be up to the university. It is not up to us.

Mr. DEMINT. Will the Senator yield?

Mr. HARKIN. Surely.

Mr. DEMINT. I appreciate the concerns. Again, it is difficult when names of Members of Congress are involved. The college already has an education center specifically for the purpose listed for the Charles Rangel Center. It is called the Colin Powell Center. They perhaps added some bells and whistles, archived the papers as well as the personal office we talked about.

To the chairman's objection about this not being in our bill, in this body we regularly disallow funds for various agencies that are not listed in our bill but that as a body we decide it is not the appropriate way for money to be spent.

We should honor Congressman RANGEL and others who have served with distinction as he has. CBS brought out that the college had not made the decision or at least would not make the decision as to how to name the center. So there were a lot of questionable things that came up in this report, questions enough that CBS decided to make it news.

My point is, if we get into the practice as Members of Congress while we are still serving of responding to centers being named after us by getting taxpayer dollars back to them and getting personal offices in buildings around the country, this is clearly not our purpose, and it is not one that will be respected by the American people.

I look forward to further debate. I appreciate all the time.

Mr. HARKIN. Mr. President, we have in our bill a provision for a Howard Baker Center at the University of Tennessee. I haven't heard the Senator from South Carolina want to go strike the Howard Baker Center. That is in this bill. A couple years ago, we had the provision for the Dole Center at the University of Kansas. I don't remember the Senator objecting to that. This is nothing unusual. This happens all the time. It is up to the university to decide whether they want to name them; it is not up to us.

Mr. DEMINT. Mr. President, if the Senator will continue to yield, I appreciate the give-and-take. We have made the point many times. We did it with judges. We created a law that would not allow us to name courthouses after active judges, but once they retire, we look at it differently. The same is true for Members. Senator Baker and Senator Dole are not in positions now to direct money to different places because they are named after them, but we are. There is a serious question here, and we should make a distinction between what we do while we are serving and what we do after we have retired.

I thank the Chair and yield the floor.

Mr. HARKIN. Mr. President, I believe we are ready for the Dole amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

### AMENDMENT NO. 3341 TO AMENDMENT NO. 3325

Mrs. DOLE. Mr. President, I call up No. 3341 pending at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 3341.

Mrs. DOLE. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the National Cord Blood Stem Cell Program)

On page 37, line 2, insert "*Provided further*, That of the funds available under this heading, $12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005 (Public Law 109-129):" after "programs:".

Mrs. DOLE. Mr. President, on December 20, 2005, the Stem Cell Therapeutic and Research Act was signed by the President and became law. This legislation established, through the Health Resources and Services Administration, HRSA, the C.W. "Bill" Young Cell Transplantation Program. This program, a successor to the National Bone Marrow Donor Registry, takes what used to be considered medical waste, deposits of umbilical cord blood, and banks it for future transplant recipients. Cord blood is the only known substitute for bone marrow.

The first cord blood transplant in the United States not involving a family member was performed at Duke University Medical Center in 1993. Since then, cord blood transplants have become increasingly common. Nationwide, more than 500 cord blood transplants are performed each year.

Today, cord blood transplantation is one of the most hopeful and exciting areas in the field of medicine. Together, adult stem cells and cord blood units have been used to treat over 70 blood cancers and genetic diseases.

Let me tell you about a young girl named Sangeetha. She received a transplant 10 years ago at my alma mater, Duke University, when she was battling leukemia. Doctors struggled to find a bone marrow match for Sangeetha, who is Indian. Fortunately, doctors found a compatible match from a baby girl born in New York, and Sangeetha was able to have cord blood stem cell transplantation. I am pleased to say she graduated from Western Alamance High School last year and is now a freshman at East Carolina University.

My amendment ensures that the cord blood program is included in the actual Labor-HHS appropriations bill. In the past, the cord blood program has enjoyed strong bipartisan support in Congress, and I ask that the Senate again show its support of this program by accepting my amendment. I also thank my colleagues, Senators SPECTER and HARKIN, for their strong support of the cord blood program. Without their hard work, this life-saving program would not have received the funding increase that it did this year.

Patients across the Nation have benefited from these state-of-the-art centers that are located in six States: North Carolina, New York, Washington, California, Colorado, and Texas. I know that in my home State of North Carolina, Duke University Medical Center has been working tirelessly to serve patients who travel from all across the country to benefit from the latest advancements in medical research.

I urge my colleagues to support this important amendment. It is imperative that these centers are adequately funded to ensure that the National Cord Blood Centers can continue to expand and store more cord blood donations—which means matches for more patients in desperate need of a transplant.

I ask for passage of the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator from North Carolina for her interest in and support of the National Cord Blood Stem Cell Bank. This is a program Senator SPECTER and I created in the 2004 bill when he was chairman. Our bill includes $12 million for this program, enough to sustain the banks that exist and start a new round of grants to startup operations. The Dole amendment codifies this $12 million for the cord blood stem cell banking program. I fully support it. I believe I can speak for Senator SPECTER. On both sides, we are more than happy to accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 3341.

The amendment (No. 3341) was agreed to.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3324

Mr. BROWN. Mr. President, I rise to oppose amendment No. 3324, the Sessions amendment. As far as I know, there is no Member of this body who opposes rigorous oversight of labor unions. Members of this body who care about the well-being of American workers don't want them harmed, period. It doesn't matter if it is an employer or a union leader or the U.S. Trade Representative who is doing the harming.

Unions are already subject, as they should be, to stringent reporting requirements, and unions overwhelmingly comply with whatever requirements are mandated. In its budget justification, the Department of Labor stated that the acceptability rate for unions in meeting their financial requirements is 96 percent. There is not a serious problem. We don't have a problem with monitoring unions. What we do have a problem with is attacking workers, which is what this amendment will do.

The offset of this amendment should offend any Member of this body who respects the hard-fought progress our Nation has made in the workplace, whether it is protecting the health and safety of workers or preventing the exploitation of children.

Look at what this amendment does. It increases funding 37 percent for "labor-management standards." It does nothing for wage and hour enforcement. The Presiding Officer from Iowa has fought so hard for more wages to build the middle class.

Look what it does here—and one of the reasons we have had stagnant wages in this country—it cuts funding for occupational safety and health. We know what has happened with workers in the workplace. We have seen an increase in incidents because of the Bush administration's lax enforcement of OSHA standards to begin with. Look what it does to the International Labor Affairs Bureau.

This offset would undercut our investment in fighting the worst forms of child labor and human trafficking. It would undercut our ability to ensure that labor laws in developing nations are being enforced. When those laws are not enforced, not only are there gross human rights abuses, there are insurmountable obstacles to fair competition in the global trading arena.

In other words, when we do not enforce labor standards in the developing world, it is only costing us jobs because they are undercutting our wages because they are violating labor law and they are basically not playing fair.

This administration now seeks more of the same, asking Congress to approve trade agreements with Peru, Panama, Colombia, and South Korea. This amendment is more of the same. The Sessions amendment cuts from the small contribution—the small contribution—this Government makes toward eliminating the worst forms of labor abuse.

Many countries still permit deplorable practices such as child labor and forced labor. The Sessions amendment cuts funding of the International Labor Affairs Bureau by $5 million. That undercuts its core mission: investigating and combating these violations of human dignity.

Look at these children shown in this picture I have in the Chamber, and look at the work they are doing, hour after hour, day after day, in all too many places around the world. This is economic globalization on the cheap, and our Nation cannot afford it.

Many in this Chamber may remember a report released last year by the National Labor Committee which exposed disgraceful working conditions in Jordan—a country with which we have a free trade agreement. The report documented workers who were trafficked—their passports confiscated when they arrived in Jordan. They used materials made in China to make finished projects eligible for duty-free entry into the United States, passing through Jordan. We see too many workers in places such as Jordan. And our administration, what does it do? It looks the other way.

International Labor Affairs funding—the funding this amendment would cut—goes toward the implementation of ILO Convention 182 on the Elimination of the Worst Forms of Child Labor. It has been ratified by 165 nations. The funding provides foreign governments with technical assistance on meeting their responsibilities so this does not happen.

A more recent ILO report, "The End of Child Labor: Within Reach," showed that the number of children working around the world dropped 11 percent, from 246 million children—like these—in 2000, to 218 million in 2004. That is not good enough, but that is progress, and the Sessions amendment would pull the rug out from under that progress.

Members of this body who vote "yes" on this Sessions amendment will be simultaneously launching a gratuitous attack on labor unions in this country and abandoning workers, including these children, and others, who are being abused and exploited. It is doubly wrong. Vote "no."

### AMENDMENT NO. 3348 TO AMENDMENT NO. 3325

Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 3348 at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself and Mr. VOINOVICH, proposes an amendment numbered 3348 to amendment No. 3325.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the Underground Railroad Educational and Cultural Program)

At the appropriate place in title III, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, $2,000,000 shall be available for the Underground Railroad Educational and Cultural Program. Amounts appropriated under title III for administrative expenses shall be reduced on a pro rata basis by $2,000,000.

Mr. BROWN. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment will be set aside.

### AMENDMENT NO. 3349 TO AMENDMENT NO. 3325

Mr. BROWN. Mr. President, I call up amendment No. 3349, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself, Mrs. LINCOLN, Mr. OBAMA, Mr. FEINGOLD, Ms. COLLINS, Mr. WYDEN, Mr. KERRY, and Mr. MENENDEZ, proposes an amendment numbered 3349 to amendment No. 3325.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Secretary of Education from using funds with respect to an evaluation for the Upward Bound Program until congressional examination of the regulation providing for such review)

At the end of title III, add the following:

SEC. ____. No funds appropriated under this Act may be used by the Secretary of Education to promulgate, implement, or enforce the evaluation for the Upward Bound Program as announced in the Notice of Final Priority published at 71 Fed. Reg. 55447-55450 (Sept. 22, 2006), until after the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives have thoroughly examined such regulation in concert with the reauthorization of the Higher Education Act of 1965.

Mr. BROWN. Mr. President, I am pleased to offer this amendment with Senators LINCOLN, OBAMA, FEINGOLD, COLLINS, WYDEN, MENENDEZ, and KERRY.

This amendment would halt the implementation of an invalid and unethical Department of Education evaluation of Upward Bound programs. Across the country, Upward Bound serves low-income, first-generation students who are at risk of not completing high school or pursuing higher education. The evaluation requires that Upward Bound programs aggressively recruit twice as many students as they can serve simply to provide enough students for a control group that will never actually receive Upward Bound services. It forces program directors to engage in a sort of bait and switch that contradicts their mission as educators. It places in danger long-standing trust relationships between Upward Bound directors and school administrators, between students and their families, and, most critically, it dashes the hopes of vulnerable teens who lack the academic or the financial or the emotional support necessary to successfully pursue higher education.

Not only will students be given false hope under this evaluation and this process, but there remain serious questions about the adequacy of research designs based on randomly assigned control groups in educational research. These concerns are based on the difficulty—perhaps even the impossibility—of imposing laboratory conditions in nonlaboratory environments.

Unless we take action, the evaluations will proceed on about 100 campuses across the country, 10 percent of those—10 of those—in my State of Ohio.

Upward Bound programs are critically important. We know how effective they are to our Nation's youth, and we should evaluate their effectiveness. But we should do it the right way, in a fair, ethical, and valid way.

I will continue to work with my colleagues, including the Presiding Officer, on the Health, Education, Labor, and Pensions Committee and in the Senate to develop an evaluation methodology that will truly let us know how our Upward Bound programs are performing.

I urge adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the pending business be laid aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3321 TO AMENDMENT NO. 3325

Mr. KYL. Mr. President, I call up amendment No. 3321, which I believe is at the desk and was filed by Senator COBURN. He and I are cosponsors.

The PRESIDING OFFICER (Mr. BROWN). The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for Mr. COBURN, for himself and Mr. KYL, proposes an amendment numbered 3321 to amendment No. 3325.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional care for pregnant women, mothers, and infants by eliminating a $1,000,000 earmark for a museum dedicated to Woodstock)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act, none of the funds made available under the heading "OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION" under the heading "INSTITUTE OF MUSEUM AND LIBRARY SERVICES" in title IV may be used for for the Bethel Performing Arts Center.

(b) The amount made available under the heading "OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION" under the heading "INSTITUTE OF MUSEUM AND LIBRARY SERVICES" in title IV is reduced by $1,000,000, and the amount made available under the heading "HEALTH RESOURCES AND SERVICES" under the heading "HEALTH RESOURCES AND SERVICES ADMINISTRATION" in title II is increased by $336,500, which $336,500 shall be used to carry out title V of the Social Security Act (42 U.S.C. 701 et seq.), in order to provide additional funding for the maternal and child health services program carried out under that title.

Mr. KYL. Mr. President, I can describe the amendment very briefly. Here is the context in which Senator COBURN and I offer this amendment.

This Labor-HHS appropriations bill provides just under $150 billion in total discretionary spending. I believe it is $149.2 billion. This is about $8.95 billion over the President's recommendation. That is well over 6 percent in excess of what the President recommended.

With this kind of excessive spending in the bill, it is important for Congress to address the use of taxpayer dollars within this bill to ensure that anything that is not a critical governmental function is prioritized, and for those things that are not critical, that we not spend money on them.

Now, this bill contains a $1 million earmark for a museum located at the Bethel Performing Arts Center in Bethel, NY—the site of the original 1969 Woodstock Festival. The museum, which is scheduled to open in 2008, apparently will house exhibits on the Woodstock Festival and the 1960s in which it occurred. According to the museum's Web site—I am quoting now—

> Through dramatic imagery, audio-visual technology and immersive interactives, this exhibition tells the story of the 1969 [Woodstock] festival and its significance in a time of unrest and change, concluding with the myth, reality, and impact of the Woodstock Festival today.

Our amendment is very simple. We simply strike that $1 million earmark.

For those who thought the Woodstock Festival was a neat thing and something that needs to be commemorated in American history, it is happening. It does not need the Federal Government, the taxpayers in my State and others, to subsidize that museum.

The Gerry Foundation, which is a nonprofit 501(c)3 organization, oversees the Bethel Center, and it reported an adjusted net income of $7.7 million, investment income of more than $24 million, and total net assets of over $150 million at the end of 2004, the last year for which statistics are available. So why are we asking for $1 million to be earmarked out of this particular bill, the Labor-HHS bill, for the funding of this particular museum? As I said, our amendment would eliminate the earmark for this Woodstock museum, and it would transfer the funding to the Maternal and Child Health Block Grant program—something that is relevant to the Labor-HHS bill.

The Maternal and Child Health Block Grant program provides funding to States to meet their most pressing maternal and child health needs, encouraging the development of community-based networks for both private and public health care services and programs designed to meet the health needs of pregnant women, mothers, infants, children, and adolescents. This is what this bill is supposed to be about.

We have had a lot of debate recently about protecting children's health. It seems to me if that is something we are concerned about, we could use this $1 million for children's health rather than helping to pay the expenses of an already very well-funded museum to celebrate the festival at Woodstock.

The amendment basically asks some questions about our priorities as Members of Congress, stewards of taxpayer dollars. Remember, the money has not grown on trees. It has been collected from hard-working families who expect us to put it to good use. They are frustrated about wasteful Washington spending. They criticize us every day for the priorities we set. It seems to me we do have to ask questions such as whether it is the will of this body to fund an earmark for a museum celebrating a weekend-long party that occurred 38 years ago or funding child health.

The American people, as I said, are sick and tired of the kind of spending that this particular kind of earmark represents. They see us as a government that is not accountable to them, that is out of touch with their needs and realities in trying to provide for their own families, and they then send what the Government needs by way of taxes. They are not against paying taxes, but they do not want us to waste their money.

It is beyond me how, with an entity as well funded as the Gerry Foundation, the Government would have to then take taxpayer money and fund this particular museum to the tune of $1 million. It is clearly not a high priority. It is clearly not needed. It is not critical to our future. It may be a nice thing for some people to visit to relive their memories of the good old days, but, frankly, it is a handout from taxpayers to a foundation that otherwise has plenty of money to commemorate this particular event.

I close by noting that recently there was a festival at the Bethel site, the site of Woodstock, on August 11 of this year. They hosted an event called the "HIPPIEFEST," with tickets priced up to $60 a person. Here is how it was advertised:

> Return to the flower-powered days of the 1960's with our oh-so-hippie line-up of truly talented artists.

The center's advertisement for the concert further states:

> [G]ather your groovy beads and we'll see you on the lawn for a trip down memory lane.

Well, the trip down memory lane may be fine for folks. I suggest if they want to participate in that, they can pay the admission price. If a rich entrepreneur in New York wishes to fund the creation of this museum, as he has done, he obviously has plenty of money to do it, as I indicated. It is not something American taxpayers should pay for.

I will conclude by saying this: The reason why this Congress has a lower approval rating than the President of the United States—the lowest approval rating in its history, according to the public opinion surveys—is because they do not trust us to do the right thing. They believe we are wasteful stewards of their money. We have to start somewhere in convincing them that we are serious about the business they want us to conduct, that we can set priorities, and that we are not going to continue to waste their money.

How can we, with a straight face, argue to them that we are not wasting their hard-earned, taxpayer money when we take $1 million of it to spend on a memorial or a museum for a party, as I said, that occurred 38 years ago, and which is already plenty adequately funded? It makes no sense at all.

I urge my colleagues, when this comes up for a vote, let's at least demonstrate in a symbolic way, at a minimum, that we are serious about not wasting their money. I hope my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, does my colleague from Oklahoma intend to speak on this amendment? Then I would like to speak after both my colleagues have spoken and respond to what they have to say.

Mr. COBURN. Mr. President, I intend to speak after Senator SCHUMER speaks as well.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we heard Senator KYL talk about the problem. The Woodstock Museum is not the problem; it is a symbol of the problem. Alan Gerry has done great things for the State of New York. He should be praised for what he has done. This isn't an attack on him. This is an attack on the process—the process where we inappropriately send money back on the basis not of priority but on the basis of a low-priority need.

Now, there was a historian by the name of Alexander Tyler. These words are attributed to him. Nobody can say for sure he is the author of them, but they bear a very important lesson for us. He wrote about the Athenian Empire which had collapsed, and he was writing this about the time that our Founders were writing our institutional documents. Here is what he said: All democracies eventually fail. They fail because people learn that they can vote themselves money from the public

Treasury. Consequently, they only vote for people in elected office who will return them money from the public Treasury. Consequently, all democracies fail over a fiscal collapse.

Now, is that where we are headed? Have we walked into the trap of history which talks about how every other democracy in the world has, in fact, failed over fiscal issues? They haven't failed over the principles of their democracy. They haven't failed over their freedom. They failed over the financial collapse of their system because the political class used public monies to pay off private citizens.

This is a symbolic vote. It is not about going after Senator SCHUMER or Senator CLINTON and this earmark. I have been going after Republican and Democratic earmarks for 2½ years. But this is a great example. I am part of the hippie generation. I was a junior in college when Woodstock occurred. It may be great for upstate New York to empower and have this as an economic development tool. It is certainly a part of our history and ought to be remembered. There is no question about it. But the question is, should this be a priority for this body over the priority of women and children, of maternal-child health, which isn't funded adequately in this country? Should we fund $1 million to a worthwhile project but low priority? That is the question. It is not about whether great things have been done in this area or whether great things can continue to be done.

New York has a $1.6 billion surplus right now. If this is great, why shouldn't the State of New York fund it more, this $1 million? We have, according to the latest estimate if you use Enron accounting, a $160 million deficit. If you use real accounting, it is going to be about a $300 billion deficit. So why should we put the credit card in and charge another $1 million to our kids for something that is low priority? If we are going to charge another $1 million to our kids, why don't we do it for the kids, for maternal and child health? We will earn the 11 percent if we reject this amendment.

The problem is, this is a good thing to do. Senators have a right to do it. We know that. Even though, I disagree that, before we fix the major financial problems that face our country, we shouldn't be sending money home. I am in the minority on that issue. I understand that. You are not bad if you disagree with me. But according to the American public, you don't agree with them either because 85 percent of the American people in the latest poll think we ought to eliminate all earmarks until we get our house in order.

The question is, how will they ever trust us to fix Medicare or Social Security if they can't trust us on these small things? And they can't. We can't help ourselves. Surely, $1 million for a Woodstock museum and performance center is not a priority for this country at this time.

Mr. HARKIN. Would the Senator yield for a unanimous consent request? I hate to interrupt the Senator.

Mr. COBURN. I am happy to yield.

Mr. HARKIN. Mr. President, I think this has been cleared on the other side.

I ask unanimous consent that at 12:30 today, the Senate proceed to vote in relation to the DeMint amendment No. 3338, with no amendment in order to the amendment prior to the vote, and that there be 2 minutes of debate prior to the vote with the time equally divided and controlled between Senators DEMINT and SCHUMER or their designees; that upon disposition of the DeMint amendment, Senator BYRD be recognized to call up an amendment on the subject of mine safety.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object, I would ask to modify that time on the provision that we be finished this debate. In other words, that being the first order of business after we finish this debate rather than setting a fixed time because I am not sure we will be through at 12:30. If the Senator would care to modify, so that at 12:30, or the soonest thereafter we finish this debate, I would be more than happy to agree.

Mr. HARKIN. If the Senator will yield, is there any chance that we could finish the debate after the vote? We are trying to get the vote in prior to some noon things that are happening around here.

Mr. COBURN. I guess we can do that. I would do that if that is what you want to do. I would love for us to finish this before the vote.

Mr. HARKIN. Mr. President, I modify my unanimous consent request to say that if the pending debate is not finished at 12:30, that after the vote on amendment No. 3338, we would return to the debate on the Coburn amendment.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Is that OK with my colleague?

Mr. SCHUMER. I only intend to speak for 5 minutes.

Mr. COBURN. Then I think we should be finished. I have no objection to the original request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Harkin request, as modified, is agreed to.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, so here we have a bill, the Labor-HHS bill, and it has over $400 million in earmarks—some good, some priority, some are high priority, probably should be there, but many are not high priority.

When are we going to do what the American family has to do every year? What they have to do is say: Here is how much money we have coming in. Here is what we have needs for, and here is what we have available. What they do is make choices based on priorities. This debate is about making choices. If we had different rules, this debate would have been eliminating the earmark plainly, and several others. But because of the Senate rules, the money is going to be spent, so we have to figure out a higher priority place to spend it, and maternal and child health is certainly the place to do it.

The real question the American people are asking us, the 89 percent of the American people who don't have confidence in this institution are asking us is, when are we going to get it? When are we going to start doing what they want us to do? When are we going to start playing for them and their future, rather than playing for us and our future? That is the real question.

There is no question that the desirability of what this earmark supports is probably great. I don't have any problems with it. What I have a problem with is that we have a $9 trillion debt.

This Senator has never voted to raise the debt limit. We just raised the debt limit $850 billion, to almost $10 trillion, because we can't control ourselves.

So the question before us isn't whether this is good or bad. The question is, when are we going to change our behavior? When are we going to start doing $1 million here and $1 million here, up to $398,584,000 worth of earmarks in a bill? That is the question. This isn't conservatives who are asking this question; it is liberal Democrats; it is Independents; it is conservatives, because they know, in fact, this Government can run better, more efficiently, with less money than what we are doing now, if, in fact, we will stand up and do the oversight work we ought to be doing. But we refuse to do that.

So the vote will come. We will have a vote. If we don't enhance this amendment and pass it, we will go from 11 percent to 10.95 percent because, in fact, the American people will see, again, that we don't get it. We don't have to live by the rules they live by.

The tragedy is, in this bill, the Labor-HHS bill to help those most dependent in America, we are going to take money in the future from those who we are saying we are giving to now, through a decreased standard of living or an increased tax rate. If you don't believe that, read David Walker, the Comptroller General's report about what is getting ready to happen to us as a nation in terms of our finances, or read Peter Peterson's book, "Running On Empty," about what is going to happen to us. Why in the world is the Euro at $1.42 when it was 83 cents 3½ years ago? Why is that? Is there a beckoning call about our financial condition that the world financial markets recognize, and yet we refuse to pay attention to?

So I call on my colleagues. This isn't a partisan amendment. I have gone after just as many Republican amendments—as a matter of fact, one of the amendments I am going to be offering today goes after a Republican amendment. I also plan on offering an amendment to get rid of all earmarks in this bill before we finish this bill. So we will get to see whether this body gets it, whether the 80 percent to 85 percent of Americans who want us to change our behavior have any influence on us whatsoever. Will we listen?

There is a rumble. I said this a year and a half ago. There is a rumble in America, and the rumble is this: We don't have confidence in our Government anymore. Where is the legitimacy of our Government when our own people don't have confidence in us? It is a great question to ask about the greatest Republic that there ever was. It is a problem we need to be about solving rather than ignoring.

With that, I yield for the moment.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Thank you, Mr. President. I would like to make a few comments. First, I would like to say this: I have tremendous respect for my colleague, and I would say friend, from Oklahoma. I don't think he does this out of any personal animus or even a direct, crass political advantage. I think he believes, and I respect that. So I would like to say that at the outset, and I say the same for my friend from Arizona. They have both been consistent in this, and they don't put in—even though their States do get earmarks, even earmarks for museums, it is not the wish of the Senator from Oklahoma or the Senator from Arizona to do that. That is point 1.

Point 2, generally, about fiscal responsibility, I would say both of my colleagues on the other side of the aisle, like so many others, have voted pretty strongly against spending programs. But they don't vote the same way against tax cuts. They don't do pay-go on tax cuts. They vote to cut taxes much more than all of the earmarks in this entire bill, even though it makes the deficit worse, even though it is a fact that our children will suffer because of the debt.

So there is no high moral ground here. There is a view as to how big Government ought to be, but the idea of keeping the budget balanced for our children and for our grandchildren, I daresay, this new Congress, under Democratic leadership, is toeing the mark far more carefully than previous Congresses did. We have instituted pay-go—pay-go for tax cuts, but pay-go for spending programs as well.

Any economist will tell you, if you have a large deficit, it doesn't matter whether the deficit was caused by either reducing taxes or by raising spending. So, frankly, I think the arguments of my colleagues would have a great deal more suasion in this body if they were to say they will not vote for any tax cut that is not paid for either because what is good for the goose is good for the gander.

If you wish to say I am for shrinking Government and I don't care what the deficit is, that is just fine. But if you are making the argument that we should not pass debt on to our children, debt from tax cuts and debt from spending programs is exactly the same debt.

Mr. COBURN. Will the Senator yield?

Mr. SCHUMER. Yes.

Mr. COBURN. Can the Senator recall a time that I voted for a tax cut?

Mr. SCHUMER. I don't know offhand.

Mr. COBURN. As a matter of fact, my public statements are that there should be no tax cuts unless you do spending cuts to pay for them.

Mr. SCHUMER. I respect my colleague for that. But the Senator from Arizona—I know of his record longer, and he does not have that record.

Mr. COBURN. I appreciate that.

Mr. SCHUMER. I appreciate that, and I look forward, when tax-cutting amendments come to the floor, to working with my colleague to say they ought to be paid for if we are going to do it, like we did, for instance, in the recent SCHIP bill.

I will make a second general point, and I will get to the specifics of this program. There are many needs in this country, and this country has always been one of federalism. Most of our time, effort, and energy goes into broad programs that basically do the same thing in Oklahoma, Arizona, and New York—whether it is helping pregnant women, whether it is education, or whether it is road building. Those are large national needs that this body has determined are real. But we have always had a view that States and localities are important.

Frankly, since the 1930s, there has been a view that the Federal Government has every right or reason to help those States and localities specifically, and that is what good earmarks are. Earmarks are not all good. Spending programs are not all good. Tax cuts are not all good. Each of them can be aimed at a specific place. Each of them can be aimed for the wrong reason. But I am proud of the earmarks I have put in the bills that we have had this year and in previous years. I am proud to defend them and I am glad we are having this debate. I do believe there is a balance, and I don't believe saying every program the Federal Government does ought to be just aimed across the country because Sullivan County in upstate New York, in the Catskill Mountains, is quite different from the county that surrounds Tulsa, OK, or the Grand Canyon in northwestern Arizona.

Yes, there should be a balance. To me, the balance in this bill—and the overwhelming majority are for broad Federal programs, but a certain amount are designated for earmarks—makes sense. Now, obviously, if you are putting an earmark in for something out of your State, or for the wrong reason, that is wrong. But let me tell you, if you go to Sullivan County, NY—and I appreciate that my colleague from Oklahoma has conceded this is a good program; he just doesn't think the Federal Government ought to spend for it. But I appreciate that because if you go to Sullivan County, NY, it is the place where the Catskills are. Until about 1950, the area boomed. Then the airplane boom hit and all the people from New York City, Philadelphia, and Boston who vacationed there started getting on airplanes and going to Florida, the Bahamas, California, and now Arizona to vacation. So Sullivan County became one of the poorest areas in our State. You drive up there, and you will see, from the Old Glory days, the great hotels that are boarded up. You will see the little bungalow colonies that people used to go to, which are now decrepid. I have been there many a time. I was there as a kid. I went to summer camp in the Catskills across the river in Pennsylvania. I would go there, of course, as a Senator frequently. It is an area that needs help.

When you ask the people what is the No. 1 thing they need, it is jobs. In this bill, we talk about jobs, no question. But I daresay the people of Sullivan County—the economic development experts, the town and local officials—have a better idea of what would create jobs in Sullivan County than the Senator from Oklahoma or the Senator from Arizona and, quite frankly, the Senator from New York. They are there, they know it. They live on the ground. They are the ones who see their children unable to get work. They are the ones who have seen and remember the older once great days, and now the decline, and they are desperate to try to restore some of the jobs so their children won't have to go away.

This Bethel Center for the Performing Arts was 1 of the 2 economic development projects that Sullivan County put at the top of its list, the other 1 being a racetrack, remaking the old Monticello Raceway to help with gambling, which is still pending in the Department of the Interior, where the Secretary, from Idaho, who doesn't seem to have a real understanding of the need, says it is an out-of-State tribe and we don't want to do it.

A job training program will be very nice, but it would not help Sullivan County to a large extent. All of the other large Federal programs we fund in this bill will not help Sullivan County. The people of Sullivan County, as well as the people in the rest of New

York, who elected myself and Senator CLINTON to try to help them with their specific needs, as well as make the country a better place—we don't tell them what is good for them. We make sure the money will be spent where it is supposed to be spent. But we defer to their decision. This was their decision. A lot of other things in Sullivan County might have needed specific help, but this was their decision. It is a good decision.

I believe—and this is where, I suppose, my colleague and I have a difference—that the Federal Government should play a role. Being a U.S. Senator means making the big, broad national policies for this country, and it means helping the Sullivan Counties of each of our States. I argue that a Senator who doesn't do that is derelict in his or her responsibilities to their State. So I am proud of this earmark. It is the right type of earmark.

My colleague mentioned the State government and why doesn't the State do it. The State has put $15 million into this. The local county officials have clamored for this for years. There was a previous earmark put in by Congressman HINCHEY in the House of Representatives to help build a road. It is a whole performing arts center at Bethel, not just a museum, but it is about $100 million. We hear about State and private partnerships, and this is one of them. The locality and the State are putting far more money into it than Washington. So both the State and the county and the town of Bethel have stepped up to the plate. They are not just asking the Federal Government for something they would not spend money for.

Every one of our counties has a need like this. If we are going to let a broad-brushed argument that there should be no earmarks stand—none—we are not going to be able to help these specific needs. I am proud to do it. I spend some time doing it, and I am going to continue to do it. I think it is part of my job. I think the people of Sullivan County and the people of New York State and the people of the United States would agree with that when told the facts of this particular situation and a little history of Sullivan County, which I have just outlined.

So I hope my colleagues will vote against this amendment because this is, as my colleague from Oklahoma says, a worthy project, and most of them are—not all. I have great respect for my two colleagues on the Senate floor. I don't think they are motivated by anything other than the best of intentions. Most of my colleagues believe they want to help out the Sullivan Counties, and we should be getting at the deficit. But the right way to do it is to put in pay-go across the board, not tie our hands and eliminate one specific type of program.

I want to review a little about the Bethel Museum in Sullivan County. It is a museum that not just covers Woodstock in the late 1960s, but it covers a whole post-World War II period, focusing on the sixties. It was a tumultuous decade, and it is a good idea to study it. Museums and libraries are a very important part of our history and education, as well as a job magnet. I don't think there is a debate that they are important. They have broad-brushed Federal programs that help libraries and museums. So that is not the argument.

Most important, it is an economic engine, as important as an economic engine might be in southeast Oklahoma, in the Indian country of Arizona, or the mountains of Montana, and it is what the two Senators—Senator CLINTON and I—in listening to the needs of Sullivan County and the people of Sullivan County, the elected officials there and the Chamber of Commerce have said they need most of all.

I hope my colleagues will support us and vote down this amendment because when they vote down this amendment, they are standing up for the other role we have in the Senate: to help our communities in the way they believe is best, not the way Washington dictates is best.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me return the compliment to our colleague from New York. Nobody is questioning anybody's beliefs. He certainly made that point, and we make the same point. In Senator SCHUMER, the citizens of New York have a very worthy and persuasive advocate. I say this with no disrespect. He could literally make the sow's ear into a silk purse, which I think is what is being done with respect to this particular program. He fights for his constituents' interests and beliefs. But I say thank you.

If this is a jobs program, and that is the justification for it, I think we need to take a look at this again. I am informed that the unemployment rate in Sullivan County is 4.1 percent, contrasted with 4.6 percent nationwide.

Our colleague talked about the counties in northwest Arizona. He mentioned the Grand Canyon. One of the counties next to the Grand Canyon incorporates the Navajo Indian Reservation.

I think about Tuba City. The unemployment rate on the Navajo Indian Reservation is about 40 percent as opposed to a little over 4 percent in Sullivan County, NY. We could use a lot of jobs programs. We can use other programs more than that. I cannot get money for a roof on the Tuba City jail which leaks. There are parts of Arizona where it actually rains, and on the Navajo Indian Reservation in Tuba City, AZ, it rains.

I went up there on a Saturday night about 6 months ago. Hope MacDonald said: You need to come up, we have to get a new jail; this thing is falling apart. I walked in and, yes, it is falling apart. It happened to be raining and, yes, the roof leaks.

There are huge needs on these Indian reservations in poor counties of Arizona. There are a lot of events we can commemorate on the Navajo Reservation in terms of a museum that would be worthwhile for everybody in this country to visit. There is a rich, long, wonderful history there. But I don't think we should have an earmark in the Health and Human Services bill to create a museum as a jobs program. If we want to do that, let's focus on the real need.

I don't know how many jobs this would create or what the cost-benefit ratio of the expenditure of this money is for job creation, but there surely has to be a better way to do it than creating a museum. If we are prioritizing, I can tell you areas in Arizona that are far greater in terms of unemployment and could use the money in much more direct ways to benefit the citizens of the State.

The second point that our colleague from New York made—I will stand guilty with respect to Senator SCHUMER's charge, which is that I don't believe we should always raise taxes when we cut taxes. That is what this so-called pay-go rule is all about. It is supposed to work this way. You either cut spending or you raise taxes.

We had a Finance Committee meeting, I believe it was yesterday, an informal meeting. I asked my colleagues, because it was all about raising taxes: Does anybody here have an idea about how we could cut spending in order to pay for this? Dead silence. Not a one. I know my colleague from Oklahoma has lots of good ideas about how to cut spending, but nobody in the Finance Committee was willing to put forth an idea of cutting spending. No, it had to be to raise taxes.

What I am curious about is whoever decided that the amount of revenue the Federal Government collects today is exactly the amount of revenue it has to collect from now into the future so that if we are ever going to reduce taxes on hard-working Americans, we have to raise their taxes in some other area so the Government can still collect the same amount of money?

It is interesting, we collect about 18.4 percent of the gross domestic product in taxes today. We could prevent any of the existing tax rates from increasing—take the 2001 and 2003 tax cuts—and eliminate AMT, the alternative minimum tax, and we would still be collecting 18 percent of our gross domestic product in taxes. Isn't that enough?

If we don't do these things, we will be over 20 percent. The historic 40-year average is 18.2 percent. Clearly, we don't have to keep raising taxes on

Americans. That is why some of us believe, when we try to help people by cutting taxes, we ought to leave well enough alone and not raise taxes somewhere else so we can keep the Government whole. The object is not to make sure the Government always has the same amount of money. It is to try to help the people who pay the taxes. They are the ones who generate the jobs.

If we are talking about unemployment, let's talk about who creates the jobs. It is mostly small businesses. So if we help small businesses by not raising their taxes, they can create the jobs and that creates wealth and, by the way, it produces more income tax revenue to the Federal Government.

I conclude by saying I plead guilty to not wanting to raise taxes every time I am in favor of cutting taxes, but that debate is irrelevant to the question before us today, which is simply, as a symbolic measure, can we at least find $1 million in this multibillion-dollar bill that we can all agree could better be spent on something else? Can we set some priorities once and for all?

This Woodstock museum, maybe it is a good idea—I am not so sold on it—but if it is a great job creator, and it is pretty clear the people in New York have concluded that, they have the money to fund a museum. They do not have to rely on the taxpayers in my State or other States to fund a museum.

I hope my colleagues agree that in setting priorities, we can strike this one earmark from this bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have a couple points as to Senator SCHUMER's statement. First, with an unemployment rate six-tenths percent lower than the national average and lower than New York's average, by the way—lower than New York's average—it is hardly in the dire consequences of what we see around the rest of the country.

The second point is, we have 60-some million dollars out there for competitive grant competition on museums for which the museum administration does a great job. In other words, everybody in the country who wants to have a museum has to compete against everybody else, and the ones who are most meritorious—by the way, they are also audited to see that the money is actually spent in a proper way; this will never be audited—they have to compete.

The major problem with Senator SCHUMER's argument is that Sullivan County can never be healthy if the country as a whole is not healthy. That is the problem with the argument. We can say we want to make XYZ healthy. It is akin to saying your finger is healthy when you are having a heart attack.

The fact is, the country as a whole is at the precipice—D day comes January 1, 2008. That is the demographic day on which all the baby boomers, the "Woodstockers" start taking Social Security, and 3 years later they start taking Medicare, $79 trillion worth of unfunded liabilities. How in the world can the American people ever trust us to fix those big problems if we don't even get it on the small problems?

If this is a great idea, put it into the competition on competitive grants for museums. To say they are in hardship with an unemployment rate of 4.1 percent compared to the rest of New York and the rest of the country, that is hard to believe.

Again, we have to start listening to the rumble in America that says start being good stewards with our money, quit doing things that help you as politicians that hurt us as a country.

The fact is, although this may be very worthy, why shouldn't it have to compete against everybody else in the country who wants a museum? Why shouldn't it have to compete? Why is it that I can pick out and place—and I guess I am one of the derelict Senators because I don't believe Oklahoma can be healthy if our country isn't healthy. I believe Oklahoma will ultimately fail if our country fails. I believe that future generations will live a less standard of living with less opportunity and ultimately less freedom if we don't solve the financial problems in front of us as a nation.

This is a symptom of our sickness, and until we reject and get rid of this disease of parochialism and start fulfilling our oath—do you realize the oath we take when we come to the Senate never mentions our State? It says you will uphold the Constitution of these United States—these United States, all of us. So the will and the best well-being of all of us as a country has to be our most important goal.

Alexander Tyler will be right about us if we don't wake up and change what we are doing. We will collapse under our own fiscal insanity if we continue to do these things.

Senator SCHUMER is a great Senator for the State of New York, there is no question about it. He is going to fight and defend this old way of parochialism. He is going to fight and defend it until we as a country collapse. That is why we have an 11-percent confidence rating. We are collapsing already in terms of our real duty to build confidence, that we are looking out for the country as a whole, not for our own political careers or not for local parochial interests. That is why the Senate was created. It wasn't for parochial interests. If you read the Founders' writings, they never thought about the Senate being considered anything other than a body that looked at the long term, ensure the future, create opportunities, and protect the liberty, and we fall away from that as we go through this process.

Mr. President, I know we have a unanimous consent agreement. I ask that all the Members of this body read Comptroller General David Walker's report about what is getting ready to happen to us and read former Secretary Peter Peterson's book "Running on Empty" and what they will see is not a pretty picture.

The time to diagnose the disease is now, not when we are in ICU and we could have prevented it.

I yield the floor. I thank my colleagues for their debate.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, moments ago I heard my colleague from Arizona, who is a member of the Finance Committee, as am I, talking about eliminating the alternative minimum tax. Most of us in this Chamber know we have a problem with the alternative minimum tax that is going to affect 23 million Americans, up from nearly 4 million last year, if we fail to act. But the notion that we eliminate the alternative minimum tax and not pay for it I find breathtaking. Why? Because unless we replace that revenue, we will have to go out and borrow another $870 billion over the next 10 years. In fact, some of my colleagues in a meeting yesterday of the Finance Committee said let's not only eliminate the alternative minimum tax and not pay for it, let's eliminate or extend the 2001 and 2003 tax cuts and not pay for that either, not reduce spending or replace it with other revenue.

The effect of those proposals would be $4 trillion of additional debt after they have already run up the debt of the country by $3 trillion in the last 6 years alone, a 50-percent increase in the debt. I find that not just irresponsible, I find it wildly irresponsible.

From where is this money going to come? It would be borrowed. From whom would we borrow it? Right now, over half the money we are borrowing to float this Federal Government we are borrowing from abroad and primarily the Japanese and the Chinese.

So when my colleagues come out and say let's have a bunch more tax cuts and not pay for them, by either reducing spending or replacing it with other revenue, understand what they are saying. What they are saying is let's go borrow a bunch more money from China and Japan.

Some people say it is a sign of strength that they will loan us this money. That is an interesting idea of strength. I had a man in my office the other day, one of the wealthiest men in America. He said to me: I believe America is in danger of following the path of Great Britain, a great empire in decline, because we are not responsible about our financial commitments and we get into this idea of spending money we don't have and borrowing it primarily from abroad.

It leaves me cold to hear some of my colleagues talk about supporting every tax cut, supporting every spending initiative, wanting another $200 billion for the war in Iraq and not willing to pay for any of it. That is what will bring America down. That is what will weaken this country. That is what will leave us deep in debt and a debt that we will owe all around the world.

We are increasingly dependent on the kindness of strangers. At some point, we have to get serious around here and become responsible. Those who embrace every spending initiative of every tax cut and then call themselves fiscally responsible have gone beyond the pale.

I thank the Chair and yield the floor.

### AMENDMENT NO. 3338

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided between the Senator from South Carolina, Mr. DEMINT, and the Senator from New York, Mr. SCHUMER, or their designees, prior to a vote on amendment No. 3338, offered by the Senator from South Carolina.

Mr. DEMINT. Mr. President, I have been in the Senate about 3 years, and I have become increasingly concerned that many of my colleagues and good friends, whom I deeply respect, now believe it is our purpose here in the Senate to take tax dollars from the American people and then give them to our favorite causes back in our States. There are many wonderful causes back in South Carolina. I could spend a whole national treasury on them if I could get my hands on it, but that is not what I am here for. Americans expect us to work for the good of the country, of everyone and our future as a whole, not to create slush funds for ourselves and give them to our favorite causes back home.

My amendment addresses a particular cause, and my purpose is not to embarrass a Member of Congress but to point out that it is particularly egregious if we, as Members of Congress, take taxpayer money and give it to some project that has been named after us, and in this case Mr. RANGEL has gotten $1 million or $2 million.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEMINT. Mr. President, I ask unanimous consent for another 30 seconds since no one else is speaking.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. My amendment strips this out. Some have said it is not in the Senate bill, so we don't need to do it. We do that all the time; we disallow the use of funds for particular reasons because that is not what a bill is intended for.

Some have said we name things after Senators all the time. But it has only been after they have retired that we have done that. We do it for judges after they retire.

We have to stop this insidious problem of becoming a favor factory where we are giving away taxpayer money for things we are not supposed to do, despite how worthy they might be. Please support my amendment to strike this egregious provision.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the only fault I find with the amendment of the Senator from South Carolina is that this provision is not in the bill before us. It is not in this bill. The thing he finds objectionable is in the House bill; it is not in this bill.

Mr. DEMINT. Will the Senator yield?

Mr. CONRAD. I think all time has expired.

Mr. DEMINT. We have done this before. We did it with spinach a while back. It is not unusual for us to disallow the use of funds for things not in our bill. It is important we do it as a Senate; otherwise, it will end up in the final bill.

Mr. CONRAD. Mr. President, is there time remaining?

The PRESIDING OFFICER. Twenty-two seconds.

Mr. CONRAD. Mr. President, I would just say again that I find it unusual that we are passing amendments on provisions that aren't even in the bill before us. It is in the House bill. Now, maybe the Senator from South Carolina wants to send a signal, and I certainly respect that, but the fact is the provision he objects to is not in the legislation before us. It is over in the House bill. Ultimately, this will have to be worked out between the House and the Senate.

I thank the Chair.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 3338. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

Mr. LOTT. The following Senator is necessarily absent: The Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 61, as follows:

[Rollcall Vote No. 373 Leg.]

YEAS—34

Allard
Barrasso
Bayh
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Coleman
Corker
Cornyn
Crapo
DeMint
Dole
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hutchison
Inhofe
Isakson
Kyl
Martinez
McConnell
Roberts
Sessions
Smith
Snowe
Sununu
Thune
Vitter

NAYS—61

Akaka
Alexander
Baucus
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Collins
Conrad
Craig
Domenici
Dorgan
Durbin
Feinstein
Hagel
Harkin
Hatch
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Biden
Dodd
Kennedy
McCain
Obama

The amendment (No. 3338) was rejected.

Mr. WHITEHOUSE. Mr. President, I move to reconsider the vote.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we are making progress on this legislation. The two managers are working very hard to consider all the amendments that people have suggested to them.

We have just spoken to the distinguished Republican leader, and we believe this bill can be finished—it is 1 o'clock Thursday afternoon, and I hope we will not have to work into the evening tomorrow. We really need to finish this bill and have some cooperation from Senators as to how it can be finished with a time certain. So I tell the two managers, this is a bill we need to do.

As I said before, there are a couple of reasons we need to do it. No. 1 is we need to get this bill completed so we can get something to the President, and this would be a bill to do that. If the President is going to veto legislation, which he said he is going to do, this would be a good one to send to him because what the President is complaining about, in actual dollars, is in this bill.

Second, the chairman of the Agriculture Committee is the manager of this bill. We have to get him the ability next week to start and finish marking up the farm bill. We have to do the farm bill every 5 years. We are now past the time when we should have already completed that.

So there are a number of very important reasons we have to push forward this week to finish what we are working on today. I hope everyone understands that. I said before, I am so happy last week we were able to find a way of finishing the Mikulski-Shelby appropriations bill. We were able to do that. It took the cooperation of both sides, but we wound up with a good product.

I hope we do not have to work late tomorrow. I hope we can figure out a way to do this. When Senator McCONNELL was speaking earlier today, a few minutes ago, we had both our floor staffs with us, and they are going to help work through this. If people have amendments they want votes on, let's set them up today or tonight. It should be, and could be, an important day to complete this legislation.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, let me say to the majority leader, we are anxious to move this bill to completion as well. We understand the desire of the manager of the bill to turn his attention to the farm bill, which has not yet been marked up. I am on that committee, and I understand his interest in being able to do that.

Let me just reiterate, there is going to be plenty of cooperation on this side of the aisle to complete the Labor-HHS bill at the earliest possible time. I encourage our Members who have been offering amendments and are going to be offering some more to come down and let's do it today.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, to move this along, I ask unanimous consent to call up en bloc amendments numbered 3242, 3352——

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is to be recognized.

The senior Senator from West Virginia is recognized.

Mr. BYRD. Does the Senator wish to make a unanimous consent request?

Mr. ENSIGN. If the Senator will yield, if I could call up this amendment and speak for 2 minutes and then yield the floor?

Mr. BYRD. How long does the Senator wish?

Mr. ENSIGN. Two minutes.

Mr. BYRD. Mr. President, I yield the floor for 2 minutes.

### AMENDMENTS NOS. 3342 AND 3352 EN BLOC, TO AMENDMENT NO. 3325

Mr. ENSIGN. Mr. President, I call up, en bloc, amendments Nos. 3342 and 3352.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes, en bloc, amendments numbered 3342 and 3352 to amendment No. 3325.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

### AMENDMENT NO. 3342

(Purpose: To prohibit the use of funds to administer Social Security benefit payments under a totalization agreement with Mexico)

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

### AMENDMENT NO. 3352

(Purpose: To prohibit the use of funds to process claims based on illegal work for purposes of receiving Social Security benefits)

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act (42 U.S.C. 408).

Mr. ENSIGN. Mr. President, these——

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator yielded for 2 minutes.

Mr. BYRD. Do I have the floor?

The PRESIDING OFFICER. The Senator has the right to recall the floor but yielded 2 minutes.

Mr. BYRD. I will sit down because I know I have the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, very briefly, I will keep this very short. The first amendment deals with the totalization agreement the United States and Mexico have been working on together. I think there is a severe problem with a totalization agreement between our 2 countries; not because of our country but because of the recordkeeping and the problems associated with Mexico.

What the first amendment would do, very simply, it would not allow the administration to use funds to implement a totalization agreement with Mexico. Our Social Security trust fund is already in trouble. We all know that. This totalization agreement with Mexico would put our Social Security trust fund into trouble. That is why I think this is an important amendment that we debate, we talk about, and hopefully we will support.

The second amendment I have, I believe, reflects American values. We hear about identity fraud all the time. My amendment says the Social Security Administration could not pay Social Security benefits to anybody who has used a Social Security number fraudulently. That happens today. They use it fraudulently. They come back and they claim the benefits while they were using someone else's Social Security number.

This amendment would stop that practice. It would say Social Security cannot use any funds in this bill to give Social Security benefits to somebody who used an illegal Social Security number.

So briefly, those are my 2 amendments. I appreciate the Senator from West Virginia yielding me 2 minutes.

The PRESIDING OFFICER (Mrs. McCASKILL.) The Senator from West Virginia.

Mr. BYRD. Madam President, is the Senate operating under a time agreement at this point?

The PRESIDING OFFICER. There is no time agreement on the Senator's time.

Mr. BYRD. Am I recognized at this point?

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

### AMENDMENT NO. 3362 TO AMENDMENT NO. 3325

(Purpose: To increase funding for the Mine Safety and Health Administration.

Mr. BYRD. Madam President, last year the coal mining industry recorded the highest fatality rate in 10 years: 47 coal miners perished. Perished. They died. Many of these coal miners perished in the terrible tragedies at the Sago, Alma, and Darby Mines in West Virginia and Kentucky.

In response, the Congress passed the MINER Act to help ensure better emergency preparedness in the coalfields, such as the underground installation of wireless communications and additional emergency breathing devices.

In order to fund these new mandates, and in order to ensure continued compliance with already existing health and safety standards, the Senate Appropriations Committee recommended $13 million above the President's budget request for the Mine Safety and Health Administration in the fiscal year 2008 budget.

I also note that because the President's budget failed to do so in fiscal years 2006 and 2007, the Labor-HHS Appropriations Subcommittee secured funding, at my request, to hire additional mine safety inspectors and to bolster safety enforcement at MSHA.

I wish to thank Chairman HARKIN and Senator SPECTER for their support and their stalwart advocacy of these requests. They are true champions of the coal miners.

Since the Appropriations Committee reported this bill in June, another tragedy occurred in Utah where 6 miners were trapped at the Crandall Canyon Mine. During the rescue operation, three miners lost their lives, 1 of them a Federal mine inspector. The original 6 miners who had been trapped were never found. They remain entombed to this very minute, this very hour, this very day. They remain entombed in Crandall Canyon.

When the Congress returned from its August recess, the chairman and the ranking member of the Senate Labor HHS Subcommittee conducted a hearing to examine MSHA's actions at Crandall Canyon.

In response to several questions I asked based on articles in West Virginia's Charleston Gazette, the Assistant Secretary of Labor for Mine Safety and Health informed me that MSHA had not been performing the full quarterly inspections required by the Mine Act. I learned that MSHA has fallen dangerously, shockingly behind on its mine inspections across the Nation.

In southern West Virginia, the inspection rate had been allowed to decline from 89 percent in 2006 to 63 percent in 2007. MSHA needs the personnel, MSHA needs the budget to perform its primary and most basic functions; MSHA needs support staff to properly assess penalties; MSHA needs resources to review and certify safety equipment; MSHA needs the capacity and the personnel to train more inspectors.

Years of attrition and budget cuts by the Bush administration—let me say that again—years of attrition and budget cuts by the Bush administration have left critical positions unfilled at MSHA, incapacitating the Agency in many respects.

During a recent meeting in my office, the Assistant Secretary for MSHA, in response to my request, described a plan for MSHA to achieve 100 percent of the inspections required by the Mine Act. The plan would require many tens of thousands of overtime hours and the transfer of inspectors from districts across the country.

I have been told that these additional measures would be sufficient to fill the current gaps in the inspection schedules, at least until new inspectors can be trained and are able to assume their full responsibilities.

Now the problem falls to the Congress. That is here. The problem falls to the Congress to figure how to pay for this interim plan and how to fix these very serious budget deficiencies at MSHA.

Even after the most horrific year of mine fatalities in a decade, the President's budget request still does not include adequate funds to enable MSHA to conduct, in full, the most basic safety inspection.

The President's budget request—let me say that again. Our President's budget request—let me say that again—our President's budget request does not even include the necessary funds to help MSHA comply with the mandates of the new MINER Act which the President signed into law.

Today, I am offering an amendment that would add $10 million. Did you hear that? It would add $10 million to MSHA's budget. These funds are necessary to enable MSHA both to complete the safety inspections required by the law and also to implement the mandates required by the MINER Act.

The amendment would be fully offset by a reduction in travel expenditures for the departments and the agencies funded in the underlying bill. It would save lives. The funds enable MSHA to support additional hours of overtime for mine inspectors and specialists and to pay for travel for inspectors temporarily reassigned.

In addition, this amendment enables MSHA to hire additional support and administrative staff and to designate education specialists to better train new mine inspectors. The amendment would allow MSHA to begin to reduce its backlog of applications for certification and approval of new safety technologies. The amendment would spur expeditious approval of a truly wireless communications and tracking system that can meet the requirements of the MINER ACT.

As SAGO—SAGO, a terrible word because of that terrible tragedy—Crandall Canyon, and too many other recent mine disasters have made deadly clear, mine safety must not be funded on the cheap. The Congress must fund MSHA's true budgetary needs, and it must have the candid appraisal of the Department of Labor and the Mine Safety and Health Administration. Tell it to us straight. I say to them, tell it to us straight. Anything less is a threat to the health and safety of our miners.

I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. SPECTER, and Mr. HARKIN, proposes an amendment numbered 3362:

At the appropriate place in title I, insert the following:

SEC. ____. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $10,000,000 for necessary expenses for salaries and expenses of the Mine Safety and Health Administration.

(b) Amounts made available under this Act for travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $10,000,000.

Mr. BYRD. Madam President, it is my understanding that someone is needed on the other side of the aisle. I can certainly appreciate that. I want to ask for the yeas and nays on my amendment.

I am advised by the able staff on the other side that Senator SPECTER would agree to having the yeas and nays. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. CASEY and Mr. SANDERS pertaining to the introduction of S. 2191 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CHIP

Mrs. McCASKILL. Mr. President, we have a saying in some parts of Missouri, and I think it is a common saying in some rural parts of America: That dog won't hunt. I rise today to speak a few minutes about the Presidential veto of the Children's Health Insurance Program.

Mr. President, that dog won't hunt. All America has to do is look at the rationale for the veto and look at the tale of two programs—and that would be T-A-L-E.

The President says he is vetoing children's health care because it is too expensive. It is a $35 billion expansion over 5 years—an average of $7 billion a year. The President says he is vetoing the Children's Health Insurance Program because it is providing health insurance for wealthy families or families who can afford health insurance on their own.

This is a President who is out of touch. When a family of four making around $50,000 is facing over $1,200 a month in health insurance costs, that is a crisis in our country, and one that the majority in Congress has recognized. That is why we have prioritized the children. This is a program for low-income children, for modest-income children, and it is important we give them this health insurance. The President says it is too expensive. We pay for it. It is a novel concept around here that we are paying for it.

Now, let's dial back the calendar a few years and look at Medicare Part D. Was it expensive? Yee howdy, was it expensive. Try $710 billion over 10 years—an average of $70 billion a year. Was there a way to pay for it? Absolutely not. No way to pay for it. We just wrote a bad check for it. We had no way of paying for it. Was it for modest-income Americans or low-income Americans? Oh, no. Oh, no. It was for anybody in America. You could be a billionaire and participate in Medicare Part D.

So let me see if I get this straight. We have one program that is not paid for that is 10 times more expensive than the Children's Health Insurance Program that is for wealthy people in America—and it is OK the year before the President stood for reelection, it is OK with my Republican colleagues who voted against the Children's Health Insurance Program, it is OK with some of my colleagues from Missouri in Congress on the other side of this building who are voting to uphold the President's veto today. They voted for Medicare Part D.

So what is the difference? Why is one program not fiscally irresponsible and inappropriate? But the program for low-income children, why is it so bad? Well, the devil is in the details. And the details in this instance are that the people who wanted Medicare Part D were the pharmaceutical companies and the insurance companies. It is estimated they are going to make close to $150 billion off Medicare Part D. That is why this dog won't hunt. Because what this is about is the private insurance companies and private drug companies making money. Then it is OK to give the benefit to wealthy people and to not have a way to pay for it. But if it is going to the children and nobody is going to make any money off of it, then all of a sudden it is evil.

No wonder the people of America are outraged. No wonder our phones are ringing off the hook. No wonder the Members of Congress who are willing to uphold this veto are feeling the heat. They ought to feel the heat. This is the right thing to do. We should be taking care of these children. It is the least we can do as Americans to face the health care crisis that we face right now.

So I urge my colleagues from Missouri—especially those who are voting to sustain the President's veto—to reconsider because if you voted for Medicare D and you are saying this is a problem, you know what: America will figure that out.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first of all, I commend my colleague from Missouri for her wonderful comments as it relates to health care. Also, as to the bill in front of us, I thank the distinguished Senator from Iowa for his passionate commitment to the right things as it relates to the values and priorities for our families: Health care, education, and focusing on things that really matter to families every day.

I specifically come to the floor, though, because we just saw a vote in the House of Representatives that was just completed regarding the children's health care legislation. Unfortunately, it fell short of the override we need to have happen in order to be able to provide health insurance for 10 million children in America—10 million children of working families who are working very hard. They don't want to be on public assistance and Medicaid so that their children can get coverage; they want to work. They are working, but they are not in a position to be able to afford private health care coverage and they don't have it at work. So we are, through the children's health care program, rewarding work and rewarding the families of America who want to make sure their children have health insurance.

It is my understanding that there was just a vote that fell short. There were 273 colleagues in the House of Representatives—and I commend every one of them.

All of those who have worked so hard on both sides of the aisle in the House and the Senate should be commended again. Certainly, our leader, Senator REID, the Speaker, Senator BAUCUS, Senator GRASSLEY, Senator ROCKEFELLER, Senator HATCH—all of our bipartisan colleagues should be thanked for their efforts one more time.

I come to the floor to say that we are not done. We are not done. The people of this country are appalled at the lack of understanding of what average families are going through today. This President will be shortly asking us to approve another $200 billion for the war in Iraq—that will be paid for by our children, by the way, because it is not paid for; it goes on the national deficit, so our children and grandchildren will be paying for it—but says no to a program that is fully paid for, that invests $7 billion a year in making sure the children of America have health insurance. Seven billion dollars versus $200 billion, on top of another half a trillion dollars that has already been spent, on a war the American people want to stop as it is currently constituted. They want to change that mission and focus on things that will certainly keep us safer.

So I come to the floor to, first of all, commend everyone who has been involved to this point. I am very proud to be a member of the Finance Committee, where we worked very hard to put together a bipartisan agreement. But we are not done. This is a mainstream program supported by the broadest possible coalition you could have, from the business community and the large pharmaceutical companies to Families USA and to organized labor and child advocates and health care organizations. This is mainstream. This is the broadest possible coalition. Unfortunately, I regret to say it has been defeated by misinformation presented by folks who think that if they repeat long enough that somehow this covers people making $83,000 a year or repeat long enough that illegal immigrants are covered, that it somehow makes it true. Now, as the distinguished Chair knows, even in looking at the issue of documented or undocumented immigrants, even those who are here legally were asked to—were basically put in a position not to be able to receive children's health care help.

So to be able to address all of this misinformation that is out there, there is a real issue about that which needs to be fixed. So we have seen lack of information, misinformation, and more that has gone on with this proposal. In the short term, it seems to have worked, but it will not work in the long run because the reality is this is the right thing to do. It was passed 10 years ago by a Democratic President and a Republican Congress. I remember that debate. I was in the House of Representatives at the time in 1997. This was a positive step forward to support families working hard every day, trying to make sure they can put food on the table, pay the mortgage, buy the school clothes, and then have children's health care, have health care for their children, maybe be able to take them to the dentist so they don't end up with an abscessed tooth and the outrageous situation that happened with a child who died whom we all read about in the paper.

This is about moral values, priorities. When this President now comes to us asking for another $200 billion for a war that is not paid for, that is putting brave American men and women in the middle of a civil war in Iraq every day, I want to have him answer the question: Why?

Why, Mr. President, is it all right to add $200 billion more to the debt and ask our children and grandchildren to pay for it, yet you are not willing to stand with the children of America, 10 million children in America who are counting on us to be able to make sure they can get basic health care? There is something fundamentally wrong with this.

I urge colleagues to join with us. We are not going to stop until this is addressed because it is the right thing to do from a moral standpoint, and from a fiscal standpoint it is the right thing to do.

When children can't go to the doctor, their family can only use the emergency room or the child gets sicker than they otherwise would because they only have the emergency room to go to. They can't go to a doctor. The hospital pays, and then who picks up the tab? Every business that has health insurance. So from a practical economic standpoint, it makes sense. Certainly from a moral standpoint, it makes sense.

I think this is one of the proudest moments we have had in the Senate, of people of diverse backgrounds and philosophies coming together, putting the ideology at the door, and saying: You know what, this is about children. I don't know how many times I heard the chairman of the Finance Committee, the distinguished chairman, say: This is about the kids. Just keep focused on the kids. And because we did that in this Chamber, we came up with something we can all be very proud of.

The American people want to know that we reward work in this country and that we understand that families who are desperately concerned about health care for their children ought to be able to have a right to be able to purchase an affordable policy that will allow them to have their children get the health care they need.

So I appreciate our distinguished chairman of the Appropriations subcommittee allowing me to speak. I am deeply disappointed, along with people all across America, at the vote that just happened. But we are not done. Ten million children and their families are counting on us, and we are not going to stop until they have the health care they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I wish to thank the Senator from Michigan for her very eloquent and very timely statement on what just happened in the House. I guess it just transpired a little while ago. I think probably all of us were hoping that somehow the Members of the other body would come to realize this had broad support across the country—the SCHIP bill—and the fact that the $35 billion we had in there over 5 years was something that is sorely needed. I think we were all hoping this would pass. So when I just heard the Senator from Michigan say it failed by only getting 273 votes—we need 290 in the House to override a veto—that is a shame because it is obvious that we here in the Senate have the votes to override a veto.

So what can I say? Seventeen people prevented this from becoming law and from providing the health care our children need in this country—children of working parents. Mostly these are people who are a working parent or parents, they are contributing to society, they are taxpaying individuals, but they simply don't have enough money to buy the kind of health insurance they need to cover their kids. So this really is a slap in the face to the middle class in America, the middle-class people who are struggling to make ends meet and trying to provide a good education for their kids, maybe trying to put something away for a rainy day or for retirement, and they just don't have the money for health insurance. The Senator from Michigan is so right.

I don't mind if the President is opposed to this, but I think he has an obligation to speak truthfully to the American people. When he came out yesterday—I think it was just yesterday I heard this—he said: Well, it would cover kids with families earning up to $83,000 a year. Well, that is just simply not factually true. It would be if he signed it—I mean, it is up to the President to approve or not approve those. So is he saying that if the bill went through, he would approve it? That doesn't make sense. So that was disingenuous on his part. Also, as the Senator from Michigan pointed out, that somehow this would cover immigrant children, that is absolutely forbidden in the bill.

So I thank the Senator from Michigan for her long efforts in this regard as a member of the Finance Committee, as well as the occupant of the chair, who I know is a member of the Finance Committee and who also has worked very hard to reach a compromise, a bipartisan agreement on this bill to send it to the President. All I can say is, when people ask me now what are we going to do, well, what we are going to do is we are going to try to do something to move this forward. We can't just sit back and say that because of 17 people we can't move ahead.

So I think most of us who feel very strongly about the Children's Health Insurance Program are going to do everything we can between now and the time we adjourn to get this back up and try to get it to the President, and hopefully by then there will be enough momentum behind it that he will sign it. But I don't think we should just sit back and let it linger.

So I thank the Senator from Michigan for all of her strong support for the SCHIP bill.

### AMENDMENT NO. 3362

Mr. President, turning back now to this bill in front of us, the chairman of the full Appropriations Committee, the President pro tempore of the Senate, Senator BYRD, had offered an amendment on MSHA, the Mine Safety Health Administration, to provide an additional $10 million for that. It was fully offset by a reduction of $10 million in travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education. I am proud to be a cosponsor of that amendment.

Our subcommittee held two hearings on MSHA this year. What we learned is they still don't have two-way communication and tracking technology that would operate after an accident in an underground coal mine. Other countries seem to do quite well in that—Poland, Australia—other countries seem to be able to do that, but we can't. MSHA has been dragging its feet on this for a long time.

Our inspector force has been growing over the last couple of years, again thanks to Senator BYRD, who in the 2006 supplemental put in $25 million to train and to equip the inspectors. But even with that, MSHA still is not capable of conducting 100 percent of the inspections in our Nation's coal mines. That 100 percent is required. That is a requirement. Yet they still can't do it.

This is something I think is sorely needed. I support it, and I hope the Senate will adopt the Byrd amendment to the Mine Safety and Health Administration.

### AMENDMENT NO. 3368

Mr. HARKIN. Mr. President, at this time, I ask unanimous consent that the pending amendment be set aside and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KENNEDY, and Mr. SPECTER, proposes an amendment numbered 3368.

The amendment is as follows:

(Purpose: To provide funding for activities to reduce infections from methicillin-resistant staphylococcus aureus (MRSA) and related infections)

On page 50, line 5, insert before the period the following: ": *Provided further*, That $5,000,000 shall be for activities to reduce infections from methicillin-resistant staphylococcus aureus (MRSA) and related infections".

Mr. HARKIN. Mr. President, I offer this amendment on behalf of myself, Senator SPECTER, and Senator KENNEDY. We have seen, in the last 24 hours or so, horrific stories come out about this new bacteria that is invulnerable to our first line of antibiotics. It is a dangerous germ and it is spreading all over the country.

There was a story in the paper this morning about cases nearby here. A teenager died recently in Bedford County, VA, because of methicillin-resistant staphylococcus, or MRSA. As of yesterday, Montgomery County schools had 14 cases, Anne Arundel County had 1 reported MRSA infection. They have received 57 reports from parents about other possible cases. Two cases have been confirmed at Wild Lake High School in Howard County. So something is going on.

Some of these schools are trying to clean up. We have 1 here, where the Rappahannock County School System finished a comprehensive cleaning of its 2 campuses, and the cost was more than $10,000. That is one cost. The cost in human life and suffering is growing.

We all are very concerned—and rightfully so—about the number of people losing their lives to the AIDS virus every year. But the fact is more people are dying because of this staphylococcus than they are of AIDS. MRSA was calculated with striking 31.8 out of 100,000 Americans, which translates into 94,360 cases and 18,650 deaths nationwide a year. In comparison, complications from the AIDS virus killed about 12,500 Americans last year.

So what is happening is that this microbe is spreading. The Centers for Disease Control and Prevention have calculated about 19,000 deaths a year. So, again, it seems to me we need to pay some attention to this and we need to respond to it as rapidly as possible.

This amendment basically says they shall spend a minimum of $5 million—take $5 million out now to focus on identifying and containing and trying to hold down the spread of this terrible bacteria. It is not a virus, it is a bacteria. So, again, Senator SPECTER, KENNEDY, and I wanted to introduce this to let the public know we are trying to get on top of it. Hopefully, we will have hearings with the CDC soon to find out what they are doing.

This amendment would increase activities in hospitals and other health care settings, aimed at preventing the spread of this deadly bacteria. So I will leave it there.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article that appeared today on Washingtonpost.com regarding this MRSA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post Oct. 17, 2007.]

### DRUG-RESISTANT STAPH GERM'S TOLL IS HIGHER THAN THOUGHT

(By Rob Stein)

A dangerous germ that has been spreading around the country causes more life-threatening infections than public health authorities had thought and is killing more people in the United States each year than the AIDS virus, federal health officials reported yesterday.

The microbe, a strain of a once innocuous staph bacterium that has become invulnerable to first-line antibiotics, is responsible for more than 94,000 serious infections and nearly 19,000 deaths each year, the Centers for Disease Control and Prevention calculated.

Although mounting evidence shows that the infection is becoming more common, the estimate published today in the Journal of the American Medical Association is the first national assessment of the toll from the insidious pathogen, officials said.

"This is a significant public health problem. We should be very worried," said Scott K. Fridkin, a medical epidemiologist at the CDC.

Other researchers noted that the estimate includes only the most serious infections caused by the germ, known as methicillin-resistant Staphylococcus aureus (MRSA).

"It's really just the tip of the iceberg," said Elizabeth A. Bancroft, a medical epidemiologist at the Los Angeles County Department of Public Health who wrote an editorial in JAMA accompanying the new studies. "It is astounding."

MRSA is a strain of the ubiquitous bacterium that usually causes staph infections that are easily treated with common, or first-line, antibiotics in the penicillin family, such as methicillin and amoxicillin. Resistant strains of the organism, however, have been increasingly turning up in hospitals and in small outbreaks outside of heath-care settings, such as among athletes, prison inmates and children.

On Monday, Ashton Bonds, 17, of Lynch Station, Va., succumbed to MRSA, prompting officials to shut down 21 Bedford County schools today for cleaning to prevent further infections. The infection had spread to Bonds's kidneys, liver, lungs, and the muscle around his heart.

The MRSA estimate is being published with a report that a strain of another bacterium, which causes ear infections in children, has become impervious to every approved antibiotic for youngsters.

"Taken together, what these 2 papers show is that we're increasingly facing antibiotic-resistant forms of these very common organisms," Bancroft said.

The reports underscore the need to develop new antibiotics and curb the unnecessary use of those already available, experts said. They should also alert doctors to be on the lookout for antibiotic-resistant infections so patients can be treated with the few remaining effective drugs before they develop serious complications, experts said.

MRSA, which is spread by casual contact, rapidly turns minor abscesses and other skin infections into serious health problems, including painful, disfiguring "necrotizing" abscesses that eat away tissue. The infections can often still be treated by lancing and draining sores and quickly administering other antibiotics, such as bactrim. But in some cases the microbe gets into the lungs, causing unusually serious pneumonia, or spreads into bone, vital organs, and the bloodstream, triggering life-threatening complications. Those patients must be hospitalized and given intensive care, including intravenous antibiotics such as vancomycin.

In the new study, Fridkin and his colleagues analyzed data collected in California, Colorado, Connecticut, Georgia, Maryland, Minnesota, New York, Oregon, and Tennessee, identifying 5,287 cases of invasive MRSA infection and 988 deaths in 2005. The researchers calculated that MRSA was striking 31.8 out of every 100,000 Americans, which translates to 94,360 cases and 18,650 deaths nationwide. In comparison, compliions from the AIDS virus killed about 12,500 Americans in 2005. "This indicates these life-threatening MRSA infections are much more common than we had thought," Fridkin said.

In fact, the estimate makes MRSA much more common than flesh-eating strep infections, bacterial pneumonia, and meningitis combined, Bancroft noted.

"These are some of the most dreaded invasive bacterial diseases out there," she said. "This is clearly a very big deal."

The infection is most common among African Americans and the elderly, but also commonly strikes very young children.

"We see these cases all the time," said Robert S. Daum, a pediatric infectious-disease specialist at the University of Chicago. "In the last 5 weeks, I've taken care of 5 children who were sick enough to be hospitalized and require intensive care."

Studies have shown that hospitals could do more to improve standard hygiene to reduce the spread of the infection. Individuals can reduce their risk through common-sense measures, such as frequent handwashing.

In the second paper, Michael E. Pichichero and Janet R. Casey of the University of Rochester in New York documented the emergence of an antibiotic-resistant strain of another bacterium known as Streptococcus pneumoniae, which causes common ear infections. Although 11 children identified in the Rochester area with the microbe so far were successfully treated, 5 required an antibiotic approved only for adults, and 1 child was left with permanent hearing loss.

The researchers attributed the emergence of the strain to a combination of the overuse of antibiotics and the introduction of a vaccine that protects against the infection.

"The use of the vaccine created an ecological vacuum, and that combined with excessive use of antibiotics to create this new superbug," Pichichero said.

Mr. HARKIN. Mr. President, for the knowledge of other Senators, we are trying to reach an agreement to get to a series of votes. We don't quite have it yet, but hopefully in the next few minutes we will agree to have a series of votes starting fairly soon.

With that, I see my friend, the distinguished Senator from New Jersey on the floor.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I might call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3350

Mr. LAUTENBERG. I call up amendment No. 3350, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Ms. SNOWE, proposes an amendment numbered 3350.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate)

At the appropriate place, insert the following:

SEC. ___. None of the funds made available in this Act may be used to provide abstinence education that includes information that is medically inaccurate. For purposes of this section, the term "medically inaccurate" means information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations and agencies.

Mr. LAUTENBERG. Mr. President, before I speak on my amendment, I offer my personal thanks to Senators HARKIN and SPECTER for their hard work in putting together an excellent bill. It puts more resources, in particular, into the well-being of our most precious asset: our children.

I was pleased to join Senator HARKIN and Senator SPECTER as a member of the subcommittee in providing more of the resources needed for health and education programs that have been shortchanged by this administration over the last several years.

The best part of this bill is that we have a chance to help children live longer, healthier, and more productive lives. The worst part of it is that, despite all of its benefits, the President said he intends to veto the bill.

This bill increases Head Start funding by $200 million. Today in New Jersey, more than 14,000 children depend on Head Start for their early education. This bill also recognizes growing concerns about the terrible conditions of autism. It is a growing problem. Studies have shown that 1 in 94 children in New Jersey will be born with or carry autism in their lives. From 1991 to 2005, the number of cases diagnosed as autistic went from 234 in 1991 to 7,400 cases in 2005, a mere 15 years. To see an increase such as this must be paid attention to. These numbers are alarming.

I congratulate our committee for this welcome addition for funding autism detection. Families across America are ever more anxious about this health threat. Also alarming are the statistics on another health problem in our country. We have the highest rate of teen pregnancy in the industrialized world. America sees 19 million cases of sexually transmitted diseases, and almost half of them strike young people. That is why Senator SNOWE from Maine and I are offering an amendment to make sure our young people get the truth about their health, so they don't become one of these statistics. America's young people should expect the truth from their doctor, they should expect it from their parents, and they certainly should expect it from a government-funded program. We cannot expect young people to make life-changing decisions if they get the wrong information from the Government. We have a responsibility to give them the most accurate information available when communicating with them.

Right now, the Federal Government is falling down on the job. We have given out hundreds of millions of dollars for abstinence-only education. The fact of the matter is these programs are not successful. If we are going to spend as much as a dime on them, we must be good stewards of the people's tax dollars and make sure the information being given out is complete and truthful. Yet we have found case after case of incorrect and potentially harmful information being taught in these programs.

In 2004, a report found that of the 13 most common federally funded abstinence programs, 11 have unproven claims and basic scientific errors. In fact, the office in the Department of Health and Human Services in charge of these programs doesn't even bother to check whether they are providing accurate medical or scientific information. It is time to change this policy. Young people have a right to complete and accurate information that protects their health and may save their lives.

The amendment Senator SNOWE and I are offering would make sure they get it right. Our amendment says Federal money is not to be spent on inaccurate and deceptive information. Millions of children in New Jersey and across this country deserve no less.

We have seen misstatements made about the failures of contraception. What does that mean? It means diseases are more likely to be transmitted. It also means the number of teen pregnancies could increase based on misinformation.

The Senate had approved this amendment in the 2006 appropriations bill. I hope and urge that we pass it again this year. What is more, I commend the leadership of this committee, Senators HARKIN and SPECTER, for constructing a bill that is going to help our young children better off in their lives.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my friend and colleague from New Jersey for his amendment. Senator SPECTER and I had put into the bill a prohibition on abstinence-only programs providing information that is medically inaccurate. Again, this is the beauty of having issues such as this come to the floor. Senator LAUTENBERG and Senator SNOWE have offered a suggestion to tighten down on that provision and actually make it more meaningful.

This is what the amendment says:

> For purposes of this section, the term "medically inaccurate" means information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations and agencies.

That clarifies the intent of the amendment. I thank Senator LAUTENBERG for the amendment, and I intend to support it.

Hopefully, we are going to have clearance soon to begin a series of votes. We do not have that agreement yet, but we hope in the next 15 minutes we will begin a series of four votes. We don't have that agreement yet. Hopefully, we will have that cleared pretty soon. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3365 TO AMENDMENT NO. 3325

Mr. ROBERTS. Mr. President, I call up the Roberts amendment No. 3365.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 3365 to amendment No. 3325.

The amendment is as follows:

(Purpose: To fund the small business child care grant program)

At the appropriate place, insert the following:

**SEC. ___. SMALL BUSINESS CHILD CARE GRANT PROGRAM.**

For carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (42 U.S.C. 9858 note) $5,000,000, to remain available until expended. Each amount otherwise appropriated in this Act for administrative expenses for the Department of Labor, Department of Health and Human Services, and Department of Education shall be reduced on a pro rata basis by the amount necessary to provide the amount referred to in the preceding sentence.

Mr. ROBERTS. I thank the Presiding Officer and the expert staff we have working for us.

I rise today to offer an amendment that I truly believe will have a positive effect on the quality of life for many hard-working American families. Access to childcare is essential to the quality of life of families trying to balance both work and family.

Earlier this year, S. 228, my small business childcare grant program, was incorporated into and passed as part of the supplemental spending bill. I thank Senators KENNEDY and DODD for working with me to secure this authorization. This truly was a bipartisan effort.

My amendment today provides the funding for this program so that we can make a difference for American families.

Unfortunately, our small businesses generally do not have the resources required to start up and support a childcare center. The small business childcare grant program provides flexible short-term funding to encourage small businesses to work together or with other local organizations to provide childcare services for their employees.

Small businesses will be eligible for grants up to $500,000 for startup costs and for training, for scholarships, and other related activities. Grants will be given to States on a competitive basis with the grant amount to be determined by the population of the State. Priority will be given to grantees who work with other small businesses, large businesses, nonprofit agencies, local governments, or other appropriate entities to provide childcare in an underserved geographical area of the State.

The grantees will be required to match Federal funds to encourage self-sustaining facilities well into the future—50 percent for the first year, 67 percent for the second year, 75 percent for the third year. The Secretary is required to report to Congress in 2-year and 4-year intervals on the effectiveness of the program, and the program will sunset in 2012.

It seems to me this is a fiscally responsible approach to increasing access to childcare. The matching requirement, paired with the program and the sunset, will ensure that Federal funds are used in an efficient and targeted manner.

This program has been authorized at $50 million over 5 years. My amendment appropriates only $5 million for fiscal year 2008.

I urge support for this amendment to help ease the burden on working families by encouraging the development of small business childcare programs.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President we now have clearance for a series of votes.

I ask unanimous consent that the Senate vote in relation to Senator BYRD's amendment No. 3362 at 2:30 p.m.; that upon disposition of that amendment, the Senate vote in relation to Senator HARKIN's amendment No. 3368; that upon the disposition of that amendment, the Senate vote in relation to the Brown amendment No. 3348; that upon the disposition of that amendment, the Senate vote in relation to the Kyl amendment No. 3321; that there be 2 minutes for debate equally divided in the usual form prior to each vote and that no other amendments be in order prior to these votes.

Mr. ROBERTS. Mr. President, we have no objection to the Senator's request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, Senators should be alerted that beginning at 2:30 p.m., there will be a series of 4 votes. I do not ask for consent now, but I will after the first vote, that the other 3 votes be 10-minute votes. So there will be 4 votes starting at 2:30 p.m.

Mr. President, I have a slight change in that unanimous consent agreement. It has been cleared. That the first vote at 2:30 p.m. will be my amendment No. 3368; that following that amendment, it will be Senator BYRD's amendment No. 3362, and the rest as stated earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask that Senator SNOWE and Senator ROCKEFELLER be added as cosponsors of the amendment I offered on MRSA.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3368

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

Mr. HARKIN. Mr. President, the first amendment will be my amendment, and I have not asked for the yeas and nays as yet, so I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

All time is yielded back, and the question is on agreeing to amendment No. 3368. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: The Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 374 Leg.]

YEAS—90

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Webb
Whitehouse
Wyden

NAYS—3

Coburn
DeMint
Inhofe

NOT VOTING—7

Biden
Clinton
Dodd
Kennedy
McCain
Obama
Warner

The amendment (No. 3368) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent on the subsequent three votes they be 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3362

The PRESIDING OFFICER. The question is on agreeing to the Byrd amendment. There are 2 minutes for debate, evenly divided.

The Senate will be in order.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, my amendment would add $10 million to the budget for the Mine Safety and Health Administration. These funds would enable MSHA to complete safety inspections and to implement the MINER Act. The amendment is fully offset by a reduction in travel expenditures for the Departments funded in the underlying bill.

This amendment is cosponsored by the managers of the bill, Senators HARKIN and SPECTER.

I ask unanimous consent that Senator MCCONNELL also be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I also ask unanimous consent that Senator WEBB be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I believe this is a very worthwhile amendment for a very important cause for mine safety. I urge my colleagues to support it.

The PRESIDING OFFICER. Who yields time in opposition? Is time yielded back? Without objection, it is so ordered. Time is yielded back.

The yeas and nays have previously been ordered.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: The Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Ms. KLOBUCHAR.) Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 4, as follows:

[Rollcall Vote No. 375 Leg.]

YEAS—89

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Webb
Whitehouse
Wyden

NAYS—4

Cornyn
DeMint
Inhofe
Kyl

NOT VOTING—7

Biden
Clinton
Dodd
Kennedy
McCain
Obama
Warner

The amendment (No. 3362) was agreed to.

The PRESIDING OFFICER. The question is on amendment No. 3348 offered by the Senator from Ohio, Mr. BROWN. There are 2 minutes equally divided between both sides.

Who yields time?

Mr. BROWN. Madam President, I would like to be notified when a half minute is gone so I can yield the other 30 seconds to Senator VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio controls 1 minute.

Mr. BROWN. I ask unanimous consent that Senators LIEBERMAN and WHITEHOUSE be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. This important bipartisan amendment, offered by Senators VOINOVICH, LIEBERMAN, and WHITEHOUSE, would provide $2 million in paid-for funding for the Underground Railroad Educational and Cultural Program. It is administered by the Department of Education to research, display, interpret, and collect artifacts relating to the history of the Underground Railroad. Senators ALEXANDER, COCHRAN, ISAKSON, LEVIN, and I offered a similar reauthorization bill that this amendment is taken from. I ask for the support of my colleagues for the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. STEVENS. I yield back the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. VOINOVICH. Madam President, the Underground Railroad is an educational cultural program that we have as a grant from the Department of Education for the purpose of making known to children all over America the history of the Underground Railroad and of the Civil War. It also is a program that is aimed at diversity training that is so necessary. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Time has expired.

The question is on agreeing to amendment No. 3348.

Mr. BROWN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: The Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 12, as follows:

[Rollcall Vote No. 376 Leg.]

YEAS—81

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Crapo
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Webb
Whitehouse
Wyden

NAYS—12

Allard
Burr
Coburn
Cornyn
Craig
DeMint
Ensign
Gregg
Inhofe
Kyl
Roberts
Vitter

NOT VOTING—7

Biden
Clinton
Dodd
Kennedy
McCain
Obama
Warner

The amendment (No. 3348) was agreed to.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 3321

The PRESIDING OFFICER. The question now occurs on amendment No. 3321 offered by the Senator from Arizona, Mr. KYL. There are 2 minutes equally divided before the vote, and at this time the yeas and nays have not been ordered.

The Senator from Arizona.

Mr. KYL. Madam President, this amendment strikes an earmark of $1 million in the bill, an earmark that would create a Woodstock museum celebrating the Woodstock Festival in northern New York 38 years ago.

Now, some of you may believe it would be neat to celebrate Woodstock again and to do so with a museum. To the extent you believe that, there is a private foundation as well as money available from the State of New York that provides the funding.

To the extent one would argue it is only $1 million, and therefore symbolic, the answer to that is, yes, it is, but I think the American people want us to begin to make some votes that demonstrate we care about setting priorities. Funding a Woodstock museum in New York is not a priority above the funds that would help the children and the pregnant women to whom this $1 million would otherwise go.

As to jobs, every one of us could spend $1 million in our States to help create jobs. But to justify this on the basis of it being a job-creation program goes too far. The unemployment rate in this county, I am told, is less than the average nationwide.

So let's strike a blow for priorities. Let the American taxpayer know we are willing to at least start somewhere to save their money and not waste it on the Woodstock museum.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, this is the largest economic development program in one of our poorest counties. It is the Bethel Performing Arts Center. It is a large complex. It is a $100 million program. Madam President, $85 million has been donated by a major philanthropist. The State has put in close to $14 million. This is our $1 million.

Every one of you has a poor county. They have gotten together, and this is their economic development project. It is not just a museum; it is a whole complex devoted to history in America from 1945 through to the present.

If you believe in helping counties, if you believe every one of us wants the Federal Government not to just pass broad-brushed programs but to help individual needs in our States—this one coming from the leaders who have spent years and years in the Catskills to try to bring that area back—this is the project.

I urge a "yes" vote.

Madam President, I move to table amendment No. 3321 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: The Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The result was announced—yeas 42, nays 52, as follows:

The result was announced—yeas 42, nays 52, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—42

Akaka
Baucus
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dorgan
Durbin
Feinstein
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Whitehouse
Wyden

NAYS—52

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCaskill
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Webb

NOT VOTING—6

Biden
Dodd
Kennedy
McCain
Obama
Warner

The motion was rejected.

Mr. KYL. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3321) was agreed to.

Mr. CORKER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SCHIP

Mr. CORKER. Madam President, I think everyone is aware that the House today failed to override the President's veto on SCHIP. I think everybody is aware that 18 Republicans joined with Democrats to pass this bill in the Senate. This is a bill to support health insurance for low-income children. It is something I think all of us want to make sure continues to go forward.

I haven't had the opportunity since I have been here to vote for a perfect bill. I doubt I will be able to do that during the course of the time I am here in the Senate. I think everybody knows the President's budget, the budget's $5 billion is not enough to cover the program, even going forward as it is. I think everyone would agree we can always trim a little bit out of any bill we put forth.

I have a letter here signed by 18 Republicans, the 18 Republicans who joined with Democrats to make sure this bill was able to pass and hopefully to be able to fund insurance for low-income children. What this letter does is asks the leadership of the House and the leadership of the Senate not to simply send back the bill that has already been voted on, but to ask them to sit down with the President and let's negotiate a bill that can cause this program to go forward as we all want it to and discontinue all of the political rhetoric that is centered around this issue.

I want to make sure children in America, like everyone else, have the opportunity, as low-income children, to be insured. I encourage the leadership of the House and Senate to sit down with the President and let's come up with a bill that allows this very good program to go forward.

I yield the floor.

Mr. KYL. Madam President, I ask unanimous consent to set aside the pending amendment so I may call up an amendment which I will then later withdraw.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3356 TO AMENDMENT NO. 3325

Mr. KYL. Madam President, I call up amendment No. 3356.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 3356 to amendment No. 3325.

Mr. KYL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify provisions relating to the Low Income Home Energy Assistance Program)

On page 55, strike lines 19 through 23 and insert the following: "U.S.C. 8623(a)–(d)), $2,161,170,000.".

Mr. KYL. Madam President, the Low-Income Housing Energy Assistance Program, LIHEAP, was designed to provide funds to low-income individuals who cannot cover rising home energy prices. The program does not discriminate between cold and hot weather States. However, upon implementation, cold weather States have unfairly received the majority of the LIHEAP funds.

My amendment eliminates the discretionary nature in which the funds are disbursed and frees up money and allocates it on a nondiscretionary basis.

Before I go into specifics of my amendment, I would first like to discuss how Arizona is affected by LIHEAP funds. This summer, record level temperatures have devastated the State. Phoenix set a record with 32 days of temperatures exceeding 110 degrees. In August alone, Phoenix experienced 9 days of temperatures of 110 degrees or above. The State of Arizona's average temperature for August 2007 was 105.8 degrees. It was the second hottest summer on record in Arizona and the Salt River Project and Arizona Public Service reached peak demand for energy service. Just imagine the cost to the people of Arizona to cool their homes during such extreme heat. Therefore, LIHEAP funds are crucial to many Arizonans who cannot meet their energy costs alone.

Let me now turn to the way in which LIHEAP funds are distributed. Currently, LIHEAP funding is divided between two pots of money. The first pot is distributed based on a tiered funding formula, while the second pot of money is deemed a contingency fund distributed based on "emergencies." Historically, the contingency fund is overwhelmingly distributed to cold weather States. My amendment would eliminate the bias inherent in the contingency fund distribution and allocate all LIHEAP money to the funding formula account that is more equitably distributed to all 50 States. I would implore my colleagues to think of all Americans when considering my amendment, and vote to provide a more equitable distribution of LIHEAP funds.

AMENDMENT NO. 3356 WITHDRAWN

Madam President, having spoken to the manager of the bill, and appreciating the fact that the amendment was offered too late in the process, probably, to receive the consideration it deserves, we will work on this at a later date. I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 3373

Mr. SESSIONS. Madam President, I believe, in accordance with our understanding on both sides, it would be appropriate for me to call up amendment No. 3373, and I do so now.

The PRESIDING OFFICER. Is there objection? Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. ROBERTS, Mr. VITTER, Mrs. DOLE, Mr. MARTINEZ, Mr. ALEXANDER, Mr. CORNYN, Mr. ENZI, and Mr. GRAHAM, proposes an amendment numbered 3373.

Mr. SESSIONS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount of funds available for the Office of Labor Management Standards)

On page 14, line 24, strike "$436,397,000" and insert "$441,397,000, of which $50,737,000 is for the Office of Labor Management Standards (notwithstanding any other provision of this Act, amounts appropriated or otherwise made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $5,000,000),".

Mr. SESSIONS. Madam President, this amendment is similar to the one I introduced yesterday, except it provides a different offset to pay for the needed additional funds for the Office of Labor-Management Standards in the 2008 Labor-HHS budget.

This is a program that I believe is critically important. It is a program that has been very successful. It has resulted in over 700 prosecutions in the last several years and restitution to union members and union locals in the amount of about $101 million.

This is an important program. It is a working program. It represents the only required audits, the only required reporting and disclosure for unions in the country. The Securities and Exchange Commission does that for corporations and other institutions that are required to be audited. Other than this program, there is no real integrity to protect union members from fraud and corruption and theft. I will mention in a moment some extraordinary thefts that have occurred from union members, why this is important, and I will express my personal and deep belief that one reason we have as much broad corruption in unions is because we are not auditing them. We are not doing it. Even with the current level of funding, we are way behind and it would take, at this rate, 33 years to do a basic audit of all the unions around the country. That is not acceptable.

People are not being watched. They feel like they are free and temptation and money is coming before them. Obviously, people are succumbing to that temptation. More rigorous enforcement and audits are needed. The Office of Labor-Management Standards is a group that is required to enforce the statutory provision that mandates that unions provide, each year, public disclosure of how they spend their money. It was a bill offered and passed in 1959 by former Senator and former President, John F. Kennedy. It was an important reform.

During the Clinton years, sadly, this reporting requirement was almost totally abandoned and, under Secretary of Labor Elaine Chao, in recent years she has worked hard and those reporting numbers are up. But 36 percent still don't report. There is not even a way, with our staffing level, that she can insist on that. So 36 percent are not reporting properly. The members don't know where their money is being used. That is the fundamental question.

The committee mark doesn't even flat fund the Department; it cuts its funding by $2 million. Every other enforcement agency is given an increase, but this one is cut. I think our members ought to ask themselves, do we need to be listening to certain union leaders who don't want disclosure, or do we need to be listening to union members whose funds and dues are being misappropriated? If we do regular audits, they will be more effective, and I am convinced we will see a dropoff in this kind of problem. It is the right thing to do.

My proposal is to add $5 million, $2 million of which would get us back to last year's budget only, and a $3 million cost of living on top of that, so they can continue an aggressive effort to ensure integrity.

I have Senator ENZI with me, the ranking member of the Health, Education, Labor and Pensions Committee, and Senator ALEXANDER, who are both interested in speaking on this. I will yield to Senator ENZI at this time. I believe I have 30 minutes; is that right?

The PRESIDING OFFICER. There is no time agreement.

The Senator from Wyoming is recognized.

Mr. ENZI. Senator SESSIONS has offered a very important amendment, and I am pleased to be a cosponsor. The amendment restores critical funding to the Department of Labor's Office of Labor-Management Standards. It is referred to as OLMS.

Funding for the Office of Labor-Management Standards in the current Senate bill is 20 percent below the requested amount, essentially scaled back from the 2006 level. Senator SESSIONS' amendment restores funding to current fiscal year 2007 levels and adds an additional $3 million to continue audit and enforcement efforts.

What is the Office of Labor-Management Standards and why is it so important? The fact is the Office of Labor-Management Standards is the only agency in the Federal Government that is devoted to protecting the interests of American workers that pay union dues. It requires financial reporting and transparency by labor unions about how they use their members' money, and it investigates and prosecutes union officials who are guilty of fraud or abuse of their members' financial interests.

There should not be any reasonable debate about the importance of financial transparency for any entity, including labor unions. We demand, as we should, corporate transparency in order to protect stockholders. Those who pay union dues are no less entitled to the benefits of financial transparency and fraud protection than those who purchase stock. Indeed, purchasing stock is a voluntary activity, while in many instances the payment of union dues is not voluntary. Protecting the financial interests of working men and women, giving them access to how their money is being used and providing remedies for those instances where the money is misused ought to be a priority, not an afterthought.

It is the height of hypocrisy to talk about protecting the rights of working men and women, or aiding the so-called middle class, while simultaneously slashing the budgets of one of the Federal agencies that protects the financial interests of those who pay union dues.

The Sessions amendment puts a question directly before the Senate. Will we vote down his amendment and allow the Office of Labor-Management Standards funding to be rolled back and go out of our way to send a message to the working men and women who pay union dues that protecting their rights is unimportant? That is the question we are being asked.

I hope we will not tell them that protecting their rights is unimportant. This amendment gives the Senate a chance to go on record about the importance of integrity in leadership elections, finances, and respect for the rights of individuals. We know every dollar in most of our paychecks matters. When we are compelled to give a portion of our paycheck away, either through taxes or union dues, it is an affront for that money to be used to inflate someone else's lifestyle, or to be misused in any other way. That is exactly what the Office of Labor-Management Standards guards against.

OLMS enforces the Labor-Management Reporting and Disclosure Act, a law enacted with bipartisan support, including that of then-Senator Jack Kennedy.

In this administration alone, OLMS has returned nearly $102 million to union members who were robbed. There were only 8.7 million private sector employees represented by unions in 2006. I will restate that number. OLMS has returned $102 million to union members who were robbed. OLMS has indicted 827 individuals and gotten convictions on 790 of them. That is a pretty good record. Again, they have indicted 827, and they have obtained convictions on 790. That is a very impressive conviction rate by any standard.

I have a State-by-State breakdown of those statistics, which I will enter into the RECORD. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OLMS STATE PROGRAM DATA (OCTOBER 1, 2000–AUGUST 31, 2007)

| State | Active unions | Audits completed | Indictments | Convictions | Restitution amount |
|---|---|---|---|---|---|
| Alabama | 487 | 41 | 19 | 20 | $281,147 |
| Arkansas | 320 | 21 | 5 | 4 | 107,216 |
| Arizona | 187 | 12 | 6 | 5 | 128,880 |
| California | 1444 | 161 | 31 | 28 | 1,231,382 |
| Colorado | 297 | 55 | 11 | 9 | 194,490 |
| Connecticut | 324 | 70 | 8 | 8 | 373,265 |
| District of Columbia | 358 | 30 | 29 | 27 | 16,808,286 |
| Delaware | 90 | 23 | 3 | 2 | 42,630 |
| Florida | 592 | 32 | 15 | 15 | 468,897 |
| Georgia | 692 | 38 | 15 | 15 | 235,285 |
| Guam | 7 | 5 | 0 | 0 | 0 |
| Hawaii | 246 | 21 | 3 | 6 | 110,254 |
| Iowa | 474 | 47 | 16 | 15 | 498,704 |
| Idaho | 131 | 14 | 2 | 2 | 3,234 |
| Illinois | 1455 | 206 | 43 | 45 | 21,924,713 |
| Indiana | 905 | 52 | 26 | 28 | 284,716 |
| Kansas | 327 | 53 | 15 | 12 | 208,039 |
| Kentucky | 492 | 47 | 14 | 14 | 158,038 |
| Louisiana | 441 | 29 | 15 | 17 | 225,807 |
| Massachusetts | 653 | 247 | 11 | 10 | 215,061 |
| Maryland | 357 | 28 | 5 | 5 | 186,658 |
| Maine | 165 | 20 | 2 | 2 | 53,547 |
| Michigan | 1121 | 65 | 29 | 28 | 397,900 |
| Minnesota | 606 | 90 | 18 | 18 | 523,288 |
| Missouri | 701 | 224 | 33 | 34 | 348,851 |
| Mississippi | 278 | 6 | 14 | 16 | 162,221 |
| Montana | 205 | 14 | 4 | 4 | 63,983 |
| North Carolina | 498 | 23 | 14 | 17 | 304,373 |
| North Dakota | 144 | 6 | 6 | 6 | 59,077 |
| Nebraska | 231 | 27 | 6 | 5 | 186,483 |
| New Hampshire | 117 | 30 | 1 | 0 | 0 |
| New Jersey | 680 | 119 | 10 | 8 | 287,263 |
| New Mexico | 142 | 7 | 4 | 3 | 70,430 |
| Nevada | 132 | 21 | 5 | 6 | 279,844 |
| New York | 1673 | 349 | 88 | 85 | 47,785,509 |
| Ohio | 1648 | 223 | 66 | 67 | 1,110,247 |
| Oklahoma | 266 | 18 | 11 | 9 | 130,659 |
| Oregon | 341 | 24 | 15 | 12 | 2,455,717 |
| Pennsylvania | 1639 | 269 | 54 | 48 | 934,263 |
| Puerto Rico | 127 | 3 | 13 | 2 | 33,851 |
| Rhode Island | 135 | 57 | 1 | 0 | 0 |
| American Samoa | 2 |  |  |  |  |
| South Carolina | 234 | 7 | 3 | 3 | 49,974 |
| South Dakota | 117 | 2 | 2 | 2 | 29,175 |
| Tennessee | 651 | 36 | 30 | 29 | 423,477 |
| Texas | 1097 | 69 | 34 | 28 | 494,688 |
| Utah | 155 | 7 | 2 | 2 | 67,406 |
| Virginia | 740 | 30 | 16 | 20 | 338,707 |
| Virgin Islands | 17 | 1 | 0 | 1 | 11,280 |
| Vermont | 76 | 7 | 0 | 0 | 0 |
| Washington | 538 | 69 | 17 | 15 | 675,048 |
| Wisconsin | 802 | 157 | 22 | 20 | 706,424 |
| West Virginia | 422 | 53 | 12 | 10 | 244,159 |
| Wyoming | 117 | 2 | 3 | 3 | 3,899 |
| Totals | 26096 | 3267 | 827 | 790 | $101,918,445 |

Mr. ENZI. This is so my colleagues can see how many union-represented employees have been protected in their States. These numbers indicate that union corruption is not an issue to which we can turn a blind eye. It may not be seen as politically correct by some in this body to fund an office that audits and investigates unions. But the truth is that having a strong Office of Labor Management Standards is the best thing we can do to help the labor movement. Sunshine is the best disinfectant. When rank-and-file employees feel everything is in the open and they can trust union leaders, they are probably more likely to join one.

It was the outcry of rank-and-file union members themselves that actually created the Office of Labor Management Reporting and Disclosure Act. That act was born in the wake of egregious cases of fraudulent elections, embezzlement, and strong-arm tactics by a number of unions. The law also works to prevent backroom dealings between employers and union leaders that disadvantage the employees. The first section of the law, the Union Members Bill of Rights, was added by then-Senator and later President John F. Kennedy.

I certainly understand that not every department can receive an increase in every budget year. But what this bill does is quite remarkable. It singles out this one office, the Office of Labor-Management Standards, as the only enforcement agency in the whole bill to have its funding decreased.

Senator SESSIONS and I are asking today that we simply keep the Office of Labor-Management Standards at essentially the same funding level it received last year. The President requested an increase because OLMS has been taking on a number of projects, such as compliance assistance for unions, which would especially be helpful in light of their recent revised disclosure forms.

The funding called for in this amendment will be offset by a modest across-the-board cut in general administrative expenses of the departments funded under this bill. This reduction in administrative expenses is a very small price to pay in order to protect the rights of working men and women. These workers deserve to know how their hard-earned money is being used and deserve to be protected from those who misuse it.

I hope a majority of our colleagues will agree and vote in favor of this amendment.

I yield the floor.

Mr. SESSIONS. Madam President, I thank the Senator from Wyoming.

I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I appreciate the Senator from Alabama yielding. I am due in the Judiciary Committee, where I am ranking, and we are proceeding with the confirmation as to Judge Mukasey. I wish to speak briefly in opposition to the amendment.

The figures which have been provided to me show that there has been an increase in the funding for the Office of Labor Management Standards up to $47,753,000—it does show a slight decrease on this year. But overall, since fiscal year 2001, the figure has risen from $30,492,000 to a figure of $47,753,000 for last year. This year it is, both the Senate and House figures, $45,737,000.

There has been a very substantial increase in the number of workers, and there is a concern about the complexity of the new form LM-2 which runs to more than 100 pages. The Department of Labor has issued some 88 answers to frequently asked questions to try to address this new rule. Having taken a look at it, it is not in line with the policy to try to reduce regulatory burdens because this new form is extremely burdensome.

The principal argument is going to be made by Senator HARKIN. I have asked him to take the lead, to go ahead because I am due at a Judiciary Committee hearing on Judge Mukasey for Attorney General.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, the question before the Senate is whether we think the union members of the United States are first-class citizens or second-class citizens. The Sessions amendment says we recognize union members as first-class citizens by increasing the amount of money available to the Office of Labor-Management Standards, which collects the information to give them a chance to know what is going on within their union.

We treat stockholders as first-class citizens. We passed the Sarbanes-Oxley law with a number of disclosure requirements for businesses. Some of the requirements may be burdensome, as the distinguished Senator from Pennsylvania pointed out, but we thought it was important for the stockholders of this country to know what their public corporations were doing.

We have disclosure requirements which we in the Senate are required to give every year. They are fairly burdensome, but we do that because the voters need to know what our incomes are, what our assets are. They know quite a bit about us because we are required to file these reports, and these reports are investigated by various officials and ethics committees.

There are a number of people running for President of the United States today, including a number in this body. They have to spend a lot of time filing information about where they get their contributions, because this is an era of instant information and almost universal access to information and transparency. We hear that all the time. So, we want the voters to know where the candidates for President are getting their money to see whether that influences what they do.

In this age of transparency and universal access to information, we treat stockholders as first-class citizens, we treat voters as first-class citizens, we treat taxpayers as first-class citizens, but we will be treating union members as second-class citizens if we are going to cut the funds the Department of Labor needs to provide union members with information they deserve.

For example, this year the Senate, I am told, provides a $12.8 million increase in funding for the Securities and Exchange Commission, the oversight agency for publicly-traded companies. So we are recognizing the importance of treating stockholders as first-class citizens, but at the same time we are cutting the funding for the Office of Labor Management Standards, which means we are treating union members as second-class citizens.

That is the issue. A vote for the Sessions amendment says we believe union members are as important as stockholders, are as important as voters, are as important as taxpayers, and that they are all entitled to be treated as first-class citizens.

This is not, as has already been mentioned, a Republican cause, I would hope. I have been around long enough to remember the Kefauver committee, the McClellan committee, Senator John F. Kennedy and Robert Kennedy in the 1950s. It was the early days of television, and people who wanted to know about the Senate watched those Senators—one of whom later became President, one of whom later became Attorney General—as they ferreted out corruption and organized crime in various parts of American society, including unions.

This Federal statute we are talking about was championed by Senator John F. Kennedy. It was enacted as an outcome of the McClellan committee hearing. Senator Kennedy knew then, as we know today, that rank-and-file union members deserve the right to know how their unions are spending their money, how they are investing their members' money, that their union books are clean, and that elections for union officers are fair and free of intimidation or scandal. They have a right to know that information.

The question is, Do unions still need a Federal watchdog? Apparently so. The Secretary of Labor thinks so. She has said so. She has plenty to do over there. She could do more. She could use the money, according to her testimony.

Over the last 7 years, the Office of Labor Management Standards has performed more than 3,000 audits, resulting in 827 indictments and 790 convictions. There apparently is a lot to do in this area. What is our response? Let's cut the funding so we cannot have the investigations, so we cannot have the audits, so we cannot have the indictments, so we cannot give these union members the rights that Senator Kennedy—later, President Kennedy—thought they ought to have.

I hope we can correct what I hope is an oversight in the development of this big, complex piece of legislation. Senator SESSIONS' amendment would treat union members as first-class citizens, just as we do stockholders, just as we do taxpayers, just as we do voters. We live in an era of instant information, universal access to information, and union members, just as stockholders, voters, and taxpayers, have a right to know what is going on in their union.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I thank Senator ALEXANDER for his comments. Indeed, what we are talking about is funds contributed by union members to further union causes, not to line the pockets of persons who embezzle, steal, or otherwise cheat and use the money. That is an important issue we need to keep in mind. It is troubling to me that we have opposition to keeping this program on track.

I have offered this amendment, as I indicated earlier, a new amendment that has a different offset. I know there was concern over the international union funds that go to the U.N.-affiliated agency. There is a big increase in that program, a $10 million increase. I am troubled by that increase, frankly, because last year Secretary Chao met with the people who were receiving this money, and they gave very inadequate explanations of where the money went. In fact, they couldn't explain where it went. I don't know whether it is being well spent.

At any rate, the most important thing for us to do is focus on making sure we are protecting the contributions of union members and that their funds are being protected. That is why

I altered the offset to one that takes this $5 million from the administrative, management and related expenses of the Department of Labor, the Department of Health and Human Services, and the Department of Education. That is where the funds would come from. I believe that would not be a heavy burden on those agencies. In fact, they can absorb it readily, and this is clearly, as a question of priorities, more important to make sure we are not cutting back on this budget.

Senator SPECTER talked about the status of the budget. I repeat, I think he understood it and explained it eventually correctly that the committee mark cuts the budget $2 million below last year's funding level. Because of inflation and cost increases, that is a most significant $2 million cut.

What we are proposing is that there be a $3 million increase in the overall budget, a total of $5 million—$2 million to get up to last year's funding and an additional $3 million to increase the funding. I think this is valid. I think it is justified. It is something we really should do. If we don't do it, we are going to have a severe, adverse impact on the ability of OLMS to fulfill their statutory requirement of auditing unions and requiring unions to publicly file their financial disclosures.

Some say this is a burdensome regulation, but in today's day and age, being able to maintain records of where you spend your money is not too much to ask. Most of these records are done by computers now. People have bookkeepers, and if they don't, they are taking serious risks. So to be able to report this information is not too much to ask. It is very valuable to their members. Union members should have the same protection, as Senator ALEXANDER said, as corporate stockholders. This OLMS legislation is to union transparency what the Securities and Exchange Commission is to corporate transparency.

This chart shows the mission of OLMS. The mission of OLMS is a good mission. It is not to harm anybody. It is to assist in the integrity of this system—No. 1, to provide union financial transparency. That is why the bill was passed in 1959, so that union members can know where their money is being spent. That is the report which is required. Then to protect union financial integrity—that is part of the audit function of the OLMS. They are required to audit the union activities, and they do so, but, as I noted, even at this current level of funding, they only get around to doing every union in the country once every 33 years. Until we had some increases in this budget, it was once every 133 years. It is a small agency, $47 million in last year's budget, but it has shown big results.

OLMS does not tell unions how to spend their money; it simply requires them to file accurate and timely reports, which allows union members to determine for themselves whether the expenditures that are being made are appropriate. If they don't know what is happening, they cannot express their opinions in leadership meetings.

That there is a high level of demand from union members for this kind of information is very evident. This is a remarkable number. Between May of 2006 and May of 2007, on the Web site of OLMS where these reports are posted so members can access them—so they don't have to go down and ask the officer or the boss at the local union to "give me your records," they can just access them on the computer—767,980 hits were identified on last year's Web site. People are looking to see where their elected union officers are spending their money. Why shouldn't they? That is an average of 64,000 a month and over 2,100 a day. If union members don't care about how their hard-earned dollars are being spent, I ask, why do they take time to access this Web site? Of course they want to know, they have a right to know, and the only way they are able to get this information in a readily available form is through this reporting requirement.

Unfortunately, the reports are not being submitted, and because of shortage of personnel and a certain lack of legal enforcement ability, only 36 percent of unions are not filing the appropriate forms. The delinquency rate is 36 percent. That is not good for union members.

Now, Secretary Chao has met with union leaders. But let me tell you what happened. Under the Clinton years, this was not being enforced. That is just it. You want to know the truth? It was not being enforced. And the number of personnel went from 427, in about 1990, down to 260. They just weren't enforcing this 1959 mandate. When Secretary Chao realized it was her responsibility to make sure union members could see financial disclosure forms, and she asked that it be done, a lot of grumbling occurred. They said, oh, it was burdensome; oh, there were problems. So she met with them and met with them and they altered plans and they figured out ways to do it that were cheaper and better and less burdensome, but she required them to comply with the law that requires this disclosure.

Now, after our colleagues have gained ascendancy in the Senate, lo and behold we come in and whack their budget. Now, who is being listened to, politically powerful bosses or is it the interest of union members? Embezzlement is not something we ought to support and put up with. We in Congress are focusing on transparency right here. We talk about it a lot. It is embarrassing to me that our colleagues have seen this budget be reduced.

This chart gives a clear indication of just how significant overall the problem is we are dealing with. From 2001 to 2007, 796 people were convicted. Most of them pled guilty, and court-ordered restitutions totaled $101 million. But I indicated to you that less than 5 percent of the unions per year are being audited, and it appears that for every four of the audits that are conducted, about one person is convicted of something, on average. So we have a problem, we really do. And I submit it is not because people are necessarily bad people. Some of them may be, but a lot of it is because there is no real oversight and accountability, and temptation is too great.

I have been a prosecutor for 15 years. I will tell you, you give people lots and lots of money, it goes through their hands and nobody is watching it. Temptation takes over, and you will rightly expect problems to occur if you don't have tight fiscal controls. We don't have it. I think we need to have a lot more emphasis in this area than we do, other than just a $3 million increase in this department. It is obvious.

We hear a lot of talk about integrity in here about our financial disclosures and other things. Well, if we don't do our duty, people will complain. If businesses don't file their reports, they will complain. And we need to make sure unions do the same, not to beat up on unions but to help unions have integrity.

Now, not to be monotonous—and I find this remarkable—but some may say, well, they are abusing unions and picking on people. But the conviction rate is 95 percent—95 percent of all indictments have resulted in convictions. They do not always get big sentences. I thought some I have seen were pretty light. But the point is, if you are convicted of these kinds of offenses, you lose your leadership position in a union, and that is important. So if you are stealing from a union, you ought not stay in as an officer.

So I would just suggest that from my review of the cases, people are not being abused. They are being fairly treated. Overwhelmingly, the defendants are pleading guilty, and restitution is being made. People who are corrupt are not being able to remain in office to keep their hands in the till where the money is.

The legislation that requires this is not new. This law has been on the books for some time. I will admit that we been very lax, and it was not being enforced, but the conviction rate, the amount of restitution, the number of fraud cases per audit indicates that was not a good decision. And if the audit rates had been maintained, I submit we would have had a lot less crime and fraud and loss of union members' money. This occurred in 1959. One of the leaders of it was our own Senator ROBERT BYRD. He spoke earlier today. He has been here a long time. He was here in 1959 when this bill passed. And as a Senator from West Virginia, a State with a strong union heritage, a proud union heritage, he decided to vote for this bill.

The bill was actually introduced and led by Senator John F. Kennedy. This is what Senator Kennedy said at the time.

> The racketeers will not like it, the antilabor extremists around the country will not like it, but I am confident that the American people, and the overwhelmingly honest rank and file union members, will benefit from this measure for many years to come.

And until we stopped enforcing it a few years ago, or got lax, it has been beneficial. I think the work that is being done now, the $101 million in restitution, indicates that progress has been occurring that has benefitted union members.

Now, Senator BYRD wrote a letter that was included in the CONGRESSIONAL RECORD in response to certain criticisms he received from a district president of a union in West Virginia. They sent a letter of condemnation, and Senator BYRD was direct about it. He responded:

> The bill which passed the Congress will not hurt honest unions, and it will give added protection to the rank and file members in the unions. Honest union leaders have nothing to fear from this legislation. The corruption and racketeering that have been revealed in the fields of both labor and management made it imperative that some kind of legislation be enacted.

And I think that remains as true today as it was when he made those comments in 1959.

Madam President, since 2001, OLMS has only had the resources to audit 3,275 of the 26,000 unions on record. That means in the past 7 years combined, only 12.5 percent of the unions have been audited. It is able to audit only about 2 to 4 percent of the unions each year. It is important to note that unlike corporations, unions are not required by law to have outside auditors. Most corporations have to have outside auditors. So in many cases, this audit is the only outside audit a union will have.

In 2000, OLMS only did 204 audits out of well over 20,000 unions. That is the equivalent of a union being audited once every 133 years. Last year, they did 736 audits, a better number, but that still translates into an audit only once every 33 years at that rate. It is better, but I think we need to do a lot more.

With the $2 million reduction in funding which is currently in the bill, it is estimated there will be approximately 350 fewer audits each year, and that is almost cutting the number in half. So we should be seeking more, really, considering that from those 3,267 audits that were completed there came 827 indictments and 796 convictions. OLMS has been funded below the President's requested levels over the past several years. Yet if the proposed cuts in the bill are implemented funding will drop from $47.7 million to $45.7 million. That is below last year's budget. So I would just note again that we had 427 employees in this department in 1990. It fell down to 260, it has been inched up to 331, and if this bill passes in this form, cutting the budget, we are going to see a loss of personnel instead of an increase in personnel. We ought to be closer to the 400, it seems to me. OLMS was the only enforcement agency in the Labor Department that received a budget cut during the congressional markup.

Let me mention this story of the United Transportation Union. We have a picture I think is sad. It is a picture from an undercover operation. The person who is handing off this money that is on this picture is a UTU-designated legal counsel by the name of Victor Bieganowski. The person receiving the money is John Russell Rookard, 58, of Olalla, WA, a top special assistant to Alfred Boyd, Jr., UTU president at the time this bribe money was paid.

In 2004, Boyd, the international president of the Nation's largest railroad operating union, pleaded guilty to participating in a bribery scheme involving Houston lawyers. Union officials extorted bribes from the lawyers in exchange for access to injured union members.

A March 12, 2004, Houston Chronicle article explains that Byron Alfred Boyd, Jr., of Seattle, is the last of four officials of the UTU to plead guilty in a plan to extort bribes from lawyers in exchange for access to these injured members.

Boyd admitted using the bribes he was paid—get this—to gain control of the union. He persuaded former union president Charles Leonard Little of Leander, near Austin, to resign in exchange for $100,000 and a new pickup. This would allow him, Boyd, to assume the presidency of the union. Little resigned, but I guess he didn't get a promissory note or a mortgage because he was never paid his $100,000. Boyd not only stole from his union and breached the trust of his union members, he didn't pay the man he promised to pay to give up his office. Little pleaded guilty last year, as did former union insurance director Ralph John Dennis.

We have too many examples of this kind of disregard for the integrity of the funding of unions. People are being entrusted with this money, and it is not being managed well. And it is something that we need to do more about, in my view.

Madam President, I would just share a few other examples which I think are instructive of some of the problems that have occurred in recent years.

In Pennsylvania, in June of 2007, in the eastern district of Pennsylvania, Lawrence Marable and Deborah Powell, former president and treasurer of AFGE Local 1793, representing employees at the VA Medical Center, both pled guilty to conspiracy and theft of property in a special territorial case. They conspired to convert dues checks and issued Local 1793 checks for their personal use totaling $184,129. This was a very serious matter, I suggest.

In May of this year, in Michigan, Alan Raines, former financial secretary of Steelworkers Local 1358 was charged with embezzling union funds in the amount of $274,262. That is not chicken feed. That is huge money. A lot of these unions do not have that many members, and the cost per member in one, I remember specifically, was about $1,000 per member in the amount of loss that occurred.

Here, on April 2, 2007, in Puerto Rico, the president of the International Longshoremen's local was found guilty of 12 counts of embezzlement. He was charged among other counts with conspiracy to embezzle union funds in excess of $1,950,000. That is a breathtaking amount. Both of those, in May and April of this year. In March of this year, in New York, John Daley, former chief financial officer of the New York State Nurses Association, was sentenced to time in prison after pleading guilty to grand larceny for taking $1,193,000 in union funds. These are public records. These are huge amounts of money.

In June of last year in Connecticut, a former financial secretary of Local 745 of PACE was charged with taking $138,000, embezzling that much money.

In June of this year, in my hometown, sadly, the Southern District of Alabama, where I at one time was a Federal prosecutor myself in the United States District Court there, Kenneth Mays, the former treasurer of IBEW Local 1053, was sentenced after pleading guilty to embezzlement and ordered to pay $37,000 in restitution, reimbursement. This is right in my home state.

On July of last year, in Fulton County, GA, in the district court, a bookkeeper for IBEW Local 613 was indicted for taking $11,000.

In December of 2005, in the Northern District of Iowa, Debra Herrig was sentenced and pled guilty to embezzling union funds and made restitution in the amount of $13,000.

In December of 2004, in the United States District Court for the Southern District of Iowa, Rodney Fox was charged with embezzling $89,000 of union funds.

In May of 2005, in the Southern District of Iowa, Amanda Kemmer was sentenced to 24 months and ordered to pay $209,000 in full restitution for embezzling union funds.

There are lots more I can indicate.

I will repeat. I don't believe there is any need for this kind of criminal activity to go on. I believe a lot of it occurs because there is so little oversight. If we had a rigorous oversight and audit function by the Department of Labor, we would see a lot less of it. If the unions were required to promptly and fully report the expenditures, union members would be able to watch for problems and pick them up sooner and keep these kind of embezzlements from going to hundreds of thousands of dollars, even millions of dollars. That is why this office, of all offices, should not be reduced.

I understand some people believe it is a burden, and for a good union that never had any problems I guess filing it is a burden. It may not be a necessary thing. But, really, probably it is because the union members get to see where their funds are being spent, honestly and fairly.

Most unions, of course, are honest and do a good job, and most union members are the salt of the Earth and couldn't be better people, and most union leaders are honest and decent and work hard every day to protect the interests of their own members. They try to make sure they get a fair deal in the workplace.

I am telling you we need to be attuned to that because wages are not what I think they ought to be for the average worker in America today. There are a lot of reasons for that. I suggest one of them is this very large surge of low-wage labor that comes into our country illegally.

But, regardless, we want to help our union members receive the highest possible wage and to be able to know that their leadership is honest and trustworthy and doing the right thing. I believe we have to get this money back into this account. We need to be sure we have at least a modest increase in spending to keep up with the inflation rate so we can continue at least this modest rate of enforcement.

I urge my colleagues to not see this as an action that goes against unions but as an action that will strengthen unions, that will affirm the importance of the union members' money that they contribute, and to make sure it is spent wisely.

It is sad to say, sometimes you get a big restitution order of $1 million—I have been there and seen them, but it is like getting blood from a turnip. It will never come back. It is gone and the members have actually lost it and nobody can do anything about it.

I urge my colleagues to give serious consideration to this amendment. I think it is reasonable and fair and the offset, let me repeat, does not deal with the controversial ILO, International Labor Organization, that does some good. It certainly has good objectives. How well they spend their money, I have my doubts, but it has good objectives. It is an offset against administrative expenses, and across the board it will be a small impact on the administrative budgets of these agencies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I would like to respond to some of the points made by the Senator from Alabama. First of all, I want to make it clear that I do not know of any Senator on either side of the aisle who is not in favor of going after either fraud, waste and abuse, or any kind of criminal activities—whether it is done in the business community, by corporations, or whether it is done in labor unions. Really, the question is, how do you do it? What is the best way of doing it? Are we getting a good return on the dollar, so to speak, for what we are investing in?

I thought we might take a look and see what has been happening in this whole area in the Department of Labor over the past few years, where their focus has been and where it has not been, and what the priorities are. You can tell a lot about someone's priorities by how they spend their money. The bill before us provides some modest increase in work protections agencies—OSHA, MSHA, Wage and Hour Division. We also provide for the OLMS—that is the office the Senator from Alabama has been talking about, Office of Labor Management Standards—$45.7 million. That is not chicken feed. I will talk more about that in a bit.

But I want to point to some charts to show where we are, to put it in better perspective. Right now at the Department of Labor, for OSHA—that is the Occupational Safety and Health Administration. These are the people who go out and make sure your workplaces are safe, that you are not exposed to toxic chemicals, things that cause cancer, or unsafe workplaces where you wind up losing a limb, an arm, a hand, or where you are exposed to different things that may injure your lungs, whether it is asbestos inhalation or any kind of toxic chemicals that may have long-term profound effects. This is OSHA.

What does the administration spend on OSHA? They spend $26 per workplace.

The Wage and Hour Division is the people who go out and make sure you are actually being paid what you say you should be paid, that you are getting overtime pay, that the company is abiding by the wage and hour provisions of the contract, for example, that the union may have signed. So in Wage and Hour, they are spending $26 per workplace. Under Occupational Safety and Health, the Department of Labor is spending about $26 per workplace—about the same.

What are they spending at the Office of Labor Management Standards? It is $2,707 per union; $26 per workplace for OSHA, 100 times more for OLMS than they are spending on OSHA investigating where people get injured, damaged, maimed for life due to unsafe working conditions.

There it is, 100 times more for OLMS. Yet they say it is not enough money. They need more. Let's see what that means. OLMS—more staff. More staff and fewer results.

I was listening to the Senator from Alabama. It would be one thing if, over these years they were spending more money and hiring more staff, they actually got more convictions and that stuff. That is not so. In 2003, there were 297 people working for OLMS. In 2006, that had increased to 384, almost a 40-percent increase, maybe, or 50-percent increase? Anyway, almost 100 people more, 297 to 384. What happened to the number of indictments? The number of indictments in 2003 was 132; the number in 2006 was 118. They have 100 more people, but the number of indictments goes down.

Look at the convictions. We saw the chart. In 2003, we had 152 convictions; in 2006, 129. So we have a lot more people working there. We are spending more money on personnel, and we are getting fewer indictments and fewer convictions. The budget, at that same time, went from $34.3 million to $45.7 million, which is where we are. They put on more people, but they got fewer indictments and fewer convictions.

Now with the Sessions amendment, they want to go to $50.7 million—I guess to hire more people so we can get fewer indictments and fewer convictions.

This really tells the story. What is happening is, they are loading up OLMS with featherbedding. That is classic. They put more and more people on, and they are doing less and less work. When I see a trendline like that, I say: You don't chase bad money with good. We put all that money in there, and it looks as though what we are doing is hiring a bunch of people who are sitting around, not doing very much.

Let's look at labor staffing. I mentioned before—this is the same figure you saw in the previous chart, OLMS went from 297 to 384, a 29-percent increase. How about OSHA? What happened to Occupational Safety and Health? It went from 1,683 down to 1,542. They got rid of people to do inspections. And MSHA, coal mine safety, went down from 2,299 to 2,136. So while OLMS went up, OSHA and MSHA, Mine Safety Health Administration, actually cut personnel.

What does that mean? This next chart shows what it means. Unlike OLMS, where more staff means fewer results, the cutbacks of OSHA and MSHA means less work gets done. This chart demonstrates what has happened over the last several years in President Bush's budget. OSHA inspections, right here, from 2003 to 2006, dropped from 39,884 to 38,589, so we get fewer OSHA inspections and fewer workers are being protected as a result.

Then, the number of employees benefiting from OSHA inspections fell from

1.6 million to 1.2 million. I don't have that number on this chart.

Look at mine safety. Right now, MSHA is unable to do all the inspections that they are required to do by law. What has happened here? Under mine safety, the staff went from 2,299 to 2,136.

The number of inspections they were able to complete went from 98.8 percent to 95.1 percent, which is where we are today. They cannot even inspect all of the mines. Need I remind anyone here of the recent mine disaster in Utah, the mine disasters in West Virginia and Virginia, Pennsylvania.

Miners continue to lose their lives every year in coal mines and other mine disasters, and yet in MSHA, we do not even have enough people there to do the inspections. I think these charts show you what is happening over there.

I think that $45.7 million is more than enough for them to do their job. There it is. It went from 297 to 384 people. Yet the number of indictments and convictions went down. The budget went from $34 to $45 million. Now they want to go to $50 million. Well, something is not right here. Something is not right. It sounds as if they are hiring more and more people, but I do not know what they are doing.

There is one other thing I want to respond to that Senator SESSIONS brought up. I think if I remember it right—I will have to check the RECORD, but I thought he said something about 26 percent of the reports were not standard, were not acceptable, did not meet standards of acceptability.

Well, you can go right to the White House, online, go to the Office of Labor Management Standards. It has got program performance measures. It says here: Measure. Increasing union transparency. Increase the percentage of union reports meeting standards of acceptability for public disclosure.

Here is what it says: Explanation. The principle objective of this performance goal is to increase the percentage of union reports meeting standards of acceptability for public disclosure.

Prior to implementation of electronic reporting formats, only 73 percent of union reports filed met standards of the acceptability. Expanded use of electronic report formats is significantly improving the sufficiency of reports for public disclosure.

Here it is. In 2003, 73 percent, that is what I mentioned. I think that is where Senator SESSIONS got the 26 percent that were not acceptable. Well, that was 2003. In 2004, it went to 94 percent. It is now at 93 percent, 93, 94 percent. So there are only about 6 to 7 percent that are not meeting the standards; again, not 26 percent. It is more like about—well, it is either 6 or 7 percent right now. The goal is 97 percent. Obviously they are getting there with this new electronic reporting.

Now the other thing has to do with financial integrity. I talked about fraud, and I saw the picture of somebody getting money and all of that kind of stuff. Well, again, on the same Web site—you can look it up yourself—the measure: increasing union financial integrity. The percentage of unions with fraud will decrease. That is the outcome. Right here it says that: OLMS conducts audits to monitor compliance, uncover embezzlement, and other criminal and civil violations of the law, using streamlined investigative audit procedures.

In fiscal year 2004, OLMS conducted a union audit study that identified fraud in 9 percent of the unions. That was in 2004. The last reporting period was 2006. It went down to 8 percent. What is the goal? Seven and one-half percent. So it is only half a percent of what the goal is as stated by OLMS. Again, the indicators are there that the electronic reporting and other things are having their effect. So you wonder, why do they need so many personnel if, in fact, they have gone to electronic reporting and they are getting better results and better transparency from that? This sounds to me like a classic case of featherbedding, padding it with people and spending more money for not getting much for results; in fact, getting less results than we have gotten in the past with less money.

Again, I think we have met our obligation with $45.7 million for OLMS. By the way, that should be more than enough for them to do their audits and to do their indictments and convictions. I think this shows that more personnel and more money have not translated into more convictions and more indictments.

There is a balance that has got to be held here. I think our committee did a good job of balancing OLMS, which has a job to do. They should do it. They should investigate, they should audit, they should indict, and they should convict people who are absconding with union money. Absolutely. No one denies that. They should.

The question is, how do we balance that with making sure we have more inspections of workplace safety, or mine safety, the other things that the Department of Labor is supposed to be doing to protect our workers? That is the balance we have struck here in the bill. I think it is a good balance, something that was worked out in a bipartisan fashion with Senator SPECTER, myself, and other Republicans and Democrats on the committee. As I pointed out, this passed the committee 26 to 3. This was not even an issue. I think everyone figured there was a pretty good balance for what we set up. I hope we can maintain that balance.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3349 TO AMENDMENT NO. 3325

Mr. HARKIN. Madam President, among the amendments that are pending, one is 3349. I ask unanimous consent to have it called up and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is pending.

Mr. HARKIN. Madam President, this was the amendment offered by Senator BROWN earlier. It had to do with Upward Bound evaluations. It was cleared on both sides of the aisle. We are ready to vote on it.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 3349) was agreed to.

Mr. HARKIN. Madam President, I say to Senators, we are working our way through the amendments. It is now 5:15. I know people do not want to work late tonight, but we are going to be in very late tonight unless Senators who have amendments pending come over and offer their amendments.

As people can tell, there is nothing happening here right now. We hope to get a couple more votes here very shortly. Right now, there is not an amendment pending for which we can have a vote except the Sessions amendment. We had a pretty good debate on that yesterday and just now. I think pretty much all of the debate regarding the amendment offered by Senator SESSIONS is over. We are prepared to vote on that, but we will hold off until we can get clearance on the other side to have a vote.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. STEVENS are printed in today's RECORD under "Morning Business.")

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I wish to share a few thoughts on some of the discussion we had earlier today. My colleagues shared some ideas about whether we are funding OSHA sufficiently, that sort of thing. The spending per business from OSHA is different from spending per union. OSHA has many businesses they serve, and so they go out to each one and make their visits and do their inspections and assess penalties. But unions serve many businesses, and one inspector would come there and spend some time and would cover their relationship with quite a number of businesses. All workplaces are not unionized so I don't think that was a fair comparison.

Also, the Department of Labor just reported that the indictment and conviction numbers continue to go up. They now have 798 convictions and 834 indictments. It seems every day they are out there making good progress, where they have the capability to do so, against fraud and corruption.

With regard to the full-time equivalent, the number of employees, in recent years we have seen an increase in the number of employees—that is true—but the truth is those increases have been modest. For example, in 1990, there were over 400 OLMS employees. Now that number dropped down below 300. Mostly during the period of the Clinton administration there was a sharp dropoff. Now it is back up to 331, but that is well below the amount it used to be.

I don't think there is anything that can be said except that Secretary Chao has begun to restore that office a bit, tried to get it on a stronger basis, have it do a better job of enforcing the law. She needs that. One can only interpret this budget cut—the only budget cut within this whole line item of appropriations to her enforcement agency, the agency that requires the unions to publish their expenditures, the enforcement agency that actually does audits—as an indication of something rather serious, especially when the audits are uncovering extraordinary amounts of problems. That is what we have. We have a situation in which we have had so little oversight that there is abuse of union members' money going on on a regular basis. That money is too often being abused. Not by everybody; overwhelmingly, the average union leader is honest and decent. The locals are run by good people elected by their members. But long-term tenures, lack of controls, no audits puts people in a position where their good discipline fails.

I have seen it in churches. People in church have access to large amounts of money. Nobody is monitoring it, and they take it, sometimes large amounts. So we need to understand that oversight, auditing, and financial disclosure is not punishment. It is not demeaning. It is serving the rank-and-file union members. It is serving their interests so they can know their leadership is functioning honestly and with integrity, and they can know what they are spending their money on. It may be an honest expenditure, but a union member might look at it and say: They paid too much for this copy machine because that is his brother-in-law. They might want to complain about that. Isn't that the way we want it to happen? That is what the whole system is about.

It is disappointing to me to see that we have a cut in this agency, of all agencies. I am disappointed in that. I know Secretary Chao would be concerned that people thought that somehow in doing these few audits—and we are so slow in what we are doing and doing so few it would take 33 years to audit all existing unions. But to suggest they were spending so much money on that, and they weren't protecting workers. There is actually some good news there. For example, since fiscal year 2001, the fatality rate among Hispanic workers has fallen by over 18 percent. Since 2002, the injury and illness incident rate has fallen from 5.3 per 100 workers to 4.6 per 100 workers, a drop of more than 13 percent in the injury and illness incident rate, which is a substantial improvement.

With regard to the number of resources, from 1992 to 2002, there were budget cuts and the FTEs dropped 34 percent. That is the number of workers during basically the period in which President Clinton was in office. The audits of unions, the local unions dropped by two-thirds in that decade. That is all we are saying. Secretary Chao has a statutory responsibility to do audits, a statutory and compelling responsibility to insist on these reports being filed on time. They are required by a law that was passed in 1959. Thirty-six percent of the unions are not submitting those reports on time so their members cannot access where their money is going. We had almost a million people in the last year access the Web site where these reports are required to be filed to see where the money is being spent. This is union members accessing these Web sites so they can find out where the money they are contributing to the local union is being spent. What is wrong with that? Why would we want to cut this agency when we still are not where we need to be? We are auditing only a very small fraction of the unions, and a substantial number, over a third, are failing to report as required by law—not a law I am asking us to pass, not a law that is part of this amendment—a law that was passed by then-Senator John F. Kennedy in 1959.

So I believe this is a good government issue. It is the right thing to do. It will not hurt unions. It will strengthen unions. It will make people feel better about their membership. It may be some bosses do not want to have to disclose where they spend their money, and they may be contacting Senators and telling them: Don't give in. Fight. Don't let them go back and make us do these audits. Don't do it. Cut their budget. Stop Elaine Chao from doing what she is required by law to do. Don't give her the money.

Maybe that is what is happening. I do not know. I hope not. I think we ought to keep this going. We ought to at least have this modest increase which is a little more than the inflation rate—a net $3 million increase on a $47 million budget from last year. That modest increase will allow her to keep the momentum, to keep these delinquency rates going down, moving in the right direction, with financial disclosure, sunshine. That is going to help eliminate fraud in itself. Then she will be able to also do a certain number of other audits. Maybe we can see not an increase in convictions, but we might see a decrease, if we know there is more accountability.

Again, there were 796 criminal convictions over the last 6 years, with court-ordered restitution of $101 million. Whose money is that? Whose money was being ordered to be paid back? It is union members' money—working Americans who have trusted their leaders. Maybe in the union hall there are 10 officers and leaders and only one of them found themselves in a position to steal. I am not saying we have this wholesale problem. What I am saying is there is a very real problem. There is no doubt about it. We are finding far too many criminal cases for each audit that is done.

As a result, it takes up time by the investigators. It takes up time by the auditors. It results oftentimes in a loss of money that no matter what the judge orders to be restored—no matter how much restitution they order—it may not actually ever be paid back if they do not have it. That is a true fact.

So I urge my colleagues to support this amendment. Once again, some of you may be concerned that the offset was to take money from the ILO, I believe it is, the U.N.-affiliated international labor group that is supposed to help labor conditions around the world. They certainly have high and good goals. I am not sure they have been very effective. But this money for my amendment is not coming from there anymore. I know a lot of people want to see that budget increased.

So this offset will be an offset from administrative expenses of Labor and HHS and Education. It will be a small impact on their overall budget.

I urge my colleagues to vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3395 TO AMENDMENT NO. 3325

(Purpose: To clarify the application of current law)

Mr. HARKIN. Madam President, I have an amendment I offer on behalf of Senator REID. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. REID, proposes an amendment numbered 3395 to amendment No. 3325:

At the appropriate place in title II, insert the following:

SEC. ___. Nothing in this Act shall be construed to effect or otherwise modify provisions of current Federal law with respect to the funding of abortion.

Mr. HARKIN. Madam President, I am going to propound a unanimous consent request. I ask the Senator's attention to this request so we get it right.

Madam President, I ask unanimous consent to set this pending amendment aside, then to turn to an amendment to be offered by the Senator from Louisiana, at which time we will have a time agreement of 10 minutes for Senator VITTER and 10 minutes for Senator BOXER on the Vitter amendment, at the end of which time the Senate will proceed to a vote on or in relation to, first, the Reid amendment; upon disposal of the Reid amendment, the Senate will then proceed to vote on or in relation to the amendment offered by the Senator from Louisiana; at the conclusion of that vote, that the Senate then proceed to a vote on the amendment offered by the Senator from Alabama, Mr. SESSIONS; and that no other amendments or intervening matter occur prior to these votes.

The PRESIDING OFFICER. Is there any objection?

Without objection, it is so ordered.

There is 20 minutes equally divided.

The Senator from Louisiana is recognized.

Mr. VITTER. First of all, Madam President, I thank the chairman of the subcommittee for all his courtesies.

### AMENDMENT NO. 3330 TO AMENDMENT NO. 3325

Under that unanimous consent request which has been granted, I now call up amendment No. 3330, the Vitter amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3330 to amendment No. 3325.

Mr. VITTER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the provision of funds to grantees who perform abortions)

On page 79, between lines 4 and 5, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, none of the funds appropriated in this title shall be distributed to grantees who perform abortions or whose subgrantees perform abortions, except where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself. The preceding sentence shall not apply to a grantee or subgrantee that is a hospital, so long as such hospital does not subgrant to a non-hospital entity that performs abortions.

Mr. VITTER. Madam President, this is a very simple and straightforward but, I believe, important amendment. It says in clear terms that none of the funds in this appropriations bill will go to entities that provide abortions.

I think that is the right policy we should set in this body because whatever side of the abortion debate you are on, we can all agree on one thing: Abortion is a very divisive topic. Abortion divides our Nation—many folks would say down the middle—and it causes understandable passions and feelings on both sides. To a substantial number of Americans—myself included—but millions upon millions of Americans, the procedure of abortion is deeply troubling and deeply offensive. In that context, I think it is the right policy and a very reasonable mainstream policy to say we are not going to send taxpayer dollars to support groups that perform abortions. It seems to me that is the right policy when you talk about taxpayer dollars.

Now, the other side will immediately jump up and say: Well, we have current Federal law that says we are not going to use taxpayer dollars to fund abortions. But, quite frankly, that is not good enough in my mind and in the minds of millions upon millions of other abortion opponents.

Because the way it works now, we send Federal dollars to abortion providers and money is fungible and it is a big shell game and it supports their overhead and it supports their organizations and, in many cases, that funding is a huge percentage of their overall revenue. So it does, in a very significant, meaningful way, support abortions. That is wrong in my mind.

Now, let me make clear what this amendment does and what it does not do.

It says we are not going to send taxpayer dollars to abortion providers under the title X program. The title X program is a family planning program, and many of those entities which get millions of dollars from the Federal Government perform abortions. This amendment says we are not going to send taxpayer dollars to those entities.

Now, what does the amendment not do? It does not affect hospitals. There is specific language, a specific exemption for hospitals. So hospitals are another category. It does not cut one penny from family planning. This amendment is not about family planning. It is clearly about abortion. We do not cut 1 penny of family planning funding.

This amendment does not deny 1 family, 1 individual, family planning services, because in every locality where a private abortion provider is receiving title X funds, there are alternative sources for family planning services—in every area, in every locality. So we are not taking family planning services away from any American, from any individual in any part of the country.

Finally, this amendment does not affect free speech. The amendment contains no language regarding counseling, advocacy, information or expression. It simply says: Let's be fair. Abortion is a very divisive topic. At least half the American people have deep concerns about it. In that context, we should not be sending those folks' money to abortion providers to take care of their overhead, to allow them to use it as a shell game and, essentially, indirectly fund abortions and support abortion services.

Now, there are a lot of examples of these sorts of entities that we could use. But, obviously, the biggest nationwide is Planned Parenthood. Planned Parenthood performs and accounts for hundreds of thousands of abortions every year. According to the last figures we could locate from 2005–2006, Planned Parenthood has about a $1 billion budget and source of revenue. About a third of that—$305.3 million—comes from Government subsidies of one sort or another. So $1 billion in revenue, and a third of that comes from the taxpayers—whether it is $120 million or more from the Federal Government kicking in directly and at least $59 million coming from this very title X program, which is the subject of my amendment.

Meanwhile, Planned Parenthood, in the last year we could get figures for, performed over 264,000 abortions. The best estimate for abortions nationwide in a year is 1.29 million. So Planned Parenthood alone accounts for over 20 percent of that.

You cannot tell me, given all those numbers, given 265,000 abortions performed, that we are not sending Federal taxpayer dollars that is supporting all of that activity, that is indirectly paying for those abortions—clearly, enormously important to keep Planned Parenthood going, to provide for its overhead—a third of all of its revenue.

Pure and simple, that is wrong when so many Americans find performing abortions so deeply troubling in a fundamental, gut, moral way. So this would set the policy right and simply say, if you are a title X recipient, if you are a recipient of those sorts of Federal dollars, you need to decide. You cannot perform abortions if you want that taxpayer support when half or more of U.S. taxpayers have fundamental, moral reservations, and problems with the procedure.

This amendment is strongly supported by the Family Research Council, and they are going to score the amendment. In addition, it is strongly supported by Concerned Women for America—they also will score the amendment—and, finally, by National Right to Life, which will also score the amendment.

I have letters from 2 of those 3 organizations. The third is on the way. I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FAMILY RESEARCH COUNCIL,
*Washington, DC, October 18, 2007.*

U.S. SENATE,
*Washington, DC.*

DEAR SENATORS: On behalf of Family Research Council and the families we represent, I want to urge you to vote for the Amendment #3330 offered by Senator David Vitter (R-LA) to the Substitute Amendment to the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (H.R. 3043) which would prevent Title X family planning funds from supporting abortion providers. We strongly support this amendment.

Title X family planning funds are distributed to organizations that perform a broad array of family planning services. Though Title X funds may not be used to perform abortions, some Title X recipients co-locate their family planning services with their abortion facilities. Indeed, Planned Parenthood clinics receive Title X funding.

Title X family planning funding should not go to abortion providers such as Planned Parenthood, which performed nearly 265,000 abortions in 2005. Recent reports indicate that Planned Parenthood generated over $900 million in income in fiscal year 2005–2006, of which over $300 million came from government grants and contracts. In addition, it has recently been reported that Planned Parenthood clinics that receive Title X funding have not complied with state statutory rape reporting laws. We should not be sending taxpayer money to an organization such as Planned Parenthood that performs abortions or violates state laws designed to protect young women. The Vitter amendment would not alter the $300 million contained in the LHHS bill for Title X family planning services.

Your support for the Vitter amendment will uphold the principle that the United States taxpayer should not have to subsidize the abortion industry. FRC reserves the right to score votes surrounding this amendment in our scorecard for the First Session of the 110th Congress to be published this fall.

Sincerely.

THOMAS MCCLUSKY,
*Vice President for Government Affairs.*

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OCTOBER 18, 2007.

Hon. DAVID VITTER,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR VITTER, On behalf of the 500,000 members of Concerned Women for America (CWA), I would like to thank you for your continued commitment to support of the sanctity of life. We appreciate your offering an amendment to prohibit federal Title X funding from going to any group which performs elective abortions or whose subgrantees perform elective abortions.

CWA will score the vote on your pro-life amendment to the Department of Labor, Health and Human Services Appropriations Bill (S. 1710).

Federal taxpayers must not be forced to pay for cruel and immoral abortion procedures to which they rightly object. There is no way around this fundamental principle of fairness and common decency.

Senator, thank you again for your amendment and working to promote life in the Senate. Our members appreciate your strong stance and CWA lends its support to this pro-life amendment. Our little ones cannot speak for themselves, so we must speak for them and make a statement that our nation should not subsidize this destruction of life.

Sincerely,

BEVERLY LAHAYE,
*Founder and Chairman,*
*Concerned Women for America.*

Mr. VITTER. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from California.

Mrs. BOXER. Mr. President, how much time does the Senator from Louisiana have left, Mr. VITTER, and how much time do I have?

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes 46 seconds, and the Senator from California has 10 minutes.

Mrs. BOXER. All right. Mr. President, I yield myself 7 minutes.

The Vitter amendment is "big brother" at its very worst. It tells non-governmental entities how they should spend their own private funds. I wonder what the Senator has in mind next? Is he going to tell America's families what they can spend their private funds on? This is a dangerous amendment which will lead to more abortions.

The Senator takes to the floor and he attacks an a private organization by name—an organization that over many years has had leading Republicans and Democrats on its board of directors. I think it is a very sad day when we have an amendment such as this. This amendment punishes the very organizations that work hard every day using their own funds to provide family planning services and reproductive health care, including legal abortion services.

If Senator VITTER wants to deny these funds, he should work to outlaw all abortion. He should work to make women criminals who have abortions—throw everyone in jail. If he wants to go that way, that is an honest way. But to stand up here and say that a private organization that works so hard every day to give women the health care they need—to punish them because they use their own funds to provide a full array of reproductive health care is really, I think, a very sorry idea.

His amendment will do nothing to reduce abortions. It will make contraceptives harder to get, and that will increase the number of unintended pregnancies. It will increase the number of abortions, just as we have shown the global gag rule does. Make no mistake, he may not call it a gag rule, but in essence it is. When you tell a person or an organization how they can spend their own personal funds, that is interfering with their rights.

What is going to happen? We are going to have less funding for breast and pelvic examinations, breast and cervical cancer screening, sexually transmitted diseases, and HIV/AIDS. We are going to see less counseling, less testing, and less referrals.

This amendment is an attack on title X-supported health clinics. Title X was enacted in 1970 with strong bipartisan support to provide high-quality, comprehensive, and low-cost family planning and reproductive health care services to those in need but who cannot afford such services. Let's be clear. No title X dollars may be used for abortion care. We are going to have a vote that makes it very clear that nothing in this bill allows Federal funds to be used for abortion. No discretionary funding in this bill can ever pay for abortion. That has been illegal for quite some time.

So again, the Vitter amendment punishes effective organizations that are working every day to provide a full range of legal, important health care to women. The consequence of passing this—which I don't think we will because it is so radical—are that women would have less access to reproductive health care. They would get sick. They would be suffering, and they wouldn't get access to contraception, which is so necessary.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I would like to use 1½ minutes of my remaining time to simply respond to some of the statements.

A statement was made that this amendment cuts health care services, family planning services that are not abortion and makes them less available. That is simply not true. This amendment doesn't cut a single penny of title X family planning money. That dollar amount is exactly the same. This amendment doesn't make those services unavailable to a single American because we checked every metropolitan area, every locality, and there are other opportunities—public, private, both—for Americans in every locality for true family planning entities that don't also perform abortions. So it is not true that we are lessening that opportunity.

It is not about those true health or family planning services. It is about abortion and whether the American taxpayer is going to be forced to indirectly subsidize abortion in this country as we do right now. When abortion is so divisive an issue, when it is so troubling and fundamentally offensive to so many millions of Americans—at least half the country, in my guesstimate—I don't think it is right or fair to be spending taxpayer dollars. Who can deny that is effectively what we are doing? Just look at the biggest example.

The PRESIDING OFFICER. The Senator has consumed a minute and a half.

Mr. VITTER. I will consume the remainder of my time.

I talk about Planned Parenthood simply because it is the biggest and most obvious example of billions of dollars of revenue—fully a third comes from Government. Meanwhile, they perform 265,000 abortions—20 percent of the entirety of abortions performed in the United States. That is not right.

I yield back the remainder of my time.

Mrs. BOXER. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 5 minutes 45 seconds.

Mrs. BOXER. Mr. President, I wish to point out that George Bush's grandparents founded the Planned Parenthood affiliate in Connecticut. I wish to point out again that the issue of choice is only divisive when we have amendments such as this one, even though we already know there isn't a penny of funding in this bill that can be used for abortion. So, this is punishing the people who are living by the law, who are using their own private funds, and who are using Federal funds for contraceptive services, for health care services, and the rest.

This amendment shouldn't even be on this bill. The reason it is controversial is because Senator VITTER decided to bring up this very divisive amendment, which I hope we will defeat.

I yield 3 minutes to Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, let's be very clear. The amendment that has been offered by Senator VITTER is an attack on the health and well-being of all Americans, purely and simply. When you look at the depth and breadth of this amendment which has been offered, it could withhold critical Federal dollars from virtually any health care entity or provider across the country that is in any way tied to abortion services, directly or indirectly.

I wish to remind my colleagues that in some of our rural communities, there is only one health care provider. That clinic may provide flu shots for children, for the elderly, and it may also provide family planning services. This amendment which has been offered would tie that clinic's hands and prevent it from receiving any Federal funds whatsoever. That is just plain wrong.

Our Nation's core health care providers rely on millions of dollars from Medicaid, from family planning, from community health centers, child health, and numerous programs which provide, as we all know, vital health care services to some of our Nation's most vulnerable women, men, and children. But because of the way this amendment is worded, it would put millions of men and women—primarily, of course, those who are low income who can't advocate for themselves, who don't have health insurance—at risk of losing access to family planning and other preventive health care services.

We have all said many times we all want to reduce the number of abortions. It is something on which we all agree. But this amendment, in fact, goes directly against that goal. This amendment is counterintuitive. Eliminating a community's only source of birth control will not reduce the number of abortions. Denying women access to their trusted doctors and nurses won't do it either.

Let's be clear. This amendment is not necessary to prevent family planning funds provided through title X from paying for abortions. As the Senator from California has said, Federal law prohibits that.

Over the past 7 years, we have seen this administration and conservatives in this Congress systematically work to erode reproductive freedoms for women, both in the United States and overseas. In fact, just this week we learned that the President's nominee for Deputy Assistant Secretary for Population Affairs has supported dropping a requirement that Federal health insurance plans cover birth control.

I ask for 1 additional minute.

Mrs. BOXER. I yield the Senator 1 additional minute.

Mrs. MURRAY. She called Plan B—the medically safe birth control pill that I and others worked to approve—a "grave threat to women."

We all want to reduce the number of unintended pregnancies in this country, but limiting health care and education options will only produce the opposite effect. We have to make sure women have access to safe and affordable family planning alternatives. Cutting them off, as this amendment would do, is the wrong way to go.

I stand with my colleague from California in saying that the Senate needs to stand on record to protect women's rights in this country. This is the time when we need to do it. We are not out here to provide a divisive debate; we are out to defend the rights of women in this country, for which they have worked long and hard. Let's not affect and impact hundreds and hundreds of men and women who are trying to get health care today by an amendment that is divisive and is not needed.

As the Senator from California said today, the funds in this bill that are federally provided do not go for abortions today. We do not need this amendment. We should not take this dangerous step that will impact the lives and health of many women in this country.

I yield the floor.

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty seconds remains.

Mrs. BOXER. Mr. President, let me just say that Senator MURRAY said it all. This is an unnecessary amendment by Senator VITTER. I urge an "aye" vote on the Reid amendment and a "no" vote on the Vitter amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

### AMENDMENT NO. 3395

The PRESIDING OFFICER. The question is on agreeing to the Harkin for Reid amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KENNEDY) would each vote "yea."

Mr. LOTT. The following Senator is necessarily absent: The Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 25, as follows:

[Rollcall Vote No. 378 Leg.]

YEAS—68

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Dole
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Hatch
Hutchison
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
Menendez
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Webb
Whitehouse
Wyden

NAYS—25

Allard
Barrasso
Bunning
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Grassley
Hagel
Inhofe
Isakson
Kyl
Lott
McConnell
Sessions
Shelby
Vitter
Voinovich

NOT VOTING—7

Biden
Clinton
Dodd
Kennedy
Mikulski
Obama
Warner

The amendment (No. 3395) was agreed to.

Mr. HARKIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I ask unanimous consent that the remaining two votes in the sequence be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3330

The PRESIDING OFFICER. The question is on agreeing to the Vitter amendment No. 3330.

Mr. ALLARD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KENNEDY) would each vote "nay."

Mr. LOTT. The following Senator was necessarily absent: The Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 52, as follows:

[Rollcall Vote No. 379 Leg.]

YEAS—41

Alexander
Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Roberts
Sessions
Shelby
Smith
Sununu
Thune
Vitter
Voinovich

NAYS—52

Akaka
Baucus
Bayh
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NOT VOTING—7

Biden
Clinton
Dodd
Kennedy
Mikulski
Obama
Warner

The amendment (No. 3330) was rejected.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3373

The PRESIDING OFFICER. The question is on agreeing to the Sessions amendment. Are the yeas and nays requested on the Sessions amendment?

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Mr. OBAMA), are necessary absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KENNEDY) would each vote "nay."

Mr. LOTT. The following Senator is necessarily absent: The Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there and other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 47, as follows:

[Rollcall Vote No. 380 Leg.]

YEAS—46

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Sununu
Thune
Vitter
Voinovich

NAYS—47

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NOT VOTING—7

Biden
Clinton
Dodd
Kennedy
Mikulski
Obama
Warner

The amendment (No. 3373) was rejected.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I had a long conversation with the Republican leader to determine how we are going to get done what we have to get done. I have discussed with the two managers the conversation the Republican leader and I had. The first thing we are going to do is get consent at the appropriate time, which will be in a few minutes, that all first-degree amendments be filed tomorrow at 1 p.m. I am not asking that consent now.

The managers should know, though, the amendments we will need to deal with. We will have a finite list of amendments.

The commitment that the Republican leader, I think, is going to be willing to make is that we finish this bill by the time of our caucus luncheons on Tuesday; that is, by noon on Tuesday, October 23. That being the case, we have a lot of work to do. Everyone should understand we may have a number of votes Monday night. This is not going to be come in Monday night and go out to some event you have. Everyone should have Monday night free because we could have a lot of votes Monday night. Everyone should understand that.

The following week we have a lot to do. I have made a commitment to the chairman of the Agriculture Committee—that bill needs to be marked up next week and he has scheduled that for next Wednesday. We have to finish this matter next Tuesday. This avoids a lot of trouble.

I could file cloture on it, and the Republican leader knows this better than I, and we could have a vote on Saturday. We have people not here today. To get everybody here on Saturday is no easy thing to do.

I think what I have suggested here would be very appropriate. As I said, I talked to the Republican leader about this. We would have votes Monday night. We are going to have whatever votes are necessary Tuesday morning to complete this legislation and then go on about the week's business that we would have, which should be a significant week. After next week we only have 3 weeks left here until Thanksgiving. We have already scheduled a break at that time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Let me confirm for our colleagues my concurrence with what the majority leader has indicated. We can finish the bill Tuesday before the policy luncheons. I have consulted with Members on my side and we are confident that is an ending that can be achieved, which would free up our friend from Iowa and the members of the Agriculture Committee for their markup.

I want to concur in what the majority leader has indicated. I think that is a goal we can achieve.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I ask unanimous consent, then, that all first-degree amendments be filed on this bill by 1 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I would say, the managers have already acknowledged they are going to process more amendments tonight. There will be no more rollcall votes tonight. They will process what amendments they can work out tomorrow also. So I think this is good.

It is no secret we are doing our very best to get this bill finished so we can get it to the President. There has been a lot of preconferencing. I talked to the Senator from Pennsylvania and the Senator from Iowa. They have done a lot of work.

The reason I want to try to get this bill to the President is the concern the President has involves about $22 billion. More than half of that is in this bill we have here, so that would be a good place to start to see if we can work something out on this bill with the President. If we cannot, it certainly points to where we need to work something out to finish our work on the appropriations matters for the rest of the year.

There will be no votes tomorrow. The first vote will be Monday; 5:30, probably.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, parliamentary inquiry: Is there a pending amendment?

The PRESIDING OFFICER. There is a pending amendment.

Mr. REED. Mr. President, I ask unanimous consent to set aside that amendment and then call up an amendment that has already been filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I yield to the Senator from Iowa.

Mr. HARKIN. Just briefly. The Senator has called up an amendment. I wish to get a consent for Senator ALLARD and for Senator LANDRIEU. How much time is the Senator intending to take?

Mr. REED. No more than 10 minutes, and I will try to be less than that.

Mr. HARKIN. Does the Senator from New Jersey also have an amendment?

Mr. MENENDEZ. I have been waiting on the floor to speak for about 10 minutes, so at some point I wish to be recognized.

Mr. HARKIN. On the bill?

Mr. MENENDEZ. In part on the bill, yes.

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator REED be recognized to offer his amendment, and then Senator ALLARD, and upon the disposition of that amendment, that Senator LANDRIEU be recognized, in that sequence, and then after Senator LANDRIEU, Senator MENENDEZ be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REED. Mr. President, we are currently debating the Health and Human Services and Education Appropriations Act for fiscal year 2008. Let me commend Chairman HARKIN and Ranking Member Specter for their great work on this legislation.

As Chairman HARKIN said, this bill truly defines America. It defines our Nation's commitment to our children's future through education, it defines our Nation's compassion to seniors and working families, and it defines our hopes in many different areas, particularly in the area of helping to cure disease and improve the public health. This is an extraordinarily important piece of legislation. Both Senator HARKIN and Senator SPECTER have done a remarkable job bringing it to the floor.

Let me highlight a few of the important points that I believe should be emphasized.

First of all, the bill increases Head Start funding, whereas the President's budget would decrease it. The legislation before us will provide sufficient resources to continue Head Start, which is an important aspect of giving children a chance to succeed earlier in their lives. It also provides resources for higher education: Pell grants, the Leveraging Educational Assistance Partnership Program—LEAP Program—TRIO, and GEAR UP. All of those are vital to ensuring that our citizens can seize the opportunity of America, and the greatest opportunity is education.

This legislation also provides an important safety net for many of our low-income families and our seniors; that is, the Low Income Home Energy Assistance Program. We could see a very severe winter in the Northeast, in the Northwest, and in the Central Plains of America. We are also seeing incredibly expensive prices for oil. Without this LIHEAP money, we will not be able to deal with the issue, and countless families will make difficult choices between literally eating or heating their homes. This legislation, in contradistinction to the White House's proposal, would maintain, not decrease, LIHEAP funding.

The legislation provides additional resources—about a billion dollars more—for the National Institutes of Health. This is vital to our ability to do research and to provide new diagnoses and new cures for disease. But it is something else that is important: It provides the infrastructure for research in this country. It gives those young Ph.D.s and M.D.s who are doing research incentives to stay in the field. Without it, we will not only miss out on the cures, but we will also miss out on the physicians and researchers who can give us, over the next 20, 30, 40 years, insight into the problems with disease in human beings.

We also are supporting in this bill the vaccination program. The 317 vaccination program, immunization program, has been essential to improving the public health, particularly the public health of children. This bill supports those commitments.

It also provides for training and employment resources. In a world of globalization, where jobs are going overseas, we just cannot tell people: Tough luck. We have to give them an opportunity to change their training, change their workplace, to go ahead and seize new opportunities. The President's budget diminishes these programs; this legislation increases the programs. I think that is the right direction.

The Job Corps Program—very successful since the 1960s. We have in Rhode Island what I think is the best Job Corps center in the country. I just had the director in a few days ago talking about how they are being evaluated higher and higher in each evaluation across the country in terms of other Job Corps centers, providing not only training but jobs. All of their students are walking out into good jobs. These are young men and women who, frankly, we haven't been able to reach before this stage. Either they have dropped out of high school or they have had a long process to get their GED and to get into this program. Some are just getting their GEDs in this program. This program deserves our support.

But there is one area in which we have not committed resources; that is, the Trauma Care Systems Planning and Development Act of 2007. Trauma—injuries, accidents, falls, automobile wrecks, recreational mishaps—is actually the leading killer of young Americans up to the age of 44. It claims more than 140,000 lives and permanently disables about 80,000 each year. But only one in four Americans lives in an area served by coordinated systems that will transfer patients to designated trauma centers from less-equipped hospitals. This is particularly a problem in rural areas. It affects urban and rural communities but particularly the rural areas. At the highest risk are those people in rural areas. Sixty percent of the trauma deaths occur, even though there is only 20 percent of our population, in rural areas—60 percent of the trauma deaths, 20 percent of the population. This is a program which is desperately needed in rural parts of America.

The Trauma Care Systems Planning and Development Act is an important building block to an improved national network of care across the country. This program would allow for planning, infrastructure development, and standards development to determine the procedures that are most appropriate to do this. It would also require coordination with Federal agencies. It is a sensible investment in a systemic approach to trauma care. I believe it is very important.

### AMENDMENT NO. 3360 TO AMENDMENT NO. 3325

As a result, I ask unanimous consent to call up amendment No. 3360.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 3360 to amendment No. 3325.

The amendment is as follows:

(Purpose: To provide funding for the trauma and emergency medical services programs administered through the Health Resources and Services Administration)

On page 59, line 22, insert before the colon the following: ", of which $6,000,000 shall be made available to the Administrator of the Health Resources and Services Administration to carry out trauma and emergency medical services programs".

Mr. REED. This amendment would provide $6 million for the program. It is fully offset. It is a small amount of funding to improve and expand the availability of trauma care across the country, particularly in rural areas, to ensure all areas are equipped with appropriate emergency and medical services, thus improving the survival rate and recovery rate for injured patients.

Trauma care is not only critical to providing timely access to lifesaving interventions, it is central to our national security and disaster preparedness. It is an essential component of our overall health care system and something I believe we have to do.

I hope that at the appropriate time my colleagues will be able to support this very worthy measure. Let me thank Senator HARKIN and Senator SPECTER and particularly their staffs for a bill that I think does speak to the best of America, and does, in fact, define, in a very positive way, our most important priorities.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

### AMENDMENT NO. 3369 TO AMENDMENT NO. 3325

Mr. ALLARD. Mr. President, I ask unanimous consent to lay aside the pending amendments and call up amendment No. 3369 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 3369 to amendment No. 3325.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the total amount appropriated to any program that is rated ineffective by the Office of Management and Budget through the Program Assessment Rating Tool (PART)

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, the total amount appropriated by this Act for any program for which the most recent rating available on the date of enactment of this Act by the Office of Management and Budget through the Program Assessment Rating Tool (PART) is "ineffective" shall be reduced by 10 percent. Not later than 30 days after the date of enactment of this Act, an amount equal to the aggregate amount of any such reduction shall be deposited in the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

Mr. ALLARD. Mr. President, my amendment cuts 10 percent of the funding under this bill for programs labeled "ineffective" under the OMB—the Office of Management and Budget—PART Program and transfers the funding to an account previously established to pay down the national debt.

Now, I do not believe I am being presumptuous when I say that most of us in this body would like to reduce spending. Where to cut is the question we fight over. So that is where the fight exists. Now, given ballooning Federal spending and the Federal debt, this amendment lets us make an easy choice to cut spending. It has to start with programs that cannot even justify their mission or success internally.

In case you are unfamiliar with the PART Program in general, let me give you some background. When making funding decisions, Members of Congress should consider what they are buying for the taxpayer. Funded programs should be effective and efficient. So the Program Assessment Rating Tool—that is, PART—was put in place by the Congress more than a decade ago. Agencies have had time to work with this program under the Clinton administration as well as the Bush administration. The program directs the agencies to set up measurable goals and objectives, and then the Office of Management and Budget goes in later on and evaluates to see if the agency is actually meeting those goals and objectives.

These detailed program assessments and the evidence on which they are based are available to the public to view. All they have to do is go to www.expectmore.gov. That is the Web page you would go to. It is a very good reference for the public, for Members of Congress, or for any agency to know exactly where they stand as far as their performance standards are concerned.

These assessments represent the combined wisdom of career officials. This is not a political process. These are objective evaluations done by career officials at agencies and OMB, the Office of Management and Budget, and are based on evidence of that program's performance. Programs assessed with the PART receive an overall rating. The best rating they can get is "effective," then it goes to "moderately effective," "adequate," then it goes to "results not demonstrated," and finally to "ineffective," the lowest rating. This amendment tries to address the lowest rating, which is "ineffective."

While a program's overall rating should not be the sole determinant of funding, Congress should prioritize funding programs that perform well. Ineffective programs in particular should be scrutinized to determine whether the resources they use could be better spent elsewhere and whether their goals could be achieved through other means.

When determining where to invest resources, Members of Congress can look to the PART Program for important information:

No. 1. does the program address an existing problem, interest, or need? Those that do not should not be funded.

The other question to be asked: Does the program have performance goals that relate to the outcomes the American people want? Those that do not may not be worthwhile investments of taxpayer dollars.

Do independent, rigorous evaluations demonstrate that the program is effective? If not, Congress may want to reconsider whether to fund the program. If evaluations have not been conducted, Congress may want to consider investing some money in an evaluation to determine if the program is having its intended impact.

Is the program working to improve its performance is another question we ask. A program that does not have an improvement plan in place or is not working aggressively to improve may not be the best investment of resources.

Another question: If an increase in funding is requested for a program, has the program explained how the additional funding will affect its performance? Programs that cannot articulate how they will use their resources simply are not the best candidates for investment.

So that is what the PART Program is all about. It is a good program, and it is being implemented more and more throughout the agencies. Some of the PART findings are programs that have been ineffective. I would like to look at a few of those.

Take the Health Professions Program, for example. One study found that only 1.5 percent of the physicians trained by institutions receiving the program's family medicine training grant provided health care in areas with a physician shortage, compared to 1.1 percent of physicians trained by other institutions. So there is only a four-tenths of a percent performance difference. So the question comes up: What is the program accomplishing?

PART found no evidence that the Radiation and Exposure Screening and Education Program reaches the maximum number of beneficiaries or the beneficiaries who are at the greatest risk. There is not even an estimate of the number of people potentially affected by uranium and nuclear testing activities and where they might live.

These are only a few of the programs that have been looked at by the PART Program. They provide the information Members of Congress need to evaluate whether programs are ineffective. Some of these are programs I have supported. I am sure there are programs that are not doing well, and I think we need to take a close look at them. That is all we are asking with this amendment.

The amendment before us addresses a portion of discretionary spending. I ask Members to support this amendment as we deal with discretionary spending areas where the PART Program is being applied. The overall purpose of the amendment is to pay down the Federal debt, currently over $9 trillion, and eliminate Government waste by reducing spending on programs rated ineffective by the Office of Management and Budget PART Program. This is through the career professionals in the agencies. This is not driven by any kind of political agenda.

That is what my amendment is all about, saving taxpayer dollars in a responsible way. It is about forcing managers of these programs to put in effective goals and objectives so that they accomplish what the legislation intended when the Congress passed it. I ask my colleagues to join me in trying to bring forward more accountability in the programs we have passed. This is a wonderful tool we have for whatever administration is in control. This is a direct message to the agencies to get their act in order because we are concerned about how taxpayer dollars are being spent.

It is not an onerous amendment. It is trying to bring accountability to Government programs we have passed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to amend the previous unanimous consent agreement so I may speak next and the Senator from Louisiana, Ms. LANDRIEU, will speak after me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, yesterday I began to speak about what the failed war in Iraq is costing us at home to mark the fifth anniversary of Congress's capitulation to the war. As we debate the Labor-HHS appropriations bill, I can't think of a better moment to return to the cost of this war.

Let me begin by saying again we are aware of the human cost of the war: 3,816 Americans are dead; more than 28,000 have come back home wounded. Iraqis have died in even greater numbers. Millions have fled their homes. The United States has been involved in the war for longer than we fought World War II. We all know the Iraq war is a human calamity of vast proportions. It can be harder to visualize the direct damage that comes from the financial cost of the war. We are paying for this war with borrowed money, burying ourselves in massive debt, severely threatening the future of our country.

We know we have spent more than $450 billion on this war so far, and we continue to spend about $10 billion every month. That doesn't add up to a stack of bills that could have been sitting in the Treasury. It is equipment at ports that scan nuclear weapons and other measures that actually make the homeland more secure. It is children healed with better health care. It is more teachers in school, better training for jobs, energy that is clean and doesn't strengthen repressive regimes in the Middle East, payments of our debts so future generations will inherit a country that is financially viable.

The Bush administration likes to parrot the line: We are fighting them over there so we don't have to fight them here. But when we add it all up, the bottom line is clear: The administration's motto really is: We are spending all our money over there so we don't spend it here.

Yesterday I spoke about how much we could accomplish to safeguard our homeland against terrorists if we spent a fraction of the money we have dumped into the war that makes no sense. Today I would like to speak about what the failed war in Iraq has cost us in terms of our health; specifically, the health of our children. Today the House of Representatives considered whether to support a bill to provide health insurance for children. Every time we go to the doctor or fill a prescription at the pharmacy, we remember how expensive health care can be. There are families who work every day in some of the toughest jobs, but their jobs don't offer health care, and their paychecks would not let them afford private coverage. That is why the Federal Government and the States teamed up to start the State Children's Health Insurance Program or what is commonly referred to as SCHIP.

This year Democrats and Republicans came together to pass a bill that would continue to provide health care to the 6 million children already enrolled and will expand the program to include a total of 10 million children across America. We knew we had to because the children who fall into the wide abyss between Medicaid and private coverage are depending on us. But on October 3, millions of children got some terrible news. President Bush had vetoed the bill. He did it silently and secretly, with no cameras allowed to watch as he condemned millions of children to a lack of coverage with a single stroke of his pen.

Today families across America were waiting to see if Congress had the moral resolve to override that veto. Some of our colleagues who cast decisive votes against children's health raised the question of whether the bill was financially reasonable, whether 10 million uninsured American kids were worthy of funding. President Bush said they were not. Many of my colleagues who voted against children's health have repeatedly decided to vote for continuing the failed war in Iraq. Right now I wish to speak directly to all of them. If we are talking about what is financially reasonable, let's take a very close look at the stark contrast in cost between children's health and the failed war in Iraq.

The total cost of expanding children's health is $35 billion over 5 years for 10 million children. How many dollars per child does this cost us every day? Depending upon which State you live in, the answer is as little as $3.50 a day, about the cost of a latte at Starbuck's. Iraq costs us $10 billion per month. That means with 3½ months of Iraq funding, the total expansion in this bill would have been paid for. That is what the war costs—health care for 10 million children versus 3½ months of what we spend in Iraq.

The impact of this bill would have been enormous in many States, including my State of New Jersey, where families have to pay some of the highest health care costs in the Nation. It would have helped support the State in keeping 124,000 New Jersey children insured. It would have covered as many as 100,000 additional children in my State. In the bill, New Jersey would have received about $350 million next year alone to cover working families and children. This program has given New Jersey families that cannot afford private coverage the peace of mind to know that children have health care. President Bush has told those children: No, you don't deserve the Federal Government's strong support, even though this country spends $330 million in Iraq every day. Again, every single day in Iraq, we spend roughly the amount of money it would take to get tens of thousands of New Jersey children coverage for a full year.

I wish he had to look every child in the eye to tell them that. But that is what the war costs: Health insurance for New Jersey children versus one day in Iraq. In fact, for the amount Congress has spent on the failed war in Iraq, we could provide 2 years of health coverage for all of the 47 million Americans who don't have health insurance, who play Russian roulette every day with their lives and their wallets, and still have $30 billion left over. We could have provided health care coverage for all of the 47 million Americans who don't have health coverage today. That is what the war costs: Health care coverage for every single American family versus the failed war in Iraq.

Here is the question we have to ask ourselves as legislators, as Americans, as human beings: Is a child to get more benefit from a dollar spent keeping our military in Iraq to referee a civil war or a dollar spent on their health insurance? Is she going to be better served by oil injected in an Abrams tank or by a vaccine a nurse injects in her arm to save her from measles? Is her life going to be improved by missiles in the desert or antibiotics in her medicine cabinet; more troops on the streets of Baghdad or more doctors in the hospital down the block; multimillion dollar bombs that rain down on Iraqi neighborhoods with surgical precision or orthopedic surgery for a disease such as cerebral palsy that would mean the difference between a debilitated life in a wheelchair and being able to walk and run and play with other children at school?

How dare we take money from her family and borrow money from foreign countries to spend it on a war that makes no sense, while leaving her on her own to fight diseases and injuries that might very well claim her life.

It is hard to think of a more grievous act on the part of this Government than abandoning those children in order to prolong a war. The vote to override President Bush's veto was not only about political responsibility. It was not only about constitutional responsibility. It was a question of right and wrong. Let's remember the administration motto: Spend all our money over there so we don't have to spend it here. In my mind, that is as wrong as it gets.

I will continue to speak out on what else this war is costing us here at home in terms of education and jobs and green energy, helping the middle class make ends meet and the financial stability of our Nation that our children will inherit. America deserves to know what we could have achieved had this horrible war never happened. The administration has spent down our finances, mortgaged the future. Republicans in the House have voted down health care coverage for our children. But one thing they have not yet emptied out is our vast treasury of hope. It is tragic to think what might have been, but it is not too late to believe in what we can become.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

### AMENDMENT NO. 3402 TO AMENDMENT NO. 3325

Ms. LANDRIEU. Mr. President, in a few minutes I am going to offer an amendment and ask for its consideration. It is an important amendment, although it is quite small and has virtually no impact on the underlying cost of this bill, which is why I believe I can bring it with good faith to the Members for their consideration. It does not add a penny to the underlying bill, but it does send some directive language to SAMHSA, which is the agency that funds mental health and substance abuse programs for our country. Because of the good work of Senator HARKIN and Senator SPECTER, there is an increase in funding for this important program. This money is given out in grants through competitive bids and has been ongoing for some time. I don't know exactly the year the program was authorized and commenced, but it has been a fairly longstanding program and usually gets good marks.

This particular amendment would direct the Agency to give consideration to programs providing mental health services to children and families in the gulf coast area. It seems, for some reason, a very effective program that had received some funding in the past few years—that is the only program operating in the gulf coast region that is giving support and counseling and clinical services to a population of children and adults, but this is for children literally traumatized by the catastrophic disaster, not only in my State but Mississippi, somewhat in Texas, and Alabama—was not considered to be a priority.

So my amendment will basically direct the agency to consider programs operating in the gulf coast area that are serving children who have very good records, to provide a priority for them.

If I could, I would like to send the amendment to the desk now. It simply, as I said, establishes a priority for these programs, and it adds no money to the bottom line of this bill.

I send the amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3402 to amendment No. 3325.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 49; line 1: strike the colon and insert "*Provided further*, that, of the funds provided to the Child Trauma Stress Network Initiative, priority shall be given to those centers, that previously received grants, that provide mental health services to children affected by Hurricane Katrina and/or Rita."

Ms. LANDRIEU. Mr. President, I understand the managers have cleared it. I ask for it to be accepted now.

The ACTING PRESIDENT pro tempore. Is there further debate on this amendment?

The Republican leader is recognized.

### UNANIMOUS CONSENT REQUEST—S. 2128

Mr. McCONNELL. Mr. President, in just 13 days the Internet tax moratorium will expire. If Congress has not acted by then, State and local governments will be free to impose new taxes on Internet access—and trust me, they will.

We need to be straight with the American people about what is happening. The majority wants to preserve at least the possibility of taxing access to the Internet.

The Internet has literally transformed this country. It has cleared new pathways to learning for rich and poor. It has brought a level of efficiency and innovation to the shop floor, the home, and the corner office that were unimaginable just a decade ago. Just think of the millions of middle-class Americans who have lifted their fortunes through online auction sites or made their first stock purchases over online trading sites.

The Internet has been at the heart of America's economic growth over the past decade—all because Government has not gotten in the way. But those days are over if the people on the other side of the aisle in the Senate open the Internet to new taxes.

We cannot let that happen. For the sake of our economy, for the sake of our competitiveness, for the sake of consumers who don't want to see new taxes on their bills, we need to ban taxes on Internet access permanently.

The House of Representatives has sent us a bill that would extend the moratorium for 4 years. Frankly, I do not think that is nearly long enough. If we all agree that taxing Internet access hurts consumers, hurts innovation, hurts broadband development, why should we stop at 4 years? Why not keep the Internet tax free forever?

So I say to my friends on the other side, the clock is ticking. If you object to considering the Sununu bill to make the moratorium permanent, let's take up the House-passed bill with a couple of relevant amendments in order. One would make the moratorium permanent and, failing that, one would extend it for substantially longer than a mere 4 years.

We can debate these amendments quickly and vote—to see where the Senate stands on this very important question of keeping the Internet free of onerous taxes.

We could do it this week or next week—but the Senate must act before the moratorium expires in 13 days. And it is my intention to have a vote on the question of whether the moratorium should be extended permanently or merely for another 4 years.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 401, S. 2128, the permanent moratorium on the Internet tax bill. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. LANDRIEU. Yes, Mr. President, there is objection. On behalf of Senator CARPER, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

### AMENDMENT NO. 3402

Ms. LANDRIEU. Now, Mr. President, I understand the previous amendment has been cleared. I ask for its adoption.

The ACTING PRESIDENT pro tempore. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3402) was agreed to.

Ms. LANDRIEU. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. LANDRIEU. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### AMENDMENTS NOS. 3323, 3337, 3355, AND 3375 TO AMENDMENT NO. 3325, EN BLOC

Mr. HARKIN. Mr. President, we have four amendments that have been agreed to on both sides, cleared. I ask unanimous consent that they be considered and agreed to en bloc. They are amendments Nos. 3323, 3337, 3355, and 3375.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered en bloc and agreed to en bloc.

The amendments were agreed to en bloc, as follows:

### AMENDMENT NO. 3323

(Purpose: To provide an annual report card for the Department of Education)

At the appropriate place in title III, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, the Secretary of Education shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the Internet website of the Department of Education, a report concerning—

(1) the total number of Department of Education employees, including employees who salaries are paid by the Department but are employed by contractors or grantees of the Department;

(2) the total number, and percentage, of such employees who have previously worked in a classroom as a teacher or a teacher's assistant;

(3) of the employees who have worked in a classroom, the average number of years of time spent as an instructor;

(4) the total dollar amount, and overall percentage of the Department of Education funding, that is expended—

(A) in the classroom;

(B) on student tuition assistance;

(C) on overhead and administrative costs and expenses; and

(D) on Congressionally directed spending items, including the administrative costs of administering such earmarks; and

(5) a listing of all of the programs run by the Department of Education and the total budget and most recent evaluation of each such program, and a notation if no such evaluation has been conducted.

### AMENDMENT NO. 3337

(Purpose: To express the sense of the Senate regarding science teaching and assessment)

At the end of title III, insert the following:

**SEC. _____. SENSE OF THE SENATE REGARDING SCIENCE TEACHING AND ASSESSMENT.**

(a) FINDINGS.—The Senate finds that there is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that such direct involvement must be included in every science program for every science student in prekindergarten through grade 16.

(b) SENSE OF THE SENATE REGARDING THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS 2009 SCIENCE TEST.—It is the sense of the Senate that—

(1) the National Assessment of Educational Progress (NAEP) 2009 Science assessment should reflect the findings of the Senate described in subsection (a) and those expressed in section 7026(a) of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act; and

(2) the National Assessment Governing Board (NAGB) should certify that the National Assessment of Education Progress 2009 Science framework, specification, and assessment include extensive and explicit attention to inquiry.

(c) REPORT.—The National Assessment Governing Board shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate describing whether the certification described in subsection (b)(2) has been made, and if such certification has been made, include in the report the following:

(1) A description of the analysis used to arrive at such certification.

(2) A list of individuals with experience in inquiry science education making the certification.

### AMENDMENT NO. 3355

(Purpose: To allocate funds to the Traumatic Brain Injury (TBI) Model Systems of Care Program)

On page 88, line 16, strike the period and insert ": *Provided further*, That $8,400,000 shall be used to carry out the Traumatic Brain Injury (TBI) Model Systems of Care Program and to sustain at least 16 TBI Model Systems Centers.".

### AMENDMENT NO. 3375

(Purpose: To provide funds for partnership grants for teacher preparation under title II of the Higher Education Act of 1965)

At the end of title III, insert the following:

SEC. ____. (a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $6,000,000 to carry out the programs for baccalaureate degrees in science, technology, engineering, mathematics, or critical foreign languages, with concurrent teacher certification under section 6113 of the America COMPETES Act (Public Law 110-69); and

(2) $4,000,000 to carry out the programs for master's degrees in science, technology, engineering, and mathematics, or critical foreign language education under section 6114 of the America COMPETES Act (Public Law 110-69).

(b) Notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management of the Department of Education, shall be reduced by $10,000,000.

Mr. HARKIN. Thank you, Mr. President.

We just disposed of four more amendments. Obviously, there will be no more business tonight. The leader already said there would be no more votes. Our staffs and I will continue to work through these amendments. But we will be in tomorrow, and we will be disposing of amendments tomorrow. So if Senators have amendments to this bill, and they want them offered, I suggest that tomorrow would be a good time to do it.

We will not be in Monday until about 5:30. And then we will have votes on Monday night on pending amendments. So if amendments are offered tomorrow, and votes are needed, we can stack those votes for Monday night.

I will just say the door will start closing after tomorrow because Monday night we will be voting. We will be in Tuesday morning probably at the usual hour—that is up to the leadership to decide—but then the final passage of this bill will be at noon on Tuesday. So I say to Senators, if they have amendments they want to have considered, I would say tomorrow would be an excellent time; otherwise, the door is going to close very rapidly, and they will not be able to offer those amendments and to get any debate or a vote on them prior to noon on Tuesday.

So with that, Mr. President, again, I yield the floor.

### ADVANCED PLACEMENT

Mr. BINGAMAN. I would like to thank the chairman and ranking member for putting together an excellent bill and bringing this critical legislation to the floor. This bill is a major step forward in strengthening education, health care, and job training in this country. As the chairman knows, this Congress recently passed the America Competes Act—comprehensive legislation designed to ensure the United States remains competitive in the 21st century economy. I believe the cornerstone of this legislation is its effort to strengthen math and science education in this country.

Mr. HARKIN. I agree. Strong math and science education is critical if we, as a nation, are going to continue to have a skilled and educated workforce that can compete in the global economy.

Mr. BINGAMAN. As the chairman knows, the National Academy of Sciences reported that students in the United States are simply not keeping up with their international peers in the areas of math and science. The National Academy recommended training an additional 150,000 advanced placement, AP, and pre-AP instructors, and to quadruple the number of students who take AP math or science courses to 4.5 million by 2010. Is the chairman aware that America Competes makes a downpayment on this recommendation and authorizes a program to increase the number of students in high-need schools taking AP and international baccalaureate, IB, classes in math, science, and critical foreign languages?

Mr. HARKIN. I am aware of that provision, and point out that America Competes also recognizes that other highly rigorous, evidence-based, postsecondary preparatory programs can also qualify for funding under this authorization.

Mr. BINGAMAN. Yes, and the chairman's support for this provision was critical to its passage. I'd also like to thank the Chairman and Ranking Member for increasing funding for Advanced Placement programs in this mark to $42 million. As the Chairman knows, the House FY 08 Labor HHS Education Appropriations bill increases funding for AP to $50 million. I ask the Chairman if he thinks it's a good idea to increase AP to at least $50 million in the final bill that emerges from Conference, and use this additional increase to fund the provisions in America Competes.

Mr. HARKIN. I think that is a good idea, and will work with the ranking member and my colleagues in the House to try to achieve that goal.

Mr. SPECTER. I agree and will work with the chairman.

Mr. BINGAMAN. I thank the chairman and ranking member for their support of this critical program.

### WORKFORCE INVESTMENT ACT

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the distinguished senior Senator from Michigan and the distinguished chairman and ranking member of the Labor-HHS Appropriations Subcommittee. As this body debates this spending bill, I would like to start by thanking Senator HARKIN, Senator SPECTER and the other members of the Senate Committee on Appropriations for supporting the Workforce Investment Act in this bill. The Workforce Investment Act is a critical program for workers across the country in need of training and education benefits.

WIA brings essential resources to my home State of Michigan, where hundreds of workers are ready and willing to begin job-training programs that make them more employable for high wage, quality jobs. The House-passed Labor-HHS spending bill includes a $335 million rescission of WIA funds as proposed by the administration. This potential cut would devastate the various efforts in place to reinvigorate Michigan's economy and workforce right at the time when our Governor is making great strides towards the goal of doubling the number of workers trained for high-demand jobs in the State.

In Michigan, we are using WIA dollars to create scholarships for workers who want to attend State colleges, we are counseling workers on skill development and the importance of furthering their education, and we are performing skill assessments that help workers decide what level of training they should pursue. All of these services need to be available to workers in my State.

Michigan workers have been hit hard by layoffs and I am proud that the committee has decided to support workers in my State and in all States with the resources and benefits that they need so that they can continue to support their families. I hope to see this body continue to work towards full restitution of these funds in a final bill. It is the right thing to do for our Nation's workforce system.

Mr. LEVIN. Mr. President, I also want to thank the chairman and ranking member for their leadership and cooperation in ensuring that the Senate continues its commitment to training workers through the Workforce Investment Act. I ask for their continued support on this important issue in conference. I, too, am pleased to see that my colleagues have rejected efforts to pull these critical funds away from States that are attempting to plan and use them for their own specific workforce development needs.

The Workforce Investment Act provides many opportunities to workers in my home State of Michigan who have been laid off and are seeking a new start. The cuts proposed by President Bush could have cost my State close to $11 million; that is 7,500 workers who would not receive training and several local workforce agencies that could potentially close their doors and no longer serve Michigan communities. This cut would have cost workers in all of our States. The loss of benefits and services during hardship is too great a burden for us to place on our citizens' backs.

I want to thank the comittee for rejecting efforts to drain this program of needed dollars. The Governors will thank us, the State and local workforce agencies will thank us, and most importantly, the worker who is trying to better himself or herself and gain employment will be able to do so because of our actions here.

Mr. HARKIN. I thank both of my colleagues from Michigan for their concern and support of WIA. I agree that the Workforce Investment Act should be provided the adequate level of funding needed to ensure that workers can get the training and services they need to compete for 21st century jobs.

The Workforce Investment Act statutorily provides States 3 years to spend the funds allocated to them. This flexibility allows States to assess their unique needs, the needs of their unemployed workers, and to adequately plan innovative initiatives, training programs, and services for the workforce. I believe the rescission of funds proposed by the House of Representatives would be unfair to those programs that have appropriately obligated funds at the State and local levels to serve workers in need.

The committee expects to provide sufficient funds for this program and will work towards securing the funding in the final bill. I thank the distinguished Senators from Michigan, and I will be happy to work with them in conference on this important matter.

Mr. SPECTER. I agree with Senator HARKIN. WIA was passed in 1998 to unify this country's fragmented employment and training system. Since then it has impacted the lives of millions. Our subcommittee seeks to continue the Senate's commitment to our nation's workers; they are the heart and soul of our economy.

Ms. STABENOW. I thank the distinguished chairman and ranking member of the subcommittee.

Mr. LEVIN. I thank the Senators as well.

### COMMUNITY INNOVATIONS FOR AGING IN PLACE

Ms. MIKULSKI. Mr. President, I would like to first thank the chairman and ranking member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies for doing a wonderful job drafting a spending bill for fiscal year 2008 that makes a true commitment to the priorities of so many Americans across the country, especially our older Americans. Close to 90 percent of all seniors in this country want to or, by necessity, will remain living in their homes, even as they grow frail. That is why I created a new, innovative program in the Older Americans Act Amendments of 2006 called the Community Innovations for Aging in Place. Are the chairman and ranking member aware of this program?

Mr. HARKIN. Yes. I think this is a great program. Because the vast majority of our seniors are aging in place, the Community Innovations for Aging in Place program will help leverage new, human, financial, and neighborhood resources for the benefit of our seniors' health, independence, and quality of life.

Mr. SPECTER. I agree with the chairman and senator from Maryland. This program is important because it promotes independence and healthy aging by engaging seniors before a crisis and responding to their changing needs over time.

Ms. MIKULSKI. The chairman and ranking member are right. The Community Innovations for Aging in Place program provides community-based services by supporting partnerships between government and health and human services providers in caring for the nation's elderly. The federal government needs to be able to fund programs that work not only through government but through nonprofit organizations. That is why I would like to ask the chairman and ranking member if they support implementation of the Community Innovations for Aging in Place program?

Mr. HARKIN. I do support implementation of this innovative program. I assure the senator from Maryland that I will do my best to find funding for the Community Innovations for Aging in Place program during the conference process.

Mr. SPECTER. I agree and will support these efforts, as well.

Ms. MIKULSKI. I sincerely thank my colleagues from Iowa and Pennsylvania for addressing this issue that touches so many older Americans.

Mr. KERRY. Mr. President, today I filed an amendment which may provide up to $2.5 million in additional funds for the Fire Fighter Fatality Investigation and Prevention Program, contained within the National Institute for Occupational Safety and Health. The account for this funding is Other Occupational Safety and Health Research. The funding, which can be used across the United States, will be used to allow the agency to more effectively and comprehensibly investigate fire fighter fatalities, so that the cause of fatalities may be identified and future fatalities may be avoided. The inspector general for the Department of Health and Human Services found that flat funding for the program since 1998 has resulted in a reduced number of investigations over time. As a result, NIOSH has to prioritize certain types of investigations. The inspector general concludes that limited resources are a significant constraint which limits the program's effectiveness.

I urge my colleagues to support this amendment.

Mr. WARNER. Mr. President, I rise today to respond to amendment No. 3322 offered by my good friend the junior Senator from Oklahoma. As you know, the amendment of the Senator from Oklahoma would, among other things, strike $150,000 in Federal funds that I helped provide for a worthy initiative in the Commonwealth of Virginia called the Virginia Aquarium and Marine Science Center's Beyond the Aquarium Program.

The Beyond the Aquarium Program is a hands-on, educational outreach program that brings science directly into K–12 classrooms. As we know, school field trips have declined and teachers are struggling to motivate students to study the sciences. Our ability to remain ahead of the curve in scientific advancements is a key component to ensuring America's homeland security in the post-9/11 world of global terrorism. Yet alarmingly, the bottom line is that America faces a huge shortage of homegrown, highly trained scientific minds. The Beyond the Aquarium Program will inspire children to take an interest in science.

I applaud the Senator from Oklahoma in his efforts to obtain additional funding for IDEA. There is no Senator who is more supportive of fully funding IDEA than myself. Over the years, I have worked with Senators HAGEL, DODD, ROBERTS, and HARKIN to ensure that Congress provide the highest possible funding for part B of IDEA. Unfortunately, Congress has never come close to meeting the 40-percent commitment to fund the cost associated with this legislation, although progress has been made the last several years. I encourage the good Senator from Oklahoma to join me and others as a cosponsor of S. 1159, the IDEA Full Funding Act.

I am proud to stand up in support of this worthy project.

Mr. ENZI. Mr. President, I rise today to address the pending legislation, the Labor, Health and Human Services, and Education Fiscal Year 2008 appropriations legislation. While this legislation is very well intentioned, regretfully, I oppose the bill as it is currently drafted.

The legislation we are currently debating totals approximately $149 billion in discretionary spending for fiscal year 2008. This is roughly $9 billion above the level requested by President Bush. Mr. President, $149 billion sounds like a lot of money, but total spending in the legislation is actually much higher—about $605 billion when the mandatory spending is accounted for.

This legislation funds the Departments of Labor, Health and Human Services, Education, as well as a host of smaller agencies. I know that all of my colleagues want to ensure these agencies are properly funded and staffed, so that Federal programs have the resources they need to properly function. But the level of spending in this legislation is excessive, and will add to the huge financial burden we are leaving for our children and grandchildren. So while this legislation is well intentioned, I can not support it as it is currently drafted.

My understanding is that, for a variety of reasons, the President will veto the legislation. The administration has been vocal about their concerns since the fiscal year 2008 budget resolution was considered earlier this year, so this veto threat should not come as a surprise to my colleagues. The Senate has been on notice. We need to move past the political theatrics associated with this bill and other appropriations legislation, and get to work on the real challenge of writing a balanced proposal the President is willing to sign. As U.S. Senators, one of our primary duties is to fund the Government. Our Founding Fathers designed checks and balances for a purpose, one being to force compromise on key, and sometimes contentious, legislative products. We ought to be thinking about—and debating—the type of legislation that will pass muster on both ends of Pennsylvania Avenue. We owe that to our constituents and to the American people.

I would also like to address other concerns I have with the legislation. The committee-reported bill contains stem cell language that overturns Presidential order, making more embryonic stem cell lines available for Government research funding. Currently, only embryonic lines created before July 9, 2001, are eligible for Federal funding. This legislation would extend that date until June 15, 2007. I do not support this provision as part of this vehicle. Earlier this year, we had a larger debate on the stem cell issue. I believe that we owe it to the American public to work on real solutions to this situation and not just keep moving a potential date. For these reasons, I was pleased to hear yesterday that the bill manager decided to remove this provision from the underlying committee-reported legislation.

The committee-reported bill also addresses funding for September 11 workers. Specifically, this legislation provides an additional $55 million for treatment, screening and monitoring for 9/11 related health issues. This is in addition to the approximately $45 million that was included in the emergency war supplemental earlier this year. In addition, this legislation for the first time expands funding to cover all city residents. The HELP Committee has been looking into this issue for well over a year. We should agree on the facts regarding worker health before we broadly expand current spending to cover residents. In addition, there are substantial unspent funds already available: out of a total of $92 million in fiscal years 2006 and 2007, and currently proposed under the President's 2008 budget, grantees have actually drawn down just $2 million in payments on fiscal year 2006 funds.

This legislation also cuts funding for the Office of Labor and Management Standards—known as OLMS—by $2 million, from $47.7 million to $45.7 million, while the President's request is $56.8 million. OLMS is responsible for overseeing union disclosure and corruption. This may seem like a small amount of money considering the scope of the overall legislation, but cutting funds targeted for policing corruption as a "cost saving" measure isn't a good way to build credibility with the American people. We must do better. With Sarbanes-Oxley, we made big business more transparent. We need to do the same thing with big unions. The Office of Labor and Management Standards can and must do exactly that. OLMS must be allowed and funded to do what we have told them to do. The transparency and accountability is for the benefit of the union members. Of course, this might be just like the card check bill where labor union management was trying to take away the right for potential members to have a secret ballot. Unions are for the members, not for the union bosses. Members have a right to know. That is what the law passed in 1959 was and is all about. Enforce the law. Be sure union members have a right to know.

I would also like to point out that the legislation does not contain funding for the National All Schedules Prescription Reporting Act—NASPER. Known as NASPER, this law was designed to assist States in setting up prescription drug monitoring programs—to make sure people can't get multiple refills of their restricted prescriptions merely by crossing State lines. Instead, this legislation funds an unauthorized similar program through the Justice Department. Congress should first fund the programs that are authorized by committees that have jurisdiction over the measures. As the lead Republican on the HELP Committee, I know the value of the authorization process—Federal programs are reviewed by Senators and staff to ensure there is value for program beneficiaries and taxpayers alike. Funding unauthorized programs usurps the entire authorizing committee process.

All that being said, there are many provisions in this legislation that are not objectionable, and some of which I support. Like previous years, the bill contains language that prohibits the Labor Secretary from issuing regulations related to the Workforce Investment Act, known as WIA, until the Congress has reauthorized the program. Reauthorizing WIA is a bipartisan priority for the HELP Committee, and a top personal goal of mine that I have been working toward for many years. Congress should first act to reauthorize the law before the administration moves forward with regulations. This reauthorization is long overdue. Modernizing job training programs will result in better, higher paying jobs. Under my chairmanship, we passed this reauthorization—but it was held by Democrats who would not allow the appointment of conferees because of concerns they would not be included in the process. That argument no longer holds true. They control a majority in each legislative body, and a majority on conference committees. Congress needs to pass this legislation to provide training for current and future jobs so Americans have the skills they need to get the best jobs—instead of sending them overseas because we don't have trained workers at home.

This legislation also restores the authority of the Railroad Retirement Board Office of the Inspector General to conduct Railroad Medicare audits and investigations. Similar language was included in previous years, but was dropped in the conference with the House. My hope is that this year we will be successful in restoring that authority. In September, Senator KENNEDY and I, together with Senators BAUCUS and GRASSLEY, weighed in on this issue with the Appropriations Committee, thanking them for including this language in their bill, and urging them to fight for this provision in conference. Restoring the ability to audit is fiscally responsible, and is the right thing to do.

In closing, while there are valuable provisions in the Labor-HHS spending bill that ought to be enacted, I will be voting against this legislation because of the excessive total spending level, as well as some objectionable policy language that I have discussed today.

I stand ready to work with all of my colleagues on a compromise product that can garner support from both the legislative as well as the executive branch of our Government.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. HARKIN. Mr. President, I now ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ONGOING TRAGEDY IN BURMA

Mr. DURBIN. Mr. President, over the past few weeks, I have joined many of my fellow Senators from both sides of the aisle in speaking about the recent events in Burma.

A few weeks ago, the world watched in admiration and support as thousands of Buddhist monks peacefully marched through Burma's largest cities calling for an end to that country's brutal military dictatorship. Amidst tens of thousands of clapping and cheering supporters, the monks chanted "democracy, democracy."

All the while, Nobel laureate Aung San Suu Kyi remained locked under house arrest—an appalling situation that has continued for most of the last 18 years of her life. Despite the shameful detention, the Burmese people have not forgotten it was her political party that won a landslide victory in the 1990 election.

During the recent protests, the monks reportedly reached Suu Kyi's heavily guarded home, where witnesses said she greeted them at her gate in tears.

This scene is moving in its dignity and simplicity—a population peacefully saying: Enough.

What happened next was tragic. The military in Burma used violence, murder, and arbitrary detention to try to halt the calls for change. The military did what all dictatorships do: it used fear to suppress its own people. Yet it is the military that is truly afraid—afraid of the people of Burma, afraid of change, afraid of releasing Aung San Suu Kyi.

This Reuters photograph is so graphic. It shows Burmese military violently attacking peaceful protesters. It also shows a Japanese photographer, Kenji Nagai, being shot at close range. You see his body lying on the street. Mr. Nagai died shortly after this photo was taken. The military's mouthpiece newspaper brazenly said his death was his own fault as he was "inviting danger" by being among the protesters.

Sadly, reports from the past few days are even more tragic. Instead of reaching out to Aung San Suu Kyi and the international community to work toward peace, the military has only furthered its brutal crackdown, hunting down and detaining leaders of the peaceful movement.

Amnesty International has expressed concern that the arrested dissidents will be tortured—a real concern in a country with an abhorrent record of torturing political prisoners. For example, the 2006 State Department Human Rights Report on Burma cites a recent study by the Assistance Association for Political Prisoners that meticulously documents the regular use of electric shocks, beating until unconscious, forced crawling on glass, and threats of rape. The Government is reportedly even hunting down simple participants and bystanders from the rallies, including groups of "those who watched," "those who clapped," and "those who joined in."

Mr. President, this is madness. The United States and international community must not allow this to continue. This is a government with a long and well-documented history of brutality and indifference to its people. For example, in eastern Burma, the military has destroyed 3,000 villages over the past 10 years. It has widely used forced labor and has recruited up to 70,000 child soldiers—70,000 child soldiers—far more than any other country in the world. Today, Burma has an estimated 1.5 million refugees.

Global condemnation of Burma's brutal actions has been loud and swift. European Union foreign ministers have just approved new sanctions against the military junta, including an embargo on the export of wood, gems, and metals, and threatened further penalties. President Bush and First Lady Laura Bush have similarly called for greater international pressure to make it clear to the generals that they will be completely isolated by the international community if they continue.

The Association of Southeastern Asian Nations, ASEAN, expressed revulsion at the killings and demanded fellow member Burma stop using violence against demonstrators. Japan announced a cut in foreign assistance. And just the other day, the U.N. Security Council issued a statement agreed to by all of its members saying that it "deplores the use of violence against peaceful demonstrations" in Burma, called for the release of "all political prisoners and remaining detainees," and urged a "genuine dialogue" with opposition leader Aung San Suu Kyi.

Recently, Senators FEINSTEIN, KERRY, LIEBERMAN, and I joined for a discussion with the Chinese Ambassador on the situation in Burma. We discussed the need for China, in particular, to play a more constructive role in ending the violence and pushing for democratic change. I am glad that China helped with U.N. Special Envoy Gambari's timely trip to Burma and its support of the recent U.N. statement. But the global community must do more. China must do more. And the United States must do more. We must not let the brutal crackdown bring an end to the desperate need for change in Burma.

So once again, I speak to lend my support to these peaceful protests and to call on the Burmese military to immediately begin working with Aung San Suu Kyi and the U.N. envoy, Ibrahim Gambari, to bring about peaceful change and democracy in Burma. It should also unconditionally release all political prisoners, including four recently detained dissidents, Htay Kywe, Mie Mie, Min Ko Naing, and Ko Ko Gyi.

I call on the ASEAN nations and the Governments of China, Thailand, and India to use their special relationships with the Burmese Government to once and for all start democratic change. ASEAN should consider suspending, even expelling, Burma under these circumstances, and Japan needs to apply even greater economic pressure.

I also call on the U.N. to tighten sanctions, including an arms embargo against the Burmese military. We in Congress should also do all we can to tighten our existing sanctions against Burma.

My colleague Senator MCCAIN has introduced important legislation to take such steps. I am pleased to enthusiastically cosponsor Senator MCCAIN's bipartisan efforts.

The circumstances in Burma couldn't be more compelling: A Nobel Peace Prize winner is held under house arrest for 12 of the last 18 years, held under house arrest even while her party wins a landslide election in the country; a brutal and corrupt military government pillages the country's economic wealth and its own children's future; and repeated attempts by the people through elections and peaceful demonstrations to bring about democratic change are extinguished.

No nation on Earth should support or protect this ghastly regime. No nation should trade one more item with these horrible leaders in the junta in Burma. And no nation should ever sell any arms to a regime which treats its people with such brutality.

Mr. President, I yield the floor.

## ALASKA DAY

Mr. STEVENS. Mr. President, today is Alaska Day, the day 140 years ago when our territory was officially transferred from Russia to the United States. That was the beginning of a long road towards the American dream for our State.

What was once called "Seward's folly" has become one of our Nation's great assets. Alaska has more than made good on Seward's initial investment. The Federal Government has collected enough revenue from the development of our resources to repay this investment hundreds and hundreds of times over.

Over the years, Alaskans have worked hard to realize our land's vast potential. And, while much remains to be done, we have much to celebrate.

We are working towards creating a climate for investment, attracting capital to develop and market our valuable natural resources. As our state grows, we are working to ensure that all Alaskans enjoy the benefits of a strong and vibrant economy.

Through programs such as the Denali Commission, we are building modern water and sewer facilities, health care centers and providing education and job opportunities to Alaskans in the far corners of our state.

Though many challenges lay ahead, today, we can look on our accomplishments and know that together we can continue making progress on the road to the American Dream.

## FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, pursuant to section 301 of S. Con. Res. 21, I previously filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for legislation reauthorizing the State Children's Health Insurance Program, SCHIP.

Congress cleared H.R. 976 on September 27, 2007. The President vetoed that legislation on October 3, 2007. Unfortunately, the House of Representatives was unsuccessful today in its attempt to override that veto. Consequently, I am further revising the 2008 budget resolution and reversing the adjustments previously made pursuant to section 301 to the aggregates and the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

| | |
|---|---|
| Section 101: | |
| (1)(A) Federal Revenues: | |
| FY 2007 | 1,900.340 |

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION—Continued

[In billions of dollars]

| | |
|---|---|
| FY 2008 | 2,015.841 |
| FY 2009 | 2,113.811 |
| FY 2010 | 2,169.475 |
| FY 2011 | 2,350.248 |
| FY 2012 | 2,488.296 |
| **(1)(B) Change in Federal Revenues:** | |
| FY 2007 | −4.366 |
| FY 2008 | −34.955 |
| FY 2009 | 6.885 |
| FY 2010 | 5.754 |
| FY 2011 | −44.302 |
| FY 2012 | −108.800 |
| **(2) New Budget Authority:** | |
| FY 2007 | 2,371.470 |
| FY 2008 | 2,495.877 |
| FY 2009 | 2,517.139 |
| FY 2010 | 2,570.687 |
| FY 2011 | 2,686.675 |
| FY 2012 | 2,721.607 |
| **(3) Budget Outlays:** | |
| FY 2007 | 2,294.862 |
| FY 2008 | 2,467.472 |
| FY 2009 | 2,565.763 |
| FY 2010 | 2,600.015 |
| FY 2011 | 2,693.749 |
| FY 2012 | 2,705.780 |

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In millions of dollars]

| | |
|---|---|
| **Current Allocation to Senate Finance Committee:** | |
| FY 2007 Budget Authority | 1,011,527 |
| FY 2007 Outlays | 1,017,808 |
| FY 2008 Budget Authority | 1,088,003 |
| FY 2008 Outlays | 1,082,326 |
| FY 2008–2012 Budget Authority | 6,065,057 |
| FY 2008–2012 Outlays | 6,056,617 |
| **Adjustments:** | |
| FY 2007 Budget Authority | 0 |
| FY 2007 Outlays | 0 |
| FY 2008 Budget Authority | −9,098 |
| FY 2008 Outlays | −2,412 |
| FY 2008–2012 Budget Authority | −47,678 |
| FY 2008–2012 Outlays | −34,907 |
| **Revised Allocation to Senate Finance Committee:** | |
| FY 2007 Budget Authority | 1,011,527 |
| FY 2007 Outlays | 1,017,808 |
| FY 2008 Budget Authority | 1,078,905 |
| FY 2008 Outlays | 1,079,914 |
| FY 2008–2012 Budget Authority | 6,017,379 |
| FY 2008–2012 Outlays | 6,021,710 |

## CLIMATE SECURITY ACT

Mr. BOND. Mr. President, today our friends and colleagues Senators LIEBERMAN and WARNER are introducing their bill to cap carbon emissions. I would like to outline some of the ways their approach will unfairly and unnecessarily hurt our most vulnerable families and workers.

To begin with, capping carbon will make more expensive what we all depend upon in our everyday lives. Our heating bills in the winter, air conditioning bills in the summer, every time we put gas in our cars; they will all be much more expensive under their plan.

While the rich can afford higher power bills, millions of struggling families cannot. Will we force them to choose between heating their homes or buying school clothes for their children?

I support higher Federal LIHEAP funding, but almost 30 million American families still cannot afford to pay their heating bills. How many millions more will suffer under this bill?

Millions of fixed-income seniors have no room in their budget for higher power bills. Will we force them to choose between air conditioning in the summer or buying their prescription medicine?

Blue collar workers supporting middle class families will also suffer when their manufacturing jobs flee the U.S. for cheaper energy sources in other countries.

Are we telling millions of auto assembly, steel, aluminum, plastics, fertilizer, cement, and lime workers we do not care about them supporting their modest families?

The Lieberman-Warner bill admits it hurts vulnerable families and workers and tries to help them through rebates funded by carbon auctions. But vulnerable workers cannot afford to pay higher energy bills now and wait months later for a rebate check. Where do they get the extra money to pay their higher energy bills now? What do they go without while they are waiting to get their rebate check later?

The whole carbon auction and rebate system is inherently unfair and unnecessary. Some push it so that companies will not see windfall profits. I oppose windfall profits too, but they are only possible in 14 States, mostly in the northeast and west coast where electricity markets are deregulated. In the other 36 states with regulated markets, utilities are prevented by law from reaping windfall profits.

That means a national carbon auction unfairly punishes 36 States in the midwest, mountain, west and south where there would be no problem. Mr. President, 36 States will pay higher energy bills then needed. Families and workers in 36 States will suffer unnecessarily. We must find a better way.

Europe, in their system, made the mistake of passing out more carbon allowances then needed. We can easily avoid that mistake.

As long as the obligation we impose to submit carbon allowances for carbon emissions is greater then the amount of allowances we pass out, there will be no surplus profits in those 36 regulated States.

We must address the issue of preemption. We will create havoc with a national carbon cap system on top of regional systems.

We also need to set up a liability system for sequestering carbon underground. We do not want to set up an impossible situation where we capture all this carbon and have nowhere to put it.

We need to guarantee that we will not harm low income families and vulnerable workers. Protections should kick in automatically at a set level, so that our struggling elements of society are not left to the whims of a fickle and vague cost containment system.

We need to calibrate any cap plan to the ability of technology to meet that plan" The welfare of millions are too important to roll the dice that low carbon solutions are around the corner. We also cannot inflict too much pain on struggling families and workers in the interim while we wait for those clean energy solutions to come on line.

There are many things we can do now to reduce carbon emissions. We have on the shelf or stuck in stalled legislative vehicles, measures to promote energy efficiency, promote low-carbon biofuels, cut vehicle emissions through aggressive but achievable stronger CAFE standards, require renewable and clean energy generation, increase renewable energy transmission, green buildings, carbon storage research and development, and clean energy research, development and deployment.

That is 8 different ways I am prepared to reduce carbon emissions today. So before we go down the road of hurting the poor, hurting vulnerable workers, sending jobs overseas, let us take advantage of what we have now. Let us get serious about our energy future and fund a Manhattan project for clean energy. Let us get to work where we can join together and do so now.

## SCHOOL SAFETY AND LAW ENFORCEMENT IMPROVEMENT ACT

Mr. LEAHY. Mr. President, more than 2 months ago, the Senate Judiciary Committee originated the School Safety and Law Enforcement Improvement Act of 2007, a legislative package that responds to the tragic deaths that occurred this past April, almost exactly 6 months ago, on the campus of Virginia Tech and to the ongoing problem of violence in our schools. We have attempted to show deference to Governor Kaine and the task forces at work in Virginia and to complement their work and recommendations. Working with several Senators, including Senators BOXER, REED, SPECTER, FEINGOLD, SCHUMER, and DURBIN, the committee originated this bill and reported it before the start of the academic year in the hope that the full Senate could pass these critical school safety improvements this fall.

Over the past few weeks, Senator SCHUMER and I have tried separately to pass the component of the bill designed to fix flaws in the Nation's background check system. Regrettably, our efforts were blocked by a single Senator.

I do not think the Senate should continue to stand by and wait for the next horrific school tragedy to make the critical changes necessary to ensure safety in our schools and on our college campuses. Risks of school violence will not go away just because Congress may shift its focus. In just the last few weeks we have seen tragedy at Delaware State, University of Memphis, and SuccessTech Academy in Cleveland, Ohio, as well as incidents in California, New York, Pennsylvania, and Oregon. I urge the Senate to move aggressively with the comprehensive school safety legislation. It includes background check improvements, together with other sensible yet effective safety improvement measures supported by law enforcement across the country. Accordingly, I urge the Senate to take up and swiftly pass S. 2084. If we are prohibited by objection from doing so by unanimous consent, then let us move to it and let those with objections seek to amend those provisions to which they object.

There are too many incidents at too many colleges and schools nationwide. This terrorizes students and their parents. We should be doing what we can to help. Just a few weeks ago, a troubled student wearing a Fred Flintstone mask and carrying a rifle through campus was arrested at St. John's University in Queens, NY, prompting authorities to lock down the campus for 3 hours. The next day, an armed 17-year-old on the other side of the country in Oroville, CA, held students hostage at Las Plumas High School, also resulting in a lock-down. The incidents have continued this month, with the arrest last week of an armed student suspected of plotting a Columbine-style attack on fellow high school students in Norristown, PA. Just today, in Happy Valley, OR, police arrested a 10-year-old student who brought a semi-automatic weapon into his elementary school. The students in these situations were lucky and escaped without injury.

University of Memphis student Taylor Bradford was not so lucky. He was killed on campus on September 30 in what university officials believe was a targeted attack. He was 21 years old. Shalita Middleton and Nathaniel Pew were not so lucky. They were both wounded during an incident at Delaware State. They are each only 17 years old. High school teachers Michael Grassie and David Kachadourian and students Michael Peek and Darnell Rodgers—all of whom were wounded by a troubled student at SuccessTech Academy on October 10—were not so lucky.

The School Safety and Law Enforcement Improvement Act responds directly to incidents like these by squarely addressing the problem of violence in our schools in several ways. The bill enlists the States as partners in the dissemination of critical information by making significant improvements to the National Instant Background Check System, known as the NICS system. The bill also authorizes federal assistance for programs to improve the safety and security of our schools and institutions of higher education, provides equitable benefits to law enforcement serving those institutions, and funds pilot programs to develop cutting-edge prevention and intervention programs for our schools. The bill also clarifies and strengthens two existing statutes—the Terrorist Hoax Improvements Act and the Law Enforcement Officers Safety Act—which are designed to improve public safety.

Specifically, title I would improve the safety and security of students both at the elementary and secondary school level, and on college and university campuses. The K–12 improvements are drawn from a bill that Senator BOXER introduced in April, and I want to thank Senator BOXER for her hard work on this issue. The improvements include increased funding for much-needed infrastructure changes to improve security as well as the establishment of hotlines and tip-lines, which will enable students to report potentially dangerous situations to school administrators before they occur.

These improvements can save lives. After the four students and teachers were wounded last week at SuccessTech Academy, the press reported that parents had been petitioning to get a metal detector installed and additional security personnel added, and that the guard who was previously assigned to the school had been removed 3 years ago. In fact, the entire City of Cleveland has just 10 metal detectors that are rotated throughout the city's more than 100 schools. Title I of the bill would enhance the ability of a school district to apply for and receive grant money to fund the installation of metal detectors and the training and hiring of security personnel to keep our kids safe. Over the past 4 years, this administration has spent over $15 billion to equip, train, and build facilities for the Iraqi security forces. Surely, Congress can stand up for American kids who face unrelenting school violence by supporting just a small fraction of this figure for much-needed school safety improvements.

To address the new realities of campus safety in the wake of Virginia Tech and more recent college incidents, title I also creates a matching grant program for campus safety and security to be administered out of the COPS Office of the Department of Justice. The grant program would allow institutions of higher education to apply, for the first time, directly for Federal funds to make school safety and security improvements. The program is authorized to be appropriated at $50,000,000 for the next 2 fiscal years. While this amounts to just $3 per student each year, it will enable schools to more effectively respond to dangerous situations on campus.

Title II of the bill seeks to improve the NICS system. The senseless loss of life at Virginia Tech revealed deep flaws in the transfer of information relevant to gun purchases between the States and the Federal Government. The defects in the current system permitted the perpetrator of this terrible crime to obtain a firearm even though a judge had declared him to be a danger to himself and thus ineligible under Federal law. Seung-Hui Cho was not eligible to buy a weapon given his mental health history, but he was still able to pass a background check because data was missing from the system. We are working to close gaps in the NICS system. Title II will correct these problems, and for the first time will create a legal regime in which disqualifying mental health records, both at the State and Federal level, would regularly be reported into the NICS system.

Title III would make sworn law enforcement officers who work for private institutions of higher education and rail carriers eligible for death and disability benefits, and for funds administered under the Byrne grant program and the bulletproof vest partnership grant program. Providing this equitable treatment is in the best interest of our Nation's educators and students and will serve to place the support of the Federal Government behind the dedicated law enforcement officers who serve and protect private colleges and universities nationwide. I commend Senator JACK REED for his leadership in this area.

Title IV of the bill makes improvements to the Law Enforcement Officers Safety Act of 2003. These amendments to existing law will streamline the system by which qualified retired and active officers can be certified under LEOSA. It serves us all when we permit qualified officers, with a demonstrated commitment to law enforcement and no adverse employment history, to protect themselves and their families wherever they may be.

Title V incorporates the PRECAUTION Act, which Senators FEINGOLD and SPECTER asked to have included. This provision authorizes grants to develop prevention and intervention programs for our schools.

Finally, title VI incorporates the Terrorist Hoax Improvements Act of 2007, at the request of Senator KENNEDY.

Let us go forward and act now on this important bill. The Virginia Tech Review Panel—a body commissioned by Governor Tim Kaine to study the Virginia Tech tragedy—recently issued its findings based on a 4-month long investigation of the incident and its aftermath. This bill would adopt a number of recommendations from the review panel aimed at improving school safety planning and reporting information to NICS. We must not miss this opportunity to implement these initiatives nationwide, and to take concrete steps to ensure the safety of our kids.

I recognize that there is no solution to fully end the sad phenomenon of school violence. But the recent tragedies should prompt us to respond in realistic and meaningful ways when we are presented with such challenges. I hope the Senate can promptly move this bill forward to invest in the safety of our students and better support law enforcement officers across the country.

## CHILDREN'S HEALTH INSURANCE

Mr. LAUTENBERG. Mr. President, I rise with pity and anger that this administration can be so insulated from reality that millions of American children will be denied health insurance because of the President of the United States and a small minority in the House of Representatives.

There was a critical vote in the House today: whether to override the President's veto of the children's health insurance bill.

Two hundred and eighty six votes were needed to override this veto, but we fell 13 votes short: 273 to 156.

One hundred and fifty six Members of the House of Representatives cowered to the President and turned their back on our children.

They turned their back on almost 4 million kids nationwide who would have gotten health care, including 100,000 in my home State of New Jersey.

And they cast these harmful votes against the will of the American people.

Eighty-one percent of the public supports this bill.

Yet the President's puppets in the House said no. They chose ideology over children.

They choose tax breaks for millionaires over a doctor's visit for a sick child.

They are more than willing to spend $12 billion a month on Iraq, but not $7 billion a year for children's health.

You have to question the moral priorities of those who oppose funding children's health care in America.

Civilized societies take care of their children. I believe we are a civilized society. I just think we have the wrong person in the White House.

It is time to put aside ideology and put the needs of American families first.

The only good news today is that the bill on the floor of the Senate right now puts families first.

This Labor-HHS appropriations bill will help children live longer, healthier, and more productive lives. It increases Head Start funding, medical research gets a boost and we are doing more to support critical education programs.

But despite all of these benefits, President Bush says he will veto this bill too.

I say: "shame."

## SHERIDAN CONSERVATION EASEMENT DEDICATION

Mr. ENZI. Mr. President, recently I got to participate in the dedication of the first conservation easement in Sheridan County, WY. I attended grade school in Sheridan and graduated from high school there. I earned the Boy Scout merit badges I needed to become an Eagle Scout while I lived there. One of the badges was bicycling. It required several 25-mile rides. My first ride of that length went from Sheridan to Big Horn and beyond. That ride was on the highway. Today it would be much more dangerous as the area has developed and more people drive. So I am glad for this new conservation easement—what I hope will be the first of many conservation easements—that will make it possible to go from Sheridan to Big Horn on a scenic path by the river that will provide safety and great views.

I want to congratulate the Volunteers of America for their great role in this achievement and "first." I want to thank and congratulate the Sheridan County Commission and the city of Sheridan, mayor and council for their great cooperation. I especially want to thank the members of the Sheridan Land Trust for their effort and vision. This is the kind of community, the kind of people, I remember growing up in Sheridan.

I was glad to play a small role in getting the 501c(3) certification for nonprofit status pushed through the system. I also did some work for conservation easements in, of all places, the pension bill last year. I got to chair the conference committee for the pension bill last year. At the end of the process, leadership from both sides of the aisle brought me a small tax package to include. I mentioned that I had a couple of small provisions I wanted included. One was a provision to get Wyoming abandoned mine land money released back to Wyoming. I found the power of a chairmanship. The abandoned mine land money will amount to $1.6 billion for Wyoming. Another provision included was for conservation easements—conservation easements that would make it possible for the average person to participate as well as those with a lot of money. The bad news is that act is available only until Dec 31 of this year—unless it gets extended. The good news is this bicycle-hiking-running-nature path could be finished from Sheridan to Big Horn this year with some tax incentives. I will be working to extend the incentive.

It is very important that I share with the Nation the words of Mayor Kinsky at the dedication of this first conservation easement in Sheridan County. It is the finest description of what we are trying to do that I have heard. Here is what he said:

> Look about you—the mountains, the creek, the wildlife. It is as God made it. This is how it was before we came. Because of what we do here today—preserving this place as it is, unspoiled—it will be here for those who follow us.
>
> There are those who say we inherited this place from our grandparents. I believe we are borrowing it from our grandchildren.
>
> As such, we have a duty to preserve—for them—the beauty that had drawn us here, and holds us here.
>
> Fifty years from now, the town will have changed. Coffeen Avenue will look different, our downtown will look different. But this area will look as we see it today.
>
> Future generations will not recall who we are, or what we say. But they will recap the benefit of what we do here today. We may hope that they will look out on what we have left them and say, "These were people of vision. These were people who cared about the future."
>
> It is proper that this be done in a manner fitting of the character of our people. This easement comes about not as a mandate of government, but as a gift—given with love—to the community and future.
>
> The purpose of the Sheridan Community Land Trust is to hold such gifts, preserving them for our heirs. It is our hope that many more in the community may be moved to make similar gifts to generations to come.
>
> With history the final judge or our deeds, we ask God's blessing and help, but knowing here on earth God's work must truly be our own.

Mayor Kinsky, thank you for those words. May they serve as a challenge and example to everyone to do what you and the greater Sheridan community have done.

## 35TH ANNIVERSARY OF THE CLEAN WATER ACT

Mr. FEINGOLD. Mr. President, today is the 35th anniversary of the Clean Water Act, one of this Nation's landmark environmental laws.

Since 1972, the Clean Water Act has provided essential protection for our Nation's waters that enhance and contribute to human health and well-being, the economy, and the environment. Yet as we celebrate the 35-year anniversary of the enactment of the Clean Water Act, Federal protections of surface waters that provide drinking water to an estimated 110 million Americans remain threatened until the U.S. Congress acts. Two recent U.S. Supreme Court cases have jeopardized the protection of these and many other of our Nation's waters by calling into question the Clean Water Act protections for entire categories of waters.

In the 2006 consolidated cases of Rapanos v. United States and Carabell v. Army Corps of Engineers, the U.S. Supreme Court left more than half of our Nation's waters without Federal protections. The impact of that decision is compounded by the 2001 case Solid Waste Agency of Northern Cook County v. Army Corps of Engineers, SWANCC, in which the U.S. Supreme Court limited the authority of Federal agencies to extend Clean Water Act protections to certain wetlands traditionally protected based on their use by migratory birds.

The implications of the recent Supreme Court decisions are disturbing for the safety of our drinking water, habitats for wildlife, and fragile ecosystems around the country. At the crux of the debate is the term "navigable waters," which the Supreme Court used to restrict the scope of the Clean Water Act in ways never intended by Congress. The fundamental purpose of the Clean Water Act of 1972 was to protect the Nation's waters from pollution rather than just sustain the navigability of waterways.

That is why Congress extended protections to "waters of the United States," and the Environmental Protection Agency's and Army Corps of Engineers' regulations have properly established the scope of waters—including all interstate and intrastate waters—needed to be protected in order to maintain the "chemical, physical, and biological integrity of the Nation's waters," as called for in the act. This goal cannot be achieved if Congress does not restore protections that the Supreme Court stripped from 53 to 59 percent of the total length of U.S. streams, excluding Alaska, and at least 20 million acres of so-called "isolated" wetlands in the lower 48 States, as estimated by the EPA.

It is important to understand that though the recent court cases focused on dredge and fill permits under section 404, the definition of "waters of the United States" is integral to the Federal Government's jurisdiction under the Clean Water Act as a whole. This definition is the linchpin for State water quality standards under Section 302 and Section 303, national performance standards under Section 306, toxic and pretreatment standards under Section 307, oil and hazardous substance liability under Section 311, aquaculture standards under Section 318, State water quality certifications under Section 401, and national pollution discharge permitting requirements under Section 402.

In light of these Supreme Court decisions, Congress must reaffirm the original intent of the Clean Water Act and our commitment to ensuring that Americans have clean, safe water. The Clean Water Restoration Act, which I have introduced, will reestablish protection for all waters historically covered by the Clean Water Act. It will end the legal wrangling over the definition of waters protected by the original Clean Water Act by defining "waters of the United States" based on the long-standing definitions in EPA and U.S. Army Corps regulations.

It is a straightforward, surgical fix. Unfortunately, special interest and industry groups that opposed the Clean Water Act in 1972 are back at it again, trying to sabotage any legislation that restores critical clean water protections. They are making claims that "every wet area" will be regulated, which could not be further from the truth—from the downright silly accusation that swimming pools will be regulated to the flat-out incorrect accusation that ground water will be regulated. My legislation does not broaden the scope of the Clean Water Act.

Congress should not stand aside while the courts roll back more than 30 years of Federal protections for our waters. On the 35th anniversary of the enactment of the Clean Water Act, we must step in to bring clarity to a law left murky by the U.S. Supreme Court.

## SPECIAL OLYMPICS

Mr. CRAIG. Mr. President, I have come to the floor today to talk about something very important—the Special Olympics World Winter Games.

It is a privilege for all of us in Idaho to be a part of these games as the host for the 2009 worldwide games. And it has been an honor for me personally to be involved with this wonderful organization. I know the people of Idaho are looking forward to welcoming the world to our great State.

I especially want to thank Senator HARKIN for his help. He has been a tremendous advocate for the Special Olympics. And from what I understand, he is a big fan of the games in his home state of Iowa, where they recently hosted the National Summer Games. Senator, thank you.

I think we all know that the Special Olympics is a first-class organization. Its sole purpose is to enrich the lives of literally millions of people across the world. Through training and competition, individuals with intellectual disabilities have a chance to become physically fit, productive and respected members of society.

However, Special Olympics is responsible for much more than games and competition . . . it is about quality of life. The Special Olympics Healthy Athletes Program, developed over a decade ago, focuses on health, fitness, and well-being of people with and without disabilities. Last year this program made it possible to conduct more than 135,000 health screenings. Just this month, at the World Summer Games in China, medical volunteers provided free dental, vision, and hearing exams. Clearly, the games are more than just a sporting event they provide services to promote better fitness and health care.

So when the Special Olympics asked me to help with the Idaho Winter Games, it is easy to see why I considered it a great honor.

Now, hosting the largest multiday winter sports competition ever held in the United States isn't easy—and it isn't cheap. There is a tremendous amount of work going on behind the scenes. It requires a lot of manpower and resources to prepare the infrastructure and organize housing, meals, and transportation for participants from all over the world. As a world-class nonprofit organization, Special Olympics relies mostly on in-kind gifts and services. Raising enough money to pull off such a large event is a daunting task, to say the least.

This is why I am pleased that the Senate Appropriations Committee has provided the Idaho Special Olympic Winter Games with some much-needed funding. This critical financial assistance will make these games possible. It will make it possible for some truly remarkable athletes to compete.

Again I would like to thank both Senator HARKIN and Senator SPECTER for their devotion to the Special Olympics. Their work will make these games a success. And while I am on the floor, I would like to invite my colleagues to come to Idaho—to experience the magic of an Idaho winter and to experience the magic of the Special Olympics.

## ADDITIONAL STATEMENTS

### RECOGNIZING JOHN HALL

• Mr. KOHL. Mr. President, I would like to take time to recognize Mr. John Hall of Middleton, WI, on being awarded the French Legion of Honor for his extraordinary bravery in liberating France during the Second World War. The Legion of Honor is the highest honor awarded by the nation of France.

In December 1942, at the age of 18, Mr. Hall enlisted in the military. He took part in military campaigns in Italy, the Rhineland, and the south and east of France. He was wounded in September 1944.

The Second World War has so much significance in modern history. An entire generation rallied together to defend the rights of freedom and liberty, not just for the United States but for the entire world. The world in which we live was shaped by the actions of these brave soldiers.

Mr. Hall is a member of our Greatest Generation that built modern America. Their efforts kept us safe and allowed our communities to flourish. These heroes were united in the common values of duty, honor, service and love of country. As a nation, we are forever grateful for the sacrifices and courage of these brave veterans of the Second World War.

On behalf of our State and Nation, I congratulate Mr. John Hall and his family on this prestigious honor and thank him for his brave service.•

### RECOGNIZING JAMES PELLETIER

• Mr. KOHL. Mr. President, I would like to take this time to congratulate Mr. James Pelletier of Rhinelander, WI, on being awarded the French Legion of Honor for his extraordinary bravery in liberating France during the Second World War. The Legion of Honor is the highest honor awarded by the nation of France.

In December of 1942, at the age of 18, Mr. Pelletier joined the U.S. Army. He took part in military campaigns in northern France and in the Ardennes Raid. He participated in battles to help the allies take back many cities, including Nogent, Conches and Versailles.

The Second World War has so much significance in modern history. An entire generation rallied together to defend the rights of freedom and liberty, not just for the United States but for the entire world. The world in which we live was shaped by the actions of these brave soldiers.

Mr. Pelletier is a member of our Greatest Generation that built modern America. Their efforts kept us safe and allowed our communities to flourish. These heroes were united in the common values of duty, honor, service and love of country. As a nation, we are forever grateful for the sacrifices and courage of these brave veterans of the Second World War.

On behalf of our State and Nation, I congratulate Mr. James Pelletier and his family on this prestigious honor and thank him for his brave service.•

### RECOGNIZING JAMES HICKEY

• Mr. KOHL. Mr. President, I would like to take this time to honor Mr. James Hickey of Green Bay, WI, on being awarded the French Legion of Honor for his extraordinary bravery in liberating France during the Second World War. The Legion of Honor is the highest honor awarded by the nation of France.

In June 1943, at the age of 18, Mr. Hickey joined the military. In August of 1944, he was sent overseas to France where he participated in military campaigns in southern France and the Rhineland. He was wounded on December 12, 1944.

The Second World War has so much significance in modern history. An entire generation rallied together to defend the rights of freedom and liberty, not just for the United States but for the entire world. The world in which we live was shaped by the actions of these brave soldiers.

Mr. Hickey is a member of our Greatest Generation that built modern America. Their efforts kept us safe and allowed our communities to flourish. These heroes were united in the common values of duty, honor, service and love of country. As a nation, we are forever grateful for the sacrifices and courage of these brave veterans of the Second World War.

On behalf of our State and Nation, I congratulate Mr. James Hickey and his family on this prestigious honor and thank him for his brave service.•

### RECOGNIZING LYLE SOLCHENBERGER

• Mr. KOHL. Mr. President, I would like to take this time to recognize and honor Mr. Lyle Solchenberger of Lake Mills, WI, on being awarded the French Legion of Honor for his extraordinary bravery in liberating France during the Second World War. The Legion of Honor is the highest honor awarded by the nation of France.

In April of 1943, at the age of 21, Mr. Solchenberger enlisted in the military. He participated in military campaigns in central Europe and the Rhineland and fought for the liberation of several cities.

The Second World War has so much significance in modern history. An entire generation rallied together to defend the rights of freedom and liberty, not just for the United States, but for the entire world. The world in which we live was shaped by the actions of these brave soldiers.

Mr. Solchenberger is a member of our Greatest Generation that built modern America. Their efforts kept us safe and allowed our communities to flourish. These heroes were united in the common values of duty, honor, service and love of country. As a nation, we are forever grateful for the sacrifices and courage of these brave veterans of the Second World War.

On behalf of our State and Nation, I congratulate Mr. Lyle Solchenberger and his family on this prestigious honor and thank him for his brave service.•

### RECOGNIZING STEPHEN KELLMAN

• Mr. KOHL. Mr. President, I would like to take this time to recognize and honor Mr. Stephen Kellman of Weston, WI, on being awarded the French Legion of Honor for his extraordinary bravery in liberating France during the Second World War. The Legion of Honor is the highest honor awarded by the nation of France.

In May 1943, at the age of 20, Mr. Kellman joined the military. Despite being wounded in June of 1944, Mr. Kellman actively participated in military campaigns in northern France and Normandy.

The Second World War has so much significance in modern history. An entire generation rallied together to defend the rights of freedom and liberty, not just for the United States, but for the entire world. The world in which we live was shaped by the actions of these brave soldiers.

Mr. Kellman is a member of our Greatest Generation that built modern America. Their efforts kept us safe and allowed our communities to flourish. These heroes were united in the common values of duty, honor, service and love of country. As a nation, we are forever grateful for the sacrifices and courage of these brave veterans of the Second World War.

On behalf of our State and Nation, I congratulate Mr. Stephen Kellman and his family on this prestigious honor and thank him for his brave service.•

### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2007.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of

United States persons and by depriving them of access to the U.S. market and financial system.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 18, 2007*.

## MESSAGE FROM THE HOUSE

At 2:48 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2095. An act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 222. Concurrent resolution commending NASA Langley Research Center in Virginia on the celebration of its 90th anniversary on October 26 and 27, 2007.

The message further announced that the House of Representatives having proceeded to reconsider the bill (H.R. 976) entitled "An Act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill did not pass, two-thirds of the House of Representatives not agreeing to pass the same.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2095. An act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 225. Concurrent resolution honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities; to the Committee on Commerce, Science, and Transportation.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 2102. An act to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

S. 2179. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

S. 2180. A bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

S. 2184. A bill to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.

S. 2185. A bill to permanently extend the current marginal tax rates.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2198. A bill to require the Architect of the Capitol to permit the acknowledgment of God on flag certificates.

S. 2205. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. HARKIN, Mr. COLEMAN, Mrs. DOLE, Ms. COLLINS, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. CASEY):

S. 2191. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 2192. A bill to establish a user fee for follow-up reinspections under the Federal Food, Drug, and Cosmetic Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARTINEZ (for himself, Mr. VOINOVICH, Mr. DEMINT, Mr. GRAHAM, Mr. CORNYN, Mr. THUNE, Mr. SESSIONS, Mr. INHOFE, and Mr. CHAMBLISS):

S. 2193. A bill to provide for a 5-year SCHIP reauthorization for coverage of low-income children, an expansion of child health care insurance coverage through tax fairness, and a health care Federalism initiative, and for other purposes; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. CONRAD):

S. 2194. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a partnership between the Department of Education and the National Park Service to provide educational opportunities for students and teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 2195. A bill to amend the Internal Revenue Code of 1986 to extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. ROBERTS):

S. 2196. A bill to amend the Internal Revenue Code of 1986 to extend the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Finance.

By Mr. AKAKA (for himself and Mrs. CLINTON):

S. 2197. A bill to establish the Federal Labor-Management Partnership Council; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEMINT (for himself, Mr. GRAHAM, Mr. INHOFE, Mr. COLEMAN, Mr. ENZI, Mr. MCCONNELL, Mr. GREGG, Mr. ALLARD, and Mr. SUNUNU):

S. 2198. A bill to require the Architect of the Capitol to permit the acknowledgment of God on flag certificates; read the first time.

By Mr. KERRY:

S. 2199. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain foreign nonqualified deferred compensation; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. JOHNSON, and Mr. TESTER):

S. 2200. A bill to authorize the use of Federal funds for flexible financing of Indian tribal municipal, rural, and industrial water system construction projects by certain federally recognized Indian tribes; to the Committee on Indian Affairs.

By Mr. COLEMAN:

S. 2201. A bill to provide for the penalty-free use of retirement funds for mortgage delinquency relief; to the Committee on Finance.

By Mr. REID (for Mr. OBAMA (for himself and Mr. HARKIN)):

S. 2202. A bill to amend the Clean Air Act to increase the renewable content of gasoline, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN:

S. 2203. A bill to reauthorize the Uranium Enrichment Decontamination and Decommissioning Fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself and Mrs. BOXER):

S. 2204. A bill to assist wildlife populations and wildlife habitats in adapting to and surviving the effects of global warming, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. HAGEL, and Mr. LUGAR):

S. 2205. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; read the first time.

By Mrs. FEINSTEIN (for herself, Mr. BENNETT, Mr. KERRY, Mr. DURBIN, Mr. LEVIN, Ms. STABENOW, Mr. DODD, and Mr. NELSON of Florida):

S. 2206. A bill to provide technical corrections to Public Law 109-116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes; considered and passed.

By Mr. SCHUMER (for himself, Mr. SPECTER, Mr. COCHRAN, and Mr. HARKIN):

S.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. DODD, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. STEVENS, Mr. ROCKEFELLER, Mr. COCHRAN, Mr. DURBIN, Ms. MURKOWSKI, Mr. BIDEN, Mr. ENZI, Mr. PRYOR, and Ms. STABENOW):

S. Res. 351. A resolution designating the week beginning October 21, 2007, as "National Character Counts Week"; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. LUGAR, and Mr. BIDEN):

S. Res. 352. A resolution expressing the sense of the Senate regarding the 20th anniversary of United States-Mongolia relations; considered and agreed to.

By Mr. SUNUNU (for himself, Mr. KERRY, Mr. LUGAR, Mr. BIDEN, Mr. COLEMAN, Mr. DODD, Mr. HAGEL, Mr. KENNEDY, Mr. MARTINEZ, Ms. SNOWE, Mr. SMITH, Mr. BOND, Mr. MENENDEZ, Mr. COBURN, Mr. LEVIN, Mr. VOINOVICH, Mrs. FEINSTEIN, and Ms. STABENOW):

S. Res. 353. A resolution expressing the sense of the Senate regarding the importance of a sovereign, democratic, and prosperous Lebanon and the need for free and fair presidential elections in Lebanon without intimidation or foreign interference; considered and agreed to.

By Mr. WARNER (for himself and Mr. WEBB):

S. Con. Res. 50. A concurrent resolution commending NASA Langley Research Center in Virginia on the celebration of its 90th anniversary on October 26 and 27, 2007; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mrs. BOXER, Mr. BURR, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. SPECTER, Mr. INOUYE, Ms. STABENOW, Mr. WHITEHOUSE, Mr. PRYOR, and Mr. CARPER):

S. Con. Res. 51. A concurrent resolution supporting "Lights On Afterschool!", a national celebration of after school programs; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 65

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 311

At the request of Ms. LANDRIEU, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 407

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 407, a bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate a portion of Interstate Route 14 as a high priority corridor, and for other purposes.

S. 515

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 515, a bill to provide a mechanism for the determination on the merits of the claims of claimants who met the class criteria in a civil action relating to racial discrimination by the Department of Agriculture but who were denied that determination.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 884

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 884, a bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1850

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1850, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes.

S. 1858

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1895

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1921

At the request of Mr. WEBB, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1958

At the request of Mr. CONRAD, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 2033

At the request of Ms. KLOBUCHAR, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2033, a bill to provide for greater disclosure to, and empowerment of, consumers who have entered into a contract for cellular telephone service.

S. 2038

At the request of Ms. KLOBUCHAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2038, a bill to prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2086

At the request of Mr. LOTT, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Oklahoma (Mr. COBURN), the Senator from Colorado (Mr. ALLARD), the Senator from Georgia (Mr. ISAKSON), the Senator from South Carolina (Mr. DEMINT) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2086, a bill to amend title XXI of the Social Security Act to extend funding for 18 months for the State Children's Health Insurance Program (SCHIP) and for other purposes.

S. 2139

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2139, a bill to amend title 38, United States Code, provide educational assistance under the Montgomery GI Bill for members of the National Guard and Reserve who serve extended period of continuous active duty that include a prolonged period of service in certain theaters of operation, and for other purposes.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2172

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S. 2189

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2189, a bill to provide for educational opportunities for all students in State public school systems, and for other purposes.

S.J. RES. 20

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S.J. Res. 20, a joint resolution to disapprove a final rule of the Secretary of Agriculture relating to the importation of cattle and beef.

AMENDMENT NO. 3320

At the request of Mr. COBURN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 3320 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3321

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 3321 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3328

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 3328 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3333

At the request of Mr. THUNE, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3333 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3335

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 3335 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3342

At the request of Mr. ENSIGN, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 3342 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3348

At the request of Mr. BROWN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 3348 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. BUNNING, his name was added as a cosponsor of amendment No. 3348 proposed to H.R. 3043, supra.

AMENDMENT NO. 3349

At the request of Mr. BROWN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3349 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. HARKIN, Mr. COLEMAN, Mrs. DOLE, Ms. COLLINS, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. CASEY):

S. 2191. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, for me, today is one of the most important days in my career because, with the introduction of the Lieberman-Warner bill, today will be remembered, in my view, as the turning point in the fight against global warming. Let me explain why I make that very sweeping statement.

First, this bill represents a bipartisan breakthrough on the Senate Environment and Public Works Committee. When I took the gavel of the committee 9 months ago, I said that global warming was the challenge of our generation, a challenge that I believed our committee could meet with knowledge, with bipartisanship, and in pursuit of that knowledge we have held 18 global warming hearings and 2 scientific briefings this year in the Environment Committee.

At our very first hearing in January, we invited all Senators to come to the committee and share their perspectives. More than one-third of the Senate took part in that historic event. Since then, we have heard from more than 120 witnesses, ranging from utility executives, Silicon Valley entrepreneurs, venture capitalists, religious leaders, and Nobel Prize winners. Indeed, yes, we had Al Gore, we had members of the Intergovernmental Panel on Climate Change, and we also heard from business community leaders who have formed the U.S. Climate Action Partnership. We heard from mayors, Governors, and leaders of both parties, from many different States, cities, and counties across America.

Then a wonderful thing happened: Senator JOHN WARNER, who is the ranking member on Senator LIEBERMAN'S Global Warming Subcommittee, decided it was time that he play a lead role in crafting a landmark environmental law which will take its place beside the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and other great bipartisan environmental legislation.

Senator WARNER, this decision of yours is giving heart and hope to literally not only the people of the United States of America but all the people who share our planet. I know in your beautiful State of Virginia how proud they are. We had a hearing with you and with Senators MIKULSKI and CARDIN, and we heard about the impact of global warming already taking place on the Chesapeake. Your Governor was also there. So this is a great moment.

I cannot tell you how touched and moved I am that Senator WARNER has joined Senator LIEBERMAN. It is a wonderful moment in history. This, I believe.

We would never leave a child alone in a hot, locked car, and I believe the Senate Environment and Public Works Committee will not leave this issue of global warming burning for another generation to address. It is our responsibility, and we must act.

Today, with the introduction of this bill, we are taking the first immensely important legislative step to meet the challenge of global warming with hope and not with fear and with approaches that are carefully thought out and some already successfully tried out, like a cap-and-trade system that has been so successful in addressing acid rain. Also in this bill, which I am very proud of, is a section on energy efficiency, which has been so effective in lowering per capita energy use, costs, and greenhouse gas emissions in my own home State of California.

For the past 50 years, the United States of America has been the world leader in environmental protection. Laws such as the Clean Water Act, Clean Air Act, Safe Drinking Water Act, Endangered Species Act, and the Superfund Act have achieved so much for our Nation and so much for our people. They have cleaned up our rivers and lakes, improved the quality of our air, and protected our drinking water supplies. Each of those laws—if you go back and study them—became a reality because Congress started on the path that, over time, would lead to enactment of strong legislation. The same is true for what we face today in global warming. We must start on the path to pass strong legislation.

I have been working very closely with Senators WARNER and LIEBERMAN as they have assembled their bill, as have many other colleagues. I praise my friends for including so many people, including the occupant of the chair, Senator CASEY, who was quite involved in crafting the green jobs portion of the bill. I have been so impressed with the effort they have invested, seeking out the views not only of other Senators but outside groups and business leaders, environmentalists, everybody, pro and con, with whom they have met. They have put great work into this effort. I am proud of that.

In my own conversations with them, I have laid out some important principles that I believe must be reflected in legislation to address this challenge.

First, the most important thing is that any bill has to include real, mandatory cuts in global warming pollution. Any bill we pass must set the Nation on the path to achieving the emissions reductions that will avoid dangerous climate change. Under the Lieberman-Warner bill, we anticipate reaching 1990 emissions levels by 2020. This will send a strong early signal to the marketplace, which is a very important part of getting where we need to go.

The second necessary element is the flexibility to respond to new information because all of us know that daily we face new reports, new scientists telling us new things we didn't know before. So I ask my colleagues if they would include what I call a look-back provision in the bill. The bill must include provisions for continuing to review the science. We want to have our work based on science, and it has to happen at regular intervals. We have to know whether we are doing enough, too much, or if we have to do even more.

Third, we must establish a cap-and-trade program for global warming pollution like the one that worked so well in curbing acid rain. A cap-and-trade system will put a market price on carbon, driving greater efficiency and new technology, while reducing greenhouse gas emissions.

Fourth, we must protect the pioneering State efforts that are already underway. The States have been leading the way on this issue and doing it in the most bipartisan fashion. In my own State of California, we have seen trailblazing there with a Republican Governor and a Democratic legislature. I believe my State has the gold standard bill. A total of 29 States have completed comprehensive climate action plans, and many have set mandatory reduction targets. We don't want to interfere with their work.

Fifth, it is a moral imperative to do what we can to ease the impacts of global warming—not only on the American consumer but on world populations suffering from drought, floods, and famine. The religious community has worked very closely with all of us on this moral imperative.

Finally, a bill must take into account the actions of countries that are not making progress toward a clean, sustainable energy future and must help level the playing field. Countries that want to export goods into the United States must take steps consistent with our global warming policy or be accountable for their emissions.

All of these elements I have mentioned are included in the Lieberman-Warner bill. Some of us may want to make them stronger, and some of us may want to make them weaker. But here is the important point: We have the framework. Every single issue anyone could raise about global warming has been raised and addressed in this bill, giving us a perfect place to start.

I thank all of my colleagues who have introduced bills to deal with global warming. Each bill has made an important contribution to the debate, and

I know each bill has helped Senators WARNER and LIEBERMAN craft an excellent piece of legislation. We have this framework. We can build on it; it embodies all of the key concepts. The bipartisan progress on the bill is a reflection of how far we have come and brings us that much closer to the day we will have comprehensive legislation to deal with this great challenge of our generation.

It is with great pride that I yield the floor to Senator JOE LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the distinguished chair of our Environment Committee. I thank her for her very kind and informed remarks, but, more broadly, I thank her for the steadfast encouragement she has given to Senator WARNER and me and for her principled, passionate, and very effective leadership. She understands that global warming is real and wants to use the chairmanship she has now to see that we, together, fashion a solution to this very real problem. I thank her.

I hope and believe myself that she is right—that we will look back on this day, as we stand here together across party lines to introduce this legislation, as the beginning of something very significant that finally happened. I have said before, and I will say it again, at this moment, I feel as if we had been in a race between tipping points. The challenge would be that we get to the political tipping point where we could come together and do something about global warming before we reach the environmental tipping point, after which it would be harder to avoid the worst consequences of global warming.

I think today we have begun to reach that political tipping point, and there is no one who is more responsible for that than the senior Senator from Virginia, my dear friend, JOHN WARNER. His partnership with me on this and his commitment to get this done have made all the difference.

I am pleased to stand with my friend from Virginia to announce today the introduction of the America's Climate Security Act. I am proud to also say that we have five original cosponsors—Senators CARDIN, COLEMAN, COLLINS, DOLE, and HARKIN. The doors are wide open for additional cosponsors as this day and the days after go on.

This day comes after several months of work with Senator WARNER, with our staffs, with stakeholders, environmentalists, business community people, and numerous hearings before the Environment and Public Works Committee.

This legislation, S. 2191, America's Climate Security Act, is the result of all that work. It is a pleasure now to yield to the aforementioned great Senator from Virginia, JOHN WARNER.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. Mr. President, I first thank our distinguished chairwoman from California. From the very moment she seized the reins of the chairmanship of this committee, she indicated a strong desire to address this problem.

I thank my colleague from Connecticut. He is the chairman of the subcommittee with primary jurisdiction over this matter. I purposely chose, as the longest serving member on the Environment and Public Works Committee on the Republican side, to be ranking for the purpose of this day coming to the floor of the Senate and indicating to our colleagues that we had formulated a starting point for the Congress to assume its leadership which I believe, as a coequal branch of our Government, we have.

I am proud of the achievements we have made to date. I shall address them further, but at this time, I yield the floor to our distinguished colleague, Senator INHOFE, the ranking member of the full committee, and thank him. While we differ on the substance of these matters procedurally and we work our will in the subcommittee and eventually the full committee, I do hope we can have his cooperation.

Mr. President, at this time, I ask that the hour for this debate be extended from 10:30 a.m. to 10 minutes to 11 to accommodate Senator INHOFE, who now will give his remarks, and then Senator COLLINS and Senator ALEXANDER.

Once again, I thank my distinguished chairman and ranking member. We are off, we are out of the starting gate.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma.

Mr. INHOFE. First of all, Mr. President, I had to come down here. Quite frankly, I didn't find out until last night—actually, until this morning, really—any of the parameters of this bill. My good friend from Connecticut just said they have been working on it for months and months, and yet nobody knows what it is. So only this morning I received some information.

I see it is very similar to the McCain-Lieberman bill that passed. I remember we stood here and debated that bill for 5 days, I guess it was, a couple of years ago. I hope—and with the chairman of the Environment and Public Works Committee here—that we are going to have hearings on this legislation and spend some time, get into it because we do not get into something this big without hearing very significant issues.

I will give a couple examples. First, let me ask a question. How much time do I have, I ask my friend from Virginia?

Mr. WARNER. Mr. President, my understanding is the Senator wants 5 or 6 minutes.

Mr. INHOFE. I will go ahead. That is fine. I will initially mention a couple of points that are of concern to me.

First, this has been something my colleagues have worked on for a long period of time. I understand that is true because I have heard my friend from Virginia tell that to me and others on the committee. But we really didn't find out what it is.

I am reading something that came out of the Congressional Quarterly this morning. One sentence:

> Emissions caps would start at the 2005 level in 2012 and decrease annually, reaching the 1990 levels in 2020 and 65 percent below 1990 levels in 2050.

I assume that is an accurate description.

Mrs. BOXER. Yes.

Mr. LIEBERMAN. Mr. President, the Senator from Oklahoma is correct.

Mr. INHOFE. As I recall, the other bill we had 2 years ago was that emissions caps would start at the 2004 level by 2012, and there was no intermediate step at that time. So it went down to one-third below the baseline by 2050. That is my understanding. I think that is accurate. So there is not that much difference. If anything, it is lower because this is one-third below the baseline, and this one is 65 percent below. It would be even more of a cut by 2050.

The reason I bring up this point is because these issues don't happen in a vacuum. These are issues that are very costly. The term "tipping point" was used recently. I agree there is a tipping point, and I am going to be reserving more than 2 hours in the next few days on the floor, and I don't want my good friends to endure the whole 2 hours but at least give consideration to what is happening right now, and it is unbelievable.

I have never seen such a change in science as we have witnessed in the last 5 months. The entire speech I am going to give is talking about what has happened in the last 5 months. Let me give an example.

In August alone, the University of Washington claims to be "the first to document a statistically significant globally coherent temperature response to the solar cycle." They came out and said it is due to natural causes. They were on the other side of this issue before.

A Belgium weather institute, August 27—all of this is in August of this year, 2 months ago—natural causes.

A peer-reviewed study published in "Geophysical Research Letters" finds natural causes.

Here is a significant one now because over and over, I say to my good friend from California, we have heard that 1998 was the hottest year. Now NASA has come along and said, no, it was 1934. Interestingly enough, 1934 precipitated the largest increase in $CO_2$ going into the atmosphere. After 1940, there was an 80-percent increase going into the atmosphere.

But here is the one, if my colleagues are not listening to anything else, and I have a feeling they are not, I say to my friend from California.

Mrs. BOXER. Yes, I am with you.

Mr. INHOFE. Listen to one point. I appreciate it. In the same month, August, they peer-reviewed scientific literature, all of the literature from 2004 to 2007. In this report—this is 539 papers. These were the same ones used before as an example of what is going on. This is what they are going to review. It has not been released yet. It was done in August:

> Less than half of all published scientists endorse the global warming theory.

Less than half. Then it says:

> Of 539 total papers of climate change, only 38—

That is 7 percent "gave an explicit endorsement" that man is the major cause of climate change. That is huge. That wasn't here until August of this year.

I only bring these points out to say that anyone who says the science is settled to at least give me their attention for 2 hours. I will be talking about these issues.

Here is what the American people need to know. I don't know what the cost of this would be if we were to pass the Warner-Lieberman bill. I have no way of knowing because I didn't see it until this morning. No one has made an evaluation. If we go back to the old Kyoto reductions, the Wharton Economic Survey said it would cost the average family of four in America $2,700 a year. Then when MIT came out addressing the two bills—the Boxer bill that is not yet introduced—it would cost the energy system, it would increase the cost of energy an amount equal to $4,500 for a family of four, and this bill apparently, or at least the old McCain-Lieberman bill, which this is very similar to but a little bit more aggressive in the later years, it would be $3,500 per family of four.

I remember coming down to this floor, I say to my good friend from Tennessee, back in 1993 during the largest tax increase in the last few years prior to that. It was called the Clinton-Gore tax increase. It was an increase that was equal to about $300 per family of four. Here we are talking about something that will be 10 times the largest tax increase in the last three decades.

This fact cannot be ignored if there is some question in terms of science. They will say there is not, that it is settled. I am going to be quoting facts that will shoot that down, and people should look at it. We have to realize we have a lot of families in America, and we have to consider what kind of a tax increase this will impose on them.

My hope is this—and I say this to the chairman of the Environment and Public Works Committee who will be joining me in about 3 minutes in a hearing—let's have some hearings on this legislation. Let's bring it out. Let's really spend some time because this is very significant if we are looking at something that is going to cost the average taxpayer something like 10 times the largest tax increase we have experienced in this country. I look forward to it.

Mrs. BOXER. Mr. President, I will take 1 minute. As I said to Senator LIEBERMAN, before Senator INHOFE and I go to a hearing we are having in the Environment and Public Works Committee, I thank my colleagues for participating in this conversation. Senator INHOFE is right. This is a very important moment in time. The cost of doing nothing, according to the leading economist on this topic in the world, Nicholas Stern, is five times what the cost will be to address this issue now. So let's be wise about what we do.

The second point is, I am looking forward to Senator INHOFE's 2 hours on the Senate floor. I really am. Mr. President, I say to Senator INHOFE, I am giving him a compliment.

I said, I am looking forward to hearing Senator INHOFE for 2 hours on the Senate floor, and I hope he will stay for my 2 hours when he is done. I will, in fact, do that because many of the points Senator INHOFE makes—it is cherry-picking information.

I think it is very important that we have this debate. In many ways, it is good we are chairman and ranking member—and the last time it was the opposite—because I do think certainly the Senate gets the benefit of the broad viewpoint on this subject of global warming.

I yield the time back to Senator LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the chairman of the committee, and I thank the Senator from Oklahoma. Obviously, we are going to have a spirited debate on this subject.

What I want to say is the pleasure I have in having announced the seven original cosponsors. As Senator INHOFE indicated, I had partnered with Senator MCCAIN on an earlier version of a climate change bill. We brought it before the Senate twice. It failed twice.

To me, the most remarkable and specific fact today that gives me encouragement is of the seven original cosponsors—that is, Senator WARNER and I and the five others who have just come forward without us reaching out to them—four of those seven voted against one or both of the iterations of the McCain-Lieberman bill. So this issue is moving in the right direction. It is moving in the right direction because we have answered in this bill some of the questions and concerns that Senator INHOFE expressed about the economic consequences.

First, I wish to say America's Climate Security Act is for real. It achieves necessary emissions by putting a cap on America's greenhouse gas emissions over electric power, transportation, and manufacturing sources that account for 75 percent of U.S. greenhouse gas emissions and by strengthening energy efficiency standards for appliances and buildings.

I note the presence on the floor of our colleague from Tennessee, Senator ALEXANDER. I know this was of particular interest to him. He made a significant contribution to this bill in that regard.

Now, what does this achieve? It does what we have to do. It doesn't do everything everybody wants to do. I have already heard from some who have said it doesn't go far enough. But let me set up this standard: The Intergovernmental Panel on Climate Change, the group of more than 2,000 scientists from around the world who just shared the Nobel Prize with our former colleague Al Gore, has said the goal should be to keep the concentration of greenhouse gases in the atmosphere below 500 parts per million, because that will avoid what they describe as the high risk of severe global warming impacts here in the United States, which obviously has to be our first concern, but also around the world.

I am pleased to say that if you take the Environmental Protection Agency's analysis of the McCain-Lieberman bill and apply it to this bill that Senator WARNER and I are introducing, you will find the concentration of greenhouse gases will be well below that danger level of 500 parts per million by the end of the century.

Secondly, Senator WARNER and I are as committed to promoting and sustaining American prosperity as we are to protecting America's environment and the global environment from the danger of climate change. Senator INHOFE made an interesting point. This is different from McCain-Lieberman, which had big jumps, or I should say big drops in greenhouse gas emissions. We create a steady glidepath down, and that is going to be easier for the sources of emissions to deal with.

Yes, we set a good solid goal in 2020 to make it clear that this is real, a 20-percent reduction, bringing us back down to where the 1990 levels were. So it is real, but it moves slowly. And in this cap-and-trade system, with the auctioning of credits and the opportunity to subsidize some and provide free credits to other businesses while they are in the transition, we are going to smooth the impact.

We have also created a mechanism—a carbon market efficiency board, very creative—which comes out of work Senator WARNER did with Senators GRAHAM, LANDRIEU, and LINCOLN, a kind of Federal Reserve Board for climate change cap and trade, which can step in during times of economic stress to smooth this out so the American economy will continue to grow. And, of course, the basic premise here—cap and trade—is to set the standard: Reduce greenhouse gas emissions. Make sure you are reducing them.

Others have said: Why don't we pass a carbon tax? Well, I suppose a carbon tax would reduce carbon-emitting fossil fuels, but we don't know that for sure. Look how the demand for gasoline has stayed up even as the price has gone up. So you don't want to tax people without a certainty of result. Mandatory cap and trade guarantees the result: We want to protect our environment, our lives, our health, our wildlife, and our beautiful natural places. It does it in a way that will drive innovation and entrepreneurship. The market this bill creates will do what we in this country have known that markets do best—they get the job done and drive prices down.

I say finally that this legislation includes many provisions that were drafted, suggested and, in fact, in some cases introduced by colleagues in the Senate. This is an incomplete list, but I want to be certain I mention Senators COLLINS and ALEXANDER, who are on the floor, Senator COLEMAN—and I will come back to him specifically—Senators BOXER, LAUTENBERG, SANDERS, MCCAIN, BINGAMAN, SPECTER, DOLE, HARKIN, KLOBUCHAR, CARPER, LINCOLN, CASEY, and BAUCUS.

Senator COLEMAN particularly has made a contribution to this legislation that responds to a statement Senator INHOFE made. What is the impact this is going to have on average working people in this country—middle income, low income? We are concerned about that, and Senator COLEMAN has essentially inserted a provision here that we worked on with him that will ensure that low- and middle-income Americans do not bear the brunt of paying for this program.

This bill is a synthesis of an enormous amount of work on the part of many Members of the Senate. Senator WARNER and I are deeply grateful for their contributions. Let me say it specifically: We are introducing the legislation today. Our subcommittee is going to have a hearing next week. We are going to do the markup the week after that, the week of October 29. This is an ongoing process.

Our doors, Senator WARNER's door and mine, are open. We are putting before the Senate today exactly what he said, a framework, a strong, detailed, politically credible bill that has a real chance of passing, but we are not claiming perfection here, and we welcome the opportunity to work with our colleagues on both sides of the aisle. This is not a partisan issue and it certainly is not a partisan problem to fix it before our children and grandchildren suffer from it.

Finally, before I yield back to Senator WARNER, I again want to come back to him. JOHN WARNER and I have worked together on many matters, mostly regarding America's national security, as I have served under his leadership on the Armed Services Committee. His decision to come to the leadership of this effort to stop the onward movement of climate change has made all the difference. I can't say it any better. It is the tipping point, as far as I am concerned, in this Chamber. I believe he is doing it for the same reason that has motivated him in the other work we have done in the Armed Services Committee. He feels America is threatened by this environmental problem and he wants to be part of the solution to it.

We all know our colleague is retiring, after enormous service to our country, at the end of this session. I think that together we have the opportunity, with his participation, for this to be, in a long life of great service to America both in this Chamber and in service in the military, one of the great acts of service and leadership that JOHN WARNER has done for America. I thank him from the bottom of my heart as a dear friend and a wonderful partner in this effort.

I also want to thank his extraordinarily tireless legislative assistant, Chelsea Maxwell, who has worked so well with Dave McIntosh and Joe Goffman on my staff. This is the day of a breakthrough, but it is only a beginning. We have kind of crossed the 50-yard line here, I think, my friend from Virginia, and we have some work to do before we go into the end zone, but with your help, we are going to do it.

Mr. President, I thank the Chair, and I yield the floor back to my friend from Virginia.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Virginia.

Mr. WARNER. Mr. President, this wonderful organization, the Senate, has strong friendships. That is the way we operate. It may not be apparent. We tend to be a little contentious. Partisanship has always been a part of the legislative process since its very inception, but we do have mutual respect for one another in this Chamber across the aisle.

I thank my dear colleague from Connecticut for his very heartfelt remarks, and I assure him I return in full measure the compliments he has bestowed upon me, such as I can bestow the same upon him.

Now, I am not as sure we are on the 50-yard line. I want to drop back a little bit. I think we have caught the punt and we are beginning to move down the field. This is going to be a very long and contentious, as it should be, piece of legislation. But somehow, I have a measure of confidence that the Senate, as a body, will eventually act on a bill for climate change. I am also confident that bill, in its final analysis, will have the basic goals we are outlining today.

I say to my good friend from Oklahoma, the distinguished ranking member of the full committee, yes, we just finished the bill last night, but that is often the way things go around here. I have been absent a few days, but I am hopefully back now for an extended time to get this bill underway in our committee. But we did sort of open our doors for business, as the commercial world says, in August. That brought forth a very important forthcoming from the widest possible diversity of sources in the private sector, and not only the business world but the educational world, the philanthropic world, and on it goes. They came to accept our offer to work with us to try and fashion this bill. So together with our colleagues and others, we have put this together and we are launching it today.

I want to make certain that time is given to my other colleagues, so I will give my remarks later, but I stress the work that has been done by so many of our colleagues prior to this bill being introduced today: The McCain-Lieberman bill, which my colleague from Connecticut has mentioned; the Bingaman-Specter bill. Senator LIEBERMAN and I have made a point of personally going to the offices and visiting with each of the principal cosponsors, I believe, of all of these various bills and indicating to them our desire to take a portion of their work product and weave it into this, the bill that is before the Senate as of today: The Alexander powerplant bill, and Senator ALEXANDER will soon be addressing the Senate on that; the Landrieu-Graham-Lincoln-Warner cost containment bill; the Kerry carbon capture and storage bill; the Coleman $CO_2$ pipeline bill; and the Klobuchar-Snowe registry bill.

We readily acknowledge the ground that has been broken, the important gains thus far of so many of our colleagues. But with due respect to the administration, the basic difference between the administration's approach and our approach is we feel that voluntarism will not achieve the goals, the leadership that America must simply take on this issue to join the other nations of the world that have taken up leadership. The only way we feel to do this is by law.

Essentially, we are asking the infrastructure in America—the industrial infrastructure, the transportation infrastructure, the power infrastructure—to consider very significant investments, calling upon the investment community in America to bring forward the private sector resources and begin to make those commitments now so we can attain the goals in the future. And, quite frankly, we have recognized from the beginning there will be a burden on the American taxpayers.

There will be a burden, in fact, on almost every single American, and it will be financial in some respects. We do not anticipate exactly how much it will be, but every time you fill up your car with gasoline, some portion of that will go toward America's role to lead in global climate change. The power industry, the transportation industry, they will all have to make their respective contributions.

So I join my good friend from Connecticut in acknowledging the work that has been done by our respective staffs, the staff of our chairman and others, but this is like a great ship that has been launched today. And as we say in the Navy, you launch them and then you finish outfitting them. Now it is up to our colleagues to come forward with their ideas. We approach it with an open mind. This body will eventually shape the bill.

We will move it into subcommittee next week, do our markup, hopefully report that out successfully, move on to full committee, and in this calendar year finish a product by the Environment and Public Works Committee such that next year our respective leaders can determine when is the appropriate time for this measure to be brought to the floor.

Mr. President, I ask unanimous consent that the balance of the time be equally divided between Senators COLEMAN, COLLINS, and ALEXANDER, in that order, and that they be given the opportunity, even though they are not at this point in time sponsors, to address the body. So that I believe the hour for this debate will continue from now until the hour of 11 a.m.

I so make that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We did that in consultation with our respective leaders. I ask the time equally be divided between these two Senators.

The PRESIDING OFFICER. Each Senator will have 5 minutes.

Mr. WARNER. I yield the floor to Senator COLEMAN.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I thank my friend from Connecticut and esteemed colleague from Virginia for their work on this critical issue of climate change. We spend a lot of time in this debate talking about large numbers: the number of species that could be lost, the millions of metric tons of $CO_2$, the billions of dollars at stake for our economy if mitigated incorrectly. But it is smaller numbers I am most concerned about—hundreds of dollars. That is what the annual burden could be for a household making around $15,000 a year should we attempt to transform our energy supply without holding struggling families harmless. One elderly woman waiting at a bus stop in Minneapolis-St. Paul, when it gets to be about minus 15, minus 20, sometimes minus 25, who is on a fixed income, who can't find money for her other needs if energy rates go up—this is the price paid if we do not address climate change responsibly; the young daughter who hopes her dad can keep his job mining taconite up on the Iron Range in northern Minnesota. This is the family we must protect if China decides it won't take responsibility for its emissions. It is the numbers our neighbors count that raise the most critical issues in the climate change debate, the little things that end up becoming the big things.

That is why, when I signed on to Senator LIEBERMAN's Climate Stewardship and Innovation Act several months ago, we came to the floor together and signed our names to a sense-of-the-Senate resolution that stated that any comprehensive, mandatory greenhouse gas emissions reduction program enacted by Congress must also take care of low-income Americans, who will see their energy costs rise, prevent U.S. workers from being undercut by foreign industries that produce goods in countries without comparable greenhouse gas reduction programs, and incentivize the production of clean energy technologies so that Americans can create more green jobs at home while diversifying our energy supply.

Senators LIEBERMAN and WARNER have listened to my concerns over the last few months as they have worked to craft this legislation. This bill is hard evidence that they took those concerns to heart and that they too care about the small numbers that affect our fellow Americans the most.

There are several provisions I am particularly proud of in America's Climate Security Act, including provisions to provide an estimated $275 billion for low- and middle-income families to help hold them harmless against increased energy costs, including additional funding for critical programs such as LIHEAP and the Weatherization Assistance Program—programs that the Senator from Maine, who is on the floor, championed, because we know how important they are for those, the least amongst us, who are impacted so greatly by energy costs.

This bill includes $30 billion through 2030 for job training for new clean energy jobs that provide new employment opportunities in the new green economy. It authorizes the President to require importers of greenhouse-gas-intensive manufactured products credits if their home countries have not taken comparable action. It incentivizes clean energy technology by investing an estimated $400 billion through 2030 in zero and low carbon technologies, to accelerate our transition to a clean energy future.

This bill does not just take care of the environment; it takes care of our children. It is a major step forward in addressing global climate change in a manner that brings the Senate together. This is, a tremendous bipartisan coalition. Some folks were not on this side a while ago, but understand the problem is real and the path we are taking is a responsible path.

I am proud to cosponsor this bill. I thank both Senators for their hard work and determination. They have proven they are committed to action. I am proud to stand by their side.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today as a proud cosponsor of the Lieberman-Warner America's Climate Security Act. This bill will address the most significant environmental challenge facing our country and I want to add my praise to that already heard of the two leaders, Senator LIEBERMAN and Senator WARNER. I am convinced this bill does represent a tipping point because of the coalition brought together to advance this bill.

The scientific evidence clearly demonstrates the human contribution to climate change. According to recent reports from the Intergovernmental Panel on Climate Change, increases in greenhouse gas emissions have already increased global temperatures and likely contributed to more extreme weather events such as drought and floods. These emissions will continue to change the climate, causing warming in most regions of the world, and likely causing more droughts, floods, and other societal problems.

In the United States alone, emissions of the primary greenhouse gas, carbon dioxide, have risen more than 20 percent since 1990. Climate change is one of the most daunting challenges we face, and we must develop reasonable solutions to reduce our greenhouse gas emissions.

That is why I am truly excited about this coalition. Senator LIEBERMAN deserves much praise for his longstanding leadership, for working with Members on both sides of the aisle. Senator WARNER's commitment to taking on this cause gives me much hope that for the first time we are actually going to get a bill through that is going to make a difference.

This bipartisan bill presents a practical, economically sound approach to reducing America's greenhouse gas emissions by 70 percent over 2005 levels by the year 2050.

I also thank Senator COLEMAN for his contributions to this bill, for making sure that we looked at the economic impact, particularly on low-income families.

I have observed in person the dramatic effects of climate change. I have had the opportunity to be briefed by the most preeminent experts in this field.

On a trip to Antarctica and New Zealand, for example, I learned more about the groundbreaking research done by scientists from the University of Maine. One of those professors, a distinguished National Academy of Sciences member, George Denton, toured parts of sites in New Zealand with us. He showed us sites that had been buried by massive glaciers at the beginning of the 20th century but are now ice free. Fifty percent of the glaciers in New Zealand have melted since 1860—an event unprecedented in the last 5,000 years.

The melting is even more dramatic in the northern hemisphere. In the last 30 years, the Arctic has lost sea ice covering an area 10 times as large as the State of Maine. At this rate that area is going to be ice free by the year 2050.

In Barrow, AK, I witnessed the impact of the melting permafrost. I saw telephone poles that had been planted decades ago in the permafrost that are now leaning over. I talked to native people who told me they were seeing insects that they have never seen that far north; that there has been an extraordinary change in the pattern of fish spawning in the area.

These are dramatic changes. The time has come to take meaningful action to respond to climate change—not only talk about it but to pass legislation. My colleagues have worked so hard to develop this legislation that will preserve our environment for future generations while providing reasonable, achievable emission reduction goals, offsets, and incentives for the industries covered by this bill.

The America's Climate Security Act covers U.S. electric power, transportation, and manufacturing sources that together account for 75 percent of U.S. greenhouse gas emissions. It requires these sectors to reduce their emissions to 70 percent below 2005 levels by 2050. I am pleased that the bill also strengthens energy efficiency standards for appliances and buildings, and sets aside credits and funding to deploy advanced technologies for reducing emissions and helps protect low- and middle-income Americans from higher energy costs.

Let me conclude my remarks by again applauding the leadership and the hard work of my colleagues from Connecticut and Virginia. I urge all of our colleagues to consider joining us on this important legislation.

The PRESIDING OFFICER. Under the previous order, the senior Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. Mr. President, I congratulate the Senators from Connecticut and Virginia for their leadership. Their presence in front of this bill makes a huge difference in this Chamber. I congratulate Senator COLLINS, Senator COLEMAN, Senator DOLE, and the other cosponsors.

The question before the Senate is not whether to act on climate change, or when to act on climate change, but how to act on climate change. How shall we, in this Congress, begin to reduce greenhouse gas emissions with the most certainty, least complexity, and the lowest cost? The Lieberman-Warner legislation prefers an economy-wide cap-and-trade approach. I prefer a sector-by-sector approach, that is, devising the lowest cost, least complex approach tailored to each of the three largest sectors of the economy that produce the most greenhouse gases.

Since my first year in the Senate in 2003, first with Senator CARPER and then with Senator LIEBERMAN, I have introduced legislation to put a cap on carbon emissions from the first of these three large sectors, electricity powerplants. These plants produce 40 percent of the carbon dioxide and 33 percent of the greenhouse gases in the United States. I will now broaden my legislation to include two other major sectors of the economy, one, a low carbon fuel standard for the fuels used in transportation—transportation produces another one-third of America's greenhouse gases—and, third, an aggressive approach to building energy efficiency. I am grateful to the sponsors for including energy efficiency in their legislation.

Tailoring our approach to only these three sectors—powerplants, transportation, and buildings—would cover about two-thirds of all U.S. greenhouse gas emissions. I believe I heard Senator LIEBERMAN say the Lieberman-Warner bill would approach 75 percent of the greenhouse gas emissions.

As we implement laws reducing emissions from these three large sectors, we could learn more and move on to the other sectors in the future. A sector-by-sector approach minimizes guesswork. For example, the United States has 16 years experience with a cap-and-trade program designed to reduce acid rain pollution from powerplants. The program costs less than expected. Utilities have experience with how it works, and we have in place right now the mechanisms we need to measure and regulate carbon from utility smokestacks. Cap and trade, which the Lieberman-Warner bill employs, and which my legislation employs for the utility sector, is a Republican idea, advanced by the first Bush administration in the Clean Air Act Amendments of 1990. With cap and trade, the Government sets the limits and the deadlines, and the market sets the price. With a carbon tax, on the other hand, the congressional tax committees and the Internal Revenue Service set the price.

Cap and trade creates a more certain environment than a tax. Congress would have to revisit the carbon question to determine whether the tax is high enough to achieve the environmental goal, which could result in constantly changing limits and taxes. With a carbon tax there is more possibility that the cost of the tax will simply be passed along to the consumer.

A sector-by-sector approach of the kind I advocate allows us to build on steps already taken. For example, in the transportation sector, Congress has already begun to mandate renewable fuels to reduce greenhouse gasses.

This year the Senate enlarged that mandate and adopted fuel efficiency standards for cars and trucks. I believe we should add to those steps a low-carbon fuel standard; that is, requiring transportation fuels to decrease gradually the amount of carbon in the gasoline they contain, which is a logical and manageable next step.

In addition, both in the Energy bill of 2005 and the Energy bill the Senate passed earlier this year, Congress began to encourage more efficient buildings. Making those steps more aggressive holds the promise for enormous carbon savings at the least cost.

I believe a sector-by-sector approach will do the least harm. It avoids imposing new regulations directly on the manufacturing sector, who nevertheless may have higher costs for fuel and electricity, and therefore avoids adding to the pressure to ship jobs overseas.

By minimizing guesswork, my approach avoids grand plans that sound good but may turn out to invoke the high law of unintended consequences. I also believe a sector-by-sector approach is the easiest approach.

The PRESIDING OFFICER (Mr. BROWN). The Senator's time has expired.

Mr. ALEXANDER. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I believe it is the easiest approach for Members of Congress to understand and explain to our constituents these very complicated issues. As the recent debate on comprehensive immigration should have taught us, this is not an insignificant concern.

The Lieberman-Warner economy-wide climate change legislation is an important contribution. I will not be a cosponsor as this point because I prefer sector by sector, but I will be a full participant in the committee and the Senate to produce a sensible piece of legislation in this Congress.

The question before the Senate is not whether to act on climate change or when to act, it is how to act. And we should act in this session.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to thank my colleagues, Senators COLEMAN, COLLINS, and ALEXANDER. Each of you made a contribution.

I thank the leadership of the Senate who made available this very important hour for our bill to be laid down. Now the work begins.

Mr. CASEY. Mr. President, I rise to speak about legislation which was introduced this morning, America's Climate Security Act. I congratulate and commend a number of our colleagues but especially Senators LIEBERMAN and WARNER for their work on this important legislation that slows, stops, and reverses global warming. I also thank Senator BOXER for her continued leadership and unwavering commitment to bringing global warming legislation to the Senate.

There are going to be people in this Chamber and other places who will find fault with this bill, I am sure. Some will say it goes too far. Some will say it doesn't go far enough. But the most important thing is that this legislation, America's Climate Security Act, is a bipartisan bill. I believe we must have a full and robust debate on global warming, and we need to do it now. That is why this bill is so important. This legislation is both thoughtful and comprehensive. It is what we need to bring global warming to the forefront in American policy.

I personally thank Senators LIEBERMAN and WARNER for their willingness to work with me on issues critically important to working families in Pennsylvania and America. I come from a State with a lot of coal and a lot of manufacturing. I believe the future of Pennsylvania and the people living there is closely linked to the future of both of these industries: Manufacturing overall and coal itself. I believe we have a moral obligation to end our contribution to global warming, but I am also optimistic that we can do this in a way that protects workers and creates manufacturing jobs. Senator WARNER and Senator LIEBERMAN understand how important this is to bring our workforce with us into the new jobs created by greenhouse gas reduction and the programs that support that. Both Senators have agreed and have graciously offered to work with me to refine a placeholder provision currently in their bill that we call the climate change worker assistance program which we worked together to draft. I look forward to my continued work with them on this program and their legislation. I am proud to say I am an original cosponsor.

Finally, I thank Chelsea Maxwell from Senator WARNER's staff and David McIntosh from Senator LIEBERMAN's staff for their work with my staff, especially Kasey Gillette of my staff, who worked so hard to make this possible.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I also want to say a few words on climate change and the issue of global warming. Let me begin by quoting from an op-ed that appeared in the Burlington Free Press, my hometown newspaper, on October 7, by Bill McKibben, well known as one of the most savvy and best known environmental writers in the world. He happens to teach at Middlebury College. He said:

> It's not Democrats negotiating with Republicans or environmentalists negotiating with business interests. It's human beings negotiating with chemistry and physics, and chemistry and physics don't really do much in the way of bargaining. Science has told us what we need to do: Cut carbon emissions quickly in the next few years, and keep that pressure on til we've trimmed our emissions at least 80 percent by midcentury. No loopholes for vested interests, no hard-to-quantify offset schemes, no giveaways to the utilities. Just a commitment to stop vetoing the laws of nature. That commitment has got to come soon . . .

The point that Bill McKibben and many other scientists and environmentalists have made is, we are up against very serious laws of physics. That is what we are dealing with. It is not what I say or what anybody else says. It is whether we are going to get a handle on global warming. Because if we don't, this planet is going to suffer severe and irreparable damage.

I begin my remarks by thanking Senator LIEBERMAN and Senator WARNER for their hard work in putting together America's Climate Security Act. As a member of that same subcommittee, I look forward to playing an active role in strengthening that legislation. I look forward to working with them on this issue.

I also take this opportunity to thank the 18 cosponsors of the legislation Senator BOXER and I introduced in January of this year, S. 309. Those are Senators AKAKA, BIDEN, CARDIN, CASEY, CLINTON, DODD, DURBIN, FEINGOLD, INOUYE, KENNEDY, KLOBUCHAR, LAUTENBERG, LEAHY, MENENDEZ, MIKULSKI, OBAMA, REED, and WHITEHOUSE.

This legislation, S. 309, tackles global warming as best we could based on the science. To be more specific, this bill is based on the desire to limit the global increase in temperature to no more than 2 degrees Celsius, and to meet this goal science tells us we must stabilize global $CO_2$ concentrations at no higher a level than 450 parts per million. This level only provides us, the scientists say, with a 50/50 chance of keeping the worst from happening. These odds are not great. It is a gamble. If we were cautious and conservative about these things, we would err on the side of safety and keep the pollution down lower than this level in order to protect the one and only world that we have.

I thank all of the cosponsors of the legislation that Senator BOXER and I introduced for standing with science. We should also be clear about one other thing. This is a very important point. What the scientists are now telling us is, in terms of their projections, in terms of their analyses, they have been too conservative. What they are now telling us is the problem of global warming and the rapidity of the global warming changes is more severe than they had previously anticipated. In other words, we have to be even more aggressive, not less aggressive, in addressing this major planetary crisis.

It may well be that the legislation Senator BOXER and I introduced is too conservative, but it is for sure that we should be going forward and not backward.

Let me take this opportunity to quote from some of the major environmental organizations in terms of what they are saying about the legislation introduced today by Senators LIEBERMAN and WARNER. I think it is best that I read from them rather than giving my views at this particular point.

This is what the U.S. Public Interest Research Group says:

> We applaud Senators Lieberman and Warner for their leadership on global warming. Time is running out to stop the worst effects of global warming, and this bill is an important starting point for action.

U.S. PIRG then goes on to say:

> To rise to the challenge of global warming, this new bill must be strengthened. Three changes are essential:
>
> (1) The bill must achieve faster and deeper cuts in pollution, which is what the science demands. The pollution caps in the bill aim to reduce total U.S. global warming emissions by about 11 percent by 2020 and by just over 50 percent by 2050.
>
> Additional, modest reductions may be achieved through other policies in the bill, but those reductions are difficult to quantify and are not guaranteed. According to the current science, the United States must reduce its total global warming emissions by at least 15 percent by 2020 and by at least 80 percent by 2050. In addition, periodic reviews of the bill's scientific adequacy must trigger additional pollution-reduction requirements.
>
> (2) Flexibility mechanisms in the bill must be tightened to prevent undermining the goals of the bill. The bill currently allows companies to exceed their pollution limits by paying sources not covered by the program to reduce emissions. Ensuring that a ton of pollution from such "offsets" equals a ton of real reductions is a major challenge. In addition, offsets delay the transition to cleaner technology that will be needed to achieve deep future cuts in emissions. Under the bill, a company could theoretically meet its entire 2020 pollution-reduction requirement through offsets. The number of offset reductions allowed under the bill must be significantly lowered.
>
> (3) Polluters must be required to pay for every ton of pollution they put into the atmosphere. The bill gives hundreds of billions of dollars to polluters for free, which will create windfall profits, such as has occurred in Europe, and take vital resources away from easing America's transition to a clean energy future. In the United Kingdom alone, windfall profits from emission trading have been estimated at nearly $2 billion. These profits come directly from the pocketbooks of consumers. Under this bill, just under half (49 percent) of the pollution permits would initially be given to polluters for free, and it will take 25 years (until 2036) before we stop handing polluters free money.

That is what U.S. PIRG had to say.

Let me go to another group, an even better known environmental group, and that is the Sierra Club. Let me tell you what they said today in their press statement. I quote from the Sierra Club:

> The bill is a significant political step forward for the U.S. Congress, but unfortunately the legislation as introduced still falls short from what is demanded by the science and the public to meet the challenge of global warming. This comes even as U.S. states, cities, and counties move forward with ambitious, science-based proposals to tackle the issue. We look forward to working with Senators to seek the additional improvements necessary for the bill to sufficiently address the challenge before us.

I continue to quote from the Sierra Club:

> At this crucial moment, we must continue to insist on a global warming bill that is committed to scientific integrity and economic fairness. In order to prevent the most catastrophic effects of global warming, we must cut emissions 80 percent by 2050—an achievable annual reduction of about 2 percent. In order to get the market moving and bring America's clean energy future to life, any bill must start out strong by seeking a short-term reduction on the order of 20 percent of total emissions by 2020. Disturbances to the climate have come more quickly and forcefully than even the most pessimistic among us predicted. The Lieberman-Warner bill, as introduced, leaves us in serious danger of reaching the tipping points that scientists tell us could lead to catastrophic changes to the climate.

Continuing to quote from the Sierra Club statement of today:

> While the bill has moved in the right direction, it gives too many free allowances to polluters for far too long—enriching executives and shareholders instead of generating the funds needed to help us meet our emissions goals and ensure a smooth transition to the clean energy economy.

That is some of the statement from the Sierra Club.

Let me now quote from another organization, an organization of physicians. It is called Physicians for Social Responsibility, a well-known group. They have also issued a statement today. Let me quote from the statement of the Physicians for Social Responsibility:

> Physicians for Social Responsibility appreciates the efforts of Senators Joe Lieberman and John Warner to craft legislation to address global warming but calls on the Senate Environment and Public Works Committee to make necessary improvements before passing the bill.

It continues:

> The reality of global warming is becoming more apparent every day, and the science is clear as to what action we need to take. In order to prevent this world-wide disaster, we must stabilize atmospheric concentrations of greenhouse gases. And, the U.S. must meet the challenge of starting now and reaching a goal of 80 percent reductions below a 2000 baseline. Unfortunately, the bill drafted by Senators Lieberman and Warner will not meet that goal.

Let me continue quoting from the Physicians for Social Responsibility, who, of course, are physicians. This is what they say, providing an interesting analogy:

> Physicians for Social Responsibility's approach to this [global warming] is similar to the manner in which a physician treats a patient: what are the symptoms, what are the causes and how do we treat the disease? We would not prescribe half of the needed medication to a patient, and we cannot support a bill that does not fully address the causes of global warming. To protect human health and reverse global warming, we need to begin aggressive treatment right away.

That is Physicians for Social Responsibility.

I could sit here and quote from many other press statements or talk to my colleagues about the science, but I will not do that. This is what I want to say: If we are concerned about the future of this planet—I know every Member here is—and the lives and well-being of our kids and our grandchildren, not only in this country but all over the world, we are going to have to rise up to this issue.

It is not just a bargain here and a bargain there. Because you can have all the bargaining you want, and all the nonpartisanship you want, and yet this planet will face catastrophic damage unless we deal with the reality of the science. It is not whether we are nice guys or bad guys. This is what we are facing. We are facing science. What the scientists are telling us is their projections were too conservative. The problem is more severe than they had anticipated.

I note my friend and colleague, Bob Casey of Pennsylvania, made a very important point that others have made, which is, as we deal with the issue of global warming, let us not forget about the workers who are impacted, the consumers who are impacted. Certainly and absolutely we must do that. One of the bright aspects, the positive aspects about this whole discussion of global warming is if we get our act together—if, for example, we begin the process of breaking our dependency on the automobile and expand our rail system; if, in fact, we produce cars that get the kind of mileage we know Detroit can produce—we can grow jobs in the transportation area, not see them shrink.

If we begin to move intelligently toward energy efficiency, if we retrofit our homes and our offices and our schools, we can create huge numbers of good-paying jobs through the installation and the production of the products we need to make this Nation much more energy efficient. It is all sitting there waiting to happen. If we have the courage to move away from fossil fuel, to move to solar energy, to move to wind, to move to other forms of sustainable energy, we can create millions of good-paying jobs.

I would mention to my colleagues that right now out on the Mall—I was there last evening—there is a wonderful display of solar homes put together by the Solar Decathlon. We have universities from all over the United States of America, and from Europe as well, showing us what we can do today in making energy-efficient homes and utilizing the potential of solar energy. California is making progress. Germany is making progress. We are not moving anywhere near the degree to where we should be moving.

Think about the jobs we create when 10 million homes in America have photovoltaic units on their rooftops. Think of the energy we produce through solar plants in the South and the West and the Southwest of this country. Think about what it means when we have small wind turbines all over rural America. It is not only moving away from fossil fuels, which are destroying the planet, not only moving to clean energy, it is creating millions of good-paying jobs.

We know how to do this. We know how to do it. The technology is there today. It will only get better. Our country has to start investing in these technologies. We can create the jobs. We can reverse global warming.

I conclude by saying this: I applaud Senator LIEBERMAN and Senator WARNER. I hope we can work together. But I think we have a distance to go to make that legislation better, stronger, more consistent with the science that is out there. I look forward to working with all of my colleagues to do that.

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By Mr. FEINGOLD:

S. 2192. A bill to establish a user fee for follow-up reinspections under the Federal Food, Drug, and Cosmetic Act; to the Committee on Health, Education, Labor and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing a bill that would charge a reinspection fee for goods that fail FDA inspection for good manufacturing practices. Currently, businesses do not have to pay for the second inspection if they fail. Essentially, then, the FDA is absorbing this extra cost. This Nation faces difficult enough choices without subsidizing private companies that fail basic inspections. I am pleased to credit the administration for identifying this proposed savings of an estimated $23 million per year in its fiscal year 2008 budget. Over 5 years, this could save as much as $115 million.

We must ensure that U.S. taxpayer money is being used efficiently and effectively, and this measure would help in our ongoing efforts to streamline government programs and reduce the Federal budget deficit. FDA Commissioner Andrew von Eschenbach testified about these fees before the House Agriculture, Rural Development, and FDA Appropriations Subcommittee in 2006. He believes, and I agree, that the reinspection fee will motivate businesses to comply with long-established health and safety standards. Businesses that do not meet federal standards should bear the burden of the reinspection, rather than getting a free pass at the taxpayer's expense.

One of the main reasons I first ran for the U.S. Senate was to restore fiscal responsibility to the federal budget. I have worked throughout my Senate career to eliminate wasteful spending and to reduce the budget deficit. Unless we return to fiscally responsible budgeting, Congress will saddle our Nation's younger generations with an enormous financial burden for years to come. This bill is one small step in that direction.

I ask unanimous consent the the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2192

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ESTABLISHMENT OF USER FEE FOR FOLLOW-UP REINSPECTIONS.**

(a) IN GENERAL.—The Secretary shall assess and collect a user fee from each manufacturer of a food, drug, device, biological product, or animal drug for which a follow-up reinspection is required to ensure correction of a violation, found by the Secretary during initial inspection of the manufacturer, of a Good Manufacturing Practices requirement under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) PAYMENT OF FEE.—The user fee required by subsection (a) shall be due from a manufacturer upon the reinspection of the manufacturer as described in subsection (a).

(c) AMOUNT OF USER FEE.—The amount of the user fee required under subsection (a) shall be established by the Secretary.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "animal drug", "device", "drug", and "food" have the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(2) the term "biological product" has the meaning given the term in section 351 of the Public Health Service Act (42 U.S.C. 262); and

(3) the term "Secretary" means the Secretary of Health and Human Services.

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By Mr. AKAKA (for himself and Mrs. CLINTON):

S. 2197. A bill to establish the Federal Labor-Management Partnership Council; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Federal Labor-Management Partnership Act of 2007 to restore the labor-management partnerships and council that were established by President Clinton in 1993. I am pleased to be joined in this effort by Representative DANNY DAVIS, D-IL, who is introducing companion legislation in the House, and Senator HILLARY CLINTON, who is cosponsoring this bill.

On October 1, 1993, President Bill Clinton signed Executive Order 12871 establishing a National Partnership Council of Federal agency representatives and labor organizations to advise the President on matters involving labor-management relations. The Executive Order was in response to longstanding labor-management conflicts and the need for greater cooperation between labor and management in Government.

In the early 1990s the Government Accountability Office and others identified labor-management partnerships as contributing to increased productivity, better customer service, and higher employee satisfaction. The Office of Personnel Management, OPM, concurred with those findings in 2001. In a the letter to President Clinton accompanying the report, then-OPM Director Janice Lachance said, "The evidence shows a real shift toward labor-management cooperation and away from the adversarial approach so common in the past. I see a strong, consistent desire on both sides of the table to continue on the path toward collaborative labor-management relations and no interest in returning to the old ways of doing business."

Despite the success of the program, President Bush revoked the Clinton Executive Order on February 17, 2001, less than one month after taking office. Since that time, labor-management relations have deteriorated throughout the Federal Government. The new personnel systems at the Departments of Defense and Homeland Security, which have reduced collective bargaining rights for those employees, have lowered employee morale and heightened the adversarial nature of labor-management relations in the federal government. It has become clear that participation in the decision making process through labor-management partnerships often leads to greater employee understanding and acceptance and a smoother transition to the new policy or program. As the Clinton Executive Order said, "Only by changing the nature of federal labor-management relations so that managers, employees, and employees' elected union representatives serve as partners will it be possible to design and implement comprehensive changes necessary to reform government."

I urge my colleagues to join with me in encouraging labor-management partnership and a cooperative solution to resolving Federal workplace issues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2197

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Labor-Management Partnership Act of 2007".

**SEC. 2. FEDERAL LABOR-MANAGEMENT PARTNERSHIP COUNCIL.**

(a) ESTABLISHMENT.—There is established a council to be known as the Federal Labor-Management Partnership Council (hereafter in this Act referred to as the "Council"). The Council shall be composed of—

(1) the Director of the Office of Personnel Management;

(2) the Deputy Director for Management of the Office of Management and Budget;

(3) a deputy secretary (or other officer with agency-wide authority) from each of 2 agencies not otherwise represented on the Council, who shall be appointed by the President;

(4) the Chairman of the Federal Labor Relations Authority;

(5) the Director of the Federal Mediation and Conciliation Service;

(6) 2 members who shall be appointed by the President to represent the respective labor organizations representing (as exclusive representatives) the first and second largest numbers of Federal employees subject to chapter 71 of title 5, United States Code, or any other authority permitting such employees to select an exclusive representative;

(7) 4 members who shall be appointed by the President to represent labor organizations representing (as exclusive representatives) substantial numbers of Federal employees subject to chapter 71 of title 5, United States Code, or any other authority permitting such employees to select an exclusive representative—

(A) each of whom shall be selected giving due consideration to such factors as the relative numbers of Federal employees represented by the various organizations; and

(B) not more than 2 of whom may, at any time, be representatives of the same labor organization or council, federation, alliance, association, or affiliation of labor organizations;

(8) 1 member who shall be appointed by the President to represent the organization representing the largest number of senior executives; and

(9) 1 member who shall be appointed by the President to represent the organization representing the largest number of Federal managers.

(b) RESPONSIBILITIES AND FUNCTIONS.—The Council shall advise the President on matters involving labor-management relations in the executive branch. Its activities shall include—

(1) supporting the creation of local labor-management partnership councils that promote partnership efforts in the executive branch;

(2) collecting and disseminating information about and providing guidance on partnership efforts in the executive branch, including the results of those efforts;

(3) using the expertise of individuals, both inside and outside the Federal Government, to foster partnership arrangements in the executive branch; and

(4) proposing statutory changes to improve the civil service to better serve the public and carry out the mission of the various agencies.

(c) ADMINISTRATION.—

(1) CHAIRPERSON.—The President shall designate a member of the Council who is a full-time Federal employee to serve as the Chairperson. The Council shall meet at the call of the Chairperson or a majority of its members.

(2) OUTSIDE INPUT.—The Council shall seek input from agencies not represented on the Council, particularly smaller agencies. It may also from time to time, in the discretion of the Council, invite experts from the private and public sectors to submit information. The Council shall also seek input from companies, nonprofit organizations,

State and local governments, Federal employees, and customers of Federal services, as needed.

(3) ASSISTANCE OF THE OFFICE OF PERSONNEL MANAGEMENT.—To the extent permitted by law and subject to the availability of appropriations, the Director of the Office of Personnel Management shall, upon request, provide such staff, facilities, support, and administrative services to the Council as the Director considers appropriate.

(4) NO COMPENSATION.—Members of the Council shall serve without compensation for their work on the Council.

(5) COOPERATION OF OTHER AGENCIES.—All agencies shall, to the extent permitted by law, provide to the Council such assistance, information, and advice as the Council may request.

(d) GENERAL REQUIREMENTS.—

(1) REPORTING TO CONGRESS.—Any reporting to or appearances before Congress that may be requested or required of the Council shall be made by the Chairperson of the Council.

(2) TERMS OF MEMBERSHIP.—A member under paragraph (3), (6), (7), (8), or (9) of subsection (a) shall be appointed for a term of 3 years, except that any individual chosen to fill a vacancy under any of those paragraphs shall be appointed for the unexpired term of the member replaced and shall be chosen subject to the same conditions as applied with respect to the original appointment.

(3) SERVICE AFTER EXPIRATION OF TERM.—A member under paragraph (3), (6), (7), (8), or (9) of subsection (a) may serve after the expiration of such member's term until a successor has taken office, but for not more than 60 days after such term expires.

(4) NOT SPECIAL GOVERNMENT EMPLOYEES.—A member who is not otherwise a Federal employee shall not be considered a special Government employee for any purpose.

**SEC. 3. IMPLEMENTATION OF LABOR-MANAGEMENT PARTNERSHIPS THROUGHOUT THE EXECUTIVE BRANCH.**

The President shall direct the head of each agency which is subject to chapter 71 of title 5, United States Code, or any other authority permitting employees of such agency to select an exclusive representative to take the following actions:

(1) Create labor-management partnerships by forming labor-management committees or councils at appropriate levels, or adapting existing committees or councils if such groups exist.

(2) Involve employees and employee representatives as full partners with management representatives to improve the civil service to better serve the public and carry out the mission of the agency.

(3) Provide systemic training of appropriate agency employees (including line managers, first-line supervisors, and labor organization representatives) in consensual methods of dispute resolution, such as alternative dispute resolution techniques and interest-based bargaining approaches.

(4) Negotiate, at the request of the labor organization, on the subjects set forth in section 7106(b)(1) of title 5, United States Code, and instruct subordinate officials to do the same.

(5) Evaluate progress and improvements in organizational performance resulting from such labor-management partnerships.

**SEC. 4. DEFINITIONS.**

For purposes of this Act—

(1) the terms "agency" and "labor organization" have the meanings set forth in section 7103(a) of title 5, United States Code;

(2) the term "Federal employee" means an employee, as defined by section 7103(a)(2) of title 5, United States Code;

(3) the term "Federal manager" means a management official, as defined by section 7103(a)(11) of title 5, United States Code; and

(4) the term "senior executive" has the meaning given such term by section 3132(a)(3) of title 5, United States Code.

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By Mr. KERRY:

S. 2199. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain foreign nonqualified deferred compensation; to the Committee on Finance.

Mr. KERRY. Mr. President, today Representative EMANUEL and I are introducing the Offshore Deferred Compensation Reform Act of 2007 which would put an end to the practice of allowing unlimited amounts of income to be deferred offshore. Recently, it was brought to our attention that U.S. hedge fund managers were deferring millions of dollars of compensation offshore. Less generous deferrals have been used by corporate executives for years.

Recent Internal Revenue Service data shows that the richest Americans' share of national income has hit a postwar record. The wealthiest one percent of Americans earned 21.2 percent of all income in 2005. At a time when our personal savings rate has reached a 73-year low and CEOs are paid 349 times as much as the average worker and the top twenty-five hedge fund managers earned a total of $14 billion in 2006, we should not be providing a tax advantage to allow income to be deferred offshore and invested on a tax-free basis. Low-income and middle class families who are struggling are the ones who need tax incentives to save for retirement.

Taxpayers can defer paying taxes immediately on their compensation, either through "qualified" or "nonqualified" deferral arrangements. Most taxpayers make qualified deferrals such as contributions to 401(k) plans and individual retirement accounts, IRAs. Nonqualified deferred compensation arrangements are usually used by senior executives or other high-income taxpayers who want to defer amounts in the excess of the qualified plan or IRA limits.

There are no limits on the amount on nonqualified deferred compensation that can be deferred. Offshore nonqualified compensation arrangements have the potential to be more abusive than similar arrangements in the U.S.

U.S. companies that grant nonqualified deferred compensation to their employees are unable to receive a tax deduction equal to the deferred compensation until the compensation is paid to the employee. By contrast, offshore employers can locate in no-tax jurisdictions, provide deferred compensation to their U.S. employees, and suffer no economic loss, since the timing of the deduction is not relevant when the employer does not have any tax liability. Accordingly, there is a preference in the Code for U.S. taxpayers to defer compensation in certain offshore jurisdictions: it provides a significant tax benefit, without any tax disincentive/disadvantage to their offshore employer.

There is a fundamental difference between middle class Americans who can defer up to $15,500 of income into a 401(k) and $4,000 into their IRAs and higher-income taxpayers who can defer unlimited amounts offshore. The Offshore Deferred Compensation Reform Act of 2007 would eliminate the ability of U.S. taxpayers to defer nonqualified deferred compensation in offshore tax havens. Offshore nonqualified deferred compensation paid by a foreign corporation will be taxable income when there is no substantial risk of forfeiture to the compensation. A substantial risk of forfeiture exists where the receipt of compensation is conditioned upon the future performance of substantial services in order to receive that compensation. Individuals who currently take advantage of such tax planning and who wish to make deferrals would be limited to making deferrals under qualified arrangements which are subject to annual limitations.

The Offshore Deferred Compensation Reform Act of 2007 is not intended to prohibit a foreign deferred compensation arrangement if the foreign corporation entering into the arrangement is subject to tax on substantially all of its income and denied an immediate deduction for compensation that is deferred. For purposes of the legislation, a foreign corporation would be any foreign corporation unless substantially all of its income effectively connected to a trade or business in the U.S. or is subject to an income tax imposed by a foreign country that has a comprehensive tax treaty with the U.S., and a deduction is allowed for compensation under rules that are substantially similar to the way in which the U.S. provides deductions for compensation. In addition, the Secretary of the Treasury is given authority to determine whether a foreign corporation that operates in a country without a formal tax treaty with the U.S. can qualify for the exemption.

There are many different ways to structure an offshore deferral arrangement. A prototypical structure would be an executive who elects to defer his or her year-end bonus in an offshore investment fund for a period of time, typically, 5 to 10 years. The bonus and any associated earnings would not be taxable until the end of the term of the arrangement, assuming it complies with the Code Section 409A requirements. This legislation only affects compensation which is earned, vested, and deferred after 2007.

The Offshore Deferred Compensation Act of 2007 only addresses offshore nonqualified deferred compensation because these arrangements have the potential to be more abusive than onshore arrangements. This does meant that I believe that we should not continue to look at limiting all nonqualified deferred compensation. I will continue to work with the Finance Committee on this issue.

This legislation will put an end to offshore deferral arrangements being used as unlimited IRAs. I look forward to working will my colleagues to address this issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2199

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Offshore Deferred Compensation Reform Act of 2007".

**SEC. 2. SPECIAL RULE FOR CERTAIN FOREIGN NONQUALIFIED DEFERRED COMPENSATION.**

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 of the Internal Revenue Code of 1986 (relating to taxable year for which items of gross income included) is amended by inserting after section 457 the following new section:

**"SEC. 457A. CERTAIN FOREIGN NONQUALIFIED DEFERRED COMPENSATION.**

"(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan (within the meaning of section 409A(d)) of a nonqualified foreign corporation is includible in gross income for purposes of this chapter when there is no substantial risk of forfeiture of the rights to such amount.

"(b) NONQUALIFIED FOREIGN CORPORATION.—For purposes of this section, the term 'nonqualified foreign corporation' means any foreign corporation unless substantially all of the income of such corporation—

"(1) is effectively connected with the conduct of a trade or business in the United States, or

"(2) is subject to an income tax imposed by a foreign country, but only if—

"(A)(i) such corporation is eligible for benefits of a comprehensive income tax treaty which such country has with the United States which the Secretary determines is satisfactory for purposes of this section and which includes an exchange of information program, or

"(ii) the Secretary determines that such income tax is a comprehensive income tax satisfactory for purposes of this section, and

"(B) a deduction is allowed for compensation described in subsection (a) under rules substantially similar to the rules of this title.

"(c) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (4), (5), and (6) of section 409A(d) shall apply for purposes of this section.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 of such Code is amended by inserting after the item relating to section 457 the following new item:

"Sec. 457A. Certain foreign nonqualified deferred compensation.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts deferred in taxable years beginning after December 31, 2007.

(2) EARNINGS.—The amendments made by this section shall apply to earnings on deferred compensation only to the extent that such amendments apply to such compensation.

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By Mr. CONRAD (for himself, Mr. JOHNSON, and Mr. TESTER):

S. 2200. A bill to authorize the use of Federal funds for flexible financing of Indian tribal municipal, rural, and industrial water system construction projects by certain federally recognized Indian tribes; to the Committee on Indian Affairs.

Mr. CONRAD. Mr. President, there are still parts of this country where having access to a clean, reliable water supply is not guaranteed. Believe it or not, there are still places, many of which are on Indian reservations, where individuals must haul their daily water for drinking, cooking, and cleaning.

Over the years, Congress has authorized several municipal, rural and industrial water supply projects for tribes; however, funding for those projects has lagged significantly. This, coupled with construction costs that are increasing on average about 10 percent a year, makes it difficult for tribes to assemble cost-effective bid packages to get these projects built in a reasonable time frame. As a result, many of the projects have stalled or have yet to be built.

One mechanism to address this dilemma would be to allow tribes to utilize flexible financing to construct these vital projects. Under this option, tribes could issue tax exempt bonds or enter into other loans to construct these projects now, and then utilize Federal appropriations to pay financing costs over time. This concept has been launched in the Indian Reservation Roads IRR, program, which has become a model for financing tribal infrastructure projects. The Standing Rock Sioux Tribe in my State was the leader in securing the initial agreement in the IRR program. This agreement has allowed the tribe to undertake a major road construction project and complete it in a few short years. Without this flexibility, the project would have taken upwards of 20 years and $27 million more to complete, according to the tribe's analysis.

A Department of Interior administrative ruling issued on December 22, 2005, held that debt financing is an allowable use of Federal funds under a tribe's self-determination agreement if the debt instrument is used to pay for valid water construction costs. Unfortunately, this ruling applied to only one tribe. The legislation I am introducing today would affirm the ruling for all tribes, making them eligible for reimbursement of such financing costs. This will provide tribes with the necessary flexibility to get their projects built now as opposed to having construction drag out for years, which will only increase the costs to the Federal Government and delay the delivery of safe, clean drinking water to many.

We have a trust obligation to meet the needs of Indian tribes. Ensuring a safe, reliable water supply is part of this obligation. In the 21st century, no home in this country should be without access to quality water.

I am pleased that Senators JOHNSON and TESTER are original cosponsors, and I urge my colleagues to support this important legislation.

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By Mr. COLEMAN:

S. 2201. A bill to provide for the penalty-free use of retirement funds for mortgage delinquency relief; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I rise today to introduce the Home Ownership Mortgage Emergency Act, HOME Act, with my good friend Senator MARTINEZ.

This bill seeks to provide a measure of relief to those homeowners who are having troubles meeting their mortgage payments and as a result are facing the prospect of having their homes foreclosed.

As a former Mayor, I know the value and importance homeownership has on our communities. Housing is after all one of the foundational assets of our society. Policies encouraging homeownership is a good thing, not just for our communities but also for first-time homebuyers who through homeownership can be a part of the ownership society.

Over the years, we made great progress as the homeownership rate has increased from 64 percent in 1994 to 69 percent in 2006. That is why I am very troubled by the significant increase in the number of foreclosures that have occurred already and the projections of worse to come, as a record number of adjustable rate mortgages are due to reset in the months ahead, putting an increasing number of homeowners at serious risk of losing their homes. According to one estimate, $515 billion in adjustable rate mortgages are due to reset this year and $680 billion next year.

To underscore the seriousness of the situation, Mr. President, just consider these sobering figures. My State ranks 4th in the Nation in terms of the percentage of subprime mortgages in foreclosures, and currently 17 percent of subprime adjustable rate mortgages are past due. More generally, the number of foreclosures has increased 183 percent in the last year. Nationally, foreclosures have almost doubled in the last year, and more than 14.5 percent of subprime mortgages are past due.

While there is no one single solution to the housing crisis, there are a number of reasonable, measured efforts we can undertake that can help folks stay in their homes in these difficult times. To that end, I am introducing the HOME Act, which would allow low-to-middle income homeowners penalty-free access to their retirement savings and allow tax free distributions from their retirement savings so as long as the withdrawals are paid back to the retirement accounts.

More specifically, my bill would allow homeowners who are 60 days late in their mortgage payments to withdraw penalty-free up to $100,000 through 2009 to be used to refinance into an affordable mortgage or avoid foreclosure. Except for very limited cases, a 10 percent penalty is applied to early retirement distributions. As the tax code currently waives this penalty for distributions from Individual Retirement Accounts for first-time home purchases, I think it is only fair that we waive this penalty for those who want to keep their homes.

Bottom-line, this bill is about helping homeowners help themselves. While the 10 percent penalty is well-intentioned in that we want people to avoid using their retirement savings during their working years, times like these require us to recognize that sometimes such rules can be counterproductive. Both on a homeowner level and on a community level, I believe that it makes sense to enable those, who can, to keep their homes. Ultimately it is up to the homeowner to decide whether it makes financial sense to turn to their retirement savings to keep their homes. At the very least however, for those who do decide to do so, we should not penalize them for trying to keep a roof over their heads and wanting to remain a part of the community they have called home.

I urge my colleagues to support this measure as we seek to help out homeowners in trouble.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2201

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Home Ownership Mortgage Emergency Act" or the "HOME Act".

**SEC. 2. TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS FOR MORTGAGE DELINQUENCY RELIEF.**

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified mortgage delinquency relief distribution.

(b) AGGREGATE DOLLAR LIMITATION.—

(1) IN GENERAL.—For purposes of this section, the aggregate amount of distributions received by an individual which may be treated as qualified mortgage delinquency relief distributions for any taxable year shall not exceed the excess (if any) of—

(A) $100,000, over

(B) the aggregate amounts treated as qualified mortgage delinquency relief distributions received by such individual for all prior taxable years.

(2) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to paragraph (1)) be a qualified mortgage delinquency relief distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified mortgage delinquency relief distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

(3) CONTROLLED GROUP.—For purposes of paragraph (2), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified mortgage delinquency relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified mortgage delinquency relief distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified mortgage delinquency relief distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified mortgage delinquency relief distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified mortgage delinquency relief distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED MORTGAGE DELINQUENCY RELIEF DISTRIBUTION.—Except as provided in subsection (b), the term "qualified mortgage delinquency relief distribution" means any distribution from an eligible retirement plan made on or after the date of the enactment of this Act and before January 1, 2010, to an individual—

(A) whose acquisition indebtedness (as defined in section 163(h)(3)(B) of the Internal Revenue Code of 1986, without regard to clause (i) thereof) with respect to the principal residence of the taxpayer is in delinquency for at least 60 days, and

(B) whose adjusted gross income (as defined in section 62 of the such Code) for the taxable year of such distribution does not exceed $114,000 ($166,000 in the case of a joint return under section 6013 of such Code).

(2) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(3) PRINCIPAL RESIDENCE.—The term "principal residence" has the same meaning as when used in section 121 of such Code.

(e) INCOME INCLUSION SPREAD OVER 3 YEAR PERIOD FOR QUALIFIED MORTGAGE DELINQUENCY RELIEF DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified mortgage delinquency relief distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(f) SPECIAL RULES.—

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified mortgage delinquency relief distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED MORTGAGE DELINQUENCY RELIEF DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified mortgage delinquency relief distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(g) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2010, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date the legislative or regulatory amendment described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

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By Mr. WHITEHOUSE (for himself and Mrs. BOXER):

2204. A bill to assist wildlife populations and wildlife habitats in adapting to and surviving the effects of global warming, and for other purposes; to the Committee on Environment and Public Works.

Mr. WHITEHOUSE. Mr. President, I rise today to discuss the very real and serious issue of global climate change, and specifically our efforts to help America's fish and wildlife, public lands, and oceans adapt to and survive global warming.

I am aware that there remain some in this country, and even in this chamber, who choose to reject the overwhelming scientific evidence that global warming is occurring today, and will worsen severely if nothing is done. For years, Congress and the Bush administration have delayed the implementation of swift and aggressive measures to reduce our greenhouse gas emissions. We can delay no longer. But as we work to mitigate the causes of global warming, we must also take urgent action to address its effects.

Climate change can have a devastating impact not only on the environment, but on the living things that depend on it. The early warning signs of climate change—taking place not just in the far reaches of the Arctic but also right in our own backyards—have shown that the world's wildlife is particularly vulnerable.

In Rhode Island's Narragansett Bay, the state's most distinctive ecological feature, the gradually-warming water temperature has contributed to a significant ecosystem shift. This warming has already resulted in a documented increase in ocean temperatures, leading to massive fish kills, like we experienced in Greenwich Bay in the summer of 2003, and other ecological damage.

The changing environment in the Bay has had a broad and significant impact on fish and shellfish. Cold water species, such as winter flounder, that were once abundant in the Bay and had a high commercial value have been replaced by warmer water species, such as scup, that have a lower value. This has happened in just the past 20 years—a frighteningly quick timeline and apparently not what Nature intended. The shift in species has serious implications for Rhode Island's fishermen, whose work has been part of our State's economy for generations.

When I recently traveled to Greenland to witness firsthand the most severe and visible effects of climate change, one of the most striking of these was global warming's impact on Greenland's population of polar bears. The Greenland ice cap is melting at a rate never before seen in documented history. Melting sea ice and glaciers there and in other parts of the Arctic are gradually raising sea levels around the world, shrinking polar bears' habitats and bringing them into increasing contact with humans. In some cases, we were told, villagers have been forced to shoot polar bears with their cubs forced into populated areas in search of food.

Global warming represents the single greatest threat to our natural environment and wildlife, and we must act decisively if we are to avoid disaster.

America's ocean and terrestrial wildlife is a fundamental part of our national heritage, and conservation of our wildlife is a core value shared by all Americans. Climate change is directly related to the species decline we have experienced over the last two decades, both on land and in our waters. The combined impact of climate change, loss of habitat due to development pressures, and exploitation of our natural resources threatens to drive many species over the brink to permanent extinction.

Today, I am introducing legislation that will help bolster our oceans and wildlife against one of the most significant of these pressures—that of global climate change.

The Global Warming Wildlife Survival Act represents the first comprehensive approach to mitigate the impact of climate change on America's wildlife, oceans, and other natural systems. I am proud and pleased to have the distinguished chair of the Environment and Public Works Committee, Senator BOXER, join me as an original cosponsor of this bill.

The bill has three primary goals: first, it will create a coordinated national strategy, based on sound science, to guide Federal, State, and local agency actions to address global warming's threat to our oceans and wildlife. The Secretary of Interior will develop a national strategy for managing terrestrial wildlife and the habitats they depend on, and the Secretary of Commerce will develop a national strategy for our oceans, coastal, and great lakes ecosystems. Both Secretaries will consult with other affected federal agencies, States, tribes, local governments, conservation organizations, and other stakeholders to develop the strategy.

Second, the bill will support improved science capacity for Federal agencies to respond to global warming, including the establishment of a National Global Warming and Wildlife Science Center in the U.S. Geological Survey for terrestrial wildlife and a comparable Science Advisory Board within the Department of Commerce to provide scientific and technical advice to respond to the impacts of global warming on ocean and coastal ecosystems.

Finally, the bill directs that funding for implementation of the national strategy be allocated in a balanced, strategic, and efficient way to the Federal programs, States, and tribal agencies charged with carrying out the national strategy.

The impact of climate change on our oceans and wildlife is an issue too important to ignore. Human activity has caused climate change and we must be responsible for solving it. We have an obligation to our children and grandchildren to leave behind a natural environment as good, and we would hope and pray better, than the one we inherited. Preserving America's wildlife and oceans so that the next generation can enjoy an unspoiled natural environment, and our many traditions of hunting, fishing and other outdoor recreation, is a responsibility we must uphold.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2204

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Global Warming Wildlife Survival Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—NATURAL RESOURCES AND WILDLIFE PROGRAMS

Sec. 101. Definitions.

Subtitle A—National Policy and Strategy for Wildlife

Sec. 111. National policy on wildlife and global warming.
Sec. 112. National strategy.
Sec. 113. Advisory Board; National Global Warming and Wildlife Science Center.
Sec. 114. Authorization of appropriations.

Subtitle B—State and Tribal Wildlife Grants Program

Sec. 121. State and tribal wildlife grants program.

TITLE II—OCEAN PROGRAMS
Sec. 201. Short title.
Sec. 202. Findings.
Subtitle A—National Policy for Ocean, Coastal, and Great Lakes Ecosystem Health and Resiliency
Sec. 211. National policy on ocean, coastal, and great lakes ecosystem health and resiliency.
Sec. 212. National ocean, coastal, and Great Lakes resiliency strategy.
Sec. 213. Advisory Board.
Sec. 214. Implementation of national strategy.
Sec. 215. Reports.
Sec. 216. Authorization of appropriations.
Subtitle B—Planning for Climate Change in Coastal Zone
Sec. 221. Planning for climate change in coastal zone.
TITLE III—SPECIAL IMPERILED SPECIES PROGRAMS
Sec. 301. Definitions.
Sec. 302. Regional ecological symposia.
Sec. 303. National Academy of Sciences report.

### SEC. 2. DEFINITIONS.

In this Act:

(1) ECOLOGICAL PROCESSES.—

(A) IN GENERAL.—The term "ecological processes" means the biological, chemical, and physical interactions between the biotic and abiotic components of an ecosystem.

(B) INCLUSIONS.—The term "ecological processes" includes—

(i) nutrient cycling;

(ii) pollination;

(iii) predator-prey relationships;

(iv) soil formation;

(v) gene flow;

(vi) hydrologic cycling;

(vii) decomposition; and

(viii) disturbance regimes, such as fire and flooding.

(2) HABITAT.—

(A) IN GENERAL.—The term "habitat" means the physical, chemical, and biological properties that are used by wildlife for growth, reproduction, and survival.

(B) INCLUSIONS.—The term "habitat" includes aquatic and terrestrial plant communities, food, water, cover, and space on a tract of land, in a body of water, or in an area or region.

(3) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) WILDLIFE.—The term "wildlife" means—

(A) any species of wild, free-ranging fauna, including fish and other aquatic species; and

(B) any fauna in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range.

## TITLE I—NATURAL RESOURCES AND WILDLIFE PROGRAMS

### SEC. 101. DEFINITIONS.

In this title:

(1) ADVISORY BOARD.—The term "Advisory Board" means the Advisory Board established under section 113(a).

(2) HABITAT LINKAGE.—The term "habitat linkage" means an area that—

(A) connects wildlife habitat or potential wildlife habitat; and

(B) facilitates the ability of wildlife to move within a landscape in response to the effects of global warming.

(3) NATIONAL STRATEGY.—The term "national strategy" means the national strategy established under section 112.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

### Subtitle A—National Policy and Strategy for Wildlife

### SEC. 111. NATIONAL POLICY ON WILDLIFE AND GLOBAL WARMING.

It is the policy of the Federal Government, in cooperation with State, tribal, and affected local governments, other concerned public and private organizations, landowners, and citizens to use all practicable means and measures—

(1) to assist wildlife populations and wildlife habitats in adapting to and surviving the effects of global warming; and

(2) to ensure the persistence and resilience of the wildlife of the United States, together with wildlife habitat, as an essential part of the culture, landscape, and natural resources of the United States.

### SEC. 112. NATIONAL STRATEGY.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement the national policy under section 111 by establishing a national strategy for assisting wildlife populations and wildlife habitats in adapting to the impact of global warming.

(2) ADMINISTRATION.—In establishing the national strategy, the Secretary shall—

(A) base the national strategy on the best available science, as provided by the Advisory Board;

(B) develop the national strategy in cooperation with State fish and wildlife agencies and Indian tribes;

(C) consult with—

(i) the Secretary of Agriculture;

(ii) the Secretary of Commerce;

(iii) the Administrator of the Environmental Protection Agency;

(iv) local governments;

(v) conservation organizations;

(vi) scientists; and

(vii) other interested stakeholders; and

(D) provide public notice and opportunity for comment.

(b) CONTENTS.—

(1) IN GENERAL.—The Secretary shall include in the national strategy prioritized goals and measures and a plan for implementation (including a timeframe)—

(A) to identify and monitor wildlife populations, including game species, that are likely to be adversely affected by global warming, with particular emphasis on wildlife populations with the greatest need for conservation;

(B) to identify and monitor coastal, marine, terrestrial, and fresh water habitats that are at the greatest risk of being damaged by global warming;

(C) assist species in adapting to the impact of global warming;

(D) protect, acquire, and restore wildlife habitat to build resilience to global warming;

(E) provide habitat linkages and corridors to facilitate wildlife movements in response to global warming;

(F) restore and protect ecological processes that sustain wildlife populations that are vulnerable to global warming; and

(G) incorporate consideration of climate change in, and integrate climate change adaptation strategies for wildlife and wildlife habitat into, the planning and management of Federal land administered by the Department of the Interior and land administered by the Forest Service.

(2) COORDINATION WITH OTHER PLANS.—In developing the national strategy, the Secretary shall, to the maximum extent practicable—

(A) take into consideration research and information contained in—

(i) State comprehensive wildlife conservation plans;

(ii) the North American Waterfowl Management Plan;

(iii) the National Fish Habitat Action Plan; and

(iv) other relevant plans; and

(B) coordinate and integrate, to the extent consistent with the policy established under section 111, the goals and measures identified in the national strategy with goals and measures identified in those plans.

(c) REVISIONS.—Not later than 5 years after the date of the initial establishment of the national strategy and every 10 years thereafter, the Secretary shall revise the national strategy to reflect—

(1) new information on the impact of global warming on wildlife and wildlife habitat; and

(2) advances in the development of strategies for adapting to or mitigating the impact.

(d) IMPLEMENTATION.—

(1) IMPLEMENTATION ON FEDERAL LAND SYSTEMS.—To achieve the goals of the national strategy and to implement measures for the conservation of wildlife and wildlife habitat identified in the national strategy—

(A) the Secretary of the Interior shall exercise the authority of the Secretary under this title and other laws within the jurisdiction of the Secretary pertaining to the administration of land; and

(B) the Secretary of Agriculture shall exercise the authority of the Secretary of Agriculture under this title and other laws within the jurisdiction of the Secretary pertaining to the administration of land.

(2) WILDLIFE CONSERVATION PROGRAMS.—To the maximum extent practicable, the Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall use the authorities of the respective Secretary under other laws to achieve the goals of the national strategy.

(e) LIMITATION ON EFFECT.—Nothing in this section creates new authority or expands any existing authority for the Secretary to regulate the use of private property.

### SEC. 113. ADVISORY BOARD; NATIONAL GLOBAL WARMING AND WILDLIFE SCIENCE CENTER.

(a) ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary shall establish and appoint the members of an Advisory Board that is composed of—

(A) not less than 10, and not more than 20, members recommended by the President of the National Academy of Sciences with expertise in wildlife biology, ecology, climate change, and other relevant disciplines; and

(B) the Director of the National Global Warming and Wildlife Science Center established under subsection (b), who shall be an ex officio member of the Advisory Board.

(2) FUNCTIONS.—The Advisory Board shall—

(A) provide scientific and technical advice and recommendations to the Secretary on—

(i) the impact of global warming on wildlife and wildlife habitat;

(ii) areas of habitat of particular importance for the conservation of wildlife populations affected by global warming; and

(iii) strategies and mechanisms to assist wildlife populations and wildlife habitats in adapting to the impact of global warming on the management of Federal land and in other Federal programs for wildlife conservation;

(B) advise the National Global Warming and Wildlife Science Center established under subsection (b) and review the research programs of the Center; and

(C) advise the Secretary regarding the best science available for purposes of developing and revising the national strategy established under section 112.

(3) PUBLIC AVAILABILITY.—The advice and recommendations of the Advisory Board shall be available to the public.

(b) NATIONAL GLOBAL WARMING AND WILDLIFE SCIENCE CENTER.—

(1) IN GENERAL.—The Secretary shall establish a National Global Warming and Wildlife Science Center within the United States Geological Survey.

(2) DIRECTOR.—The Center shall be headed by a Director, appointed by the Secretary.

(3) FUNCTIONS.—The Center shall—

(A) conduct scientific research on national issues relating to the impact of global warming on wildlife and wildlife habitat and mechanisms for adaptation to, mitigation of, or prevention of the impact;

(B) consult with and advise Federal land management agencies and Federal wildlife agencies on—

(i) the impact of global warming on wildlife and wildlife habitat and mechanisms for adaptation to or mitigation of the impact; and

(ii) the incorporation of information regarding the impact and the adoption of mechanisms for adaptation or mitigation of the impact in the management and planning for Federal land and in the administration of Federal wildlife programs; and

(C) consult and, to the maximum extent practicable, collaborate with State and local agencies, institutions of higher education, and other public and private entities regarding research, monitoring, and other efforts to address the impact of global warming on wildlife and wildlife habitat.

(4) INTEGRATION WITH OTHER FEDERAL ACTIVITIES.—The Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall ensure that research and other activities carried out under this section are integrated with climate change program research and activities carried out under other Federal law.

(c) DETECTION OF CHANGES.—The Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall use existing authorities to each carry out programs to detect changes in wildlife abundance, distribution, and behavior related to global warming, including—

(1) conducting species inventories on Federal land and in marine areas within the exclusive economic zone of the United States; and

(2) establishing and implementing robust, coordinated monitoring programs.

### SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

(b) IMPLEMENTATION OF NATIONAL STRATEGY.—Of the amount that is made available to carry out this subtitle for each fiscal year—

(1) 45 percent of the amount shall be made available to Federal agencies to develop and implement the national strategy established under section 112 in the administration of Federal land systems, of which not less than—

(A) 35 percent shall be allocated to the Department of the Interior—

(i) to operate the National Global Warming and Wildlife Science Center established under section 113(b); and

(ii) to carry out the policy established under section 111, and implement the national strategy, in the administration of—

(I) the National Park System;

(II) the National Wildlife Refuge System; and

(III) public land of the Bureau of Land Management; and

(B) 10 percent shall be allocated to the Department of Agriculture to carry out the policy established under section 111, and implement the national strategy, in the administration of the National Forest System;

(2) 25 percent of the amount shall be made available to Federal agencies to carry out the policy established under section 111, and to implement the national strategy, in the administration of fish and wildlife programs (other than for the operation and maintenance of Federal land), of which—

(A) 10 percent shall be allocated to the Department of the Interior to carry out endangered species, migratory bird, and other fish and wildlife programs administered by the United States Fish and Wildlife Service, other than operations and maintenance of the National Wildlife Refuges; and

(B) 15 percent shall be allocated to the Department of the Interior to implement or fund activities that assist wildlife and wildlife habitat in adapting to the impact of global warming under applicable cooperative grant programs, including—

(i) grants from the cooperative endangered species conservation fund established under section 6(i) of the Endangered Species Act of 1973 (16 U.S.C. 1535(i));

(ii) Private Stewardship Grants;

(iii) grants from the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(iv) grants from the multinational species conservation fund established under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" of title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246);

(v) grants from the Neotropical Migratory Bird Conservation Fund established by section 9(a) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6108(a)); and

(vi) grants under the National Fish Habitat Action Plan; and

(3) 30 percent of the amount shall be made available for grants to States and Indian tribes through the State and tribal wildlife grants program authorized under section 121—

(A) to carry out activities that assist wildlife and wildlife habitat in adapting to the impact of global warming in accordance with State comprehensive wildlife conservation plans developed and approved under the program; and

(B) to revise or supplement existing State comprehensive wildlife conservation plans as necessary to include specific strategies for assisting wildlife and wildlife habitat in adapting to the impact of global warming.

(c) AVAILABILITY TO STATES AND INDIAN TRIBES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), funding under this section may be made available to States and Indian tribes in accordance with this section.

(2) INITIAL 5-YEAR PERIOD.—During the 5-year period beginning on the date of enactment of this Act, a State shall not be eligible to receive funds under this section unless the head of the wildlife agency of the State has—

(A) approved, and provided to the Secretary, an express strategy to assist wildlife populations in adapting to the impact of global warming in the State; and

(B) incorporated the strategy as a supplement to the comprehensive wildlife conservation plan of the State.

(3) SUBSEQUENT PERIOD.—After the 5-year period described in paragraph (2), a State shall not be eligible to receive funds under this section unless the State has submitted to the Secretary, and the Secretary has approved, a revision to the comprehensive wildlife conservation plan of the State that—

(A) describes the impact of global warming on the diversity and health of the wildlife populations and habitat of the State;

(B) describes and prioritizes proposed conservation actions to assist wildlife populations in adapting to the impact;

(C) establishes programs for monitoring the impact of global warming on wildlife populations and wildlife habitat; and

(D) establishes methods for—

(i) assessing the effectiveness of conservation actions taken to assist wildlife populations in adapting to the impact; and

(ii) adapting the actions to respond appropriately to new information or changing conditions.

(d) MAINTENANCE OF EFFORT.—It is the intent of Congress that funding provided under this subtitle supplements (and not supplants) existing sources of funding for wildlife conservation.

## Subtitle B—State and Tribal Wildlife Grants Program

### SEC. 121. STATE AND TRIBAL WILDLIFE GRANTS PROGRAM.

(a) AUTHORIZATION OF PROGRAM.—The Secretary shall establish a State and tribal wildlife grants program under which the Secretary shall provide wildlife conservation grants to States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and Indian tribes for the planning, development, and implementation of programs for the benefit of wildlife and wildlife habitat, including species that are not hunted or fished.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), of the amount that is made available to carry out this section for each fiscal year—

(A) 10 percent shall be used to conduct a competitive grant program for Indian tribes that are not subject to any other provision of this section;

(B) of the amount remaining after the application of subparagraph (A) and after the deduction of the administrative expenses incurred by the Secretary to carry out this section—

(i) not more than ½ of 1 percent shall be allocated to provide grants to each of—

(I) the District of Columbia; and

(II) the Commonwealth of Puerto Rico; and

(ii) not more than ¼ of 1 percent shall be allocated to each of—

(I) Guam;

(II) American Samoa;

(III) the Commonwealth of the Northern Mariana Islands; and

(IV) the United States Virgin Islands; and

(C) of the amount remaining after the application of subparagraphs (A) and (B), the Secretary shall apportion among the States—

(i) ⅓ based on the ratio that the land area of each State bears to the total land area of all States; and

(ii) ⅔ based on the ratio that the population of each State bears to the total population of all States.

(2) ADJUSTMENTS.—The amount apportioned under paragraph (1)(C) for a fiscal

year shall be adjusted equitably so that no State is apportioned under that subparagraph an amount that is—

(A) less than 1 percent of the amount available for apportionment under that subparagraph for the fiscal year; or

(B) more than 5 percent of the amount.

(c) COST SHARING.—

(1) PLAN DEVELOPMENT GRANTS.—The Federal share of the costs of developing or revising a comprehensive wildlife conservation plan shall not exceed 75 percent of the total costs of developing or revising the plan.

(2) PLAN IMPLEMENTATION GRANTS.—The Federal share of the costs of carrying out an activity under an approved comprehensive wildlife conservation plan carried out with a grant under this section shall not exceed 50 percent of the total costs of carrying out the activity.

(3) PROHIBITION ON USE OF FEDERAL FUNDS.—The non-Federal share of costs of an activity carried out under this section shall not be paid with amounts derived from any Federal grant program.

(d) REQUIREMENT FOR PLAN.—

(1) IN GENERAL.—No State, territory, possession, or other jurisdiction (referred to in this subsection as an "eligible jurisdiction") shall be eligible for a grant under this section unless the eligible jurisdiction submits to the Secretary a comprehensive wildlife conservation plan that—

(A) complies with paragraph (2); and

(B) considers the broad range of wildlife and associated habitats of the eligible jurisdiction, with appropriate priority placed on species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species.

(2) CONTENTS.—The comprehensive wildlife conservation plan of an eligible jurisdiction shall contain—

(A) information on the distribution and abundance of species of wildlife (including low and declining populations as the fish and wildlife agency of the eligible jurisdiction considers appropriate) that are indicative of the diversity and health of the wildlife of the eligible jurisdiction;

(B) information on the location and relative condition of key habitats and community types essential to the conservation of species identified under subparagraph (A);

(C) a description of—

(i) problems that may adversely affect species identified under subparagraph (A) or the habitats of the species; and

(ii) priority research and survey efforts that are needed to identify factors that may assist in the restoration and improved conservation of those species and habitats;

(D) a description of conservation actions proposed to conserve the identified species and habitats and priorities for implementing the actions;

(E) a proposed plan for monitoring species identified under subparagraph (A) and the habitats of the species, for—

(i) monitoring the effectiveness of the conservation actions proposed under subparagraph (D); and

(ii) adapting the conservation actions to respond appropriately to new information or changing conditions;

(F) a description of procedures to review the comprehensive wildlife conservation plan at intervals of not to exceed 10 years;

(G) a plan for coordinating the development, implementation, review, and revision of the comprehensive wildlife conservation plan with Federal, State, and local agencies and Indian tribes that manage significant land and water areas within the jurisdiction or administer programs that significantly affect the conservation of identified species and habitats; and

(H) provisions that provide an opportunity for broad public participation as an essential element of the development, revision, and implementation of the comprehensive wildlife conservation plan.

(e) EXISTING STRATEGIES AND ACTIVITIES.—

(1) STRATEGIES.—A State comprehensive wildlife strategy that was approved by the Secretary pursuant to a provision of law in effect on the day before the date of enactment of this Act shall remain in effect until the authority for the strategy expires or is revised in accordance with the terms of the strategy.

(2) ACTIVITIES.—Except as specified in section 114(c), funds made available under this section may be used to carry out conservation and education activities conducted or proposed to be conducted pursuant to a strategy described in paragraph (1).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

## TITLE II—OCEAN PROGRAMS

### SEC. 201. SHORT TITLE.

This title may be cited as the "Global Warming and Acidification Coastal and Ocean Resiliency Act".

### SEC. 202. FINDINGS.

Congress finds that—

(1) healthy, diverse, and productive coastal, ocean, and Great Lakes ecosystems, communities, and habitats are critical to securing the full range of natural resource benefits for the United States;

(2) healthy ecosystems are more resilient than degraded ecosystems;

(3) resilient ecosystems can better adapt to changing environmental conditions, including global warming and ocean acidification;

(4) the effects of global warming, including relative sea level rise and ocean acidification pose significant threats to healthy ocean, coastal, and Great Lakes ecosystems; and

(5) policies and programs designed to ensure the recovery, resilience, and health of coastal, ocean, and Great Lakes ecosystems and the resources of the ecosystems in the face of environmental change are an urgent national priority.

## Subtitle A—National Policy for Ocean, Coastal, and Great Lakes Ecosystem Health and Resiliency

### SEC. 211. NATIONAL POLICY ON OCEAN, COASTAL, AND GREAT LAKES ECOSYSTEM HEALTH AND RESILIENCY.

It is the policy of the Federal Government, in cooperation with State, tribal, and affected local governments, other concerned public and private organizations, coastal and ocean resource users, and citizens to take effective measures—

(1) to ensure the recovery, resiliency, and health of ocean, coastal, and Great Lakes ecosystems;

(2) to predict, plan for, and mitigate the impact on coastal, ocean, and Great Lakes ecosystems from global warming, including relative sea level rise, and from ocean acidification;

(3) to plan for and mitigate the impact of the development of offshore alternative energy resources and appropriate carbon capture and sequestration activities; and

(4) to cooperate and collaborate to support improved and enhanced ocean and coastal management in the United States.

### SEC. 212. NATIONAL OCEAN, COASTAL, AND GREAT LAKES RESILIENCY STRATEGY.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Commerce (referred to in this title as the "Secretary") shall implement the national policy under section 211 by establishing a national strategy to protect, maintain, and restore coastal and marine ecosystems so that the ecosystems are more resilient and better able to withstand the additional stresses associated with global warming, including relative sea level rise, and with ocean acidification.

(2) MEASURES.—In establishing the national strategy, the Secretary shall provide for research and design of practical measures—

(A) to avoid, alleviate, or mitigate the impact of global warming, including relative sea level rise, and of ocean acidification on ocean, coastal, and Great Lakes ecosystems and resources in the United States; and

(B) to ensure the recovery, resiliency, and health of ocean, coastal, and Great Lakes ecosystems.

(3) ADMINISTRATION.—Before and during the development of the national strategy, the Secretary shall—

(A) base the national strategy on the best available science;

(B) consult with—

(i) the Secretary of the Interior;

(ii) the Administrator of the Environmental Protection Agency;

(iii) Regional Fishery Management Councils;

(iv) State coastal management and fish and wildlife agencies;

(v) Indian tribes;

(vi) local governments;

(vii) conservation organizations;

(viii) scientists; and

(ix) other interested stakeholders; and

(C) provide public notice and opportunity for comment.

(b) CONTENTS.—

(1) IN GENERAL.—The Secretary shall include in the national strategy prioritized goals and measures and a plan for implementation (including a timeframe)—

(A) to incorporate climate change adaptation strategies into the planning and management of ocean and coastal programs and resources administered by the Department of Commerce;

(B) to incorporate the strategies into the planning and management of ocean and coastal resources administered by Federal and non-Federal governmental entities other than the Department of Commerce;

(C) to support predictions of relative sea level rise;

(D) to protect, maintain, and restore coastal and marine ecosystems so that the ecosystems are more resilient and better able to withstand the additional stresses associated with global warming, including relative sea level rise, and with ocean acidification;

(E) to protect ocean and coastal species from the impact of global warming and ocean acidification;

(F) to incorporate adaptation strategies for relative sea level rise into coastal zone planning;

(G) to protect and restore ocean and coastal habitats to build healthy and resilient ecosystems, including the purchase of coastal and island land; and

(H) to promote the development of plans to mitigate at the community level the economic consequences of global warming, including relative sea level rise and ocean acidification.

(2) COORDINATION WITH OTHER PLANS.—In developing the national strategy, the Secretary shall, to the maximum extent practicable—

(A) take into consideration research and information contained in—

(i) Federal, regional, and State management and restoration plans;

(ii) the reports of the Pew Oceans Commission and the United States Commission on Ocean Policy; and

(iii) any other relevant reports and information; and

(B) encourage and take into account regional plans for protecting and restoring the health and resilience of ocean and coastal ecosystems, including the Great Lakes.

(c) REVISIONS.—Not later than 5 years after the date of the initial establishment of the national strategy and each 10 years thereafter, the Secretary shall revise the national strategy to reflect—

(1) new information on the impact of global warming, including relative sea level rise, and of acidification on ocean, coastal and Great Lakes ecosystems and the resources of the ecosystems; and

(2) advances in the development of strategies for adapting to or mitigating for the impact.

(d) IMPLEMENTATION.—To achieve the goals of the national strategy, each Federal agency shall (directly and in cooperation with other agencies) implement measures for the conservation of ocean, coastal, and Great Lakes ecosystems under the jurisdiction of the Federal agency that promote the national strategy established under this section.

### SEC. 213. ADVISORY BOARD.

(a) IN GENERAL.—The Secretary shall establish and appoint the members of an Advisory Board that is composed of not less than 10, and not more than 20, members recommended by the President of the National Academy of Sciences with expertise in ocean, coastal, and Great Lakes biology, ecology, fisheries, climate change, ocean acidification, and other relevant disciplines, including economics at the community level.

(b) FUNCTION.—The Advisory Board shall—

(1) provide scientific and technical advice and recommendations to the Secretary on—

(A) the impact of global warming, including relative sea level rise, and of acidification on ocean and coastal ecosystems, resources, ecological and coastal communities, and habitats; and

(B) strategies and mechanisms to mitigate the impact of global warming, including relative sea level rise, and of acidification on ocean and coastal ecosystems;

(2) advise the Secretary on priorities for research or information collection; and

(3) advise the Secretary on priority needs for achieving systematic improvements in ocean and coastal resiliency for the purposes of section 212.

### SEC. 214. IMPLEMENTATION OF NATIONAL STRATEGY.

(a) IN GENERAL.—Of the amount that is made available to carry out this subtitle for each fiscal year—

(1) 40 percent shall be made available for the carrying out of Federal responsibilities to develop and implement the national strategy established under section 212; and

(2) 60 percent shall be used to make grants under subsection (b).

(b) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to eligible entities to pay the Federal share (as determined by the Secretary) to carry out activities that contribute to or result in protecting, maintaining, or restoring the resilience and health of coastal, ocean, and Great Lakes ecosystems and resources, including planning and scientific research to support such purposes.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be—

(A) a Federal agency;

(B) an agency of a State or political subdivision;

(C) a regional partnership;

(D) an Indian tribe;

(E) an institution of higher education; or

(F) a nongovernmental organization.

(3) ELIGIBLE USES.—A grant provided under this subsection may only be used to carry out an activity described in paragraph (1) that is approved by the Secretary.

(4) PRIORITIZATION.—In approving applications under this subsection, the Secretary shall give priority to proposals that—

(A) implement measures to enhance the health or resilience of coastal, ocean, or Great Lakes areas of national significance, including biological, historical, and cultural measures;

(B) result in systematic improvements to the resilience and health of coastal and ocean ecosystems and resources;

(C) are sufficiently cooperative and broad in geographic scope to address the problem or need; and

(D) demonstrate cost-effectiveness based on ecosystems services provided per dollar of Federal expenditure, including consideration of the potential for a funding match.

(5) GUIDANCE.—The Secretary shall issue guidance regarding a process for—

(A) the approval or disapproval of applications for grants under this subsection, including opportunities for public comment; and

(B) the establishment of annual and multiyear national funding priorities.

(6) EVALUATION.—

(A) IN GENERAL.—The Secretary shall establish a system to provide for an annual external evaluation of each grant that measures the progress of implementation of the grant against the goals and objectives of the grant project.

(B) PUBLIC AVAILABILITY.—The Secretary shall make the results of the evaluations publicly available.

### SEC. 215. REPORTS.

(a) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall report to Congress, not later than 2 years after the date of enactment of this Act, on the current and projected impact of global warming, including relative sea level rise, of ocean acidification, and on effective mitigation strategies for the ocean, coastal, and Great Lakes ecosystems and resources of the United States.

(b) REPORT TO CONGRESS.—The Secretary shall make available to Congress a copy of the strategy and implementation plan established under this subtitle (including any updates to the strategy and plan).

### SEC. 216. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

## Subtitle B—Planning for Climate Change in Coastal Zone

### SEC. 221. PLANNING FOR CLIMATE CHANGE IN COASTAL ZONE.

(a) IN GENERAL.—The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

### "SEC. 320. CLIMATE CHANGE RESILIENCY PLANNING.

"(a) DEFINITIONS.—In this section, the terms 'ecological processes', 'habitat', and 'wildlife' have the meanings given those terms in section 2 of the Global Warming Wildlife Survival Act.

"(b) PROGRAM.—The Secretary shall establish, consistent with the national policies established under section 303, a coastal climate change resiliency planning and response program to—

"(1) provide assistance to coastal states to develop and implement coastal climate change resiliency plans pursuant to approved management programs approved under section 306, to prepare for and reduce, in an environmentally sensitive manner, the negative consequences to the coastal zone that may result from global warming and ocean acidification; and

"(2) provide financial and technical assistance and training to enable coastal states to implement plans developed pursuant to this section through enforceable policies of the coastal states.

"(c) GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the coastal states, shall issue guidelines for the implementation of the grant program established under subsection (d).

"(d) CLIMATE CHANGE RESILIENCY PLANNING GRANTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary may make a grant to any coastal state for the purpose of developing and implementing climate change resiliency plans pursuant to guidelines issued by the Secretary under subsection (c).

"(2) PLAN CONTENT.—

"(A) IN GENERAL.—A plan developed with a grant under this section shall include adaptation strategies for fish and wildlife, fish and wildlife habitat, and associated ecological process as are necessary to assist fish and wildlife, fish and wildlife habitat, and associated ecological processes to adapt to, become resilient to, and mitigate the impact of, global warming and ocean acidification.

"(B) INCLUSIONS.—The plans shall specifically include—

"(i) adaptive management strategies for land and water use to respond or adapt to changing environmental conditions, including strategies to protect biodiversity and establish habitat buffer zones, migration corridors, and climate refugia; and

"(ii) requirements—

"(I) to initiate and maintain long-term monitoring of environmental change to assess coastal zone resiliency; and

"(II) if necessary, to adjust adaptive management strategies and new planning guidelines to attain the policies under section 303.

"(3) ALLOCATION.—Grants under this section shall be—

"(A) available only to coastal states with management programs approved by the Secretary under section 306; and

"(B) allocated among the coastal states in a manner consistent with regulations promulgated pursuant to section 306(c).

"(4) PRIORITY.—In the awarding grants under this subsection, the Secretary may give priority to any coastal state that has received grant funding to develop program changes pursuant to paragraphs (1), (2), (3), (5), (6), (7), and (8) of section 309(a).

"(5) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to a coastal state (consistent with section 310) to ensure the timely development of plans supported by grants awarded under this subsection.

"(6) FEDERAL APPROVAL.—In order to be eligible for a grant under subsection (e), a coastal state shall have the plan of the coastal state developed under this section approved by the Secretary.

"(e) COASTAL RESILIENCY PROJECT GRANTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary may make grants to any coastal state that has a climate change resiliency plan approved under subsection (d)(6) for implementation of the plan.

"(2) PROGRAM REQUIREMENTS.—

"(A) IN GENERAL.—Not later than 90 days after the date of approval of the first plan approved under subsection (d)(6), the Secretary shall publish in the Federal Register requirements regarding applications, allocations, eligible activities, and all terms and conditions for grants awarded under this subsection.

"(B) MERIT-BASED AWARDS.—No less than 30 percent of the funds made available for any fiscal year for grants under this subsection shall be awarded through a merit-based competitive process.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 318(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding by adding at the end the following:

"(3) for grants under subsections (d) and (e) of section 320, such sums as are necessary for each fiscal year.".

## TITLE III—SPECIAL IMPERILED SPECIES PROGRAMS

### SEC. 301. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term "Director" means the Director of the United States Geological Survey.

(2) ECOSYSTEM.—The term "ecosystem" means any complex of a plant, animal, fungal, and microorganism community and the associated nonliving environment of the community that interacts as an ecological unit, including the species and the viability of species within the community.

(3) IMPERILED SPECIES.—The term "imperiled species" means—

(A) a species listed as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) a species proposed for listing under that Act;

(C) a candidate species under that Act.;

(D) a species listed as an endangered species under any State law; and

(E) a species, the population of which is declining at a significant rate.

### SEC. 302. REGIONAL ECOLOGICAL SYMPOSIA.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director, in coordination with the Director of the United States Fish and Wildlife Service and the Director of the National Marine Fisheries Service, shall convene multiple regional scientific symposia to examine the ecological impact of global warming on each imperiled species in each ecosystem of the United States.

(b) COMPOSITION.—A symposium convened in a region shall include—

(1) scientific representatives from Federal agencies with species- or ecosystem-related activities in the region;

(2) if appropriate, scientists or technical experts representing State, local, and tribal governments; and

(3) scientific experts from institutions of higher education and scientific societies, and any other independent scientists with sufficient qualifications and credentials, particularly with respect to site-specific ecological conditions and the status of species and ecological communities of concern in the region.

(c) DUTIES.—A symposium convened in a region shall—

(1) identify and assess fish, wildlife, and plant species, the habitats of the species, and the natural processes, ecosystems, and landscapes that support the habitats, that are most imperiled by global warming; and

(2) focus on imperiled species that are located on public land, declining migratory birds species, and other species that are protected by treaty or international agreement.

### SEC. 303. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall enter into an arrangement with the National Academy of Sciences under which the Academy shall convene a panel—

(1) to examine and analyze the reports, data, documents, and other information created by the multiple regional scientific symposia convened in accordance with section 302(a); and

(2) to prepare a report that takes into consideration each report, data, document, and other item of information described in paragraph (1).

(b) CONTENTS OF REPORT.—The report required under subsection (a)(2) shall include—

(1) an identification and assessment of—

(A) the impact of global warming on each imperiled species and ecosystem in the United States (including the territories of the United States); and

(B) different ecological scenarios that may result from different intensities, rates, and other critical manifestations of global warming;

(2) recommendations for specific roles to be played by Federal, State, local, and tribal agencies and private parties in assisting imperiled species in adapting to, and surviving the impacts of, climate change, including a recommended list of prioritized remediation actions by those agencies and parties; and

(3) other relevant ecological information.

(c) PUBLIC AVAILABILITY.—The recommendations and report required under this section shall be made available to the public as soon as practicable after the recommendations and report are complete.

(d) USE OF REPORT BY CERTAIN HEADS OF FEDERAL AGENCIES.—The Secretary of Agriculture, the Secretary of Commerce, and the Secretary of the Interior, in carrying out each national policy described in sections 111 and 211, shall take into account the recommendations and report required under this section.

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By Mr. DURBIN (for himself, Mr. HAGEL, and Mr. LUGAR):

**S. 2205. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; read the first time.**

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2205

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Development, Relief, and Education for Alien Minors Act of 2007" or the "DREAM Act of 2007".

### SEC. 2. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(3) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

### SEC. 3. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 4, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the date of enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), paragraph (3), subparagraph (B), (C), (E), (F), or (G) of paragraph (6), or subsection (C) of paragraph (10) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except that if the alien is inadmissible solely under subparagraph (C) or (F) of paragraph (6) of such section, the alien had not yet reached the age of 16 years at the time the violation was committed; and

(ii) is not deportable under subparagraph (E) or (G) of paragraph (1), paragraph (2), subparagraph (B), (C), or (D) of paragraph (3), paragraph (4), or paragraph (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), except that if the alien is deportable solely under subparagraph (C) or (D) of paragraph (3) of such section, the alien had not yet reached the age of 16 years at the time the violation was committed;

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was had not yet reached the age of 30 years on the date of enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6) of the Immigration and Nationality Act and the ground of deportability under paragraphs (1), (3), and (6) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify such an extension shall be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

**SEC. 4. CONDITIONAL PERMANENT RESIDENT STATUS.**

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 5, an alien whose status has been adjusted under section 3 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(3) LIMITATION ON REMOVAL.—The Secretary may not remove an alien who has a pending application for conditional permanent resident status under this section.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 3(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 3(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in subparagraph (D) of such paragraph; and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary may extend the period of conditional resident status for the purpose of completing the requirements described in subparagraph (D) of paragraph (1).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

**SEC. 5. TREATMENT OF CERTAIN APPLICANTS.**

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (F) of section 3(a)(1) and subparagraph (D) of section 4(d)(1), the Secretary may adjust the status of the alien to that of a conditional resident in accordance with section 3. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 4(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 4(d)(1) during the entire period of conditional residence.

**SEC. 6. EXCLUSIVE JURISDICTION.**

(a) SECRETARY.—Except as provided in subsection (b), the Secretary shall have exclusive jurisdiction to determine eligibility for relief under this Act.

(b) ATTORNEY GENERAL.—Notwithstanding subsection (a), if an alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary under this Act until proceedings are terminated. If a final order of deportation, exclusion, or removal is entered for the alien the Secretary shall resume all powers and duties under this Act with respect to the alien.

**SEC. 7. STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.**

(a) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), (E), and (F) of section 3(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(b) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (a) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(c) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (a) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (a)(1).

**SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.**

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

**SEC. 9. CONFIDENTIALITY OF INFORMATION.**

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

**SEC. 10. HIGHER EDUCATION ASSISTANCE.**

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV, subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV, subject to the requirements of such part.

(3) Services under such title IV, subject to the requirements for such services.

**SEC. 11. GAO REPORT.**

Not later than 7 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 3(a);

(2) the number of aliens who applied for adjustment of status under section 3(a);

(3) the number of aliens who were granted adjustment of status under section 3(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 4.

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By Mr. SCHUMER (for himself, Mr. SPECTER, Mr. COCHRAN, and Mr. HARKIN:

S.J. Res. 21. A joint resolution proposing amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

Mr. HARKIN. Mr. President, today I am proud to join Senators SCHUMER, SPECTER and COCHRAN in introducing a constitutional amendment to overturn the 1976 Supreme Court decision in the case of Buckley v. Valeo and restore Congress's power to regulate campaign finances.

This constitutional amendment is a necessary first step in restoring confidence in our system of government. The Court's decision in Buckley, which equated money with speech, was fundamentally flawed. Unfortunately, since that decision, our democracy has been perverted. Costs of elections have spiraled out of control, office seekers are required to spend more time than ever raising money, and special interests correspondingly have greater access than ever before. As a result, the integrity of our democracy continues to wane.

Make no mistake, I am extremely reluctant to amend the Constitution. Amending the Constitution rightly is an extraordinary step that has seldom been done in our history. But, when it has been truly needed, we have done so. Reluctantly, I have reached the conclusion that it is needed now. Without this amendment, our nation is simply too limited in its ability to deal with corruption and to restore confidence in our electoral system. The integrity of our democratic system not only deems it appropriate for us to approve a constitutional amendment, it requires it.

Until we have the ability to truly create a system of campaign finance, we will continue to have an escalation of spending on campaigns, and an escalation of continued distrust by the American people in their political system. This amendment is a necessary first step and I encourage my colleagues to support this vital measure.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be placed in the RECORD, as follows:

S. J. RES. 21

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. Congress shall have power to regulate the raising and spending of money, including through setting limits, for campaigns for nomination for election to, or for election to, Federal office.

"SECTION 2. A State shall have power to regulate the raising and spending of money, including through setting limits, for—

"(1) State or local ballot initiatives, referenda, plebiscites, or other similar ballot measures; and

"(2) campaigns for nomination for election to, or for election to, State or local office.

"SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.".

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## SUBMITTED RESOLUTIONS

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## SENATE RESOLUTION 351—DESIGNATING THE WEEK BEGINNING OCTOBER 21, 2007, AS "NATIONAL CHARACTER COUNTS WEEK"

Mr. DOMENICI (for himself, Mr. DODD, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. STEVENS, Mr. ROCKEFELLER, Mr.

**COCHRAN, Mr. DURBIN, Ms. MURKOWSKI, Mr. BIDEN, Mr. ENZI, Mr. PRYOR, and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:**

S. RES. 351

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning October 21, 2007, as "National Character Counts Week"; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

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## SENATE RESOLUTION 352—EXPRESSING THE SENSE OF THE SENATE REGARDING THE 20TH ANNIVERSARY OF UNITED STATES-MONGOLIA RELATIONS

**Ms. MURKOWSKI (for herself, Mr. LUGAR, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:**

S. RES. 352

Whereas the United States established diplomatic relations with the Government of Mongolia in January 1987 and established its first embassy in Ulaanbaatar in June 1988;

Whereas the United States and Mongolia are both fully democratic states committed to the rule of law;

Whereas, in 1991, the United States established normal trade relations with Mongolia and began a Peace Corps program that now boasts approximately 100 volunteers;

Whereas the United States has a continued commitment to Mongolia's economic and political development and has contributed over $150,000,000 in aid for that purpose since 1991;

Whereas the United States has supported Mongolia's participation in the International Monetary Fund, the World Bank, and the Asian Development Bank;

Whereas the United States and Mongolia strengthened their trade relationship through the signing of a Trade and Investment Framework Agreement in 2004 to boost bilateral commercial ties and resolve trade disputes;

Whereas Mongolia continues to work with the United States to combat global terrorism and, since April 2003, has contributed engineers, troops, and medical personnel to Operation Iraqi Freedom and has participated in training National Army artillery units in Afghanistan;

Whereas Mongolia has demonstrated an expanding desire to join the United States in global peacekeeping activities by sending a contingent of 250 soldiers to protect the Special Court for Sierra Leone, a platoon to participate in the North Atlantic Treaty Organization (NATO) mission in Kosovo, and personnel to serve as United Nations observers in Sudan, Ethiopia, and Eritrea;

Whereas the United States and Mongolia share an interest in promoting peaceful cooperation in south central Asia; and

Whereas Mongolia was named eligible for Millennium Challenge Compact assistance on May 6, 2004, submitted its official proposal on October 13, 2005, and had its proposal approved by the Millennium Challenge Corporation on September 12, 2007: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the strength and endurance of the partnership between the United States and Mongolia should be acknowledged and celebrated;

(2) the United States should encourage continued economic cooperation with Mongolia, including in areas such as mining, construction, information technology, tourism, and meat processing, to the betterment of both our economies;

(3) the United States should continue to work with the International Monetary Fund, the World Bank, and the Asian Development Bank to improve Mongolia's economic system;

(4) the United States should provide Mongolia assistance under the Millennium Challenge Compact and work to finalize the compact in a timely fashion; and

(5) the United States should encourage greater academic and cultural exchanges with Mongolia.

Ms. MURKOWSKI. Mr. President, Mongolia has made incredible strides to improve its relationship with the United States since 1987. Following the downfall of communism in that nation, our ties have grown exponentially.

Mongolia has worked hard in the past two decades to create a robust and strong democracy and the United States has been a partner in that effort from its inception.

Although it lies on the other side of the globe and sits between Russia and China, Mongolia has long sought close ties with the United States, with some even referring to the United States as its "Third Neighbor."

On the economic front, the United States-Mongolian relationship is dynamic and growing with over one hundred U.S. and U.S.-Mongolian joint ventures registered in areas ranging from oil exploration, textiles, animal husbandry, tourism, mining, and banking. The United States is also one of Mongolia's largest sources of foreign investment.

While a large recipient of foreign aid, Mongolia still commits itself to giving back to the global community through its significant peacekeeping efforts in Africa and Eastern Europe, with personnel in Sierra Leone and Kosovo.

Mongolia is also a strong partner in the War on Terror. Mongolia has contributed engineers, troops, and medical personnel to Operation Iraqi Freedom and has participated in training National Army artillery units in Afghanistan. Prior to 2000, Mongolia did not have a national policy of deploying forces beyond its borders. Yet they were the first coalition country to contribute an infantry battalion to Iraq.

Mongolia's contributions mean a bit more to the State of Alaska. Since 2003, we have partnered with Mongolia through the Alaska-Mongolia National Guard Partnership. Our National Guard has established broad working relationships and increased exchanges with their Mongolian partners. They stand side by side with the Mongolian Armed Forces in Iraq—in fact, the Mongolian Ministry of Defense specifically requested Alaska National Guard support based on Alaska's relationship with their nation.

The success that the partnership has enjoyed is a direct reflection of the willingness and eagerness on both sides to further our relations. The Alaska National Guard tells me that Mongolia is enthusiastic about their democratic reforms and is aggressively working to meet its goals.

So with 2007 being the 20th Anniversary of U.S.-Mongolia relations, I am proud to introduce this resolution marking our ties and the significant progress that has been achieved between our two countries in that short time frame. I look forward to what the next 20 years will bring.

### SENATE RESOLUTION 353—EXPRESSING THE SENSE OF THE SENATE REGARDING THE IMPORTANCE OF A SOVEREIGN, DEMOCRATIC, AND PROSPEROUS LEBANON AND THE NEED FOR FREE AND FAIR PRESIDENTIAL ELECTIONS IN LEBANON WITHOUT INTIMIDATION OR FOREIGN INTERFERENCE

Mr. SUNUNU (for himself, Mr. KERRY, Mr. LUGAR, Mr. BIDEN, Mr. COLEMAN, Mr. DODD, Mr. HAGEL, Mr. KENNEDY, Mr. MARTINEZ, Ms. SNOWE, Mr. SMITH, Mr. BOND, Mr. MENENDEZ, Mr. COBURN, Mr. LEVIN, Mr. VOINOVICH, Mrs. FEINSTEIN, and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 353

Whereas, in 2004, the term of the current President of Lebanon, Émile Lahoud, was extended through the interference of the Government of Syria in the internal affairs of the Government of Lebanon;

Whereas United Nations Security Council Resolution 1559, adopted on September 2, 2004, called for free and fair presidential elections in Lebanon conducted in accordance with the constitution of Lebanon and without foreign interference and influence;

Whereas such a presidential election has not yet occurred;

Whereas the Parliament of Lebanon is preparing to elect a new president of Lebanon before the November 24, 2007, conclusion of the mandate of the current President;

Whereas the Governments of Syria and Iran, through their proxies in Lebanon, have sought undue influence over the election of the next president of Lebanon;

Whereas the preparation for these elections has thus far been characterized by violence and intimidation tactics, and on September 19, 2007, Member of the Parliament of Lebanon Antoine Ghanem became the 8th Lebanese leader to be assassinated since 2005;

Whereas the democratically-elected Government of Lebanon has been under steady attack by domestic and foreign elements and forces that have been instigating civil unrest, disrupting the operation of the cabinet and Parliament, and perpetrating acts of terror against the people of Lebanon;

Whereas United Nations Security Council Resolution 1701, adopted on August 11, 2006, reiterated "strong support for the territorial integrity, sovereignty, and political independence of Lebanon within its internationally recognized borders", and called on states to "take the necessary measures to prevent . . . the sale or supply to any entity or individual in Lebanon of arms and related materiel of all types";

Whereas President Lahoud has threatened to create an unconstitutional rival cabinet and hand over power to it if the opposition is not satisfied with the results of the constitutional electoral process;

Whereas the Governments of Syria and Iran, in clear contravention of numerous United Nations Security Council resolutions, have violated Lebanon's sovereignty by providing arms to illegitimate militias in Lebanon and to other terrorist organizations;

Whereas the armed forces of Lebanon are protecting Lebanon and its people from terrorist organizations like Fatah al Islam;

Whereas United Nations Security Council Resolution 1757 established a Special Tribunal for Lebanon, to be convened outside of Lebanon, to try those accused of the assassination of former Prime Minister of Lebanon Rafiq Hariri and others; and

Whereas a sovereign, democratic, and prosperous Lebanon is in the national security interest of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls for free and fair presidential elections in Lebanon, conducted according to the constitution of Lebanon and free from foreign interference and influence or the use of intimidation tactics;

(2) supports ongoing efforts by leaders in Lebanon to reach agreement on a presidential candidate committed to upholding Lebanon's sovereignty and independence;

(3) condemns the Governments of Syria and Iran for their undue material interference in the internal political affairs of Lebanon, including in the election of a new president, and for their repeated violations of the sovereignty and independence of Lebanon, and calls on the Governments of Syria and Iran to comply with United Nations Security Council Resolution 1701, particularly with respect to preventing unauthorized shipment of arms into Lebanon;

(4) affirms its strong support for the armed forces of Lebanon as they work to secure Lebanon against terrorists and illegal armed militias, and conveys its readiness to provide support to assist in these ends;

(5) urges the Secretary of State to continue efforts in support of a Special Tribunal for Lebanon to end impunity for political assassinations, including assisting in efforts to convene the Special Tribunal as soon as possible, affirms its readiness to continue to provide material support to this cause, and calls on all countries to make timely and generous contributions to this end; and

(6) urges the President to use all peaceful means at the disposal of the United States to help promote an independent, democratic, and prosperous Lebanon, including increased diplomatic coordination with key partners in Europe and the Middle East, and supports efforts by the United States to provide ongoing and substantial assistance for reconstruction efforts in Lebanon.

### SENATE CONCURRENT RESOLUTION 50—COMMENDING NASA LANGLEY RESEARCH CENTER IN VIRGINIA ON THE CELEBRATION OF ITS 90TH ANNIVERSARY ON OCTOBER 26 AND 27, 2007

Mr. WARNER (for himself and Mr. WEBB) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 50

Whereas, in 1917, the Nation's first civilian aeronautical research laboratory was established by the National Advisory Committee for Aeronautics in Virginia, and named Langley Memorial Aeronautical Laboratory;

Whereas such laboratory, now called the National Aeronautics and Space Administration (NASA) Langley Research Center, is one of the Nation's most prolific and most honored aerospace laboratories with a rich history of pioneering aviation breakthroughs, exploring the universe, and conducting ground breaking climate research;

Whereas NASA Langley Research Center helped give birth to the space age by, among other accomplishments, conceiving and managing Project Mercury, the first United States manned space program, training the original 7 astronauts, proving the feasability of the lunar orbiter rendezvous, developing the lunar excursion module concept and research facilities for simulating landing on the Moon, and successfully sending the first Viking landers and orbiters to Mars;

Whereas NASA Langley Research Center is one of the leading aerospace research laboratories in the world and has consistently been a source of technology that has made aerospace a major factor in commerce and national defense;

Whereas NASA Langley Research Center aeronautics research has benefitted the United States military tremendously through the application of new technologies to the Nation's military, commercial, and experimental aircraft;

Whereas NASA Langley Research Center continues to make significant innovative contributions to aviation safety, efficient performance, and revolutionary vehicle designs for flight in all atmospheres, including developing key technologies for the next generation of air transportation systems;

Whereas NASA Langley Research Center has contributed through its research over the past several decades critical technologies to the United States aviation industry, which is a vital sector of the economy that employs over 2,000,000 Americans and comprises roughly 9 percent of the country's gross national product;

Whereas NASA Langley Research Center continues to provide critical research and development that advances the Nation's future in space exploration, scientific discovery, systems analysis, and aeronautics research while generating $2,300,000,000 in revenue and 21,000 high-tech jobs for the United States economy;

Whereas NASA Langley Research Center is known for unparalleled technology transfer to both aerospace and non-aerospace businesses, and for its commitment to inspiring the next generation of explorers, both of which have enormous benefit to the public and the national economy; and

Whereas NASA Langley Research Center celebrates its 90th anniversary on October 26 and 27, 2007, and continues pioneering the next frontier in aeronautics and space: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress congratulates and commends the men and women of NASA Langley Research Center for their accomplishments and role in inspiring the American people.

## SENATE CONCURRENT RESOLUTION 51—SUPPORTING "LIGHTS ON AFTERSCHOOL!", A NATIONAL CELEBRATION OF AFTER SCHOOL PROGRAMS

**Mr. DODD (for himself, Mr. Ensign, Mr. Akaka, Mr. Baucus, Mr. Biden, Mrs. Boxer, Mr. Burr, Mr. Casey, Mrs. Clinton, Mr. Cochran, Ms. Collins, Mr. Cornyn, Mr. Durbin, Mr. Feingold, Mrs. Feinstein, Mr. Kennedy, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Lieberman, Mrs. Lincoln, Mr. Martinez, Mr. Menendez, Ms. Mikulski, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Nebraska, Mr. Specter, Mr. Inouye, Ms. Stabenow, Mr. Whitehouse, Mr. Pryor, and Mr. Carper) submitted the following concurrent resolution; which was considered and agreed to:**

S. Con. Res. 51

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool!", a national celebration of after school programs held on October 18, 2007, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3350. Mr. LAUTENBERG (for himself and Ms. Snowe) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

SA 3351. Mr. SMITH (for himself and Mrs. Lincoln) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3352. Mr. ENSIGN (for himself, Mr. Sessions, and Mr. Barrasso) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra.

SA 3353. Mr. FEINGOLD (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3354. Mr. FEINGOLD (for himself, Mr. Graham, Mr. Bingaman, and Mr. Voinovich) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3355. Mr. SALAZAR (for himself, Mr. Levin, Ms. Stabenow, Mr. Casey, Mr. Lieberman, and Mr. Bayh) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra.

SA 3356. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra.

SA 3357. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3358. Mr. COBURN (for himself and Mr. Burr) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3359. Mr. LIEBERMAN (for himself and Mr. Dodd) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3360. Mr. REED submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra.

SA 3361. Mr. BROWN (for himself and Mr. Webb) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3362. Mr. BYRD (for himself, Mr. Specter, Mr. Harkin, Mr. McConnell, Mr. Webb, Mr. Rockefeller, and Mr. Durbin) proposed an amendment to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra.

SA 3363. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3364. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3365. Mr. ROBERTS (for himself and Mr. Coleman) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra.

SA 3366. Mr. BURR (for himself and Mr. Gregg) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3367. Mr. SMITH (for himself and Mr. Casey) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3368. Mr. HARKIN (for himself, Mr. Kennedy, Mr. Specter, Ms. Snowe, Mr. Rockefeller, and Mr. Durbin) proposed an amendment to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra.

SA 3369. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra.

SA 3370. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3371. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3372. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3373. Mr. SESSIONS (for himself, Mr. Hatch, Mr. Inhofe, Mr. Isakson, Mr. Roberts, Mr. Vitter, Mrs. Dole, Mr. Martinez, Mr. Alexander, Mr. Cornyn, Mr. Enzi, and Mr. Graham) proposed an amendment to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra.

SA 3374. Ms. COLLINS (for herself, Mr. Feingold, Mr. Bingaman, Mr. Cardin, and Ms. Snowe) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3375. Mr. ALEXANDER (for himself and Mr. Bingaman) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra.

SA 3376. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3377. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. Harkin (for himself and Mr. Specter) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3378. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3379. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3380. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3381. Mr. CORNYN (for himself, Mr. Voinovich, and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3382. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3383. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3384. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3385. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3386. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3387. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3388. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3389. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3390. Mrs. MCCASKILL (for herself and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3391. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3392. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3393. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3394. Mr. WARNER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3395. Mr. HARKIN (for Mr. REID) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3396. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3397. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3398. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3399. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3400. Mr. CARDIN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3401. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3402. Ms. LANDRIEU proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3403. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3350.** Mr. LAUTENBERG (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to provide abstinence education that includes information that is medically inaccurate. For purposes of this section, the term "medically inaccurate" means information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations and agencies.

**SA 3351.** Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ____. In addition to amounts otherwise made available under this Act, and notwithstanding any other provision of this Act, including the amounts provided under the heading "AGING SERVICES PROGRAMS" under the heading "ADMINISTRATION ON AGING" in this title, the Secretary of Health and Human Services shall transfer, from funds that were appropriated to the Secretary under any provision of Federal law for a fiscal year prior to fiscal year 2008 and that remain unobligated—

(1) $18,371,178 to carry out part B of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d) for fiscal year 2008 (for supportive services and senior centers to allow area agencies on aging to account for projected growth in the population of older individuals, and inflation);

(2) $11,744,480 to carry out part C of title III of such Act (42 U.S.C. 3030d–21 et seq.) for fiscal year 2008 (for congregate and home-delivered nutrition services to help account for increased gas and food costs); and

(3) $10,333,000 to carry out part E of title III of such Act (42 U.S.C. 3030s et seq.) for fiscal year 2008 (for the National Family Caregiver Support Program to fund the program at the level authorized for that program under that Act (42 U.S.C. 3001 et seq.)).

**SA 3352.** Mr. ENSIGN (for himself, Mr. SESSIONS, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act (42 U.S.C. 408).

**SA 3353.** Mr. FEINGOLD (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. Of the funds made available in this Act for subtitle B of title IV of the Cardiac Arrest Survival Act of 2000 (Public Law 106–505), $200,000 shall be used to carry out section 312(c)(6) of the Public Health Service Act.

**SA 3354.** Mr. FEINGOLD (for himself, Mr. GRAHAM, Mr. BINGAMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report concerning State health care reform initiatives.

(b) The report required under subsection (a) shall include the following:

(1) An assessment of State efforts to reexamine health care delivery and health insurance systems and to expand the access of residents to health insurance and health care services, including the following:

(A) An overview of State approaches to reexamining health care delivery and insurance.

(B) A description of whether and to what extent State health care initiatives have resulted in improved access to health care and insurance.

(C) A description of the extent to which public and private cooperation has occurred in State health care initiatives.

(D) A description of the outcomes of State insurance coverage mandates.

(E) A description of the effects of increased health care costs on State fiscal choices.

(F) A description of the effects of Federal law and funding on State health care initiatives and fiscal choices.

(G) A description of outcomes of State efforts to increase health care quality and control costs.

(2) Recommendations regarding the potential role of Congress in supporting State-based reform efforts, including the following:

(A) Enacting changes in Federal law that would facilitate State-based health reform and expansion efforts.

(B) Creating new or realigning existing Federal funding mechanisms to support State-based reform and expansion efforts.

(C) Expanding existing Federal health insurance programs and increasing other sources of Federal health care funding to support State-based health reform and expansion efforts.

**SA 3355.** Mr. SALAZAR (for himself, Mr. LEVIN, Ms. STABENOW, Mr. CASEY, Mr. LIEBERMAN, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 88, line 16, strike the period and insert ": *Provided further*, That $8,400,000 shall be used to carry out the Traumatic Brain Injury (TBI) Model Systems of Care Program and to sustain at least 16 TBI Model Systems Centers.".

**SA 3356.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 55, strike lines 19 through 23 and insert the following: "U.S.C. 8623(a)-(d)), $2,161,170,000.".

**SA 3357.** Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. SMALL BUSINESS CHILD CARE GRANT PROGRAM.**

For carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (42 U.S.C. 9858 note) $5,000,000, to remain available until expended. Each amount otherwise appropriated in this Act for administrative costs shall be reduced on a pro rata basis by the amount necessary to provide the amount referred to in the preceding sentence.

**SA 3358.** Mr. COBURN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

SEC.___. (a) This section may be cited as the "Children's Health Care First Act of 2007".

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used for any congressionally directed spending item, as defined by Sec. 521 of Public Law 110–81, until the Secretary of the Department of Health and Human Services certifies that all children in the U.S. under the age of 18 years are insured by a private or public health insurance plan.

**SA 3359.** Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated or otherwise made available in this Act or any other Act making appropriations to the agencies funded by this Act may be used to close or otherwise cease to operate the field office of the Social Security Administration located in Bristol, Connecticut.

**SA 3360.** Mr. REED submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 59, line 22, insert before the colon the following: ", of which $6,000,000 shall be made available to the Administrator of the Health Resources and Services Administration to carry out trauma and emergency medical services programs".

**SA 3361.** Mr. BROWN (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) The Secretary of Education shall update the 2002 Department of Education and United States Secret Service guidance entitled "Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates" to reflect the recommendations contained in the report entitled "Report to the President On Issues Raised by the Virginia Tech Tragedy", to include the need to provide schools with guidance on how information can be shared legally under the regulations issued under section 264(c) of the Health Insurance Portability and Accountability Act and the Family Educational Rights and Privacy Act.

(b) Not later than 3 months after the date of enactment of this Act, the Secretary of Education shall disseminate the updated guidance under subsection (a) to institutions of higher education and to State departments of education for distribution to all local education agencies.

**SA 3362.** Mr. BYRD (for himself, Mr. SPECTER, Mr. HARKIN, Mr. MCCONNELL, Mr. WEBB, Mr. ROCKEFELLER, and Mr. DURBIN) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place in title I, insert the following:

SEC. ___. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $10,000,000 for necessary expenses for salaries and expenses of the Mine Safety and Health Administration.

(b) Amounts made available under this Act for travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $10,000,000.

**SA 3363.** Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 4, strike "$80,416,000" and insert "$110,000,000".

On page 60, line 5, insert "(as defined by section 510(b)(2) of the Social Security Act)" after "education".

**SA 3364.** Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, $2,000,000 shall be available to carry out activities related to National History Day, in accordance with the American History and Civics Education Act of 2004 (Public Law 108–474). Amounts appropriated under this title for administrative expenses shall be reduced on a pro rata basis by $2,000,000.

**SA 3365.** Mr. ROBERTS (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. ___. SMALL BUSINESS CHILD CARE GRANT PROGRAM.**

For carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (42 U.S.C. 9858 note) $5,000,000, to remain available until expended. Each amount otherwise appropriated in this Act for administrative expenses for the Department of Labor, Department of Health and Human Services, and Department of Education shall be reduced on a pro rata basis by the amount necessary to provide the amount referred to in the preceding sentence.

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**SA 3366.** Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 7, strike "$756,556,000" and insert "$786,556,000".

On page 66, line 10, strike the period and insert ", and of which $189,000,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.".

On page 79, between lines 4 and 5, insert the following:

SEC. ___. (a) Notwithstanding any other provision of this Act, each account provided by this Act containing a congressionally directed spending item (as defined in rule XLIV of the Standing Rules of the Senate, as added by the Honest Leadership and Open Government Act of 2007) is reduced by a pro rata percentage required to raise the total amount provided by this Act for the Public Health and Social Services Emergency Fund by $30,000,000.

(b) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to subsection (a).

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**SA 3367.** Mr. SMITH (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, from the amounts appropriated for fiscal year 2007 for the Department of Education that remain unobligated at the end of such fiscal year, there shall be available $25,000,000, for State grants under the Carl D. Perkins Career and Technical Education Act of 2006 (Public Law 109–270).

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**SA 3368.** Mr. HARKIN (for himself, Mr. KENNEDY, Mr. SPECTER, Ms. SNOWE, Mr. ROCKEFELLER, and Mr. DURBIN) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 50, line 5, insert before the period the following: ": *Provided further*, That $5,000,000 shall be for activities to reduce infections from methicillin-resistant staphylococcus aureus (MRSA) and related infections".

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**SA 3369.** Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, the total amount appropriated by this Act for any program for which the most recent rating available on the date of enactment of this Act by the Office of Management and Budget through the Program Assessment Rating Tool (PART) is "ineffective" shall be reduced by 10 percent. Not later than 30 days after the date of enactment of this Act, an amount equal to the aggregate amount of any such reduction shall be deposited in the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

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**SA 3370.** Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

SEC. ___. To enable the National Institute for Occupational Safety and Health to carry out the Fire Fighter Fatality Investigation and Prevention Program, $5,000,000, which shall include any other amounts made available under this Act for such Program.

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**SA 3371.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ___. In addition to other amounts appropriated in this title to carry out title VII of the Public Health Service Act, $2,000,000 shall be made available to carry out allied health professional programs under section 755 of such title VII, other than the Chiropractic-Medical School Demonstration Grant program, Graduate Psychology training programs, and podiatric physicians programs.

On page 62, line 9, strike "$399,386,000" and insert "$397,386,000".

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**SA 3372.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

**SEC. ___. EDUCATION DISASTER AND EMERGENCY RELIEF LOAN PROGRAM.**

(a) DEFINITIONS.—

(1) EMERGENCY.—The term "emergency" has the meaning given the term in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(2) MAJOR DISASTER.—The term "major disaster" has the meaning given the term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) LOAN PROGRAM AUTHORIZED.—From funds appropriated under subsection (k), the Secretary shall establish an Education Disaster and Emergency Relief Loan Program to provide long term, low interest, guaranteed loans to institutions of higher education for direct or indirect losses incurred as a result of a federally declared major disaster or emergency.

(c) PRESIDENTIAL DECLARATION REQUIRED.—The Secretary shall only provide a loan under the Education Disaster and Emergency Relief Loan Program to an institution of higher education located in an area with respect to which a major disaster or emergency was declared by the President pursuant to section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191).

(d) USE OF LOAN FUNDS.—Loan funds provided under this section may be used for—

(1) direct and indirect construction, replacement, renovation, or clean-up costs associated with or resulting from a major disaster or emergency;

(2) faculty salaries and incentives for retaining faculty; or

(3) reimbursement for lost tuition and other revenues.

(e) REQUIREMENTS FOR LOANS DUE TO LOSSES.—An institution of higher education that desires to receive a loan under this section shall—

(1) submit a sworn financial statement and other appropriate data, documentation, or other evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a major disaster or emergency and the monetary amount of such losses; and

(2) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency and from insurance coverage prior to seeking a loan under this section, except that an institution of higher education shall not be required to receive collateral source compensation from the Federal Emergency Management Agency or from insurance compensation in order to be eligible for a loan under this section.

(f) AUDIT.—The Secretary and the Comptroller General of the United States may audit a financial statement submitted under subsection (e) and may request any information that the Secretary and Comptroller General determine necessary to conduct such an audit.

(g) REDUCTION IN LOAN AMOUNTS.—In calculating the amount of a loan to make available to an institution of higher education under this section, the Secretary shall calculate a figure that reduces from the monetary amount of losses incurred by the institution only the amount of collateral source compensation the institution received from the Federal Emergency Management Agency and from insurance compensation.

(h) DATE OF ELIGIBILITY; EXPENSES INCURRED BEFORE DATE OF DISASTER.—Eligibility for a loan under this section shall begin on the date of the occurrence of the event which results in a declaration by the President that a major disaster or emergency exists, except that reasonable expenses which are incurred in anticipation of and immediately preceding such event may be covered by a loan under this section.

(i) CONDITIONS OF LOAN.—A loan under this section—

(1) shall be repaid over a period of time that is not less than 30 years; and

(2) shall bear interest at a rate which shall be not be more than 1 percent per annum.

(j) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue regulations setting forth—

(1) the terms for the long term, low interest, guaranteed loan program under this section;

(2) procedures for an application for a loan under this section; and

(3) minimum requirements for the long term, low interest, guaranteed loan program and for receiving a loan under this section, including the following:

(A) Online forms to be used in submitting request for a loan under this section.

(B) Information to be included in the forms.

(C) Procedures to assist in filing and pursing a loan under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and there are appropriated, out of any money in the Treasury not otherwise appropriated, $800,000,000 to carry out this section for fiscal year 2008.

**SA 3373.** Mr. SESSIONS (for himself, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. ROBERTS, Mr. VITTER, Mrs. DOLE, Mr. MARTINEZ, Mr. ALEXANDER, Mr. CORNYN, Mr. ENZI, and Mr. GRAHAM) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 14, line 24, strike "$436,397,000" and insert "$441,397,000, of which $50,737,000 is for the Office of Labor Management Standards (notwithstanding any other provision of this Act, amounts appropriated or otherwise made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $5,000,000),".

**SA 3374.** Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. BINGAMAN, Mr. CARDIN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, line 5, insert before the period the following: ": *Provided further*, That $8,000,000 of the amounts appropriated under this heading shall be made available to carry out dental workforce programs under section 340G of the Public Health Service Act (42 U.S.C. 256g)".

**SA 3375.** Mr. ALEXANDER (for himself, Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. ____. (a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $6,000,000 to carry out the programs for baccalaureate degrees in science, technology, engineering, mathematics, or critical foreign languages, with concurrent teacher certification under section 6113 of the America COMPETES Act (Public Law 110-69); and

(2) $4,000,000 to carry out the programs for master's degrees in science, technology, engineering, and mathematics, or critical foreign language education under section 6114 of the America COMPETES Act (Public Law 110-69).

(b) Notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management of the Department of Education, shall be reduced by $10,000,000.

**SA 3376.** Mr. SMITH submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. (a) Notwithstanding any other provision of this Act, there shall be made available under this Act a total of $7,500,000 for the National Violent Death Reporting System within the Centers for Disease Control and Prevention.

(b) Notwithstanding any other provision of this Act, not to exceed $7,500,000 in prior fiscal year unobligated balances shall be transferred, on a pro rata basis, to the Secretary of Health and Human Services to carry out subsection (a).

**SA 3377.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ____. In addition to other amounts appropriated in this title to carry out title VII of the Public Health Service Act, $2,000,000 shall be made available to carry out allied health professional programs under section 755 of such title VII, other than the Chiropractic-Medical School Demonstration Grant program, Graduate Psychology training programs, and podiatric physicians programs.

On page 62, line 9, strike "$399,386,000" and insert "$397,386,000".

**SA 3378.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, line 10, insert before the period the following: ": *Provided*, That $3,000,000 shall be transferred from amounts made available in this title for salaries and expenses of the Department of Labor, to carry out Federal management activities relating to veterans employment and training".

**SA 3379.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 15, insert "(increased by $25,000,000)" before ", plus".

On page 3, line 15, insert "(increased by $25,000,000)" before "as follows:".

On page 3, line 16, insert "(increased by $25,000,000)" before "for the".

On page 3, line 21, insert "(increased by $25,000,000)" before "shall be".

On page 3, line 24, insert "(increased by $25,000,000)" before "may be".

On page 104, line 8, insert "(decreased by $25,000,000)" before the colon.

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**SA 3380.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, line 7, strike "$9,213,332,000, of which" and insert "$9,213,839,000, of which $50,000,000 shall be to carry out the provisions of section 439 of the Social Security Act (*provided*, notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced, on a pro rata basis, by $507,000), and".

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**SA 3381.** Mr. CORNYN (for himself, Mr. VOINOVICH, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## TITLE ____—UNITED STATES AUTHORIZATION AND SUNSET COMMISSION

### SEC. ___1. SHORT TITLE.

This title may be cited as the "United States Authorization and Sunset Commission Act of 2007".

### SEC. ___2. DEFINITIONS.

In this title—

(1) the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code;

(2) the term "Commission" means the United States Authorization and Sunset Commission established under section ___3; and

(3) the term "Commission Schedule and Review bill" means the proposed legislation submitted to Congress under section ___4(b).

### SEC. ___3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the United States Authorization and Sunset Commission.

(b) COMPOSITION.—The Commission shall be composed of eight members (in this title referred to as the "members"), as follows:

(1) Four members appointed by the majority leader of the Senate, one of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(2) Four members appointed by the Speaker of the House of Representatives, one of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(3) The Director of the Congressional Budget Office and the Comptroller of the Government Accountability Office shall be non-voting ex officio members of the Commission.

(c) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—

(A) SENATE MEMBERS.—Of the members appointed under subsection (b)(1), four shall be members of the Senate (not more than two of whom may be of the same political party).

(B) HOUSE OF REPRESENTATIVE MEMBERS.—Of the members appointed under subsection (b)(2), four shall be members of the House of Representatives, not more than two of whom may be of the same political party.

(2) CONTINUATION OF MEMBERSHIP.—

(A) IN GENERAL.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission.

(B) ACTIONS OF COMMISSION UNAFFECTED.—Any action of the Commission shall not be affected as a result of a member becoming ineligible under subparagraph (A).

(d) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this Act, all initial appointments to the Commission shall be made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) INITIAL CHAIRPERSON.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(2) to serve as chairperson of the Commission for a period of 2 years.

(2) INITIAL VICE CHAIRPERSON.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(1) to serve as vice-chairperson of the Commission for a period of 2 years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN.—Following the termination of the 2-year period described under paragraphs (1) and (2), the Speaker and the majority leader of the Senate shall alternate every 2 years in appointing the chairperson and vice-chairperson of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission shall serve for a term of 6 years, except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), two members shall be appointed to serve a term of 3 years.

(2) TERM LIMIT.—A member of the Commission who serves more than 3 years of a term may not be appointed to another term as a member.

(g) INITIAL MEETING.—If, after 90 days after the date of enactment of this Act, five or more members of the Commission have been appointed—

(1) members who have been appointed may—

(A) meet; and

(B) select a chairperson from among the members (if a chairperson has not been appointed) who may serve as chairperson until the appointment of a chairperson; and

(2) the chairperson shall have the authority to begin the operations of the Commission, including the hiring of staff.

(h) MEETING; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(i) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS, TESTIMONY, AND EVIDENCE.—The Commission may, for the purpose of carrying out the provisions of this title—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, that the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—Subpoenas issued under subparagraph (A)(ii) may be issued to require attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(C) ENFORCEMENT.—The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this paragraph.

(2) CONTRACTING.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) to enable the Commission to discharge its duties under this title.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson.

(4) SUPPORT SERVICES.—

(A) GOVERNMENT ACCOUNTABILITY OFFICE.—The Government Accountability Office is authorized on a reimbursable basis to provide the Commission with administrative services, facilities, staff, and other support services for the performance of the functions of the Commission.

(B) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(C) AGENCIES.—In addition to the assistance under subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may determine advisable as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(7) DIRECTOR AND STAFF OF THE COMMISSION.—

(A) DIRECTOR.—The chairperson of the Commission may appoint a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level II of the Executive Schedule. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(8) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall not be paid by reason of their service as members.

(B) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703(b) of title 5, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for the purposes of carrying out the duties of the Commission.

(k) TERMINATION.—The Commission shall terminate on December 31, 2037.

### SEC. ___4. DUTIES AND RECOMMENDATIONS OF THE UNITED STATES AUTHORIZATION AND SUNSET COMMISSION.

(a) SCHEDULE AND REVIEW.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act and at least once every 10 years thereafter, the Commission shall submit to Congress a legislative proposal that includes the schedule of review and abolishment of agencies and programs (in this section referred to as the "Commission Schedule and Review bill").

(2) SCHEDULE.—The schedule of the Commission shall provide a timeline for the Commission's review and proposed abolishment of—

(A) at least 25 percent of unauthorized agencies or programs as measured in dollars, including those identified by the Congressional Budget Office under section 202(e)(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 602(e)(3)); and

(B) if applicable, at least 25 percent of the programs as measured in dollars identified by the Office of Management and Budget through its Program Assessment Rating Tool program or other similar review program established by the Office of Management and Budget as ineffective or results not demonstrated.

(3) REVIEW OF AGENCIES.—In determining the schedule for review and abolishment of agencies under paragraph (1), the Commission shall provide that any agency that performs similar or related functions be reviewed concurrently.

(4) CRITERIA AND REVIEW.—The Commission shall review each agency and program identified under paragraph (1) in accordance with the following criteria as applicable:

(A) The effectiveness and the efficiency of the program or agency.

(B) The achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code).

(C) The management of the financial and personnel issues of the program or agency.

(D) Whether the program or agency has fulfilled the legislative intent surrounding its creation, taking into account any change in legislative intent during the existence of the program or agency.

(E) Ways the agency or program could be less burdensome but still efficient in protecting the public.

(F) Whether reorganization, consolidation, abolishment, expansion, or transfer of agencies or programs would better enable the Federal Government to accomplish its missions and goals.

(G) The promptness and effectiveness of an agency in handling complaints and requests made under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

(H) The extent that the agency encourages and uses public participation when making rules and decisions.

(I) The record of the agency in complying with requirements for equal employment opportunity, the rights and privacy of individuals, and purchasing products from historically underutilized businesses.

(J) The extent to which the program or agency duplicates or conflicts with other Federal agencies, State or local government, or the private sector and if consolidation or streamlining into a single agency or program is feasible.

(b) SCHEDULE AND ABOLISHMENT OF AGENCIES AND PROGRAMS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act and at least once every 10 years thereafter, the Commission shall submit to the Congress a Commission Schedule and Review bill that—

(A) includes a schedule for review of agencies and programs; and

(B) abolishes any agency or program 2 years after the date the Commission completes its review of the agency or program, unless the agency or program is reauthorized by Congress.

(2) EXPEDITED CONGRESSIONAL CONSIDERATION PROCEDURES.—In reviewing the Commission Schedule and Review bill, Congress shall follow the expedited procedures under section ___6.

(c) RECOMMENDATIONS AND LEGISLATIVE PROPOSALS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress and the President—

(A) a report that reviews and analyzes according to the criteria established under subsection (a)(4) for each agency and program to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1);

(B) a proposal, if appropriate, to reauthorize, reorganize, consolidate, expand, or transfer the Federal programs and agencies to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1); and

(C) legislative provisions necessary to implement the Commission's proposal and recommendations.

(2) ADDITIONAL REPORTS.—The Commission shall submit to Congress and the President additional reports as prescribed under paragraph (1) on or before June 30 of every other year.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the power of the Commission to review any Federal program or agency.

(e) APPROVAL OF REPORTS.—The Commission Schedule and Review bill and all other legislative proposals and reports submitted under this section shall require the approval of not less than five members of the Commission.

### SEC. ___5. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—If any legislative proposal with provisions is submitted to Congress under section ___4(c), a bill with that proposal and provisions shall be introduced in the Senate by the majority leader, and in the House of Representatives, by the Speaker. Upon introduction, the bill shall be referred to the appropriate committees of Congress under paragraph (2). If the bill is not introduced in accordance with the preceding sentence, then any Member of Congress may introduce that bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such proposal with provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the bill, each committee of Congress to which the bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a bill has not reported such bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the committee amendment to the bill, and if there is no such amendment, to the bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the bill without intervening motion, order, or other business, and the bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate on the bill is in order and is not debatable. All time used for consideration of the bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 50 hours of debate.

(D) AMENDMENTS.—No amendment that is not germane to the provisions of the bill shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(E) VOTE ON PASSAGE.—Immediately following the conclusion of the debate on the bill, and the disposition of any pending amendments under subparagraph (D), the vote on passage of the bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the bill, a motion to proceed to the consideration of other business, or a motion to recommit the bill is not in order. A motion to reconsider the vote by which the bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the bill that was introduced in such House, such House receives from the other House a bill as passed by such other House—

(A) the bill of the other House shall not be referred to a committee and may only be considered for passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the bill of the other House, with respect to the bill that was introduced in the House in receipt of the bill of the other House, shall be the same as if no bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on passage shall be on the bill of the other House.

Upon disposition of a bill that is received by one House from the other House, it shall no longer be in order to consider the bill that was introduced in the receiving House.

(3) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—Immediately upon passage of a bill that results in a disagreement between the two Houses of Congress with respect to a bill, conferees shall be appointed and a conference convened.

(B) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(i) MOTION TO PROCEED.—The motion to proceed to consideration in the Senate of the conference report on a bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) DEBATE.—Consideration in the Senate of the conference report (including a message between Houses) on a bill, and all amendments in disagreement, including all amendments thereto, and debatable motions and appeals in connection therewith, shall be limited to 20 hours, equally divided and controlled by the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferrees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to ½ hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

(iv) AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

(v) LIMITATION ON MOTION TO RECOMMIT.—A motion to recommit the conference report is not in order.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

### SEC. ___6. EXPEDITED CONSIDERATION OF COMMISSION SCHEDULE AND REVIEW BILL.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission Schedule and Review bill submitted under section ___4(b) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission Schedule and Review bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission Schedule and Review bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission Schedule and Review bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission Schedule and Review bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Budget and the Committee on Oversight and Government Reform of the House of Representatives. A committee to which a Commission Schedule and Review bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission Schedule and Review bill, each Committee of Congress to which the Commission Schedule and Review bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission Schedule and Review bill has not reported such Commission Schedule and Review bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission Schedule and Review bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission Schedule and Review bill, and such Commission Schedule and Review bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a Commission Schedule and Review bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission Schedule and Review bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission Schedule and Review bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission Schedule and Review bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the Commission Schedule and Review bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission Schedule and Review bill without intervening motion, order, or other business, and the Commission Schedule and Review bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the Commission Schedule and Review bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission Schedule and Review bill. A motion further to limit debate on the Commission Schedule and Review bill is in order and is not debatable. All time used for consideration of the Commission Schedule and Review bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the Commission Schedule and Review bill shall be in order in the Senate and the House of Representatives.

(E) VOTE ON PASSAGE.—Immediately following the conclusion of the debate on the Commission Schedule and Review bill, the vote on passage of the Commission Schedule and Review bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission Schedule and Review bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission Schedule and Review bill is not in order. A motion to reconsider the vote by which the Commission Schedule and Review bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission Schedule and Review bill that was introduced in such House, such House receives from the other House a Commission Schedule and Review bill as passed by such other House—

(A) the Commission Schedule and Review bill of the other House shall not be referred to a committee and may only be considered for passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission Schedule and Review bill of the other House, with respect to the Commission Schedule and Review bill that was introduced in the House in receipt of the Commission Schedule and Review bill of the other House, shall be the same as if no Commission Schedule and Review bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on passage shall be on the Commission Schedule and Review bill of the other House. Upon disposition of a Commission Schedule and Review bill that is received by one House from the other House, it shall no longer be in order to consider the Commission Schedule and Review bill that was introduced in the receiving House.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission Schedule and Review bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

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**SA 3382.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, line 12, insert before the period the following: "*Provided*, That a portion of such funds shall be used for the continuation of the frequent hemodialysis clinical trials".

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**SA 3383.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding subsection (b) of section 1864 of the Social Security Act, or any other provision of law, the Secretary of Health and Human Services may enter into an agreement with a State to carry out survey and certification activities in accordance with such section under which the State voluntarily agrees to bear all or any part of the costs of carrying out such activities.

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**SA 3384.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, the Secretary of Health and Human Services shall use funds appropriated under the heading "PROGRAM MANAGEMENT" under the heading "CENTERS FOR MEDICARE AND MEDICAID SERVICES" to enter into a cooperative arrangement with the Comptroller General under which the Comptroller General shall conduct an independent study of the effectiveness and timeliness of the four-tiered system used to determine the frequency and priority for surveying and certifying providers and suppliers participating or desiring to participate in the Medicare or Medicaid program. The study shall include an examination of the impact of such system on health care providers and suppliers that have not previously been surveyed and certified for participation in either such program.

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**SA 3385.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Notwithstanding any other provision of this Act, the Secretary of Health and Human Services shall use funds appropriated under the heading "PROGRAM MANAGEMENT" under the heading "CENTERS FOR MEDICARE AND MEDICAID SERVICES" to carry out the activities described in subsections (b) and (c).

(b) For purposes of subsection (a), the activity described in this subsection is the establishment of a plan for timely completion of the survey and certification process for any new health care facility seeking to participate in the Medicare or Medicaid program that has been pending for at least 90 days after the date on which the request for survey and certification was submitted. Such plan shall give priority to completing any such survey and certification requests that were submitted in fiscal year 2007.

(c) For purposes of subsection (a), the activity described in this subsection is the establishment of a process for identifying and communicating with new health care facilities that are likely to seek survey and certification for participation in the Medicare or Medicaid program. Such process shall require the Centers for Medicare & Medicaid Services to provide regular and ongoing communication regarding the timing for an initial survey with any owner of such a health care facility during the construction process or as soon as practicable after identification.

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**SA 3386.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, line 26, insert before the period the following: ": *Provided further*, That the Secretary of Health and Human Services shall have the authority to transfer amounts appropriated under this title for any congressionally directed spending item to the National Institutes of Health".

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**SA 3387.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 22 and all that follows through line 7 on page 5, and insert the following: "workers: *Provided further*, That $3,700,000 shall be for competitive grants, which shall be awarded not later than 30 days after the date of enactment of this Act".

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**SA 3388.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated in this Act may be allocated, directed, or otherwise made available to cities that provide safe haven to illegal drug users through the use of illegal drug injection facilities.

**SA 3389.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Section 301(c)(1) of the National Organ Transplant Act (42 U.S.C. 274e(c)(1)) is amended by adding before the period at the end the following: "and any human egg, human embryo, and stem cell derived from a human embryo.".

**SA 3390.** Mrs. McCASKILL (for herself and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. ISSUANCE OF STANDARD ON DIACETYL.**

(a) INTERIM STANDARD.—

(1) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall promulgate an interim final standard regulating worker exposure to diacetyl. The interim final standard shall apply—

(A) to all locations in the flavoring manufacturing industry that manufacture, use, handle, or process diacetyl; and

(B) to all microwave popcorn production and packaging establishments that use diacetyl-containing flavors in the manufacture of microwave popcorn.

(2) REQUIREMENTS.—The interim final standard required under subsection (a) shall provide no less protection than the recommendations contained in the NIOSH Alert "Preventing Lung Disease in Workers Who Use or Make Flavorings" (NIOSH Publication 2004-110) and include the following:

(A) Requirements for engineering, work practice controls, and respiratory protection to minimize exposure to diacetyl. Such engineering and work practice controls include closed processes, isolation, local exhaust ventilation, proper pouring techniques, and safe cleaning procedures.

(B) Requirements for a written exposure control plan that will indicate specific measures the employer will take to minimize employee exposure; and requirements for evaluation of the exposure control plan to determine the effectiveness of control measures at least on a biannual basis and whenever medical surveillance indicates abnormal pulmonary function in employees exposed to diacetyl, or whenever necessary to reflect new or modified processes.

(C) Requirements for airborne exposure assessments to determine levels of exposure and ensure adequacy of controls

(D) Requirements for medical surveillance for workers and referral for prompt medical evaluation.

(E) Requirements for protective equipment and clothing for workers exposed to diacetyl.

(F) Requirements to provide written safety and health information and training to employees, including hazard communication information, labeling, and training.

(3) EFFECTIVE DATE OF INTERIM STANDARD.—The interim final standard shall take effect upon issuance. The interim final standard shall have the legal effect of an occupational safety and health standard, and shall apply until a final standard becomes effective under section 6 of the Occupational Safety and Health Act (29 U.S.C. 655).

(4) LIMITATION ON APPLICATION OF CERTAIN PROVISIONS.—Federal laws relating to timelines for the promulgation of interim final standards of the type provided for under this subsection shall not apply to the standard promulgated under this subsection.

(b) FINAL STANDARD.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act (29 U.S.C. 655), promulgate a final standard regulating worker exposure to diacetyl. The final standard shall contain, at a minimum, the worker protection provisions in the interim final standard, a short term exposure limit, and a permissible exposure limit that does not exceed the lowest feasible level, and shall apply at a minimum to all facilities where diacetyl is processed or used.

**SA 3391.** Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ___. The Secretary of Health and Human Services shall provide, under section 319 of the Public Health Service Act (42 U.S.C. 247d), for a declaration of a public health emergency with respect to Sumter County, Georgia (or to recognize the declaration of public health emergency made by the State of Georgia for such county) in order that the Secretary shall provide, under section 1135(b) of the Social Security Act (42 U.S.C. 1320b-5(b))), for the waiver of the provisions of section 1877 of such Act (42 U.S.C. 1395nn) sufficient to permit the Sumter Regional Hospital in Americus, Georgia, to provide financial support needed to maintain a medical staff and community physicians in the area.

**SA 3392.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Title X of the Public Health Service Act (42 U.S.C. 300 et seq.) is amended by adding at the end the following:

**"SEC. 1009. COMPLIANCE WITH STATE REPORTING REQUIREMENTS.**

"(a) IN GENERAL.—The Secretary shall not make any funds available under this title to a person unless the person certifies that the person and each associated entity are in compliance with all applicable State requirements for the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

"(b) LOSS OF ELIGIBILITY.—If the Secretary determines that a person or any associated entity has failed to comply with any State requirement described in subsection (a), the Secretary shall not make any funds available under this title to such person for a period of 3 years following the date of such failure.

"(c) ANNUAL REPORTS BY RECIPIENTS OF FUNDS.—Not later than the end of fiscal year 2008, and annually thereafter, each person receiving funds under this title shall submit to the Secretary a report—

"(1) certifying that the person and each associated entity remain in compliance with all applicable State requirements for the reporting of child abuse, child molestation, sexual abuse, rape, or incest; and

"(2) identifying the number of reports submitted by the person during the preceding 12-month period to comply with such requirements.

"(d) DEFINITION.—In this section, the term 'associated entity' means an entity that—

"(1) controls, is controlled by, or is under common control with the person involved; and

"(2) is colocated with such person.".

(b) The amendment made by subsection (a) applies with respect to the expenditure or obligation of funds under title X of the Public Health Service Act (42 U.S.C. 300 et seq.) on or after the date that is 6 months after the date of the enactment of this Act.

**SA 3393.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) The Director of the National Cancer Institute shall enter into a contract with an appropriate entity for the conduct of a study to determine the effects of the Trinity Nuclear test in 1945 on the surrounding communities in New Mexico with respect to the following:

(1) An estimate (expressed as a range) of the expected number of cancers and other radiogenic illnesses (both fatal and nonfatal cases) expected among the individuals in the region of the Trinity Nuclear test site as a result of their exposures to radioactive fallout from open air test.

(2) With respect to future illnesses, a description the scientific consensus regarding the maximum limit of the latency period for these radiogenic illnesses.

(3) An estimate (expressed as a range) of the number of such illnesses that would be expected to occur naturally among the affected population.

(b) Not later than 1 year after the date of enactment of this Act, the Director of the National Cancer Institute shall submit to the appropriate committees of Congress, a report concerning the results of the study conducted under subsection (a).

(c) The Secretary of Health and Human Services shall transfer **$1,000,000** from amounts appropriated under this Act for the administrative functions of the National Institutes of Health to the Director of the National Cancer Institute to carry out this section.

**SA 3394.** Mr. WARNER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, line 5, insert before the period the following: "*Provided further*, That $10,000,000 shall be made available, in addition to amounts otherwise available, to implement the Lifespan Respite Care Act".

**SA 3395.** Mr. HARKIN (for Mr. REID) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. Nothing in this Act shall be construed to effect or otherwise modify provisions of current Federal law with respect to the funding of abortion.

**SA 3396.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. H-1B VISA EMPLOYER FEE.**

(a) IN GENERAL.—Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking "$1,500" and inserting "$3,000".

(b) USE OF ADDITIONAL FEE.—Section 286 of such Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(w) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 50 percent of the fees collected under section 214(c)(9)(B).

"(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).".

**SA 3397.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. (a) Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on workers' compensation set-asides under the Medicare secondary payer set-aside provisions under title XVIII of the Social Security Act.

(b) The report described in subsection (a) shall contain the following information:

(1) The number of workers' compensation set-aside determination requests that have been pending for more than 60 days from the date of the initial submission for a workers' compensation set-aside determination.

(2) The average amount of time taken between the date of the initial submission for a workers' compensation set-aside determination request and the date of the final determination by the Centers for Medicare & Medicaid Services.

(3) The breakout of conditional payments recovered when workers' compensation is the primary payer separate from the amounts in Workers' Compensation Medicare Set-aside Accounts (in this section referred to as "WCMSAs").

(4) The aggregate amounts allocated in WCMSAs and disbursements from WCMSAs for fiscal year 2005 and fiscal year 2006.

(5) The number of conditional payment requests pending with regard to WCMSAs after 60 days from the date of the submission of the request.

(6) The number of WCMSAs that do not receive a determination based on the initial complete submission.

(7) Any other information determined appropriate by the Congressional Budget Office in order to determine the baseline revenue and expenditures associated with such workers' compensation set-asides.

**SA 3398.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

SEC. ____. To enable the National Institute for Occupational Safety and Health to carry out the Fire Fighter Fatality Investigation and Prevention Program, $5,000,000, which shall include any other amounts made available under this Act for such Program. Amounts made available under this Act for travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $2,500,000.

**SA 3399.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used—

(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(2) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

**SA 3400.** Mr. CARDIN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 7 and 8, insert the following:

SEC. 521. Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed 6 months.

**SA 3401.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On the appropriate place, insert the following:

SEC. ____. It is the sense of the Senate that the Secretary of Health and Human Services should maintain "deemed status" coverage under the Medicare program for clinical trials that are federally funded or reviewed, as provided for by the Executive Memorandum of June 2000.

**SA 3402.** Ms. LANDRIEU proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 49: line 1: strike the colon and insert

"*Provided further*, that, of the funds provided to the Child Trauma Stress Network Initiative, priority shall be given to those centers, that previously received grants, that provide mental health services to children affected by Hurricane Katrina and/or Rita."

**SA 3403.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT.**

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended by adding at the end the following new subparagraph:

"(D) The employee was so employed for a number of work days aggregating at least 250 work days before January 1, 2006, by the Department of Energy or a Department of Energy contractor or subcontractor at the Santa Susana Field Laboratory in California.".

(b) REAPPLICATION.—A claim that an individual qualifies, by reason of section 3621(14)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as added by subsection (a) of this Act), for compensation or benefits under such Act shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to such individual.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, October 18, 2007, at 10 a.m. in room 253 of the Russell Senate Office Building.

The hearing will provide general oversight on current regulatory and programmatic activities at the U.S. Department of Transportation. The Commerce Committee has general oversight jurisdiction over the entire Department and specific authority over the Federal Aviation Administration, Federal Motor Carrier Safety Administration, Federal Railroad Administration, Federal Maritime Administration, Pipeline and Hazardous Materials Safety Administration, the Research and Innovative Technology Administration, and the National Highway Traffic Safety Administration, amongst other entities within the Department.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, October 18, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

At this hearing, the committee will explore the effects science parks can have on innovation and competitiveness including encouraging partnerships with academia, and spurring regional economic development. The committee also will examine public policy involvement in science park development.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, October 18, 2007 at 10:30 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Lead and Children's Health."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 18, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to conduct a hearing entitled "Growing Trade, Growing Vigilance: Import Health and Safety Today and Tomorrow."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, October 18, 2007, at 3 p.m. in order to consider the nomination of the Honorable Ellen C. Williams to be Governor, U.S. Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to continue the hearing on the nomination of Michael B. Mukasey to be Attorney General of the United States, on Thursday, October 18, 2007 at 10 a.m. in the Hart Senate Office Building Room 216.

*Witness list:*

Panel I: The Honorable Charles E. Schumer, United States Senator [D–NY]. The Honorable Joseph Lieberman, United States Senator [ID–CT].

Panel II: Michael B. Mukasey to be Attorney General of the United States.

Panel III: Dick Thornburgh, Of Counsel, K&LGates, Washington, DC. Chuck Canterbury, National President, Fraternal Order of Police, Washington, DC. Rear Admiral John D. Hutson, JAGC, USN (Ret.), President and Dean, Franklin Pierce Law Center, Concord, NH. Dawn Johnsen, Professor, Indiana University School of Law, Bloomington, IN. Theodore M. Shaw, Director-Counsel and President, NAACP Legal Defense & Educational Fund, Inc., New York, NY. Mary Jo White, Partner, Debevoise & Plimpton LLP New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 18, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, October 18, 2007, at 10 a.m. in order to conduct a hearing entitled, "The Perils of Politics in Government: A Review of the Scope and Enforcement of the Hatch Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that David Heckman and Kassie Hobbs of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

On Tuesday, October 16, 2007, the Senate passed H.R. 3093, as amended, as follows:

### H.R. 3093

*Resolved*, That the bill from the House of Representatives (H.R. 3093) entitled "An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:*

## TITLE I

## DEPARTMENT OF COMMERCE

### INTERNATIONAL TRADE ADMINISTRATION

### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $425,431,000, to remain available until September 30, 2009, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That $49,564,000 shall be for Manufacturing and Services; $44,960,000 shall be for Market Access and Compliance; $66,601,000 shall be for the Import Administration; $229,702,000 shall be for the United States and Foreign Commercial Service; and $26,604,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That the International Trade Administration shall be exempt from the requirements of Circular A–25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

### BUREAU OF INDUSTRY AND SECURITY

### OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $78,776,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

### ECONOMIC DEVELOPMENT ADMINISTRATION

### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $250,000,000, to remain available until expended.

### SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $32,800,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

### MINORITY BUSINESS DEVELOPMENT AGENCY

### MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,200,000.

### ECONOMIC AND INFORMATION INFRASTRUCTURE

### ECONOMIC AND STATISTICAL ANALYSIS

### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $85,000,000, to remain available until September 30, 2009.

### BUREAU OF THE CENSUS

### SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $226,238,000.

### PERIODIC CENSUSES AND PROGRAMS

For expenses to collect and publish statistics for periodic censuses and programs provided for by law, $1,020,406,000, to remain available until September 30, 2009.

### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $18,581,000, to remain available until September 30, 2009: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

### PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $20,000,000, to remain available until expended: Provided, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

### TECHNOLOGY OPPORTUNITIES PROGRAM

For grants authorized by sections 391 and 392 of the Communications Act of 1934, as amended, $10,000,000, to remain available until expended: Provided, That funds provided under this heading shall be for competitive grants for the construction of broadband services.

### UNITED STATES PATENT AND TRADEMARK OFFICE

### SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,915,500,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2008, so as to result in a fiscal year 2008 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2008, should the total amount of offsetting fee collections be less than $1,915,500,000, this amount shall be reduced accordingly: Provided further, That any amount received in excess of $1,915,500,000 in fiscal year 2008, in an amount up to $100,000,000, shall remain available until expended: Provided further, That not less than 1,020 full-time equivalents, 1,082 positions and $214,150,000 shall be for the examination of trademark applications; and not less than 8,522 full-time equivalents, 9,000 positions and $1,701,402,000 shall be for the examination and searching of patent applications: Provided further, That not less than $18,000,000 shall be for training of personnel: Provided further, That any deviation from the full-time equivalent, position, and funding designations set forth in the preceding provisos shall be subject to the procedures set forth in section 505 of this Act: Provided further, That from amounts provided herein, not to exceed $5,000 shall be made available in fiscal year 2008 for official reception and representation expenses: Provided further, That notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section

501(c)(3) of the Internal Revenue Code of 1986: Provided further, That in fiscal year 2008, from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That sections 801, 802, and 803 of Division B, Public Law 108–447 shall remain in effect during fiscal year 2008: Provided further, That the Director may reduce patent filing fees payable in 2008 for documents filed electronically consistent with Federal regulation.

### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $502,117,000, to remain available until expended, of which not to exceed $12,500,000 may be transferred to the "Working Capital Fund": Provided, That not to exceed $7,500 shall be for official reception and representation expenses.

### INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $110,000,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $100,000,000, to remain available until expended, of which not to exceed $1,500,000 shall be for Institutional Support: Provided, That no single applicant awards shall be made to companies with revenues greater than $1,000,000,000: Provided further, That funds shall not support Standards Development pursuant to 15 U.S.C. 278n(h).

### CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, including agency recreational and welfare facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, $150,900,000, to remain available until expended: Provided, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years: Provided further, That notwithstanding any other provision of law, of the amount made available for construction of research facilities, $8,000,000 shall be for the University of Mississippi Medical Center Biotechnology Research Park; $8,000,000 shall be for the Mississippi State University Research, Technology and Economic Development Park; $2,000,000 shall be for the University of Southern Mississippi Innovation and Commercialization Park Infrastructure and Building Construction and Equipage; $5,000,000 shall be for the Alabama State University Life Sciences Building; and $30,000,000 shall be for laboratory and research space at the University of South Alabama Engineering and Science Center.

### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

### OPERATIONS, RESEARCH, AND FACILITIES

### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,036,888,000, to remain available until September 30, 2008, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2009: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $77,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That of the $3,121,888,000 provided for in direct obligations under this heading $3,036,888,000 is appropriated from the general fund, $80,000,000 is provided by transfer, and $5,000,000 is derived from recoveries of prior year obligations: Provided further, That of the funds provided under this heading, $250,000 is made available until expended subject to procedures set forth in section 209 of Public Law 108–447: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $209,179,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $34,425,000: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year: Provided further, That if funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year, then no State shall receive more than 5 percent or less than 1 percent of the additional funds: Provided further, That for fiscal year 2008 and hereafter the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals: Provided further, That in accordance with section 215 of Public Law 107–372 the number of officers in the NOAA Commissioned Officer Corps shall increase to 321: Provided further, That for fiscal year 2009 and hereafter the National Oceanic and Atmospheric Administration shall submit its budget request to Congress concurrently with its submission to the Office of Management and Budget: Provided further, That of the funds provided, $15,000,000 is provided for the alleviation of economic impacts associated Framework 42 on the Massachusetts groundfish fishery: Provided further, That of the funds available for the Ocean Research Priorities Plan Implementation, such sums as may be necessary may be set aside to initiate the study to be completed within 2 years on acidification of the oceans and how this process affects the United States as authorized by section 701 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 120 Stat. 3649): Provided further, That of the funds provided, not less than $15,000,000 shall be available to carry out activities under section 315 of the Magnuson-Stevens Fishery Conservation and Management Act (8 U.S.C. 1864): Provided further, That of the funds provided under this heading for the Office of Response and Restoration funds may be used from the Damage Assessment Restoration Revolving Fund for sampling, and analysis related to the disposal of obsolete vessels owned or operated by the Federal Government in Suisun Bay, California: Provided further, That of the funds provided under this heading, up to $275,000 may be available for the purchase and distribution of bycatch reduction devices to shrimpers in areas of the Gulf Coast impacted by Hurricane Rita or Hurricane Katrina during 2005.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

### PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,089,000,000, to remain available until September 30, 2009, except funds provided for construction of facilities which shall remain available until expended: Provided, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

### PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $90,000,000.

### COASTAL ZONE MANAGEMENT FUND

### (INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

### *FISHERIES FINANCE PROGRAM ACCOUNT*

*Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2008, obligations of direct loans may not exceed $8,000,000 for Individual Fishing Quota loans as authorized by the Merchant Marine Act of 1936.*

### *OTHER*

### *DEPARTMENTAL MANAGEMENT*

### *SALARIES AND EXPENSES*

*For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $53,193,000: Provided, That of the amounts provided to the Secretary within this account, $10,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations that the Bureau of the Census has followed, and met all best practices, and all Office of Management and Budget guidelines related to information technology projects: Provided further, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: Provided further, That the Secretary, within 120 days of the enactment of this Act, shall provide a report to Congress that is publicly available on the Bureau's website on the steps that the Census Bureau will take to allow citizens the opportunity to complete the decennial census and the American Community Survey over the Internet.*

### *HCHB RENOVATION AND MODERNIZATION*

*For expenses necessary for the renovation and modernization of the Herbert C. Hoover Building, $5,100,000, to remain available until expended.*

### *OFFICE OF INSPECTOR GENERAL*

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $23,426,000.*

### *NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATION COUNCIL*

*For necessary expenses of the National Intellectual Property Law Enforcement Coordination Council to coordinate domestic and international intellectual property protection and law enforcement relating to intellectual property among Federal and foreign entities, $1,000,000.*

### *GENERAL PROVISIONS—DEPARTMENT OF COMMERCE*

### *(INCLUDING TRANSFER OF FUNDS)*

*SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.*

*SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).*

*SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Senate Committee on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, Science, and Related Agencies Appropriations Act: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.*

*SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

*SEC. 105. EXTENSION OF GUARANTEE AUTHORITY. (a) IN GENERAL.—Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking "2007" and inserting "2009".*

*(b) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 101(b) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) are each amended by striking "in 1998" and inserting "since 1998".*

*(c) DEFINITION OF QUALIFIED STEEL COMPANY.—Subparagraph (C) of section 101(c)(3) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking ", in 1998" and inserting "in 1998, and thereafter,".*

*(d) SALARIES AND ADMINISTRATIVE EXPENSES.—The Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by adding at the end the following:*

***"SEC. 103. SALARIES AND ADMINISTRATIVE EXPENSES.***

*"(a) In addition to funds made available under section 101(j) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note), up to $1,000,000 in funds made available under section 101(f) of such Act may be used for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program.*

*"(b) Funds made available for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program shall remain available until expended.".*

*SEC. 106. Notwithstanding any other provision of law, no funds appropriated under this Act shall be used to register, issue, transfer, or enforce any trademark of the phrase "Last Best Place".*

*SEC. 107. Section 3315(b) of title 19, United States Code, is amended by inserting ", including food when sequestered," following "for the establishment and operations of the United States Section and for the payment of the United States share of the expenses".*

*SEC. 108. Notwithstanding the requirements of subsection 4703(d), the personnel management demonstration project established by the Department of Commerce pursuant to 5 U.S.C. 4703 may be expanded to involve more than 5,000 individuals, and is extended indefinitely.*

*SEC. 109. (a) The Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96-480), as amended, is amended by:*

*(1) deleting section 5;*

*(2) deleting paragraphs (1) and (3) of section 4; and*

*(3) redesignating paragraphs (2) and (4) through (13) as paragraphs (1) through (11).*

*(b) Section 212(b) of the National Technical Information Act of 1988 (Public Law 100–519), as amended, is amended by striking "Under Secretary of Commerce for Technology" and inserting "Director of the National Institute of Standards and Technology".*

*SEC. 110. The Secretary of Commerce is permitted to prescribe and enforce standards or regulations affecting safety and health in the context of scientific and occupational diving within the National Oceanic and Atmospheric Administration.*

*SEC. 111. NOAA PACIFIC REGIONAL CENTER. (a) IN GENERAL.—The National Oceanic and Atmospheric Administration (NOAA) is authorized to engage in planning, design, acquisition, renovation, construction and related activities to complete NOAA's Pacific Regional Center on Ford Island, Hawaii, consisting of the following: adaptive re-use and renovation of hangars 175 and 176, and construction of a new interconnecting building and other related structures. Funds are hereby authorized to be appropriated for fiscal years beginning after September 2007 for purposes of completing the Center.*

*(b) INCREMENTAL FUNDING.—Of the funds appropriated elsewhere in this Act, $20,250,000 are available for obligation and expenditure as an additional increment to funds previously appropriated for the NOAA Pacific Regional Center. These funds may be expended incrementally through multiple year contracts for design, construction and related activities for the Center; and remain available until expended.*

*SEC. 112. PAPAHĀNAUMOKUĀKEA FISHERY REDUCTION. (a) IN GENERAL.—The Papānaumokuākea Marine National Monument was created by Presidential proclamation on June 15, 2006 to protect more than 7,000 marine and terrestrial species including protection for the habitat for the endangered Hawaiian monk seal, threatened Hawaiian green sea turtle and other marine species. The Presidential proclamation will phase out all commercial fishing by June 15, 2011. The Secretary of Commerce is authorized to conduct a voluntary capacity reduction program to remove all commercial fishing capacity in the area prior to that date.*

*(b) REGULATIONS.—The Secretary shall promulgate regulations for the voluntary capacity reduction program that:*

*(1) identifies eligible participants as those individuals engaged in commercial fishing in the designated waters within the Papahānaumokuākea Marine National Monument pursuant to a valid commercial Federal fishing permit in the 2006 fishing season;*

*(2) provides a mechanism to compensate eligible participants for no more than the economic value of their permits, their vessels or vessel endorsements, and fishing gear;*

*(3) ensures that commercial fishing vessels of eligible participants cannot be used in fishing anywhere in the world;*

*(4) for the commercial fishing vessels of eligible participants, ensures*

*(A) that documentation be provided showing that such vessel has been scrapped or scuttled or,*

*(B) that the Secretary of the department in which the Coast Guard is operating places a*

title restriction on the fishing vessel permanently prohibiting and effectively preventing its use in fishing, and

(C) that the vessel must remain in Federal documentation and that the Maritime Administration will prohibit the reflagging of the vessel.

(c) AUTHORIZATION.—There is authorized no more than $7,500,000 and there is appropriated $7,500,000 of the amount provided in this Act for National Oceanic and Atmospheric Administration's "Operations, research, and facilities" to implement this program.

(d) CLARIFICATION.—Nothing in this section is intended to enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the Northwestern Hawaiian Islands or the tidal or submerged lands under any provision of State or Federal law.

SEC. 113. NIST BUILDING 1 EXTENSION. Of the funds appropriated elsewhere in this Act, $28,000,000 are available for obligation and expenditure as an additional increment to funds previously appropriated for this project. These funds may be expended incrementally through multiple year contracts for design, construction and related activities for the Building 1 Extension; and remain available until expended.

SEC. 114. LIMITATIONS ON SATELLITE ACQUISITIONS BY THE DEPARTMENT OF COMMERCE. (a) CERTIFICATION.—

(1) REQUIREMENT FOR CERTIFICATION.—Prior to the date that the certification described in paragraph (2) is made, the Secretary may not—

(A) obligate funds provided by this Act or by previous appropriations Acts to acquire satellites; or

(B) receive approval of—

(i) a major milestone; or

(ii) a key decision point.

(2) CONTENT OF CERTIFICATION.—The certification described in this paragraph is a certification made by the Secretary and the Director that—

(A) the technology utilized in the satellites has been demonstrated in a relevant environment;

(B) the program has demonstrated a high likelihood of accomplishing the its intended goals; and

(C) the acquisition of satellites for use in the program represents a good value—

(i) in consideration of the per unit cost and the total acquisition cost of the program and in the context of the total resources available for the fiscal year in which the certification is made and the future out-year budget projections for the Department of Commerce; and

(ii) in consideration of the ability of the Secretary to accomplish the goals of the program using alternative systems.

(3) SUBMISSION TO CONGRESS.—Not later than the 30 days after the date of the enactment of this Act, the Secretary and the Director shall submit to the appropriate congressional committees—

(A) the certification described in paragraph (2); or

(B) a report on the reasons that such certification cannot be made.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Appropriations and the Committee on Science and Technology of the House of Representatives.

(2) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(3) KEY DECISION POINT.—The term "key decision point" means the initiation of procurement for a major system or subsystem of a program.

(4) MAJOR MILESTONE APPROVAL.—The term "major milestone approval" means a decision to enter into development of a system for a program.

(5) PROGRAM.—The term "program" means the programs of the National Oceanic and Atmospheric Administration for which satellites will be acquired.

(6) SATELLITE.—The term "satellite" means the satellites proposed to be acquired for the National Oceanic and Atmospheric Administration, other than the National Polar-orbiting Operational Environmental Satellite System (NPOESS).

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(c) INDEPENDENT COST ESTIMATES.—

(1) REQUIREMENT.—The Secretary may not approve the development or acquisition of a program unless an independent estimate of the full life-cycle cost of the program has been considered by the Secretary.

(2) REGULATIONS.—The Secretary shall prescribe regulations governing the content and submission of the estimate required by paragraph (1). The regulations shall require that each such estimate—

(A) be prepared by an office or other entity that is not under the supervision of the Under Secretary of Oceans and Atmosphere; and

(B) include all costs of development, procurement, construction, operations, maintenance, and management of the program.

(d) REQUIREMENT FOR ANALYSIS IF UNIT COSTS EXCEED 15 PERCENT.—

(1) REQUIREMENT.—If the percentage increase in the acquisition cost of a program in which the acquisition unit cost or procurement unit cost exceeds 15 percent more than the baseline cost of the program, the Secretary shall initiate an analysis of the program. Such analysis of alternatives shall include, at a minimum, the following:

(A) The projected cost to complete the program if current requirements are not modified.

(B) The projected cost to complete the program based on potential modifications to the requirements.

(C) The projected cost to complete the program based on design modifications, enhancements to the producibility of the program, and other efficiencies.

(D) The projected cost and capabilities of the program that could be delivered within the originally authorized budget for the program, including any increase or decrease in capability.

(E) The projected costs for an alternative system or capability.

(2) SUBMISSION TO CONGRESS.—The analysis of alternatives required under paragraph (1) with respect to a program shall be—

(A) completed not later than 6 months after the date of that the Secretary determines that the cost of the program exceeds 15 percent more than the baseline cost of the program; and

(B) submitted to the appropriate congressional committees not later than 30 days after the date the analysis is completed.

(3) CLARIFICATION OF COST ESCALATION.—For the purposes of determining whether cost of the Geostationary Operational Environmental Satellite Program exceeds 15 percent more than the baseline cost under paragraph (1), the baseline cost of the such Program is $6,960,000,000.

SEC. 115. INTANGIBLE ASSETS INVESTMENT STUDY. (a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Bureau of Economic Analysis of the Department of Commerce shall enter into an agreement with the Council of the National Academy of Sciences to conduct a study, which shall—

(1) recommend steps to improve the measurement of intangible assets and their incorporation in the National Income and Product Accounts;

(2) identify and estimate the size of the Federal Government's investment in intangible assets;

(3) survey other countries' efforts to measure and promote investments in intangible assets; and

(4) recommend policies to accelerate private and public investment in the types of intangible assets most likely to contribute to economic growth.

(b) COMPLETION.—The National Academy of Sciences shall complete the study described in subsection (a) not later than 18 months after the date on which the agreement described in subsection (a) was signed.

(c) FUNDING.—From the funds appropriated for economic and statistical analysis under this title, the Secretary of Commerce may set aside sufficient amounts to complete the study described in subsection (a).

SEC. 116. UNITED STATES ECONOMIC DATA. (a) Of the funds provided in this title for Economic and Information Infrastructure under the heading "ECONOMIC AND STATISTIC ANALYSIS", $950,000 may be used to carry out the study and report required under this section.

(b) Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct a study and report on whether the import price data published by the Bureau of Labor Statistics and other economic data collected by the United States accurately reflect the economic condition of the United States.

(c)(1) The report required by subsection (b) shall include an analysis of the methods used to determine the condition of the United States economy and shall address—

(A) whether the statistical measure of the United States economy correctly interprets the impact of imports and outsourced production;

(B) whether the statistical measures of the United States economy result in an accurate report of United States gross domestic product (GDP), productivity, and other aspects of economic performance;

(C) whether the impact of imports on United States manufacturing levels and competitiveness is accurately reported; and

(D) whether other countries are accounting for import prices more accurately or frequently than the United States.

(2) If the findings of the report indicate that the methods used for accounting for imported goods and United States wages result in overstating economic growth, domestic manufacturing output, and productivity growth, the report shall include recommendations with respect to—

(A) what actions should be taken to produce more accurate import price indices on a regular basis; and

(B) what other measures of economic analysis should be used to accurately reflect the globalization of economic activity and offshoring of domestic production.

(d) The report required by subsection (b) shall be completed and submitted to Congress not later than 18 months after the date of the contract described in subsection (b).

SEC. 117. (a) IN GENERAL.—The Secretary of Commerce may—

(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management organization, whether or not the United States is a party to the agreement establishing such organization; and

(2) take appropriate action against listed vessels and vessel owners, including action against

fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles, rights, and obligations established in applicable international fishery management and trade agreements.

(b) RESTRICTIONS ON PORT ACCESS OR USE.—Action taken by the Secretary under subsection (a)(2) that include measures to restrict use of or access to ports or port services shall apply to all ports of the United States and its territories.

(c) REGULATIONS.—The Secretary may promulgate regulations to implement this section.

This title may be cited as the "Department of Commerce Appropriations Act, 2008".

## TITLE II

## DEPARTMENT OF JUSTICE

### GENERAL ADMINISTRATION

### SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $104,777,000, of which not to exceed $3,317,000 is for security and construction of Department of Justice facilities, to remain available until expended: Provided, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: Provided further, That no appropriations for any office within General Administration shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That $12,684,000 is for Department Leadership; $7,664,000 is for Intergovernmental Relations/External Affairs; $11,832,000 is for Executive Support/Professional Responsibility; and $72,597,000 is for the Justice Management Division: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the Senate Committee on Appropriations consistent with the terms of section 505 of this Act: Provided further, That this transfer authority is in addition to transfers authorized under section 505 of this Act: Provided further, That not to exceed $30,000 shall be available for official reception and representation expenses: Provided further, That $10,000,000 shall only be used to address the health safety and security issues identified in the United States Department of Justice, Office of Inspector General Report I–2007–008.

### JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, $95,795,000, to remain available until expended: Provided, That, of the funds available, up to $21,000,000 is for the unified financial management system to be administered by the Unified Financial Management System Executive Council.

### TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $76,353,000, to remain available until September 30, 2009: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 505 of this Act: Provided further, That the Attorney General shall transfer to the "Narrowband Communications/Integrated Wireless Network" account all funds made available in this Act to the Department of Justice for the purchase of portable and mobile radios and related infrastructure and any transfer made under this section shall be subject to section 505 of this Act.

### ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $251,499,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account: Provided, That $4,000,000 shall be expended on the Executive Office for Immigration Review's Legal Orientation Programs.

### DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,265,872,000: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: Provided further, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended: Provided further, That funds not to exceed $5,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $73,700,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character: Provided, That within 200 days of enactment of this Act, the Inspector General shall conduct an audit and issue a report to the Committees on Appropriations of all expenses of the legislative and public affairs offices at each location of the Justice Department, its bureaus and agencies, including but not limited to every field office and headquarters component; the audit shall include any and all expenses related to these activities.

### UNITED STATES PAROLE COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,194,000.

### LEGAL ACTIVITIES

### GENERAL LEGAL ACTIVITIES

### SALARIES AND EXPENSES

### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $753,000,000, of which not to exceed $10,000,000 is for litigation support contracts and shall remain available until expended: Provided, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That in addition there is hereby appropriated $6,833,000 for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, to be appropriated from the Vaccine Injury Compensation Trust Fund.

### ANTITRUST DIVISION

### SALARIES AND EXPENSES

For expenses necessary for the enforcement of antitrust and kindred laws, $155,097,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, not to exceed $139,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $16,097,000.

### UNITED STATES ATTORNEYS

### SALARIES AND EXPENSES

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,747,822,000: Provided, That of the total amount appropriated, not to exceed $8,000,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $20,000,000 shall remain available until expended.

### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $231,899,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $184,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the Fund estimated at $0.

### FOREIGN CLAIMS SETTLEMENT COMMISSION

### SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $1,709,000.

### UNITED STATES MARSHALS SERVICE

### SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $896,860,000; of which not to exceed $20,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be for information technology systems and shall remain available until expended: Provided, That not less than $12,397,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended: Provided further, That an additional $7,845,000 shall be available to carry out the Adam Walsh Child Protection and Safety Act of 2006 offset by a reduction in the amount available for the Advanced Technology Program under the heading "INDUSTRIAL TECHNOLOGY SERVICES" in title I of $7,845,000.

### CONSTRUCTION

*For construction in space controlled, occupied, or utilized by the United States Marshals Service, $8,015,000, to remain available until expended.*

### FEES AND EXPENSES OF WITNESSES

*For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended: Provided, That, not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: Provided further, That not to exceed $9,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.*

### COMMUNITY RELATIONS SERVICE

### SALARIES AND EXPENSES

*For necessary expenses of the Community Relations Service, $10,230,000: Provided, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated under this heading, $2,000,000 shall be used for salaries and expenses for hiring additional conciliators for the regional offices of the Community Relations Service of the Department of Justice: Provided further, That not less than 3 of the conciliators hired under the preceding proviso shall be employed in region 6.*

### ASSETS FORFEITURE FUND

*For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.*

### NATIONAL SECURITY DIVISION

### SALARIES AND EXPENSES

*For expenses necessary to carry out the activities of the National Security Division, $78,056,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 204 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

### INTERAGENCY LAW ENFORCEMENT

### INTERAGENCY CRIME AND DRUG ENFORCEMENT

*For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $509,154,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.*

### FEDERAL BUREAU OF INVESTIGATION

### SALARIES AND EXPENSES

*For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $6,372,250,000; of which not to exceed $150,000,000 shall remain available until expended; and of which $2,308,580,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to national security: Provided, That not to exceed $205,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $170,000 shall be available for expenses associated with the celebration of the 100th anniversary of the FBI: Provided further, That not later than 60 days after the enactment of this Act, the Director of the FBI shall submit to the Committee on Appropriations and the Committee on Judiciary of each House a report that evaluates the FBI's current work force allocation and assesses the right-sizing and realignment of agents, analysts and support personnel currently in field offices to better meet the FBI's mission requirements and priorities.*

### CONSTRUCTION

*For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $206,400,000, to remain available until expended: Provided, That $63,700,000 shall be available for Sensitive Compartmented Information Facilities (SCIFs).*

### DRUG ENFORCEMENT ADMINISTRATION

### SALARIES AND EXPENSES

*For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,854,157,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.*

### BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

### SALARIES AND EXPENSES

*For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, including not to exceed $50,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,013,980,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which $10,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to other agencies or Departments in fiscal year 2008: Provided further, That no funds appropriated under this or any other Act with respect to any previous fiscal year, fiscal year 2008, and any fiscal year thereafter may be used to disclose all or part of any information received or generated by the Bureau of Alcohol, Tobacco, Firearms and Explosives in connection with any request to trace a firearm, or information required to be kept by licensees pursuant to 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of title 18, United States Code, except—*

*(1) to an official of a Federal, State, tribal, local, or foreign law enforcement agency or a Federal, State, or local prosecutor, who certifies that the information is sought solely in connection with and for use in a bona fide criminal investigation or bona fide criminal prosecution, or for national security or intelligence purposes, and will not be used or disclosed for any other purpose;*

*(2) for use in an action or proceeding commenced by the Attorney General to enforce the provisions of chapter 44 of title 18, United States Code; chapter 53 of title 26, United States Code; chapter 3 of the Arms Export Control Act; or a review of such an action or proceeding; or*

*(3) for use in an action or proceeding commenced by the Secretary of the Treasury to enforce part III of subchapter D of chapter 32 of the Internal Revenue Code of 1986, or a review of such an action or proceeding:*

*Provided further, That nothing in the previous proviso shall be construed to prevent the sharing or exchange of such information among and between Federal, State, tribal, local or foreign law enforcement agencies or Federal, State, or local prosecutors, or national security, intelligence, or counterterrorism officials, provided that such information, regardless of its source, is shared, exchanged, or used solely in connection with bona fide criminal investigations or bona fide criminal prosecutions or for national security or intelligence purposes: Provided further, That information in the Firearms Trace System database maintained by the National Trace Center, including all information received or generated by of the Bureau of Alcohol, Tobacco, Firearms and Explosives shall be immune* *from legal process, shall not be subject to subpoena or other discovery, shall not be used, relied on, or disclosed in any manner, and, regardless of when disclosed including previously disclosed information, shall not be admissible as evidence, nor shall testimony or other evidence based on such data be admissible as evidence, in any civil action pending on or filed after the effective date of this subparagraph in any State or Federal court (including any court in the District of Columbia), or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of title 18, United States Code; chapter 53 of title 26, United States Code; chapter 3 of the Arms Export Control Act; a proceeding commenced by the Secretary of the Treasury to enforce part III of subchapter D of chapter 32 of the Internal Revenue Code of 1986; or judicial review of such actions or proceedings. This provision shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(19) of title 18) and licensed manufacturer (as defined in section 921(a)(10) of title 18): Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: Provided further, That notwithstanding any other provision of law, home to work transportation currently allotted to Bureau of Alcohol, Tobacco, Firearms and Explosives field operations is extended to headquarters executive Special Agents and designees.*

### CONSTRUCTION

*For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design or projects; $35,000,000, to remain available until expended.*

## FEDERAL PRISON SYSTEM

### SALARIES AND EXPENSES

*For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 640, of which 605 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $5,151,440,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2009: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.*

### BUILDINGS AND FACILITIES

*For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $495,000,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.*

### FEDERAL PRISON INDUSTRIES, INCORPORATED

*The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.*

### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

*Not to exceed $2,477,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.*

## OFFICE ON VIOLENCE AGAINST WOMEN

### VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

*For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 4711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1796) ("the 1994 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21; 117 Stat. 650); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; 114 Stat. 1464) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960) ("the 2005 Act"); $390,000,000, including amounts for administrative costs, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided—*

*(1) $1,500,000 is for grants for televised testimony, as authorized by part N of the 1968 Act;*

*(2) $186,500,000 is for grants to combat violence and violent crimes against women, as authorized by part T of the 1968 Act, of which—*

*(A) $2,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women; and*

*(B) $17,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking, or sexual assault as authorized by section 40299(a) of the 1994 Act;*

*(3) $55,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act;*

*(4) $39,500,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;*

*(5) $5,500,000 is for training programs to assist probation and parole officers as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;*

*(6) $3,900,000 is for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;*

*(7) $10,000,000 to reduce violent crimes against women on campus, as authorized by section 304(a) of the 2005 Act;*

*(8) $46,000,000 is for legal assistance for victims, as authorized by section 1201(c) of the 2000 Act;*

*(9) $4,500,000 is for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802(a) of the 1994 Act;*

*(10) $14,500,000 is for the safe havens for children pilot program, as authorized by section 1301(a) of the 2000 Act;*

*(11) $7,100,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402(a) of the 2000 Act;*

*(12) $10,000,000 is for sexual assault services, as authorized by section 202 of the 2005 Act;*

*(13) $2,000,000 is for services to advocate and respond to youth, as authorized by section 401 of the 2005 Act;*

*(14) $2,000,000 is for grants to assist children and youth exposed to violence, as authorized by section 303 of the 2005 Act;*

*(15) $1,000,000 is for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act; and*

*(16) $1,000,000 is for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act.*

## OFFICE OF JUSTICE PROGRAMS

### JUSTICE ASSISTANCE

*For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968; the Missing Children's Assistance Act (42*

*U.S.C. 5771 et seq.); including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405; 108 Stat. 2260); the Victims of Child Abuse Act of 1990 (Public Law 101–647; 104 Stat. 4792) ("the 1990 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); and the Victims of Crime Act of 1984 (Public Law 98–473; 98 Stat. 2170), $240,000,000, to remain available until expended: Provided, That grants under subparagraphs (1)(A) and (B) of Public Law 98–473 are issued pursuant to rules or guidelines that generally establish a publicly-announced, competitive process: Provided further, That not more than $35,000,000 of balances made available as a result of prior year deobligations may be obligated for program management and administration: Provided further, That any balances made available as a result of prior year deobligations in excess of $35,000,000 shall only be obligated in accordance with section 505 of this Act: Provided further, That amounts under this heading, or amounts transferred to and merged with this account, for salaries and expenses are for not less than 590 permanent positions and not less than 600 full-time equivalent workyears.*

### *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

*For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647; 104 Stat. 9792) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164; 119 Stat. 3558); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,430,000,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): Provided, That funding provided under this heading shall remain available until expended, as follows—*

*(1) $660,000,000 for the Edward Byrne Memorial Justice Assistance Grant Program as authorized by subpart 1 of part E of title I of the 1968 Act, as amended by section 1111 of Public Law 109–162, of which—*

*(A) $75,000,000 for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note); and*

*(B) $5,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;*

*(2) $420,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)), of which $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices, and of which $20,000,000 for a Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices, subject to section 505 of this Act; and the amount appropriated in this title under the heading "GENERAL ADMINISTRATION" is reduced by $20,000,000.*

*(3) $190,000,000 for discretionary grants, notwithstanding the provisions of section 505 of the 1968 Act;*

*(4) $15,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;*

*(5) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act: Provided, That of the unobligated balances available to the Department of Justice (except for amounts made available for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act), $15,000,000 are rescinded: Provided further, That within 30 days after the enactment of this Act the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section;*

*(6) $10,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;*

*(7) $25,000,000 for the Capital Litigation Improvement Grant Program as authorized by sections 421, 422, and 426 of Public Law 108–405, to be equally divided between the Capital Prosecution Improvement Grants and Capital Representation Improvement Grants;*

*(8) $10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act;*

*(9) $2,000,000 for the National Sex Offender Public Registry;*

*(10) $1,000,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of Public Law 106–386;*

*(11) $28,000,000 for assistance to Indian tribes, of which—*

*(A) $15,000,000 shall be available for grants under section 201109(a)(2) of subtitle A of title II of the 1994 Act;*

*(B) $8,000,000 shall be available for the Tribal Courts Initiative; and*

*(C) $5,000,000 shall be available for demonstration projects on alcohol and crime in Indian County;*

*(12) $5,000,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79);*

*(13) $15,000,000 is for the court appointed advocate program, as authorized by section 217 of the 1990 Act;*

*(14) $4,000,000 is for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and*

*(15) $5,000,000 for prescription drug monitoring program:*

*Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government shall achieve a net gain in the number of law enforcement officers who perform non-administrative public safety service.*

### *WEED AND SEED PROGRAM FUND*

*For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $50,000,000, to remain available until September 30, 2008, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, nonprofit organizations, and agencies of local government engaged in the investigation and prosecution of violent and gang-related crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Senate Committee on Appropriations in accordance with section 505 of this Act: Provided further, That of the funds appropriated for the Executive Office for Weed and Seed, not to exceed $2,000,000 shall be directed for comprehensive community development training and technical assistance.*

### *COMMUNITY ORIENTED POLICING SERVICES*

### *(INCLUDING TRANSFER OF FUNDS)*

*For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Justice for All Act of 2004 (Public Law 108–405), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), the USA PATRIOT Improvement and Reauthorization Act (Public Law 109–177; 120 Stat. 192) (including administrative costs), the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21), $660,000,000, to remain available until expended: Provided, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for any and all reimbursable services, functions and activities associated with programs administered by the Office of Community Oriented Policing Services including activities authorized by sections 1158 and 1159 of Public Law 109–162: Provided further, That section 1703(b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I (42 U.S.C. 3796dd et seq.): Provided further, That the $15,000,000 provided to the National Institute of Standards and Technology's Office of Law Enforcement Standards under this section shall be transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office: Provided further, That the Attorney General shall waive in whole the matching requirement under section 1701(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(g)) for any grant recipient located in a county or parish in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005: Provided further, That of the amounts provided—*

*(1) $25,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act;*

*(2) $80,000,000 is for policing initiatives to combat illegal methamphetamine production, sale and use in "drug hot spots" as authorized by section 754 of Public Law 109–177;*

*(3) $110,000,000 is for law enforcement technologies;*

*(4) $5,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);*

*(5) $10,000,000 is for an offender re-entry program;*

*(6) $169,000,000 is for DNA analysis and capacity enhancement program, and for other*

*State, local and Federal forensic activities, of which—*

*(A) $151,000,000 for the Debbie Smith DNA Backlog Grants as authorized by Public Law 108–405 section 202;*

*(B) $5,000,000 for the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program as authorized by Public Law 108–405 section 412 and section 413;*

*(C) $6,000,000 for DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers as authorized by Public Law 108–405 section 303;*

*(D) $5,000,000 for DNA Research and Development as authorized by Public Law 108–405 section 305;*

*(E) $2,000,000 for the DNA Identification of Missing Persons as authorized by Public Law 108–405 section 308;*

*(7) $35,000,000 is for improving tribal law enforcement, including equipment and training assistance to Indian tribes;*

*(8) $6,000,000 is for training and technical assistance;*

*(9) $40,000,000 is for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act (42 U.S.C. 3797j et seq.);*

*(10) $5,000,000 is for the National District Attorneys Association to conduct prosecutorial training by the National Advocacy Center;*

*(11) $55,000,000 is for a national grant program to arrest and prosecute child predators as authorized by section 1701(d) of part Q of title I of the 1968 Act as amended by section 341 of Public Law 108–21;*

*(12) $110,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section; and*

*(13) not to exceed $11,000,000 is for program management and administration.*

### *JUVENILE JUSTICE PROGRAMS*

*For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $340,000,000, to remain available until expended, as follows—*

*(1) $500,000 is for coordination of Federal efforts, as authorized by section 204 of the 1974 Act;*

*(2) $73,000,000 is for State and local programs authorized by section 221 of the 1974 Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;*

*(3) $76,500,000 is for demonstration projects, as authorized by sections 261 and 262 of the 1974 Act;*

*(4) $5,000,000 is for juvenile mentoring programs;*

*(5) $65,000,000 is for delinquency prevention, as authorized by section 505 of the 1974 Act, of which—*

*(A) $10,000,000 shall be for the Tribal Youth Program; and*

*(B) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;*

*(6) $10,000,000 is for the Secure Our Schools Act as authorized by part AA of the 1968 Act;*

*(7) $20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;*

*(8) $80,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of the 1968 Act and Guam shall be considered a State for the purpose of that program; and*

*(9) $10,000,000 shall be for gang resistance education and training and programs:*

*Provided, That not more than 2 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the 1974 Act.*

### *PUBLIC SAFETY OFFICERS BENEFITS*

*For payments and expenses authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340) (including amounts for administrative costs, which amounts shall be paid to the "Justice Assistance" account), to remain available until expended; and $5,000,000 for payments authorized by section 1201(b) of such Act; and $4,100,000 for educational assistance, as authorized by section 1212 of such Act: Provided, That, hereafter, funds available to conduct appeals under section 1205(c) of the 1968 Act, which includes all claims processing, shall be available also for the same under subpart 2 of such part L and under any statute authorizing payment of benefits described under subpart 1 thereof, and for appeals from final decisions of the Bureau (under such part or any such statute) to the Court of Appeals for the Federal Circuit, which shall have exclusive jurisdiction thereof (including those pending), and for expenses of representation of hearing examiners (who shall be presumed irrebuttably to enjoy quasi-judicial immunity in the discharge of their duties under such part or any such statute) in connection with litigation against them arising from such discharge.*

### *GENERAL PROVISIONS—DEPARTMENT OF JUSTICE*

*SEC. 201. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.*

*SEC. 202. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.*

*SEC. 203. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 202 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.*

*SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: Provided further, That none of the funds appropriated to "Buildings and Facilities, Federal Prison System" in this or any other Act may be transferred to "Salaries and Expenses, Federal Prison System", or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.*

*SEC. 205. The Attorney General is authorized to extend through September 30, 2009, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.*

*SEC. 206. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.*

*SEC. 207. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.*

*SEC. 208. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.*

*(b) Subsection (a) shall not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.*

*SEC. 209. Any deviation from the amounts designated for specific activities in this Act and accompanying report, or any use of deobligated balances of funds provided under this title in previous years, shall be subject to the procedures set forth in section 505 of this Act.*

*SEC. 210. Section 112 of title I as contained in division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199) is amended as follows:*

*(1) by inserting in paragraph (a)(2)(A) "the Commissioner of Health & Social Services for Alaska, a representative of an Alaska Native healthcare provider" after "Village Public Safety Officer programs,";*

*(2) by inserting in paragraph (a)(2)(A) "and a non-voting judge" after "non-voting representative"; and*

*(3) by inserting in paragraph (a)(2)(A) "The Chief Justice of the Alaska Supreme Court may appoint a non-voting representative of the Alaska Supreme Court to provide technical support." at the end of the paragraph.*

*SEC. 211. Section 589a of title 28, United States Code, is amended in subsection (b) by—*

*(1) striking "and" in paragraph (8);*

*(2) striking the period in paragraph (9) and inserting "; and"; and*

*(3) adding the following new paragraph:*

*"(10) fines imposed under section 110(l)(4)(A) of title 11. United States Code.".*

*SEC. 212. (a) Section 1930(a) of title 28, United States Code, is amended in paragraph (6) by striking everything after "whichever occurs first." and inserting in lieu thereof: "The fee* *shall be $325 for each quarter in which disbursements total less than $15,000; $650 for each quarter in which disbursements total $15,000 or more but less than $75,000; $975 for each quarter in which disbursements total $75,000 or more but less than $150,000; $1,625 for each quarter in which disbursements total $150,000 or more but less than $225,000; $1,950 for each quarter in which disbursements total $225,000 or more but less than $300,000; $4,875 for each quarter in which disbursements total $300,000 or more but less than $1,000,000; $6,500 for each quarter in which disbursements total $1,000,000 or more but less than $2,000,000; $9,750 for each quarter in which disbursements total $2,000,000 or more but less than $3,000,000; $10,400 for each quarter in which disbursements total $3,000,000 or more but less than $5,000,000; $13,000 for each quarter in which disbursements total $5,000,000 or more but less than $15,000,000; $20,000 for each quarter in which disbursements total $15,000,000 or more but less than $30,000,000; $30,000 for each quarter in which disbursements total more than $30,000,000. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.''.*

*(b) This section and the amendment made by this section shall take effect January 1, 2008, or the date of the enactment of this Act, whichever is later.*

*SEC. 213. Notwithstanding any other provision of law, during fiscal year 2008, Federal reimbursement to the District of Columbia for felons newly sentenced by the District of Columbia Superior Court shall commence no later than the date of sentencing for such felons; and Federal reimbursement to the District of Columbia for recommitted District of Columbia parolees shall commence no later than the date of the commitment of such parolees to prison: Provided, That no more than $8,000,000 shall be made available for such reimbursements from funds made available in this Act.*

*SEC. 214. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.*

*SEC. 215. Of the funds appropriated in this Act for the Federal Bureau of Investigation's Sentinel program, $25,000,000 shall not be available for obligation until 60 days after the Committees on Appropriations receive from the Federal Bureau of Investigation a report on the results of a completed integrated baseline review for that program: Provided, That the report shall be submitted simultaneously to the Government Accountability Office: Provided further, That the Government Accountability Office shall review the Bureau's performance measurement baseline for the Sentinel program and shall submit its findings to the Committees on Appropriations of the Senate and House of Representatives within 60 days of its receipt of the report.*

*SEC. 216. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase or increment of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases or increments currently under contract for development or fielding have completed 70 percent of the work for that phase or increment under the performance measurement baseline validated by the integrated baseline review referred to in section 215 of this Act: Provided, That this restriction does not apply to planning and design activities for future phases or increments: Provided further, That the Bureau will notify the Committees of any significant changes to the baseline.*

*SEC. 217. Notwithstanding any other provision of this title—*

*(1) the amount appropriated under the heading ''JUSTICE INFORMATION SHARING TECHNOLOGY'' under the heading ''GENERAL ADMINISTRATION'' under this title is reduced by $5,000,000;*

*(2) the amount appropriated under the heading ''JUVENILE JUSTICE PROGRAMS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title is increased by $5,000,000; and*

*(3) of the amount appropriated under the heading ''JUVENILE JUSTICE PROGRAMS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, $10,000,000 is for juvenile mentoring programs.*

*SEC. 218. Notwithstanding any other provision of this title—*

*(1) the amount appropriated in this title under the heading ''GENERAL ADMINISTRATION'' is reduced by $10,000,000;*

*(2) the amount appropriated in this title under the heading ''VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' under the heading ''OFFICE ON VIOLENCE AGAINST WOMEN'' is increased by $10,000,000; and*

*(3) of the amount appropriated in this title under the heading ''VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' under the heading ''OFFICE ON VIOLENCE AGAINST WOMEN''—*

*(A) $60,000,000 is for grants to encourage arrest policies, as authorized by part U of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.);*

*(B) $4,000,000 is for engaging men and youth in prevention programs, as authorized by section 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–4); and*

*(C) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the Violence Against Women Act of 1994 (42 U.S.C. 14043f).*

*SEC. 219. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2008 for which the cost to the Government was more than $20,000.*

*(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—*

*(1) a description of the subject of and number of participants attending that conference;*

*(2) a detailed statement of the costs to the Government relating to that conference, including—*

*(A) the cost of any food or beverages;*

*(B) the cost of any audio-visual services; and*

*(C) a discussion of the methodology used to determine which costs relate to that conference; and*

*(3) a description of the contracting procedures relating to that conference, including—*

*(A) whether contracts were awarded on a competitive basis for that conference; and*

*(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.*

*SEC. 220. LIMITATIONS ON FUNDING FOR CERTAIN CONFERENCES. Notwithstanding any other provision of this Act, not more than $15,000,000 of all funds made available to the Department of Justice under this Act, may be available for any expenses related to conferences, including for conference programs, travel costs, and related expenses. No funds appropriated under this Act may be used to support a conference sponsored by any organization named as an unindicted coconspirator by the Government in any criminal prosecution.*

*SEC. 221. DEPUTY UNITED STATES MARSHALS. (a) INCREASE POSITIONS.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations, may increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals assigned to work on immigration-related matters, including transporting prisoners and working in Federal courthouses.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).*

*SEC. 222. ANNUAL REPORT ON DELAYED BACKGROUND CHECKS. (a) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Director of the Federal Bureau of Investigation shall submit a report to the congressional committees listed in subsection (b) that contains, with respect to the most recently completed fiscal year—*

*(1) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests that have been received but are not yet in process;*

*(2) the average time taken to complete each type of background check;*

*(3) a description of the efforts and progress made by the Director in addressing any delays in completing such background checks; and*

*(4) a description of the progress that has been made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.*

*(b) RECIPIENTS.—The congressional committees listed in this subsection are—*

*(1) the Committee on the Judiciary of the Senate;*

*(2) the Committee on Homeland Security and Governmental Affairs of the Senate;*

*(3) the Committee on the Judiciary of the House of Representatives; and*

*(4) the Committee on Homeland Security of the House of Representatives.*

*SEC. 223. Notwithstanding any other provision of law, a public or private institution of higher education may offer or provide an officer or employee of any branch of the United States Goverment or of the District of Columbia, who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or forbearance of student loan repayment, and an officer or employee of any branch of the United States Government or of the District of Columbia may seek or receive such assistance or forbearance.*

*SEC. 224. Of the unobligated balances made available for the Department of Justice in prior fiscal years, $15,000,000 are rescinded: Provided, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.*

*SEC. 225. FEDERAL BUREAU OF INVESTIGATION ANALYSIS OF DNA SAMPLES. (a) IN GENERAL.—The amount appropriated under the heading ''SALARIES AND EXPENSES '' under the heading ''FEDERAL BUREAU OF INVESTIGATION'' under this title is increased by $23,000,000, which shall be used for personnel, equipment, build-out/acquisition of space, and other resources to be used for the analysis of DNA samples.*

*(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated for the Advanced Technology Program under the heading ''INDUSTRIAL TECHNOLOGY SERVICES '' under the heading ''NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'' under title I of this Act is reduced by $23,000,000.*

SEC. 226. The Attorney General shall make available $10,000,000 from the Department of Justice Working Capital Fund to incrementally expand Operation Streamline across the entire southwest border of the United States, beginning with the border sector that had the highest rate of illegal entries during the most recent 12-month period.

SEC. 227. ADDITIONAL PROSECUTORS FOR OFFENSES RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN. (a) IN GENERAL.—The amount appropriated under the heading "SALARIES AND EXPENSES" under the heading "UNITED STATES ATTORNEYS" under this title is increased by $30,000,000, which shall be used for salaries and expenses for hiring 200 additional assistant United States attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 120 Stat. 649) concerning the prosecution of offenses relating to the sexual exploitation of children.

(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated under the heading "PROCUREMENT, ACQUISITION AND CONSTRUCTION" under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" under title I of this Act is reduced by $30,000,000.

SEC. 228. NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT AND TREATMENT ACT OF 2007. (a) SHORT TITLE.—This section may be cited as the "Native American Methamphetamine Enforcement and Treatment Act of 2007".

(b) NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.—

(1) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ", territories, and Indian tribes (as defined in section 2704)" after "to assist States"; and

(ii) in subparagraph (B), by striking "and local" and inserting ", territorial, Tribal, and local";

(B) in paragraph (2), by inserting ", territories, and Indian tribes" after "make grants to States";

(C) in paragraph (3)(C), by inserting ", Tribal," after "support State"; and

(D) by adding at the end the following:

"(4) EFFECT OF SUBSECTION.—Nothing in this subsection, or in the award or denial of any grant pursuant to this subsection—

"(A) allows grants authorized under paragraph (3)(A) to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

"(B) has any effect other than to authorize, award, or deny a grant of funds to a State, territory, or Indian tribe for the purpose described in this subsection.".

(2) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(a)) is amended by inserting ", territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))" after "make grants to States".

(3) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–3) is amended—

(A) in subsection (a)(2), by inserting ", territorial, or Tribal" after "State";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting ", territorial, or Tribal" after "State"; and

(II) by striking "and/or" and inserting "or";

(ii) in paragraph (2)—

(I) by inserting ", territory, Indian tribe," after "agency of the State"; and

(II) by inserting ", territory, Indian tribe," after "criminal laws of that State"; and

(iii) by adding at the end the following:

"(C) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d)."; and

(C) in subsection (c)—

(i) in paragraph (3), by striking "Indian Tribes" and inserting "Indian tribes"; and

(ii) in paragraph (4)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking "State's"; and

(bb) by striking "and/or" and inserting "or";

(II) in subparagraph (A), by striking "State";

(III) in subparagraph (C), by inserting ", Indian tribes," after "involved counties"; and

(IV) in subparagraph (D), by inserting ", Tribal" after "Federal, State".

This title may be cited as the "Department of Justice Appropriations Act, 2008".

## TITLE III

## SCIENCE

### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,715,000.

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### SCIENCE, AERONAUTICS AND EXPLORATION

For necessary expenses in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $10,633,000,000, of which $119,100,000 shall remain available until expended and $10,513,900,000 shall remain available until September 30, 2009: Provided, That, of the amounts provided under this heading, $5,655,110,000 shall be for science, $554,030,000 shall be for aeronautics research, $3,972,490,000 shall be for exploration systems, and $521,380,000 shall be for cross-agency support programs: Provided further, That the amounts in the previous proviso shall be reduced by $70,000,000 in corporate and general administrative expenses and the reduction shall be applied proportionally to each amount therein: Provided further, That within the amounts provided under this heading, management and operations of National Aeronautics and Atmospheric Administration centers shall not exceed $1,150,800,000; corporate general and administrative costs shall not exceed $345,000,000; and institutional investments, including planning, design, maintenance, repair, rehabilitation and modification of existing facilities, construction of new facilities, acquisition and condemnation of real property as authorized by law, and environmental compliance and restoration shall not exceed $195,500,000: Provided further, That funds provided under this heading shall be available only according to the terms and conditions specified in the committee report of the Senate accompanying this Act: Provided further, That of the amounts appropriated or otherwise made available under this heading for cross-agency support programs, $10,000,000 may be made available, and distributed in equal increments, to each of NASA's 10 centers for the development of educational activities in science, technology, engineering, and mathematics related to the civilian space program of the United States.

### EXPLORATION CAPABILITIES

For necessary expenses in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,792,000,000, of which $5,200,000 shall remain available until expended and $6,786,800,000 shall remain available until September 30, 2009: Provided, That of the amounts provided under this heading, $4,007,760,000 shall be for Space Shuttle operations, production, research, development, and support and $2,238,610,000 shall be for International Space Station operations, production, research, development, and support: Provided further, That within the amounts provided under this heading, management and operations of National Aeronautics and Atmospheric Administration centers shall not exceed $862,200,000; corporate general and administrative costs shall not exceed $263,700,000; and institutional investments, including planning, design, maintenance, repair, rehabilitation and modification of existing facilities, construction of new facilities, acquisition and condemnation of real property as authorized by law, and environmental compliance and restoration shall not exceed $124,200,000: Provided further, That funds provided under this heading shall be available only according to the terms and conditions specified in the committee report of the Senate accompanying this Act.

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $34,600,000.

### RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $1,000,000,000 to remain available until expended with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to "Exploration Capabilities" and "Science, Aeronautics, And Exploration" for restoration of funds previously reallocated to meet return to flight activities: Provided, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress).

### ADMINISTRATIVE PROVISION

For fiscal year 2009 and hereafter, the National Aeronautics and Space Administration shall provide, at a minimum, the following information in its annual budget justification:

(1) The actual, current, proposed funding level, and estimated budgets for the next five fiscal years by directorate, theme, program, project

and activity within each appropriations account.

(2) The budget for headquarters including—

(A) the budget by office for the actual, current, proposed funding level, and estimated budgets for the next five fiscal years;

(B) the travel budget for each office for the actual, current, and proposed funding level; and

(C) the civil service full time equivalent assignments per headquarters office including the number of Senior Executive Service, noncareer, detailee, and contract personnel per office.

(3) Concurrent with the submission of the budget to the Congress an accompanying volume shall be provided to the Committee on Appropriations containing the following information for each center and federally funded research and development center operated by the National Aeronautics and Space Administration:

(A) the actual, current, proposed funding level, and estimated budgets for the next five fiscal years by directorate, theme, program, project, and activity;

(B) The proposed programmatic and non-programmatic construction of facilities;

(C) The number of civil service full time equivalent positions per center for each identified fiscal year;

(D) The number of civil service full time equivalent positions considered to be uncovered capacity at each location for each identified fiscal year.

(4) Sufficient narrative shall be provided to explain the request for each program, project, and activity, and an explanation for any deviation to previously adopted baselines for all justification materials provided to the Committee.

### NATIONAL SCIENCE FOUNDATION

#### RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,156,090,000, to remain available until September 30, 2009, of which not to exceed $510,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That from funds specified in the fiscal year 2008 budget request for icebreaking services, up to $57,000,000 shall be available for the procurement of polar icebreaking services: Provided further, That the National Science Foundation shall only reimburse the Coast Guard for such sums as are agreed to according to the existing memorandum of agreement: Provided further, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

#### MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $244,740,000, to remain available until expended.

#### EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $850,600,000, to remain available until September 30, 2009.

#### AGENCY OPERATIONS AND AWARD MANAGEMENT

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $285,590,000: Provided, That contracts may be entered into under "Agency Operations and Award Management" in fiscal year 2008 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

#### OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,030,000: Provided, That not to exceed $9,000 shall be available for official reception and representation expenses.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $12,350,000, to remain available until September 30, 2009.

This title may be cited as the "Science Appropriations Act, 2008".

## TITLE IV

## RELATED AGENCIES

### COMMISSION ON CIVIL RIGHTS

#### SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,000,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $37,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $378,000,000: Provided, That funds made available under this heading shall only be allocated in the manner specified in the report accompanying this Act: Provided further, That no funds made available under this heading may be used to operate the National Contact Center: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Senate Committee on Appropriations has been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act.

### INTERNATIONAL TRADE COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,400,000, to remain available until expended.

### LEGAL SERVICES CORPORATION

#### PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $390,000,000, of which $373,000,000 is for basic field programs and required independent audits; $3,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,800,000 is for management and administration; $3,000,000 is for client self-help and information technology: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 United States Code 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 United States Code 2996(d).

#### ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2006 and 2007, respectively.

### MARINE MAMMAL COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,000,000.

### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

#### SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $47,800,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $124,000 shall be available for official reception and representation expenses: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

### STATE JUSTICE INSTITUTE

#### SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–

572), $3,500,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

## TITLE V

## GENERAL PROVISIONS

SEC. 501. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Senate Committee on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were made available to any such agency in any previous appropriations Act.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Senate Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Senate Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this Act or any other Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 511. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $625,000,000 shall not be available for obligation until the following fiscal year.

SEC. 512. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 514. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. ACCOUNTABILITY AND TRANSPARENCY OF ACTIVITIES CARRIED OUT WITH FUNDS PROVIDED BY THIS ACT. (a) AUDIT PROGRESS REPORTS.—The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) AVAILABILITY TO THE PUBLIC.—Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, or Director, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, or Foundation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) PROHIBITED USE OF FUNDS.—A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) CONFLICT OF INTEREST STATEMENT.—Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, or the Director, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) APPLICATION TO OTHER FEDERAL GRANTS AND CONTRACTS.—The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office and Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 517. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 518. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the Senate Committee on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. Notwithstanding section 505 of this Act, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances.

SEC. 521. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for Fiscal Year 2008.

SEC. 522. The Offices of Inspectors General funded under this Act shall forward copies of all audit reports to the Senate Committee on Appropriations immediately after they are issued and immediately make the Committee aware of any review that recommends cancellation of, or modification to, any major acquisition project or grant, or that recommends significant budgetary savings: Provided, That the Offices of Inspectors General funded under this Act shall withhold from public distribution for a period of 15 days any final audit or investigation report that was requested by the Senate Committee on Appropriations.

SEC. 523. Hereafter, none of the funds made available by the Congress may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 524. None of the funds in this Act or prior Acts making appropriations for the Department of Justice may be used to make a grant allocation, a discretionary grant award, or a discretionary contract award that is specified in the report accompanying this Act, or to publicly announce the intention to make such an award, unless the Attorney General, Secretary, Administrator or Director of the appropriate agency or bureau notifies the Senate Committee on Appropriations, at least three full business days in advance: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 525. None of the funds provided in this Act may be used to implement an involuntary reduction in force at any NASA center during fiscal year 2008.

SEC. 526. (a) MODIFICATION OF ENHANCED-USE LEASE AUTHORITY FOR NASA.—Subsection (a) of section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j) is amended—

(1) by striking "Notwithstanding any other provision of law, the Administrator" and inserting "The Administrator"; and

(2) by striking "any real property" and inserting "any non-excess real property and related personal property"; and

(3) by striking "at no more than two (2) National Aeronautics and Space Administration (NASA) centers".

(b) CONSIDERATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking "consideration" and all that follows through the end of the paragraph and inserting "cash consideration for the lease at fair market value as determined by the Administrator.";

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as redesignated by paragraph (3) of this subsection—

(A) in subparagraph (B), by striking "maintenance" and all that follows through "centers selected for this demonstration program" and inserting "capital revitalization and construction projects and improvements of real property assets and related personal property under the jurisdiction of the Administrator"; and

(B) by adding at the end the following new subparagraph:

"(C) Amounts utilized under subparagraph (B) may not be utilized for daily operating costs.".

(c) LEASE RESTRICTIONS.—Subsection (e) of such section is amended—

(1) by striking "LEASE RESTRICTIONS.—NASA" and inserting the following: "LEASE RESTRICTIONS.—

"(1) NASA"; and

(2) by adding at the end the following new paragraph:

"(2) NASA is not authorized to enter into an out-lease under this section unless the Administrator certifies that such out-lease will not have a negative impact on NASA's mission.".

(d) REPEAL OF PLAN AND REPORTING REQUIREMENTS.—Such section is further amended by striking subsection (f).

(e) SUNSET.—Such section is further amended by adding at the end the following new subsection (f):

"(f) SUNSET.—The authority to enter into leases under this section shall expire on the date that is ten years after the date of the enactment of the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008. The expiration under this subsection of authority to enter into leases under this section shall not affect the validity or term of leases or NASA's retention of proceeds from leases entered into under this section before the date of the expiration of such authority.".

(f) CONFORMING AMENDMENT.—The heading of such section is amended by striking "Enhanced-use lease of real property demonstration" and inserting "Lease of non-excess property".

SEC. 527. LIMITATION. (a) IN GENERAL.—None of the funds made available in this Act shall be used to initiate or participate in a civil action by or on the behalf of the Equal Employment Opportunity Commission against an entity on the grounds that the entity requires an employee to speak English while engaged in work.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to all civil actions that commence on or after the date of enactment of this Act.

SEC. 528. FUNDS FOR TEACH FOR AMERICA.—Of the funds provided in this Act for the National Aeronautics and Space Administration, under the heading "SCIENCE, AERONAUTICS, AND EXPLORATION", $3,000,000 may be for Teach for America for science, technology, engineering, and mathematics related activities.

SEC. 529. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 530. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 531. DIGITAL AND WIRELESS NETWORKS FOR HIGHER EDUCATION PILOT PROGRAM. (a) SHORT TITLE.—This section may be cited as the "ED 1.0 Act".

(b) APPROPRIATIONS.—Notwithstanding any other provision of this Act, from the amount appropriated under title I under the heading "Technology Opportunities Program", $4,500,000 may be available for the pilot program under this section, to remain available until expended.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Telecommunications and Information Administration.

(2) ELIGIBLE EDUCATIONAL INSTITUTION.—The term "eligible educational institution" means an institution that is—

(A) a historically Black college or university;

(B) a Hispanic-serving institution as that term is defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university as that term is defined in section 2(a)(4) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

(D) an Alaska Native-serving institution as that term is defined in section 317(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(2)); or

(E) a Native Hawaiian-serving institution as that term is defined in section 317(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(4)).

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" means a part B institution as that term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(d) MINORITY ONLINE DEGREE PILOT PROGRAM.—

(1) PILOT PROGRAM ESTABLISHED.—

(A) IN GENERAL.—There is established within the National Telecommunications and Information Administration a pilot program under which the Administrator shall award 9 grants to eligible educational institutions to enable the eligible educational institutions to develop digital and wireless networks for online educational programs of study within the eligible educational institutions. The Administrator shall award not less than 1 grant to each type of eligible educational institution, enumerated under subsection (c)(2).

(B) GRANT NUMBER AND AMOUNT.—

*(i) NUMBER.—The Administrator shall award a total of 9 grants under this subsection.*

*(ii) GRANT PAYMENT AMOUNTS.—The Administrator shall make grant payments under this subsection in the amount of $500,000.*

*(2) PRIORITY.—*

*(A) IN GENERAL.—In awarding grants under this subsection the Administrator shall give priority to an eligible educational institution that, according to the most recent data available (including data available from the Bureau of the Census), serves a county, or other appropriate political subdivision where no counties exist—*

*(i) in which 50 percent of the residents of the county, or other appropriate political subdivision where no counties exist, are members of a racial or ethnic minority;*

*(ii) in which less than 18 percent of the residents of the county, or other appropriate political subdivision where no counties exist, have obtained a baccalaureate degree or a higher education;*

*(iii) that has an unemployment rate of 7 percent or greater;*

*(iv) in which 20 percent or more of the residents of the county, or other appropriate political subdivision where no counties exist, live in poverty;*

*(v) that has a negative population growth rate; or*

*(vi) that has a family income of not more than $32,000.*

*(B) HIGHEST PRIORITY.—In awarding grants under this subsection the Administrator shall give the highest priority to an eligible educational institution that meets the greatest number of requirements described in clauses (i) through (vi) of subparagraph (A).*

*(3) USE OF FUNDS.—An eligible educational institution receiving a grant under this subsection may use the grant funds—*

*(A) to acquire equipment, instrumentation, networking capability, hardware, software, digital network technology, wireless technology, or wireless infrastructure;*

*(B) to develop and provide educational services, including faculty development; or*

*(C) to develop strategic plans for information technology investments.*

*(4) MATCHING NOT REQUIRED.—The Administrator shall not require an eligible educational institution to provide matching funds for a grant awarded under this subsection.*

*(5) CONSULTATIONS; REPORT.—*

*(A) CONSULTATIONS.—The Administrator shall consult with the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, on a quarterly basis regarding the pilot program assisted under this subsection.*

*(B) REPORT.—Not later than 1 year after the date of enactment of this section, the Administrator shall submit to the committees described in subparagraph (A) a report evaluating the progress of the pilot program assisted under this subsection.*

*(6) LIMITATION ON USE OF OTHER FUNDS.—The Administrator shall carry out this subsection only with amounts appropriated in advance specifically to carry out this subsection.*

*SEC. 532. (a) The Administrator of the National Aeronautics and Space Administration shall submit quarterly reports to the Inspector General of the National Aeronautics and Space Administration regarding the costs and contracting procedures relating to each conference or meeting, held by the National Aeronautics and Space Administration during fiscal year 2008, and each year thereafter, for which the cost to the Government was more than $20,000.*

*(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—*

*(1) a description of the number of and purpose of participants attending that conference or meeting;*

*(2) a detailed statement of the costs to the Government relating to that conference or meeting, including—*

*(A) the cost of any food or beverages;*

*(B) the cost of any audio-visual services;*

*(C) the cost of all related travel; and*

*(D) a discussion of the methodology used to determine which costs relate to that conference or meeting; and*

*(3) a description of the contracting procedures relating to that conference or meeting, including—*

*(A) whether contracts were awarded on a competitive basis; and*

*(B) a discussion of any cost comparison conducted by the National Aeronautics and Space Administration in evaluating potential contractors for any conference or meeting.*

*SEC. 533. LIMITATION AND REPORTS ON TRAVEL EXPENSES TO CONFERENCES. (a) In this section, the term conference means a meeting that—*

*(1) is held for consultation, education, awareness, or discussion;*

*(2) includes participants who are not all employees of the same agency;*

*(3) is not held entirely at an agency facility;*

*(4) involves costs associated with travel and lodging for some participants; and*

*(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.*

*(b) The Administrator of NASA shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the public Internet website of the agency in a searchable, electronic format, a report on each conference for which the agency paid travel expenses during fiscal year 2008 that includes—*

*(1) the itemized expenses paid by the agency, including travel expenses and any agency expenditure to otherwise support the conference;*

*(2) the primary sponsor of the conference;*

*(3) the location of the conference;*

*(4) in the case of a conference for which the agency was the primary sponsor, a statement that—*

*(A) justifies the location selected;*

*(B) demonstrates the cost efficiency of the location;*

*(C) the date of the conference;*

*(D) a brief explanation how the conference advanced the mission of the agency; and*

*(E) the total number of individuals who travel or attendance at the conference was paid for in part or full by the agency.*

*SEC. 534. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—*

*(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;*

*(2) to avoid agreements that—*

*(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or*

*(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and*

*(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.*

*SEC. 535. None of the funds appropriated or otherwise made available by this Act may be made available for a public-private competition conducted under Office of Management and Budget Circular A-76 or to convert a function performed by Federal employees to private sector performance without such a competition unless a representative designated by a majority of the employees engaged in the performance of the activity or function for which the public-private competition is conducted or which is to be converted without such a competition is treated as an interested party with respect to such competition or decision to convert to private sector performance for purposes of subchapter V of chapter 35 of title 31, United States Code.*

*SEC. 536. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.*

*SEC. 537. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301–10.123 and 301–10.124 of title 41 of the Code of Federal Regulations.*

*SEC. 538. Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking "the 'Improving Emergency Communications Act of 2007'." and inserting "the '911 Modernization Act'.".*

*SEC. 539. Section 504(a)(11)(E) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–55) is amended by inserting before "an alien" the following: "a nonimmigrant worker admitted to, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for forestry labor or".*

*SEC. 540. SMALL AND SEASONAL BUSINESSES. (a) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended by striking "an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007." and inserting "an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.".*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective during the 1-year period beginning October 1, 2007.*

## *TITLE VI*

## *RESCISSIONS*

## *DEPARTMENT OF COMMERCE*

### *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*

### *INDUSTRIAL TECHNOLOGY SERVICES*

### *(RESCISSION)*

*Of the unobligated balances available under this heading, $10,000,000 are rescinded.*

## *DEPARTMENT OF JUSTICE*

### *GENERAL ADMINISTRATION*

*Of the unobligated balances made available for the Department of Justice in prior fiscal years, $110,000,000 are rescinded: Provided, That within 30 days after the date of enactment of this section the Attorney General shall submit to the Committees on Appropriations of the House* *of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.*

### *WORKING CAPITAL FUND*

### *(RESCISSION)*

*Of the unobligated balances available under this heading, $41,000,000 are rescinded.*

### *DETENTION TRUSTEE*

### *(RESCISSION)*

*Of the unobligated balances available under this heading, $135,000,000 are rescinded.*

### *LEGAL ACTIVITIES*

### *ASSETS FORFEITURE FUND*

### *(RESCISSION)*

*Of the unobligated balances available under this heading, $240,000,000 are rescinded.*

### *OFFICE OF JUSTICE PROGRAMS*

### *JUSTICE ASSISTANCE*

### *(RESCISSION)*

*Of the unobligated balances available under this heading, $87,500,000 are rescinded.*

### *COMMUNITY ORIENTED POLICING SERVICES*

### *(RESCISSION)*

*Of the unobligated balances available under this heading, $37,500,000 are rescinded.*

## ***TITLE VII—RESTITUTION***

#### ***SEC. 701. SHORT TITLE.***

*This title may be cited as the "Restitution for Victims of Crime Act of 2007".*

### ***Subtitle A—Collection of Restitution***

#### ***SEC. 721. SHORT TITLE.***

*This subtitle may be cited as the "Collection of Restitution Improvement Act of 2007".*

#### ***SEC. 722. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION.***

*Section 3664(f) of title 18, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:*

*"(C)(i) Each restitution order shall—*

*"(I) contain information sufficient to identify each victim to whom restitution is owed;*

*"(II) require that a copy of the court order be sent to each such victim; and*

*"(III) inform each such victim of the obligation to notify the appropriate entities of any change in address.*

*"(ii) It shall be the responsibility of each victim to whom restitution is owed to notify the Attorney General, or the appropriate entity of the court, by means of a form to be provided by the Attorney General or the court, of any change in the victim's mailing address while restitution is still owed to the victim.*

*"(iii) The confidentiality of any information relating to a victim under this subparagraph shall be maintained.*

*"(2) The court shall order that the restitution imposed is due in full immediately upon imposition.*

*"(3) The court shall direct the defendant—*

*"(A) to make a good-faith effort to satisfy the restitution order in the shortest time in which full restitution can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;*

*"(B) to notify the court of any change in residence; and*

*"(C) to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.*

*"(4) Compliance with all payment directions imposed under paragraphs (6) and (7) shall be prima facie evidence of a good faith effort under paragraph (3)(A), unless it is shown that the defendant has concealed or dissipated assets.*

*"(5) Notwithstanding any other provision of law, for the purpose of enforcing a restitution order, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by the grand jury that indicted the defendant for the crime for which restitution has been awarded, the United States Probation Office, or the Bureau of Prisons. A victim may also provide financial information concerning the defendant to the United States Attorney.*

*"(6)(A) At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—*

*"(i) impose special payment directions upon the defendant or modify such directions; or*

*"(ii) direct the defendant to make a single, lump sum payment, partial payments at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.*

*"(B) The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment reasonably can be made.*

*"(C) In-kind payments may be in the form of the return of property, replacement of property, or, if the victim agrees, services rendered to the victim or a person or organization other than the victim.*

*"(D) In ordering restitution, the court may direct the defendant to—*

*"(i) repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds; and*

*"(ii) surrender to the United States, or to the victim named in the restitution order, any interest of the defendant in any nonexempt asset.*

*"(E) The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for restitution.*

*"(7)(A) In determining whether to impose or modify specific payment directions, the court may consider—*

*"(i) the need to provide restitution to the victims of the offense;*

*"(ii) the financial ability of the defendant;*

*"(iii) the economic circumstances of the defendant, including the financial resources and other assets of the defendant and whether any of those assets are jointly controlled;*

*"(iv) the projected earnings and other income of the defendant;*

*"(v) any financial obligations of the defendant, including obligations to dependents;*

*"(vi) whether the defendant has concealed or dissipated assets or income; and*

*"(vii) any other appropriate circumstances.*

*"(B) Any substantial resources from any source, including inheritance, settlement, or other judgment, shall be applied to any outstanding restitution obligation.*

*"(8)(A) If the court finds that the economic circumstances of the defendant do not allow the payment of any substantial amount as restitution, the court may direct the defendant to make nominal payments of not less than $100 per year toward the restitution obligation.*

*"(B) Any money received from the defendant under subparagraph (A) shall be disbursed so that any outstanding assessment imposed under section 3013 is paid first in full.*

*"(9) Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.*

*"(10)(A) The ability of the Attorney General to enforce restitution obligations ordered under paragraph (2) shall not be limited by appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders for good cause shown and stated on the record.*

*"(B) Absent exceptional circumstances, as determined by the court, an order limiting the enforcement of restitution obligations shall—*

*"(i) require the defendant to deposit, in the registry of the district court, any amount of the restitution that is due;*

*"(ii) require the defendant to post a bond or other security to ensure payment of the restitution that is due; or*

*"(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.*

*"(C) No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.".*

#### ***SEC. 723. IMPOSITION OF CRIMINAL FINES AND PAYMENT DIRECTIONS.***

*Subsection 3572(d) of title 18, United States Code, is amended to read as follows:*

*"(d) PAYMENT.—*

*"(1) IN GENERAL.—The court shall order that any fine or assessment imposed be due in full immediately upon imposition.*

*"(2) EFFORTS TO MAKE PAYMENT.—The court shall—*

*"(A) direct the defendant to make a good-faith effort to satisfy the fine and assessment in the shortest time in which full payment can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;*

*"(B) direct the defendant to notify the court of any change in residence; and*

*"(C) order the defendant to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.*

*"(3) GOOD FAITH.—Compliance with all payment directions imposed by paragraphs (5) and (6) shall be prima facie evidence of a good faith effort under paragraph (2)(A), unless it is shown that the defendant has concealed or dissipated assets;*

*"(4) ACCESS TO INFORMATION.—Notwithstanding any other provision of law, for the purpose of enforcing a fine or assessment, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by a grand jury, the United States Probation Office, or the Bureau of Prisons.*

*"(5) PAYMENT SCHEDULE.—*

*"(A) IN GENERAL.—At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—*

*"(i) impose special payment directions upon the defendant or modify such directions; or*

*"(ii) direct the defendant to make a single, lump sum payment, or partial payments at specified intervals.*

*"(B) PERIOD OF TIME.—The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment can reasonably be made.*

*"(C) REPATRIATION.—The court may direct the defendant to repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds.*

*"(D) SURRENDER.—In ordering restitution, the court may direct the defendant to surrender to the United States any interest of the defendant in any non-exempt asset.*

*"(E) THIRD PARTIES.—If the court directs the defendant to repatriate or surrender any property in which it appears that any person other than the defendant may have a legal interest—*

*"(i) the court shall take such action as is necessary to protect such third party interest; and*

"(ii) may direct the United States to initiate any ancillary proceeding to determine such third party interests in accordance with the procedures specified in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

"(F) EXCLUSIVITY OF REMEDY.—Except as provided in this section, no person may commence an action against the United States concerning the validity of the party's alleged interest in the property subject to reparation or surrender.

"(G) PRESERVATION OF PROPERTY.—The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for payment of the fine or assessment.

"(6) CONSIDERATIONS.—In determining whether to impose or modify special payment directions, the court may consider—

"(A) the need to satisfy the fine or assessment;

"(B) the financial ability of the defendant;

"(C) the economic circumstances of the defendant, including the financial resources and other assets of the defendant, and whether any of those assets are jointly controlled;

"(D) the projected earnings and other income of the defendant;

"(E) any financial obligations of the defendant, including obligations to dependents;

"(F) whether the defendant has concealed or dissipated assets or income; and

"(G) any other appropriate circumstances.

"(7) USE OF RESOURCES.—Any substantial resources from any source, including inheritance, settlement, or other judgment shall be applied to any fine or assessment still owed.

"(8) NOMINAL PAYMENTS.—If the court finds that the economic circumstances of the defendant do not allow the immediate payment of any substantial amount of the fine or assessment imposed, the court may direct the defendant to make nominal payments of not less than $100 per year toward the fine or assessment imposed.

"(9) INMATE FINANCIAL RESPONSIBILITY PROGRAM.—Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

"(10) ENFORCEMENT.—

"(A) IN GENERAL.—The ability of the Attorney General to enforce the fines and assessment ordered under paragraph (1) shall not be limited by an appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders, for good cause shown and stated on the record.

"(B) EXCEPTIONS.—Absent exceptional circumstances, as determined by the court, an order limiting enforcement of a fine or assessment shall—

"(i) require the defendant to deposit, in the registry of the district court, any amount of the fine or assessment that is due;

"(ii) require the defendant to post a bond or other security to ensure payment of the fine or assessment that is due; or

"(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

"(C) OTHER ACTIVITIES.—No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.

"(11) SPECIAL ASSESSMENTS.—The requirements of this subsection shall apply to the imposition and enforcement of any assessment imposed under section 3013 of this title.".

### SEC. 724. COLLECTION OF UNPAID FINES OR RESTITUTION.

Section 3612(b) of title 18, United States Code, is amended to read as follows:

"(b) INFORMATION TO BE INCLUDED IN JUDGMENT; JUDGMENT TO BE TRANSMITTED TO THE ATTORNEY GENERAL.—

"(1) IN GENERAL.—A judgment or order imposing, modifying, or remitting a fine or restitution order of more than $100 shall include—

"(A) the name, social security account number, mailing address, and residence address of the defendant;

"(B) the docket number of the case;

"(C) the original amount of the fine or restitution order and the amount that is due and unpaid;

"(D) payment orders and directions imposed under section 3572(d) and section 3664(f) of this title; and

"(E) a description of any modification or remission.

"(2) TRANSMITTAL OF COPIES.—Not later than 10 days after entry of the judgment or order described in paragraph (1), the court shall transmit a certified copy of the judgment or order to the Attorney General.".

### SEC. 725. ATTORNEY'S FEES FOR VICTIMS.

(a) ORDER OF RESTITUTION.—Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

"(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or"; and

(D) in subparagraph (C), as so redesignated by this subsection, by inserting "or (B)" after "subparagraph (A)";

(2) in paragraph (4)—

(A) by inserting "(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)" after "other expenses related to participation in the investigation or prosecution of the offense"; and

(B) by striking "and" at the end;

(3) in paragraph (5), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(6) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).".

(b) MANDATORY RESTITUTION TO VICTIMS OF CERTAIN CRIMES.—Section 3663A(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

"(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or"; and

(D) in subparagraph (C), as so redesignated by this subsection, by inserting "or (B)" after "subparagraph (A)";

(2) in paragraph (3), by striking "and" at the end;

(3) in paragraph (4)—

(A) by inserting "(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)" after "other expenses related to participation in the investigation or prosecution of the offense"; and

(B) by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(5) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).".

## Subtitle B—Preservation of Assets for Restitution

### SEC. 741. SHORT TITLE.

This subtitle may be cited as the "Preservation of Assets for Restitution Act of 2007".

### SEC. 742. AMENDMENTS TO THE MANDATORY VICTIMS RESTITUTION ACT.

(a) IN GENERAL.—Chapter 232 of title 18, United States Code, is amended by inserting after section 3664 the following:

### "§ 3664A. Preservation of assets for restitution

"(a) PROTECTIVE ORDERS TO PRESERVE ASSETS.—

"(1) IN GENERAL.—Upon the Government's ex parte application and a finding of probable cause to believe that a defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, the court—

"(A) shall—

"(i) enter a restraining order or injunction;

"(ii) require the execution of a satisfactory performance bond; or

"(iii) take any other action necessary to preserve the availability of any property traceable to the commission of the offense charged; and

"(B) if it determines that it is in the interests of justice to do so, shall issue any order necessary to preserve any nonexempt asset (as defined in section 3613) of the defendant that may be used to satisfy such restitution order.

"(2) PROCEDURES.—Applications and orders issued under paragraph (1) shall be governed by the procedures under section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) and in this section.

"(3) MONETARY INSTRUMENTS.—If the property in question is a monetary instrument (as defined in section 1956(c)(5)) or funds in electronic form, the protective order issued under paragraph (1) may take the form of a warrant authorizing the Government to seize the property and to deposit it into an interest-bearing account in the Registry of the Court in the district in which the warrant was issued, or into another such account maintained by a substitute property custodian, as the court may direct.

"(4) POST-INDICTMENT.—A post-indictment protective order entered under paragraph (1) shall remain in effect through the conclusion of the criminal case, including sentencing and any post-sentencing proceedings, until seizure or other disposition of the subject property, unless modified by the court upon a motion by the Government or under subsection (b) or (c).

"(b) DEFENDANT'S RIGHT TO A HEARING.—

"(1) IN GENERAL.—In the case of a preindictment protective order entered under subsection (a)(1), the defendant's right to a post-restraint hearing shall be governed by paragraphs (1)(B) and (2) of section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)).

"(2) POST-INDICTMENT.—In the case of a post-indictment protective order entered under subsection (a)(1), the defendant shall have a right to a post-restraint hearing regarding the continuation or modification of the order if the defendant—

"(A) establishes by a preponderance of the evidence that there are no assets, other than the *restrained property, available to the defendant to retain counsel in the criminal case or to provide for a reasonable living allowance for the necessary expenses of the defendant and the defendant's lawful dependents; and*

*"(B) makes a prima facie showing that there is bona fide reason to believe that the court's ex parte finding of probable cause under subsection (a)(1) was in error.*

*"(3) HEARING.—*

*"(A) IN GENERAL.—If the court determines that the defendant has satisfied the requirements of paragraph (2), it may hold a hearing to determine whether there is probable cause to believe that the defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, and that the seized or restrained property may be needed to satisfy such restitution order.*

*"(B) PROBABLE CAUSE.—If the court finds probable cause under subparagraph (A), the protective order shall remain in effect.*

*"(C) NO PROBABLE CAUSE.—If the court finds under subparagraph (A) that no probable cause exists as to some or all of the property, or determines that more property has been seized and restrained than may be needed to satisfy a restitution order, it shall modify the protective order to the extent necessary to release the property that should not have been restrained.*

*"(4) REBUTTAL.—If the court conducts an evidentiary hearing under paragraph (3), the court shall afford the Government an opportunity to present rebuttal evidence and to cross-examine any witness that the defendant may present.*

*"(5) PRETRIAL HEARING.—In any pretrial hearing on a protective order issued under subsection (a)(1), the court may not entertain challenges to the grand jury's finding of probable cause regarding the criminal offense giving rise to a potential restitution order. The court shall ensure that such hearings are not used to obtain disclosure of evidence or the identities of witnesses earlier than required by the Federal Rules of Criminal Procedure or other applicable law.*

*"(c) THIRD PARTY'S RIGHT TO POST-RESTRAINT HEARING.—*

*"(1) IN GENERAL.—A person other than the defendant who has a legal interest in property affected by a protective order issued under subsection (a)(1) may move to modify the order on the grounds that—*

*"(A) the order causes an immediate and irreparable hardship to the moving party; and*

*"(B) less intrusive means exist to preserve the property for the purpose of restitution.*

*"(2) MODIFICATION.—If, after considering any rebuttal evidence offered by the Government, the court determines that the moving party has made the showings required under paragraph (1), the court shall modify the order to mitigate the hardship, to the extent that it is possible to do so while preserving the asset for restitution.*

*"(3) INTERVENTION.—*

*"(A) IN GENERAL.—Except as provided in subparagraph (B) or paragraph (1), a person other than a defendant has no right to intervene in the criminal case to object to the entry of any order issued under this section or otherwise to object to an order directing a defendant to pay restitution.*

*"(B) EXCEPTION.—If, at the conclusion of the criminal case, the court orders the defendant to use particular assets to satisfy an order of restitution (including assets that have been seized or restrained pursuant to this section) the court shall give persons other than the defendant the opportunity to object to the order on the ground that the property belonged in whole or in part to the third party and not to the defendant, as provided in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).*

*"(d) GEOGRAPHIC SCOPE OF ORDER.—*

*"(1) IN GENERAL.—A district court of the United States shall have jurisdiction to enter an order under this section without regard to the location of the property subject to the order.*

*"(2) OUTSIDE THE UNITED STATES.—If the property subject to an order issued under this section is located outside of the United States, the order may be transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement.*

*"(e) NO EFFECT ON OTHER GOVERNMENT ACTION.—Nothing in this section shall be construed to preclude the Government from seeking the seizure, restraint, or forfeiture of assets under the asset forfeiture laws of the United States.*

*"(f) LIMITATION ON RIGHTS CONFERRED.—Nothing in this section shall be construed to create any enforceable right to have the Government seek the seizure or restraint of property for restitution.*

*"(g) RECEIVERS.—*

*"(1) IN GENERAL.—A court issuing an order under this section may appoint a receiver under section 1956(b)(4) to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, that have been restrained in accordance with this section.*

*"(2) DISTRIBUTION OF PROPERTY.—The receiver shall have the power to distribute property in its control to each victim identified in an order of restitution at such time, and in such manner, as the court may authorize.".*

*(b) CONFORMING AMENDMENT.—The section analysis for chapter 232 of title 18, United States Code, is amended by inserting after the item relating to section 3664 the following:*

*"Sec. 3664A. Preservation of assets for restitution.".*

***SEC. 743. AMENDMENTS TO THE ANTI-FRAUD INJUNCTION STATUTE.***

*Section 1345(a) of title 18, United States Code, is amended—*

*(1) in paragraph (1)—*

*(A) in subparagraph (B), by striking "or" at the end; and*

*(B) by inserting after subparagraph (C) the following:*

*"(D) committing or about to commit a Federal offense that may result in an order of restitution;"; and*

*(2) in paragraph (2)—*

*(A) by striking "a banking violation" and all that follows through "healthcare offense" and inserting "a violation or offense identified in paragraph (1)"; and*

*(B) by inserting "or offense" after "traceable to such violation".*

***SEC. 744. AMENDMENTS TO THE FEDERAL DEBT COLLECTION PROCEDURES ACT.***

*(a) PROCESS.—Section 3004(b)(2) of title 28, United States Code, is amended by inserting after "in which the debtor resides." the following: "In a criminal case, the district court for the district in which the defendant was sentenced may deny the request.".*

*(b) PREJUDGMENT REMEDIES.—Section 3101 of title 28, United States Code, is amended—*

*(1) in subsection (a)(1) by inserting after "the filing of a civil action on a claim for a debt" the following: "or in any criminal action where the court may enter an order of restitution"; and*

*(2) in subsection (d)—*

*(A) by inserting after "The Government wants to make sure [name of debtor] will pay if the court determines that this money is owed.'" the following:*

*"'In a criminal action, use the following opening paragraph: You are hereby notified that this [property] is being taken by the United States Government [the Government], which says that [name of debtor], if convicted, may owe as restitution $ [amount]. The Government says it must take this property at this time because [recite the pertinent ground or grounds from section 3101(b)]. The Government wants to make sure [name of debtor] will pay if the court determines that restitution is owed.'";*

*(B) by inserting after "a statement that different property may be so exempted with respect to the State in which the debtor resides.]'" the following:*

*"'[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]'"; and*

*(C) by inserting after "You must also send a copy of your request to the Government at [address], so the Government will know you want the proceeding to be transferred.'" the following:*

*"'If this Notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.'".*

*(c) ENFORCEMENT.—Section 3202(b) of title 28, United States Code, is amended—*

*(1) by inserting after "a statement that different property may be so exempted with respect to the State in which the debtor resides.]'" the following:*

*"'[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]'"; and*

*(2) by inserting after "you want the proceeding to be transferred.'" the following:*

*"'If this notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.'".*

*This Act may be cited as the "Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2008".*

## NATIONAL CHARACTER COUNTS WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 351, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 351) designating the week beginning October 21, 2007, as "National Character Counts Week."

There being no objection, the Senate proceeded to consider the resolution.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, today Senator DOMENICI and I submitted a resolution designating next week, the week of October 21–27, 2007 as "National Character Counts Week." I have worked for many years on the issue of character education and hope that by designating a special week to this important cause, students and teachers will come together to participate in character building activities in their schools this week and throughout the year.

Senator DOMENICI and I first established the Partnerships in Character Education Pilot Project in 1994 and since then we have worked together regularly to commemorate National Character Counts Week. Character education is about celebrating what's right with young people while enabling them to develop the knowledge and life skills necessary in order to embrace ethical and responsible behavior. I am pleased that we are continuing our efforts today to help expand the ability of States and schools to make character education a central part of every child's education.

While English, math and science provide the figurative bricks of schools, character education provides the mortar. Trustworthiness, respect, responsibility, fairness, caring, and citizenship are the six pillars of character. The standards of conduct that arise out of those values constitute the foundation of ethics, and therefore, of ethical decisionmaking. Character education provides students a context within which to learn. If we view education simply as the imparting of knowledge to our children, then we will not only miss an opportunity, but we will also jeopardize our future.

Currently, there are character education programs across all 50 States in rural, urban and suburban areas at every grade level. I hope that in celebrating National Character Counts Week, that more schools in every State adopt similar programs.

Character education programs work. Schools across the country that have adopted strong character education programs report better student performance, fewer discipline problems, and increased student involvement within their communities. Children want direction; they want to be taught right from wrong. Young people yearn for consistent adult involvement, and when they get it, according to surveys, they are less inclined to use illegal drugs, vandalize property or commit suicide. The American public wants character education in our schools, too. Studies show that approximately 90 percent of Americans support schools teaching character education.

Character education can and is being incorporated into children's lives in and outside of the classroom. It provides a helping hand to our schools and communities to ensure our children's futures are bright and filled with opportunities for success. Character education not only cultivates minds, it nurtures hearts. While our children may only represent one-quarter of our population, they are 100 percent of our future.

I submit that character transcends religious, cultural, political, and socioeconomic barriers. I believe our country is having a renewed focus on character and this resolution sends a wonderful message to Americans and will help those of us involved in character education reinvigorate our efforts to get more communities and schools involved. So today, Senator DOMENICI and I submitted a resolution to accomplish just that and hopefully our renewed effort will bring together even more communities to ensure that character education is a part of every child's life. I hope that my colleagues will join us in this important effort.●

Mr. DOMENICI. Mr. President, today my good friend Senator DODD and I submitted a resolution designating the week of October 21 as the 2007 National Character Counts Week.

Our character is the foundation of who we are as people and how we are perceived by the world. Every day our character and ethics are tested through the decisions we make and the behavior we exhibit. The National Character Counts program focuses on "Six Pillars of Character" which are promoted through school and community based character education programs across the country. The 6 pillars are: Trustworthiness, respect, responsibility, fairness, caring, and citizenship.

I have supported Character Counts throughout the years because I believe this program reaches out to all youth and adults, as the Character Counts Coalition states, no matter the individual's race, creed, politics, gender, and wealth. In my home state of New Mexico, we have run many successful Character Counts programs throughout the years. While many schools initiate Character Counts programs there are also many other organizations that develop character based programming. I would like to take the time to recognize some of the successful programs we have had in New Mexico for 2007.

Character Counts works in New Mexico because it is truly a community partnership. There was a brilliant example last week during the Albuquerque International Balloon Fiesta. The Balloon Fiesta staff hosted 60 selected school kids for 2 days of festive activities. Northrop Grumman provided tethered balloon rides. Meals on Wheels fed the young people lunch, and the Albuquerque Balloon Museum gave some of the students a tour of the exhibits to show them the history of hot air balloons. These were fun days, but the children certainly learned about civic responsibility with some of our state's top business and community leaders. A once in a lifetime experience for many of these kids, and exposure to adults demonstrating respect, responsibility, trustworthiness, fairness, citizenship, and caring; the "Six Pillars of Character."

During the week of October 21, I hope everyone takes the time to participate in a Character Counts event in their local area. I know in New Mexico we will be having some special celebrations. On October 19 in Albuquerque, NM, there will be a Character is the Heart of New Mexico Parade, put on by Duranes Elementary beginning at the Old Town Plaza and ending at the Albuquerque Museum. On October 25, Roswell will celebrate 13 years of Character Counts with a Character Counts Super Celebration at Roswell High School. And on October 27, Gallup will celebrate with a Character Counts Parade starting at Fourth and Coal and ending at Lincoln Elementary School. All of these organizations and schools as well as the many others not mentioned here, are to be commended for their hard work in developing these programs and spreading the message that character truly does count.

I believe this program is making a difference in my home State and across the country. I want to encourage more people to become involved with the Character Counts program, but most of all I hope individuals will take the time to reflect on what the "Six Pillars of Character" mean to them.

I hope all of my colleagues will support this effort.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 351) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 351

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning October 21, 2007, as "National Character Counts Week"; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

## 20TH ANNIVERSARY OF UNITED STATES-MONGOLIA RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 352, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 352) expressing the sense of the Senate regarding the 20th anniversary of United States-Mongolia relations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 352) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 352

Whereas the United States established diplomatic relations with the Government of Mongolia in January 1987 and established its first embassy in Ulaanbaatar in June 1988;

Whereas the United States and Mongolia are both fully democratic states committed to the rule of law;

Whereas, in 1991, the United States established normal trade relations with Mongolia and began a Peace Corps program that now boasts approximately 100 volunteers;

Whereas the United States has a continued commitment to Mongolia's economic and political development and has contributed over $150,000,000 in aid for that purpose since 1991;

Whereas the United States has supported Mongolia's participation in the International Monetary Fund, the World Bank, and the Asian Development Bank;

Whereas the United States and Mongolia strengthened their trade relationship through the signing of a Trade and Investment Framework Agreement in 2004 to boost bilateral commercial ties and resolve trade disputes;

Whereas Mongolia continues to work with the United States to combat global terrorism and, since April 2003, has contributed engineers, troops, and medical personnel to Operation Iraqi Freedom and has participated in training National Army artillery units in Afghanistan;

Whereas Mongolia has demonstrated an expanding desire to join the United States in global peacekeeping activities by sending a contingent of 250 soldiers to protect the Special Court for Sierra Leone, a platoon to participate in the North Atlantic Treaty Organization (NATO) mission in Kosovo, and personnel to serve as United Nations observers in Sudan, Ethiopia, and Eritrea;

Whereas the United States and Mongolia share an interest in promoting peaceful cooperation in south central Asia; and

Whereas Mongolia was named eligible for Millennium Challenge Compact assistance on May 6, 2004, submitted its official proposal on October 13, 2005, and had its proposal approved by the Millennium Challenge Corporation on September 12, 2007: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the strength and endurance of the partnership between the United States and Mongolia should be acknowledged and celebrated;

(2) the United States should encourage continued economic cooperation with Mongolia, including in areas such as mining, construction, information technology, tourism, and meat processing, to the betterment of both our economies;

(3) the United States should continue to work with the International Monetary Fund, the World Bank, and the Asian Development Bank to improve Mongolia's economic system;

(4) the United States should provide Mongolia assistance under the Millennium Challenge Compact and work to finalize the compact in a timely fashion; and

(5) the United States should encourage greater academic and cultural exchanges with Mongolia.

## EXPRESSING IMPORTANCE OF A SOVEREIGN, DEMOCRATIC, AND PROSPEROUS LEBANON

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 353, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 353) expressing the sense of the Senate regarding the importance of a sovereign, democratic, and prosperous Lebanon and the need for free and fair presidential elections in Lebanon without intimidation or foreign interference.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 353) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 353

Whereas, in 2004, the term of the current President of Lebanon, Émile Lahoud, was extended through the interference of the Government of Syria in the internal affairs of the Government of Lebanon;

Whereas United Nations Security Council Resolution 1559, adopted on September 2, 2004, called for free and fair presidential elections in Lebanon conducted in accordance with the constitution of Lebanon and without foreign interference and influence;

Whereas such a presidential election has not yet occurred;

Whereas the Parliament of Lebanon is preparing to elect a new president of Lebanon before the November 24, 2007, conclusion of the mandate of the current President;

Whereas the Governments of Syria and Iran, through their proxies in Lebanon, have sought undue influence over the election of the next president of Lebanon;

Whereas the preparation for these elections has thus far been characterized by violence and intimidation tactics, and on September 19, 2007, Member of the Parliament of Lebanon Antoine Ghanem became the 8th Lebanese leader to be assassinated since 2005;

Whereas the democratically-elected Government of Lebanon has been under steady attack by domestic and foreign elements and forces that have been instigating civil unrest, disrupting the operation of the cabinet and Parliament, and perpetrating acts of terror against the people of Lebanon;

Whereas United Nations Security Council Resolution 1701, adopted on August 11, 2006, reiterated "strong support for the territorial integrity, sovereignty, and political independence of Lebanon within its internationally recognized borders", and called on states to "take the necessary measures to prevent . . . the sale or supply to any entity or individual in Lebanon of arms and related materiel of all types";

Whereas President Lahoud has threatened to create an unconstitutional rival cabinet and hand over power to it if the opposition is not satisfied with the results of the constitutional electoral process;

Whereas the Governments of Syria and Iran, in clear contravention of numerous United Nations Security Council resolutions, have violated Lebanon's sovereignty by providing arms to illegitimate militias in Lebanon and to other terrorist organizations;

Whereas the armed forces of Lebanon are protecting Lebanon and its people from terrorist organizations like Fatah al Islam;

Whereas United Nations Security Council Resolution 1757 established a Special Tribunal for Lebanon, to be convened outside of Lebanon, to try those accused of the assassination of former Prime Minister of Lebanon Rafiq Hariri and others; and

Whereas a sovereign, democratic, and prosperous Lebanon is in the national security interest of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls for free and fair presidential elections in Lebanon, conducted according to the constitution of Lebanon and free from foreign interference and influence or the use of intimidation tactics;

(2) supports ongoing efforts by leaders in Lebanon to reach agreement on a presidential candidate committed to upholding Lebanon's sovereignty and independence;

(3) condemns the Governments of Syria and Iran for their undue material interference in the internal political affairs of Lebanon, including in the election of a new president, and for their repeated violations of the sovereignty and independence of Lebanon, and calls on the Governments of Syria and Iran to comply with United Nations Security Council Resolution 1701, particularly with respect to preventing unauthorized shipment of arms into Lebanon;

(4) affirms its strong support for the armed forces of Lebanon as they work to secure Lebanon against terrorists and illegal armed militias, and conveys its readiness to provide support to assist in these ends;

(5) urges the Secretary of State to continue efforts in support of a Special Tribunal for Lebanon to end impunity for political assassinations, including assisting in efforts to convene the Special Tribunal as soon as possible, affirms its readiness to continue to provide material support to this cause, and calls on all countries to make timely and generous contributions to this end; and

(6) urges the President to use all peaceful means at the disposal of the United States to help promote an independent, democratic, and prosperous Lebanon, including increased diplomatic coordination with key partners in Europe and the Middle East, and supports efforts by the United States to provide ongoing and substantial assistance for reconstruction efforts in Lebanon.

## SUPPORTING "LIGHTS ON AFTERSCHOOL"

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 51, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 51) supporting "Lights on Afterschool!", a national celebration of after school programs.

There being no objection, the Senate proceeded to consider the concurrent resolution.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD)

● Mr. DODD. Mr. President, today Senator ENSIGN and I, along with 29 cosponsors, are submitting a concurrent resolution with the House of Representatives designating October 18, 2007 as Lights On Afterschool Day. Lights on Afterschool brings students, parents, educators, lawmakers, and community and business leaders together to celebrate afterschool programs. This year, more than 1 million Americans are expected to attend about 7,500 events designed to raise awareness and support for these much needed programs. In addition, Lights On Afterschool 2007 marks the 10th anniversary of 21st Century Community Learning Centers, the primary Federal initiative supporting afterschool programs.

Approximately 90 percent of parents say that having a safe, positive place where their child can go after school will improve their child's well-being. However, 14 million school-age children—or 25 percent of all school-age children—are left unsupervised after school and miss the opportunity to attend a safe, positive place that supports their growth and well-being.

Quality afterschool programs benefit youth, families, and communities. Students enrolled in afterschool programs are more likely to be engaged and go farther in education. They are also more likely to avoid risky behavior and criminal activity. Afterschool programs help parents successfully balance their work and home-life. In addition, these programs promote adult involvement with youth, which helps to create more cohesive communities invested in the future of our children.

In our work on the Senate Afterschool Caucus, Senator ENSIGN and I have been working for more than three years to impress upon our colleagues the importance of afterschool and are proud to say that 35 of our colleagues have joined the Caucus. We hope that they, along with other Members of the Congress, will join us on October 18 to celebrate the importance of afterschool programs in their communities back home.●

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 51) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

### S. CON. RES. 51

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool!", a national celebration of after school programs held on October 18, 2007, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

## COMMENDING NASA LANGLEY RESEARCH CENTER

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 222, just received from the House and at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 222) congratulating and commending the men and women of NASA Langley Research Center for their accomplishments and role in inspiring the American people.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table, without intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 222) was agreed to.

The preamble was agreed to.

## EXTENDING THE TIME TO OBTAIN A STATUE OF ROSA PARKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. 2206, introduced earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2206) to provide technical corrections to Public Law 109-116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, Rosa Parks has been described as the "Mother of the Modern-Day Civil Rights Movement."

Her actions on a Montgomery bus in 1955 sparked one of the Nation's largest movements against racial segregation: the Montgomery Bus Boycott.

Due to those brave actions, Rosa Parks became an icon of civil disobedience.

In 2005, Congress voted to preserve the legacy of Rosa Parks by authorizing a statue of her to be placed in the U.S. Capitol's Statuary Hall.

A statue of Rosa Parks would be a fitting tribute to the struggle for equal rights for all Americans.

But 2 years later, the statue has not been obtained. It is time to remove the hurdles, and ensure that Rosa Parks is honored as Congress intended.

The law designated Congress's Joint Committee on the Library to obtain the statue. But it was later determined that the Joint Committee does not have the technical ability or resources to enter into contracts or pay for the statue.

And now that law is set to expire on December 1, 2007, without ever achieving its intended goal.

So, to correct the problems in the original law, I have introduced a stand alone bill that would: Designate the Architect of the Capitol as the agent of the Joint Committee; and extend the deadline by 2 more years.

This legislation would allow for the Architect of the Capitol to distribute funds on behalf of the Joint Committee on the Library.

This legislation has been cosponsored by seven other Senators, including: Senators BENNETT, KERRY, DURBIN, LEVIN, SCHUMER, DODD, and STABENOW.

It is so important that we honor this great American.

Mrs. Parks' actions on a single day in December 1955 changed the lives of so many who followed her.

Let me tell you a little more about Rosa Parks:

Mrs. Parks was born Rosa Louise McCauley, February 4, 1913, in Tuskegee, AL. Her parents were a carpenter and a teacher.

Rosa Parks grew up and lived in a segregated South. And when she married, she and her husband became active in the local NAACP chapter.

On December 1, 1955, after a day of work at a department store in downtown Montgomery, AL, Rosa Parks boarded a bus to go home. She paid her fare, and took an empty seat in the first row of seats reserved for Blacks.

As the bus traveled along its route, all of the White-only seats in the bus filled up. When the bus reached its next stop, several White passengers boarded.

As was standard practice at that time, the busdriver told the Black passengers seated in the rows behind the White-only section to move. This included Mrs. Parks and 3 other passengers.

The three other Black passengers moved at the bus driver's insistence. But Mrs. Parks did not.

As she recalled in her autobiography, she was simply "tired of giving in":

> People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically, or no more tired than I usually was at the end of a working day.
>
> I was not old, although some people have an image of me as being old then. I was forty-two. No, the only tired I was, was tired of giving in.

This action of civil disobedience sparked the Montgomery Bus Boycott, which became one of the Nation's largest movements against racial segregation.

Rosa Parks was presented with the Presidential Medal of Freedom in 1996. She received a Congressional Gold Medal in 1999. And in 2005, Congress voted to honor her with a statue in the U.S. Capitol. The Architect of the Capitol is prepared to work with the National Endowment for the Arts to find suitable artists and statues to be considered for this honor. But until the funds for this project can be allocated, the search for a statue will not move forward. The legislation introduced today would fix this problem and allow the funds to be released. But more importantly, this legislation would ensure that Rosa Parks an American hero is honored as she so deserves.

Mr. DURBIN. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid on the table, and any statement be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2206) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2206

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ROSA PARKS STATUE.**

(a) IN GENERAL.—Section 1(a) of Public Law 109–116 (2 U.S.C. 2131a note) is amended by—

(1) striking "2 years" and inserting "4 years"; and

(2) adding at the end the following: "The Joint Committee may authorize the Architect of the Capitol to enter into the agreement and related contracts required under this subsection on its behalf, under such terms and conditions as the Joint Committee may require.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of Public Law 109–116.

## VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 1284, and the Senate then proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1284) to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

There being no objection, the Senate proceeded to consider the bill.

Mr. AKAKA. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, I am speaking in support of Senate passage of S. 423, the "Veterans' Compensation Cost-of-Living Adjustment Act of 2007." This measure, which I introduced earlier this year and which the Committee on Veterans' Affairs reported on July 24, would direct the Secretary of Veterans' Affairs to increase, effective December 1, 2007, the rates of veterans' compensation to keep pace with the rising cost-of-living in this country. The rate adjustment is equal to that provided on an annual basis to Social Security recipients and is based on the Bureau of Labor Statistics' Consumer Price Index.

Congress regularly enacts an annual cost-of-living adjustment,"COLA," for veterans' compensation in order to ensure that inflation does not erode the purchasing power of the veterans and their families who depend upon this income to meet their needs. This past year Congress passed, and the President signed into law, Public Law 109–361, which resulted in a COLA increase of 3.3 percent for 2007. The cost-of-living adjustment for 2008 will be 2.3 percent.

As I have stated many times, it is important that we view veterans compensation, including the annual COLA, and all benefits earned by veterans, as a continuing cost of war. Unfortunately, it seems highly likely that the ongoing conflicts in Iraq and Afghanistan will continue and this in turn will result in injuries and disabilities that will yield an increase in claims for compensation. One million, six hundred thousand servicemembers have deployed in support of Operations Enduring and Iraqi Freedom, and studies by VA indicate that the most significant predictor of new claims activity is the size of the active force.

The COLA affects, among other benefits, veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. Many of the more than 3 million recipients of those benefits depend upon these tax-free payments not only to provide for their own basic needs, but those of their spouses, children and parents as well. Without an annual COLA increase, these veterans and their families would see the value of their hard-earned benefits slowly dwindle, and we, as a Congress, would be in abandonment of our duty to ensure that those who sacrificed so much for this country receive the benefits and services to which they are entitled.

Disbursement of disability compensation to our nation's veterans constitutes a core responsibility of the Department of Veterans Affairs. It is a necessary measure of gratitude afforded to those veterans whose lives were irrevocably altered by their service to this country.

I urge all of our colleagues to support passage of this COLA increase. I also ask our colleagues for their continued support for our Nation's veterans.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, and any statement be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 1284) was ordered to be read a third time, was read the third time, and passed.

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## ATLANTIC FREEDOM TOUR OF THE FREEDOM SCHOONER AMISTAD

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 399, S. Res. 258.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 258) recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicultural dialogue, education, and cooperation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc; and that any statements relating thereto be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 258) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 258

Whereas the Slave Trade Act of the British Parliament in 1807 was the first major legislation to abolish the slave trade and began the march to end slavery;

Whereas, in 1839, 53 Africans were illegally kidnapped from Sierra Leone and sold into the transatlantic slave trade;

Whereas the captives were brought to Havana, Cuba, aboard the Portuguese vessel Tecora, where they were fraudulently classified as native-born Cuban slaves;

Whereas the captives were sold to José Ruiz and Pedro Montez of Spain, who transferred them onto the coastal cargo schooner La Amistad;

Whereas, on the evening of the rebellion, La Amistad was secretly directed to return west up the coast of North America, where after two months the Africans were seized and arrested in New London, Connecticut;

Whereas the captives were jailed and awaited trial in New Haven, Connecticut;

Whereas the trial of the captives became historic when former President John Quincy Adams argued on behalf of the enslaved before the United States Supreme Court and won their freedom;

Whereas, in 2007, the Freedom Schooner Amistad will embark on its first transatlantic voyage to celebrate the 200th anniversary of the abolition of the transatlantic slave trade; and

Whereas the Amistad case represents an opportunity to call to public attention the evils of slavery and the struggle for freedom and the restoration of human dignity: Now, therefore, be it

*Resolved*, That—

(1) the Senate recognizes the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad;

(2) the Senate encourages the people of the United States to learn about the history of the United States and better understand the experiences that have shaped this Nation; and

(3) it is the sense of the Senate that preserving the legacy of the Amistad should be regarded as a means in fostering multicultural dialogue, education, and cooperation.

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## REQUIREMENT FOR REPORTS ON ACTS OF TERROR AGAINST AMERICANS BY THE GOVERNMENT OF LIBYA

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 418, S. 1839.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1839) to require periodic reports on claims related to acts of terrorism against Americans perpetrated or supported by the Government of Libya.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. Presdient, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid on the table, that any statements relating thereto be printed in the RECORD.

The bill (S. 1839) was ordered to a third reading, was read the third time, and passed, as follows:

S. 1839

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERIODIC REPORTS ON CLAIMS RELATED TO ACTS OF TERRORISM AGAINST AMERICANS PERPETRATED OR SUPPORTED BY THE GOVERNMENT OF LIBYA.**

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, and every 180 days thereafter until December 31, 2009, or the Secretary of State makes the certification under subsection (b), the Secretary of State shall submit to the appropriate congressional committees a report on unresolved claims by nationals of the United States against the Government of Libya for acts described in section 1605(a)(7) of title 28, United States Code.

(2) CONTENT.—Each report submitted under paragraph (1) shall include—

(A) information on the status of negotiations between the Government of Libya and the United States claimants;

(B) a description of the specific actions that the United States Government is taking to encourage the Government of Libya to resolve such claims; and

(C) any other information that the Secretary of State considers appropriate.

(b) CERTIFICATION.—The certification referred to in paragraph (1) of subsection (a) is a certification submitted by the Secretary of State to the appropriate congressional committees that all claims by nationals of the United States described in such paragraph have been resolved.

(c) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) The term "national of the United States" has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

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## MEASURES READ THE FIRST TIME—S. 2198 AND S. 2205

Mr. DURBIN. I understand there are two bills at the desk. I ask for their first reading, en bloc.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 2198) to require the Architect of the Capitol to permit the acknowledgment of God on flag certificates.

A bill (S. 2205) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Mr. DURBIN. Mr. President, I ask for their second reading and object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be read a second time on the next legislative day.

## ORDERS FOR FRIDAY, OCTOBER 19, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Friday, October 19; that on that day, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then resume consideration of H.R. 3043.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PROGRAM

Mr. DURBIN. On behalf of the leader, I wish to reiterate his earlier announcement that there will be no rollcall votes during Friday's session. However, the bill managers will be here to work with Members who do have amendments. Also, as a reminder, there is a 1 p.m. filing deadline for first-degree amendments on Friday.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. If there is no further business, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:24 p.m., adjourned until Friday, October 19, 2007, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### FEDERAL HOUSING FINANCE BOARD

ALLAN I. MENDELOWITZ, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2014. (REAPPOINTMENT)

### BROADCASTING BOARD OF GOVERNORS

JOAQUIN F. BLAYA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2008. (REAPPOINTMENT)

JOAQUIN F. BLAYA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2011. (REAPPOINTMENT)

EDWARD E. KAUFMAN, OF DELAWARE, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009. (REAPPOINTMENT)

SUSAN M. MCCUE, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2010, VICE NORMAN J. PATTIZ, TERM EXPIRED.

DENNIS M. MULHAUPT, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2008, VICE BLANQUITA WALSH CULLUM, TERM EXPIRED.

DENNIS M. MULHAUPT, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2011. (REAPPOINTMENT)

STEVEN J. SIMMONS, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009. (REAPPOINTMENT)

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. DONALD L. RUTHERFORD, 5430

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be brigadier general*

COLONEL JOSEPH CARAVALHO, JR., 7925
COLONEL RHONDA L. S. CORNUM, 2574
COLONEL KEITH W. GALLAGHER, 5366

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

*To be colonel*

CHERYL A. KEARNEY, 6145

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be lieutenant colonel*

NOEL P. KORNETT, 0523

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

MICHAEL MAINE, JR., 4513

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be lieutenant colonel*

MICHAEL T. BUTLER, 3776
ROBERT CANNON, 9323

### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

GARY TABACH, 3239

*To be lieutenant commander*

BRADLEY L. KINKEAD, 0796
ERIC E. PERCIVAL, 5612
KELVIN L. REED, 1218

# EXTENSIONS OF REMARKS

## HONORING THE CAREER OF DR. DHARMAPURI VIDYASAGER

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. DAVIS of Illinois. Madam Speaker, I would like to take this opportunity to recognize the service of a distinguished faculty member in the College of Medicine at the University of Illinois at Chicago. Dr. Dharmapuri Vidyasager currently serves as the Director of Neonatology and Co-Director of the Perinatal Center at UIC. Hired specifically to establish a Neonatal Intensive Care unit, he began his career with UIC as the Director of Newborn Nurseries in 1974. During the interim 33 years, he became a full professor in 1977 and served as the interim Head of the Department of Pediatrics in 1983. I seek to recognize Dr. Vidyasager today in anticipation of his retirement in November of this year.

Without question, Dr. Vidyasager has contributed significantly to the field of neonatology as a physician, a researcher, and an educator. From establishing the first neonatal care unit in the State of Illinois at Cook County Hospital in 1971 to helping decrease the Illinois infant mortality rate from 25 to 7 deaths per 1,000 births to aiding other nations in reducing neonatal and infant mortality, his medical work has had a substantial, direct effect on newborn children. Dr. Vidyasager's research on surfactant systems in lungs and the treatment of the hyaline membrane disease has proved quite essential to the major advancements that have taken place in the field of neonatology. In addition, Dr. Vidyasager has demonstrated a strong commitment to developing high caliber physicians. During his tenure, Dr. Vidyasager trained more than 70 neonatologists, some of whom are nationally and internationally known academicians. He was responsible for developing the UIC Medical Center's teaching program into one of the most highly recognized physician training centers. Further, he has conducted training sessions and provided free consultations on the establishment of modern neonatal intensive care units across the globe including—but not limited to—China, India, Poland, Lithuania, and Uzbekistan.

In 2006, Dr. Vidyasager's work was honored via his nomination for inclusion in the Castle Connolly Medical Ltd.'s Top Doctors of America and The Best Doctors Directory. His service to the field of neonatology, his patients, the University of Illinois at Chicago, and to the City of Chicago has been quite extraordinary. I honor his retirement in November 2007 with the words of Frederick Douglass as he once said, "Man's greatness consists in his ability to do and the proper application of his powers to things needed to be done." The accomplishments of Dr. Vidyasager over the last three decades have done a great deal to illustrate his greatness.

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## IN HONOR OF THE 150TH ANNIVERSARY OF THE SACRAMENTO PUBLIC LIBRARY

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Ms. MATSUI. Madam Speaker, I rise in honor of the Sacramento Public Library's 150 years of providing excellent service to Sacramento residents. In 1857 the Sacramento Library was established by community leaders and has grown to include 26 other branches and bookmobiles. I ask all of my colleagues to join with me in saluting 150 years of first-rate service provided by the Sacramento Public Library.

The Central Library, located in downtown Sacramento has evolved since Sacramento's leaders established it as the center for scholarly thought in the region in 1857. Led by the efforts of distinguished Sacramentans such as Leland Stanford, Charles Crocker, Collis Potter Huntington, Mark Hopkins and Newton Booth, the library officially opened on November 6, 1857. At its inception, the library originally served about 40 visitors per day and issued 150 books per week. A decade later the library association's prosperity continued to increase, and they were able to purchase a downtown lot on I Street. Eventually, through donations from the Carnegie Foundation and the city, the Central Library moved into the distinctive 3 story brick building on April 23, 1918. Today, the Central Library's vast collection has grown to include nearly 300,000 volumes, with more than 1,000 periodical subscriptions. Their catalog also includes special collections and a variety of historic government documents.

The Sacramento Public Library provides service to 1,269,000 residents in the Sacramento region making it the fifth largest library in California. Its extensive collection makes it the sixth largest library in terms of materials held. The library's 340 staff members help to operate the 27 branches. The library owns over 100,000 audio-visual items, subscribes to 4,000 periodicals and provides 345 technology workstations for public use.

In 1984, The Sacramento Public Library Foundation was created as a nonprofit corporation to encourage and support the benefits of the Sacramento Public Library. The Foundation has been instrumental in raising money to purchase books, computers, reading enrichment programs, bookmobiles, literacy classes, and after school homework centers. Without the $7 million raised by the Foundation to date, many of these vital services would not be possible. The Foundation's strength stems from its wide support of over 16,000 donors who have been supportive of the Sacramento Public Library and its abundance of resources.

Madam Speaker, I am honored to recognize the 150 years of service provided by the Sacramento Public Library. In the coming years the library will continue to expand its collection and make its services more readily available to Sacramento residents. As the Sacramento Community and library's supporters gather to celebrate 150 years of success, I ask all my colleagues to join me in honoring the Sacramento Public Library.

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## NATO PARLIAMENTARY ASSEMBLY MEETINGS IN REYKJAVIK, ICELAND

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. TANNER. Madam Speaker, I recently led a bipartisan House delegation to NATO Parliamentary Assembly meetings in Reykjavik, Iceland, from October 5–October 9. The co-chair of my delegation was the Hon. JOHN SHIMKUS. In addition, Representatives JOHN BOOZMAN, JO ANN EMERSON, JEFF MILLER, DENNIS MOORE, RALPH REGULA, MIKE ROSS, DAVID SCOTT, ELLEN TAUSCHER, and TOM UDALL, and staff, worked to make these meetings a success in the examination of a number of front-line NATO issues.

The NATO Parliamentary Assembly brings together members of parliament from all 26 allied states. In addition, observer delegations from such countries as Russia, Georgia, Macedonia, Croatia, and Albania bring a wide range of views to the table in discussion of issues of interest to Americans and Europeans. The NATO Parliamentary Assembly breaks into committees for presentation and discussion of reports by the parliamentary delegates. These sessions provide an opportunity to gauge the issues of greatest interest to NATO governments, and give our own Members not only the chance to voice their own views, but to understand the debates occurring in such key countries as Germany, France, and Britain.

There were several key issues that surfaced in the different committees. NATO's mission in Afghanistan was perhaps the most important. The future of Kosovo, now in the final stages of its quest for independence, was another. Enlargement of the alliance, an important subject of discussion at the coming NATO summit in Bucharest in April 2008, drew considerable attention. Other issues evident in the different committees were Russia's relations with the alliance, energy security, and missile defense.

I have been chairman of the Committee on Economics and Security, and was re-elected

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to that position in Reykjavik. I will take the opportunity to mention that Rep. BOOZMAN was also re-elected to serve another year as a rapporteur in that committee. Together with a Lithuanian member of parliament, he presented a well-received report on the rise of an east Asian economic system. There was also a report on trends in allied defense management in burdensharing. The report triggered a vigorous discussion of NATO's effort to stabilize Afghanistan. Forces from the United States, Britain, Canada, and the Netherlands bear the brunt of the fighting there, and there was an appeal for other member governments to contribute more troops and other resources. While there is widespread agreement in the alliance that stabilization of Afghanistan is a critical step in the effort to subdue terrorism, some governments with capable forces remain reluctant to put their troops in harm's way.

The Political Committee also saw a contentious debate over Afghanistan. A Canadian delegate ably presented a report calling for a reduction in caveats—the restrictions that some governments place on the use of their forces—and for more troops. There was also a report on NATO's efforts in the conflict against terrorism. The report laid out the good cooperation between the United States and the European Union in law-enforcement efforts to undercut terrorist financing schemes and to intercept terrorists as they move about the world; it also noted that NATO as an institution can bring political pressure to bear on governments around the world that support or turn a blind eye to terrorist activity on their soil. Another subject of vigorous debate was a resolution on the NATO-Russian relationship. The resolution was rightfully critical of Russia's efforts to intimidate such allies as Lithuania through cutoffs of energy supplies, and such friendly governments as Georgia by support for rebel groups within those governments' territories. The Russian delegates defended the actions of their government, and tried to water down the resolution. Mr. ROSS and Mr. UDALL strongly supported the key points of the resolution, which passed with nearly unanimous support from the delegates from the allied states. Mr. ROSS was elected as a rapporteur in the Political Committee, and will present a report on NATO and Iran at the spring meetings of the Parliamentary Assembly in Berlin.

The Committee on the Civil Dimension of Security saw the presentation of reports on Montenegro's role in the Balkans, and on the protection of critical infrastructure, such as oil pipelines and communications networks, in allied states. There were also 2 presentations by outside speakers that drew considerable interest. Mark Lowenthal, a former staff director of the House Intelligence Committee and later the Counselor at the CIA, made a well-defined presentation on intelligence, terrorism, and civil liberties. The delegates followed his presentation with a discussion of appropriate oversight of intelligence operations by parliaments in the effort to protect personal freedoms. Next, an Icelandic government minister gave a presentation on an emerging issue: as climate change causes the melting of part of the Arctic ice pack, claims by a number of states to seabed resources and the right to move through the "Northwest Passage" have begun to emerge. Transit through the Northwest Passage, if feasible, could reduce the voyage of petroleum tankers from the North Sea, for example, to Asia by approximately 4,000 miles. NATO governments have begun a quiet debate over how to provide security for ships using northern routes around Iceland and through possible sea lanes north of Canada.

Two members of our delegation assumed offices on the Committee on Civil Dimension of Security. JO ANN EMERSON was re-elected a vice-chair of the subcommittee on democratic governance, and DENNIS MOORE was elected vice-chair of the full committee.

The Committee on Science and Technology heard reports on a range of issues, the most interesting being a report on climate change, and another on proliferation of missile technologies. The discussion on climate change, given the setting in Iceland where glaciers are reportedly melting with unforeseen rapidity, was vigorous and thoughtful. The discussion on proliferation led to a debate over missile defense. Rep. TAUSCHER made several crisp, clear interventions that outlined the U.S. debate over a prospective missile defense against Iran. She also provided a telling critique of a Russian delegate's wandering and often inaccurate presentation on elements of U.S. defense policy. The committee voted not to adopt the Russian delegate's report.

The Committee on Defense and Security also heard a debate, contentious at times, on NATO operations in Afghanistan. The British delegate who presented the report called on allied governments with minimal resources committed to Afghanistan to work to persuade their publics of the importance of the operations of NATO's International Security Assistance Force (ISAF), and to contribute more troops. The alliance needs more helicopters and combat troops, especially for rapid-response actions, in the areas of the country where the Taliban are active. There was also a report on the efforts of NATO's three candidate states—Croatia, Albania, and Macedonia—to receive invitations to enter the alliance at the upcoming Bucharest summit. It is evident that the three governments have made considerable progress in defense reform, but some European parliamentarians questioned their progress in democratic governance. It is by no means a certainty that all three governments will receive invitations at Bucharest. There was also a report on the trip to Afghanistan by a number of parliamentarians, including Rep. SHIMKUS, on the progress to date of the ISAF mission. Rep. SHIMKUS also gave a well-received report on NATO-EU coordination in security matters. He analyzed the positive steps in such coordination, as well as some of the shortfalls, including the difficulties encountered in NATO's efforts to provide security to the EU's important police-training mission in Afghanistan. Rep. SHIMKUS was elected a vice-chair of the subcommittee on transatlantic defense and security cooperation, and Rep. TAUSCHER was elected the chair of the subcommittee on future security and defense capabilities.

It should also be noted that Rep. EMERSON was elected a vice-president of the NATO Parliamentary Assembly to fill out the term of the late Paul Gillmor. This is a senior position that reflects her dedication to the Assembly's work and her evocation of the importance of the alliance to the United States.

One of the more valuable aspects of Assembly meetings is the opportunity afforded for side meetings with senior U.S. and European officials. Before we left for Reykjavik, we had a briefing on allied matters from our ambassador to NATO, Victoria Nuland, and from Daniel Fried of the State Department and Dan Fata from the Pentagon. Each outlined clearly some of the key issues facing the alliance. In Reykjavik, we had a private discussion with Jaap de Hoop Scheffer, the NATO Secretary General; we discussed Afghanistan, enlargement, and Kosovo's future, as well as other issues. The U.S. ambassador to Iceland, Carol van Voorst, and her staff provided insight into and advice on U.S.-Icelandic relations. We also held a private meeting with the Macedonian foreign minister, Antonio Milososki, where there was a good discussion of his country's efforts to qualify for NATO membership. Before our departure for Reykjavik, staff also held a meeting in Washington with representatives of the Croatian government to discuss Zagreb's efforts to qualify for membership. It must be said that one of the great values of the NATO Parliamentary Assembly is the opportunity to meet our counterparts from the parliaments of allied states. The chance to learn national and regional perspectives provides our own delegation with insights into key allied issues, and how we might resolve a range of questions of great importance to U.S. security.

I wish to add that this was the first meeting in many years that we were without our friend, the late Rep. Paul Gillmor. He had been my delegation co-chair since the beginning of the 110th Congress, and we conducted many meetings together, in harmony and friendship. He served in a number of offices in the NATO Parliamentary Assembly, and was always the voice of reason and judiciousness. He was widely admired, not only here in the United States, but by his Assembly colleagues across the political spectrum. There was a moving tribute to his memory during the plenary session of the Assembly on October 9. He will be greatly missed.

As always, our military personnel played an important role in the success of the delegation's trip. The air crew came from the 1st Airlift Squadron, which is part of the 89th Airlift Wing located at Andrews Air Force Base. They are all on active duty. In addition, three Air Force active duty personnel and one reservist served as our congressional escort team. All worked long hours to ensure that our trip went smoothly. I thank them for their hard work and their dedication to duty.

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## INTRODUCTION OF THE FEDERAL LABOR-MANAGEMENT PARTNERSHIP ACT OF 2007

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. DAVIS of Illinois. Madam Speaker, former President Clinton once said, "Only by changing the nature of federal labor-management relations, so that managers, employees, and employees' representatives serve as partners, will it be possible to design and implement comprehensive changes necessary to government." With this ideal in mind, I am proud to introduce the Federal Labor-Management Partnership Act of 2007, the Act.

The Act codifies Executive Order 12871, signed by former President Clinton in 1993. During its implementation, labor-management partnerships created a co-equal forum for managers and labor representatives to negotiate, plan, and exercise collective bargaining and effective decision-making. The impetus behind the Executive Order was recognition of the need to transform hostile, adversarial labor-management relationships into valuable problem solving partnerships. This method of bilateral affiliation proved to be successful for the civil service. It helped boost employee morale, and aided agencies in improving and upholding their service missions.

The need to re-establish labor-management partnerships is clear. In many Government agencies there is a lack of trust exhibited between managers, employees, and their representatives. This has created a morale problem at many mission critical agencies; including the Department of Homeland Security, DHS, which was named in a recent study by the Office of Personnel Management as having the lowest level of morale in the Federal Government.

Now, more than ever, the American people expect Government to lead by example. Therefore, it is imperative to restore labor-management partnerships. Partnership is a proven practice that works. Partnership gives added value to the federal workforce; and it is my fervent belief that partnership is essential for a more productive civil service.

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## TRIBUTE TO DR. BEVERLY A. SCOTT

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Ms. MATSUI. Madam Speaker, I rise today in recognition of Dr. Beverley A. Scott's service as General Manager and Chief Executive Officer of the Sacramento Regional Transit District. Dr. Scott leaves a lasting legacy in Sacramento and she will be deeply missed. I ask all my colleagues to join me in honoring one of Sacramento's finest public servants.

Dr. Scott has been a tireless advocate for public transportation. After earning a doctorate in political science from Howard University, she started her career in 1977 at Texas Southern University as one of four national recipients of a Carnegie Foundation Fellowship. Dr. Scott went on to work as the general manager at the Rhode Island Public Transit Authority as well as holding executive management positions with transit agencies in New York, New Jersey and Washington, DC. In New York, Dr. Scott was the first woman appointed vice president of surface transit and she was responsible for the daily transit operations of New York and Staten Island Rail.

With such an accomplished past, Dr. Scott joined the Sacramento Regional Transit District in October of 2002 and increased morale immediately. Using a variety of tools, Dr. Scott created a new strategic plan involving a wide variety of partners, both inside and outside of Regional Transit's organization. Under her leadership, the Regional Transit successfully expanded light rail to Sunrise Boulevard, followed by an extension to the City of Folsom. Light rail has also expanded in downtown Sacramento to the Amtrak station.

Dr. Scott played an instrumental role in the renewal of Measure A, which provides local funding for mass transit and transportation priorities. For the past 3 years, Regional Transit has been awarded a financial accountability award of excellence for their improved budget reporting, and fiscal management. Dr. Scott also created the Regional Transit University to improve employee training. With Transit Etiquette Program forums and the restructuring of RT's Mobility Advisory Committee Dr. Scott's leadership has helped Regional Transit serve all of us in Sacramento that use public transit.

The Sacramento Regional Transit District, also known as RT, has recently celebrated the 20th anniversary of light rail. RT operates a comprehensive public transit system that includes 97 bus routes and 37 miles of light rail, covering a 418 square-mile service area. Buses and light rail run 365 days a year from 5 a.m. to 11:30 p.m., giving riders ample opportunities to utilize their services. Using 76 light rail vehicles, 254 buses powered by compressed natural gas and 17 shuttle vans, RT is not only affordable and convenient but also environmentally friendly.

Personally, Dr. Scott has been a pleasure to work with. Her compassion and spirit has made her a wonderful addition to the Sacramento community as well. She is a caring, smart and thoughtful administrator, who knows how to be tough when needed. I have been told that she is affectionately known as "Hurricane Bev" for her energy, enthusiasm and dedication to getting the job done, while those who work with her also call her "Mummy."

For her work in Sacramento and across the Nation, Dr. Scott has received numerous awards, including awards from the U.S. Department of Transportation, American Public Transportation Association, National Business League, Women's Transportation Seminar, Rhode Island Professional Engineers Society, Sierra Club, Conference of Minority Transportation Officials, the National Forum for Black Public Administrators, the Urban League, City Year, and Paratransit.

Madam Speaker, I am honored to pay tribute to Dr. Beverly A. Scott's distinguished commitment to Sacramento's public transportation. Dr. Scott has stood as an instrumental force behind the advancement of the Sacramento Regional Transit District and has helped improve the overall quality of life for generations to come. We all are thankful for her efforts. As Dr. Scott's colleagues, family and friends gather to honor her service, I ask all my colleagues to join me in wishing her continued good fortune in her future endeavors.

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## IN TRIBUTE TO SENIOR MASTER SERGEANT THOMAS NEWTON ON HIS RETIREMENT FROM THE UNITED STATES AIR FORCE

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. TANNER. Madam Speaker, on the occasion of his retirement from the United States Air Force, I want to recognize SMSgt Tom Newton for his 24 years of dedicated service to our country. In his most recent assignment, he serves as the Superintendent, Office of Legislative Liaison, Secretary of the Air Force, where he is responsible for Air Force legislative matters and facilitating worldwide Congressional travel. As you know, Madam Speaker, Sergeant Newton has professionally served as your escort for two Congressional delegations this year and a dozen other delegation trips around the world since 2004.

Prior to June 2004, he was the Chief, Workgroup Manager for Headquarters Security Forces, Pentagon, responsible to the Director for network security, antiterrorism, force protection, and supporting Operation Global Eagle. From 1998 to 2001, Sergeant Newton was the Information Management Superintendent for the Force Structure, Resources, and Assessments (J–8) Directorate, Joint Staff, Pentagon. He served as Deputy Executive and facilitated multiple Joint Warfighting Capabilities Assessments on behalf of the Director. Prior to January 1998, he served as Instructor, Information Management Craftsmen Course at Keesler AFB in Mississippi, where he earned Master Instructor Certification. Sergeant Newton began his illustrious career at the 4th Wing, Seymour Johnson AFB, NC, where he directly supported the 4404th Provisional Wing during Operation Desert Storm/Shield.

Madam Speaker, I join my colleagues in expressing our sincere appreciation to SMSgt Tom Newton for his outstanding service to both legislative branches and our United States Air Force. We wish him the best as he transitions into a new career. Senior Master Sergeant Newton is a true professional and a credit to himself and the United States Air Force.

CODELS FOR SMSGT NEWTON

2004

CODEL Bilirakis—Athens, Greece/Venice, Italy (7–16 Nov).

2005

CODEL Shimkus—St. Louis, Missouri (26–28 Jan).

CODEL Bilirakis—Brussels, Belgium/Paris, France/London, UK (18–28 Feb).

CODEL King—Vienna, Austria/Aman, Jordan/Tel Aviv, Israel/Cairo, Egypt/Rabat, Morocco (30 Jul–7 Aug).

SPEAKER Hastert—Glasgow, Scotland/Luxembourg (15–20 Sep).

2006

CODEL Hefley—San Diego, California (25–29 Jan).

CODEL Hefley—Brussels, Belgium/Paris, France/London, UK (17–28 Feb).

CODEL Goodlatte—Denver, Colorado/San Angelo, Texas (7–9 May).

CODEL Young—Alaska (29 Jul–6 Aug).

2007

SPEAKER Pelosi—Jerusalem, Israel/Damascus, Syria/Riyadh, Saudi Arabia/Lisbon, Portugal (29 Mar–7 Apr).

CODEL Tanner—Lisbon, Portugal/Tunis, Tunisia/Rabat, Morocco (24 May–3 Jun).

SPEAKER Pelosi—New Orleans, Louisiana (12–15 Aug).

## IN MEMORY OF MATTHEW RICHARD WILL

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. FARR. Madam Speaker, I rise today to honor the memory of Matthew Richard Will, a father, husband, firefighter, and hero who died recently in the line of duty helping to protect the people he had sworn to serve.

Matthew Will was a Heavy Fire Equipment Operator for the California Department of Forestry and Fire Protection, also known as Cal Fire. Will started his career with Cal Fire in 2003 and recently graduated from the department's fire academy in Ione. He was assigned to the Hollister Air Attack Base in Cal Fire's San Benito-Monterey Unit.

Earlier this month a house fire broke out in the heavily wooded and rugged area of Big Sur, California, known as Palo Colorado Canyon. The fire soon spread to the surrounding brush and began to threaten the lives and property of other Palo Colorado Canyon residents. Quick action by Matthew and his comrades from Cal Fire and the other responding fire fighting agencies kept the fire from engulfing the whole canyon, limiting the damage to the initial home and about fifty surrounding acres. As part of this effort, Matthew was on his bulldozer working to check the spread of the fire by clearing a fire break. Tragically, Matthew's bulldozer slipped and tumbled down a steep slope. Matthew later died of his injuries.

Matthew Will's youth magnifies this tragedy. He was just 30 years old. He is survived by his wife Diana "Dee Dee" Will of Hollister, California; 10-year-old son Trysten; 8-year-old daughter Elsie; parents Gary and Debbie Will of Campo, California; and brothers Brandon and Justin Will of Campo, California.

Madam Speaker, I have been an occasional Big Sur resident myself for over 50 years. In that time I have seen fire threaten or destroy the homes and property of neighbors and acquaintances. The people of Big Sur live with a heightened sense of fire's danger and a deep respect for the men and women who risk their lives fighting those fires. I know I speak for this House and my neighbors when I share our deep gratitude for his service as a firefighter, and our deep sorrow at his death. Our prayers are with Matthew Will's family, friends, and colleagues at this time of grief and loss.

## CONGRATULATIONS AND FAREWELL TO MR. WILLIAM DUNN, A GREAT AMERICAN AND TEXAN, FOR 25 YEARS OF DEDICATED SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. SAM JOHNSON of Texas. Madam Speaker, a congratulations and farewell is in order today for Mr. William "Cotton" Dunn.

Cotton graduated with a degree in accounting but quickly learned his true love and passion was for the game of golf. He went on to play tours, set records, and earn many respectable titles.

For the past 25 years Cotton has served as the Director of Golf at the Prestonwood Country Club. Over the years, he has received many honors. Most recently, he received the 2006 Distinguished Service Award from the Northern Texas PGA.

Much of the strength of the Lone Star State comes from the commitment and good will of individuals, and Cotton is no exception. His leadership both on and off the course has motivated, inspired, and encouraged hundreds of people, and for those reasons he will be missed.

We would like to wish you a long and happy retirement!

## THE DEPLOYMENT OF THE OKLAHOMA NATIONAL GUARD'S 45TH INFANTRY BRIGADE COMBAT TEAM

### HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. SULLIVAN. Madam Speaker, I rise today to commemorate the Oklahoma National Guard's 45th Infantry Brigade Combat Team (IBCT) which is set to deploy to Iraq early next year in support of Operation Iraqi Freedom.

Today, a farewell ceremony honoring 2,400 deploying soldiers in the 45th IBCT is taking place at the Lloyd Noble Center in Norman, Oklahoma. Families and friends throughout the state will have an opportunity to celebrate the patriotism and courage of Oklahoma's citizen soldiers. This will be the largest single deployment of Oklahoma's citizen soldiers since the Korean War, an important event in the history of the Oklahoma National Guard.

On October 19, 2007, the 45th IBCT will begin to move their soldiers to the mobilization station at Fort Bliss, Texas. While at Fort Bliss, the brigade will undergo 10 to 12 weeks of intense mission specific training which will prepare them for any mission unique tasks that they will be required to perform while deploying to Iraq next year.

The stakes could not be higher for success in the Global War on Terror. The 45th IBCT will play a critical role in securing Iraq from al-Qaeda and other militants seeking to undermine Iraq's growth and security, and protect America from future threats.

I know this is not the first deployment for many of these brave men and women and their families back home. Their collective sacrifice for our Nation's security is symbolic of the pride Oklahoma has for our citizen soldiers serving in times of war and conflict.

I am confident the 45th IBCT is ready to answer the call in the defense of our Nation. With this deployment, they are carrying forward the proud history of this brigade. It is an honor to represent many of these brave citizen soldiers in Congress, and I look forward to supporting the 45th IBCT's critically important mission to the fullest extent possible.

## A TRIBUTE TO TYPECRAFT WOOD & JONES

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. SCHIFF. Madam Speaker, I rise today to honor Typecraft Wood & Jones, a family-owned business, which is celebrating the one-hundredth anniversary of Wood & Jones Printers and the sixtieth anniversary of Typecraft, Inc.

Wood & Jones Printers was founded in 1907 in Pasadena, California by Bert Wood, a pressman from New England and Fred Jones, a typographer from Canada. Bert's son, Richard Wood, introduced offset lithography to the business in the 1940s. Chris Wood, Bert's grandson, introduced phototypesetting and added a drive-through photocopy division to the business in the 1980s. Richard operated and expanded the business in partnership with Bert's nephew, David Wood into the 1980s, and in 1987, Hanna Wood, granddaughter of Bert, assumed responsibility for the business.

Typecraft, Inc. was formed in 1947 by Emer Bates, and Len Jasmin, former publisher and former manager of the Pasadena Independent Newspaper. In the 1960s, Harry Montgomery joined Typecraft, Inc., partnering with Len Jasmin.

J.J. Gish, whose father Jerry Gish was a 50-year employee of Typecraft, Inc., purchased Wood & Jones Printers in 1994 and became partners with Harry Montgomery, Emer Bates' son-in-law in 2000. Typecraft, Inc. and Wood & Jones Printers were merged at that time into one company.

Both Typecraft, Inc. and Wood & Jones Printers separately and together have kept abreast of the latest technologies, creating quality printed materials for businesses, nonprofit organizations, schools, museums, and fine art museums. Typecraft Wood & Jones is the annual print sponsor for AIGS Los Angeles, the Professional Association for Design.

Over the last century, Typecraft Wood & Jones has supported a variety of worthwhile local organizations and institutions such as the Boys and Girls Clubs of Pasadena, Boy Scouts of America, the Pasadena Library Foundation, Aids Service Center, Huntington Memorial Hospital, Zonta Club, John Marshall Fundamental School and the Pasadena Senior Center. In addition, Typecraft Wood & Jones also contributes to the Pasadena Art Alliance, the Los Angeles County Museum of Art, Pasadena Playhouse, Armory Center for the Arts and Pasadena City College School of Fine Arts.

It is my great honor to recognize Typecraft Wood & Jones upon the combined 160 years of dedicated service to the community of greater Pasadena. I ask all members to join me in commending their efforts.

## CELEBRATING THE WORLD-CLASS PIEROGIES OF CLIFTON, NEW JERSEY

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. PASCRELL. Madam Speaker, I rise today to inform Congress what so many people in my district have known for years—that Clifton, New Jersey is indeed a pierogi lover's heaven.

Clifton has a rich history of Eastern European ancestry, and this delicacy is indeed one of the many fine contributions made by those of that region in the world.

And in the Eighth District of New Jersey—one of the most diverse in the country—people from all cultures and walks of life can agree that the city of Clifton has some of the finest pierogies in America.

Indeed, the pierogi has reached almost mythical status in Clifton. It is sold in restaurants and delis, churches and schools. One would be hard pressed to find the dish absent from a single menu in the city.

The people of Clifton possess a genuine love for the pierogi, more so than anywhere else I have seen, whether stuffed with the traditional potato and cheese, or more exotic fillings, like papayas and blueberries.

Showing their true dedication, last month the City Council of Clifton decreed that every day of the year in Clifton is now officially "Pierogi Day."

And it has now come to my attention that Clifton is one of five cities vying for the title of pierogi capital of the Nation. The public can vote online at www.pierogypocket.com. I could not recommend Clifton more strongly.

In the Eighth District, we are proud of the strong cultural ties that each of us has to our heritage. The City of Clifton's love for the pierogi truly embodies this spirit.

Clifton desires neither the fame nor fortune that would come with being named pierogi capital of the world. They only seek to confirm the obvious. The title would be the sour cream and fried onions on top.

## TRIBUTE TO THE REVEREND CANON RICHARD LIVINGSTON MARQUESS-BARRY

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. MEEK of Florida. Madam Speaker, I rise today to pay tribute to The Reverend Canon Richard Livingston Marquess-Barry, Pastor of the Historic Saint Agnes' Episcopal Church in Miami, Florida.

A native of Miami, Florida, Reverend Barry obtained his early education from the Miami-Dade County Public Schools. He is a proud graduate of Miami Northwestern Sr. High School Class of 1958 where his portrait still hangs in the school's Hall of Fame. He furthered his education at Saint Augustine's College, in Raleigh, North Carolina and went on to get his Doctor of Human Letters degree from Barbar-Scotia College, Concord, North Carolina in 1995.

Married to Virla Rolle Barry, Reverend Barry has been blessed in this holy matrimony for over 40 years. Also blessed to this union is one daughter Diana, who is married to Ronald Frazier, II, and 2 grandsons Richard and Ronald.

This visionary of a pastor became God's shepherd par excellence under the anointing of the Holy Spirit, as he continues to guide his Congregation. He has led Saint Agnes' Episcopal Church with a good mixture of old-time religion and civic responsibility that continues to encourage the members not only to become spiritual and moral leaders, but also responsible and conscientious guardians of good government and community pride.

Reverend Barry has dedicated his life to making the lives of those around him better. Further demonstrated, as one of the many programs under his leadership, the church adopted a HUD project, Rainbow Village Housing Development and lobbied the Miami-Dade Housing Authority to completely renovate the complex. As a result of this action, the tenant council of Rainbow Village and the Vestry of this parish formed the Saint Agnes' Rainbow Village Community Development Corporation (CDC). Through the CDC, 80 two-story, three and four bedroom/two and one-half bath, single-family homes for ownership were built for low and moderate income families.

An ordained priest of the Episcopal Church and having served as a Priest for 39 years, Father Barry's leadership is genuinely admirable. As a servant of God and as a spiritual leader immersed in Scriptural commitment, he has earned the community's deepest respect. This is the legacy with which he now guides his Church.

Indeed, it is fitting and proper to give praise to Almighty God for blessing the Saint Agnes' Episcopal Church with the longevity of leadership through Reverend Barry. His service to his Congregation and to all those who seek comfort and solace in its Church sanctuary leaves an everlasting mark.

Today, I honor Reverend Barry for the years of dedication and commitment to his church and the community.

## A TRIBUTE TO THE GUARDSMEN OF COAST AIR STATION ELIZABETH CITY SEARCH AND RESCUE

### HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. BUTTERFIELD. Madam Speaker, it is with tremendous pride that I rise today to pay a sincere tribute to the Search and Rescue Team of Lieutenant Marc Tunstall, Ensign Jason Evans, Petty Officer 2nd Class Mike Ackermann and Petty Officer 3rd Class Steven Acuna. These men of Coast Guard Air Station Elizabeth City rescued a downed Navy fighter pilot from the Atlantic Ocean this past Thursday.

At 6 p.m. on October 11, 2007, Lt. Marc Tunstall and Ensign Jason Evans, pilot and co-pilot of a Coast Guard HH–60 Jayhawk helicopter found the downed F/A–18 Hornet nearly 80 miles off Cape Henry, Virginia. Rescue swimmer Petty Officer 2nd Class Mike Ackermann was dispatched to retrieve the pilot from the ocean, whereupon the rescued pilot was hoisted in the helicopter by flight mechanic Petty Officer 3rd Class Steven Acuna. The rescued pilot was transported to Sentara Norfolk General Hospital where he is in stable condition, with only minor injuries from the crash.

Madam Speaker, this successful rescue is one of nearly 360 search and rescue missions executed every year by the men and women of Coast Guard Air Station Elizabeth City. In the last 60 years, the Air Station has rescued or assisted over 10,000 people. I am proud that Coast Guard Air Station Elizabeth City is located in my district, and more proud of the exemplary work and bravery exhibited by the men and women who save hundreds of lives each year. I ask my colleagues to join me in paying tribute to the commendable work of Lt. Tunstall, Ensign Evans, Petty Officer 2nd Class Ackermann and Petty Officer 3rd Class Acuna.

## TRIBUTE TO MAXINE PIERCE FROST

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California has been exceptional. The Riverside educational community has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent for the betterment of our children. Maxine Frost is one of these individuals. On December 8, 2007, Maxine will be honored at a retirement dinner after serving 40 years as a member of the Riverside Unified School District Board of Education.

Mrs. Maxine Frost graduated from Stanford University with a bachelor's degree in history and has been a resident and active member of the Riverside community since 1958. Mrs. Frost's interest in education began with her involvement in the education of her children. She was an active mother who served on various school committees. In 1967, the President of the Riverside Unified School District Board of Education selected Maxine to fill a vacancy on the Board of Education. During her tenure, Mrs. Frost witnessed history including the desegregation of the Riverside school district. Maxine went on to serve on the California School Boards Association and in

1981 she was elected President of the organization.

During her tenure on the Board, Maxine has been elected by her fellow board members to serve as board president, vice-president and clerk. One of Maxine's many success stories is the creation and development of the AVID program: Achievement Via Individual Determination. AVID offers average students the opportunity to take college prep classes while teaching them study techniques and teamwork.

Mrs. Frost's involvement in the community is not limited to education; she has also dedicated her time to many other organizations that improve our quality of life including the Riverside Art Alliance, Junior League of Riverside, League of Women Voters and the National Charity League. One reflection of Maxine's many contributions to the community are the countless awards and honors she has received over the years. Recently the Riverside Unified School District Board of Education voted to name a school after Maxine, a vote which required the Board to make an exception to its policy which requires that a person be deceased for two years before a facility can be designated.

Mrs. Maxine Frost's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. She has been the heart and soul of the Riverside Unified School District Board of Education and many other community organizations. I am proud to call Maxine a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she retires.

## INDIA IS A DEFICIENT DEMOCRACY

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. BURTON of Indiana. Madam Speaker, I was extremely disappointed today to see the Human Rights Watch had to issue a statement calling on the Government of India to finally take concrete steps to hold accountable members of its security forces who killed, "disappeared," and tortured thousands of Sikhs during its military campaign in the Punjab. I was disappointed because India should already be doing this. I was disappointed because this call to action is simply further proof that India—which prides itself on being the world's most populous democracy—is in reality a highly deficient democracy; and that it has yet to do what it legally and morally must do; which is to clean up its atrocious human rights record.

The massive human rights violations of the Indian Government have been well documented. In fact, according to the Department of State's 2006 Human Rights Report for India: "Major problems included extrajudicial killings of persons in custody, disappearances, torture and rape by police and security forces. The lack of accountability permeated the government and security forces, creating an atmosphere in which human rights violations often went unpunished. Although the country has numerous laws protecting human rights, enforcement was lax and convictions were rare." Again, these are not my words; this is from the State Department's official report on Human Rights.

Although relations between India and the United States have been rocky in the past, since 2004 Washington and New Delhi have been pursuing a "strategic partnership" based on shared values such as democracy, multiculturalism, and rule of law. In addition, numerous economic, security and globally focused initiatives, including plans for "full civilian nuclear energy cooperation," are currently underway. I support these initiatives but I remain deeply concerned about the numerous serious problems that remain when it comes to India's respect for the rights of all of her citizens.

Madam Speaker, I ask unanimous consent to place a copy of the Human Rights press release into the RECORD at this time. I urge my colleagues to read it and remember it and as the United States and India move towards greater cooperation in numerous endeavors to insist that India live up to its moniker and adhere to the full expression of democracy and basic human rights; especially for members of ethnic or religious minorities.

INDIA: TIME TO DELIVER JUSTICE FOR ATROCITIES IN PUNJAB

DELHI.—The Indian government must take concrete steps to hold accountable members of its security forces who killed, "disappeared," and tortured thousands of Sikhs during its counterinsurgency campaign in the Punjab, Human Rights Watch and Ensaaf said in a new report released today.

In order to end the institutional defects that foster impunity in Punjab and elsewhere in the country, the government should take new legal and practical steps, including the establishment of a commission of inquiry, a special prosecutor's office, and an extensive reparations program.

The 123-page report, "Protecting the Killers: A Policy of Impunity in Punjab, India," examines the challenges faced by victims and their relatives in pursuing legal avenues for accountability for the human rights abuses perpetrated during the government's counterinsurgency campaign. The report describes the impunity enjoyed by officials responsible for violations and the near total failure of India's judicial and state institutions, from the National Human Rights Commission to the Central Bureau of Investigation (CBI), to provide justice for victims' families.

Beginning in the 1980s, Sikh separatists in Punjab committed serious human rights abuses, including the massacre of civilians, attacks upon Hindu minorities in the state, and indiscriminate bomb attacks in crowded places. In its counterinsurgency operations in Punjab from 1984 to 1995. Indian security forces committed serious human rights abuses against tens of thousands of Sikhs. None of the key architects of this counterinsurgency strategy who bear substantial responsibility for these atrocities have been brought to justice.

"Impunity in India has been rampant in Punjab, where security forces committed large-scale human rights violations without any accountability," said Brad Adams, Asia director at Human Rights Watch. "No one disputes that the militants were guilty of numerous human rights abuses, but the government should have acted within the law instead of sanctioning the killing, 'disappearance,' and torture of individuals accused of supporting the militants."

A key case discussed in detail in the report is the Punjab "mass cremations case," in which the security services are implicated in thousands of killings and secret cremations throughout Punjab to hide the evidence of wrongdoing. The case is currently before the National Human Rights Commission, a body specially empowered by the Supreme Court to address this case. However, the commission has narrowed its efforts to merely establishing the identity of the individuals who were secretly cremated in three crematoria in just one district of Punjab. It has rejected cases from other districts and has ignored the intentional violations of human rights perpetrated by India's security forces. For more than a decade, the commission has failed to independently investigate a single case and explicitly refuses to identify any responsible officials.

"The National Human Rights Commission has inexplicably failed in its duties to investigate and establish exactly what happened in Punjab," said Adams. "We still hold out hope that it will change course and bring justice to victims and their families."

The report discusses the case of Jaswant Singh Khalra, a leading human rights defender in Punjab who was abducted and then murdered in October 1995 by government officials after being held in illegal detention for almost two months. Despite credible eyewitness testimony that police chief KPS Gill was directly involved in interrogating Khalra in illegal detention just days prior to Khalra's murder, the Central Bureau of Investigation has thus far refused to investigate or prosecute Gill. In September 2006, Khalra's widow, Paramjit Kaur, filed a petition in the Punjab & Haryana High Court calling on the CBI to take action against Gill. More than a year later, she is still waiting for a hearing on the merits.

"Delivering justice in Punjab could set precedents throughout India for the redress of mass state crimes and superior responsibility," said Jaskaran Kaur, co-director of Ensaaf. "Indians and the rest of the world are watching to see if the current Indian government can muster the political will to do the right thing. It if fails, then the only conclusion that can be reached is that the state's institutions cannot or will not take on the security establishment. This has grave implications for Indian democracy."

Victims and their families seeking justice face severe challenges, including prolonged trials, biased prosecutors, an unresponsive judiciary, police intimidation and harassment of witnesses, and the failure to charge senior government officials despite evidence of their role in the abuses.

Tarloehan Singh described the hurdles he has faced in his now 18-year struggle before Indian courts for justice for the killing of his son, Kulwinder Singh:

"I used to receive threatening phone calls. The caller would say that they had killed thousands of boys and thrown them into canals, and they would also do that to Kulwinder Singh's wife, kid, or me and my wife . . .

"The trial has been proceeding . . . with very little evidence being recorded at each hearing, and with two to three months between hearings. During this time, key witnesses have died."

After Mohinder Singh's son Jugraj Singh was killed in an alleged faked armed encounter between security forces and separatists in January 1995, he pursued numerous avenues of justice. He brought his case before the Punjab & Haryana High Court and the CBI Special Court, but no police officer was charged. A CBI investigation found that Jugraj Singh had been killed and cremated by the police. However, 11 years and a few inquiry reports later, the CBI court ended Mohinder Singh's pursuit for accountability by dismissing his case in 2006. Mohinder Singh describes his interactions with the CBI:

"On one occasion when [the officer] from the CBI came to my house, he told me that I wasn't going to get anything out of this. Not justice and not even compensation. He further said that: 'I see you running around pursuing your case. But you shouldn't get into a confrontation with the police. You have to live here and they can pick you up at any time.' He was indirectly threatening me."

Human Rights Watch and Ensaaf expressed concern that the Indian government continues to cite the counterinsurgency operations in Punjab as a model for preserving national integrity.

"The government's illegal and inhuman policies in the name of security have allowed a culture of impunity to prevail that has brutalized its police and security forces," said Kaur.

The report suggests a comprehensive framework to address the institutionalized impunity that has prevented accountability in Punjab. The detailed recommendations include establishing a commission of inquiry, a special prosecutor's office, and an extensive reparations program.

"The Indian government needs to send a clear message to its security services, courts, prosecutors, and civil servants that it neither tolerates nor condones gross human rights violations under any circumstances," said Adams. "This requires a comprehensive and credible process of accountability that delivers truth, justice, and reparations to its victims, who demand nothing more than their rights guaranteed by India's constitution and international law."

## HONORING ROBERT C. THOMPSON

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. WOLF. Madam Speaker, I want to call to the attention of the House the outstanding public service of Robert C. Thompson of McLean, Virginia, in my congressional district, as he prepares to retire this month.

Mr. Thompson has contributed more than 30 years of public service to our Nation, most recently as Deputy Director for Management and Administration of the Naval Criminal Investigative Service, which he helped completely restructure from the ground up following 9/11. He has proven himself a pioneering, tireless leader in the Navy's efforts to combat terrorism around the globe.

Robert Thompson began his career in the Army, where he saw armed conflict in Vietnam, and was stationed in the Republic of Korea and stateside. After leaving the Army, Mr. Thompson joined the Naval Investigative Service as a special agent in 1976, where he quickly made a name for himself in counterintelligence. He was selected to head counterintelligence operations for the Navy in 1984, and was awarded the National Intelligence Medal of Achievement in December 1990.

In 1994, Mr. Thompson was detailed to the National Security Council, where he helped build the foundation of U.S. counterintelligence strategy. His contributions to this effort permanently improved this Nation's efforts in combating terrorism. During a later tenure as Acting Director of the National Counterintelligence Center, Mr. Thompson was entrusted with performing several high-profile damage assessments on the impact of espionage and security breaches of the highest order of importance to the U.S. government. His exemplary service was recognized with the National Intelligence Distinguished Service Medal, the highest award bestowed by the U.S. Intelligence Community, in November 2001.

In retirement, Mr. Thompson looks forward to traveling with his wife, Betty Ann, and enjoying the outdoors with his family. His son, Robert, is currently on his second tour with the Virginia National Guard in the Middle East.

I am proud to call attention to Mr. Thompson's dedication. I congratulate Mr. Thompson on his exceptional performance, leadership, and unfailing commitment to his country. The contributions he has made to the intelligence community will serve as a strong foundation for future success in the global war on terror for years to come.

## A TRIBUTE TO MRS. HAZEL BALDWIN FORBES

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Mrs. Hazel Baldwin Forbes. Hazel is a native of Lake Waccamaw, North Carolina and the daughter of Colene M. Baldwin Stanley and Prince Baldwin. She showed a genuine interest and aptitude for music at an early age. She first studied piano under the tutelage of Mrs. Tabitha Thompson from age seven through high school. At the age of 15, she became solely responsible for directing the senior choir at the Little Wheel of Hope Baptist Church in Lake Waccamaw. During her years as a teen musical prodigy, she was in great demand for performances at weddings, funerals, concerts, recitals and as an accompanist for soloists and vocalists.

Upon Hazel's admission to Shaw University, she auditioned and was selected as a pianist and accompanist for the University Chorale Society under the direction of Professor Harry GilSmyth. Holding a double major in English and Music, she graduated from Shaw University with a Bachelor of Arts Degree. She subsequently earned a Master's of Social Work Degree from Virginia Commonwealth University in Richmond.

For more than 30 years, Hazel served as a Clinical Social Worker. Her practice includes work with adolescent girls, families, couples, parents and children; individuals living with mental illness, abuse, neglect, fears, and violence that interfere with meaningful relationships and a positive sense of self. Hazel now focuses her practice on providing clinical supervision and coaching to psychiatrists, nurses, other clinical social workers, and case managers.

Though Hazel remained true to her trade, she never lost her passion for music. She found time to keep active in a variety of musical interests. She has served choirs as their directress and accompanist for more than 25 years in New York City, Richmond, Virginia, and Raleigh, North Carolina. In New York, she was employed as a music instructor at Bedford Stuyvesant's Junior High School 35. She also served for a number of years on the faculty of the Hampton Ministers' Conference and Organist and Musicians Guild and most recently as Directress of the Adult Choir at Christian Faith Baptist Church from which she is now retiring.

Madam Speaker, I would like to recognize the impressive achievements of Hazel Baldwin Forbes and her commitment as a social worker and a gifted musician. I also want to thank and applaud Mrs. Forbes for sharing that gift with the rest of us.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful, caring and talented woman.

## PERSONAL EXPLANATION

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. SHERMAN. Madam Speaker, because I was unavoidably detained, I was not able to vote on passage of H.R. 2102 (rollcall No. 973). Had I been present for the vote, I would have voted "yea."

## 35TH ANNIVERSARY OF THE CLEAN WATER ACT

### HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. WU. Madam Speaker, I rise today in recognition of the 35th anniversary of the passing of one of the most important laws in this country: the Clean Water Act.

The Clean Water Act is a keystone law for the protection of our Nation's waters. This law ensures water quality for a healthy environment, the vitality of plant and animal species and most notably, it is fundamental to public health and our survival.

Two-thirds of cities in the United States draw their water from rivers, and our health relies on the health of the rivers. An entire generation has grown up in this country taking for granted the cleanliness of our Nation's waters. For us, it has been as easy as turning on the faucet for a glass of clean, safe drinking water. And I am confident that without the Clean Water Act, this would be in jeopardy.

The Clean Water Act, using both regulatory and non-regulatory tools, has reduced pollution in our waterways. The act established the basic structure for regulating pollutants and gave the Environmental Protection Agency the authority to implement pollution control programs. The act brought us water quality standards and made it unlawful for any person to discharge any pollutant into navigable waters at any time.

My home State of Oregon has worked hard to do its part in solving its water pollution problems, and no city has done more to advance innovative strategies to mitigate storm water run-off pollution than Portland, Oregon. Run-off is a serious threat to our water quality. In fact, runoff from roads is responsible for 80 percent of the degradation of the Nation's surface water.

Portland has been making an extraordinary investment toward a comprehensive Greenstreets Implementation Program that will reduce impervious surfaces, treat and filter storm water at its source, reduce demands on the city's collection system, support regulatory compliance and enhance watershed health. In short, greenstreets filter storm water before the water soaks into the ground, pours into a river or ends up in the sewer system. The city of Portland estimates that its green street projects reduce pollution in runoff by up to 90 percent.

Greenstreets also save money for sewer ratepayers and taxpayers. According to the city of Portland, traditional pipe and stormwater disposal systems can cost up to twice as much as green streets. What more could you ask for: Safe drinking water and clean rivers, at less cost to the taxpayer.

Portland is a national leader in this and will continue to be a laboratory for techniques that other jurisdictions can use to meet regulations of the Clean Water Act. It is through these innovative technologies and techniques that the Clean Water Act will continue to meet its mission to provide the public with safe, clean drinking water.

## ON H.R. 3580

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. KUCINICH. Madam Speaker, I opposed H.R. 3580, a bill to reauthorize the Prescription Drug User Fee Act (PDUFA), because it failed to address the fundamental drivers of the high cost of pharmaceuticals, the pharmaceutical industry's deplorable safety record, and their lack of accountability.

The bill ignores the single biggest conflict of interest at the FDA. The pharmaceutical industry pays hundreds of millions of dollars every year to the Food and Drug Administration, which is tasked with regulating them. The result is that the FDA has a relationship with industry that treats them more like a customer than an entity in need of oversight and evaluation. A 2002 Government Accountability Office report found that "Our analysis of FDA data found that a higher percentage of drugs has been withdrawn from the market for safety-related reasons since PDUFA's enactment than prior to the law's enactment . . ." Furthermore, FDA staff morale has declined. The GAO found that "FDA's attrition rates for most of the scientific occupations involved in its drug review process are higher than those for comparable occupations in other federal public health agencies and the remainder of the federal government." A Consumer Reports poll in April 2007 found that 67% of customers "are concerned that much of the FDA's funding comes from the drug industry." This bill actually increases the amount the drug companies pay to the FDA. To ensure independence, the drug approval process should be funded by Congress.

Second, the bill passed on a rare opportunity to address ways in which the pharmaceutical industry makes profits at the expense of health. An early version of the bill gave the FDA authority to ban Direct to Consumer advertising for three years, a practice which has repeatedly proven to influence drug use based on reason other than the merits of the drug. This bill contained only authority to assess penalties which pale in comparison to the profit to be made from running the ads.

Another opportunity lost was to address the failure of the industry to put out new drugs that are substantially different from drugs that are already on the market, but which are less profitable because their patent monopolies are running out. Requiring clinical trials to compare new drugs not only to placebos but to existing drugs would, for the first time, give a clear indication of how useful the proposed drug is. It would also therefore provide a powerful incentive for the industry to focus its resources on truly innovative drugs instead of spending copiously on marketing to sell more profitable but less beneficial drugs. This bill gives lip service to these head-to-head trials when it should require them.

## IN HONOR OF THE 100TH ANNIVERSARY OF THE FOUNDING OF THE SOUTHWEST MUSEUM

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. BECERRA. Madam Speaker, it is with great pleasure and privilege that I rise today to pay tribute to the 100th anniversary of the founding of the Southwest Museum in Los Angeles, California. On October 21, 2007, community members and leaders throughout Los Angeles will gather at the Southwest Museum to celebrate the institution's 100 years of service, historical significance, and role as an educational pillar in the worldwide community.

The Southwest Museum is the second oldest museum west of the Mississippi River, and the first museum in Los Angeles. Initially located in the Hamburger Building at Eighth Street and Broadway in downtown Los Angeles, the Southwest Museum moved into its historic home above the Arroyo Seco in 1914, opening its doors to the public in August of that year. The beautiful Mission/Spanish Colonial Revival style building, designed by Sumner Hunt and Silas Bums, has stood as a cultural and educational landmark and destination in northeast Los Angeles since that time.

The Southwest Museum was established in 1907 by Charles Lummis and the Southwest Society, who originally conceived it as a museum of science, history, and art. By the 1920s, the mission of the Southwest Museum had narrowed to study the history and culture of America's indigenous peoples. Over the course of time, the Southwest Museum has assembled one of the world's largest and most important collections of Native American material, representing indigenous peoples, spanning the breadth of North America. Its 250,000 ethnographic, archaeological, and historic artifacts comprise one of the largest nongovernmental collections of this type.

On May 27, 2003, the Southwest Museum merged with the Autry Museum of Western Heritage to create the Autry National Center. Through conservation of the collections, work on rehabilitation of the historic building, and plans for exhibitions, as well as cultural and educational programming, the Autry National Center is working to secure a vibrant life for the Southwest Museum's next 100 years. I am pleased to serve as a charter member of The Southwest Society, a newly established group committed to restoring and revitalizing the Southwest Museum in the vision of its founder, Charles Lummis.

Through the years I have been fortunate to hold a number of community town hall meetings and art competition ceremonies at the Southwest Museum. Each time I visit this site, I am awestruck by the combination of the buildings' architecture, the natural oak tree-covered hillside, and the display of amazing artifacts—it really takes me back in time. When I go to the Southwest Museum, I find myself slowing down, and taking time to pause and wonder about eras and peoples past. We desperately need such historic treasures preserved in our communities and as part of The Southwest Society, I am committed to helping transform these preeminent historic resources into premiere cultural and educational destinations for even more Angelenos and visitors alike.

Madam Speaker, while I opened by highlighting the Southwest Museum's century-long service to the world wide community, I want to close by recognizing the nearby Northeast Los Angeles community neighbors' dedication and passion for the Southwest Museum. Many share an intense loyalty and kinship with this historic institution in their neighborhood. They've come to the museum as school children and then shared the displays with their own children. As these neighbors go about their daily errands, they gaze up to see the Southwest Museum's Caracol Tower understanding that this institution is part of their fabric of life. I know that many of these neighbors will be joining in this Sunday's celebration of the Southwest Museum's 100-year anniversary, and I also wish to salute them for their steadfast loyalty in seeking to preserve their wonderful neighbor.

## IN HONOR OF THE LIPPMAN FAMILY'S PUBLIC SERVICE TO NORTH JERSEY'S SENIOR CITIZENS

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to join the Jewish community of North Jersey in honoring an extraordinary family that has made giving back a multi-generational legacy.

This Sunday, October 21st, the Jewish Home Foundation of North Jersey will honor the Lippman Family of New Jersey for their intergenerational support for programs and services aiding thousands of Jewish seniors. Bill and Doris Lippman instilled strong values of community, compassion, and service in their children, who in turn have passed those very values onto their children. As a result, three generations of Lippman lineage have spent countless hours supporting their synagogues, local charitable organizations, and senior care programs. Though the family mourns the passing of their tremendous matriarch Doris, they carry on her legacy with respect and love for her memory.

In Hebrew, the word commonly referred to as the equivalent of the English charity is tzedakah. But, as scholars often point out, tzedakah goes far beyond the simple concept of benevolence and generosity; it implies an act of justice and righteousness. The Lippman Family has taken this concept even further, making the love of giving back to one's community a gift that is passed down from generation to generation.

As the Jewish Home Foundation celebrates the opening of its newest assisted living facility in River Vale, New Jersey and continues its notable tradition of caring at the facility in Rockleigh, I join them in saluting the tremendous public service of the Lippman Family whose generosity and support has made the Foundation's work possible.

## TRIBUTE TO LOUIS FINE

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. STUPAK. Madam Speaker, I rise today to pay tribute to a man who, throughout his life, exhibited leadership and dedication in serving the working men and women of the Upper Peninsula and our Nation. On Saturday, the men and women of Michigan's Upper Peninsula will honor Louis Fine by inducting him into the Upper Peninsula Labor Hall of Fame.

The organized labor movement enjoys a rich and storied history in Michigan's Upper Peninsula (U.P.). From the Copper Country mining strikes of 1913, which were immortalized in Woody Gutherie's 1913 Massacre, to the modern day, working men and women across the U.P. have a proud heritage of trade unionism. Likewise, throughout his life, Louis Fine exemplified that rich tradition, generously donating his personal time and effort to his local Union and to the Labor movement.

A member of the United Brotherhood of Carpenters and Joiners Local 598, Louis developed a reputation as someone always willing to go the extra mile and take on additional duties in support of his local union. Throughout his lifetime of union involvement, he served his union in many different capacities. He served as an Apprentice Instructor for carpenters and millwrights during the early 1990's. He was a delegate for his local Union to the Marquette County Labor Council, AFL–CIO. He also served as Treasurer and distinguished President of Local 958 for many years.

Louis was well respected and greatly loved, not only in the U.P. Labor movement, but in the greater Marquette community and, indeed, throughout much of the U.P. Beyond his work in the labor movement he was a dedicated community volunteer. Those who knew him best describe how he was always willing to give of himself to help others, never asking or expecting recognition for his selfless acts. Not only did he regularly volunteer for Labor causes and programs, but he often made time to help programs for the disadvantaged and other charitable causes.

Perhaps one of Louis' greatest accomplishments for the Labor movement was the revival of the Upper Peninsula Labor Day picnic, parade and program in the early 1990s. Louis is widely recognized as the driving force that helped to reinvigorate this annual celebration, which means so much to the working men and women of the U.P.

After a lifetime of hard work, Louis Fine passed away in 2003. He is survived by his loving wife of many years, Betty.

Madam Speaker, one of the titans of the American Labor movement, the head of the American Federation of Labor Samuel Gompers once called Labor Day, "[T]he day for which the toilers in past centuries looked forward when their rights and their wrongs would be discussed . . . that the workers of our day may not only lay down their tools of labor fore a holiday, but upon which they may touch shoulders in marching phalanx and feel the stronger for it.

Every year, as the working men and women of the U.P. march shoulder to shoulder, we remember and honor the sacrifices of our predecessors in the Labor movement. Henceforth, every Labor Day, as we remember our ancestors of the Labor movement, the working men and women of the U.P. will remember Mr. Louis Fine for bringing back the hallowed tradition of the annual U.P. Labor Day picnic and parade.

Madam Speaker, since 1993, outstanding labor leaders in northern Michigan have been honored with induction into the Upper Peninsula Labor Hall of Fame. The Hall of Fame is housed in the Superior Dome on the campus of Northern Michigan University in Marquette. Louis Fine is a deserving addition to this august group and, I salute his memory. I would ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in recognizing his many contributions to the Upper Peninsula Labor movement, his dedication to all working men and women, and his commitment to the Marquette and Upper Peninsula community.

## INTRODUCTION OF THE PARENTS' EMPOWERMENT ACT

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. HUNTER. Madam Speaker, today I am reintroducing a bill that is of extreme importance to our nation's parents and the future protection of their children: the Parents' Empowerment Act. As we all know, millions of children access the Internet and other interactive entertainment products each and every day. As this number increases, more and more of our nation's children are unexpectedly and tragically exposed to pornography and other indecent material. According to a study by Grunwald and Associates, 25 percent of American children have had at least one unwanted experience with on-line pornography. The Department of Justice, until the past few years, has not been prosecuting obscenity and child pornography cases.

The Parents' Empowerment Act is very simple. It allows the parent or legal guardian of a minor to sue, in a district court, any person who knowingly sells or distributes a product that contains material that is harmful to minors that:

1 . A reasonable person would expect a substantial number of minors be exposed to the material and;

2. As a result of exposure to such material, the minor in question suffers personal injury, or injury to their mental or moral welfare.

If the minor is the prevailing party, they will be awarded a minimum of $10,000 for each instance of damaging material. In addition, the court can order the minor's attorney fees to be covered and punitive damages to be awarded.

This bill establishes a new and appropriate test for what is obscene for a minor. Currently, the United States Supreme Court utilizes the "Miller Test" to determine if material can be labeled obscene and not protected by the First Amendment. The Parents' Empowerment Act builds upon the same test, but, in the case of minors, modifies the "third prong" of the test by requiring any material to "lack serious literary, artistic, political and scientific value for minors sufficient to overcome the pernicious effect of that material." In other words, what is obscene for an adult is entirely different than what should be considered obscene for a minor and, as a result, should be treated as such.

Madam Speaker, this legislation is a step in the right direction in providing parents with the resources they need for what is their number one priority, protecting their kids. I am proud to once again introduce the Parents' Empowerment Act and request my colleagues give this important legislation their utmost consideration.

## MEXICAN TRUCKS ON AMERICAN ROADS

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. BACA. Madam Speaker, I want to thank Congressman TIM RYAN and others for organizing a special order to discuss the dangers of allowing Mexican trucks on American roads.

I rise today because I am concerned that allowing Mexican trucks open access to American roads will threaten American wages and the safety on our highways.

There is no question that foreign competition from lower paid Mexican drivers will compromise the hard and dedicated fight by American workers.

American workers deserve fair wages for their hard work and Mexican workers should not be exploited either.

There are concerns about safety including whether Mexican trucks are safe and what allowing them on U.S. highways would do.

There is no question that road safety and vehicle standards in Mexico are not the same as what we require in the United States of America.

I believe that both the United States and Mexico should have a strong and healthy workforce but the U.S. worker should not be the compromise.

Let us protect the American worker and not compromise the safety and well-being of our children and families.

## HONORING THE TOP DOG ALUMNI

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate all of the Top Dog Award recipients from California State University, Fresno.

The Top Dog Awards is a great tradition for CSU Fresno. It allows the University to honor alumni that continue to give back to the University. There are three award categories; Distinguished Alumnus Award, Outstanding Alumni Awards and the Arthur Safstrom Service Award.

The Distinguished Alumnus Award is the highest honor given to an alumna of the University. The award is based on scholarship, leadership and service to CSU Fresno, the San Joaquin Valley and the State of California. It has been established to provide special recognition to an individual who has distinguished themselves through outstanding achievement during their post-collegiate career. The University President and the Alumni Association present the award.

For 2007 the Distinguished Alumnus Award is being awarded to Larry Dickenson, class of 1965. Mr. Dickenson is Boeing Company's Commercial Airplanes Group Senior Vice President of Sales. He was raised in Bakersfield, California and graduated from CSU Fresno with a Bachelor's Degree in Business Administration. From there he has worked with McDonnell Douglas Corporation, Texas Air Corporation and began his career with Boeing in 1986 as the Vice President of Asia/Pacific for the Commercial Airplanes Group. Mr. Dickenson has won major contracts that have helped to assure the launch of Boeing's 787 Dreamliner passenger aircraft. He also helped Boeing consolidate sales of cargo jets in the Pacific Rim market and interest airlines in the company's more efficient new 747–8 jumbo jetliners. Mr. Dickenson was named as one of "World Trade's 25 Most Influential U.S. Global Visionaries" in the June 1997 issue of World Trade magazine, and was featured in Investor's Business Daily in the "Leaders and Success" column. With all of this success, Mr. Dickenson still finds the time to be active in service to CSU Fresno by serving on several boards, including the National Board of Visitors.

The Outstanding Alumni Awards recognizes a CSU Fresno alumna for outstanding accomplishments in their field and to present such alumni to current CSU Fresno students as examples of exceptional achievement. The Alumni Association works in conjunction with the deans of CSU Fresno's eight schools/colleges, as well as the dean of student affairs and the athletic director to identify and select candidates for the awards.

This year there are fourteen Outstanding Alumni Awards from the various schools, colleges and divisions. The honorees are:

Rod Kraft (class of 1977) from the Athletics Department, football. Mr. Kraft is a family and sports medicine physician, practicing in Fresno. He has assisted CSU Fresno student-athletes for numerous years.

Ernest A. Bedrosian (class of 1955), Krikor Y. Bedrosian (class of 1957) and J. Kenneth Bedrosian (class of 1967) from the College of Agricultural Sciences and Technology. The brothers are partners and leaders in the raisin industry.

John E. Horstmann (class of 1958) from the Craig School of Business. Mr. Horstmann is president of Horstmann Financial and Insurance Services in Fresno. He has been an agent of New York Life Insurance Company for almost 50 years.

James Finley (class of 1974) from the Division of Graduate Studies. Mr. Finley works the U.S. Department of Defense as the deputy undersecretary for acquisition and technology.

Larry Powell (class of 1971) from the Kremen School of Education and Human Development. Mr. Powell was elected to the Fresno County Superintendent of Schools is 2006 and has also served on numerous advisory boards for CSU Fresno.

Charles "Frank" Markarian (class of 1962) from the College of Engineering. Mr. Markarian has worked in assessment and development of advanced technologies for air-launched weapons. He was awarded the U.S. Navy's highest award for civilian service.

Dr. Bette Rusk Keltner (class of 1972 and 1974) from the College of Health and Human Services. Dr. Keltner is the Dean of the School of Nursing and Health Studies at Georgetown University.

Dr. Marlene Dong Wong (class of 1969) from the Henry Madden Library. Dr. Wong is the Director of Crisis Counseling and Intervention Services for the Los Angeles Unified School District and is considered to be an expert on school safety programs.

Dr. Joan Otomo-Corgel (class of 1972) from the College of Science and Mathematics. Dr. Otomo-Corgel is a former CSU trustee who is a dentist and a UCLA adjunct professor. She serves on the CSU Fresno National Board of Visitors.

Steve Magarian (class of 1972 and 1974) from the College of Social Sciences. Mr. Magarian is a former Fresno County sheriff.

Gerald Tahajian (class of 1963) from the Division of Student Affairs. Mr. Tahajian was a CSU Fresno student body president and is now a prominent lawyer.

The third award, the Arthur Safstrom Service Award, is awarded to an alumna or friend of CSU Fresno who has given outstanding service to the Alumni Association and/or the University. This year the award is presented to Rosellen Kershaw (class of 1947), whose volunteer services and financial support has benefited numerous community organizations, including the University.

Madam Speaker, I rise today to commend and congratulate all of the Top Dog Award recipients for their individual contributions. I invite my colleagues to join me in wishing the honorees many years of continual success.

## IN RECOGNITION OF THE RETIREMENT OF DR. BETTY CLECKLEY AND HER YEARS OF SERVICE TO MARSHALL UNIVERSITY

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. RAHALL. Madam Speaker, I rise today to recognize Dr. Betty Cleckley, a dedicated educator for her 17 years of service and leadership to Marshall University. She has been at Marshall since 1989 when she accepted the new position of Vice President for Multicultural Affairs in Huntington, West Virginia. For her years of service to the students, faculty and staff of Marshall University and the community of Huntington I offer my deepest thanks and gratitude.

A native West Virginian, Dr. Cleckley graduated from Douglass High School before going on to earn a Bachelor of Science degree from Marquette University, a Master of Social Science degree from Smith College, A Ph.D. degree from Brandeis University and a post doctoral certificate in Higher Education Management from Harvard University.

Before working at Marshall, Dr. Cleckley held a number of administrative and teaching positions in the health and higher education fields. She was Associate Dean and Associate Professor of the School of Social Work at the University of Tennessee, Knoxville; Assistant Vice President of Academic Affairs, Interim Vice President of Institutional Advancement and Executive Assistant to the President and Coordinator of Meharry's Centers of Excellence at Meharry Medical College, Nashville, Tennessee. She also served as the Director of the Black College Initiative at the Agency on Alcohol, Drug Abuse, and Mental Health Administration in Washington, DC.

In 1989, when Dr. Cleckley returned to Huntington, she did so with dreams of making a difference in her hometown community. The Harmony Institute at Marshall University was one of the many dreams she was able to realize during her tenure. The institute was conceived in 1997 with the mission to actively promote an appreciation for human and civil rights, social justice and racial harmony among students, administrators, faculty and staff, as well as among residents of surrounding communities so that they may have a global impact on achieving racial equality in this rapidly changing multicultural society. Over the years, the Harmony Institute has continued to fulfill that multicultural mission through community engagement and scholarly developments.

During her time at Marshall, she has been an active member of the community and has been honored many times over for her hard work and dedication. Dr. Cleckley served on the State of West Virginia Human Rights Commission and currently serves on the Martin Luther King, Jr. State of West Virginia Holiday Commission, Cabell Huntington Hospital Foundation and the Center for Aging and Health Care in West Virginia, Ins. She is also a life member of the National Association for the Advancement of Colored People.

Some of the many honors she has received are: "The WV Civil Rights Award" from the Governor of West Virginia in 2003, the "Celebrate Women Award in Education" award by the West Virginia's Women Commission in 2003 and the "Betty Jane Cleckley Minority Research Award" which was established by the American Public Health Association and recognizes research on minority health issues, particularly among the elderly.

In her poem, "Still I Rise", poet and educator Maya Angelou writes:

Just like moons and like suns,
With the certainty of tides,
Just like hopes springing high,
Still I'll rise.

Time and again, Dr. Betty Cleckley has proven her ability to rise up and take on new challenges. Her time at Marshall has left an indelible footprint and a legacy that will be a hard act to follow. I wish Dr. Cleckley my best in all of her future endeavors and know that whatever new tasks she decides to take on, she will as always rise to the challenge.

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## PERSONAL EXPLANATION

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Ms. MATSUI. Madam Speaker, I was unavoidably detained on Wednesday afternoon, October 17, 2007 and missed 2 votes. Please note in the appropriate place in the CONGRESSIONAL RECORD that had I been present, I would have voted as noted below: Rollcall vote 979 nay; Rollcall vote 980 yea.

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## A MAN OF HONOR, A LIFE OF VALOR (CAPTAIN RICHARD MACON)

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. CONYERS. Madam Speaker, I rise today to pay homage to a great American. CPT Richard Macon was not only a hero to this country, but an example of how true tenacity can overcome any obstacle. Richard Macon, a prestigious Tuskegee Airmen and one of this country's most skilled pilots, taught us that determination and commitment have the ability to help one achieve his/her dreams. Captain Macon also taught us that even the ugly head of discrimination and institutional racism cannot suppress the enduring American spirit which keeps this country a leader in the world.

Macon, with a bachelor's degree in mathematics, joined the Army Air Forces in 1943 and graduated from the segregated flying school for black airmen at Tuskegee, AL, to become a fighter pilot. Lt. Macon served as a replacement pilot with the 99th Fighter Squadron and had 16 successful missions to his credit. On August 12, 1944, he was strafing ground targets over southern France when his P–51 Mustang was hit by ground fire while escorting bombers over a German radar station. His plane was flipped upside down at treetop level and the right wing separated. Macon learned that his plane had crashed into a building used by the Germans as a headquarters, killing 40 German officers and soldiers. Macon's neck was broken and the lower part of his body was temporarily paralyzed. Narrowly missing being shot by a firing squad, he became a war prisoner for more than 9 months. Captain Macon is quoted as saying, "It was the greatest feeling in the world, seeing them tear down the swastika and raising the stars and stripes." That feeling was tempered when he returned home on a troop ship at Boston Harbor. There he was greeted by the grim reality that African Americans still had a long way to go. At the end of the gangplank were 2 directional signs: White go this way and colored go this way," he said. "Uh huh, the war is just starting." Captain Macon's decorations include the Air Medal, Presidential Citation and Purple Heart. He retired with the rank of Captain.

Macon's life itself is a lesson in how to succeed but Richard Macon's desire to teach others led him to acquire a master's degree and join the ranks of public education, teaching at the high school level at Northern High School and progressing to the level of principal and personnel administration in his later years. He was a truly caring person who enjoyed helping others and believed in education as a means of bettering oneself. We will remember him as an officer, a gentleman, a teacher, and a leader amongst men of greatness.

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## RECOGNIZING THE 130TH ANNIVERSARY OF THE CITY OF BAKERSFIELD FIRE DEPARTMENT

### HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. McCARTHY of California. Madam Speaker, I along with my colleague Congressman COSTA, would like to recognize the City of Bakersfield Fire Department on 130 years of excellent service to the residents of Bakersfield, Kern County, and the surrounding area in the Central Valley of California. Congressman COSTA and I both represent the City of Bakersfield and are extremely supportive and proud of the Bakersfield Fire Department.

In 1868, Colonel Thomas Baker moved into the Central Valley and settled near the present-day intersection of Truxtun Avenue and R Street. Recognized as a good neighbor, Colonel Baker would help people fight fires using buckets, a hand-drawn hook and ladder truck, and several hand-drawn two wheeled hose carts.

In 1877, the City of Bakersfield Fire Department was officially formed, relying first on hand-drawn and eventually on horse-drawn carts. Today, the Bakersfield Fire Department consists of 13 fire stations, uses modern equipment and has 13 engine companies. The department employs 183 professionally trained and sworn firefighters and 25 dedicated civilians. In fact, the Central Fire Station, which was constructed in 1939, is still in operation today.

What started in 1877 as a group of residents who wanted to keep their developing town safe from fires is now a professional, disciplined, and elite force that serves and protects more than 300,000 people and has a primary jurisdiction of more than 83,000 acres. In addition to its primary responsibilities in Bakersfield, the Fire Department also provides support services to neighboring jurisdictions in the event of natural disasters, forest fires, and other emergencies.

My family and I have a history fighting fires in the area. My father, Owen, was an Assistant Chief for the Bakersfield Fire Department. My uncle, Tom, was the Chief of the Kern County Fire Department. Like my uncle, I also worked for the Kern County Fire Department as a Seasonal Firefighter.

For well over a century, the City of Bakersfield Fire Department has been fighting the area's fires, earning these firefighter professionals the respect and admiration of a grateful community. It is a singular person who races into burning buildings at risk of life and limb to save the lives of fellow human beings, and to drive with sirens wailing towards disaster areas to provide vital emergency and recovery services, when others are evacuating. Congressman COSTA and I are fortunate that the City that we both represent is protected by our brave firefighters. The Bakersfield Fire Department, through the service of its current and former employees, has exemplified dedication to service in the Bakersfield area for the past 130 years. I am honored to recognize the Bakersfield Fire Department's 130th Anniversary.

## PERSONAL EXPLANATION

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, due to the death of my mother, I was unable to be present for rollcall votes 961–979 on Monday, October 5 through Thursday, October 18, 2007. I would like the RECORD to reflect that had I been present, I would have voted in the following manner:

"Yea" on rollcall votes 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 973, 974, 975, 976, 977, 978, 980, 981, 982; and

"Nay" on rollcall votes 972, 979.

## IN HONOR OF A YOUNG HERO, JAZMYNE ROBINSON

### HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in recognition of a special young hero in my district.

Jazmyne Robinson is only nine years old, yet when she found her two year old brother floating face down in the family swimming pool, she had the presence of mind to call her father for help and then immediately dial 911. Keeping her composure, she gave her address to the operator and remained on the phone until help arrived.

The unconscious two year old was rushed to Joe DiMaggio Children's Hospital at Memorial Regional Hospital in Hollywood, where he made a full recovery after one month in a coma.

It is important that Jazmyne is recognized not only for her heroism, but so that her lifesaving actions can set an example for others. Touched by Jazmyne's heroic deed, and her baby brother's miraculous recovery, the Baby Otter Swim School in Fort Lauderdale presented the family with a gift package of free swim lessons and two water safety DVD's. The surviving toddler is no longer afraid of the water and loves to swim.

Unfortunately, not every story has a happy ending. The Center for Disease Control estimates that nine people die every day due to unintentional drowning. It is the second leading cause of death for children ages one to fourteen, and in California, Arizona and Florida, it is the number one cause of death in children under five.

The importance of drowning prevention and swimming pool safety cannot be emphasized enough. We must all work together to dramatically lower the drowning statistics in the United States and around the world. Jazmyne Robinson is an example that no one is too young or too small to benefit from pool safety and drowning education. Her heroic efforts were rewarded with a medal of honor from the Baby Otter Swim School at a ceremony with the Pembroke Pines Mayor and Broward County Commissioners.

Last week, the House of Representatives passed H.R. 1721, The Virginia Graeme Baker Pool and Spa Safety Act, a bill that I sponsored which seeks to prevent incidents like the one that would have taken the life of Jazmyne's brother had it not been for her heroism. Our nation is touched by Jazmyne's courage and fast action.

## THE U.S. INSTITUTE OF PEACE, USIP

### HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. INSLEE. Madam Speaker, 40 years ago, U.S. Senator Vance Hartke envisioned the creation of the U.S. Institute of Peace, USIP. Now, the realization of his dream is taking shape. We have broken ground on a new building to house the USIP on the consecrated ground of the National Mall in the Nation's capital between the Lincoln Memorial and the Kennedy Center. Senator Hartke's dream truly is a manifestation of the most ancient and ageless dream of humanity—enduring peace on earth. "I have the unshakeable conviction," Senator Hartke declared when he introduced the legislation, "that we will have it within our power and capacity not only to end the Vietnam War, but the syndrome of war itself."

This center is not the only mark on democracy he has left behind. His son Jan continues to help shape the country in the finest tradition of his father in many matters, including efforts to stop global warming, itself a threat to long-term peace.

The USIP will not be a monument to an individual nor a memorial to a significant event in our Nation's past; instead, it will be a building dedicated to an idea and the future of all people. It will be a working building where scholars with different disciplines can sift through the dynamics of war and peace and gain insights that can help America and the world avoid unnecessary or accidental conflicts and wars. With its large auditorium, it will be a place where heads of state from many different lands and cultures will be able to address their own strategies for peace. Most of all, it will be a place that illuminates and advances the greatest ideal of all. For without peace, all our other cherished causes and values cannot prevail.

The idea for the USIP arose during the Vietnam war, when Senator Hartke had just broken with his close friend, President Johnson. Even though Senator Hartke opposed the war because he believed it was morally indefensible and financially antithetical to the goals of the Great Society, President Johnson interpreted dissent as disloyalty to him and his administration. At that point, Senator Hartke realized that something was missing in the Nation's decision-making apparatus on the great issues of war and peace. Senator Hartke's son Jan remembers, "Late at night, Dad would be sitting in his chair, reading stacks of books about the causes of past wars. He was appalled at how many wars could have been avoided, reduced in their severity or shortened. He concluded that America needed a non-partisan voice with analytical depth and institutional heft whose sold mandate was to make the case for peace, especially when the drums of war beat the loudest." Senator Hartke saw the USIP as a trusted, convincing and unequivocal voice for peace that could speak to the President, the Congress and the people.

Senator Hartke knew the terrible costs of war, having served with both his brothers in WWII. He passed legislation to create the Veterans' Affairs Committee in the U.S. Senate. He wrote the law to establish the Business People's Peace Corps and the International Executive Service Corps, to address the root causes of war. Along with USIP, he also introduced legislation to create a cabinet-level Department of Peace.

Senator Hartke's challenging and prophetic words still ring true today, "The attainment of a just and lasting peace will be the supreme moral achievement of civilization. Yet it will not be won by the cynics or the naysayers, nor by those who are afraid of ridicule for being perceived as soft or utopian, nor by those lacking infinite patience or resolve. The victory of world peace will be won by those hearts and minds that never give up on the noblest quest of them all. For in the end, it is the dreamer who is the greatest realist."

Senator Hartke's dedication to peace was recognized widely. His widow, Martha, recalls, "After Vance passed away in 2003, his friend President Clinton called my son and told him, 'When I came to work in the Senate as a young man, I saw your father as a shining star because of his principled opposition to the Vietnam War.'" Through the work of the U.S. Institute of Peace, Senator Hartke's star need not fade, but will continue to shed light on the path to peace.

## CONGRATULATING DR. SCOTT RANSOM

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. BURGESS. Madam Speaker, I rise today to congratulate Dr. Scott Ransom for becoming the fifth president of the University of North Texas Health Science Center in Fort Worth, Texas in August of 2006.

Prior to his Presidency at the University of North Texas Health Science Center, Dr. Ransom served as the executive director of the Program for Healthcare Improvement and Leadership Development at the University of Michigan at Ann Arbor. He was also director of Women's Health and Gynecology at the Ann Arbor VA Medical Center. Dr. Ransom has served as the Senior Vice President and Senior Quality Officer at the Detroit Medical Center, as well as the Medical Director and OB/GYN Head at the Henry Ford Health System in Detroit.

Since 2003, Dr. Ransom has led research and consulting teams that focus on improving health care delivery, women's health, leadership development and performance improvements. He has also led research in health disparities, including infant mortality, an issue that is very important to my district.

His efforts have garnered significant funding from reputable organizations such as the National Institutes of Health and the National Science Foundation.

Dr. Ransom has a master of business association degree from the University of Michigan at Ann Arbor, and a doctor of osteopathic medicine degree from the University of Health Sciences' College of Osteopathic Medicine in Kansas City. He is involved with such organizations as the American College of Healthcare Executives, the American College of Physician Executives, the American College of Surgeons, and the American College of Obstetrics and Gynecology. He has published over 100 articles and seven books related to clinical improvement.

The North Texas region is truly fortunate to have the type of dedicated medical professional that Dr. Scott Ransom personifies, and I wish him every success during his tenure as president at the University of North Texas Health Science Center.

## HONORING CADET COLONEL DANIEL ROMAN

### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. ROSKAM. Madam Speaker, it is my great pleasure to rise today to recognize an outstanding young man from my Congressional District, Cadet Colonel Daniel Roman, for his remarkable achievements as a member of the Civil Air Patrol.

In just a few days, Daniel will be presented with the General Carl A. Spaatz Award. The Spaatz Award is the Civil Air Patrol's highest cadet honor, presented to cadets who demonstrate extraordinary leadership, character, fitness, and aerospace knowledge. For every one thousand cadets, only two are selected for this distinct honor.

Daniel first joined the Civil Air Patrol in July 2000. From his first moments in Fox Valley Composite Squadron IL-274, Daniel has exhibited a true love of flying. His hard work and commitment paid off as he was chosen to attend Officer Training School in Wisconsin and Air Education Training Command at Laughlin Air Force Base in Texas. Throughout his time in the Civil Air Patrol, Daniel has set an example for others. For over 7 years, he committed himself fully to learning and developing the skills of a seasoned member of the Civil Air Patrol.

On June 15, 2007, Daniel successfully completed the Carl A. Spaatz Exam, the final stage of a long and grueling journey through sixteen rigorous skill tests. Having overcome this final obstacle, he now joins the ranks of the Civil Air Patrol's best and brightest, a recipient of the General Carl A. Spaatz Award for outstanding cadets.

Daniel, today I join with your family and friends in offering my congratulations for this well deserved honor. You've made us all proud.

Finally, Daniel, I want to challenge you to maintain the dedication and commitment that has taken you so far already. Although the road ahead of you surely contains many more challenges, you have shown that you can and will overcome each obstacle as you pursue your dreams.

Madam Speaker and distinguished colleagues, please join me in congratulating Cadet Colonel Daniel Roman, recipient of the Civil Air Patrol General Carl A. Spaatz Award.

## WDAS-AM: A PIONEERING AFRICAN AMERICAN VOICE IN PHILADELPHIA, PA

### HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. FATTAH. Madam Speaker, I rise today to recognize and memorialize WDAS-AM, a pioneering radio station in Philadelphia, Pennsylvania, for its extraordinary and historic acts of cultural, spiritual and political bravery. This organization has stood for the causes of freedom and justice in helping secure the civic and human rights of African Americans and deserves the recognition and thanks of this body. The momentous victories of the civil rights and protest movements, aided by WDAS, led the United States on a new path recognizing the human dignity of all people and sparking the modern movements for the rights of women, Native Americans, Hispanics and other historically disenfranchised people.

Although WDAS in its historic role is effectively gone, the station's phenomenal impact on my hometown and our nation is a story that should be told. I am sharing, for the record, a letter I received from Wynne Alexander, a Philadelphian who is both a historian of WDAS and the daughter of a station co-founder. I believe her words are helpful in understanding this remarkable story.

> In 1951, Dr. Max M. Leon and Bob Klein undertook a revolutionary endeavor, instituting one of the nation's first Black Radio stations, WDAS-AM of Philadelphia, Pennsylvania. This industry-leading broadcast facility had a galvanizing social impact in our state, and in fact, across this country. This was not just a radio station, it was a cultural institution bringing its listeners aspects of every known societal necessity from award winning news coverage, to the finest musical programming, to governmental and religious affairs.
>
> Thanks to their pioneering actions, station WDAS-AM was eventually joined by other such stations. But none was ever more effective in standing for justice and encouraging enlightenment both locally and nationally. Because of its unique position and timing, its contributions to the causes of freedom and justice make WDAS-AM the premiere Black station in the history of this country.
>
> Dr. Leon and Mr. Klein did not do this in a time of peace and prosperity. It was a time of dangerous social upheaval. The realities of Jim Crow America were still very much alive in 1951, including racially motivated murders of social progressives, lynchings, segregated schools, housing, public transportation, drinking fountains, and certainly the majority of White shop owners did not want Black people shopping in their stores. This was the climate in which Leon and Klein found themselves having to change the minds of White, retail America, showing them and Madison Avenue the humanity, strength and beauty of the Black community. In their everyday actions, these two White men finessed, asked, implored and when necessary demanded that the rest of White Philadelphia and White America respect the Black community the way they did. What Max Leon did in allowing his young son-in-law to make this stand was an extraordinary act of courage and should go down as one of the greatest leaps of faith in the history of American Business.
>
> WDAS was the only station to stand up for the rights of minority broadcasters, successfully suing Arbitron Industries, proving they were racist in their listenership accounting methods of America's minorities. In winning this class action judgment against Arbitron, WDAS paved the way for equality in the market place for all minority broadcasters and with the ensuing enhanced revenues, proved to all of corporate America the vitality and economic strength of the Black community.
>
> By the mid 1950s, WDAS had established one of the first and only full service broadcast news departments providing major coverage of every civil rights breakthrough during a historic era in our nation's history. The newsroom was packed with cutting edge, highly talented journalists. WDAS was there bringing first hand reporting from Brown v. the Topeka Board of Education, Rosa Parks' refusal to take a back seat, the Montgomery Bus Boycott, to the Little Rock, Arkansas riots, the Birmingham Church Bombings, the integration of Alabama University, Dr. King's marches on Washington D.C., his winning the Nobel Peace Prize, the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. WDAS reporters and radio personalities covered every aspect, from the marches in the street to the presidential signatures at the White House.
>
> WDAS was responsible for bringing Dr. King to Philadelphia, forging his alliance with NAACP president Cecil Moore, Esq. WDAS then sponsored a parade down Market Street in Philadelphia introducing Dr. King to the city. They also commissioned buses taking Freedom Riders to the South and supplied buses to take people to all of Dr. King's marches. WDAS' unprecedented and innovative programming efforts are also credited with keeping Philadelphia calm in the wake of King's assassination. Other cities expressed their anguish in violent riots. Philadelphia mourned their loss in the non-violent manner Dr. King always advocated.
>
> In a letter written one year after King's assassination, King confidant and Ambassador Andrew Young said this about WDAS:
>
> "For the past number of years WDAS and its manager Robert Klein have been of great service to Dr. King and the Southern Christian Leadership Conference. They have supported us editorially, financially, spiritually and with a great amount of their air time. . . To our knowledge there is no station in America that has worked harder, longer and with more dedication for Black people than WDAS in Philadelphia."
>
> Demonstrating its enormous cultural awareness and forward thinking, WDAS also made a broadcast home for Malcolm X. Very few, if any stations can make that claim and almost none of them welcomed both Dr. King and Malcolm X, during their lifetimes.
>
> WDAS also celebrated a resounding victory against racism when it supported and partnered with Cecil Moore, Esq. in his victorious effort to integrate Girard College. This move was first advocated years earlier on the station's airwaves by revered Philadelphia Common Pleas Court Judge Raymond Pace Alexander.

For decades, WDAS was instrumental in leading, supporting and encouraging the various consciousness-raising and financial boycotts to curtail United States business involvement in South Africa until that government effectively fell, ending its racist policies.

Years earlier, WDAS was also the spearhead when Rev. Dr. Leon Sullivan launched his boycott against the Greyhound Bus Company in Philadelphia. Together they were successful in racially integrating the staff of drivers and personnel.

Rev. Sullivan and the Zion Baptist Church were not alone. From Bright Hope Baptist to the Church of the Advocate and many more stops in between, the "overground" railroad forged by WDAS performed major works of social progress in partnership with the leaders of every major church in Philadelphia and neighboring states as well. Their hands of partnership also extended to any and all of the smaller churches within that area.

WDAS held numerous "radiothons" raising money to benefit churches and people in need. One of the most famous of these broadcasts was a House of Umoja-inspired "life-athon"—a gun surrender program where gang members and others brought in their weapons and pledged themselves to the principles of non violence.

WDAS worked with hundreds of national and local social activists among them, Dick Gregory and Father Paul Washington helping to calm the city during the days after the King assassination. WDAS assisted a future national leader in youth awareness, Sister Falaka Fattah of the House of Umoja, who was strategizing and creating revolutionary ways of handling troubled young people in an extraordinary effort to stop the frightening gang warfare and fatalities gripping the city in 1969 and '70. Partnering with other exceptionally brave, strong, predominantly female social activists, WDAS News and the station's Public Affairs Departments helped dramatically cut those gang death statistics through a concerted effort of community outreach, special news reporting and social programs.

WDAS launched an anti-drug campaign in the early 1970s. The highly vaunted "Help A Junkie Bust A Pusher" program helped the station win one of its 13 Valley Forge Freedom Foundation Medals. Those medals were joined by scores of Associated Press Awards and recognition from other social, journalistic and governmental organizations dedicated to amelioration. The station's "Job Hunt" program, initiated at the height of a crippling recession and the editorial excellence of Jim Klash won the station the highly coveted Armstrong Award.

WDAS was also responsible for the legendary Freedom Shows where the finest Rhythm and Blues talent in the world was brought into Philadelphia for the benefit of worthy civil rights and social organizations. This amazing care and concern was also amplified by the station's award winning public affairs department.

WDAS was also the home of one of the first Black talk shows in the history of this country, the first in Philadelphia and probably the first show on the East Coast: The Listening Post, with Joe Rainey.

WDAS charities raised and distributed hundreds of thousands of pre-1980 dollars to thousands of people in the tri-state area, year after year.

WDAS also contributed to the enormous popularity of Rhythm and Blues music and helped elevate African American R & B artists. At a time when Black artists could not get their records played on White radio stations, at a time when Black radio talent could not get hired at White stations, at a time when Black artists were being paid as little as one tenth of what White artists were making, at a time when Black artists could not walk through the lobbies of the clubs in which they were appearing, WDAS forged an atmosphere of respect and reverence, creating quality showcasing for what was destined to become one of this country's greatest musical contributions to the world. The list of R & B stars helped by WDAS is hundreds of names long. The music history books note WDAS was the first in the country to play records by Sam Cooke, Aretha Franklin, The Beatles, Marvin Gaye, Buddy Holly, The Jackson 5, Stevie Wonder and Will Smith. WDAS also created jobs and respect for Black talent in every phase of broadcasting and radio production. Radio remained a very segregated industry well into the 1970s. WDAS not only gave opportunities to racial minorities, their staff of women on-the-air was equally impressive.

So let us recognize that this outpouring of caring concern, extraordinary strength, diligence and humanity brought about profound social changes which benefited an entire nation. This magnificent endeavor of amelioration allowed us to benefit from the gifts and talents of all of our people. Let this cultural institution be remembered for the beacon it was, lighting the way in times of need, and in so doing, inspiring similar visionary efforts for future generations to come.

I thank Ms. Alexander for sharing this story and commend the work of her father and all of the people involved in the laudable work done by WDAS–AM in Philadelphia over the years on behalf of our community, country and world. While there is certainly more work to be done, we would not have come this far without these brave and dedicated souls.

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## CONGRATULATING MEREDITH LARSON

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 18, 2007*

Mr. BURGESS. Madam Speaker, I rise today to congratulate Miss Meredith Larson of Pilot Point, Texas on receiving the award for Grand Champion Steer at the Annual Youth Livestock Auction at the State Fair of Texas.

Miss Larson's steer, named Rock Star, was purchased for a record-breaking $94,000 by the Affiliated Multi-Family Services Inc. Miss Larson's earnings total $30,000 which she plans on using to help finance her education.

Rock Star first won its weight class, then, advanced to the division competition. Miss Larson then took Rock Star onto the grand drive, which includes one steer from each weight class.

Miss Larson has been competing in livestock shows since she was 8 years old and is a member of Future Farmers of America (FFA). She competes in jackpot shows throughout the year as well as the larger shows such as the Fort Worth Stock Show, which she plans to compete in this January.

Miss Larson is a notable example of how students in the 26th District are committed to achievement not only in the classroom but outside the classroom as well. It is an honor to represent her in the U.S. House of Representatives.

# SENATE—*Friday, October 19, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the Author and Finisher of our faith, teach us to rejoice in the privileges You have strewn on our path and to use our opportunities for service. Help us to use the gift of Sacred Scripture as a lamp to guide us through the darkness of challenging times. May we use the gift of intercessory prayer as a key to unlock Your storehouse in order to equip Your people for service. In hours of hardship, permit us to use the gift of Your Spirit to preserve us from self-pity and to endow us with peace in the midst of life's storms.

Infuse our Senators with Your love. Give them a compassion that will prompt them to labor for the eradication of injustice. Remind them to remember the poor, the oppressed, and the burdened. Lead them as they seek to hasten the coming of Your kingdom of justice and truth.

We pray in Your sovereign Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 19, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## MEASURES PLACED ON THE CALENDAR—S. 2198 AND S. 2205

Mr. REID. Mr. President, I believe there are two bills at the desk and they are due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills en bloc.

The assistant legislative clerk read as follows:

> A bill (S. 2198) to require the Architect of the Capitol to permit the acknowledgment of God on Flag certificates.
>
> A bill (S. 2205) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Mr. REID. Mr. President, I object to further proceeding with respect to both of these bills.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

## SCHEDULE

Mr. REID. Mr. President, today, following any remarks that I or Senator MCCONNELL make, the Senate will immediately go to the Labor-HHS appropriations bill. Last night, an agreement was made to provide for the filing of all first-degree amendments by 1 p.m. today. Additionally, there is a commitment to complete action on this bill by noon on Tuesday—by 12:30, I should say, on Tuesday.

There will be no rollcall votes today, but I do expect a number of Members to offer amendments during today's session. It is my understanding this morning Senator COBURN and Senator BROWN will offer amendments. Votes will occur Monday evening at around 5:30 p.m., and there could be a long series of votes Monday night. I will have more to say about the schedule later today.

## ORDER OF PROCEDURE

Mr. REID. Mr. President, I see my friend from Ohio is in the Chamber. Does the Senator from Ohio wish to be recognized?

Mr. VOINOVICH. Mr. President, yes, I do. I wish to be recognized for 10 minutes as part of morning business.

Mr. REID. Mr. President, we have no morning business. The Senator can proceed as in morning business if he asks. We are not going to have morning business. I say to the Senator, my understanding is you want 10 or 15 minutes to speak as in morning business.

Mr. VOINOVICH. Yes, Mr. President, I do. I ask unanimous consent to speak for 10 minutes as in morning business.

Mr. REID. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The senior Senator from Ohio is recognized for 10 minutes.

## GLOBAL CLIMATE CHANGE LEGISLATION

Mr. VOINOVICH. Mr. President, yesterday, Senator LIEBERMAN and Senator WARNER released language for a legislative approach to address global climate change. The committee also has announced a subcommittee hearing on this legislation for October 24. I understand that the subcommittee intends to mark up this legislation on October 31 and move it to the full committee soon thereafter.

I acknowledge the commitment Mr. LIEBERMAN and Mr. WARNER, both of whom I hold in the highest regard, have shown to this issue. However, I am concerned about the aggressive committee agenda for the consideration and markup of this legislation. I would hope that the legislation would proceed under regular order—which for complex environmental legislation establishing new emission control regimes typically includes multiple hearings on the legislative language and ample time for Members to review legislative language.

For example, when the committee was considering multipollutant emission reduction legislation under the Clear Skies Act, the committee held three legislative hearings over a period of 2 months before proceeding to a markup. That process allowed the committee to hear from the Environmental Protection Agency, State and local officials, union representatives, public interest groups, various trade associations, and representatives from financial institutions. This approach provided Members with the input and time necessary for meaningful participation in the committee markup process.

The Subcommittee on Environmental Protection followed a similar process during consideration of the 1990 amendments to the Clean Air Act. From September 1989 to the final markup in December 1989, the subcommittee held

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

three legislative hearings, which provided Members with the valuable opportunity to question a wide variety of witnesses on the implications of specific provisions in the legislation.

I also note that, on environmental legislation of significant importance, the committee has a history of expending the time and consideration necessary to achieve broad, bipartisan support before reporting legislation out of committee. In the past, this has ensured that, when moving from full committee to the Senate floor, the legislation has matured sufficiently for consideration by the full Senate body. I believe this front-end work on consensus is even more important given the current demands on floor time and the underlying legislative atmosphere in general.

But this process is also important because we cannot afford to get this wrong. I believe that rushing legislation through committee will not affect a reasonable solution to the problem. We must find a way to harmonize policies that address our Nation's energy, economic, and environmental needs. And the only way we can do this is by taking a detailed look at what has been proposed.

Unfortunately, what we have had in this Nation for many years is a "tail wagging the dog environmental policy" that is hurting our Nation's international competitiveness. Here is an example that we are all familiar with: Coal-fired power plants have become increasingly clean, yet they face a daunting number of new air quality requirements. These requirements are duplicative, inefficient, and create considerable uncertainty for an industry that is providing the nation with one of its most critical resources: safe, economic, and reliable power generation.

These policies have resulted in a sharp increase in the use of natural gas for electric power generation—accounting for almost 94 percent of the increase in domestic demand for natural gas since 1992. The demand for natural gas is sending ripple effects throughout the economy because of its use as both a fuel and a feedstock for the production of everything from fertilizer to plastics to heating homes. This has contributed to loss of over 200,000 manufacturing jobs in Ohio alone. And these sharp price increases continue to impair the competitive position of U.S. manufacturing companies in domestic and world markets.

That our Nation's environmental policies have this type of effect on our economy is not a new revelation. But one thing has become clear—there is a faction of groups that have made it their priority to kill coal. Those that support this objective have illustrated to me that this dialogue is being driven by ideological extremes. This is unfortunate and does nothing to foster an environment where rational policy choices may be made about the serious issue we face.

I recognize that we need to address climate change. But any reasonable climate change policy to reduce greenhouse gas emissions would also: Promote economic stability—reductions should not cause fuel switching, sharp electricity rate increases or economic dislocation; promote technology development—legislation must provide incentives to advance the pace of technology; provide for reductions from developing countries—we cannot send jobs overseas to countries that don't share our environmental objectives.

These goals are to keep the Nation's economy, and that of Ohio, on a sure footing while decreasing emissions. Coal is the Nation's most abundant, cheap and accessible energy resource. Its strategic value from a national security and economic perspective should not be underestimated. It is simply nonsensical to put a policy in place that would jeopardize this resource. Climate change requires a long term solution whose strategy is fully capable of accommodating the time necessary to get the technology in place that will ensure coal's continued viability.

An analysis released this summer of the Lieberman-McCain climate change bill—a predecessor to this legislation—which capped greenhouse gas emissions at 60 percent below 1990 emissions levels by 2050—is illustrative of my concerns. It concluded: Reductions in real GDP over the lifetime of the bill could be in the order of several trillion dollars. The analysis predicted that in 2050 average household annual consumption would be about $1,900 lower; gasoline prices would increase approximately $0.70 per gallon; and electricity prices are projected to be about 25 percent higher. But EPA points out that the impacts may be underestimated. This is because the analysis assumes: One, that carbon capture and storage technologies are widely available at a reasonable cost; and two, a 150-percent increase in nuclear power generation will occur. These assumptions are absurd.

Needless to say, this legislation would cause drastic reductions in the use of coal. Some activists would applaud this, but it could result in the elimination of over 50,000 coal industry jobs. Not exactly a recipe for economic recovery.

If enacting these restrictions would save the world from environmental collapse, as many would have us believe, it might be worth the economic pain. But the proposals, as demonstrated in a more recent EPA analysis requested by Senators BINGAMAN and SPECTER, will have little or no effect on global temperatures. In fact, this study concluded that even the most stringent of the policy proposals under consideration would have a net effect on global atmospheric concentrations of $CO_2$ of a mere 25 parts per million.

The point of all this is that we need to take the time to fully understand the costs and benefits of the policies that are being advanced to address the problem of climate change. Yes this is a problem that we need to address, but recklessly moving forward may result in disastrous economic repercussions, with little or no benefit to the environment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

## ORDER OF BUSINESS

Mr. COBURN. Mr. President, I ask unanimous consent that the pending business be set aside and amendment No. 3358 be called up.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3043, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Harkin-Specter amendment No. 3325, in the nature of a substitute.

Vitter amendment No. 3328 (to amendment No. 3325), to provide a limitation on funds with respect to preventing the importation by individuals of prescription drugs from Canada.

Dorgan amendment No. 3335 (to amendment No. 3325), to increase funding for the State Heart Disease and Stroke Prevention Program of the Centers for Disease Control and Prevention.

Thune amendment No. 3333 (to amendment No. 3325), to provide additional funding for the telehealth activities of the Health Resources and Services Administration.

Dorgan amendment No. 3345 (to amendment No. 3325), to require that the Secretary of Labor report to Congress regarding jobs lost and created as a result of the North American Free Trade Agreement.

Menendez amendment No. 3347 (to amendment No. 3325), to provide funding for the activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005.

Ensign amendment No. 3342 (to amendment No. 3325), to prohibit the use of funds to administer Society Security benefit payments under a totalization agreement with Mexico.

Ensign amendment No. 3352 (to amendment No. 3325), to prohibit the use of funds to process claims based on illegal work for purposes of receiving Social Security benefits.

Lautenberg-Snowe amendment No. 3350 (to amendment No. 3325), to prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate.

Roberts amendment No. 3365 (to amendment No. 3325), to fund the small business Child Care Grant Program.

Reed amendment No. 3360 (to amendment No. 3325), to provide funding for the trauma and emergency medical services programs administered through the Health Resources and Services Administration.

Allard amendment No. 3369 (to amendment No. 3325), to reduce the total amount appropriated to any program that is rated ineffective by the Office of Management and Budget through the Program Assessment Rating Tool (PART).

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized to please state his unanimous consent request again.

### AMENDMENT NO. 3358 TO AMENDMENT NO. 3325

Mr. COBURN. Mr. President, I ask unanimous consent that the pending business be set aside and that amendment No. 3358 on this bill be called up.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3358 to amendment No. 3325.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require Congress to provide health care for all children in the U.S. before funding special interest pork projects)

At the appropriate place, insert the following:

Sec. ____. (a) This section may be cited as the "Children's Health Care First Act of 2007".

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used for any congressionally directed spending item, as defined by Sec. 521 of Public Law 110–81, until the Secretary of the Department of Health and Human Services certifies that all children in the U.S. under the age of 18 years are insured by a private or public health insurance plan.

Mr. COBURN. Mr. President, this amendment, for myself and my colleague Senator BURR, is about the topic of the Children's Health Care First Act of 2007.

There has been a lot of debate, a lot of politics on children's health care. The House failed to override what I think was a poor solution to take care of children in this country by expanding children's health care through the SCHIP program and spending $4,000 to get $2,300 worth of coverage for our kids.

What we do know is we do have problems with health care. We need to be debating health care. We need to figure out how we are going to do this. Myself and Senator BURR have an amendment that solves the health care problem, which has not been considered yet but which we are soliciting and for which we have received a number of cosponsors. This amendment, however, redirects us toward priorities. It is something we need to talk about. It is something the Senate doesn't talk about.

We had numerous quotes in this body about how important it is to make sure kids in this country have access to care. What we do know—and I used the number $2,300 because that is the high end if we were to buy every kid in this country a health insurance policy. It is probably more like $1,700. So if you take the $2,300 that we have as a high-end number to buy kids health insurance, and not put them in something that has a Medicaid stamp or a SCHIP stamp on their forehead but real health insurance, and you look at the earmarks in this bill, which are $398 million, you could, in fact, buy insurance for 173,000 kids, in this bill alone. So 173,000 children could be covered for health care from the earmarks alone in this bill.

Now, this amendment is real simple. If everybody in this body claims they want to take care of kids and their health care, they ought to be willing to give up their earmarks to cover kids. So what this bill says is, let's have no earmarks, no directed spending until such time as we have covered the kids in this country. We put kids ahead of us. We put kids ahead of our political interests. We put children's health care ahead of the politics and the consequential action of using politics in terms of earmark spending.

Now, $400 million is a lot of money, and $400 million is out of the priorities of what this country ought to be doing that are in this bill that is Member-directed spending. This amendment simply says: We don't direct any of that money—none of it, zero, not one earmark—until we have cared for the kids, until we are caring for the kids. So in essence, what we are doing by accepting this amendment is saying, instead of rhetoric, we are going to say kids count. We are going to start putting the priorities back. If access to care for children is important, is it less important than your favorite earmark?

I know if you total up certain of the earmarks of one certain State which has $72 million worth of earmarks, you have enough to cover all the uninsured kids in that State—all the uninsured kids in that State from the earmarks in this bill. So what are our priorities? Are our priorities children? Are our priorities the health care of kids?

This amendment is going to be a fun vote because what it is going to tell your constituency is: Kids aren't important if you vote to keep your earmarks, but if you say I am willing to abate on the earmarks, and I am going to do what is right. This amendment says none of this directed spending goes until the Secretary of HHS certifies that kids under 18 in this country have access and have care. We have had months of debate about the children's SCHIP. We are going to have more because another bill is coming. But it seems to me the American public might want to ask: Why are you earmarking special money for special projects when you have a chance to make sure it will go toward children and solving the problem?

So this is going to be a tough vote: kids versus my political career, kids versus my political power, kids versus my political earmarks. We are going to see. We are going to begin to see what the real priorities of the Senate are. Is it our ability to direct funds without competition, without oversight to special projects all across this country, or is it to truly solve the health care needs of the kids in this country? It is real simple, real straightforward. It is either yes or no, kids are important, and directed, unaccountable, noncompetitive earmarks aren't or political power, political earmarks, noncompetitive grants, no oversight is more important than kids having access to health care.

The $400 million in earmarks will be set aside for children's health care in this bill with this amendment. So the reason it is called the Children's Health Care First Act is because children ought to come first. As parents, we put our kids first, or at least we should. Should the Senate not put the kids first? Should we not put them out in front to make sure they are our priority or are we going to play the game: Well, this isn't the way to do it, Senator COBURN.

This is going to speak volumes to the American public about our priorities. I have challenged this body on our priorities. I am going to continue to challenge the body on our priorities. As we vote on this amendment, the American people are going to see what our priorities are. It is either going to be kids or it is going to be us.

Let's talk about what is in this bill. This is the bill through which Congress can and should provide funding for health care for children. Yet it diverts $400 million away from children's health in order to pay for earmarks.

Here is a little "smitling" of what the earmarks are: $350,000 for an art center, $100,000 for a celebration around a lake, $500,000 for field trips, $500,000 for a virtual herbarium, $50,000 for an ice center. How can we spend money on those things when kids in this country don't have access to care?

So we are going to debate this again on Monday when we come back in, but it is going to be a test of our true priorities. You are going to see all the rhetoric in the world on the repeat

SCHIP bill. You have seen it. You have seen it in television advertisements against people who didn't think that was the best way to do it, and now is the chance to put your words into action. Either kids are important or they are not. But it would seem they are going to be less important than our political power, our political expediency, and our ability to empower the select and the well-connected and the well-heeled in this country.

With that, I yield the floor and ask the cosponsor of this amendment to speak.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I thank my colleague, Senator COBURN. This is an important debate. I think some in the body have suggested this is sort of a dilatory tactic. It is not. I think the future of health care in this country is one of the single most important topics this body should talk about.

Senator COBURN went down the list of earmarks we find in the bill. The incredible thing is it didn't seem odd hearing those on this floor because we hear it all the time. But to the American people, when you hear about a field trip costing $500,000 to the Chesapeake Bay, America thinks that is probably a field trip for Members of Congress. I am not sure we could find the Chesapeake Bay. I am not sure we can get outside of the 30-square miles surrounded by a reality called Washington, DC. Therein lies a lot of the problem.

All we are asking our colleagues to do is express your view through a vote as to whether children are more important than the personal interests of the earmarks. I have some in this bill. I would give them up, as long as I know the money is going to where it can do some good. We have debated children's health, and I voted against the extension of the SCHIP bill. My Governor lobbied extremely hard for me to support that bill. Now, all of a sudden, we are talking about covering 177,000 kids in America with this bill. I haven't gotten a call from my Governor. The Governor is willing to take it if it is a lump sum with no conditions and they can use that however they want to, but when you target it on kids, what is this about? This is about prevention. This is about creating a medical home for kids versus delivery of care in the emergency room because both of them don't cost them anything.

The misunderstanding about the American health care system today is that if you can't pay and you walk into an emergency room, every emergency room is required to provide that care for you. Well, that creates a tremendous cost shift, and for those of us who pay out of our pocket or we pay because we have insurance coverage, our insurance goes up. And the rate out of pocket goes up because we are having to compensate for the people who don't pay, who don't have coverage, for the people who we have not changed our health care system to reflect what their conditions are.

We have an opportunity to begin to chip away at it. We have an opportunity to insure at least 170,000 people. If this were only North Carolina, the $2,300 Dr. COBURN talked about for the cost of a policy would be closer to $1,342. We could actually insure more children in North Carolina, and he probably could in Oklahoma.

We know people will call and question our numbers, so we take the most expensive rate it could cost. I remind my colleagues that under the SCHIP program we passed, if the Federal Government is to provide this care, it was allocated somewhere between $3,400 and $4,000 per child. There is the reason you never want the Federal Government negotiating your health care. I came here 13 years ago. My insurance was with a company of just over 50 employees, and when I became a Federal employee and accessed my care with the same plan of coverage, only one thing changed: My premium went up because the Federal Government had negotiated my plan.

I learned this last year when my oldest son turned 22. I got a notice from BlueCross BlueShield that the Federal plans drop our children at age 22 regardless of whether they are in school. My son happens to still be in school. I hope this year he will graduate. I was faced, like every Federal employee, with the fact that I had a child who was no longer going to be insured under my family plan. I thought for sure that if I called the Federal Government, they would tell me they had already negotiated a plan that I could step him right over into, and they had. It was the same BlueCross BlueShield plan he was under. What was the annual cost? It was $5,400 a year for a 22-year-old healthy bull. What did I do? I went back to North Carolina and checked with the school and said: Have you got a negotiated plan? They said: We have a negotiated plan with BlueCross BlueShield, which was identical to what he had under me—the one OPM negotiated, which was $5,400—and I paid $1,428 for that. It had the same deductible, same copay, same coverage, with one big difference: One was negotiated by the private sector, or by the university, and the other by the Federal Government.

We don't negotiate deals in the best interest of the people we are trying to cover. That is one of the reasons expansion of SCHIP is a bad thing. Actually, changing the health care system to cover 47 million Americans—children and adults who today don't have insurance—is a good thing. I would vote today for the current SCHIP to be reauthorized, for us to put in enough money to make sure nobody is dropped from the rolls, to change the formula for the States so those who were cheated were treated fairly, and I would vote for it today. But why would I expand a program that pays 30 percent too much to 50 percent too much to cover our kids when the answer to health care is to fix the system?

The reality is that we are here about this amendment. This amendment would force Congress to prioritize between children's health, rather than parochial pork projects of over 700 projects, almost $400 million, that we could redirect from this one appropriations bill and devote it fully to the 9.5 million uninsured children in this country. And 9.5 is the number in total; 3.9 of those have been without insurance for over a year. So, as you can tell, you have the majority of the children's population that is considered uninsured that at some point in the last 12 months has actually been insured.

Going back to SCHIP expansion, one of the clear facts about expanding SCHIP—not just the numbers of kids who are on it but the income level—is that I don't think Americans believe that an income at $82,000 needs to be subsidized by the Federal Government. That is where they were driving the income limits for SCHIP.

Probably more important than that is that we were actually taking kids off of their parents' insurance and putting them on the Federal Government's insurance. We were taking kids who ride for free on their parents' insurance and now paying $4,000 to put them on the Federal Government's plan. The taxpayers looked at us and thought we were crazy that we were even debating this. There wasn't an exclusion in the expansion that said we are going to take the ones who are only uninsured today; no, we are taking all of them. We will take the ones who are insured and flip them over, and clearly the only thing that achieves is growing the size of the Federal system.

Mr. President, I hope when we come back on Monday that more of our colleagues will listen and that many will express their preference that we put children's health in front of projects. I actually believe that today, if it passed, it would never come out of conference, the earmarks would show back up, and children's health would go away, and it would happen at some point in that process. Quite honestly, who would lose? The kids. The kids are losing today because we are not debating what we should be debating, which is health care reform. The uninsured are losing today because we should be debating health care reform. Every American is losing today because, for those who are insured, those who have seen their premiums rise in high single and double digits every year for the past 10 years—and they have asked why. I can tell you why. It is because we won't fix health care. It is because your premium increase is reflective of those who are not covered.

TOM COBURN and I are here today saying we should cover them and we have a plan to do it. It doesn't distinguish between adults and children. Through covering those 47 million—or whatever the number is—we will save $200 billion a year in cost shifting. That $200 billion a year will begin to bring everybody's premium in America down for the first time in the last decade. So it is not just an effect on the uninsured, an effect on children, an effect on adults; it is an effect on every American who currently has private insurance and the reality of the impact on their premium cost.

I know the occupant of the chair today is a big proponent of prevention. He is outspoken on it. You cannot have prevention without coverage. You cannot have real prevention that individuals buy into unless there are rewards on the other end. The reward of healthy decisions is that you're less risky for illness. When you are less of a risk, your premium cost goes down.

Eventually, I would like to see every American own their health insurance policy. I would like to see the ability to take an insurance policy from one employer to another because we have negotiated, not an employer. I would love to see every American in a position where they are not holding onto a job they hate in a location they dislike because they cannot afford to give up health insurance. I want to see them have ownership with health insurance, like with a 401(k) plan. They can make the decision about what is best for their family and future and occupation without health care being the pivotal piece of that decision.

We are held hostage by the employer-based system. That is not to say I am proposing we get away from it. I am only suggesting that a partnership between individuals and employers, between individuals and insurance companies, an effort by Congress to restructure health care and reform insurance products, to provide America with an unlimited basket of options for coverage, is a good thing.

We created Part D Medicare. For the first time, we extended prescription drug coverage to seniors in the country. It was not an oversight in 1965. Medications at that time weren't really used widely to treat patients. Today, it is part of every office visit—some type of medication. So we didn't know exactly where we were headed when we created Part D—something targeted just for Medicare individuals.

Today, 84 percent of the population that is eligible has signed up. What is our experience in the first year? It is important to look at outcomes. Our experience is that premiums dropped 28 percent. This year, the costs every Medicare-eligible person paid last year dropped 28 percent, on average, for Part D coverage. What about the drug cost? What about the pills they are buying every month or every quarter? The first year, the reduction in the cost of services delivered and pharmaceuticals is 33 percent. Why? One, we extended the offer to all seniors. We didn't exclude anybody. Two, we created real competition, which means that if there is a Federal piece, we had private sector plans and options that competed. We made sure there was a robust basket of competition. Third, and probably most important, for the first time we forced transparency in health care. We actually made plans and pharmacies list the price of certain drugs online so that we could do what we do best in America: shop where the price was the most advantageous for what it was we wanted to purchase. You know what. We learned that seniors are very aggressive at it. I knew that about my grandparents before they died. I am finding out that, as my parents get older, they get a little tighter and they want to make decisions that are financially to their benefit.

We have extended that opportunity to millions of Medicare-eligible individuals in this country. What are we talking about? Creating the same model, taking that positive experience we had with Part D and extending it over to the entire population that is under private insurance, giving them options—options that deal with real competition, transparency in dealing with prices, the opportunity for those covered by employers to have reductions in premiums, and over some period of time, for those Americans who want to take advantage of it, to actually have ownership in a plan they have negotiated that doesn't lock them into an employer, but they are able to use that in a portable way, to switch jobs without having to renegotiate their coverage.

Well, I think I have presented to you where we are today and where I think we need to go over some period of time in the Senate. It won't happen if Members take this opportunity to insure 177,000 children who are currently uninsured, who currently cause a cost shift in America, who currently receive emergency care and are not provided prevention, who don't have a medical home to go to, a doctor they know they can call, whether it is for a sore throat or an earache or, Heaven forbid, the current staph infection that is going around, which has killed now one out of five individuals who have been infected with it.

We live in a very dangerous world, which should take what is best about our health care system—and that is prevention and diagnosis—and make sure every American has it. You cannot have it without coverage. You have to start somewhere, and these 177,000 children is the perfect place for us to start.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

AMENDMENT NO. 3399

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 3399.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3399.

The amendment is as follows:

(Purpose: To eliminate wasteful spending by the Centers for Disease Control and Prevention)

At the appropriate place, insert the following: Section. ____. None of the funds made available in this Act may be used—

(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(2) by the Centers for Disease Control and Prevention to provide additional rotating paste lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

Mr. DORGAN. Mr. President, has the Senator provided his amendment?

Mr. COBURN. This amendment has been cleared on both sides. I will talk with the Senator about it.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHILDREN'S HEALTH CARE

Mr. DORGAN. Mr. President, I listened to just a bit of the debate a few minutes ago by my colleagues. My colleagues are good Members of the Senate, and they offer interesting ideas on the floor of the Senate. I wish to point out, however, the issue of "earmarks" which they discuss and describe a lot is really legislative-directed funding, which is a very small percentage, in many cases, in bills. It is 1 or 2 or 3 percent of the funding. The rest of it goes downtown to some agency, and the folks in the agency make a decision where to spend their money.

We have changed substantially the legislative-directed funding which exists. We are reducing almost in half legislative-directed funding. We have made it all transparent.

The implication in the discussion I heard, and I have heard it many times, is there is no virtue and there is certainly no value in having any legislative-directed funding; let the agency downtown determine how every dollar is spent.

The power of the purse in the Constitution rests with the United States Congress. We are responsible and accountable for how taxpayers' dollars are spent. Let me give one example which I think is important.

We just finished in this country something called the Human Genome Project. A lot of people would not know what that means, perhaps, but it is an unbelievable success story. We unlocked the mystery of the genes. We now have for the first time in the history of the human race an owner's manual for the human body. For the first time, we have an owner's manual for the human body in the Human Genome Project.

The Human Genome Project is done. It is going to dramatically change the way we treat diseases. It will, in many cases, allow us to determine how we prevent dread diseases. Already we are seeing substantial results from it.

We had a briefing by Dr. Francis Collins recently, and he had just come from a meeting in Cambridge, England, where all the folks are using the breakdown of the genetic codes which have come from the Human Genome Project. He describes treatment for leukemia and other diseases that are breathtaking as a result of the Human Genome Project that creates the breakdown of the genetic code of the human body and provides us the first owner's manual for the human body.

Guess what. Yes, that came from an earmark on the floor of the Senate. That is how the Human Genome Project started because someone in the United States Congress decided this approach had merit and should be done. No, it didn't come from some decision by some GS–13 or GS–15 downtown in some agency. It came from the United States Senate in legislative-directed spending.

I say this only to point out that this pejorative term "earmark" is suggesting this is all a waste and it is all pork and so on. That is not the case. But I recognize, and we recognize, it got out of hand, so we cut it way back and made it all transparent.

The point is, there are some good ideas coming from the Congress, and have been for a long time. One of them was the Human Genome Project, which started with an earmark or legislative-directed funding in the United States Congress. That is just one, but it is one that will affect the lives of virtually every American, perhaps everybody on this Earth, who in the future has one of the dread diseases or whose health is challenged. I wanted to make that point.

I commend those who pointed out some of this legislative-directed funding ought to be cut back. We have cut it back very substantially, but that which remains, in most cases, represents good investment, and investment that complements what is done in the Federal agencies as well.

I might also observe that the proposal today to increase the health insurance coverage for children, I believe, was 170,000 children. We just had a vote on increasing health care for children who are not covered by health care at this point for 3.8 million American children, and that failed. We passed it in the Senate, and it was passed in the House. It failed because the President vetoed it.

Interestingly enough, now we have people coming to the floor of the Senate saying: Let's cover more children. We had a chance to cover 3.8 million more children, and it was fully paid for, but we couldn't get that done because the President vetoed it. It wasn't his priority, and he had sufficient support in the Congress for his position.

I suppose we will see a lot of proposals that say we should cover more children, just far fewer. I respect my colleagues. I believe we should cover children. We certainly should perhaps revisit this vote and see if those 3.8 million children who are going to be left without coverage if the President and those who support him won't rethink their position and think that represents a priority.

I don't know, as I have said often, what is in second, third, or fourth place in most people's lives. I know what is in first place, their kids. I know what is most important in people's lives—their children and their children's health. If that is not a priority, I don't understand.

I have said often, in 100 years we will all be dead. Historians can take a look at what our value system was by determining on what we spent our money. What was our priority? What was our value system? What did we think was important?

I hope they will look back at the Federal budget and how we voted on these appropriations bills and say: We are proud their priority was kids, providing health care coverage for children.

What on Earth is wrong with a political system that doesn't believe that is the No. 1 priority?

### INDIAN HEALTH CARE

I wish to talk about children's health care, but I want to focus mostly on Indian children, and I am going to talk about Indian health care, generally. The reason I am doing this, I am chairman of the Indian Affairs Committee in the Senate, and Senator REID indicated we will have on the floor of the Senate, perhaps in a week or perhaps 2 weeks, for the Indian Health Care Improvement Act. It has been 15 years since that Act has been debated on the floor of the Senate, the Indian Health Care Improvement Act.

Why separate categories, Indian health care? Why separate? We have a trust responsibility. This country promised through treaty, through other obligations, this country said to the Indian people: We have a trust responsibility to provide for your health care. It is not something that the Native Americans, the first Americans, said: We want you to give this to us; we insist upon it. It was an agreement, a treaty agreement by this country to say—in many cases, a treaty, in other cases, just a solemn promise—we will provide health care coverage to American Indians as part of our trust responsibility.

The Indian Health Care Improvement Act expired in the year 2000 and has not been reauthorized. It is 7 years later. It doesn't mean there is no Indian health care. There is some, but it is horribly inadequate. In any event, we should reauthorize that Act and modernize it.

With respect to Native Americans, we have fallen tragically short of what our responsibilities insist we do.

Let me describe what we are spending and how well we are doing with respect to health care.

With Medicare, we spend $6,700 per Medicare patient; Indian health care, $2,100 per capita. We spend twice as much on health care for Federal prisoners whom we incarcerate as we do for American Indians for whom we have a trust responsibility for health care. Someone incarcerated gets twice as much spent on their health care as American Indians for whom we have a responsibility. I am talking about children, I am talking about elders, and I will talk about some of them in just a moment.

We can see ranging from Medicare to the VA to Medicaid to Federal prisons, all the way down, and here is the lowest, and the lowest is the per capita expenditure of health care for American Indians for whom we have a trust responsibility.

American Indians die at a much higher rate than other Americans from tuberculosis, a 600-percent higher rate from tuberculosis; diabetes, 189 percent, but in some parts of the country, it is 400 percent and 800 percent higher than Americans. Alcoholism, 500 percent higher.

The fact is, we have grim statistics coming from Indian reservations with respect to the health of the first Americans. The rate of sudden infant death syndrome among Native Americans is the highest of any population group in the United States and more than double of non-Indians. Indian youth suicide on the Northern Great Plains, where I am from, is 10 times the national average.

Last night, I received a letter from a constituent on an Indian reservation. This constituent has had diabetes since she was 11 years old. Earlier this year, she received a kidney and pancreas transplant. She needs an anti-rejection medication to stay alive. When she went to the reservation clinic to get her medicine yesterday, she was told by the doctor: There goes our budget.

There are two other tribal members who receive this medication, and when the funding is gone, there will be no more medication.

The stories are pretty unbelievable. This is a picture of a young girl named Avis Little Wind. I have described the tragedy of this young girl previously. Avis Little Wind is 14 years old. Avis is dead. She took her own life. Mental health treatment wasn't available for Avis. She lay in her bed in a fetal position for 3 months, and no one seemed alarmed by that, before she finally took her life. She wasn't in school, though she was supposed to have been. Her sister committed suicide, her father died by his own hands, and this 14-year-old girl is gone because, I presume, she felt that she was hopeless and helpless.

Those on the Indian reservation dealing with mental health issues, including suicide. For suicide prevention, they have virtually no resources. A young lady on this Indian reservation, who testified at a hearing I held once, said she had a stack of files on the floor of her office dealing with abuse and health issues. She said: "We don't have any resources to even investigate the files. We would have to beg to borrow a car to take one of these kids to a clinic someplace." Then she broke down weeping. About a month later, she resigned.

The fact is people are dying. Avis Little Wind died of suicide because mental health treatment wasn't available on that Indian reservation.

I was in Montana recently with Senator TESTER, and a grandmother held up a picture of this beautiful young girl. She is 5 years old. Her grandmother described the picture of her granddaughter, named Ta'Shon Rain Littlelight. Ta'Shon Rain Littlelight loved to dance, and she danced in this regalia at all the pow-wows from the time she was able to walk a beautiful little girl with a sparkle in her eye. Well, Ta'Shon is gone. Ta'Shon lost her battle, as well.

Between May and August of last year, she was taken many times to the Crow Indian Health Service Clinic for health services. They diagnosed the problem and they began to treat it. They said it was depression. A 5-year-old was depressed. Well, during one of the clinic visits her grandfather said: "But there is something else going on. Take a look at the condition of her fingertips and her toes. There is something happening in this little girl's body." It suggests, the grandfather said, a lack of oxygen. Something is going on. But that concern was dismissed, and finally the grandmother asked a doctor to try to eliminate the possibility of cancer or leukemia, or something of that nature. But those concerns were dismissed.

In August, this young girl was rushed from the Crow Clinic to St. Vincent Hospital in Billings, MT. They airlifted her to Denver Children's Hospital where she was diagnosed with incurable, untreatable cancer. She lived for another 3 months after the tumor was discovered, in unmedicated pain. She died in September. The grandmother asked at our field hearing if Ta'Shon's cancer had been detected earlier, would it have made a difference? Would this little 5-year-old girl be alive? None of us knows, but the question of the quality of health care is a life-or-death issue. It was for Ta'Shon.

Recently, on a Wednesday morning in my State, a young child on an Indian reservation was burned, severely burned, and rushed by the mother to the Indian Health Service clinic on the reservation, only to be told that the clinic was closed for the morning for administrative purposes. Even after the frantic pleas by the mother, this boy was refused care. So in her desperation, she contacted a doctor from another town outside of the reservation for assistance. They directed her to bring her young son immediately. She did. Thankfully, that young boy received treatment and has survived those severe burns. She didn't get the needed health care for him at the Indian Health Service clinic. Following the treatment she did receive off the reservation, after a frantic drive in an automobile, the Indian Health Service clinic refused to cover the costs of the young boy's treatment. So the mother is now faced with a substantial medical bill, a mother who should never have been placed in this situation and a mother who doesn't have the resources to pay it.

When we held a hearing in the Indian Affairs Committee about methamphetamine, the intersection of methamphetamine and health care was pretty obvious. It was a courageous tribal leader who came to our hearing, Kathy Wesley-Kitcheyan, the chairwoman of the San Carlos Apache Tribe in Arizona. She said she was embarrassed to talk about some of the things on her reservation, because they are not very positive and she said it was like airing her family's dirty laundry but, she said, I must. She talked about her 22-year-old son and her warning to him about the catastrophic effect of alcoholism and substance abuse. And she talked about losing her grandson. She broke down talking about her wonderful grandson, a rodeo champion who had won 26 belt buckles and 6 saddles as a rodeo rider, who made the wrong choices with drugs and drinking and lost his life. She talked about the methamphetamine problem.

That is where it intersects so quickly, in a devastating way, with health care. She said on their reservation, in 1 year, out of 256 babies born on that Indian reservation, 64 out of 256 babies were born addicted to methamphetamine. Let me say that again. Of 256 children born on that Indian reservation, 64 were born addicted to methamphetamine. At the San Carlos emergency room, in 1 year, 25 percent of the patients who came to the emergency room tested positive for methamphetamine. And on it goes.

I am describing circumstances that one would perhaps attribute to a Third World country, where health care doesn't exist. Yet these stories, in many ways, are even more heartbreaking because they happen here in this country. They happen too often to people who are living in Third World conditions on Indian reservations with inadequate health care—health care which was promised to them as a trust responsibility, but nonetheless inadequate health care.

I recently learned of a young boy named Nicholas from the Menominee Tribe of Wisconsin, who had a very rough start. He, like a high percentage of American Indian babies, was born premature—3 months premature. He weighed 2½ pounds. For the first 3 months of his life, he struggled in intensive care to stay alive. As part of a significant effort by his family, his doctors at the IHS facility and traditional health care practices, he persevered.

As a young man, he was forced to face another health care challenge: Adult onset diabetes. While this type of diabetes usually strikes Americans in mid life, it is showing up now in American Indians and Alaska Native youth at an increasingly younger age. In fact, there is a 77-percent increase in diabetes in Native children and youth under 15 years of age.

Fortunately, this young man from the Menominee Tribe is receiving services from the tribal health facility and early screening at the tribal school, and has been able to control his blood sugar, which will prevent complications, one hopes.

David Whitetail, with the Three Affiliated Tribes in North Dakota, was not so fortunate. He was diagnosed with type II diabetes at 17. He didn't receive the necessary care, and now he is 39 years old and a dialysis patient awaiting a kidney transplant, but is finally, at long last, beginning to get the care he needs.

A couple of years back, a young woman—I guess she would like me to call her a young woman; she probably is a bit above a young woman in age—whose name is Lida Bearstail, went to the clinic in Mandaree, ND, because of knee pain. The cartilage had worn away and bone was rubbing against bone, causing her great, great pain. If that were to happen in this Chamber to any one of us or our families, we would, of course, get a knee transplant or get a new knee. But Mrs. Bearstail was denied this treatment because it was not deemed "priority 1"—life or limb. If it is not life or limb, and you have run out of contract health money, you are out of luck.

In fact, what happened to this woman, Ardel Hale Baker, is that she had chest pain that wouldn't end, and her blood pressure was very high, and so she was diagnosed at the IHS clinic as having a heart attack. She needed to be hospitalized immediately. They stuck her in an ambulance and rushed her to a hospital off the reservation, but they didn't have any contract health care money left to pay for anything, so the Indian Health Service taped an envelope to this woman's leg with a piece of tape. She was hauled in on a gurney to the hospital with an envelope taped with masking tape to her thigh, and as they unloaded her in the emergency room, the folks who unloaded her took a look at what was taped to her leg. They opened it up and it said—and I have a chart, I believe, of what it said. It said this patient is not going to be covered because there is no contract health money available.

What they were saying was this patient is having a heart attack. They were saying to the patient and to the hospital, if this patient is admitted, understand there is no money. There is no money here. So they admitted her, she survived, but it is kind of a tragic thing to tell a story about a woman who is hauled into a hospital with a piece of paper taped to her leg that says, by the way, if you admit this woman, you are on your own because Indian Health Service contract care is out of money.

I have had tribes tell me that contract health care was out of money after the first 3 months of the year. On one reservation they say: Don't get sick after June, because there is no contract health care money. If you are going to get sick, it has to be before June, otherwise this may happen to you. If you have a heart attack and go to a hospital, they might haul you in and there might be a note attached to your arm or leg that says, by the way, if you admit this patient, you might have some difficulty because there is no money available.

This last woman, Ms. Baker, survived and then received a bill for $10,000. She doesn't have $10,000. So what happens when they run out of contract health care, they warn the hospital you are on your own if you take them. Then when the patient is released from the hospital, their credit rating is ruined because they get a bill they can't pay. This is the result of our failure to meet our trust responsibility.

That is a long description of why we need to reauthorize the Indian Health Care Improvement Act. That Act will come to the floor in the next week or two, according to Senator REID. We have written that bill in the Indian Affairs Committee. The vice chair of the Committee, Senator MURKOWSKI from Alaska, and I, and many other members of the Committee have written a bill we think advances the interests of Indian health care.

My colleague from Oklahoma, Senator COBURN, who is on the Indian Affairs Committee with us, is a valuable member and a constructive member. He is a doctor, and that is extraordinarily helpful in terms of his knowledge. He will make the point that we need much broader reform, and I will agree with him when we have this discussion. We need much broader reform, and this is a step, a step in the right direction. Is it a step as broad as I would like to make? No. There is a reform step that is much broader that we need to take, and we will. And I will work for that when we move this bill, but at least we ought to move this legislation.

I will work with Senator COBURN and others for much more substantial reform, but at least we need to start. This is since 2000, and 7 years later we need at least to move this legislation, but it has been 15 years since we last debated the issue of Indian health care on the floor of the Senate. So it is long past the time for us to do what we are required and have promised to do, and that is meet our responsibilities for health care for American Indians.

I want us to do this in a way that makes us proud. After all, it is our responsibility. We made this promise long ago, and we need to keep it.

We are a good country and a good society. We spend a lot of time on the floor of the Senate talking about what doesn't work. There is a lot that works in this country. We are blessed to live here and blessed to be a part of this great place. But we continue as a country to always look to find out what we can do to fix things that are broken, to improve things that don't work quite as well as we would like. That is what we are trying to do with this issue of Indian health care.

I have described the failures. There are successes. There are folks working in Indian health care around the country who get up every day and work long hours and do a remarkable job. There are others who do not. I can tell you about a woman who has excruciating knee pain and goes to a doctor at the Indian Health Service, and she is told to wrap your knee in cabbage leaves for 4 days and it will be fine. It is unbelievable, but that sort of thing happens. I can tell you of other patients who go to an Indian Health Service doctor and get very good care.

There are not enough resources. We need to respond, as we have done, to the issue of the cluster of teen suicides that exist on Indian reservations. There are so many things we need to do.

Let me make the final point. These are the first Americans. These are not visitors. They were here first. Around the culture of Native Americans we have built quite a country. But Native Americans need to share in the great benefits bestowed upon the American people, and that includes opportunities for health care, opportunities for good jobs, opportunities for housing, and a decent education. We fall short in many of those areas. We fall short in many of them.

I have not spoken about education today or housing, but those issues themselves are pretty unbelievable when you take a look at the conditions on many American Indian reservations.

I look forward, in the next week or two, to having an opportunity to debate the Indian Health Care Improvement Act. It is long past the time for us to do this. This will advance the interests of Indian health care, and then, in addition, we will not be completed. We will need to do reform, reform in a significant way beyond this bill. But this bill is an awfully good first start in the right direction.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3361 TO AMENDMENT NO. 3325

Mr. BROWN. I call up amendment No. 3361, which I am offering with my colleague, Senator WEBB of Virginia.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself and Mr. WEBB, proposes an amendment numbered 3361 to amendment No. 3325.

Mr. BROWN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide information to schools relating to the prevention of violent events and other crisis situations)

At the appropriate place, insert the following:

SEC. ____. (a) The Secretary of Education shall update the 2002 Department of Education and United States Secret Service guidance entitled "Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates" to reflect the recommendations contained in the report entitled "Report to the President On Issues Raised by the Virginia Tech Tragedy", to include the need to provide schools with guidance on how information can be shared legally under the regulations issued under section 264(c) of the Health Insurance Portability and Accountability Act and the Family Educational Rights and Privacy Act.

(b) Not later than 3 months after the date of enactment of this Act, the Secretary of Education shall disseminate the updated guidance under subsection (a) to institutions of higher education and to State departments of education for distribution to all local education agencies.

Mr. BROWN. Mr. President, our amendment does not create a new government program or require new spending. It is a modest amendment designed to achieve a major goal, to reduce school violence.

On October 10, a 14-year-old boy brought two guns to a Cleveland public school. He shot four people before turning the gun on himself.

On April 16, a student at Virginia Tech shot 49 people, 32 of them fatally, before turning the gun on himself.

The next act of school-based violence may already be taking shape in the mind of another deeply troubled child, adolescent, or adult.

Parents send their children to school every day trusting that they will be safe. It is a crucial premise. And school-based violence shatters it. It doesn't matter that violent incidents are rare. The fact that a school, any school, could become a killing field is unthinkable to a parent, to any of us. Yet we must think about it. We must think about school-based violence so we can minimize it.

There are no easy answers for a school faced with a potentially violent student who has not yet acted on that potential. Schools should and must respect the rights of each student while ensuring the safety of all students. There are no easy answers, but there are answers.

In 2002, the Department of Education and the U.S. Secret Service put together a comprehensive guidance document to help schools respond appropriately when faced with a potentially dangerous student, as well as how to prepare for and respond to acts of violence on school campuses. School administrators have confirmed that this document is very useful. Unfortunately, it is also out of date.

Following the Virginia Tech tragedy, the President asked three Members of his Cabinet: Secretary Leavitt of Health and Human Services, Secretary Spellings of the Department of Education, and Attorney General of the Department of Justice, to review the events surrounding the tragedy and recommend ways of preventing such tragedies in the future. This report, which was released June 13, gives us new information, and we should use it.

We don't have the luxury of time. It doesn't make sense to wait a minute longer than necessary to get the right information into the hands of every school administrator in this country. The Brown-Webb amendment instructs the Department of Education to use its existing authority and funding under the Safe and Drug-Free School and Communities Program, to update the 2002 guidance based on what was learned from Virginia Tech, and to distribute the updated guidance to schools within a 3-month timeframe. That is a fast turnaround, and it is completely appropriate. Updating the document will take staff time; distributing the document will take computers and some legwork. Getting this done quickly is most important because it can prevent an act of school-based violence. It is what we should do.

I ask my colleagues for their support.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR) Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMERICA'S TRADE POLICY

Mr. BROWN. Madam President, this was a good week in this body for changing the direction of U.S. trade policy. My fellow Senators—and I think we are seeing the same in the House of Representatives—are beginning to listen to the elections of last fall, beginning to listen to what voters are saying, beginning to listen to what workers and small businesses are telling them about a failed U.S. trade policy and how we need a new direction in trade policy.

On Monday this week I offered a modest amendment, a reminder to the Bush administration that we need to vigorously enforce our trade laws. That amendment passed overwhelmingly, with fewer than a half dozen negative votes.

Few in this Chamber can disagree with that, especially when we see what the unfair trade and the absence of a vigorous trade enforcement team can do to American manufacturing. In our country, there are rules to protect the free market from anticompetitive schemes, such as monopolies and collusion and price gouging. In the global economy, there are similar rules to protect the free market from anticompetitive schemes such as Government subsidies and the dumping of underpriced foreign products on domestic markets.

Once you put domestic markets out of business, then foreign prices are free to rise unchecked. Lax labor and environmental laws also undercut the free market by creating insurmountable price differences. But when our country does not combat the anticompetitive behavior in the global marketplace, our economy suffers for it. That is why the amendment this week was important, to instruct the administration to be more aggressive, as the Justice Department needs to be more aggressive in our country, to protect the free market from anticompetitive schemes such as monopolies and collusion and price gouging; our trade representative, our trade negotiators, our trade policy enforcers need to be more aggressive in enforcing international trade laws against anticompetitive schemes such as Government subsidies and the dumping of underpriced foreign products on domestic markets.

American manufacturing fuels our economy, whether it is in Minneapolis or whether it is in Cleveland, and it supplies our national defense infrastructure. In my home State of Ohio, well over 200,000 manufacturing jobs have disappeared in the last 7 years.

We know American industry can compete with anyone in the world when it is actually a fair fight. But some foreign governments have unfairly and illegally doled out massive subsidies to their own companies. Some are encouraged through our tax system to reestablish offshore, contributing to the outmigration of manufacturing jobs from our country overseas.

As reported today in the Hill, the Bush administration is using steel from China to build a fence on the Mexican border: "[The Department of Homeland Security] criticized for Chinese steel in U.S.-Mexico fence." We are using taxpayer dollars to build a fence on the U.S.-Mexican border, and much of the steel comes from China. We know what NAFTA did to Mexico's middle class. We know it has run more than 1⅓ million farmers off their land into the cities to compete for dwindling manufacturing jobs, jobs where wages continue to drop despite increased foreign investment from NAFTA.

We know that many make the dangerous trek to our country, trying to get through security, go over the desert, across the river—all they do to find work and money for their families. Yet here we are building a wall made of Chinese steel. How will history judge this Congress when we see more of the same failed trade policies that contribute to this migration and then build a wall of Chinese steel? I wish President Bush would talk to Ohioans about that. I wish he would talk to a steelworker in Lorain or a machine shop owner in Mansfield or a tool-and-die worker in Youngstown, people who are hard-working men and women who have made America the strongest Nation in the world, workers who, frankly, feel betrayed by America's trade policies.

Presidents from both parties have entered into trade agreements like NAFTA, promising they would create millions of jobs and enrich communities. Instead, too many of these agreements have cost millions of jobs and devastated communities. It is not just the worker who suffers. It is the family, people down the street, as the valuation of houses contributes to delinquency and foreclosures. It means fewer police, fewer teachers, and fewer firefighters, as communities are devastated from layoffs and workers losing their jobs. In the cities, workers lose their jobs too. Yet the Bush administration and proponents of deals with Peru, Colombia, Panama, and South Korea want more of the same. They want the current system to keep going, to be expanded, despite evidence that the NAFTA model and the CAFTA model have not been working for Mexican workers, Central American workers, American workers, or small businesses in those countries and is not working for small manufacturers.

The number of workers filing for unemployment benefits jumped last week to its highest level since late August. Last week, 2,000 more Ohioans were seeking unemployment benefits, thousands more in Michigan, in Minnesota, in Indiana, North Carolina, all over the country—hardly the sign of a good economy, hardly the time for another trade agreement.

History will be on the side of those who want a different trade policy. The Founders gave Congress the responsibility to set the terms of trade policy. To vote up or down on a flawed agreement is in no one's best interest. It is not smart policy or politics. We need to begin by evaluating agreements such as the North American Free Trade Agreement, as Senator DORGAN proposed this week. We need to pause. Let's say no more trade agreements for a while until we fix our trade policy and learn what those agreements and our trade commitments have accomplished for workers. If I am wrong and they are working for workers, communities, consumers, and our small business owners, then let's proceed. But let's stop and look, figure this out.

We need a new model for trade agreements that requires negotiators to not just ensure better labor and environmental rules are enforced—we made some progress in the Peru trade agreement on that, and that is a small step but not enough—but also raises safety standards, doesn't allow backdoor challenges to public interest laws, doesn't give corporations the power, as NAFTA did for the first time ever in a trade agreement, to sue foreign governments, including foreign corporations to sue our Government to weaken our environmental laws, to weaken our food safety laws, to weaken our worker protection laws, to undercut our "Buy American" laws. That is when we end up doing stupid things like building a wall between Mexico and the United States and using Chinese steel.

Finally, we need to reward corporations. We have introduced the Patriot Corporations Act. Those corporations that play by the rules, hire Americans, provide health care, provide a pension, and take care of their communities should be rewarded with tax advantages instead of penalizing those companies and rewarding those companies that go offshore.

Ultimately, our commitment is to protect our country. That means to protect our children from foreign products that have lead. It means to protect workers, our small businesses, and our communities. That is how we provide opportunity to build a thriving middle class. That is why it is time to take a breath, stop. Before we move forward in Peru and Panama, before we move forward in Colombia and South America, we need to examine how this trade policy is working.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## BIDDING ON EBAY LETTER

Mr. REID. Madam President, earlier this month, I came to the floor to discuss some comments made by Rush Limbaugh.

Following my remarks, more than 40 of my Senate colleagues and I cosigned a letter to the chairman of Clear Channel, Mark Mays, telling him that we wanted him to confer with Rush Limbaugh regarding the statements he made. I have since spoken to Mark Mays about this. Mark Mays, in fact, called me regarding this letter.

This week, Rush Limbaugh put the original copy of that letter up for auction on eBay. We did not have time or we could have gotten every Democratic Senator to sign that letter. But he put the letter up for auction on eBay and, I think very constructively, left the proceeds of that to go to the Marine Corps Law Enforcement Foundation.

What is the Marine Corps Law Enforcement Foundation? It provides scholarship assistance to children of marines and Federal law enforcement personnel whose parent dies in the line of duty, as well as health care assistance for disabled children of fallen troops.

What could be a more worthwhile cause? I think it is really good that this money on eBay is going to be raised for this purpose.

When I spoke to Mark Mays, I think he and I thought this probably would not raise much money—a letter written by Democratic Senators complaining about something.

This morning, the bid is more than $2 million. We have watched it during the week. It keeps going up and up and up, and there is only a little bit of time left. But it is certainly going to be more than $2 million. Never did we think this letter would bring money of this nature; and for the cause, it is extremely good.

Now, everyone knows that Rush Limbaugh and I do not agree on everything in life, and maybe that is kind of an understatement. But without qualification, Mark Mays, the CEO of the network that has Rush Limbaugh on it, and Rush Limbaugh, should know that this letter they are auctioning is going to be something that raises money for a worthwhile cause.

I do not know what we could do more importantly to help ensure children of our fallen soldiers and police officers who have fallen in the line of duty have the opportunity to have a good education. Think about this: More than $2 million. This is going to really help. That is, again, an understatement.

There is only a little bit of time left, so I would ask those who are wanting to do more—they can go to eBay and search for "Harry Reid Letter" and it will come up. I would encourage anyone who is interested, with the means to do so, to consider bidding on this letter and contributing to this worthwhile cause.

I strongly believe when we can put our differences aside—even HARRY REID and Rush Limbaugh—we should do that and try to accomplish good things for the American people. This does that—more than $2 million for a letter, signed by this Senator and my friends.

## AGENDA

Mr. REID. I have indicated, Madam President, we have a lot of work to do. The chairman of the Judiciary Committee and I have stated on a number of occasions that on controversial judicial nominations we are not going to move on those until the minority tells us that is what they want to do. One of those nominations is Judge Southwick. That matter was reported out of committee sometime ago, and both Senator LEAHY and I have said that when the Republicans tell us they want to move to that nomination, we would do that. So sometime next week I am more than likely going to move to that matter. So I want everyone to know that, in fact, is the case.

I also, Madam President, have indicated that one of our priorities is to do an energy bill this year. I had a meeting yesterday with Democratic chairs and other interested people, including Senator CANTWELL and Senator DORGAN, to find out how we can move forward. We realize we can move forward. We have a number of issues that are important. The issues are somewhat limited. One is what are we going to do on CAFE, raising the fuel efficiency of vehicles? What are we going to do about a renewable portfolio standard? And what are we going to do about the tax aspect of this that will do a number of important things, not the least of which is give the great entrepreneurs in our country the incentives to invest in alternative fuel—sun, wind, geothermal, biomass? We need this to be done on a multiple-year basis. So those are three important things we need to do.

I have had a number of conversations with my Republican colleagues. Senator DOMENICI and Senator LOTT—there are others with whom I have spoken—but just in recent days I have spoken to them. I spoke this morning with Leader PELOSI, the Speaker of the House. She wants to go to conference on this issue. One Republican Senator said: I understand you don't want to go to conference. The Speaker wants to go to conference. I want to go to conference. We would like to be able to do a bill, and we are going to do our very best to do that.

We are going to include the Republicans on anything we do. We know we cannot do a bill unless we include the Republicans in it, and we are going to do that. We are going to do our utmost to come up with a strong bill, one that is in keeping with the needs of this country.

Madam President, everyone is occupied on that side of the aisle, but I am going to, in the near future, when we have a Republican who can come to the floor, ask consent that the Senate proceed to the consideration of Calendar No. 340, which is H.R. 3221, which is the House Energy bill. And I will move that we go to conference on it. I will come out this afternoon, as soon as we can, and offer this unanimous consent request.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008—Continued

### AMENDMENT NO. 3374, AS MODIFIED, TO AMENDMENT NO. 3325

Mr. HARKIN. Madam President, I send a modification to the desk of amendment No. 3374 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Ms. COLLINS, for herself, Mr. FEINGOLD, Mr. BINGAMAN, Mr. CARDIN, and Ms. SNOWE, proposes an amendment numbered 3374, as modified, to amendment No. 3325.

The amendment, as modified, is as follows:

On page 64, line 5, insert before the period the following: ": *Provided further*, That $2,000,000 of the amounts appropriated under this heading shall be made available to carry out dental workforce programs under section 340G of the Public Health Service Act (42 U.S.C. 256g)".

### AMENDMENTS NOS. 3353, 3333, 3354, AND 3374, AS MODIFIED, TO AMENDMENT NO. 3325 EN BLOC

Mr. HARKIN. Madam President, I have four amendments that have been cleared on both sides, and I ask unanimous consent to call them up and have them considered en bloc. The amendments are amendment No. 3353, amendment No. 3333, amendment No. 3354, and amendment No. 3374, for which the modification was sent to the desk.

The PRESIDING OFFICER. Without objection, the four amendments will be considered en bloc and agreed to en bloc.

The amendments were agreed to, as follows:

### AMENDMENT NO. 3353

(Purpose: To provide funding for the ADAM Act)

At the appropriate place in title II, insert the following:

SEC. ___. Of the funds made available in this Act for subtitle B of title IV of the Cardiac Arrest Survival Act of 2000 (Public Law 106-505), $200,000 shall be used to carry out section 312(c)(6) of the Public Health Service Act.

### AMENDMENT NO. 3354

(Purpose: To provide for a Government Accountability Office report concerning State health care reform initiatives)

At the appropriate place, insert the following:

SEC. ___. (a) Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report concerning State health care reform initiatives.

(b) The report required under subsection (a) shall include the following:

(1) An assessment of State efforts to reexamine health care delivery and health insurance systems and to expand the access of residents to health insurance and health care services, including the following:

(A) An overview of State approaches to reexamining health care delivery and insurance.

(B) A description of whether and to what extent State health care initiatives have resulted in improved access to health care and insurance.

(C) A description of the extent to which public and private cooperation has occurred in State health care initiatives.

(D) A description of the outcomes of State insurance coverage mandates.

(E) A description of the effects of increased health care costs on State fiscal choices.

(F) A description of the effects of Federal law and funding on State health care initiatives and fiscal choices.

(G) A description of outcomes of State efforts to increase health care quality and control costs.

(2) Recommendations regarding the potential role of Congress in supporting State-based reform efforts, including the following:

(A) Enacting changes in Federal law that would facilitate State-based health reform and expansion efforts.

(B) Creating new or realigning existing Federal funding mechanisms to support State-based reform and expansion efforts.

(C) Expanding existing Federal health insurance programs and increasing other sources of Federal health care funding to support State-based health reform and expansion efforts.

The amendment (No. 3333) was agreed to.

The amendment (No. 3374), as modified, was agreed to.

Mr. HARKIN. Madam President, I don't think there is any further consideration to be had on these amendments. Are the amendments agreed to en bloc?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I thank the Presiding Officer.

We are waiting for a Senator to come to the floor to speak on an amendment. I know of no other speakers yet today. Again, I would remind people that we will be here Monday, and we will be voting—I don't know if the time has been determined yet but probably around 5:30 or somewhere around there. We will probably be in late voting on Monday. We will have a whole lot of amendments on Monday night. The agreement was struck yesterday that we would finish this bill by noon on Tuesday and to get there, with all the amendments we have pending, there will probably be a number of votes on Monday night.

So with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3399

Mr. HARKIN. Madam President, we have another amendment that has been agreed to on both sides, so I call up amendment No. 3399 and ask for its immediate consideration.

The PRESIDING OFFICER. Amendment No. 3399 is pending.

Mr. HARKIN. Madam President, I call up that amendment.

The PRESIDING OFFICER. It was previously proposed.

Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 3399) was agreed to

Mr. HARKIN. I thank the Presiding Officer. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3381

(Purpose: To provide for the continuing review of unauthorized, Federal programs and agencies and to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful Government spending)

Mr. CORNYN. Madam President, I have conferred with the bill managers. I ask unanimous consent to call up amendment No. 3381 and to set aside any pending amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. CORNYN), for himself, Mr. VOINOVICH, and Mr. CHAMBLISS, proposes an amendment numbered 3381.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CORNYN. Madam President, first, I thank Senator HARKIN and Senator SPECTER for working with us on this bill, this important piece of legislation, and for the opportunity to offer this amendment.

It is my intention, at the end of my remarks, to seek to withdraw the amendment because there are some procedural objections under rule XVI of the Senate rules.

I think this is an important amendment and an important matter for us to consider at the appropriate time. I hope my colleagues will work with me, as well as Senator VOINOVICH and Senator CHAMBLISS, who are cosponsors of the amendment, to find a way to address the urgent matters contained within the scope of the amendment.

Specifically, we ought to be good stewards of the taxpayers' money. Unfortunately, due to the size and scope of the Federal budget, there seems to be precious little attention given to ways to make sure that we spend the taxpayers' money efficiently. While we debate the necessity of appropriations, and we should continue to try to cut back on the unnecessary expenditures wherever possible, I think it is imperative that Congress do the appropriate oversight on existing Federal programs and appropriations and ways to look for both cost savings and efficiencies.

I think we ought to ask the fundamental question every time we are asked to appropriate money for a particular agency—we ought to ask this question: Is this agency or program still needed?

What has led me to offer this amendment arises out of some good work being done by the OMB. As a matter of fact, they have published this brochure called: "Expect More." You could go on line to expectmore.gov on the Internet and see what I am talking about. Specifically, they have a tool called "the program assessment rating tool," which helps the Office of Management and Budget assess whether a particular Government program is working.

The Office of Management and Budget has recently reviewed over a thousand programs. As this chart indicates, upon a review of 1,016 Federal Government programs, they have concluded that 22 percent of those programs rated either as ineffective or they are unable to determine whether they are effective. In other words, they are unable to find evidence that they are effective. They have not conclusively determined them as ineffective, but they have concluded that 22 percent of the Federal Government programs are either ineffective or the results are not demonstrated. Anybody who is interested anywhere in the world—certainly in the United States—can look at the information on this expectmore.gov Web site and inform themselves, as I am sure they would want to, about what the Federal Government is doing and not doing on their behalf.

As part of the review, the OMB looked at 35 programs within the Department of Labor, totaling almost $15 billion. They identified $2 billion that could be saved out of that $15 billion on programs that are not meeting expectations and are not effective. Some of these programs include the Office of Disability Employment Policy, Trade Adjustment Assistance, and part of the Workforce Investment Act. Certainly, these programs have the potential to help people and strengthen our country. But my hope is we will look at these programs and not necessarily decide they are not necessary—because they may be—but, rather, give the appropriate oversight and come back and try to do what is necessary to make them effective or, if they simply cannot be rehabilitated or made effective, we ought to eliminate them.

The fact is we can look to our State governments and State laws for mechanisms that we could use to make sure we spend the taxpayers' dollars only on needed programs and in the most efficient ways possible.

I look to my State of Texas. Since 1971, we have had something called the Sunset Commission, which periodically—about every 10 years—reviews State programs and State spending to decide what the answer to the question is that I posed earlier: Is this agency or this program still needed? Is the money being spent effectively?

Here in Washington, we could learn from the State sunset commission process, which I know happened in Texas and which also is reflected in the laws of many of our State governments but which we do not have here at the Federal level.

A study by the Congressional Budget Office found that Congress spent almost $160 billion in 2006 on agencies and programs that were not, in fact, authorized. In other words, while the authorizing committees had previously authorized it, those authorizations had lapsed, indicating a lack of continued oversight and authorization by Congress. Yet money was continuing to be appropriated and spent on these programs. This list includes hundreds of accounts, both big ones and small ones, ranging from the Coast Guard, $8 billion, to the Administration on Aging, $1.5 billion, to section 8 tenant-based housing, $15.6 billion, to the foreign relations programs, which is $9.5 billion. Many of these programs and agencies, perhaps most, deserve reauthorization. I am not saying they do not. But reauthorization no longer means what it should. It means we have conducted the appropriate investigation and oversight to determine whether the programs are meeting current needs or whether they are no longer necessary. Congress should make sure we are only spending money on programs that can and are justified.

My amendment would take what I think is a great experiment, which has shown tremendous success on the State level in places such as Texas, and create a bipartisan Federal sunset commission to review the efficiency of all Federal programs but will focus their work on ineffective and unauthorized programs and will make recommendations to Congress about how to improve them, if they can be improved, or whether we should just eliminate them altogether.

To me, this is a shocking figure, when our own Federal Government concludes—the executive branch, the Office of Management and Budget—that almost 25 percent of Federal programs are not delivering for the American taxpayers.

My amendment would create, as I said, a bipartisan U.S. authorization and sunset commission that would be composed of four Members of the House and four Members of the Senate. The commission would issue a schedule-and-review proposal to Congress at least once every 10 years, as well as issue reports on the way to improve the effectiveness and efficiency of Government programs and agencies.

The schedule-and-review proposal is where the commission would review and analyze at least 25 percent of unauthorized Federal programs and 25 percent of the ineffective programs as identified by OMB and would do so on a rolling or ongoing basis. In other words, we have to start somewhere, and that is where they would start, but we would continue until all Federal agencies and programs would be subject to this sort of scrutiny and review.

Unlike most commissions, Congress cannot simply ignore the commission's work under my amendment. Rather, the amendment would provide an expedited procedure that would force Congress to consider and debate the commission's work and then vote up or down on whether to accept it.

Simply put, this commission would help Congress do what we should already be doing; that is, providing the necessary oversight to make sure every dollar of the taxpayers' money is being spent wisely. The commission will help Congress answer the simple but powerful question I posed at the outset, and that is: Is an agency or program still needed? It seems like common sense to me.

I know some will argue this is why we have authorizing committees, but I believe the commission would add greater focus to the budget and appropriations process on saving taxpayers money as opposed to how can we come up with new ways to spend more money, which tends to dominate the appropriations process, and how can we improve Government accountability and provide for greater openness and transparency in Government decision-making?

This concept, as I said, is not new or even revolutionary. My home State of Texas has had a sunset commission in place for 30 years, in which time it is estimated the Texas taxpayers have been saved more than $700 million by eliminating ineffective or unnecessary programs, starting with a zero-based budget during the sunset commission reviewing process and justifying each and every dollar that is added to pay for that program if reauthorized.

The tendency in Washington, unfortunately, is to take an existing program and see it grow incrementally each year. Indeed, once a Government program is created, it tends to create a constituency that will come to Congress and argue that it should not be eliminated—not only should it not be eliminated, it should grow by a certain percentage each year.

As this and other appropriations bills come before the Senate, I ask my colleagues to keep in mind the extent of waste we already see in Government programs. Rather than allowing these programs to continue endlessly with no real purpose and no real means of accomplishing their goals, it is time we took a closer look at and acted on our responsibility to eliminate wasteful Washington spending. Before we raise taxes and before we mindlessly appropriate money for another batch of potentially ineffective and outdated programs, we should take a hard look in the mirror on how we spend the hard-earned money of the beleaguered American taxpayers. No one wants higher taxes, and our first defense against higher taxes ought to be greater efficiency and money savings by eliminating wasteful programs. Our primary means of ensuring this efficiency would be through this bipartisan sunset commission.

I hope all of our colleagues will seriously consider this proposal for a Federal sunset commission. It is important, before we look at raising taxes and growing the size of Government, that we look at ways to eliminate waste and unnecessary programs, and that is exactly what this amendment would do.

### AMENDMENT NO. 3381 WITHDRAWN

I understand this particular amendment, being legislation on an appropriations bill, will be subject to a point of order. Rather than pursue that issue and require the procedural ruling on that decision, I now ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I thank the bill managers and my colleagues for indulging me on this point. This is not an issue that is going to go away. I am not going to go away when it comes to urging greater efficiency and elimination of wasteful Washington spending.

We have a tremendous responsibility, those of us who have been sent to Congress to represent our States and our districts, the least of which ought to be being good stewards of the taxpayers' money. It is time to take the Federal budget off autopilot, to see the Government grow and grow and grow without any real oversight, particularly when it comes to these programs which have been demonstrated either as ineffective or where it is impossible for the Federal Government to conclude that the evidence justifies the continued existence of these programs.

### FUNDING FOR DEAFBLIND SERVICES

Mr. CORNYN. Madam President, in America, there are over 10,000 children like 11-year-old Nate Newton of San Antonio and 7-year-old triplets Zoe, Emma, and Sophie Dunn of Houston, who are both deaf and blind. The increase in the number of deafblind children in America is fueling a growing demand for qualified teachers to work with deafblind children.

Texas Tech University is one of the few universities in the United States that offer graduate training in deafblind education. To date, the Department of Education has provided funding from the special education national activities account to train teachers with deafblind children in their classes on how to educate and include these children in daily classroom activities. Yet Federal funding for this program has remained level at $12.8 million for nearly the past 20 years.

The House-passed version of the Labor-HHS appropriations bill includes a modest increase of $2 million in funding for deafblind services. I think this is a reasonable increase and would request that the conference committee accept the higher level of funding.

Mr. HARKIN. I appreciate the Senator raising this issue and will do what I can to ensure that we accept the higher number when we go to conference on this bill.

Mr. SPECTER. There are over 300 deafblind children in Pennsylvania, so this is an issue that also affects a number of families in my State. I thank Senator CORNYN for calling this issue to our attention. I will do what I can when we go to conference to try to keep the funding for deafblind services at the higher level.

### 1945 TRINITY TEST

Mr. BINGAMAN. Madam President, I rise to discuss a matter of great importance to my State with the chairman of the subcommittee, Senator HARKIN. As he is aware, New Mexico was host to the Nation first test of a nuclear weapon on July 16, 1945—the "Trinity" test. At the time, this test, like the entire Manhattan Project, was classified, with a public cover story of an ammunition magazine exploding at Alamogordo Air Force Base some 40 miles to the south of the test. The surrounding communities were not told that this was a nuclear weapons test until after the detonation of the "fat man" bomb over Nagasaki nearly 1 month later. In fact, the decision was knowingly made by the Army not to give any advance warning or evacuate any of the surrounding communities. The radioactive fallout from this test traveled northeast for at least 100 miles, and the effects were felt all around my State and beyond. Communities 96 miles north in Vaughn, NM, were affected; windows in Silver City, 120 miles west, were shattered. For 4 or 5 days after the test, the surrounding communities northeast to the test reported a "white substance like flour settled on everything." Cattle that grazed on Chupadera Mesa suffered beta radiation burns and loss of hair, indicating levels of radiation exceeding today's permissible dose by factors of several thousand. The government made no effort to monitor for contamination the bodies of members of the public. A recently released CDC study, "Los Alamos Historical Document Retrieval Project," indicates that the towns of Bingham to the northeast and Carrizozo 30 miles to the east of the test received external doses of radiation far exceeding today's maximum allowable doses. The absorbed ground level radiation 14 days after the test in Bingham was approximately 13 times what the Nuclear Regulatory Commission allows today for emergency lifesaving. The CDC report quotes documents reporting that a Geiger counter in Carrizozo went "off-scale" at 4:20 p.m., 11 hours after the test. There is evidence that the fission products from this test were detected as far as Indiana, where a Kodak film plant observed spotting on their film from contaminated intake water used to make the paper pulp to store the film.

Mr. HARKIN. I am well aware of the problem of compensating workers affected by radiation from my efforts to secure a special exposure cohort under the Energy Employees Occupational Illness Compensation Program at the

Iowa Army Ammunition Plant. Have these local communities received any sort of compensation to date?

Mr. BINGAMAN. No. While the local communities surrounding the test in my State have talked of illnesses such as thyroid cancer for years, the recent CDC study is the first technical compilation of historical documents in the technical files of Los Alamos National Laboratory. Detailed technical dose reconstructions must first be attempted to take place to show the probable cause of the illnesses. I would like to request that the managers of this bill work in conference to insert the strongest possible language to have the National Cancer Institute undertake a study that estimates the number of fatal and nonfatal radiogenic illnesses compared to a baseline of what would be expected to occur naturally. This analysis must be completed by the National Cancer Institute with the utmost urgency given that, as the chairman knows well from the Iowa Army Ammunition Plant, many of the affected population are reaching an advanced age.

Mr. HARKIN. I will work with my colleague Senator SPECTER, the ranking member of the subcommittee, to urge the National Cancer Institute to make this matter a high priority. Does the Senator agree?

Mr. SPECTER. Yes, I will support that effort.

Mr. BINGAMAN. I thank both managers of this bill for their willingness to work with me on this important issue.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS-CONSENT REQUEST—H.R. 3221

Mr. REID. Madam President, I had indicated earlier today that I was going to move to go to conference. The record should reflect that Speaker PELOSI and I have talked about this matter and we think it would be appropriate to go to conference. It is my understanding we are close to being able to do that. That would be good.

This is a bill that needs to be done and can only be done if Democrats and Republicans agree. The majority of us in this body are Democrats, but it is a slim majority. So everything we do, I need to get 20 percent of the Republicans to move forward on legislation. Hopefully, we can do that and have a real good conference on this matter.

As I indicated this morning, there are a number of issues that are important: A renewable portfolio; it is important we do something about CAFE; it is also important we do something about taxes so we can have the great entrepreneurs of America have the ability to invest in renewable energy. Right now the ability to do that is very limited because we have only given them a year, 2 sometimes with the tax credits, and they can't plan ahead for that. So those are the three things we need to work on.

There is much more, but that gives us an idea of what we need to focus on, and it is not easy because the House did not have CAFE, we did not have the renewable portfolio. So it is going to take some mathematical moving around to get this done because we need to work it out, I would hope, so we can do CAFE in both bodies and renewables in both bodies. Anyway, we need to give this a valiant try, and that is what conferences are all about.

Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 340, H.R. 3221, the House Energy bill; that all after the enacting clause be stricken and the text of the Senate engrossed amendment to H.R. 6 be inserted in lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees and that the title amendment at the desk be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Madam President, reserving the right to object, I had talked to the majority leader before he propounded the unanimous consent proposal. As we have discussed, we are trying to clear any objections on our side. Given the fact it is Friday and Members are traveling, we are having a few difficulties doing that. But it is my hope we can continue to work through it and resolve those so the unanimous consent request can proceed without any objection.

At this point, because of those challenges we have, while we are continuing to work in good faith to resolve them, I must respectfully object.

The PRESIDING OFFICER. Objection is heard. The majority leader is recognized.

Mr. REID. Madam President, we have had a good couple of months here in the Senate. We have accomplished a lot, working together. Hopefully, on this momentous piece of legislation, we can continue to do that.

As I indicated this morning, we had a number of conversations yesterday, Republican Senators that want to move this forward, and I think there is a real possibility we can get a conference and move forward on this and come up with legislation where this body agrees with the House as to how to proceed.

I understand that is the case, and I understand why the junior Senator from Texas had to object. It is Friday afternoon. Hopefully, maybe next week, we can appoint conferees and move forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONGRATULATIONS TO SENATOR KLOBUCHAR

Mr. REID. Madam President, the current Presiding Officer joins a very elite group of freshman Members who have achieved the distinction of presiding in the Senate for over 100 hours.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I am so happy to announce that Senator KLOBUCHAR achieved this distinction today an hour and 5 minutes ago. I congratulate her. I am embarrassed to say that as a freshman, we had a large freshman class, but I didn't preside for this long. I thought I was here all the time. It is really quite a nice award. It is something one can keep forever. We have gone to some length to make sure it looks good. For the time that I presided over the Senate as a freshman, I really learned a lot. One learns Senate procedures, different personalities of Senators who come to the floor.

The Senator from Minnesota is to be commended. She takes good care of her State. She goes back often. She has a wonderful family. She does it all. She sets a great example for the rest of the people in America, but especially she has added so much to the Senate.

When I first came here, the woman was MIKULSKI. The woman still is MIKULSKI, but she has a lot of people to help her now. The Senate is a much better place with more women. Someday—it won't be in the immediate future but not in the distant future—we will have a body that will have an equal number of women as men. When that happens, the Senate will be a better place. Congratulations.

## THE PASSING OF MAYER "BUBBA" MITCHELL

Mr. McCONNELL. Madam President, I rise today to share with my colleagues the sad news that Mayer "Bubba" Mitchell, a great American and a great humanitarian, passed away on September 26, 2007.

I was lucky to know Mayer for many years. He was a successful businessman from Alabama, a philanthropist who supported groundbreaking cancer research and a strong voice here in the Halls of Congress. An advocate for a strong friendship between the United States and Israel, Mayer served a term as president of the American Israeli Public Affairs Committee, AIPAC, and he impressed all who met him with his clear and passionate convictions.

I had the honor of attending Mayer's memorial service last month, in the USA Mitchell Center at the University of South Alabama in Mobile, AL. I heard many moving tributes from many distinguished guests. But there was one that stood out to me above the rest, so much so that I wish to share it with my fellow Senators.

My good friend Howard Kohr, the executive director of AIPAC, delivered the following remarks at Mayer's memorial service. Howard so aptly described the man we had all come to know and love that I would like to ask unanimous consent to have printed in the RECORD his words.

The PRESIDING OFFICER. There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

### A TRIBUTE TO MAYER "BUBBA" MITCHELL

Arlene, I cannot begin without expressing the deep love and affection that we all have for you. Throughout your life—and in particular in this past year—which I know was especially trying—you have been an "eshet hayil" a true woman of valor. Having known you and Bubba so long and having spent so much time with both of you, I know that you feel blessed to have had a life with Bubba—but, Arlene, it was equally a blessing for Bubba to have you.

To you Arlene, and to you, Abe—his partner and best friend Fannie, Ann—and to Joy, Melinda, Richard, Lisa, and the entire family I want you to know that I consider this to be one of the great honors of my life to be asked to speak and pay tribute to your husband, brother, father, and grandfather.

You know, I spent a lot of time walking the halls of Congress with Bubba. Often, after an election, I would introduce some of the new members of Congress. Inevitably, a few of them would call me a day or two later and ask if I could get them back in touch with the Mayor of Mobile. I would laugh and let them know that they had met the Mayer from Mobile, not the Mayor of Mobile. But, as you can imagine, after just one more meeting, as the bonds of friendship began to take hold, he became to them what he was to all of us—Bubba. And, once you had Bubba in your life, you knew you had something special.

Bubba was a planner.

He had a clear idea of how things should be and a discipline that allowed him to realize his vision. It was in that spirit that he called me last spring when he heard that his good friend the Republican Leader in the Senate, Mitch McConnell, would be the keynote speaker at AIPAC's Annual Policy Conference in Washington. He wanted to be sure that he would be able to introduce the Senator—who honors us with his presence here today—I of course agreed, because you just did that when Bubba called. However, as important as providing a proper introduction for his friend Mitch was, this time Bubba had more he wanted to say. He said, "Howard, I'm not feeling too well and for all I know this could be my last conference, and I have something I want to say."

He began his remarks at the conference that evening with a simple question. Bubba asked: "Have I made a difference?" He went on: "It is a question that many of us ask ourselves, particularly as we advance in age. For me," Bubba said, "it is a question that has become persistent—and the answer more important—in a year of personal health difficulties."

If you were there that night you know that in asking that question Bubba wasn't really speaking about himself. He was holding himself up as a standard bearer of the pro-Israel movement in America—he was asking everyone if we have done enough. In challenging himself he was challenging us—to make the most of the opportunities that God has given us and realize that we have a sacred obligation to ourselves and to each other.

It was vintage Bubba: Make yourself the example. Challenge others to follow.

Bubba was a humble and wise man.

Despite his many accomplishments, Bubba was a man of great humility. In a world of politics, where it is so easy to become cynical or jaded, Bubba remained respectful and grateful for the opportunity to play a role in history. He never lost his sense of awe.

How many times did he put his arm around one of us at a particular historic moment or in a place of renown and remind us to appreciate that moment—to remember how blessed we are to live in America and to enjoy the freedoms and opportunities we are afforded.

It was September of 1991. Bubba and I were about to meet with the President of the United States in the Oval Office—we were there to ask him not to link urgently needed loan guarantees for Russian immigrants to Israeli politics and policies. We knew it would not be an easy conversation to have.

In the moments before we headed to the White House, Bubba told me, "You have to get yourself ready for this. And to do that, you have to do two things. You have to spend time to realize the awesome power of this office. And then you have to not be intimidated by it."

Bubba was not one to dish out advice that he himself did not live by. And a few hours later I listened as he spoke truth to power, respectfully, carefully, but clearly. I listened as he made his case, relaying to the President in detail about his own parent's exodus out of Russia, fleeing persecution and pogroms. "Mr. President," he said, "this is not an abstraction for me. This is deeply personal. Mr. President, you have an historic opportunity to make things different for the next generation."

The son of Russian immigrants, the man from Mobile was always able to say and do what he felt was the right thing—because he believed so passionately that he—and each of us still—has a critical role to play to ensure the future of the Jewish people, of America and of Israel.

And so he reached out to governors and members of Congress, presidents and prime ministers to better his state, his country and our world—to improve all our lives. For Bubba Mitchell, life wasn't only about him or his needs. It was about stepping beyond himself to something far greater. Bubba showed us that our actions can have meaning and our lives can be significant as long as we never shy away from speaking the truth or doing the right thing.

Bubba was a man of quiet courage.

Many in politics attempt to persuade with the belief that volume and bravado are the key to making a point. But Bubba understood that a few wise words, softly spoken, always trumped the loud chatter. Yes, he was quiet, his manner was all southern charm and understatement—but he was doggedly determined to get results . . .

. . . and he was stunningly effective.

Bubba had the ear of presidents and prime ministers, and they too would seek him out for information, counsel and clarity. It is no surprise therefore, that in Bubba's last days, President Bush, the Prime Minister of Israel, senators and members of Congress, and countless elected officials—many of whom are honored guests with us today—called him to thank him for devoting his life's work to his community, his country and our world. And it is no surprise that each of them thanked him for his unfailing friendship.

Bubba was a man of action.

He realized that we live in a time of miraculous promise, but also real danger for America, for Israel, and the Jewish people. He understood the stakes and the consequences if leadership was lacking.

When something needed to be done, he did it. And when something else needed to happen, he stepped forward yet again. And again and again. The cumulative effect of his life's work was profound. Bubba built and sustained friendships with literally dozens and dozens of elected officials and decision makers that directly deepened the quality and strength of the relationship between Israel and the United States.

Bubba was a leader.

I had a conversation yesterday with a veteran member of the House of Representatives whom I had called to inform of Bubba's passing. This member said something that I have been reflecting on ever since—something that says so much about who Bubba was to all of us. She said, "you know when I got into politics I had a simple goal—gain the respect of Bubba Mitchell. Because I knew that if I had his respect everyone else would follow." The degree of respect that others had for Bubba can be measured in many ways. But the fact that over 25 current and former members of AIPAC's national Board traveled from across the country to be here today is a remarkable tribute to his leadership.

It is very important to me that his 8 grandchildren hear what I have to say. You should know that for the last 25 years at AIPAC there was no higher praise—and no greater reward—than to have your grandfather tell me or one of my colleagues or one of our fellow Board members in that soft-spoken way of his—that he was proud of us.

Last March Bubba wondered out loud in front of 6,000 friends if his life had had meaning—if he had made a difference. Well today we gather here to pay tribute—to celebrate the life of someone whose accomplishments are so many, so varied, and so valued that his legacy rises to something greater than mere difference making. Bubba's difference deserves its own category—Bubba was a Jewish hero. Through his actions—through his courage, generosity, leadership, determination, and wisdom—he came to define what it meant to be a Jewish leader in America in this century. He enriched all our lives—he took care of his family, he made Alabama better, he made America stronger, and Israel safer.

As with so many others in this room, Bubba was my mentor, my teacher, my friend—my hero. How lucky I have been, how lucky we all have been—to know and to love Bubba.

So Bubba, I think we can all answer your question now.

You made quite a difference.

Your memory will forever be a blessing. And we pledge to you that our continued work will be your lasting legacy.

## ADDITIONAL STATEMENTS

### TRIBUTE TO THE UNITED STATES NAVAL ACADEMY

• Mr. SESSIONS. Madam President, it is with great pleasure that I recognize the U.S. Naval Academy's class of 1957. On Saturday evening, October 27, 2007, the class of 1957 will celebrate its 50th class reunion in Annapolis, MD.

On June 29, 1953, 1,135 young men each received a one-page form entitled "Interpretation of Oath" addressed: "To a Candidate about to take the Oath as a Midshipman." It interpreted the practical aspects of the oath: Trustworthiness, perseverance, language, cleanliness, and loyalty. It warned of many inoculations that soon would be given and then finished with:

> Men cannot be trained for a profession of arms by surrounding them with luxuries and babying them. Young men who are worthwhile do not wish to be coddled. The first few days, when the drills are over and the night has come, you will find that you are tired and perhaps a little homesick. In a few days you will find that you are feeling better, you have a better appetite and sleep better than you ever did before. If you do your part you will find that the academy will do its part by you.

Truer words have never been written.

Later that afternoon these young men stood in Tecumseh Court in The Yard at Annapolis, MD, took the oath, and became midshipmen in the U.S. Navy, class of 1957.

Almost 4 years later on June 7, 1957, 848 of them graduated with a bachelor of science in engineering, took another oath, and were commissioned into the Armed Forces. Of the Navy Blue majority, 568 were commissioned into the Navy: 160 went to Pensacola to become naval aviators; 203 went into destroyers; 42 to auxiliary ships; 94 to capital ships including aircraft carriers; and 104 of the class went into submarines a year or so later. Sixty-four went into the United States Marine Corps and 206 were commissioned into the then academy-less Air Force.

During the ensuing 50 years, the class of 1957 distinguished itself in service to the Republic. Of the original graduating class, 534 served for 20 years or more. Thirty-eight of them gave their lives in the execution of their oaths. Charles Duke walked on the Moon. Leo Hyatt endured 2,050 days of captivity in North Vietnam. Bradley Parkinson developed the global positioning system. Altogether, the class of 1957 produced 21 admirals and generals. Class members served an average of 1.3 times as commanding officers. The class served with distinction throughout the cold war, including the very hot Vietnam war, and emerged victorious.

Following their retirement or resignation from their respective services, members of the class continued in a variety of careers and professions: 169 of them became presidents or vice presidents of companies or corporations; 33 served as chief executive officers.

Mr. President, I salute the U.S. Naval Academy's class of 1957. Most importantly, I wish to extend warm and hearty congratulations to them for a job well done, or as the Navy would say it, "Bravo Zulu, '57!" I extend my best wishes for their continued success during the years to come.•

### TRIBUTE TO COLONEL HERBERT S. LOCKETT

• Mr. SESSIONS. Madam President, I rise today to pay tribute to COL Herbert S. Lockett, former ombudsman for the National Committee for Employer Support of the Guard and Reserve. Colonel Lockett has a long and distinguished history of service to our Nation, both as a soldier and as a volunteer ensuring that National Guard and Reserve soldiers are prepared for battle. His service, both on the front lines and behind the scenes, is noble and commendable. It is for this reason that I honor him today.

Colonel Lockett served as a combat medic in the Southwest Pacific Theater during World War II, earning a Bronze Star, an Outstanding Leadership Commendation, and three Campaign Stars. He cared for those who were wounded and risked his own safety in service to others. Those who brave bullets to provide care are truly heroic, and Colonel Lockett was no exception.

He went on to serve in Korea as an infantryman, where he earned a Silver Star for Gallantry at the Battle of Pork Chop Hill. While his unit had taken heavy casualties, and many in his unit threatened to desert, he took charge and they fought until reinforcements arrived, earning two Presidential Unit Citations and credit for 2,000 Chinese KIAs.

Even after retiring from active duty, Colonel Lockett continued to serve his country. Colonel Lockett has been a volunteer with National Committee for Employer Support of the Guard and Reserve helping to prepare soldiers in National Guard and Reserve units to be deployed for combat operations. For his efforts in this regard he has been awarded the James N. Roche Spirit of Voluntarism Award, the highest award given by the committee.

Mr. President it is my honor to pay tribute to this great Alabamian, and most of all this great American. He serves as a shining example of the American spirit. He is loved by all who know him for his tireless work and determination.•

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2196. A bill to require the Architect of the Capitol to permit the acknowledgment of God on flag certificates.

S. 2205. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1778. A bill to authorize certain activities of the Maritime Administration, and for other purposes (Rept. No. 110–200).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALEXANDER (for himself, Mr. CORKER, and Mr. SALAZAR):

S. 2207. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2208. A bill to protect public health and safety in the event that testing of nuclear weapons by the United States is resumed; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. BAUCUS, Ms. CANTWELL, Mr. SMITH, Mr. CRAPO, Ms. SNOWE, Mrs. LINCOLN, and Mr. KERRY):

S. 2209. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

By Mr. SANDERS:

S. 2210. A bill to provide incentives for investment in research and development for new medicines, to enhance access to new medicines, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself and Mrs. BOXER):

S. 2211. A bill to ensure the recovery, resiliency, and health of ocean, coastal, and

Great Lakes ecosystems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2212. A bill to support the establishment and operations of Teachers Professional Development Institutes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. VITTER, Mrs. BOXER, and Mr. INHOFE):

S. Res. 354. A resolution expressing the sense of the Senate regarding the 35th anniversary of the enactment of the Clean Water Act; considered and agreed to.

## ADDITIONAL COSPONSORS

### S. 358

At the request of Ms. SNOWE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

### S. 368

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

### S. 723

At the request of Mr. HAGEL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 723, a bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes.

### S. 1382

At the request of Mr. REID, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

### S. 1394

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

### S. 1499

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1499, a bill to amend the Clean Air Act to reduce air pollution from marine vessels.

### S. 1515

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

### S. 1641

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1641, a bill to amend Public Law 87–383 to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetland and other waterfowl habitat essential to the preservation of migratory waterfowl, and for other purposes.

### S. 1882

At the request of Mr. HAGEL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1882, a bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies.

### S. 2087

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2087, a bill to amend certain laws relating to Native Americans to make technical corrections, and for other purposes.

### S. 2198

At the request of Mr. DEMINT, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2198, a bill to require the Architect of the Capitol to permit the acknowledgment of God on flag certificates.

### S. 2201

At the request of Mr. COLEMAN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2201, a bill to provide for the penalty-free use of retirement funds for mortgage delinquency relief.

### AMENDMENT NO. 3397

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3397 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3398

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3398 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. BAUCUS, Ms. CANTWELL, Mr. SMITH, Mr. CRAPO, Ms. SNOWE, Mrs. LINCOLN and Mr. KERRY):

S. 2209. A bill to amend the Internal Revenue code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to join with my friend and colleague from Montana, Senator BAUCUS, to introduce the Research Credit Improvement Act of 2007. We are joined by a bipartisan group of our Finance Committee colleagues: Senators CANTWELL, CRAPO, KERRY, SMITH, LINCOLN, and SNOWE. As its title suggests, the purpose of this legislation is to extend permanently and to improve the research credit, which is set to expire in just a short time, at the end of 2007.

Our Nation has benefited greatly in recent years from strong economic growth. I believe it is vital for all Americans to realize that this economic growth did not just happen by accident. Rather, it is based on several factors, and one of the more important of these is innovation.

Innovation certainly does not just happen either. It is the result of several specific ingredients. Chief among those ingredients is the amount of research and development occurring in the economy. Where does R&D come from? It comes from individuals, companies, and governments who are willing to invest time and money.

Research and development is very expensive for companies to undertake. By its very nature, research activities seldom result in success immediately. There are many dead ends and much frustration on the way to the discovery of a product that can lead to profits.

Moreover, many times a firm's efforts to find innovative solutions to life's problems result in good discoveries for mankind, but little or no immediate or even intermediate rewards for the company undertaking the research. For this reason, most economists agree that even private research and development activities can create a common good, and one that should be partially subsidized by the public.

The original research credit was enacted over 25 years ago to encourage an increase in R&D activity and to help subsidize the common good that often is derived from research and innovation.

Just as today's economic health is a byproduct of the innovation that came from yesterday's investment in R&D, our future economic health will depend on the amount of innovation we harvest from our investment in research activities today, tomorrow, and into the future.

Years ago, our country had the clear edge on the rest of the industrialized world when it came to having the most nurturing environment to foster research and development. We had more than our share of the scientists, researchers, and other skilled workers to engage in R&D. We had plenty of capital. We had world-class facilities. And we had the biggest market for products right here in the U.S. All the ingredients for innovation were right here, and few other countries could match our research environment. Thus, there was little thought of going anywhere else to perform research.

Sadly, this is no longer the case. Many of our trading partners now possess equal, and sometimes, superior environments to promote research to those we have here in the U.S. More importantly, many of these trading partners now offer strong tax and other incentives designed to lure research to those nations and away from our shores.

Without a strong and effective research incentive of our own, I fear that the United States is at risk of losing its leadership position in innovation. The consequences of this could be very serious for our future economic growth and job creation, as well as for long-term prosperity and national security.

Unfortunately, as I mentioned earlier, our research credit is set to expire in just a few weeks, at the end of December. Once again, American businesses are finding themselves in the all-too familiar position of wondering if the Congress is going to extend the research credit, and if so, when and for how long.

This perennial guessing game that we force our research-intensive firms to play every year or 2 is getting old. Moreover, it makes the research credit far less effective than it would otherwise be if it were a constant. While it is true that there is some level of confidence among the users of the research credit that this incentive will be extended, everyone knows that the chances of the credit's renewal are not certain, especially in today's volatile legislative climate.

Therefore, the legislation we are introducing today once again provides for the credit to be made permanent. A permanent credit can help our economy develop the new technologies that will enhance existing capital inputs and make workers more productive. The result will be a stronger economy at home, and a more competitive Nation abroad.

In assessing the health of our economy, we find an important correlation between economic growth and inflationary pressures. One sure way to have strong economic growth without the pain of inflation is to increase productivity. Most productivity gains are derived from technological advances, which reduce the cost of producing goods and services, and thereby help maintain low consumer prices.

An additional benefit of productivity growth is a corresponding increase in corporate profits. Such increases lead to higher returns on savings and investment, and higher wages for workers. I believe the greatest benefit of increased R&D is productivity growth, which in turn forms the foundation of higher living standards.

Productivity growth also largely determines our society's long-term economic welfare. Our ability to deal with budgetary challenges, such as Social Security, Medicare, and other entitlements, depends critically on the future direction of our productivity.

My home State of Utah is a good example of how important research and innovation is to state economies, and to our future prosperity. Utah is home to various firms that invest a high percentage of their revenue in R&D. There are thousands of employees working in Utah's technology based companies, with thousands more working in other sectors that engage in R&D.

According to a recent article in one of Utah's major newspapers, the Deseret Morning News, the number of Utah high tech and life sciences companies grew at the astonishing rate of more than 10 percent—from 3,900 to 4,300—over the period of September 2005 to September 2006. These industries in Utah employ more than 62,000 workers, with average pay that is 66 percent higher than the statewide average non-agricultural wage. About 3,000 of these jobs are new ones added in the past year.

These are the kinds of jobs and the kind of job growth that Utah, and all of the United States, needs for this new century. The jobs and companies in the high tech and life sciences sectors in Utah and around America are diverse. But they have several things in common. They are clean, they are high-paying, and they require an educated workforce. The vast majority of these companies export products, helping to offset our trade imbalance. Most importantly, however, is the fact that all of these jobs depend on innovation as their lifeblood. R&D is in the very DNA of these companies.

One more thing all these highly desirable high tech jobs have in common is that America is at risk of losing them if we are not careful to maintain an environment that nurtures innovation and the other vital ingredients that gave rise to these jobs in the first place. To my way of thinking, keeping a strong and viable research credit is a key part of this environment.

Since 1981, when the research credit was first enacted, the Federal Government has joined in partnership with large and small businesses to ensure that research expenditures are made in the United States. This enhances domestic job creation, and helps the United States to internalize more of the economic benefits from the research credit.

It seems clear that to continue to grow our economy we must maintain and enhance our position as the world leader in technological advances. The worst thing we could do is to let it slip. Consequently, robust R&D spending should permeate our economy. We simply must continue to invest in research and development, and the Federal Government needs to reaffirm its role as a partner with the private sector.

While the research credit has proven to be a powerful incentive for companies to increase research and development activities, it unfortunately does not work perfectly. There are several reasons for this, but a major one is that the original, or traditional, credit is calculated using a base period from the mid-1980s. This reference period is becoming more distant and thus less relevant to the business operations of more companies each year. For example, many companies have had major changes in their business models over the past two decades. Yet, the traditional credit still requires a calculation that references revenue from this set of years from two decades ago.

This has been a growing problem for a number of years. To address it, Congress last year included an alternative to the traditional credit that instead of referencing the old base period, is based on the taxpayer's most recent three years of research activity. This credit, known as the simplified alternative credit, has provided a meaningful tax incentive for firms with significant and growing amounts of research expenditures that were not getting much, if any, benefit from the traditional credit.

Based on many discussions with companies that use the research credit, it appears that the alternative simplified credit is now being used by more companies than is the traditional credit. This is true even though the alternative simplified credit is set at 12 percent, while the traditional credit is set at 20 percent.

Therefore, Senator BAUCUS and I have decided to introduce a change in the research credit that would phase out the traditional credit, even as we increase the benefits of the alternative simplified credit. Specifically, our bill would continue the traditional credit for two more years, and then would eliminate this method of computing the research credit, beginning in 2010. At the same time, however, the bill would increase the alternative simplified credit from the 12 percent current rate to 16 percent in 2008, 18 percent in 2009, and 20 percent for 2010 and thereafter.

We believe this gradual transformation from the increasingly obsolete traditional credit to a single more relevant and strong alternative simplified credit should create a smooth and generous transition, both for traditional credit companies and for firms that find the new alternative simplified credit to be more beneficial.

I urge my colleagues on both sides of the aisle to join us in this effort. We have had widespread bipartisan support for extending the research credit here in the Senate. In fact, the Senate in 2001 passed a permanent research credit, but its permanence unfortunately was downgraded to another extension in conference with the House bill.

I believe that if we allow the research credit to expire, we will see the negative effects manifest in lower economic growth, fewer jobs created, fewer innovative products created, and lost opportunities as research activities move to other countries with more attractive incentives. Again, we should never forget that our Nation's future economic health is dependent on the innovations of today and tomorrow.

The United States needs to continue to be the world's leader in innovation. We cannot afford to allow other countries to lure away the research that has always been done here. We cannot afford to have the lapses in the research pipeline that would result if we fail to extend this credit before it expires on December 31. We need to make the credit permanent so we can increase the growth rate of our economy. And, we need to improve and simplify the credit so that it is more effective.

Enacting this legislation would mean more and better jobs for American workers. Innovation and new technology resulting from American research and development will continue to improve the standard of living for every person in the U.S. and around the world.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

### S. 2209

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Research Credit Improvement Act of 2007".

### SEC. 2. SIMPLIFICATION OF RESEARCH AND DEVELOPMENT CREDIT.

(a) TRANSITION TO FULLY-IMPLEMENTED SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPANSES.—

(1) PHASEOUT OF TRADITIONAL CREDIT.—Section 41(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking "20 percent" each place it appears and inserting "the applicable percentage", and

(B) by adding at the end the following new flush sentence:

"For purposes of this subsection, the term 'applicable percentage' means 20 percent with respect to taxable years beginning in 2008 and 2009.".

(2) PHASEIN OF SIMPLIFIED CREDIT.—Section 41(c)(5)(A) of such Code is amended—

(A) by striking "12 percent" and inserting "the applicable percentage", and

(B) by adding at the end the following new sentence: "For purposes of the preceding sentence, the term 'applicable percentage' means 16 percent with respect to taxable years beginning in 2008 and 18 percent with respect to taxable years beginning in 2009.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2007.

(b) FULLY-IMPLEMENTED SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—

(1) IN GENERAL.—Subsection (a) of section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended to read as follows:

"(a) DETERMINATION OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, the research credit determined under this section for the taxable year shall be equal to 20 percent of so much of the qualified research expenses for such taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(2) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

"(A) TAXPAYERS TO WHICH PARAGRAPH APPLIES.—The credit under this section shall be determined under this paragraph if the taxpayer has no qualified research expenses in at least 1 of the 3 taxable years preceding the taxable year for which the credit is being determined.

"(B) CREDIT RATE.—The credit determined under this paragraph shall be equal to 10 percent of the qualified research expenses for the taxable year.".

(2) CONFORMING AMENDMENT.—Section 41 of such Code is amended by striking subsection (c).

(c) UNIFORM REIMBURSEMENT RATES FOR ALL CONTRACT RESEARCH EXPENSES OTHER THAN AMOUNTS PAID FOR BASIC RESEARCH.—

(1) IN GENERAL.—Section 41(b)(3) of the Internal Revenue Code of 1986 (relating to contract research expenses) is amended—

(A) by striking "65 percent" and inserting "80 percent", and

(B) by striking subparagraphs (C) and (D).

(2) BASIC RESEARCH PAYMENTS.—Section 41(b) of such Code is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) BASIC RESEARCH PAYMENTS.—

"(A) IN GENERAL.—In the case of basic research payments by the taxpayer, paragraph (3)(A) shall be applied by substituting '100 percent' for '80 percent'.

"(B) BASIC RESEARCH PAYMENTS DEFINED.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'basic research payment' means, with respect to any taxable year, any amount paid in cash during such taxable year by a corporation to any qualified organization for basic research but only if—

"(I) such payment is pursuant to a written agreement between such corporation and such qualified organization, and

"(II) such basic research is to be performed by such qualified organization.

"(ii) EXCEPTION TO REQUIREMENT THAT RESEARCH BE PERFORMED BY THE ORGANIZATION.—In the case of a qualified organization described in clause (iii) or (iv) of subparagraph (C), subclause (II) of clause (i) shall not apply.

"(C) QUALIFIED ORGANIZATION.—For purposes of this paragraph, the term 'qualified organization' means any of the following organizations:

"(i) EDUCATIONAL INSTITUTIONS.—Any educational organization which—

"(I) is an institution of higher education (within the meaning of section 3304(f)), and

"(II) is described in section 170(b)(1)(A)(ii).

"(ii) CERTAIN SCIENTIFIC RESEARCH ORGANIZATIONS.—Any organization not described in clause (i) which—

"(I) is described in section 501(c)(3) and is exempt from tax under section 501(a),

"(II) is organized and operated primarily to conduct scientific research, and

"(III) is not a private foundation.

"(iii) SCIENTIFIC TAX-EXEMPT ORGANIZATIONS.—Any organization which—

"(I) is described in section 501(c)(3) (other than a private foundation) or section 501(c)(6),

"(II) is exempt from tax under section 501(a),

"(III) is organized and operated primarily to promote scientific research by qualified organizations described in clause (i) pursuant to written research agreements, and

"(IV) currently expends substantially all of its funds or substantially all of the basic research payments received by it for grants to, or contracts for basic research with, an organization described in clause (i).

"(iv) CERTAIN GRANT ORGANIZATIONS.—Any organization not described in clause (ii) or (iii) which—

"(I) is described in section 501(c)(3) and is exempt from tax under section 501(a) (other than a private foundation),

"(II) is established and maintained by an organization established before July 10, 1981, which meets the requirements of subclause (I),

"(III) is organized and operated exclusively for the purpose of making grants to organizations described in clause (i) pursuant to written research agreements for purposes of basic research, and

"(IV) makes an election, revocable only with the consent of the Secretary, to be treated as a private foundation for purposes of this title (other than section 4940, relating to excise tax based on investment income).

"(D) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) BASIC RESEARCH.—The term 'basic research' means any original investigation for the advancement of scientific knowledge not having a specific commercial objective, except that such term shall not include—

"(I) basic research conducted outside of the United States, and

"(II) basic research in the social sciences, arts, or humanities.

"(ii) TRADE OR BUSINESS QUALIFICATION.—For purposes of applying paragraph (1) to this paragraph, any basic research payments shall be treated as an amount paid in carrying on a trade or business of the taxpayer in the taxable year in which it is paid (without regard to the provisions of paragraph (3)(B)).

"(iii) CERTAIN CORPORATIONS NOT ELIGIBLE.—The term 'corporation' shall not include—

"(I) an S corporation,

"(II) a personal holding company (as defined in section 542), or

"(III) a service organization (as defined in section 414(m)(3)).".

(3) CONFORMING AMENDMENTS.—

(A) Section 41 of such Code is amended by striking subsection (e).

(B) Section 41(f) of such Code is amended by striking paragraph (6).

(d) PERMANENT EXTENSION OF CREDIT.—

(1) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2006.

(e) CONFORMING AMENDMENTS.—

(1) Section 41 of the Internal Revenue Code of 1986 is amended by redesignating subsections (d), (f), and (g) as subsections (c), (d), and (e), respectively.

(2) Paragraphs (2)(A) and (5) (as redesignated by subsection (b)(2)) of section 41(b) of such Code are each amended by striking "subsection (f)(1)" and inserting "subsection (d)(1)".

(3) Sections 45C(d)(3), 45G(e)(2), and 936(h)(5)(C)(i)(IV)(c) of such Code are each amended by striking "section 41(f)" and inserting "section 41(d)".

(4) Section 54(l)(3)(A) of such Code is amended by striking "section 41(g)" and inserting "section 41(e)".

(5) Section 170(e)(4)(B)(i) of such Code is amended by striking "subparagraph (A) or subparagraph (B) of section 41(e)(6)" and inserting "clause (i) or (ii) of section 41(b)(4)(C)".

(6) Sections 197(f)(1)(C), 197(f)(9)(C)(i)(II), and 280C(b)(3) of such Code are each amended by striking "section 41(f)(1)" and inserting "section 41(d)(1)".

(7) Section 280C(b)(3) of such Code is amended by striking "section 41(f)(5)" and inserting "section 41(d)(5)".

(8) Section 280C(b)(3) of such Code is amended by striking "section 41(f)(1)(B)" and inserting "section 41(d)(1)(B)".

(9) Section 280C(c)(1) of such Code is amended by striking "section 41(e)(2)" and inserting "section 41(b)(4)(B)".

(10) Section 280C(c)(2)(A) of such Code is amended by striking "section 41(a)(1)" and inserting "section 41(a)".

(11) Sections 936(j)(5)(D) and 965(c)(2)(C)(i) of such Code are each amended by striking "section 41(f)(3)" and inserting "section 41(d)(3)".

(f) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(g) STUDY OF COMPLIANCE WITH SUBSTANTIATION REQUIREMENTS.—The Secretary of the Treasury or his delegate shall, not later than 1 year after the date of the enactment of this Act, conduct a study of taxpayer compliance with the substantiation requirements for claiming the credit allowed under section 41 of the Internal Revenue Code of 1986, including a study of—

(1) whether taxpayers maintain adequate record keeping to determine eligibility for, and correct amount of, the credit,

(2) the impact of failure to comply with such requirements on the oversight and enforcement responsibilities of the Internal Revenue Service, and

(3) the burdens imposed on other taxpayers by failure to comply with such requirements.

The Secretary shall report the results of such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, including any recommendations for administrative or legislative actions which could be taken to improve compliance with such requirements.

Mr. BAUCUS. Mr. President, back in 1962, Marshall McLuhan wrote, "The new electronic interdependence recreates the world in the image of a global village." Certainly, 40 years later, that concept is truer than ever. As we prepare for the future in this global village, we need to affirm America's leadership role in the world.

The United States accounts for one-third of the world's spending on scientific research and development, ranking first among all countries. While this is impressive, relative to GDP, though, America falls to sixth place. And the trends show that maintaining American leadership in the future depends on increased commitment to research and science.

Asia has recognized this. Asia is plowing more funding into science and education. China, in particular, understands that technological advancement means security, independence, and economic growth. Spending on research and development has increased by 140 percent in China, Korea, and Taiwan. In America, it has increased by only 34 percent.

Asia's commitment is already paying off. More than a hundred Fortune 500 companies have opened research centers in India and China. I have visited some of them. I was impressed with the level of skill of the workers whom I met there.

China's commitment to research, at $60 billion in expenditures, is dramatic by any measure. Over the last few years, China has doubled the share of its economy that it invests in research. China intends to double the amount committed to basic research in the next decade. Currently, only America beats out China in numbers of researchers in the workforce.

Today, I am pleased to join with my colleague on the Finance Committee, Senator HATCH, to introduce the Research Competitiveness Act of 2007. This bill would improve our research competitiveness in four major areas. All four address incentives in our tax code. Government also supports research through Federal spending. But I am not addressing those areas today.

First, our bill improves and simplifies the credit for applied research in section 41 of the tax code. This credit has grown to be overly complex, both for taxpayers and the IRS. Beginning in 2008, our bill would create a simpler credit for qualifying research expenses that exceed 50 percent of the average expenses for the prior 3 years. This simplified credit would phase in over 3 years.

Just as important, the bill makes the credit permanent. Because the credit has been temporary, it has simply not been as effective as it could be. Since its creation in 1981, it has been extended 11 times. Congress even allowed it to lapse during one period.

The credit last expired in December of 2005. After much consternation and delay, Congress passed a 2-year extension just last month, extending the credit for 2006 and 2007. These temporary extensions have taken their toll on taxpayers. In 2005, the experts at the Joint Committee on Taxation wrote: "Perhaps the greatest criticism of the R&E credit among taxpayers regards its temporary nature." Joint Tax went on to say, "A credit of longer duration may more successfully induce additional research than would a temporary credit, even if the temporary credit is periodically renewed."

Currently, there are three different ways to claim a tax credit for qualifying research expenses. First, the "traditional" credit relies on incremental increases in expenses compared to a mid-1980s base period. Second, the "alternative incremental" credit measures the increase in research over the average of the prior 4 years.

Both of these credits have base periods involving gross receipts. Under the new tax bill enacted last month, a third formula was created, which does not rely on gross receipts and is available only for 2007. Our bill simplifies these credits and will move all taxpayers to the "Alternative Simplified Credit," which is based on research spending without reference to gross receipts. The current formulas hurt companies that have fluctuating sales. It hurts companies that take on a new line of business not dependent on research.

This new simpler formula in our bill would not start until 2008. That start date would give companies plenty of time to adjust their accounting. The current formula would be available to companies for 2 years, and then it would phase out.

The main complaint about the existing credits is that they are very complex, particularly the reference to the 20-year-old base period. This base period creates problems for the taxpayer in trying to calculate the credit. It creates problems for the IRS in trying to administer and audit those claims.

The new credit focuses only on expenses, not gross receipts. It is still an incremental credit, so that companies must continue to increase research spending over time. Further, this bill adds a mandate for a Treasury study to look at substantiation issues and ensure that current recordkeeping requirements assist the IRS without unduly burdening the taxpayer.

A tax credit is a cost-effective way to promote R&E. A report by the Congressional Research Service finds that without government support, investment in R&E would fall short of the socially optimal amount. Thus CRS endorses Government policies to boost private sector R&E.

Also, American workers who are engaged in R&E activities benefit from some of the most intellectually stimulating, high-paying, high-skilled jobs in the economy.

My own State of Montana has excellent examples of this economic activity. During the 1990s, about 400 establishments in Montana provided high-technology services, at an average wage of about $35,000 per year. These jobs paid nearly 80 percent more than the average private sector wage, which was less than $20,000 a year during the same period. Many of these jobs would never have been created without the assistance of the R&E credit.

Our research bill would also establish a uniform reimbursement rate for all contract and consortia R&E. It would provide that 80 percent of expenses for research performed for the taxpayer by other parties count as qualifying research expenses under the regular credit.

Currently, when a taxpayer pays someone else to perform research for the taxpayer, the taxpayer can claim one of three rates in order to determine how much the taxpayer can include for the research credit. The lower amount is meant to assure overhead expenses that normally do not qualify for the R&E credit are not counted. Different rates, however, create unnecessary complexity. Therefore, our bill creates a uniform rate of 80 percent.

The second major research area that this bill addresses is the need to enhance and simplify the credit for basic research. This credit benefits universities and other entities committed to basic research. It benefits the companies or individuals who donate to them. Our bill provides that payments under the university basic research credit would count as contractor expenses at the rate of 100 percent.

The current formula for calculating the university basic research credit—defined as research "for the advancement of science with no specific commercial objective"—is even more complex that the regular traditional R&E credit. Because of this complexity, this credit costs less than ½ of 1 percent of the cost of the regular R&E credit. It is completely under-utilized. It needs to be simplified to encourage businesses to give more for basic research.

American universities have been powerful engines of scientific discovery. To maintain our premier global position in basic research, America relies on sustained high levels of basic research funding and the ability to recruit the most talented students in the world. The gestation of scientific discovery is long. At least at first, we cannot know the commercial applications of a discovery. But America leads the world in biotechnology today because of support for basic research in chemistry and physics in the 1960s. Maintaining a commitment to scientific inquiry, therefore, must be part of our vision for sustained competitiveness.

Translating university discoveries into commercial products also takes innovation, capital, and risk. The Center for Strategic and International Studies asked what kind of government intervention can maintain technological leadership. One source of technological innovation that provides America with comparative advantage is the combination of university research programs, entrepreneurs, and risk capital from venture capitalists, corporations, or governments. Research clusters around Silicon Valley and North Carolina's Research Triangle exemplify this sort of combination.

The National Academies reached a similar conclusion in a 2002 review of the National Nanotechnology Initiatives. In a report, they wrote: "To enhance the transition from basic to applied research, the committee recommends that industrial partnerships be stimulated and nurtured to help accelerate the commercialization of national nanotechnology developments."

In sum, our bill would boost both applied and basic research. It would boost research by businesses big and small. And it would foster research by for-profit and nonprofits alike.

McLuhan's quote about the global village was taken by many at the time as a wake-up call to a changing world. Since then, many more leaders in this village have emerged. Let us work to see that the next big technological advance is discovered here in America. Only through continued commitment to research can we ensure that it is.

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By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2212. A biff to support the establishment and operations of Teachers Professional Development Institutes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, today I am introducing legislation, along with my colleague from Connecticut, Mr. DODD, that will strengthen the content and pedagogy knowledge of our present K–12 teacher workforce and thus ultimately raise student achievement.

Our proposal would establish 8 new Teacher Professional Development Institutes throughout the Nation each year over the next 5 years based on the model which has been operating at Yale University for over 25 years. Every Teacher Institute would consist of a partnership between an institution of higher education and the local public school system in which a significant proportion of the students come from low-income households. These Institutes will strengthen the present teacher workforce by giving each participant an opportunity to gain more sophisticated content knowledge and a chance to develop curriculum units with other colleagues that can be directly applied in their classrooms. We know that teachers gain confidence and enthusiasm when they have a deeper understanding of the subject matter that they teach and this translates into higher expectations for their students and an increase in student achievement.

The Teacher Professional Development Institutes are based on the Yale-New Haven Teachers Institute model that has been in existence since 1978. For over 25 years, the Institute has offered, six or seven 13-session seminars each year, led by Yale faculty, on topics that teachers have selected to enhance their mastery of the specific subject area that they teach. The subject selection process begins with representatives from the Institutes soliciting ideas from teachers throughout the school district for topics on which teachers feel they need to have additional preparation, topics that will assist them in preparing materials they need for their students, or topics that will assist them in addressing the standards that the school district requires. As a consensus emerges about desired seminar subjects, the Institute director identifies university faculty members with the appropriate expertise, interest and desire to lead the seminar. University faculty members, especially those who have led Institute seminars before, may sometimes suggest seminars they would like to lead, and these ideas are circulated by the representatives as well. The final decisions on which seminar topics are offered are ultimately made by the teachers who participate. In this way, the offerings are designed to respond to what teachers believe is needed and useful for both themselves and their students.

The cooperative nature of the Institute seminar planning process ensures its success: Institutes offer seminars and relevant materials on topics teachers have identified and feel are needed for their own preparation as well as what they know will motivate and engage their students. Teachers enthusiastically take part in rigorous seminars they have requested, and as part of the program, practice using the materials they have obtained and developed. This helps ensure that the experience not only increases their preparation in the subjects they are assigned to teach, but also their participation in an Institute seminar gives them immediate hands-on active learning materials that can be used in the classroom. In short, by allowing teachers to determine the seminar subjects and providing them the resources to develop relevant curricula for their classroom and their students, the Institutes empower teachers. Teachers know their students best and they know what should be done to improve schools and increase student learning. The Teacher Professional Development Institutes promote this philosophy.

From 1999–2002, the Yale-New Haven Teachers Institute promoted a National Demonstration Project to create comparable Institutes at four diverse sites with large concentrations of disadvantaged students. These demonstration projects are located in Pittsburgh, Pennsylvania, Houston, Texas, Albuquerque, New Mexico, and Santa Ana, CA.

Follow-up evaluations have earned very positive results from the teacher participants in the Yale-New Haven Institute, as well as the four demonstration sites. The data strongly support the conclusion that virtually all teachers felt substantially strengthened in their mastery of content knowledge and they also developed increased expectations for what their students could achieve. In addition, because of their involvement in the course selection and curriculum development process, teacher participants have found these seminars to be especially relevant and useful in their classroom practices. Mr. President, 95 percent of all participating teachers reported that the seminars were useful. These Institutes have also served to foster teacher leadership, to develop supportive teacher networks, to heighten university faculty commitments to improving K–12 public education, and to foster more positive partnerships between school districts and institutions of higher education.

Many agree that teacher quality is the single most important school-related factor in determining student achievement. Effective teacher professional development programs that focus on subject and pedagogy knowledge are a proven method for enhancing the success of a teacher in the classroom.

Though a K–12 teacher shortage is forecast in the near-term and many new teachers will be entering our schools, those teachers who are presently on the job will do the majority of teaching in the classrooms in the very near future. For this reason, it is imperative to invest in methods to strengthen our present teaching workforce. Like many professions, the quality of our teachers could diminish if their professional development is neglected. Positive educational achievements occur when coursework in a teacher's specific content area is combined with pedagogy techniques. This is what the Teacher Professional Development Institutes Act strives to accomplish.

The Yale-New Haven Teachers Institute has already proven to be a successful model for teacher professional development as demonstrated by the high caliber curriculum unit plans that teacher participants have developed and placed on the web, and by the evaluations that support the conclusion that virtually all the teacher participants felt substantially strengthened in their mastery of content knowledge and their teaching skills. Our proposal would open this opportunity to many more urban teachers throughout the nation.

I urge my colleagues to act favorably on this measure. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2212

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES.

(a) IN GENERAL.—Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

### "Subpart 6—Teachers Professional Development Institutes

### "SEC. 2161. SHORT TITLE.

"This subpart may be cited as the 'Teachers Professional Development Institutes Act'.

### "SEC. 2162. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Teaching is central to the educational process and the ongoing professional development of teachers in the subjects they teach is essential for improved student learning.

"(2) Attaining the goal of the No Child Left Behind Act of 2001 (Public Law 107–110)—having a classroom teacher who is highly qualified in every academic subject the teacher teaches—will require innovative and effective approaches to improving the quality of teaching.

"(3) The Teachers Institute Model focuses on the continuing academic preparation of schoolteachers and the application of what they study to their classrooms and potentially to the classrooms of other teachers.

"(4) The Teachers Institute Model was developed initially by the Yale-New Haven Teachers Institute and has successfully operated there for 30 years.

"(5) The Teachers Institute Model has also been successfully demonstrated over a 3-year period in a national demonstration project in cities larger than New Haven.

"(b) PURPOSE.—The purpose of this subpart is to provide Federal assistance to support the establishment and operation of Teachers Institutes for local educational agencies that serve significant low-income student populations in States throughout the Nation—

"(1) to improve student learning; and

"(2) to enhance the quality of teaching and strengthen the subject matter mastery and the pedagogical skills of current teachers through continuing teacher preparation.

### "SEC. 2163. DEFINITIONS.

"In this subpart:

"(1) SIGNIFICANT LOW-INCOME POPULATION.—The term 'significant low-income population' means a population of which not less than 25 percent of the individuals included are from families with incomes below the poverty line, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) TEACHERS INSTITUTE.—The term 'Teachers Institute' means a partnership or joint venture between 1 or more institutions of higher education, and 1 or more local educational agencies with significant low-income populations, that is entered into for the purpose of improving the quality of teaching and learning through collaborative seminars designed to enhance both the subject matter and the pedagogical resources of the seminar participants.

### "SEC. 2164. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—The Secretary is authorized—

"(1) to award grants to encourage the establishment and operation of Teachers Institutes; and

"(2) to provide technical assistance, either directly or through the Yale-New Haven Teachers Institute, to assist local educational agencies and institutions of higher education in preparing to establish and in operating Teachers Institutes.

"(b) SELECTION CRITERIA.—In selecting Teachers Institutes for grants under this subpart, the Secretary shall consider—

"(1) the extent to which the proposed Institute will serve a community or communities that have a significant low-income population;

"(2) the extent to which the proposed Institute will follow the understandings and necessary procedures that have been developed following the National Demonstration Project, as described in section 2166;

"(3) the extent to which the local educational agency has a high percentage of teachers who are unprepared or underprepared to teach the core academic subjects they are assigned to teach; and

"(4) the extent to which the proposed Teachers Institute will receive a level of support from the community and other sources that will ensure the requisite long-term commitment for the success of a Teachers Institute.

"(c) CONSULTATION.—

"(1) IN GENERAL.—In evaluating applications under subsection (b), the Secretary may request the advice and assistance of the Yale-New Haven Teachers Institute or other Teachers Institutes.

"(2) STATE AGENCIES.—If the Secretary receives 2 or more applications from local educational agencies within the same State, the Secretary shall consult with the State educational agency regarding the applications.

"(d) FISCAL AGENT.—For the purpose of this subpart, an institution of higher education participating in a Teachers Professional Development Institute shall serve as the fiscal agent for the receipt of grant funds under this subpart.

"(e) LIMITATIONS.—A grant under this subpart—

"(1) shall provide grant funds for a period not to exceed 5 years; and

"(2) shall not exceed 50 percent of the total costs of the eligible activities, as determined by the Secretary.

### "SEC. 2165. ELIGIBLE ACTIVITIES.

"(a) IN GENERAL.—Grant funds under this subpart may be used—

"(1) for the planning and development of proposals for the establishment of Teachers Institutes;

"(2) for additional assistance to the Teachers Institutes established during the National Demonstration Project for their further development and for their support of the planning and development of proposals under paragraph (1);

"(3) for the salary and necessary expenses of a full-time director to plan and manage the Teachers Institute and to act as liaison between the local educational agency or agencies and the institution or institutions of higher education participating in the Institute;

"(4) to provide suitable office space, staff, equipment, and supplies, and to pay other operating expenses, for the Teachers Institute;

"(5) to provide a stipend for teachers participating in collaborative seminars in the sciences and humanities and to provide remuneration for members of the faculty of the participating institution of higher education leading the seminars; and

"(6) to provide for the dissemination through print and electronic means of curriculum units prepared in the seminars conducted by the Teachers Institute.

"(b) TECHNICAL ASSISTANCE.—The Secretary may use not more than 50 percent of the funds appropriated to carry out this subpart to provide technical assistance to facilitate the establishment and operation of Teachers Institutes. For the purpose of this subsection, the Secretary may contract with the Yale-New Haven Teachers Institute to provide all or a part of the technical assistance under this subsection.

### "SEC. 2166. UNDERSTANDINGS AND PROCEDURES.

"A Teachers Institute funded under this subpart shall abide by the following understandings and procedures:

"(1) PARTNERSHIP.—The essential relationship of a Teachers Institute is a partnership between a local educational agency and an institution of higher education. A grantee shall demonstrate a long-term commitment on behalf of the participating local educational agency and an institution of higher education to the support, including the financial support, of the work of the Teachers Institute.

"(2) SEMINARS.—A Teachers Institute sponsors seminars led by faculty of the institution of higher education partner and attended by teachers from the local educational agency partner. A grantee shall provide participating teachers the ability to play an essential role in planning, organizing, conducting, and evaluating the seminars and in encouraging the future participation of other teachers.

"(3) CURRICULUM UNIT.—The seminar uses a collaborative process, in a collegial environment, to develop a curriculum unit for use by participating teachers that sets forth the subject matter to be presented and the pedagogical strategies to be employed. A grantee shall enable participating teachers to develop a curriculum unit, based on the subject matter presented, for use in their classrooms.

"(4) ELIGIBILITY AND REMUNERATION.—Seminars are open to all partnership teachers with teaching assignments relevant to the seminar topics. Seminar leaders receive remuneration for their work and participating teachers receive an honorarium or stipend upon the successful completion of the seminar. A grantee shall provide seminar leaders and participating teachers remuneration to allow them to participate in the Institute.

"(5) DIRECTION.—The operations of a Teachers Institute are managed by a full-time director who reports to both partners but is accountable to the institution of higher education partner. A grantee shall appoint a director to manage and coordinate the work of the Institute.

"(6) EVALUATION.—A grantee shall annually review the activities of the Institute and disseminate the results to members of the Institute's partnership community.

### "SEC. 2167. APPLICATION, APPROVAL, AND AGREEMENT.

"(a) IN GENERAL.—To receive a grant under this subpart, a Teachers Institute shall submit an application to the Secretary that—

"(1) meets the requirement of this subpart and any regulations under this subpart;

"(2) includes a description of how the Teachers Institute intends to use funds provided under the grant;

"(3) includes such information as the Secretary may require to apply the criteria described in section 2164(b);

"(4) includes measurable objectives for the use of the funds provided under the grant; and

"(5) contains such other information and assurances as the Secretary may require.

"(b) APPROVAL.—The Secretary shall—

"(1) promptly evaluate an application received for a grant under this subpart; and

"(2) notify the applicant within 90 days of the receipt of a completed application of the Secretary's determination.

"(c) AGREEMENT.—Upon approval of an application, the Secretary and the applicant shall enter into a comprehensive agreement covering the entire period of the grant.

### "SEC. 2168. REPORTS AND EVALUATIONS.

"(a) REPORT.—Each Teachers Institute receiving a grant under this subpart shall report annually to the Secretary on the progress of the Institute in achieving the purpose of this subpart.

"(b) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this subpart and submit an annual report regarding the activities assisted under this subpart to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by Teachers Institutes.

"(c) REVOCATION.—If the Secretary determines that a Teachers Institute is not making substantial progress in meeting the purposes of the grant by the end of the second year of the grant under this subpart, the Secretary may take appropriate action, including revocation of further payments under the grant, to ensure that the funds available under this subpart are used in the most effective manner.

### "SEC. 2169. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for grants, including planning grants, and technical assistance under this subpart—

"(1) $4,000,000 for fiscal year 2008;
"(2) $5,000,000 for fiscal year 2009;
"(3) $6,000,000 for fiscal year 2010;
"(4) $7,000,000 for fiscal year 2011; and
"(5) $8,000,000 for fiscal year 2012.".

(b) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 note) is amended by inserting after the item relating to section 2151 the following:

"SUBPART 6—TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES

"Sec. 2161. Short title.
"Sec. 2162. Findings and purpose.
"Sec. 2163. Definitions.
"Sec. 2164. Authority to make grants.
"Sec. 2165. Eligible activities.
"Sec. 2166. Understandings and procedures.
"Sec. 2167. Application, approval, and agreement.
"Sec. 2168. Reports and evaluations.
"Sec. 2169. Authorization of appropriations.".

## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 354—EXPRESSING THE SENSE OF THE SENATE REGARDING THE 35TH ANNIVERSARY OF THE ENACTMENT OF THE CLEAN WATER ACT

Mr. LAUTENBERG (for himself, Mr. VITTER, Mrs. BOXER, and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 354

Whereas 35 years ago, on October 18, 1972, the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) were enacted;

Whereas those amendments formed the basis of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"), the principal Act governing water pollution in the United States;

Whereas substantial improvements to the water quality of the United States have resulted from a successful partnership among Federal, State, and local governments, the private sector, and the public;

Whereas, since 1972, the Federal Government has provided more than $82,000,000,000 to States and communities for wastewater infrastructure and other assistance;

Whereas clean water is a natural resource of tremendous value and importance to the United States;

Whereas there is resounding public support for the continued protection and restoration of United States rivers, streams, lakes, wetlands, and marine waters;

Whereas maintaining and improving water quality is essential to protecting public health, fisheries, wildlife, and watersheds, and for ensuring abundant opportunities for public recreation and economic development;

Whereas it is the responsibility of all levels of government and all citizens to ensure the availability of clean water for future generations;

Whereas water pollution problems persist throughout the United States, and significant challenges lie ahead in the effort to protect and restore the water resources of the United States;

Whereas in the most recent National Water Quality Inventory of the 19 percent of the nations' rivers and streams assessed 45 percent of rivers and streams were impaired, of the 37 percent of the nation's assessed lakes, ponds and reservoirs, 47 percent were impaired and of the 35 percent of the nation's assessed bays and estuaries, 32 percent were impaired; the remainder of the assessed waters met their intended uses;

Whereas further development and innovation of water pollution control programs and advancement of water pollution control research and technology are necessary and desirable; and

Whereas October 18, 2007, is the 35th anniversary of the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"): Now, therefore, be it

*Resolved*, That, as the United States marks the 35th anniversary, on October 18, 2007, of the enactment of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), which formed the basis for the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"), it is the sense of the

Senate that all citizens of the United States and all levels of government should—

(1) recognize and celebrate the accomplishments of the United States under that Act; and

(2) recommit to achieving the objectives of that Act of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3404. Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3405. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3406. Mr. BROWNBACK (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3407. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3408. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3409. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3410. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3411. Mr. DURBIN (for himself and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3412. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3413. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3414. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3415. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3416. Mr. INHOFE (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3417. Mr. INHOFE (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3418. Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3419. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3420. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3421. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3422. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3423. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3424. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3425. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3426. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3427. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3428. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3429. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3430. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3431. Ms. LANDRIEU (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3432. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3433. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3434. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3435. Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3436. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3437. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3438. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3439. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3440. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3441. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3442. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3443. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3444. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3445. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3446. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3404.** Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 7 and 8, add the following:

SEC. 521. Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1996, 1997," after "available in fiscal year"; and

(B) by inserting "group I," after "schedule A,";

(2) in paragraph (2)(A), by inserting "1996, 1997, and" after "available in fiscal years"; and

(3) by adding at the end the following:

"(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.".

**SA 3405.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. ____. Not later than 9 months after the date of enactment of this Act, the Government Accountability Office shall submit a report to Congress that contains an assessment of the process for hiring and managing administrative law judges and makes recommendations on ways to improve the hiring and management of administrative law judges.

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**SA 3406.** Mr. BROWNBACK (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ____. Notwithstanding any other provision of law, a local educational agency that receives funds appropriated under this title shall not distribute any form of contraceptives to students under the age of 16.

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**SA 3407.** Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, under the heading "OFFICE OF NATIONAL COORDINATOR FOR HEALTH INFORMATION" an additional $2,500,000 shall be available under section 241 of the Public Health Service Act to carry out Health Information Technology Network Development, and the amount available under the heading "GENERAL DEPARTMENTAL MANAGEMENT" under the heading "OFFICE OF THE SECRETARY" shall be decreased by $2,500,000.

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**SA 3408.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. In addition to any other amounts appropriated in this Act, up to $2,000,000 shall be available to the Centers for Disease Control and Prevention and the Health Resources and Services Administration for the Traumatic Brain Injury (TBI) Surveillance, Registries, Prevention, and National Education/Public Awareness Program under the Traumatic Brain Injury Act of 1996 (as amended by the Children's Health Act of 2000, Public Law 106-310) and the State Traumatic Brain Injury (TBI) Grant Program under such Act (as so amended).

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**SA 3409.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. In addition to any other amounts appropriated in this Act, $1,000,000 shall be available to the Centers for Disease Control and Prevention for the Traumatic Brain Injury (TBI) Surveillance, Registries, Prevention, and National Education/Public Awareness Program under the Traumatic Brain Injury Act of 1996 (as amended by the Children's Health Act of 2000, Public Law 106-310) and $1,000,000 shall be available to the Health Resources and Services Administration for the State Traumatic Brain Injury (TBI) Grant Program under such Act (as so amended).

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**SA 3410.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, line 14, insert before the period the following: ", of which $800,000 shall be made available to fund epilepsy patient education, awareness, outreach, and surveillance activities to be conducted by the CURE Epilepsy Foundation".

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**SA 3411.** Mr. DURBIN (for himself and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, line 24, insert before the period the following: ": *Provided further*, That funds may be made available for grants to Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services".

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**SA 3412.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be increased by $150,000,000.

(b) Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended—

(1) by inserting "(i)" after "(G)"; and

(2) by adding at the end the following new clause:

"(ii)(I) Beginning January 1, 2008 and ending December 31, 2008, the Commissioner of Social Security shall impose the applicable fee determined under subclause (II) for each replacement social security card issued to an individual. The Commissioner of Social Security may waive the imposition of the fee required under this clause if such imposition would be against equity and good conscience.

"(II) For purposes of subclause (I), the applicable fee determined under this subclause is—

"(aa) for 2008, $30.00; and

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**SA 3413.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows for the distribution of birth control to a child under 18 years of age, without the separate, prior, written consent of a parent or guardian of such child.

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**SA 3414.** Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In section 110, add at the end the following:

(c) Notwithstanding section 115(e) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 825(e)), any requirement of a regulation issued under section 115(e) that requires that a mine rescue team participate at least annually in 2 local mine rescue contests or at least annually in mine rescue training at the underground coal mine covered by the team shall not apply to a State-sponsored mine rescue team—

(1) that is composed of State employees;

(2) whose members are familiar with the operations of the mines the team covers through the performance of the members' regular duties; and

(3) that conducts mine rescue training at least once semi-annually.

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**SA 3415.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) The Comptroller General of the United States shall conduct a study of the effectiveness and timeliness of the fourtiered system used to determine the frequency and priority for surveying and certifying providers and suppliers participating or desiring to participate in the Medicare or Medicaid program. The study shall include an examination of the impact of such system on health care providers and suppliers that have not previously been surveyed and certified for participation in either such program.

(b) Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to

Congress a report on the study conducted under subsection (a), together with such recommendations as the Comptroller General determines appropriate.

**SA 3416.** Mr. INHOFE (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 76, strike line 24 and all that follows through line 7 on page 77.

**SA 3417.** Mr. INHOFE (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 7, insert before the period the following: ", and in addition only where allowed by and in accordance with the policies of the publishers who have conducted the peer-review and accepted the manuscripts for publication".

**SA 3418.** Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act or any other Act making appropriations to the agencies funded by this Act may be used to close or otherwise cease to operate the field office of the Social Security Administration located in Bristol, Connecticut, before the date on which the Commissioner of Social Security submits to the appropriate committees of Congress a comprehensive and detailed report outlining and justifying the process for selecting field offices to be closed. Such report shall include—

(1) a thorough analysis of the criteria used for selecting field offices for closure and how the Commissioner of Social Security analyzes and considers factors relating to transportation and communication burdens faced by elderly and disabled citizens as a result of field office closures, including the extent to which elderly citizens have access to, and competence with, online services; and

(2) for each field office proposed to be closed during fiscal year 2007 or 2008, including the office located in Bristol, Connecticut, a thorough cost-benefit analysis for each such closure that takes into account—

(A) the savings anticipated as a result of the closure;

(B) the anticipated burdens placed on elderly and disabled citizens; and

(C) any costs associated with replacement services and provisional contact stations.

**SA 3419.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) The Comptroller General of the United States shall conduct a study to evaluate the Social Security Administration's plan to reduce the hearing backlog for disability claims at the Social Security Administration and the Social Security Administration's current and planned initiatives to improve the disability process, as contained in the report submitted to the Senate on September 13, 2007, pursuant to Senate Report 110–107.

(b) Not later than 5 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Comptroller General determines appropriate.

**SA 3420.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) The Comptroller General of the United States shall conduct a study to evaluate the Social Security Administration's plan to reduce the hearing backlog for disability claims at the Social Security Administration and the Social Security Administration's current and planned initiatives to improve the disability process, as contained in the report submitted to the Senate on September 13, 2007, pursuant to Senate Report 110–107.

(b) Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Comptroller General determines appropriate.

**SA 3421.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows for the distribution of birth control to a child under 17 years of age, without the separate, prior, written consent of a parent or guardian of such child.

**SA 3422.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows for the distribution of birth control to a child under 16 years of age, without the separate, prior, written consent of a parent or guardian of such child.

**SA 3423.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows for the distribution of birth control to a child under 15 years of age, without the separate, prior, written consent of a parent or guardian of such child.

**SA 3424.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows for the distribution of birth control to a child under 14 years of age, without the separate, prior, written consent of a parent or guardian of such child.

**SA 3425.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows for the distribution of birth control to a child under 13 years of age, without the separate, prior, written consent of a parent or guardian of such child.

**SA 3426.** Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of

**Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place in title II, insert the following:

SEC. ____. (a) In addition to amounts otherwise appropriated under this title for the National Health Service Corps, there shall be made available to the National Health Service Corps an additional amount so that the total amount available for such Corps is $131,500,000.

(b) Notwithstanding any other provision of this Act, amounts made available under this Act for the administrative and related expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the amount necessary to provide for the additional amount made available under subsection (a).

**SA 3427.** **Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place insert:

It is the sense of the Senate that a portion of the funds at the National Institute of Diabetes and Digestive and Kidney Diseases be used for hemodialysis clinical trials.

**SA 3428.** **Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:**

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any other amounts appropriated or otherwise made available under this Act, $8,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109-18).

(b) Amounts made available under this Act for consulting services for the Departments of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $8,000,000.

**SA 3429.** **Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:**

On page 12, line 8, before the period, insert the following: "*Provided further*, That not later than 365 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report regarding the impact of the North American Free Trade Agreement (in this section, referred to as the 'Agreement') on jobs in the United States. The report shall cover the period beginning on the date the Agreement entered into force with respect to the United States through December 31, 2007, and shall include on a industry-by-industry basis, the information regarding the number and type of jobs lost in the United States as a result of the agreement and the number and type of jobs created as a result of the Agreement.".

**SA 3430.** **Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of title III, add the following:

SEC. ____. (a) Not later than May 31, 2009, the Comptroller General of the United States shall submit a report to Congress on student preparation techniques to meet State academic achievement standards and achieve on State academic assessments.

(b) The report required under subsection (a) shall include a compilation of data collected from surveying a representative sample of schools across the Nation to determine the range of techniques that schools are using in order to prepare students to meet State academic achievement standards and achieve on State academic assessments, including the extent to which schools have—

(1) extended the school day;

(2) hired curriculum specialists to train teachers or work with individual students or small groups of students;

(3) de-emphasized academic subjects of which State academic achievement standards and assessments are not required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(4) used commercial test preparation material;

(5) provided increased professional development for teachers;

(6) targeted low-performing students for specialized instruction or tutoring;

(7) instituted formative or benchmark exams;

(8) distributed old exam questions to teachers and students and focused instruction on these old exam questions;

(9) increased instructional time on tested subjects; or

(10) used any other techniques to prepare students to meet State academic achievement standards and achieve on State academic assessments.

(c) The data collected pursuant to this section shall be reported—

(1) as data for all schools; and

(2) as data disaggregated by—

(A) high-poverty schools;

(B) low-poverty schools;

(C) schools with a student enrollment consisting of a majority of minority students;

(D) schools with a student enrollment consisting of a majority of non-minority students;

(E) urban schools;

(F) suburban schools;

(G) rural schools; and

(H) schools identified as in need of improvement under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

(d) The representative sample described in subsection (b) shall be designed in such a manner as to provide valid, reliable, and accurate information as well as sufficient sample sizes for each type of school described in subsection (c).

**SA 3431.** **Ms. LANDRIEU (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:**

On page 85, line 3, strike the period at the end and insert "*Provided further*, that of such funds $251,394,000 shall be for public charter schools, of which $214,783,000 shall be for Charter Schools Grants and $36,611,000 of which shall be for the Credit Enhancement for Charter School Facilities Program.".

**SA 3432.** **Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place in title II, insert the following:

SEC. ____. (a) In addition to other amounts made available in this title, $6,000,000 shall be made available for trauma care activities.

(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $6,000,000.

**SA 3433.** **Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of title III, insert the following:

SEC. ____. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C. 1078–1) that exists on the date of enactment of this Act. With respect to an entity with which the Secretary of Education has a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C. 1078–1) on the date of enactment of this Act that is not cost neutral, the Secretary of Education shall, not later than December 31, 2007—

(1) negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement; or

(2) renegotiate such existing voluntary flexible agreement so that the agreement is cost neutral.

**SA 3434.** **Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the**

bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 7, strike "$756,556,000" and insert "$786,556,000".

On page 66, line 10, strike the period and insert ", and of which $189,000,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.".

On page 79, between lines 4 and 5, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, amounts appropriated in this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced by a pro rata percentage required to reduce the total amount appropriated in this Act by $30,000,000.

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**SA 3435.** Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PERMANENT AUTHORIZATION OF CONRAD STATE 30 PROGRAM.**

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "and before June 1, 2008".

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**SA 3436.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"*Provided further*, That the Secretary of Education shall assess the impact on education felt by students in states with a high proportion of federal land compared to students in non-public land states. The study shall consider current student teacher ratios, trends in student teacher ratios, the proportion of property tax dedicated to education in each state, and the impact of these and other factors on education in public land states. The Secretary shall submit the report not later than 1 year after the date of the enactment of this Act."

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**SA 3437.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. . Notwithstanding any other provision of law, no funds shall be made available under this Act to modify the HIV/AIDS funding formulas under title XXVI of the Public Health Service Act.

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**SA 3438.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

GENERAL PROVISIONS

SEC. 401. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be increased by $160,000,000.

(b) Notwithstanding sections 1816(c) and 1842(c)(2) of the Social Security Act (42 U.S.C. 1395h(c) and 1395u(c)(2)) or any other provision of law—

(1) any payment from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) or from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) for claims submitted under part A or B of title XVIII of such Act for items and services furnished under such part A or B, respectively, that would otherwise be payable during the period beginning on September 29, 2008, and ending on September 30, 2008, shall be paid on the first business day of October 2008; and

(2) no interest or late penalty shall be paid to an entity or individual for any delay in a payment by reason of the application of paragraph (1).

(c) Section 323 of title 31, United States Code, is amended to read as follows:

**"§ 323. Investment of operating cash**

"(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

"(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

"(2) obligations of the United States Government; and

"(3) repurchase agreements with parties acceptable to the Secretary.

"(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

"(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

"(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under sub-section (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

"(2) For purposes of paragraph (1), the term 'appropriate committees' means the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Finance and Banking, Housing, and Urban Affairs of the Senate.".

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**SA 3439.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

GENERAL PROVISIONS

SEC. 401.(a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be increased by $160,000,000.

(b) Notwithstanding any other provision of this Act, an additional $25,000,000 of the funds provided under the first paragraph under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be used to conduct re-determinations of eligibility under title XVI of the Social Security Act.

(c) Section 323 of title 31, United States Code, is amended to read as follows:

**"§ 323. Investment of operating cash**

"(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

"(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

"(2) obligations of the United States Government; and

"(3) repurchase agreements with parties acceptable to the Secretary.

"(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

"(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

"(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

"(2) For purposes of paragraph (1), the term 'appropriate committees' means the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Finance and Banking, Housing, and Urban Affairs of the Senate.".

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**SA 3440.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

GENERAL PROVISIONS

SEC. 401.(a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be increased by $90,000,000.

(b) Section 1848(l)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)(A)), as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90), is amended by striking "$1,350,000,000" and inserting "$70,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed $720,000,000" in the first sentence.

(c) Section 323 of title 31, United States Code, is amended to read as follows:

**"§ 323. Investment of operating cash**

"(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

"(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

"(2) obligations of the United States Government; and

"(3) repurchase agreements with parties acceptable to the Secretary.

"(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

"(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

"(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

"(2) For purposes of paragraph (1), the term 'appropriate committees' means the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Finance and Banking, Housing, and Urban Affairs of the Senate.".

**SA 3441.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall complete—

(1) not later than 20 months after the date of enactment of this Act, a report to assess the toxicological, epidemiological, and related scientific evidence on the effects of lead on sensitive subpopulations, particularly children, including—

(A) an examination of the relationships of blood lead levels, including levels below 10 micrograms lead per deciliter of blood, with deficits in cognitive functioning and other health effects, including public health impacts;

(B) a review of estimates, trends, and distributions of lead exposures in children and other sensitive subpopulations;

(C) an identification of the scientific basis for residential lead standards, practices for lead sampling in buildings, and data gaps; and

(D) recommendations for future research; and

(2) not later than 2 years after the date of enactment of this Act, a report to assess existing and forthcoming research on the links between chemical contaminants and reproductive health, including—

(A) a review of developmental effects, including effects on fetal development and long-term effects that may be manifested in adults in the form of infertility, impaired fertility, and related conditions;

(B) a review of the current state of efforts by practitioners to compile environmental histories of patients with reproductive disorders, including infertility, poor pregnancy outcomes, and reproductive tract abnormalities and cancers;

(C) a review of available research on the value of environmental histories;

(D) guidance for health care professionals as to the most effective methods of compiling environmental histories described in subparagraph (C); and

(E) criteria for determining the reproductive and developmental toxicity of chemicals, including early indicators of potential reproductive and developmental toxicity.

(b) The Secretary shall use to pay the cost of completing the report under subsection (a)(1) $750,000, and to pay the cost of completing the report under subsection (a)(2) $1,000,000, which amounts shall be derived by transfer, on a pro rata basis, from each account from which travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education are paid, so as to decrease the overall amounts available for those travel expenses by $1,750,000.

**SA 3442.** Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SECTION 1. RECAPTURE OF UNUSED EMPLOYMENT-BASED VISA NUMBERS.**

(a) IN GENERAL.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1994, 1996, 1997, 1998" after "available in fiscal year";

(B) by striking "or 2004" and inserting "2004, or 2006"; and

(C) by striking "be available" and all that follows and inserting the following: "be available only to—

"(A) employment-based immigrants under paragraph (1), (2), and (3)(A)(i) and (ii) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b));

"(B) the family members accompanying or following to join such employment-based immigrants under section 203( d) of such Act (8 U.S.C. 1153(d));

"(C) those immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor; and

"(D) aliens seeking immigrant visas who:

(1) are otherwise admissible under the INA;

(2) achieve the highest scores on the Scholastic Aptitude Test or the American College Testing placement exam administered in that fiscal year; and

(3) take the exams described in (2) above in the English language.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "1999 through 2004" and inserting "1994, 1996 through 1998, 2001 through 2004, and 2006"; and

(B) in subparagraph (B), by amending clause (ii) to read as follows:

"DISTRIBUTION OF VISAS.—The total number of visas made available under paragraph (1) from unused visas from the fiscal years 1994, 1996 through 1998, 2001 through 2004, and 2006 shall be distributed as follows:

"(I) The total number of visas made available for immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor, shall not be less than 61,000.

"(II) The total number of visas made available for qualifying immigrants under paragraph (1)(D) of section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by this Act shall not be greater than 17,000.

"(III) The total number of visas remaining from the total made available under paragraph (1) shall be allocated to employment-based immigrants with approved petitions under paragraph (1), (2), or (3)(A)(i) and (ii) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) and their family members accompanying or following to join under section 203(d) of such Act (8 U.S.C. 1153(d)).".

(3) by adding at the end the following:

"(4) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

"(A) IN GENERAL.—In addition to required filing fees, the Secretary shall impose a $1,500 recapture fee upon each petitioning employer who uses a visa number recaptured under this section.

"(B) The fee required under paragraph (A) shall not be imposed for the use of such visas if the employer demonstrates to the Secretary that—

"(I) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

"(II) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)."

"(5) DOMESTIC WORKER ENHANCEMENT ACCOUNT.—

"(A) ESTABLISHMENT.—There is established in the general fund to the Treasury a separate account which shall be known as the "Domestic Worker Enhancement Account." Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under this section.

"(B) USE OF FUNDS.—Amounts deposited pursuant to paragraph 1(C) shall be made available to the Secretary of Health and Human Services for programs and projects described in subpart 1 of part A of title VIII of the Public Health Service Act (42 U.S.C. §§201 et seq). Amounts deposited pursuant to paragraph 1(A) and (B) shall be made available to the Secretary of Labor for programs and projects described in Workforce Investment Act of 1998 (P.L. 105–220).

### SECTION 2. CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

### “SEC. 832. CAPITATION GRANTS.

“(a) In General.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.”

“(b) Purpose.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

“(c) Grant Computation.—

“(1) Amount per student.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

“(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

“(i) leads to a master’s degree, a doctoral degree, or an equivalent degree; and

“(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

“(B) $1,405 for each full-time or part-time student who—

“(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

“(ii) has not more than 3 years of academic credits remaining in the program.

“(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

“(2) Limitation.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

“(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master’s degree or an equivalent degree;

“(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

“(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

“(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

“(d) Eligibility.—In this section, the term ‘eligible school of nursing’ means a school of nursing that—

“(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

“(2) has a passage rate on the National Counsel Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

“(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

“(c) Requirements.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

“(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

“(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

“(3)(A) Subject to subparagraphs (B) and (C), the first year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

“(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

“(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

“(i) the physical facilities at the school involved limit the school from enrolling additional students; or

“(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

“(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

“(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

“(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

“(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including for the use of the interdisciplinary team approach to the delivery of health services.

“(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

“(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

“(F) Increasing enrollment of minority and diverse student populations.

“(G) increasing enrollment of new graduate baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

“(I) Increasing integration of geriatric content into the core curriculum.

“(J) Partnering with economically disadvantaged communities to provide nursing education.

“(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

“(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the national Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

“(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary’s request for information, to determine the extent to which the school is complying with the requirements of this section.

“(f) Reports to Congress.—The secretary shall evaluate the results of grants under this section and submit to Congress—

“(1) not later than 18 months after the date of enactment of the ____ Act of 2007, an interim report on such results.

“(2) not later than September 30, 2010, a final report on such results.

“(g) Application.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(h) Authorization of Appropriations.—The Secretary of the Treasury shall make available to the Secretary of Health and Human Services an amount equal to the total amount of fees collected in the Domestic Worker Enhancement Account, established under paragraph (5) of section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) as amended.

(d) Attestation by Health Care Workers.—

(1) Attestation requirement.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

“(E) Health care workers with other obligations.—

“(i) In general.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien’s country of origin or the alien’s country of residence.

“(ii) Obligation defined.—In this subparagraph, the term ‘obligation’ means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien’s country of origin or the alien’s country of residence.

“(iii) Waiver.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

“(I) the obligation was incurred by coercion or other improper means;

“(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien’s obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

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**SA 3443.** Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. (a) The amount appropriated under the heading "DISEASE CONTROL, RESEARCH, AND TRAINING" under the heading "CENTERS FOR DISEASE CONTROL AND PREVENTION" in this title is increased by $1,000,000.

(b) The amount appropriated under the heading "GENERAL DEPARTMENTAL MANAGEMENT" under the heading "OFFICE OF THE SECRETARY" in this title is increased by $1,000,000.

(c)(1)(A) The Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) shall conduct, and shall invite the University of Utah and West Virginia University to participate in conducting, a study of the recovery of coal pillars through retreat room and pillar mining practices in underground coal mines at depths greater than 1500 feet.

(B) The study shall examine the safety implications of retreat room and pillar mining practices, with emphasis on the impact of full or partial pillar extraction mining.

(C) The study shall consider, among other things—

(i) the conditions under which retreat mining is used, including conditions relating to—

(I) seam thickness;

(II) depth of cover;

(III) strength of the mine roof, pillars, and floor; and

(IV) the susceptibility of the mine to seismic activity; and

(ii) the procedures used to ensure miner safety during retreat mining.

(2)(A) Not later than 1 year after beginning the study described in paragraph (1), the Secretary shall submit a report containing the results of the study to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(B) The report shall include recommendations to enhance the safety of miners working in underground coal mines where retreat mining in room and pillar operations is utilized. Among other things, the recommendations shall identify means of adapting any practical technology to the mining environment to improve miner protections during mining at depths greater than 1500 feet, and research needed to develop improved technology to improve miner protections during mining at such depths.

(3) Not later than 90 days after the submission of the report described in paragraph (2) to Congress, the Secretary of Health and Human Services shall publish a notice in the Federal Register describing the actions, if any, that the Secretary intends to take based on the report.

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**SA 3444.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

SEC. ____. (a) The amount appropriated under the heading "SALARIES AND EXPENSES" under the heading "MINE SAFETY AND HEALTH ADMINISTRATION" in this title is increased by $500,000.

(b) The amount appropriated under the heading "SALARIES AND EXPENSES" under the heading "DEPARTMENTAL MANAGEMENT" in this title is decreased by $500,000.

(c)(1) The Secretary of Labor (acting through the Assistant Secretary of Labor for Mine Safety and Health), in consultation with the Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) shall, using the increased funds provided under subsection (a) conduct a study on the effects of the closure of the Western Mining Technology Center, closed in 2000. In conducting the study, the Secretary of Labor shall examine the effect of the Center's closure on the safety of deep cover mining, and shall provide an estimate of the resources necessary to establish a new center, located in the Intermountain West, relating to western mining technology. In conducting the study, the Secretary shall consult with interested groups representing business and labor organizations.

(2) The Secretary of Labor shall submit to the appropriate commitees of Congress a report containing the results of the study conducted under paragraph (1).

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**SA 3445.** Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $3,000,000 for the Centers for Disease Control and Prevention to make grants under the State Heart Disease and Stroke Prevention Program.

(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $3,000,000.

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**SA 3446.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 10, strike the colon and insert

"*Provided further*, That, no less than 25% of the new grants under the Elementary and Secondary School Counseling program, shall be awarded to local education agencies that demonstrate a need for additional counseling services due to the impact of a federally declared major disaster or emergency:"

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## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Stephanie Trifone of my staff be granted the privileges of the floor for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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## EXECUTIVE SESSION

## PROTOCOL TO TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION WITH DENMARK

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 1, the Protocol Treaty of Friendship Commerce, and Navigation with Denmark; that the protocol be advanced through its various parliamentary stages up to and including the presentation of ratification, and that there now be a division vote on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

A division has been requested.

Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification agreed to is as follows:

### RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

*Resolved (two-thirds of the Senators present concurring therein)*, the Senate advises and consents to the ratification of the Protocol between the United States of America and the Kingdom of Denmark to the Treaty of Friendship, Commerce and Navigation of October 1, 1951, signed at Copenhagen on May 2, 2001 (Treaty Doc. 108-8).

Mr. REID. I ask unanimous consent that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## 35TH ANNIVERSARY OF THE ENACTMENT OF THE CLEAN WATER ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to S. Res. 354.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 354) expressing the sense of the Senate regarding the 35th anniversary of the enactment of the Clean Water Act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc; that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 354) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 354

Whereas 35 years ago, on October 18, 1972, the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) were enacted;

Whereas those amendments formed the basis of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"), the principal Act governing water pollution in the United States;

Whereas substantial improvements to the water quality of the United States have resulted from a successful partnership among Federal, State, and local governments, the private sector, and the public;

Whereas, since 1972, the Federal Government has provided more than $82,000,000,000 to States and communities for wastewater infrastructure and other assistance;

Whereas clean water is a natural resource of tremendous value and importance to the United States;

Whereas there is resounding public support for the continued protection and restoration of United States rivers, streams, lakes, wetlands, and marine waters;

Whereas maintaining and improving water quality is essential to protecting public health, fisheries, wildlife, and watersheds, and for ensuring abundant opportunities for public recreation and economic development;

Whereas it is the responsibility of all levels of government and all citizens to ensure the availability of clean water for future generations;

Whereas water pollution problems persist throughout the United States, and significant challenges lie ahead in the effort to protect and restore the water resources of the United States;

Whereas in the most recent National Water Quality Inventory of the 19 percent of the nations' rivers and streams assessed 45 percent of rivers and streams were impaired, of the 37 percent of the nation's assessed lakes, ponds and reservoirs, 47 percent were impaired and of the 35 percent of the nation's assessed bays and estuaries, 32 percent were impaired; the remainder of the assessed waters met their intended uses;

Whereas further development and innovation of water pollution control programs and advancement of water pollution control research and technology are necessary and desirable; and

Whereas October 18, 2007, is the 35th anniversary of the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"): Now, therefore, be it

*Resolved*, That, as the United States marks the 35th anniversary, on October 18, 2007, of the enactment of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), which formed the basis for the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"), it is the sense of the Senate that all citizens of the United States and all levels of government should—

(1) recognize and celebrate the accomplishments of the United States under that Act; and

(2) recommit to achieving the objectives of that Act of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States.

## LAURENCE C. AND GRACE M. JONES POST OFFICE BUILDING

Mr. REID. Madam President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 3233, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3233) to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the "Laurence C. and Grace M. Jones Post Office Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3233) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Madam President, I ask unanimous consent that S. 2131, the Senate companion, be discharged from the Homeland Security Committee and be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Madam President, Monday night—my announcement to everyone here today—could be that we have a significant number of votes. It is very likely we will certainly have more than one vote and we hope that vote will start around 5:30. Senators HARKIN and SPECTER have worked together and their staffs have worked together trying to come up with what they can clear. They have Monday during the day to work on this also. We are going to try to clear most everything out Monday night so we can finish the bill Tuesday, as agreed upon.

## ORDERS FOR MONDAY, OCTOBER 22, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Monday, October 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the 2 leaders be reserved for their use later in the day, and then there be a period of morning business until 3 p.m., with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each; that at 3 p.m. the Senate resume consideration of H.R. 3043.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL MONDAY, OCTOBER 22, 2007, AT 2 P.M.

Mr. REID. Madam President, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 2:02 p.m., adjourned until Monday, October 22, 2007, at 2 p.m.

# SENATE—*Monday, October 22, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, maker of Heaven and Earth, thank You for not leaving us solely to our own resources. You have provided us with the witness of nature and the testimony of sacred scriptures to lead us toward certainty. You protect us from dangers and empower us to run and not grow weary.

Strengthen our lawmakers for today's work. Lead them through these confused and troubled times to the road that fulfills Your plans. Bless them with productivity and progress for Your glory. Lord, help them learn how to better serve You by serving others. Fill this Chamber with Your presence and our Senators with supernatural power to discern and do Your will. Enable them to live out their lives in the spirit of unselfish service.

We pray in Your loving Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 22, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, today following the remarks of the two leaders, the Senate will conduct a period of morning business for 1 hour. The time in morning business will be equally divided and controlled between the leaders or their designees. The Senate will then resume the Labor appropriations bill.

### ORDER OF PROCEDURE

I ask unanimous consent that after the morning business time has expired, whatever time Senator MCCONNELL and I may use will not be deemed to go against the morning business for other Senators.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, last Friday there was a 1 p.m. filing deadline for first-degree amendments to the bill. Today we should have a good idea of which amendments will be offered and will require rollcall votes. The Senate will vote today at 5:30 and there could be more than one rollcall vote. We will complete action on this bill tomorrow morning, so Members should be prepared to cast a number of votes prior to the Senate recessing for the caucus luncheons on Tuesday.

I have had my staff check with the managers of the bill and their staffs, and there could be anywhere from 1 to 5 votes tonight. It is up to the managers of this bill. Senators will be advised of that at some subsequent time.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CHILDREN'S HEALTH CARE AND FISA

Mr. REID. Mr. President, I am so pleased the Presiding Officer is the junior Senator from the State of Virginia. I don't believe there is a Senator during these last 9 months who has added more structure to the Iraq debate than the Senator from Virginia. I say that because today I received a call from the Director of the Office of Management and Budget, Mr. Nussle, who said: I am going to send you the rest of the supplemental appropriations bill for the war in Iraq. I said: Thank you very much.

We are now being asked to appropriate another $200 billion for 2008 for the war in Iraq. Another $200 billion. That is $200 billion on top of the $450 billion in the Defense appropriations bill. That is $650 billion—none of it paid for. The entire war in Iraq has been paid for with borrowed money. We are borrowing money from China, India, Saudi Arabia, Japan, and Mexico to finance this war.

When we sent a bipartisan—and I mean bipartisan—children's health care bill to the President, it was paid for. It was bipartisan. We had some of the most conservative Members of the Senate supporting the Children's Health Initiative. Senator GRASSLEY from Iowa, Senator HATCH from Utah were the leaders, two of the leaders in moving this forward, a bill to provide health care for kids.

It was so important when this bill passed 10 years ago on a bipartisan basis, children's health. Why did it pass? Because we found there were children who did not qualify for Medicaid. The poorest of the poor get Medicaid. We found there were a number of children whose parents didn't make much money—100 percent of poverty, 200 percent of poverty. Therefore, we passed a bill for these children who had fallen through the cracks so they would be able to have some health insurance. Did it cover all children? No. But it covered a lot of the children who needed help. By the time 10 years had gone by, 6½ million children were covered.

This bipartisan, bicameral piece of legislation that passed here would provide for another 4.4 million children, for a total of 10 million children who would qualify for this program. Ninety-two percent of the children were on this program when the President vetoed it. Ninety-two percent of them were 200 percent above poverty. How much is that? It is debatable how much it is but about $35,000. How would parents with two children pay for health insurance? The average cost of health insurance for a family of 4 is $1,500 a month, $18,000 a year for health insurance for their children. When they only make $35,000 a year, half of their income would go for health insurance. There would be no money left for groceries. Also, they have to pay taxes, fuel costs, a place to live. So this is the group of people whom Congress decided to help.

What did the President and his people do? They came back and said it is a socialized medicine program. I don't know what that was supposed to mean, because the program is private insurance. The States issue the amount of money they have to health insurance companies, and the kids who are covered are privately insured there. The President is so far off base. He and his people also said one of the Congressmen from Nevada agreed with the President, and he couldn't support this because it helped illegal aliens. That is factually baseless, meaning not 1 percent of that statement is correct. In fact, in the legislation that was vetoed by the President, a child who is an immigrant would have to have been legally in the United States for 5 years before they qualified. Therefore, the program would not even cover legal immigrants, unless they have been here 5 years. It was totally paid for, unlike the Iraq war. It was all paid for.

Because of the President's hardheartedness, in the State of Nevada, far more than 100,000 will be eliminated from the program.

The first elected job I had in the State of Nevada was for a county hospital, an indigent hospital, frankly. One of the problems we had was children who were uninsured. It is still that way. It is still that way. This is a program that would allow children who are sick or injured to go to a hospital—that hospital, the one where I was, now the University Medical Center—and the children's bills would be paid for by an insurance company. If not, those children who have no insurance come to the facility, and who pays for that? You do. I do. Everybody in this room pays for it, because their health insurance costs more money because of indigent care. Taxes are raised to take care of indigents' health care. Insurance premiums are raised to take care of all this. It affects us all. It is a very poor quality of care.

The President had the audacity to say not long ago that everybody has insurance, in effect. They can go to an emergency room if they are sick. The most inadequate care is administered in emergency rooms because it is not set up to be the family physician.

Every dime of the money for the Children's Health Initiative was paid for. It is no wonder the American people are frustrated. We have been fighting for America's priorities while the President continues investing only in his failed war strategy, and he wants us to come up with another $200 billion and sign off on it. That is what he said today. He gave his press statement today and he said: Those people who won't sign off on this bill immediately are not for the troops in Iraq. Isn't this getting to be a little old? Pretty soon we will be approaching the sixth year of this.

This war is costing the American people three-quarters of a trillion dollars, money borrowed from other countries. This is so even as his own Pentagon leadership is now on record saying our ground forces are stretched dangerously thin because of the current Iraq strategy. GEN Casey told Congress very recently:

> The Army is out of balance and the current demand for our forces exceeds the sustainable supply. We are consumed with meeting the demands of the current fight and are unable to provide ready forces as rapidly as necessary for other potential contingencies.

This is the man who is in charge of the Army, the Secretary of the Army. He takes care of the Army. He is the commander of the Army. I don't remember the title; I have lost it momentarily. But he is the guy in charge. He certainly should know. The Iraq war is leaving us less secure and unprepared to fight an effective war on terror and spawning the unexpected. And the unexpected can come at any time. That is the world in which we live. President Bush should not expect Congress to rubberstamp this latest supplemental request. We will not do that, Mr. President.

In the coming weeks, we will hold it up to the light of day and fight for the redeployment and change in strategy that is long overdue.

I wish to comment on FISA, which has gotten so much attention. We will continue to stand up for the American people. We will continue to do the best we can to revise and improve the FISA bill. It is important that we do that. The Foreign Intelligence Surveillance Act is so important. It has been good for this country for many decades. We need to update that. We all agree it is important to improve the temporary surveillance law the President signed in August by enacting new legislation that provides strong intelligence tools to fight terrorism while protecting the privacy of law-abiding citizens. There is no contradiction between security and liberty. We can fight terrorism without compromising liberty and the values embedded in our Constitution.

Last Thursday, Senator ROCKEFELLER and the Intelligence Committee, on a bipartisan basis with Senator BOND, took a step toward improving the flawed surveillance law the President signed in August. I appreciate the hard work of Chairman ROCKEFELLER and Vice Chairman BOND and the members of the committee in seeking to address the complex issues that are at stake.

In the coming days, other Senators will examine in great detail the work of the Intelligence Committee. I am sure other Senators will weigh in with ideas for defining and improving the legislative efforts, so that all Americans can have high confidence in the effectiveness and constitutionality of our intelligence tools. In particular, the Senate Judiciary Committee has shared jurisdiction over the FISA law and is going to mark up the Intelligence Committee bill. The Judiciary Committee has an important role to make sure the final product protects the constitutionally and the legally sound basis that the Intelligence Committee sought.

Mr. President, I believe the administration has chosen again to stonewall Congress from finding the information and documents needed for Congress to properly consider this legislation. Remember, the Intelligence Committee said we are not going to deal with immunity until we look at those documents. They were able to look at the documents with nothing preconceived. They had the opportunity to look at those with no—I have talked to Senator ROCKEFELLER, and there was no agreement between the administration and the Intelligence Committee as to what would happen if they looked at those documents.

Here is why I am so disturbed. The White House said, on October 19, through their advocate, Dana Perino—the question was asked:

> I'm wondering if, in general terms, you can describe those documents and perhaps lay out who else in Congress he may allow to see them?

"He" meaning the President.

Here is what she said:

> The Senate Intelligence Committee . . . had showed a willingness to want to include in their legislation retroactive liability protection for companies that were alleged to have helped the United States in the days after 9/11. Because they were willing to do that, we were willing to show them some of the documents they asked to see.

Mr. President, JAY ROCKEFELLER told me within the past hour that there was no preconceived agreement at all. They wanted to see the document to find out what they should do legislatively.

She says:

> But to the extent of anyone else being able to see the documents, I think we will wait and see who else is willing to include that provision in the bill.

I want the record to be very clear that the Judiciary Committee should be able to see those documents. How else can they make a judgment as to what they should do legislatively? They should not have to make some deal with the White House that "we will let you look at these, but we will write the legislation for you." That is wrong. I think it is very clear that the House committees of jurisdiction should also see those documents. It is absolutely wrong for the White House to say, I repeat, that they will let you look at these, but only if you will agree to sign this legislation or you give your approval of the legislation.

We can't do that.

On Friday, the White House Press Secretary said the key documents would be held out to the congressional committees as a prize for anyone willing to commit to a specific legislative path. That is an insult to the American people and to Congress.

I repeat in the most emphatic terms that the administration must turn over these documents to the Senate Judiciary Committee and to the relevant

House committees to do their business as they must, and they must do so immediately.

We believe this administration should move forward quickly. I would like to do it before Thanksgiving. Why do I want to do that? This legislation which came out of the Intelligence Committee is good. It strengthens our national security. It provides the Intelligence Committee the tools it needs to go after foreign terrorists and other threats to the American security.

Does this mean the Judiciary Committee cannot improve the legislation? I am confident that perhaps they can. Is the Intelligence Committee's work the know-all and do-all? No. That is why we had joint referral. But it is a good piece of legislation. It gives better protection for America and increases the role of the Foreign Intelligence Surveillance Court. Two, it requires court approval to target U.S. persons overseas. Three, it explicitly prohibits targeting any person reasonably believed to be in the United States. Four, it eliminates ambiguous language on warrantless domestic searches. Five, it states the exclusive means by which electronic surveillance and interception of domestic communications may be conducted.

Also, just as important, other than those five points, it increases oversight and accountability by expanding the requirements in the semiannual report submitted to the congressional Intelligence and Judiciary Committees on intelligence collecting that is authorized by the act. It also requires the head of elements of the Intelligence Committee acting under their authority to conduct yearly audits of intelligence collection. Third, it requires the inspectors general of the Department of Justice and the Intelligence Committee to review the use of the new authority with respect to references to U.S. persons' identities and communications. And it grants limited immunity from potential liability to any telecommunications company that may have assisted the Government in the aftermath of September 11. That is why it is so vitally important that the Judiciary Committee and the respective House committees see what the Intelligence Committee saw without any preconceived arrangements by the White House. Five, it sets forth the procedures so that the Federal courts can review an attorney general certification to determine whether the electronic communication service provider acted within specific orders and in accordance with the certification as directly prescribed by statute. Finally, it sets a 6-year sunset to allow Congress to evaluate the new authority to be carried out, should any of this be changed. That is why we have joint referral, to have the Judiciary Committee take a look at this.

The Intelligence Committee has worked hard to come up with what should be the final legislation that comes to the floor. Finally, the House passes legislation, and we work it out in conference.

We want to move forward. It is important to do that. We acknowledge that. I think it is so wrong that the White House is saying: You can do this but only as we tell you how it can be written; otherwise, we are not going to show you the documents

That is defenseless on the part of the White House.

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## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

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## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be able to speak for 6 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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## TRIBUTE TO THE HONORABLE JAMES L. OAKES

Mr. LEAHY. Mr. President, last week, I had a long talk with Mara Williams, the wife of former U.S. Court of Appeals Judge James Oakes. Jim, who had served as Vermont's attorney general, as our Federal district judge, and with distinction as chief judge of the Second Circuit, had died the previous weekend at the age of 83.

Mara told me how the family had been with Jim a few days before he died, and we then talked about the legacy he left.

I spoke of knowing Jim for 40 years, and how I, and my family of lifelong Democrats, had voted for him for attorney general and had hoped he might be our Governor. As it turned out, the country was far better off having him on the Second Circuit Court of Appeals, and would have been even better off had he been elevated to the Supreme Court, a position he would have held with great distinction.

We all knew of Jim's legal mind and great ability, his dedication to public service, his wonderful sense of humor, and his love for his family, but I knew him especially as a man with a great and good conscience.

Jim Oakes epitomized the role of judge as the protector of our fundamental rights. A decade ago he noted that he was a person who "still believe[d] that a federal judge can make a difference and—in cases of extreme necessity where basic rights are being infringed—should make a difference when the rest of our political structure bogs down." This appreciation for the role of judicial independence is something we must admire and remember.

We worked together when he was attorney general and I was State's attorney, and I particularly remember one very difficult and tragic murder case where we were able to forge an unprecedented use of a grand jury to bring about justice when it looked like that would not have been possible. We talked about that as recently as a couple of years ago, but then, with Jim, we could pick up a conversation from where we had left off 6 months before when we had last seen each other.

Fran Lynggaard Hansen quoted his eldest daughter, Cynthia Meketa, as saying:

> He had a very high intellect, but he was never a snob. He had ups and downs in his early life and always identified with everybody, the cashier at the bank, the guy at the market, the man working at the dump. . . . But that was who he was, kind, generous to people who needed a helping hand. He was a sentimental softie and loved to be a mentor to people, especially his law clerks, shepherding their careers along.

My good friend, Judge Garvan Murtha, said:

> He was never afraid to stand up for the rights for others and to name what was wrong. He was a brilliant, caring, funny man and appreciative of people. . . . He was a very wise man. . . . In the Pentagon Papers case, he was dissenting, so he ended up on the wrong side of the Court of Appeals, but the Supreme Court ended up agreeing with him.

His daughter Betsy Oakes said:

> I think everyone who loved and admired my father will want to carry on his tremendous spirit of social justice.

Mara tells me of the love all the family had for Jim—and I know the love he had for her, his three children, four stepchildren, grandchildren, and his brother.

Adam Liptak wrote of Judge Oakes in the New York Times, and I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 16, 2007]

### JAMES L. OAKES DIES AT 83; NIXON CHOICE FOR FEDERAL BENCH

(By Adam Liptak)

James L. Oakes, who was appointed to the federal appeals court in New York by President Richard M. Nixon and yet quickly became one of its leading liberal voices, died on Saturday in Martha's Vineyard, Mass. He was 83.

His death was reported by his wife, Mara Williams Oakes, who said it followed a brief illness.

Judge Oakes served for 36 years on the court, the United States Court of Appeals for the Second Circuit. He was its chief judge from 1988 to 1992.

Scholarly and gregarious, Judge Oakes insisted in his decisions, speeches and writings that judges should never shy away from protecting fundamental rights.

He had little patience, he wrote in a 1997 article in The Columbia Law Review, for politicians who attacked such rulings as improper activism. Historic moments, he added, sometimes required judges to act "when the rest of our political structure bogs down."

In this sense, he was, he wrote, "old-fashioned—fashioned from the thirties of the Great Depression, the forties of war and the Holocaust and fascism, the fifties of the cold war and McCarthyism and Little Rock, and the sixties of the civil rights movement, the assassinations and the would-be Great Society."

James Lowell Oakes was born in Springfield, Ill., on Feb. 21, 1924.

After graduating from Harvard College and Harvard Law School, Mr. Oakes served as a law clerk to Harrie B. Chase, a Vermont judge who sat on the court that Mr. Oakes would one day join.

Mr. Oakes then spent 2 decades practicing law and working in the state government in Vermont. In the 1960s, he served for four years in the State Senate and two as the state attorney general. President Nixon made him a federal district judge in Vermont in 1970 and elevated him to the appeals court in 1971.

But Judge Oakes was not proud of the connection. In the years after the Watergate scandal, he used adhesive tape to cover the signatures of President Nixon and Attorney General John N. Mitchell on the judicial commission that hung in his chambers, one of his former clerks, Paul M. Smith, recalled.

Judge Oakes's name soon became synonymous in some circles with liberal jurisprudence. In 1981, he attracted the attention of a young lawyer in the Reagan administration named John G. Roberts Jr. Mr. Roberts, who is now the chief justice of the United States, told his superiors, according to The Washington Post, that a civil rights policy he advocated was reasonable because "even such an extreme liberal" as Judge Oakes had approved it.

The Second Circuit is based in Manhattan, and it hears appeals from New York, Connecticut and Vermont. Judge Oakes's chambers were in Brattleboro, Vt., and he visited New York to hear arguments and to confer with his colleagues. After his service as chief judge ended in 1992, he assumed senior status, a sort of semi-retirement.

Besides his wife, of Brattleboro, survivors include a brother, John D. F. Oakes of Wayne, Pa.; three children from an earlier marriage, Cynthia O. Meketa of Bonsall, Calif., Elizabeth H. Oakes of Baltimore, and James L. Oakes of Fairfield, Conn.; and six grandchildren.

In both his judicial and scholarly work, Judge Oakes advocated environmental protections, procedural rights for people accused of crimes, free speech, open government, and limits on intellectual property laws.

Among the rulings he was proudest of, his law former clerks said, were a 1980 decision upholding regulations barring sex discrimination in education, a 1987 decision applying the principle of one-person-one-vote to New York City's Board of Estimate, and a 2000 decision allowing illegal immigrants to challenge deportation orders in court. All three decisions were affirmed by the Supreme Court.

Judge Oakes especially prized the Supreme Court's vindication of his 1971 dissent in the Pentagon Papers case, two of his former clerks, Kathleen M. Sullivan and William Treanor, wrote in The New York Law Journal in March. The majority in the Second Circuit had blocked the publication of the papers, a secret history of the Vietnam War obtained by The New York Times. The Supreme Court reversed that decision.

"The press should not be regarded only as a check on inefficient or dishonest government," Judge Oakes said in a 1982 lecture on the legacy of the Pentagon Papers case. "It is important that it also be viewed as a powerful vehicle for the effective functioning of a government that by definition is democratic in nature." That required, he said, a near-absolute ban on prior restraints on publication of news articles.

Justice Ruth Bader Ginsburg said in a statement yesterday that Judge Oakes was the "model of what a great judge should be—learned in the law, but ever mindful of the people law exists to service."

Judge Oakes could be prescient. He dissented from a 1979 decision endorsing the use of an anonymous jury in an organized crime trial. The decision, he said, was "without precedent in the history of Anglo-American jurisprudence" and "strikes a Vermont judge as bizarre, almost Kafka-esque."

He added, correctly, as it turned out, that other courts would follow the precedent as surely as "a flock of sea gulls follows a lobster boat."

Mr. LEAHY. Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3043, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Harkin/Specter amendment No. 3325, in the nature of a substitute.

Vitter amendment No. 3328 (to amendment No. 3325), to provide a limitation on funds with respect to preventing the importation by individuals of prescription drugs from Canada.

Dorgan amendment No. 3335 (to amendment No. 3325), to increase funding for the State Heart Disease and Stroke Prevention Program of the Centers for Disease Control and Prevention.

Dorgan amendment No. 3345 (to amendment No. 3325), to require that the Secretary of Labor report to Congress regarding jobs lost and created as a result of the North American Free Trade Agreement.

Menendez amendment No. 3347 (to amendment No. 3325), to provide funding for the activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005.

Ensign amendment No. 3342 (to amendment No. 3325), to prohibit the use of funds to administer Social Security benefit payments under a totalization agreement with Mexico.

Ensign amendment No. 3352 (to amendment No. 3325), to prohibit the use of funds to process claims based on illegal work for purposes of receiving Social Security benefits.

Lautenberg/Snowe amendment No. 3350 (to amendment No. 3325), to prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate.

Roberts amendment No. 3365 (to amendment No. 3325), to fund the small business child care grant program.

Reed amendment No. 3360 (to amendment No. 3325), to provide funding for the trauma and emergency medical services programs administered through the Health Resources and Services Administration.

Allard amendment No. 3369 (to amendment No. 3325), to reduce the total amount appropriated to any program that is rated ineffective by the Office of Management and Budget through the Program Assessment Rating Tool (PART).

Coburn amendment No. 3358 (to amendment No. 3325), to require Congress to provide health care for all children in the U.S. before funding special interest pork projects.

Brown/Webb amendment No. 3361 (to amendment No. 3325), to provide information to schools relating to the prevention of violent events and other crisis situations.

Mr. HARKIN. Mr. President, as you stated, we are back on the Labor, Health and Human Services, Education appropriations bill. We had a good 2 days last week on it and amendments were disposed of.

We now have a whole series of pending amendments. Right now, Senator SPECTER and I have been working, our staffs have been working, to try to get these amendments cleared. That work is continuing.

As the leader said, we will have votes today starting at 5:30. We have two amendments. I ask unanimous consent that the Senate proceed to vote on these two amendments at 5:30, one following the other.

That would be the Allard amendment No. 3369, and the Dorgan amendment No. 3335, as modified by amendment No. 3445. So we would go to those two amendments in order at 5:30.

But I want to make it clear that if we do not reach an agreement on a whole host of other amendments that are pending, we could roll into a whole series of votes.

I want to read those off so people know what they are. First, there is the amendment by Senator VITTER, No. 3328, dealing with importation of drugs from Canada; there is a Dorgan amendment, No. 3345, relating to the NAFTA trade agreement; there is the Senator MENENDEZ amendment, No. 3347, providing funding for the Patient Navigator Program; an amendment by Senator ENSIGN, No. 3342, dealing with Social Security benefit payments with Mexico; there is a Senator ENSIGN amendment, No. 3352, again dealing with Social Security benefits and illegal workers; there is a Lautenberg/Snowe amendment, No. 3350, to prohibit the use of funds dealing with abstinence education; there is a Senator ROBERTS amendment, No. 3365, to fund the Small Business Child Care Grant Program; Senator REED's amendment No. 3360 providing funding for trauma in emergency medical services programs; there is a Coburn amendment, No. 3358, that would end all earmarks before every kid in America has health care; then there is the Brown-Webb amendment, No. 3361, providing information to schools relating to the prevention of violent events and other crisis situations.

So all of those amendments are pending. I mean, they are at the desk, they are pending, and can be called up.

Quite frankly, as the chairman and floor manager, if we don't reach agreement on them, it is my intention that we roll over into those votes tonight.

Again, with the concurrence of my ranking member, I ask unanimous consent that at 5:30 the Senate proceed to vote on or in relation to the Allard amendment No. 3369; then when that is disposed of, a vote on or in relation to the Dorgan amendment No. 3335, as modified by amendment 3445; further I ask that there be a 2-minute period of time before each amendment for debate on both sides; and furthermore, I ask unanimous consent that no second-degree amendments be allowed prior to the vote on either one of those two amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. We will proceed to vote at 5:30 on those two amendments. Then we will have to see whether we can work out clearance on some of these other amendments so we won't have any other votes tonight. But if we don't, we will have to roll into a whole series of votes this evening. We have to do this, if we want to finish by noon tomorrow. Both leaders on Thursday made a commitment that we would finish this bill by Tuesday at noon. If we are going to do that, I see no way other than having votes tonight or getting the sides to agree on the acceptance of these amendments.

Senator SPECTER and I have agreed on a number of these amendments to get them worked out, but they are being held up in other places. I understand that. That is the privilege of any Senator. But hopefully, we can get this worked out, and we won't have to have that many amendments this evening.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman for the work he has done, and our staffs, bringing the bill to this posture. We are within striking distance of concluding it. As Senator HARKIN has outlined, there is a commitment to finish by noon tomorrow. The managers have been on the floor since shortly after 3, when under previous arrangement this bill was called up, and there are no other Senators present now. I know Senator HARKIN would join me in urging Senators to come to the floor. Anybody who wants to debate an amendment ought to come to the floor promptly. We will find as the hour of 5:30 approaches, Senators will come in when we are about ready to vote, when there is not any time to debate change. Senators will want to find time. Now is the time for Senators to come to the floor who want to debate.

I also supplement what Senator HARKIN said to this effect: There are a number of amendments, as the chairman has stated, that have been cleared. Some Senators have raised objections. It is their right to raise objections, but as frequently happens, once there is discussion, arrangements can be worked out to clear them. It is our view, Senator HARKIN's and mine, buttressed by staff negotiations, that these matters can be cleared. But they will take some time. We do not want to get into a situation where at 5:50 tonight after the first vote, there is lengthy consideration as to what we are going to be doing at that time. The practice has been to have a single vote on Monday evenings at 5:30. We have two votes lined up, and we know many Senators will have other commitments, which is customary for Monday evening. But they cannot be fulfilled unless we conclude the business of the Senate, at least moving along so that we have within striking distance the prospect of concluding the bill by noon tomorrow.

Senators who have any debate or who have lodged objections to any pending amendments should come to the floor now so they can be heard. If they don't, we won't be in a position to consider their objections at a later time and still move the bill through to completion by noon tomorrow.

Mr. HARKIN. Mr. President, if my friend will yield, I concur with what Senator SPECTER said. The list of amendments I read is the list of amendments that is pending at the desk that we could call up to vote on. We could do that this evening. There is a bunch of other amendments that Senators have said they are going to offer that we have on our list but they haven't been offered yet. Senator SPECTER is absolutely right, Senators could find themselves in a crunch where there is no time left to offer these amendments by noon tomorrow. So if they want to get their amendments considered, now is a good time. They could get recognized right away.

I may have misstated something earlier in my unanimous consent request. I want to be clear that I asked unanimous consent that the Dorgan amendment 3335 be modified by 3445.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place in title II, insert the following:

SEC. ___. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $3,000,000 for the Centers for Disease Control and Prevention to make grants under the State Heart Disease and Stroke Prevention Program.

(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $3,000,000.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. May the record show that the only two Senators on the floor are the two managers. Again, we renew our request, anybody who has any debate they want to offer, amendments they want to offer, or objections they want to raise to any pending amendments ought to come to the floor promptly.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### AMENDMENT NO. 3369

Mr. ALLARD. Mr. President, it is my understanding at 5:30 this evening we are going to have a vote on my amendment, the Allard amendment No. 3369. I wish to take a few moments to review with my colleagues the amendment, and then I understand before we have the vote I can briefly describe the amendment again.

The Office of Management and Budget reviews Federal spending programs with a nonpartisan analysis to determine what taxpayers are receiving as far as the value of the taxpayers' dollars is concerned. This program is called the Program Assessment Rating Tool or PART. They utilize the same procedures that business executives use frequently to determine whether their company is meeting specific goals.

In this particular instance, the Congress has directed the agencies to put in place a similar system where they set up goals and objectives and then determine through that process whether the program is "effective," "moderately effective," "adequate," "the results are not demonstrated"—they have not made the effort yet—or the last category would be "ineffective."

Well, a small percentage of programs receive an "ineffective" rating. Programs receiving this rating are not, according to OMB, using your tax dollars effectively. As they elaborate on the PART Web site at "expectmore.gov":

> Ineffective programs have been unable to achieve results due to a lack of clarity regarding the program's purpose or goals, poor management, or some other significant weakness.

Now, my amendment cuts 10 percent of the funding under this bill for programs labeled "ineffective" under the OMB PART program and transfers the funding to an account previously established to pay down the national debt.

This amendment is supported and scored by the National Taxpayers Union and Citizens Against Government Waste.

We are not ending any programs or zeroing out any agencies. All we are doing is taking one dollar in ten from programs that cannot justify their effectiveness and using it to begin to address our over $9 trillion national debt.

I understand many people have fond thoughts for some of these programs, but fond thoughts and good intentions do not equal good government. I am not one to make sweeping statements, but I think I can say with some certainty that the vote total on this amendment will stand as a rough proxy for what percentage of the Senate is committed to fiscal discipline.

So I urge my colleagues to join me in voting for this amendment. I believe it is a commonsense amendment to a problem we need to address. We wish to make sure our taxpayer dollars are being used in a way that can be described as effective. That is the ideal situation.

Certainly those programs that are classified as "ineffective" you have to question. Even though there has been a mission drawn out that may be somewhat appealing, when you get right down into the workings of the agency and nothing much is happening to accomplish the goals and objectives the Congress had in mind at the time it passed the legislation, those particular programs rated as "ineffective" is where my particular amendment is targeted. I think this is a commonsense amendment that brings some fiscal sanity to the process. I urge my colleagues to join me in voting for the amendment when we vote on it at 5:30 this evening.

So, Mr. President, having said that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

### AMENDMENT NO. 3391, AS MODIFIED, TO AMENDMENT NO. 3325

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment and call up amendment 3391 and that it be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 3391, as modified, to amendment No. 3325.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place in title II, insert the following:
>
> SEC. ____. The Secretary of Health and Human Services shall waive the provisions of section 1877(g) of the Social Security Act (42 U.S.C. 1395nn(g)) for Sumter Regional Hospital in Americas Georgia to provide financial support needed to maintain a medical staff and community physicians in the area: *Provided*, That the aggregate amount of such financial support to all physicians does not exceed $750,000: *Provided further*, That all payments made under this section are made prior to June 1, 2008, and are disclosed to the Secretary not later than 30 days after such financial support is provided.

Mr. CHAMBLISS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, a little over an hour ago, Senator HARKIN, the distinguished chairman of the subcommittee, and I urged Senators who wanted to debate amendments to come to the floor or Senators who had objections to pending amendments to come to the floor to utilize the time before the 5:30 vote.

The managers, Senator HARKIN and I, have been on the floor continuously since shortly after 3 p.m., when the bill was called back to the floor for consideration, and we know from practice, regrettably, that when the vote starts at 5 p.m. or 6 p.m. or about 5:45 or 10 minutes to 6, people will want floor time and have a great deal to say, and then we will be unable to accommodate all of the Senators who want to act on the bill. Senator HARKIN outlined at the outset the two votes which will begin at 5:30 and said that there was the prospect of substantial additional voting tonight, if we were unable to clarify where we stand, because of our target to conclude this bill by noon tomorrow, which is the target established by the leaders and by the managers of this bill.

So at this point, at 4:50, I would renew the request that Senators who want to debate, who want to take up any action on the bill, or want to discuss any of the pending amendments where objections have been lodged, come to the floor now while we have the time to transact that business.

Mr. President, in the absence of any other Senator on the floor seeking recognition—in fact, in the absence of any other Senator on the floor—Senator HARKIN is in the cloakroom ready to come to the floor to transact business if any Senator wants to do so, but in the absence of any such Senator, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3345

Mr. DORGAN. Mr. President, I have an amendment I have offered, and it is pending, I believe. It may well have been set aside; nonetheless, it is pending to the underlying bill. It is the simplest of amendments. It is amendment No. 3345, to be modified by amendment No. 3429, and it is a request of the Department of Labor to do a study which is fairly innocuous.

Senators BROWN, STABENOW, and CASEY and I—also, I ask unanimous consent to add Senator SANDERS as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. With this amendment, I am requiring the Labor Department to perform a study to determine the number and the types of jobs that were lost by the North American Free Trade Agreement. That agreement was done a long while ago, but we are now in the process of considering additional trade agreements—one with Peru, one with Panama, one with South Korea, and one with Colombia. As we bring another group of free-trade agreements—so-called free-trade agreements—to the floor of the Senate, I would like to remind our colleagues there is very little information about what has happened to previous trade agreements except that we know they didn't work out very well, and so we are going to do more of the same.

NAFTA, for example—the North American Free Trade Agreement—at the time we did it, we had a modest trade deficit with Canada. Now that has turned into a very large trade deficit with Canada. At the time we did NAFTA, we had a modest surplus, a very small surplus in trade with Mexico. Now we have turned that into a very large trade deficit with Mexico. So we are moving in exactly the wrong direction. Despite that, we still have folks who huff and puff here about the need to do more of the same.

I want there to be a study that talks about what are the types of jobs we have lost as a result of these trade agreements—how many jobs have we lost, in what sectors have we lost those jobs.

On October 4 in the Wall Street Journal, this month, the Wall Street Journal said: "Republicans grow skeptical on free trade." It was talk about Republicans, but actually the skepticism among non-Republicans is greater. It turns out the dissatisfaction with our trade strategy is bipartisan. The poll found that 59 percent of polled Republican voters agreed with the following statement:

> Foreign trade has been bad for the U.S. economy, because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products.

It is not surprising that people are concerned about this free trade strategy. Free trade is a mantra, a moniker that doesn't mean very much. I like trade. I am for plenty of trade. I come from a State that produces a lot of agricultural product, and we need to find a foreign home for more than half of what we produce, so I don't come to the floor of the Senate saying let's not trade. I say let's do trade agreements that are good for this country, not bad for this country.

We passed the North American Free Trade Agreement and we were told—by the way, this is an agreement that started under George Bush I, it was completed by President Clinton. I opposed President Clinton and George Bush I, President Bush. But we were told that if we completed NAFTA, the North American Free Trade Agreement, we would have 200,000 new American jobs created in this country as a result. Two economists, Gary Clyde Hufbauer and Jeffrey Schott—Hufbauer/Schott they called the study—said, actually, 170,000 new jobs in a couple of years. The supporters of this trade agreement rounded it up to 200,000 new jobs.

Let me tell you what has happened since that time. I told you we turned a very modest trade surplus with Mexico, about $1.5 billion, into a very large trade deficit, now somewhere around $60 or $70 billion a year.

We have a little program in the Labor Department that requires companies to certify jobs that are lost because the jobs went to Mexico. Then you get trade adjustment assistance for the workers. So what we know is 412,000 U.S. jobs have been certified as lost because of NAFTA under one program at the Department of Labor.

In the 10 years after NAFTA had been approved, I commissioned a study from the Congressional Research Service, and they identified the top 100 companies that laid off U.S. workers as a result of NAFTA during that first 10 years. To come up with that, they turned to the Department of Labor. They have this Trade Adjustment Assistance Program. It says these top 100 companies accounted for 201,000 jobs they certified were lost due to NAFTA. If you look at all the companies, that is 412,000 jobs.

Let's look at this list, a few of the names. We passed NAFTA—Hufbauer/Schott—all the political supporters, including those in the Senate, thumbing their suspenders, talking about what a wonderful deal this is going to be for the United States, knowing nobody who wears a blue suit in this Chamber is going to lose their job. It will be somebody else.

Let's look at what happens. Levi Strauss, 15,676 jobs lost due to NAFTA. Does that mean people aren't wearing Levis? No, you can find some. Go outside the door, you can find Levis. They are still buying them. You can find places where they are selling them, a popular American jean. Except you will not find a pair of Levis made in this country. That is gone, 15,676—that is a big number.

What about just one of them? What about one person—follow that person home from work one day, and that person had to tell their spouse: You know what, I lost my job today.

The spouse says: What happened?

I don't know, I have done a good job, I worked for them for 15 years. But they told me I lost my job. They are moving the job to Mexico.

Why?

Because I make too much money, that is why. I get paid $6, $8, $10, $11 an hour, and that is way too much money. You can hire people for much less money than that in Mexico, China, Indonesia, Bangladesh, Sri Lanka.

Kraft Foods is on this list. Kraft Foods decided they were going to move their Fig Newton cookies to Mexico, Monterrey, Mexico. If somebody says to you someday: Let's go out for some Mexican food, go to the store and buy some Fig Newton cookies. That is Mexican food.

All those folks who made Fig Newton cookies in New Jersey, they say some of them had to shovel fig paste with a scoop shovel, but they made too much money in New Jersey. Is there a better scoop shovel in Mexico or is there somebody who will shovel that fig paste for much less money per hour? Or is there some natural fig advantage in Mexico? Probably not. It is that Kraft, similar to Levis, decided: this trade agreement gives us the opportunity to move these jobs to Mexico.

Fruit of the Loom—5,352 U.S. workers in Texas alone. Have people stopped wearing underwear? I don't think so. People still wear underwear. They just don't wear underwear made in this country. Fruit of the Loom is gone, and I suppose there are people who made a career out of Fruit of the Loom and probably enjoyed it. Maybe their neighbors kidded them a little bit: you work down at the Fruit of the Loom place. But I bet they enjoyed those careers. But they are gone because those jobs are moved in search of cheap labor.

Barbie playhouses that Mattel made in a Kentucky plant, they shifted that factory to Mexico.

The list goes on and on. You can see the list here, the corporations that certify to the Department of Labor that we moved our jobs. These companies moved the jobs as a result of the NAFTA trade agreement.

My feeling about trade agreements is this. When you sign a trade agreement with another country, it ought to be mutually beneficial to us and them. I came from a meeting 5 minutes ago about the issue of automobiles—nothing to do with trade, it had to do with CAFE standards, better gas mileage for vehicles. Somebody was talking about we are going to have Chinese cars coming into this country. We are going to see an import of cars into this country because China is ramping up a very aggressive automobile export industry, and we will very soon see small, efficient cars on the streets of this country coming from China.

Guess what. We did a trade agreement with China a while back, a bilateral agreement. Here is what we agreed to, with China, a country we have a giant trade deficit with—$230 billion a year. We said this: China, when you sell your cars in the United States, we will impose a 2.5 percent tariff on your cars. And, by the way, we agree that when we sell U.S. cars, U.S. cars made in the United States, in China, you can impose a 25-percent tariff. So a country we have a huge trade imbalance with, the biggest in human history, we said to them: it is OK for you to impose a tariff that is 10 times higher than we would impose on bilateral automobile trade.

It doesn't make any sense. In my judgment, it undermines our country's economic interests and it undermines our country's jobs. Yet this country does that.

We are going to have, as a group of bills on the floor, Peru, Colombia, Panama, South Korea. Among that group of bills, the free trade agreements have already been done, will be South Korea. Let me mention automobiles in South Korea. Last year, they shipped us close to 700,000 cars, put them on ships and sent them to this country to be sold in America and 700,000 cars made in Korea sent here to be sold to American customers. We were able to send 5,000 American cars to South Korea. Why the imbalance, 700,000 this way, 5,000 that way? Because that is the way South Korea wants it; 99 percent of the cars on the streets in South Korea are made in South Korea and that is the way they want it. They don't want our cars sold in South Korea, they want the jobs there, they want to make the cars there and sell them there. Why would our country allow that to be the case?

This agreement that is going to be brought to the Senate, the trade agreement with South Korea, does not address that issue.

I could, and I have, spoken at great length about trade on a wide range of issues. But at some point we need to reconcile what we are doing with these agreements and we need to stop this bad habit of negotiating bad agreements for this country. We don't know who negotiates this. But the person who said to China it is OK for you to impose a 10 times higher tariff on U.S. cars than we would impose on Chinese cars, that person obviously doesn't understand whom he or she is working for. I have threatened, from time to time, that these trade negotiators should go out and negotiate—in secret, presumably, on behalf of our country, should begin to wear jerseys such as they wear in the Olympics, so occasionally they could look down and try to remember for whom they work. These trade agreements undermine this country's basic economic strength.

People say it is fine these jobs migrate.

It is not fine. A country without a strong, vibrant manufacturing base is not destined to long be a world economic power, and we have to understand that. I am not talking about protectionism or building walls, I am talking about trade, and plenty of it, but trade in circumstances where the rules are fair and where this country insists on fair rules.

I know my colleague, Senator HARKIN, the chairman of the committee, is here and perhaps is about to make a presentation. I do wish to say I have filed this amendment. It is the most innocuous. It says let's at least go back and take a snapshot of this one trade agreement, NAFTA, and find out what happened. What happened with jobs? How many did we lose? What kind? Where from? But apparently even this is controversial.

Why? Because maybe we will learn something. Maybe we will learn that these one-way trade agreements are not in this country's interests and that we ought to be smart, shrewd, and tough negotiators, standing up for our country's economic interests, standing up for our jobs.

One final point. In a century we lifted this country's standards; expanded the middle class. We said you have to have a safe workplace. You have to have child labor laws, minimum wages, the right to organize—a whole series of rules that lifted America. Now we are saying let's compete with others and allow them to diminish those standards. I am not very interested in doing that.

I know the people who made Huffy bicycles couldn't compete for 20 or 30 cents an hour. They made $11 in Ohio. They all lost their jobs because they couldn't compete with people who made bicycles for 20 or 30 cents an hour, so every Huffy bicycle is made in China. None are made in Ohio. I know you can't compete with that, but I don't think that should be the standard of competition because I think by its nature it diminishes economic opportunity in this country.

I am going to ask, if we can't clear this amendment, that we have a vote on this amendment. I appreciate the work the chairman of the subcommittee has done. I support his bill and am pleased to speak in favor of the bill, generally, which I have done on a previous occasion. My hope is he will support the amendment I have offered as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator from North Dakota for always being on the side of American workers and American jobs. I assure him he will have my support on the amendment. We do not have it cleared yet. We may have to have a vote on it. But if that is so, perhaps that could be one of the votes we have tonight, if we don't get an agreement on it.

### AMENDMENT NO. 3369

I wish to take the time—we will be voting at 5:30. As I said, we will be voting on the first one, which will be the Allard amendment, amendment No. 3369. I thought I would take a few minutes to talk about the amendment.

It sounds simple. You cut funds for programs that the Bush administration has concluded are ineffective, using what is called the Program Assessment Rating Tool—PART—then use these savings to reduce the debt. We are all for making sure taxpayers' dollars are spent well and responsibly, but let's take a look at what this amendment really means.

First, we have to have some background on PART, the Program Assessment Rating Tool. It is intended to help assess the management and performance of individual programs. So it is not just a question of whether the program works, it also evaluates whether Congress has designed the program in a clear manner and whether Federal agencies do a good job managing the program. So programs evaluated under PART fall into one of five categories: They are effective, moderately effective, adequate, ineffective or results not determined.

The last category means there was not enough information about it to make a decision.

The Senator from Colorado, Mr. ALLARD, would only cut programs that are rated ineffective and take that money and apply it to the deficit. It sounds good. Why should you ever support an ineffective program?

First of all, let's take a look at what PART means. What is PART and how is it used? This is what the President's own budget documents say about PART:

> Ratings do not result in automatic decisions about funding.
>
> Clearly, over time, funding should be targeted to programs that can prove they achieve measurable results. In some cases, a PART rating of "ineffective" or "results not demonstrated" may suggest that greater funding is necessary to overcome identified shortcomings, while a funding decrease may be proposed for a program rated "effective" if it is not a priority or has completed its mission.

This is the President's budget. I say: Read it. It says: Sometimes if you have an "ineffective" rating, maybe you ought to have greater funding for it to overcome some shortcomings, rather than if you have an effective program that may be getting funded, maybe it should be done away with because either it is not a priority or has completed its mission.

In other words, the amendment offered by the Senator from Colorado, Mr. ALLARD, is counter to the idea behind creating the PART process. It was not intended as a club on an "ineffective" program, or it was designed to assess the impact of programs, identify steps that could be taken to improve them.

Now, that is not my only problem with this misguided amendment. I am concerned about the important programs Americans need that would be undermined by his amendment. Make no mistake about it, a vote for Senator ALLARD is a vote against the programs you see listed on this second chart. A vote for Senator ALLARD's amendment says we should undo the fiscal mess created by the Bush administration policy of tax cuts for the millionaires and the war in Iraq by reducing funding for programs that help some students prepare for college, provide unemployed low-income seniors with income, retrain workers who lose their jobs due to foreign trade.

Now, here are some of the programs that would lose 10 percent of the funding in the bill if the Allard amendment were adopted. The TRIO Upward Bound Program is funded at $315 million in the Senate bill. There are 900 sites throughout the country, including 8 sites and over 700 students in the State of Colorado, I say to the occupant of the chair.

Here is what the Bush budget had to say about this program. This is a quote from the Bush budget:

> The program received an ineffective PART rating when assessed in 2002, in part, because the program evaluation showed that the program did not overall increase the proportion of participants who enrolled in college. However, the program was found to have a positive impact for higher risk students for whom the evaluation findings revealed that Upward Bound increased 4-year college enrollment rates. In response to this finding, the Department of Education established a priority for the 2006 competition that required projects to ensure that at least 30 percent of participants were higher risk students. Given the improved targeting, continued funding is warranted.

In other words—I better watch myself, I am saying nice things about the administration—basically what they did is they actually implemented the PART program correctly. They looked at it, they said, okay, it got an ineffective rating. Why? Well, because, they said, overall it did not show that it increased 4-year college participation.

But when they looked at the subset of the higher risk students, they said: It increased the college participation. So here is what we will do. We will require projects to ensure that at least 30 percent of the participants are higher risk students. That is how you use this tool. You do not use it as a club to get rid of it, I say to my friend from Colorado.

The President's own budget says the program is worthwhile. Look at the Perkins Career and Technical Education State Grants. It is funded at $1.2 billion. That is last year's level. We did not increase it. Last year, the Congress reauthorized and strengthened the program, and the Senate passed it by unanimous consent. In the House of Representatives there was only one vote against it. Here is what the Bush budget said:

> The Perkins Act incorporates several important changes that strengthen the program's accountability provisions and provides opportunities to improve the program's performance.

Then there is the Community Service Employment for Older Americans. We had funded it at last year's level. This provides part-time community service opportunities paid at minimum wage for unemployed low-income persons.

The Health Professions Program: Now, this is interesting. We put in $357 million this year. The Allard amendment would cut it by $35.7 million. This is the category that includes almost all health training in America: nurse training programs, training in primary care medicine, dentistry programs. All of these would take a cut.

Then there is trade adjustment assistance: $888.7 million in this bill, last year's level, same thing the President requested. Again, this provides income support and retraining services to workers who lose their jobs due to foreign trade. Approximately 120,000 Americans are eligible each year, but only about 80,000 actually receive services.

Again, if we adopt the Allard amendment for the TRIO program at an average cost of $5,000 a student, we would cut 6,300 students out of the TRIO program.

For trade adjustment assistance, at about $12,000 per person, that means a loss of services to 7,400 workers who have lost their jobs and want to get retrained.

For the Community Service Employment Program, $5,932 for older workers—a modest amount every year to an older person—means a loss of support for 8,142 low-income seniors.

The Allard amendment on its face, you look at it and say: Well, he is cutting 10 percent from those programs rated ineffective. So you want to think: Well, gee, why would I support an ineffective program? No one wants to support ineffective programs. But, again, I refer to the first chart. I repeat again, you have to understand what PART is; that is, the Program Assessment Rating Tool, and how it is used. I will read again from the President's own budget.

> PART ratings do not result in automatic decisions about funding.

Well, the Allard amendment would be an automatic decision about cutting 10 percent. Clearly, over time, funding should be targeted at programs that can prove they achieve measurable results. I say to my friend from Colorado, it says:

> In some cases, a PART rating of "ineffective" or "results not demonstrated" may suggest that greater funding is necessary in order to overcome identified shortcomings, while a funding decrease may be proposed for a program rated "effective" if it is not a priority or has completed its mission.

So there may be effective programs that are rated as "effective" that probably ought to be cut. I am sure the administration and OMB are probably doing that, because they have either completed their mission or it is not a priority.

On the other hand, there may be some of those rated "ineffective" as mentioned in the TRIO program, rated as ineffective. When they looked at the overall score, they said: Well, it is effective if you look at higher risk students. So they carved it out and said: Thirty percent has to go to higher risk students. Then they requested the continued funding for it.

I say to my friend from Colorado, I understand his desire. Everybody wants to cut down on something that is ineffective. But I do think that if the Senator were to read and understand completely what that Program Assessment Rating Tool does, he might agree with the President's own words on his budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I appreciate the comments the Senator from Iowa was making. I was not elected to this body—I do not think the Senator from Iowa was either—to make easy votes. This can be a difficult vote. There are programs on there that I support, I support wholeheartedly, but I want them to be effective. How can I go back to my taxpayers in the State of Colorado and say: Well, we are spending billions of dollars on this program, but it is ineffective. It is not measuring up to the standards which most businesses would be expected to measure up to for performance, or maybe other agencies are going to measure up to for performance.

I do not know how else to get the attention of the bureaucracy except to deal with them where they pay attention. That is their pocketbooks, their budget. I think when we have an ineffective program, we are not doing our jobs as Senators if we do not figure out a way to bring accountability to the program.

Now, this is a modest attempt to try to bring some accountability. We do not eliminate any programs. We do a reduction on a few programs that are listed as "ineffective."

In the business world, they use the same process that OMB puts in place. This is not a partisan process. You know, you referred to President Bush's actions on it. It may be a Democratic President 3 years from now. He is going to be dealing with the same problems this President is dealing with, that he has programs out there that simply are not measuring up.

So let me get back to what the standard business world does. They look at a program and say: Well, look, we are spending a certain amount of money, and it is not performing. Because it is not performing, we have either got to redo the program, which is an option the Congress can look at, or we eliminate it altogether, or we create some other kind of modification that is going to make it accountable to the stockholders of that company.

The stockholders in this case are the taxpayers of the country. They are the ones putting money in this program. They are the ones who expect the program to do what it says, for what it is set up to do. This is a program that has been in place for 10 years. It is not a new program.

The agencies have had plenty of time to respond and react to this particular effort. I would credit those agencies or programs that are listed as ineffective for at least having tried to comply with the law.

There is another group there I did not address. There are those where results have not been demonstrated. They are sort of thumbing their nose at the Congress and saying: Heck, we are not even going to bother to set up any goals and objectives for our program. We are going to let it run on auto. In some cases they have a legitimate reason for doing that, but I do think the Congress does need to look at those programs that are ineffective and make some judgments. Now, if the Senator from Iowa has a better suggestion on how we may bring accountability to the agencies, I would be glad to hear what it is.

I think a modest reduction in their budget will send a message to them that you have got to get your act in order, and then hopefully, as we go down through the years, they will begin to understand that it is the Congress that controls the purse strings, and you need to get your act in order; we need to have accountability in the program.

I think this is a commonsense amendment. It is being supported by Citizens Against Government Waste. The National Taxpayers Union is supporting it. I have sat down with groups on how it is we can bring forward effective, efficient Government.

We do not want programs out there that make all of these grandiose claims but then do not deliver. They waste taxpayers' dollars in the process. So this is what this amendment is trying to address. I ask my colleagues to support me in this effort. It is a modest amendment. It is something that I think can make a difference.

If you want the legislative branch to have a little power over the executive branch through the purse strings, this is the way to do it. Again, I ask my colleagues to join me in voting for this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, again, I listened to my friend from Colorado, but maybe the right amendment would be to go after the Program Assessment Rating Tool, because as it says: Some of the programs that are rated ineffective actually may need more money.

I will give the Senator one example. A couple of years ago, a school that I know very well here in Washington, DC, called Gallaudet University—it is the university for the deaf here in America, premier college in the world, as a matter of fact—got an "ineffective" rating. That got me pretty upset until I started looking at it, finding out why it was ineffective. Now, if we had cut their funding by 10 percent, they never would have become effective. But because we got them in, and the committee did its job—and that is what the committee's function is for; if there is something that is ineffective, that is why we have committees.

Call them up, ask them what is happening. Make them explain why it has an "ineffective," why it was demonstrated "no results," and then let the committee do its work. That is what we did with Gallaudet. We could have had a 10-percent cut there, and they never would have become effective. They just needed better guidance and better direction. That is what the committee structure does. That is why we have the executive branch overseeing these things. That is the better way to approach it than this kind of sledgehammer approach.

Mr. ALLARD. If I may respond, it is not a sledgehammer approach. It is a mild little push to try to improve the program. I agree, some programs can be improved if we increase appropriations, and that is what we need to do. But maybe to get their attention, to get things moving in the right direction, maybe we need to start out with a reduction in spending. This is a commonsense program. We can argue about it. I have never been in any committees where they talked about it in this way. I think it needs to be talked about more, and that is why I am introducing the amendment.

Mr. HARKIN. That is why we have the Appropriations Committee. Yes, we do call them up, and we do look into these matters. But it is not this kind of heavyhanded approach that is going to cut programs that actually have taken steps, such as the Upward Bound Program, to be more effective.

The PRESIDING OFFICER. The hour of 5:30 having arrived, the question is on agreeing to the Allard amendment, with 2 minutes of debate equally divided on the amendment.

Mr. HARKIN. Mr. President, I have a unanimous consent request. I ask unanimous consent that I be permitted to do that at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3347, AS MODIFIED

Mr. HARKIN. Mr. President, I ask unanimous consent that in the vote sequence previously agreed to, the Dorgan amendment, No. 3335, as modified, be removed from the agreement and the Menendez amendment, No. 3347, be substituted and the amendment be modified with the text of amendment No. 3428, and that the Senate then vote in relation to the Menendez amendment, No. 3347, as modified, following the disposition of the Allard amendment, and that all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ___. (a) In addition to any other amounts appropriated or otherwise made available under this Act, $8,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109-18).

(b) Amounts made available under this Act for consulting services for the Departments of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $8,000,000.

### AMENDMENTS NOS. 3335, AS MODIFIED, 3331, 3419, 3434, 3405, AND 3411

Mr. HARKIN. I ask unanimous consent that the following amendments be considered and agreed to and the motions to reconsider be laid upon the table en bloc: Amendment No. 3335, as modified, 3331, 3419, 3434, 3405, and 3411.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

### AMENDMENT NO. 3331

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee makes certain certifications regarding Federal tax liability)

At the end of title V, add the following:

SEC. 521. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

### AMENDMENT NO. 3419

(Purpose: To provide for a study to evaluate the Social Security Administration's plan to reduce the hearing backlog for disability claims at the Social Security Administration and the Social Security Administration's current and planned initiatives to improve the disability process)

At the appropriate place, insert the following:

SEC. ___. (a) The Comptroller General of the United States shall conduct a study to evaluate the Social Security Administration's plan to reduce the hearing backlog for disability claims at the Social Security Administration and the Social Security Administration's current and planned initiatives to improve the disability process, as contained in the report submitted to the Senate on September 13, 2007, pursuant to Senate Report 110–107.

(b) Not later than 5 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Comptroller General determines appropriate.

### AMENDMENT NO. 3434

(Purpose: To develop biodefense medical countermeasures by fully funding the Biomedical Advanced Research and Development Authority (BARDA) in a fiscally responsible manner)

On page 66, line 7, strike "$756,556,000" and insert "$786,556,000".

On page 66, line 10, strike the period and insert ", and of which $189,000,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.".

On page 79, between lines 4 and 5, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, amounts appropriated in this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced by a pro rata percentage required to reduce the total amount appropriated in this Act by $30,000,000.

### AMENDMENT NO. 3405

(Purpose: To provide for the Government Accountability Office to submit a report to Congress on the process for hiring and managing administrative law judges, and for other purposes)

At the appropriate place in title V, insert the following:

SEC. _____. Not later than 9 months after the date of enactment of this Act, the Government Accountability Office shall submit a report to Congress that contains an assessment of the process for hiring and managing administrative law judges and makes recommendations on ways to improve the hiring and management of administrative law judges.

### AMENDMENT NO. 3411

(Purpose: To permit certain amounts to be used for grants to Federal commissions that support museum and library activities)

On page 106, line 24, insert before the period the following: ": *Provided further*, That funds may be made available for grants to Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services".

Amendment No. 3335, as modified, was agreed to.

### AMENDMENT NO. 3369

The PRESIDING OFFICER. The question is on agreeing to the Allard amendment, No. 3369.

Mr. HARKIN. Parliamentary inquiry: I understand there is 2 minutes, if the Senator wants it.

Mr. ALLARD. I would like to take a minute to briefly explain the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. The Allard amendment is a commonsense amendment. It looks at those programs that are rated as ineffective by the Office of Management and Budget. It is a nonpartisan process. It was set up by the Congress more than 10 years ago. It is time the Congress expect some accountability in that program itself. One can look on expectmore.gov which lists the agencies that are performing and those that are not. Some of these programs are my favorite programs. I voted for them and support them. But we have to bring accountability so that when we are supporting a program, it actually does what it says it is going to do; that all the money doesn't go to the bureaucracy and none of it gets to the beneficiaries. We are trying to bring some accountability to this process. That is the reason for the amendment.

My hope is that the Senate will vote for this in strong numbers so we can send a message to agencies that they need to begin to get their act in order, those that are rated as ineffective. We need to, in the committee process, refer to this rating. Let's put them on record in committee meetings to hold them accountable for their programs.

Mr. HARKIN. Mr. President, this is a heavyhanded club approach. Already we know that sometimes programs are rated ineffective, as the President's own budget says, and actually need more funding. Some of those rated "effective" probably ought to have their funding cut. But the Senator from Colorado says we are just going to cut all these programs across the board that are rated "ineffective."

As I pointed out, Gallaudet College in Washington, DC, probably the finest university for the deaf in the world—not probably, it is—somehow got an "ineffective" rating. They changed things. Now they have an "effective" rating. Had they been cut 10 percent, they never would have been able to get "effective" again. This is not the proper way to do things. This is something for committees to handle and for the executive branch. I know the Senator from Colorado has well-meaning intentions, but they are misdirected and misguided because the Program Assessment Rating Tool is not the kind of instrument the Senator is envisioning with his amendment.

I yield back whatever time I have. I move to table the Allard amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mrs. McCASKILL), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 21, as follows:

[Rollcall Vote No. 381 Leg.]

YEAS—68

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Hutchison
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—21

Allard
Brownback
Bunning
Chambliss
Coburn
Corker
Cornyn
Craig
DeMint
Enzi
Gregg
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Sessions
Shelby
Sununu
Vitter

NOT VOTING—11

Biden
Clinton
Crapo
Dodd
Ensign
Graham
Hagel
Kennedy
McCain
McCaskill
Obama

The motion was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have one vote to follow right now. The managers have been working to finish this piece of legislation as quickly as possible. The staff has worked through a number of amendments today—in fact, a significant number of amendments.

We are on a glidepath to finish this legislation by 12:30 tomorrow, so everyone is going to have to cooperate and get things done. We have a lot to do this week, but the key to getting it done is finishing this bill.

### AMENDMENT NO. 3347, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes equally divided on the Menendez amendment, as modified.

Who yields time?

Senators will please take their conversations off the floor. The Senate is not in order. Will the Senate please come to order so we may hear the Senator from New Jersey.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Senator HUTCHISON be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I wanted to thank Senators HARKIN and SPECTER for their leadership on the bill and their strong support of this amendment, which is to put $8 million in the Patient Navigator and Chronic Disease Prevention Act. It is strongly supported by a letter that was issued by the American Cancer Society, the Leukemia Lymphoma Society, the National Association of Community Health Centers, the National Medical Association, the National Patient Advocate Foundation, and the Susan G. Komen for the Cure Foundation.

What they say in their letter sums it up in its totality. It says: Improving the health of America as a whole depends significantly on our ability to improve health outcomes for the uninsured, those who live in rural areas, minorities—

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate is not in order. The Senator from West Virginia is correct. Will the Senators please take their conversations off the floor.

Mr. BYRD. I thank the Chair and I thank all Senators.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, the American Cancer Society and all of these other organizations tell us that this amendment will help individuals who are in rural communities, minorities, and other medically underserved populations who suffer from a disproportionate burden of cancer, navigate the health care system, create more positive outcomes, save money, and save lives. That is why we urge all of our colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time? Who yields time in opposition?

Mr. ALLARD. Mr. President, I yield back the remainder of the time in opposition.

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Nevada (Mr. ENSIGN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 382 Leg.]

YEAS—88

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—3

Coburn
DeMint
Kyl

NOT VOTING—9

Biden
Clinton
Crapo
Dodd
Ensign
Kennedy
McCain
McCaskill
Obama

The amendment (No. 3347), as modified, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENTS NOS. 3432, AS MODIFIED, AND 3377, AS MODIFIED EN BLOC

Mr. HARKIN. Mr. President, I have a couple of modifications I will send to the desk. First is a modification for No. 3432 and then No. 3377.

The PRESIDING OFFICER. Without objection, the amendments are so modified.

The amendments (Nos. 3432 and 3377), as modified, are as follows:

### AMENDMENT NO. 3432, AS MODIFIED

At the appropriate place in title II, insert the following:

SEC. ____. (a) In addition to other amounts made available in this title, $3,000,000 shall be made available for trauma care activities.

(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $6,000,000.

### AMENDMENT NO. 3377, AS MODIFIED

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to other amounts appropriated in this title to carry out title VII of the Public Health Service Act, $2,000,000 shall be made available to carry out allied health professional programs under section 755 of such title VII, other than the Chiropractic-Medical School Demonstration Grant program, Graduate Psychology training programs, and podiatric physicians programs.

(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced further on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $2,000,000.

### AMENDMENT NO. 3378

Mr. HARKIN. Mr. President, I call up amendment No. 3378 by Senator TESTER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. TESTER, proposes an amendment numbered 3378.

The amendment is as follows:

(Purpose: To provide additional funding for veterans employment and training for Federal management activities)

On page 28, line 10, insert before the period the following: ": *Provided*, That $3,000,000 shall be transferred from amounts made available in this title for salaries and expenses of the Department of Labor, to carry out Federal management activities relating to veterans employment and training".

Mr. HARKIN. Mr. President, this amendment has been agreed to on the other side.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (No. 3432, as modified, No. 3377, as modified, and 3378) were agreed to.

### AMENDMENT NO. 3360 WITHDRAWN

Mr. HARKIN. Mr. President, I ask that amendment No. 3360 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, here is the situation. Everybody wants to know if there will be more votes tonight. We don't know yet. We are trying to work out amendments with the other side. We have been instructed by the leadership to finish this bill by 12:30 tomorrow. We still have a lot of amendments pending. We are trying to work them through. Depending on the progress within the next half hour or so, we will know whether we need to have more votes tonight.

There are a lot of amendments pending. If somehow we can get these offered tonight and stacked for votes tomorrow, we might be able to do that. If not, we may have to have votes further tonight. I have been instructed by my leader to continue in that vein. So I cannot say yet if we are going to have more votes tonight. It depends on how many can be accepted on both sides. We will know shortly.

I ask unanimous consent that Senator BOXER be recognized for 10 minutes to speak about the fires in California; that upon the end of her presentation, the Senator from Maryland, Mr. CARDIN, be recognized for 5 minutes for the purpose of offering an amendment; that at the end of that 5 minutes, the Senator from Louisiana, Ms. LANDRIEU, be recognized for 5 minutes to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

### CALIFORNIA WILDFIRES

Mrs. BOXER. Mr. President, I thank Senator HARKIN and my colleagues. Many of them have come up to Senator FEINSTEIN and myself tonight and have expressed their concern about the fires that are raging out of control in our State, home to 37 million people, very dangerous fires, kind of a perfect storm of extremely high temperatures, very low humidity, and Santa Ana winds which gust up to hurricane-type winds, sometimes as high as 50, 60 miles an hour, with the average about 35 miles an hour.

Senator FEINSTEIN and I have heavy hearts as we talk with our Governor and our mayors. They are conveying to us that this is very serious because our firefighters are at a huge disadvantage because of the unpredictability of the winds. We don't know from one moment to the next whether the fires will turn on these firefighters. Last year was a very tough year for us in California. We had some horrific experiences, and we lost firefighters. We are not going to repeat that situation. We have to make sure we save lives, that we get people out of their homes. At this point, I can say people appear to be cooperating with the authorities. The most important point is we care about each other and we save lives.

There are now more than a dozen wildfires burning, again, all being fanned by these hot Santa Ana winds, raging from as far south as the Mexican border to as far north as Los Angeles and Ventura Counties. Governor Schwarzenegger has declared a state of emergency in seven counties—Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura. More than 250,000 people are evacuated in San Diego County alone, where blazes have torched more than 100,000 acres. Senator FEINSTEIN and I spoke with Mayor Sanders today, and he told us that one condominium complex has burned with 400 units.

Mayor Sanders warns we have tough times ahead. There are walls of flames 100 to 200 feet high. There are fires popping up everywhere, with eight separate fires burning in that region. More than a dozen people are being treated at the UC San Diego Medical Center Regional Burn Center for smoke inhalation and burns, including four firefighters who are seriously injured. One individual we know of has lost his life in San Diego.

Our firefighters deserve our prayers, our help, and our thoughts, as do all the people in the southern California region. We have to remember that they go out there and do everything they are trained to do, and the last thing they think about is themselves. Yet and still, we have been trying for years to pass the Healthy Firefighters Act to follow these firefighters who work in these horrific situations, and some of them have absolutely no health insurance. We are trying to protect them and follow them so we can make sure that in future years, they are not plagued from the smoke inhalation.

I wish to show a picture. I hope my colleagues will take a look at it. San Diego, this is one photo. We can see, if we look closely, the firefighters. From where they are getting any oxygen is hard to know. They are literally in the fires of hell right there.

Then in Santa Clarita, more than 25,000 acres have burned and approximately 800 homes have been evacuated. I will show another picture. We can see the fire in the hills threatening the homes. Eight hundred homes have been evacuated in this region.

Most of my colleagues have seen the reports of Malibu. More than 2,400 acres have burned. We can get a sense of what is happening there. This is a photo of a beach. This is the water, the Pacific Ocean. You cannot see in front of you the fires, the smoke, the wind blowing the sand. I was in southern California. I left this morning, and yesterday I was out in the Santa Anas.

To give my colleagues a sense of what it is like, the winds are so strong in the desert areas and in the beach areas that you can taste the grit of the sand in your mouth and feel it in your eyes and certainly in your lungs.

In Malibu, more than 2,400 acres burned. Several homes and structures have been destroyed, including the Malibu Presbyterian Church. My understanding is the church was able to remove computers and some other items they desperately needed, but that building is gone. The Pacific Coast Highway remains closed, and the evacuations continue as we speak.

Again, thousands of our brave firefighters are frantically working in conjunction with the California department of forestry and the U.S. Forest Service, the California Highway Patrol, the U.S. Border Patrol, and FEMA to contain these fires. I thank all the dedicated Federal workforce who have joined in this effort. They deserve our prayers and support as well.

People are escaping with only the clothes on their backs. Families have no time to gather anything as they flee from the inferno that engulfs everything it touches.

This is only the most recent information. As I speak, these fires rage on. The Governor says they don't expect a diminution of these Santa Ana winds until at best tomorrow afternoon, maybe Wednesday. We pray these winds stop their fierce blowing.

We need to make sure our communities have the resources they need now. California cannot fight this battle alone. I mentioned the agencies that are out there already helping. I know the equipment is being given as we speak.

The Governor has declared a disaster in seven counties, and as soon as he asks the President for a Federal declaration, I know President Bush will act swiftly. There are certain areas where we have to work together where there cannot be an inch of distance between us.

As I stand here, I look over at my friend, Senator LANDRIEU, and I see the compassion in her face because she is still working night and day, 24/7 to make sure her State is whole again. I, again, pledge to her—she knows I will be there with her every step of the way.

So these are the times when we in this Senate have to cross over party lines, and we do, to make sure we make life livable for people who have lost, in some cases, everything—everything material. Again, I want to say the most important point is we save lives.

I ask for an additional 1 minute, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, this isn't just a fight to contain wildfires. This is a fight to save lives. This is a fight to save schools and homes and businesses. Again, I thank all the firefighters, the local officials, the volunteers, my own staff who is out there working. I thank the President and FEMA and all the Federal workers.

Right now we must contain these fires. Right now we must save lives. Right now we must provide shelter and hope for those displaced.

I again thank my colleagues from both sides of the aisle who have come up to me or have come up to Senator FEINSTEIN and said to us: Please let us know what we can do. We will be calling on our colleagues. We know they care very much about the 37 million people of my State, and a large proportion of them in southern California being impacted by these fires.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

### AMENDMENT NO. 3400 TO AMENDMENT NO. 3325

Mr. CARDIN. Mr. President, I ask unanimous consent to lay aside the pending amendment so I may call up amendment No. 3400.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, Mr. SMITH, Mr. LIEBERMAN, and Mr. DURBIN, proposes an amendment numbered 3400 to amendment No. 3325.

Mr. CARDIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide support to Iraqis and Afghans who arrive in the United States under the Special Immigrant Visa program)

On page 126, between lines 7 and 8, insert the following:

SEC. 521. Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed 6 months.

Mr. CARDIN. Mr. President, Senators SMITH, LIEBERMAN, DURBIN and I offer this amendment to grant Iraqi and Afghan special immigrant visa holders 6 months of eligibility for resettlement assistance when they arrive here in the United States.

The United States currently provides up to 500 special immigrant visas, SIVs, to translators from Iraq and Afghanistan. To be eligible for an SIV, an individual from either of those two countries must: (1) faithfully serve as a translator with the U.S. military or chief of mission for at least a year and (2) be recommended to the program by a general, flag officer, or chief of mission. Visas are also issued for the spouse and dependent children of the SIV applicant.

According to the Department of State, the U.S. issued 823 special immigrant visas to Iraqis this year. This included 432 visas for principal applicants and 391 visas for family members.

As a matter of course, immigrants who come to the United States through the U.S. Refugee Admissions Program, including Iraqis and Afghans, are eligible for travel loans to help them get to the United States and for resettlement assistance once they arrive here. As a matter of course, the Federal Government tries to ensure that refugees are able to make the transition to a productive life in the United States by providing preliminary housing; school enrollment; and job training assistance.

In spite of their service to our country, however, individuals from Iraq and Afghanistan who come here on Special Immigrant Visas receive no help with travel or readjustment.

The U.S. Government does not keep track of how many of the 823 Iraqis admitted into this program actually have been able to travel to the United States. Experts believe that many translators with SIVs are still trapped in the region because they cannot afford the cost of the SIV fees and the plane tickets, especially if they are bringing members of their immediate family.

Like refugees, many Iraqi and Afghan special immigrants face hardships that make it difficult to immediately adapt to their new home. Many have been forced to leave their homes and all their personal wealth in Iraq. Many have been forced to pay ransoms or have been robbed by criminals while fleeing the country. Moreover, while translators are paid well by Iraqi standards, that compensation doesn't amount to much for people trying to live in the United States.

U.S. soldiers are paying for the plane tickets of their Iraqi interpreters out of their own pockets and acting as hosts and social workers for the individuals and families they are unofficially "sponsoring" when they arrive here in the U.S. This puts a heavy strain on our soldiers attempting to make their own tough readjustment to life back home.

Special immigrant translators have no past experience obtaining work permits, Social Security numbers, bank accounts, and all the other documents and necessities of everyday life in this country. While special immigrant translators have valuable job skills, they often need further training and assistance with job placement.

So Senator SMITH and I have introduced this amendment to make these special immigrants from Iraq and Afghanistan eligible for 6 months— of resettlement assistance. They have been the eyes and ears of our military, and they have saved so many American lives. They now have a target on their back because of their service to our country, and we need to protect them by granting them safe refuge in the United States. Frankly, I don't know how we could justify doing any less for people forced to flee their homes and their country because they have been helping us. This is just for 6 months—just enough to get them on their feet.

I would note that the Congressional Budget Office, CBO, has estimated that the amendment would have no effect on direct spending under current law.

The Iraqis and Afghans admitted under the special immigrant visa program have risked their lives to serve the United States. Without the assistance my amendment offers, they may remain trapped in the region or they may face a tougher time than is necessary or right adjusting to U.S. society. My amendment is a helping hand to people who have helped us. It's a way to repay them for their service by helping them to get here and begin living safe and productive lives in America. We have a strong obligation to keep faith with the Iraqis and Afghans who have worked so bravely with us—and have often paid a terrible price for it.

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

### AMENDMENT NO. 3446 TO AMENDMENT NO. 3325

Ms. LANDRIEU. Mr. President, I send an amendment to the desk—I want to clarify it has actually been filed—amendment No. 3446.

The PRESIDING OFFICER. The amendment is at the desk.

Ms. LANDRIEU. I wish to call it up for consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report.

Without objection, the clerk will report the amendment without prejudice to the rights of all Senators.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3446 to amendment No. 3325.

Ms. LANDRIEU. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 85, line 10, strike the colon and insert:

*Provided further*, That, no less than 25% of the new grants under the Elementary and Secondary School Counseling program, shall be awarded to local education agencies that demonstrate a need for additional counseling services due to the impact of a federally declared major disaster or emergency."

Ms. LANDRIEU. Mr. President, first let me say I wish to be added as a cosponsor to Senator CARDIN's amendment. I was very taken by his presentation about the responsibility that we do have, and it has been on my mind, actually, for several weeks about our allies and support staff in Afghanistan and Iraq, so I want the clerk to note that I wish to be a cosponsor to the Cardin amendment.

But I rise to speak about an amendment I am offering, and I have had some very good advice and counsel on this amendment from several members of the committee, and I will speak about the amendment as if it is modified, because Senator KENNEDY suggested I might make some changes to it.

As you may remember, last week the Senate was very helpful in reinstating one mental health program that had been cut, I think very inappropriately, and it couldn't have been at a worse time for us in the gulf coast. It was an outstanding model program. Last week the Senate adopted my amendment to reinstate a child's health program that LSU had been running for 4 years, because after Katrina and Rita hit, it was literally the only child counseling program in the metropolitan area. That has already been done.

Tonight I come to the floor to try to help again in the same area of mental health. We have crafted this amendment so that it has no impact on the underlying bill because what it does, basically, is set a competitive preference. This is not a set-aside but a competitive preference for programs within the already existing and already funded school-based mental health program. That has been well established and well run for many years.

My amendment, with the Kennedy modification, simply says that the Department should look out in the country, and if there are areas where a disaster has been declared, they would give a competitive preference to those areas and to those schools in giving out these grants for counseling.

I cannot even begin to express the heroic efforts of our schools—public schools, private schools, and parochial schools—and the things some principals, teachers, faith-based organizations, and foundations have done to help rebuild hundreds of schools that were destroyed. We found, in our disaster—and of course we are learning a lot from the lessons learned in the disasters of Katrina and Rita, but one thing I know for sure, and I don't need a survey or anybody else to tell me about it because, as you know, I have been following it pretty closely, is that the first thing parents and a community want back, basically, is their schools.

After a whole neighborhood is destroyed, or large parts of a city, no matter how large or how small, in order to get back to normal, parents first have to get their children safe and into a school. So we noticed right after Katrina-Rita, with 300,000 children looking for a place to go to school on Monday morning, there was a great struggle underway for parents to start to stabilize their family situation by getting their children back in school. Even if the family had no home, even if the father or mother had no job, even if they couldn't locate the grandparents, they were first thinking about where can our children go to school on that Monday morning.

Imagine the children coming into schools—and I could tell you so many stories, extraordinary stories of teachers and schools and principals who opened their arms to children who came in and who had been traumatized from not only, of course, losing their own home, but some of the children swam out of water, some children, unfortunately, saw many people die in the disaster, and some had losses in their own immediate families. So I don't think I have to explain the need and the importance of mental health counseling.

That is what this bill does. Senator HARKIN has been a phenomenal supporter of this program. I think he actually helped to create it. Again, I am not asking for any new money to be added. I am not even asking for a set-aside for any of the programs in the gulf coast. I am simply saying as we look to the future to fund these programs that we give a competitive preference, if you will, for schools that find themselves in disaster areas.

Senator BOXER spoke for 10 minutes on the crisis underway in Southern California. Imagine the trauma some of these children are going to be dealing with over the next months and years trying to rebuild in those communities, or if their home was completely destroyed by fire. These disasters, by their very nature, cluster in certain communities. So you might have a group of schools where 90 percent of the children lost their homes, or a large proportion of children might have lost someone in their family in a disaster. So it makes common sense for us to be a little more sensitive to these mega disasters, and that is what my amendment does. So I offer it now. I don't know if it can be accepted by voice vote. I am happy for it to be voted on at any time. If everything else is in order, I will leave the rest to the managers.

While I am waiting on some documents in another matter, let me say a few more things about this. The funds would be divided between four grantees to leverage funds for mental health services, as I said, to the schools. The schools play a central role after a communitywide traumatic event. Schools are a very important site for delivering mental health services. Schools are often best situated to recognize immediate mental disorders. School-based mental health services lead to increased academic achievement, decreased attention problems and disciplinary issues, and reduce special education referrals.

The national average, unfortunately, as we know—and I think we need more resources in this area—is 476 students for every 1 counselor. The recommended ratio in our schools is 250 to 1. So imagine in the devastated areas along the gulf coast and in other places, such as in Kansas, where Senator PAT ROBERTS experienced a great tornado disaster in a much smaller community, but it was pretty much a complete destruction of a town in Kansas; or as Senator BOXER is experiencing right now in Southern California, this amendment would look forward. Again, it would not add anything to the budget, but I think it would give us an opportunity to give some appropriate competitive preference to these children.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to announce to all Senators there will be no more votes tonight. But I must say there are a lot of amendments floating around that have not been offered, and we do have some that are pending. We are working on those right now, and shortly—I hope within the next few minutes—I will be propounding a unanimous consent request that when we come in at 10 o'clock tomorrow morning we will have a list of amendments that we will be voting on.

So I say to Senators, if you have an amendment that is floating around out there, and we have a list of them, and you want it offered, I would suggest you better get over here tonight and do it, because once we start the votes in the morning at 10 o'clock—and hopefully we will reach unanimous consent with the other side on that, as I said, in a few minutes—that is going to chew up a lot of the clock. And since an agreement has been reached that we would finish by 12:30 tomorrow, that means if you have an amendment to be offered, you are going to get squeezed tomorrow morning. We may have to have one of those kind of agreements where you get 1 minute to speak, and you can offer your amendment, but it is going to be pretty hard to get an amendment in tomorrow morning.

I have to say to Senators, if you have an amendment that you feel strongly about and you want to have offered, you better get over here this evening. Because tomorrow morning the traffic is going to be pretty crowded around 10 o'clock.

Mr. President, while we wait to work out some other matters, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3427, AS MODIFIED; 3379, AS MODIFIED; 3344, AS MODIFIED; 3361 TO AMENDMENT NO. 3325 EN BLOC

Mr. HARKIN. We are making progress. I have some amendments that can be cleared. First I have to send some modifications to the desk.

I send to the desk a modification to Cornyn amendment No. 3427, a modification to another Cornyn amendment, No. 3379, and a modification to Baucus amendment No. 3344.

I now ask unanimous consent to call up amendment No. 3361 by Senator BROWN; amendment No. 3427 by Senator CORNYN, as modified; amendment No. 3379 by Senator CORNYN, as modified; and amendment No. 3344 by Senator BAUCUS, as modified, and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the foregoing amendments are proposed en bloc, considered en bloc, and agreed to en bloc.

The amendment (No. 3361) was agreed to.

The amendments (Nos. 3427, 3379, and 3344), as modified, were agreed to, as follows:

AMENDMENT NO. 3427, AS MODIFIED

At the appropriate place in title II, insert the following:

SEC. ____. It is the sense of the Senate that a portion of the funds appropriated under this title be used for frequent hemodialysis clinical trials at the National Institute of Diabetes and Digestive and Kidney Diseases.

AMENDMENT NO. 3379, AS MODIFIED

On page 3, line 24, strike "$125,000,000" and insert "$150,000,000".

AMENDMENT NO. 3344, AS MODIFIED

On page 34, lines 8 and 9, strike ": *Provided,*" and insert the following: ", and of which $250,000 shall be for the Center for Asbestos Related Disease (CARD) Clinic in Libby, Montana: $250,000: *Provided further,*".

Mr. HARKIN. Mr. President, for Mr. BAUCUS, I ask unanimous consent to have printed in the RECORD a letter dated October 17, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, October 17, 2007.*

Hon. ROBERT C. BYRD,
*Chairman, Senate Appropriations Committee, Washington, D.C.*

Hon. THAD COCHRAN,
*Ranking Member, Senate Appropriations Committee, Washington, D.C.*

DEAR MR. CHAIRMAN AND RANKING MEMBER: As part of the FY 2008 appropriations process, I have submitted requests for earmarks for FY 2008 appropriations bills or reports as required by the Senate Appropriations Committees and the individual Subcommittees.

I am writing you to certify that neither I nor a family member has a pecuniary interest in the FY 2008 earmark request I submitted in an October 17, 2007 amendment to H.R. 3043, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008. This is in compliance with Senate Rule XXXVII (4).

Thank you for your leadership on the Appropriations Committee. If you or your staff has any questions or concerns, please do not hesitate to contact Will Sehestedt of my staff.

With best personal regards, I am
Sincerely,

MAX BAUCUS

Mr. HARKIN. Mr. President, we have worked through four more amendments. We are still working on others. Hopefully, soon we will have a unanimous consent proposal for tomorrow morning and linking up the votes beginning at 10 o'clock.

I say to Senators, if anyone out there has an amendment, there is no one on the floor. If anyone has an amendment they want to have offered, you would be well advised to do it tonight or you may not be able to do it tomorrow.

SANTA SUSANA FIELD LABORATORY

Mrs. FEINSTEIN. Mr. President, I would like to enter into a colloquy with Senators HARKIN and SPECTER concerning my amendment to the underlying bill, amendment 3403, which would provide compensation to qualifying individuals injured in the course of employment at the Santa Susana Field Laboratory in California. This amendment mirrors legislation I introduced in July to correct longstanding injustices to these nuclear workers and their families. Because of the revenue impact of this amendment, I have chosen not to call it up at this time. However, the plight of the Santa Susana Field Laboratory employees deserves mention as we debate this important bill.

In 1999, Congress approved the Energy Employee Occupational Compensation Program to provide a $150,000 payment and medical benefits to workers who developed serious illnesses as a result of their work for the Department of Energy. The program has been plagued by slow processing times and roundly criticized by the families struggling to receive compensation for the deaths of loved ones.

I believe it is the responsibility of Congress to expand the Special Exposure Cohort to include qualifying Santa Susana Field Laboratory employees. This would allow eligible claims to be compensated without the completion of a radiation dose reconstruction or determination of the probability of causation. I would like to ask Senator HARKIN the chairman of the Appropriations Subcommittee Labor, Health and Human Services, Education, and Related Agencies, and Senator SPECTER, the ranking member of this subcommittee, whether they agree with me that Congress should expand the Special Exposure Cohort so that the claims of qualifying individuals can processed more efficiently?

Mr. HARKIN. I believe it is important to compensate workers who have suffered as a result of their employment with the Department of Energy, and although the Energy Employee Occupational Compensation Program provides a process for compensating these victims, this process is often far too burdensome.

Mr. SPECTER. I agree with the senior Senator from California.

Mrs. FEINSTEIN. Santa Susana Field Laboratory employees played a significant role in keeping our Nation secure during the Cold War era. For example, many of these workers were instrumental in developing our nuclear weapons program. Unfortunately, many workers were not aware of the hazards at their workplace. Remarkably, no preventative equipment like respirators, gloves, or body suits was provided to workers.

Currently, over 600 claims for compensation have been filed by Santa Susana Field Lab workers. Ninety percent of those have been denied due to a lack of documentation or their inability to prove that they meet exposure thresholds. Santa Susana Field Lab workers and their families are faced with the burden of having to reconstruct exposure scenarios that existed nearly 40 years ago, in most cases with no records or documentation.

My amendment would cut the red-tape by amending section 3621 of the Energy Employee Occupational Compensation Program Act of 2000 to treat employees of Santa Susana Field Laboratory as members of the Special Exposure Cohort. Individuals would be eligible for benefits if they worked at Santa Susana Field Lab for a total of 250 days and developed a serious illness that is known to be a result of exposure to radiation or other toxins at the Lab before January 1, 2006.

Employees who contracted specified cancers from exposure to radiation would receive at least $150,000, and employees exposed to toxic chemicals would receive $250,000. Additionally, my amendment would allow previously denied Santa Susana Field Lab claimants under the Energy Employee Occupational Compensation Program Act of 2000 the opportunity to reapply for compensation and medical benefits.

This is a matter that this body needs to address before it is too late. Do the chairman and ranking member of the subcommittee agree?

Mr. HARKIN. I agree with the remarks of the senior Senator from California.

Mr. SPECTER. I agree.

Mrs. FEINSTEIN. I thank my colleagues for their support. It is my hope that the Senate will soon address this matter so Santa Susana Field Laboratory workers and their families can finally receive the compensation they deserve.

COPD

Mr. CRAPO. Mr. President, my distinguished friend and colleague from Arkansas, Mrs. LINCOLN, and I rise to engage our colleague from Iowa Chairman HARKIN and our colleague from Pennsylvania in a colloquy.

I would like to share with my colleagues a pressing health concern facing the American public—COPD. Chronic obstructive pulmonary disease, or COPD, is a growing public health threat in America. It is the fourth leading cause of death in the U.S. and is a major source of serious long-term disability. COPD kills more than 120,000 Americans each year—an average of 1 every 4 minutes.

Despite these alarming statistics, the United States does not have a coordinated approach to tracking COPD morbidity and mortality trends, identifying people at risk for COPD and ensuring they are evaluated by their physicians, and educating the public about the causes and symptoms of COPD.

Mr. HARKIN. I thank Senator CRAPO for his remarks. I agree that COPD is an important health threat facing the American public. In part that is why Senator SPECTER and I have fought hard to increase funding for the National Institutes of Health and the Centers for Disease Control and Prevention to address COPD and other pressing public health issues. Since 2003, the year after the NIH doubling was complete, funding into research on COPD has continued to increase by $13 million at the National Institutes of Health. The bill before us, our Senate Labor-HHS bill includes a $4.4 million increase for the CDC to work with at least seven additional States in fiscal year 2008 on preventing heart disease and stroke. I am very proud of these increases and I thank my colleague Senator SPECTER for helping to make them possible.

Mrs. LINCOLN. I thank the chairman for his thoughtfulness and dedication and would like to recognize the leadership of my colleague from Idaho on this important issue. I share Senator CRAPO's concern that COPD is a growing and largely unrecognized health problem in America. Today more than 12 million Americans are diagnosed with COPD, and research published by the CDC suggests that an additional 12 million Americans have undiagnosed COPD. That is 12 million Americans who have a debilitating and lethal disease but don't know it.

Equally alarming is the impact COPD is having on women. For several years, COPD was largely considered a disease of men. However, in 2000, the mortality rate for women for COPD exceeded that of men. Today, COPD is an equal opportunity killer.

I too am concerned that despite these statistics, the U.S. does not have a coordinated public health strategy to address COPD. Senator CRAPO and I would like to urge the CDC to begin developing a COPD response plan.

Mr. HARKIN. I thank the Senator from Arkansas for her consideration and I assure her that I will work with her and Senator CRAPO to ensure that the CDC is responsive to their concerns.

Mr. SPECTER. I appreciate Senator LINCOLN and Senator CRAPO for continuing to advocate on this important issue. I too will work with Chairman HARKIN to ensure CDC is responsive to this issue and begins developing a national plan to address COPD.

### LOW INCOME HOME ENERGY ASSISTANCE

Mr. REED. Mr. President, I would like to engage my colleagues, Senator HARKIN and Senator SPECTER, in a colloquy on the Fiscal Year 2008 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill.

I want to thank Senator HARKIN and Senator SPECTER for their work on this bill. The bill restores cuts proposed in the President's budget while balancing many important national priorities. The President's proposed budget request of $141 billion for the programs funded by this bill is clearly inadequate and I am glad the Committee on Appropriations allocated additional funding to this bill. However, even with this additional funding, I recognize the difficult budget constraints facing the subcommittee as it tries to reverse previous funding cuts to important education, labor, and health and human service programs.

One program particularly important to working Americans families and seniors is the Low-Income Home Energy Assistance Program, or LIHEAP. I know the chairman and ranking member are strong supporters of this program. Studies have shown that energy insecurity affects the health, nutrition, and learning of children. LIHEAP provides vital assistance to families, disabled individuals, and seniors so they don't have to choose between eating and paying an energy bill. With utility shutoffs and arrears on the rise, we cannot afford to support the President's cut of $379 million to the program. In my home State, utility shutoffs for nonpayment are at their highest level in 10 years. The State's data shows that through August, there were 20,326 shutoffs for the year. If this is not bad enough, the Energy Information Administration's Winter Outlooks estimates that the average household will spend $891 to heat with natural gas this winter and a family heating with oil can expect to spend $1,785 this winter. We need to increase LIHEAP funding, not cut it as proposed in the President's budget. I want to thank the chairman and ranking member for restoring funding to the Fiscal Year 2007 level, but it is my hope that in conference we will be able to raise LIHEAP funding to $2.662 billion, the level provided in the House.

I would also like to bring another issue to your attention. The House bill contains report language that would direct the national center for public health informatics to continue to fund the establishment of a nationwide database of contact information for practicing physicians. In the event of a terrorist attack, natural disaster, or a pandemic, Federal agencies and State and local health departments could use this database to contact physicians to request their help. In my State of Rhode Island, the Rhode Island Medical Board participated in the pilot project of this program. Based on the success of that pilot project, I support its expansion nationwide. I hope that in conference, we can keep this House report language.

Mr. HARKIN. Mr. President, I thank my colleague from Rhode Island for sharing his views with me on LIHEAP and the national center for public health informatics.

We are facing a real crisis in Iowa and across the Nation. Last year in Iowa the average LIHEAP benefit was reduced by 30 percent. With record energy costs projected for this winter, many Iowa families are worried about how they will pay their heating bills. No family should have to choose between paying an energy bill and putting food on the table for their children. For this reason I look forward to working with my colleague to increase funding for the LIHEAP program in conference.

Mr. SPECTER. Mr. President, the LIHEAP program benefits many families and seniors in Pennsylvania. It provides a vital safety net for these households so they do not have to make the choice between prescription drugs and heat, or paying a grocery bill or energy bill. I look forward to working with Chairman HARKIN and Senator REED on increasing funding for this program in conference.

### GME PROGRAM

Mr. BOND. Mr. President, I wish to thank everyone for all their work in putting this bill together. I fully appreciate the significant challenges that Chairman HARKIN and Ranking Member SPECTER face in balancing spending priorities with limited resources. I want to thank them for restoring $99 million in funding for the Children's Hospital GME program. Unfortunately, that level is still almost $200 million below last year's level.

CHGME is a valuable investment. It made it possible for children's hospitals to sustain and expand their teaching programs without having to sacrifice their commitments to clinical care for all children and research to improve children's care. These hospitals are major safety net providers of inpatient and community-based ambulatory care for low-income children and—as most of us know—the hospitals we depend on to care for seriously and chronically ill children.

Spending has grown less than 4 percent over 5 years since the program was fully funded. Congress reauthorized the program with overwhelming bipartisan support last year and set a new funding level at $330 million, which is based on continuing equity with Medicare GME. The House Labor-HHS appropriations bill funds the program at the $307 million level, which I hope we can achieve in conference.

I know that both the chairman and the ranking member are strong supporters of this program, and it is my hope that we will be able to work together to secure the House number in conference.

Mrs. HUTCHISON. I join Senator BOND in his recognition of the challenges that Labor-HHS appropriations presents, and I sincerely appreciate the continued efforts of my colleagues to emphasize the importance of increased funding for CHGME. I support an increase in funding for CHGME to $307 million, and I thank the chairman and ranking member for their support in trying to increase funding in conference.

The number of children throughout our country is rapidly increasing, and we must provide the necessary funding to train pediatricians and pediatric subspecialists at a pace that reflects the child population growth. For example, from 2000 to 2006, the number of children in my home State of Texas increased by an astounding 501,800, and the projected increase of children in Texas from 2006 to 2010 is over 346,000. CHGME funding helps provide access to pediatric medical services and ensures the needs of children are addressed with specialized health care.

CHGME is essential to ensuring that pediatricians and pediatric subspecialists in cardiology, emergency care, gastroenterology and other fields receive the necessary medical training to provide the best level of care to our children. In Texas, 60 percent of pediatric residents and 84 percent of pediatric subspecialists are trained at children's hospitals, and CHGME funding supports children's hospitals. Without this funding, we risk facing a national decline and ultimate shortage in the number of physicians that have received the specialized training to treat our smallest and youngest patients.

I support an increase in funding because CHGME strengthens each State's ability to retain pediatricians after completion of the residency program. Of the residents and fellows trained by CHGME hospitals, nearly 60 percent remain to practice in the State in which they completed their pediatric residency. In some States, this percentage is even higher.

Texas and the Nation depend heavily on children's hospitals to care for critically and seriously ill children, as well as the low-income children in their communities. Increasing CHGME funding is an investment in children's health. For these reasons, I proudly join my colleagues in emphasizing the importance of this issue, and I hope we can increase the funding for CHGME when we conference with the House of Representatives.

Mr. VOINOVICH. Mr. President, I join my colleagues in support of the Children's Hospital Graduate Medical Education Program, known by many as CHGME.

Medicare is the only provider of graduate medical education funding, but because children's hospitals care for the young not the elderly, they are unable to access funding provided by Medicare. To correct the disparity of Federal support between adult teaching hospitals and freestanding children's teaching hospitals, Congress created the Children's Hospitals Graduate Medical Education Program in 1999.

CHGME allows our Nation's independent children's hospitals to train many of the pediatricians American children visit each day as well as almost all of the pediatric sub-specialists who care for our Nation's most fragile children. And through stabilizing pediatric education, CHGME has also advanced the patient care and research missions of some of the Nation's most trusted hospitals for children. Without this Federal assistance, these hospitals might be forced to sacrifice a part of their critical missions.

In the current fiscal year, the program is funded at $297 million. I am proud to say that that over $30 million of those funds—more than 10 percent of the total—has supported the training of pediatricians and pediatric specialists at six outstanding children's hospitals in Ohio. But more must be done, and I urge my colleagues to provide $307 million for this program in fiscal year 2008.

In our country today there is a shortage in virtually every subspecialty of pediatrics. So it is noteworthy that the CHGME has led to the creation of fellowship programs to train pediatric specialists in areas of need such as pediatric endocrinology, surgical critical care, pediatric neurology, and child abuse and neglect—to name just a few.

The CHGME Program needs to be maintained as a sustainable and reliable source of funding for children's hospitals across the Nation.

Mr. SPECTER. I thank Senator BOND, Senator HUTCHISON, and Senator VOINOVICH. As I said in committee, I am committed to providing an increased level of funding for Children's Hospitals GME in conference. The children's hospitals in Pennsylvania exemplify everything they have said. They have been both regional and national leaders in centers of excellence in pediatric care and pediatric research—while meeting the needs of vulnerable and low income children across our State. Their teaching programs are an integral part of all they do—in providing services and making sure that children have the doctors they need.

My colleagues may not realize the continuing shortages in pediatric specialty care—which is centered in these institutions—or the waiting periods that all children and families face for nonemergency specialty care. CHGME has provided a cost effective and valuable program in providing enormous assistance to these children's hospitals and their ability to continue services and teaching. Most importantly, it directly benefits children's health care.

Mr. HARKIN. Children's Hospitals GME provides freestanding children's hospitals with the same support for graduate medical education that all other teaching hospitals receive through Medicare—as my colleagues have said. In Iowa, we don't have freestanding children's hospitals—instead our children's hospitals are part of larger systems or institutions. Yet I have heard from our hospitals and pediatricians about the workforce shortages they face and how important this program is in making sure the children of my State get the best care possible. For that reason, I join Senator SPECTER in our commitment to working toward a higher level of funding for this program.

### FUNDING FOR THE ORGAN DONATION AND RECOVERY ACT

Mr. DORGAN. Mr. President, I commend Chairman HARKIN and Ranking Member SPECTER for putting together a funding bill for the Departments of Labor, Health and Human Services, and Education that reflects our Nation's priorities making college more affordable, increasing our investment in medical research at the National Institutes of Health, restoring funding for critical rural health programs, and increasing our investment in a number of proven education programs.

I was pleased that the bill includes a $2 million increase for the Division of Transplantation at the Health Resources and Services Administration to implement the Organ Donation and Recovery Act. There are currently more than 97,000 Americans on the organ transplant waiting list. Unfortunately, nearly 6,000 people on the list die every year while waiting for a transplant.

More than two-thirds of those on the waiting list suffer from end stage renal disease and are in need of a kidney transplant. The good news is that patients with end stage renal disease who require a kidney transplant no longer need to wait for a kidney from a deceased donor or from a blood relative. Advances in medical science now make it possible for friends and spouses to donate a kidney to a patient in need. The $2 million increase provided in the bill for the Organ Donation and Recovery Act will help increase the number of donations from living donors by reimbursing travel and subsistence expenses for donors who could not otherwise afford to donate.

This modest investment will save lives. It also makes economic sense. Patients with end stage renal disease require dialysis, which is covered by Medicare. According to the Centers for

Medicare and Medicaid Services, Medicare spends about $55,000 per patient per year for dialysis. On average, patients with end stage renal disease wait four years before receiving a kidney transplant. This means that every kidney donation made from a living donor has the potential to reduce the number of people on the waiting list and save the government as much as $220,000.

I hope the chairman and ranking member will continue to support this important program in conference and support maintaining the Senate funding level.

Mr. HARKIN. I share the Senator's support for organ donation, and I thank my friend from North Dakota for his leadership on this issue. This program is a smart investment and one that I will work to sustain in conference. By helping pay the travel and subsistence costs of donors who could not otherwise afford to donate, we will save lives and reduce the number of people on the organ transplant waiting list.

Mr. SPECTER. I also strongly support efforts to increase the number of organ donors and will work to maintain this funding in conference.

Mr. DORGAN. I appreciate the Senators' support, and I look forward to working with them to support this program and other initiatives to increase the number of organ donors.

### OBESITY

Mr. SPECTER. Mr. President, as you know, the rate of obesity, particularly in children, has reached epidemic proportions across our country. According to the Centers for Disease Control and Prevention, more than 60 percent of children between the ages of 9 and 13 do not participate in any organized physical activity outside of school hours.

Mr. HARKIN. I agree with the concerns raised by the Senator from Pennsylvania. Since the 1970s, the percentage of obesity has more than doubled for preschool children ages 2–5 years and adolescents aged 12–19 years, and more than tripled for children aged 6–11 years. As you know, I have a particular interest in fighting the obesity epidemic and have been very supportive of programs that increase physical activity and good nutrition, especially in children. The Centers for Disease Control and Prevention reported in 2000 that only 8 percent of elementary schools, 6.4 percent of middle/junior high schools and 5.8 percent of senior high schools offer daily physical education for the entire school year for students in all grades of the school.

Mr. SPECTER. The Centers for Disease Control and Prevention is doing significant work in this area, and I urge the Director to increase awareness in the area of obesity and work cooperatively with organizations that are researching, testing and developing innovative approaches to get children more physically active.

Mr. HARKIN. I agree with the recommendation from my colleague from Pennsylvania. Experts predict that the current generation of children could be the first in history to live shorter lives than their parents' generation. To fight this public health epidemic, it is going to take collaboration and partnership amongst all levels of government, community organizations, and businesses.

### TEACHER QUALITY ENHANCEMENT PARTNERSHIP GRANTS

Mr. OBAMA. Mr. President, I wish to engage in a colloquy with the distinguished Senator from Iowa, Mr. HARKIN. I appreciate his efforts, as chairman of the Subcommittee on Labor, Health and Human Services, and Education, on the appropriations bill before us today. I commend his continual efforts over the years to expand educational opportunities and to provide adequate funding and resources for all students.

The most important resource a school can offer is good teaching, which necessitates bringing more quality teachers into our classrooms, and making certain that when we recruit and prepare good teachers, we do so in a way that best ensures their success. This means providing them adequate preparation and ongoing support, especially in those pivotal first years in the classroom.

And so, I am grateful for the work of Senator HARKIN in our collaborative and bipartisan efforts on the Senate Committee on Health, Education, Labor, and Pensions, to strengthen provisions to realign the teacher enhancement partnership grants in the Higher Education Amendments with what we know works best in preparing teachers. We must recruit the best talents to become teachers, and we must work to provide adequate preparation and support, so that when talented individuals become teachers, they are successful and want to stay in the classroom. Research shows that new teachers are often less effective than teachers with even a few years of experience. But recent experience also shows that good preparation programs can accelerate the rate at which novice teachers become effective.

We must help new teachers get the preparation and mentoring they need. Teacher preparation too seldom provides the opportunity to learn under the guidance of expert mentors working in schools that effectively serve high-need students. Most new teachers lack this type of support, and so leave the profession before they experience the rewards of the profession. One effective way to provide such preparation is through teaching residency programs, which are established in partnerships among colleges or universities, school districts, and other community partners. It is essential that we provide support for such partnerships.

Even as colleges realize the effectiveness of mentoring and induction in preparing teachers, and in working with high-needs school districts to tailor programs to prepare prospective teachers for the challenges they will face, it is regrettable that the President proposed eliminating support for the partnership grants that fund these needed and innovative approaches. I commend the Senator from Iowa for working to safeguard funding at $28.5 million, a level that ensures at least that current partnership grants can continue. But this level of funding is less than half of what was available last year, and $11.5 million below what our colleagues in the House proposed. It is clearly inadequate for encouraging the types of partnerships, such as residencies, that are developing at several sites across the country. So I hope the Senator from Iowa can continue his efforts to make sure that teachers get the training they need, and can meet the funding level proposed by our colleagues in the House.

Mr. HARKIN. I appreciate the remarks of the Senator from Illinois, as well as his work in championing partnerships, such as teacher residencies, on the HELP Committee. I realize the importance of having a quality teacher in every classroom. I know that too many students in high-need schools, both in cities and in rural areas, are sometimes taught by inadequately prepared teachers. These teachers are asked to take on challenges that can be discouraging, or even overwhelming. And so we lose too many teachers, often before we find out how good they could become.

I thank the Senator from Illinois for recognizing what we have done to avoid the elimination of funding for these partnership programs. When this bill goes to conference, I look forward to working with my colleague from Illinois, and I will continue to try to increase the level of funding available for colleges and universities to partner, in new ways, to improve teacher preparation. Bringing more quality teachers into classrooms is a priority for me, and I agree with the Senator from Illinois that it is important to find resources to support effective programs to better prepare and to better support teachers.

Mr. SPECTER. I thank my colleagues for raising this issue, and agree to try to help support teacher preparation, using methods that are shown to be effective. We all recognize the importance of teacher quality, and I will continue to work with my colleagues on this issue.

Mr. OBAMA. I commend the work of the Senator from Iowa, and the Senator from Pennsylvania, in working to ensure that funding for education continues to be a priority. I look forward to continuing to work with them on this important issue.

### CHILDHOOD LEAD POISONING PREVENTION

Mr. OBAMA. Mr. President, I wish to engage in a colloquy with the distinguished chairman from Iowa, Mr. HARKIN, and ranking member Mr. SPECTER from Pennsylvania. I appreciate their continued efforts to ensure fair allocation of funding for the health programs outlined in the bill before us. I also understand the difficulties in making these determinations. However, the recent recalls of child products have highlighted the continued threat of lead poisoning to children, and I believe that child lead poisoning prevention activities at the Centers for Disease Control would benefit dramatically from increased funding.

Lead is highly toxic, especially to young children. It can harm a child's brain, kidneys, bone marrow, and other organs. At high levels, lead can cause coma, convulsions, and death. The National Academy of Sciences has reported that comparatively low levels of lead exposure are harmful. Even low levels of lead found in blood of infants, children, and pregnant women have been associated with impaired cognitive function, behavior difficulties, fetal organ development, and other problems. In addition, low levels of lead in children's blood can cause reduced intelligence, impaired hearing and reduced stature.

In the past 6 months, millions of products, primarily children's toys, have been recalled due to potentially harmful levels of lead. These sources of lead exposure are in addition to dangers of lead poisoning that already exist in the home from lead-based paints and lead plumbing. It is my belief that we should do more to support programs that target reduction of lead exposure and toxicity.

Towards that end, the Centers for Disease Control and Prevention through the National Center for Environmental Health has created the Childhood Lead Poisoning Prevention Program. The CLPPP plays a major role in the Federal interagency mission to eliminate childhood lead poisoning by 2010. The efforts put forth by the CLPPP include assistance in completing and implementing a Federal strategic plan to eliminate nonessential uses of lead in consumer items and to support State and local efforts to identify and treat children exposed to lead.

I thank the chairman for the increased funding this bill provides for the National Center for Environmental Health, and I hope he will work in conference to provide an increase for the CLPPP.

Mr. HARKIN. I share the concerns of my colleague from Illinois, Senator OBAMA, about lead poisoning in children. Despite the considerable progress made over the past few decades, much work remains to be done to protect our Nation's children. I am encouraged that the CDC is developing a hand-held lead screening device that will help to increase testing in underserved communities, who are especially at high risk for lead poisoning. This effort and other initiatives at CDC merit greater support and I will do my best in conference to increase funding for this important work.

Mr. SPECTER. I agree with the comments made by my distinguished colleague, Chairman HARKIN.

Mr. OBAMA. I commend the chairman and ranking member on their work and congratulate them on passage of this bill. We all agree that every child with lead poisoning is a preventable and needless tragedy, and I look forward to working with both of them to identify additional funds for the CLPPP during conference.

### PUBLIC CHARTER SCHOOL FUNDING

Ms. LANDRIEU. Mr. President, I appreciate all of Chairman HARKIN's efforts in bringing this bill forward and thank him for his continued support of the Nation's public schools, including charter schools, which increase the academic achievement of our Nation's most low-income students. Unfortunately, the committee did not provide enough funding for public charter schools.

Charter schools are public schools created by teachers, parents, and other community stakeholders to educate students of all backgrounds and educational abilities. In exchange for greater accountability for student achievement, these schools are free from many local and State regulations. This flexibility and accountability has allowed individuals with nontraditional backgrounds to create cultures that have made charter schools top academic performers often in some of the Nation's largest urban centers. Because of this unique approach to education, demand for these schools has been remarkable over the last decade. In New Orleans, charters schools have been an engine of our school systems rebirth. For the 2006–2007 school year almost 60 percent of New Orleans' public schools students were enrolled in charter schools, the largest market share of any city in the country. Charter schools are not a panacea, but they are a tremendously valuable piece of education reform, and we should be cautiously optimistic about their potential to help close the achievement gap. In my State, charter schools have come in and filled the intense need we faced following the hurricanes of 2006.

As the chairman knows, I have filed an amendment to restore funds to the Credit Enhancement Program. I understand the chairman is not in a position to be able to support that amendment at this time. Before I withdraw my amendment, I hope that the chairman will commit to support as much funding as possible for Public Charter Schools.

Mr. ALEXANDER. I join the Senior Senator from Louisiana in asking Chairman HARKIN and Senator SPECTER to provide as much funding as possible for public charter schools.

One of my last official acts as U.S. Secretary of Education in 1992 was to write a letter to every school superintendent in America urging them to create charter schools. I saw these charter schools as ways to remove burdensome rules, regulations, and overhead so that teachers could have more opportunities to use their good judgment to help children and so parents could have more choices of schools.

Today, there are over 4,000 charter schools serving more than 1.15 million students in 40 States and the District of Columbia. Over half of these schools report having waiting lists, averaging 166 students.

I am pleased that 12 charter schools have opened in Tennessee since passage of the State's charter school law in 2002. Ten of these charter schools are located in Memphis, where they enjoy critical support from local school officials, dedicated private partners, and philanthropic organizations.

Charter schools play a unique role in public education by offering students a variety of options to meet their different learning needs and styles. They vary in specific mission and focus but not in their commitment to excellence and preparing students to succeed. In return for autonomy and freedom from burdensome regulations and policies, they accept strict accountability for academic and fiscal success. If charter schools fail to educate their students well and meet the goals of their charters, they are closed.

I expect that we will see charter schools continue to expand across the Nation as word of their success spreads. Five years ago, the President signed into law the No Child Left Behind Act, which contains several programs that support charter school development and provides school districts with the option of converting low-performing schools into charter schools.

It is my hope that the leadership of the Labor-HHS-Education appropriations subcommittee can look at every possible option, in consultation with the House, to support as much funding as possible for this worthy program.

Mr. HARKIN. Mr. President, I thank the Senators from Louisiana and Tennessee for their interest in this matter and for their request. Yes, I agree to support as much funding as possible for public charter schools.

Ms. LANDRIEU. Mr. President, I thank the chairman.

Mrs. MURRAY. Mr. President, this bill is about making sure families have access to health care and children get a good education. It supports cutting-edge research, helps build a skilled workforce, and ensures that crucial services are in reach for people who most need them. Most important, it gives Americans hope that their Government is working for them.

These programs help every family and every community. They are priorities for me. I know they are priorities back home. So I want to thank Senator HARKIN and Senator SPECTER for their leadership and important work on this bipartisan bill.

These programs should be priorities for this administration too. Unfortunately, President Bush has threatened to veto this legislation. He opposes this bill it because it represents an increase over his requested budget. He says it is "irresponsible and excessive." Yet the $9 billion increase over the President's request represents a fraction of the $190 billion in emergency spending he wants this year for Iraq and Afghanistan. It is less than the $10 billion he spends in Iraq in one month alone. As the President has waged war overseas, our education, job training, and health systems have been left to cope with unfunded mandates and empty promises. That—not this bill—is what is "irresponsible and excessive." This bill simply restores some of the money the President cut and takes a modest step forward after years of going in the wrong direction.

Among other things, this bill boosts American competitiveness by investing $4.8 billion in job training and career- and technical-education when the President would have cut these programs by more than $1 billion. It adds $1 billion to expand critical research at the National Institutes of Health, reversing years of stagnant budgets. And it strengthens education and health care by providing money for Head Start, school improvement, and community health centers.

This bill recognizes how important access to quality health care is for working families. While the President's budget neglected the uninsured and those with limited access to health care, the Senate bill invests an additional $250 million over the President's request in the community health center program. This will help those families get medical care without having to seek it in the emergency room. We have all heard stories about how overburdened emergency rooms are by patients who seek care there because they don't have health insurance or are underinsured. But access to a doctor can prevent a child's earache from turning into a serious infection, and it can make sure a father gets screening and preventive care so that he doesn't develop a serious and expensive form of cancer.

This bill also makes investments in another critical health care concern—making sure we have enough doctors and nurses and other health care professionals. Last week, I heard about it again in roundtables I held across the State.

This bill provides $357 million for the Health Professions and Nursing Programs to recruit and hire new health care professionals—that is $242 million over the President's proposal. Of this, $169 million is for nursing education. That is $20 million over last year's level. Our nurses are the front line of care in hospitals and nursing homes. This will help address the serious nursing shortage we already face.

It is also important that we provide opportunities and encouragement for students who want to go into nursing so that we can replace these retiring caregivers and meet the increasing demand for nursing care. I applaud the committee for recognizing this looming concern, and I repeat that the time to invest in our health care system is now—before these problems become an urgent issue. We can't afford to wait.

This bill also supports our scientists and our biotech industry by funding landmark research. The President's budget would have eliminated hundreds of research grants from the National Institutes of Health—money that could lead to cures or treatments for cancer, MS, and diabetes, among other diseases. This is on top of years of inadequate funding for NIH. The Senate bill adds $1 billion for NIH funding nationally.

This allows scientists at prestigious universities—including the University of Washington—to continue their innovative medical and biotech research. It also will provide hope for people with serious diseases—hope that they won't have if this research is cut off because of lack of funding.

We have heard the President say that education is one of his top priorities. That is why it is so frustrating to me that he is threatening to veto this bill. I am committed to ensuring Federal funds are there to help build and improve our Nation's schools. Strong schools make strong communities. We want everyone in this country to have a promising future and a promising job—and education is how you get there.

The Senate bill supports increased funding for Pell grants that help kids afford college when they might not otherwise have had a chance to get a college degree. It increases funding for school improvement by $500 million. It sends $1 billion in badly needed money to help schools in low-income communities raise children's achievement levels and provide more opportunities for learning. And it reverses the President's proposed $100 million cut to Head Start.

As a mom, a former preschool teacher, and school board president, I saw firsthand that giving kids a boost early on can pay off in the future. Reaching kids early makes them more likely to graduate and succeed. This isn't frivolous spending. The money we spend on education today will help children grow into better educated, better prepared workers.

Providing Americans with the skills they need to excel in the global economy while keeping them safe on the job are very basic needs that every working family has the right to expect from their Government. That is why I continue to be baffled by the administration's lack of commitment to workers in our Nation. With strong bipartisan support for this bill, the Senate is proud to stand with working families and support the priorities that shape their daily lives.

When I travel around my home State of Washington, employers tell me they are desperate to find workers with the skills they need to grow their businesses. And we have thousands of people on waiting lists hoping to get trained for these family-wage jobs. Yet for the last 7 years, the President has proposed hundreds of millions of dollars in cuts for job-training programs, shutting the door to millions of dislocated workers, youth and disadvantaged adults who deserve to share in the American dream.

Under his watch, worker safety on the job has also been put at risk. With OSHA's lack of enforcement, workers are unprotected. And today's miners continue to work under an administration that values voluntary compliance above safety and enforcement. This is the wrong direction for working families and the wrong priority for America.

How do we begin to solve it? Well, one thing is clear—it isn't by cutting $1 billion dollars in job training funds at a critical time in our economic growth, as the President has proposed, nor is it by proposing hundreds of millions of dollars in cuts to job training programs, as he has one over the last 7 years. This bill rejects the President's misguided cuts and goes to great lengths to maintain a viable workforce and training system. If we want our local businesses and our Nation to be competitive in the global economy, we must make skills training for every worker a national priority. This bill does that.

For some here in the Senate, this might be an abstract debate about Federal funding. But this debate is about real people. It is about 30 kids in a classroom and a teacher struggling to make sure they succeed. It is about hardworking parents searching for a way to get health care for their families when it isn't provided by their employers. And it is about workers who need training that will help them get a job that pays enough to support a family.

When I travel around Washington State, people tell me they want hope and change. Whether it is the war in Iraq or gas prices or access to health insurance—people feel a real weight on their shoulders. They are looking for a light at the end of the tunnel, and by vetoing these important bills—and failing to invest in the health, safety, and economic future of all Americans—the President keeps putting out that light.

Mr. President, in this bill, we are investing more than $7 billion over last year in the future of our country. I urge all my colleagues to support this legislation on behalf of the millions of American children and families who would benefit.

And I hope the President is listening.

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate resumes consideration of H.R. 3043 tomorrow, Senator ENZI be recognized to call up amendment No. 3437 and there be 30 minutes of debate equally divided and controlled in the usual form; that upon the use or yielding back of time, the amendment be temporarily set aside, and Senator DEMINT be recognized to call up amendment No. 3387, and there be 20 minutes of debate equally divided and controlled in the usual form; that upon the use or yielding back of time, the amendment be temporarily set aside, and the Senate then resume the Roberts amendment No. 3365, and there be 10 minutes of debate equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate resume consideration of the Coburn amendment No. 3358, and there be 20 minutes of debate equally divided and controlled prior to a vote; that upon the use or yielding back of time, the Senate return to the Enzi amendment and vote in relation to the amendment; that upon disposition of that amendment, the Senate resume the DeMint amendment and vote in relation to the amendment; that upon disposition of the DeMint amendment, the Senate proceed to vote in relation to the Roberts amendment; that upon disposition of that amendment, the Senate proceed to vote in relation to the Coburn amendment No. 3358; that there be 2 minutes of debate prior to each vote, equally divided and controlled, with no amendments in order to any of the amendments covered in this agreement prior to the vote; and that after the first vote, the vote time be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. So, Mr. President, this ends our business for this evening, so that when the Senate comes in tomorrow morning, we will have four amendments that will take about an hour, and then there will be four votes that will start. They will be stacked votes, and they will then take place 1 hour after we come in.

Again, I say that if we come in at 10 in the morning and this takes an hour and then we vote on four amendments, that will take us just about to the noon hour, and we are supposed to finish by 12:30. So I say again, if Senators have amendments, it looks as if they may be getting crowded out, unless they get over here in a hurry.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HONORING OUR ARMED FORCES

### STAFF SERGEANT ERIC THOMAS DUCKWORTH

Mr. SALAZAR. Madam President, I want to take a moment to reflect on the life and service of SSG Eric Thomas Duckworth of the 759th Military Police Battalion, 89th Military Police Brigade, stationed at Fort Carson, CO. Sergeant Duckworth was killed when a bomb detonated near his vehicle as he was leading a convoy through Baghdad. He was 26 years old—a father, a son, a husband, and a proud soldier.

Sergeant Duckworth grew up in Plano, TX, an active young man with dreams of serving his country. He played baseball and football in high school and, in the time not devoted to studies and athletics, devoted himself to the ROTC. It was clear from an early age that Eric was a leader among his peers; in ROTC he was quickly selected to a leadership role and to represent his high school at a national ROTC council.

True to his dreams, Eric joined the Army just a few days after his 1999 graduation from high school. After serving in the military, Eric aimed to find a career in law enforcement. From what his family says of him and from what I know from having worked with peace officers as Colorado's attorney general, he would have been a great fit in any police department. He was selfless, hard working, and friendly. He did his job with a smile and a laugh.

He was also an experienced and steady military police officer who was deeply committed to helping bring peace and security to a war-torn country. He was the type of American soldier who GEN Douglas MacArthur regaled in a 1962 address to West Point soldiers for their selfless sacrifices and for their unflinching devotion to the protection of our Nation. "Duty, honor, country," MacArthur told the young soldiers, "Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be."

These three words have been the creed of generation after generation of American soldiers. They help us understand the courage and fortitude that allow men like Eric Duckworth to serve two tours of duty thousands of miles from his family, to live in constant peril, and to shoulder the responsibility for keeping his soldiers safe while securing a brighter future for Iraqi citizens.

Duty, honor, country. "The code which those words perpetuate," said General MacArthur, "embraces the highest moral law and will stand the test of any ethics or philosophies ever promulgated for the things that are right and its restraints are from the things that are wrong. The soldier, above all other men, is required to practice the greatest act of religious training—sacrifice . . . However hard the incidents of war may be, the soldier who is called upon to offer and to give his life for his country is the noblest development of mankind."

SSG Eric Thomas Duckworth thoroughly embodied this creed: he donned the soldier's uniform at his first opportunity, he led his men on the battlefield, and he both offered and gave his life in service to his country. His is a debt we cannot repay.

To Sergeant Duckworth's wife Sonya, to his children Michael, Madison, and Kaylynn, to his brother Andrew, and to his parents Michael and Ila, I cannot imagine the pain that you must feel. I can only hope that in time your grief will be salved by the pride you must feel for his devotion to his country and his love for his family. Eric was a man of courage, dignity, and selflessness. As he lies in rest at Arlington National Cemetery, amid the thousands of crosses of America's fallen heroes, may you know that his sacrifice will never be forgotten, his legacy always honored.

### SERGEANT FIRST CLASS ROCKY H. HERRERA

Mr. HATCH. Madam President, I rise today to commemorate one of Utah's fallen sons, SFC Rocky H. Herrera of Salt Lake City, UT. Sergeant Herrera was a member of the 585th Pipeline Company, 864th Engineer Combat Battalion. On August 28, 2007, he lost his life through injuries received from the detonation of an improvised explosive device.

Sergeant Herrera's last act was a measure full of the love and devotion he had for his fellow soldiers. Sergeant Herrera's battalion was building a bridge when a suicide bomber drove a vehicle carrying an explosive device headed toward them. I have been reliably informed that just prior to the explosion Sergeant Herrera placed his body between the vehicle and his men to protect the lives of his beloved soldiers.

In addition to this act of bravery, Sergeant Herrera has always dedicated his life to the preservation of freedom. In 1986, Sergeant Herrera joined the Army Reserve and served as a crane operator. A decade later he proudly joined the full time force.

In addition to the two tours he served in Iraq, he was also deployed to Bosnia, South Korea, and Honduras. In each assignment he excelled and was accordingly promoted to such vital assignments as a squad leader and a drill instructor.

Recently, Sergeant Herrera's life was blessed by the birth of his granddaughter Kylie. The sergeant has left behind his wife Traci, as well as two daughters and two sons. One of Sergeant Herrera's sons, Matt, remembers his dad always spent as much time with the family as he could.

I will pray for Sergeant Herrera's family and remember their sacrifice of their husband, father, and grandfather.

### SPECIALIST JASON N. MARCHAND

Mr. HATCH. Mr. President, I also rise today to pay tribute to one of Utah's fallen soldiers. SPC Jason N. Marchand was a member of the 2nd Cavalry Regiment and at the time of his death was deployed as part of a 2-week field tour north of Baghdad.

Specialist Marchand's told his family that he joined the Army to protect his family and friends. Before his deployment to Iraq, Specialist Marchand spent the previous year and a half in Germany, which his mother said he loved.

Specialist Marchand was born on April 8, 1981, in Salt Lake City, UT, to his parents Debbie Parsons and William Marchand, M.D. Specialist Marchand had a special relationship with his family. His mother stated they were open enough to share anything with one another.

Specialist Marchand leaves behind a wife and a 6-year-old daughter, Savannah. At the funeral of Specialist Marchand, Savannah said that she wanted to release some balloons for her father. She wanted them to fly up to heaven to be with him there.

Specialist Marchand is a fine example of an honorable U.S. soldier. I am grateful for brave individuals like Specialist Marchand who give their life to create a brighter future for their family, friends, and Nation.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

### SERGEANT JASON LANTIERI

• Mr. DODD. Madam President. I rise to fulfill again my most painful obligation as Senator: To mark the life of another young Connecticut man who died in our country's service. SGT Jason Lantieri was killed this month in Iraq.

Sergeant Lantieri's life was, up to the last moment, a story of moving success. At the age of 11, he was a troubled child from a broken home, lost in the foster care system. But 2 caring foster parents helped to transform him: Jon and Kathy Miller, of Killingworth, who took Jason into their home and became a new mother and father to him. "We just decided to go and ask if he could become part of our family," Kathy Miller recalled. It wasn't long before Jason was succeeding in school, serving on the student council, and competing in three sports. In his obituary, the Hartford Courant called it "a life redeemed."

Sergeant Lantieri went on to earn a business degree, but, like so many energetic young men before him, signed up with the Army for a chance at travel and adventure. By all accounts, he had his wish, from Alaska to Europe to Iraq with a transportation unit in the 25th Infantry Division. Still, with all those who choose to serve in this time of war, Sergeant Lantieri knew that wearing his country's uniform meant risking his life. A video posted on his Web page shows how he confronted danger with a sardonic sense of humor: Below footage of an explosion in the desert, his caption reads, "Just another day at the office."

In a war zone, death can come in any daily routine. Its constant presence means that in war there is no routine and that is just another sacrifice soldiers make for our sake. Last week, a transportation accident crushed Jason between 2 vehicles. He was 25.

The 2 strangers he came to call Mom and Dad have a last record of his voice—a call from Iraq on their answering machine. The message is still there, and I imagine it always will be. They also have the military photos that show Jason in his uniform and beret, with a firm, unsmiling face. "I hardly recognize that person," said Kathy Miller. "That's just a little piece of Jason. It's not the whole picture of who he is."

She remembers his class-clowning, his toughness on the soccer field, and his mischieviousness playing with her grandchildren—qualities that aren't in the picture.

The tragedy is that Sergeant Lantieri has lost his whole life; the class clown and the grown foster son are dead along with the soldier. We can only answer that tragedy with grief and with gratitude, pledging to remember his rich life in its entirety.•

## ADDITIONAL STATEMENTS

### RETIREMENT OF JAMES A. (JIM) SHERIDAN

• Mr. CRAPO. Madam President, an Idahoan with the distinction, among other things, of being the oldest fire lookout in the Nation at age 89 retired from that important post and from the Federal Government in September. James A. "Jim" Sheridan concluded a long and dedicated career that began, at age 53, what could be called a second career in 1971, when he joined the Bureau of Land Management as a seasonal surveyor. In 1976, Jim became a fire prevention patrolman, and, at age 67, became the Mount Harrison seasonal lookout in the Sawtooth National Forest Minidoka Ranger District. Over the past 22 years, Jim has provided a fire prevention message to no fewer than 35,000 national forest visitors.

As a lifelong rancher and 36-year veteran of Government service in the second half of his life, Jim has captured the secret to staying young—that of knowing you are never too old to start something new. Jim's life is a wonderful example of the fact that success comes as the result of hard work. Idahoans who visited the Sawtooths were both safer and better educated about our rugged and beautiful natural resources as a result of Jim's dedication and efforts. I wish Jim and his family well on his retirement, and I thank him for his service to our Nation and to Idaho.•

### FORT UNION NATIONAL MONUMENT

• Mr. DOMENICI. Madam President, I would like to honor and give special attention to New Mexico's Fort Union National Monument in Mora County. Located in the Mora Valley between the Santa Fe and Sangre de Cristo mountains, Fort Union established in 1851, dates back to New Mexico's territorial days, protecting the area's inhabitants and trade routes.

This year Fort Union has initiated a new effort called "The New Mexico Volunteers Living History Program." Volunteers in this program will depict the Hispanic soldiers of the 1st New Mexico Volunteers, who were enlisted and stationed at Fort Union during the Civil War. One of the current volunteers is a direct descendent of the 1st New Mexico Volunteers. With some training and drilling, Fort Union hopes to begin presenting living history programs depicting the 1st New Mexico Volunteers in early spring next year at Fort Union as well as other local venues. Fort Union has also reinstated nighttime candlelight tours, and also hopes to provide a public venue for night sky viewing while partnering with local colleges and universities to interpret the skies, and be used as a classroom venue complementing science curriculums.

I am proud of the work being done at Fort Union to reach out to the community and provide a glimpse of our historic past. The upcoming activities at Fort Union remind us of our rich history in New Mexico, and I commend the staff at the Fort for their efforts and their hard work to further integrate the unique history of the Fort into the surrounding area and expand their role as a resource for local students and residents. I look forward to the advancement of this program in the months to come.●

## HONORING EDWARD KOREN

● Mr. SANDERS. Madam President, today I acknowledge a Vermont artist who is widely recognized and widely loved, Edward Koren.

This year the Vermont Council on the Arts is bestowing its Governor's Award for Excellence in the Arts on this renowned graphic artist.

Mr. Koren carries on the long tradition of artists who publish their work in the mass media, using the techniques of drawing to comment on the lives that men and women lead. His distinguished 19th century antecedents include Honoré Daumier in France and Thomas Nast in the United States. Edward Koren is a cartoonist of the first order, having published more than 900 of his works in The New Yorker. His cartoons have appeared in other publications as well, ranging from The Nation, to the New York Times.

His work is remarkably distinctive, often focusing on shaggy figures engaged in everyday affairs. Their shaggy, hairy features are a personal signature; they embody the way he uses lines, the way his pen moves on paper. To see one of his cartoons on a page is to recognize it, instantly, as a "Koren," even before one knows its subject or reads the accompanying words or his name at the bottom of the cartoon.

Koren examines people in the midst of everyday life, revealing that he understands that reality consists not of something invented by movies or policy analysts but rather what we encounter every day. He is a satirist of pretension, and deftly explores the neuroses of our times. Koren is a great chronicler of what the poet Wallace Stevens called "the malady of the quotidian."

David Remnick, editor of The New Yorker, recently told the Burlington Free Press that "Ed Koren is one of the great original voices of cartooning . . .. I love his work, always have."

Edward Koren's work has been widely recognized by museums as well as the media which so often publish his cartoons. His work is in the Swann Collection at the Library of Congress, and also in the permanent collections of the Fogg Museum at Harvard, the Princeton University Museum, and the Fitzwilliam Museum at Cambridge University.

Mr. Koren and his wife Curtis live in central Vermont. He long ago moved to our State for reasons he articulated recently:

> I was captivated intensely by Vermont. There was a deep sense of community. I kept thinking, this is unusual in this society, this country. I had never come across this kind of closely compacted community. I was fleeing huge, giant-scaled cities without a real cohesive sense of place and connection. It turned out I was a country guy.

Not surprisingly, Mr. Koren is a captain of the Brookfield, VT, Volunteer Fire Department.

He is well deserving of the honor of receiving the Governor's Award for Excellence in the Arts.●

## REMEMBERING HARRY LEE

● Mr. VITTER. Madam President, I wish to acknowledge the passing this month of Sheriff Harry Lee of Jefferson Parish, LA. Sheriff Harry Lee died of leukemia on October 1, and I would like to make a few remarks on his success and his contributions to the area.

Sheriff Harry Lee was elected in 1979, beating longtime incumbent Alwynn Cronvich and serving more than six terms until his death. He was one of the most popular, well-known politicians in the greater New Orleans area. Throughout his career, Sheriff Harry Lee devoted his life to fighting crime.

It is perhaps Sheriff Harry Lee's colorful attitude that made him so beloved. While we often disagreed on many issues, I have a great respect and admiration for what Sheriff Harry Lee accomplished in his long tenure. Harry was a wonderful, gutsy, larger-than-life figure who always did what he thought was right. Whether I was agreeing with him on crime-fighting issues or disagreeing with him over Edwin Edwards, I always knew he was leading with his passions and loyalties.

Thus, today, I rise to honor sheriff Harry Lee that people may honor and remember him for his devotion to the State of Louisiana.●

## REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER TO EXPAND THE SCOPE OF THE NATIONAL EMERGENCY RELATIVE TO THE GOVERNMENT OF BURMA, AS RECEIVED DURING ADJOURNMENT OF THE SENATE ON OCTOBER 19, 2007—PM 29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "Order") that expands the scope of the national emergency declared in Executive Order 13047 of May 20, 1997, and takes additional steps with respect to that national emergency.

In 1997, the United States put in place a prohibition on new investment in Burma in response to the Government of Burma's large-scale repression of the democratic opposition in that country. On July 28, 2003, those sanctions were expanded by steps taken in Executive Order 13310, which contained prohibitions implementing sections 3 and 4 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61) and supplemented that Act with additional restrictions. I have now determined that the Government of Burma's continued repression of the democratic opposition in Burma, manifested most recently in the violent response to peaceful demonstrations, the commission of human rights abuses related to political repression, and engagement in public corruption, including by diverting or misusing Burmese public assets or by misusing public authority, warrant an expansion of the existing sanctions.

The order incorporates existing designation criteria set forth in Executive Order 13310, authorizing the Secretary of the Treasury, after consultation with the Secretary of State, to designate any person determined to be a senior official of the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, or any successor entity to any of the foregoing. The order blocks the property and interests in property in the United States of persons listed in the Annex to the order and provides additional criteria for designations of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for, or to have participated in, human rights abuses related to political repression in Burma; to be engaged, or to have engaged, in activities facilitating public corruption by senior officials of the Government of Burma; to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, any successor entity to any of the foregoing, any senior official of any of the foregoing, or any person whose property and interests in property are blocked pursuant to Executive Order 13310 or section 1(b)(i)-(v) of the order; to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order 13310 or section 1(b)(i)-(v) of the order; or to be a spouse or dependent child of any person whose property and interests in property are blocked pursuant to the order or Executive Order 13310.

The order leaves in place the existing prohibitions on new investment, the exportation or reexportation to Burma of financial services, and the importation of any article that is a product of Burma, which were put into effect in Executive Order 13047 and Executive Order 13310.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and section 4 of the Burmese Freedom and Democracy Act of 2003 as may be necessary to carry out the purposes of the order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 18, 2007.*

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3713. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC–3714. A communication from the Director, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active" (RIN0648–AT80) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3715. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (Docket No. KY–251–FOR) received on October 17, 2007; to the Committee on Energy and Natural Resources.

EC–3716. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plans; Designation of Critical Habitat for Piperia yadonii" (RIN1018–AU34) received on October 17, 2007; to the Committee on Environment and Public Works.

EC–3717. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Exemptions from Licensing, General Licenses, and Distributions of Byproduct Material: Licensing and Reporting Requirements" (RIN3150–AH41) received on October 17, 2007; to the Committee on Environment and Public Works.

EC–3718. A communication from the Assistant Director, Fisheries and Habitat Conservation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Injurious Wildlife Species; Black Carp" (RIN1018–AG70) received on October 18, 2007; to the Committee on Environment and Public Works.

EC–3719. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the administration of the Surface Transportation Project Delivery Pilot Program; to the Committee on Environment and Public Works.

EC–3720. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenthrin; Pesticide Tolerance" (FRL No. 8151–5) received on October 18, 2007; to the Committee on Environment and Public Works.

EC–3721. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Implementation Plans for the Clean Air Interstate Rule: Automatic Withdrawal Provisions" (FRL No. 8485–7) received on October 18, 2007; to the Committee on Environment and Public Works.

EC–3722. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenamidone; Pesticide Tolerance" (FRL No. 8152–9) received on October 18, 2007; to the Committee on Environment and Public Works.

EC–3723. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Data Requirements; Technical Amendments" (FRL No. 8114–1) received on October 18, 2007; to the Committee on Environment and Public Works.

EC–3724. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides: Redesignation of Part 158; Technical Amendments" (FRL No. 8116–2) received on October 18, 2007; to the Committee on Environment and Public Works.

EC–3725. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Data Requirements for Biochemical and Microbial Pesticides" ((RIN2070–AD51)(FRL No. 8109–8)) received on October 18, 2007; to the Committee on Environment and Public Works.

EC–3726. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Data Requirements for Conventional Chemicals" ((RIN2070–AC12)(FRL No. 8106–5)) received on October 18, 2007; to the Committee on Environment and Public Works.

EC–3727. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "October–December 2007 Section 42 Bond Factor Amounts" (Rev. Rule. 2007–62) received on October 18, 2007; to the Committee on Finance.

EC–3728. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to performance improvement within the Department during fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 680, A bill to ensure proper oversight and accountability in Federal contracting, and for other purposes (Rept. No . 110–201).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

H.R. 1254. A bill to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations (Rept. No. 110–202).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 2035. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. BIDEN):

S. 2213. A bill to amend title 18, United States Code, to improve prevention, investigation, and prosecution of cyber-crime, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 2214. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. SUNUNU, Mr. JOHNSON, Mr. COLEMAN, Mr. BIDEN, Mr. THUNE, Mr. ENZI, and Mr. CARPER):

S. 2215. A bill to amend the Homeland Security Act of 2002 to establish the Protective Security Advisor Program Office; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. WYDEN, Mr. SALAZAR, Ms. CANTWELL, Mr. INHOFE, Mrs. DOLE, Mr. BURR, Mr. COBURN, and Mrs. HUTCHISON):

S.J. Res. 22. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions; to the Committee on Finance.

## ADDITIONAL COSPONSORS

### S. 22

At the request of Mr. WEBB, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 600

At the request of Mr. SMITH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 803

At the request of Mr. ROCKEFELLER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 1200

At the request of Mr. DORGAN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1332

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1332, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 1359

At the request of Mrs. MURRAY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1444

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1444, a bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan.

S. 1465

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1465, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain medical mobility devices approved as class III medical devices.

S. 1518

At the request of Mr. REED, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1729

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1729, a bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing surcharges on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for authorized purposes.

S. 1730

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1730, a bill to amend part A of title IV of the Social Security Act, to reward States for engaging individuals with disabilities in work activities, and for other purposes.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1858

At the request of Mr. DODD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2166

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2172

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

### S. 2198

At the request of Mr. DEMINT, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2198, a bill to require the Architect of the Capitol to permit the acknowledgment of God on flag certificates.

### S. 2202

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 2202, a bill to amend the Clean Air Act to increase the renewable content of gasoline, and for other purposes.

### AMENDMENT NO. 3335

At the request of Mr. DORGAN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Michigan (Ms. STABENOW), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 3335 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3347

At the request of Mr. MENENDEZ, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 3347 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3364

At the request of Mr. COLEMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3364 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3376

At the request of Mr. SMITH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 3376 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3378

At the request of Mr. TESTER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 3378 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3400

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3400 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3400 proposed to H.R. 3043, supra.

### AMENDMENT NO. 3401

At the request of Mr. CARDIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 3401 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3428

At the request of Mr. MENENDEZ, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 3428 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3432

At the request of Mr. REED, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 3432 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3445

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 3445 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

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## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. BIDEN):

S. 2213. A bill to amend title 18, United States Code, to improve prevention, investigation, and prosecution of cyber-crime, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce S. 2213, the Cyber-Crime Act of 2007. I am joined in this effort by my colleague and good friend Senator BIDEN. This bipartisan legislation makes important, appropriate and necessary changes to federal law relating to computer fraud.

Continuous innovation in technology provides remarkable benefits to individuals throughout the world. In the United States, the integration of computer networks has allowed for increased efficiency of American businesses and provided greater access to services and information for individuals. The ability of individuals and businesses to store vast amounts of data on computer networks has led to innumerable advantages including increased productivity and financial savings.

However, these same networks have proven to be prime targets for criminals seeking to utilize malicious computer code for illicit gain. Criminals are using viruses to exploit technological weaknesses in computer networks. These collections of compromised computers are called "botnets", and serve as zombie networks which can be remotely controlled by an attacker and used for numerous crimes, including identity theft and attacks on critical computer systems. Botnets can consist of hundreds of thousands of computers, and most victims are unaware their computer equipment has been compromised. An underground market has developed for these botnets, as criminals are renting these compromised networks to carry out different types of attacks. Botnets have the ability to grow exponentially and the potential damage from these networks grows accordingly.

Botnets pose a tremendous threat to our national infrastructure, economy, and security. Portions of the federal law relating to computer crime, written in a pre-Internet era, are inadequate and leave several unaddressed loopholes in our criminal code. For example, under current federal law a creator of a botnet can only be charged if the financial loss to one or more persons during one year passes a certain dollar threshold. It can be very difficult to put a price tag on the losses experienced by computer users, as it is not easy to calculate how much money an individual's time is worth in terms diverted from work or in trying to fix a malicious bot. In addition, it is possible for a criminal to create large botnets that can be utilized for future denial of service attacks and other violations, and still not violate this section of law.

In order to address this, the legislation we offer today modifies the Federal criminal code by criminalizing willful damage to 10 or more computers in any one year period. This change will allow the prosecution of criminals who covertly install malicious bots on protected computers with the purposes of making a botnet.

Also, S. 2213, will make other necessary changes to the Federal code, including expanding the definition of cyber extortion, and permit law enforcement seizure of computer equipment and other property used to perpetrate computer crimes. As well, the bill includes a directive to the U.S. Sentencing Commission to consider many highly relevant factors in its review of appropriate sentences for cyber crime.

All of the changes contemplated by this legislation, if aggressively enforced by law enforcement, will have a positive impact on our security. In this information age, it will not take long for potential criminals to hear about the new tools available to law enforcement personnel and many will be deterred from perpetrating illegal activity over the Internet.

As criminals continue to adapt their tactics to exploit technological changes and loopholes in the law, it is imperative that Congress pass legislation that allows Federal law enforcement to maintain vigorous and tireless efforts in the investigation of cyber crime activity. I am confidant that this legislation, once enacted, will provide for the tools needed to pursue those who choose to inflict such harm to our society.

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By Mr. INHOFE:

S. 2214. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INHOFE. Mr. President, I rise today to introduce the Federal Emergency Management Advancement Act of 2007, a bill to establish the Federal Emergency Management Agency, FEMA, as an independent agency. After a series of winter storms and summer flooding caused extensive damage in Oklahoma, the State encountered problems with FEMA as they sought disaster assistant due to the levels of bureaucracy and a lack of communication. When other natural disasters struck Oklahoma prior to the placement of FEMA under Homeland Security, the State did not encounter the same bureaucratic delays and other problems. Therefore, I support making FEMA an independent agency again in an effort to grant FEMA more autonomy by removing that added layer of bureaucracy. Additionally, after Oklahoma experienced troubles establishing an accurate incident period for the 2007 summer flooding, I have also included in my bill language stating that the administrator should give deference to State documentation when determining disaster incident periods.

Oklahoma first encountered problems with FEMA and lack of communication and information when wildfires ravaged the state in 2005 and 2006. These devastating wildfires swept through the entire state leading to declarations for Public Assistance, Individual Assistance and hazard mitigation funding. All 77 counties in the State of Oklahoma qualified for Public Assistance while all counties were also eligible to apply for the Hazard Mitigation Grant Program. These wildfires were wide spread and deadly to my State.

More recently, Oklahoma encountered severe winter storms with devastating results in January 2007. These storms led to prolonged loss of power and extensive building damage for many of my constituents. In Muskogee County alone, an estimated 16,000 power company customers experienced loss of electricity for days at time with temperatures remaining below freezing.

This summer, Oklahoma was hit by heavy rain, tornadoes, and flooding from May through September. The State made a number of disaster declarations during these periods. While I appreciate these declarations and aid, the process it took the state to get to this point was filled with unnecessary difficulty. Oklahoma particularly struggled with FEMA on the dates of the incident periods which is why I have included language in my bill to give deference to the State's documentation regarding the dates of such incidents. It makes sense that the State would be the one to have the most accurate information available regarding the disasters and the cause.

I believe this is an extremely important bill that will free FEMA from additional levels of bureaucracy and allow it to work in a more effective manner.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2214

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Emergency Management Advancement Act of 2007"or the "FEMA Act".

## TITLE I—FEDERAL EMERGENCY MANAGEMENT AGENCY

### SEC. 101. DEFINITIONS.

In this title—

(1) the term "catastrophic incident" means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

(2) the term "Director" means the Director of the Federal Emergency Management Agency;

(3) the term "Federal coordinating officer" means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

(4) the term "interoperable" has the meaning given the term "interoperable communications" under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1));

(5) the term "National Advisory Council" means the National Advisory Council established under section 508 of the Homeland Security Act of 2002;

(6) the term "National Incident Management System" means a system to enable effective, efficient, and collaborative incident management;

(7) the term "National Response Plan" means the National Response Plan or any successor plan prepared under section 104(b)(6);

(8) the term "Nuclear Incident Response Team" means a resource that includes—

(A) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

(B) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions; and

(9) the term "tribal government" means the government of any entity described under section 2(10)(B) of the Homeland Security Act of 2002 (6 U.S.C. 101(10)(B)).

### SEC. 102. ESTABLISHMENT OF AGENCY AND DIRECTOR AND DEPUTY DIRECTOR.

(a) ESTABLISHMENT.—The Federal Emergency Management Agency is established as an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) IN GENERAL.—The Director shall be the head of the Federal Emergency Management Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the President.

(2) QUALIFICATIONS.—The Director shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Director of the Federal Emergency Management Agency.".

(4) PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT.—

(A) IN GENERAL.—The Director is the principal advisor to the President, the Homeland Security Council, and the Secretary of Homeland Security for all matters relating to emergency management in the United States.

(B) ADVICE AND RECOMMENDATIONS.—

(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary of Homeland Security, the Director shall, as the Director considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency preparedness, protection, response, recovery, and mitigation options with respect to that matter.

(ii) ADVICE ON REQUEST.—The Director, as the principal advisor on emergency management, shall provide advice to the President, the Homeland Security Council, or the Secretary of Homeland Security on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

(iii) RECOMMENDATIONS TO CONGRESS.—After informing the President, the Director may make such recommendations to Congress relating to emergency management as the Director considers appropriate.

(5) CABINET STATUS.—The President shall designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters.

(c) DEPUTY DIRECTOR.—

(1) IN GENERAL.—The Deputy Director of the Federal Emergency Management Agency shall assist the Director of the Federal Emergency Management Agency. The Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Deputy Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5313 of title 5, United States Code, is amended—

(A) by striking the following:

"Administrator of the Federal Emergency Management Agency.";

and

(B) by adding at the end the following:

"Deputy Director of the Federal Emergency Management Agency.".

**SEC. 103. MISSION.**

(a) PRIMARY MISSION.—The primary mission of the Federal Emergency Management Agency is to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

(b) SPECIFIC ACTIVITIES.—In support of the primary mission of the Federal Emergency Management Agency, the Director shall—

(1) lead the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(2) partner with State, local, and tribal governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(3) develop a Federal response capability that, when necessary and appropriate, can act effectively and rapidly to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural disaster, act of terrorism, or other man-made disaster;

(4) integrate the Federal Emergency Management Agency's emergency preparedness, protection, response, recovery, and mitigation responsibilities to confront effectively the challenges of a natural disaster, act of terrorism, or other man-made disaster;

(5) develop and maintain robust Regional Offices that will work with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;

(6) coordinate with the Secretary of Homeland Security, the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department of Homeland Security to take full advantage of the substantial range of resources in that Department;

(7) coordinate with the Administrator of the Small Business Administration, the Chief of Engineers of the United States Army Corps of Engineers, and the Secretary of Housing and Urban Development to take full advantage of the resources of those departments and agencies;

(8) provide funding, training, exercises, technical assistance, planning, and other assistance to build tribal, local, State, regional, and national capabilities (including communications capabilities), necessary to respond to a natural disaster, act of terrorism, or other man-made disaster; and

(9) develop and coordinate the implementation of a risk-based, all-hazards strategy for preparedness that builds those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation.

**SEC. 104. AUTHORITY AND RESPONSIBILITIES.**

(a) IN GENERAL.—The Director shall provide Federal leadership necessary to prepare for, protect against, respond to, recover from, or mitigate against a natural disaster, act of terrorism, or other man-made disaster, including—

(1) helping to ensure the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies;

(2) with respect to the Nuclear Incident Response Team, regardless of whether it is operating as an organizational unit of the Department of Homeland Security, and in consultation with the Secretary of Homeland Security—

(A) establishing standards and certifying when those standards have been met;

(B) conducting joint and other exercises and training and evaluating performance; and

(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

(3) providing the Federal Government's response to terrorist attacks and major disasters, including—

(A) managing such response;

(B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and, in consultation with the Secretary of Homeland Security, the Nuclear Incident Response Team (when that team is operating as an organizational unit of the Department of Homeland Security);

(C) overseeing the Metropolitan Medical Response System; and

(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a terrorist attack or major disaster;

(4) aiding the recovery from terrorist attacks and major disasters;

(5) building a comprehensive national incident management system with Federal, State, and local government personnel, agencies, and authorities, to respond to such attacks and disasters;

(6) consolidating existing Federal Government emergency response plans into a single, coordinated national response plan;

(7) helping ensure the acquisition of operable and interoperable communications capabilities by Federal, State, local, and tribal governments and emergency response providers;

(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and carrying out all functions and authorities given to the Director under that Act;

(9) carrying out the mission of the Federal Emergency Management Agency to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a risk-based, comprehensive emergency management system of—

(A) mitigation, by taking sustained actions to reduce or eliminate long-term risks to people and property from hazards and their effects;

(B) preparedness, by planning, training, and building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services; and

(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards;

(10) increasing efficiencies, by coordinating efforts relating to preparedness, protection, response, recovery, and mitigation;

(11) helping to ensure the effectiveness of emergency response providers in responding to a natural disaster, act of terrorism, or other man-made disaster;

(12) supervising grant programs administered by the Federal Emergency Management Agency;

(13) administering and ensuring the implementation of the National Response Plan, including coordinating and ensuring the readiness of each emergency support function under the National Response Plan;

(14) coordinating with the National Advisory Council;

(15) preparing and implementing the plans and programs of the Federal Government for—

(A) continuity of operations;

(B) continuity of government; and

(C) continuity of plans;

(16) minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector;

(17) maintaining and operating within the Federal Emergency Management Agency the National Response Coordination Center or its successor;

(18) developing a national emergency management system that is capable of preparing

for, protecting against, responding to, recovering from, and mitigating against catastrophic incidents;

(19) assisting the President in carrying out the functions under the national preparedness goal and the national preparedness system and carrying out all functions and authorities of the Director under the national preparedness System;

(20) carrying out all authorities of the Federal Emergency Management Agency; and

(21) otherwise carrying out the mission of the Federal Emergency Management Agency as described in section 103.

(b) ALL-HAZARDS APPROACH.—In carrying out the responsibilities under this section, the Director shall coordinate the implementation of a risk-based, all-hazards strategy that builds those common capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against natural disasters, acts of terrorism, and other man-made disasters, while also building the unique capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against the risks of specific types of incidents that pose the greatest risk to the Nation.

(c) CONFLICT OF AUTHORITIES.—If the Director determines that there is a conflict between any authority of the Director under this Act, the amendments made by this Act, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and any authority of another Federal officer, the Director shall request that the President make such determinations as may be necessary regarding such authorities.

**SEC. 105. REGIONAL OFFICES.**

(a) IN GENERAL.—There are in the Federal Emergency Management Agency 10 regional offices, as identified by the Director.

(b) MANAGEMENT OF REGIONAL OFFICES.—

(1) REGIONAL ADMINISTRATOR.—Each Regional Office shall be headed by a Regional Administrator who shall be appointed by the Director, after consulting with State, local, and tribal government officials in the region. Each Regional Administrator shall report directly to the Director and be in the Senior Executive Service.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Each Regional Administrator shall be appointed from among individuals who have a demonstrated ability in and knowledge of emergency management and homeland security.

(B) CONSIDERATIONS.—In selecting a Regional Administrator for a Regional Office, the Director shall consider the familiarity of an individual with the geographical area and demographic characteristics of the population served by such Regional Office.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Regional Administrator shall work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

(2) RESPONSIBILITIES.—The responsibilities of a Regional Administrator include—

(A) ensuring effective, coordinated, and integrated regional preparedness, protection, response, recovery, and mitigation activities and programs for natural disasters, acts of terrorism, and other man-made disasters (including planning, training, exercises, and professional development);

(B) assisting in the development of regional capabilities needed for a national catastrophic response system;

(C) coordinating the establishment of effective regional operable and interoperable emergency communications capabilities;

(D) staffing and overseeing 1 or more strike teams within the region under subsection (f), to serve as the focal point of the Federal Government's initial response efforts for natural disasters, acts of terrorism, and other man-made disasters within that region, and otherwise building Federal response capabilities to respond to natural disasters, acts of terrorism, and other man-made disasters within that region;

(E) designating an individual responsible for the development of strategic and operational regional plans in support of the National Response Plan;

(F) fostering the development of mutual aid and other cooperative agreements;

(G) identifying critical gaps in regional capabilities to respond to populations with special needs;

(H) maintaining and operating a Regional Response Coordination Center or its successor; and

(I) performing such other duties relating to such responsibilities as the Director may require.

(3) TRAINING AND EXERCISE REQUIREMENTS.—

(A) TRAINING.—The Director shall require each Regional Administrator to undergo specific training periodically to complement the qualifications of the Regional Administrator. Such training, as appropriate, shall include training with respect to the National Incident Management System, the National Response Plan, and such other subjects as determined by the Director.

(B) EXERCISES.—The Director shall require each Regional Administrator to participate as appropriate in regional and national exercises.

(d) AREA OFFICES.—The Director shall establish Area Offices as components in the appropriate Regional Office, as determined appropriate by the Director.

(e) REGIONAL ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Each Regional Administrator shall establish a Regional Advisory Council.

(2) NOMINATIONS.—A State, local, or tribal government located within the geographic area served by the Regional Office may nominate officials, including Adjutants General and emergency managers, to serve as members of the Regional Advisory Council for that region.

(3) RESPONSIBILITIES.—Each Regional Advisory Council shall—

(A) advise the Regional Administrator on emergency management issues specific to that region;

(B) identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, protection, response, recovery, or mitigation more complicated or difficult; and

(C) advise the Regional Administrator of any weaknesses or deficiencies in preparedness, protection, response, recovery, and mitigation for any State, local, and tribal government within the region of which the Regional Advisory Council is aware.

(f) REGIONAL OFFICE STRIKE TEAMS.—

(1) IN GENERAL.—In coordination with other relevant Federal agencies, each Regional Administrator shall oversee multi-agency strike teams authorized under section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5144) that shall consist of—

(A) a designated Federal coordinating officer;

(B) personnel trained in incident management;

(C) public affairs, response and recovery, and communications support personnel;

(D) a defense coordinating officer;

(E) liaisons to other Federal agencies;

(F) such other personnel as the Director or Regional Administrator determines appropriate; and

(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan.

(2) OTHER DUTIES.—The duties of an individual assigned to a Regional Office strike team from another relevant agency when such individual is not functioning as a member of the strike team shall be consistent with the emergency preparedness activities of the agency that employs such individual.

(3) LOCATION OF MEMBERS.—The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily within the region that corresponds to that strike team.

(4) COORDINATION.—Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State, local, and tribal governments and private sector and nongovernmental entities which the strike team shall support when a natural disaster, act of terrorism, or other man-made disaster occurs.

(5) PREPAREDNESS.—Each Regional Office strike team shall be trained as a unit on a regular basis and equipped and staffed to be well prepared to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

(6) AUTHORITIES.—If the Director determines that statutory authority is inadequate for the preparedness and deployment of individuals in strike teams under this subsection, the Director shall report to Congress regarding the additional statutory authorities that the Director determines are necessary.

**SEC. 106. NATIONAL RESPONSE PLAN.**

(a) IN GENERAL.—The Director shall—

(1) in consultation with other Federal departments and agencies and the National Advisory Council, ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, and any successor to such system or plan; and

(2) periodically review and report to Congress on the integration of Federal authorities to ensure effective response to address response responsibilities and capabilities in the event of a catastrophic incident.

(b) CHAIN OF COMMAND.—

(1) IN GENERAL.—The Director, in consultation with the Secretary of Homeland Security, shall ensure that the National Response Plan provides for a clear chain of command to lead and coordinate the Federal response to any natural disaster, act of terrorism, or other man-made disaster.

(2) DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.—The chain of the command specified in the National Response Plan shall—

(A) provide for a role for the Director consistent with the role of the Director under this Act and the amendments made by this Act; and

(B) provide for a role for the Federal Coordinating Officer consistent with the responsibilities under section 302(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(b)).

(3) PRINCIPAL FEDERAL OFFICIAL.—The Principal Federal Official (or the successor thereto) shall not—

(A) direct or replace the incident command structure established at the incident; or

(B) have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials.

### SEC. 107. CREDENTIALING AND TYPING.

The Director shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, and organizations that represent emergency response providers, to collaborate on developing standards for deployment capabilities, including credentialing of personnel and typing of resources likely needed to respond to natural disasters, acts of terrorism, and other man-made disasters.

### SEC. 108. FEDERAL AND STATE COOPERATION FOR DISASTER INCIDENT PERIODS.

In determining the duration of a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or other incident, and in establishing the period for public or individual assistance or other disaster relief assistance for which a State or local government or individual may be eligible, the Director shall defer to weather reports and other substantiating documentation submitted by a State.

### SEC. 109. NATIONAL OPERATIONS CENTER.

(a) DEFINITION.—In this section, the term "situational awareness" means information gathered from a variety of sources that, when communicated to emergency managers and decision makers, can form the basis for incident management decisionmaking.

(b) ESTABLISHMENT.—The National Operations Center is the principal operations center for the Federal Emergency Management Agency and shall—

(1) provide situational awareness and a common operating picture for the entire Federal Government, and for State, local, and tribal governments as appropriate, in the event of a natural disaster, act of terrorism, or other man-made disaster; and

(2) ensure that critical terrorism and disaster-related information reaches government decision-makers.

### SEC. 110. GRANT PROGRAMS.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended—

(1) in section 2001—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking "ADMINISTRATOR" and inserting "DIRECTOR"; and

(ii) by striking "Administrator" each place that term appears and inserting "Director";

(B) in paragraph (4)(A)(iv), by striking "Secretary" and inserting "Director"; and

(C) in paragraph (12), by striking "Secretary" each place that term appears and inserting "Director";

(2) in section 2002(a), by striking "The Secretary, through the Administrator," and inserting "The Director";

(3) in section 2003—

(A) by striking "Administrator" each place that term appears and inserting "Director"; and

(B) by striking "Department" each place that term appears and inserting "Federal Emergency Management Agency";

(4) in section 2004, by striking "Administrator" each place that term appears and inserting "Director";

(5) in section 2005—

(A) by striking "Administrator" each place that term appears and inserting "Director"; and

(B) by striking "Department" each place that term appears and inserting "Federal Emergency Management Agency";

(6) in section 2006, by striking "Administrator" each place that term appears and inserting "Director";

(7) in section 2007—

(A) by striking "Administrator" each place that term appears and inserting "Director"; and

(B) in subsection (a)(1)(E), by striking "Department" and inserting "Federal Emergency Management Agency";

(8) in 2008, by striking "Administrator" each place that term appears and inserting "Director";

(9) in section 2021—

(A) in subsection (a), by striking "Administrator" and inserting "Director";

(B) in subsection (c)(1), by striking "(acting through the Administrator)" and inserting ", the Director"; and

(C) by striking "Department" each place that term appears and inserting "Federal Emergency Management Agency"; and

(10) in section 2022—

(A) by striking "Administrator" each place that term appears and inserting "Director";

(B) by striking "Department" each place that term appears and inserting "Federal Emergency Management Agency";

(C) in subsection (a)(3)(F), in the subparagraph heading, by striking "ADMINISTRATOR" and inserting "DIRECTOR"; and

(D) in subsection (c), in the subsection heading, by striking "ADMINISTRATOR" and inserting "DIRECTOR".

(b) OTHER GRANT PROGRAMS.—

(1) EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM.—Section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762) is amended by striking "Administrator" each place that term appears and inserting "Director".

(2) INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM.—Section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579) is amended—

(A) in subsection (a), by striking "Secretary" and inserting "Director of the Federal Emergency Management Agency";

(B) in subsection (b), by striking "Director for Emergency Communications" and inserting "Director of the Federal Emergency Management Agency";

(C) by amending paragraph (1) of subsection (c) to read as follows:

"(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall administer the Interoperable Emergency Communications Grant Program."; and

(D) by striking "Administrator" each place that term appears and inserting "Director of the Federal Emergency Management Agency".

### SEC. 111. MODEL STANDARDS AND GUIDELINES; GUIDANCE AND RECOMMENDATIONS; VOLUNTARY PRIVATE SECTOR PREPAREDNESS.

Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(1) in section 522, by striking "Administrator" each place that term appears and inserting "Director of the Federal Emergency Management Agency";

(2) in section 523—

(A) by striking "Administrator" each place that term appears and inserting "Director of the Federal Emergency Management Agency"; and

(B) in subsection (b)(2), by striking "Secretary" and inserting "Director of the Federal Emergency Management Agency"; and

(3) in section 524—

(A) by amending subsection (a) to read as follows:

"(a) ESTABLISHMENT.—The Administrator (hereinafter referred to in this section as the 'designated officer') shall establish and implement the voluntary private sector preparedness accreditation and certification program in accordance with this section."; and

(B) by amending subsection (b)(2)(E)(ii)(I) to read as follows:

"(I) private sector related programs of the Department; and".

### SEC. 112. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(1) in section 501, by striking all after "In this title" and inserting "the term 'tribal government' means the government of any entity described under section 2(10)(B).";

(2) by striking sections 503 through 507, 510, and 515;

(3) in section 508—

(A) by striking "Administrator" each place that term appears and inserting "Director of Federal Emergency Management Agency";

(B) in subsection (b)(2), by striking "Department" and inserting "Federal Emergency Management Agency"; and

(C) in subsection (c)—

(i) in paragraph (1), by inserting "in consultation with the Secretary," before "and shall, to the extent practicable"; and

(ii) in paragraph (3), by inserting ", in consultation with the Secretary," before "shall designate";

(4) in section 509—

(A) in subsection (a), by striking "Agency" and inserting "Department"; and

(B) by striking subsection (c);

(5) in section 512(c), by striking "Administrator" each place that term appears and inserting "Secretary";

(6) in section 513—

(A) by striking "Administrator" each place that term appears and inserting "Secretary"; and

(B) in subsection (b)(2), by striking "Agency" and inserting "Department"; and

(7) in section 514—

(A) by striking subsection (a); and

(B) redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(b) TABLE OF CONTENTS.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the items relating to sections 503 through 507, 510, and 515.

### SEC. 113. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to detract from the Department of Homeland Security's primary mission to secure the homeland from terrorist attacks.

## TITLE II—TRANSFER AND SAVINGS PROVISIONS

### SEC. 201. DEFINITIONS.

In this title, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

### SEC. 202. TRANSFER OF FUNCTIONS.

There are transferred to the Federal Emergency Management Agency established under section 101 of this Act all functions which the Director of the Federal Emergency Management Agency of the Department of Homeland Security exercised before the date of the enactment of this title, including all the functions described under section 505 of the Homeland Security Act of 2002 (before the repeal of that section under section 104 of this Act).

### SEC. 203. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Director of the Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director of the Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

### SEC. 204. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Director of the Federal Emergency Management Agency may delegate any of the functions transferred to the Director of the Federal Emergency Management Agency by this title and any function transferred or granted to such Director after the effective date of this title to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section or under any other provision of this title shall relieve such Director of responsibility for the administration of such functions.

### SEC. 205. REORGANIZATION.

The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency as may be necessary or appropriate.

### SEC. 206. RULES.

The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Federal Emergency Management Agency.

### SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

### SEC. 208. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

### SEC. 209. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Federal Emergency Management Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

### SEC. 210. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Federal Emergency Management Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Federal Emergency Management Agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this title may be continued by the Federal Emergency Management Agency with the same effect as if this title had not been enacted.

### SEC. 211. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

### SEC. 212. TRANSITION.

The Director of the Federal Emergency Management Agency is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Federal Emergency Management Agency with respect to functions transferred by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

### SEC. 213. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this title—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

(2) to such department, agency, or office is deemed to refer to the department, agency, or office to which such function is transferred.

**SEC. 214. ADDITIONAL CONFORMING AMENDMENTS.**

(a) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this title, the Director of the Federal Emergency Management Agency shall submit the recommended legislation referred to under subsection (a).

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By Ms. COLLINS (for herself, Mr. PRYOR, Mr. SUNUNU, Mr. JOHNSON, Mr. COLEMAN, Mr. BIDEN, Mr. THUNE, Mr. ENZI, and Mr. CARPER):

S. 2215. A bill to amend the Homeland Security Act of 2002 to establish the Protective Security Advisor Program Office; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise to introduce a bill that would formally establish and enhance the Protective Security Advisor Program Office within the Department of Homeland Security.

The PSA program, which operates under the DHS Office of Infrastructure Protection, has proven its worth on many occasions. For example, when the Interstate 35-W bridge in Minneapolis collapsed in August of this year, PSAs provided valuable support to the Minnesota Department of Public Safety, providing assessments of infrastructure impacts relating to emergency services, postal and shipping operations, public transit, fuel deliveries, public utilities, and rail operations.

DHS has deployed more than 70 PSAs in major metropolitan areas around the country. These are skilled and savvy people, averaging more than 20 years of law-enforcement, military, or counter-terror experience. They regularly interact and develop working relationships with Government agencies at all levels and with private-sector entities, and they can be among the first on the scene when disaster strikes.

Critical infrastructure is not, however, confined to large urban areas. Yet, 10 States—Delaware, Idaho, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, and Wyoming—do not have a resident PSA dedicated to serving the interests and protecting the citizens of those States.

The bill I introduce today will enhance our national preparedness, response capability, and security by providing a minimum Protective Security Advisor presence in every State, while preserving the risk-based principle that provides extra coverage in areas of dense population or concentrated critical infrastructure.

The bill will also enhance the PSA program by providing for 10 supervisory PSAs for regional coordination and management, and by authorizing additional PSAs at DHS headquarters. These headquarters PSAs will help manage participation in training and exercises, PSA training and certification programs, and day-to-day operations that help our Nation prevent, respond to, and limit the consequences of terrorist attacks and natural disasters.

This bill also will advance the goals of the National Infrastructure Protection Plan. It will promote governmental and private-sector efforts to assess risks to and vulnerabilities of critical infrastructure, help stakeholders share information and coordinate activities, assist with multi-jurisdictional planning, and provide counsel to any designated Principal Federal Official when a joint field office must be established.

State emergency managers recognize the importance of this legislation. The Maine Emergency Management Agency has already provided a letter of support. Its bipartisan list of cosponsors—Senators PRYOR, SUNUNU, JOHNSON, COLEMAN, BIDEN, THUNE, ENZI, and CARPER—includes three other members of the Senate Homeland Security Committee. These facts attest to the bill's merit.

Mr. President, 300 million Americans live in a society that depends on a complex and tightly interrelated network of critical infrastructure and services including food supply, finance, energy, sanitation, transport, and communications.

The DHS Protective Security Advisors have demonstrated that they are a critical element of our homeland-security defenses. This bill will expand their numbers, extend their coverage, strengthen their organization, and make all of us safer.

I urge my colleagues to support this measure.

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By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. WYDEN, Mr. SALAZAR, Ms. CANTWELL, Mr. INHOFE, Mrs. DOLE, Mr. BURR, Mr. COBURN, and Mrs. HUTCHISON):

S.J. Res. 22. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing a joint resolution to disapprove of the Medicare National Coverage Decision on cancer care announced by the Centers for Medicare & Medicaid Services on July 30, 2007. I am taking this action out of concern for America's seniors who are afflicted with cancer, a terrible disease that affects thousands of Medicare beneficiaries each year.

At the outset, I want to make very clear that Congress should not wantonly second-guess the scientific processes at CMS. The National Coverage Decision process is a very important component of the agency's governance of the Medicare program and its mission to protect the safety of beneficiaries. The agency makes several National Coverage Decisions each year that are implemented without any congressional involvement. Several more coverage determinations are made by regional Medicare carriers at the local level. When scientific evidence supports doing so, CMS clearly has authority to limit Medicare coverage for drugs and other medical products and services to an extent less than the Food and Drug Administration label would otherwise allow. In fact, I am working on a proposal that may provide more clinical evidence to guide CMS in making these decisions.

There are some rare occasions, however, when CMS makes a decision that intrudes on the clinical judgment of doctors without the support of scientific evidence, prompting virtually unanimous opposition from the clinicians who treat the patients whose care is at stake. In these cases, I believe that Congress not only may but must intervene. This National Coverage Decision regarding the use of erythropoiesis-stimulating agents, or ESAs, for Medicare beneficiaries with cancer and cancer-related conditions is precisely such an instance.

Mr. President, when a cancer patient receives an ESA, the goal is not to manage a person's hemoglobin back to the level of a healthy, non-anemic person. That is because there can be health risks associated with raising the hemoglobin to such a level through ESA use. The FDA label makes it clear that patients may only be administered enough of an ESA to avoid a transfusion, and that ESAs should never be used to bring a patient's hemoglobin level above 12 grams per deciliter. So there can be risks when a patient does not get enough of an ESA, including severe anemia and the need for blood transfusions. And there are risks when a patient gets too much of an ESA. The FDA label establishes parameters to guard against under-utilization and over-utilization of these products.

Now let us compare the FDA label with the National Coverage Decision announced by CMS. The National Coverage Decision limits ESA treatment to hemoglobin levels less than 10 grams per deciliter. This cap fails to recognize the natural fluctuations in a patient's hemoglobin. This cap is simply incongruous with the FDA label, which recommends that patients should not be treated over 12. I should note that the FDA label was recently changed, with the addition of new "black box" warnings and recent safety information. If the FDA believes that scientific evidence warrants changing the label yet again, then clearly Medicare should not cover treatments that are not consistent with that new label.

Furthermore, there are other aspects of the CMS National Coverage Decision that are contrary to accepted standards of care and scientific evidence. CMS imposed 4-week dose limitations that are not based on the clinical needs of patients. The FDA labels allow ESAs to be administered three times a week, every week, every 2 weeks, or every 3 weeks. Also, for patients who are slow to respond to ESAs or do not respond, CMS has created a one-time dose escalation rule of 25 percent of the initial ESA dose. This limitation is contrary to FDA-approved dosing instructions. For instance, the FDA approved labeling allows doubling the dose for some regimens.

Mr. President, over the past months, I have seen an outpouring of concern with this National Coverage Decision by patients, providers, and the professional scientific community for many reasons. The American Society of Clinical Oncology, the world's leading professional organization representing physicians of all oncology subspecialties who care for cancer patients, wrote this to CMS:

> Under the new CMS policy, a patient's hemoglobin could repeatedly fall below 10 following termination of coverage at the end of 4-week periods. This consequence would be inconsistent with the FDA-approved labeling, which, as noted above, states that ESA dosing should be titrated to the individual patient to maintain the hemoglobin level. . . . We strongly urge CMS to reconsider these restrictions in light of the concerns detailed above.
>
> The current NCD does not allow for interpretation consistent with clinical practice, national guidelines, or the FDA-approved labels in this area. This reopening [of the National Coverage Decision] should occur as soon as possible to avoid continued confusion and uncertainty [for] both physicians and patients. Until these issues are clarified, we also strongly recommend that CMS delay the effective date for the entire NCD.

The American Society of Hematology, the leading clinical authority on disorders affecting the blood, bone marrow, and the immunologic, hemostatic, and vascular systems, has stated:

> Consequently, the clinical scenario that is problematic is when a patient's hemoglobin goes above 10 g/dL after 4 weeks of treatment because the physician would then need to discontinue the ESA treatment entirely. This is of concern because some patients might then drop below 10 g/dL justifying a renewal of the ESA treatment and leading to a 'roller coaster' of treatment potentially involving stopping and starting ESA treatment several times. This is extremely difficult for both the patient and the physician.

The Leukemia and Lymphoma Society wrote this in a recent letter to CMS:

> As a reimbursement authority, CMS and the Medicare program it administers should be guided by science and data in order to achieve the best result for cancer patients. Accordingly, CMS should defer to the expertise of FDA and of the academic scientists who contribute to the ASCO/ASH guidelines.

Additionally, I share the concerns of many in the oncology community who worry about exposing seniors to the avoidable safety risks of blood transfusions, as well as the effect of this policy on our nation's blood supply. It has been clearly documented that certain areas of the country are already at risk of running out of their blood supply or have ongoing shortages. Some areas have 24 hours worth of blood left before they completely run out. According to the 2006 Nationwide Blood Collection and Utilization Survey, the number of transfusions of red blood cells in 2004 was nearly equivalent to the number of units collected. This policy, which patients are already telling us are forcing them into transfusion units, could put in jeopardy a U.S. blood supply that is already fragile and stretched thin.

The American Red Cross has indicated in their guidelines that transfusions are not appropriate for chemotherapy patients when alternative treatments are available:

> Red blood cells should not be used to treat anemia that can be corrected with a non-transfusion therapy such as iron or recombinant erythropoietin.

To my great concern, the CMS National Coverage Decision responds to this vital issue with the following:

> The concern about the adequacy of the nation's blood supply is not a relevant factor for consideration in this national coverage determination. Our focus is whether the use of ESA is reasonable and necessary to treat a particular illness.

The sole purpose for using ESAs, as stated on the FDA label, is to avoid a blood transfusion. But CMS has decided that this issue is not relevant to a decision regarding the coverage of ESAs. Well, I can guarantee you that it is important to the patients who will now be forced to seek transfusions as a result of CMS' shortsighted decision.

Congress continues to demonstrate that it shares the concerns of patients and the clinical community about the new CMS policy and the detrimental effect that it could have on patient care. Earlier this summer, prior to the CMS issuance of the final National Coverage Decision, 52 Senators and 235 Members of the House of Representatives wrote to CMS expressing an overwhelmingly bipartisan, bicameral concern with the CMS policy. CMS, however, ignored these concerns and issued a final National Coverage Decision on July 30 that was even more onerous than the one proposed.

On September 4, the Senate sent a strong message of dissatisfaction when we passed S. Res. 305, without one Senator objecting. S. Res. 305 called on CMS to immediately reconsider the National Coverage Decision. But CMS has refused to reopen the National Coverage Decision and work with the clinical community to develop an appropriate patient-centered policy that is consistent with scientific evidence.

Because CMS has repeatedly ignored our concerns, we now are forced to take legislative action that compels CMS to change this flawed policy. That is why today I am asking my Colleagues to support this resolution of disapproval.

Let me tell you what this resolution does not do. This resolution does not replace the medical judgment of CMS or the FDA with that of Congress. This resolution does not ignore the safety concerns of ESAs used when a patient's hemoglobins are above the FDA label. Finally, this resolution does not reject the notion of any National Coverage Decision related to ESAs. This resolution simply asks CMS to go back to the drawing board. It compels CMS to work with the oncology community—the experts and clinicians and patients—to come up with a policy that is based on scientific evidence and that the community can support, or at least understand. That is why I ask my Colleagues to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 22

Whereas the Centers for Medicare & Medicaid Services issued a final Medicare national coverage determination on the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions (CAG–00383N) on July 30, 2007;

Whereas the Centers for Medicare & Medicaid Services submitted to the Congress a copy of the national coverage determination rule, a detailed description of the rule, and the proposed effective date of the rule;

Whereas 52 Senators and 235 Members of the House of Representatives, representing bipartisan majorities in both chambers, have written to the Centers for Medicare & Medicaid Services expressing significant concerns with the proposed national coverage determination on the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions, issued on May 14, 2007;

Whereas the leading national medical organization representing physicians who treat patients with cancer has noted that the national coverage determination's hemoglobin level restriction is inconsistent with both the FDA-approved labeling and national guidelines and that its dosing and titration regimen restrictions are inconsistent with established studies, the FDA label, and clinical guidelines and, therefore, has formally requested that the Centers for Medicare &

Medicaid Services reconsider these restrictions;

Whereas the leading national medical organization representing physicians who treat patients with disorders affecting the blood and bone marrow, the Nation's leading health care services network dedicated exclusively to cancer treatment and research, and other national, nonprofit organizations dedicated to improving patient access to care have expressed similar concerns regarding the national coverage determination and have called for its reconsideration; and

Whereas despite the strong concerns of the oncology and hematology community, the Centers for Medicare & Medicaid Services has failed to take any action: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Congress disapproves the rule (CAG–000383N) submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions, and such rule shall have no force or effect.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3447. Mr. SMITH (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3448. Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3447.** Mr. SMITH (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. (a) Notwithstanding any other provision of this Act, there shall be made available under this Act a total of $7,500,000 for the National Violent Death Reporting System within the Centers for Disease Control and Prevention.

(b) Amounts made available under this Act for travel and administrative expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $7,500,000.

**SA 3448.** Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ____. (a) The amount made available under the heading "AGING SERVICES PROGRAMS" under the heading "ADMINISTRATION ON AGING" in this title shall be increased by $10,000,000 of which—

(1) $5,000,000 shall be used to carry out part B of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d) for fiscal year 2008 (for supportive services and senior centers to allow area agencies on aging to account for projected growth in the population of older individuals, and inflation);

(2) $2,000,000 shall be used to carry out part C of title III of such Act (42 U.S.C. 3030d–21 et seq.) for fiscal year 2008 (for congregate and home-delivered nutrition services to help account for increased gas and food costs); and

(3) $3,000,000 shall be used to carry out part E of title III of such Act (42 U.S.C. 3030s et seq.) for fiscal year 2008 (for the National Family Caregiver Support Program to fund the program at the level authorized for that program under that Act (42 U.S.C. 3001 et seq.)).

(b)(1) The 3 amounts described in paragraph (2) shall be reduced on a pro rata basis, to achieve a total reduction of $10,000,000.

(2) The amounts referred to in paragraph (1) are—

(A) the amount made available under the heading "SALARIES AND EXPENSES" under the heading "DEPARTMENTAL MANAGEMENT" in title I, for administration or travel expenses;

(B) the amount made available under the heading "GENERAL DEPARTMENTAL MANAGEMENT" under the heading "OFFICE OF THE SECRETARY" in this title, for administration or travel expenses; and

(C) the amount made available under the heading "PROGRAM ADMINISTRATION" under the heading "DEPARTMENTAL MANAGEMENT" in title III, for administration or travel expenses.

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Caitlin Parton of my staff be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2007—MOTION TO PROCEED

### CLOTURE MOTION

Mr. REID. Madam President, I was going to ask unanimous consent that the Senate proceed to the consideration of S. 2205 at a time to be determined, but I am advised that there would be a Republican objection. Therefore, I will not ask that unanimous consent. In view of that objection that would have been lodged, I now move to proceed to Calendar No. 431, S. 2205, the DREAM Act, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 431, S. 2205, DREAM Act.

Richard J. Durbin, Robert Menendez, Daniel K. Inouye, Robert P. Casey, Jr., Joe Lieberman, Patty Murray, Jeff Bingaman, Jack Reed, Patrick Leahy, Charles Schumer, Daniel K. Akaka, Frank R. Lautenberg, Benjamin L. Cardin, John Kerry, S. Whitehouse, Barbara Boxer, Harry Reid.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

## DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2007

Mr. LEAHY. Madam President, I am pleased that the Senate will have an opportunity to consider and adopt the DREAM Act. I have, again, cosponsored Senator DURBIN's initiative along with Senators LUGAR and HAGEL and urge all Senators to join us in proceeding to consideration of S.2205, the latest version of the Development, Relief, and Education for Alien Minors Act.

The DREAM Act was first introduced in 2001, during the 107th Congress. The Judiciary Committee favorably reported the bill with bipartisan support in 2002 and, again, in 2003 during the 108th Congress. When the Senate Judiciary Committee took up comprehensive immigration reform in 2006 during the 109th Congress, the DREAM Act was adopted by voice vote as an amendment to the comprehensive immigration reform bill reported by the Judiciary Committee, and it was included in the comprehensive immigration reform measure that the Senate ultimately passed in 2006. Senator DURBIN worked hard to have the DREAM Act included in the bill the Senate took up this past summer. I hope the spirit of bipartisanship that has been evident throughout this bill's history in the Senate can carry it to final passage this year.

The bill sets the right tone and policy. It seeks to enhance educational opportunities for thousands of young people who wish to enter college, but who are prevented from doing so due to circumstances over which they have little control. We should send the clear signal that the Senate majority is committed to doing what it can to move positive immigration reforms forward. It makes good sense to invest in our future by enhancing educational opportunities for our Nation's young people.

Children brought to the United States by their parents or guardians occupy a unique position in our society. They are technically illegal in status, but the Supreme Court has determined that these children are not responsible for the actions of their parents for purposes of elementary and secondary public education, recognizing that we disserve ourselves when we discriminate against them. The DREAM Act builds upon the rationale underlying the Supreme Court's decision in Plyler v. Doe in the interest of strengthening our Nation's future. It builds upon the American dream.

Upon graduation from high school, thousands of talented young people find themselves without the legal status to obtain aid to attend college. The DREAM Act would give currently undocumented eligible young people the conditional legal status they need to allow them to obtain assistance to attend college or to join our military and eventually to obtain permanent legal residency and citizenship. Those who would benefit from the DREAM Act are young people we should be encouraging to follow their dreams. The status quo, in which our policies create barriers to advancement for so many young people who yearn to achieve and contribute, works to the disadvantage of the United States. Rather than barring young people from entering the American mainstream, we should strengthen our Nation's future through increased participation in higher education and in the military.

As the Senate prepares to take up the DREAM Act, I hope that those who opposed comprehensive immigration reform will pause to consider the very real benefits the DREAM Act will bring. Let the Senate do the right thing, endorse the DREAM Act and reinforce the American dream for all.

## ORDER FOR STAR PRINT—S. 2201

Mr. REID. Madam President, I ask unanimous consent that S. 2201 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, reappoints the following individual as a member of the Advisory Committee on Student Financial Assistance: Clare Cotton of Massachusetts.

The Chair, on behalf of the President pro tempore, upon the recommendation of the Republican Leader, pursuant to Public Law 105-292, as amended by Public Law 106-55, and as further amended by Public Law 107-228, appoints the following individual to the United States Commission on International Religious Freedom: Dr. Richard D. Land of Tennessee, for a term of two years.

## ORDERS FOR TUESDAY, OCTOBER 23, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, October 23; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for use later in the day, and the Senate resume consideration of H.R. 3043, as provided for under the previous order; that on Tuesday the Senate recess from 12:30 to 2:15 p.m. for the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Madam President, we have said we would finish the bill by 12:30 tomorrow. That may be difficult to do. I am disappointed, but I know everybody is working in good faith. I accept the distinguished Republican leader at his word that the bill will be completed sometime tomorrow afternoon. We are making progress. We have a number of things going forward.

The Republican leader knows what I am going to do as soon as we finish the Labor-HHS bill—appoint conferees, and it will go to conference, and we will bring that back as quickly as we can. He knows what I am moving to after that bill is finished.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate at 8:21 p.m., adjourned until Tuesday, October 23, 2007, at 10 a.m.

# HOUSE OF REPRESENTATIVES—*Monday, October 22, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. MCGOVERN).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 22, 2007.*

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

This weekend, Lord, made it possible to draw in deeply the fresh breath of autumn's air and notice the slight hesitancy in the season's coloring.

Let Your grace now burst forth upon this Nation. Set us on fire with compassionate love and a zeal for justice.

With violence, oppression, poverty and unfaithfulness all around us, we cannot, we will not lose sight of Your kingdom and its values. Enkindle within government and the people of this Nation a deep desire for what are lasting values and for what leads to the common good of us all.

Shake from us weak commitments and indifference that, as Your people, we may prove ourselves as colorful as the picturesque forest in sowing seeds of freedom and giving You glory now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## GRATITUDE FOR THE VIRGIN ISLANDS NATIONAL GUARD

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to welcome the 26 men and women of the 786th Quartermaster Battalion led by battalion commander LTC Michael McDonald back home to the Virgin Islands. It was an emotional homecoming yesterday after 14 long months, as all honored the memory of McDonald's cousin, LTC David Canegata III, and MSG Floyd Lake, who died when their Black Hawk helicopter was shot down in Iraq in January. Just last week I joined the families at the interment in Arlington Cemetery of the commingled remains of the 12 men and women who were lost that day.

MSG Hillis Benjamin, speaking for her fellow soldiers, summed up that running the base in Taji and making sure the troops were fully supplied had been a long, hard deployment for the battalion, and Commander McDonald thanked the soldiers for their "professionalism, commitment and patriotism," attributing their success to their working together as a strong team.

Mr. Speaker, I join my community in thanking God for their safe return and pray for the safe return of all of the members of the VI National Guard and all the other brave men and women who are serving today in Iraq and Afghanistan.

In fact, Mr. Speaker, it is time to begin to bring all of the troops in Iraq home.

## CONGRATULATING LOUISIANA GOVERNOR-ELECT BOBBY JINDAL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to congratulate our colleague, BOBBY JINDAL, who on Saturday was elected to serve as the next Governor for the State of Louisiana. Republican Governor-elect JINDAL successfully defeated 11 opponents to become the youngest sitting Governor in America.

The son of immigrants, BOBBY has built a reputation as a hard worker and dedicated public servant. As a fellow Member of Congress, I have had the opportunity to work with BOBBY. I know from his representation here in Washington and his years of service to the citizens of his State that the people of Louisiana have elected a strong leader.

I want to congratulate BOBBY; his wife, Supriya; his dedicated staff; and his entire family for this wonderful victory. As Republican cochair of the Congressional Caucus on India and Indian Americans and a strong supporter of the Indian American community, I am grateful for BOBBY's success and praise him for being the first Indian-American Governor in our Nation's history.

In conclusion, God bless our troops, and we will never forget September the 11th.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 18, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 18, 2007, at 5:53 p.m.:

That the Senate agreed to H. Con. Res. 182.

That the Senate passed with an amendment and requests a conference with the House, appoints conferees, H.R. 3093.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 19, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 19, 2007, at 9:39 a.m.:

That the Senate agreed to H. Con. Res. 222.

That the Senate passed without amendment H.R. 1284.

That the Senate agreed to S. Con. Res. 51.

That the Senate passed S. 2206.

That the Senate passed S. 1839.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 19, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 19, 2007, at 2:41 p.m. and said to contain a message from the President whereby he submits to the Congress an Executive Order, with an annex attached, he has issued with respect to Burma.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## BLOCKING PROPERTY AND PROHIBITING CERTAIN TRANSACTIONS RELATED TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–66)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "Order") that expands the scope of the national emergency declared in Executive Order 13047 of May 20, 1997, and takes additional steps with respect to that national emergency.

In 1997, the United States put in place a prohibition on new investment in Burma in response to the Government of Burma's large-scale repression of the democratic opposition in that country. On July 28, 2003, those sanctions were expanded by steps taken in Executive Order 13310, which contained prohibitions implementing sections 3 and 4 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61) and supplemented that Act with additional restrictions. I have now determined that the Government of Burma's continued repression of the democratic opposition in Burma, manifested most recently in the violent response to peaceful demonstrations, the commission of human rights abuses related to political repression, and engagement in public corruption, including by diverting or misusing Burmese public assets or by misusing public authority, warrant an expansion of the existing sanctions.

The order incorporates existing designation criteria set forth in Executive Order 13310, authorizing the Secretary of the Treasury, after consultation with the Secretary of State, to designate any person determined to be a senior official of the Government of Burma, the State Peace and Development council of Burma, the Union Solidarity and Development Association of Burma, or any successor entity to any of the foregoing. The order blocks the property and interests in property in the United States of persons listed in the Annex to the order and provides additional criteria for designations of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for, or to have participated in, human rights abuses related to political repression in Burma; to be engaged, or to have engaged, in activities facilitating public corruption by senior officials of the Government of Burma; to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, any successor entity to any of the foregoing, any senior official of any of the foregoing, or any person whose property and interests in property are blocked pursuant to Executive Order 13310 or section 1(b)(i)–(v) of the order; to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order 13310 or section 1(b)(i)–(v) of the order; or to be a spouse or dependent child of any person whose property and interests in property are blocked pursuant to the order or Executive Order 13310.

The order leaves in place the existing prohibitions on new investment, the exportation or reexportation to Burma of financial services, and the importation of any article that is a product of Burma, which were put into effect in Executive Order 13047 and Executive Order 13310.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and section 4 of the Burmese Freedom and Democracy Act of 2003 as may be necessary to carry out the purposes of the order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 18, 2007.*

## IMMIGRATION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the issue we hear of regularly is national security, from Tehran to Turkey, back to the local community: How does it impact me? That is what our constituents are asking. They are concerned about security from the national and the local level. I think many of them are frustrated that those of us in Congress haven't done anything to address the criminal illegal alien situation.

I want to let the body know last week the Board of Supervisors in Prince William County, Virginia, took a stand by unanimously approving a tough local crackdown on illegal immigrants. They are doing it to make their community a safer place. It denies some county services to illegal immigrants and adds to enforcement powers already available to cops on the beat.

We can do the same thing at the Federal level with the bipartisan CLEAR Act, which I introduced last month. It would get dangerous criminal aliens off the streets and require the Department of Homeland Security to pick them up within 48 hours.

It is H.R. 3494, the CLEAR Act. I would encourage my colleagues to cosponsor this bill and do what the

Prince William supervisors have done: put citizen safety first.

## SCHIP—POOR KIDS FIRST

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today I call on the Speaker to open up a positive dialogue with Republicans to find SCHIP solutions that put poor kids first. House Democrats have wrapped their expansion of bureaucratic Washington-run health care in so much deception and political theater that they have lost focus of what SCHIP is really all about, helping underprivileged kids. But as a recent Gallup poll has shown, American people now see through this insincere ploy and support keeping SCHIP rightfully focused on poor children.

It is unacceptable for the majority to continue exploiting the neediest of children in pursuit of an ideological agenda controlling health care decisions. This charade has gone on long enough, and the American people want solutions, not these political games. If Democrat leaders truly want to help needy children, now is the time to support a plan that reflects the original bipartisan intent of the program and the views of the American people. A positive solution will put poor kids first and promote the purchase of personal health care for all Americans. H.R. 3888 is such a bill.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

## PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 189) to establish the Paterson Great Falls National Park in the State of New Jersey, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 189

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Paterson Great Falls National Historical Park Act of 2007".*

***SEC. 2. FINDINGS AND PURPOSES.***

*(a) FINDINGS.—Congress finds the following:*

*(1) The Great Falls Historic District in Paterson, New Jersey, is the site that Alexander Hamilton selected to implement his vision of American economic independence and transform a rural agrarian society based on slavery into a global economy based on freedom.*

*(2) The Great Falls Historic District was designated as a National Historic Landmark in 1976 and President Gerald Ford declared it "a symbol of the industrial might which helps to make America the most powerful nation in the world".*

*(3) Section 510 of Public Law 104–333 established the Great Falls Historic District to recognize the contribution to our national heritage of certain historical, cultural, and natural resources of the historic district.*

*(4) Exceptional natural and cultural resources make the Great Falls Historic District America's only National Historic District that contains both a National Historic Landmark and a National Natural Landmark.*

*(5) Pierre L'Enfant's water power system at the Great Falls and the buildings erected around it over two centuries constitute the finest and most extensive remaining example of engineering, planning and architectural works that span the entire period of America's growth into an industrial power.*

*(b) PURPOSES.—The purposes of this Act are—*

*(1) to establish a unit of the National Park System in Paterson, New Jersey, consisting of the Great Falls Historic District; and*

*(2) to foster activities among Federal, State, and local governments, non-profit organizations, and private donors to preserve, enhance, interpret, and promote the cultural sites, historic structures, and natural beauty of the Great Falls Historic District for the benefit of present and future generations.*

***SEC. 3. DEFINITIONS.***

*For the purposes of this Act, the following definitions apply:*

*(1) PARK.—The term "park" means the Paterson Great Falls National Historical Park established in section 4.*

*(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(3) COMMISSION.—The term "Commission" means the Paterson Great Falls National Historical Park Commission established in section 7.*

***SEC. 4. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.***

*(a) ESTABLISHMENT.—In order to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Great Falls National Historic District, there is established in the city of Paterson in the county of Passaic in the State of New Jersey the Paterson Great Falls National Historical Park as a unit of the National Park System.*

*(b) BOUNDARIES.—The park shall consist of approximately 109 acres as generally depicted on the map titled "Paterson Great Falls National Historical Park—Proposed Boundary", numbered T03/80,000, and dated June 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the city of Paterson.*

***SEC. 5. ADMINISTRATION.***

*(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1–4) and the Act of August 21, 1935 (16 U.S.C. 461–467).*

*(b) STATE AND LOCAL JURISDICTION.—Nothing in this section shall be construed to diminish, enlarge, or modify any right of the State of New Jersey or any political subdivision thereof, to exercise civil and criminal jurisdiction or to carry out State laws, rules, and regulations within the park.*

*(c) COOPERATIVE AGREEMENTS.—*

*(1) IN GENERAL.—In furtherance of the purposes of this Act, the Secretary is authorized, after consultation with the Commission, to enter into cooperative agreements with the owners of properties of natural, historical, or cultural significance within the park, pursuant to which agreements the Secretary may mark, interpret, restore, and provide technical assistance for the preservation of such properties and pursuant to which the Secretary may provide assistance, including management services and program implementation.*

*(2) RIGHT OF ACCESS.—Each cooperative agreement shall provide that the Secretary, through the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purpose of conducting visitors through such properties and interpreting them to the public.*

*(3) ALTERATION OF PROPERTIES.—Each cooperative agreement shall provide that no changes or alterations shall be made in the property covered by the agreement except by mutual agreement between the Secretary and the other party to the agreement.*

*(d) USE OF FEDERAL FUNDS.—*

*(1) CONVERSION, USE, OR DISPOSAL OF PROJECTS.—Any payment made by the Secretary pursuant to a cooperative agreement under this section shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in the right of the United States to reimbursement of all funds made available to the project or the portion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.*

*(2) MATCHING FUNDS.—As a condition of expending any funds appropriated to the Secretary for the purposes of cooperative agreements under this section, the Secretary shall require that such expenditure must be matched by expenditure of an equal amount of funds provided by non-Federal sources.*

*(3) DONATIONS.—With the approval of the Secretary, any donation of property, goods, or services from a non-Federal source may be considered as a contribution of funds from a non-federal source for purposes of this section.*

***SEC. 6. GENERAL MANAGEMENT PLAN.***

*Not later than 3 complete fiscal years after the date funds are made available for this purpose, the Secretary shall prepare, in consultation with the Commission, and transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park in accordance with the provisions of section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)), popularly known as the National Park System General Authorities Act, and other applicable law.*

***SEC. 7. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK COMMISSION.***

*(a) ESTABLISHMENT.—There is hereby established the Paterson Great Falls National Historical Park Commission whose purpose shall be to assist and advise the Secretary in the development and implementation of the general management plan for the park.*

*(b) MEMBERSHIP.—*

*(1) APPOINTMENTS.—The Commission shall be composed of 9 members appointed by the Secretary, of whom—*

*(A) 4 members shall be from nominees submitted by the Governor of the State of New Jersey;*

*(B) 2 members shall be from nominees submitted by the City Council of Paterson;*

*(C) 1 member shall be from nominees submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and*

*(D) 2 members shall be qualified to serve on the Commission because of their familiarity with national parks and historic preservation.*

*(2) CHAIRPERSON; VICE CHAIRPERSON.—The Commission shall elect one of its members as Chairperson and one as Vice Chairperson. The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.*

*(3) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.*

*(4) TERMS.—Terms of service are as follows:*

*(A) The term of office of the Chairperson and Vice Chairperson shall be one year.*

*(B) Members of the Commission shall serve for terms of 3 years and may be reappointed not more than once.*

*(C) A member may serve after the expiration of his or her term until a successor has been appointed.*

*(5) TIMELINE FOR APPOINTMENTS.—The Secretary shall appoint the first members of the Commission not later than 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to paragraph (1).*

*(c) COMPENSATION.—Members of the Commission shall serve without pay, but while away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.*

*(d) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of its members.*

*(e) QUORUM.—A majority of the Commission shall constitute a quorum.*

*(f) STAFF.—The Secretary shall provide the Commission with such staff and technical assistance as the Secretary, after consultation with the Commission, considers appropriate to enable the Commission to carry out its duties. The Secretary may accept the services of personnel detailed from the State of New Jersey, any political subdivision of the State or any entity represented on the Commission.*

*(g) EXEMPTION.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.*

*(h) TERMINATION.—The Commission shall terminate 10 years after the date of the enactment of this Act.*

### *SEC. 8. ACQUISITION OF LAND.*

*(a) GENERAL AUTHORITY.—The Secretary may acquire land or interests in land within the boundaries of the park from willing sellers only by donation, purchase with donated or appropriated funds, or exchange.*

*(b) STATE PROPERTY.—Land or interests in land owned by the State of New Jersey or any political subdivision of the State may be acquired only by donation.*

### *SEC. 9. HINCHLIFFE STADIUM.*

*Not later than three years after the date of the enactment of this Act, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium as listed on the National Register of Historic Places. The study shall include an assessment of the potential for listing as a National Historic Landmark as well as options for maintaining the historic integrity of the stadium.*

### *SEC. 10. AUTHORIZATION OF APPROPRIATIONS.*

*There are authorized to be appropriated such sums as may be necessary to carry out this Act.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, soon after the Revolutionary War, Alexander Hamilton selected the area around the Great Falls of the Passaic River as a site for the first planned industrial center in America. Hamilton, then Secretary of the Treasury, invited Pierre L'Enfant to design the city in 1791. The result was the City of Paterson, New Jersey, which became one of the most important manufacturing centers in America during the Industrial Revolution. President Gerald Ford designated the Great Falls Historic District as a national historic landmark in 1976. The 104th Congress established an historic district and authorized the restoration, preservation, and interpretive program for the area.

H.R. 189, sponsored by our colleague, Representative BILL PASCRELL, the former mayor of Paterson, designates the historic district as a National Historic Park and a unit of the National Park System. This bill contains standard management language for NPS units.

This is a unique area and will make an excellent addition to our National Park System. Representative PASCRELL is to be commended for his tireless efforts on behalf of the legislation and the city and the people of Paterson. We urge the adoption of this bill by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while H.R. 189 went through both a hearing and a full committee, but not subcommittee, markup, several issues have gone unresolved. The National Park Service conducted a study as requested by this body to determine whether the Great Falls Historic District in Paterson, New Jersey, should become a national park. The study concluded that the area did not meet the criteria for inclusion in the National Park System.

Now, if we entrust the National Park Service with the management of our own crown jewels, then why are we ignoring their expert judgment that this should not be a national park? I remind my colleagues that we requested the park service to tell us what should be done here.

I recognize also it is our responsibility and our right as the legislative branch to decide what will become a national park regardless of what the park service tells us. There are times when it is necessary to disagree with them. However, in this case, we do not even know what the costs are. We don't know, nor does the park service have any idea, how it would manage the area. That is what we asked them to tell us and they are not in a position to do that at this time.

Now, the park service has already got a full plate and a billion dollar maintenance backlog. They are not even keeping up with and taking care of the parks that have been entrusted to them. So is this really the time to add another park that doesn't meet the criteria to add to this burden with this designation?

Mr. Speaker, I reserve the balance of my time.

☐ 1415

Mr. GRIJALVA. Mr. Speaker, at this time I yield such time as he may consume to the gentlemen from New Jersey (Mr. PASCRELL), the sponsor of the legislation.

Mr. PASCRELL. Mr. Speaker, I am proud to rise today in strong support of the passage of the Paterson Great Falls National Park Act, H.R. 189. I want to extend my deepest gratitude to the Speaker, Chairman RAHALL and Chairman GRIJALVA for their tireless work in bringing this worthy legislation to the floor. I want to thank all the members of the New Jersey delegation, Democrats and Republicans. All of them endorsed this legislation.

As a lifelong Paterson resident, as the city's former mayor, I fought for many years to bring recognition to this site that has played such a seminal role in American history. The National Historic Park is the only way to properly showcase the significant cultural and historic landmarks and natural beauty that the Great Falls Historic Park District has to offer. This legislation ensures that it will get the recognition and support that it richly deserves.

Mr. Speaker, 15 miles west of New York City, the Great Falls was the second largest waterfall in Colonial America. At the Great Falls, Alexander Hamilton conceived a plan to harness the force of water to power the new industries that would secure our economic independence. He told the Congress of the United States and the American people that at the Great Falls he would begin to implement his ambitious strategy to transform an agricultural society, dependent upon slavery, into a modern economy based on freedom.

How dare anyone imply that this is not significant. It was the power of the Great Falls. True to Hamilton's vision, Paterson became a great manufacturing city. It produced the Colt Revolver; the first submarine, John Holland, 1878; the aircraft engine for the first transatlantic flight; more locomotives than any city in the United States; more silk than any city in the world. This is not significant, Mr. Speaker? Cotton sails for the U.S. Navy early in the 19th century.

Mr. Speaker, scholars have concluded that Pierre L'Enfant's innovative water power system in Paterson and many factories built later constitute the finest remaining collection of engineering and architectural structures representing each stage of America's progress from a weak agrarian society to the leader in the global economy.

The Great Falls Historic District is the only national historic district that includes both a national natural resource and a national landmark, the only one in the entire Nation.

In a special bicentennial speech in Paterson, with the spectacular national beauty of the falls behind it, the President of the United States, the late Gerald Ford, in 1976, and I had the honor as a Democrat to introduce him that day, Mr. Speaker, said this: "We can see the Great Falls as a symbol of the industrial might which helps to make America the most powerful Nation in the world." Now, so many years later, we are that much closer to making the dream of a national park in Paterson a reality.

I do not see facts and figures here, Mr. Speaker. I see the faces of hardworking people from all over the world, who came to Paterson, came to the falls and worked in those factories. We are talking about human beings. We are talking about people who came here and made this country the greatest country in the world, who asked nothing, who didn't get a real living wage until years later. I am talking about those people who are not faceless, who do have names, who worked hard to give their children a better opportunity, a better place.

That was Alexander Hamilton's dream, to bring economic superiority to the United States, so that we would not pretend to be an agrarian society for the rest of our history. He introduced the Industrial Revolution; and then, secondly, to give equal opportunity to each person regardless of where he came from, what he looked like, how he cooked his food, how he spoke.

Mr. Speaker, this legislation enjoys bipartisan and widespread support. It is cosponsored by every member of the New Jersey congressional delegation. National conservation and historic organizations, our Nation's most renowned Hamiltonian scholars and distinguished professors throughout America have documented that this historic district is worthy of National Historic Park designation. When the park service says it is not worthy because we have other places, they were even against Lowell, Massachusetts. They didn't support Lowell, Massachusetts either.

This has to do with urban parks. This has to do with how we became the country we are today. Editorial boards, Federal, State, local officials and community groups have also endorsed the campaign to create a National Park Service unit. Today, on page 3, U.S. News, a full page on the Paterson Falls and two other places in the United States, where that historic district, where the park service was able to in partnership with the locality, with the State, to bring economic opportunity.

It is important to note, Mr. Speaker, that this park will be run as a partnership between the State of New Jersey and the Federal Government, as they already have a State park designated at the site. The National Park Service has a long history of Federal and State cooperation, from the Lowell National Historic Park to the Redwood National State Parks in California. It is park service policy to foster State and Federal partnerships to fund and manage parks. Great Falls will be no different.

Mr. Speaker, if the Great Falls District were added to the park system, Federal resources could be leveraged to revitalize the falls, the entire city, the entire area. Through this Federal partnership, the Great Falls will be transformed into an attraction for visitors and Patersonians alike that can lead to the economic revitalization of this entire area, be a living reminder of our Nation's rich industrial history with so many of our star places where we put purple ropes around them, "don't touch." That is not what we are talking about here. We are talking about living history.

Congress must act now to pass this vital piece of legislation, so that we may fully recognize these cultural and historic landmarks that have played such a decisive role in America's history. Today, Mr. Speaker, we have that opportunity. I hope we will all come together and support that opportunity.

Mr. GOHMERT. Mr. Speaker, I do need to address the question, and it may have been rhetorical, how dare anyone imply that this area is not significant? I haven't heard anybody imply such a thing. It is truly significant. That is not the issue. The issue is priorities.

We have been hearing for the last week how important it is for poor children to have health care insurance. There are so many priorities; yet there are thousands and thousands of wonderfully historic significant pieces of property. No one, I would hope, would dare say that this area was not significant. It is quite significant.

Mr. Speaker, I yield such time as he may consume to my friend from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank my friend from Texas for yielding.

Mr. Speaker, I appreciate the passion of the gentleman from New Jersey. I share his passion for national parks, and I am sure that this area is a beautiful and a wonderful area. As such, it has already been designated as a National Historic District, which makes it eligible for about $3 million in funding.

I would point out, as my friend from Texas said, that it is the National Park Service that said it didn't meet the criteria, not us. I am pleased, though, to hear from my friend from New Jersey that, in fact, the partnership with the State will be ongoing. I had understood that the State of New Jersey had not agreed to provide matching funds. I wonder if the gentleman might be able to clarify that.

Mr. PASCRELL. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Yes, the State of New Jersey has designated this as a State park. It has committed $10 million to the project in true partnership. The municipality has also done the same thing.

Mr. PRICE of Georgia. Reclaiming my time, I appreciate that. That is information I had not had. My concern is kind of rising to the 30,000- or 40,000-foot view for the National Park Service.

Mr. Speaker, I represent the Sixth District of Georgia, which is on the northern side of the City of Atlanta, and through my district runs the Chattahoochee River National Recreation Area, a 48-mile long linear park, the longest linear park in our Nation.

Mr. Speaker, we have been trying to get accurate communication from the National Park Service about how they determine how much of their resources, their finite resources that they have, come to the various national parks across this Nation.

We asked that because, as my friend from Texas mentioned, the National Park Service appears to be at least $1 billion, if not more, in arrears on their maintenance and operations budget. So the Chattahoochee River National Recreation Area has trails that are, in fact, a danger to those that visit this beautiful park. It is unable to patrol the park, again, a 48-mile linear park. It doesn't have the number of full-time equivalent employees that ought be there for this size park. When we look at other parks around the Nation, we see that parks of equivalent visitation, the same number of folks visiting each year, get a significantly greater budget. So as we try to drill down and find out why that is, it appears that that is all political. For example, there is a park that a former Speaker of the House of Representatives had in his district, and that park gets 4 or 5 times the amount of funding that parks with the same visitation across this Nation get.

So we asked the National Park Service, what is your formula? How do you determine how much of your budget goes to various national parks and national recreation areas. Of course, we haven't been able to get that answer. It hasn't been just a week or 2, Mr. Speaker; it has been years, years, that we have been trying to get that answer.

So I rise with great concern about the political nature of the relationship of the National Park Service and the priorities that they set. And as my friend from Texas raised, there may be some concerns about this bill that we have on the floor today about that matter as well.

So I raise a greater concern, a concern that I believe would be appropriate, to pull back this resolution and find out from the National Park Service the answer to those pivotal questions that Americans want to know, and that is is there any rationale to how you are spending your money. Where is the accountability in how you spend your money.

I appreciate the gentleman from New Jersey and his passion for this area. I am sure it is a beautiful and wonderful area, and I look forward to visiting it at some point in the future. But I believe we have got challenges and problems within the National Park Service. I hope we address those first.

Mr. GRIJALVA. Mr. Speaker, I would say to the gentleman from Georgia, if I am not mistaken, the original designation for the Chattahoochee National Recreation Area was also not supported by National Park Service, and I know that the people of Georgia are glad that this Congress used its legislative prerogative to create that designation.

With that, let me yield such additional time as he may consume to the sponsor of the legislation, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I want to address some of the cogent points that have been presented by the other side.

We are not talking about hundreds of square miles here. We are talking about 110 acres of land. We are talking about in the middle of that property the second largest falls in the East. We are talking about what Alexander Hamilton said in 1774, before the establishment of the Society of Useful Manufacturers, before America decided that it was going to go that industrial route so that we would have a multifaceted economy, he discerned that at that falls that water power would bring tremendous job growth and tremendous facilitation to economic growth and industrial growth.

He was right. He was absolutely right. No other industrial city, no other city that brought the technology and science from England and from other parts of Europe had the success that Paterson had. There were seven or eight major areas, and I pointed them out and I am not going to do it again. I am going to tell you, there is no other area, and all powered by the falls.

Today, when we talk about alternative energy sources, and both sides of the aisle have been talking about it, and talking and talking and talking and talking, it was really at the falls that we had the beginnings of hydroelectric power.

☐ 1430

I think the significance is not to be simply caught up in how beautiful the place is. We are not talking about aesthetics; we are talking about what the meaning of this place is, where all races and all creeds and all nationalities worked during what we call the Industrial Revolution.

This is a national landmark and a national natural landmark, and there is no other place in the United States that meets that criteria. Isn't that interesting. So while the park system opposed Lowell and opposed a lot of things, it is the Congress that will determine in the Constitution, the Congress will determine what is a park system and what is not. That is our authority; that is our responsibility. And today I hope, with your good sense, we will have bipartisan support of this legislation.

Mr. GOHMERT. Mr. Speaker, I have no further speakers, but I understand, and I have not had the privilege of visiting the Great Falls area, it is supposed to be one of the most beautiful areas and I am greatly appreciative of that. As I understand, this area is expected to include a microbrewery, a climbing wall, and an apartment complex is what was brought to my attention. And these of course raise other issues of liability. When we look around the country at all of the parks that are struggling right now to take care of their needs because the park service is a billion dollars in arrears as far as taking care of their current obligations, it should cause us to look carefully and go slowly in absorbing other land until we have the wherewithal to do so and the park service is able to work with Congress to come up with a solid plan to care for the park.

There are also other issues when you bring in these other things like a microbrewery, a climbing wall, and an apartment complex regarding liabilities that may arise. There are so many questions still out there yet to be resolved.

I have to say with regard to the Resources Committee, I am well pleased there are so many things that are completely bipartisan, and we have a number of them today. But because of the issues involved here, we will be asking our colleagues to vote "no" until we have a better plan.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, let me just in closing say this legislation, H.R. 189, this designation goes beyond a simple designation. It speaks to the strengthening of our independence as this Nation develops. It speaks to a beautiful natural resource that needs to be protected and designated, and it speaks to an historic legacy about people and industrial advancement that needs to be preserved and enhanced and designated for the whole Nation to appreciate. I want to thank the sponsor of the legislation and urge my colleagues to exercise the wisdom of Congress and approve H.R. 189.

Mr. HOLT. Mr. Speaker, I rise today to voice my strong support for H.R. 189, the Paterson Great Falls National Park Act of 2007. I am proud to be a cosponsor of this legislation along with the New Jersey Congressional delegation. I also want to thank my colleague, Mr. PASCRELL, a Paterson native and former mayor, for his hard work in drafting this bill and bringing it to the floor.

H.R. 189 will establish a National Park in Paterson, NJ, encompassing 118 acres of the Great Falls National Historic District and the adjacent Hinchliffe Stadium. These sites are of great historical significance to New Jersey and to the Nation at large.

In 1791, Alexander Hamilton created the Society for the Establishment of Useful Manufactures, a public-private corporation, to fulfill his vision of transforming the United States from an agrarian society into an industrial power. The society, in turn, established Paterson 1 year later as America's first planned industrial city.

Located 15 miles west of New York City, the centerpiece of Hamilton's industrial city is the Great Falls, a 77-foot waterfall on the Passaic River. After implementing engineer Pierre Charles L'Enfant's water power system, dozens of mills and manufacturing buildings were built on the banks of the Passaic, harnessing the hydropower made available by the Great Falls.

Paterson was the heart of the industrial revolution in the United States, with dozens of mills producing paper, cotton, and enough silk for Paterson to earn the nickname "Silk City." As one of the earliest centers of manufacturing in the United States, Paterson was also home to historic inventions such as Samuel Colt's first repeating revolver and inventor John Holland's early submarine prototypes.

Paterson's Great Falls is also the site of historic Hinchliffe Stadium, which served as the homefield for the New York Black Yankees of the Negro Leagues during America's Jim Crow era. Placed on the National Register of Historic Places in 2004, Hinchliffe Stadium is one of a handful of remaining stadiums used by Negro League baseball teams. Hinchliffe stadium hosted baseball legends such as Satchel Paige, Josh Gibson, and Larry Doby, who became the first African American to integrate the American League. The stadium is a poignant reminder of a bygone era of our country's national pastime.

With the passage of this bill, Members of the House will create a unique national park that protects a striking natural resource along with cultural and historical sites that tell the stories of our Founding Fathers, America's economic rise and of the African American experience. I urge my colleagues to join me in supporting this bill.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 189, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## DENALI NATIONAL PARK AND ALASKA RAILROAD EXCHANGE ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 830) to authorize the exchange of certain lands in Denali National Park in the State of Alaska, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 830

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Denali National Park and Alaska Railroad Exchange Act of 2007".*

**SEC. 2. DEFINITIONS.**

*In this Act:*

*(1) CORPORATION.—The term "Corporation" means the Alaska Railroad Corporation owned by the State of Alaska.*

*(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

**SEC. 3. EXCHANGE.**

*(a) IN GENERAL.—*

*(1) EASEMENT EXPANDED.—The Secretary is authorized to grant to the Alaska Railroad Corporation an exclusive-use easement on land that is identified by the Secretary within Denali National Park for the purpose of providing a location to the Corporation for construction, maintenance, and on-going operation of track and associated support facilities for turning railroad trains around near Denali Park Station.*

*(2) EASEMENT RELINQUISHED.—In exchange for the easement granted in paragraph (1), the Secretary shall require the relinquishment of certain portions of the Corporation's existing exclusive use easement within the boundary of Denali National Park.*

*(b) CONDITIONS OF THE EXCHANGE.—*

*(1) EQUAL EXCHANGE.—The exchange of easements under this section shall be on an approximately equal-acre basis.*

*(2) TOTAL ACRES.—The easement granted under paragraph (1) of subsection (a) shall not exceed 25 acres.*

*(3) INTERESTS CONVEYED.—The easement conveyed to the Alaska Railroad Corporation by the Secretary under this section shall be under the same terms as the exclusive use easement granted to the Railroad in Denali National Park in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The easement relinquished by the Alaska Railroad Corporation to the United States under this section shall, with respect to the portion being exchanged, be the full title and interest received by the Alaska Railroad in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.).*

*(4) COSTS.—The Alaska Railroad shall pay all costs associated with the exchange under this section, including the costs of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the costs of any surveys, and other reasonable costs.*

*(5) LAND TO BE PART OF WILDERNESS.—The lands underlying any easement relinquished to the United States under this section that are adjacent to designated wilderness are hereby designated as wilderness and added to the Denali Wilderness, the boundaries of which are modified accordingly, and shall be managed in accordance with applicable provisions of the Wilderness Act (78 Stat. 892) and the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2371).*

*(6) OTHER TERMS AND CONDITIONS.—The Secretary shall require any additional terms and conditions under this section that the Secretary determines to be appropriate to protect the interests of the United States and of Denali National Park.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 830 was introduced by the gentleman from Alaska (Mr. YOUNG). The legislation would authorize an exchange of easements on land along the Alaska Railroad track inside the Denali National Park.

The exchange would make it possible for the railroad to build a turnaround track near the Denali Park station, helping to accommodate the increasing popularity of rail travel in the park.

Mr. Speaker, this is an exchange of easements only. No park land will change hands. The railroad has an existing easement along its entire track, granted as a result of the 1982 Alaska Railroad Transfer Act. But the easement will not accommodate the turnaround.

H.R. 830 would allow the Secretary of the Interior to grant a new easement for the turnaround. In exchange, the railroad will relinquish its existing easement on an approximate equal number of acres elsewhere along the current track.

Mr. Speaker, we support H.R. 830, as amended, and recommend its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of the full committee and the chairman of the subcommittee for allowing this legislation to come to the floor of the House.

As a sponsor of H.R. 830 and of the Alaska Railroad Transfer Act of 1982, I am pleased we are considering this legislation today. Although it is small, the land exchange provided by H.R. 830 will improve the ability of the Alaska Railroad Corporation to serve its customers who wish to visit Denali National Park. The construction of a turnaround track will increase scheduling frequency and flexibility. This not only reduces overcrowding of Denali at any one time, it makes the Park Service's job of managing visitation much smoother.

This is a noncontroversial bill and enjoys the support of the National Park Service, the State of Alaska which owns the railroad, and the National Parks Conservation Association.

For anyone who has not traveled on the Alaska Railroad, it is a journey you should not miss. For those who have had an opportunity to enjoy the splendor of Alaska's scenery aboard the train, I am sure you will agree it is a first-class experience.

You may not know, but Alaska Railroad was once owned by the Federal Government; but Congress in its wisdom passed bipartisan legislation in 1982 to transfer the railroad to the State of Alaska. As Congress faces immense backlogs in caring for Federal assets, perhaps there is a lesson to be learned here. We might consider transferring more of these assets to the States. Alaska has proven it can take a Federal asset like the Alaska Railroad and manage it for the benefit of everyone who uses it. I believe this is a fine piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 830, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska.".

A motion to reconsider was laid on the table.

## HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2197) to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2197

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Hopewell Culture National Historical Park Boundary Adjustment Act".

**SEC. 2. BOUNDARY EXPANSION.**

Section 2 of the Act entitled "An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio", approved May 27, 1992 (106 Stat. 185), is amended—

(1) by striking "and" at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting "; and";

(3) by adding after subsection (a)(4) the following new paragraph:

"(5) the map entitled 'Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment' numbered 353/80,049 and dated June, 2006."; and

(4) by adding after subsection (d)(2) the following new paragraph:

"(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 2197 was introduced by the gentleman from Ohio (Mr. SPACE). The legislation would modify the boundaries of the Hopewell Culture National Historical Park in south central Ohio to add 2 tracts, totaling almost 360 acres.

The Hopewell Culture was a pre-European civilization best known for the numerous mounds and earthworks found throughout the Ohio Valley. The current park boundary encompasses five sites totaling 1,174 acres. H.R. 2197 would add 2 tracts, the 177-acre Spruce Hill Works unit and the 180-acre addition to the existing Seip Earthworks unit.

Mr. Speaker, the National Park Service has testified in support of the legislation, and it was approved by the Resources Committee by unanimous consent. This addition to our National Park System will preserve important sites from our Nation's past.

I commend the gentleman from Ohio (Mr. SPACE) for his diligence in bringing this bill to the House. Representative SPACE is on his way back from his district this afternoon, but will submit a statement for the RECORD.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. GOHMERT) will control the time.

There was no objection.

Mr. GOHMERT. Mr. Speaker, I believe the National Parks Subcommittee chairman has adequately explained this bill, and we have no objection.

Mr. SPACE. Mr. Speaker, it is with great excitement that I share my support for H.R. 2197, the Hopewell Culture National Historical Park Boundary Adjustment Act, with the House today. Passage of this legislation will help to ensure the protection of a national archaeological treasure in Ohio's 18th Congressional District.

I would like to begin by offering my thanks to Chairmen RAHALL and GRIJALVA for their gracious assistance in assuring this legislation was heard both by the Committee and the House of Representatives. The House is fortunate to have the service of both of these Members.

H.R. 2197 permits the expansion of the boundaries of Hopewell Culture National Historical Park in two areas. Hopewell Culture National Historical Park is home to historical remains of the Hopewell Culture, a culture of Native Americans that thrived between the years of 200 BC and 500 AD. This culture was known for the creation of large enclosures characterized by earthen walls, many of which still stand today.

The proposed border expansion is not an arbitrary one. Earlier this year, a parcel of land known as Spruce Hill became available for sale. Spruce Hill is home to many archaeological remains of interest to historians and archaeologists, and significant natural phenomena that piqued the interest of the environmental community. In fact, legislation passed by Congress in 1980 ordered the Department of the Interior to perform a study on the relevance of Spruce Hill to the Hopewell culture for the purposes of a possible expansion. The report, released in 1998, found that Spruce Hill is an "outstanding example of a particular class of Hopewellian monumental architecture," confirming the importance of adding this land to the Park.

Spruce Hill was scheduled for public auction by the owner last June. I, like many of the residents of Ross County, were concerned that this land might be transferred to an owner uninterested in preserving its historical treasures. Fortunately, a land trust created by a group of concerned citizens and other interested parties were successful in raising enough funds to purchase the land before it was put up for auction. I am pleased to say that the land is currently in safe hands.

H.R. 2197 will allow the federal government to expand the borders of Hopewell Culture National Historical Park to include Spruce Hill, ensuring it takes it proper place within the boundaries of a park meant to commemorate an important chapter in the history of America.

Historians will tell you that the Hopewell culture is a chapter of American history in need of further exploration. Dr. Brad Lepper of the Ohio Historical Society testified before the Subcommittee on National Parks in June that Spruce Hill was an untapped resource that could offer answers to many historical questions about this culture, and even raise new questions of interest.

I urge my colleagues to join me in passage of H.R. 2197 today. Its passage is both timely and critical to the protection of our culture.

Mr. GOHMERT. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 2197.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## MESA VERDE NATIONAL PARK BOUNDARY EXPANSION ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 783) to modify the boundary of Mesa Verde National Park, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 783

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Mesa Verde National Park Boundary Expansion Act of 2007".*

***SEC. 2. FINDINGS; PURPOSES.***

*(a) FINDINGS.—Congress finds that—*

*(1) on June 29, 1906, Mesa Verde National Park was established as the first national park in the United States to preserve the works of humanity;*

*(2) on September 6, 1978, Mesa Verde National Park became the first World Heritage Site designated in the United States; and*

*(3) Mesa Verde National Park protects some of the best preserved and notable archeological sites of the ancient Puebloan culture that flourished in the southwestern United States from approximately 600–1300, including the elaborate stone villages in the sheltered alcoves of the canyon walls referred to as "cliff dwellings".*

*(b) PURPOSES.—The purposes of this Act are—*

*(1) to modify the boundary of Mesa Verde National Park—*

*(A) to protect the archeological sites located on property adjacent to the Park boundary;*

*(B) to extend and expand the knowledge and understanding of the ancient Puebloan culture, a major influence in the development of the southwestern United States;*

*(C) to protect from potential development the scenic and biological value of the pinyon-juniper covered hills that—*

*(i) border the Park; and*

*(ii) are in full view of the Park entrance road; and*

*(D) to protect the largest recorded colony of the globally imperiled Gray's Townsend Daisy, to ensure continuation of a major wildlife corridor, and to protect important habitat for wildlife; and*

*(2) to provide greater opportunities to visitors, researchers, and surrounding communities to understand and appreciate the natural environment of Mesa Verde and the contributions of the ancient Puebloan culture to the region by providing the land required to construct a contemporary museum collections storage facility and visitor orientation center.*

***SEC. 3. DEFINITIONS.***

*In this Act:*

*(1) MAP.—The term "map" means the map entitled "Mesa Verde National Park Proposed Boundary Adjustment", numbered 307/80,180, and dated March 1, 2007.*

*(2) PARK.—The term "Park" means the Mesa Verde National Park in the State of Colorado.*

*(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

***SEC. 4. MESA VERDE NATIONAL PARK.***

*(a) ACQUISITION OF LAND.—*

*(1) IN GENERAL.—The Secretary may acquire the land or an interest in the land described in subsection (b) for addition to the Park.*

*(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.*

*(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the approximately 360 acres of land adjacent to the Park, as generally depicted on the map.*

*(c) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.*

*(d) BOUNDARY MODIFICATION.—The boundary of the Park shall be revised to reflect the acquisition of the land under subsection (a).*

*(e) ADMINISTRATION.—The Secretary shall administer any land or interest in land acquired under subsection (a)(1) as part of the Park in accordance with the laws (including regulations) applicable to the Park.*

***SEC. 5. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated such sums as are necessary to carry out this Act.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 783 authorizes a boundary expansion at Mesa Verde National Park in southwestern Colorado of approximately 362 acres. Mesa Verde National Park, established in 1906, contains the most extensive concentration of cliff-dwellings in the United States.

H.R. 783 authorizes the acquisition of 2 parcels of the land that border the park. One parcel is in full view of the park's entrance road and contains important archaeological sites, an ancient forest, and the largest known population of a globally imperiled plant. This parcel is currently zoned for a subdivision, but the owners would prefer to protect the property through inclusion in the park.

The second parcel is currently owned by a park partner, the Mesa Verde Foundation.

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The foundation intends to donate the parcel to the park for the development of a visitor information center and museum collection facility but cannot do so until the park boundary is expanded.

Mr. Speaker, the administration has testified in support of this legislation, the Natural Resources Committee approved the legislation with a minor amendment by unanimous consent.

I want to acknowledge, at this point, the hard work of the bill's sponsor, Representative JOHN SALAZAR, in bringing this important legislation forward. We support this bill and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, once again, I think my friend from Arizona has adequately explained the bill. We support it and I have no objections, and even though it's unusual here in Congress to yield back any time, we do so yield back our time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, Representative JOHN SALAZAR.

Mr. SALAZAR. Mr. Speaker, I first want to thank Chairman GRIJALVA for assistance in moving this important piece of legislation forward.

I introduced H.R. 783, along with my friend and colleague MARK UDALL from Colorado, to expand the boundary of Mesa Verde National Park. Mesa Verde National Park protects the most notable and best-preserved cliff dwellings in this country. The park is also vital to the economy of southwest Colorado.

Established by Congress in June 1906, Mesa Verde National Park was the first cultural park to be set aside in the National Park System.

Over 1,400 years ago, the Puebloans settled at Mesa Verde where they built elaborate stone communities in the protected alcoves of the canyon, calling it home for over 700 years.

When President Teddy Roosevelt signed the law establishing Mesa Verde, he claimed that it was to "preserve the works of man."

The establishment of Mesa Verde set off intense public interest in preserving other such sites in the American southwest and nationwide. Today, the towns of Cortez and Mancos, in Montezuma County, Colorado, rely heavily on tourism from Mesa Verde National Park.

H.R. 783 authorizes the National Park Service to acquire 2 critically important plots at the gateway to Mesa Verde National Park. One is a 324-acre tract of private land to be acquired from the Henneman family. I want to credit the Henneman family, as they remained steadfast in their termination to see the property included in this park, and I'd like to thank them for their dedication.

The second plot of land is a 38-acre tract to be donated to the National Park Service by the Mesa Verde Foundation. With passage of H.R. 783, the National Park Service will have the authority to accept the generous donation of this parcel from the foundation.

In keeping with the longstanding tradition of preserving the resources and cultural heritage at Mesa Verde National Park, H.R. 783 will greatly enhance the visitor experience at Mesa Verde for future generations of Americans.

I urge the House to adopt this important piece of legislation, and I urge my colleagues to someday come out and visit Mesa Verde National Park.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 783, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## DWIGHT D. EISENHOWER MEMORIAL COMMISSION

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2094) to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2094

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.***

*Section 8162 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1274) is amended—*

*(1) by striking subsection (j) and inserting the following:*

*"(j) POWERS OF THE COMMISSION.—*

*"(1) IN GENERAL.—*

*"(A) POWERS.—The Commission may—*

*"(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;*

*"(ii) solicit and accept contributions to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial;*

*"(iii) hold hearings and enter into contracts;*

*"(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and*

*"(v) take such actions as are necessary to carry out this section.*

*"(B) SPECIALIZED OR PROFESSIONAL SERVICES.—Services under subparagraph (A)(iv) may be—*

*"(i) obtained without regard to the provisions of title 5, United States Code, including section 3109 of that title; and*

*"(ii) may be paid without regard to the provisions of title 5, United States Code, including chapter 51 and subchapter III of chapter 53 of that title.*

*"(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section, including to be used in connection with the construction or other expenses of the memorial.*

*"(3) FEDERAL COOPERATION.—At the request of the Commission, a Federal department or agency may provide any information or other assistance to the Commission that the head of the Federal department or agency determines to be appropriate.*

*"(4) POWERS OF MEMBERS AND AGENTS.—*

*"(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.*

*"(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—*

*"(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and*

*"(ii) perform other duties as designated by the Chairperson of the Commission.*

*"(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.*

*"(5) TRAVEL.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.";*

*(2) by redesignating subsection (o) as subsection (q); and*

*(3) by adding after subsection (n) the following:*

*"(o) STAFF AND SUPPORT SERVICES.—*

*"(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission to be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.*

*"(2) STAFF.—*

*"(A) IN GENERAL.—The staff of the Commission may be appointed and terminated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the maximum rate of basic pay for GS-15 of the General Schedule.*

*"(B) SENIOR STAFF.—Notwithstanding subparagraph (A), not more than 3 staff employees of the Commission (in addition to the Executive Director) may be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule*

*"(3) STAFF OF FEDERAL AGENCIES.—On request of the Commission, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this section.*

*"(4) FEDERAL SUPPORT.—The Commission shall obtain administrative and support services from the General Services Administration on a reimbursable basis. The Commission may use all contracts, schedules, and acquisition vehicles allowed to external clients through the General Services Administration.*

*"(5) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with Federal agencies, State, local, tribal and international governments, and private interests and organizations which will further the goals and purposes of this section.*

*"(6) TEMPORARY, INTERMITTENT, AND PART-TIME SERVICES.—*

*"(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.*

*"(B) NON-APPLICABILITY TO CERTAIN SERVICES.—This paragraph shall not apply to services under subsection (j)(1)(A)(iv).*

*"(7) VOLUNTEER SERVICES.—*

*"(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation.*

*"(B) REIMBURSEMENT.—The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.*

*"(C) LIABILITY.—*

*"(i) IN GENERAL.—Subject to clause (ii), a volunteer described in subparagraph (A) shall be considered to be a volunteer for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).*

*"(ii) EXCEPTION.—Section 4(d) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(d)) shall not apply for purposes of a claim against a volunteer described in subparagraph (A).*

*"(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, there's no doubt that Dwight Eisenhower played a significant role in American history. His service as a military leader, both during war and in peacetime, as our Nation's 34th President and as a statesman and a scholar are deserving of a memorial here in our Nation's capital.

Plans to establish such a memorial, a site across the street from the Smithsonian Air and Space Museum, are well underway. The commission established to oversee the memorial is now developing a design concept. Once the design is approved, the commission will oversee construction of the memorial.

H.R. 2094, sponsored by our colleague from Kansas, Representative DENNIS MOORE, makes technical changes to the staff organization and administrative authority of the commission. These changes are necessary as the commission transitions from the planning phase to the construction phase.

Representative MOORE has worked very hard in this very difficult process to help get this memorial established. Thanks to his efforts, and those of the commission, future visitors to Washington will come away with a better understanding of President Eisenhower's place in American history.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I believe the bill has been properly explained.

I would like to add a personal touch as a Member of Congress from Texas. We are proud that a Texan like Dwight Eisenhower is being honored. Not many people are aware, since he grew up in Kansas, that he was born in Denison, Texas, but there was so much about this great man to be admired. It is a wonderful tribute, and of course, as chairman of the National Parks Subcommittee has indicated, this is not the beginning of the process. This is continuing the ongoing process to make this a reality.

So we are very pleased that it's occurring. Of course, from a personal standpoint, I like the fact that he was a Republican and especially liked his hairline, but especially what he did for this Nation and shoring us up, protecting us in World War II, guiding this Nation as its President. This is a wonderful tribute, and I appreciate the work of the chairman in bringing this about.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, let me indicate at this time that Representative MOORE, the sponsor of the legislation, is in his district and will have a statement to submit for the RECORD.

**Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of a bill that I sponsored with Representatives JERRY MORAN, TODD TIAHRT, NANCY BOYDA, LEONARD BOSWELL, and MAC**

THORNBERRY. As an Executive Committee member of the Dwight D. Eisenhower Memorial Commission, I know that this legislation is important to our continuing efforts to establish a national, permanent memorial to President Eisenhower. H.R. 2094 would make important amendments to the statute establishing the Eisenhower Memorial Commission, so that it can more effectively discharge its duties.

Congress created the Eisenhower Memorial Commission in 1999 and charged the Commission with establishing a national memorial to Dwight David Eisenhower to honor his memory and commemorate his contributions to the Nation. The Commission is completely bipartisan, consisting of four Senators, four Representatives, and four private citizens. The Commission keeps an office in Washington, D.C., with four full-time staff, including an Executive Director and Executive Architect.

Since determining a preferred site in June 2005, the Commission has worked tirelessly to speed the progress of the memorialization. In September 2006, only fifteen months later, the Commission received final site approval from the National Capital Planning Commission and the Commission of Fine Arts. The National Eisenhower Memorial will be located across the street from the National Air and Space Museum at the intersection of Maryland and Independence Avenues, SW. The site is surrounded by institutions Ike either created or profoundly influenced, including the Department of Education.

The Commission is now engaged in Pre-Design Programming, a concerted effort to determine what the memorial should be. Eisenhower family members, Eisenhower contemporaries, historians, Kansans, and many others have been interviewed on their vision for the memorial. A voluntary online questionnaire is available to the public. Although there are many diverse opinions on Ike's greatest achievement and the appropriate focus for his memorial, all agree that Eisenhower is, as Michael Korda presents in his new biography, "an American hero."

I am particularly proud to claim one of the greatest 20th-century Americans as a fellow Kansan. He ranks as one of the preeminent figures in the global history of the 20th century. Dwight Eisenhower spent his entire life in public service. His most well-known contributions include serving as Supreme Commander of the Allied Expeditionary Forces in World War II and as 34th President of the United States, but Eisenhower also served as the first commander of NATO and as President of Columbia University. Dramatic changes occurred in America during his lifetime, many of which he participated in and influenced through his extraordinary leadership as President. Although Ike grew up before automobiles existed, he created the Interstate Highway System and took America into space. He created NASA, the Department of Health, Education, and Welfare, and the Federal Aviation Administration. He added Hawaii and Alaska to the United States and ended the Korean War. President Eisenhower desegregated the District of Columbia and sent federal troops into Little Rock, Arkansas, to enforce school integration. He defused international crises and inaugurated the national security policies that guided the nation for the next three decades, leading to the peaceful end of the Cold War. A career soldier, Eisenhower championed peace, freedom, justice and security, and as President he stressed the interdependence of those goals. He spent a lifetime fulfilling his duty to his country, always remembering to ask what's best for America.

The development of the Pre-Design Program will produce three books to serve as an information packet for potential designers and the eventual design team for the memorial. The reasons for building a memorial to Eisenhower are only one part of the challenge set out in the Pre-Design Program. Technical considerations and guidance from the National Park Service are also included. Issues from preserving the historic view to the U.S. Capitol to providing a National Park Service Ranger station at the site are presented. This stage is the last major step prior to procuring a design team.

While the Eisenhower Memorial Commission has so far been able to efficiently manage the memorialization process, the tasks involved in design and construction require revised administrative and operational authority. H.R. 2094 provides the needed revisions and will enable the Commission to work more efficiently and effectively during design and construction when quick turnaround times are vital and daily decisions must be made. The authority provided in this legislation is based on the authority given to temporary commissions in existence for up to three years. The Eisenhower Memorial Commission has similar needs, but exists for no set time period. The Commission will exist until the completion of the memorial.

For example, H.R. 2094 will enable the Commission to hire temporary federal employees instead of contract consultants, simplifying administration of staffing and covering the liability of its employees. H.R. 2094 will also provide for the Executive Architect to represent the Commission on the panels that will select the design team for the memorial. As currently written, the Commission's legislation prohibits its staff or members from participating in the determination of the design team.

H.R. 2094 will enable the Commission to continue working not only to ensure that the National Eisenhower Memorial is an inspiration to future generations, but also to ensure that the memorialization process is an example of responsible public work. I urge my colleagues to support passage of this measure today and I thank the leadership of the House Natural Resources Committee and of the House, as a whole, for bringing this bill before us today.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 2094, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## DOUGLAS COUNTY, WASHINGTON, PUD CONVEYANCE ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 523) to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 523

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Douglas County, Washington, PUD Conveyance Act".*

***SEC. 2. DEFINITIONS.***

*In this Act:*

*(1) PUBLIC LAND.—The term "public land" means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled "Douglas County Public Utility District Proposal" and dated March 2, 2006.*

*(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(3) PUD.—The term "PUD" means the Public Utility District No. 1 of Douglas County, Washington.*

*(4) WELLS HYDROELECTRIC PROJECT.—The term "Wells Hydroelectric Project" means Federal Energy Regulatory Commission Project No. 2149.*

***SEC. 3. CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.***

*(a) CONVEYANCE REQUIRED.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under subsection (b), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary of the Interior an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.*

*(b) APPRAISAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice".*

*(c) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this section, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under subsection (b).*

*(d) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this section. The Secretary may correct any minor errors in the map referred to in section 2 or in the legal descriptions. The map and legal descriptions shall be on file and available for*

*public inspection in appropriate offices of the Bureau of Land Management.*

*(e) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this section shall be paid by the PUD.*

*(f) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.*

***SEC. 4. SEGREGATION OF LANDS.***

*(a) WITHDRAWAL.—Except as provided in section 3(a), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—*

*(1) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;*

*(2) location, entry, and patenting under the mining laws, and all amendments thereto; and*

*(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.*

*(b) DURATION.—This section expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under section 3, whichever is earlier.*

***SEC. 5. RETAINED AUTHORITY.***

*The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, the Wells Hydroelectric Project, operated by the Public Utility District in Douglas County, provides electricity to approximately 17,000 customers in Washington State. The central feature of the project is a dam on the Columbia River.

The utility district is in the early stages of the Federal Energy Regulatory Commission's relicensing process. The project's current license was granted in 1962 and will expire in May 2012. An application for relicensing must be submitted by 2010.

H.R. 523 directs the Secretary of the Interior to sell 662 acres of BLM land within the project boundary to the utility district and requires the district to pay the appraised fair market value of the land.

Importantly, the legislation requires that, even after the conveyance takes place, the Secretary of the Interior will retain authority under the Federal Power Act to place conditions on the utility district's new license, if necessary, to protect the natural resources of the area.

Mr. Speaker, we have worked closely with the sponsor and our minority colleagues on the Natural Resources Committee to improve this legislation. We thank them for that and appreciate it very much.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I rise in support of H.R. 523 and yield myself such time as I may consume.

First, I would like to thank Committee Chairman RAHALL and Subcommittee Chairman GRIJALVA for scheduling and for pushing this important legislation. This straightforward bill allows for the conveyance of a few small pieces of public land to the Douglas Public Utility District for fair market value and then dedicates the sales proceeds to improving public access to existing Bureau of Land Management lands in Washington State. This conveyance from one public agency to another will better facilitate the use of this land.

Congressman DOC HASTINGS is also to be commended for his work. He has worked and pushed, and it's great to see this all coming to fruition. Congressman HASTINGS is traveling from his district at this time and cannot be here.

Mr. HASTINGS of Washington. Mr. Speaker, I strongly support H.R. 523, legislation I introduced to convey certain Bureau of Land Management land to the Douglas County Public Utility District in Washington state. The Douglas County PUD operates the Wells Hydropower Project on the Columbia River, in North Central Washington. The PUD manages the Wells Hydroelectric Dam and the associated reservoir for multiple purposes, including power generation, fish and wildlife protection, and recreation. Almost all of the land encompassing the project area is owned by the PUD, with the exception of several small BLM holdings.

Passing this legislation enables the PUD to manage the project in a far more efficient manner. It also allows the BLM to concentrate its limited resources elsewhere, in areas where there are large contiguous blocks of BLM land. It is clear that we can achieve a better and more efficient management of our resources with this land conveyance.

In addition, since the Douglas PUD is a public agency under Washington state law, this conveyance simply moves land from the control of one public agency to the control of another agency. It is also important to note that the Douglas PUD has a stellar reputation as a steward of the environment. They worked diligently with federal and state agencies, tribal governments, and environmental groups to develop a model Habitat Conservation Plan for salmon and steelhead. The PUD also protects other forms of wildlife and provides public access wherever possible.

As my colleagues may recall, similar legislation passed the House last year under suspension. There is one important addition to the legislation this year. H.R. 523 calls for the proceeds of this land sale to be used to improve public access to existing BLM lands in Washington state. I am pleased that I was able to reach a consensus with members of the Natural Resources Committee to ensure that the proceeds from this sale will stay in the state where the land conveyance occurred—my home state of Washington. I am also pleased to note that these funds will go towards increasing the ability of our constituents to access their public lands.

It is my intention to see that these funds go towards projects like the Juniper Dunes Wilderness Area in Washington state. Due to its close proximity to the Tri-Cities, Juniper Dunes is a highly popular recreation area for serious hikers as well as families who are looking for an interesting place to explore with their children. Despite its popularity, it is extremely difficult for the public to visit Juniper Dunes. The Dunes are currently surrounded by private lands. Therefore, in order to visit the public area, one has to cross private property. H.R. 523 gives the BLM the financial resources and the flexibility they need to improve access to Juniper Dunes.

Finally, I am pleased that I was able to work with the Resources Committee to include language clarifying that the BLM will retain authority under the Federal Power Act for the current FERC relicensing of the Wells project. This authority will remain with the BLM until a new license is in place, which is expected in 2012.

I want to thank my colleagues on the Natural Resources Committee, specifically Chairman RAHALL, Ranking Member YOUNG and Subcommittee Chairman GRIJALVA and Subcommittee Ranking Member BISHOP and their staffs for all their hard work on this legislation. H.R. 523 will benefit the Douglas County PUD, the BLM as well as improve vitally needed public access throughout Washington state. I urge my colleagues to support this legislation.

Mr. GOHMERT. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 523, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## VIRGIN ISLANDS NATIONAL PARK SCHOOL LEASE ACT

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 53) to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 53

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Virgin Islands National Park School Lease Act".*

***SEC. 2. LONG-TERM LEASE, VIRGIN ISLANDS NATIONAL PARK, SAINT JOHN, VIRGIN ISLANDS.***

*(a) LEASE AUTHORIZED.—The Secretary of the Interior may lease to the Government of the United States Virgin Islands a parcel of real property, including any improvements thereon, located within the boundaries of Virgin Islands National Park on the island of Saint John, Virgin Islands, as depicted on the map entitled "Virgin Islands National Park School Exchange", numbered 161/80,037, and dated September 19, 2007, for the purpose of providing a suitable location for the establishment of a school by the Government of the United States Virgin Islands on the island.*

*(b) TERM OF LEASE.—The lease authorized by subsection (a) may not exceed a term of 99 years.*

*(c) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.*

*(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under this section as the Secretary considers appropriate to protect the interests of the United States.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

☐ 1500

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume to explain the bill.

I want to thank the Chair of the Subcommittee on Parks for coming to the Virgin Islands and having a hearing in St. John on this important bill.

This bill, H.R. 53, was introduced by me on January 4 of this year to authorize the Secretary of the Interior to lease land on the island of St. John to the Government of the United States Virgin Islands to build a public school. The legislation is strongly supported by the people of the Virgin Islands, particularly the residents of St. John.

The Virgin Islands National Park was authorized by Congress in 1956 and established largely by an initial land donation by Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. In 1962 and 1978, the park was enlarged by Congress so that it now takes up almost two-thirds of St. John, which is only 22 square miles.

For at least the past three decades, the Government of the Virgin Islands and the National Park Service have been discussing the question of securing suitable land on the island of St. John to construct the public school. Since the 1970s, public school enrollment on St. John has more than doubled, and the U.S. VI Government owns no land on the island to expand either of the two public schools that now exist or to build a new one.

The two existing public schools, Julius E. Sprauve and the Guy H. Benjamin Elementary School, only accommodate children up to the ninth grade. St. Johnian high school children have to travel to St. Thomas, 20 minutes by ferry over open ocean to complete their secondary education.

The Julius E. Sprauve School is in the middle of a heavily trafficked area, which really threatens and puts the lives of our children at risk as they come to and from school. About 2 years ago, a second-grade student was killed leaving a Christmas party. The schools are not in the best location; especially that school is not in the best location for our students.

It is clear that with limited land and the continued growth and population, this legislation is critically needed.

I want to thank Chairman RAHALL and Ranking Member DON YOUNG and Subcommittee Parks Chairman RAÚL GRIJALVA and Insular Affairs Subcommittee ranking member, LUIS FORTUÑO, for their support to have this legislation considered on the floor today.

I also have to thank the One Campus Group in St. John, Kirstin Cox, Lorelei Monsanto, Alvis Christian, Ronnie Jones and all of the others for the work that they have done to get us this far and to bring the community together in support of the process that is outlined in H.R. 53 when all else failed.

I urge my colleagues to support the people of St. John and to support H.R. 53.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. I do thank my colleague from the Virgin Islands for outlining H.R. 53.

Two-thirds of the island of St. John is comprised of the Virgin Islands National Park. The park's dominant size is negatively impacting the quality of life for the growing population there at St. John. Without utilizing the park land, there is no other suitable property to build a school on St. John.

I urge my colleagues to support the bill. We had hoped to consider an amendment to convey the property outright for the school, as was offered, but then withdrawn by Congressman JEFF FLAKE during our committee consideration of this bill.

However, Chairman RAHALL has given his support for other long-term leases, and this bill does establish an important precedent for the National Park Service.

We support the bill. It is for a great purpose. I would urge my colleagues to support this, since we don't have an amendment to give it outright to my colleague, but, in the meantime, we support this bill and wish the project well.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. I thank the gentleman for his support.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 53, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## REFUGE ECOLOGY PROTECTION, ASSISTANCE, AND IMMEDIATE RESPONSE ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 767) to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 767

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Refuge Ecology Protection, Assistance, and Immediate Response Act".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds the following:

(1) The National Wildlife Refuge System is the premier land conservation system in the world.

(2) Harmful nonnative species are the leading cause of habitat destruction in national wildlife refuges.

(3) More than 675 known harmful nonnative species are found in the National Wildlife Refuge System.

(4) Nearly 8 million acres of the National Wildlife Refuge System contain harmful nonnative species.

(5) The cost of early identification and removal of harmful nonnative species is dramatically lower than removing an established invasive population.

(6) The cost of the backlog of harmful nonnative species control projects that need to be carried out in the National Wildlife Refuge System is over $361,000,000, and the failure to carry out such projects threatens the ability of the System to fulfill its basic mission.

(b) PURPOSE.—The purpose of this Act is to encourage partnerships among the United States Fish and Wildlife Service, other Federal agencies, States, Indian tribes, and other interests for the following objectives:

(1) To protect, enhance, restore, and manage a diversity of habitats for native fish and wildlife resources within the National Wildlife Refuge System through control of harmful nonnative species.

(2) To promote the development of voluntary State assessments to establish priorities for controlling harmful nonnative species that threaten or negatively impact refuge resources.

(3) To promote greater cooperation among Federal, State, and local land and water managers, and owners of private land, water rights, or other interests, to implement ecologically based strategies to eradicate, mitigate, and control harmful nonnative species that threaten or negatively impact refuge resources through a voluntary and incentive-based financial assistance grant program.

(4) To establish an immediate response capability to combat incipient harmful nonnative species invasions.

### SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Invasive Species Advisory Committee established by section 3 of Executive Order 13112, dated February 3, 1999.

(2) APPROPRIATE COMMITTEES.—The term "appropriate Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) CONTROL.—The term "control" means, as appropriate, eradicating, suppressing, reducing, or managing harmful nonnative species from areas where they are present; taking steps to detect early infestations on at-risk native habitats; and restoring native species and habitats to reduce the effects of harmful nonnative species.

(4) ENVIRONMENTAL SOUNDNESS.—The term "environmental soundness" means the extent of inclusion of methods, efforts, actions, or programs to prevent or control infestations of harmful nonnative species, that—

(A) minimize adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems; and

(B) emphasize integrated management techniques.

(5) HARMFUL NONNATIVE SPECIES.—The term "harmful nonnative species" means, with respect to a particular ecosystem in a particular region, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem and has a demonstrable or potentially demonstrable negative environmental or economic impact in that region.

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) NATIONAL MANAGEMENT PLAN.—The term "National Management Plan" means the management plan referred to in section 5 of Executive Order 13112 of February 3, 1999, and entitled "Meeting the Invasive Species Challenge".

(8) REFUGE RESOURCES.—The term "refuge resources" means all lands and waters, including the fish and wildlife species and the ecosystems and habitats therein, that are owned and managed by the Federal Government through the United States Fish and Wildlife Service and located within the National Wildlife Refuge System administered under the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.), including any waterfowl production area.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(10) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

### SEC. 4. REFUGE ECOLOGY PROTECTION, ASSISTANCE, AND IMMEDIATE RESPONSE (REPAIR) GRANT PROGRAM.

(a) IN GENERAL.—The Secretary may provide—

(1) a grant to any eligible applicant to carry out a qualified control project in accordance with this section; and

(2) a grant to any State to carry out an assessment project consistent with relevant State plans that have been developed in whole or in part for the conservation of native fish, wildlife, and their habitats, and in accordance with this section, to—

(A) identify harmful nonnative species that occur in the State that threaten or negatively impact refuge resources;

(B) assess the needs to restore, manage, or enhance native fish and wildlife and their natural habitats and processes in the State to compliment activities to control, mitigate, or eradicate harmful nonnative species negatively impacting refuge resources;

(C) identify priorities for actions to address such needs;

(D) identify mechanisms to increase capacity building in a State or across State lines to conserve and protect native fish and wildlife and their habitats and to detect and control harmful nonnative species that might threaten or negatively impact refuge resources within the State; and

(E) incorporate, where applicable, the guidelines of the National Management Plan.

The grant program under this section shall be known as the "Refuge Ecology Protection, Assistance, and Immediate Response Grant Program" or the "REPAIR Program".

(b) FUNCTIONS OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall—

(A) publish guidelines for and solicit applications for grants under this section not later than 6 months after the date of enactment of this Act;

(B) receive, review, evaluate, and approve applications for grants under this section;

(C) consult with the Advisory Committee on the projects proposed for grants under this section, including regarding the scientific merit, technical merit, feasibility, and priority of proposed projects for such grants; and

(D) consult with the Advisory Committee regarding the development of the database required under subsection (j).

(2) DELEGATION OF AUTHORITY.—The Secretary may delegate to another Federal instrumentality the authority of the Secretary under this section, other than the authority to approve applications for grants and make grants.

(c) FUNCTIONS OF THE ADVISORY COMMITTEE.—The Advisory Committee shall—

(1) consult with the Secretary to create criteria and guidelines for grants under this section;

(2) consult with the Secretary regarding whether proposed control projects are qualified control projects; and

(3) carry out functions relating to monitoring control projects under subsection (j).

(d) ELIGIBLE APPLICANT.—To be an eligible applicant for purposes of subsection (a)(1), an applicant shall—

(1) be a State, local government, interstate or regional agency, university, or private person;

(2) have adequate personnel, funding, and authority to carry out and monitor or maintain a control project; and

(3) have entered into an agreement with the Secretary or a designee of the Secretary, for a national wildlife refuge or refuge complex.

(e) QUALIFIED CONTROL PROJECT.—

(1) IN GENERAL.—To be a qualified control project under this section, a project shall—

(A) control harmful nonnative species on the lands or waters on which it is conducted;

(B) include a plan for monitoring the project area and maintaining effective control of harmful nonnative species after the completion of the project, that is consistent with standards for monitoring developed under subsection (j);

(C) be conducted in partnership with a national wildlife refuge or refuge complex;

(D) be conducted on lands or waters, other than national wildlife refuge lands or waters, that, for purposes of carrying out the project, are under the control of the eligible applicant applying for the grant under this section and on adjacent national wildlife refuge lands or waters administered by the United States Fish and Wildlife Service referred to in subparagraph (C), that are—

(i) administered for the long-term conservation of such lands and waters and the native fish and wildlife dependent thereon; and

(ii) managed to prevent the future reintroduction or dispersal of harmful nonnative species from the lands and waters on which the project is carried out; and

(E) encourage public notice and outreach on control project activities in the affected community.

(2) OTHER FACTORS FOR SELECTION OF PROJECTS.—In ranking qualified control projects, the Director may consider the following:

(A) The extent to which a project would address the operational and maintenance backlog attributed to harmful nonnative species on refuge resources.

(B) Whether a project will encourage increased coordination and cooperation among one or more Federal agencies and State or local government agencies or nongovernmental or other private entities to control harmful nonnative species threatening or negatively impacting refuge resources.

(C) Whether a project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions to control harmful nonnative species or national wildlife refuge lands or non-Federal lands in proximity to refuge resources.

(D) The extent to which a project would aid the conservation of species that are listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(E) Whether a project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness in controlling harmful nonnative species.

(F) The extent to which a project considers the potential for unintended consequences of control methods on ecosystems and includes contingency measures.

(f) DISTRIBUTION OF CONTROL GRANT AWARDS.—In making grants for control projects under this section the Secretary shall, to the greatest extent practicable, ensure—

(1) a balance of smaller and larger projects conducted with grants under this section; and

(2) an equitable geographic distribution of projects carried out with grants under this section, among all regions and States within which such projects are proposed to be conducted.

(g) GRANT DURATION.—

(1) IN GENERAL.—Each grant under this section shall be to provide funding for the Federal share of the cost of a project carried out with the grant for up to 2 fiscal years.

(2) RENEWAL.—(A) If the Secretary, after reviewing the reports under subsection (h) regarding a control project, finds that the project is making satisfactory progress, the Secretary may renew a grant under this section for the project for an additional 3 fiscal years.

(B) The Secretary may renew a grant under this section to implement the monitoring and maintenance plan required for a control project under subsection (e)(1)(B) for up to 5 fiscal years after the project is otherwise completed.

(h) REPORTING BY GRANTEE.—

(1) IN GENERAL.—(A) A grantee carrying out a control project with a grant under this section shall report to the Secretary every 24 months or at the expiration of the grant, whichever is of shorter duration.

(B) A State carrying out an assessment project with a grant under this section shall submit the assessment pursuant to subsection (a)(2) to the Secretary no later than 24 months after the date on which the grant is awarded.

(2) REPORT CONTENTS.—Each report under this subsection shall include the following information with respect to each project covered by the report:

(A) In the case of a control project—

(i) the information described in subparagraphs (B), (D), and (F) of subsection (k)(2);

(ii) specific information on the methods and techniques used to control harmful nonnative species in the project area; and

(iii) specific information on the methods and techniques used to restore native fish, wildlife, or their habitats in the project area.

(B) A detailed report of the funding for the grant and the expenditures made.

(3) INTERIM UPDATE.—Each grantee under subsection (h)(1)(A) of this section shall also submit annually a brief synopsis to the Secretary, either electronically or in writing, that includes—

(A) a chronological list of project progress; and

(B) use of awarded funds.

(i) COST SHARING FOR PROJECTS.—

(1) FEDERAL SHARE.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of a project carried out with a grant under this section shall not exceed 75 percent of such cost.

(2) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a control project any pilot testing or a demonstration of an innovative technology described in subsection (e)(2)(E) shall be 85 percent.

(3) PROJECTS ON REFUGE LANDS OR WATERS.—The Federal share of the cost of the portion of a control project funded with a grant under this section that is carried out on national wildlife refuge lands or waters, including the cost of acquisition by the Federal Government of lands or waters for use for such a project, shall be 100 percent.

(4) APPLICATION OF IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of costs of a control project carried out with a grant under this section the fair market value of services or any other form of in-kind contribution to the project made by non-Federal interests that the Secretary determines to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(5) DERIVATION OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a control project carried out with a grant under this section may not be derived from a Federal grant program or other Federal funds.

(j) MONITORING AND MAINTENANCE OF CONTROL GRANT PROJECTS.—

(1) REQUIREMENTS.—The Secretary, in consultation with the Advisory Committee, shall develop requirements for the monitoring and maintenance of a control project to ensure that the requirements under subsections (e)(1)(A) and (B) are achieved.

(2) DATABASE OF GRANT PROJECT INFORMATION.—The Secretary shall develop and maintain an appropriate database of information concerning control projects carried out with grants under this subsection, including information on project techniques, project completion, monitoring data, and other relevant information.

(3) USE OF EXISTING PROGRAMS.—The Secretary shall use existing programs within the Department of the Interior to create and maintain the database required under this subsection.

(4) PUBLIC AVAILABILITY.—The Secretary shall make the information collected and maintained under this subsection available to the public.

(k) REPORTING BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall, by not later than 3 years after the date of the enactment of this Act and biennially thereafter in the report under section 8, report to the appropriate Committees on the implementation of this section.

(2) REPORT CONTENTS.—A report under paragraph (1) shall include an assessment of—

(A) trends in the population size and distribution of harmful nonnative species in the project area for each control project carried out with a grant under this section, and in the adjacent areas as defined by the Secretary;

(B) data on the number of acres of refuge resources and native fish and wildlife habitat restored, protected, or enhanced under this section, including descriptions of, and partners involved with, control projects selected, in progress, and completed under this section;

(C) trends in the population size and distribution in the project areas of native species targeted for restoration, and in areas in proximity to refuge resources as defined by the Secretary;

(D) an estimate of the long-term success of varying conservation techniques used in carrying out control projects with grants under this section;

(E) an assessment of the status of control projects carried out with grants under this section, including an accounting of expenditures by the United States Fish and Wildlife Service, State, regional, and local government agencies, and other entities to carry out such projects;

(F) a review of the environmental soundness of the control projects carried out with grants under this section;

(G) a review of efforts made to maintain an appropriate database of grants under this section; and

(H) a review of the geographical distribution of Federal money, matching funds, and in-kind contributions for control projects carried out with grants under this section.

(l) COOPERATION OF NON-FEDERAL INTERESTS.—The Secretary may not make a grant under this section for a control project on national wildlife refuge lands or lands in proximity to refuge resources before a non-Federal interest has entered into a written agreement with a national wildlife refuge or refuge complex under which the non-Federal interest agrees to—

(1) monitor and maintain the control project in accordance with the plan required under subsection (e)(1)(B); and

(2) provide any other items of cooperation the Secretary considers necessary to carry out the project.

### SEC. 5. CREATION OF AN IMMEDIATE RESPONSE CAPABILITY TO HARMFUL NONNATIVE SPECIES.

(a) ESTABLISHMENT.—The Secretary may provide financial assistance for a period of one fiscal year to enable an immediate response to outbreaks of harmful nonnative species that threaten or may negatively impact refuge resources that are at a stage at which rapid eradication or control is possible, and ensure eradication or immediate control of the harmful nonnative species.

(b) REQUIREMENTS FOR ASSISTANCE.—The Secretary shall provide assistance under this section, with the concurrence of the Governor of a State, to local and State agencies, universities, or nongovernmental entities for the eradication of an immediate harmful nonnative species threat only if—

(1) there is a demonstrated need for the assistance;

(2) the harmful nonnative species is considered to be an immediate threat to refuge resources, as determined by the Secretary; and

(3) the proposed response to such threat—

(A) is technically feasible; and

(B) minimizes adverse impacts to the structure and function of national wildlife refuge ecosystems and adverse effects on nontarget species.

(c) AMOUNT OF FINANCIAL ASSISTANCE.—The Secretary shall determine the amount of financial assistance to be provided under this section with respect to an outbreak of a harmful nonnative species, subject to the availability of appropriations.

(d) COST SHARE.—The Federal share of the cost of any activity carried out with assistance under this section may be up to 100 percent.

(e) MONITORING AND REPORTING.—The Secretary shall require that persons receiving assistance under this section monitor and report on activities carried out with assistance under this section in accordance with the requirements that apply with respect to control projects carried out with assistance under section 4.

### SEC. 6. COOPERATIVE VOLUNTEER HARMFUL NON-NATIVE SPECIES MONITORING AND CONTROL PROGRAM.

(a) IN GENERAL.—Consistent with the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (Public Law 105-242), the Secretary shall establish a cooperative volunteer harmful non-native species monitoring and control program to administer and coordinate projects implemented by partner organizations concerned with national wildlife refuges to address harmful non-native species that threaten national wildlife refuges or adjacent lands.

(b) ELIGIBLE ACTIVITIES.—Each project administered and coordinated under this section shall include one of the following activities:

(1) Habitat surveys.

(2) Detection and identification of new introductions or infestations of harmful non-native species.

(3) Harmful non-native species control projects.

(4) Public education and outreach to increase awareness concerning harmful non-native species and their threat to the refuge system.

### SEC. 7. RELATIONSHIP TO OTHER AUTHORITIES.

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this Act affects authorities, responsibilities, obligations, or powers of the Secretary under any other statute.

(b) STATE AUTHORITY.—Nothing in this Act preempts any provision or enforcement of State statute or regulation relating to the management of fish and wildlife resources within such State.

### SEC. 8. BIENNIAL REPORT.

The Secretary shall prepare and submit to the Congress by not later than 2 years after the date of the enactment of this Act and biennially thereafter-

(1) a comprehensive report summarizing all grant activities relating to invasive species initiated under this Act including—

(A) State assessment projects;

(B) qualified control projects;

(C) immediate response activities; and

(D) projects identified in the Refuge Operations Needs database or the Service Asset and Maintenance Management System database of the United States Fish and Wildlife Service.

(2) a list of grant priorities, ranked in high, medium, and low categories, for future grant activities in the areas of—

(A) early detection and rapid response;

(B) control, management, and restoration;

(C) research and monitoring;

(D) information management; and

(E) public outreach and partnership efforts; and

(3) information required to be included under section 4(k).

### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act such sums as may be necessary.

(b) ALLOWANCE FOR IMMEDIATE RESPONSE.—Of the amounts appropriated to carry out this Act no more than 25 percent shall be available in any fiscal year for financial assistance under section 5.

(c) CONTINUING AVAILABILITY.—Amounts appropriated under this Act may remain available until expended.

(d) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 3 percent or up to $100,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 767, as amended, would give the Secretary of the Interior additional tools to combat harmful nonnative species that are hurting native wildlife and plants on our national wildlife refuges. I commend the author of this bill, Representative RON KIND, for his leadership and on other matters affecting the National Wildlife Refuge System.

H.R. 767, as amended, authorizes the Secretary of the Interior to issue grants to States to assess the extent of invasive species affecting refuges. The Secretary may also provide matching grants to entities for the control, mitigation, and eradication of invasive species on refuges and adjoining non-Federal lands.

The bill, as amended, includes a provision authorizing the Secretary to give States financial assistance to address invasive species outbreaks in emergency situations.

H.R. 767, as amended, will encourage the development of partnerships to address the threat of invasive species on a cooperative landscape basis. I urge adoption of the bill, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I rise in support of H.R. 767, the REPAIR Act, as it is called, and yield myself such time as I may consume.

I would like to also congratulate and thank my dear friend from Guam. She gives hope to this country and encouragement by showing that there is class and there is graciousness in this body, and it exists in the delegate from Guam. She also carries that out as chairman of the subcommittee.

Now, the effectiveness of the REPAIR Act will be in direct proportion to the amount of money Congress allocates. We simply cannot afford to let our wildlife refuges be systematically destroyed by invasive species, and that is happening. This legislation is a positive step because it offers hope in the fight against invasives in the future.

One such species is the giant silvinia, a plant that has made its way across many lakes as it has entered Texas. It is a small harmless-looking little aquatic plant that finds itself on boat trailers leaving a lake. When the boat trailer is lowered into another lake, the nightmare floating plant finds itself in a new lake, and it can take over. It doubles its size in less than a week, and in no time covers acres, shutting off sunlight, killing off plants underneath, which results in aquatic life dying. It must be fought and eradicated without doing damage to the lake during the fight. Such a battle takes many good minds and hard workers coming together to prevent this creeping menace from being the last thing left in a lake alive.

In Louisiana, there are cities like Shreveport whose sources of drinking water are being put in jeopardy by this freak of nature. Just recently I toured Caddo Lake, the largest freshwater natural lake at one time and a true treasure for America with its cypress trees, Spanish moss, and unusual fish. We had a joint task force of biologists and brilliant environmental problem-solvers from Federal, State, private groups, who all had the same goal: eradicate the invasion of this foreign species without doing damage to the lake.

I just want to read a list of the types of people that are willing to come together when we deal with something that is such a grave threat to our water supplies.

We had Dan Turner, representing Congressman JIM MCCRERY of Louisiana; Ken Shaw, chairman, Cypress Valley Navigation District; Robert Speight, President, Greater Caddo Lake Association; Jack Canson, community response coordinator; Mark Williams, U.S. Fish and Wildlife, Caddo Lake National Wildlife Refuge manager; Al Tasker, USDA/Animal Plant Health Inspection Service; Dustin Grant, USDA/Plant Protection and Quarantine, State operations support officer; Dr. Earl Chilton, Texas Parks & Wildlife, and a member of the Invasive Species Advisory Committee for the National Invasive Species Council, Department of the Interior; Paul Hoffman, Deputy Assistant Secretary, Department of Interior/NISC; also Dr. Michael Grodowitz, U.S. Army Corps of Engineers, biocontrol expert; Dr. Randy Westbrooks, U.S. Geological Survey, invasive plant coordinator; Judge Richard Anderson, Harrison County judge; Jerry Lomax, Harrison County Precinct 1 commissioner; C.E. Bourne, Marion County Precinct 3 commissioner for Judge Parker; Sam Canup, mayor of the City of Uncertain, and that is a real city, Uncertain, Texas; Jay Webb, Caddo Lake Chamber of Commerce; Bill Abney, Red River Compact; Walt Sears, manager, Northeast Texas Municipal Water District;

Dwight Shellman, Caddo Lake Institute; Todd Dickenson, manager, Caddo Lake State Park; Alan Grantham, Dallas Caddo Club; Connie Ware, Marshall Chamber of Commerce; Dr. Jim Harris, Marshall Chamber of Commerce, Water Committee Chair; and Sam Moseley of Marshall.

It just points up how important what this bill addresses is. These are invasive species that come into lakes and to parks and take over and destroy the native habitat that we are trying to preserve. I have to say, when we had this meeting that went on for a number of hours, I don't recall one time during the entire meeting where anybody ever asked what party anybody ever supported politically. It was all about trying to protect what God had graced this country with, and it is wonderful to see that kind of support.

But what is very clear is that we cannot fight off these nonnative invasive species unless we work together in a bipartisan, in a cumulative fashion with all these different scientists, biologists, governmental groups coming together, because it affects so many different areas. It's one of the reasons I am so grateful to my friend from Guam and for all of those that have worked to help make this possible. We have got to preserve what we have got, and this is one of the ways to do it.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I want to thank my dear friend across the aisle, Mr. GOHMERT, the gentleman from Texas, for his very kind words.

Mr. Speaker, I recognize the gentleman, my colleague from American Samoa (Mr. FALEOMAVAEGA) for 1 minute.

Mr. FALEOMAVAEGA. I do want to commend the distinguished gentlelady who serves as Chair of our Fisheries, Wildlife and Oceans Subcommittee in the Natural Resources Committee, and I want to associate myself with the comments made earlier by our colleague from the other side of the aisle, the gentleman from Texas. This is not a Republican or Democratic issue. This is something that really is important that serves the best interests of our Nation.

I know my good friend, the gentleman from Wisconsin, would have been here on the floor, but I am sure he probably had some transportation problems coming here today. I want to commend him especially for his leadership and for the tremendous service that he has rendered in promoting the interests of wildlife and refuge conservation measures, also as a distinguished member of the subcommittee; but I also want to note that I know he would have spoken, and not only in support of a bill that he has sponsored, but certainly for his knowledge and his commitment in dealing with the issues and conservation and wildlife refuges.

Mr. GOHMERT. Mr. Speaker, once again, some people advocate mechanical removal of an invasive species; others advocate using natural means, whether it's an insect or a fish or something to help control an invasive species. Some offer that there are chemical means for dealing with those.

But unless we come together on a bill like this, bringing all the different entities with all the difference weapons at their command, we are not going to be able to control some of these species. Some of them, like the giant silvinia, are so resistant to so much, and they hide among other plants until they take over and just spread so rapidly, that we must come together.

It is gratifying to see such bipartisan effort in trying to hold on to the land we love.

Mr. KIND. Mr. Speaker, I rise today in strong support of H.R. 767, the Refuge Ecology Protection, Assistance, and Immediate Response Act, which I authored. Passage of this legislation today will bring us one step closer to giving our National Wildlife Refuge System a vital tool in the war being waged against invasive species.

For too long, our National Wildlife Refuges have been overlooked and neglected. The Refuge System has forged on as a System under siege from a number of fronts. Paramount among these has been the steady march of invasive plants and animals that have come from other places and literally taken over, crowding out the very wildlife and habitat the refuges are charged with protecting. Experts and refuge managers at the Fish and Wildlife Service have identified invasives as the number one threat to the biological integrity of our National Wildlife Refuges. Nevertheless, without the resources to maintain even the most basic functions and infrastructure—indeed, many refuge units do not have any dedicated staff at all—refuges have been able to do little to respond to invasive species.

This House has affirmed its commitment to our wildlife refuges by approving the largest-ever budget increase for the Refuge System in the FY08 Interior Appropriations bill. This money will begin to bring the System's budget to a level where it can stop cutting employees and shuttering refuges and begin to address its pressing maintenance and management needs. This is a good start. But with all the challenges that face our refuges, there is still a great need to focus resources on preventing the spread of invasive species. That is why we must pass the REPAIR Act here today.

H.R. 767 authorizes new grants that will bring the Fish and Wildlife Service together with State agencies, community groups, and private citizens to form a united front against invasives. The bill confronts the challenge of invasive species through a two-pronged approach. First, it authorizes immediate response grants when a harmful non-native species has been identified as an immediate threat to a refuge at a stage at which rapid eradication is possible. This way we will be able to prevent new invasive species from taking hold and wreaking havoc on refuge ecosystems.

The second line of defense in the bill are REPAIR grants, which contribute to a more long-term strategy for combating existing invasives. These grants would go to States, local governments, community groups, or individuals to remove harmful non-native species and promote native species and their habitat on lands and waters in and adjacent to National Wildlife Refuges. Additionally, the grants could be used to complete assessment projects consistent with existing State wildlife conservation plans to identify invasive species, assess the needs on the ground, and target resources to address the problem adequately and efficiently.

All grants would be awarded on a competitive basis and include monitoring and reporting requirements to ensure proper oversight ability by the Fish and Wildlife Service. The Federal grants would cover 100 percent of the cost for projects within refuges and for immediate response projects, but a non-Federal cost share of at least 25 percent would be required for REPAIR grants on adjacent lands.

In short, Mr. Speaker, the REPAIR Act brings together the public and private sectors to ensure the future of our Wildlife Refuge System. These are special places unlike any other in the world. They are the only Federal land system devoted primarily to the preservation of our unique wildlife resources. I know from my countless hours spent taking in the grandeur of the Upper Mississippi River National Wildlife and Fish Refuge, admiring the special beauty of Trempealeau NWR, or proudly watching the whooping cranes take off from Necedah NWR behind their ultralight guide, that these places are an integral part of the American experience that deserve special protection.

I would like to thank my fellow co-chairs of the Congressional National Wildlife Refuge Caucus, JIM SAXTON, MIKE THOMPSON, and MIKE CASTLE for helping promote our Refuge System here in the House, and for their support of H.R. 767. I also extend my great thanks to Natural Resources Committee Chairman RAHALL and Fisheries, Wildlife and Oceans Subcommittee Chairwoman BORDALLO for their support and for helping this bill get through the committee process and to the floor today. Finally, I thank Dave Jansen and the rest of the committee staff for their expertise and tireless work on behalf of our Nation's tremendous natural endowment.

H.R. 767 makes good policy by fostering cooperation between government and private entities in pursuit of a common goal in the national interest. I urge my colleagues to support its passage today so we can begin to protect America's National Wildlife Refuges from further attack and degradation. We owe it to future generations of hunters, anglers, wildlife enthusiasts, and nature lovers of all types to preserve creatures and habitats that are distinctly American.

Mr. GOHMERT. Mr. Speaker, I yield back the balance of my time and urge my colleagues to support this bill.

Ms. BORDALLO. I thank the gentleman from Texas for his very supportive words on this particular measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 767, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## CORAL REEF CONSERVATION AMENDMENTS ACT OF 2007

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1205) to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1205

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Coral Reef Conservation Amendments Act of 2007".

**SEC. 2. EXPANSION OF CORAL REEF CONSERVATION PROGRAM.**

(a) PROJECT DIVERSITY.—Section 204(d) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(d)) is amended—

(1) in the heading by striking "GEOGRAPHIC AND BIOLOGICAL" and inserting "PROJECT"; and

(2) by striking paragraph (3) and inserting the following:

"(3) Remaining funds shall be awarded for—

"(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

"(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.".

(b) APPROVAL CRITERIA.—Section 204(g) of that Act (16 U.S.C. 6403(g)) is amended—

(1) by striking "or" after the semicolon in paragraph (9);

(2) by striking paragraph (10); and

(3) by inserting after paragraph (9) the following:

"(10) promoting activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those areas identified under section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs; or

"(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef ecosystems.".

**SEC. 3. EMERGENCY RESPONSE.**

Section 206 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6405) is amended to read as follows:

**"SEC. 206. EMERGENCY RESPONSE ACTIONS.**

"(a) IN GENERAL.—The Administrator may undertake or authorize action necessary—

"(1) to minimize the destruction or loss of, or injury to, a coral reef from—

"(A) vessel impacts, derelict fishing gear, vessel anchors, and anchor chains; and

"(B) from unforeseen or disaster-related circumstances; and

"(2) to stabilize, repair, recover, or restore such coral reef.

"(b) VESSEL REMOVAL; RESTABILIZATION.—Action authorized by subsection (a) includes vessel removal and emergency restabilization of the vessel or any impacted coral reef.

"(c) PARTNERING WITH OTHER FEDERAL AGENCIES.—When possible, action by the Administrator under this section should—

"(1) be conducted in partnership with other government agencies as appropriate, including—

"(A) the Coast Guard, the Federal Emergency Management Agency, the Army Corps of Engineers, and the Department of the Interior; and

"(B) agencies of States and territories of the United States; and

"(2) leverage resources of other agencies.

"(d) EMERGENCY RESPONSE ASSISTANCE BY OTHER FEDERAL AGENCIES.—

"(1) IN GENERAL.—The head of any other Federal agency may assist the Administrator in emergency response actions under this section, using funds available for operations of the agency concerned.

"(2) REIMBURSEMENT.—The Administrator, subject to the availability of appropriations, may reimburse a Federal agency for assistance provided under paragraph (1).

"(e) LIABILITY FOR COSTS AND DAMAGES TO CORAL REEFS.—

"(1) TREATMENT OF CORAL REEFS UNDER NATIONAL MARINE SANCTUARIES ACT.—For purposes of the provisions set forth in paragraph (2), and subject to paragraph (3), each of the terms 'sanctuary resources', 'resource', 'sanctuary resource managed under law or regulations for that sanctuary,' 'national marine sanctuary', 'sanctuary resources of the national marine sanctuary', and 'sanctuary resources of other national marine sanctuaries' is deemed to include any coral reef that is subject to the jurisdiction of the United States or any State, without regard to whether such coral reef is located in a national marine sanctuary.

"(2) APPLICABLE PROVISIONS OF NATIONAL MARINE SANCTUARIES ACT.—The provisions referred to in paragraph (1) are the following provisions of the National Marine Sanctuaries Act:

"(A) Paragraphs (6) and (7) of section 302 (16 U.S.C. 1432).

"(B) Paragraphs (1), (2), (3), and (4) of section 306 (16 U.S.C. 1436).

"(C) Section 307 (16 U.S.C. 1437).

"(D) Section 312 (16 U.S.C. 1443).

"(3) STATE CONSENT REQUIRED.—

"(A) IN GENERAL.—This subsection shall not apply to any coral reef that is subject to the jurisdiction of a State unless the Governor of that State notifies the Secretary that the State consents to that application.

"(B) REVOCATION OF CONSENT.—The governor of a State may revoke consent under subparagraph (A) by notifying the Secretary of such revocation.

"(4) CONSISTENCY WITH INTERNATIONAL LAW AND TREATIES.—Any action taken under the authority of this subsection must be consistent with otherwise applicable international law and treaties.

"(5) ACTIONS AUTHORIZED WITH RESPECT TO VESSELS.—Actions authorized under this subsection include vessel removal, and emergency re-stabilization of a vessel and any coral reef that is impacted by a vessel

"(6) REGULATIONS.—The Secretary may issue regulations necessary to implement this subsection.".

**SEC. 4. NATIONAL PROGRAM.**

(a) PURPOSE OF ACT.—Section 202 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems including large-scale threats related to climate change, to benefit local communities and the Nation, and to the extent practicable support and enhance coral reef research capabilities at local academic institutions;"; and

(2) by striking "and" after the semicolon at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting "; and", and by adding at the end the following:

"(7) to recognize the benefits of healthy coral reefs to island and coastal communities and to encourage Federal action to ensure, to the maximum extent practicable, the continued availability of those benefits.".

(b) GOALS AND OBJECTIVES OF NATIONAL CORAL REEF ACTION STRATEGY.—Section 203(b)(8) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6402(b)(8)) is amended to read as follows:

"(8) conservation, including resilience and the consideration of island and local traditions and practices.".

(c) AMENDMENTS RELATING TO ACTIVITIES TO CONSERVE CORAL REEFS AND CORAL REEF ECOSYSTEMS.—Section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406) is amended—

(1) in paragraph (3) by striking "and" after the semicolon;

(2) in paragraph (4)—

(A) by striking "cooperative conservation" and inserting "cooperative research, conservation," ; and

(B) by striking "partners." and inserting "partners, including academic institutions located in those States, territories, and freely associated States referred to in section 212; and"; and

(3) by adding at the end the following:

"(5) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those areas identified in section 210(b).".

**SEC. 5. REPORT TO CONGRESS.**

Section 208 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6407) is amended to read as follows:

**"SEC. 208. REPORT TO CONGRESS.**

"Not later than March 1, 2010, and every 3 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

"(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each of the 3 fiscal years next preceding the fiscal year in which the report is submitted;

"(2) a description of Federal interagency and cooperative efforts with States, United States territories, freely associated States, and non-governmental partner organizations to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reef ecosystems, including projects undertaken with the Department of the Interior, the Department of Agriculture, the Environmental Protection Agency, and the Army Corps of Engineers;

"(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;

"(4) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems; and

"(5) an assessment of the condition of United States coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs, including actions taken to address large-scale threats to coral reef ecosystems related to climate change.".

### SEC. 6. FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.

(a) FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) in section 205(a) (16 U.S.C. 6404(a)), by striking "organization solely" and all that follows and inserting "organization—

"(1) to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef strategy under section 203; and

"(2) to address emergency response actions under section 206.";

(2) by adding at the end of section 205(b) (16 U.S.C. 6404(b)) "The organization is encouraged to solicit funding and in-kind services from the private sector, including nongovernmental organizations, for emergency response actions under section 206 and for activities to prevent damage to coral reefs, including areas identified in section 210(b)(2).";

(3) in section 205(c) (16 U.S.C. 6404(c)), by striking "the grant program" and inserting "any grant program or emergency response action";

(4) by redesignating sections 209 and 210 as sections 213 and 214, respectively; and

(5) by inserting after section 208 the following:

### "SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

"(a) IN GENERAL.—The Administrator may make grants to entities that are eligible to receive grants under section 204(c) to provide additional funds to such entities to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and scientific experts as high priorities for focused attention. The plans shall—

"(1) support attainment of 1 or more of the criteria described in section 204(g);

"(2) be developed at the community level;

"(3) utilize where applicable watershed-based or ecosystem-based approaches;

"(4) provide for coordination with Federal and State experts and managers;

"(5) build upon local approaches or models, including traditional or island-based resource management concepts; and

"(6) complement local action strategies or regional plans for coral reef conservation.

"(b) TERMS AND CONDITIONS.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, '75 percent' shall be substituted for '50 percent'.

### "SEC. 210. VESSEL GROUNDING INVENTORY.

"(a) IN GENERAL.—The Administrator, in coordination with other Federal agencies, may maintain an inventory of all vessel grounding incidents involving coral reefs, including a description of—

"(1) the impacts to such resources;

"(2) vessel and ownership information, if available;

"(3) the estimated cost of removal, mitigation, or restoration;

"(4) the response action taken by the owner, the Administrator, the Commandant of the Coast Guard, or other Federal or State agency representatives;

"(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

"(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

"(b) IDENTIFICATION OF AT-RISK REEFS.—The Administrator may—

"(1) use information from any inventory maintained under subsection (a) or any other available information source to identify all coral reef areas that have a high incidence of vessel impacts, including groundings and anchor damage; and

"(2) identify appropriate measures, including action by other agencies, to reduce the likelihood of such impacts.

### "SEC. 211. REGIONAL COORDINATION.

"The Administrator shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the national coral reef action strategy developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, overharvesting, and factors attributed to climate change.

### "SEC. 212. UNITED STATES CORAL REEF TASK FORCE.

"(a) ESTABLISHMENT.—There is hereby established the United States Coral Reef Task Force.

"(b) GOAL.—The goal of the Task Force shall be to lead, coordinate, and strengthen Federal Government actions to better preserve and protect coral reef ecosystems.

"(c) DUTIES.—The duties of the Task Force shall be—

"(1) to coordinate, in cooperation with State, territory, freely associated State, commonwealth, and local government partners, academic, and nongovernmental partners if appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, restoration of coral reefs and coral reef ecosystems;

"(2) to monitor and advise regarding implementation of the policy and Federal agency responsibilities set forth in Executive Order 13089 and the national coral reef action strategy developed under section 203; and

"(3) to work with the Secretary of State and the Administrator of the Agency for International Development, and in coordination with the other members of the Task Force, to—

"(A) assess the United States role in international trade and protection of coral species; and

"(B) encourage implementation of appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide.

"(d) MEMBERSHIP, GENERALLY.—The Task Force shall be comprised of—

"(1) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, who shall be co-chairs of the Task Force;

"(2) the Administrator of the Agency of International Development;

"(3) the Secretary of Agriculture;

"(4) the Secretary of Defense;

"(5) the Secretary of the Army, acting through the Corps of Engineers;

"(6) the Secretary of Homeland Security;

"(7) the Attorney General;

"(8) the Secretary of State;

"(9) the Secretary of Transportation;

"(10) the Administrator of the Environmental Protection Agency;

"(11) the Administrator of the National Aeronautics and Space Administration;

"(12) the Director of the National Science Foundation;

"(13) the Governor, or a representative of the Governor, of the Commonwealth of the Northern Mariana Islands;

"(14) the Governor, or a representative of the Governor, of the Commonwealth of Puerto Rico;

"(15) the Governor, or a representative of the Governor, of the State of Florida;

"(16) the Governor, or a representative of the Governor, of the State of Hawaii;

"(17) the Governor, or a representative of the Governor, of the Territory of Guam;

"(18) the Governor, or a representative of the Governor, of the Territory of American Samoa; and

"(19) the Governor, or a representative of the Governor, of the Virgin Islands.

"(e) NONVOTING MEMBERS.—The President, or a representative of the President, of each of the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau may appoint a nonvoting member of the Task Force.

"(f) RESPONSIBILITIES OF FEDERAL AGENCY MEMBERS.—

"(1) IN GENERAL.—The Federal agency members of the Task Force shall—

"(A) identify the actions of their agencies that may affect coral reef ecosystems;

"(B) utilize the programs and authorities of their agencies to protect and enhance the conditions of such ecosystems; and

"(C) assist in the implementation of the National Action Plan to Conserve Coral Reefs, the national coral reef action strategy developed under section 203, the local action strategies, and any other coordinated efforts approved by the Task Force.

"(2) CO-CHAIRS.—In addition to their responsibilities under paragraph (1), the co-chairs of the Task Force shall administer performance of the functions of the Task Force and facilitate the coordination of the Federal agency members of the Task Force.

"(g) WORKING GROUPS.—

"(1) IN GENERAL.—The co-chairs of the Task Force may establish working groups as necessary to meet the goals and duties of this Act. The Task Force may request the co-chairs to establish such a working group.

"(2) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairs may allow a nongovernmental organization or academic institution to participate in such a working group.

"(h) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.".

(b) COOPERATIVE AGREEMENTS.—Section 204 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403) is amended by adding at the end the following:

"(k) MULTIYEAR COOPERATIVE AGREEMENTS.—The Administrator may enter into multiyear cooperative agreements with the heads of other Federal agencies, States, territories, other freely associated States, local governments, academic institutions, and non-governmental organizations to carry out the activities of the national coral reef action strategy developed under section 203 and to implement regional strategies developed pursuant to section 211.".

### SEC. 7. AMENDMENTS RELATING TO DEPARTMENT OF THE INTERIOR PROGRAM.

(a) AMENDMENTS AND CLARIFICATIONS TO DEFINITIONS.—

(1) FISH AND WILDLIFE COORDINATION ACT.—Section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b) is amended by inserting before the period at the end the following: ", including coral reef ecosystems (as such term is defined in section 214 of the Coral Reef Conservation Act of 2000)".

(2) FISH AND WILDLIFE ACT OF 1956 AND FISH AND WILDLIFE IMPROVEMENT ACT OF 1978.—With respect to the authorities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et. seq) and the authorities under the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l), references in such Acts to "wildlife" and "fish and wildlife" shall be construed to include coral reef ecosystems (as such term is defined in section 214 of the Coral Reef Conservation Act of 2000, as amended by this Act).

(b) CORAL REEF CONSERVATION ASSISTANCE.—The Secretary of the Interior may provide technical assistance and, subject to the availability of appropriations, financial assistance to coastal States (as that term is defined in the Coral Reef Conservation Act of 2000, as amended by this Act).

### SEC. 8. CLARIFICATION OF DEFINITIONS.

Section 214 of the Coral Reef Conservation Act of 2000, as redesignated by section 6(a) of this Act (relating to definitions; 16 U.S.C. 6409), is further amended—

(1) by amending paragraph (1) to read as follows:

"(1) ADMINISTRATOR.—The term 'Administrator'—

"(A) except as provided in subparagraph (B), means the Administrator of the National Oceanic and Atmospheric Administration; and

"(B) in sections 206 and 209, means the Secretary of the Interior for purposes of application of those sections to national parks, national wildlife refuges, and Wake Island.";

(2) by amending paragraph (2) to read as follows:

"(2) CONSERVATION.—The term 'conservation' means the use of methods and procedures that are necessary to preserve or sustain coral reefs and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including—

"(A) all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat;

"(B) mapping;

"(C) monitoring of coral reef ecosystems;

"(D) assistance in the development of management strategies for marine protected area or networks thereof and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

"(E) law enforcement;

"(F) conflict resolution initiatives;

"(G) community outreach and education; and

"(H) activities that promote safe and ecologically sound navigation.";

(3) by amending paragraph (3) to read as follows:

"(3) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

"(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft corals), and Helioporacea (blue coral), of the class Anthozoa; and

"(B) all species of the families Milleporidae (fire corals) and Stylasteridae (stylasterid hydrocorals), of the class Hydrozoa.";

(4) by amending paragraph (4) to read as follows:

"(4) CORAL REEF.—The term 'coral reef' means a limestone structure composed in whole or in part of living zooxanthellate stony corals (Class Anthozoa, Order Scleractinia), their skeletal remains, or both.";

(5) by amending paragraph (5) to read as follows:

"(5) CORAL REEF ECOSYSTEM.—The term 'coral reef ecosystem' means a system of coral reefs and geographically associated species, habitats, and environment, including mangroves and seagrass habitats, and the processes that control its dynamics."; and

(6) by amending paragraph (7) to read as follows:

"(7) SECRETARY.—The term 'Secretary'—

"(A) except as provided in subparagraphs (B) and (C), means the Secretary of Commerce;

"(B) in section 206(e), means—

"(i) the Secretary of the Interior, with respect to any coral reef or component thereof that is located in—

"(I) the National Wildlife Refuge System;

"(II) the National Park System; or

"(III) the waters surrounding Wake Island under the jurisdiction of the Secretary of the Interior, as set forth in Executive Order 11048 (27 Fed. Reg. 8851), dated September 4, 1962; or

"(ii) the Secretary of Commerce, with respect to any other coral reef or component thereof; and

"(C) in sections 203 and 209, means the Secretary of Commerce and the Secretary of the Interior.".

### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 213 of the Coral Reef Conservation Act of 2000 (formerly 16 U.S.C. 6408), as redesignated by section 4, is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce to carry out this title $30,000,000 for fiscal year 2008, $32,000,000 for fiscal year 2009, $34,000,000 for fiscal year 2010 and $35,000,000 for fiscal years 2011 and 2012.";

(2) in subsection (b) by striking "$1,000,000" and inserting "$2,000,000";

(3) by striking subsection (c) and inserting the following:

"(c) COMMUNITY-BASED PLANNING GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 209, $8,000,000 for fiscal years 2008 through 2012, to remain available until expended."; and

(4) by striking subsection (d) and inserting the following:

"(d) DEPARTMENT OF THE INTERIOR.—There is authorized to be appropriated to the Secretary of the Interior to carry out this title $5,000,000 for each of fiscal years 2008 through 2012.".

### SEC. 10. ENSURING RESILIENCE.

(a) PURPOSES.—Section 202 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401) is further amended by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively, and by inserting after paragraph (1) the following:

"(2) to promote the resilience of coral reef ecosystems;".

(b) CRITERIA FOR APPROVAL OF PROJECT PROPOSALS.—Section 204(g) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(g)) is further amended by striking "or" after the semicolon at the end of paragraph (10), by redesignating paragraph (11) as paragraph (12), and by inserting after paragraph (10) the following:

"(11) improving and promoting the resilience of coral reefs and coral reef ecosystems; or".

(c) ACTIVITIES AUTHORIZED UNDER NATIONAL PROGRAM.—Section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406(b)) is further amended by striking "and" after the semicolon at the end of paragraph (4), by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following:

"(5) improving and promoting the resilience of coral reefs and coral reef ecosystems; and".

### SEC. 11. FUNDING FOR MARINE FACILITIES, CORAL REEF RESEARCH, AND CORAL REEF INSTITUTES.

(a) AMERICAN SAMOA COMMUNITY COLLEGE.—There is authorized to be appropriated $1,000,000 to the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, to provide funds to a research facility for coral reef research and protection, and coastal ecology and development, at the American Samoa Community College.

(b) UNIVERSITY OF GUAM.—There is authorized to be appropriated $1,000,000 to the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, to provide funds to the University of Guam for coral reef research and protection.

(c) SUPPORT FOR CORAL REEF INSTITUTES.—The Administrator, subject to the availability of appropriations specifically to carry out this subsection, may enter into, renegotiate, or extend a cooperative agreement with any university or local academic institution or other research center with established programs that support coral reef conservation to accomplish the following:

(1) Provide technical and other assistance to build capacity for effective resource management on a regional level and within local communities.

(2) Facilitate interdisciplinary research regarding coral reef ecosystems to improve resource management and improve understanding of potential impacts to such ecosystems attributed to climate change.

(3) Conduct public education programs regarding coral reefs and coral reef ecosystems to improve public awareness of the need to protect and conserve such resources.

(4) To advance the purposes and policies set forth in the Coral Reef Conservation Act of 2000.

(d) DEFINITIONS.—For purposes of this section the definitions in section 214 of the Coral Reef Conservation Act of 2000, as redesignated by section 6(a) of this Act and amended by section 8 of this Act, apply.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

□ 1515

### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1205, as amended, would reauthorize the Coral Reef Conservation Act through fiscal year 2012 and give the Federal Government, States and territories additional tools to protect and conserve coral reefs. I commend the gentleman from American Samoa, the Honorable ENI FALEOMAVAEGA, for sponsoring this legislation and for his hard work to move it forward.

H.R. 1205 was referred to the Natural Resources Committee and the Science and Technology Committee. I'm including in the CONGRESSIONAL RECORD an exchange of letters between Chairmen NICK RAHALL and BART GORDON asserting both committees jurisdiction in H.R. 1205. Science Committee Chairman BART GORDON gracefully agreed to allow this bill to come to the floor today.

H.R. 1205, as amended, broadens and improves the definition of "coral reef ecosystem" to include mangroves and sea grass habitats. Additionally, the bill gives the Secretaries of Commerce and the Interior the authority to cover related costs for damages to coral reefs in U.S. waters located outside national marine sanctuaries.

Mr. Speaker, more than 70 percent of the coral reefs under the jurisdiction of the United States are found in the Pacific, including Guam. Regrettably, coral reefs worldwide remain imperiled and deserving of greater protection. I am a proud cosponsor of this legislation, and I urge my colleagues to support the bill, as amended.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
*Washington, DC, September 26, 2007.*
Hon. BART GORDON,
*Chairman, Committee on Science and Technology, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your willingness to allow floor consideration of H.R. 1205, the Coral Reef Conservation Amendments Act of 2007, to proceed unimpeded.

I appreciate your willingness to waive rights to further consideration of H.R. 1205, even though your Committee shares jurisdiction over it and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

As you requested, I will insert our two letters in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am
Sincerely,
NICK J. RAHALL II,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE AND TECHNOLOGY,
*Washington, DC, September 27, 2007.*
Hon. NICK J. RAHALL II,
*Chairman, Committee on Natural Resources, Washington, DC.*

DEAR CHAIRMAN RAHALL: I write to you regarding H.R. 1205, the "Coral Reef Conservation Amendments Act of 2007." This legislation was initially referred to both the Committee on Natural Resources and the Committee on Science and Technology.

H.R. 1205 was marked up by the Committee on Natural Resources on June 28, 2007. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 1205.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I also ask that a copy of this letter and your response be placed in the Congressional Record during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,
BART GORDON,
*Chairman.*

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I rise in support of H.R. 1205, the Coral Reef Conservation Amendments Act of 2007. We thank the gentleman from American Samoa and, once again, my friend from Guam and also the gentleman from Puerto Rico for their work on this legislation.

Coral reefs are truly a treasure, but they mean the world to the aquatic life in those areas. This legislation authorizes the Secretary of the Interior to undertake coral reef conservation activities. It does involve matching grants, and it provides it in areas under the jurisdiction of the Department of the Interior.

At this time, though, Mr. Speaker, I would like to yield such time as he may consume to my friend from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I rise in strong support of H.R. 1205 today, and I want to thank my good friend from American Samoa (Mr. FALEOMAVAEGA) for his effort in reauthorizing the Coral Reef Restoration Act.

I want to thank the chairman of the subcommittee, Ms. BORDALLO, for her work in helping us facilitate a number of provisions in this bill; Mr. RAHALL, of course, and certainly Mr. YOUNG and Mr. BROWN. This Coral Reef Restoration Act brings a number of different agencies; once again to thank Mr. FALEOMAVAEGA for helping make this happen. The coordination between various Federal agencies in ensuring that the restoration process continues and does so in a very timely fashion is admirable.

For example, ship strikes pose, used to pose somewhat of a danger to coral reefs because of the various levels of bureaucracy. This bill codifies the Coral Reef Task Force, which coordinates those various Federal agencies to more quickly implement policies that can deal with the restoration process.

Mr. Speaker, 20 percent of America's coral reefs are dead. They are destroyed. 50 percent of America's coral reefs are in danger of dying for various, various reasons, and it is so important at this critical time that we understand the nature and the importance, the value to the ecosystem, the value to marine biological communities, and the economic value to all those States and areas that live next to coral reefs and depend upon them for their fisheries, for tourism, for coastal protection and so on.

Coral reefs do protect coastlines, and they're valued for supporting rich biological diversity that is of immense economic value to a number of regions throughout the United States. Half of the federally managed fish species, that equals billions of dollars, spend much of their life cycle in coral reefs.

But coral reefs, as a result of coastal runoff, Overharvesting, and now the effects of climate change, these particular areas of degradation act in a phenomenally coordinated fashion to degrade our coral reefs. And so this type of legislation can ameliorate the effects of the anthropogenic onslaught to coral reefs; that's the human activity that degrades coral reefs.

Now, this bill, and I'll close with this, affects coral reefs in this manner, because there's multiple effects on coral reefs: Overharvesting, climate change, acidification of the ocean, runoff, pollution in our oceans, debris in our oceans, and a whole range of other things. That means that we have to approach this from a multiple-stressor effect. How do we deal with all these things?

To account for future effects of human activity, including climate change, this bill enables us to manage the coral reefs in something that we will call "ecosystem resilience," the resilience of an ecosystem. If you look at the human body—your lungs, your liver, your kidneys, your bloodstream, your heart—the human body functions in an extraordinary coordinated fashion. It's our own personal ecosystem.

And in the ecosystem abroad, in the Nation's oceans, that ecosystem can function, if it's restored, understanding that concept of an ecosystem, of a metabolism, if you will, to restore it so it is resilient, just like the human body can be restored. But unless you have a process where you're healthy, where you exercise, where you have a good diet, et cetera, et cetera, then you will run through cycles of health and ill health.

The ecosystem of coral reefs will be managed for its resiliency so it can come back after an onslaught of overharvesting; it can come back after an onslaught of pollution; it can resist and be resilient to this unknown factor of climate change.

So for all these reasons, and for all the help we've had from the staff and the Members, I heartily endorse H.R. 1205, and ask the Members to vote in favor of this legislation.

Ms. BORDALLO. Mr. Speaker, I now recognize my colleague from Florida, the Honorable Mr. KLEIN, for 3 minutes.

Mr. KLEIN of Florida. Thank you, Chairwoman BORDALLO, for yielding me time and Congressman FALEOMAVAEGA for bringing this important legislation to the floor today.

Mr. Speaker, coral reefs are among the most diverse, biologically complex, and valuable ecosystems on Earth. In my home State of Florida, we are fortunate to have the third largest barrier reef in the world. Along with their natural beauty, Florida's coral reef systems serve as a critical place for fish habitat and as a potentially lifesaving barrier against hurricanes as well.

But it's only on an everyday level that coral reefs probably have the greatest impact on south Florida, serving as an important source of tourism, jobs and revenue. In Broward County alone, coral reefs contribute over $2 billion annually to the local economy.

However, coral reefs are in nothing short of a crisis. Because of a variety of threats, scientists estimate that 60 percent of coral reefs may disappear before 2050.

That's why I'm very proud to support all of my colleagues' efforts today to bring this legislation forward. H.R. 1205 will make important changes to the Coral Reef Conservation Act of 2000. One will be able to take advantage of the vast resources and expertise at various coral reef conservation institutions across the country, like the National Coral Reef Institute.

The National Coral Reef Institute will be hosting the 11th International Coral Reef Symposium next year in Florida, which will bring together scientists from throughout the world, over 3,000 of those scientists, to discuss coral reef issues. Harnessing their experience and knowledge and other institutions' will be a vital component of any Federal coral reef conservation plan.

Another important aspect of this legislation we're considering today will be to authorize NOAA to respond to vessel groundings. Since 1994, we've seen 12 large ships run aground on sensitive coral reef areas near Ft. Lauderdale. The last one, occurring almost a year ago, involved a freighter that left a 20-foot swath of destruction along 100 feet of a coral reef. Whatever coral that once lived there is now, unfortunately, gone.

Part of the solution to vessel groundings is adopting better prevention strategies, such as closing anchorage sites in shallow waters that are close to coral reefs. And I'm very proud that the Coast Guard and others have worked to achieve this objective.

But we also need to respond faster when a vessel does run aground, because the sooner coral reefs can be restored, the better chances for their survival. Expanding NOAA's authority to act will allow NOAA to utilize their experience and resources to both assess the damage and restore the reefs.

For these reasons, I urge my colleagues to adopt this legislation. I thank the sponsors on both sides of the aisle, and recommend that we move forward.

Mr. GOHMERT. Mr. Speaker, this is a good bill. It does a good thing and preserves something that is so vital to our Nation as a resource. We do need to be careful about the unintended consequences of the expansion of the term "wildlife" in other statutes just to give the Secretary authority over coral reefs and coral reef ecosystems, even in limited circumstances.

But with that aside, I would encourage support for the bill, and yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I would now like to recognize the sponsor of this bill, the Honorable Mr. FALEOMAVAEGA from American Samoa, for 4 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 1205, to reauthorize the Coral Reef Conservation Act of 2000.

First and foremost, I certainly want to commend the chairman of our Natural Resources Committee, the gentleman from West Virginia (Mr. RAHALL), for his support and commitment to this important legislation.

I also would like to acknowledge the leadership and the tremendous support that we have received from my good friend and colleague, the gentleman from Alaska, our senior ranking member, Mr. YOUNG, for his spirit of cooperation and certainly for his support of the bill.

Last but not least, I want to recognize especially my good friend, the chairwoman of our Subcommittee on Fisheries and Wildlife, the gentlelady from Guam (Ms. BORDALLO).

And I want to also commend the gentleman from Texas (Mr. GOHMERT) for his support and management of the bill on the other side of the aisle.

I want to thank my good friend, the gentleman and former chairman of the Fisheries and Wildlife Subcommittee, my good friend from Maryland (Mr. GILCHREST). I can't think of a better person that knows more about wildlife than the gentleman from Maryland in the years that I've served with him as a member of the Fisheries Subcommittee.

I also want to thank my good friend, the gentleman from Florida (Mr. KLEIN), for his support of this legislation.

I also want to note for my colleagues that the gentlelady from Florida (Ms. ROS-LEHTINEN) is also a cosponsor of this legislation.

Mr. Speaker, H.R. 1205, the Coral Reef Conservation Act of 2007, is an important piece of legislation because it recognizes that we need to do more now to protect the health of our Nation's coral reefs. We have coral reefs running along the coasts on both sides of the United States, continental United States, especially completely surrounding our U.S. territories.

Coral reefs are critically important, not only here in the United States, but around the world, and we should take the lead in protecting such a vital resource.

Mr. Speaker, H.R. 1205 has carried over key provisions from legislation that I introduced in the previous Congress which had very strong bipartisan support. This legislation will authorize funding for management assistance grants, enhance research and monitoring, implement local action strategies, and also codify the U.S. Coral Reef Task Force, which was established by an executive order issued by President Clinton in 1998.

More importantly, we have included recommendations from our experts in the current administration as well as from other Members of Congress, and also certainly to enhance the passage of this legislation. This has been a work of some 7 months in consultations. Not only did we have hearings in our subcommittee, we had a markup, also a markup in the full committee for which we received unanimous support.

□ 1530

Mr. Speaker, a United Nations report estimates that 60 percent of the world's coral reefs will die off by the year 2030. And with the drastic change to climate as well as the escalation of global warming, our coral reefs are in peril.

Mr. Speaker, H.R. 1205 affords us an opportunity to take immediate action in conserving and protecting our coral reefs. It is not only critical for our coastal States and territories but, more importantly, for the rest of the world.

I urge my colleagues to support this legislation. And I would be remiss if I did not recognize the senior staffs of the committee on both sides of the aisle, Ms. Lori Sonken, Mr. Dave Jansen, and my good friend Mr. Dave Whaley for their support and for their work in putting this legislation in such a way that now has the bipartisan support of our colleagues on both sides of the aisle.

Again, this is not a Democratic or Republican bill; it is a bill that will serve the best interests of our Nation.

Ms. BORDALLO. Mr. Speaker, as a new chairman of this subcommittee, I want to go on record to thank my colleagues for their input, their expertise on this particular subject. They have all spoken in support of this legislation, and I want to thank them for their bipartisan support.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I just want to note to my colleagues as part of our efforts in preserving the coral reefs is the announcement by President Bush in the last year of the largest marine monument of the world, which is known as the Papahanaumokuakea National Marine Monument, north of the Hawaiian Islands. It is about 140,000 square miles, a little less than the size of Montana, but about the same size as Germany. It also supports some 7,000 species of animal and marine life, which is so important. I think we need to understand that this is also part of what this legislation proposes.

And I thank the gentlewoman for yielding.

Ms. BORDALLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1205, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM AND PATHFINDER MODIFICATION AUTHORIZATION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1462) to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1462

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Platte River Recovery Implementation Program and Pathfinder Modification Authorization Act".*

*(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Purposes.*

*TITLE I—PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM*

*Sec. 101. Definitions.*
*Sec. 102. Implementation of Program.*
*Sec. 103. Cost-sharing contributions.*
*Sec. 104. Authority to modify Program.*
*Sec. 105. Effect.*
*Sec. 106. Authorization of appropriations.*
*Sec. 107. Termination of authority.*

*TITLE II—PATHFINDER MODIFICATION PROJECT*

*Sec. 201. Authorization of project.*
*Sec. 202. Authorized uses of pathfinder reservoir.*

***SEC. 2. PURPOSES.***

*The purposes of this Act are to authorize—*

*(1) the Secretary of the Interior, acting through the Commissioner of Reclamation and in partnership with the States, other Federal agencies, and other non-Federal entities, to continue the cooperative effort among the Federal and non-Federal entities through the implementation of the Platte River Recovery Implementation Program for threatened and endangered species in the Central and Lower Platte River Basin without creating Federal water rights or requiring the grant of water rights to Federal entities; and*

*(2) the modification of the Pathfinder Dam and Reservoir.*

### *TITLE I—PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM*

***SEC. 101. DEFINITIONS.***

*In this title:*

*(1) AGREEMENT.—The term "Agreement" means the Platte River Recovery Implementation Program Cooperative Agreement entered into by the Governors of the States and the Secretary.*

*(2) FIRST INCREMENT.—The term "First Increment" means the first 13 years of the Program.*

*(3) GOVERNANCE COMMITTEE.—The term "Governance Committee" means the governance committee established under the Agreement and composed of members from the States, the Federal Government, environmental interests, and water users.*

*(4) INTEREST IN LAND OR WATER.—The term "interest in land or water" includes a fee title, short- or long-term easement, lease, or other contractual arrangement that is determined to be necessary by the Secretary to implement the land and water components of the Program.*

*(5) PROGRAM.—The term "Program" means the Platte River Recovery Implementation Program established under the Agreement.*

*(6) PROJECT OR ACTIVITY.—The term "project or activity" means—*

*(A) the planning, design, permitting or other compliance activity, preconstruction activity, construction, construction management, operation, maintenance, and replacement of a facility;*

*(B) the acquisition of an interest in land or water;*

*(C) habitat restoration;*

*(D) research and monitoring;*

*(E) program administration; and*

*(F) any other activity that is determined to be necessary by the Secretary to carry out the Program.*

*(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.*

*(8) STATES.—The term "States" means the States of Nebraska, Wyoming, and Colorado.*

***SEC. 102. IMPLEMENTATION OF PROGRAM.***

*(a) IN GENERAL.—The Secretary, in cooperation with the Governance Committee, may—*

*(1) participate in the Program; and*

*(2) carry out any projects and activities that are designated for implementation during the First Increment.*

*(b) AUTHORITY OF SECRETARY.—For purposes of carrying out this title, the Secretary, in cooperation with the Governance Committee, may—*

*(1) enter into agreements and contracts with Federal and non-Federal entities;*

*(2) acquire interests in land, water, and facilities from willing sellers without the use of eminent domain;*

*(3) subsequently transfer any interests acquired under paragraph (2); and*

*(4) accept or provide grants.*

***SEC. 103. COST-SHARING CONTRIBUTIONS.***

*(a) IN GENERAL.—As provided in the Agreement, the participating States shall contribute not less than 50 percent of the total contributions necessary to carry out the Program.*

*(b) NON-FEDERAL CONTRIBUTIONS.—The following contributions shall constitute the States' share of the Program:*

*(1) $30,000,000 in non-Federal funds, with the balance of funds remaining to be contributed to be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.*

*(2) Credit for contributions of water or land for the purposes of implementing the Program, as determined to be appropriate by the Secretary.*

*(c) IN-KIND CONTRIBUTIONS.—The Secretary or the States may elect to provide a portion of the Federal share or non-Federal share, respectively, in the form of in-kind goods or services, if the contribution of goods or services is approved by the Governance Committee, as provided in Attachment 1 of the Agreement.*

***SEC. 104. AUTHORITY TO MODIFY PROGRAM.***

*The Program may be modified or amended before the completion of the First Increment if the Secretary and the States determine that the modifications are consistent with the purposes of the Program.*

***SEC. 105. EFFECT.***

*(a) EFFECT ON RECLAMATION LAWS.—No action carried out under this title shall, with respect to the acreage limitation provisions of the reclamation laws—*

*(1) be considered in determining whether a district (as the term is defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb)) has discharged the obligation of the district to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;*

*(2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of the construction obligations of the district; or*

*(3) serve as the basis for increasing the construction repayment obligation of the district, which would extend the period during which the acreage limitation provisions would apply.*

*(b) EFFECT ON WATER RIGHTS.—Nothing in this title—*

*(1) creates Federal water rights; or*

*(2) requires the grant of water rights to Federal entities.*

***SEC. 106. AUTHORIZATION OF APPROPRIATIONS.***

*(a) IN GENERAL.—There is authorized to be appropriated to carry out projects and activities under this title $157,140,000, as adjusted under subsection (c).*

*(b) NONREIMBURSABLE FEDERAL EXPENDITURES.—Any amounts expended under subsection (a) shall be considered to be nonreimbursable Federal expenditures.*

*(c) ADJUSTMENT.—The balance of funds remaining to be appropriated shall be adjusted for inflation on October 1 of the year after the enactment of this Act and each October 1 thereafter.*

*(d) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds for projects and activities made available under subsection (a) shall be retained for use in future fiscal years to implement projects and activities under the Program.*

***SEC. 107. TERMINATION OF AUTHORITY.***

*The authority for the Secretary to implement the First Increment shall terminate on September 30, 2020.*

***TITLE II—PATHFINDER MODIFICATION PROJECT***

***SEC. 201. AUTHORIZATION OF PROJECT.***

*(a) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this title as the "Secretary"), may—*

*(1) modify the Pathfinder Dam and Reservoir; and*

*(2) enter into 1 or more agreements with the State of Wyoming to implement the Pathfinder Modification Project (referred to in this title as the "Project"), as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).*

*(b) FEDERAL APPROPRIATIONS.—No Federal appropriations are required to modify the Pathfinder Dam under this section.*

***SEC. 202. AUTHORIZED USES OF PATHFINDER RESERVOIR.***

*The approximately 54,000 acre-feet capacity of Pathfinder Reservoir, which has been lost to sediment but will be recaptured by the Project, may be used for municipal, environmental, and other purposes, as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1462, as introduced by our colleague Congressman MARK UDALL of Colorado and amended by the Committee on Natural Resources, is to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir.

H.R. 1462, as amended, would secure benefits for four target species and their associated habitats while also providing Endangered Species Act compliance for existing and certain new water-related activities in the Platte River basin.

H.R. 1462, as amended, also authorizes the modification of Pathfinder Dam and Reservoir as is required by a legal settlement and is the key part of the water devoted to recovery implementation.

Mr. Speaker, this program is the result of years and years of negotiation and compromise between water users and environmentalists and should be seen as a model for dealing with endangered species conflicts. I congratulate my Democratic colleague from Colorado, the Honorable Representative MARK UDALL, for his hard work on this legislation. And I strongly urge my colleagues to stand in support of this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1462 stems from endangered species conflicts along the Platte River. As a result of lawsuits and the real threat of water and power infrastructure being shut down over endangered species conflicts, the Federal Government, three States, water and power users, and environmental organizations came together on the Platte River Recovery Program, and this legislation implements part of that program. The result is that existing water and power infrastructure is protected while a collaborative and far-reaching program to help save four different species begins.

Since this program is contingent upon Federal appropriations and a State can opt out, the governance committee charged with implementing the program has the enormous responsibility of keeping all stakeholders together, conversing with affected parties, communities and landowners on land and water issues and finding real results. Congress will continue to have oversight on this program to see if it is being run effectively and efficiently. This legislation, if implemented properly, can be a win-win for both the people and species of the Platte River basin.

Mr. Speaker, before I yield back, let me just emphasize again there were so many interests at work here. I don't know if anybody is totally thrilled with the result, but it seemed to be an appropriate way to bring what could be done together to come about with a result that will require oversight, will require monitoring. But under the circumstances to keep things from being totally shut down, we would encourage our colleagues to support this bill.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this legislation, which I introduced earlier this year.

I want to express my thanks to Chairman RAHALL, Ranking Member DON YOUNG, Subcommittee Chairwoman NAPOLITANO, and Subcommittee Ranking Member MCMORRIS RODGERS for making it possible for the bill to come before the House of Representatives today.

The legislation will authorize the Interior Department to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin.

I consider myself fortunate to have the honor of introducing it, and am gratified that it is cosponsored by my Colorado colleagues, Representatives DEGETTE, SALAZAR, and PERLMUTTER, as well as the entire House delegations of our neighboring States of Wyoming and Nebraska.

Its purpose is to continue a cooperative effort involving the Federal Government and the States of Colorado, Nebraska, and Wyoming (and other entities and groups) aimed at recovery of endangered species in ways that will not involve the creation of Federal water rights or requiring the grant of water rights to Federal entities.

This legislation is the result of 14 years of negotiations that culminated last year when the Governors of Colorado, Wyoming, and Nebraska joined Secretary Kempthorne in signing the agreement.

Since then, initial implementing steps have begun and the President's budget for fiscal 2008 has requested the initial funding for the program.

The program is modeled after a somewhat similar program for the recovery of several endangered species of fish in the upper basin of the Colorado River. I have strongly supported that program because it has enabled us in Colorado and other participating States to meet the requirements of the Endangered Species Act while allowing continued development and use of water for other purposes as well.

While such arrangements are not easy to work out, I think doing so is far better than alternative approaches that are more likely to be marked by conflicts or litigation. So, I think all concerned in the negotiation of this important agreement are to be congratulated.

Mr. Speaker, this is an important bill that deserves the support of the entire House, and I urge its approval. For the benefit of our colleagues, I am attaching information about the background of the Recovery Program addressed by the bill:

BACKGROUND

Since 1997, the States of Colorado, Nebraska, and Wyoming have worked with water users, conservation groups and the Interior Department to develop ways to allow continued water use and development along the Platte River to comply with the Endangered Species Act (ESA).

In late 2006 the States and the Interior Department signed the final agreement for a basin-wide Recovery Program to benefit three endangered species (interior least tern, whooping crane, and pallid sturgeon) and one threatened species (piping plover) referred to as the "target species."

The Federal government is to pay half the cost—and the bill authorizes appropriation of those funds. Total authorization would be $157.14 million plus any needed inflation adjustments.

### RECOVERY PROGRAM

The Program is designed to secure defined benefits for the target species and their associated habitats while also providing ESA compliance for existing and certain new water-related activities in the Platte River basin. It is to be incremental, with the First Increment coming over the next 13 years. It would be implemented by a Governance Committee with membership including representatives of the three states, the Interior Department, water users, and environmental groups.

While the Program is designed to provide ESA compliance for existing and certain new water-related activities throughout the Platte River basin upstream of the confluence of the Platte and the Loup Rivers (in Nebraska), the land acquisition and management for the target bird species will occur in the central Platte River region (Lexington to Chapman, Nebraska), and Program water activities would be designed to provide benefits for the target bird species in the central Platte River region and for the pallid sturgeon in the lower Platte River region (below the confluence with the Elkhorn River).

### ELEMENTS OF THE PROGRAM

The Program has three main elements—(1) increasing stream flows in the central Platte River during relevant periods through retiming and water conservation/supply projects; (2) enhancing, restoring and protecting habitat lands for the target bird species; and (3) accommodating certain new water-related activities.

The Program will achieve these results through an adaptive management approach employing scientific monitoring and research to evaluate the management actions and species habitat needs. These elements will be implemented according to underlying principles that require interests in land to be acquired only from willing participants and avoid increasing tax burdens to local citizens by paying taxes or their equivalent on Program lands. Program lands will be held by a land holding entity (rather than by the Federal or state governments) and will be managed under a "good neighbor" policy.

### WATER

The Program's long-term objective for water is to provide sufficient water to and through the central Platte River habitat area to assist in improving and maintaining habitat for the target species using incentive based water projects. During the First Increment (13 years) the Program's objective is to retime and improve flows in the central Platte River to reduce shortages to target flows by an average of 130,000 to 150,000 acre-feet per year at Grand Island.

### LAND

During the First Increment, the Program's objective is to protect, restore, and maintain 10,000 acres of habitat. The Program's long-term objective for land is to acquire land interests, restore where appropriate, and maintain and manage approximately 29,000 acres of suitable habitat along the central Platte River between Lexington and Chapman, Nebraska. Land acquired during the Program's First Increment will be credited to this long-term objective as will certain lands that meet criteria established by the Governance Committee but are managed by other entities such as environmental organizations or utility and irrigation districts.

### FUTURE WATER DEVELOPMENT PROJECTS AND NEW DEPLETIONS

One Program purpose is to mitigate the adverse impacts of certain new water-related activities through the implementation of state and Federal depletions plans. This will allow continued growth and water development to occur in the Platte River basin along with improving conditions for the target species.

Mr. GOHMERT. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I want to thank the House Committee on Natural Resources Chairman RAHALL, Ranking Member YOUNG, Subcommittee Chairwoman NAPOLITANO, Subcommittee Ranking Member MCMORRIS RODGERS and all of the staff for their work on the Platte River Recovery Implementation Program and Pathfinder Modification Authorization Act.

It is encouraging to see this longstanding issue finally reach a settlement. After years of study and review by the states, Federal Government, water users, land owners, and other interested parties, the time has come to resolve this matter once and for all.

I cosponsored this legislation as part of the consensus to recognize the reality of the challenges before us with collective decision-making and cooperation. However, this agreement does impact some of our farmers and ranchers, and we must continue to be cognizant of the impact of the Endangered Species Act. As we move forward with the implementation of the Program, positive and negative economic impacts must be assessed and considered in order to minimize adverse effects of the recovery efforts.

I support moving forward with this legislation as the first step of many to protect and recover species and provide long-term water use for our communities.

Ms. BORDALLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1462, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FEASIBILITY STUDY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1337) to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 1337

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. CENTRAL OKLAHOMA MASTER CONSERVATORY DISTRICT FEASIBILITY STUDY.***

*(a) FINDINGS.—Congress finds that—*

*(1) Thunderbird Lake, located on Little River in central Oklahoma, was constructed in 1965 by the Bureau of Reclamation for flood control, water supply, recreation, and fish and wildlife purposes;*

*(2) the available yield of Thunderbird Lake is allocated to the Central Oklahoma Master Conservatory District, which supplies municipal and industrial water supplies to the cities of Norman, Midwest City, and Del City, Oklahoma; and*

*(3) studies conducted by the Bureau during fiscal year 2003 indicate that the District will require additional water supplies to meet the future needs of the District, including through—*

*(A) the drilling of additional wells;*

*(B) the implementation of a seasonal pool plan at Thunderbird Lake;*

*(C) the construction of terminal storage to hold wet-weather yield from Thunderbird Lake;*

*(D) a reallocation of water storage; and*

*(E) the importation of surplus water from sources outside the basin of Thunderbird Lake.*

*(b) STUDY.—Beginning no later than 1 year after the date of enactment of this Act, the Commissioner of the Bureau of Reclamation shall conduct a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservatory District and cities served by the District, including recommendations of the Commissioner, if any.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commissioner of the Bureau of Reclamation $900,000 to conduct the study under subsection (b).*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1337, introduced by our colleague, Congressman TOM COLE of Oklahoma, is to direct the Commissioner of the Bureau of Reclamation to conduct a feasibility study on alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by that district.

This legislation was previously considered by the House, and we have no objection to this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1337.

H.R. 1337, authored by Congressman TOM COLE, authorizes a feasibility study to assist Norman, Oklahoma, and the surrounding area to meet long-term water supplies through the expansion of a Federal water project.

Like many areas throughout the West, these Oklahoma communities are faced with growing water supply challenges. This thoughtful bill provides limited Federal assistance to expand a Federal reservoir, but preserves local rights and jurisdiction.

Although some of us have concerns that there are people who play football in the Norman, Oklahoma, area and they have been overly aggressive as of late with some of our Texas teams, we are hopeful that by providing this help that it will cool down some of that overaggressiveness.

I would urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I thank my colleague from Texas (Mr. GOHMERT) for his support on this noncontroversial bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1337, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## SANTA ANA RIVER WATER SUPPLY ENHANCEMENT ACT OF 2007

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 813) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 813

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Santa Ana River Water Supply Enhancement Act of 2007".

**SEC. 2. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

**"SEC. 16___. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**

"(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is further amended by inserting after the last item the following:

"16___. Prado Basin Natural Treatment System Project.".

**SEC. 3. REGIONAL BRINE LINES.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

**"SEC. 16___. REGIONAL BRINE LINES.**

"(a) SOUTHERN CALIFORNIA.—The Secretary, under Federal reclamation laws and in cooperation with units of local government, may assist agencies in projects to construct regional brine lines to export the salinity imported from the Colorado River to the Pacific Ocean as identified in—

"(1) the Salinity Management Study prepared by the Bureau of Reclamation and the Metropolitan Water District of Southern California; and

"(2) the Southern California Comprehensive Water Reclamation and Reuse Study prepared by the Bureau of Reclamation.

"(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

"(c) COST SHARING.—The Federal share of the cost of a project to construct regional brine lines described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) $40,000,000.

"(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is further amended by inserting after the last item the following:

"16___. Regional brine lines.".

**SEC. 4. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

**"SEC. 16___. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**

"(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) $50,000,000.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is further amended by inserting after the last item the following:

"16___. Lower Chino dairy area desalination demonstration and reclamation project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 813, as amended, is to authorize the Secretary of the Interior to participate in several important projects to improve water supplies in Southern California. In consultation with the minority, the legislation has been amended to eliminate the authorization and funding for a technology center. Similar legislation passed the House in the 109th Congress.

So, Mr. Speaker, we support this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 813.

H.R. 813 does enjoy bipartisan support from the Orange County, California delegation. This legislation seeks to reduce Southern California's dependence on imported water by helping localities build needed desalinization infrastructure in the region.

Congressman GARY MILLER's bill could not be considered at a better time since millions of water consumers in Southern California may soon feel the brunt of water rationing due to a lawsuit and subsequent judicial decision reducing water deliveries to the region.

A number of our colleagues, on a bipartisan basis, sent a letter over a month ago requesting that the Democratic majority hold a hearing on the impacts of this decision. This Congress needs to recognize that people are a part of the water equation as well in this endangered species debate. We hope the majority will work with us on this important hearing and ways to avoid future water shut-offs.

This legislation may be too late to mitigate harmful lawsuits and judicial decisions, but it will help in the long term; and that is why we support the bill.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of H.R. 813, the Santa Ana River Water Supply Enhancement Act of 2007, which will significantly increase Southern California's water supply.

The Santa Ana River Water Supply Enhancement Act of 2007 authorizes federal funding for a number of important local water projects. When complete, these projects will increase Southern California's water supply by over 37 billion gallons per year.

Because of dwindling supplies, increasing demands, and looming drought, Southern California communities continue to seek non-traditional methods to produce dependable water sources. I am pleased that the House has recognized the importance of addressing the chronic water shortages in Southern California by providing the funding resources necessary to help local water agencies improve water reliability and diversity.

H.R. 813, the Santa Ana River Water Supply Enhancement Act of 2007, will improve Southern California's water supply by developing wetlands in the Prado Basin, and expanding groundwater desalination in the Chino Basin, and constructing regional brine lines.

Specifically, H.R. 813 authorizes the federal government to spend $20 million to develop large-scale wetlands along the Santa Ana River in the Prado Basin, to purify the River before it replenishes Orange County's groundwater supplies. This expanded natural treatment system will provide an additional 24.5 billion gallons of water per year.

In addition, H.R. 813 authorizes $50 million in federal funding to expand groundwater desalination in the Chino Basin from the current 2.9 billion gallons per year to 13 billion gallons per year. This will provide a new fresh drinking water supply for Jurupa Community Services District, Santa Ana Mutual Water Company in Riverside County, and the cities of Norco, Chino, Chino Hills, and Ontario in San Bernardino County.

Also, the bill authorizes $40 million in federal funding to provide methods to safely and efficiently discard excess brine from nearby desalination plants by constructing a line that transports residual brine to the Pacific Ocean. This will ensure salt water does not contaminate fresh groundwater supplies.

If we want to sustain America's economic growth and provide for a rapidly increasing population, we must ensure our communities have efficient and reliable access to water resources. By encouraging the use of innovative technologies through water recycling and desalination, this bill ensures that more drinking water will be available across Southern California.

Mr. Speaker, I urge my colleagues to support this important bill. As it moves forward through the legislative process, I will continue to urge for its expeditious enactment.

Mr. GOHMERT. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 813, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1545

## SAN DIEGO WATER STORAGE AND EFFICIENCY ACT OF 2007

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1803) to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1803

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "San Diego Water Storage and Efficiency Act of 2007".

### SEC. 2. FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as "Secretary"), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under subsection (d) whether the proposed reservoir and intertie project is recommended for construction.

(b) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(c) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this section.

(d) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(1) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(2) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

### SEC. 3. FEDERAL RECLAMATION PROJECTS.

Nothing in this Act shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the study authorized in section 2.

### SEC. 5. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1803, introduced by Congressman DUNCAN HUNTER, would direct the Secretary of the Interior to conduct a feasibility study to design and construct a four-reservoir intertie system. This intertie system will improve the water storage opportunities and water supply reliability for the City of San Diego and the Sweetwater Authority, the third largest water retailer in San Diego County. Similar legislation was passed by the House in the 109th Congress.

We have no objection to this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I rise in support of H.R. 1803 and yield myself such time as I may consume.

This important legislation was introduced by our colleagues from California, President—not President yet—DUNCAN HUNTER and SUSAN DAVIS, both colleagues here in Congress. It represents the first step in expanding increasingly scarce water supplies for the citizens of the San Diego area.

This bill authorizes the Bureau of Reclamation to assess the feasibility of constructing an intertie system between four reservoirs. Several of these reservoirs are significantly below capacity in most years. Once interconnected, water could then be transported to the unused space.

Growing populations and reduced water storage opportunities require us to make efficient use of the supplies that we have, and this bill does just that.

I urge my colleagues to support this noncontroversial bill, which also passed the House in the last Congress. It also follows the adage that an east Texan once told me, "Use what you got." This will allow us to do that. I urge support of this bill.

Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1803.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## MADERA WATER SUPPLY ENHANCEMENT ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1855) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1855

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Madera Water Supply Enhancement Act".

**SEC. 2. DEFINITIONS.**

For the purposes of this Act:

(1) DISTRICT.—The term "District" means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term "Project" means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

(3) SECRETARY.—The term "Secretary" means the Secretary of the United States Department of the Interior.

(4) TOTAL COST.—The term "total cost" means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

**SEC. 3. PROJECT FEASIBILITY.**

(a) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall implement the authority provided in this Act in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

**SEC. 4. COOPERATIVE AGREEMENT.**

All final planning and design and the construction of the Project authorized by this Act shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

**SEC. 5. AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.**

(a) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(b) TOTAL COST.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed $90,000,000.

(c) COST SHARE.—The Federal share of the capital costs of the Project shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(d) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(1) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(2) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(3) the acquisition costs of lands used or acquired by the District for the Project.

(e) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this section. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(f) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(g) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or the assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(h) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this Act $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

**SEC. 6. SUNSET.**

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1855, as amended, is to authorize the Secretary of the Interior to provide support for the design and the construction of the Madera Water Supply and Enhancement Project in California's Central Valley.

Similar legislation was introduced by Congressman RADANOVICH in the 109th Congress and passed by the House. With the concurrence of the minority, H.R. 1855 has been amended to simplify the legislation and to ensure there is no doubt that this project should be promptly funded and constructed without further studies of its feasibility.

We have no objection to this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I rise in support of H.R. 1855 and yield myself such time as I may consume.

Mr. Speaker, this legislation, sponsored by our California colleague and former Water and Power Subcommittee Chair GEORGE RADANOVICH, authorizes the Bureau of Reclamation to participate in the design and construction of the Madera Water Supply and Enhancement Project.

Due to a rapidly growing population and lawsuits filed, once again we hear about those lawsuits filed by San Francisco-based environmental organizations, the San Joaquin Valley of California faces increasing demands on its limited water supply. If excess water in the San Joaquin River exists, this project would store those flows in a nearby aquifer underneath the 13,000-acre Madera Ranch. This stored water bank could prove critical to meeting demands in dry years.

This legislation also unilaterally declares the project feasible, which is something the bureaucracy would normally take years and much paperwork to decide. We commend the majority for agreeing to this rarely-used congressional declaration for a water storage project.

With that, Mr. Speaker, I would like to commend my colleague across the aisle again, a Member of Congress with true grace and class. I appreciate her work on these bills, and I urge my colleagues to support this particular legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, it has been a pleasure to work with my friend, the gentleman from Texas (Mr. GOHMERT), in managing these noncontroversial bills this afternoon, and I want to thank him very much. I hope we have the opportunity again.

Mr. RADANOVICH. Mr. Speaker, I rise in support of H.R. 3897, the Madera Water Supply Enhancement Act. This legislation authorizes the Bureau of Reclamation to participate in the design and construction of the Madera Water Supply Enhancement Project. This important water bank project will help improve water supply in California's San Joaquin Valley, which includes my congressional district.

The Project will be located on the over 13,000-acre Madera Ranch, where the soils are ideal for percolating water from the surface to the aquifer for storage. The land is also a valuable habitat for numerous species and contains large sections of the region's native grasslands.

Since I first introduced this legislation in early 2006 the water supply needs of the area have only increased. Court decisions and drought have led to an increasing demand on water supply in California. Groundwater pumping is exceeding groundwater recharge by approximately 100,000 acre-feet per year, causing severe groundwater level declines. This water bank, by storing excess water in wet years, will provide a much needed source of water in dry years and facilitate the restoration of groundwater levels over time.

The Madera Irrigation District has worked tirelessly to develop this exciting and innovative project that will increase water supply, provide groundwater resource protection, contribute to habitat conservation and have other positive impacts on the severe water supply and reliability problem in the area.

The looming water crisis in California demands more feasible water supply projects, such as this water bank. I am encouraged by the authorization of this project and look forward to many more projects to ensure the water supply and quality in California. Companion legislation has been introduced by Senator DIANNE FEINSTEIN. Hopefully, with the support of the Senate we will see this project come to fruition.

I urge my colleagues to support this legislation to expand water supply opportunities in Madera and California's San Joaquin Valley.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1855, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 22, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 22, 2007, at 9:51 a.m.:

That the Senate passed without amendment H.R. 3233.

With best wishes, I am,
Sincerely,
LORRAINE C. MILLER,
*Clerk of the House.*

## SUPPORTING THE GOALS OF NATIONAL BULLYING PREVENTION AWARENESS WEEK

Mrs. MCCARTHY of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 762) supporting the goals of National Bullying Prevention Awareness Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 762

Whereas bullying among school-aged children is aggressive behavior that is intentional, often involves an imbalance of power or strength, and is typically repeated over time;

Whereas by some estimates, millions of students are bullied each year;

Whereas bullying can take many forms, including hitting or punching; teasing or name-calling; intimidating through gestures or social exclusion, and sending insulting, threatening, or offensive messages or images via e-mail, text, telephone, or other electronic means;

Whereas there is no single cause of bullying among school-aged children; rather, individual, familial, peer, school, and community factors may place a child or youth at risk of bullying his or her peers;

Whereas a majority of parents, students, and educators report that bullying and harassment are issues of major concern;

Whereas school-aged children who are bullied are more likely than other children to be depressed, lonely, or anxious; have low self-esteem; be absent from school; have more physical complaints, such as headaches and stomach aches; and think about suicide;

Whereas bullying others may be an early sign of other serious antisocial or violent behavior or both;

Whereas school-aged children who frequently bully their peers are more likely than their peers to get into frequent fights, be injured in a fight, vandalize or steal property, drink alcohol, smoke, be truant from school, drop out of school, or carry a weapon;

Whereas harassment and bullying have been linked to 75 percent of school shooting incidents, including the fatal shootings at Columbine High School in Colorado, Santana High School in California, and the Virginia Polytechnic Institute and State University (Virginia Tech);

Whereas the stresses of being bullied or harassed can interfere with student's engagement and learning in school and may have a negative impact on student learning;

Whereas research indicates that bullying at school can be significantly reduced through comprehensive, school-wide programs designed to change norms for behavior; and

Whereas National Bullying Prevention Awareness Week is October 21 through October 27: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes that bullying of school-aged children is a national concern;

(2) recognizes that bullying is unhealthy for our families and communities;

(3) commends the efforts of national and community organizations, schools, parents, recreation programs, and religious institutions for their efforts to promote greater public awareness about bullying and prevention activities; and

(4) supports the goals of National Bullying Prevention Awareness Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. McCARTHY of New York. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 762 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. McCARTHY of New York. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of National Bullying Prevention Awareness Week.

Bullying among children is aggressive behavior that is intentional and often repeated over time. It is estimated that 3.2 million students are bullied each year. These children that are victims of bullying often have a hard time defending themselves. They are the target of hitting, teasing, name-calling, intimidation and social exclusion. With the arrival of the digital age, bullying is taking place over e-mail in online communities such as MySpace and Facebook.

There is no single cause of bullying among school children. Several factors can make a child the target of aggressive bullying. What we do know is that students with disabilities and special needs are more often targeted by bullies. Overweight and obese children are also far more likely to be the victims of bullying. This weight-based teasing often causes body image issues with the children, sometimes leading to depression and even suicide. Bullying can often be a sign of serious antisocial behavior, and many children who bully are often dealing with issues in their home life.

We have all seen the horrors that can occur when bullying does go unchecked. The students at Columbine High School were the subjects of constant bullying. We are all aware of what happened when they reached their breaking point.

Congress cannot sit and wait for another tragedy to occur before we act. That is why I have introduced, with my colleague, today's resolution. The resolution recognizes this week as National Bullying Prevention Awareness Week, and commends the many programs and organizations that do great work in preventing the cycle of bullying.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 762, supporting the goals of National Bullying Prevention Awareness Week.

According to the Health Resources and Services Administration of the United States Department of Health and Human Services, bullying is aggressive behavior that is intentional, repeated over time, and involves an imbalance of power or strength.

In practical terms, bullying happens when one child purposely hurts, scares or intimidates another. Bullying can seriously affect the mental and physical health as well as the academic work of children who are targeted.

Bullying can take place face to face, online or through other types of technology, such as text messaging over cell phones. The person being bullied has a difficult time defending himself or herself and feels victimized or abused. Usually bullying happens repeatedly, and studies show that between 15 and 25 percent of U.S. students are bullied with some frequency.

Bullying is prevalent, and children are concerned about it. In a 2003 Harris poll of 8- to 17-year-old girls commissioned by the Girl Scouts of America, bullying topped girls' lists of concerns regarding their safety. When asked what they worried most about, the common response was being socially ostracized, being made fun of, or being teased. To protect kids who are bullied, parents and adults must understand what bullying is, how harmful it can be, and the best ways to stop bullying behaviors.

According to the American Psychological Association, the most effective prevention strategies are comprehensive in nature, involving the entire school as a community working to change the climate of the school and norms of behavior. It's crucial that parents, educators and administrators, health care professionals and researchers work together to reduce bullying. Campaigns are taking place in the U.S. and abroad to teach children that they play an important role in the prevention of bullying and to raise awareness of the problem among adults. Children should feel comfortable in their communities and in their schools. They should not have to fear harassment, abuse or exclusion. We must continue to support efforts to combat bullying.

I thank the gentlewoman from New York (Mrs. MCCARTHY) for introducing this resolution. I ask for my colleagues' support.

Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I want to thank my colleague from New York (Mr. KUHL) for his work in working on this bipartisan agreement.

Mr. Speaker, I yield 5 minutes to Congresswoman LINDA SÁNCHEZ from California, who has been working on this issue for many, many years.

□ 1600

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today in strong support of this resolution, supporting the goals of National Bullying Prevention Week. It is time that we recognize that bullying is a serious problem and support our local communities in their attempts to address it.

Contrary to what is sadly still popular belief, bullying is neither a minor nuisance nor something to be laughed off. It is not a rite of passage, but instead an aggressive interference with a child's right to go to school, to learn, and to play in safety. Although any child may be bullied, some children face much greater risks than others. Children whom others perceive to be gay or lesbian are especially at risk, as are children who are obese.

Just what kind of dangers do these children face? Here are just 2 stories of students bullied on the basis of their sexual orientation.

One California student was recently subjected to verbal harassment and name-calling by students and teachers, spit on in school hallways, subjected to sexually suggestive touching, and even referred to an independent study program, as if the bullying and harassment were the victim's fault.

A Kentucky student received death threats, repeated unwanted sexual contact, offensive and hostile verbal abuse, and sexual intimidation and humiliation, including sexually explicit graffiti on the school parking lot depicting 2 male figures engaged in a sexual act with the student's name above the picture.

It is regrettable that not all my colleagues agree that all adults should be treated equally regardless of their sexual orientation or gender identity. But surely we can agree that all children deserve to be protected from abuse.

As many as three-quarters of school shooting incidents have been linked to bullying and harassment. We know that the shooters in the Columbine High School and Virginia Tech tragedies were bullying victims.

Yet, even in the face of this evidence, many communities have still failed to take action against bullying. It is time for us to stop making excuses for aggressive behavior. Instead of letting our most vulnerable young people fend for themselves, we, as adults, must help schools address this problem. We must get the word out that bullying is never okay.

Kids can't succeed in school if they're being bullied and harassed.

I'm pleased to be able to honor today a wide variety of groups that are working to help parents, schools, and communities combat bullying and harassment.

I also honor those that teach children how to nonviolently defend themselves against bullying, whether in person or via electronic means such as e-mail, telephone, or text message. For example, nonprofit groups like i-SAFE, TeenAngels, and TweenAngels have developed curricula that help children and youth stay safe online. And the National PTA and the American Psychological Association have provided instrumental support for efforts to assist local schools in their attempts to create a safer, bullying-free environment.

I am so pleased that Congress is working in a bipartisan way to advance this resolution, which recognizes that bullying and harassment are violent and damaging behaviors that we can and must address.

Additionally, I am pleased that Chairman GEORGE MILLER and Ranking Member BUCK McKEON of the Education and Labor Committee have already gone a step farther. In their No Child Left Behind reauthorization discussion draft, they have included language that will ensure that schools can use their Safe and Drug Free Schools funding to reduce bullying and harassment.

I ask my colleagues to join me, not only in supporting this resolution, but also in supporting other legislation that would protect our children and youth from bullying and harassment. No student should be denied full access to education as a result of the fear and intimidation that stems from instances of bullying and harassment. All our children deserve to be safe.

I want to commend again the gentlewoman from New York (Mrs. McCARTHY) for her work on this resolution. Thank you.

Mr. KUHL of New York. Madam Speaker, I might inquire as to whether or not the gentlewoman from New York has any additional speakers.

Mrs. McCARTHY of New York. Madam Speaker, we have no more speakers.

Mr. KUHL of New York. Madam Speaker, I would thank the gentlewoman for bringing this resolution to the floor once again, and I yield back the balance of my time.

Mrs. McCARTHY of New York. Madam Speaker, we have heard some points about bullying in our schools across America. Recently, the Girl Scouts of America had actually done a survey. In my home district, they asked their Girl Scouts and their Brownies on addressing bullying and asked if any of them had participated in it. They were actually shocked at how many of their girls, Girl Scouts, actually participated in bullying.

I think that when we look at bullying today, it is an issue that teachers, parents, students themselves need to be educated on. With that, I am hoping that this resolution will go forward so people are aware. Bullying cannot be tolerated. It does hurt our young people. It certainly hurts their self-image. It is something that we need to face.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). The question is on the motion offered by the gentlewoman from New York (Mrs. McCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 762.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. McCARTHY of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## CONGRATULATING THE WICHITA STATE UNIVERSITY WOMEN'S BOWLING TEAM FOR WINNING THE 2007 UNITED STATES BOWLING CONGRESS INTERCOLLEGIATE BOWLING NATIONAL CHAMPIONSHIP

Mrs. McCARTHY of New York. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 472) congratulating and commending the Wichita State University women's bowling team for winning the 2007 United States Bowling Congress Intercollegiate Bowling National Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 472

Whereas on April 21, 2007, the Wichita State University (WSU) women's bowling team won the 2007 United States Bowling Congress (USBC) Intercollegiate Bowling National Championship Tournament in Wichita, Kansas;

Whereas WSU, on the final day of the tournament, defeated Central Florida University 4 games to 1 in the semi-finals and McKendree College (Illinois) 2 games to 0 in the finals to win the national championship;

Whereas the WSU women's bowling team has won eight Intercollegiate Bowling National Championships (1975, 1977, 1978, 1986, 1990, 1994, 2005, and 2007) and has advanced to the national tournament a record 31 times;

Whereas Head Coach Gordon Vadakin has coached the WSU bowling team since 1978, leading them to the Intercollegiate Bowling National Championship Tournament 29 times and has coached the team to six national titles;

Whereas Women's Coach Mark Lewis and Assistant Women's Coach Kristal Scott directly coached the 2007 WSU women's bowling team to the national championship in Wichita, Kansas;

Whereas both Head Coach Gordon Vadakin and Women's Coach Mark Lewis are members of the USBC Hall of Fame;

Whereas the 2007 national championship team is comprised of the following members: Daniela Alvarado, Ashley Cox, Elysia Current, Sandra Gongora, Melissa Hurst, Samantha Linder, Emily Maier, Rocio Restrepo, Ricki Williams, and Felicia Wong; and

Whereas WSU Juniors Elysia Current and Emily Maier were named as First Team All-Americans, and Maier was named as a member of the All-Tournament Team of the 2007 Intercollegiate Bowling National Championship Tournament: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates and commends the Wichita State University (WSU) women's bowling team for winning the 2007 United States Bowling Congress (USBC) Intercollegiate Bowling National Championship Tournament;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the WSU women's bowling team win the national championship; and

(3) respectfully requests the Clerk of the House of Representatives to transmit enrolled copies of this resolution to the following individuals for appropriate display—

(A) Donald L. Beggs, President of Wichita State University;

(B) Gordon Vadakin, Head Coach;

(C) Mark Lewis, Women's Coach; and

(D) Kristal Scott, Assistant Women's Coach.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. McCARTHY) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

### GENERAL LEAVE

Mrs. McCARTHY of New York. Madam Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 472 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. McCARTHY of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to congratulate the Wichita State University women's bowling team for winning the 2007 United States Bowling Congressional Intercollegiate Bowling National Championship. On April 21, 2007, the Wichita State University women's bowling team won the 2007 USBC Bowling National Championship Tournament by defeating Central Florida University in Wichita, Kansas.

I also want to congratulate head coach Gordon Vadakin, women's coach Mark Lewis, assistant women's coach Kristal Scott, athletic director Jim Schaus, Wichita State University president Donald L. Beggs and the student athletes on an excellent season.

After bowling 8 events, the women's team played 362 games and knocked down 68,227 pins for an average score of 188.5 points. This was the eighth Intercollegiate Bowling National Championship for the Wichita State University women's bowling team and a record 31st appearance at the national tournament. The Shockers also had 2 juniors, Elysia Current and Emily Maier, named as First Team All-Americans, with Emily Maier being named to the All-Tournament team.

Winning the 2007 USBC Bowling National Championship Tournament and winning their eighth national title has revealed its excellent athletic program at Wichita State University to the Nation. I know the fans, students, and alumni of the university will remember this moment for many years to come.

Madam Speaker, once again I congratulate Wichita State University for their success.

I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 472, congratulating and commending the Wichita State University's bowling team for winning the 2007 United States Bowling Congress Intercollegiate Bowling National Championship. On April 21, 2007, the Wichita State University Shockers, as they are called, women's bowling team defeated McKendree College 2 games to none to claim their eighth national championship.

In game one, both teams went head-to-head in a low-scoring match. However, the Shockers were able to capitalize on a McKendree split and pull out a win 138–128. Close match. In the second match, the Shockers completely outplayed McKendree as senior Felicia Wong and junior Emily Maier doubled in the third and fourth frame and again in the eighth and the ninth to close out the match and claim the title.

This year's title is the team's first since 2005 and the eighth overall, which is the most in all of college bowling history. This title also adds to the amazing legacy of Wichita State bowling, as it is the 15th in school history, eight women's titles, seven men's titles.

Founded in 1895, Wichita State University offers more than 60 undergraduate degree programs in more than 200 areas of study in six undergraduate colleges. The graduate school offers an extensive program, including 44 master's degrees in more than 100 areas and a specialist in education degree. It offers doctoral degrees in applied mathematics and chemistry, communicative disorders and sciences, psychology, educational administration and aerospace, and electrical, industrial and mechanical engineering.

Together with the City of Wichita, Wichita State University has built one of the most unique partnerships in Kansas, one that over the years has propelled each to new heights.

I extend my congratulations to head coach Gordon Vadakin, women's coach Mark Lewis, assistant women's coach Kristal Scott and President Donald Beggs, all of the hard-working players, certainly the fans and to Wichita State University. I am happy to join my colleague, Representative TODD TIAHRT, in honoring an exceptional team in all its accomplishments and wish all involved continued success. I ask my colleagues certainly to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Does my colleague from New York have any more speakers?

Mr. KUHL of New York. Yes, Madam Speaker, I have one, and if it would be appropriate, I yield 5 minutes at this time to my colleague Mr. TIAHRT from Kansas.

Mr. TIAHRT. Madam Speaker, I thank the gentleman from New York. I am pleased today to have the privilege of honoring the 2007 National Championship Wichita State University women's bowling team. House Resolution 472 congratulates and commends the Wichita State University's bowling team for winning the 2007 United States Bowling Congress Intercollegiate Bowling National Championship.

Though known for its baseball and lately its basketball teams, the Shockers have had a long tradition of championship bowlers, and last year's team again made the region proud. The Wichita State University's women's bowling team has won eight intercollegiate bowling national championships, 1975, 1977, 1978, 1986, 1990, 1994, 2005, and now 2007, and has advanced to the national tournament a record 31 times.

On April 21, 2007, the Wichita State University's women's bowling team won the 2007 United States Bowling Congress Intercollegiate Bowling National Championship Tournament in Wichita by defeating Central Florida University four games to one in the semi-finals and McKendree College of Illinois two games to zero in the finals.

Wichita State University earned the second seed on the day after completing 32 baker games. On day two, the team defeated Ohio State University four games to one in the best of seven series, Purdue University four to one and Newman University four games to two to advance to the semifinals.

On the final day of the tournament, the Wichita State University women defeated Central Florida University four games to one in the semi-finals and McKendree College two games to zero in the finals to win the national championship at home at Northrock Lanes.

Despite having a top caliber team, the championship was not assured going into the season because the Shockers had lost seven players from their top-ranked team from the 2006 season. The 2007 additions included six new members and three international players, Wichita local freshman Ricki Williams and two transfers. None of the bowlers had been in a championship game before nor a televised game. Yet they did not let the hype overpower them and instead let their talent shine through.

I want to congratulate WSU President Don Beggs and athletic director Jim Schaus for their leadership by creating a great university and an excellent athletic program. Wichita State is blessed to have two coaches, Gordon Vadakin and Mark Lewis, who are themselves members of USBC Hall of Fame. Head coach Gordon Vadakin has coached the team since 1978, leading it to the Intercollegiate Bowling National Championship Tournament 29 times and has coached the team to six national titles. Women's coach Mark Lewis and assistant women's coach Kristal Scott directly coached the 2007 WSU women's team to the national championship in Wichita, Kansas.

The 2007 national championship team is comprised of the following members: Daniela Alvarado, Ashley Cox, Elysia Current, Sandra Gongora, Melissa Hurst, Samantha Linder, Emily Maier, Rocio Restrepo, Ricki Williams and Felicia Wong. WSU juniors, Elysia Current and Emily Maier, were named the First Team All-Americans, and Maier was named as the member of the All-Tournament team of the Intercollegiate Bowling Championship Tournament. I also want to thank Amy Skeen of my staff who worked on this resolution and getting it to the floor.

Once again, I am very pleased that today the United States House of Representatives will congratulate and commend the Wichita State University's women's bowling team for winning the 2007 Intercollegiate Bowling National Championship Tournament. Go Shox.

Mrs. McCARTHY of New York. Madam Speaker, in closing, I urge my colleagues to support House Resolution 472. Team athletic competition teaches student athletes teamwork, cooperation, and leadership. These skills will translate into the classroom for each student as well as into their professional lives. I urge my colleagues to vote "yes" on H. Res. 472, celebrating the success of the Wichita State University Shockers.

Mr. KUHL of New York. I yield back the balance of my time, Madam Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. McCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 472.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1615

## REGULATORY IMPROVEMENT ACT OF 2007

**Ms. LINDA T. SÁNCHEZ of California.** Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3564) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3564

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Regulatory Improvement Act of 2007".

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

Section 596 of title 5, United States Code, is amended to read as follows:

**"§ 596. Authorization of appropriations**

"There are authorized to be appropriated to carry out this subchapter not more than $1,000,000 for fiscal year 2008, $3,300,000 for fiscal year 2009, $3,400,000 for fiscal year 2010, and $3,500,000 for fiscal year 2011. Of any amounts appropriated under this section, not more than $2,500 may be made available in each fiscal year for official representation and entertainment expenses for foreign dignitaries.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

**Ms. LINDA T. SÁNCHEZ of California.** Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

**Ms. LINDA T. SÁNCHEZ of California.** Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Federal regulation process is among the most important ways by which our Nation implements public policy. Each year, agencies issue thousands of regulations to ensure that the food we eat, the air we breathe, and the cars we drive are safe. Surprisingly, however, there is little empirical analysis of whether these regulations work as intended.

Until 1995, the last year it received federal funding, the Administrative Conference of the United States was a nonpartisan, public-private think tank that provided invaluable guidance to Congress about how to improve the administrative and regulatory process. First established on a temporary basis, the conference, over the course of its nearly 30-year existence, made numerous recommendations, many of which were enacted into law. H.R. 3564, the Regulatory Improvement Act of 2007, would simply reauthorize the conference for an additional 4 years.

Madam Speaker, some might ask why we should reauthorize an entity that has not been in existence for nearly a dozen years. Let me just mention three reasons. First, the conference saved taxpayers many millions of dollars. It helped agencies implement cost-saving procedures and made recommendations that work to eliminate excessive litigation costs and long delays. Just one agency alone, the Social Security Administration, estimated that the conference's recommendation to change its appeals process yielded approximately $85 million in savings.

Indeed, Justice Stephen Breyer testified before the Subcommittee on Commercial and Administrative Law about the "huge" savings to the public resulting from the conference's recommendations. Justice Antonin Scalia likewise agreed that it was an "enormous bargain."

Second, the Administrative Conference promoted innovation among agencies. For example, it convinced 24 agencies to use alternative dispute resolution for issues concerning the private sector. The conference also spearheaded the implementation of the Negotiated Rulemaking Act, the Equal Access to Justice Act, and the Magnusson-Moss Warranty Act, governing consumer product warranties.

Madam Speaker, the conference played a major role in encouraging agencies to promulgate smarter regulations. It did this by improving participation in the rulemaking process, promoting judicial review of agency regulations, and reducing regulatory burdens on the private sector.

Third, and perhaps more importantly, Congress needs the conference. Experience with the Congressional Review Act demonstrates that we simply lack the resources and, sometimes, the political will to conduct aggressive oversight of regulations. Congressional recognition of the conference's significant contributions to the regulatory process is probably best evidenced by the fact that in nearly every Congress since its demise in 1995, legislation has been introduced assigning responsibilities to the conference. The Congressional Research Service advises that reactivation of the conference comes at an opportune time, especially in light of efforts by the executive branch to augment its role in the regulatory process.

Madam Speaker, there are few entities that enjoyed more bipartisan support than the Administrative Conference. I commend my colleague, the ranking member of the Subcommittee on Commercial and Administrative Law, Mr. CANNON of Utah, for his continued leadership in pursuing the reauthorization of the conference. I urge my colleagues to support H.R. 3564.

Madam Speaker, I would like to insert into the RECORD two letters from Supreme Court Justices Breyer and Scalia written in 1995 that describe the importance of the Administrative Conference of the United States.

SUPREME COURT OF THE
UNITED STATES,
*Washington, DC, August 21, 1995.*

HON. CHARLES E. GRASSLEY,
*Chairman, Subcommittee on Administrative Oversight, and the Courts, U.S. Senate Committee on the Judiciary, Washington, DC.*

DEAR SENATOR GRASSLEY, thank you for the invitation to submit a few comments about the Administrative Conference of the United States. As a "liaison" to the Administrative Conference (from the Judicial Conference), I have participated in its activities from 1981 to 1994. I believe that the Conference is a unique organization, carrying out work that is important and beneficial to the average American, at rather low cost.

The Conference primarily examines government agency procedures and practices, searching for ways to help agencies function more fairly and more efficiently. It normally focuses upon achieving "semi-technical" reform, that is to say, changes in practices that are general (involving more than a handful of cases and, often, more than one agency) but which are not so controversial or politically significant as to likely provoke a general debate, say, in Congress. Thus, it may study, and adopt recommendations concerning better rule-making procedures, or ways to avoid legal technicalities, controversies, and delays through agency use of negotiation, or ways of making judicial review of agency action less technical and easier for ordinary citizens to obtain. While these subjects themselves, and the recommendations about them, often sound technical, in practice they may make it easier for citizens to understand what government agencies are doing to prevent arbitrary government actions that may harm them.

The Administrative Conference is unique in that it develops its recommendations by bringing together at least four important groups of people: top-level agency administrators; professional agency staff; private (including "public interest") practitioners; and academicians. The Conference will typically commission a study by an academician, say, a law professor, who often has the time to conduct the study thoughtfully, but may lack first-hand practical experience. The professor will spend time with agency staff, which often has otherwise unavailable facts and experience, but may lack the time for general reflection and comparisons with other agencies. The professor's draft will be reviewed and discussed by private practitioners, who bring to it a critically important practical perspective, and by top-level administrators such as agency heads, who can make inter-agency comparisons and may add special public perspectives. The upshot is likely to be a work-product that draws upon many different points of view, that is practically helpful and that commands general acceptance.

In seeking to answer the question, "Who will control the regulators?" most governments have found it necessary to develop institutions that continuously review, and recommend changes in, technical agency practices. In some countries, ombudsmen, in dealing with citizen complaints, will also recommend changes in practices and procedures. Sometimes, as in France and Canada, expert tribunals will review decisions of other agencies and help them improve their procedures. Sometimes, as in Australia and the United Kingdom, special councils will advise ministries about needed procedural reforms. Our own Nation has developed this rather special approach (drawing together scholars, practitioners, and agency officials) to bringing about reform of a sort that is more general than the investigation of individual complaints yet less dramatic than that normally needed to invoke Congressional processes. Given the Conference's rather low cost (a small central staff, commissioning academic papers, endless amounts of volunteered private time, and two general meetings a year), it would be a pity to weaken or to lose. our federal government's ability to respond effectively, in this general way, to the problems of its citizens.

I do not see any other institution readily available to perform this same task. Individual agencies, while trying to reform themselves, sometimes lack the ability to make cross-agency comparisons. The American Bar Association's Administrative Law Section, while a fine institution, cannot call upon the time and resources of agency staff members and agency heads as readily as can the Administrative Conference. Congressional staffs cannot as easily conduct the technical research necessary to develop many of the Conference's more technical proposals. The Office of Management and Budget does not normally concern itself with general procedural proposals.

All this is to explain why I believe the Administrative Conference performs a necessary function, which, in light of the cost, is worth maintaining. I recognize that the Conference is not the most well known of government agencies; indeed, it is widely known only within a fairly small (administrative practice oriented) community. But, that, in my view, simply reflects the fact that it does its job, developing consensus about change in fairly technical areas. That is a job that the public, whether or not it knows the name "Administrative Conference," needs to have done. And, for the reasons I have given, I believe the Administrative Conference well suited to do it.

I hope these views will help you in your evaluation of the Conference.

Yours sincerely,

STEPHEN BREYER.

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SUPREME COURT OF THE
UNITED STATES,
*Washington, DC, July 31, 1995.*

Hon. CHARLES E. GRASSLEY,
*Chairman, Subcommittee on Administrative Oversight and the Courts, U.S. Senate, Committee on the Judiciary, Washington, DC.*

DEAR SENATOR GRASSLEY: Thank you for the invitation to appear at the hearing on "The Reauthorization of the Administrative Conference" scheduled for August 2. I will be unable to do so, but your staff has advised me that a letter would be appropriate.

I am not a good source of information concerning recent accomplishments of the Conference. I have not followed its activities closely since stepping down as its Chairman in 1974. I can testify, however, concerning the nature of the Conference, and its suitability for achieving its objectives.

The Conference seeks to combine the efforts of scholars, practitioners, and agency officials to improve the efficiency and fairness of the thousands of varieties of federal agency procedures. In my judgment, it is an effective mechanism for achieving that goal, which demands change and improvement in obscure areas where bureaucratic inertia and closed-mindedness often prevail. A few of the Conference's projects have had major, government-wide impact—for example, its recommendation leading to Congress's adoption of Public Law 94-574, which abolished the doctrine of sovereign immunity in suits seeking judicial review of agency action. For the most part, however, each of the Conference's projects is narrowly focused upon a particular agency program, and is unlikely to attract attention beyond the community affected by that program. This should be regarded, not as a sign of ineffectiveness, but evidence of solid hard work: for the most part, procedural regimes are unique and must be fixed one-by-one.

One way of judging the worth of the Conference without becoming expert in the complex and unexciting details of administrative procedure with which it deals, is to examine the roster of men and women who have thought it worthwhile to devote their time and talent to the enterprise. Over the years, the academics who have served as consultants to or members of the Conference have been a virtual Who's Who of leading scholars in the field of administrative law; and the practitioners who have served as members have been, by and large, prominent and widely respected lawyers in the various areas of administrative practice.

I was the third Chairman of the Administrative Conference. Like the first two (Prof. Jerre Williams of the University of Texas Law School, and Prof. Roger Cramton of the University of Michigan Law School), and like my successor (Prof. Robert Anthony of Cornell Law School) I was an academic—on leave from the University of Virginia Law School. The Conference was then, and I believe remains, a unique combination of scholarship and practicality, of private-sector insights and career-government expertise.

I would not presume to provide the Subcommittee advice on the ultimate question of whether, in a time of budget constraints, the benefits provided by the Administrative Conference are within our Nation's means. But I can say that in my view those benefits are substantial: the Conference has been an effective means of opening up the process of government to needed improvement.

Sincerely,

ANTONIN SCALIA.

Mr. CANNON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3564. I would like to, first of all, thank the gentlewoman from California for her leadership on this issue. I appreciate working with her.

I am delighted that H.R. 3564, which would reauthorize the Administrative Conference of the United States, is being considered on the floor today. I urge support of this measure. I also urge the Appropriations Committee to appropriate funds to ACUS so that this organization can once again become a living, breathing reality.

Madam Speaker, I am a believer in the adage that the government that governs best governs least; but when the government does govern, it must govern as its best. ACUS is just the organization to help us achieve that goal. Before its funding ceased some years ago, it laid down a decades-long track record of productive activity that was remarkable, unmistakable, and probably unparalleled.

Over the course of its 28-year existence, the conference issued more than 200 recommendations, some of which were governmentwide and others that were agency specific. It issued a series of recommendations eliminating a variety of technical impediments to the judicial review of agency action and encouraging less costly consensual alternatives to litigation.

The fruits of these efforts include the enactment of the Administrative Dispute Resolution Act of 1990, which established a framework for the use of Alternative Dispute Resolution. In addition to this legislation, ACUS served as the key implementing agency for the Negotiated Rulemaking Act, the Equal Access to Justice Act, the Congressional Accountability Act, and the Magnusson-Moss Warranty-Federal Trade Commission Improvement Act. The Conference also made recommendations regarding implementation of the Congressional Accountability Act and played a key role in the Clinton administration's National Performance Review with respect to improving regulatory systems.

Madam Speaker, time and again, ACUS took the small amount of taxpayer funds that we appropriated and produced enormous savings in the costs incurred and imposed by Federal regulatory agencies. That record is so clear that I can say with absolute confidence that, if we were not to authorize ACUS, we would effectively authorize waste in the rest of the Federal Government. I can say with equal confidence that if the Appropriations Committee were not to appropriate funds to ACUS after the Congress passes this bill, it would effectively appropriate waste by the Federal Government to the tune of millions upon millions of dollars.

Many of you may know my enthusiasm for ACUS, and it will not surprise you that hordes of experts, officials and stakeholders outside of these walls, share that same enthusiasm as well, including Justices Scalia and Breyer, both of whom worked with ACUS in an earlier part of their careers.

To quote just one legal luminary, "If the conference didn't exist, it would have to be invented." Thankfully, we don't need to invent it. We did that long ago. We know it was a great invention. All we need to do is to reauthorize it today and to appropriate funds for it.

Madam Speaker, I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, regulations play a critical role in virtually every aspect of our daily lives, yet there is no independent, nonpartisan entity that Congress can utilize to scrutinize and approve the regulatory process. Accordingly, it is critical that we reauthorize the Administrative Conference of the United States as soon as possible so that it can fill this serious void.

I realize that this may not be the sexiest issue on the docket today, but I urge my colleagues to support this bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 3564.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RECOGNIZING THE 60TH ANNIVERSARY OF THE MENDEZ v. WESTMINSTER DECISION

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 721) recognizing the 60th anniversary of the Mendez v. Westminster decision which ended segregation of Mexican and Mexican American students in California schools, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 721

Whereas Mendez v. Westminster was a 1947 Federal court case that challenged racial segregation in California schools;

Whereas in its ruling, the United States Court of Appeals for the Ninth Circuit, in an en banc decision, held that the segregation of Mexican and Mexican American students into separate "Mexican schools" was unconstitutional;

Whereas on March 2, 1945, a group of Mexican-American fathers (Thomas Estrada, William Guzman, Frank Palomino, and Lorenzo Ramirez), led by Gonzalo Mendez on behalf of his daughter Sylvia, challenged the practice of school segregation in the U.S. District Court in Los Angeles;

Whereas the fathers claimed that their children, along with 5,000 other children of "Mexican and Latin descent", were victims of unconstitutional discrimination by being forced to attend separate "Mexican" schools in the Westminster, Garden Grove, Santa Ana, and El Modena school districts of Orange County;

Whereas Judge Paul J. McCormick ruled in favor of Mendez and his co-plaintiffs on February 18, 1946;

Whereas the Westminster school district appealed the decision of the district court;

Whereas when the district appealed Judge McCormick's decision, several organizations joined the appellate case as amicus curiae, including the NAACP, represented by Thurgood Marshall;

Whereas more than a year later, on April 14, 1947, the Ninth Circuit Court of Appeal affirmed the district court's ruling;

Whereas the Ninth Circuit ruled only on the narrow grounds that, although California law provided for segregation of students, it only did so for "children of Chinese, Japanese or Mongolian parentage" and did not provide for "the segregation of school children because of their Mexican blood,", therefore it was unlawful to segregate the Mexican children;

Whereas later in 1947, California Governor and future Chief Justice of the United States Earl Warren signed into law a repeal of the last remaining school segregation statutes in the California Education Code and thus ended "separate but equal" in California schools and with it school segregation;

Whereas seven years later, Brown v. Board of Education held "separate but equal" schools to be unconstitutional, ending school segregation throughout the United States; and

Whereas on April 14, 2007, the Mendez family celebrated the 60th anniversary of the Mendez v. Westminster decision: Now, therefore, be it

*Resolved*, that the House of Representatives—

(1) recognizes the 60th anniversary of the Mendez v. Westminster decision which ended segregation of Mexican and Mexican American students in California schools;

(2) honors the Mendez family and congratulates Sylvia Mendez for her continued efforts to keep alive the importance of this case and the impact it had on her future; and

(3) encourages the continued fight against school segregation and the education of the people of the United States of the civil right implications of the Mendez v. Westminster case.

The SPEAKER pro tempore (Mr. GORDON of Tennessee). Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

### GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks and include extraneous materials for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 721 recognizes the 60th anniversary of the Mendez v. Westminster School District decision which ended segregation of Mexican and Mexican American students in California schools and honors the Mendez family. I want to commend the gentleman from Texas (Mr. GONZALEZ) for introducing this important resolution, which I am proud to cosponsor.

As the daughter of Mexican immigrants, this decision has special meaning for me. Like the parents in the Mendez case, my parents understood the importance of education in the realization of the American Dream. Thanks to their efforts and encouragement, all seven of their children have excelled, earning college and advanced degrees.

The Mendez decision really marked a turning point in the effort to win full rights for all Californians of Mexican descent. While the court ruled on narrow grounds that California law did not authorize the school district to create separate so-called "Mexican schools," the importance and effect of that decision went much further.

The words of the U.S. Court of Appeals for the Ninth Circuit are worth repeating. "By enforcing the segregation of school children of Mexican descent against their will and contrary to the laws of California, the school district may have violated the Federal law as provided in the 14th amendment to the Federal Constitution by depriving them of liberty and property without due process of law and by denying to them the equal protection of the law."

Seven years later, the Supreme Court would finally put an end to the discredited doctrine which allowed school segregation based on the fiction of "separate but equal" schools in the landmark decision Brown v. Board of Education. The author of that decision, Chief Justice Earl Warren, had, as Governor of California, responded to the Mendez decision by signing into law a repeal of the last remaining school segregation statutes in the California Education Code.

This resolution also honors the Mendez family and congratulates Sylvia Mendez for her continued efforts to keep alive the importance of this case and the impact it had on her future. It is important that we not forget the courage of this family. They took a stand against the prevailing system of segregation in the public schools and won a tremendous victory, not just for themselves, but for many others.

I am a beneficiary of their courage and their achievement. The story of the Mendez family struggle against segregation took place in Westminster, Orange County, just a few miles from where my siblings and I grew up, played soccer, and attended schools. If the Mendez family had not challenged the status quo, and if I had not grown up in a post-Mendez Orange County, it would have taken me many more years to reach the floor of this House, if I ever reached it at all.

School segregation in California was just one facet of the widespread discrimination that Americans of Mexican descent faced across the Southwest, from the Gulf coast to the Pacific coast. Hotels, restaurants, barbershops, public pools, movie theaters, and even maternity wards were segregated for those of Mexican heritage. It was very common to see signs that said "No Mexicans served," or "Mexicans and dogs not allowed."

The injustice of discrimination was most appalling in public education. In the 1930s, more than two-thirds of the Orange County students of Mexican descent were considered mentally retarded. When the Mendez children were turned away from the 17th Street white school in their hometown, they were sent to the Hoover Elementary School, which was the Mexican school, a rickety, wooden building on a dirt lot. Adding insult to injury, many of such Mexican schools operated half days during walnut picking season to accommodate local agribusiness demand for child labor.

□ 1630

Mr. Speaker, there are forces in our society today who believe that the causes of school integration, of diversity, no longer matter. Some believe that fighting segregation might even violate our Constitution. That is just plain wrong.

The Supreme Court in Brown correctly found that separate cannot be equal. As we reflect on this anniversary of the Mendez decision, we must renew our determination to fight injustice and the forces of intolerance. Our Nation will continue to benefit from our diversity.

I join the Members of this House in commemorating this important milestone in our Nation's history and honoring the Mendez family for their courage, their strength, and their contribution to the American Dream.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 721, which recognizes the 60th anniversary of Mendez v. Westminster decision, which ended the segregation of Mexican and Mexican American students in California schools.

I would like to take a moment to thank the gentlewoman and chairman of the Commercial and Administrative Law Subcommittee for her statement. She and her sister, who is also on the floor with us today, are remarkable people. They may have come to Congress under even different circumstances, but it is good for America that this impediment was removed from their lives and the lives of many other people of Mexican and Mexican American descent here in the United States.

All Americans should understand that, along with Brown v. Board of Education, many Federal court decisions signaled our country's shift away from the obnoxious principle of "separate but equal." One such decision was Mendez v. Westminster in which the United States Court of Appeals for the Ninth Circuit, in a decision by the full court, held that the segregation of Mexican and Mexican American students into separate so-called "Mexican schools" was unconstitutional.

That decision in 1945 vindicated the rights of a group of children of Mexican American fathers, Thomas Estrada, William Guzman, Frank Palomino, Lorenzo Ramirez, led by Gonzalo Mendez, who challenged the practice of school segregation in the U.S. District Court in Los Angeles and began a journey that led Mexican Americans nationwide to greater equality.

Those courageous and loving fathers stood for themselves and for some 5,000 others, all citizens of the United States of Mexican descent. As the court held: "By enforcing the segregation of school children of Mexican descent against their will and contrary to the laws of California, respondents have violated Federal law as provided in the 14th amendment to the Federal Constitution by depriving them of liberty and property without due process of law and by denying to them the equal protection of the laws."

Following that decision, in 1947 California Governor and future Chief Justice of the United States Earl Warren signed into law a repeal of the last remaining school segregation statutes in the California Education Code.

Before those loving fathers brought the case of Mendez v. Westminster, there was a crack in the American melting pot. Their courageous actions repaired that crack, brought all Americans closer, and brought America closer to her most cherished ideals.

Mr. Speaker, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I would like to thank the distinguished gentleman from Utah for his kind words, and at this time I would like to yield 5 minutes to the distinguished gentleman from Texas and the author of this bill, Mr. GONZALEZ.

Mr. GONZALEZ. Mr. Speaker, I want to thank my colleague.

Mr. Speaker, it is a momentous day. Sixty years ago, there was a brave young lawyer named David Marcus who took a very unpopular case to court that basically was the dress rehearsal for Brown v. Board of Education.

This whole situation was borne of discrimination which was sanctioned and promoted and recognized by the government. You would say, what does that all mean?

The family of the Munemitsus, Japanese Americans, owned a certain piece of property. They grew asparagus on about 40 acres in Westminster, California. They were absent from that property as a result of a government directive. They were Japanese Americans; and, of course, we had the Japanese American internment camps. They were shipped off, dispossessed. The Gonzalo and Felicitas Mendez family were given an opportunity to then lease the properties, a great opportunity, borne of a discriminatory act. Gonzalez had fled the Mexican Revolution in 1916, and like many of our grandparents, came to this country seeking a new life. Their daughter, Sylvia, as my colleague, Congresswoman LINDA SÁNCHEZ has already pointed out, wanted to go to a certain school but California law specifically prohibited Japanese Americans, Mongolian Americans, and Asian Americans from attending school with white children.

But it left out African American and Mexican American children; and believe it or not, that really is what the court did hang its hat on. So we have a Japanese American family and a Mexican American family, and Earl Warren comes into the picture because he is Governor of the great State of California. As Ms. SÁNCHEZ pointed out, a few years later he did away with those particular laws of separate but equal. Thurgood Marshall actually has a little-known role in this case because he filed a brief in support of Dave Marcus' brief seeking that this law would be held unconstitutional. But as I pointed out, it was held invalid for another reason, as far as it pertained to Sylvia and the other Mexican American children.

The lesson for all of us here is when you discriminate against one, you discriminate against all. Whether it is Japanese Americans, Mexican Americans, it does not matter. One country under God. And we hear this often enough when we pledge our allegiance. But really, truly, 60 years ago it took the Gonzalo and Felicitas Mendez family to give true meaning and breathe life into that dream. And because of them, I truly believe you see Members of Congress here today with the names of SANCHEZ and GONZALEZ.

Mr. CANNON. Mr. Speaker, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield 5 minutes to the gentlewoman and my sister, LORETTA SANCHEZ.

Ms. LORETTA SANCHEZ of California. I thank the chairwoman for the 5 minutes.

Mr. Speaker, this historic case took place in my hometown and I get to represent that area of central Orange County. The case is really about many families. The Mendez family was the first family in the brief. It was also about many areas of Orange County, not just Westminster. It covered the central portion because in those days, of course, there were the white schools and there were the Mexican schools.

Now the Mexican schools were interesting because it wasn't just Mexicans who went there. It was anybody who looked different. Japanese Americans went there. Native Americans went there. Black Americans went there.

And the case in point was that when the Japanese family was interned and was able to hold onto their property by having Gonzalo Mendez farm it, he began to make more money and so he was in a position to hire lawyers, a lawyer out of Texas and a lawyer out of Los Angeles, to come and fight the issue of why do some children go to the white school and some go to the Mexican school.

You see, when Sylvia's aunt took her children and Sylvia down to the school that day, now that they had moved to a new property where they could farm, when they went down the block to the local school, the children of the aunt were allowed to go to the school because they were lighter in skin. But Sylvia was darker in her complexion, and she was told that those children must go to the Mexican school across town. And having taken these children back with her and saying that was not fair, the discussion went on in the family. And Felicitas, I know, like any mother and any wife would do, sat up all night and shook her husband Gonzalo and said: You're making money now, this isn't fair, do something about it. And that is how they came together as families to put forward such an important decision. And Thurgood Marshall was part of that, representing the NAACP at the time. And, in turn, when we were able to change the law in California, that law was part of the basis for Brown v. Board of Education at the national level.

Why do we pass such a resolution today? Because we have to keep reminding ourselves of our history and of the importance of change and what that means. I will tell you why. Sylvia Mendez, the darker daughter who was not allowed in the school, the very case around her, she didn't even know that this had occurred. Sylvia read it in college in a history book. And as she was reading it, she said, Could that be me and could that be my parents? And why didn't they ever tell me about it?

This is the reason we remember, so that all children across our Nation will understand that all of them will get the opportunity that is America.

Mr. CANNON. Mr. Speaker, I would like to associate myself with the remarks of Ms. LORETTA SANCHEZ as she spoke of the importance of this remembrance today. It is important as Americans that we look back and understand. Life was not always as it is now. It has been different. America is a better place, and this bill is one that commemorates why we are a much better place today. I urge support of the resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, in closing, I would like to say H. Res. 721 appropriately honors the courage of the Mendez family to challenge discrimination and help open the doors of opportunity to all nonwhites through education.

I want to thank the gentleman from Texas (Mr. GONZALEZ) and the gentleman from Utah (Mr. CANNON) for their work on this resolution recognizing the 60th anniversary of the historic Mendez v. Westminster decision, a decision that laid the groundwork for the Supreme Court ruling of Brown v. Board of Education. Again, I urge my colleagues to support this bill.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H. Res. 721. This resolution recognizes the 60th anniversary of the landmark Mendez v. Westminster decision.

I want to thank my friend, Congressman CHARLIE GONZALEZ, for sponsoring this bill and championing the continued fight for civil and equal rights for the Latino community.

The Mendez v. Westminster decision ended segregation of Mexican American students in the state of California, and set the precedent for the history making Brown v. Board of Education decision of 1954.

I stand here today, a Mexican American serving in Congress, because of the courage of people like Sylvia Mendez and her father, Gonzalo Mendez.

They, along with other brave individuals, stood up for the 5,000 Hispanic-American children who were victims of unconstitutional discrimination, by being forced to attend separate "Mexican" schools in the school districts of Orange County.

This resolution recognizes the significance of this anniversary, and honors Sylvia Mendez for her continued efforts to fight for equality. It also encourages our schools to teach students about the historical significance of the Mendez v. Westminster case, and the positive impact it had on the future of America.

I urge my colleagues to show their support in the continuing fight against school segregation, and to cast a vote in favor of H. Res. 721.

Ms. SOLIS. Mr. Speaker, I rise today in strong support of H. Res. 721, which would recognize the 60th anniversary of the Mendez v. Westminster decision. This landmark decision ended segregation of Mexican and Mexican-American students in California schools.

On March 2, 1945, a group of concerned Mexican-American fathers, led by Gonzalo Mendez, challenged the practice of school segregation in the U.S. District Court in Los Angeles, California. These fathers claimed that their children, along with 5,000 other children of Latino descent, were victims of discrimination by being forced to attend separate "Mexican" schools in the Westminster, Garden Grove, Santa Ana, and El Modena school districts of Orange County, California. The U.S. Court of Appeals for the Ninth Circuit ruled in favor of the families and held that the segregation of Mexican and Mexican-American students into separate schools was unconstitutional. This California case won access for Mexican-Americans to all schools in 1947 and helped lay the foundation seven years later for the U.S. Supreme Court decision in the Brown v. Board of Education case.

Latinos are the fastest-growing student population. Approximately 32 percent of children enrolled in our Nation's public school are Latino. The status of Latino education suggests a number of missed opportunities from early childhood education through higher education. For example, families of 67 percent of Latino children under the age of three have an income that is 200 percent below the federal poverty threshold. Economic hardship is a reality for these families and has an adverse effect on child development and school readiness. In 2004, only 58 percent of Latinos had completed high school and 12 percent completed college.

Mr. Speaker, it is important that Congress honor and recognize the civil rights implication of the Mendez v. Westminster case. I urge my colleagues to support this resolution and learn from the lessons of this Nation's history. Like Gonzalo Mendez and the rest of the fathers who led the fight in Mendez v. Westminster, we must continue the fight to close the education gap in our country. Educating our children is a commitment we must keep.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and agree to the resolution, H. Res. 721.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## ENERGY STORAGE TECHNOLOGY ADVANCEMENT ACT OF 2007

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3776) to provide for a research, development, and demonstration program by the Secretary of Energy to support the ability of the United States to remain globally competitive in energy storage systems for vehicles, stationary applications, and electricity transmission and distribution, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 3776

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Energy Storage Technology Advancement Act of 2007".*

***SEC. 2. DEFINITIONS.***

*For purposes of this Act—*

*(1) the term "Department" means the Department of Energy;*

*(2) the term "electric drive vehicle" means—*

*(A) a vehicle that uses an electric motor for all or part of its motive power, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, and rail transportation vehicles; or*

*(B) mobile equipment that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment;*

*(3) the term "islanding" means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source;*

*(4) the term "microgrid" means an integrated energy system consisting of interconnected loads*

*and distributed energy resources, including generators and energy storage devices, which as an integrated system can operate in parallel with the utility grid or in an intentional islanding mode;*

*(5) the term "Secretary" means the Secretary of Energy;*

*(6) the term "self-healing grid" means a grid that is capable of automatically anticipating and responding to power system disturbances, including the isolation of failed sections and components, while optimizing its own performance and service to customers; and*

*(7) the term "spinning reserve services" means an amount of electric generating capacity in excess of the amount needed to meet peak electric demand.*

***SEC. 3. BASIC RESEARCH PROGRAM.***

*(a) IN GENERAL.—The Secretary shall conduct a basic research program to support the development of energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution, including research on—*

*(1) materials design;*

*(2) materials synthesis and characterization;*

*(3) electrolytes;*

*(4) surface and interface dynamics;*

*(5) modeling and simulation; and*

*(6) thermal behavior and life degradation mechanisms.*

*(b) FUNDING.—For activities carried out under this section, in addition to funding activities at National Laboratories, the Secretary shall award funds to, and coordinate activities with, a range of stakeholders including the public, private, and academic sectors.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $50,000,000 for each of the fiscal years 2009 through 2014.*

***SEC. 4. APPLIED RESEARCH PROGRAM.***

*(a) IN GENERAL.—The Secretary shall conduct an applied research program on energy storage systems to support electric drive vehicle, stationary application, and electricity transmission and distribution technologies, including research on—*

*(1) ultracapacitors;*

*(2) flywheels;*

*(3) batteries and battery systems (including flow batteries);*

*(4) compressed air energy systems;*

*(5) power conditioning electronics;*

*(6) manufacturing technologies for energy storage systems;*

*(7) thermal management systems; and*

*(8) hydrogen as an energy storage medium.*

*(b) FUNDING.—For activities carried out under this section, in addition to funding activities at National Laboratories, the Secretary shall award funds to, and coordinate activities with, a range of stakeholders including the public, private, and academic sectors.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $80,000,000 for each of the fiscal years 2009 through 2014.*

***SEC. 5. ENERGY STORAGE SYSTEMS DEMONSTRATIONS.***

*(a) IN GENERAL.—The Secretary shall carry out a program of new demonstrations of advanced energy storage systems. These demonstrations shall be regionally diversified and shall expand on the Department's existing technology demonstration program. These demonstrations should include the participation of a range of stakeholders, such as rural electric cooperatives, investor owned utilities, municipally owned electric utilities, energy storage systems manufacturers, electric drive vehicle manufacturers, the renewable energy production industry, State or local energy offices, the fuel cell industry, and universities. Each of the demonstrations shall include one or more of the following objectives:*

*(1) Energy storage to improve the feasibility of "micro-grids" or "islanding", or the transmission and distribution capability to improve reliability in rural areas.*

*(2) Integration of an energy storage system with a self-healing grid.*

*(3) Use of energy storage to improve security to emergency response infrastructure.*

*(4) Integration with a renewable energy production source, either at the source or away from the source.*

*(5) Use of energy storage to provide ancillary services, such as spinning reserve services, for grid management.*

*(6) Advancement of power conversion systems to make them smarter, more efficient, able to communicate with other inverters, and able to control voltage.*

*(7) Use of energy storage to optimize transmission and distribution operation and power quality, which could address overloaded lines and maintenance of transformers and substations.*

*(8) Use of advanced energy storage for peak load management of homes, businesses, and the grid.*

*(9) Use of energy storage devices to fill up nonpeak generation periods for electricity demand to make better use of existing grid assets.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $30,000,000 for each of the fiscal years 2009 through 2014.*

***SEC. 6. VEHICLE ENERGY STORAGE DEMONSTRATION.***

*(a) IN GENERAL.—The Secretary shall carry out a program of electric drive vehicle energy storage technology demonstrations. These technology demonstrations shall be conducted through consortia, which may include energy storage systems manufacturers and their suppliers, electric drive vehicle manufacturers, rural electric cooperatives, investor owned utilities, municipal and rural electric utilities, State and local governments, metropolitan transportation authorities, and universities. The program shall demonstrate one or more of the following:*

*(1) Novel, high capacity, high efficiency energy storage, charging, and control systems, along with the collection of data on performance characteristics such as battery life, energy storage capacity, and power delivery capacity.*

*(2) Advanced onboard energy management systems, and highly efficient battery cooling systems.*

*(3) Integration of such systems on a prototype vehicular platform, including with drivetrain systems for passenger, commercial, and nonroad electric drive vehicles.*

*(4) New technologies and processes that reduce manufacturing costs.*

*(5) Integration of advanced vehicle technologies with electricity distribution system and smart metering technology.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $30,000,000 for each of the fiscal years 2009 through 2014.*

***SEC. 7. SECONDARY APPLICATIONS AND DISPOSAL OF ELECTRIC DRIVE VEHICLE BATTERIES.***

*(a) IN GENERAL.—The Secretary shall carry out a program of research, development, and demonstration of secondary applications of energy storage devices following service in electric drive vehicles, and of technologies and processes for final recycling and disposal of these devices.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $5,000,000 for each of the fiscal years 2009 through 2014.*

***SEC. 8. COORDINATION AND NONDUPLICATION.***

*To the maximum extent practicable, the Secretary shall coordinate activities under this Act with other programs and laboratories of the Department and other Federal research programs.*

***SEC. 9. COST SHARING.***

*The Secretary shall carry out the programs under sections 6 and 7 in compliance with section 988 (a) through (d) and section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352(a) through (d) and 16353).*

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Washington (Mr. REICHERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

☐ 1645

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3776, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased that the House will consider today H.R. 3776, the Energy Storage Technology Advancement Act. I would like to thank my colleagues on the Science and Technology Committee for their unanimous support in making this a good, bipartisan piece of legislation.

In particular, I would like to thank my good friend and ranking member, Mr. HALL, for his interest in this field of research. In crafting H.R. 3776, I adopted several provisions from a bill Mr. HALL introduced earlier this year, and he and his staff have worked hard to make this a good bill.

H.R. 3776 authorizes research, development and demonstration activities for energy storage technologies that offer a wide range of economic, environmental and security benefits.

Stationary energy storage systems will bring efficiencies to the electric delivery system, will improve grid reliability and security, and can even help to postpone the need for additional, costly electric generation facilities.

Energy storage technologies can also help to integrate renewable energy sources into the grid by making electricity from these intermittent resources more stable and reliable.

Furthermore, advanced battery systems can revolutionize our transportation sector by allowing for more electric-drive vehicles, thus reducing our reliance on conventional transportation fuels.

But unfortunately, we may be fast losing our ability to develop and manufacture these technologies at home. Through the collaborative public-private research, development and demonstration programs authorized in H.R. 3776, we can ensure that the United States establishes a robust domestic manufacturing base for these technologies.

To truly transform the way we manage our energy use, we must do more than make incremental improvements to current technologies. Our economic and environmental security lies in our ability to deploy the next generation energy technologies. Advances in energy storage are vital to diversifying our energy supplies and transforming our transportation sector.

Once again, I thank my colleagues on the Science and Technology Committee for working with me on this legislation, and I urge all Members to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. REICHERT. Madam Speaker, I rise in support of H.R. 3776, the Energy Storage Technology Advancement Act, and I yield myself such time as I may consume.

Electricity is the lifeblood of our country. Without reliable electricity, our country would not be the world leader that it is today. Therefore, anything that can be done to improve and secure the reliability of the electric grid should be supported and encouraged. H.R. 3776 aims to do just that by focusing research and development on ways to store energy which would not only assist in reliability, but also efficiency of fuel use and security of not only our grid but also, in a broader sense, of our country.

Energy storage would allow for the enhanced use of renewable energy such as wind and solar.

Currently, the ability of wind energy and solar energy to contribute electricity to the electric grid is tied to when the wind is blowing or when the sun is shining, therefore, making these sources not as reliable as conventional sources of energy such as coal, natural gas and nuclear. With energy storage, excess generation that is unable to be used at the time of generation can be stored for use at a later time. This allows for wind and solar energy to be potential sources of base load generation.

In addition to energy storage for stationary sources, there is also a promising field of energy storage for vehicles, the most recognizable example being batteries that would be used in plug-in hybrids. Plug-in hybrids would allow for a further decrease in transportation fuel consumption from conventional hybrids, thereby increasing our national security by decreasing our reliance on foreign sources of oil.

H.R. 3776 addresses the battery obstacle by including a research and development program into batteries and battery systems and a demonstration program to prove the viability of the R&D.

Madam Speaker, I'd like to thank the chairman of the Science and Technology Committee and sponsor of this bill for recognizing the importance of energy storage to our country's energy future and also for including portions of Ranking Member HALL's energy storage language that was included in H.R. 2483 and cosponsored by several members of the Science and Technology Committee.

Madam Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, let me say there's no question that Mr. HALL played a major role in this, and I'm glad that we could have this type of, again, bipartisan unanimous bill.

If my friend from Washington State has no other speakers, I have none.

Mr. REICHERT. I have no further speakers, and I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 3776, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to provide for research, development, and demonstration programs in advanced energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution applications, to support the ability of the United States to remain globally competitive in this field, and to promote the efficient delivery and use of energy.".

A motion to reconsider was laid on the table.

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 751) supporting the goals and ideals of National Chemistry Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 751

Whereas chemistry is a vitally important field of science and technology that has transformed the world and enhanced and improved the quality of life around the globe;

Whereas the power of the chemical sciences has created the enabling infrastructure that delivers the foods, fuels, medicines and materials that are the hallmarks of modern life;

Whereas the contributions of chemical scientists and engineers are central to technological progress and to the health of many industries, including the chemical, pharmaceutical, electronics, agricultural, automotive, and aerospace sectors, and these contributions boost economic growth, create new jobs, and improve our health and standard of living;

Whereas the American Chemical Society, the world's largest scientific society, founded National Chemistry Week in 1987 to educate the public, particularly school age children, about the important role of chemistry in society and to enhance the appreciation of the chemical sciences;

Whereas this year marks the 20th anniversary of National Chemistry Week;

Whereas the theme of National Chemistry Week in 2007, "The Many Faces of Chemistry", was chosen to emphasize the extensive variety of careers available in the world of chemistry and to honor the tremendous diversity of people who have contributed and will contribute to the advancement of chemistry and all of its branches;

Whereas, in order to ensure our Nation's global competitiveness, our schools must cultivate the finest scientists, engineers, and technicians from every background and neighborhood in our society to create the innovations of tomorrow that will keep our Nation strong;

Whereas a disproportionately low number of minority, underprivileged female students are pursuing careers in science and technology, and it is crucial that we focus attention on increasing the participation of these under represented groups in science and technology fields; and

Whereas, during the week of October 22, which is National Chemistry Week, more than 10,000 National Chemistry Week volunteers from industry, government and academia reach and educate millions of children through hands-on science activities in local schools, libraries, and museums: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes that the important contributions of chemical scientists and engineers to technological progress and the health of many industries have created new jobs, boosted economic growth, and improved the Nation's health and standard of living;

(2) recognizes the need to increase the number of Americans from under represented groups participating in science and technology fields like chemistry;

(3) supports the goals of National Chemistry Week as founded by the American Chemical Society; and

(4) encourages the people of the United States to observe National Chemistry Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of chemistry to our everyday lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Washington (Mr. REICHERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

### GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 751, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support, Madam Speaker, of H. Res. 751, a resolution recognizing the importance of chemistry and honoring National Chemistry Week. I want to congratulate the gentleman from Texas (Mr. REYES) for introducing this important resolution.

The importance of chemistry and chemical engineering in our lives cannot be overstated. These disciplines contribute to public health by helping to keep our water clean and our food pure. They contribute to advances in medicine through new biomaterials, drug design and drug delivery techniques. They help make cleaner and more efficient energy technologies possible, and they help keep toxins out of our home and our natural environment through the development of green chemicals and materials.

In short, chemistry and chemical engineering contribute in immeasurable ways to the economic strength, security and well-being of our Nation and all of its citizens.

This year marks the 20th anniversary of National Chemistry Week. National Chemistry Week was started as an annual event by the American Chemical Society in 1987 to make elementary and secondary school children and the general public more aware of what chemistry is and its importance to our everyday lives.

National Chemistry Week activities are carried out by local sections of the American Chemical Society located in all parts of our Nation. They work with local industry, schools and museums to develop hands-on activities, provide demonstrations and develop exhibits. Through these activities, they help stimulate the interest of young people in science and in pursuing careers in science and technology.

This Congress recently passed into law the America COMPETES Act. That bill was an important bipartisan effort to keep America competitive in the 21st century by supporting innovative research at universities and in industry, and by ensuring that there is a sufficient pipeline of students pursuing studies and careers in science and technology fields well into the future.

The goals of the National Chemistry Week fit well with the goals outlined in the COMPETES Act.

The theme of this year's National Chemistry Week is, "The Many Faces of Chemistry." This theme emphasizes the diversity of chemistry careers, from science teacher to laboratory researcher, as well as the diversity of people in chemistry professions.

While women and minorities continue to be underrepresented in chemical science fields, they have made important contributions to chemistry.

Women received about one-third of all chemistry Ph.D.s in 2003. Hispanics and African Americans combined represent only 7 percent of all chemistry Ph.D.s awarded in 2003, even though they make up more than 25 percent of the entire U.S. population.

We will need to make use of all the talent we have to stay competitive in the 21st century, but it isn't just a numbers game. The interaction and collaboration of diverse individuals with differing perspectives enriches the process of discovery and innovation and helps give the U.S. an edge over countries that easily beat us on numbers.

Madam Speaker, I congratulate the American Chemical Society for its efforts to establish and sustain National Chemistry Week, and once again, I commend Mr. REYES and his cosponsors for introducing this resolution and urge my colleagues to join me in recognizing the importance of chemistry in our daily lives and the positive impact of National Chemistry Week by voting in favor of H. Res. 751.

Madam Speaker, I reserve the balance of my time.

Mr. REICHERT. Madam Speaker, I rise in support of H. Res. 751, supporting the goals and ideals of National Chemistry Week, and I yield myself as much time as I may consume.

This year marks the 20th anniversary of National Chemistry Week, a concept that was first introduced in 1987 by the American Chemical Society to educate Americans about the contribution chemists and chemistry have made to our society. We first celebrated National Chemistry Day on November 6, 1987, with a parade in Washington, DC. Because of the overwhelming enthusiasm for the day, 2 years later the concept was expanded to celebrate National Chemistry Week.

The National Chemistry Week program is designed to reach out to the public, especially elementary and secondary school children, to foster an appreciation for chemistry. The theme of this year's celebration is, "The Many Faces of Chemistry," which is designed to educate the public on the many different types of careers in chemistry and the many different ways chemistry has contributed to our society.

As a part of the activities for this week, the American Chemical Society has chosen to honor chemists working in the fields of biosensors, cosmetics, food, nutrition, dye, materials, natural products, and environmental processes, as well as chemists who work as teachers. These varied fields contribute to our society on a daily basis.

For instance, biosensors may be used to test air quality, drinking water quality, help dentists find cavities, and test for biological and chemical weapons. Material chemists may work on ways to help make new products that are less harmful to the environment, such as making threads and plastic out of renewable biological materials. Nutritional chemists may develop products that contain more vitamins and minerals in an effort to make people healthier and fight malnutrition throughout the world.

National Chemistry Week is intended to honor all of these contributions, as well as encourage our Nation's schools to cultivate the finest scientists, engineers and technicians from every background to ensure we remain globally competitive.

This week, more than 10,000 National Chemistry Week volunteers from industry, government, and academia will reach out to educate millions of children across the country. I urge my colleagues to join me in honoring them and these activities through the passage of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, we have no further requests for time, and I ask my friend from Washington State if he has no further requests.

Mr. REICHERT. Madam Speaker, I have no further requests for time, and I yield back my time.

Mr. EHLERS. Madam Speaker, today I am pleased that we are considering this resolution recognizing the 20th anniversary of National Chemistry Week, which was established by the American Chemical Society to teach children about the chemical sciences. This year, the National Chemistry Week theme is "The Many Faces of Chemistry," emphasizing the diversity of chemistry careers and the diversity of the individuals working in chemistry professions.

Ensuring that our science and engineering workforce accurately reflects the diversity of our population is necessary for our country to succeed. But right now we are falling short. For example, Hispanic Americans constitute 12 percent of the population yet they represent less than three percent of the engineering and scientific community in the U.S.

Last week the Research and Science Education Subcommittee heard testimony from a number of witnesses on the topic of gender equity within science and engineering faculty. Freeman Hrabowski, the president of the University of Maryland, Baltimore Campus—a campus noted for recruiting and retaining both minority students and faculty—remarked, "Producing well-prepared scientists and engineers for our increasingly diverse workforce is perhaps our most important and lasting contribution to the Nation's economic development and national security." Furthermore, a 2004 survey of the "top 50" science engineering departments at U.S. universities revealed that there are few tenured and tenure-track women faculty in these departments in research universities, even though a growing number of women are completing their Ph.D.s, and that underrepresented minority women faculty are almost nonexistent.

Clearly, we have a problem. I have often said that we are throwing away more than 40 percent of our workforce if we do not actively encourage more women and underrepresented minorities to consider these fields. The American Chemical Society is helping to draw more attention to this issue with the choice of this year's National Chemistry Week theme. "The Many Faces of Chemistry" recognizes the important contributions of chemical educators, scientists and engineers to technological progress and the health of many industries.

I commend the American Chemical Society for stimulating the interest of ALL of our Nation's children in the chemical sciences so that they will consider careers in these fields and potentially discover the innovations of the future, and I urge my colleagues to support this resolution recognizing the goals and ideals of National Chemistry Week.

Mr. HOLT. Madam Speaker, I rise today in support of H. Res. 751, which recognizes National Chemistry Week. I am proud to support this resolution, as I have done in past years, which acknowledges the critical role chemistry plays in maintaining and improving our quality of life. I thank the gentleman from Texas, (Mr. SILVESTRE REYES) for sponsoring this resolution and I thank the leadership for providing Members of Congress with the opportunity to show our support for this bill on the floor.

This year marks the 20th anniversary of National Chemistry Week. Started by the American Chemical Society in 1987, this year's National Chemistry Week brings together businesses, schools, and nearly 200 ACS chapters to raise awareness of chemistry in our daily lives. Through aggressive outreach, hands-on demonstrations within local communities and laboratory open houses, National Chemistry Week engages millions of Americans, particularly elementary and secondary students, asking them to think about the how chemistry surrounds us all.

National Chemistry Week's theme for 2007, "The Many Faces of Chemistry," highlights the diverse roles chemistry professionals play in our society. From teaching in the classroom to conducting research in the laboratory, chemistry professionals provide countless services to society. "The Many Faces of Chemistry" is also a challenge to educators to promote diversity in chemistry and the sciences.

Madam Speaker, while ACS organizes National Chemistry Week to celebrate the contributions of chemistry to the common good, as well as the progress in achieving diversity within the field, ACS is also issuing a challenge and a warning to Americans.

Issues such as climate change and infectious disease pose threats not only to the United States, but also to the entire world. In order to solve these problems, we must insist that science education be a priority in our elementary and secondary schools to cultivate the next generation of scientists.

Additionally, this year's National Chemistry Week reminds us that our work is not done promoting diversity within the sciences. While the number of women, African-Americans, and Hispanics earning advanced science and engineering degrees has increased, growth has stagnated recently, and these groups remain underrepresented, when compared to the general population. If the United States is to remain the locus of scientific research and innovation in an increasingly competitive global playing field, we must continue to broaden these groups.

Once again I commend the American Chemical Society for establishing National Chemistry Week in 1987 and thank the organization for two decades of promoting science education. I urge my colleagues to support this resolution recognizing the goals and ideals of National Chemistry Week.

Mr. REYES. Madam Speaker, I rise today in support of H. Res. 751, a resolution I have introduced supporting the goals and ideals of National Chemistry Week, which starts today, October 22, 2007.

During the next 5 days, millions of people, particularly students in elementary and secondary schools, will be engaged in chemistry-related activities that show the importance of chemistry to our quality of life. With assistance from American Chemical Society, ACS, staff, thousands of volunteers will conduct these activities in venues from shopping malls, to classrooms, to university labs.

National Chemistry Week was created by ACS in 1987 to draw attention to the positive contributions chemistry makes to our everyday lives. These contributions include helping feed, house, and clothe the world's population; tapping new energy sources; providing renewable substitutes for limited materials; improving public health; strengthening our national security; and protecting our environment.

During this year's 20th anniversary of National Chemistry Week, we are celebrating "The Many Faces of Chemistry." This theme was chosen to emphasize the extensive variety of careers available in the world of chemistry and to honor the tremendous diversity of people who have contributed and will contribute to the advancement of chemistry and all of its branches. This year's theme takes added importance when you consider that a disproportionately low number of minority, underprivileged, and young women students are taking up careers in science and technology.

The inclusion of women and under-represented minorities in science, technology, engineering, and mathematics fields, STEM, is not just important to correct for historical employment inequities, but to provide under-represented minorities an opportunity for prosperity. The increased education and participation of this segment of the workforce is also essential to supplying the American economy with the STEM expertise the country needs to innovate and remain competitive. According to the U.S. Census, 39 percent of the population under the age of 18 is a racial or ethnic minority. That percentage is on a path to pass 50 percent by the year 2050. Yet, in 2000, only 4.4 percent of the science and engineering jobs were held by African Americans and only 3.4 percent by Hispanics. Women constitute over half of the post-secondary students in the Nation, but represent a little more than one-quarter of our science and engineering workforce. We must correct these disparities, and fast.

This is not an issue of compromising high standards. If America is to achieve its strategic objectives in STEM, the enormous potential of groups that are currently under-represented in the STEM fields must be realized through expanded and focused educational opportunity. Some see tension between policies that focus resources on certain groups and the pursuit for excellence, but the simple truth is that the general achievement of excellence is strongly linked to the prevalence of opportunity.

Scientists from these under-represented groups have demonstrated excellence through important contributions to our understanding of the environment and the sciences. Two notable examples include Mario Molina, an atmospheric chemist who received a Nobel Prize for his work establishing the link between CFCs and atmospheric ozone destruction, and Percy L. Julian, who was the first black chemist elected to the National Academy of Sciences and whose work in synthesizing a compound used to treat glaucoma led to his having been ranked by ACS as one of the top 75 Distinguished Contributors to the Chemical Enterprise.

If we are to remain an innovative and economically competitive nation, the face of our high-tech workforce must reflect the true face of America. Our workforce will not be the best America has to offer if we do not ensure that we are taking advantage of all pools of domestic talent. "The Many Faces of Chemistry" theme is especially significant because it focuses on promoting diversity, which will help ensure national competitiveness by encouraging broad participation from all sources of talent in the sciences and chemistry.

I thank the American Chemical Society for their work in promoting the chemical sciences and the important role of diversity. I urge my colleagues to support this resolution.

Mr. SMITH of Nebraska. Madam Speaker, National Chemistry Week recognizes the importance of chemistry to our modern society. Chemistry is vital to the economy and the success of the Third District of Nebraska. Nebraska is known for its food, fiber, and fuel industries—all of which rely on chemistry. Production of ethanol from corn and biomass, manufacture of biodiesel, and creation of safe and effective agricultural chemicals are all possible because of chemistry and chemists.

More chemists are needed to continue these innovations that are so important to our rural economy. We have bright, young people in the Third District known for their great work ethic and Nebraska values, and who are sought after for jobs all over the world. We need to encourage our young people to succeed in careers in science, technology, engineering, and mathematics, also known as STEM careers. They are needed in Nebraska and all over the United States. More outreach is needed to encourage the next generation to consider chemistry and other STEM careers.

Students in chemistry clubs in Nebraska's Third District will perform outreach activities during National Chemistry Week. Students at Hastings College in Hastings, Nebraska, will give away ice cream and information on chemistry at the Student Union this week. The Chemistry Club at the University of Nebraska-Kearney will have a "Chemistry in Action" demonstration table in the Student Union and will visit area middle and elementary schools where they will perform experiments for students, including "pink slime" and liquid nitrogen demonstrations. I want to commend these budding chemists for reaching out to their fellow students and for introducing children to the joys of chemistry. That is what National Chemistry Week is all about.

Mr. GORDON of Tennessee. Madam Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 751.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 59 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1831

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PERLMUTTER) at 6 o'clock and 31 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 189, by the yeas and nays;

H.R. 523, by the yeas and nays;

H. Res. 762, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be as 5-minute votes.

## PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 189, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 189, as amended.

The vote was taken by electronic device, and there were—yeas 256, nays 122, not voting 54, as follows:

[Roll No. 983]

YEAS—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Petri
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Woolsey
Wu
Wynn
Young (AK)

NAYS—122

Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell (CA)
Cannon
Carter
Chabot
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gohmert
Goode
Goodlatte
Granger
Graves
Heller
Hensarling
Herger
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Mack
Manzullo
McCarthy (CA)
McCotter
McCrery
McHenry
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pitts
Price (GA)
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—54

Aderholt
Becerra
Bishop (UT)
Bonner
Brown, Corrine
Buyer
Cantor
Carson
Clay
Coble
Costa
Cubin
Davis (IL)
Diaz-Balart, L.
Ellison
Engel
Everett
Feeney
Gingrey
Gutierrez
Hastert
Hoekstra
Hunter
Inslee
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Kaptur
Kind
King (NY)
Kucinich
LaHood
Lantos
Lewis (GA)
Marchant
McCaul (TX)
McKeon
Miller (FL)
Neal (MA)
Payne
Peterson (PA)
Pickering
Pryce (OH)
Putnam
Radanovich
Reyes
Rothman
Sires
Snyder
Towns
Wilson (OH)
Yarmuth
Young (FL)

☐ 1857

Messrs. WILSON of South Carolina, WALDEN of Oregon, BILIRAKIS and LINDER changed their vote from "yea" to "nay."

Mr. POE, Mr. PETRI, Ms. ROYBAL-ALLARD, Mr. TERRY and Mr. ROGERS of Alabama changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to establish the Paterson Great Falls National Historical Park in the State of New Jersey and for other purposes.".

A motion to reconsider was laid on the table.

## DOUGLAS COUNTY, WASHINGTON, PUD CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 523, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 523, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 55, as follows:

[Roll No. 984]

YEAS—377

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clarke
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—55

Becerra
Bishop (UT)
Bonner
Brown, Corrine
Buyer
Cantor
Carson
Castor
Clay
Coble
Costa
Cubin
Davis (IL)
Diaz-Balart, L.
Ellison
Engel
Everett
Feeney
Gingrey
Gutierrez
Hastert
Hoekstra
Hunter
Inslee
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Kaptur
Kind
King (NY)
Kucinich
LaHood
Lantos
Lewis (GA)
Linder
Marchant
McCaul (TX)
McKeon
Miller (FL)
Neal (MA)
Payne
Peterson (PA)
Pickering
Pryce (OH)
Putnam
Radanovich
Reyes
Rothman
Sires
Snyder
Towns
Wilson (OH)
Yarmuth
Young (FL)

☐ 1905

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE ROBERT YOUNG, FORMER MEMBER OF CONGRESS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, I rise today to offer words of condolence to the family and friends and colleagues of former Missouri Congressman, Robert A. Young, III.

Well-known for his stalwart defense of working men and women, Congressman Young left St. Louis a better place today as a result of his work in this House. Here he founded the Blue Collar Caucus and served on the Public Works Committee.

After serving in the Missouri legislature, he was elected to Congress in 1976 with his Missouri classmates, IKE SKELTON and Dick Gephardt. His devotion to public service never wavered, from the time of his early military service in World War II, where he took part in the landing on Utah Beach on D–Day and the Battle of the Bulge, earning the Bronze Star.

Bob Young inspired generations of St. Louisans to seek out the American Dream, personifying the importance of his family, his union, and his community. Congressman Young will be long remembered for his efforts to turn ideas into reality. He committed himself to making sure our Nation's roadways, railways, and airways were safe for all of us, insisting that our transportation system be state-of-the-art.

Like the proud pipefitter he was, everyone privileged enough to know him would agree the work we do here on behalf of our Nation today must be completed, leaving no job left undone. Rightfully we pause to thank him for his service to Missouri, this House and our Nation.

Mr. Speaker, I yield to the gentleman from Missouri from the Second Congressional District.

Mr. AKIN. Mr. Speaker, coming from the Second Congressional District, my memory is just long enough to recall some actual personal encounters with Bob Young. Bob was almost a caricature of politics in North County, St. Louis. Bob was a guy who was a pipefitter, he was a war hero, he was in the Third Army under Patton, came back, got into politics.

He served 20 years in the Missouri legislature, house and senate, and then came down here for about 10 years or so and was very plain spoken. He wasn't noted for sugar-coating things, but he had a wonderful sense of humor, fiercely loyal to labor unions, but reasonably conservative in a lot of other regards, left a family that was involved in politics as well.

But somebody who had a real cheerful twinkle in his eye, a good sense of humor and somebody I know that the St. Louis area will long remember as a good leader and a good man. So we are sorry for his passing. On the other hand, we are thankful for the richness of his life.

Mr. CARNAHAN. I want to thank the gentleman and would ask the House to pause for a moment of silence.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

## SUPPORTING THE GOALS OF NATIONAL BULLYING PREVENTION AWARENESS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 762, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 762.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 0, answered "present" 1, not voting 56, as follows:

[Roll No. 985]

### YEAS—375

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

### ANSWERED "PRESENT"—1

Tancredo

### NOT VOTING—56

Becerra
Bishop (UT)
Bonner
Brown, Corrine
Buyer
Cantor
Carson
Clay
Coble
Costa
Cubin
Davis (IL)
Diaz-Balart, L.
Ellison
Everett
Feeney
Giffords
Gingrey
Gutierrez
Hastert
Hoekstra
Hunter
Inslee
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Kaptur
Kind
King (NY)
Kucinich
LaHood
Lantos
Lewis (GA)
Marchant
McCaul (TX)
McKeon
Miller (FL)
Neal (MA)
Payne
Peterson (PA)
Pickering
Pomeroy
Pryce (OH)
Putnam
Radanovich
Rahall
Reyes
Rothman
Sires
Snyder
Towns
Wilson (OH)
Woolsey
Yarmuth
Young (FL)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1918

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GINGREY. Mr. Speaker, on rollcall No. 983 on H.R. 189, I am not recorded because I was absent due to flight delays returning to Washington. Had I been present, I would have voted "nay."

On rollcall No. 984 on H.R. 523, had I been present, I would have voted "yea."

On rollcall No. 985 on H. Res. 762, had I been present, I would have voted "yea."

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1011, VIRGINIA RIDGE AND VALLEY ACT OF 2007

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–403) on the resolution (H. Res. 763) providing for consideration of the bill (H.R. 1011) to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 505, NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2007

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–404) on the resolution (H. Res. 764) providing for consideration of the bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, which was referred to the House Calendar and ordered to be printed.

### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1483, CELEBRATING AMERICA'S HERITAGE ACT

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–405) on the resolution (H. Res. 765) providing for consideration of the bill (H.R. 1483) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes, which was referred to the House Calendar and ordered to be printed.

### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3898

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent that Congressman KUHL be removed as a cosponsor to H.R. 3898.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 228

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that Representative MICHAEL T. MCCAUL be removed as a cosponsor of H. Con. Res. 228. Mr. MCCAUL was listed as a cosponsor due to a clerical error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

### INDUSTRIAL ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT ACT OF 2007

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3775) to support research and development of new industrial processes and technologies that optimize energy efficiency and environmental performance, utilize diverse sources of energy, and increase economic competitiveness, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3775

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Industrial Energy Efficiency Research and Development Act of 2007".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) According to the Energy Information Administration's 2006 Annual Energy Review, the industrial sector in 2006 accounted for more energy use (32 percent) than the residential (21 percent), commercial (18 percent), or transportation sector (29 percent).

(2) The primary energy intensive industries vital to maintaining our country's infrastructure and economic and national security include steel, chemicals, metal casting, forest products, glass, aluminum, petroleum refining, and mining, as well as other energy intensive manufacturers.

(3) The Department of Energy has demonstrated the success of public-private partnerships with these industries resulting in research, development, and deployment of new energy efficient technologies which reduce emissions and improve manufacturing competitiveness.

(4) Innovations in manufacturing processes within these industries may be translated into efficiency improvements in buildings, transportation, and other economic sectors that depend upon these industries.

(5) While past public-private partnerships have resulted in significant energy efficiency improvements in manufacturing processes, there is a need for new technologies to achieve continual energy efficiency improvements.

(6) Innovations made in the last few decades assisted the United States in remaining competitive in the global market. Continued innovation in the areas of energy efficiency and feedstock diversification are necessary to enable the United States to maintain a competitive edge.

(7) The Department of Energy should continue collaborative efforts with industry, particularly the manufacturing sector, to broaden and accelerate the high-risk research and development of new manufacturing processes that optimize energy efficiency and utilize diverse sources of energy.

(8) These partnerships support critical research and development capabilities at universities and other research institutions while training future generations of engineers in critical areas of energy systems and efficient industrial process technologies for our domestic industries.

**SEC. 3. INDUSTRIAL TECHNOLOGIES PROGRAM.**

(a) IN GENERAL.—The Secretary of Energy (in this Act referred to as the "Secretary") shall establish a program, in cooperation with energy-intensive industries, trade and industry research collaborations representing such industries, and institutions of higher education—

(1) to conduct energy research, development, demonstration, and commercial application activities with respect to new industrial and commercial processes, technologies, and methods to—

(A) achieve substantial improvements in energy efficiency; and

(B) enhance the economic competitiveness of the United States industrial sector; and

(2) to conduct environmental research and development with respect to new industrial and commercial processes, technologies, and methods to achieve environmental performance improvements such as waste reduction, emissions reductions, and more efficient water use.

(b) PROGRAM ACTIVITIES.—Research, development, demonstration, and commercial application activities under this section may include—

(1) activities to support the development and use of technologies and processes that improve the quality and quantity of feedstocks recovered or recycled from process and waste streams;

(2) research to meet manufacturing feedstock requirements with alternative resources;

(3) research to develop and demonstrate technologies and processes that utilize alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(4) research to achieve energy efficiency in steam, power, control system, and process heat technologies, and in other manufacturing processes; and

(5) a program to fund research, development, and demonstration relating to inventors' and small companies' technology proposals, based on energy savings potential, commercial viability, and technical merit.

(c) COMPETITIVE AWARDS.—All awards under this section shall be made on a competitive, merit-reviewed basis.

(d) COORDINATION AND NONDUPLICATION.—The Secretary shall, coordinate efforts under this section with other programs of the Department and other Federal agencies, to avoid duplication of effort.

(e) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter, the Secretary shall submit to the Congress a report on the activities conducted pursuant to this Act, including—

(1) a description of the activities used to facilitate cooperation with energy-intensive industries, universities, and other participants in the program; and

(2) a description of ongoing projects and new projects initiated, and the anticipated energy savings associated with achievement of each project's goals.

**SEC. 4. UNIVERSITY-BASED INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.**

To strengthen the program under section 3, the Secretary shall provide funding to university-based industrial research and assessment centers, whose purpose shall be—

(1) to identify opportunities for optimizing energy efficiency and environmental performance;

(2) to promote application of emerging concepts and technologies in small and medium-sized manufacturers;

(3) to promote the research and development for usage of alternative energy sources to supply heat, power, and new feedstocks for energy intensive industries;

(4) to coordinate with appropriate State research offices, and provide a clearinghouse for industrial process and energy efficiency technical assistance resources; and

(5) to coordinate with State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary to carry out this Act $150,000,000 for each of the fiscal years 2009 through 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Washington (Mr. REICHERT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3775, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

I'm pleased that the House will consider my bill today, H.R. 3775, the Industrial Energy Efficiency Research and Development Act. I first wish to thank my colleagues on the Science and Technology Committee for their support in crafting this legislation, especially Ranking Members INGLIS and HALL, who worked with me on this bill which highlights the critical need for research into technologies that improve industrial energy efficiency.

An expanding economy and growing population ensure that demand for energy will continue to grow, making energy conservation a key national goal. In the United States, industry is responsible for more than one-third of all energy consumed. Heavy industries such as chemical, glass and metals production, mining, petroleum, refining, and forest and paper products all require very large amounts of energy, making them particularly susceptible to high energy prices. Therefore, these and other energy-intensive U.S. industries are ideal candidates on which to focus Federal research and development efforts and apply new technologies to increase efficiency, raise productivity, reduce wastes, trim costs, and ultimately make them more competitive in a global market.

I'm very familiar with the difficulties these industries face. Texas has the highest percentage of large energy-intensive industries, 8 percent of the U.S. total. Over half the energy used in Texas is consumed by the industrial sector. There is significant pressure to reduce the emissions and energy use associated with their processes, while keeping costs low enough to maintain the region's attractiveness to industry. That's a tall order when costs for natural gas, one of the primary industrial feedstocks, are among the highest in the country.

The Industrial Technologies Program, ITP, at the Department of Energy, works to improve the energy intensity of U.S. industry through coordinated, cost-shared research and development. The ITP is considered one of the most effective Department of Energy programs, transferring over 170 technologies to the commercial market, improving an estimated 13,000 U.S. manufacturing plants, and saving nearly 5 quadrillion Btus of energy, or approximately $23 billion in energy since its inception. That's significant.

The ITP also sponsors university-based Industrial Assessment Centers, which utilize engineering faculty and students to provide no-cost energy assessments, mostly to small and medium-sized manufacturers. These centers serve as valuable preparation for the next generation of energy and industrial engineers, training almost 250 students per year.

The Industrial Technologies Program has suffered dramatic budget cuts in recent years, dropping to just one-third of the funding levels of 2001. And this reflects a dramatic and untimely shift in priorities away from industrial efficiency research and development.

So H.R. 3775 authorizes and expands the Department of Energy's Industrial Technology Program through better coordination of interdepartmental research, enhancement of the industrial assessment centers program at universities, and support of more research and development of new innovations and technologies that improve the energy efficiency and environmental performance of most energy-intensive manufacturing processes.

This legislation is needed to ensure continued gains in these areas through research and development that makes the U.S. industry more competitive and enhances the quality of life for American workers, their families and the communities that they serve.

Again, I want to thank Mr. INGLIS for working to make this a better bill. I encourage my colleagues to support H.R. 3775.

Mr. Speaker, I reserve the balance of my time.

Mr. REICHERT. Mr. Speaker, I rise today in support of H.R. 3775, the Industrial Energy Efficiency Research and Development Act of 2007, and I yield myself such time as I may consume.

The industrial sector of our economy is currently the largest user of energy. According to the Department of Energy's Energy Information Administration, the industrial sector consumed 32 percent of the Nation's energy in 2006. While the industrial sector has made impressive efficiency gains since 1980, more is needed and more can be done.

The Department of Energy currently runs the Industrial Technology Programs, ITP, whose mission it is to improve the energy intensity of the United States industrial sector, whose industries include aluminum, chemicals, forest products, glass, metal casting, mining, petroleum refining and steel. The ITP program engages in partnerships with industry to conduct research and development into energy efficiency technologies, as well as demonstrating those technologies and transferring them to the marketplace. The program has been very successful in its efforts with over 140 projects reaching the commercial market.

The ITP also conducts energy assessments, to help industrial manufacturers of all sizes, through both its Save Energy Now and university-based Industrial Assessment Centers, IACs. The Save Energy Now program completed 265 assessments that identified energy savings of more than $585 million per year.

The IACs serve a dual role, aiding small and medium-sized business to reduce their energy costs and the training of university students who will take the efficiency knowledge they have learned and apply it in the workforce.

The bill before us today will ensure that ITP's beneficial work will continue to help the industrial sector reduce its cost, which not only helps them remain globally competitive while allowing them to keep their operations in the United States of America. Further, the ITP aids our country's goal of reducing our dependence on foreign sources of energy by improving this critical sector's use of energy.

I reserve the balance of my time.

Mr. LAMPSON. Thank you for your words, Mr. REICHERT. Certainly this is important. It's something that can make a significant difference to what we're doing for the world and for industry in the United States of America, to make sure that we are kept competitive.

There's so many things, whether it is using waste to pelletize wood into new kinds of fuel, whether it is solar, water, any of the many things, wind, that we're doing and to encourage to make these things possible is something that is very important to me.

Mr. Speaker, I will insert the following letters into the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
*Washington, DC, October 22, 2007.*
Hon. BART GORDON,
*Chairman, Committee on Science and Technology, Washington, DC.*

DEAR MR. CHAIRMAN: I write with regard to H.R. 3775, the Industrial Energy Efficiency Research and Development Act of 2007. I know it is your wish for the bill to be considered on the House floor as soon as possible.

Some of the provisions in the bill are of jurisdictional interest to the Committee on Energy and Commerce. I am not, however, raising the issue with the Speaker because it is my understanding that you have agreed that the referral and consideration of the bill do not in any way serve as a jurisdictional precedent as to our two committees.

I request that you send to me a letter confirming our agreement and that our exchange of letters be included in your Committee's report on the bill and inserted in the Congressional Record as part of the consideration of the bill.

Please call me if you would like to discuss this matter further.

Sincerely,

JOHN D. DINGELL,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
*Washington, DC, October 22, 2007.*

Hon. JOHN D. DINGELL,
*Chairman, Committee on Energy and Commerce, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding the referral and consideration of H.R. 3775, the Industrial Energy Efficiency Research and Development Act of 2007. I appreciate your support of this important legislation.

I recognize your Committee's jurisdictional interest in this area, and I agree that the inaction of the Committee on Energy and Commerce with respect to the bill does not in any way serve as a jurisdictional precedent as to our two committees. The exchange of letters between our two committees will be placed in the Committee's report on H.R. 3775 and in the Congressional Record during consideration of the bill.

Thank you for your attention to this matter.

Sincerely,

BART GORDON,
*Chairman.*

Mr. Speaker, I don't have further comments to be made, and so if the gentleman is prepared to yield back his time, then I am ready to do so as well.

Mr. REICHERT. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PERMUTTER). The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and pass the bill, H.R. 3775, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## POLITICAL AND RELIGIOUS DISCOURSE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the first amendment protects the fundamental natural rights of free speech and free press.

These pillars of principle are listed first because they are the most important. These 2 freedoms ensure the protection of all the other rights that follow in the Bill of Rights.

Many years have passed since these values were chiseled into the Constitution, but they are still under attack by the elites who advocate Federal control of both. Why? Because these censors disagree with the content or claim it's inaccurate or it's not fair. Even former Supreme Court Justice Sandra Day O'Connor said last year that people should not harshly criticize the Supreme Court or its rulings.

The Constitution does not guarantee speech or press to be fair or even accurate. It guarantees it to be free. "Fair" is too subjective a term.

Our Framers were primarily concerned about protecting the political and religious discourse. Why? Because they are the most controversial and the most important.

Any action by the Federal Government to control speech or press should be met with loud, harsh words; fiery oratory; and a blazing pen.

And that's just the way it is.

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## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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## HOLDING THE ADMINISTRATION RESPONSIBLE FOR THE U.S. LEGACY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it is past time to hold this administration accountable for its actions in Iraq and for its actions throughout the region.

Our standing in the world and throughout the Middle East is at an all-time low. And our standing in popularity has just about disappeared. The administration's policies have only brought instability and conflict. The strategy of preemptive war has, and we have seen it, been met with disbelief. It has been met with criticism from all corners of the world.

The administration keeps beating the drum of war with Iran, and its inaction in northern Iraq may lead to armed conflict with Turkey. A real leader, an effective Commander in Chief, knows that the use of force should be the very last possible option, not the first. The blame for this sits squarely in the Oval Office.

And what about the people the administration was supposed to be liberating? Many live now without the basic services they had for generations: electricity, clean water, basic health care, education. And at least 4 million Iraqis have fled their homes. Many are displaced within their own country, and millions more have escaped to neighboring Iran and Syria. Despite what the administration has claimed, the fault does not lie on the Iraqi people or the international community. Once again the blame belongs one place and one place only: that's with our administration.

Let's look at our international human rights record, Mr. Speaker. From Guantanamo to Abu Ghraib, a scandal, to the mercenary Blackwater security forces, the face of American policy emerges as goons, thugs, and cowboys.

Or what about torture? The administration says it doesn't promote torture. Yet day in and day out we read news media reports of an administration promoting rendition and "enhanced interrogation methods." These methods allow for everything short of death. The responsibility lies at the feet of one man. Not a general. Not the Justice Department. Not the men and women of the intelligence community. And certainly not the brave men and women who are serving us in Iraq. One man.

And it does not get much better here, right here at home, where the administration is pushing for more ways to spy on American citizens. They are attacking their political adversaries by questioning their patriotism. They even outed a covert CIA operative. The President at that time said that anyone caught for such an action would be removed from his staff. Now it turns out that Karl Rove, Richard Armitage, Scooter Libby, and Ari Fleischer didn't count and the administration chose to put them above the law.

Once again, Mr. Speaker, we have to ask ourselves who's really to blame. I can only think of one person.

And, finally, most shameful of all, the legacy of this occupation of Iraq has left a generation of men and women with physical and mental wounds that may never heal. And how did the administration thank them for their bravery on behalf of our Nation? Walter Reed. Long waits for necessary medical treatment at local VA hospitals. And in some cases, extended deployments. What kind of Commander in Chief would do that?

Remember the good old days when past Presidents said, and meant it, that "the buck stops here," the buck stops with them? This administration seems to think the buck stops everywhere but 1600 Pennsylvania Avenue.

Mr. Speaker, it is time for the President to take the responsibility for his actions and turn the tide around, and he can do that by providing our men and women in uniform the equipment they need to come home safely; by funding the safe, responsible, and timely withdrawal of our troops; and by regaining, in turn, our place as a world leader promoting peace and stability.

Mr. Speaker, hold this administration accountable. Bring our troops home. End this senseless occupation.

## NO PLACE LIKE HOME: ROCKSPRINGS, TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, in the vastness of west Texas, the sky is a brilliant brazen blue and a place where sparse live oak trees fight to even exist. In the stillness of these arid plains is the remote south Texas town of Rocksprings.

The people of this community of only 1,250 had a homecoming Saturday for their favorite son, Deputy Gilmer Hernandez. I was honored to be there. The ceremony, ironically, took place on the courthouse square under the pecan trees and in front of the old limestone courthouse. Ironic because, you see, Mr. Speaker, the town was celebrating the release of Gilmer Hernandez from the Federal penitentiary. He had been sent to prison for, as local sheriff, Donnie Letsinger put it "just doing his job for the rest of us." The sheriff spoke the sentiments of most of the townspeople that I got to talk to.

The town was decorated with signs and flags and banners in windows of houses and in front of stores. Anyway, the ceremony started off with a lengthy prayer by the local Baptist preacher, and then there was a rousing pledge to the flag. There were tears and speeches by politicians. The mayor, Rachel Gallegos, presented Deputy Hernandez a proclamation from the city as Rocksprings' Favorite Son.

Most of the community turned out, many carrying signs of "Welcome Home, Gilmer." Gilmer's family was there, his wife, Ashley; and his wonderful young daughter. When Gilmer was shipped off to Federal prison, the people of this small town rallied around his family. The town paid the rent on his pickup truck, took his family into their homes, provided food, and took care of his mortgage on his house. They sent him letters while he was incarcerated; they prayed for him; and when he got home, he already had a job with the city and the local phone company.

Mr. Speaker, this is an interesting celebration considering Gilmer was a convicted felon. Gilmer Hernandez grew up in Rocksprings. His family is from there. He became a deputy sheriff for Edwards County. He always dreamed of being a lawman, even though he made a little bit over just $20,000 a year patrolling a county the size of Delaware.

Here's what happened sometime ago: while this young deputy was on routine patrol late at night, he came in contact with an SUV that ran the red light in Rocksprings, Texas. He pulled the vehicle over; and as he approached it, the truck sped off and swerved to run over the deputy. Gilmer pulled his weapon and shot out two tires in self-defense. The vehicle stopped, and numerous illegals, including the coyote smuggling the illegals into America, took off running. But one of Gilmer's bullets ricocheted in the SUV and hit a passenger as Gilmer fired at the fleeing vehicle. This was the first time Gilmer Hernandez had ever fired his pistol.

The sheriff and the Texas Rangers investigated the incident; and after investigating it thoroughly, they cleared Hernandez.

But upon the assistance of the arrogant Mexican Government 1 year after the incident, our almighty Federal Government prosecuted Gilmer for a civil rights violation, saying he should not have continued firing at the vehicle after it drove past him. So Gilmer Hernandez was sent off to prison at the behest of Mexico with the United States being the puppet. By the way, all of the illegals got to stay in the United States.

Many of the townspeople told me Saturday they thought Gilmer was right to defend himself. One old crusty Texas rancher called Gilmer a political prisoner.

I and others of this House have asked the President to pardon Gilmer Hernandez, and we hope eventually the President does pardon him. He has, after all, served his time.

But Saturday, as the magnificent sun began to set, the town of Rocksprings came out to cheer and honor and praise and totally support its favorite native son. After all the hoopla, the town went down the road to the fairgrounds for barbecue and homemade desserts. And, by the way, the sheriff gave Gilmer back his badge, hoping some day he will be able to wear it again.

Deputy Gilmer Hernandez is a remarkable person, and the town of Rocksprings is a uniquely remarkable place to be from.

And that's just the way it is.

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## THE IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, today President Bush requested an additional $46 billion war request. This request is on top of an existing $142 billion request pending from earlier this year.

The President told reporters that the funding was simply for day-to-day military operations in Afghanistan and Iraq. He said that the bill provides for basic needs like bullets and body armor, protection against IEDs, and mine-resistant, ambush-protected vehicles.

The President would lead us to believe that there are only two options in Iraq; Congress must either continue to fund the war indefinitely, or we must choose to pull the rug out from under the troops and strand them in the field without body armor and bullets. This, of course, is a ridiculous characterization of our position. We feel that continuing to referee a civil war in Iraq runs counter to our national security interests.

There is no military solution to the war in Iraq no matter how many soldiers, weapons and dollars you dump into the country. Bombs and bullets have not and will not bring us peace in Iraq. I believe there is only one answer to the war in Iraq: a fully funded redeployment of our troops and military contractors.

I think a reasonable Member of Congress would welcome a plan from the President on how we're going to safely leave Iraq, and we would be happy to fund it. But asking us to continue funding, providing funds for the occupation of Iraq until President Bush decides to change course is tantamount to asking us to just continue to support the war.

The choice is clear; it is time to face the facts: We either provide funds to continue the war or we provide funds to end the war.

Mr. Speaker and Members, I'm bothered by this request. I'm bothered by it because the President is playing politics with the issue. The President of the United States is saying, "I want this $46 billion and I want it now, and I want to use it for very necessary armor and equipment," because he knows that the Members of Congress do not like to be seen in a bad light, having folks believe that somehow they're not providing support for the soldiers. And he keeps testing the will of this Congress with these kinds of antics.

We know that the American public wants us out of Iraq. We also know the American public wants to indicate its support for the soldiers who are not there because they've decided that we would go to war, but rather, they answered the President's call because they are patriotic, many of them needed jobs, they needed resources, they needed money, so they're there.

Everybody supports the soldiers, but the President is trying to set us up. He is trying to set us up so that if we don't immediately vote on this $46 billion it will look as if we are not giving the soldiers the necessary equipment in order to wage the war. This is absolutely ridiculous.

And I don't know how long this President thinks he can get along with mismanaging this war in the way that he's doing. We have 101 questions we ought to be forcing on him. First of all, where are the 190,000 weapons that have been lost? Where is the money we were supposed to have been getting from the oil wells in Iraq? Where are the billions of dollars that they sent over in cash in the beginning of this war? What happened to all of that money?

We can go on and on and on with questions about Blackwater and the contractors and the mercenaries. We can go on and on about this government that they put together that does not function and will not function. We can ask them, whose side are you on, the Sunnis, the Shias? And now you're trying to manage what Turkey does with the Kurds. The Kurds killed Turkish soldiers. The Turks threatened to go over and invade the Kurdish territory, and now we're over there trying to manage that. It is complicated. We have no business there.

This occupation is draining us, not only the lives of young men and women who are there trying to answer the President's call, but the dollars that should be going into comprehensive universal health care, truly supporting Leave No Child Behind, truly supporting moderate and low-income housing, truly being used to rebuild the infrastructure that's falling apart all over America.

Come on, Mr. President, don't challenge us this way. There are some of us who know what we're going to do, and others are going to get wise very soon.

## MILITARY DEATH GRATUITIES TO TAX FAVORED ACCOUNTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I would like to thank Chairman CHARLIE RANGEL and the House Ways and Means Committee for their work in putting together a package of legislation called the Heroes Earning Assistance and Relief Tax Act of 2007, which is designed to help members of the United States Armed Forces and their families. I'm especially grateful, Mr. Speaker, that the committee has indicated plans to include in this legislation a bill that I first introduced in 2005.

H.R. 418 would permit military families to receive the death gratuity to invest the full amount into certain tax-favored accounts. A death gratuity is a $100,000 payment paid to survivors of servicemembers whose death resulted from combat-related circumstances.

Current tax law limits the amount that recipients of the death gratuity can place in tax-preferred accounts, such as a Roth IRA or Coverdell Education Savings Account. This legislation would change that to allow recipients to contribute up to the full amount of the gratuity payment to these accounts.

Mr. Speaker, as the families of our fallen heroes try to put their lives back together, they need all the help they can get. The families should not have to worry about saving the death gratuity to pay for health care, college or other expenses and then have the government come in and tax the interest on that savings. This bill would help ensure that does not happen.

Mr. Speaker, the need for this legislation was brought to my attention by Captain Michael Ceres, a constituent stationed at Marine Corps Air Station New River. Captain Ceres, who just returned from serving in Iraq, contacted my office and suggested that Congress should institute this change to ease the burden on grieving military families.

Mr. Speaker, the Joint Committee on Taxation has scored this legislation at no cost, meaning that the actual cost of this proposal is less than $500,000 over 9 years. Our men and women in uniform serve this Nation with great honor and distinction; many give their lives for this country. We owe it to our fallen military heroes to expand this option of families who receive the death gratuity, families who have paid the ultimate cost with the loss of their loved one.

H.R. 418 has also received the endorsement of The Military Coalition, a group of prominent national military and veterans organizations that represent more than 5.5 million members plus their families.

Mr. Speaker, of the 35 organizations that have voiced their support for H.R. 418, let me name just a few: The Air Force association, AMVETS, Fleet Reserve Association, Gold Star Wives of America, Military Officers Association of America, Marine Corps League, Navy League of the United States, and there are many others.

I call upon my colleagues to support the inclusion of H.R. 418 in the Heroes Earning Assistance and Tax Relief Act of 2007 in order to expand the options of military families whose loved ones have given their lives in the name of freedom and in defense of this Nation.

Mr. Speaker, I close by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. And also, I will ask God to continue to bless America.

## CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JONES of Ohio. Mr. Speaker, over the past 9 months, the Congressional Black Caucus has been at the forefront of many major issues here in Congress, from raising the minimum wage, to the Don Imus debacle, to the upcoming Southwick nomination vote that will be taken up in the Senate this week. We have been at the forefront of raising the issue about the need to cover 10 million children under SCHIP. And we've been at the forefront as well raising issues with regard to the war in Iraq and the number of people who have been killed, as well as the recent Jena Six situation.

Tonight, however, we will be focusing in on the Southwick nomination. And as we focus in on that nomination, we always remember that for people of color the court has been the place of last resort. Many of the opportunities that we've had to raise issues with regard to school desegregation, civil rights, economic opportunities, equal employment opportunity, have come through the courts. And it is that reason that we are particularly raising our voices with regard to this nomination.

I am joined this evening by my colleague and good friend, the Chair of the Homeland Security Committee, Mr. BENNIE THOMPSON. And Judge Southwick, the nominee, actually is a resident of Mississippi and being considered for that seat which oversees Mississippi and several other States where the population of people of color is significant.

I yield such time as he may consume to my colleague and good friend, the Chair of the Homeland Security Committee, BENNIE THOMPSON.

Mr. THOMPSON of Mississippi. Thank you very much.

Mr. Speaker, I join members of the Congressional Black Caucus, who have unanimously opposed the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals.

For the record, Mr. Speaker, the Fifth Circuit is composed of Mississippi, Louisiana and Texas. This circuit historically was one of those circuits that moved civil rights and voting rights issues in a manner that allowed all people representation. So what we've seen under the President's administration, we've seen this court move in the opposite direction.

As a resident of Mississippi and a representative for the Second Congressional District, we have yet to have a member of the Fifth Circuit Court of Appeals who is an African American. We have the highest population of any circuit in the State in the circuit; yet we are completely void of representation.

I don't have to go through the litany of problems we've had in Mississippi with respect to civil rights. As you know, and as so many know, Mr. Speaker, had it not been for the Federal court system, many of us would not be in elected office. Many of us would not hold positions of higher responsibility because our State denied African Americans, for a number of years, equal representation under law and denied that representation because of color.

And so what we have in the Southwick nomination, Mr. Speaker, is a continuing pattern of nominating people who have demonstrated racial insensitivity toward people of color. In the Richmond v. Mississippi Department of Human Services, a white employee was fired for using the phrase "good ole nigger" toward an African American coworker. When the white employee was fired, a hearing officer reinstated the employee.

In upholding the reinstatement, the majority, Mr. Speaker, which Judge Southwick joined, concluded that using the phrase "good ole nigger" was equivalent to calling the other employee her "teacher's pet". This opinion, I'm happy to say, Mr. Speaker, was unanimously reversed by the Mississippi Supreme Court. And this is our President's number one nominee for the Fifth Circuit, who says that it's all right to use the "N" word when referring to people of color because it's equivalent to being called the "teacher's pet," or as he said in later words, "a term of endearment." That's an insult. But it goes to the crux of the issue of whether or not the temperament of this gentleman, Leslie Southwick, fits promotion to the Fifth Circuit Court of Appeals.

In addition to that, on another case, McWilliams v. Mississippi, when a prosecutor cites nonracial readiness for strikes. Davis v. Mississippi is another case. Judge Southwick denied the defense's warranted attempts to strike white jurors, even when the defense used the same nonracial reasons for strikes. Webb v. Mississippi. In other words, it's all right to strike black people from juries for nonracial reasons, but you can't strike white people from juries for nonracial reasons.

So, Mr. Speaker, we have a problem. This is the person under consideration this week by the United States Senate. I'm happy to say that the Congressional Black Caucus has taken up a number of issues this session, but the Southwick nomination really goes to the heart of why we are all here. We cannot put people on the bench for a lifetime job who demonstrate this kind of insensitivity.

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So, Mr. Speaker, I am happy to join my colleagues with the Congressional Black Caucus in unanimously opposing the elevation of Judge Southwick to the Fifth Circuit Court of Appeals. His nomination is not just an affront to people of color, but it is an affront to people of good will. That someone who demonstrated a lack of judicial temperament can actually be nominated and be given serious consideration by the United States Senate is beyond me.

But, again, I want to express my sincere opposition to the nomination of Leslie Southwick to the Mississippi Fifth Circuit Court of Appeals. Mississippi needs a nominee who will not look to discourage or impede its growth, but instead support and empower Mississippi's legacy. I appreciate my colleague from Ohio yielding me the time.

Mrs. JONES of Ohio. Mr. Chairman, just for a moment, I recall only a few months ago that you and the Chair of our Congressional Black Caucus, CAROLYN CHEEKS KILPATRICK, were actually over at the Senate side when this was in committee.

Mr. THOMPSON of Mississippi. That's correct.

Mrs. JONES of Ohio. Can you recount for us briefly what you encountered in that hearing?

Mr. THOMPSON of Mississippi. Well, the record will reflect, Mrs. TUBBS JONES, that at that hearing significant evidence was introduced as to the statistical probability of African Americans being nominated to the court. It was also introduced that the population of African Americans was the greatest in the State of Mississippi, that Mississippi had fewer individuals on the Fifth Circuit Court of Appeals and has never had an African American on a court in its entire history from the State of Mississippi. So this is a golden opportunity, it was a golden opportunity for President Bush to do the right thing. But this was his third nominee for this one judgeship. Each of the other individuals who he has nominated also had that judicial temperament and their qualifications questioned to the point that they were denied.

So what we have here is a third bite at an apple that really deserves reconsideration by the President. But since he did not choose to do so, I am committed, like the other members of the Congressional Black Caucus, to make our voices heard this week on the floor of the United States Senate with its colleagues there to say that this is not the America that we all want to be known for.

And so that issue, Mrs. TUBBS JONES, was thoroughly aired. I am disappointed that a letter from Judge Southwick swayed one member of the Judiciary Committee to change their vote. You know, we can all write letters. But in the record, we have opposing views from the Magnolia Bar, which is the African American Bar Association in the State of Mississippi, the Mississippi NAACP, a whole host of elected officials and others saying that this is not in the best interests going forth with this nomination.

So we believe that the record was complete and that a thorough airing of what is before that Judiciary Committee would have basically provided significant opposition to Judge Southwick. But, you know, this is politics. That letter changed the position of one member on the judiciary who did not talk to anybody from Mississippi, did not talk to anybody from California, did not talk to anybody who had an interest diametrically opposed to the person under consideration. They took a letter, read it into the RECORD, and made a decision as to a person saying, I will do better now that I understand that it is not proper to use the N word or that it is not proper to deny African Americans positions on juries just because they happen to be black.

Well, that is not enough in my book, nor the Congressional Black Caucus's book, to warrant a person being elevated to the Fifth Circuit Court of Appeals. Now, the reason I say that, to be honest with you, is that the majority of the voting rights and civil rights legislation that comes before the court generally comes from that circuit. So if you have someone who demonstrates time and time again that they lack the temperament, that they lack the judicial restraint to deal with cases relating to people of color, then that person should not be promoted to that position for which they are not made. So for that reason, I am happy to be here on behalf of those Members who serve the Fifth Circuit Court of Appeals in the United States House of Representatives.

We have, as you know, gone on record many times in writing opposing the nomination. We reiterated that opposition today in a letter when we found out that it would be considered sometime this week. So there is no question that people who represent individuals, more than 700,000 American citizens, in the Fifth Circuit Court of Appeals district are in opposition to it. And how one can take a letter from the person that is nominated and say that that one letter rises above those hundreds of thousands of people who have sent individuals to represent them here in Washington gets beyond me. But, again, we will continue to press the case. As you know, we are prepared to speak to the leadership before the issue is considered and do other things, because this is too big an issue for us not to give it our maximum effort.

Mrs. JONES of Ohio. I want to thank you, Chairman THOMPSON, for your leadership not only in the State of Mississippi but also here in the Congress. Recently, I had a chance to be in Greenville, Mississippi, with you with an elementary school friend of mine, Jaribu Hill. I am just so happy to see the kind of leadership you are showing, and I thank you for joining me this evening for this Special Order.

Mr. THOMPSON of Mississippi. Thank you very much.

Mrs. JONES of Ohio. It gives me great pleasure at this time to call upon my sister, my good friend, the gentlewoman from California, and she happens to be from the State of the Senator who voted this, whose vote was determining in voting this nomination out of the committee. But I will leave for her the discussion on that issue. I give you the great gentlewoman from California, Congresswoman BARBARA LEE, who has been a leader on so many, many issues that I can't even recount them all at this time. And I will yield her such time as she may consume.

Ms. LEE. First, let me thank the gentlewoman from Ohio for her leadership and for her kind words, but also for her commitment to equal justice under the law.

As a former prosecutor, as a judge, your leadership and your clarity on these issues is deeply appreciated, and also for making sure that each week the Congressional Black Caucus has a voice on all of the issues that we are addressing in our country. This evening, yes, I would like to talk very briefly about the unfinished business of America as it relates to equal justice under the law.

Before I do that, let me just reflect for a minute on the contributions of my colleagues in the Congressional Black Caucus. Any reflection on Congressional Black Caucus members' accomplishments in this Congress must begin with the recognition of the incredible leadership role members of the Congressional Black Caucus are playing. In addition to our great Democratic whip, Mr. CLYBURN, from South Carolina, who is only the second African American to hold this position, more than half of our caucus members, 22 in all, are now serving as Chairs of committees and subcommittees. I have to salute and acknowledge, again, Madam Chair of the Ethics Committee tonight and her leadership, also, the first African American woman appointed to the Ways and Means Committee. It makes a difference to have, again, STEPHANIE TUBBS JONES's voice on both of those committees and also as a leader on both of those committees.

Also, in addition to the significant achievements in both legislation and oversight, the Congressional Black Caucus members have also continued to play a major role in so many issues. The CBC has been long referred to as the conscience of the Congress for our members' steadfast refusal to turn our backs on injustice and for our commitment to shining the spotlight of truth on issues of injustice and racial prejudice wherever they may arise. I am proud to say that in the 110th Congress, the Congressional Black Caucus has continued with this proud tradition. When Don Imus, once again, crossed the line and denigrated the women of the Rutgers women's basketball team, members of the Congressional Black Caucus were there to call him out, to document his long history of racially offensive remarks, and to help see to it that sponsors understood that supporting such behavior is just bad business.

More recently, we were part of the national call for justice for the 6 young people from Jena, Louisiana, whose case represents an example of racially biased justice, or injustice, that is too familiar for people of color around this Nation.

Let me address another issue which my colleague, our chairman of the Homeland Security Subcommittee, Mr. THOMPSON, just mentioned. Tomorrow, the Senate will hold a cloture vote on the confirmation of Judge Leslie Southwick to the Fifth Circuit Court of Appeals. In August, when the Senate Judiciary Committee voted to send his nomination on the floor, I joined with my colleagues in the Congressional Black Caucus in speaking out against his nomination. I also expressed my profound, and I mean my very profound, disappointment as a Californian, first of all, and as an African American and as a woman, that a Senator from my home State, Senator FEINSTEIN, would vote with the Republicans to bring the Southwick nomination to the Senate floor.

Numerous concerns had been raised about Judge Southwick's commitment to equal justice, which Congressman THOMPSON just enunciated. I have profound concerns about the commitment to equal justice and dignity of anyone who thinks that it is ever acceptable for someone to refer to someone else using the N word. The idea of elevating a person to the Fifth Circuit Court of Appeals is, quite frankly, unacceptable. The fact is that the Fifth Circuit has the highest percentage of minority residents of any other circuit; yet all of the nominees over the last 22 years have been white. In fact, there is only one African American member of the court, and he is only the second since the court was created in 1869.

The recent case in Jena, Louisiana, shows the racism in the criminal justice system within the jurisdiction of the Fifth Circuit. The case in Jena makes it clear why we cannot afford to send anyone less than a civil rights champion to serve on this court, let alone someone with a record of hostility towards civil rights, someone who thinks that it is ever acceptable for someone to refer to someone else using the N word. We have come too far from the days of Jim Crow to tolerate the type of racist miscarriage of justice that we have seen in Jena and in the record of Judge Southwick.

If we are ever to overcome the legacy of racism in this Nation, we have a duty to our young people to see to it that the principle of equal justice is upheld. If we truly believe in our Nation's principle of equality before the law, then we have to make sure that everyone, regardless of race, is held equal before the law. So we are looking to our colleagues in the other body to take a stand for civil rights, to take a stand against racism, and to take a stand for justice and to block the nomination of Judge Leslie Southwick.

In so doing, we will take another step in completing this unfinished business in our country that so many people fought and died for. So I want to thank the gentlewoman from Ohio for once again stepping up to the plate, using her voice and her leadership to call for justice in our country and to help defeat the nomination of this individual, Judge Southwick.

Mrs. JONES of Ohio. Before you leave, Congresswoman LEE, how many African American members are there in the California delegation?

Ms. LEE. In the California delegation, there are four African American Members of Congress: Congresswoman MAXINE WATERS, Congresswoman DIANE WATSON, Congresswoman LAURA RICHARDSON, and myself.

Mrs. JONES of Ohio. To your knowledge, did Senator FEINSTEIN even bother to contact you, any of you, with regard to this particular nomination and her vote?

Ms. LEE. Well, I know we attempted, on many occasions, to reach many Members of the Senate, including Senator FEINSTEIN. We were not able to have a discussion at all about this nomination, which was really unfortunate, because I believe that people in California, all people in California, people of conscience, people of color, people on both sides of the aisle do not want to see a judge from the Fifth Circuit confirmed with this record, as Judge Southwick. We are very disappointed that we did not have the opportunity to have those conversations.

Mrs. JONES of Ohio. In addition to the four African American members of the California delegation, how many Hispanic members of the delegation are there?

Ms. LEE. We have a very large Hispanic congressional delegation. I would believe there are probably, let's see, we have Congressman XAVIER BECERRA, Congresswoman LUCILLE ROYBAL-ALLARD, and Congresswoman GRACE NAPOLITANO. We have Congresswoman LORETTA SANCHEZ and Congresswoman LINDA SANCHEZ. We have DENNIS CARDOZA. We have a very, very strong, very active and very committed delegation from our Latino communities.

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Mrs. JONES of Ohio. In fact, a significant number of the issues that the African American community raises around civil rights are some of the very issues that the Hispanic community raises around civil rights issues as well.

Ms. LEE. They are the exact same issues that our Hispanic community raises. Also, the same issues that our Asian Pacific American community raises. In fact, to the extent that we decided several years ago to form what we called the Tri-Caucus, where I believe there are at least 73 votes that really do count and make a difference in this body, and so, yes, we are all on the same page as it relates to equal justice under the law.

Mrs. JONES of Ohio. I thank you very much for your time and your attention and your leadership around so many issues, Congresswoman Barbara Lee.

Once again, I have an opportunity to invite another one of my wonderful colleagues to join me this evening for the CBC Message Hour under the leadership of our Chair, Congresswoman Carolyn C. Kilpatrick. The next colleague that I call upon is a former judge. She has been serving on the Judiciary Committee for the past 13 years. She has shown leadership around so many issues. I want to compliment you this evening, Congresswoman Sheila Jackson-Lee, on your presentation and the work you did during the Judiciary Committee hearing last week around the Jena Six. Unfortunately, I couldn't be at the hearing, but over the weekend I watched the replay of the C-SPAN presentation.

Mr. Speaker, I want to commend the Chair, our good friend from Detroit, Michigan (Mr. Conyers), but I also want to commend you on the work that you do in and around that area. I will yield you such time as you will consume.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from Ohio. I must say that she is representative of the talent and the commitment of members of the Congressional Black Caucus.

Let me say, Mr. Speaker, that we are very proud of this Congress. We are proud of all of our colleagues. We may agree or disagree with our friends across the aisle, but we know that they bring to bear great talent. We are proud of the Democratic Caucus, with our leadership, Speaker Pelosi; Majority Leader Hoyer; Majority Whip Mr. Clyburn; and, of course, our chairman, Rahm Emanuel; Vice Chairman John Larson; and, of course, the distinguished gentleman who chairs the DCCC, for his leadership.

When we speak of the Congressional Black Caucus, we really speak of them in the framework of providing conscious and pointed leadership in many areas. I must say that the distinguished gentlewoman from Ohio has always reminded us that you can be a benevolent prosecutor. You can have the spirited forcefulness that is necessary to ensure that people understand that they must follow the law, and that if you do the crime, you must do the time. But, at the same time, you can have a sense of fairness. I am so proud that she has brought her leadership to this place. I will quickly speak of some issues and then move to this question of why this is such a crucial special hour.

Mr. Speaker, as I mentioned, the gentlewoman from Ohio is not only a prosecutor and former judge herself, but she likewise now brings that to bear on several issues. I am going to speak very briefly about our members who engage in criminal justice and homeland security, but she is now the chairperson of the Ethics Committee. What a wonderful balance, recognizing that we must self-regulate, but yet she is firm and fair.

So, with the 17 cochairs that we have who are members of the Congressional Black Caucus, we are able to spread out and have a visible impact, from Transportation, Homeland Security, Education, to a number of issues that these subcommittee Chairs are engaged in, and working with John Conyers, the chairman of Judiciary; the chairman of the Ways and Means, Charlie Rangel; and the chairman of Homeland Security.

But let me tell you why I think that we are most relevant to be speaking of this, if you will, confirmation hearing tomorrow, because members of the Congressional Black Caucus have worked on issues. In fact, tomorrow, Madam Chairwoman, we will be holding a hearing on selective prosecution, held by Chairman Conyers, because that is something that has plagued our judicial system. That is why I am going to lead into this circumstance with Judge Southwick.

Then, of course, there is legislation that we filed, No More Tulias. That was a place where the prosecution relied on one police officer, a rogue cop, by the way, and I love my law enforcement, I work very well with them, who, unfortunately, pointed the finger at 50 African Americans or more, who were ultimately prosecuted and went to jail because of one officer's testimony, no other witnesses. And this is the issue that we face, the politicizing of U.S. Attorneys. John Conyers focused on it.

But my good friends Congresswoman Stephanie Tubbs Jones and Danny Davis, and so many of us who were cosponsors, led on the Second Chance bill. So she balanced prosecution with recognizing that people should have a second chance. This came out of the bowels, if you will, of the Congressional Black Caucus, the criminal justice system being fair.

Then, of course, she mentioned the Jena Six. I want to just frame this not by the Congressional Black Caucus affirming bad behavior. We have sons. We have daughters. We have children. We have children that go to schools, public schools. But the question that we just can't get over is how three young people that hung nooses that triggered the bad feelings then get a pass. Fine. Someone administratively decided we want these young people to stay in school. That is their decision. But then you take young people of color and you decide that they should be in the adult criminal justice system.

So the African American community looked to the Congressional Black Caucus to make a stand. I am delighted that, with the leadership of Chairwoman Carolyn Kilpatrick, we have worked with the lawyers, we have worked with civil rights activists to keep this before us. The good time early release bill, because in the federal system there is no parole. Members of the Congressional Black Caucus have focused on nonviolent criminals who have been in prison for a period of time getting considered for good time early release. We have spent $100,000 a year, almost, for the 2.4 million people that are in the federal system.

The SCHIP bill was led by convening leadership of Majority Whip Clyburn, working with Charlie Rangel. But we stood fast to say: No backing down on the SCHIP bill. Of course Bennie Thompson, my chairperson, was able to pass for the first time the 9/11 bill.

That leads me to why we are here talking about Judge Southwick, and a personal story. I am a voting rights baby. This district that I represent, represented first by Barbara Jordan and then by Mickey Leland, would not have existed but for the 1965 Voting Rights Act that then provided the representation not at large, but by district.

Many people don't know that Barbara Jordan ran over and over again in Houston, Texas, and lost, because she had to run countywide, citywide. It was only when they carved out or were able to get a senatorial district that concentrated diverse people, that concentrated African Americans, that she was elevated to the State Senate. So the Fifth Circuit was the place of first Federal response, beyond the district courts, to save us from the discriminatory practices that were going on in the South, and Texas is the South.

So when Judge Southwick has cavalierly used the "N" word, and, by the way, the NAACP buried that word, and most of us know it is an offensive word, despite the first amendment, then I can't imagine that the Senate tomorrow is even going to think about affirming this individual. Because he ruled that a white employee who had been fired for calling an African American coworker a good old "N," he thought that that certainly was equivalent to calling somebody a teacher's pet.

But go back to the Jena Six. That is the same response the Department of Justice under Bush gave us, that we didn't think it was important to chastise, to admonish, to prosecute three young people who hung a noose, and the noose epidemic is going around America.

So here you want to elevate someone to the Fifth Circuit who believes that the "N" word is equal to, that it is like "teacher's pet." The Mississippi Supreme Court, by the way, unanimously reversed Southwick.

He has also rejected defense claims that prosecutors struck African American jurors based on race. I know it firsthand as a lawyer. We see it every day in the Harris County courthouse when the prosecution in down-south Houston, Texas, repeatedly rejects African American jurors. So that is not the temperament for being on the Fifth Circuit, because we appeal those cases to you.

His expressed views also raised doubts about his ability to rule fairly in cases involving the civil rights of gays and lesbians. We have gotten past that in the United States Congress. In fact, we understand you have employee rights not to be discriminated against in the workplace or anywhere in America. What will that do for us to be able to have a judge on the Fifth Circuit that has no understanding that we are diverse?

Then, of course, one other point that I am going to make before I close, one of the most important privileges is the privilege of being in the workplace safe and secure without discrimination, and it has been proven that Judge Southwick is not one that supports the rights of workers and the victims who suffer personal injury.

What it means is that you come before his court, obviously on appeal, and whether it be a malpractice case or whether if be a huge personal injury case, then he has not been warmly received or well received, these cases.

So I would simply ask, when you talk about judicial temperament, for those of us who are heavily dependent on the equality and balance of the judiciary, I reminded my colleagues and others in the hearing last week that the Federal Government is the "rainy day umbrella." That is why we were so frustrated with Hurricane Katrina and the response by this administration, because we looked to the Federal Government as that last stopgap.

So those of us in the South look to the Federal Government, whether it was John F. Kennedy calling down when Martin Luther King was in jail or Eisenhower sent the troops into Little Rock, we look to the Federal Government. All of us do.

So you are going to put on the bench someone who is predisposed that the "N" word is just a "funny word," and then those of us who go to the Fifth Circuit on redistricting cases, short of the law that already exists, can't expect any relief because why do you "N" people need to have districts that you are able to vote on someone from communities of interest, in essence, or someone who is representative of your perspective or your view? That is what we get with the affirmation of Judge Southwick.

So I am going to make a personal plea to Senators who might have voted in the committee and whoever wants to take this plea to recognize the pain that would be generated from the affirmation of Judge Southwick. It is untenable. For those of us who want to hold up this flag that I am looking at right now as representative of all of America, the Stars and Stripes, that we would allow him to be affirmed. Letting him stay where he is, fine. I welcome his continued service. But the Fifth Circuit, the next court subject to appeal down from the Supreme Court, we cannot afford someone who would be so intolerable that they would disrespect workers, disrespect those who would be the victims of using the "N" word, those who are gay and lesbian who deserve the privileges of every citizen, and certainly does not respect the right of everyone to serve as a juror in order for someone to be tried by a jury of their peers.

Congresswoman, I am more than appalled that we would be here tonight to have to entreat, to encourage, to demand, to cajole, if you will, to express outrage, that we have to defend our position for someone who is certainly both untenable and certainly seemingly without the temperament to judge on behalf of the United States of America. I ask my good friends in the Senate, I ask the other body to consider the words of those of us who are here on behalf of the Congressional Black Caucus and this conscience that America deserves.

I thank the distinguished gentlewoman, and I hope these words are not in vain. Frankly, I hope that we will have a good day tomorrow so that we can make America a better place to live.

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Another interesting thing, because the Supreme Court only takes cases that they choose, and in the law we use the term certiorari which means certification, that the Supreme Court certifies it is an issue that they want to take up, the Fifth Circuit Court and all the circuit courts become like the Supreme Court for almost every other case that will never reach the Supreme Court, and that is what makes a nomination to the circuit court even that much more important.

Ms. JACKSON-LEE of Texas. The gentlewoman has made an excellent point, and let me emphasize the word "supreme." It is the top Court, nine justices. They selectively select cases they will review. There are 11 circuits. The circuits obviously are more plentiful than the Supreme Court. And sometimes that circuit court, in this instance the Fifth Circuit Court, will often be the court of last resort for many.

Also, before the court was split between the fifth and the 11th, the Fifth Circuit Court was the bountiful court of all civil rights cases. It covered at that time from Mississippi to Alabama, to both Carolinas, Georgia, down through Louisiana and back over to Texas. We were all under the Fifth Circuit. It might have even included Arkansas; I am not sure of that.

But all of the civil rights cases, all of these cases that ultimately were pursued, some of the cases, some of the old murder cases that were not taken up by the State systems ultimately went to the district courts and then might have made their way to the circuit court.

This court is a court of first impression on many civil rights cases. When I say that, making the cases end at the Fifth Circuit on many of them. In the old days, might I say, the Fifth Circuit of LBJ and Carter, those judges understood the pain of civil rights cases. They understood the redistricting cases and they understood the Voting Rights Act. They understood that they were not making law. They understood affirmative action cases.

You're right, these circuit courts now become courts that are the last refuge for many petitioners and litigants.

And on the jury selection case if you were to take it up on appeal, this attitude that African American jurors can be stricken and it is not a race question would be devastating. Might I say, the Jena Six case was a white judge, was a white prosecutor and an all-white jury for Michael Bell. And as I understand it, let me say this on the floor so I can correct it if I am wrong, they said that they noticed African American jurors. The African American jurors said they didn't get the notice, and some who came got there too late and so the jury pool was not diverse. If something had occurred that ultimately would be taken up on appeal to a Federal court, look who we would have to assess the case, Judge Southwick.

Mrs. JONES of Ohio. I thank Ms. JACKSON-LEE for her leadership on these issues and for joining me during the Congressional Black Caucus hour.

Let me talk about Judge Southwick for just a few minutes, and then I would like to review some of the progress that has been made under the leadership of our Chair, Ms. KILPATRICK, in the 110th Congress.

As we were talking about Judge Southwick, you have to understand this will be the first controversial judicial nomination considered by the Senate since Democrats took the majority. It has been 10 months since the Senate changed hands, and the people expect a difference in the way judicial nominations are handled. We don't want to go back to the way they were handled under the Republican leadership.

The Congressional Black Caucus and the civil rights groups warned the Senate about Roberts and Alito, yet they were both confirmed. The first full Supreme Court term of the Roberts court showed that we are able to predict how judges will act or respond on civil rights cases once confirmed.

To confirm a lower court judge in the face of a bad record on civil rights will simply be too much to bear. Let me step aside for a moment, and I heard my colleague Ms. SHEILA JACKSON-LEE talk about there being a white judge and an all-white jury and a white prosecutor. I served as a judge for 10 years in the Common Pleas Court, a general jurisdiction court, in Cuyahoga County, Ohio. I served for 3 years as an assistant county prosecutor and 8 years as an elected prosecutor. I have been in courtrooms where there have been all-white juries, and I will not say that an all-white jury cannot be fair. But what the law says is you should have a jury of your peers. And the law also says that people should not be excluded from a jury just because of their race. I have seen an attempt for that to happen in other cases.

It is so very, very important that if we expect people to follow the law and be a part of the law and be a part of the judicial system, that they have a belief that the judicial system will be fair. Once you have that perception and belief, then you can succumb to the rule of law. In this country, so often we see instances where young men and women have come before the court and they have not had fairness, and that is when it is important to have a circuit court where you can appeal your decision in a trial level court to the circuit court for relief.

The fight in the Fifth Circuit is a fight worth having. It has the highest percentage of minority residents, black and brown, of any circuit. At the same time, the civil rights jurisprudence is far to the right. We have already talked about the Jena Six.

There is a history with this seat. President Bush is intent on placing someone who has a history adverse to civil rights in Mississippi sit on this court. Charles Pickering and Michael Wallace were nominated, but couldn't get confirmed because of their civil rights records. This is the third try by the administration, and the pattern is very clear. We believe that the President, if he was really paying attention to the people of America, what he would in fact do is withdraw this nomination and go on and allow us to have someone who would be fair and honest.

We may not win this battle on a sound bite or our debate on the floor of the House of Representatives, but we believe that the Senate, we believe that this Senate under the majority, Democratic majority, is going to step up to the plate and make the right decision. We expect that they will take a look at his background and experience and make that decision.

So I am pleased, as I said, having been a judge, and it is a difficult job being a judge. You have to have the right temperament. You have to give people the opportunity to present their evidence, and you make decisions and rulings on evidence and admissibility and whether it is probative, whether it can be prejudicial. And if it is prejudicial, is it outweighed by the probative value. And be familiar with the rules of evidence such that when you sit in the chair as the judge making a decision, and the reason, and it is symbolic, under the law, the reason judges wear robes, the robe is supposed to cover the human frailty of a judge and allow the judge to step up and be fair and set aside any of their background or experience that would be adverse.

So we are concerned about this judge, Judge Leslie Southwick, and we implore the U.S. Senate to not confirm his nomination.

I am going to close on a few of the accomplishments that the Congressional Black Caucus has been involved with over the first 9 months. We are pleased to have an opportunity to be in the leadership role. We fought for minimum wage. Nearly 13 million people will enjoy the benefit of an increase in the minimum wage.

We fought for stem cell research which provides Federal funding for research that has the potential to treat sickle cell anemia, diabetes, paralysis, Alzheimer's and Parkinson's. And many of these diseases are prevalent in the African American community, and we have been fighting for them.

We fought about student loans. I heard on the news today that George Washington University will be the first university to publish that their tuition and room and board is $55,000, and that the largest increase in tuition is actually going to be in public universities, not private universities. And we all know that most working-class folks send their children to public universities, so we are happy to be in the forefront of fighting for student loans.

We have also been pushing for disadvantaged businesses, disaster eligibility in light of what happened with Hurricane Katrina. We fought for the Katrina Housing Tax Relief Act of 2007.

We fought for United States Troop Readiness, Veterans Health and Iraq Accountability Act because we understand that there are young men and women of all colors fighting over in Iraq and Afghanistan. It is very, very important that they have the ability to have the kind of health care they need and that this government be held accountable for their conduct.

We have fought for the Gulf Coast Hurricane Housing Recovery Act because so many people were left out as a result of Hurricane Katrina and Hurricane Rita.

We fought for accountability in contracting because all of us have learned that many of the dollars that have been squandered over these past few years under this administration have come as a result of contractors not being held accountable.

We fought for the Hate Crimes Act which provides legal protection for churches, synagogues, and mosques against hate crimes.

We fought for the Farm Nutrition and Bioenergy Act addressing the issues around that.

We stood up on behalf of the Children's Health Insurance and Medicare Protection Act, CHAMP. It was defeated in the Senate, and so it really didn't get anywhere; and that brought us back to SCHIP, which recently was vetoed by the President.

We want everyone to know that Democrats are going to continue to fight to be assured that 10 million children in the United States of America have health care coverage.

We fought on behalf of the Darfur Accountability and Divestment Act, and the list goes on. I am so proud to be in the U.S. Congress. I often tell people the story that my father was a skycap for 38 years for United Airlines and my mother was a factory worker. And for them to have the opportunity in a generation to see their daughter serve as a judge, a prosecutor, and then have an opportunity and the ability to be in the U.S. Congress is just something wonderful.

I always tell people if I am judged, and we always talk about honor thy father and thy mother, that if I am judged on honoring thy father and thy mother, I am probably going to get to heaven. Now some of the other conduct I've engaged in may keep me out of heaven, but I want to say I am pleased and proud to be the daughter of Andrew and Mary Tubbs and to represent the Congressional Black Caucus and represent the country in the U.S. Congress.

Lastly, I will say, the first time I had the opportunity to sit in that chair where you are, Mr. Speaker, I looked up to my mom and dad and said: "Mom and Dad, look at me now, I am in charge of Congress and I'm swinging the gavel."

Mr. Speaker, I thank you on behalf of the Congressional Black Caucus.

## FREEDOM OF EXPRESSION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Oregon (Mr. WALDEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. WALDEN of Oregon. Mr. Speaker, my greetings to my colleagues, especially my friend from Ohio and her remarks. I look forward tonight to talking about another civil right, and that is freedom of expression, guaranteeing that we have the ability to have freedom of expression of even controversial political and religious topics on America's airwaves. That's right, to make sure when issues are debated on talk radio or talk TV, that somehow there aren't government censors down the street at the FCC trying to silence those who are having these discussions about today's most vibrant issues.

It really goes to the heart of our democracy, I believe, to have an informed democracy which comes about because we have a vigorous discussion, intellectual discussion, a vibrant discussion about the issues of our day. Certainly, whether you are a conservative Member of the House or a liberal Member of the House or somewhere in between, we all debate these issues here; and some of what we say here actually ends up on the airwaves of our broadcast radio and television stations. That is a healthy thing for our country, for our democracy and for an informed electorate.

In 1949, the Federal Communications Commission promulgated a regulation that said every time you have a discussion about a controversial issue, you have to have an opposite viewpoint presented on the public airwaves. On its face, that certainly sounds fair, and that is why they called it the fairness doctrine and the whole premise was in 1949 that there weren't many radio stations. I think there were 2,800, and this was all designed to try and spur communication, to spur this debate on the airwaves, to have opposing viewpoints come forward. This was the government's viewpoint. This is what the Federal Government said this is how we will get this discussion going on the public airwaves. There aren't too many radio stations and very few television stations, no Internet, no iPods. That was it.

□ 2045

So they said, well, pass this regulation that will cause all this great discussion to occur. Well, guess what? That was 1949. Talk radio really didn't come about until about 1988 when, after a series of court decisions found that the so-called fairness doctrine really wasn't fair at all but, moreover, didn't spur the kind of debate on the public airwaves, and in fact, the courts have held, and I'll get into this in detail in a few minutes, but this Federal regulation actually had a very chilling effect on free speech, very chilling effect, actually discouraged discussion of public policy issues on the airwaves. That's right, discouraged discussion of public policy on the airwaves, had a chilling effect, chilling effect on free speech in America. And as a result, the Federal Communications Commission in 1987, I believe it was, decided to repeal the so-called fairness doctrine.

What happened after that? Well, what happened after that was all of the sudden talk radio came to life in America. Now you may like certain hosts and you may despise certain hosts. You may be a conservative Member of this House and think everything Rush Limbaugh says is gospel and the same thing with Sean Hannity. You may be a liberal Member of this House and like the words of Al Franken or Alan Colmes or someone.

None of those hosts would be at the level they are today if the fairness doctrine were still in place. So why am I down here talking about the fairness doctrine, a regulation that was repealed in 1987, 20 years ago? What's the issue?

Well, the issue is this, that there are Members of this body and the one across the Capitol, there are the powerful elite in this city who don't like what happens on talk radio, makes their lives uncomfortable, gives them great discomfort. The most recent example of which was when the Senate was debating the immigration legislation and moving quite rapidly forward on that flawed legislation, and talk radio got a hold of it on the conservative side or on the liberal side and began to go into it in detail with the audiences they reached, the millions and millions of average Americans out there who are listening to talk radio. The more they educated the public, the more they debated and engaged their audiences in this debate, the more pressure got turned up on this issue.

It's just one example. You know, the issue ended up being defeated in the Senate, and some of them who are on the other side said talk radio is to blame and we need to do something about talk radio, that's not fair, we need to bring back the fairness doctrine. That's why I'm here tonight and why the Republican leadership has asked me to speak on this issue, because there is a very real threat at very high levels in the government, the Congress, that is, to bring back the fairness doctrine, which would be one of the worst things I think could happen.

Now, why did they ask me? Well, I serve on the Energy and Commerce Committee and the Telecommunications Subcommittee, but that's not why. They asked me because I grew up in a radio family. My father started in radio in the 1930s in rural Oregon, helped put stations on the air. He was an engineer and an announcer and a sportscaster and eventually, in 1967, was able to scrape together with a partner enough money to buy his first radio station and added another one he put on the air in 1978. And in 1986, my wife and I bought them from my parents and added three more. So I've been a small market broadcaster for 21½ years, and so I've seen this evolution of pre-fairness doctrine, post-fairness doctrine.

Indeed, one of our radio stations carries Rush Limbaugh and Sean Hannity and Michael Reagan and others on the conservative side, and there's great audience response. There are other radio stations, Portland and around, that have great audience response from Air America and the liberal viewpoints, and that's fine. That's what America's about is this debate of free speech.

I think that even liberals and conservatives should be able to agree that having somebody down at the Federal Communications put in regulation the so-called chilling fairness doctrine would be the worst thing that could happen to a debate about public policy in America, the worst thing.

So recently, knowing that this was gurgling up in our Nation's capital, I wrote to the chairman of the Federal Communications Commission, and I'll put this letter in the official CONGRESSIONAL RECORD, but let me read you some excerpts, because I asked the thoughts of the chairman, Kevin Martin, about the appropriateness of the fairness doctrine, and he writes back:

"As you are undoubtedly aware, the fairness doctrine obliged broadcasters to provide an opportunity for the presentation of contrasting viewpoints on those controversial issues of public importance that they covered," and he goes on to cite some court cases.

"In 1987, based on its 1985 Report on the fairness doctrine . . . and an extensive subsequent administrative record, the Commission concluded that enforcement of the fairness doctrine was not in the public interest and thus decided to abandon it.

"Among other things, the Commission found that the doctrine 'chilled speech' by 'providing broadcasters with a powerful incentive not to air controversial programming above a minimal amount' in order to avoid burdensome litigation over whether it had complied with its obligation to provide contrasting viewpoints . . . Based on its examination of the record, the Commission concluded the fairness doctrine had created 'a climate of timidity and fear, which deterred the coverage of controversial issue programming.' . . . Indeed, the record" compiled "by the Commission at the time included over 60 reported instances in which the fairness doctrine had inhibited broadcasters' coverage of controversial issues."

Sixty instances where the fairness doctrine had inhibited the coverage of controversial issues.

Now, you say why would that be? All they've got to get is somebody with an opposing viewpoint to come on. Well, what happens is if you air a controversial issue, which opposing viewpoint do you have to give access to the airwaves to? And there are a multiplicity of groups out there who demand that access, and if they didn't get it, they would threaten the very license of the broadcast station. They'd threaten them at the FCC, the Federal Communications Commission.

If you go back, there are examples in the 1960s of the Nixon White House and the Kennedy White House using the fairness doctrine to try to intimidate and silence their critics. Nixon, Kennedy, misusing the fairness doctrine. It's wrong. It's chilling. It was intimidating. These are the words of the current chairman of the Federal Communications Commission. I will put his letter back to me in the RECORD.

So, if the current chairman and the makeup of this commission doesn't believe in the fairness doctrine, why are we worried? Because the next administration will appoint new commissioners to the Federal Communications Commission, and that next administration could appoint commissioners who could write a rule to restore this government censorship into their rules.

Now you say, but you've said, Congressman WALDEN, that this is chilling and the courts have said this chills free speech. Yes, but they've never overturned it, and if it were put in rule, it would have a gagging effect on talk radio and talk television, including religious broadcasters by the way, immediately, I believe.

And so while it might take years to work its way through the court system, it was chilling effect on free speech in America, a guarantee of the first amendment of our Constitution. That effect would be immediate and devastating.

And so here on my left, well, here's Rush Limbaugh and Al Franken, Hannity and Colmes, duct tape over their mouth. That was a nice little Photoshop thing we did, but the point is clear. Restoration of this government regulation would silence them, but it's more than just them.

It's here starting on the far right over here. Lars Larson from KXL in Portland, has a national talk show as well. Garth and Rosemary Harrington out of KCMX in Medford, Oregon, or Bill Myers out of KMED, local in my district talk show hosts, in my State and national talk show hosts. People that we listen to, don't always agree with. You can always turn the dial and find a different topic on a different station. People we listen to. The threat's real.

So what are we doing about this threat? Well, Congressman MIKE PENCE, my colleague and former TV journalist from Indiana, and I have cosponsored H.R. 2905. That's the Broadcaster Freedom Act, and the Broadcaster Freedom Act, we tried to get hearings on, and the new majority doesn't want to give us a hearing on the bill. At least they haven't. It just says it takes an act of Congress, FCC, to restore the fairness doctrine. You can't just go do it on your own. You can't be five commissioners down the street who want to put the fairness doctrine back in rule and silence talk radio. No, you can't do it that way. In fact, we're not going to let you. Let's have the people's elected representatives be the ones to make that decision.

It doesn't sound so bad. It's a rule that's repealed today, not on the books. This commission says they have no interest in putting it in, or opponents of this effort even say, well, what are you worried about? My question is, if there's nothing to worry about, what are you worried about bringing this up for a vote? We ought to do it. Can't do it.

So the only alternative left to my colleague MIKE PENCE and I, both Republicans, but this doesn't have to be a partisan issue at all because I think all of us in this Chamber are for free speech and public debate, our only alternative left is something arcane known as a discharge petition. You all know that.

My colleagues know what a discharge petition is, but for those who may be new here and don't know, it's simply a petition you sign right over here at the front desk. And if a majority of the House, 218 Members, sign that petition, we'll get an open rule on the floor. We'll debate this issue in full and open and public display of our colleagues and citizens of this great country about freedom of speech.

And I predict we'd pass H.R. 2905 in a landslide, because the last time we voted on this issue was to deny funding to the Commission to reinstitute the fairness regulation and the censorship regulation, and more than 300 of the 435 Members of this great House voted with us, my colleague MIKE PENCE and with me, to prevent any funding being spent by the FCC.

So we know from that vote there are more than 300 of you here in the House who would support what we believe in, that you, too, support free speech over America's airwaves, that you support it.

So, it's simple. We just need 218 of 435 to sign the discharge petition. Just sign the petition. If you're for free speech over the public's airwaves, sign the petition. If you're for gagging people on the left, the right, the middle, religious broadcasters, then don't sign the petition. If you're for free speech, you sign the petition.

Now, I want to share with you some correspondence I've gotten back since we've started down this path and, the station vice president/general manager of the CBS affiliate in Portland, Oregon, KINK and KLTH, wrote back to me, said:

"Greetings from Portland!

"Thank you for your efforts in opposing the re-introduction of the fairness doctrine. I appreciate getting copied on your inquiry to the FCC Chairman Kevin Martin regarding his views on the subject.

"The fairness doctrine is a classic example of an initiative that yields the opposite effect to its intended objective. A less-regulated forum for thoughts and ideas remains the best guardian for the well-being of our democracy.

"With warm regards,

"Stan Mak,"

"VP/GM, KINK & KLTH."

A less-regulated forum for thoughts and ideas remains the best guardian for the well-being of our democracy.

Some other e-mails that we've gotten: Thank you for fighting to rid the U.S.A. of the fairness doctrine, which to me is nothing less than an attack on our freedom of speech. This insidious attack must be stopped. Please keep fighting, and don't let up until it's forever gone. Thank you. Mr. Graham Salisbury of Portland, Oregon.

Dear Congressman WALDEN, I was heartened to learn of your effort to force a vote on the BFA, possibly spurred by the current Limbaugh smear, because I find the fairness doctrine to be truly frightening. Mr. Dylan Greenhoe of Portland.

Mr. Robert Barrie of Grants Pass, Oregon, writes: I have just received your e-mail newsletter and I would like to tell you that you have my full backing on H.R. 2905. I must share your frustration that certain Members of Congress could be blatantly blind to the fact that the grassroot American public was able to see through the faulty Senate-proposed immigration bill, primarily due to the freedom of talk radio. If it had not been for American talk radio, most of us would not have had the slightest idea what was really in this legislation.

We must do everything in our power to see that the fairness doctrine is never brought back to American radio airwaves. Please keep me posted on this very important bill.

Mr. Robert Barrie, Grants Pass, Oregon.

Sign the petition. Sign the petition. Bring H.R. 2905 to the floor and keep America's airwaves open to debate on the right, the left, the religious center.

☐ 2100

Can you imagine if you are a religious broadcaster and the regulators down the street put this gag back in place, and you are preaching a Christian message, let's say, do you have to bring on an atheist then to preach the opposite? Is that the kind of fairness some regulator here in Washington might demand in order for your station to get relicensed? I don't know. Clearly, though, in this day and this litigious society that we are living in, there are plenty of organized and certainly well-funded organizations out there who would love to silence their critics on either side.

This isn't about whether you are a Republican or a Democrat. This isn't about whether you are liberal in your viewpoints or conservative in your viewpoints. This cuts to the very foundation of free speech, which, obviously, underlies our entire country and our foundation for democracy. Without free speech, you do not have an informed democracy. Without that, you know, we don't have much of anything; we don't have much of anything.

So when you look at these issues, according to the FCC itself, the coverage of this old fairness doctrine was you had to have these issues covered, controversial issues covered to be fair. According to the FCC itself, this meant that each time a broadcaster presented an arguably controversial issue of public importance, they ran the risk of a complaint being filed, potentially resulting in litigation and penalties.

I want you, my colleagues, to tell me in today's environment how you would define arguably controversial issues of public importance. Is there anything that we debate here somebody might not say is arguably controversial?

The penalties that could emanate if this were put back in place included government sanction, administrative and legal expenses, or even revocation of broadcast licenses, clearly underscoring the need to pass H.R. 2905, the Broadcaster Freedom Act. There is one bill number or one term you need to leave here tonight remembering, it's pass H.R. 2905, the Broadcaster Freedom Act, unless you are for gagging those talk show hosts, like Bill Myers, who has spoken up aggressively about protecting American sovereignty, getting control of our borders, making sure that our taxpayer dollars are spent helping Americans, and those who are here legally, not the other way around, Garth and Rosemary Harrington, who are always talking about freedom in America and supporting our troops and standing up for our natural resource-based economy. Of course, Lars Larson who has been out there as well on all of these issues.

There are those in this Congress, and in this city, who seeks to put duct tape over their mouths, as we have done photographically here for display purposes only. That is what they want to do. They want to gag them. They want to shut them down because they don't like what they are saying, because they say things that aren't on the script.

Now I know, I don't always agree with all these folks. I mean, who does? Sometimes they engage in a little over-the-top discussion. I think, frankly, they are trying to get people to think. They are trying to jab them a little bit, get them outside of the box and look at issues differently.

If people didn't like what they heard, these people would be off the air because, especially in commercial broadcasting, it is all about ratings. Ratings are all about who is listening. Nobody is listening, nobody is buying advertising. They are packing up their microphones and their headphones, and they are headed out the back door. No, see, people are listening. They like to be challenged. You may not listen all the time, every day, every show. You may disagree, as I do, from time to time, with all these folks. But we should never disagree on the fact that we are better served with free speech in America.

You know, Congressman PENCE and I last week, along with Congressman BOUCHER and a whole host of folks, Congressman BOUCHER and Congressman PENCE really led the effort, passed legislation overwhelmingly in this House to protect journalists from government intervention and trying to figure out who their sources are.

Government always wants to kind of get in there and shut down people they don't want to hear from. They want to hide things sometimes when there are mistakes made. Nobody wants to be embarrassed; but without an active and vibrant press, and I was trained as a journalist at the University of Oregon, did a little bit of reporting in my background, without that, without sources that you can protect, we would not have the balance that we need in an informed democracy.

Let me talk a little bit about the Supreme Court cases related to the fairness doctrine. Again, remember, sign the petition, help us bring H.R. 2905 to the floor and prevent these things from happening.

But in 1969, we saw the first Supreme Court test of the fairness doctrine in Red Lion Broadcasting v. The FCC. Although the court ruled then, remember, this was 1969, that the fairness doctrine didn't violate a broadcaster's first amendment rights, it did caution that if the doctrine ever began to restrain speech, then the constitutionality of the regulation should be reconsidered.

In 1974, the U.S. Supreme Court concluded that the fairness doctrine inescapably dampens the vigor and limits the variety of public debate. That was in the Miami Herald Publishing Company v. Torino lawsuit. Twenty-three years ago, 1984, the year Ronald Reagan was reelected, in FCC v. League of Women Voters, the Court went further and concluded that the fairness doctrine was limiting the breadth of debate. This ruling set the stage then in 1999 for the Federal Communications Commission to repeal the fairness doctrine.

So the Supreme Court of the United States, over many, many years, almost 15 years, the Supreme Court provided all of us in the Congress good enough reason in underpinnings to get rid of the fairness doctrine to make sure it never comes back. The commission got the message, 1987, said, we are going to repeal it.

But, you know, our memories sometimes in this body are a little short, and some people get a little tired of what they hear and the criticism they take, and, believe me, we all get it, but silencing our critics is fundamentally, and I will be careful how I use this word, but silencing our critics is un-American. Free speech is American. This is un-American to say we are going to gag people because we don't like what they say.

I don't think any of us here stand for that. I really don't. I honestly believe we want vigorous, open debate of issues, and we are better off for it. How many times do the Members of both sides of the aisle complain when legislation is rushed to the floor without a hearing, without the benefit of Members who bring various expertise, have them weigh in with amendments? We are seeing this rash, unprecedented rash of closed rules, no amendments, no hearings on major legislation because some powerful folks say we just want to get this done. We know what's right. We don't need your help. We don't want to listen to your critics; we don't want to listen to your complaints. We are just going to do it, and get over it.

Well, some of those same people may be the ones who say we don't like this talk radio thing; we don't like the fact they are bringing up different view points; we don't like the fact that Rush Limbaugh or Sean Hannity or Alan Colmes, Garth and Rosemary, Bill Myers or Lars Larson are talking about issues that, gosh, if people only knew the details of it would make our jobs uncomfortable. Well, tough, this is a democracy, and the voters decide whether they like what we do or not.

But if they are not informed, how do they know what we do here? How do they know? How do they know that we couldn't get a hearing on H.R. 2905? How do they know?

Well, I will tell you how they know, and how they know, how Americans know that this is an issue is because of talk radio, because we have told them. Some of us said, help us protect free speech on America's airwaves. Here we are today talking about a regulation overturned 20 years ago, one that we don't ever want to come back, one that the Bush administration doesn't want to come back, one that the FCC says we have no interest in bringing back. But we know there are those with a change of control, the administration, in just, you know, a couple of months, might put in place people who want to bring it back.

I am here tonight to say to my colleagues, and I know Dr. BURGESS, who is going to speak after me, I believe, has already signed the discharge petition, as have nearly 140 of my colleagues, or perhaps more by the end of tonight, we just need 218, 218 people to sign the petition to prevent talk radio and talk TV and religious broadcasters from being gagged in what they do. We just need 218.

I am joined by my friend and colleague from Dallas, Texas, the Honorable PETE SESSIONS, who has signed the petition so that we can bring H.R. 2905 to the floor.

I know Congressman SESSIONS, who serves on the Rules Committee, has been very frustrated with the lack of free speech coming to this floor through legislation, because he is up there trying to fight for the rights of the minority to be able to have their views heard in this House and to be able to have their amendments debated in this House. I know he doesn't support silencing talk radio and talk TV as restoration of the fairness doctrine would do, but rather thinks like I do that we ought to pass H.R. 2905 and protect the first amendment rights of those on the public's airwaves.

Perhaps my colleague from Texas would like to make a comment.

Mr. SESSIONS. I thank you for not only taking time, the gentleman from Oregon (Mr. WALDEN) for taking time to lead in this Congress the debate and the discussion on not only the fairness doctrine, which we oppose in this United States House of Representatives, perhaps, more importantly, a vision about what we are trying to have in this country, for not only free speech, but also the ability to speak fairly and freely about the things which we hold dear, not only in our hearts and in our minds, but also in this country and in America.

The gentleman from Oregon has already outlined previously that what happened is that prior to about 1987 we did have something that was called the fairness doctrine. The fairness doctrine essentially says this, that if you are on talk radio in this country that you would have to give the same time, the fair time, equal time to an opponent, someone who had an opinion different than your own.

As a result of the fairness doctrine, which I believe and others believe, and perhaps the Supreme Court believes, would be illegal, what has happened is that talk radio and the ability for the American people to speak freely, openly, without fear that what they are saying would be, they would be taken to task for. What has happened is that talk radio has flourished all around the country. Talk radio has flourished not only about thoughts and ideas, but about the greatness of this country.

I do believe that what the gentleman is talking about is the right thing to do. That is why I signed on as a cosponsor of H.R. 2905.

The gentleman from Oregon also talked rather freely and openly about my service and the service of three of my other colleagues who are Republicans on the Rules Committee. The Rules Committee is that body that is interested in making sure that the debate that comes to the floor of the House of Representatives has a chance, first of all, to be heard and all thoughts and ideas are debated.

We have rather openly, and the gentleman from Oregon knows this, whoever is in the majority, whoever is in the majority has a very difficult time as a result of the rules of the House with germaneness of amendments and the things which we do of trying to have a balance about hearing good thoughts and ideas, making in order amendments, without killing the general intent of what legislation is for. I think that that is part of what this fairness doctrine might be about from their perspective and where we disagree with the fairness doctrine, but being able to openly talk about things.

The fact of the matter is that the Rules Committee yesterday, or today, heard a discussion, and I think it was last week that the Democratic Party has a new record of closed rules, today a new record on closed rules to where they don't want any debate.

Mr. WALDEN of Oregon. I think there may be some newer Members here who don't understand the significance of what a closed rule means. What that means is no Member of the House has an opportunity to have an amendment heard on that issue, right?

Mr. SESSIONS. I thank the gentleman, my friend from Oregon, the distinguished gentleman from Oregon for trying to get more information out of it. That's right, a closed rule says that the committee, the Rules Committee, would make a determination about what would be made, what we call in order, which means what would be debatable and anything outside of that order, even if you had a good idea sitting on the floor of the House of Representatives, you could not engage in the debate. You could not put an amendment forward.

Mr. WALDEN of Oregon. I am a little troubled by that because I thought that the Speaker of the House, when she took over, announced that the House would be run differently and that there wouldn't be closed rules.

☐ 2115

Mr. SESSIONS. In fact, reclaiming my time, the gentleman would be correct. Mrs. PELOSI has stated, it is on her Web site tonight, has been, that this new Democrat majority would be the most open, honest majority in the history of Congress, and yet, they lead already a new record in terms of closed rules

Mr. WALDEN of Oregon. Which means shutting down debate, shutting down amendments, limiting all of us.

Mr. SESSIONS. Shutting down debate and amendments and making those in order. And so it's interesting that what has tried to be done here, with the fairness doctrine is actually, in this Member's opinion, a silencing. The fairness doctrine would silence talk radio, would put those that might be like Sean Hannity or might be like Rush Limbaugh or back home in Dallas, Texas, Mark Davis of a local radio station that we have in Dallas, it would mean that they would be required, if they're going to talk about a subject, that they would be required to have an opposing side to come and speak about that also. And I think that puts a chilling effect not only on free speech, one which I think is unconstitutional, but perhaps, more importantly, it is an intrusion upon the free thought processes of America and Americans.

And so tonight, what the gentleman is doing is correctly saying that we, in this body, the House of Representatives, believe that signing on to H.R. 2905 says that we're not going to go and step backwards in this country. We want free speech to continue and to flourish, and for talk radio and thought processes to be alive and well.

Now, I know, and I assume the gentleman from Oregon knows this too, that what's happened, what would happen as a result of this, or what is happening as a result of this is that Mrs. PELOSI and others recognize that talk radio talks about the Democratic agenda, the Democratic Party's agenda, raising taxes, more rules and regulations, more rules and regulations to where, on a regular basis, I feel compelled to tell the truth about the Rules Committee, that the Rules Committee seems to be a wholly owned subsidiary of the AFL–CIO, that it appears as though the Rules Committee receives their instructions directly from union central, John Sweeney, telling them exactly which bills will be made in order. We've had so many bills which are under the construct of trying to say it's about worker safety or it's about making things fairness in the workplace, but in fact it is about further unionizing and empowering unions in this country against consumers and against the working people of this country with powerful unions.

And lastly, that the Republican Party will speak very openly about how dangerous we believe single-payer system to health care would be to this country. And so, there are, the Democratic Party in this country does not want those debates to take place. They want us to, talk radio and Republicans, if we're going to be heard, to allow the other side to have a chance to dispute everything we say. And I would say let the Democratic Party have their talk shows and let them speak freely about raising taxes, more rules and regulations, and empowering the unions in this country to become, once again, more powerful, and to talk about how the free enterprise system is something that they don't support, that they believe that raising taxes is the right thing to do. Let them have their own talk radio show. But I would say, equally, that they need to make sure that they are not intruding on the Constitution and people in this country who choose to stand up and speak about the things which we believe are important.

I thank the gentleman for allowing me time.

Mr. WALDEN of Oregon. I appreciate the gentleman coming, speaking this evening on the floor of the House. The gentleman from Texas has done fine work in the Rules Committee and stood up in a valiant fight. But you're outnumbered there two to one by the Democrats, correct?

Mr. SESSIONS. Actually a little bit more than two to one. It's 9 to 4, so it is a bit more.

Mr. WALDEN of Oregon. It's pretty hard to get bipartisanship there if it's always a 9-4 vote, isn't it?

Mr. SESSIONS. And I thank the gentleman for asking about that. What's interesting is that in the Rules Committee, January, February and March, we heard our new colleagues, who are brand new freshman on the Rules Committee, in lockstep with Speaker PELOSI and lockstep with the chairman of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER). And they attempted to justify everything they did by saying when we really get outside of our six for '06, which was their political agenda, you're going to start seeing lots of open rules. You will see lots of debate.

Mr. WALDEN of Oregon. And has the gentleman seen lots of open rules on major policy issues?

Mr. SESSIONS. You know, we have not. And I thank the gentleman for asking that question. Have we seen this change from January, February, March, April or May? And the answer is no, we have not.

Mr. WALDEN of Oregon. Does the gentleman believe that that brings disrespect on this House for——

Mr. SESSIONS. I think that the question that you raise is, do I believe that someone who said that they were going to not do that, that they sold to this House and their membership that that was the wrong way to run the railroad and that they would think of better ways, yes, I think that they did say that. And I think it's interesting, as the gentleman may remember, just 2 weeks ago, we had a bill that came from the Financial Services Committee, one in which the gentleman from Massachusetts, the gentleman, Mr. FRANK, as the chairman, had worked very closely with his members about talking about what they would make in order, and then working, can I say that word "bipartisanship" down here? They worked in a bipartisan fashion in the committee, only to come to the Rules Committee and the chairman of the committee to ask and to say, it's okay. We've worked these through. As a matter of fact, the gentleman from Massachusetts said, I feel comfortable enough as chairman of the committee that you could make, Rules Committee Chairman SLAUGHTER, you could make any amendment that you choose to in order, and I believe I have the ability and our committee has the ability to work forth to where we could prevail on any issue. Whereupon we found out no, that's not the way it's going to be.

Mr. WALDEN of Oregon. So even the chairman of the committee said bring forth whatever amendments to the floor you want on the bill I have, and his chairman of the Rules Committee makes the decision what amendments come forward said uh-uh.

Mr. SESSIONS. I'm not doing that.

Mr. WALDEN of Oregon. And that's one of the those closed rules.

Mr. SESSIONS. Yeah, it was another closed rule. And I think the gentleman makes a point. So I think the people on the committee have now figured out time after time after time after time when they're voting for a record number of closed rules that, in fact, I wonder what it was they meant when they said we were going to do that? I think they're questioning what was the intent they said one thing but they're doing something else.

Mr. WALDEN of Oregon. And you said that's still up on the Speaker's Web site?

Mr. SESSIONS. Still up on the Speaker's Web site. And once again, new record. I think we'll have a new record virtually every time another rule comes out, a new record in this House that I think we have said openly, and the gentleman from Oregon is aware of this, that the Republican party has said we do recognize that there are times that you need to have closed rules. We support that. But if you're going to sell that you're about openness, then at least live up to what you say.

Mr. WALDEN of Oregon. Do what you said.

Mr. SESSIONS. At least live up to what you said. And it's our job to try and point those factors out. I would also say that there's been a lot of frustration because what's happened is, in this process, Republicans, and I believe the number is 17, perhaps 18 now, motions to recommit that we have been accused of coming down and sabotaging their political agenda.

Mr. WALDEN of Oregon. But wait. Haven't those passed in a big bipartisan majority? So when one of these ideas comes to the floor, what you're saying is, the Republicans and Democrats actually do what Americans elected us to do, which was come together on issues, right?

Mr. SESSIONS. In fact, the gentleman is correct. While there may not be any procedure with an open rule, there generally have been, and it's what Republicans always allowed, a motion to recommit. And that means that we were able to, or whoever's in the minority is able to say I'm going to take a, just a piece part of this bill and try and include our ideas to better the bill.

Mr. WALDEN of Oregon. Try and make it better, right?

Mr. SESSIONS. An example of one of these might be, let's just think back to a bill that might be about homeland security. And in homeland security, we know that there was a fight that took place that said, and the Democratic Party was very open about it, that they did not want to have Amtrak passengers to have to go through what is called Customs and Border Protection Database that looked at what would be like the TSA no fly list; in other words, someone that might be considered a terrorist or have terrorist ties, they would not allow any matching of a database against potential terrorists for anybody that used Amtrak. And so we said we believe that what should happen is that every single person, we're not talking about going in New York City, riding the subway. We're talking about Amtrak, that Amtrak would be allowed to have that database.

Mr. WALDEN of Oregon. To look for terrorists on a terrorist watch list.

Mr. SESSIONS. We were accused of sabotaging the privacy of millions of Americans, accused of sabotaging their political agenda.

Mr. WALDEN of Oregon. Sounds to me like we were most interested in trying to protect the security of Amtrak passengers.

Mr. SESSIONS. Well, the gentleman is correct. In fact, it is the Republican Party position, and continues today with FISA, that we're trying to gain as much information as we can to avoid a next attack, not just be attacked and then figure it out.

Mr. WALDEN of Oregon. And do the blaming.

Mr. SESSIONS. It appears to me as though that is really the Democrat Party's position. The Democratic Party leadership in this House is trying on take away the ability that people have to be able to know to thwart an attack. Now, that's off the subject that we are trying to get into tonight, but it's germane in that these are the things that we're trying to do to have with motions to recommit better ideas.

Mr. WALDEN of Oregon. Well, it really isn't off the subject because what we're talking about is freedom to speak. We're talking about free expression. We're talking about a fundamental right under the Constitution of the ability of Americans to have their elected officials debate issues as we're doing tonight, or to have those in the fourth estate, the press, be able to inform the electorate, inform Americans about the issues of the day and debate them vigorously. This is about a fundamental right in America, about free speech.

Now, I want to share with you, because some people may be saying, well, where is this coming from, this fairness doctrine thing? Who's saying you're going to put that up? Well, a candidate for President, Democrat side, Representative KUCINICH, Ohio, in January, according to a publication, said that he announced that he was going to pursue the fairness doctrine through his Government Reform Subcommittee. That announcement was greeted with silence, but now Speaker PELOSI has moved things to the front burner.

Now let me get to a quote here in the American Spectator, a newspaper I guess, May 14. According to two members of the House Democrat Caucus, Reps NANCY PELOSI and STENY HOYER have informed them they will "aggressively pursue reinstatement of the so-called fairness doctrine over the next six months." That was back in May. And then there's a quote in something called the Liberty Papers, May 15, "First, Democrats failed on the radio airwaves with America. No one wanted to listen," says the senior advisor to PELOSI. "Conservative radio is a huge threat and political advantage for Republicans, and we have to find a way to limit it." This is an advisor quoted in Liberty Papers about that.

Our colleague from New York, MAURICE HINCHEY, NPR National Public Radio, June 22, Representative MAURICE HINCHEY tells the Washington Times that the Democrat is planning to reintroduce a bill that calls for a return to the doctrine saying the American people should have a wide array of news sources available to them. Well, this isn't about news sources. This is about political and free speech on the airwaves. Senator FEINSTEIN, California, says she's looking at reviving the fairness doctrine. That was in June in The Hill. Senator DURBIN says it's time to reinstitute the fairness doctrine. He's the majority whip in the U.S. Senate. I have this old-fashioned attitude when Americans hear both sides of the story they're in a better position to make a decision. Well, yeah, that's true. But we're in a lot better position when you don't have government bureaucrats deciding whether or not you've aired all the positions.

□ 2130

And as you said, it's one thing to say you and I may disagree; so you get to come on and I come on. But what about our colleague from Texas, Dr. BURGESS? He may have a little different opinion from yours and he still may disagree with me and there may be three or four other Members. As the broadcaster, you have got 30 minutes or an hour on your show. How many opposing viewpoints do you have to have on in order to satisfy the government regulators that you've the right opposing viewpoint? We don't need government nannies, hall monitors trying to figure out if we are having debate and discussion on the airwaves.

Mr. BURGESS. Mr. Speaker, will the gentleman yield?

Mr. WALDEN of Oregon. I would be happy to yield.

Mr. BURGESS. I have certainly enjoyed listening to the discussion tonight. And I just wanted to be sure I had my facts straight in regards to the discharge petition. You have how many signatures on the discharge petition now?

Mr. WALDEN of Oregon. The last time I checked, we were at about 140. We only need 218. It has only been out there for a few days.

Mr. BURGESS. And if the gentleman would further yield, as I recall, when we voted on an amendment not too long ago on one of the appropriations bills, essentially this concept passed overwhelmingly by the House of Representatives; is that not correct?

Mr. WALDEN of Oregon. Reclaiming my time, more than 300 of our colleagues, Republicans and Democrats, said no to the funding of the reinstitution of the fairness doctrine.

Mr. BURGESS. If the gentleman will further yield, is there anything that has happened between the passage of that amendment and the initiation of the discharge petition that would cause people to change their minds? If it was worthwhile to vote for the amendment a few weeks ago, wouldn't it be similarly worthwhile to go ahead and sign that discharge petition so we can get on with working on this very important legislation?

Mr. WALDEN of Oregon. The only thing that has happened in between is nothing has happened in between, including that provision is stuck in an appropriations bill that has never gone to the President. So there is no protection today; but in terms of the issue itself, nothing has changed. That's why we should bring this to an up-or-down vote on the floor. That is all we are asking is Members of the Congress of the House just sign the discharge petition. Just go right over there tomorrow and sign the discharge petition. That's all it is. If you get 218 of 435 on this bill, under an open rule, by the way, it will come to the House floor and we will have a full and vigorous debate.

Mr. BURGESS. If the gentleman will further yield, I, for the life of me, cannot understand why someone who would have voted in favor of the amendment would not follow through now and sign the discharge petition.

Mr. Speaker, I will just have to admit I am baffled that my colleagues who have showed such resolution on this just a few weeks now be peeled off for whatever reason and not have this solid bipartisan legislation brought to the House floor.

Mr. WALDEN of Oregon. Mr. Speaker, I thank my colleague for weighing in because it's part of why I am down here tonight to talk about the importance of this because, again, I think underlying everything we do in the country is our ability to have free speech.

This isn't Russia. This isn't China. This isn't name your country with leaders that crack down when they don't like what somebody says out there. Look at the oppression of the free press and debate in some of those countries. The silencing of government critics, the fairness doctrine is just an inch toward that. You just keep moving toward that, and you get the government deciding whether you get to keep your broadcast license or not. I mean, this stuff is real. Leaders, frankly, those in the majority now on the Democrat side have said we think we ought to put this back in place. The majority whip of the Senate said that. The staff to the Speaker indicated that. A Presidential candidate on the Democrat side has indicated that this needs to be done. And I just think you don't go down that path.

Now, this, again, is not a conservative or liberal fight. Free speech should never be a Republican issue or a Democrat issue. Protecting free speech should never be a Republican or Democrat issue. That's why signing the petition to bring this protection to the floor should not be a Republican or Democrat issue. We should be doing this in a bipartisan way, and 300 Members of this House voted for it already in effect. So I don't know what the hang-up would be. Perhaps they are not aware the petition is available. Perhaps if Members don't happen to be down here tonight and there is not a full House tonight but they may be watching, maybe others are, we can encourage them to sign the petition tomorrow.

I want to tell you too in this context that it is liberal viewpoints and conservative that believe that we should pass H.R. 2905 and are opposed to the fairness doctrine. In a 2003 interview on Public Broadcasting's "NewsHour with Jim Lehrer," well-known liberal talk show host Alan Colmes said: "Modern-day talk radio would not thrive if there were a fairness doctrine and the bureaucratic nightmare that's involved in the kind of paperwork you need to do that. The free market should be the arbiter of what flies on talk radio . . . that's where I want to make it, and not because I have government help to do so." Alan Colmes, not necessarily a conservative on talk radio and TV. A liberal, and that's fine.

In 2007, on his own program, "Hannity and Colmes," Mr. Colmes wholeheartedly agreed with a guest's comment that radio hosts simply chose not to talk about controversial issues on the air when the fairness doctrine was in place.

As managing editor and anchor of CBS News, a man well known across America, Dan Rather, said: "I can recall newsroom conversations about what the FCC implications of broadcasting a particular report would be. Once a newsperson has to stop and consider what a government agency will think of something he or she wants to put on the air, an invaluable element of freedom has been lost." Dan Rather.

Former FCC Chairman Dennis Patrick, who served on the commission between 1987 and 1989, his remarks on the fairness doctrine appeared in the Wall Street Journal's opinion page this summer, and he said: "Reimposing 'fairness regulation' would be a colossal mistake. The world without the fairness doctrine features exponentially more discussion of public issues from contrasting perspectives. The robust diversity of the blogosphere and the ideological rivalry among competing cable news channels all speak to the advantage of permitting the marketplace of ideas to make its own editorials FCC-free."

These are reasons, colleagues, that you should go over here tomorrow morning when the House reconvenes and sign the discharge petition. It's a real simple thing to do. You sign twice. You initial once, sign once. When 218 Members sign that under an open rule, we will bring to the House floor for an up-or-down vote this bill, H.R. 2905, which would prevent the government regulators on their own, without an act of Congress, from reinstituting censorship of the public's airwaves. This bill will stop that. And my friend Congressman MIKE PENCE from Indiana, and I both, who have spent time in the broadcast industry, encourage you to do this.

Again, more than 300 Members of the U.S. House voted to prohibit the FCC from using funds to reinstate the fairness doctrine; and 113 of the 309 that stood up for freedom during a vote on the Pence amendment were Democrats. So we know that there are 113 Members on this side of the aisle who have already voted against reinstituting the fairness doctrine, in fact, voted to make sure no money was spent by the agency to reinstitute the fairness doctrine. So just one of you, 2, 3, 4, 5, 20, we will take 20 Members, sign it, and this will come to the floor.

Only one Democrat has cosponsored this bill. Every single Republican is a cosponsor of this legislation. One Democrat has, and we appreciate that and we welcome more Members from the Democrat side, the party that often speaks on this floor about protecting civil rights and speech. Help us protect free speech over the public's airwaves by both cosponsoring H.R. 2905 and by signing the discharge petition. A petition, that's all it is, just the petition to bring it to the floor. Even if you don't happen to support the bill, H.R. 2905, the Broadcaster Freedom Act, sign the discharge petition. We are bringing this issue up under an open rule. You can offer up an alternative. You can offer up several alternatives. That's what America should be about is the ability to offer up alternatives on this floor among Members of Congress who are elected by the people to get the people's work done. Not to take away their rights, not to take away their free speech rights, not to be the nanny that tunes their radio for them, but rather to protect these fundamental constitutional rights that men and women who have worn our Nation's uniform have shed blood and died to protect and preserve so that we, this generation, would have the ability to continue to debate issues. And as annoying as that can be to some, depending upon your viewpoint on the issue, it should never be annoying that we protect this right. This is a fundamental right of America and Americans to be able to debate, discuss, without government interference, the political issues of the day.

And by their nature, if they are interesting, they are probably controversial. And if they are controversial, they probably do need to be debated, and out of that debate we will have a better outcome. We will all learn from listening to the opposing viewpoints. But we won't hear any of it if the fairness doctrine is back in place because we saw what happened between 1949 and 1987. There was no talk radio to speak of, certainly not vigorous talk radio.

And I am not saying you have to agree with Alan Colmes. I'm not saying you have to agree with Lars Larson or Rush Limbaugh or Sean Hannity. In fact, you can pick what you want. But do you really want to leave in place the opportunity for Federal regulators, without a vote of this Chamber, to put back in place a flawed regulation that we know chills free speech, that reduces speech on political issues at all? Do you want to leave that opening there for the next administration to have three commissioners of the five make that decision for you, three unelected commissioners? And I respect them all, believe me, but that is not how government should work on an issue as critical as free speech and protecting free speech rights.

So I encourage you tonight to think about it. Think about it. Think about those who have come before us, about those who have worn America's uniform to protect our free speech rights, and ask yourself how hard is it to walk right over here and sign the petition to allow an up-or-down vote on protecting free speech rights on America's radio and television broadcast stations?

With that, Mr. Speaker, I thank you for the opportunity to address our colleagues in the United States House of Representatives. I encourage them once again to sign the petition, bring H.R. 2905 to the floor, the Broadcaster Freedom Act. Protect the free speech rights of even those talk show hosts you vehemently disagree with because silencing those hosts is the worst thing the government could do.

The material I previously referred to follows:

FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF THE CHAIRMAN,
*Washington, DC.*

Hon. GREG WALDEN,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN WALDEN: Thank you for your letter asking for my thoughts on the present-day appropriateness of the Fairness Doctrine. As you are undoubtedly aware, the Fairness Doctrine obliged broadcasters to provide an opportunity for the presentation of contrasting viewpoints on those controversial issues of public importance that they covered. See In re Complaint of Syracuse Peace Council, 2 FCC Rcd 5043 (1987).

In 1987, based on its 1985 Report on the Fairness Doctrine, Inquiry into Section 73.1910 of the Commission's Rules and Regulations Concerning Alternatives to the General Fairness Doctrine Obligations of Broadcast Licensees, 102 FCC 2d 145 (1985), and an extensive subsequent administrative record, the Commission concluded that enforcement of the Fairness Doctrine was not in the public interest and thus decided to abandon it.

Among other things, the Commission found that the doctrine "'chill[ed]' speech" by "provid[ing] broadcasters with a powerful incentive not to air controversial programming above [a] minimal amount" in order to avoid burdensome litigation over whether it had complied with its obligation to provide contrasting viewpoints. 2 FCC Rcd at 5049 ¶¶42, 43. Based on its examination of the record, the Commission concluded that the Fairness Doctrine had created "a climate of timidity and fear, which deter[red] the coverage of controversial issue programming." Id. at ¶47. Indeed, the record compiled by the Commission at the time included over 60 reported instances in which the Fairness Doctrine had inhibited broadcasters' coverage of controversial issues. Id. at ¶43.

Furthermore, the Commission determined that the doctrine "inherently provide[d] incentives that are more favorable to the expression of orthodox and well-established opinion with respect to controversial issues than to less established viewpoints." Id. at ¶45. Because broadcasters espousing provocative opinions were more likely to be subject to a Fairness Doctrine challenge, the Commission concluded that the doctrine, in operation, inhibited the goal of ensuring that the public had access to innovative and less popular viewpoints. Indeed, the Commission expressed concern that the doctrine "provide[d] a dangerous vehicle—which has been exercised in the past—for the intimidation of broadcasters who criticize government policy." Id. at ¶54. Finally, the Commission concluded that government regulation was not necessary to ensure that the public had access to a wide range of opinion on controversial issues of the day in light of the multiplicity of information sources available to the public, such as television stations, radio stations, daily newspapers, and cable television services. See id. at ¶¶55-56.

In reviewing the Commission's decision to abandon the Fairness Doctrine, the United States Court of Appeals for the District of Columbia Circuit determined that the Commission's findings were supported by the record, and upheld the Commission's determination that the fairness doctrine no longer served the public interest. See Syracuse Peace Council v. FCC, 867 F.2d 654 (D.C. Cir. 1989), cert. denied, 493 U.S. 1019 (1990).

In my judgment, the events of the last two decades have confirmed the wisdom of the

Commission's decision to abolish the Fairness Doctrine. Discussion of controversial issues over the airwaves has flourished absent regulatory constraints, and the public now enjoys access to an ever-expanding range of views and opinions. Indeed, with the continued proliferation of additional sources of information and programming, including satellite broadcasting and the Internet, the need for the Fairness Doctrine has lessened ever further since 1987. In short, I see no compelling reason to reinstate the Fairness Doctrine in today's broadcast environment, and believe that such a step would inhibit the robust discussion of issues of public concern over the nation's airwaves.

I appreciate your interest in this important matter. Please do not hesitate to contact me if I can provide further information.

Sincerely,

KEVIN J. MARTIN,
*Chairman.*

## HEALTH CARE IN AMERICA

The SPEAKER pro tempore (Mr. SPACE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I come to the floor of the House tonight, as I often do, to talk a little bit about health care, the status of health care here in America.

Tonight, if we could, I would like to talk a little bit about the past, talk some about the present, and maybe just look a little bit into the future.

Mr. Speaker, as I see it, over the last 70 years there have been three transformational times in American medicine: one in the 1940s, one in the 1960s, and I believe we are on the threshold or the beginning of another transformational time here early in the 21st century.

Mr. Speaker, medicine itself, the science of medicine, is pretty highly ordered, highly structured. It's very scientific. The scientific method is always employed in medicine. And when you get to government politics, government policy in regards to health care, in regards to medicine you would expect it to also rest on a firm foundation of science. But I have to tell you, Mr. Speaker, after being here for less than 5 years, you oftentimes see where that intersection of health care policy and health care reality sometimes creates more confusion than shedding light on the subject. And the thing is, Mr. Speaker, when we create these policies in Congress, we affect things not just today, not just for the time the bill-signing occurs, but we affect things for decades into the future. And that is the responsibility that we hold in our hands here in this House of Representatives when we talk about changes in the health care system.

□ 2145

Now, Mr. Speaker, I referred to the 1940s as a transformational time in medicine. Obviously there were a lot of things going on in the world in the 1940s. But just prior to the 1940s, Mr. Alexander Flemming, an Englishman, made a startling discovery. He made a discovery that a mold, the penicillin mold, created a substance that was diffusible across an auger plate that would inhibit the growth of bacteria. He further found that this substance apparently was not harmful to humans. So we have the concept of selective toxicity, something that will attack a microbe and not hurt the host; the first time that science had delivered that type of hope, that type of promise to the world.

Now, Sir Alexander Flemming, receiving all the accolades he did for discovering penicillin, really created, at that point, something that was in such short supply, was so difficult to produce and so expensive that it really had no practical utility. It was almost like a medical trick or parlor game, but it was not something that could be generally used by the public, who was ill and needed access to the medicine. But American scientists, working in this country, created a system whereby they could grow large quantities of this mold, remove the substance from the vats that surrounded it, and purify it in large quantities. This occurred in 1942. We were in the middle of World War II. What a phenomenal discovery. Now this wonder drug that had only recently been discovered but was so rare, so scarce and so expensive that it had no practical utility, now it was cheap, readily available and, in fact, probably made a significant difference in the recovery of some of our soldiers who were wounded in the landing in Normandy. Battlefield infections were notoriously bad for causing loss of life and limb, and now we had an agent that was capable of treating those.

Now, another discovery that occurred in the 1940s, cortisone had been discovered before the 1940s, but again, a laborious process for actually extracting this anti-inflammatory medicine. In fact, Mr. Speaker, they extracted it from the adrenal glands of oxen. So you can imagine how labor intensive that process was. And so only small amounts of this compound were available to treat injured individuals.

But in the 1940s, an individual, Dr. Percy Julian, a Ph.D. biochemist, in fact we honored Percy Julian on the floor of this House as one of the outstanding African American scientists of the last century. I think we did that during the last Congress. And I was very happy to vote for that because Dr. Julian's contribution to American medicine was nothing short of astounding. He was able to use a precursor of a soybean and create cortisone in a laboratory and mass produce it. Once again we had a wonder drug that previously was available only in such small supply as to only be of benefit to a handful of people; now, suddenly, it was readily available, and available to large numbers of people at a reasonable price.

So the 1940s ushered in the era of anti-infective antibiotic agents and anti-inflammatory agents, two true wonder drugs that, again, American medicine had not had available prior to that time.

Now, Mr. Speaker, today we get sick, we go see the doc, he or she writes out a script, tears it off, sends you on the way to the pharmacy, you get it filled and you never give it a second thought. But prior to 1940, that wasn't an option; it didn't happen. Again, our soldiers landing in Normandy who were injured had available for the first time an anti-infective agent that was of such caliber that it provided many of those wounded men to gain back the use of limbs that otherwise would have been placed in peril by battlefield injuries.

The discovery of cortisone really revolutionized at that time the treatment of illnesses such as Lupus and rheumatoid arthritis. There are other medications that are available now. Cortisone, of course, has some side effects and some problems, but still, cortisone is in widespread use in a number of areas in medicine today. So still, these are concepts that we benefit from.

When you also think of the 1940s, what else was going on? Well, of course, the Second World War. We were in the middle of a two-front war. The American workforce was severely contracted because of the number of men and women who were fighting for our country, so employers back in this country who wanted to produce the material for the war, who wanted to continue to operate their businesses, were pretty hard pressed to find employees to work there.

One of the things that was happening during the war, because of this shortage of workforce, was that compensation for workers started going up pretty fast. President Roosevelt saw that and felt that he needed to put some brakes on the rapid growth of wages; otherwise, the economy would get out of control and inflation would spiral out of control. So he put in place wage and price controls, and he did so because, again, the country was at war and the severe contraction of the workforce caused disruption of the labor market, and the President sought to correct that.

Now, employers said we want to do things for our employees that make them want to work for us and make them not look for other employment in other locations, so if we can't offer wages, can we offer benefits? Could we, perhaps, offer retirement benefits? Could we, perhaps, offer health benefits? And the United States Supreme Court ruled in 1944 that, indeed, those benefits could be offered and they would not violate the spirit of the wage and price controls. And furthermore, they should be available to the individuals as a pretax expense. And hence, the era of employer-derived health insurance as a pretax expense was born and survives to this day. And many people are very satisfied with that as a method of having insurance for their health care. And it has its roots back in 1940. Again, a truly transformational time in American medicine. We've got new medicines to treat infections and inflammatory conditions, and we've got a new way of paying for health care for Americans in employer-derived health insurance.

The 1960s; what do we see then? We see the introduction of new generations of antibiotics, antibiotics that were more potent. Some bugs had developed resistances to the old antibiotics; we had new antibiotics that were less prone for bacteria developing resistance. We had new antipsychotic medications. We had new antidepressant medications, medications to treat conditions that heretofore had not been treatable. There had not been a rational or a viable treatment available to those patients.

What else did we see in the 1960s? We saw in this House, in 1965, the enactment of a law that we now know as Medicare for protection of United States seniors. For the first time the United States Government was in a position to finance a large portion of health care in this country. In fact, since 1965, over the last 42 years, the portion of health care that is paid for by the Federal Government, about 50 cents out of every health care dollar, begins right here in Washington, D.C. You've got Medicare/Medicaid, the VA System, the Indian Health Service, TRICARE, Department of Defense, as well as the Federal prison system. A lot of health care is paid for and it originates here in the United States Congress.

The other 50 percent, commercial insurance to be sure, some self-pay. And I would actually include the newer health savings accounts in that part that I would designate as self-pay. And then of course there is some care that is just simply not paid for, and some that is given as charity by the hospital or the doctor who provides the care and does not expect compensation.

And now, early in the 21st century, I believe, again, is a transformational time in American medicine. And I think it extends before us really as far as the eye can see. Mr. Speaker, I think this transformation will occur whether we want it to or not. Whether we lead it or not, the transformation will happen. Changes in information technology, concepts like rapid learning, changes in the practice of medicine regarding genomics, protein science. A new era of personalized medicine extends before us. And as we usher in this new era in medicine, how can we facilitate or at least not obstruct the scientific discoveries and allow this important process to go forward? And nowhere will this be more starkly apparent than in our ability to provide this new care at an affordable price to the majority of Americans and ensure that there are the doctors involved who will deliver that care.

Now, as I see it, the problem right now is that most health care is administered through some type of third-party arrangement so the patient and, quite honestly, the physician is generally aware of the cost of care that they receive. This arrangement has created an environment that permits the rapid growth, the rapid escalation of prices in all sectors of health care. So how do we improve the model of this current hybrid system, this public/private partnership that we have right now? How do we improve the current hybrid system that involves both public and private payment for health care but at the same time anesthetizes most of us to the true cost of that care?

Now, Mr. Speaker, we hear it all the time here on the floor of this House that we're just entering into the first retirees of the baby boom, and this is all we can see demographically for years and years to come. There will be more demand for medical services. Medical procedures and techniques and pharmaceuticals will tend to cost more because there is the advancing complexity of what we're able to do. Medicine is going to continue to evolve as it always has.

Now, Mr. Speaker, Alan Greenspan, former Chairman of the Federal Reserve, right around the time that he was retiring spoke to a group of us one morning, and the inevitable question came up to Mr. Greenspan, "How in the world are we ever going to pay for the liability that we have in Medicare in the future?" And Mr. Greenspan was quite circumspect about it, but eventually he offered the opinion that, when the time came, the Congress would find the courage and the resources to do what was necessary, and he thought that Medicare would be solvent into the future. He then stopped and went on to add, "What concerns me more is will there be anyone there to deliver the service at the time you need it?"

Now, Mr. Speaker, I will tell you that those words have stuck with me these last 2 years and caused me to devote a great deal of time and study to the concept of the physician workforce in the United States. Let me just share with you, Mr. Speaker, the Texas Medical Association, back in my home State of Texas, puts out a magazine every month called "Texas Medicine," and this was their March issue of this year, and the title story was, "Running Out of Doctors." My State is far below the national average when it comes to physicians. The national average is 230 per 100,000 residents; Texas' ratio is 186 to 100,000 residents. The American Academy of Family Physicians predicts serious shortages of primary care doctors in five States, including Texas. And further, they go on to say that "all States will have some level of family physician shortage by the year 2020." That's 13 years from now, three Presidential elections from now.

The Council on Graduate Medical Education, a congressionally authorized entity, estimates that after 2010, growth in the physician workforce will slow substantially, and that after 2015, the rate of population growth will exceed the rate of growth in the number of physicians.

Now, what do we do? My opinion, I think there is a three-part approach, a three-part solution to mitigate this shortage in the future.

First and foremost, and it seems so simple that I cannot believe that it doesn't occur to more people, we need to construct a payment system, particularly on the governmental side, that pays doctors fairly to keep them in practice longer. Additionally, improved assistance to medical students, to encourage college students and medical students to go into medicine and practice in high-need specialties in medically underserved areas. And then finally, to increase the number of residency programs, especially in rural or suburban areas, to keep the physician pipeline open.

And the real crux of this article, Mr. Speaker, in "Running Out of Doctors," was the observation that doctors tend to have a lot of inertia. We don't tend to go very far from where we're hatched. And doctors who go through a residency program tend to practice within 50 to 100 miles of the location of that residency. That's why, if we can encourage the development of more residency programs in underserved areas, we will encourage the growth of the physician workforce in that area.

So, before we go completely into the three-point solution aimed at mitigating the possibility of an even greater solution in the future, let's talk about some of the basic principles that I had in mind as I developed this concept of physician workforce reform.

Now, Mr. Speaker, I believe that Congress must develop physician workforce initiatives that ensure future patient access and sustain a robust physician workforce, and this must be both separate, but complimentary, to Medicaid physician payment reform. Why do I say that? Well, Mr. Speaker, as you know and many in Congress know and many across America know, in Medicare we have different payment systems for part B as opposed to part A, part C and part D. In A, part C and part D, there is sort of a cost of living adjustment every year for hospitals, for HMOs, for drug companies. There is a cost of living adjustment that occurs every year so that these institutions, these entities are reimbursed based upon the cost of inputs.

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But part B, the physician part, is under an entirely different formula that is coupled to the gross domestic product. Furthermore, it is a finite, a finite, number of dollars that are available to pay physicians who participate in the Medicare program. What happens over time, since that doesn't grow, what happens over time, the individual payments to physicians are scheduled to shrink 5 to 10 percent a year over the next 9- to 10-year budgetary cycle.

This program is so unfair that it causes physicians to retire early, stop seeing Medicare patients and leave the physician workforce. The solution is very, very simple, and it is one that is so simple that, quite frankly, it oftentimes gets lost in all of the other talk and debate. The solution to this problem is stop the cuts, repeal the formula, and then replace it with the Medicare economic index, the cost-of-living formula that hospitals, HMOs and drug companies are paid with.

Now, the current Medicare payment system exacerbates negative physician workforce trends. That is why I feel that the sustainable growth rate formula must be eliminated. Let me just show you a little graph of that. Mr. Speaker, I think this graph accurately represents what I am talking about. Again, we talk about the physician payment as compared to HMOs, hospitals and, in this bar graph, nursing homes. You can see over the years 2002 to 2007 increases in HMOs, hospitals, and nursing homes and very flat increases for a few years for physician payment after an initial decline, and actually this was projected for 2007. We actually held physician payment at a zero percent update, which anywhere else other than in Washington, D.C. let's be honest, that would be a cut but we call it a zero percent update because we like to be euphemistic when we talk to our physician friends. Again, I submit, stop the cuts, repeal the formula.

Now, any new system that we create has to be able to adjust for growth in services, but it has to be agile enough to determine what constitutes appropriate care in service and service volume when growth results in better patient outcomes. Any new coverage decisions by law or regulation must be accompanied by additional financial sources relative to their value for the services.

Now, Mr. Speaker, we spent a lot of time in my committee, Committee on Energy and Commerce, last year having hearings about physician payments. And one of the things that is obvious when you look at recent trends in Medicare outlays is that in fact the trustees report that came out last June talking about the year 2005; 600,000 fewer hospitals beds were filled that year. Why? Because the physician component is doing things better, more timely treatment of disease. I will submit that perhaps some of the new Medicare prescription drug program is playing a role in that as well; doctors are doing more procedures in their offices in ambulatory surgery centers.

The net effect of that, Mr. Speaker, is to keep down the costs for part A, but then that expense occurs in part B. So how could we get the savings that we are managing for part A, how could we get that back for part B? That is really the challenge that is before us.

Now, the Congressional Budget Office and all of the budgetary people who work up here on Capitol Hill will tell you that you can't prospectively go out and say, since you are going to save so much money, you saved so much money last year, and you are going to save so much money next year and the year thereafter, but you can't get credit for that until it actually happens. My belief is that savings will occur. It will accrue.

So what if we pay it forward, so to speak, we don't repeal the SGR in 2008 or 2009, we will repeal it in 2010. But in the meantime, 2008 and 2009 whatever savings occur because the physicians in part B are doing things better, cheaper and safer and saving money for part A, part C and part D, that those savings be sequestered and they be walled off. Remember the famous lockbox for 2000 everybody talked about for Social Security? Let's drag up that lockbox and put the savings in the lockbox, and we will open it up in 2010 and reduce the cost of repealing the SGR formula.

That has been the obstacle, Mr. Speaker. The Congressional Budget Office estimates the cost of repealing the SGR today right now at $268 billion. Last year when I tried a different approach to this same problem, the cost for repeal was the $218 billion. It goes up every year. One of the reasons it goes up every year is that every year we come swooping in at the last minute with some sort of last-minute fix. But all that money that we used to come in for that last-minute fix gets added on to the budgetary out-years. So we compound the problem. Every year that we don't fix it, we compound it. That is why it is so critical to fix that date that we repeal the formula.

Now, in the bill 2585 that I have introduced, we actually do that. We actually capture and sequester those savings and use that paying it forward to bring the cost of repealing the SGR down.

Now, just a couple of other points in general about physician workforce, preserving the physician workforce. You know, I said the SGR formula, the sustainable growth rate formula, is linked to the growth in the gross domestic product. There is a reason for that. That needs to be delinked. Quality reporting. What about quality reporting? We hear a lot about that. We hear a lot about pay for performance here on the floor of this House. Well, Mr. Speaker, I would submit to you, pay for performance is keeping the mature physician involved in the practice of medicine. If we drive all of our talented and experienced doctors out of the practice of medicine because of what we are doing with the Medicare formulas, it is going to be pretty tough to pay for performance.

Now, I do think some type of performance indicators need to be included in whatever process is going forward. We don't need to reinvent the wheel every time we sit down to talk about this. Many of the specialty organizations have already developed their own criteria. We have the QIOs. The quality improvement organizations have been in existence really I think for 20 years since the latter part of the second Reagan term. So these measures are all available to us.

What I would submit is that if a doctor or a physician group would voluntarily report to one of these quality measures, that there be some positive adjustment, in whatever formula we give them, that there be some positive adjustment for participating in that quality activity.

Similarly, I talked a little bit about this in the beginning. We are in a transformational time. What is one of the things that is going to drive that transformation? It is going to be changes in health information technology, whether we want it to or not. We struggled with the health information technology bill last year. We talked a little bit about one this year. The fact remains, it is happening whether Congress is involved or not. As a consequence, I think we ought to do what we can to encourage physicians' offices and individual physicians to begin to embrace this, to begin to investigate this and an additional positive update would be available to physicians who voluntarily participated in improvements in health information technology and their individual practices.

You know, Mr. Speaker, one of the things that I think would make a lot of sense and I don't know why we haven't done it, we ought to share with our Medicare beneficiaries what did your care cost last year. I get a statement from the Social Security Administration about what my Social Security contributions have been year over year since I first started paying that FICA tax. We could do the same thing with our Medicare patients: What did you contribute over your working lifetime? And now what are expenses attributable to you that are incurred to the system? That information should be confidential. You obviously don't publish that, but give back to the patient that information on what the cost of their care was over the past year because otherwise they have no benchmark. They have no way to know are they, in fact, getting value for their dollar or not.

So there are 3 bills that I've introduced to help tackle these problems and get at the essentials of what is creating the near havoc situation in the physician workforce. I think these bills are essential to ensuring that America will always have a good supply of qualified, satisfied doctors to address the growing health care needs of an ever-growing population.

Now, we have already talked a little bit about the sustainable growth rate formula. Getting Medicare payment policy right is the first point to make in any type of reform that is going to affect the physician workforce. Paying physicians fairly will extend the careers of many doctors who otherwise would just simply opt out of Medicare or opt out of the practice of medicine entirely. Paying physicians fairly also has the effect of ensuring an adequate network of doctors. That adequate network of doctors is available to treat some of those complex patients we have in this country, and that is the elderly patient on Medicare and as this country makes a transition to the workforce of the future.

Now, the bill I introduced, 2585, Ensuring the Physician Workforce Act of 2007, modifies the Medicare physician reimbursement policies. It is important because you do have to pay doctors fairly for their services so that they will want to go into medicine, they will want to continue to practice medicine, and maybe even practice medicine to a later point in their life. So we extend the effective practice life of physicians who are already out there practicing.

Now, the fundamentals of 2585 we have covered already a little bit. But I like to think of it as a workforce solution for the mature physician. It provides sustainable Medicare reimbursement now and in the future by getting out of the chasm created by the sustainable growth rate formula and completely eliminating the sustainable growth rate formula by the year 2010. It includes truly transformational incentives to further the development and implementation of quality measures and health information technology in a way that makes sense to the business aspect of the practice of medicine.

Furthermore, in 2008 and 2009, physicians could opt to take advantage of those bonuses, return value back to their practices, and, in fact, return value back to the taxpayer by participating in those measures. Quality measures would be built around high-cost conditions and strive to improve the quality of care for those conditions and ultimately drive down the cost of delivering the care in the Medicare program. The bill would also include a Federal incentive to implement health information technology along with provisions providing safe harbors for the sharing of software, technical assistance and hardware as well as the creation of a health information technology consortium.

That last point is important because there are laws and regulations that Congress has passed in the past that prevent hospitals and doctors working together to develop the type of health information technology network that is really going to be necessary to manage this sea change that we are going to see in medicine in the coming years.

I will confess, Mr. Speaker, let me put another chart up here. Mr. Speaker, I will readily acknowledge that I have not always been a firm believer in things like health information technology and electronic medical records. In fact, right before I left practice, my practice in medicine, we were given a charge to beta test an electronic e-prescribing sort of format and there was certainly no financial outlay on our part. We were simply to use these little hand-held devices and report back as to their utility. There were obviously some plus sides. You knew right away if there was a drug interaction or a patient had an allergy that wasn't apparent on their chart. The computer knew and it would flag that for you. But it slowed you down. It slowed you down in that it took about a minute or 1½ minutes to add this information in for the patient.

Mr. Speaker, when I first went into private practice after I completed my residency at Parkland Hospital, went into private practice in 1981, reimbursement rates were such that if you saw 15 to 17 patients a day, you pay your overhead and have a nice amount to take home at the end of the month. With everything that has happened with HMO declining reimbursement rates, from private insurance declining reimbursement rates from the government-funded sector of health care to be sure and a growing government sector of health care that historically underfunds their component and undercompensates their component, what has happened over time in order to maintain that similar amount of money that is needed to pay for overhead and have something to take home at the end of the month, physicians are now finding that instead of seeing three patients an hour, they have to see five. Instead of working 7 hours in the office, they now need to work 8 or 9.

So if you are not seeing 35 or 40 patients a day, you may not be measuring up as far as covering that overhead and having something to take back to your family. After all, they put up with the sacrifice and aggravation of having you, their husband or father as a physician, meaning you are frequently gone from home, you go and leave in the middle of the night to attend to problems. And we always do that willingly and lovingly; but at the same time, it does create wear and tear on families, and certainly any doctor's family can tell you that. Doctors, over time, have tended to be fairly well compensated. As a consequence, families have been ready and willing to accept that. But in order to maintain that same level, we have gone from a time where we were seeing 15 to 17 patients in a day to 35 to 40 patients in a day.

Let me go back to the e-prescribing. If it is taking you 1½ minutes to enter in the patient data and hit the send key to send the e-mail to the pharmacy to provide that prescription for that patient, that is another hour you have added on to that physician's day.

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How are you going to pay the doctor for that? None of this has ever been worked out. If you go even further and say we're going to go with a full-on electronic record, there's a learning curve there. It's going to take some time, and it's going to slow that doctor down. Not only will it slow him down so he is able to see fewer patients, it slows him down so that there's less face time, if you will, with the patient, less time to listen to what the patient is saying, to look the patient in the eye and make sure you're getting the straight story so that you come to the correct diagnosis.

Mr. Speaker, I was late to come to the table as far as electronic medical records. I will tell you the sentinel moment that changed my mind, that shifted me on this issue, and said, you know, it is going to take more time; there has to be a way to compensate doctors for the time involved in doing that e-prescribing and creating those electronic medical records.

Well, 2 years ago, of course, we were suffering in the aftermath of Hurricane Katrina. Two years ago next January our Committee on Energy and Commerce had a field hearing down in New Orleans, and one of the places we went on that field hearing was to Charity Hospital, one of the venerable old teaching institutions in this country. Many of my professors at Parkland Hospital had been trained by professors at Charity Hospital. It was truly an icon in American medicine. It was absolutely devastated in the flooding that followed Hurricane Katrina in New Orleans.

Mr. Speaker, we went into Charity Hospital. We went down to the basement where the records room typically is in a hospital. And here, Mr. Speaker, is the medical records department of Charity Hospital. Now, this isn't fire or smoke damage on these charts. It's black mold. You really can't send someone down there to retrieve medical data without putting the medical records transcriptionist at risk.

These records are essentially lost forever, if the ink hasn't washed off all the pages. Remember, this was all completely underwater, because this was in the basement. You remember how much water was standing in the streets of New Orleans. So completely underwater. We don't even know if these are readable. But who is going to get in there and risk disturbing all the black mold and getting the health consequences that would result from it?

So all of this medical data is lost. Who's to know? Maybe there is a kidney transplant there, some important data. Maybe someone being treated for non-Hodgkin's lymphoma here, and important clinical data lost. Maybe there was a child with a rare illness that, again, no one would be able to retrieve those medical records. This is the reason why I have now become a believer in the electronic medical records system.

Furthermore, when a large number of persons who were evacuated from New Orleans and brought to the Metroplex in the north Texas area, north Texas physicians turned out in great numbers to receive people who had been in the domed stadium in New Orleans, the Superdome I guess it's called, as well as other individuals who were evacuated from the Convention Center, and they were brought in buses to downtown Dallas and doctors met them as they were coming off the bus.

One of the large pharmaceutical chains set up there with their computer system, and if that patient had gotten their prescription at that chain drug store, they were able to recreate not their entire medical record, but at least their prescription history, which a lot of times will give you a great deal of insight into what a patient's conditions are and what they are being treated for.

So the availability of that, albeit very limited pharmaceutical data, provided a great deal of service to the doctors who were on the ground receiving these individuals who had to be evacuated out of the city of New Orleans. Again, it really made a believer out of me that that data needs to be retrievable wherever you are, wherever you go.

Mr. Speaker, all too often we run into in medicine the fact that, yes, the patient went down somewhere and had a CT scan, and now they're seeing a different doctor and that CT is not available because it's only a written, typed report and it's locked up in some other office and they are now closed. So we either go on a hunch without the information, or you repeat the test and spend another $1,000. It is so critical to have that information where it is readily retrievable by any doctor involved in taking care of the patients.

Mr. Speaker, I have digressed just a little bit from the physician workforce issues, but I do think this is such an important issue, and that is why I included in H.R. 2585 bonus payments for doctors who are willing to begin to make that change into improved health information technology and perhaps consider electronic medical records, perhaps consider e-prescribing.

There is no question that our handwriting as physicians is generally abominable. I will tell you, Mr. Speaker, it doesn't improve with age. Medication errors that are because of poor handwriting or illegible handwriting on the prescription pad, we have all encountered it during our practices.

It is so critical to be able to have that information in a legible, reproducible form and have it available when a patient goes from city to city, as these individuals were because of a crisis in their hometown, where they had to leave and go to another town. But even just for someone on vacation who develops a problem, if you have the availability of accessing their medical records online or through some service, that is going to make a tremendous difference.

Now, Mr. Speaker, one of the things we talked about, too, when I first began this discussion on the workforce issue is how do we help the physician who's through with medical school and pondering a residency, or in fact in a residency. Could we develop a program that would permit hospitals that do not now currently have a residency program to begin a training program where none has existed previously.

So the second bill, H.R. 2583, would create a loan fund available to hospitals to create a residency training program where none has operated in the past. These programs, of course, would require full accreditation by the appropriate agencies and would be focused in typically medically-underserved areas, rural, suburban, frontier community hospitals.

Mr. Speaker, on average it costs about $100,000 a year to train a resident. For a lot of small hospitals, that is a barrier to entry that they just cannot meet.

Two, the Balanced Budget Act passed by this Congress long before my service here, back in 1997, 10 years ago, placed the cap on residency slots Medicare would fund, making it very difficult for some programs to expand and hospitals to create residency programs. So, especially for smaller hospitals that are interested in creating a residency training program, federal regulations, federal regulations stop them cold, dead in their tracks, from creating that residency program.

Again, these are some of the things that were done in the Balanced Budget Act, but these regulations need to be streamlined. We need to have a second pathway for these hospitals to follow to establish a residency training program. It is a major financial investment for small hospitals to undertake, and frequently they just simply have to forego, because they can't afford it, even though their community might very well benefit from having such a training program.

Now, in the bill before the Congress, H.R. 2583, loan amounts would not exceed $1 million and the loan would constitute startup funding for new residency programs. The start-up money is critical here. Since Medicare graduate medical education funding can be obtained only once a residency program is firmly established, the cost to start a training program for a smaller, more rural or suburban hospital is cost prohibitive. The barrier to entry is just too high, because these hospitals operate on much narrower cost margins.

H.R. 2583 is a bill that has been introduced as part of the physician workforce package of bills. It will allow smaller hospitals to establish residency training programs.

As I said earlier, Mr. Speaker, doctors tend to have a lot of inertia. We don't fall far from the tree when it comes time to start up practice. We tend to go into practice within 100 miles of where we did our residency. That would be the reason to move the residency programs into the areas of States, into the areas of the communities where doctors are most needed.

Two, this program could be a recruiting tool for small communities to recruit essential professionals to consider a residency program in their town and then hopefully stay around once the training program is finished, because, after all, you know all the referring doctors, you know the personnel in the hospital, and that arduous task of setting up a practice becomes perhaps just a little less daunting because you are working with known entities.

The third point of assuring availability of an adequate future workforce is providing medical students or college students who are considering a career in health professions, to provide them with assistance and incentives to practice in shortage areas in shortage specialties.

The third bill, H.R. 2584, would establish a mix of scholarships, loan repayments and tax incentives to encourage more students into medical school and beyond. It also creates incentives for those students and newly-minted doctors to become family docs, general surgeons, geriatric doctors, OB-GYNs, and practice in shortage areas such as rural and frontier areas.

H.R. 2584, the High Need Physician Workforce Initiative Act of 2007, amends the Public Health Service Act to alleviate critical shortages of physicians in the fields of family practice, internal medicine, pediatrics, emergency medicine, general surgery and OB-GYN. H.R. 2584 would establish additional loan and scholarship programs and would assist underserved communities to build a pipeline for the medical professionals of tomorrow.

Mr. Speaker, I spoke already about the medical records situation in New Orleans. Also as an outgrowth of actually several trips I made to the New Orleans area in the fall of 2005 and the early part of 2006, you really began to see the attenuation of the physician workforce in that area and you really saw the arduous task of rebuilding the physician workforce in that area.

Mr. Speaker, it is almost as if a physician or his spouse, if they weren't from the area, they likely weren't staying. They had to have significant family ties to make them consider staying in the area. That is so unfortunate, Mr. Speaker. But not only do we have the unspeakable horror of the hurricane itself, but then we had the slow response in getting aid through State and Federal and local agencies to physicians in private practice and they were left to fend for themselves. They ended up spending their own savings to keep their practice open and they reached a point where they simply could not sustain that any longer. It will be hard to entice people back.

So the reality is the physician workforce of tomorrow, especially in an underserved area like the City of New Orleans, is going to require growing your own. And part of growing your own is this mix of scholarships, loan forgiveness and tax incentives to encourage physicians to go into the health professions, and as part of the loan payback, they agree to serve in a medically underserved area in a high-need specialty. This bill provides targeted incentives to develop medical students and encourages the growth of specialties that will be in high demand in underserved or emerging communities.

So, Mr. Speaker, those are the three bills, H.R. 2583, H.R. 2584 and H.R. 2585, that deal with the problems that I see as emerging with the physician workforce. Remember, we are in a transformational time. We are in a time that is just as transformational as 1940, 1965, or even some of the earlier transitional times that we didn't have time to talk about tonight. We are in a transitional time that is going to require us, require us as legislators, to be at the top of our game so we don't obstruct this process and, dare I say, we enhance this process, we further this transformation, we make the transformation proceed in an orderly fashion, in a fashion that is beneficial.

But, Mr. Speaker, I can hardly, hardly, talk about physician workforce issues and not address the number one issue that is so pernicious to physician practice and drives more doctors into early retirement, and that is the state of the medical justice system in this country.

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Texas in 2003, September of 2003, a little over 4 years ago, passed what I considered a very reasonable bill to put some caps on noneconomic damages in medical liability cases.

Texas was in crisis. When I was running for Congress in 2002, we had really hit rock bottom as far as medical liability issues were concerned. We had gone from 17 medical liability insurance companies down to two. They were leaving the State in droves. If you only have two companies, it is difficult to have competition. Premiums were going through the roof. Every year I was seeing premium increases of 20, 25 or 30 percent. And the reality was that reimbursement rates were not keeping up and doctors couldn't keep up.

I remember when I was campaigning in 2002 at an event I ran into a young woman who was a radiologist. I say young woman, she had been through medical school and residency. She said, I hope you can get something done about the liability situation because as a radiologist, I lost my insurance because my company left the State and I can't get insurance with the two remaining companies. As a consequence, I cannot practice interventional radiology without liability insurance. I can't accept that kind of risk, taking care of high-risk patients without some type of liability coverage.

So the State of Texas paid to educate this woman. The woman went to a State-supported school, so taxpayers partially paid for her education because she went to a residency program at one of the State universities, and she was lost as a provider to the State of Texas because of the liability situation.

Texas, fortunately, stepped up to the plate and recognized they had a serious problem. Across the board in Texas, everyone was talking about the crisis in medical liability. So they passed a bill in 2003 that put a limit on noneconomic damages in medical liability suits. It was patterned after the Medical Injury Compensation Reform Act of 1975 which affects the State of California and has done a good job in California as far as keeping doctors involved in practice and keeping medical liability rates low.

Well, in California, the Medical Injury Compensation Reform Act of 1975 put a cap on noneconomic damages at $250,000. That was a tall order in Texas. They were not able to achieve the same level of cap on noneconomic damages, but they went about in a way so that a $250,000 cap on noneconomic damages exists for the doctor, for the hospital or nursing home or a second hospital. So each provider named is going to be capped at $250,000, and a maximum of $750,000 that could be awarded to a plaintiff in noneconomic damages. Actual damages, punitive damages, are not affected by this law. So average compensation for patients is still going to be very, very high, but it removes a lot of the uncertainty that was present in the medical liability market. And as a consequence, it provides fair compensation for injured patients and their families. It has been a success in Texas. Liability premiums have dropped. Competition has invigorated the insurance market, and patients once again have access to the doctors they need. Remember, we dropped from 17 down to two insurers. The next year we were back up to 15, and I believe the number is substantially higher today.

The best news is they came back to the State without asking for an increase of premiums. Texas Medical Liability Trust, my old insurer, has provided a 22 percent reduction in premium expenses for physicians since 2003. Remember, we were going up by 20, 25, 30 percent a year every year prior to 2003, so this has been a dramatic turnaround in Texas.

Remember, I talked about Texas as being one of the States that is medically underserved. Remember that figure of 186 doctors per 100,000 population. But since this law took effect, things are on the upswing as far as physician workforce in Texas. Over 10,000 new physicians have been licensed, including a record 3,300 doctors licensed in fiscal year 2007. The Texas State Board of Medical Examiners can scarcely keep up with the demand. Several have asked what is taking the Texas State Board of Medical Examiners so long, and there is a lot of demand. When you have to ask how big are you winning, that is a good thing, and Texas is winning big with this legislation.

Doctors are moving back to areas that were underserved and critical specialties are moving back into the State. Doctors who practice a specialty called perinatal medicine where you take care of the most complicated pregnancies and the sickest babies, these doctors could not get insurance at any price in 2002. And I remember talking to a young doctor at a hospital who said, I am going to have to stop practicing. I have all of these loans to pay back, and I can't practice because I can't afford the liability premiums.

Our whole trauma network in north Texas was put at risk because 50 percent of the neurosurgeons, that is one out of 2 who were available, said he got his 6-figure premium notice, and he said, That's it, I can't do this any more. With him leaving, leaving only one neurosurgeon in the trauma network, it put north Texas in a serious position for how they were going to be able to handle trauma cases in north Texas.

Since the passage of this law in Texas, that perinatologist has gone back into practice. He went to work for a computer firm, believe it or not, and now he is back in practice and probably saving babies today that wouldn't have been saved without his care and expertise. I am sure he did a good job taking care of computers, but babies are more important than computers.

New neurosurgeons are attracted to the north Texas area, preserving the trauma network we have in the north Texas area. It was very much put at risk by the crisis in medical liability.

One of the unexpected beneficiaries of this law in Texas has been the smaller, not-for-profit hospital that is self-insured. They were having to put so much money away to protect against future losses because the upper limit was unknown. Now they are able to take some of that capital and reinvest it in capital equipment, nurses' salaries and outreach and education, the very things you want your hospital to be doing. They are able to do those things because of sensible reform that happened in the State of Texas.

Claims and lawsuits have declined, and the current situation that exists in some States only drives up the cost of health care and forces doctors to treat every patient as a potential lawsuit.

Mr. Speaker, the Founding Fathers suggested that the States could function as laboratories for the rest of the country, and I think this is one of those instances where we have seen the function of the laboratory, that is Texas in medical liability, function in every way as we would want it to. In fact, when we were going through the budget process last March, I provided the ranking member, our ranking member of the Budget Committee, the legislative language that would be the Texas law if it were written by legislative counsel here in the House of Representatives.

And they took the bill and did a back-of-the-envelope score and came up with a $3.8 billion savings over 5 years that would be available to the budgeteers had they chosen to accept that. In other words, do medical liability reform like we did in Texas across the country, and you are going to save some money.

It is not a huge amount of money. I know in Washington-speak $3.8 billion doesn't resonate like some other figures, but it is real money and it is available to us. All we have to do is enact some type of sensible medical liability reform across the country like we did in my home State of Texas.

So I took that language that ran through legislative counsel on the Texas liability law and actually introduced the Texas medical liability law. It is H.R. 3509, the Medical Justice Act of 2007. It is now available. Members may cosponsor it. I recognize in the current climate in the United States House of Representatives it is going to be very difficult to get any type of medical liability reform passed, but at the same time, this is important work and we shouldn't shy away from it. We should at least have the discussion and the debate. Let's clash in the marketplace of ideas here. Here is a system in Texas that is delivering real value to the patients of Texas and to the doctors of Texas.

Mr. Speaker, we can't rise to the transformational challenge that stretches before us without keeping the best doctors involved and recruiting and training the best and brightest doctors who are coming behind them, recruiting and training those doctors for tomorrow. This is going to require a near-term, a mid-term and a long-term strategy. Mr. Speaker, we have to work together, both sides of the aisle. This is not a partisan issue. This is going to face every single one of us in our district as we go through this next several years. And we are not going to be able to master the transformational challenge that extends ahead of us without America's best and brightest staying involved and providing care for patients in this country. The best and brightest men and women of medicine, we need to keep them on the front lines. I stress, this is a true bipartisan issue. There is not a single party label attached to this concept.

So let's sit down, both sides of the aisle, and work together to insure a healthy future for all Americans. The bottom line is we have to make certain that doctors are continuing to practice, they are satisfied with their compensation and satisfied with their ability to deliver services to the patients.

You hear the phrase in Washington, "well, we will cross that bridge when we come to it"; in other words, we won't act until we absolutely have to act.

Mr. Speaker, this is a transformational time. I think this calls for a different type of thinking. We are going to have to build a bridge while we are crossing it, not wait until we get there. We are going to have to build that bridge ahead of time, and I think we can.

I visited a group of scientists at the National Institutes of Health and they talked about the challenge of working through the genetic sequence of the human genome and sequencing the base pairs in the human genome. And they started this project in the 1990s, a very labor-intensive project, and they didn't have the Internet. They didn't know that they needed the Internet. Fortunately, the Internet came along while they were in the process of cracking the genetic code. But if it hadn't been the Internet, they wouldn't have been able to share information with other scientists around the world on a real-time basis. And I don't know if by today we would have cracked the genetic code, so an example of building the bridge while you are crossing, and certainly those scientists at the National Institutes of Health really did take that to health.

Why wait any longer? Why should we keep doctors and patients waiting? Sensible legislation is before us now. Again, I repeat, I urge my colleagues to look at this, talk to me if you have questions about it. It is extremely important for those students who are looking to go into health care as a profession, those in medical school now, those doctors in residency, and again, what I would refer to as the mature physician. It is important to the whole continuum of the timeline of the physician workforce.

We don't want to end up in that day that Alan Greenspan looked into the future and saw a couple of years ago. We don't want to arrive at that day where there is no one there to take care of America's seniors because we didn't pay attention, we took our eye off the ball back here in the year 2007.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today on account of official business in the district.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and October 23 on account of a death in the family.

Mr. KIND (at the request of Mr. HOYER) for today.

Mr. WILSON of Ohio (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Mr. YARMUTH (at the request of Mr. HOYER) for today.

Mr. GINGREY (at the request of Mr. BOEHNER) for today on account of flight delays.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of illness in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and October 23, 24, and 25.

Mr. POE, for 5 minutes, October 29.

Mr. ENGLISH of Pennsylvania, for 5 minutes, October 24.

Mr. JONES of North Carolina, for 5 minutes, October 29.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2206. An act to provide technical corrections to Public Law 109–116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes; to the Committee on House Administration.

S. Con. Res. 51. Concurrent resolution supporting "Lights On Afterschool!", a national celebration of after school programs; to the Committee on Education and Labor.

## ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 23, 2007, at 9 a.m., for morning-hour debate.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second and third quarters of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 5 AND SEPT. 8, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Nancy Pelosi | 9/7 | 9/8 | Germany | | 730.00 | | (3) | | | | 730.00 |
| Hon. Wilson Livingood | 9/7 | 9/8 | Germany | | 730.00 | | (3) | | | | 730.00 |
| Dr. John Eisold | 9/7 | 9/8 | Germany | | 730.00 | | (3) | | | | 730.00 |
| John Lawrence | 9/7 | 9/8 | Germany | | 730.00 | | (3) | | | | 730.00 |
| Michael Sheehy | 9/7 | 9/8 | Germany | | 730.00 | | (3) | | | | 730.00 |
| Andrew Hammill | 9/7 | 9/8 | Germany | | 730.00 | | (3) | | | | 730.00 |
| Steve Rusnak | 9/7 | 9/8 | Germany | | 730.00 | | (3) | | | | 730.00 |
| Micaela Fernandez | 9/7 | 9/8 | Germany | | 1,023.34 | | 3,258.31 | | | | 4,281.65 |
| Committee totals | | | | | | | | | | | 9,391.65 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

NANCY PELOSI, Oct. 8, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN M. SPRATT, Jr., Oct. 11, 2007.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Brian Baird | 5/21 | 5/27 | Jordan | | | | | | 13,277.15 | | 13,277.15 |
| Hon. Chris Shays | 5/21 | 5/27 | Jordan | | | | | | | | |
| Hon. Carolyn Maloney | 5/21 | 5/27 | Jordan | | | | | | | | |
| Nan Gibson | 5/21 | 5/27 | Jordan | | | | | | | | |
| Lisa Austin | 5/21 | 5/27 | Jordan | | | | | | | | |
| Dr. Nicholas Palarino | 5/21 | 5/27 | Jordan | | | | | | | | |
| Committee total | | | | | | | | | 13,277.15 | | 13,277.15 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BART GORDON, Sept. 28, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Bart Gordon | 7/20 | 7/22 | Greenland | | 793.00 | | (3) | | | | 793.00 |
| | | | | | | | [5] 42,428.00 | | | | 42,428.00 |
| | | | | | | | | | 4,573.00 | | 4,573.00 |
| Hon. Todd Akin | 7/20 | 7/22 | Greenland | | 857.00 | | (3) | | | | 857.00 |
| Hon. Roscoe Bartlett | 7/20 | 7/22 | Greenland | | 857.00 | | (3) | | | | 857.00 |
| Hon. Phil Gingrey | 7/20 | 7/22 | Greenland | | 857.00 | | (3) | | | | 857.00 |
| Hon. Baron Hill | 7/20 | 7/22 | Greenland | | 857.00 | | (3) | | | | 857.00 |
| Hon. Bob Inglis | 7/20 | 7/22 | Greenland | | 857.00 | | (3) | | | | 857.00 |
| Hon. Daniel Lipinski | 7/20 | 7/22 | Greenland | | 857.00 | | (3) | | | | 857.00 |
| Hon. Jerry McNerney | 7/20 | 7/22 | Greenland | | 798.00 | | (3) | | | | 798.00 |
| Hon. Brad Miller | 7/20 | 7/22 | Greenland | | 628.25.00 | | (3) | | | | 628.25.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Lynn Woolsey | 7/20 | 7/22 | Greenland | | 797.00 | | (3) | | | | 797.00 |
| LeighAnn Brown | 7/20 | 7/22 | Greenland | | 793.00 | | (3) | | | | 793.00 |
| Louis Finkel | 7/20 | 7/22 | Greenland | | 793.00 | | (3) | | | | 793.00 |
| Jean Fruci | 7/20 | 7/22 | Greenland | | 793.00 | | (3) | | | | 793.00 |
| Dick Obermann | 7/20 | 7/22 | Greenland | | 400.00 | | (3) | | | | 400.00 |
| Elizabeth Stack | 7/20 | 7/22 | Greenland | | 400.00 | | (3) | | | | 400.00 |
| Mele Williams | 7/20 | 7/22 | Greenland | | 808.00 | | (3) | | | | 808.00 |
| Hon. Ralph Hall | 8/10 | 8/11 | Jordan | | 289.00 | | (3) | | | | 289.00 |
| | 8/11 | 8/12 | Iraq | | 0 | | [4] 5,238.05 | | | | 5,238.05 |
| | 8/12 | 8/13 | Jordan | | 289.00 | | | | | | 289.00 |
| Kyle Oliver | 8/10 | 8/11 | Jordan | | 289.00 | | (3) | | | | 289.00 |
| | 8/11 | 8/12 | Iraq | | 0 | 4,458.05 | | | | | 4,458.05 |
| | 8/12 | 8/13 | Jordan | | 289.00 | | (3) | | | | 289.00 |
| Hon. Phil Gingery | 8/19 | 8/21 | Iceland | | 1,128.00 | | (3) | | | | 1,128.00 |
| | 8/21 | 8/23 | Ukraine | | 692.00 | | (3) | | | | 692.00 |
| | 8/23 | 8/26 | Netherlands | | 1,251.00 | | (3) | | | | 289.00 |
| Hon. Mario Diaz-Balart | 8/27 | 8/29 | Czech. Rep. | | 740.00 | | (3) | | | | 740.00 |
| | 8/29 | 8/30 | Hungary | | 284.00 | | [7] 9,117.93 | | | | 9,117.93 |
| | 8/29 | 9/1 | Poland | | 710.00 | | (3) | | | | 710.00 |
| | | | | | 18,106.25 | | 61,242.03 | | 4,753.00 | | 84,101 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Miliary air transportation.

[4] U.S. Commercial and military air transportation.

[5] By State Department for entire CODEL in Greenland (16).

[6] With CODEL Pastor.

[7] Commercial (w/CODEL Sires.

BART GORDON, Oct. 5, 2007.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3804. A letter from the Staff Director, Commission on Civil Rights, transmitting a report of a violation of the Antideficiency Act by the Commission on Civil Rights, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

3805. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7727] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3806. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3807. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3808. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3809. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 2006, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Financial Services.

3810. A letter from the Under Secretary Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Afterschool Snacks in the Child and Adult Care Food Program [FNS-2007-0004] (RIN: 0584-AD27) received August 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3811. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes," pursuant to Public Law 103-236, section 527(f); to the Committee on Foreign Affairs.

3812. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-149-FOR] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3813. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Framework Adjustment 1 [Docket No. 070827327-7327-01; I.D. 020907E] (RIN: 0648-AT62) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3814. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC43) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3815. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC48) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3816. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No. 070213033-7033-01] (RIN: 0648-XC54) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3817. A letter from the National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC52) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3818. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC46) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3819. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut [Docket No. 061020273-7001-03] (RIN: 0648-XC21) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3820. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested in Management

Area 1A [Docket No. 061228342-7068-02] (RIN: 0648-XC24) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3821. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a report on the project for navigation and dredged material disposal entitled the Eastward Expansion of the Craney Island Dredged Material Management Facility, Norfolk Harbor and Channels, Hampton Roads, Virginia; to the Committee on Transportation and Infrastructure.

3822. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program, pursuant to 23 U.S.C. 327(h); jointly to the Committees on Transportation and Infrastructure and the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2197. A bill to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes (Rept. 110–391). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2094. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes; with an amendment (Rept. 110–392). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1462. A bill to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; with an amendment (Rept. 110–393). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1205. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; with an amendment (Rept. 110–394, Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 830. A bill to authorize the exchange of certain lands in Denali National Park in the State of Alaska; with amendments (Rept. 110–395). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 783. A bill to modify the boundary of Mesa Verde National Park, and for other purposes; with an amendment (Rept. 110–396). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 767. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful non-native species, and for other purposes; with an amendment (Rept. 110–397). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 523. A bill to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district; with an amendment (Rept. 110–398). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 53. A bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes; with an amendment (Rept. 110–399). Referred to the Committee of the Whole House on the State of the Union.

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 3867. A bill to update and expand the procurement programs of the Small Business Administration, and for other purposes (Rept. 110–400). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3775. A bill to support research and development of new industrial processes and technologies that optimize energy efficiency and environmental performance, utilize diverse sources of energy, and increase economic competitiveness; with an amendment (Rept. 110–401). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3776. A bill to provide for a research, development, and demonstration program by the Secretary of Energy to support the ability of the United States to remain globally competitive in energy storage systems for vehicles, stationary applications, and electricity transmission and distribution; with amendments (Rept. 110–402). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARDOZA: Committee on Rules. House Resolution 763. Resolution providing for consideration of the bill (H.R. 1011) to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes (Rept. 110–403). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 764. Resolution providing for consideration of the bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. 110–404). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 765. Resolution providing for consideration of the bill (H.R. 1483) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes (Rept. 110–405). Referred to the House Calendar.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3685. A bill to prohibit employment discrimination on the basis of sexual orientation (Rept. 110–406 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Science and Technology discharged from further consideration. H.R. 1205 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII, the Committees on House Administration, Oversight and Government Reform, and Judiciary discharged from further consideration. H.R. 3685 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[The following action occurred on October 19, 2007]*

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than November 2, 2007.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CARNEY:

H.R. 3911. A bill to designate the facility of the United States Postal Service located at 95 Church Street in Jessup, Pennsylvania, as the "Lance Corporal Dennis James Veater Post Office"; to the Committee on Oversight and Government Reform.

By Mr. LANTOS (for himself and Ms. ROS-LEHTINEN):

H.R. 3912. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN:

H.R. 3913. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met; to the Committee on Transportation and Infrastructure.

By Mr. DINGELL (for himself, Mr. MARKEY, Mr. DOYLE, Ms. ESHOO, Mr. BOUCHER, Ms. SOLIS, and Mr. GORDON):

H.R. 3914. A bill to amend the Communications Act of 1934 to prevent the granting of regulatory forbearance by default; to the Committee on Energy and Commerce.

By Mr. MILLER of North Carolina (for himself, Mr. WATT, Mr. FRANK of Massachusetts, Ms. WATERS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Ms. CARSON, Mr. MEEKS of New York, Mr. CAPUANO, Mr. CLAY, Mr. AL GREEN of Texas, Mr. CLEAVER, Ms. BEAN, Ms. MOORE of Wisconsin, Mr. HODES, Mr. ELLISON, and Mr. MURPHY of Connecticut):

H.R. 3915. A bill to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes; to the Committee on Financial Services.

By Mr. HALL of Texas (for himself, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mr. BROUN of Georgia, Mr. BURGESS, Mr. CONAWAY, Mr. FEENEY, Mr. GINGREY, Mr. GORDON, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON of Texas, Mr. MCCAUL of Texas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SMITH of Nebraska, Mr. WU, Mrs. BIGGERT, and Mr. LAMPSON):

H.R. 3916. A bill to provide for the next generation of border and maritime security technologies; to the Committee on Homeland Security, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE:

H.R. 3917. A bill to suspend the effectiveness of certain regulations relating to the penny, and the authority to prescribe such regulations, and for other purposes; to the Committee on Financial Services.

By Mr. RUPPERSBERGER (for himself and Mr. CUMMINGS):

H.R. 3918. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. DINGELL, Mrs. WILSON of New Mexico, Ms. ESHOO, Mr. DOYLE, Mr. GORDON, Mrs. CAPPS, Mr. SPACE, Mr. HILL, Ms. SOLIS, Mr. GONZALEZ, Mr. GENE GREEN of Texas, and Mr. ALLEN):

H.R. 3919. A bill to provide for a comprehensive nationwide inventory of existing broadband service, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. LEVIN, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. SMITH of Washington, Mr. STARK, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. BECERRA, Mr. POMEROY, Mrs. JONES of Ohio, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mrs. TAUSCHER, Mr. BAIRD, Mr. BISHOP of New York, Mr. MICHAUD, Ms. WASSERMAN SCHULTZ, Mr. COURTNEY, Mr. HARE, and Mr. SESTAK):

H.R. 3920. A bill to amend the Trade Act of 1974 to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers and firms, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mr. HALL of New York, Mr. KING of New York, Mr. WEINER, Mr. NADLER, Mr. EMANUEL, Mr. MARKEY, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, and Mr. FEENEY):

H.R. 3921. A bill to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001; to the Committee on the Judiciary.

By Mr. BUCHANAN (for himself and Mr. KELLER):

H.R. 3922. A bill to expand and improve Federal gang prevention programs; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Mr. BLUMENAUER, and Mr. DOGGETT):

H.R. 3923. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain foreign nonqualified deferred compensation; to the Committee on Ways and Means.

By Mr. FEENEY:

H.R. 3924. A bill to designate the information center at Canaveral National Seashore as the "T.C. Wilder, Jr., Canaveral National Seashore Information Center"; to the Committee on Natural Resources.

By Mr. ISRAEL:

H.R. 3925. A bill to direct the Administrator of the Federal Aviation Administration to issue an order regarding secondary cockpit barriers; to the Committee on Transportation and Infrastructure.

By Ms. MATSUI (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. NAPOLITANO, Mr. CRENSHAW, Mr. BLUMENAUER, Mr. BISHOP of New York, Mr. THOMPSON of California, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3926. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. McCARTHY of New York:

H. Res. 762. A resolution supporting the goals of National Bullying Prevention Awareness Week; to the Committee on Education and Labor. considered and agreed to.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 138: Mr. ROYCE.

H.R. 275: Mr. LANTOS.

H.R. 281: Ms. HIRONO.

H.R. 303: Mr. TIM MURPHY of Pennsylvania, Ms. SCHAKOWSKY, and Mr. WALDEN of Oregon.

H.R. 371: Mrs. NAPOLITANO.

H.R. 524: Mr. SESTAK and Mr. BARROW.

H.R. 538: Mr. PASTOR.

H.R. 648: Mr. JACKSON of Illinois.

H.R. 690: Mr. WALDEN of Oregon and Ms. NORTON.

H.R. 741: Mr. BERMAN and Mrs. DAVIS of California.

H.R. 758: Mr. RUSH and Mr. HONDA.

H.R. 784: Mr. WALDEN of Oregon and Mr. COURTNEY.

H.R. 843: Mr. WALDEN of Oregon.

H.R. 997: Mr. BACHUS and Mr. MCCAUL of Texas.

H.R. 1022: Mr. HASTINGS of Florida.

H.R. 1091: Mr. WU and Mr. DELAHUNT.

H.R. 1118: Mr. BUCHANAN.

H.R. 1188: Mr. CALVERT.

H.R. 1205: Mr. KLEIN of Florida and Mr. FORTUÑO.

H.R. 1280: Mr. BARTLETT of Maryland.

H.R. 1293: Mr. CUMMINGS.

H.R. 1322: Ms. LINDA T. SÁNCHEZ of California and Mr. HALL of New York.

H.R. 1416: Mr. WATT.

H.R. 1436: Mr. WALDEN of Oregon.

H.R. 1456: Mr. SHERMAN.

H.R. 1473: Mr. BOYD of Florida, Mr. MELANCON, Mr. LINCOLN DAVIS of Tennessee, Mr. SHULER, Mr. KINGSTON, Mr. MATHESON, Mr. DOYLE, Mr. PALLONE, Mr. SCOTT of Georgia, Mr. ELLSWORTH, Mr. HILL, Mr. WALZ of Minnesota, Mr. GORDON, Ms. MATSUI, Mr. KIND, Mr. INSLEE, Mr. SPACE, Ms. BEAN, Mrs. TAUSCHER, Mr. WILSON of South Carolina, Mr. MARSHALL, Ms. SHEA-PORTER, Ms. WASSERMAN Schultz, and Ms. GIFFORDS.

H.R. 1497: Mr. EHLERS, Mr. GILCHREST, and Ms. NORTON.

H.R. 1524: Mr. PAYNE, Mr. HINCHEY, Mr. HOLT, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. GRIJALVA, and Mrs. MALONEY of New York.

H.R. 1532: Ms. SCHAKOWSKY.

H.R. 1540: Mr. LINCOLN DIAZ-BALART of Florida and Mr. SHAYS.

H.R. 1553: Mr. TURNER and Ms. DEGETTE.

H.R. 1589: Mr. WALDEN of Oregon.

H.R. 1619: Mr. BRALEY of Iowa, Mr. HIGGINS, and Mr. KUCINICH.

H.R. 1650: Mr. PETERSON of Minnesota.

H.R. 1671: Mr. HIGGINS.

H.R. 1746: Mr. INSLEE.

H.R. 1792: Mrs. MUSGRAVE.

H.R. 1843: Mr. CLAY and Mr. SNYDER.

H.R. 1869: Mr. MORAN of Kansas.

H.R. 1921: Mr. JOHNSON of Georgia.

H.R. 1927: Ms. LORETTA SANCHEZ of California and Mr. WALDEN of Oregon.

H.R. 1937: Mr. BROUN of Georgia.

H.R. 1959: Mr. PAUL and Mr. LOBIONDO.

H.R. 1964: Ms. CARSON.

H.R. 1992: Mr. ABERCROMBIE, Mr. COURTNEY, and Mr. CUMMINGS.

H.R. 2027: Mr. WALDEN of Oregon.

H.R. 2136: Mr. HIGGINS.

H.R. 2183: Mr. BACHUS.

H.R. 2210: Mr. BLUMENAUER and Mr. PASCRELL.

H.R. 2214: Mr. SERRANO.

H.R. 2215: Mr. KUCINICH.

H.R. 2216: Mr. TIERNEY.

H.R. 2244: Mr. SESTAK.

H.R. 2262: Mr. GORDON.

H.R. 2332: Mr. SENSENBRENNER, Mr. KUHL of New York, Mr. LAHOOD, Ms. PRYCE of Ohio, Mr. PORTER, Mr. WAMP, Mr. KELLER, Mr. BUCHANAN, Mr. HASTINGS of Washington, Mr. BILIRAKIS, and Mr. JORDAN.

H.R. 2406: Mr. CARNAHAN, Mr. WU, Mr. MATHESON, Ms. BORDALLO, Mr. COHEN, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. COSTELLO, Ms. HOOLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON, Mr. HILL, Mr. MCNERNEY, and Mr. MITCHELL.

H.R. 2578: Mr. HASTINGS of Washington.

H.R. 2601: Mr. KIRK.

H.R. 2605: Mr. DAVIS of Illinois.

H.R. 2611: Mr. CAPUANO.

H.R. 2631: Mr. MCCAUL of Texas.

H.R. 2634: Mr. LOEBSACK, Mr. SNYDER, Mr. DEFAZIO, Mr. FARR, Mr. WALDEN of Oregon, and Ms. HOOLEY.

H.R. 2651: Mr. HONDA and Mr. TOWNS.

H.R. 2668: Mr. BRALEY of Iowa.

H.R. 2677: Mr. BRALEY of Iowa and Mr. ALLEN.

H.R. 2702: Mrs. LOWEY, Mr. HINCHEY, and Mr. ETHERIDGE.

H.R. 2762: Mr. SNYDER, Ms. LINDA T. SÁNCHEZ of California, Mr. COURTNEY, Mr. LARSEN of Washington, Mr. GERLACH, Mr. ENGEL, Mr. ISRAEL, Mr. LANTOS, Mr. HINCHEY, Mr. CARTER, Mr. BUTTERFIELD, Mr. HASTINGS of Florida, Mr. OBERSTAR, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. ROTHMAN, Mr. SALAZAR, Mr. RYAN of Ohio, Mr. BOYD of Florida, Mr. FARR, Ms. MATSUI, and Mrs. DRAKE.

H.R. 2772: Mr. SMITH of Texas.

H.R. 2840: Mr. HASTINGS of Florida.

H.R. 2852: Mr. LEVIN.

H.R. 2915: Ms. MATSUI.

H.R. 2928: Mr. FERGUSON and Mr. JACKSON of Illinois.

H.R. 2933: Mr. WAXMAN, Mr. BLUMENAUER, and Mrs. NAPOLITANO.

H.R. 2943: Ms. BORDALLO.

H.R. 3010 Mr. CLEAVER, Mr. TIERNEY, and Mr. GENE GREEN of Texas.

H.R. 3025: Mr. SERRANO.

H.R. 3028: Mr. TERRY.

H.R. 3036: Mr. CLAY, Mr. ALLEN, Mr. LEWIS of Georgia, Ms. BALDWIN, and Mr. ROTHMAN.

H.R. 3061: Mr. BLUMENAUER.

H.R. 3065: Mr. ALLEN.

H.R. 3085: Mr. HONDA.

H.R. 3099: Mr. HINCHEY.

H.R. 3119: Mr. OLVER.

H.R. 3132: Mr. SESTAK.

H.R. 3156: Mr. MCCARTHY of California.

H.R. 3175: Mr. CAPUANO and Mr. MICHAUD.

H.R. 3191: Mr. BRADY of Pennsylvania, Mrs. TAUSCHER, and Ms. SCHAKOWSKY.

H.R. 3232: Mr. WU, Mr. TIERNEY, Mr. RAHALL, Mr. MILLER of Florida, Mr. PRICE of Georgia, Ms. FOXX, Mr. CARNEY, Mr. WHITFIELD, Mr. HAYES, Mr. COBLE, Mr. MEEK of Florida, Ms. BALDWIN, Mr. CLAY, Mr. JONES of North Carolina, Mr. BLUMENAUER, and Mr. LARSEN of Washington.

H.R. 3251: Ms. DEGETTE.

H.R. 3256: Mr. COHEN and Ms. SCHAKOWSKY.

H.R. 3289: Mr. HASTINGS of Florida.

H.R. 3298: Mr. REYES, Mr. EMANUEL, Mr. VAN HOLLEN, and Ms. WASSERMAN SCHULTZ.

H.R. 3309: Mr. COHEN.

H.R. 3326: Ms. WATERS, Mr. FARR, Mr. MCNULTY, and Ms. MCCOLLUM of Minnesota.

H.R. 3327: Mr. BUCHANAN and Mr. MILLER of North Carolina.

H.R. 3339: Mr. KLEIN of Florida.

H.R. 3369: Mr. JACKSON of Illinois.

H.R. 3374: Mr. BLUMENAUER and Ms. SCHAKOWSKY.

H.R. 3397: Mr. CUMMINGS and Mr. SERRANO.

H.R. 3409: Mr. WEXLER, Ms. SHEA-PORTER, and Mr. YARMUTH.

H.R. 3412: Mr. BARRETT of South Carolina.

H.R. 3453: Mr. CAPUANO and Ms. CASTOR.

H.R. 3480: Mr. BARROW.

H.R. 3495: Ms. WOOLSEY, Mr. GENE GREEN of Texas, Mr. COSTELLO, and Mr. KUCINICH.

H.R. 3498: Mr. KANJORSKI.

H.R. 3512: Mr. HASTINGS of Florida.

H.R. 3533: Mr. HILL, Mr. MORAN of Kansas, Mr. OBERSTAR, Mr. ADERHOLT, Mr. BRALEY of Iowa, Mr. SCOTT of Virginia, Mr. PASCRELL, Mr. WU, Mr. JOHNSON of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PICKERING, Mr. SALAZAR, and Mr. MILLER of North Carolina.

H.R. 3544: Mr. SESTAK.

H.R. 3547: Mrs. MCMORRIS RODGERS.

H.R. 3548: Ms. GIFFORDS.

H.R. 3561: Ms. JACKSON-LEE of Texas.

H.R. 3577: Mr. MICHAUD and Mr. PAYNE.

H.R. 3585: Ms. HIRONO.

H.R. 3586: Mr. HARE.

H.R. 3630: Mr. COHEN.

H.R. 3637: Mr. HONDA.

H.R. 3681: Mr. SOUDER.

H.R. 3689: Mr. COHEN and Mr. PRICE of North Carolina.

H.R. 3691: Mr. THOMPSON of Mississippi, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WU, Mr. WYNN, Mr. SHAYS, Mr. CLYBURN, Mr. BACA, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, Mr. FILNER, Mr. CLEAVER, Ms. ESHOO, Mr. CLAY, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, Mr. SARBANES, Mr. GEORGE MILLER of California, Mr. RANGEL, and Mr. AL GREEN of Texas.

H.R. 3700: Ms. SCHAKOWSKY and Mr. WELCH of Vermont.

H.R. 3706: Mr. FARR, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, and Mr. DINGELL.

H.R. 3750: Ms. SCHAKOWSKY, Mr. CUMMINGS, Mr. GORDON, and Mr. HINCHEY.

H.R. 3757: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3779: Mr. ROGERS of Alabama and Mr. BOREN.

H.R. 3797: Ms. MATSUI and Mr. BUTTERFIELD.

H.R. 3807: Mr. WU, Mr. KIND, Mr. KLEIN of Florida, and Mr. HONDA.

H.R. 3808: Mr. MILLER of Florida, Ms. SHEA-PORTER, and Mr. PETERSON of Minnesota.

H.R. 3812: Mr. LEWIS of Georgia.

H.R. 3822: Mr. OBERSTAR.

H.R. 3824: Mr. CROWLEY and Mr. NADLER.

H.R. 3836: Mr. AL GREEN of Texas, Mr. HONDA, Mr. MATHESON, Mrs. NAPOLITANO, and Ms. SOLIS.

H.R. 3837: Mr. GUTIERREZ.

H.R. 3846: Mrs. CHRISTENSEN, Mr. ELLISON, Mr. WYNN, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. MCGOVERN, Mr. TOWNS, and Ms. KILPATRICK.

H.R. 3860: Mr. GOODE.

H.R. 3873: Mr. HINOJOSA.

H.R. 3876: Mr. FILNER and Mr. STARK.

H.R. 3881: Mr. RAMSTAD.

H.R. 3882: Mr. BOOZMAN.

H.R. 3888: Mr. BONNER and Mr. MANZULLO.

H.R. 3908: Mr. BROUN of Georgia, Mr. BARTON of Texas, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. SMITH of Texas, and Mr. FRANKS of Arizona.

H. Con. Res. 122: Mr. MILLER of North Carolina and Mr. COHEN.

H. Con. Res. 125: Mr. MCINTYRE.

H. Con. Res. 154: Mr. GOHMERT and Mr. SHIMKUS.

H. Con. Res. 230: Ms. SCHAKOWSKY, Mr. HOEKSTRA, Mr. DAVID DAVIS of Tennessee, Mr. SKELTON, Mr. BOOZMAN, Mr. LINCOLN DAVIS of Tennessee, Mr. KNOLLENBERG, Mr. DOYLE, Mr. MORAN of Kansas, Mr. GOODLATTE, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Mrs. MALONEY of New York, Mr. FRANKS of Arizona, Mr. HASTERT, Mr. MICA, Mrs. BONO, Mr. CARTER, Mr. ISRAEL, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PITTS, Mr. SMITH of Washington, Mr. ROTHMAN, Ms. SHEA-PORTER, Mr. TIAHRT, Mr. BRALEY of Iowa, Mr. BARTON of Texas, Mrs. CUBIN, Mr. CUMMINGS, Mr. RAMSTAD, Mr. LAHOOD, Mr. HOLT, Mr. ROSS, Mr. OLVER, Mr. COBLE, and Mr. ROGERS of Michigan.

H. Con. Res. 234: Mr. WILSON of South Carolina, Mr. BERMAN, Mr. SESSIONS, Mr. POMEROY, Mr. WELLER, Mr. FRANKS of Arizona, Mr. TOWNS, Mr. PAYNE, Mr. BOOZMAN, Mr. GALLEGLY, Mr. PENCE, Mr. LEVIN, Mr. MARIO DIAZ-BALART of Florida, and Mr. MANZULLO.

H. Con. Res. 236: Mr. SESSIONS, Mr. ROSKAM, Mr. WELLER, Mr. MILLER of Florida, Mrs. CAPPS, Mr. CONAWAY, Mr. GARY G. MILLER of California, Mr. RAMSTAD, Mr. LANTOS, Mrs. BIGGERT, Mr. MANZULLO, Mr. REICHERT, Mr. JOHNSON of Illinois, Mr. PENCE, Mr. ROYCE, Mr. BILIRAKIS, Mr. BOOZMAN, Ms. ROYBAL-ALLARD, and Mr. FORTUÑO.

H. Res. 163: Mr. MORAN of Virginia and Ms. NORTON.

H. Res. 237: Mr. LAMBORN and Mr. ALTMIRE.

H. Res. 241: Mr. ENGEL.

H. Res. 245: Mr. MATHESON.

H. Res. 282: Mr. ALEXANDER.

H. Res. 338: Mrs. TAUSCHER.

H. Res. 365: Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Mr. CARDOZA, Ms. SOLIS, Mr. THOMPSON of California, Ms. RICHARDSON, Ms. HARMAN, Mr. LANTOS, Mrs. NAPOLITANO, and Mr. STARK.

H. Res. 415: Mr. COHEN.

H. Res. 573: Mr. HASTINGS of Florida.

H. Res. 617: Mr. FOSSELLA.

H. Res. 618: Mr. CAPUANO, Mr. WU, and Mr. SCOTT of Georgia.

H. Res. 620: Mr. KNOLLENBERG, Mr. FATTAH, Mrs. LOWEY, and Ms. LEE.

H. Res. 652: Mr. SCHIFF.

H. Res. 684: Mr. MELANCON, Mr. HARE, Mr. COOPER, Ms. SUTTON, Mr. SPACE, Ms. CASTOR, Mr. EMANUEL, Mr. ACKERMAN, Mr. COHEN, and Mr. GRIJALVA.

H. Res. 700: Mr. POE, Mr. TERRY, and Ms. CASTOR.

H. Res. 707: Mrs. CHRISTENSEN.

H. Res. 709: Mr. SESSIONS, Mr. GENE GREEN of Texas, Mr. CONAWAY, Mr. REYES, Mr. RODRIGUEZ, Mr. CARTER, Mr. BRADY of Texas, and Mr. HENSARLING.

H. Res. 713: Mr. GERLACH.

H. Res. 715: Ms. BORDALLO, Mr. KIRK, Mr. LATHAM, and Mr. BARTLETT of Maryland.

H. Res. 726: Mr. RANGEL, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. TIERNEY, Mrs. LOWEY, Ms. WATERS, Ms. ZOE LOFGREN of California, Mr. SIRES, and Ms. WASSERMAN SCHULTZ.

H. Res. 728: Mr. SHAYS, Mr. MCHENRY, Mr. WESTMORELAND, Mr. WALZ of Minnesota, Mr. PLATTS, Mr. ISSA, Ms. MCCOLLUM of Minnesota, Ms. FOXX, Mr. SALI, Mr. ELLSWORTH, Mr. CANNON, Mr. SOUDER, Mr. MICA, Mr. BURTON of Indiana, Mr. WALBERG, Mr. DAVID DAVIS of Tennessee, Mr. ROSKAM, Mr. MCCARTHY of California, Mr. STUPAK, Mrs. MCMORRIS RODGERS, Mr. SHULER, Mr. PITTS, Mr. GALLEGLY, Mr. FORTENBERRY, Mr. BARRETT of South Carolina, Mr. CONAWAY, Mr. CARTER, Ms. GINNY BROWN-WAITE of Florida, Mr. CAMPBELL of California, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Ms. FALLIN, Mr. KING of Iowa, Mr. BROUN of Georgia, and Mr. REHBERG.

H. Res. 730: Mr. TANCREDO and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 740: Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. BURTON of Indiana, Mr. DANIEL E. LUNGREN of California, Mr. CUMMINGS, Mr. GRIJALVA, Ms. GIFFORDS, Mr. MORAN of Virginia, and Mr. WILSON of South Carolina.

H. Res. 744: Mr. HINCHEY, Mr. UDALL of New Mexico, Ms. BORDALLO, and Mr. WU.

H. Res. 747: Mr. MATHESON.

H. Res. 751: Mrs. BOYDA of Kansas and Mr. SMITH of Nebraska.

H. Res. 759: Mr. FRANK of Massachusetts, Mr. SARBANES, Mr. HOLT, Mr. BURTON of Indiana, Mr. KIRK, Ms. HARMAN, Mr. DAVIS of Illinois, Mr. LINDER, Ms. MATSUI, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Ms. GIFFORDS, Mr. LANTOS, Mr. PALLONE, Mr. HIGGINS, Mr. PAYNE, Mr. PORTER, Ms. NORTON, Ms. BERKLEY, Ms. WASSERMAN SCHULTZ, Ms. LINDA T. SAŃCHEZ of California, Mr. EMANUEL, Mr. MCNULTY, Mr. WEINER, Mr. ISRAEL, Mr. MARKEY, Mr. HOYER, Mr. YARMUTH, Ms. SCHAKOWSKY, Mr. CLAY, Mr. SHERMAN, Mr. SAXTON, Mr. VAN HOLLEN, Mr. COHEN, Mr. KLEIN of Florida, Mr. CUMMINGS, Mr. GERLACH, and Mr. HODES.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

**Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:**

The amendment to be offered by Representative Goodlatte or a designee to H.R.

1011—Virginia Ridge and Valley Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative Velázquez or a designee to H.R. 3867, the Small Business Contracting Program Improvements Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3898: Mr. KUHL of New York.

H. Con. Res. 228: Mr. MCCAUL of Texas.

# EXTENSIONS OF REMARKS

## IN RECOGNITION OF DR. ELIZABETH BALRAJ

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Dr. Elizabeth Balraj as she retires after 35 years of dedicated public service to the people of Northeast Ohio, including 20 years as Cuyahoga County coroner.

Dr. Balraj began her career in the 1960s, immigrating to the United States to become a physician and surgeon after completing her studies in her native India. She practiced medicine at Akron General Hospital and St. Luke's Hospital in Cleveland before coming to the Cuyahoga County Coroner's Office as deputy coroner and pathologist. In 1987, she was appointed Coroner of Cuyahoga County, following the retirement of Coroner Dr. Samuel Gerber, a position she held until her retirement in July of this year.

During her time as Coroner of Cuyahoga County, Dr. Balraj established herself as a very capable and energetic leader. She worked very hard with local law enforcement officials to help solve murder cases and was there to console the many people who lost loved ones. Additionally, she advanced the cause of women in the medical field by blazing the trail for women to become more involved in science and medicine, as well as the law enforcement field.

Madam Speaker and colleagues, please join me in honoring Dr. Elizabeth Balraj or her service to Cuyahoga County, her passion for her work, and her kindness to the many families and individuals of Cuyahoga County over the last 35 years.

## AFFIRMATION OF THE UNITED STATES RECORD ON THE ARMENIAN GENOCIDE RESOLUTION

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. DINGELL. Madam Speaker, I have noted in recent days that some of my colleagues have asked to have their names removed from the list of those cosponsoring House Resolution 106. I have not asked to be removed as a cosponsor because I still strongly support the goals of the Resolution, and believe that it is important to acknowledge the atrocities committed against the Armenian people by the Ottoman Empire do indeed constitute genocide.

While I support the message of the Resolution, I have recently signed a letter asking that it not be brought to the House floor at this time. While the Armenian genocide is a tragic part of history, in the present there are American soldiers fighting and dying in Iraq. Regrettably, Turkey has responded to this Resolution with threats that would endanger the safety of those soldiers and make it more difficult for us to quickly and safely bring our troops home.

I know that my friends in the Armenian community have worked very hard over the years on behalf of this Resolution, and I know that they will be disappointed if its passage is delayed. However, they will be no more disappointed than I am about the fact that more than four years after the President launched his misguided war in Iraq, our troops are still in harm's way.

## HONORING CIRCUIT RIDER PRODUCTIONS

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Circuit Rider Productions, a non-profit corporation that has harmonized the work of providing human services for at-risk youth with a mission to help restore and sustain Sonoma County's ecological resources. The work done by Circuit Rider Productions has been of immense value to the community of northern Sonoma County.

Circuit Rider Productions was founded in 1976 by Fred Beeman and Ed Kissam with the mission to reach out to people and places in need of help. The organization's original project took a Federal grant and taught young people to use video production technology and to film a documentary about a project which employed low-income youth to plant trees. The fusion of job training, youth services, and environmental restoration formed the core of services that Circuit Rider Productions has continued to offer in the 30 years since.

The organization is currently comprised of two divisions: Resources and Programs for Youth Family and Community; and the Center for Ecological Restoration and Stewardship. The first set of programs work with youth in northern Sonoma County on issues such as drug and alcohol abuse and gang activity. Through no-cost community counseling, programs in schools, and court referrals, young people who are at risk for substance abuse or involvement with gang activities receive help from the various Circuit Rider programs focusing on life and communication skills, self-confidence building, and responsible decision making.

The Center for Ecological Restoration and Stewardship focuses on providing landowners and communities with the information they need to make sound decisions about watersheds. Through an analysis program and ecological restoration services, the organization can provide the training necessary to help get these projects off the ground. With a particular emphasis on controlling invasive species and restoring native species, Circuit Rider has been a leader in responsible environmental restoration.

Madam Speaker, it is appropriate that we congratulate Circuit Ride Productions for the many wonderful contributions this organization has made to our community. By taking a comprehensive approach to working with at-risk youth, and providing more than abstract job training, they have bettered the lives of countless young people while providing important and scientifically sound guidance in ecological restoration.

## INTRODUCTION OF THE PROCEDURAL FAIRNESS FOR SEPTEMBER 11TH VICTIMS ACT

### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. BISHOP of New York. Madam Speaker, I rise on behalf of nine of my colleagues to introduce the Procedural Fairness for September 11th Victims Act. This bipartisan legislation is an identical companion to a bill introduced by Senator BIDEN and passed by the Senate earlier this month.

We offer this legislation in response to a shortcoming in the Federal rules of civil procedure that has the unintended consequence of restricting witnesses from appearing in civil lawsuits involving September 11th claims.

Six years ago, Americans came together to support one another in a time of national crisis. The attacks on September 11, 2001 affected all of us, in all walks of life and in every State across the country. However, for those who were injured or lost loved ones on September 11th, geography is playing a major role in their ability to seek compensation.

Shortly after September 11th, Congress mandated that victims and their families who opted out of the 9/11 Victims Compensation Fund and chose to pursue civil suits could only do so in the U.S. District Court for the Southern District of New York. According to the Federal Rules of Civil Procedure, parties can only subpoena testimony and documents within 100 miles of that district. As a result, many victims and their families cannot bring the witnesses or documents they need for their cases.

In response, the Procedural Fairness for September 11th Victims Act will amend the Air Transportation Safety and System Stabilization Act to provide for nation-wide subpoena power to all parties involved—victims, their families and the defendants—when litigating 9/11 claims.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, I hope my colleagues agree that justice requires that the parties to cases arising under the Victims Compensation Fund have access to all the testimony and documents relevant to their claims, regardless of where in the U.S. the witnesses or documents are located. Therefore, I encourage my colleagues to cosponsor the Procedural Fairness for September 11th Victims Act and call upon the leadership to move this legislation as soon as possible.

## RECOGNIZING MR. CHAD BLOCK FOR HIS HEROIC ACTIONS

### HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize Mr. Chad Block, businessman and volunteer firefighter, for his heroic acts on the afternoon of March 24, 2007.

On this date Mr. Block passed by a car accident where a box van was on fire on Route 202 in Bucks County, PA. Acting quickly, Mr. Block positioned his vehicle to prevent other cars from reaching the fire. Suddenly, the fuel tank exploded on the box van sending it down the road toward an outlet store full of customers and workers.

Without hesitation or regard for his own life, Mr. Block pulled a wheel chock from his own truck and placed it under the wheel of the burning van stopping its movement. Moments later, as the heat from the burning van overcame the wheel chock; the burning van began to move again down the road. Without hesitation, Mr. Block placed his own truck in the path of the burning van until fire crews could secure the van and extinguish the fire.

Madam Speaker, Mr. Block's bravery goes above and beyond what we expect from our citizens; but as a dedicated volunteer firefighter with concern for the safety of his community, he acted fast and with great daring. He acted without regard to his own life to ensure the safety of others. I urge my colleagues to join me in recognizing Chad Block for his heroism.

## CONGRATULATING THE DALAI LAMA UPON BEING AWARDED THE CONGRESSIONAL GOLD MEDAL

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. DINGELL. Madam Speaker, I rise today to congratulate the Dalai Lama upon being awarded the prestigious Congressional Gold Medal of Honor.

The Congressional Gold Medal is the nation's highest and most distinguished civilian award. The honor must be approved by at least two-thirds of the Members of both the House of Representatives and the Senate in order to be awarded. Over 100 awards have been conferred since its creation in 1776, including recipients General George Washington, Winston Churchill, and Nelson Mandela.

His Holiness, the Fourteenth Dalai Lama, has exemplified the spirit of the award, demonstrating tremendous compassion and tolerance. Through his selfless advocacy of peace and human rights, the Dalai Lama has lived as an example of what one committed individual can accomplish. His efforts to better the lives of the Tibetan people have not gone unnoticed, and I am truly honored to play a role in this special day. I would like to thank my colleagues for joining me in honoring His Holiness, the Fourteenth Dalai Lama.

## RECOGNIZING THE 40TH ANNIVERSARY OF MS. HELEN SPENCER AS THE CITY CLERK OF FORT WALTON BEACH, FLORIDA

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is with great honor that I rise today in recognition of Helen Spencer, who for the last 40 years has engaged in committed, dutiful service to the City of Fort Walton Beach, FL, as the City Clerk.

Helen Spencer's dedication to the City began in 1967 when she became a secretary in the Fort Walton Beach Police Department. In 1970, she was promoted to stenographer. In 1974 and for the next 7 years she was a high level secretary, and on April 29, 1981, she was promoted to Executive Secretary for the Fort Walton Beach Police Department. When the position of City Clerk of Fort Walton Beach was vacated she was quickly chosen to fill the spot as interim city clerk. After only a few months of service to the City, the City Council asked her to fill the position permanently.

As the city clerk, Mrs. Spencer manages a multitude of functions. She oversees the official City records, prepares City elections, manages the city's leases and deeds, and prepares countless minutes and agenda packages for the City Council. However, Mrs. Spencer's dedication to the community ranges beyond her occupation. She participates on the Local Issues Committee, the Greater Fort Walton Beach Chamber of Commerce, and serves as vice president of the Sugar Beach Sertoma Club.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Helen Spencer on her 40th anniversary with the City of Fort Walton Beach, FL. Mrs. Spencer truly possesses an extraordinary understanding and a unique perspective of the City's history. She is a committed, innovative, and loyal resident of Fort Walton Beach, and we are forever grateful for her service.

## INTRODUCTION OF BILL ON PROTECTING CONSUMERS THROUGH THE PROPER FORBEARANCE PROCEDURES ACT OF 2007

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. DINGELL. Madam Speaker, I rise in support of the bill entitled the "Protecting Consumers through Proper Forbearance Procedures Act of 2007", which I am introducing today. This legislation is intended to correct persistent problems in procedure created by two words in the Communications Act of 1934, as amended.

Section 10 of the Communications Act permits a telecommunications carrier to file a petition with the Federal Communications Commission, FCC, asking the FCC to forbear from applying certain statutory or regulatory requirements to it. The FCC may grant forbearance if it finds that doing so is in the public interest.

It is certainly within the prerogative of Congress to create a statutory regime that permits a regulatory agency to forbear from applying a statutory requirement, so long as the agency finds that consumers will continue to be protected and well served. The problem in this circumstance is that the statute states that the carrier's petition will be "deemed granted" if the FCC does not act within a prescribed timeframe. In other words, if the clock runs out before the FCC has reached agreement on the merits of a petition, the petition is automatically granted.

This untenable situation must be corrected. It can and has led to undesirable results.

First, the FCC last year permitted one forbearance petition to be "deemed granted" without issuing an accompanying written order, thereby making it impossible for Congress or the courts to ascertain the scope of relief granted or the legal rationale supporting the agency action. In this situation, which could easily occur again, it is difficult for Congress to conduct proper oversight of the implementation of the Communications Act, as well as oversight of the telecommunications industry.

Second, the "deemed granted" language results in unsound decision-making at the FCC. Faced with contentious, complicated issues as set forth in these petitions, the FCC now routinely waits until the last possible minute—in some cases literally the 11th hour—to make a rushed decision. All the while, during the FCC's deliberations, the threat of an automatic grant of forbearance from statutory provisions hovers over the proceedings. Such a disjointed process is not likely to result in public policy that benefits consumers.

This bill simply removes the "deemed granted" language from the statute. Carriers are still free to seek forbearance, and the FCC may still grant forbearance where appropriate. But the "deemed granted" language must be removed to safeguard the ability of Congress and the courts to conduct appropriate oversight, to protect consumers, and to restore transparency to the decision-making process.

## IN RECOGNITION OF LAKEWOOD HOSPITAL

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. KUCINICH. Madam Speaker, I rise today to honor the 100th anniversary of Lakewood Hospital, which has proven to be a leader in northeastern Ohio's health care community.

Founded in 1907, Lakewood Hospital provides high quality and innovative treatment to more than 130,000 patients annually from throughout Cuyahoga County. The hospital's affiliation with the Cleveland Clinic and other regional hospitals offers individuals access to state-of-the-art technology and individualized care.

Lakewood Hospital is not only a vital community resource for treating illnesses and injuries, but it also works to keep individuals healthy through educational wellness programs, public health screenings and other community outreach programs.

Lakewood hospital has introduced "A Century of Touching Lives" as the theme of its year-long centennial anniversary celebration. This theme reflects the tradition of caring and personal patient experiences that have become Lakewood Hospital's legacy.

To recognize the important relationship between the hospital and local schools, Lakewood Hospital plans to sponsor a year-long series of health education programs. It will also celebrate "Nurse's Week" and "Hospital Week" to recognize the contributions of nurses and other employees throughout the hospital's history.

Madam Speaker and colleagues, please join me in honoring Lakewood Hospital for its 100-year commitment to high quality, community-based health care.

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## HONORING THE ANN ARBOR HANDS-ON MUSEUM ON THE OCCASION OF ITS TWENTY-FIFTH ANNIVERSARY

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. DINGELL. Madam Speaker, I rise today in honor of a world-class learning and educational institution: The Ann Arbor Hands-On Museum. On October 20, 2007, the Hands-On Museum will be Celebrating 25 Years of Discovery.

The Ann Arbor Hands-On Museum serves as a focal point for informal science education in the greater Ann Arbor community, occupying 40,000 square feet in an old firehouse. From exhibits that tangibly display the effects of gravity, photography, anatomy, geology, music and many other scientific phenomena, to a live bee colony spread throughout the building; the Hands-On Museum brings learning to life. Special events like the Big Freeze and National Engineering Week are just part of what make the Hands-On Museum such a wonderful place; one which allows children and adults to experience learning first hand, together.

The history of this great institution is filled with instances of well meaning people building it from the ground up. In 1982, a small, but extremely dedicated group of individuals came together to create the Hands-On Museum in the old brick firehouse in downtown Ann Arbor. They did this because they wanted a place for their children and many others to come and learn, while having fun at the same time. These volunteers were able to raise enough money to open the museum and ensure its future funding. These first efforts eventually led to the further expansion of the Hands-On Museum and in 1986 it received a Kresge Foundation Challenge Grant, which allowed it to open up new exhibits on the third and fourth floors of the firehouse. The Hands-On Museum initiated its own $6.5 million Capital Campaign fund, in 1993, which allowed it to expand by purchasing adjoining buildings and introducing new programs. Ever-evolving, recent renovations were finished in October 1999 funded with additional gifts and donations. Thanks in large part to the work of many generous donors, the Hands-On Museum has seen over 3.1 million visitors to date.

The Hands-On Museum is a remarkable institution and has been widely recognized, including being named "Best Museum" in 2003 by the Detroit Free Press. It was also named both "Best Museum" and "Best Kids' Activity" by Ann Arbor News readers in 2006. Along with these awards, the Hands-On Museum has also received national recognition by the National Science Foundation, the Institute of Museum and Library Services and the Association of Science and Technology Centers.

The Ann Arbor Hands-On Museum has now served to educate several generations of children. It is truly a treasure for residents of the City of Ann Arbor, Washtenaw County and the State of Michigan. I applaud the Hands-On Museum for all that it has done; all that it means to the children who walk through its doors; and for all that it will do to educate both current and future generations of children.

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## HONORING TINA MACKENZIE OF HUMBOLDT COUNTY

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Tina Mackenzie, executive director of Six Rivers Planned Parenthood of Eureka, California, who is being honored for her contribution to one of our nation's most precious rights—participation in the political system. Tina Mackenzie is being recognized for her outstanding contribution to the political process by the Humboldt County Democratic Central Committee as the 2007 Democrat of the Year. Her commitment to the preservation of our political liberty is worthy of appreciation and recognition.

Ms. Mackenzie was born in Philadelphia to a family of seven children. She received a Bachelor of Arts in social work from Ohio State University and a teaching credential from Humboldt State University. She first joined Six Rivers Planned Parenthood's Board of Directors in 1976. She joined the staff in 1978, serving as the agency's Public Affairs Director and Coordinator of Surgical Services.

For the past fifteen years, Ms. Mackenzie has served as the executive director at Six Rivers Planned Parenthood. She has been a tireless champion for reproductive rights and women's health issues. Under her guidance, SRPP has won seven affiliate excellence awards from the Planned Parenthood Federation. The agency operates in three rural counties and serves over 17,000 patients annually. Under Tina's excellent leadership, a new health and education center was completed in 2007, preceded by a very successful $2.6 million capital campaign.

Tina Mackenzie has been an active, productive and dedicated community leader for over 30 years. She received the North Coast Non-Profit Leader of the Year Award in 2007 and has been recognized by the California Assembly with the Community Builder Award. She is a member of the North Coast Co-Op Community Funding Committee, an associate of the Planned Parenthood Federation of America Katrina Task Force and a member of the Planned Parenthood Global Partners Advisory Board.

Madam Speaker, it is appropriate at this time that we recognize Tina Mackenzie for her courage and her determination and for her abiding concern for the health of women and children.

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## HONORING J. ROY GABRIEL

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. RADANOVICH. Madam Speaker, I rise today to recognize J. Roy Gabriel for his years of distinguished service to the California Farm Bureau Federation. Mr. J. Roy Gabriel passed away, unexpectedly, during a Farm Bureau advocacy trip to Washington, DC the week of October 1st.

Roy Gabriel was a native of Fullerton, California. He graduated from California Polytechnic University, San Luis Obispo with a degree in agricultural business management and received a technical certificate in crop production. Mr. Gabriel worked as Assistant Secretary of the California State Senate prior to beginning his career with the California Farm Bureau in 1973.

In Mr. Gabriel's 35 years with the California Farm Bureau he worked closely with many government officials, farmers and farm laborers to promote agriculture and to provide a more conducive environment for every one involved. As the Director of Labor Affairs, Mr. Gabriel represented the Farm Bureau on a number of issue areas; including labor policies, workplace rules and housing issues. He was passionate and knowledgeable in all issues related to agriculture business and was involved with many agriculture groups outside of the California Farm Bureau.

During the 1980's, Mr. Gabriel, served as the general manager of an organization known as ALFA. This organization assisted immigrant farm workers with the Immigration Reform and Control Act of 1986 and successfully assisted over 50,000 people in applying for legal immigration status. Governor Pete Wilson appointed Mr. Gabriel to serve as Chief Deputy Director of the California Department of Industrial Relations in 1998. However, he returned to the California Farm Bureau after Governor Wilson termed out of office in 1999.

Mr. Gabriel was a committed advocate for family farmers and ranchers across the State. He worked both as Director of Labor Affairs for the California Farm Bureau Federation and as Chief Operating Officer of the Farm Employers Labor Service. The Washington, DC trip earlier this month was an advocacy trip in support of Federal immigration reform legislation. He is survived by his wife, Ruth and three adult children; John C. Gabriel, Kristi A. Gabriel and Christopher R. Gabriel.

Madam Speaker, I rise today to honor posthumously J. Roy Gabriel. I invite my colleagues to join me in recognizing Mr. Gabriel for his extraordinary service and dedication to his community.

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## RECOGNIZING BILL MALARKEY

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. SPACE. Madam Speaker, I rise today to honor Bill Malarkey of Greenfield, Ohio. This gentleman, a combat veteran of the Second World War, served on the front lines of battles that shaped the course of American history. I share his story to pay homage to his bravery, and to remind Congress and fellow Americans that true heroes walk among us every day.

Mr. Malarkey was a member of the 147th Engineer Combat Battalion, C Company. His unit was among the very first wave of fighters who stormed the now-infamous shores of Omaha Beach on D-Day in 1944. His efforts helped establish the D1 Exit, a route to capture Vierville-sur-Mer, and a path to advance into Europe. Though he survived, many of Mr. Malarkey's compatriots perished in the fight.

Already a hero, Bill Malarkey went on to fight in the Battle of the Bulge. Though Allied forces suffered heavy losses in this battle as well, it ultimately proved our strength and resolve. The Axis' failure in this attack was a turning point in the war and marked the last major offensive of Nazi forces.

After helping to secure victory for the United States and Allied forces in World War II, Mr. Malarkey returned home to southeast Ohio, where he built a small home in rural Ross County and served as a truck driver. But his courage and sacrifice were not forgotten, and those who have been touched by him were compelled to contact me with his story, as I am obliged to share it with you now.

Our history books tell us that the Battle of Normandy established the foothold that allowed Allied forces to confront Adolf Hitler's swarming dictatorship of hate. We know that the Battle of the Bulge was his last-ditch attempt to divide the Allied forces. As a Congressman, a member of the Committee on Veterans' Affairs, an Ohioan, and an American, I recognize Mr. Bill Malarkey today to remind others that these historic victories, these bold affirmations of our freedoms, were built on the uncommon courage of men like Bill Malarkey.

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## TRIBUTE TO THE 786TH QUARTERMASTER BATTALION

### HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mrs. CHRISTENSEN. Madam Speaker, I submit the following names of the 786th Quartermaster Battalion in celebration of their return to the Virgin Islands after their 14-month deployment to Iraq.

Members of the battalion unit are:

SSG Samuel Abraham, St. Croix (second deployment to Iraq)
CSM Leonard Amey
CPT Camella Andrews (second deployment to Iraq)
SP Tashaia Bedminster (second deployment to Iraq)
MSG Hillis Benjamin
PFC Ronal Brewley
SSG Bernard Burke (second deployment to Iraq)
LTC Patricia Charles, St. Croix
CPT Nina Clarke-Brewley
SGT Dwayne Degraff
SSG Susanatte Grosvenor
1LT Arthur Hector
1LT Josephine Hector-Murphy
SP Hes Matthew
SP Margaret Moore
MSG Omodoso Muhammad
MAJ Brian O'Reilly, St. Croix
MAJ Sally Petty
SFC Enrique Santos, St. Croix (second deployment to Iraq)
SP Crystal Testamark
SP Adasi Thomas
MAJ Gladys Turnbull
SP Mark Williams
SGT Oswald Williams

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## INTRODUCTION OF OFFSHORE DEFERRED COMPENSATION REFORM ACT OF 2007

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. EMANUEL. Madam Speaker, today I am introducing the Offshore Deferred Compensation Reform Act of 2007, which would put an end to the practice of allowing unlimited amounts of income to be deferred offshore. Middle-class taxpayers that are saving for college or their retirement can't avoid paying taxes by deferring millions offshore. Congress needs to reform the tax code to assure all Americans that, regardless of their income, they are on a level playing field. This legislation takes an important step toward achieving that goal.

Either through "qualified" or "non-qualified" deferral arrangements, taxpayers can defer paying taxes on their compensation. Most taxpayers make qualified deferrals, such as contributions to 401(k) plans and Individual Retirement Accounts (IRAs). Non-qualified deferred compensation arrangements are usually used by senior executives or other high-income taxpayers who want to defer amounts in excess of the qualified plan or IRA limits. In contrast to the contribution limitations that apply to 401(k) and IRA accounts, there are no limits on the amount that U.S. taxpayers can contribute to non-qualified deferred compensation arrangements.

U.S. companies that offer non-qualified deferred compensation plans to their employees are unable to receive a tax deduction equal to the amount deferred until the compensation is received by the employee. This is a major financial drawback to these arrangements and constitutes a significant safeguard against their abuse. By contrast, foreign companies can locate in no-tax jurisdictions, provide deferred compensation to their U.S. employees, and suffer no economic loss, since the tax deduction is not relevant when the employer does not have any tax liability. Accordingly, there is a preference in the Code for U.S. taxpayers to defer compensation in certain offshore jurisdictions since it provides a significant tax benefit to the employee without any tax disincentive to their offshore employer.

There is a fundamental inequity between middle-class Americans who can defer up to $15,500 of income into qualified plans, like a 401(k), and $4,000 into their IRAs, and higher-income taxpayers who can defer unlimited amounts offshore. The Offshore Deferred Compensation Reform Act of 2007 seeks to rectify the inequity by eliminating the ability of U.S. taxpayers to defer non-qualified deferred compensation in offshore tax havens. Under this legislation, individuals who currently take advantage of such tax planning and who wish to make offshore deferrals would be limited to making deferrals under qualified arrangements which are subject to annual limitations. In this way, the legislation creates a level playing field for all U.S. taxpayers.

The legislation specifies that offshore non-qualified deferred compensation paid by a foreign corporation will be taxable income when there is no substantial risk of forfeiture to the compensation by the employee. A substantial risk of forfeiture exists where the receipt of compensation is conditioned upon the future performance of substantial services in order to receive that compensation. The Offshore Deferred Compensation Reform Act of 2007 is not intended to prohibit a foreign deferred compensation arrangement if the foreign corporation entering into the arrangement is subject to tax on substantially all of its income and denied an immediate deduction for compensation that is deferred. For purposes of the legislation, a foreign corporation would be any foreign corporation unless substantially all of its income is effectively connected to a trade or business in the United States or is subject to an income tax imposed by a foreign country that has a comprehensive tax treaty with the United States, and a deduction is allowed for compensation under rules that are substantially similar to the way in which the United States provides deductions for compensation. In addition, the Secretary of the Treasury is given authority to determine whether a foreign corporation that operates in a country without a formal tax treaty with the United States can qualify for the exemption.

There are many different ways to structure an offshore deferral arrangement. A prototypical structure would be an executive who elects to defer his or her year-end bonus in an offshore investment fund for a period of time—typically, five to ten years. Assuming it complies with the Code Section 409A requirements, the bonus and any associated earnings would not be taxable until the end of the term of the arrangement. These types of deferral arrangements comply with current law. But while they may be legal, they are not fair, and for this reason my legislation would change current law to make the offshore deferred compensation taxable immediately when the deferral arrangement is granted. However, because taxpayers should not be penalized for complying with current law, my legislation includes an effective date that only affects compensation earned, vested, and deferred after 2007.

Finally, the New York Times published a story on April 17, 2007, entitled "Managers Use Hedge Funds as Big I.R.A.'s." The story described the ability of hedge fund managers to defer unlimited amounts offshore, and contrasted this with the ability of middle-class taxpayers to defer up to $20,000 in a qualified plan, like a 401(k), and an IRA. While the New York Times article focused on the ability of hedge fund managers to use offshore deferral arrangements, other types of industries could use foreign corporations based in no or low-tax countries as vehicles for offshore deferred compensation. For this reason, my legislation does not single out investment firms, and applies broadly to any industry that might use this type of arrangement.

I look forward to working with my colleagues, and specifically Senator KERRY who introduced the Senate version of this legislation, to address this issue.

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## A TRIBUTE TO GLENDALE PUBLIC LIBRARY

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. SCHIFF. Madam Speaker, I rise today to pay special recognition to the Glendale Public Library upon the celebration of its One Hundredth Anniversary.

Services at the Glendale Public Library were first provided in 1906 when the members of the Tuesday Afternoon Club, a social and philanthropic organization, raised money through a series of lectures to fund a library collection. The library opened in a renovated poolroom with seventy books, and became a municipal library the next year. The Central Library building opened in 1914 with the help of a grant from the Andrew Carnegie Corporation. By 1923, the City's 35,000 residents were borrowing about 150,000 books a year. The Casa Verdugo Branch was established in 1926 as the library system's second neighborhood library and in that same year the Central Library building was enlarged to twice its original size.

Throughout its one hundred year tenure, the growing Glendale Public Library has been committed to serving the community from the Library's collections of almost 700,000 books, over 25,000 music CDs and almost 14,000 movies. The library offers a large collection of non-English materials, particularly in Armenian, in order to better serve Glendale's diverse community. Among its wide array of services, the library comprises a Genocide Memorial Collection, which it hopes will encourage research in this field. The Glendale community has also greatly benefited from the technological advances at the Glendale Public Library. The addition of wireless Internet and the ability to download literally thousands of magazine and newspaper articles make the Library and its Web site—open 24 hours, seven days a week—valuable community resources

I ask all Members to join me today in honoring the Glendale Public Library upon the celebration of its One Hundredth Anniversary. The entire community joins me in thanking the Glendale Public Library for the outstanding services that it has provided for California's 29th Congressional District.

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## HONORING BOB BALDRIDGE'S 40-YEAR CAREER AT TSSAA

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to congratulate Bob Baldridge on his retirement from the Tennessee Secondary School Athletic Association.

Bob joined TSSAA 40 years ago and was given the task of developing the classification system used in high school sports in Tennessee. During his four decades with TSSAA, he has watched the landscape of high school sports change through developments such as the introduction of the football playoff system and the implementation of Title IX.

Bob's job has led him across the State countless times, but the journeys have changed over the years. There are probably few people in the State who share Bob's perspective of how the landscape of Tennessee has changed as interstates were built, towns blossomed, and school systems grew.

After 40 years on the road, Bob has been to a lot of games but hasn't had much time to actually watch them. Now, he can enjoy life as a spectator and see games that are played with an honesty and heart unique to high school sports.

Bob, I have enjoyed your friendship over the years, and I wish you all the best in your retirement.

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## IN HONOR OF MEL MASON

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. FARR. Madam Speaker, I rise today to honor a great American, Mr. Mel Mason, on the occasion of his recognition by the Monterey Peninsula Branch of the National Association for the Advancement of Colored People with its Stephen E. Ross award for community service. I have known Mr. Mason for many years. He has distinguished himself in so many fields: as a mentor, an athlete, a public servant, and most of all as an advocate for justice.

Mel was born on January 7, 1943 in the Appalachian coal mining town of Providence, KY. As an African American, Mel suffered the full force of that community's Jim Crow era segregation, In 1956, Mel moved with his mother to Seaside, CA. As a young man, Mel made a mark on the basketball court at both Monterey High School and Monterey Peninsula College where he was the stand out basketball star of his day. He still holds the MPC scoring record. While serving in the Air Force, he became the youngest basketball player to be named All-Air Force team and in 1964 led all branches of the military in scoring in Europe. After returning from the Air Force, Mel then attended Oregon State University for a short time under a basketball scholarship.

In the Air Force and then at OSU, Mel encountered head on deep seated racism in his superior officers and coaches. Mel fought back, for which he paid a price. In 1965, his complaints about his treatment in the Air Force earned him a bad conduct discharge. In 1966, his complaints and actions at OSU over its treatment of him and other black players led to the loss of his scholarship and a ban on Mel from playing basketball at any U.S. college. U.S. Senator Thomas Kuchel later helped Mel change his discharge to honorable but the college ban stayed and Mel returned to California.

These experiences truly fired Mel up and he became a burr under many saddles. He helped organize a Black Workers Unity Organization to fight racism at a San Jose company where he worked. Back in Monterey County he organized a Black United Farmworkers Union support committee during UFW's organizing efforts in the Salinas Valley in the early 1970s. He helped organize the first anti-police brutality campaigns on the Monterey Peninsula and has remained an advocate for fair treatment for people of color and the mentally ill by law enforcement agencies in his community. In the 1990s, Mel cofounded both the Regional Alliance for Progressive Policy and the Pro-Democracy Education Fund. In 2002, Mel began the first of two consecutive terms as President of the Monterey Peninsula Branch of the NAACP.

Throughout the early 1970s Mel was an active member of the Black Panther Party, and later the Socialist Workers Party. He ran successfully for a seat on the Seaside City Council where he championed programs for youth, tenants, organized labor, and minorities. Mel later ran unsuccessfully as the SWP candidate for California Governor and President of the United States.

Much of Mel's work has been called subversive by many. Some of the organizations that he has been associated with over the years are not popular. While Mel may not have always made right argument, he has always argued in the right way. He has taken unpopular ideas into the democratic process and so made our Nation a better democracy. Madam Speaker, I wish to extend the congratulations of this House to Mr. Mel Mason for his achievements so far and our wishes for his success in the future.

## PERSONAL EXPLANATION

### HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. SULLIVAN. Madam Speaker, I missed rollcall vote 968 to H.R. 3678 taken on October 16, 2007. Had I been present for this vote, I would have voted "aye."

While I support this extension of the Internet tax moratorium, simply extending the ban another four years is not enough. We need to make this ban permanent so that Oklahoma's families can continue to stay connected to each other and use the Internet for educational, business, and recreational purposes.

## RECOGNIZING OCTOBER AS BREAST CANCER AWARENESS MONTH

### HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. SCOTT of Georgia. Madam Speaker, I rise today to acknowledge, celebrate and honor the thousands of women throughout the country who have been diagnosed, currently fighting or have survived breast cancer. As the husband of a courageous wife who survived this disease, I, as many others, have been affected personally. I understand the struggle, pain and sometimes heartache it can inflict on the person diagnosed, in addition to family and friends. I believe we all have been affected by breast cancer in some way, whether it is a spouse, daughter, mother or grandmother. Breast cancer really affects us all.

I whole-heartedly support additional funding for breast cancer research, screening and treatment programs. Too many women go undiagnosed until it is too late. We must further provide additional education and prevention programs to those women who slip through the cracks, especially those in low-income communities, as a lot of these women lack the health insurance coverage necessary for annual mammograms. We could also save millions of tax dollars if we could detect this disease sooner. The best way of surviving this devastating disease is early detection and programs which ensure the mammogram is fairly inexpensive and which will encourage more women to be tested.

I have recently joined with my fellow colleagues in signing a letter to the House Defense Appropriations Conferees urging them to recede to the Senate language that funds the Department of Defense Peer-Reviewed Breast Cancer Research Program at $150 million for the Fiscal Year 2008. This important program was created 15 years ago and has proven to be highly successful and has become one of the most far-reaching and influential research initiatives in the country. I believe any research program that serves as a model internationally and has actually made critical breakthroughs resulting from its research is a wise taxpayer investment; a small investment which yields big results.

I have long been a passionate advocate for breast cancer awareness and research. As a Georgia State Senator, I authored the Breast Cancer Patient Protection law which gives breast cancer patients and their physicians the right to determine their length of stay in the hospital and their level of medical treatment. Currently, the Breast Cancer patient Protection Act has vast bipartisan support and would require health plans to provide coverage for a minimum hospital stay for mastectomies, lumpectomies and lymph node dissection for the treatment of breast cancer. With my support, I am hopeful this legislation will move forward during the 110th Congress. In cosponsoring numerous pieces of legislation in my years in Congress, I will continue to fight for additional provisions in the law and funding for programs which will help the thousands of women diagnosed each year.

The statistics can be telling. Every three minutes, a woman is diagnosed with breast cancer and is the leading cause of death among women between the ages of 40 and 55. In fact, 1 out of every 98 women who live to the age of 85 will develop breast cancer in her lifetime. Unfortunately, all women are at risk for breast cancer. About 90 percent of women who develop breast cancer have no family history of breast cancer. Breast cancer is further the most common cancer among African American women. It is true older women are more likely to develop breast cancer than younger women. However, younger women are still at risk for the disease and currently, 250,000 women under the age of 40 have breast cancer. Simply put, the disease can strike from an early to older age and additional research and awareness to this fact is of utmost importance. Mammograms may be necessary earlier than was once thought and only additional research monies will help us determine if this is the case. As a father of two young women, raising awareness and developing more effective screening and diagnostic tools for this age group is vital to affording them the same chances of survival.

We must also pay close attention to research being conducted with regards to the environment and how it may affect the incidence of this disease. As a cosponsor of the Breast Cancer and Environmental Research Act, I believe authorizing grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer could yield miraculous results. There may very well be parallels between the environment and this devastating disease and any findings could help derive new treatments and help thousands survive.

Madam Speaker, I urge all Georgians to take measures to protect and keep their health. I encourage my constituents and their friends and family to be aware of measures that can be taken to improve their health and further prevent the incidence of this disease. My goal in representing the 13th District of Georgia has always been to be responsive to my constituents' concerns and to ensure the thoughts and views of all Georgians are heard in Congress. As a member of Congress, it is my duty to help bring attention to issues my constituents deem significant, and breast cancer is one such issue. I join with countless others this month to honor the inspiring strength of breast cancer patients and the dedication of health professionals who care for them. Our inspiration is great: breast cancer survivors who have won their fight, and the friends and families of those women who unfortunately did not. Almost everyone in America has been touched by this disease, and I believe we can work together to ensure in years to come, the incidence is lowered and we indeed find a cure. Again, I applaud the brave individuals fighting this disease and the medical professionals and oganizations who so intently dedicate their time to the cause. God bless.

## PAYING TRIBUTE TO WILLIAM LAUB, SR.

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. PORTER. Madam Speaker, I rise today to honor William Laub, Sr. who passed away on October 14, 2007.

William Laub, Sr. was born on July 20, 1924, and went on to live a legacy of service at Southwest Gas and in his community. William's father Harold, along with three other partners began Southwest Gas during the Depression. In 1964, William succeeded his father as Southwest Gas' chief executive officer. He retired in 1988 after serving as CEO for 24 years, and as an employee for 40 years.

In William's time as CEO, Southwest Gas became a major tri-state utility and financial services operation. Southwest Gas began as a small company with no more than three thousand customers in southeastern California and now provides retail natural gas service to more than one million customers in California, Arizona, and Nevada. William's leadership and love of the company his father began was the formula for continued success at Southwest Gas.

William Laub, Sr. was not only passionate about Southwest Gas, but he also was passionate in his love of the community. In the 1960's he founded the Laub Foundation, and as a tribute to his father he established the Harold G. Laub Scholarship Program for children of Southwest Gas employees. He was also instrumental in getting the board of directors to approve a 10-year grant of $250,000 to the College of Arts and Letters for the Visual and Performing Arts at the University of Nevada, Las Vegas. Additionally William served as the President of the Boulder Dam Area Council of Boy Scouts, Chairman of the Clark County Republican Central Committee, Republican National Committeeman, Chairman of the Nevada Equal Rights Commission, and a member of the Board of Trustees at KNPR Public Radio among other things. William was also a Director Emeritus from the Claremont School of Theology from 1977–2004, and a Trustee Emeritus of KNPR from 1996–2003.

Madam Speaker, I am proud to honor William Laub, Sr. Throughout his lifetime he was relentlessly committed to the advancement of Southwest Gas and the community. He was a wonderful asset to Nevada and I send out my deepest sympathies to his family and friends.

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## RECOGNIZING NATIONAL LEAD POISONING PREVENTION WEEK AND CHILDHOOD LEAD POISONING PREVENTION WEEK

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. RUPPERSBERGER. Madam Speaker, I rise today to recognize this week, October 21–27, 2007, as National Lead Poisoning Prevention Week and as Childhood Lead Poisoning Prevention Week in the State of Maryland.

In recent decades, researchers have discovered the harmful effects for children who are exposed to lead products. Lead poisoning in children impacts brain function, resulting in reduced intelligence, learning difficulties, behavioral problems, and other health consequences. Fortunately, lead poisoning from paint in homes is 100 percent preventable. The public needs better information about the dangers of lead exposure.

This bill will help parents hire a certified risk assessor to determine if there is lead paint in their homes. With this vital information, parents can determine how to keep their children safe from lead poisoning.

According to the Environmental Protection Agency, EPA, over 300,000 American children ages 1–5 years have blood-lead levels greater than the level recommended by the Centers for Disease Control, CDC, 10 micrograms of lead per deciliter of blood.

In 2006, over 1,200 Baltimore children under the age of 6 had blood-lead levels equal to or higher than the CDC recommended level. That number has dropped significantly in recent years, but more must be done.

The Federal Government aims to eliminate childhood lead poisoning in the United States as a major public health problem by the year 2010. In order to achieve this goal, several Federal agencies including the EPA, the CDC, and the Department of Housing and Urban Development, HUD, are working together through various grant programs to help individual citizens, non-profits, and the States in their clean-up efforts.

Non-profits around the country are actively working with Federal and State Governments to educate the public about the harmful effects of lead exposure. One such organization based in Baltimore, the Coalition to End Childhood Lead Poisoning, has been working tirelessly to reach out, educate, and advocate on behalf of children and their families impacted by lead exposure. Organizations such as the Coalition to End Childhood Lead Poisoning play an important role in efforts to eliminate childhood lead poisoning in the next 3 years.

In addition to the work done by non-profit organizations and federal and state agencies, I am proposing a Federal tax credit for homeowners that would help offset the costs of cleaning up lead paint in their homes. Today, I am introducing the Home Lead Safety Tax Credit Act of 2007, which would encourage homeowners and landlords to remove lead from homes in order to decrease the number of children who suffer from the effects of lead exposure.

I hope that, through these combined efforts, we will eliminate childhood lead poisoning by 2010.

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## INTRODUCTION OF THE SAFE BUILDING CODES ACT OF 2007

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Ms. MATSUI. Madam Speaker, I rise today to introduce the Safe Building Code Incentive Act of 2007 with my colleague from Florida, Representative MARIO DIAZ-BALART.

The purpose for this legislation is to provide incentives for States to adopt higher building code standards, which will ultimately help preserve property, promote public safety and make Americans and America's communities safer.

This bill's timeliness can be seen in a recent CBS News Poll that revealed 29 percent of Americans knew someone affected by Hurricane Katrina. As reported by CBS News, the comparable statistic from Hurricane Andrew in 1992 was barely half that—16 percent. This report provides a clear metric of the extent that today's Americans know and understand how disaster can hurt a community.

This report also highlights the clear public merit of the Safe Building Code Incentive Act of 2007 which I introduce today. Building codes strengthen and make safe the homes, businesses and places where our citizens work, play and live. They reflect the collective wisdom of design professionals, builders, and public safety officials who have sought to understand and apply the lessons of past tragedies.

Building codes use a tried and true format to document the reasonable steps that can be taken while new construction is underway to protect our neighbors and their communities from risks that, because they can be foreseen, can and should be minimized. These codes are truly the "ounce of prevention" that is worth far more than any after-the-fact pound of cure which must otherwise be borne by people and communities after they've suffered through a tragic loss of life, stability and treasured belongings and memories.

Where strong building codes are in place and enforced, natural disasters are less likely to be compounded by failures of preparation.

Today's model building codes govern all aspects of construction and help to protect homes and buildings from disasters such as hurricanes, tornadoes, earthquakes, flood, fire, ice storms and other natural catastrophes.

Strong building codes serve as the backbone of a community's preparedness against natural disasters.

As a Member of Congress my top priority has been public safety since taking office in 2005. My district, Sacramento, CA, is the most at risk river city in the country for catastrophic flooding. The city of Sacramento is located at the confluence of two major rivers, the American and Sacramento.

To a state like California, where we are experiencing significant population growth, and especially to a growing region such as Sacramento, the building standards we incorporate now will go a long way in providing a stable and safer future for our communities and property owners.

#### WHY WE NEED THE SAFE BUILDING CODE INCENTIVE ACT OF 2007

In the aftermath of the 2004 and 2005 hurricanes, studies illustrate that the damages associated with high winds could have been avoided or minimized by statewide adoption of model building codes in the Gulf States.

What has become increasingly apparent in the wake of Katrina and other natural disasters that have struck our communities in recent years is that the Federal Government and the private sector are paying billions for disaster relief and rebuilding of communities.

Overwhelming evidence demonstrates the adoption and enforcement of strong statewide building codes greatly reduce disaster-related property damage and personal injuries while providing more efficient economic development and sustainable business operations after an event.

For example, in January 2006, a Louisiana State University, LSU, Hurricane Center study concluded that an estimated 65 percent reduction in Katrina wind related damage to homes in Louisiana could have been avoided if structures had been built to current model building code standards.

Despite these benefits, most states have not enacted mandatory statewide building codes and related inspection and enforcement measures for both commercial and residential structures.

Additionally, where Statewide codes exist, it is not uncommon to allow individual jurisdictions, such as cities of a particular class, or counties, to deviate from the State standards, occasionally resulting in a weakening of the model minimum standards or to opt out of the standards altogether, leaving areas within a State more vulnerable than others.

As a result, State standards for construction, code-related inspection and enforcement vary widely across the country.

I am not typically a proponent of a one-size-fits all approach to public policy, but when it comes to public safety I believe it is important to set the standards high and for our communities to meet these standards.

#### WHAT THE SAFE BUILDING CODE INCENTIVE ACT OF 2007 WOULD DO

Under the current authorities in the Stafford Act, mitigation funds are generally available through two programs—the Hazard Mitigation Grant Program and the Pre-Disaster Mitigation Program. My legislation creates incentives within each of these programs for States to adopt and enforce the highest safety standards before disaster strikes.

After a disaster strikes a community or State and the Federal Government provides disaster relief funding, States with an approved Mitigation Plan are eligible to receive Hazard Mitigation Grant Program funding equal to 15 percent of the total Federal disaster relief spending for that event.

Additionally, a State may elect to prepare a more comprehensive Enhanced Mitigation Plan which would qualify the State for additional mitigation funding up to 20 percent of the amount awarded for grants.

Regardless of what the State mitigation plan is, under the Safe Building Code Incentive Act of 2007 a State would be eligible for an additional 4 percent of Federal disaster relief spending if it has adopted a mandatory Statewide building code and has effective enforcement measures in place.

However, if a State decides not to adopt a mandatory Statewide building code, it will not be penalized and would still be eligible to obtain a minimum 15 percent of the post-disaster mitigation funding under the HMGP.

My legislation merely serves as an incentive for States to seek additional funding of 4 percent by adopting a mandatory Statewide building code and implementing effective enforcement measures.

In addition, the Safe Building Code Incentive Act of 2007 will allow, as well as encourage, State, local and tribal governments to use PDM funds to establish building code enforcement programs prior to the occurrence of a disaster, which helps States to begin standardizing construction in previously unregulated areas.

In my view, this funding is well placed. A little prevention will go a long way and in the case of disaster relief funding it can save the taxpayers billions in recovery funds.

The benefit of stronger more up-to-date building codes is twofold.

The first benefit is by encouraging and providing stronger building codes, our buildings are more likely to withstand higher impacts and therefore remain intact if a storm hits a community.

The second benefit is that if a catastrophe does devastate a community, by enacting these stricter standards recovering communities would be eligible for more Federal funds under my proposed legislation.

The best case scenario is that a community will never be in a position to need these extra funds. But by enacting stronger building codes and encouraging more community plans we are taking a positive and proactive step in that direction.

In closing, as we reflect on the tragedy of Katrina and continue to rebuild the Gulf Coast region, we should also be viewing this as a time and an opportunity to rebuild a public policy that will serve the American taxpayer more efficiently as well as protect our communities more effectively.

I ask my colleagues to support the Safe Building Code Incentive Act of 2007.

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## TRIBUTE TO TG MISSOURI CORPORATION

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mrs. EMERSON. Madam Speaker, I rise today to congratulate TG Missouri Corporation in Perryville, Missouri on its 20th anniversary. This is a true milestone for a company which will continue to have a positive impact for many years to come.

Business operations such as TG Missouri's represent the cornerstone of Southern Missouri's rural economy. In 20 short years, TG Missouri has created significant opportunities by remaining committed to the best interests of the community, its customers and its employees. Perhaps most important, TG Missouri has provided job opportunities to roughly 1200 highly skilled and very dedicated workers, beginning as a company of just 35 people in 1987.

TG Missouri understands that its strengths come from its workforce. They have achieved success by relying on the unique skills of each individual who is associated with the company. I know that their success has been closely observed by others, and TG Missouri will serve as an example of responsible and quality business practices for years to come.

Madam Speaker, it is a great privilege to honor TG Missouri on 20 years of success. I am proud to express my congratulations today in the U.S. House of Representatives on TG Missouri's momentous anniversary and to wish them many more years of success.

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## TRIBUTE TO THE NEW UTRECHT REFORMED CHURCH

### HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. FOSSELLA. Madam Speaker, I rise today to honor the New Utrecht Reformed Church in Brooklyn, New York on its 330th Anniversary.

Dutch settlers formed the town of New Utrecht, one of the original five towns of Brooklyn, in the mid 1600's and eventually, under the authority of the Reformed Church in the Netherlands, established the New Utrecht Cemetery in 1654. These same settlers gathered as a congregation in 1677 under the name of the Reformed Dutch Church of New Utrecht Long Island, which is the fourth oldest congregation in Brooklyn. It was later renamed the New Utrecht Reformed Church, the name it carries to this day.

The history of the church is detailed and storied, including being seized and occupied by the British during the Revolutionary War and used as a hospital. There is even a weathervane that bears the bullet holes sustained during the Battle of Long Island.

The Church also provided care and assistance to the Continental Army and General Woodhull, who eventually died inside the hospital. The Daughters of the American Revolution have since raised a statue of General Woodhull on the grounds of the Church cemetery.

In 1783, when the British evacuated Brooklyn, the New Utrecht Reform Church was privileged to be the first location to have the Betsy Ross flag flown over its grounds. To this day, the same liberty pole flies an American flag nearly 224 years after the British evacuation.

Not only did the New Utrecht Reform Church play a vital role in the Revolutionary War but also played an important role in the Civil War by sponsoring Company H of the 14th New York Regiment of the Union Army. To this day, the lives of these brave Union soldiers are memorialized in the church's sponsorship of the New York State Military Company H Brooklyn 14th Regiment re-enactment troop.

In 1910, the New Utrecht Reformed Church founded the oldest continuous Boy Scout Troop in the nation; Troop 20 and its counterpart, Cub Scout Pack 20. The congregation continues its commitment to provide safe harbor for our community's youth through support of the scouting program and many other community events centered on the enrichment of children's lives.

Throughout its long history, New Utrecht has opened its doors to new immigrants arriving on our shore: the Italian congregation in 1947; the Chinese congregation in the 1980's; the Korean congregation in the early 1980's and the Russian congregation in the 1990s.

Madam Speaker, New Utrecht Reformed Church has been a mainstay in the Brooklyn community for 330 years and has impacted the lives of countless individuals. On this 330th anniversary, I would like to honor the church for its contributions to the people of Brooklyn and to the United States with the hope of another 330 years to come.

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## INTRODUCTION OF THE "BROADBAND CENSUS OF AMERICA ACT OF 2007"

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. MARKEY. Madam Speaker, I rise to introduce the "Broadband Census of America Act of 2007." The legislation introduced today reflects the version of the bill as approved by the House Subcommittee on Telecommunications and the Internet less than two weeks ago. The bill will continue to undergo refinement in the Energy and Commerce Committee and my ongoing goal is to work toward a bipartisan, consensus bill.

The objectives of this bill are two-fold. First, to gain a better assessment of how America is doing in broadband service deployment and adoption, the bill will obtain information on the types and speed of broadband service subscribers utilize and the extent of such adoption for the residential and business market in areas at the 5-digit zip code level. Second, the bill will seek to develop a national, interactive map of broadband service availability for use by consumers. This map will help to identify areas of the country where service does not exist and also assist consumers in ascertaining which broadband service providers are available in their neighborhood.

I believe at this point there is growing consensus—if not unanimity—around the fact that current data collection methods used by the Federal Communications Commission (FCC) are inadequate and highly flawed. Currently, the FCC counts a single broadband subscriber in a 5-digit zip code as indicating the entire zip code has broadband availability, even if the sole subscriber is a business and not a residential consumer. This can lead to highly inaccurate and overly generous notions of actual broadband availability and use, particularly in rural areas where zip codes are quite large.

In addition, under almost any set of measurements, the United States lags other nations not only in availability and speed but also in the value. The 50 Megabit per second service in Japan, for instance, is available to Japanese consumers for roughly $30. Here in the U.S., consumers typically pay $20 for about 1 Megabit of service and $30 to 40 for roughly 4 Megabits of service. This legislation will task the FCC with identifying tiers of increasing data transmission speeds, for both upstream and downstream attributes. These tiers will describe existing broadband service capability deployed in the Nation and are designed to the extent possible to correspond to a service's ability to support qualitatively different applications and services. Identifying such tiers and the services which apply to them will enable policymakers to gauge the broadband service speeds that are being subscribed to by residential consumers and by small and large businesses and will also allow for trends to be seen in such adoption over a period of time.

The lack of such information today leaves policymakers largely in the dark about the nature and extent of broadband service deployment and adoption in urban, suburban, and rural areas of the country. The state of knowledge around the status of broadband services in the United States directly affects the ability of policymakers to make sound decisions. For instance, the Federal government can do a much better job in reforming multi-billion dollar grant and subsidy programs—whether at the Rural Utilities Service or at the FCC—if we have better data on where we truly need to target government assistance. Similarly, States can focus limited State resources for economic assistance, computer adoption, and broadband promotion if ample and accurate data is available indicating where such resources should be deployed.

This is precisely what has happened in Kentucky. ConnectKentucky has been a wildly successful effort and has demonstrated the palpable benefits to mapping broadband for various public policy benefits.

The risks of not developing national data will undermine our goal of achieving a national plan for universal, affordable broadband. This, in turn, adversely affects consumers and communities across the Nation. The benefits of higher speeds, lower prices, and more choices for broadband services include greater economic opportunity, job creation, worker productivity, access to health care and educational resources, promotion of innovation, and global competitiveness.

Madam Speaker, I look forward to working with Energy and Commerce Committee Chairman JOHN DINGELL, Ranking Member JOE BARTON, Telecommunications and the Internet Subcommittee Ranking Member FRED UPTON, as well as my other House colleagues on this bill as the process continues.

## U.S. SENATE CONFIRMATION OF LESLIE SOUTHWICK

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to express my strong opposition to the nomination of Leslie Southwick, now being considered by the U.S. Senate.

In an attempt, yet again, to place someone for a lifetime seat on the Federal bench, which has traditionally been racially ignorant and insensitive towards civil rights, the President has risen to the occasion and nominated Leslie Southwick.

This will be his third nomination, of a Mississippian, to the Fifth Circuit since 2001. However, none of his nominations aid in rectifying the egregious problem with the lack of diversity on Mississippi's Federal bench.

Mississippi has the highest African-American population, 37 percent, of any state in the country. In spite of the hundreds of African-American lawyers and judges in Mississippi, there has never been an African-American, nor any other minority from Mississippi, appointed to represent Mississippi on the Fifth Circuit Court of Appeals in the history of this country.

This is a fight worth having. The Fifth Circuit has the highest percentage of minority residents of any circuit. At the same time, its civil rights jurisprudence is far to the right. The recent events in Jena, LA, show the racism in the criminal justice system within the jurisdiction of the Fifth Circuit. We cannot afford a nominee hostile to civil rights on this or any other Court.

There is a history with this seat. The President is intent on placing someone hostile to civil rights in the Mississippi seat on this Court. Charles Pickering and Michael Wallace were nominated but couldn't get confirmed because of their civil rights records. This is the third try by the Administration, and the pattern is very clear.

Instead of stepping up to the plate and nominating someone capable of delivering fair and impartial decisions on civil rights, the President has slapped Mississippians in the face with the recent nomination of Southwick. Just look to Southwick's controversial opinions.

In Richmond v. MS Dep't of Human Services, a white employee was fired for using the phrase "good ole nigger" toward an African-American co-worker. When the white employee was fired, a hearing officer reinstated the employee. In upholding the reinstatement, the majority (which Southwick joined) concluded that using the phrase "good ole nigger" was equivalent to calling the other employee her "teacher's pet." This opinion was unanimously reversed by the Mississippi Supreme Court. And this is Bush's No. 1 draft pick?

Southwick's rulings on race discrimination in jury selections are equally disturbing. In such cases there is a noticeable pattern of prejudice. Southwick upheld claims that the defense struck white jurors on the basis of their race while rejecting claims that the prosecution was racially motivated in striking African-American jurors. On one hand, Southwick allows prosecutors to strike African-American jurors when the motivation is clearly racial, McWilliams v. Mississippi, or when the prosecution cites non-racial reasons for the strikes, Davis v. Mississippi. Yet, Southwick denies the defenses warranted attempts to strike white jurors even when the defense uses the same non-racial reasons for the strikes, Webb v. Mississippi. And this is the President's No. 1 draft pick?

The aforementioned cases exemplify several opportunities Southwick has had to make a judicious decision befitting such a high court but failed to do so.

Such views must not be tolerated or encouraged through a nomination to a lifelong post representing the judicial integrity of our nation. By this nomination, the Administration is attempting to reward judicious incompetence and great shortsightedness toward civil rights issues.

It's almost as if the President believes that Mississippi does not have any competent African-American lawyers. To think that a state overflowing with highly capable African-American attorneys cannot fill this Mississippi seat is simply preposterous.

Again, I express my sincere opposition to the nomination of Leslie Southwick to Mississippi's Fifth Circuit Court of Appeals. Mississippi needs a nominee who will not look to discourage or impede its growth, but instead, support and empower Mississippi's legacy.

## TRIBUTE TO HERBERT HENDERSON

### HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. RAHALL. Madam Speaker, West Virginia recently lost an outstanding son, Herbert Henderson. Herb passed away last week, but today I rise to celebrate a life well lived and to remember with fondness the accomplishments of a remarkable man who, over his many years, was a torchbearer in the dual causes of spreading equality and ensuring justice.

The unfortunate news of his passing has brought sadness to so many throughout West Virginia, including those who did not have the opportunity to meet Mr. Henderson but who have come to benefit from his passionate support of civil liberties.

Herb was preceded in death by his wife of 49 years, Maxine Henderson. He graduated from Elkhorn High School in McDowell County, and from there he went on to attend West Virginia State College until his graduation in 1953. After college, Herb served two tours in the United States Army before becoming the first African-American to attend George Washington University School of Law. Upon graduation from law school, he returned with his family to Huntington, WV, where he eventually became senior partner in the law firm of Henderson, Henderson, and Staples.

From 1966 to 1986, Herb Henderson was the West Virginia State President of the National Association for the Advancement of Colored People (NAACP). He went on to serve as General Counsel for the NAACP in 1984 and again from 1989 through 1990. The mission of the NAACP is to ensure political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination. This was a mission that Herb not only shared, but one that he also championed throughout his lifetime.

For 49 years, Herb was an active member of the Ebenezer United Methodist Church, as well as a member of the National Council of the Churches of Christ in the U.S.A. and Church World Service. He was a solid supporter of West Virginia State University (WVSU) and served as President of the Huntington Chapter of the WVSU Alumni Association.

He will be greatly missed by his family, in particular his four daughters and 10 grandchildren, as well as, the community he served so faithfully over these many years. My thoughts and prayers are with the family of Herbert Henderson. I join with West Virginians in honoring his remarkable life and the legacy he left behind.

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## TRIBUTE TO TIM LOSTY, DIRECTOR OF THE NORTHERN IRELAND BUREAU

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. PAYNE. Madam Speaker, I would like to ask my colleagues here in the United States House of Representatives to join me in honoring an outstanding friend of our Nation who has served with distinction for the past few years as director of the Northern Ireland Bureau, Mr. Tim Losty, as he heads back to his homeland.

During his tenure, Tim worked closely with members of Congress and others to strengthen the bond between our two nations at an exciting but challenging time. He helped ensure that the U.S. continued to play a supportive role as the changes brought about by the historic Good Friday Agreement were implemented. Americans have always felt a special affinity with the people of Ireland and Northern Ireland because so many have roots there. In seeking our input and keeping us advised of the economic, social, and political developments in Northern Ireland, Tim gained our respect and admiration. He will be greatly missed.

Having visited Northern Ireland many times myself, both before and after the Good Friday Agreement, I am very gratified that the peace process continues to move forward.

Prior to joining the Northern Ireland Bureau, Tim was a manager with LEDU/Invest Northern Ireland's Eastern Local Office; founding member of the Belfast Peace and Reconciliation Partnership Board in 1994; a director of the Belfast Local Strategy Board; the East Belfast Partnership; and the First Stop Business Shop. Tim also worked on the West Belfast and Greater Shankill Taskforces set up by Ministers and local politicians to address specific issues of disadvantage in the community.

Madam Speaker, I know that all of my colleagues join me in wishing all the best to Tim, his wonderful wife Lisa, and their sons Conor and Rory as they return.

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## INTRODUCTION OF THE COMMERCIAL MOTOR VEHICLE ADVANCED SAFETY TECHNOLOGY TAX ACT

### HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues of legislation I have co-authored with my colleague MIKE THOMPSON (D–CA) to promote the installation of proven advanced safety technology on heavy-duty vehicles.

The Commercial Motor Vehicle Advanced Safety Technology Tax Act (H.R. 3820) will create a tax incentive for owners of heavy-duty vehicles and the manufacturers of public and school buses to purchase and install safety systems proven to reduce accident rates. These include:

Brake Stroke Monitoring System—A system that monitors vehicle brakes to ensure they are functioning properly;

Lane Departure Monitoring System—A system that warns the driver when the vehicle drifts into the wrong lane;

Collision Warning System—A system that warns the driver if the vehicle is getting close enough to another vehicle or object to cause accident;

Vehicle Stability System—A system that autocorrects the vehicle when there is a threat of the vehicle rolling over.

These technologies directly address the most common causes of heavy-duty vehicle accidents as identified in a March 2006 report by the Federal Motor Carrier Safety Administration.

Specifically, large truck and bus owners who purchase one or more of these systems would be eligible for a tax credit of up to $3,500 annually, with a maximum of $1,500 per system. Owners of vehicle fleets would be eligible for a maximum credit of $350,000 per year. Manufacturers who sell large trucks or buses to nonprofit entities, like schools or city transit authorities, would be eligible for the tax credit if they install the systems prior to vehicle delivery.

The Commercial Motor Vehicle Advanced Safety Technology Tax Act will reduce cost barriers for these safety systems, improving road safety and improving overall road safety.

I urge my colleagues to support this bill.

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## HONORING THE LIFE OF SERGEANT JASON M. LANTIERI

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. COURTNEY. Madam Speaker, I rise today to recognize the life and service of Army Sergeant Jason M. Lantieri, a twenty-five year old young man from my district who died on October 10, 2007 while serving in Iraq. Family, friends and the Killingworth community gathered last Thursday to honor, and say goodbye, to this special young man.

Jason was a bright, talented, and outgoing student-athlete at Haddam-Killingworth High School in Higganum, Connecticut. There, Jason's athletic abilities were undeniable as he played on the school's soccer, basketball, and baseball teams. In addition to his athletic prowess, Jason's commitment to his school and fellow classmates was solidified through his active role in student council.

Following graduation in 2000, Jason enrolled in Western New England College in Springfield, Massachusetts. In subsequent years after earning his business degree, Jason joined the Army and was assigned to the 725th Brigade Support Battalion of the 25th Infantry Division based in Fort Richardson, Alaska. During the next 2 years, he proudly, and bravely, served our Nation in Iraq.

On October 9, 2007, Jason was injured in a vehicle accident outside of Baghdad in Iskandaryah, Iraq. He passed away from his injuries the next day.

Earlier this year, Jason was able to fulfill his passion for travel and adventure on a break from Iraq in Europe. He wrote about his travels, stating, "Europe is a great place to just live for the day and for the moment." Although I did not know Jason, it is clear to me that he lived his life to the fullest, and made the world a better place for his family, friends and all those who knew him.

Jason's passing brings a profound sadness to the southeastern Connecticut community. His memory and contributions, however, will live on in our hearts and minds. I ask my colleagues to join with me in honoring Jason's life, his service and ultimate sacrifice to our Nation, and offer condolences to his friends and family at this difficult time.

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## TRIBUTE TO STATE REPRESENTATIVE CHARLIE BROWN

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. VISCLOSKY. Madam Speaker, it is with great admiration and respect that I take this time to recognize a dear friend and one of Indiana's most distinguished citizens, State Representative Charlie Brown of Gary, IN. Since 1982, Charlie has served as a member of the Indiana General Assembly. For his dedication and countless efforts toward improving the lives of Indiana residents, Charlie will be honored at a reception hosted by the Lake County

Medical Society on Wednesday, October 24, 2007, at the Avalon Manor in Merrillville, IN.

Charlie Brown grew up in Philadelphia, PA. Following the completion of his undergraduate studies at Cheyney State Teachers' College in Cheyney, PA, Charlie relocated to Gary, IN, where he began his lifelong career in public service. After serving as an educator in the Gary Community School Corporation from 1961 to 1968, Charlie took on several new roles within his community. From 1968 to 1988, Charlie served in many capacities in the City of Gary, including: Youth Coordinator, Mayor's Assistant on Youth Activities, Director of the Youth Services Bureau, Affirmative Action Officer and Risk Manager.

In 1988, following many years of service as a public official, Charlie went on to utilize his vast experience and knowledge of health care-related issues by accepting the position of Chief Executive Officer of the Gary Community Mental Health Center. Charlie served in this capacity until 1993. Currently, Charlie serves as a consultant, where he provides guidance to organizations seeking to foster positive interaction between the government and the community.

Though Charlie has always put people first in every position he has held, it is through his efforts as an elected official that he has made an indelible mark on the progress and future in Indiana. First elected to the Indiana General Assembly as a member of the Indiana House of Representatives in 1982, Charlie has always been a true champion of improving health care in Indiana for all residents. As a member of the Indiana State House, Charlie has served on several committees, most notably, the Standing Committee on Public Health. As both a member and Chairman of this crucial committee, Charlie has fought tirelessly to improve health care in Indiana. When it comes to health care, Charlie has always had one goal in mind: To provide affordable, accessible, and high-quality health care for all Indiana citizens.

Throughout his illustrious career, Charlie has been recognized with many distinguished awards by numerous organizations. To name a few, Charlie has received accolades from: The National Association for Equal Opportunity in Higher Education, Indiana University Northwest, the Alzheimer's Association of Indiana, the Indiana Council of Community Mental Heath Centers, the Mental Health Association of Indiana, the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO), the Indiana Optometric Association, the Indiana Black Expo, the Calumet Council of the Boy Scouts of America, and the National Association for the Advancement of Colored People (NAACP).

Though Charlie has received many esteemed honors for his commitment to the residents of Indiana, Charlie's greatest source of pride is his family. Charlie and his wife, Angela Baker Brown, are the proud parents of one daughter, Charlisa L. Scott, and 2 adoring grandsons, Landon Charles Douglas Scott and Cole Nathaniel Scott.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring State Representative Charlie Brown for his outstanding devotion to his community and to the people of Indiana. His unselfish and lifelong dedication to improving health care for Indiana residents is worthy of the highest commendation. Charlie's selflessness and his commitment to improving lives throughout Indiana serves as an inspiration to us all, and I am proud to call him my friend.

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## PAYING TRIBUTE TO "LINKAGE HOUSE" ON THEIR 10TH ANNIVERSARY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. RANGEL. Madam Speaker, today I rise to ask my colleagues to take a moment to honor one of my local institutions, Linkage House Home for the Elderly, for 10 years of outstanding service.

Linkage House is the result of a shared vision of four local East Harlem organizations: the Greater Emmanuel Baptist Church, Union Settlement Association, the Community Association of East Harlem Triangle, and Mount Sinai Medical Center. That vision recognized that the ability to stay in one's home—or "aging in place"—is the overwhelming choice of many older Americans. However, to do so, these venerable residents need assistance from informal support systems, access to formal health services & social services, and meaningful, productive roles integrated within an affordable living environment.

Opening in May 1997 at 309 East 118th Street, the institution was the result of nine years of planning and organizing by a number a people. Under the leadership of Dr. Robert Butler and Dr. Gary Rosenberg, funds and technical assistance were found to design and implement the project. Union Settlement, under the leadership at that time of Eugene Sklar, provided invaluable experience in designing and implementing services for older people living in the community. Community activist Petra Allende, Union Settlement Association's Sally Yarmolinksy and Mount Sinai's Glenn Williams—all of them members of the original Linkage House Board and who have unfortunately since passed away—were also vital to making this project a reality.

Today, Linkage House stands as a testament to hard work and commitment of all these men and women. It encourages socialization and shared activities, providing a cross section of comprehensive and integrated services that include an on-site full time social work services coordinator, resident- developed shared living spaces and an on-site physical exercise room that offers aerobics, Tai Chi, and walkings programs.

Linkage House is also a laboratory for learning. It is the site for Union Settlement's GED classes, a social work student internship site, and a community based education site for federally funded Geriatric Education Center (GEC) that trains community providers of service to older adults. The "Meet the Doctor" program provides interaction between physicians who are Geriatric Fellows, Internal Medicine residents, and older adults. Medical student studies and surveys of the use of complementary and alternative medicine by older adults are also conducted here.

That is why I am more than happy to congratulate Linkage House Home for the Elderly on their 10th Anniversary. Their tireless commitment and resilient efforts on behalf of our senior citizens is a model that we can all follow not just in East Harlem, but around the nation.

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## HONORING ARTHUR (ART) B. MODELL

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Arthur (Art) B. Modell, longtime franchise owner in the National Football League (NFL) and humanitarian. Art Modell was born on June 23, 1925, in Brooklyn, New York. His father died when he was 15, and Art dropped out of high school to work and help support his family. He completed high school by attending night classes and later joined the Air Force and fought in World War II. After the war, Art built a successful career in advertising and television production in New York City.

In 1961, he purchased the Cleveland Browns, a National Football League team. Modell was not a traditional owner in the National Football League. He believed that the owner should play an active role in the everyday affairs of the team. Modell succeeded in creating a strong team. The team won the NFL championship in 1964 and four division titles between 1965 and 1969.

At the end of the 1995 season, Modell surprised the city of Cleveland and excited fans in Maryland when he moved his team to Baltimore, Maryland. The city of Cleveland retained the rights to the Browns' name, and Modell renamed his organization the Baltimore Ravens. The move brought an NFL team back to Baltimore for the first time in 12 years since the Colts left for Indianapolis in the middle of the night, and in 2000, a Super Bowl victory for the Ravens. During his 46 years in the NFL, Art was the leader of the NFL's television negotiations and was an early advocate of the league's revenue sharing policy.

Art Modell is almost as famous for his humanitarian contributions off the football field as he is for his role on the field. Art and his family have made donations to Kennedy Krieger Institute, Baltimore Symphony Orchestra, Walters Art Gallery, Baltimore Museum of Art, House of Ruth, Hospice of Baltimore, Ed Block Courage House at St. Vincent's and the recent restoration of the Basilica of the Assumption, all in Baltimore and surrounding areas. He currently chairs a $100 million fund drive that will help build a new cardiovascular tower for the Heart Institute at Johns Hopkins Hospital, and with his wife Pat contributed $10 million to the project themselves.

Madam Speaker, I ask that you join with me today to honor Arthur (Art) B. Modell. His legacy as a pioneer in the National Football League and his lifetime devotion to the sport of professional football are matched only by his support of humanitarian and community foundations. It is with great pride that I congratulate Art Modell on his stellar and exemplary career in professional sports in the United States of America.

## HONORABLE BILL ANOATUBBY GOVERNOR OF THE CHICKASAW NATION

### HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 22, 2007*

Mr. COLE of Oklahoma. Madam Speaker, it is my privilege today to rise in recognition of a good friend of mine, the Governor of the Chickasaw Nation, Governor Bill Anoatubby. On October 26, 2007, East Central University will induct Governor Anoatubby into its Hall of Governors; he is only the fourth individual to receive such a prestigious recognition. He joins former U.S. Senator and former Governor Robert S. Kerr; former Oklahoma Supreme Court Justice, former U.S. Senator, and former Governor Ernest McFarland; and former Governor George Nigh. Reflecting upon the caliber of these individuals who have contributed so much to the State of Oklahoma, I know Governor Anoatubby truly appreciates the honor he is being given and that he so richly deserves.

Madam Speaker, graduating from East Central University in 1972 was merely the beginning, because from that day forward Governor Anoatubby has worked tirelessly to make Oklahoma a better State and the Chickasaws of Oklahoma a more prosperous people. His passion to this end is reflected in the litany of civic and community activities, affiliations, leadership roles, awards and honors contained in his biography.

But Madam Speaker, the Governor's impressive resume aside, I am honored today to recognize this award on the floor of the United States House of Representatives because I am a member of the Chickasaw Nation and I have witnessed the Governor achieve amazing things for our tribe, for the State of Oklahoma, and for tribes across the country. The Governor has presided over the Renaissance of the Chickasaw Nation by focusing on increasing economic development, expanding health coverage, improving education, and preserving and reviving the tribe's cultural and historical heritage so important for our future vitality and self-identity.

But Governor Anoatubby's accomplishments do not stop there, Madam Speaker. He not only fulfills his duties as the leader of the Chickasaw Nation, but has become one of the most respected Native American leaders in the country. He understands the unique status of tribes, and as such, he recognizes the unique opportunities available not only at a state level, but nationally and internationally for tribal development and prosperity. He has an unequaled willingness to reach out and make partnerships between tribes and businesses, institutions, organizations, and other governments.

Madam Speaker, Governor Anoatubby profoundly understands that neither the Chickasaw Nation nor the State of Oklahoma can thrive independently of one another. He has demonstrated time and time again that working together, the two can bring remarkable benefits to all Oklahomans, native and non-native alike. Simply put, Madam Speaker, Governor Anoatubby has changed the way people live in the State of Oklahoma for the better, and I congratulate him on being inducted into East Central University's Hall of Governors.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 23, 2007 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

OCTOBER 24

9:30 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine the United States role in consolidating peace and democracy in the Great Lakes region.

SD–419

Agriculture, Nutrition, and Forestry

Business meeting to markup the 2007 Farm Bill.

SR–328A

Veterans' Affairs

To hold hearings to examine pending legislation.

SD–562

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the future of radio.

SR–253

Homeland Security and Governmental Affairs

To hold hearings to examine ways to build an effective terrorist screening system.

SD–342

Judiciary

To hold hearings to examine the nominations of Ronald Jay Tenpas, of Maryland, to be an Assistant Attorney General, Joseph N. Laplante, to be United States District Judge for the District of New Hampshire, Reed Charles O'Connor, to be United States District Judge for the Northern District of Texas, Thomas D. Schroeder, to be United States District Judge for the Middle District of North Carolina, and Amul R. Thapar, to be United States District Judge for the Eastern District of Kentucky.

SD–226

10:30 a.m.

Aging

To hold hearings to examine hidden 401K fees, focusing on ways that disclosure can increase retirement security.

SD–628

1:30 p.m.

Judiciary

To hold hearings to examine the role of federally-funded university research in the patent system.

SD–226

1:45 p.m.

Foreign Relations

Business meeting to consider the nominations of Henrietta Holsman Fore, of Nevada, to be Administrator of the United States Agency for International Development, Robin Renee Sanders, of New York, to be Ambassador to the Federal Republic of Nigeria, Barry Leon Wells, of Ohio, to be Ambassador to the Republic of The Gambia, Mark M. Boulware, of Texas, to be Ambassador to the Islamic Republic of Mauritania, James D. McGee, of Florida, to be Ambassador to the Republic of Zimbabwe, Ronald K. McMullen, of Iowa, to be Ambassador to the State of Eritrea, P. Robert Fannin, of Arizona, to be Ambassador to the Dominican Republic, Christopher Egan, of Massachusetts, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador, Louis John Nigro, Jr., of Florida, to be Ambassador to the Republic of Chad, David T. Johnson, of Georgia, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs), Paul E. Simons, of Virginia, to be Ambassador to the Republic of Chile, Gail Dennise Mathieu, of New Jersey, to be Ambassador to the Republic of Namibia, Dan Mozena, of Iowa, to be Ambassador to the Republic of Angola, Eunice S. Reddick, of New York, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe, Daniel V. Speckhard, of Wisconsin, to be Ambassador to Greece, Thomas F. Stephenson, of California, to be Ambassador to the Portuguese Republic, Vincent Obsitnik, of Virginia, to be Ambassador to the Slovak Republic, William H. Frist, of Tennessee, to be a Member of the Board of Directors of the Millennium Challenge Corporation, George E. Pataki, of New York, to be a Representative of the United States of America to the Sixty-second Session of the General Assembly of the United Nations; to be immediately followed by an open hearing to examine issues relative to the global fight against HIV/AIDS.

SD–419

2 p.m.

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine international accounting standards, focusing on opportunities, challenges, and global convergence issues.

SD–538

2:30 p.m.
Environment and Public Works
Private Sector and Consumer Solutions to Global Warming and Wildlife Protection Subcommittee
To hold hearings to examine S. 2191, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases.
SD–406

OCTOBER 25

9:30 a.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine sweatshop conditions in the toy industry in China.
SR–253

10 a.m.
Finance
To hold hearings to examine small business health insurance, focusing on building a gateway to coverage.
SD–215

Judiciary
Business meeting to consider S. 1946, to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law, S. Res. 347, designating May 2008 as "National Be Bear Aware and Wildlife Stewardship Month", S. Res. 346, expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and the nominations of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit, and Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.
SD–226

Environment and Public Works
Transportation Safety, Infrastructure Security, and Water Quality Subcommittee
To hold an oversight hearing to examine the effectiveness of federal drunk driving programs.
SD–406

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine single audits, focusing on a recent study on the potential impacts that implementing certain recommendations could have to help ensure that federal funds are safeguarded.
SD–342

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

OCTOBER 31

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Uniformed services Employment and Reemployment Rights Act (USERRA).
SD–562

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine universal telephone service.
SR–253

NOVEMBER 1

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the nominations of Gregory F. Jacob, of New Jersey, to be Solicitor, and Howard Radzely, of Maryland, to be Deputy Secretary, both of the Department of Labor.
SD–430

NOVEMBER 7

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the performance and structure of the United States Court of Appeals for Veterans.
SD–562

10 a.m.
Rules and Administration
To hold hearings to examine the Government Accountability Office report focusing on funding challenges and facilities maintenance at the Smithsonian Institution.
SR–301

## POSTPONEMENTS

OCTOBER 24

5 p.m.
Intelligence
To hold a closed conference to examine the fiscal year 2008 Intelligence Authorization bill.
S–407, Capitol

# SENATE—*Tuesday, October 23, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

The PRESIDING OFFICER. Today's opening prayer will be offered by Captain Margaret Kibben, United States Navy.

## PRAYER

The guest chaplain offered the following prayer:

Let us pray.

Gracious Creator, whose presence permeates like sunlight, whose mercy is revealed through Your ceaseless compassion, and whose authority has called the world into being, we call on You to bring forth this day in accordance with Your grace plan.

As the men and women who serve in the Senate gather together in this Chamber to exercise the processes of power and politics, remind them that it is Your transcendence that presides over today's deliberations, Your merciful will that guides the political debate, and Your ultimate authority that is the source and foundation of their objectives.

So reminded, ordain these elected officials this day to wield this Nation's legislative power guided by Your presence; to engage in partisan discourse in response to Your mercy; and to align their objectives in accordance with Your authority, so that all that is said and done here may reflect Your presence, Your mercy, and Your power.

We stand in Your grace and pray in Your holy Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 23, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## MARKING THE 24TH ANNIVERSARY OF THE U.S. MARINE BARRACKS BOMBING IN BEIRUT, LEBANON

Mr. McCONNELL. Mr. President, normally the majority leader would proceed first. Since he is not on the floor at the moment, I wish to make a few remarks on leader time here as we get started.

I rise today in honor of the 241 U.S. marines, sailors, and soldiers who were killed in a despicable suicide bombing attack on the U.S. Marine barracks in Beirut, Lebanon. That attack occurred 24 years ago today on October 23, 1983.

President Ronald Reagan had dispatched U.S. forces in 1982 to maintain the peace in Lebanon. On the morning of October 23, one Lebanese terrorist drove a truck packed with explosives through three guard posts and a barbed-wire fence, straight into the lobby of the U.S. Marine Corps' headquarters. The bomb exploded with the force of 18,000 pounds of dynamite. It transformed the four-story cinder block building into rubble.

It was so powerful, the U.S. District Court for the District of Columbia later described it as "the largest nonnuclear explosion that had ever been detonated on the face of the Earth."

Some of the men and women lost that day were murdered in their sleep. Others who saw the truck come crashing in may have seen the face of the enemy as their last sight on Earth. Either way, 241 Americans wearing their country's uniform were killed in a brutal attack that shocked America and the world.

Five Kentuckians were among the 241 who died in that attack. They were: PFC Sidney James Decker, U.S. Marine Corps, of Clarkson, KY; LCpl Virgil D. Hamilton, U.S. Marine Corps, of McDowell, KY; Hospital Corpsman 3rd Class Robert S. Holland, U.S. Navy, of Gilbertsville, KY; SGT Thomas C. Keown, U.S. Marine Corps, of Louisville, KY; and SGT Daniel S. Kluck, U.S. Army, of Owensboro, KY.

Terrorists and their favorite tactic—the suicide attack—are still with us today. Thankfully for America, so are the U.S. Marines.

Founded in 1775, the U.S. Marine Corps has been "at the tip of the spear" in every one of this Nation's wars, and they will never be stopped by a terrorist's suicide attack. This November, the country will celebrate the Corps' 232nd birthday, and thank them for defending our freedoms.

By taking the fight to the terrorists wherever they hide, the Marines have put terrorists on the defensive, making it less likely they will hit us again here at home. By their courage on the battlefield and constant risk of danger, today's Marines honor every 1 of their forebears who died defending our country.

America still remembers her brave men and women lost in the Marine barracks bombing of 1983. We honor them and their families for their sacrifice. We continue to fight terror today with a steady hand, even if it is at times paired with a heavy heart. And we are proud of the brave men and women who fight for their country against the would-be terrorists of today and tomorrow.

Mr. President, I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3043, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Harkin/Specter amendment No. 3325, in the nature of a substitute.

Vitter amendment No. 3328 (to amendment No. 3325), to provide a limitation on funds with respect to preventing the importation by individuals of prescription drugs from Canada.

Dorgan amendment No. 3345 (to amendment No. 3325), to require that the Secretary of Labor report to Congress regarding jobs lost and created as a result of the North American Free Trade Agreement.

Ensign amendment No. 3342 (to amendment No. 3325), to prohibit the use of funds to administer Social Security benefit payments under a totalization agreement with Mexico.

Ensign amendment No. 3352 (to amendment No. 3325), to prohibit the use of funds to process claims based on illegal work for purposes of receiving Social Security benefits.

Lautenberg/Snowe amendment No. 3350 (to amendment No. 3325), to prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate.

Roberts amendment No. 3365 (to amendment No. 3325), to fund the small business childcare grant program.

Coburn amendment No. 3358 (to amendment No. 3325), to require Congress to provide health care for all children in the U.S. before funding special interest pork projects.

Chambliss modified amendment No. 3391 (to amendment No. 3325), to provide for a declaration of a public health emergency with respect to Sumter County, GA.

Cardin amendment No. 3400 (to amendment No. 3325), to provide support to Iraqis and Afghans who arrive in the United States under the Special Immigrant Visa program.

Landrieu amendment No. 3446 (to amendment No. 3325), relative to the Elementary and Secondary School Counseling program.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, we entered into a unanimous consent agreement last night. I will repeat it for the benefit of Senators.

Senators should be aware that we will now start a series of debates and we will stack the votes. The first amendment will be the amendment of the Senator from Wyoming, Mr. ENZI, amendment No. 3437. There will be 30 minutes of debate equally divided. That will be the first one.

The second one will be the amendment of the Senator from South Carolina, Mr. DEMINT; that is amendment No. 3387. There will be 20 minutes of debate equally divided.

The third one would be the amendment No. 3365 by the Senator from Kansas, Senator ROBERTS. There will be 10 minutes of debate equally divided.

Then the fourth one would be the amendment No. 3358 offered by the Senator from Oklahoma, Senator COBURN. There will be 20 minutes of debate equally divided. At the end of all of that time, the Senate will proceed to vote on and in relation to those amendments.

We are ready for the amendment of the Senator from Wyoming as soon as he arrives, and he is here.

### AMENDMENT NO. 3437 TO AMENDMENT NO. 3325

Mr. ENZI. Mr. President, I call up amendment No. 3437.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 3437.

Mr. ENZI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

### AMENDMENT NO. 3437

(Purpose: To prohibit the use of funds to modify certain HIV/AIDS funding formulas)

At the appropriate place in title II, insert the following:

SEC. ____. Notwithstanding any other provision of law, no funds shall be made available under this Act to modify the HIV/AIDS funding formulas under title XXVI of the Public Health Service Act.

Mr. ENZI. Mr. President, at the present time, the last numbers that I saw, Congress's approval rating was 12 percent. There is a reason for that. We have been nibbling around the edges on a lot of things, and we have been doing earmarks. I have an amendment that deals with one of the most egregious earmarks I have seen.

Less than a year ago we passed a bill in this body unanimously, that the House then passed unanimously, that addressed the Ryan White AIDS program, and it included transparency, it included accountability, and it included a change in the formula. The change in the formula gave some protection to those who have had a declining population, but it allowed the money to follow the people who had the problem.

Today, in this bill, there is an earmark that provides for money now to go to people who may no longer even exist—people who are dead. It is a way that they are trying to change the authorization process we went through so meticulously, so unanimously, in such a way that it undoes it in an appropriations bill. We shouldn't be changing law in an appropriations bill. We especially shouldn't be changing law for a specific area of the country in an appropriations bill. That is why I bring this amendment.

I want to discuss the Ryan White program and the need to ensure that this Labor-HHS bill does not undo our recent work. Last December, after months of negotiations, the House and the Senate passed a new 3-year Ryan White reauthorization. Most importantly, we ensured that those new formulas focused on the lifesaving treatment by including individuals with HIV, not just AIDS.

One of the key items that delayed this reauthorization for months was the careful negotiations surrounding the funding formulas. In that bipartisan, bicameral agreement, we were very clear about the implications of those new formula changes. We provided GAO data runs that were nearly identical to how the funding has been distributed. I hope everybody takes a look at those GAO data runs.

Those funding formulas also included hold-harmless provisions to ensure the formula funding would not decrease by more than 5 percent from the previous year. While I would have preferred no hold-harmless provisions or ones that allowed for more dramatic fluctuations so the money could follow the HIV-infected person, that was what we agreed upon a few short months ago.

We didn't pull the wool over anyone's eyes; we provided clear information about the implications about those funding formulas. Now, with one simple pen stroke, the House majority would like to undo all of those carefully crafted, bipartisan, bicameral compromises and insert a new hold-harmless provision with little thought to how this change will affect others. I am pleased to note that the Senate did not include this egregious provision, and I hope today the Senate will go on record for opposing doing so.

What is even more ridiculous is that this provision primarily benefits San Francisco, a city that continues to receive funding to care for dead people. San Francisco received two-thirds of the $9 million available, racking up $6 million of new dollars. All the while, nearly every other city would have reduced funding just so San Francisco can receive more riches. That additional $6 million is not based on the number of people they are treating or on how many new cases they have. As a hold-harmless provision, it is related to what that city has received before.

As GAO noted in the report last month, even within their current funding, they are receiving money for people who have died. Let me repeat that. GAO, the Government Accountability Office, confirmed that San Francisco currently receives funding under Ryan White for dead people. That is without this additional $6 million earmark. Now, I don't know about my colleagues, but I find this a little reprehensible. Where I come from, that is called cheating. This is patently unfair to those cities and States that are striving to come up with the moneys for basic HIV/AIDS treatment.

House Democrats reneged on a bipartisan, bicameral solution and are trying to slide this authorizing legislation into an appropriations bill, hoping no one will notice. Well, I noticed. I object to this provision and the implications of it. Rather than providing nearly $10 million to help those cities that don't need it, why aren't we providing funds to those cities with large numbers of people with HIV?

So I offer my amendment to Labor-HHS, Enzi amendment No. 3437. This amendment is quite simple. It states that the Labor-HHS bill cannot be used to undo all of the work we did on Ryan White. We should not be diverting key funds from cities with rising HIV cases to go to San Francisco—a city that is still receiving funds for treating people who have already died from AIDS. If you support keeping people alive, I believe you should also support my amendment. We did last December. We should again. We need to keep it on track to take care of the problem.

I yield some time to my fellow Senator from Oklahoma, such time as he would like.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to make a few comments about what is in the bill and what is going to happen if we don't accept Senator ENZI's amendment.

When we crafted the Ryan White Act, the goal was to make sure the dollars followed the disease and to make sure people who were infected with HIV who had no other means of seeking treatment and having a life that is not the scourge of this disease with the modern medicines that have come about, to create a platform where we could have fair availability for medicines and treatment and care to where the disease is growing.

What has come out of the House, with Speaker PELOSI's direction, is to actually take money from African-American women and the medicines they need to stay alive, or medicines to treat their newborn infants, and send it to San Francisco, which in the last few years has not even spent the entire amount of money that has gone to it.

Senator ENZI is right in the fact that this violates the very agreement we made over a long period of time to get Ryan White funds to start following the disease. By taking an extra $6.2 million and sending it to San Francisco, it violates, No. 1, the agreement on that bill, but most importantly, it takes away the opportunity for health for minority women, which is where the disease is growing the greatest amount. We have all these women throughout the country who have been on waiting lists for drugs for treatment. They are getting some, but they are not getting what is going to save their lives. And we are going to steal that opportunity for minority women to be adequately and fairly treated under this bill.

The Ryan White bill we passed last year was a good compromise, knowing that we needed to shift money to where the disease is. What happened in the House bill is we have actually reneged on that commitment. What we are actually saying is that the establishment age groups in northern California deserve more money than a single African-American woman who was infected with HIV and cannot get the medicines to treat her disease. That is the choice.

For the first time, the Ryan White Act changed the direction of where the money went. The Ryan White Act, as we passed it, had the money following the disease, going to those who need treatment rather than to established organizations that are used to a certain budget. So the tragedy will be that if we don't pass the Enzi amendment, we are taking a step backward from the very principle—a public health principle, by the way—that you put the money where the epidemic is. What is in the House bill negates that.

What we are doing is playing politics with the lives of African-American women, who are the fastest growing numbers of people who have HIV in this country. We are taking $6.2 million away from them and we are putting it in facilities that, quite frankly, have done quite well under the Ryan White Act. The availability, the access, and the programs are at the greatest level in San Francisco as compared to any other place in this country. Yet we choose, if we do not accept the Enzi amendment, to say that is a higher priority than a poor African-American woman in the South. That is the choice.

I support this amendment. I think the Senate, in good conscience, ought to live up to its agreement on the Ryan White Act.

I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the Enzi amendment. I congratulate the chairman and the ranking member for the work they have done on this bill. But this amendment significantly disadvantages at least nine jurisdictions facing HIV/AIDS crises throughout the country because it essentially would prevent any stop-loss provision enacted by the House from going into effect.

Senator ENZI, Senator KENNEDY, and the rest of the HELP Committee worked tirelessly for most of last year to reauthorize the Ryan White CARE Act. I voted for this reauthorization, and I recognized at the time that the method of counting HIV/AIDS victims had to change to more clearly reflect living victims. However, this then mandated huge cuts to vital programs, despite the fact that States and eligible metropolitan areas were assured that no jurisdiction would face destabilizing losses.

The HELP Committee staff provided GAO data during the debate projecting that San Francisco would receive approximately $17.1 million in fiscal year 2007. But San Francisco did not receive that amount. Their formula award totaled $14.6 million, which is $2.5 million less than estimated.

A compromise was to offset losses by clearly making available supplemental award funding so that the Health Resources and Services Administration could consider the funding losses when awarding this supplemental funding. This amendment seeks to do away with all of this.

Despite these estimates and built-in protection, several areas of the country received significant funding cuts when the 2007 awards were announced earlier this year.

The San Francisco eligible metropolitan areas, which also include Marin and San Mateo Counties, lost approximately $8.5 million. That is just those three counties—an $8.5 million loss. This accounts for 30 percent of the Ryan White funding—a loss too great for any jurisdiction to absorb in 1 year.

It didn't surprise me when San Francisco lost money in 2007. The city knew it would likely face losses. But the protections put in place clearly were not adequate. The loss of one-third of total funding is clearly destabilizing. To be very candid with you, I find it highly objectionable.

This isn't only unique for San Francisco. Five other cities also lost 20 percent or more of their funding: Hartford, CT, 32.1 percent; New Haven, CT, 23.7 percent; Nassau-Suffolk County, NY, 21.7 percent; Ponce, Puerto Rico, 28.9 percent; Caguas, Puerto Rico, 34.3 percent.

No jurisdiction can absorb cuts of this magnitude in 1 year without significant harm to those they serve. To address this, the House of Representatives included a stop-loss provision to cap the losses faced by these jurisdictions in their version of the fiscal year 2008 Labor-HHS appropriations bill. This provision limits the fiscal year 2007 losses for eligible metropolitan areas, or EMAs, to 8.4 percent—not 30 percent but 8.4 percent—which is a manageable amount. Transitional grant areas will have their losses capped at 13.4 percent.

So there is a willingness to respond to the mandate; that is, change your method of counting and, secondly, absorb reasonable cuts. I don't think that is too much to ask. I think this is overkill.

I was the mayor who first found AIDS, and I can take you back to 1981 and I can tell you what it was like. You won't like it. What I tried to do in the task force of the Conference of Mayors was to bring mayors into the modern day. San Francisco essentially led the Nation in the fight against AIDS. I think to have to take a 30-percent cut, when we are seeing some regeneration of AIDS, is a terrible mistake.

Senator ENZI's amendment could nullify the House's solution. Let me be clear. Under the House language, San Francisco would still lose $2.3 million. All of the cities will still face significant cuts. This provision is designed not to stop all reductions but to limit them to a level that can be absorbed in 1 year. The House provided funding for the stop-loss on top of a $23 million increase for part A of the Ryan White CARE Act. So virtually every area across the country sees an increase in funding. But these areas take a dramatic 30-percent cut in funding. I don't think that is right, and I don't believe we should accept it.

The Government Accountability Office examined the impact this stop-loss provision would have on jurisdictions in 2008. In addition to benefiting the 11 jurisdictions whose cuts are reduced, the House bill results in increased funding for 42 of the remaining 45 jurisdictions. The very minor cuts projected in the remaining three jurisdictions are less than one-tenth of 1 percent. A reduction of 30-percent is simply not manageable.

The provision makes no changes to the underlying reauthorization. It doesn't prevent it from moving forward at all. It caps the total losses faced by any jurisdiction in fiscal year 2007 with a one-time solution. It doesn't reopen the reauthorization so carefully crafted by Senators KENNEDY and ENZI and their committee.

The epidemic, as I mentioned, is far from over in San Francisco. AIDS continues to be the second leading cause of premature death in the city and counting. Nearly 23,000 people are currently living with HIV/AIDS in San Francisco, which is more than at any point in the epidemic. Listen to that—nearly 23,000 people in San Francisco are living with HIV now, and that is more than at any point during the epidemic. In addition, the population of San Francisco living with HIV/AIDS is increasingly impoverished, homeless, and struggling. Many have serious medical needs.

About 2 weeks ago, the San Francisco Chronicle reported that San Francisco doctors diagnosed 15 HIV patients with Kaposi sarcoma. That is a form of cancer commonly found in patients early in the epidemic but had become rare.

I will never forget, in a staff meeting I had with department heads back in 1981, when the director of public health said: Madam Mayor, something is happening. We are finding patients with large purple lesions all over their bodies, and we don't know what it is.

His name is Merv Silverman. I said: Merv, find out what it is and come back and tell me.

Three weeks later, they came back, and it was the discovery for the first time of AIDS in this country. So I feel very sensitive about it. I started the first AIDS program in the Nation. We funded it with property tax dollars. That is how we became a leader in the area.

To take a 30-percent cut when we have the largest number of HIV/AIDS victims in our history in the city, to me, is discriminatory, wrongheaded, and it need not happen. So I very much hope this body will respond.

I understand Senator ENZI wants to protect the reauthorization and the funding formula he authored, but I think we have to admit that the impact on some areas of the country was not anticipated. Fixing these unintended consequences does not require reopening the legislation. It can be addressed with a one-time solution that will still leave some cities with a decline in funds; that means the House solution of stop-loss.

I urge my colleagues to join me in opposing the Enzi amendment, which would strike a dastardly blow to a city that has seen too much suffering, as well as others.

I thank the chair and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ENSIGN. I yield to the Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to make a couple of points.

I know this is a large step down for San Francisco EMA and a smaller step down for some of the others. But the thing that needs to be kept in mind is the amount of dollars spent per HIV patient in those areas is 2½ times what the average is around the rest of the country—2½ times. We spend 2½ times more per HIV case in those areas than we do in North Carolina or Florida or Mississippi or Michigan or Kansas or Texas or Arizona. So what we are talking about is proportionality; giving the same opportunities to everybody who has HIV, not more opportunities.

So with the 30-percent cut, you are still going to be spending 1½ to 1¾ times more per HIV case in San Francisco as you are in the rest of the country. So I appreciate the work of the Senator in the HIV area, which is exemplary, and I understand she would want to protect this, but it is not fair to the rest of the country. It is not fair to tell somebody that you are going to spend 2½ times as much on somebody with HIV in San Francisco as you are in Dallas, TX, or Miami, FL. That is what this amendment is about—keeping the fairness that was in the Ryan White Act.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I don't think it is fair to take a 30-percent cut in 1 year when you have the largest number of HIV/AIDS victims in the history of the epidemic in a city that has suffered such as no other city in America. I am not saying there shouldn't be cuts. I voted for the reauthorization knowing there would be cuts. What I am talking about is the level of cuts and the way these cuts fall because they decimate programs in an area that was ground zero on AIDS in the United States.

If you are going to take cuts, take those cuts so the communities involved in fighting HIV with prevention, with education, with care, with treatment, with drugs, with all of it, can essentially meet the mandate, which is to prevent the suffering of AIDS in HIV patients and also to prevent the disease from spreading. That is not easy to do, I can tell you that firsthand.

You take a 30-percent cut in 1 year and you decimate these programs. That is why the House put the stop-loss in. Take a moderate cut, and we will stand up like men and women and we will take that cut. Take a third cut and it is much more difficult and you affect services to people. That is all I am saying.

So I would very much hope the Senate would understand the need and the compassion to defeat this amendment and, once again, I would urge a "no" vote.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, before we passed the legislation, there were waiting lines in many of the States in this country, lines of people waiting to get treatment and care for AIDS. I am pleased to let you know there are no waiting lines today. No waiting lines anywhere—not in San Francisco, not in Connecticut, not in New Jersey or in New York.

There has been a cut. The cut is guaranteed to be no more than 5 percent under the formula. Now, there has always been supplemental money besides the formula. We did not guarantee the supplemental money. The supplemental money was never guaranteed. And if there are larger cuts, it comes out of the supplemental money, not the formula. So I certainly hope we don't change the formula under the appropriations bill instead of through the proper process, which is authorization.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Department of Health and Human Services in North Carolina with some very pertinent quotes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH CAROLINA DEPARTMENT
OF HEALTH AND HUMAN SERVICES,
*October 15, 2007.*

Hon. MICHAEL ENZI,
*Ranking Member, Committee on Health, Education, Labor, and Pensions, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR ENZI: Thanks to your leadership on the Committee on Health, Education, Labor, and Pensions (HELP), Congress took an important step last year and modernized the Ryan White CARE Act (RWCA). You and many of your congressional colleagues—both Democrats and Republicans—took a principled stance in order to ensure that patients in need, no matter where they live, can access basic medical services to treat and prevent HIV.

The new Ryan White program funding is having a profound impact in North Carolina. The increase in North Carolina's AIDS Drug Assistance Program (ADAP) eligibility from 125% to 250% over the past two years is the direct result of your legislative initiative, resources provided by the new Ryan White funding and new state investments. The increased eligibility levels will result in approximately 600–750 new North Carolinians having access to ADAP services. The reforms you championed are making a crucial difference in the lives of people living with HIV.

Unfortunately, an effort is underway in the Congress to modify the original intent of the reauthorization—that funding would be based on demonstrated need. As you are aware, according to a Health Resources Services Agency document and the newly-released GAO report that you and your colleagues requested, the impact of the House-passed version of the FY2008 Labor-HHS Appropriations bill that would cap losses for certain EMAs would result in decreased funding for states that would have otherwise received new funding based on higher incidence of HIV.

As a direct result of your efforts last year, North Carolina and other parts of the country that have been hit hardest by new HIV cases now have a fighting chance to effectively increase HIV screening, link infected individuals to care and reduce the number of HIV infections reported from year-to-year. If this attempt to undermine the basic premise of the landmark Ryan White HIV/AIDS Treatment Modernization Act of 2006 is successful, CARE Act funding will be diverted from regions of the country that are most in need of federal assistance. Unless the harmful provision in the appropriations legislation is eliminated, I am gravely concerned for patients who are in desperate need of lifesaving medical care, individuals who will be newly infected because their partners did not have access to CARE Act services and ultimately, the future prospects of addressing the HIV epidemic in North Carolina and throughout the country.

Thank you for your leadership on the Health Subcommittee, and thank you for your attention to this important issue.

Sincerely,

EVELYN FOUST,
*State AIDS Director.*

Mr. ENZI. Mr. President, I yield the floor, and I reserve my remaining time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in listening to this debate and having received a letter from the Speaker, the concerns I have are whether there was a disproportionate share going to some localities in California.

If I could direct a question to the Senator from California: What is your response to the concerns raised by the Senator from Wyoming that the formula was settled last year and that this, in effect, reopens the formula and is going to direct funds to areas in your State where those funds could be directed to the same serious problem which Pennsylvania has in our big cities—Pittsburgh and Philadelphia?

If you could first respond on the issue as to whether the formula was resolved last year.

Mrs. FEINSTEIN. Through the Chair, Mr. President, if I may, to the distinguished Senator from Pennsylvania, first of all, it is my knowledge that the cut to San Francisco and to 11 other jurisdictions is very large. With respect to the reauthorization of Ryan White, we do not agree that it applies only to the fiscal year 2007 cuts. It takes resources, actually, from other jurisdictions. The Pelosi fix in the House ensures a significant increase for title I that would both reduce cuts to a manageable level for 11 jurisdictions and still increase for other jurisdictions. So this isn't taking money away from other jurisdictions, as I understand it. The provisions in the House bill increases funding for 42 of the remaining 45 jurisdictions under title I.

Now, I don't know the particulars, to be candid with you, of how these cuts fell, but I do know the cut received in the Bay Area was substantial. I suspect it was from the way they counted AIDS cases, and they knew they had to change the methodology. But basically the point is the cut is substantially large and means you have to cut 30 percent across the board of AIDS programs at a time when San Francisco has the largest number of HIV/AIDS cases in its history—23,000.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time to the Senator? The time is controlled by the Senator from Wyoming and the Senator from California. Who yields time?

Mrs. FEINSTEIN. May I ask how much additional time I have?

The ACTING PRESIDENT pro tempore. A minute 10.

Mrs. FEINSTEIN. A minute 10. I am not sure I should yield it to the Senator.

Mr. SPECTER. That is up to the Senator. I am not decided on how I am going to vote, so you have to decide that question and I will decide—

Mrs. FEINSTEIN. I beg your pardon? Whose side did you say?

Mr. SPECTER. I am considering it.

Mrs. FEINSTEIN. Oh. Then I will yield. If the mind is open, I am happy to yield.

Mr. SPECTER. I know it is unsenatorial to say that, but I haven't made up my mind.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. I was listening to the Senator from Wyoming and the Senator from California and trying to figure it out. I don't want to be too unsenatorial, to think about it, but that is where I am.

Mrs. FEINSTEIN. I would be happy to yield my remaining minute to the Senator from Pennsylvania.

Mr. SPECTER. The problem is one of enormous seriousness, and it is very difficult to find the funding with what we have allocated on our discretionary spending. In a context where some $36 million is being added in the House bill and some $6 million has been allocated to San Francisco in the House bill—and I am very sympathetic to San Francisco's problem and I understand the distinguished Senator from California was mayor of San Francisco and it is within the district of the Speaker of the House, so I understand their interest there—what I am trying to evaluate is whether there is undue funding going because of the prominence of the advocates of the position by the Senator from California.

I think I understand it now and I will weigh and consider it. I thank the Senator from California for yielding me the time.

Mr. ENZI. Mr. President, I yield back the remainder of my time.

Mrs. FEINSTEIN. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Time is yielded back.

Mr. HARKIN. Mr. President, under the unanimous consent agreement entered into last night, I believe the Senator from South Carolina would be recognized next for amendment No. 3387, with 20 minutes of debate equally divided.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the Roberts amendment first, and then we would, after the disposal of the Roberts amendment, then proceed to the DeMint amendment.

The ACTING PRESIDENT pro tempore. Is there objection? The chair hears none, and it is so ordered.

The Roberts amendment has been proposed and is now pending. The Senator from Kansas.

### AMENDMENT NO. 3365

Mr. ROBERTS. Mr. President, I rise in support of the Roberts amendment, No. 3365, to fund a small business childcare grant program. The program was authorized earlier this year as part of the supplemental spending bill. It does have wide bipartisan support at this time, as well as last Congress when it was unanimously approved by the HELP Committee as part of the Child Care Community Development Block Grant.

This program is different from other childcare initiatives because it specifically targets small businesses and because it encourages them to work together. These small businesses are the lifeblood of many urban and rural communities. These grants will allow the local convenience store or the beauty shop, the auto shop, the implement dealer, the bank, to cooperatively work together to offer their employees quality childcare while they work. Right now, these daycare facilities are simply not available.

My program is also different from other grants because it encourages sustainability and ownership over these childcare facilities. With an annual increasing match requirement and a 2012 sunset provision, my program offers a fiscally responsible approach to plugging the lack of childcare for many hard-working American families.

I wish to thank Senators SPECTER, HARKIN, KENNEDY, DODD, and SALAZAR for their support of this program in the supplemental spending bill. I am proud this was a bipartisan effort from the get-go, and I want that to continue. If you support hard-working American families, if you support small business and community development, if you support fiscal responsibility, then simply support this amendment.

Let me say I recognize and appreciate the concern of my good friends and colleagues, Senators COBURN and DEMINT. They feel this program could be duplicative. I do not think it is because the program targets small businesses and encourages them to cooperate with other entities to develop sustainable childcare facilities. Because of the matching and sunset requirements—50 percent the first year here, 67 percent the second year, and the third year, 75 percent, and then it sunsets—I think we are much more fiscally responsible.

There was a suggestion to use TANF funds. These are being held by States in emergency contingency accounts in case of a sudden economic downturn. This would be another allowable use of these funds. That is not the case. This is apples and oranges. This is a fiscally responsible plan on the part of the States and we should encourage that.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself about 3 minutes.

The amendment offered by Senator ROBERTS is a good amendment. This was authorized in the emergency supplemental bill for fiscal year 2007. The grants are for small businesses that want to partner with each other or other organizations to establish employer-owned childcare programs. Funds can be used for startup costs, technical assistance, and training and special services for sick kids or children with disabilities.

The program is authorized at $50 million in fiscal year 2008. As the Senator said, funding was not included. I think it is time we do fund it. I have long been a supporter of expanding the role of small businesses in providing the kind of childcare that their employees need.

I think the amendment of the Senator will further that goal, and I offer my support to the Senator's amendment and I hope the Senate will adopt it.

I yield back whatever time we may have.

The ACTING PRESIDENT pro tempore. All time is yielded back.

Without objection, that amendment is agreed to.

The amendment (No. 3365) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 3387 TO AMENDMENT NO. 3325

Mr. DEMINT. Mr. President, I ask unanimous consent the pending amendment be set aside and amendment No. 3387 be called up for immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3387.

Mr. DEMINT. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To replace non-competitive earmarks for the AFL–CIO with competitive grants)

Beginning on page 4, strike line 22 and all that follows through line 7 on page 5, and insert the following: "workers: Provided further, That $3,700,000 shall be for competitive grants, which shall be awarded not later than 30 days after the date of enactment of this Act".

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I do want to make sure we have called up amendment No. 3387. I appreciate the chairman agreeing to this slight change in the purpose statement, not the legislative language.

This amendment is part of an effort to clear up what a lot of us have called the culture of corruption over the last several years. A lot of this has come from Americans connecting the dots between the earmarks that we give to our favorite causes back home and many of the campaign contributions and political support that we get back here in Congress. While motivations are generally good, at best the appearance of what is going on here has alarmed the American people.

My earmark amendment today addresses two specific earmarks in the appropriations bill that is in front of us. One of the earmarks provides $1.5 million for the AFL–CIO Working for America Institute and $2.2 million for the AFL–CIO Appalachian Council. These funds come in the form of what are referred to as noncompetitive grants, according to the text of the bill and the committee report—which means no one else can compete to deliver the services that are intended by the bill, that these are a specific earmark to divisions of the AFL–CIO.

These earmarks are problematic because they fund two organizations that are not competitive. They provide funds that could be better spent to achieve the mission of the Department of Labor set out by Congress in the Workforce Investment Act of 1998. Rather than continuing to give these groups handouts without any competition, we should force them to compete with other organizations so Americans get the most value for their tax dollars. That is exactly what my amendment will do. It replaces these two earmarks that total $3.7 million with competitive grants.

Let me be clear. I am not taking the money out of the bill. The money is still there for the purposes for which it is intended, but it allows organizations to compete to deliver these services so that the taxpayers get the most for their money.

Let me say a few things about the performance of the AFL–CIO organization so my colleagues understand why there is such concern. The AFL–CIO Working for America Institute originally received grants under the Workforce Investment Act. The grants were given to national organizations for the purpose of providing technical assistance in setting up systems of local and State workforce investment boards for the purpose of helping unemployed workers get the training and the jobs they need.

After 3 years, these capacity-building services were no longer needed, and the grants were terminated. However, the Working for America Institute failed to complete its mission in 3 years, so the Department gave it a fourth year of funding. After the fourth year, the Department terminated its contract with the Working for America Institute and explained:

> It is difficult to make the case that the AFL–CIO should receive yet a fifth year of funding for organizational purposes when the other national organizations were able to achieve their goals in 3 years. Additionally, given that there are so many workers seeking training or retraining opportunities, we believe the Department of Labor's emphasis is rightly placed on promoting employment and reemployment projects having measurable outcomes.

The Department believes the technical assistance given by the institute is duplicative and less effective than a similar program already funded in their Employment and Training Administration. It said:

> We should focus limited financial resources on programs that deliver actual training services to workers, rather than pour additional funds into organizational infrastructure. After 4 years, the AFL–CIO should have developed sufficient ability to participate effectively in the Workforce Investment Act system.

Despite these failures, Congress overrode the Department and earmarked funds for $1.5 million in fiscal year 2005 in the appropriations bill in that year, and it continued the project through June of this year. Now this appropriations bill is trying to do the same thing again. This is a clear example of Congress interfering with agency decisions because of parochial or political interests. Congress should not fund a program that is duplicative and not a critical priority for an agency. It should have to compete for funds like every other organization.

Let me address the second earmark in this bill. The AFL–CIO Appalachian Council had a longstanding sole-source contract with the Department of Labor that spanned several decades. The purpose of the contract was to provide career technical training and career transition services at job placement centers in Pittsburgh, PA, Charleston, WV, and Batesville, MS. It is important to note that the council does not manage or run these three centers. It simply provides the training, placement, and transition services.

The Department of Labor reviewed the council's performance in 2004 in light of the new requirements of the Workforce Investment Act. The review resulted in the Department terminating the council's sole-source contract because it was no longer the only and unique provider of career transition services and because it experienced a steady decline in program performance over a 5-year period.

Despite these failures, Congress stepped in and earmarked $2.2 million for the council in fiscal year 2005, forcing the Department to continue the contract. Following this, the Department canceled the contract again, but Congress reversed the agency's decision a second time with another $2.2 million earmark in 2006.

After the second year came to a close, the Department reviewed the performance outcomes of the council. In 2006, the council placed 265 graduates in apprenticeship programs and 71 graduates in jobs matching their vocational training. With the earmark funded at $2.2 million, the cost of each of these graduates was $6,547. Each of the council's 21 staff members placed less than 2 students per month in a registered apprenticeship program. Despite being given a second chance by Congress, the Department terminated the contract again this year.

Unfortunately, the appropriations bill we are considering gives another earmark to the council to continue the services and designates it a noncompeting earmark, which means no one else can compete to do the service right. Here we have two examples of earmarks that circumvent the normal competitive process and abuse the American taxpayer.

The AFL–CIO has plenty of funds to continue these programs. In 2006, the AFL–CIO reported $96 million in assets and $157.2 million in receipts. Their top five executive officers made from $179,000 to $291,000 a year, with 204 employees making more than $75,000 a year. Of their disbursements, about $30 million, or nearly 40 percent of their total receipts, went for political activities and lobbying.

The AFL–CIO should either fund the program itself or help the institute develop a competitive grant proposal, but these organizations should not get a handout. My amendment, as I said before, does not eliminate the funds, but it does require the AFL–CIO to compete based on real criteria and accountability to deliver the services for the American taxpayer.

I urge my colleagues to support my amendment to turn these noncompetitive grants into competitive grants so we accomplish the purpose in an accountable way. I ask my colleagues to vote for my amendment later on this morning. I appreciate their support.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

Mr. SPECTER. How much time do we have, Mr. President?

The ACTING PRESIDENT pro tempore. There is 10 minutes in opposition. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the two programs which have been commented on by the Senator from South Carolina are very good programs, contrary to his assertions. The AFL–CIO Appalachian Council is a nationally recognized provider of educational training service. It was founded in 1964 and the council has represented Alabama, Georgia, Kentucky, Maryland, DC, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. I believe if the Senator from South Carolina looked closely at what has happened in his own State, which has been a beneficiary, he would find it has been a good program. The council operates major employment and training programs through the Department of Labor and Job Corps, as well as employee assistance programs, and provides funding for recruitment/replacement of some 1,000 Job Corps students in long-term jobs.

When you talk about the Job Corps, you are talking about a group of young people who might well be at risk. With the rising rates of violence in major American cities—two of them in my State, Pittsburgh and Philadelphia; Philadelphia had 406 homicides last year—taking some of these at-risk students off the streets, young people off the streets, and providing job training is very important.

The Working for America Institute, which is a program very near and dear to the heart of the senior Senator from West Virginia, Mr. BYRD, has an important retraining component of our manufacturing base, where we have seen too many high-paying jobs shipped overseas. During the current administration, more than 3 million American manufacturing jobs have been lost. We are dealing with an area of some of the Rust Belt States where job training and job development is very important and the Appalachian Council runs through those States and provides a very important service.

When the Senator from South Carolina talks about a political factor, that depends upon the eye of the beholder. These programs have worked very well. They are a very modest allocation with a total of $3.7 million tackling an issue of job training in an area which has been beset by unfair foreign competition. They have been very carefully considered by the subcommittee, very carefully considered by the full committee, and they have been a part of the budget for a considerable period of time. They have established their bona fides and their worthwhile nature.

I believe they are worth the money. I urge my colleagues to reject the DeMint amendment.

I yield to my distinguished colleague from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. I wish to join with Senator SPECTER in opposing the DeMint amendment, which would strike two congressionally directed fundings in the bill—one for the Appalachian Council, and the other one would be for the Working for America Institute.

This institute was created, first of all, in 1989 and then in 1998 was spun off and made into a totally separate nonprofit organization with a functioning board of directors and everything else. They have over 30 years of experience in the field of job training, workforce development. They work with businesses, the private sector, they work with unions, and they work with communities. The institute has basically been a showcase of how to pull people together and get people together for workforce development. It is doing great work, and it benefits communities throughout the United States. In fact, I had the list of some here. Just last year alone, the institute provided assistance to Portland, OR, the Ohio State Workforce Board, the National Governors Association, and the National Alliance of Workforce Boards. So you can see they do things all over the country.

I point out that this institute received funding through the Department of Labor for over 30 years, through Republican and Democratic administrations. I can go back to Nixon and Ford and Carter, all through the Reagan years, the first Bush administration, the Clinton administration, and actually the first part of this Bush administration until just a couple of years ago when the Department of Labor decided to cut all funding for it. So we had to come in here a couple of years ago and put directed funding in there for the institute. It was widely supported.

So when the Senator from South Carolina says that: Well, we will just make it competitive. Well, the Department will not do it anyway. They are not interested in it. They will not put it out for competitive grant. So this is another instance where I think congressionally directed funding has validity because we have looked at these programs from a bipartisan standpoint, and we agree they should be funded, even though the Department of Labor does not want the funding.

Now, the second issue I wanted to address is—I do not know whether I caught the Senator from South Carolina correctly, but I heard something about lobbying and political activity. I just wanted to make it very clear that section 503 of the bill reads—and I will read it in its entirety:

> No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or video presentation, designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.
>
> B. No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

So the recipients cannot do it, and they cannot hire lobbyists, either, to lobby for them for any legislation pending before the Congress. So I wanted to make it clear that none of this money can be used for lobbying or for any kind of partisan activities, nor can it even be used for them to hire a lobbyist or a lobbying firm for that activity. So I wanted to make that clear.

I support the Senator from Pennsylvania. The Appalachian Council has done a great job. They are doing great work in a number of States. The Working for America Institute, again, is one that has proven its worth. It has been widely supported throughout America, through business concerns, and State workforce investment boards all over this country.

Now is not the time to pull the rug out from underneath them. So I would join with Senator SPECTER in opposing the DeMint amendment.

I yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, just a supplemental comment or two. The Job Corps program, which is part of this overall operation, funds young people ages 16 through 24. In Philadelphia, there is a program which places graduates with 61 major health care employers in higher skill jobs which are in great demand in Philadelphia. That attacks an area of great importance, considering the homicide rate in Philadelphia, much of which is caused by young people, so many at-risk youth. This goes right to the heart of a very serious problem, to support the funding.

I want to supplement that, too, with the hearing which we held on July 22, 2004, where we had extensive testimony taken on the subject to establish the value of the program.

How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. Just under 1 minute 50 seconds.

Mr. SPECTER. We reserve the remainder of that time awaiting the argument of the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina. The Senator has 30 seconds.

Mr. DEMINT. Mr. President, I agree with all the purposes the Senator stated, all of the ideas of getting teenagers to work in Philadelphia. All of those things are good. I am not taking argument with any of them. If the AFL–CIO is the best source to deliver these services, there should not be any problem with this at all. All we are asking is to make this a competitive grant so that we can have criteria and accountability in a system so that what we want to accomplish will actually get accomplished. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. When you talk about accountability, it is present. It is an open book. The Job Corps is administered by the Department of Labor. It is not unusual to have a sole-source contract. When you have somebody like the AFL–CIO, which has so much knowledge, and so many of their experts are at work on this program, it makes very good sense to give the opportunity to carry out the program. It is all subject to the review by the Department of Labor. I think the quality of this program speaks for itself. There is agreement on it. It has an important purpose. I believe the record shows that these funds have been wisely spent.

I yield the floor.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. HARKIN. Mr. President, I move to table the DeMint amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second. The yeas and nays are ordered. Under the previous order, that vote will occur after debate on the Coburn amendment.

### AMENDMENT NO. 3358

Mr. HARKIN. Mr. President, now we are going to go to the Coburn amendment.

I ask unanimous consent that the vote sequence be changed and that the vote in relation to the Coburn amendment be second in the sequence; that the remaining provisions remain in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, amendment No. 3358 is a pending amendment we discussed this last Friday. I believe under the unanimous consent agreement I have 10 minutes, and those in opposition do also. I am going to speak a few moments, if I may.

What the country is looking for us to do is to choose priorities, to make good choices about the priorities of what we do with their money. Quite frankly, there has not been a top-down review on all the Government programs, ever. We have had very limited oversight hearings, which should be the No. 1 part of our job. And we have in front of us a bill that has $400 million in directed earmarks, which we think, through what the appropriations process has brought to us, is an important priority.

What this amendment says is that we are going to give the Members of the Senate an opportunity to vote on whether those are the most important priorities or whether we ought to have children's health care because what this amendment does is redirects this money in abeyance until we say we have the kids in this country covered.

There is a large debate over the SCHIP bill that the President recently vetoed. There are a lot of things wrong with it. It is not wrong to help poor kids get health care. Nobody in the Senate opposed that. What they did oppose is changing, under the guise of a debate for children, a debate of having the Government start running all of the health care for kids. What it did do is spend $4,000 to buy $2,300 worth of care, and a lot of other things.

So what this amendment is about is asking the Senate to choose—choose your directed earmarks for back home or make a statement that says: We really believe kids health care is important, and we are not going to spend the money on directed earmarks until we have solved that problem.

I know this makes some of my colleagues bristle, that we would challenge the direction. This is not saying specific earmarks are not good ideas. A lot of the earmarks in this bill are good ideas. What it does say is: Should they be a priority before we take care of one of the greatest problems this country is facing, which is health care? Are we going to go after and really change health care to where we get value, we get controllable costs, we get freedom of choice, or are we going to continue to do the same thing of putting earmarks into bills and ignoring the big problems that are in front of us?

So what this amendment says is that until the Secretary of HHS, whoever they may be, certifies that we have the kids under 18 in this country covered, we should not be spending money on directed political benefits for ourselves and our careers; instead, we should be spending our time solving the health care needs of the kids in our country.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time in opposition? The Senator from Iowa.

Mr. HARKIN. Mr. President, I assume it comes as no surprise that I oppose the amendment offered by the Senator from Oklahoma.

I appreciate that the amendment of the Senator from Oklahoma raises again the issue of children's health care. I think that debate should go on since the plight of poor children in this country needs as much attention as we can give it. But I do not think this amendment is serious about addressing the health of children. The amendment does not put any money into it at all; it just says that we will not have any congressionally directed funding until every child in America has health care coverage. I believe that is the way it is worded. So it really does not fund it. It does not do anything at all. I think it is the kind of thing that kind of gives Congress a bad name in that we say we want to do these things, but we do not provide any funding for them.

We really already know how to increase the number of children insured in this country—by providing an increase in the SCHIP bill program. The Senate recently voted 68 to 31 to do that—68 to 31, pretty overwhelming. That bill would have provided insurance to millions of children who do not have any. Well, maybe the Senator from Oklahoma did not agree with how that was done but, nonetheless, 68 Senators did agree on both sides of the aisle on that approach.

So, again, if the Senator was really concerned about the plight of these children, I would suggest that rather then voting against the SCHIP bill, which obviously provides some guidance and direction, that there is another way of doing it. Again, I point out that the Senate voted overwhelmingly to do that.

That vote on SCHIP was a key one on children's health insurance, not a completely unrelated vote dealing with congressionally directed spending, which is what this is.

I say to my friend from Oklahoma, if he wants more kids to have health insurance, then vote for a bill that would provide more health insurance to kids. If it is not the SCHIP bill, then what is it? It has been suggested that maybe a vote for the Coburn amendment might be a nice cover vote for those who oppose the SCHIP bill. I don't think so. Perhaps more and more people are finding out that a vote against the SCHIP bill was not a very popular one, as we hear from communities and States. But an amendment such as this doesn't change the facts about the SCHIP bill, one way or the other.

I also disagree with the Senator's implication, if I might say, that congressionally directed projects in the bill are unworthy of Federal spending. I am proud of the projects I included in this bill. I will be glad to defend every one of them. Again, with the transparency we have that came with the new ethics reform bill, all of these have been spread upon the record. We know who asked for them and we know how much money is involved. I am happy to defend every one of the ones I put in there. I should add that many of the projects the Senator wants to eliminate are, in fact, directed to children's health. Let me cite a few examples.

There is congressionally directed funding for St. Francis Hospital in Delaware to expand prenatal maternity and pediatric services to indigents. There is funding for the Youth Crisis Center in Jacksonville, FL to address the serious health consequences facing runaway and homeless youth. There is funding for St. Luke's Regional Medical Center in Boise, ID to expand pediatric services. There is funding for the St. Louis Children's Hospital in St. Louis for neonatal intensive care unit expansion. There is funding for the Mississippi Gulf Coast Children's Health Project which uses mobile units to provide primary care to indigent children along the gulf coast. There is funding for Child Sight in New Mexico, a vision screening and eyeglass program especially for Native Americans on reservations. There is funding for St. Anthony's Hospital in Oklahoma City for construction of a newborn nursery. All of these would be cut out if the amendment were adopted. They are good provisions, and they will go a long way toward helping children's health in all of these instances.

Again, I don't see this as a serious means of doing anything to help children's health. It is an attack on congressionally directed funding to which the Senator is opposed. As I said, I support congressionally directed funding. I always have. I especially support it now with the new provisions on transparency and accountability as a result of the ethics bill we recently passed.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. How much time remains?

The ACTING PRESIDENT pro tempore. The opposition has 4 minutes 50 seconds. The proponents have 6 minutes 50 seconds.

Who yields time?

Mr. HARKIN. I yield to the Senator whatever time he requires.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. I thank the chairman.

Mr. President, the Senator from Iowa, chairman of the subcommittee, has already advanced the substantive argument about our efforts to deal with health care for children. I have supported it with a very solid vote. We will take care of that issue. The President has vetoed the bill, and I and others have signified our willingness to vote to override. It was not overridden in the House. The President has signified his willingness to negotiate. There are some who do not want to negotiate on the congressional side. I believe that is a mistake. If they want to attach political blame to the President if the program should lapse, ultimately, we will have a negotiation because the American people would see through the facade and understand that those who refuse to negotiate are the ones responsible if the program lapses and is terminated. We will take care of congressional and Federal action for children's health.

What the amendment seeks to do is to eliminate earmarks. Earmarks have a specific congressional designation budget-wise and are vitally important projects, such as the dredging of the Delaware in Philadelphia to provide a 45-foot channel which traditionally has been the responsibility of the Federal Government under constitutional provisions on waterways and related matters. It would eliminate flood control, which is vital. It would eliminate many items where there is congressional expertise and understanding.

Take the budget that is on the floor now. It is $152 billion. We have allocated $400 million, which is about one-quarter of 1 percent. So 99¾ percent goes to the bureaucrats in the Department of Education, the Department of Health and Human Services, and the Department of Labor. I suggest that is an imbalance. People in the House of Representatives know their districts much better than people sitting downtown in big bureaus in Washington. Senators know their States better than the bureaucrats. I dare say the astute Senator from Oklahoma, the proponent of this amendment, knows what is going on in Oklahoma better than the bureaucrats and would be in a better position to identify projects which are worthwhile. But to limit congressional control to one-quarter of 1 percent is certainly not appropriate, certainly not overbearing. I wouldn't call it de minimis because no dollar amount is de minimis. We understand it is not the Government's money; it is the taxpayers' money.

The Senator from Iowa has made a very fundamental point. In fact, he made a couple of fundamental points; in fact, he has made several fundamental points. One is the transparency. It is all out in the open. We are prepared to debate any move to strike any of the so-called earmarks. Earmarks has become a dirty word. But when you reach a real need somewhere and have an application for Federal funds that a Member of the House or the Senate understands, and in the broader context of one-quarter of 1 percent, I don't think that goes too far to having Members who know their States and know their districts make those allocations.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. COBURN. Mr. President, may I inquire as to the remaining time?

The ACTING PRESIDENT pro tempore. The Senator has 6 minutes 50 seconds, and the opposition has 23 seconds.

Mr. COBURN. I thank the Chair.

I stand somewhat amused that we are so powerless that the bureaucracy is going to decide where everything goes. Earmarks are not the only way to decide how the budget is put out, and the fact that we use the excuse that we don't have any control, it is called oversight. Last year in the last Congress more oversight hearings were held by myself and TOM CARPER, true oversight hearings, than all the rest of the Senate. The fact is, we don't want to do the hard work of oversight because it is easy to earmark something. But in fact, in dredging, you can hold the Corps of Engineers to a priority list. You can bring them before Congress and say: Why aren't you dredging this? How is this a priority against something else? We don't do the hard work of oversight. That is our problem. Instead, we want to do it the easy way.

I don't deny these are good projects. They are. I am not saying they are not. What I am saying is, what about the long term? What about the fact that a child born today is inheriting $400,000 in unfunded liabilities and that earmarks happen to be the tool that allows us to spend more than we should, not directly through the earmarks but by voting for bills that should not be voted on? But because we have an earmark in the bill, we vote for the bill.

We have an unfunded liability right now on Medicare of $34 billion. We are never going to be trusted to fix that problem when we can't be trusted to have an arm's-length separate allocation and look at what the problems are in front of us in terms of labor, health, and human services.

I don't deny what people want to do in this bill could be prioritized. But the number of requests were 36,000 this year. The fact is, can we get what are priorities for this country if we continue the process of using earmarks?

How about children's health? Yes, we passed a bill. We passed a bill that truly wasn't paid for unless we want 22 million Americans to start smoking. We passed a bill that said: We are going to pay $4,000 to buy $2,300 worth of care. We are great stewards when it comes to the American taxpayers' money on this new SCHIP bill. There is no question we are going to get an SCHIP bill. That SCHIP bill is going to truly reflect the needs of the poor people who are not eligible for Medicaid. We are going to put the money there we need to accomplish that. But to confuse that bill with a process which has got us $9.5 trillion in debt and hung every one of our kids out to dry, that is what this amendment is about. It is the process I am attacking.

I am not attacking individual Senators. I am saying if we are going to get control of the spending, at some point in the future we have to look at the process and how it works. For us to say it is easier for us to earmark than to hold the bureaucracy accountable means we are not doing our job. We can hold the bureaucracies accountable. All we have to do is have an oversight hearing three times a week and make them come up here and explain how they are spending their money. They will start spending on priorities Americans want. We don't have our hands tied behind us just because we don't do earmarks.

The real question America is asking is, are we going to change our ways about real priorities, the real future for our country, or are we going to continue the same old process that has brought us all the corruption we have seen come through the House in the past that leads to conflicts of interest?

We talk about transparency. We gutted the transparency rules as far as appropriations are concerned in this bill and in our ethics bill, because no longer do you say who is getting it or what it is for. You only say where it is going. The very things that are in the House bill in terms of transparency are not available to us in the Senate, so we can't claim transparency. We are going to get transparency in September of next year when the transparency bill comes about.

Senator HARKIN mentioned that we didn't offer an option. Senator BURR and I both did, the Every American Kid Insured Act. We talked about it on this floor during the debate on the SCHIP bill. There are other ways to do this. Give them all a tax credit. Let them buy the insurance. We have 9 million kids out there uninsured, 3 million more within 1 year. There are ways for us to solve that. But this is not a farce amendment. This is an amendment about a very real problem. Will we have the right priorities when it comes to this country or are we going to send $42 million to international labor organizations with no accountability whatsoever from the United Nations? That is what we are doing. That is what this bill does. We have another $400 million worth of earmarks that are not competitively bid and will never be overseen, and you will never see where the money goes. So the question on the amendment is, will we change the process.

It is a serious amendment. We should not be earmarking things until we do our business of taking care of kids' insurance.

With that, I yield the floor.

Mr. SPECTER. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There is 23 seconds remaining for the opposition.

Mr. HARKIN. Mr. President, I point out that the Coburn amendment doesn't put 1 cent into helping children's health, not 1 penny. Yet in the bill itself, as I pointed out, there are a number of programs that actually go to help children's health all over this country. The Coburn amendment would eradicate those.

Mr. COBURN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

At the moment there is not a sufficient second.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I do want to give the yeas and nays to the Senator. I was just going to move to table the amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second on the amendment itself?

Mr. HARKIN. Yes.

The ACTING PRESIDENT pro tempore. There appears to be a sufficient second.

The yeas and nays were ordered.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, parliamentary inquiry: As to the unanimous consent request that we agreed to, was it not agreed to that we were going to have votes on these amendments up or down?

Mr. HARKIN. No.

Mr. COBURN. That was not part of the unanimous consent agreement? Fine.

Mr. HARKIN. Mr. President, I say to my friend from Oklahoma, it was on or in relation to. So, yes, ask that again.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The yeas and nays have been ordered on the amendment itself.

The Senator from Pennsylvania

Mr. SPECTER. Mr. President, on the matter of management, after these votes we will move ahead to take up any other amendments that any Senators wish to offer. We had an understanding to conclude this bill by 12:30 today, and we are anxious to come as close to that time as we can. If Senators want to pursue any other amendments, they ought to consult with the managers immediately or we intend to go to third reading to complete this bill.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I say to my friend from Pennsylvania, I think we are getting close. With these three votes coming up now, hopefully we are just a few amendments away from completing the bill, and hopefully we will have it done early this afternoon. I had hoped we would have it done by 12:30, but that does not look possible. But we are getting close. I hope when Senators come over to the Chamber we can work out some other amendments that are pending at this time, and perhaps we can get a consent to limit the number of amendments and bring closure to this bill sometime early this afternoon.

AMENDMENT NO. 3437

The ACTING PRESIDENT pro tempore. Under the previous order, the question recurs on the Enzi amendment. There is 2 minutes evenly divided.

The Senator from Wyoming.

Mr. ENZI. Mr. President, again, I would ask that Senators support my amendment to strike what we are talking about, which is an earmark of $6.2 million for San Francisco and another $3 million for a few other towns.

We are changing law that we passed less than a year ago under an authorization process. It is much harder to pass an authorization bill than it is an appropriations bill. We should not be changing formulas under an appropriations bill.

The GAO numbers that we said would happen are approximately what has happened. Of the $9 million, San Francisco gets $6.2 million. They already get twice as much per HIV/AIDS case as any of the rest of the towns. We put in a hold harmless provision so nobody would lose more than 5 percent of their money. We have been staying by that. We did not guarantee supplemental money. That was done less than a year ago. This is an earmark.

There were waiting lines for people who needed HIV treatment and care. There are no waiting lines today. What we did last year worked. We should not change it under appropriations now.

I ask that you vote for my amendment.

The PRESIDING OFFICER (Mr. CASEY). The Senator's 1 minute has expired.

There is 1 minute in opposition to the amendment.

Who yields time?

Mr. HARKIN. Mr. President, since no one wants to be recognized in opposition, I yield back the time.

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3437.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "no."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 28, as follows:

[Rollcall Vote No. 383 Leg.]

YEAS—65

Alexander
Allard
Barrasso
Bennett
Bingaman
Bond
Brown
Brownback
Bunning
Burr
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Salazar
Sessions
Shelby
Smith
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb

NAYS—28

Akaka
Baucus
Bayh
Boxer
Byrd
Cantwell
Feingold
Feinstein
Inouye
Johnson
Kerry
Klobuchar
Landrieu
Lautenberg
Leahy
Lieberman
Menendez
Murray
Reed
Reid
Rockefeller
Sanders
Schumer
Snowe
Specter
Stabenow
Whitehouse
Wyden

NOT VOTING—7

Biden
Clinton
Dodd
Kennedy
McCain
McCaskill
Obama

The amendment (No. 3437) was agreed to.

AMENDMENT NO. 3358

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Coburn amendment.

Who yields time?

Mr. HARKIN. Mr. President, first, I make a point of order that the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, we now proceed to 2 minutes on the Coburn amendment. After that, then we will have 2 minutes on the DeMint amendment and vote. These will be 10-minute votes as per the prior agreement.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, this is a straightforward amendment. It is an amendment about where our priorities lie. Do they lie in our directed spending or do they lie with the children of this country who aren't covered?

It is a very simple amendment. I know there are things in the bill for children, but the fact is out of the 9.5 million who are uncovered, we have 3.6 million who have not been covered for a year.

So this amendment simply states we are not going to spend any money on the directed spending until the HHS Secretary certifies that we have done our job in terms of taking care of the kids. Whether that is the SCHIP bill, negotiations with the administration or whatever it is, we are not going to spend the money.

Mr. HARKIN. Mr. President, I ask the Senate please be called to order.

The PRESIDING OFFICER. The Senate will come to order.

The senior Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the issue of providing health care for children will be taken care of on the SCHIP bill, which ultimately will be subject to negotiations between the President and the Congress. The allocations on earmarks amount to approximately one-quarter of 1 percent. Ninety-nine and three-quarters percent will go to the bureaucrats in the departments.

Members of the Senate and House have more knowledge about what is going on in their districts and their States, and this is a very modest application for very worthwhile programs. The Senator from Oklahoma conceded in the argument earlier that he is not challenging the worthwhileness of any of these programs. Any of them are subject to attack to be stricken, and they are all defensible.

I ask that the amendment of the Senator from Oklahoma be rejected.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 26, as follows:

[Rollcall Vote No. 384 Leg.]

YEAS—68

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Craig
Domenici
Dorgan
Durbin
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman

Lincoln
Lugar
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—26

Allard
Barrasso
Brownback
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
Crapo
DeMint
Dole
Ensign
Enzi
Feingold
Graham
Inhofe
Isakson
Kyl
Lott
Martinez
McCaskill
McConnell
Sessions
Thune
Vitter

NOT VOTING—6

Biden
Clinton
Dodd
Kennedy
McCain
Obama

The motion was agreed to.

### AMENDMENT NO. 3387

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand there will now be 2 minutes prior to the vote on the DeMint amendment, which we already have moved.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I appreciate my colleagues' attention. I would first like to ask unanimous consent to add Senator ENZI as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I want to make clear to my colleagues that my amendment does not remove any money from this bill for its intended purpose. In fact, the amendment addresses the Workforce Investment Act, money that goes to training and job placement in several places in the country. My amendment only changes the language from a sole-source noncompetitive grant, which we would refer to as a direct earmark, to a competitive grant.

We have all seen that the competitive grant system is a better way to deliver Federal money to specific causes that we support as a Senate because there are criteria, there are standards, and there is accountability. So we are not excluding the AFL–CIO as a provider of the services that we intend, but it opens it for competitive bids. And it is important to realize that the Department of Labor, after judging the performance of the AFL–CIO, has found the performance lacking and has discontinued the contracts.

So please open this for competitive bidding. Please vote no on the motion to table.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this program has been in operation for decades and has proven to be very effective. A hearing held by the subcommittee back on July 22, 2004, went into some of the detail. The program addresses job training and Job Corps. One program, illustratively, in Philadelphia seeks to give training to young people who are at risk, come from broken families—no father and a working mother. It is directed toward training across the Appalachian Council, States in the Rust Belt, which have been hit very hard by unfair foreign competition, to have training and to have workmanship skills developed.

It has been a successful program, and it ought to be retained. Vote aye to table.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 34, as follows:

[Rollcall Vote No. 385 Leg.]

YEAS—60

Akaka
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Domenici
Dorgan
Durbin
Feinstein
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—34

Alexander
Allard
Barrasso
Brownback
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
McConnell
Sessions
Shelby
Sununu
Thune
Vitter

NOT VOTING—6

Biden
Clinton
Dodd
Kennedy
McCain
Obama

The motion was agreed to.

Mr. KERRY. Mr. President, I ask unanimous consent the order be delayed so the manager can propose a unanimous consent so that I can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

### AMENDMENTS NOS. 3351, AS MODIFIED; 3376, AS MODIFIED; 3397, 3401, 3430, 3436, 3418, AND 3388 EN BLOC

Mr. HARKIN. Mr. President, if the Senator from Massachusetts will withhold for a second, I have two modifications I send to the desk, a modification of amendment No. 3351, a Smith amendment, and amendment No. 3376. I have two modifications I send to the desk.

The PRESIDING OFFICER. Without objection, the amendments are so modified.

Mr. HARKIN. Mr. President, I call up amendments No. 3351, as modified; 3376, as modified; 3397, by Senator LAUTENBERG; 3401, by Senator CARDIN; amendment No. 3430, by Senator FEINGOLD; amendment No. 3436, by Senator HATCH; amendment No. 3418, by Senator LIEBERMAN; and amendment No. 3388, by Senator DEMINT. These have all been agreed to. I ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendments will be considered en bloc.

If there is no further debate, the amendments are agreed to without objection, en bloc.

The amendments considered and agreed to en bloc are as follows:

### AMENDMENT NO. 3351, AS MODIFIED

At the end of title II, add the following:

SEC. ___. (a) The amount made available under the heading "AGING SERVICES PROGRAMS" under the heading "ADMINISTRATION ON AGING" in this title shall be increased by $10,000,000 of which—

(1) $5,000,000 shall be used to carry out part B of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d) for fiscal year 2008 (for supportive services and senior centers to allow area agencies on aging to account for projected growth in the population of older individuals, and inflation);

(2) $2,000,000 shall be used to carry out part C of title III of such Act (42 U.S.C. 3030d-21 et seq.) for fiscal year 2008 (for congregate and home-delivered nutrition services to help account for increased gas and food costs); and

(3) $3,000,000 shall be used to carry out part E of title III of such Act (42 U.S.C. 3030s et seq.) for fiscal year 2008 (for the National Family Caregiver Support Program to fund the program at the level authorized for that program under that Act (42 U.S.C. 3001 et seq.)).

(b)(1) The 3 amounts described in paragraph (2) shall be reduced on a pro rata basis, to achieve a total reduction of $10,000,000.

(2) The amounts referred to in paragraph (1) are—

(A) the amount made available under the heading "SALARIES AND EXPENSES" under the heading "DEPARTMENTAL MANAGEMENT" in title I, for administration or travel expenses;

(B) the amount made available under the heading "GENERAL DEPARTMENTAL MANAGEMENT" under the heading "OFFICE OF THE

SECRETARY'' in this title, for administration or travel expenses; and

(C) the amount made available under the heading ''PROGRAM ADMINISTRATION'' under the heading ''DEPARTMENTAL MANAGEMENT'' in title III, for administration or travel expenses.

### AMENDMENT NO. 3376, AS MODIFIED

At the appropriate place in title II, insert the following:

SEC. ____. (a) Notwithstanding any other provision of this Act, there shall be made available under this Act a total of $7,500,000 for the National Violent Death Reporting System within the Centers for Disease Control and Prevention.

(b) Amounts made available under this Act for travel and administrative expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $7,500,000.

### AMENDMENT 3397

(Purpose: To require the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, to submit a report to the Committee on Appropriations of the Senate on workers' compensation set-asides under the Medicare secondary payer set-aside provisions under title XVIII of the Social Security Act)

At the appropriate place in title II, insert the following:

SEC. ____. (a) Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on workers' compensation set-asides under the Medicare secondary payer set-aside provisions under title XVIII of the Social Security Act.

(b) The report described in subsection (a) shall contain the following information:

(1) The number of workers' compensation set-aside determination requests that have been pending for more than 60 days from the date of the initial submission for a workers' compensation set-aside determination.

(2) The average amount of time taken between the date of the initial submission for a workers' compensation set-aside determination request and the date of the final determination by the Centers for Medicare & Medicaid Services.

(3) The breakout of conditional payments recovered when workers' compensation is the primary payer separate from the amounts in Workers' Compensation Medicare Set-aside Accounts (in this section referred to as ''WCMSAs'').

(4) The aggregate amounts allocated in WCMSAs and disbursements from WCMSAs for fiscal year 2005 and fiscal year 2006.

(5) The number of conditional payment requests pending with regard to WCMSAs after 60 days from the date of the submission of the request.

(6) The number of WCMSAs that do not receive a determination based on the initial complete submission.

(7) Any other information determined appropriate by the Congressional Budget Office in order to determine the baseline revenue and expenditures associated with such workers' compensation set-asides.

### AMENDMENT NO. 3401

(Purpose: To express the sense of the Senate that the Secretary of Health and Human Services should maintain ''deemed status'' coverage under the Medicare program for clinical trials that are federally funded or reviewed as provided for by the Executive Memorandum of June 2000)

On the appropriate place, insert the following:

SEC. ____. It is the sense of the Senate that the Secretary of Health and Human Services should maintain ''deemed status'' coverage under the Medicare program for clinical trials that are federally funded or reviewed, as provided for by the Executive Memorandum of June 2000.

### AMENDMENT NO. 3430

(Purpose: To require the Comptroller General of the United States to submit a report to Congress on student preparation techniques for standards-based assessments)

At the end of title III, add the following:

SEC. ____. (a) Not later than May 31, 2009, the Comptroller General of the United States shall submit a report to Congress on student preparation techniques to meet State academic achievement standards and achieve on State academic assessments.

(b) The report required under subsection (a) shall include a compilation of data collected from surveying a representative sample of schools across the Nation to determine the range of techniques that schools are using in order to prepare students to meet State academic achievement standards and achieve on State academic assessments, including the extent to which schools have—

(1) extended the school day;

(2) hired curriculum specialists to train teachers or work with individual students or small groups of students;

(3) de-emphasized academic subjects of which State academic achievement standards and assessments are not required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(4) used commercial test preparation material;

(5) provided increased professional development for teachers;

(6) targeted low-performing students for specialized instruction or tutoring;

(7) instituted formative or benchmark exams;

(8) distributed old exam questions to teachers and students and focused instruction on these old exam questions;

(9) increased instructional time on tested subjects; or

(10) used any other techniques to prepare students to meet State academic achievement standards and achieve on State academic assessments.

(c) The data collected pursuant to this section shall be reported—

(1) as data for all schools; and

(2) as data disaggregated by—

(A) high-poverty schools;

(B) low-poverty schools;

(C) schools with a student enrollment consisting of a majority of minority students;

(D) schools with a student enrollment consisting of a majority of non-minority students;

(E) urban schools;

(F) suburban schools;

(G) rural schools; and

(H) schools identified as in need of improvement under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

(d) The representative sample described in subsection (b) shall be designed in such a manner as to provide valid, reliable, and accurate information as well as sufficient sample sizes for each type of school described in subsection (c).

### AMENDMENT NO. 3436

(Purpose: To assess the impact of education funding in western States with a high proportion of public lands)

At the appropriate place, insert the following:

''*Provided further*, That the Secretary of Education shall assess the impact on education felt by students in States with a high proportion of Federal land compared to students in non-public land States. The study shall consider current student teacher ratios, trends in student teacher ratios, the proportion of property tax dedicated to education in each State, and the impact of these and other factors on education in public land States. The Secretary shall submit the report not later than 1 year after the date of the enactment of this Act.''

### AMENDMENT NO. 3418

(Purpose: To prohibit the use of funds to close a field office of the Social Security Administration before submission of a report justifying the closure)

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act or any other Act making appropriations to the agencies funded by this Act may be used to close or otherwise cease to operate the field office of the Social Security Administration located in Bristol, Connecticut, before the date on which the Commissioner of Social Security submits to the appropriate committees of Congress a comprehensive and detailed report outlining and justifying the process for selecting field offices to be closed. Such report shall include—

(1) a thorough analysis of the criteria used for selecting field offices for closure and how the Commissioner of Social Security analyzes and considers factors relating to transportation and communication burdens faced by elderly and disabled citizens as a result of field office closures, including the extent to which elderly citizens have access to, and competence with, online services; and

(2) for each field office proposed to be closed during fiscal year 2007 or 2008, including the office located in Bristol, Connecticut, a thorough cost-benefit analysis for each such closure that takes into account—

(A) the savings anticipated as a result of the closure;

(B) the anticipated burdens placed on elderly and disabled citizens; and

(C) any costs associated with replacement services and provisional contact stations.

### AMENDMENT NO. 3388

(Purpose: To prohibit the use of funds by cities that provide safe havens to illegal drug users)

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated in this Act may be allocated, directed, or otherwise made available to cities that provide safe haven to illegal drug users through the use of illegal drug injection facilities.

### AMENDMENTS NOS. 3350 AND 3446 WITHDRAWN

**Mr. HARKIN.** Mr. President, regarding amendment No. 3350 by Senator LAUTENBERG and No. 3446 by Senator

LANDRIEU, I ask unanimous consent they both be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

### AMENDMENT NO. 3398 TO AMENDMENT NO. 3325

Mr. KERRY. Mr. President, I know we want to and need to break for recess in a moment so I will not be very long at all. I call up amendment No. 3398. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 3398.

Mr. KERRY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

### AMENDMENT NO. 3398

(Purpose: To provice funding for the Fire Fighter Fatality Investigation and Prevention Program)

At the appropriate place in title I, insert the following:

SEC. ____. To enable the National Institute for Occupational Safety and Health to carry out the Fire Fighter Fatality Investigation and Prevention Program, $5,000,000, which shall include any other amounts made available under this Act for such Program. Amounts made available under this Act for travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $2,500,000.

Mr. KERRY. Mr. President, in February of this year, I sent a letter to the inspector general for the Department of Health and Human Services regarding a report from the Centers for Disease Control that actually blocked an investigation into the death of 6 firefighters whose personal safety equipment had failed them between 1998 and the year 2000. In the response to me, the inspector general reported that funding of the current funds that exist in the Firefighter Fatality Investigation and Prevention Fund within the National Institutes of Occupational Health and Safety is flat. Their resources are such that they have had to pick and choose where they can conduct those kinds of investigations.

Every year, about 100 firefighters die in the line of duty in America and about 87,000 are injured. This fund is an investigative fund that helps find ways in which we can protect firefighter lives—whether there is a certain kind of equipment that might have made a difference or a certain procedure that might have made a difference. Obviously, for those fire stations, fire houses with the losses or those that face a future risk, to know we are selectively choosing where we investigate and where we do not does not do the job. We need to investigate all of those fatalities, and we need to do everything possible to provide our firefighters the procedures and equipment necessary to save lives.

This funding will add an additional $2.5 million to that investigative fund and allow us to complete our responsibility to those courageous firefighters across the country.

I ask unanimous consent a letter from the International Association of Fire Fighters and the International Association of Fire Chiefs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*October 18, 2007.*

Hon. JOHN F. KERRY
*304 Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR KERRY: On behalf of the International Association of Fire Chiefs, representing nearly 13,000 chief fire and emergency officers, and the International Association of Fire Fighters, representing more than 280,000 professional fire fighters and emergency medical personnel, we are writing to express our strong support for your amendment to the FY 2008 Labor, Health and Human Services, Education and Related Agencies Appropriations Act providing $5 million for the Fire Fighter Fatality Investigation and Prevention Program (FFFIPP) of the National Institute for Occupational Safety and Health (NIOSH).

Of the 1.1 million fire fighters who selflessly serve their communities and their country, approximately 100 die on the job each year. Additionally, the National Fire Protection Association estimates that 80,100 fire fighter injuries occurred in the line of duty in 2005 alone. The FFFIPP is instrumental in discovering the primary factors contributing to fire fighter deaths and recommending ways to prevent future deaths and injuries.

Since its inception in 1998, the FFFIPP—in cooperation with fire departments and fire fighters around the country—has conducted over 300 fatality investigations. The findings and recommendations of these investigations have led to increased awareness of fire fighter safety and health hazards, and led to numerous cooperative efforts among and between the fire service and NIOSH to improve fire fighter safety and health.

Despite such successes, fatality investigations are not as common nor as comprehensive as they should be. According to a recent report by the inspector general of the Department of Health and Human Services, such shortcomings are caused, in part, by a lack of resources.

Congress clearly intended for NIOSH to thoroughly investigate every fire fighter line-of-duty death. By doubling the funding allocated for the FFFIPP in FY 2007, your amendment will allow NIOSH to better fulfill its Congressional mandate and help prevent fire fighter injuries and deaths.

Thank you for your leadership in protecting the health and safety of our Nation's first responders. We look forward to continue working with you to prevent future deaths and injuries among fire fighters.

Sincerely,
CHIEF STEVEN P. WESTERMANN, CFO,
*President, International Association of Fire Chiefs.*
HAROLD A. SCHAITBERGER,
*General President, International Association of Fire Fighters.*

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Mr. KERRY. I think both sides have now agreed to this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. HARKIN. Mr. President, can we withhold for a second? The amendment by the Senator from Massachusetts is accepted on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3398) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. I thank the Chair and the distinguished manager.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:41 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. In my capacity as a Senator from the State of Delaware, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

### CALIFORNIA WILDFIRES

Mrs. FEINSTEIN. Mr. President, I wanted to take a few minutes to do what Senator BOXER did yesterday, which is essentially to update the Senate on the catastrophic fires in California. I offer these words on behalf of Senator BOXER and myself.

Today there are 14 fires, big fires, burning in California. The bulk of them are uncontained and out of control. The containment factor is very small. More than half a million people have been told to evacuate their homes.

More than 309,000 acres have been destroyed by fire, over 400 miles, from north of Los Angeles to San Diego and now across the Mexican border, and more, we fear, will be destroyed.

The deaths, fortunately, today are limited to one, with 34 injured throughout southern California, some of them firefighters. High wind and high temperatures persist. A red flag warning is in effect for the California coast from Monterey to the Mexican border. More than 1,000 homes have been destroyed; 11,500 are now threatened. Today more than 100 commercial buildings have been destroyed, and 2,000 are threatened; 52 outbuildings have been destroyed and 550 are threatened.

Health warnings have been issued because of smoke and particulate matter. As you know, these fires are driven by hurricane and gale-force Santa Ana winds, which are hot and contrary to the prevailing westerly flow, east to west. They are fueled by bone-dry brush from years of drought and virtually no humidity. Humidity is below 10 percent.

Fires are raging still in Malibu, at Lake Arrowhead in Irvine and Santa Clarita. The Arrowhead area is particularly dangerous because there are half a million acres of pine-beetle infested dead trees waiting to go up.

Of course, they are raging in San Diego County, which is bearing the brunt of two major fires which well could join. Already, the 300,000 people in San Diego County alone have been told to evacuate. More than 10,000 of them are now taking refuge in Qualcomm Stadium, home to the San Diego Chargers. These people will be there for 48 to 72 more hours and possibly more.

Sanitary supplies are going to become a problem. It is going to be a real effort to get food and water to these evacuees and the hundreds of thousands of people displaced around southern California.

Both Senator BOXER and I spoke to the Governor, and he has declared a seven-county disaster area. Yesterday the President declared southern California a disaster area to be able to speed the Federal Emergency Management Agency's relief, which is critical.

This is going to be a real test of FEMA. We are going to learn whether FEMA actually learned from the hurricane in New Orleans, a test of whether FEMA has gotten its act together post-Katrina.

FEMA must act quickly and urgently to get help to California. The State is going to need cots; it is going to need blankets; it is going to need water, food, and, most importantly, those sanitary facilities that are needed for the people who are camping out today, sleeping in cars, located in schools, or in Qualcomm Stadium.

Most importantly, this help has to be spread throughout the 14 different fire areas. It is not going to be enough to simply put it in one place.

Last night, the Secretary of the Interior informed me that the fires have crossed the line and are entering into Baja California, Mexico, and urged Mexican authorities to begin to speak out.

These fires are fast moving. You see them at a distance on a hill, and you do not believe you will be affected because the winds are contrary to what you expect. Then, suddenly, within a short period of time, 2 hours, the fire is upon you.

So people must be alert, and they must evacuate these fire areas. The military is pitching in. Fifteen hundred National Guard personnel are actively engaged or directly supporting firefighting efforts. We have 550 Active-Duty marines, 17,000 California National Guard personnel are available. I believe we have more than 5,300 State of California firefighters on the line, and hundreds more from local jurisdictions. Today, a combination of National Guard, Navy and Marine Corps aircraft, are either supporting firefighter efforts or are prepared to pitch in.

The problem is, with the wind and dense smoke, it is difficult for a plane or helicopter to know where they are going. Simply put, this is a disaster of huge proportions. It is catastrophic in terms of property loss and environmental damage.

Hopefully, it is not going to be a huge catastrophe in terms of loss of life. I do not think there is anything other than a catastrophic health incident that is more serious to a person or family than losing their home by flood or fire.

I know Californians will respond in their traditional stalwart and generous manner to help their neighbors. Both Senator BOXER's and my heart go out to all Californians today.

I ask unanimous consent that the specific statistical roundup of these larger fires be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Here is a roundup of the larger fires:

San Diego: Witch Fire (NE S.D. County, near Santa Ysabel, burning toward Ramona and Julian)—Acres burned: 145,000; containment: 0%; residents evacuated: 100,000+; structures destroyed: 500 homes, 100 commercial properties; structures threatened: 2,000 homes, 400 commercial properties; firefighters: 625; injuries: none reported.

San Diego: Harris Fire (SE S.D. County, 75 miles east of downtown San Diego near the Mexican border)—Acres burned: 22,000; containment: 5%; residents evacuated: 1,000+; firefighters: 400; deaths—injuries: 1 man killed, 5 firefighters and 20 civilians injured.

Malibu: Canyon Fire (Burning toward Pepperdine University and Pacific Ocean)—Acres burned: 3,800; containment: 10%; residents evacuated: 1,500; structures destroyed: 6 homes, 1 church; structures threatened: 600; firefighters: 1,500; injuries: none.

Agua Dulce—Santa Clarita: Buckweed Fire (Mint Canyon area, burning toward Magic Mountain)—Acres burned: 35,550; containment: 20%; residents evacuated: 15,000; structures destroyed: 15 homes, 17 outbuildings; structures threatened: 3,800; firefighters: 1,200; injuries: 1 firefighter and 3 residents.

Orange County: Santiago Fire (Silverado Canyon, burning toward Portola Springs and Northwood village of Irvine)—Acres burned: 15,000 acres; containment: 30%; structures destroyed: 1 outbuilding; structures threatened: 2,000; residents evacuated: unk.; firefighters: 492.

Lake Arrowhead: Slide and Grass Valley Fires (Green Valley Lake and Lake Gregory)—Acres burned: 1,800; containment: 0%; structures lost: at least 450 homes; structures threatened: 1,900; firefighters: 82 engines, 7 hand crews.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. For the benefit of Senators, I understand a number of Republicans are at the White House for a White House meeting until 3:30, so there will not be any votes between now and 3:30. However, we want to get amendments up and debated. Hopefully at around 3:30 or shortly thereafter we can start a series of votes. Right now we have four amendments pending and three more amendments that are not pending but will be called up shortly. One of those will be offered by the Senator from New Mexico. That is the lay of the land. It looks as if we are down to about seven votes, possibly, starting at or around 3:30 or shortly thereafter.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I understand there is still some checking to see if there is any objection to setting aside the pending amendment so I may offer an amendment. While we are waiting, I wish to describe the substance of the amendment I intend to offer.

This amendment is intended to reduce the Social Security backlog. Most of us who go back to our home States on weekends and during recesses know about the Social Security backlog. We hear from individuals in our States about how long they have to wait to find out whether their Social Security disability claims have been approved. We hear about elderly people waiting in long lines for service at Social Security offices. We hear about busy signals when they call the 1-800 number that is provided for people trying to find out the status of their Social Security claim. But I am not sure most of us understand the extent of the backlog, the consequences of it, or the reasons.

For more than 70 years Social Security has provided millions of American workers and their families with a basic level of protection against poverty when a worker can no longer work due to old age. Of course, we are all aware of disability now being covered by Social Security. Social Security benefits are the only means of survival for millions of individuals with severe disabilities. These individuals rely on the Social Security Administration to promptly and fairly adjudicate their applications for disability benefits. Unfortunately, we are witnessing a trend where this is simply not happening.

According to the Social Security Administration, there are currently over 756,000 cases waiting for hearing. That is not waiting for a final determination, waiting for a hearing. The average time to get a hearing is 523 days. That is the longest it has been in the history of the Social Security Administration. The average processing time for a hearing is projected to increase next year, based on the numbers we have in the appropriations bill before us. This is a problem for individuals with disabilities in my State of New Mexico.

Currently the average processing time per case in the Albuquerque hearing office is 528 days. Keep in mind, this is only the time it takes to get a hearing. This does not include the time it takes for an initial determination or for a final determination. This past May the Finance Committee, on which I am privileged to serve, received testimony indicating there are thousands of individuals with disabilities who currently have cases pending with the Social Security Administration and have had those cases pending for 3 years or more. The Finance Committee received testimony regarding the extreme hardships individuals with severe disabilities must endure while awaiting a final decision on their disability claims. We heard instance after instance where individuals with severe disabilities were unable to work and were forced to declare bankruptcy. They lost their homes, suffered deterioration in their medical conditions, and some even died while their claims lingered in Social Security Administration offices.

According to the Social Security Administration, staffing levels are at their lowest since 1972. Thirty years ago, the Social Security Administration had more than 82,000 employees. In 2005 the Social Security Administration had 66,000 employees. In a few months, the expected employment at the Social Security Administration will drop below 60,000.

Thousands of employees are leaving the Social Security Administration's field and hearing offices without being replaced. As many of us know, the field offices around the country are reducing their hours.

In Carlsbad, NM—which I visited 2 weeks ago—due to a reduction in hours of service, seniors and people with disabilities are forced to line up around the building, often waiting hours to get served. Even worse, some field offices are shutting their doors permanently.

Meanwhile, since 1990, the number of disabled workers drawing disability benefits has more than doubled. That number has gone from 3 million in 1990 to 6.8 million today. Field offices are averaging over 850,000 visitors a week during this current year.

As we know from the press, the first baby boomer officially filed for Social Security last week. So the demands on Social Security are only going to increase. In addition, Congress has significantly increased the Social Security Administration's responsibilities as part of the Medicare Part D legislation.

So the Social Security Administration finds itself in a very dire circumstance. The Social Security Administration has over 1,400 field and hearing offices in cities and towns across the country. Mandatory costs, such as program integrity, rent, guards, postage, employees' salaries, and benefits are continuing to rise. Unfortunately, Congress appropriated on average each year for the last 7 years about $150 million less than the administration requested. The current budget situation has simply been compounded by years of sustained underfunding by the Congress.

According to the Social Security Administration, the present cost of processing the hearing backlog would be $794 million. The difference between the amount of funding requested for administrative expenses and the amount appropriated for fiscal years 2001 through 2007 is $962 million—more than enough to address the backlog. So if we had actually appropriated what the administration asked for during fiscal years 2001 through 2007, we would largely have this backlog problem solved. Unfortunately, we did not do that.

I thank the chairman and the ranking member of this subcommittee on the Appropriations Committee for their significant efforts to address the backlog. As you know, the chairman of the subcommittee has been a tireless leader on issues affecting individuals with disabilities. For decades, he has led the way in the Senate on reducing barriers for individuals with disabilities and ensuring full community participation.

Fortunately, the chairman and the ranking member recognized the current challenges individuals with disabilities are facing in accessing disability benefits, and they have worked hard to increase administrative funds for the Social Security Administration by $125 million over the amount that was requested by the President. I believe we all recognize how important that infusion of funds will be.

In the committee report accompanying the bill that we are considering, the chairman requested the Commissioner of Social Security to set forth a plan to reduce the backlog. As submitted, the Commissioner's plan would include: accelerating review of cases that are likely or certain to be approved; improving hearing procedures; increasing adjudicatory capacity; and increasing efficiency through automation and improved business processes.

Unfortunately, the amount of funding in the bill does not go far enough, in my view, to substantially reduce the backlog. According to the Commissioner, this amount of funding will merely "stem the tide." It will not address the backlog in a significant way.

The fiscal year 2008 budget resolution—which we all considered on the floor, and many of us voted for—recommends an increase of $430 million above the President's request for the Social Security Administration's administrative budget in order to reduce this backlog. The amendment I am intending to offer later today would get us to half that amount by increasing the Social Security Administration's administrative budget by an additional $160 million. The amendment would give the Social Security Administration the resources it needs to reduce the backlog to help get rid of these long lines.

The amendment is paid for. The amendment would shift excess Medicare funds to pay for this critical increase in funding to the Social Security Administration in this 1 year. These offsetting funds have been identified in close collaboration with Finance Committee staff and, of course, Senator BAUCUS is a cosponsor of the amendment.

Importantly, these funds would be immediately replaced at the beginning of fiscal year 2009 with generally available funding that was passed as part of the Transitional Medical Assistance extenders package.

Finally, the amendment would also permit the U.S. Treasury Department to invest its excess operating capital. So this represents responsible oversight by the Treasury Department. This policy has been recommended by the Government Accountability Office and others. It is estimated this policy will generate tens of millions of dollars for the Federal Government over the next 10 years.

The bottom line is millions of American workers and their families—people whom we represent—rely on Social Security to protect them against poverty in the event they are no longer able to work. This incredible insurance program is breaking down because of our failure to fund the administration of the program.

So I urge my colleagues to support my amendment. It is being offered on behalf of myself, Senator SNOWE from Maine, and Senator BAUCUS from Montana.

Mr. President, I do not believe we have yet gotten to a point procedurally where I am able to offer the amendment, so I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

Who seeks recognition?

The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WEBB are printed in today's RECORD under "Morning Business.")

Mr. WEBB. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator yields back.

Who seeks recognition?

Mr. WEBB. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CASEY are printed in today's RECORD under "Morning Business.")

Mr. CASEY. Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Vermont is recognized.

Mr. SANDERS. Madam President, let me take this opportunity to thank Senator HARKIN and his staff for their very hard work on the Labor-HHS legislation and commend the ranking member, Senator SPECTER, and his staff as well. The reality is that the needs facing the people of our country who are impacted by this bill are enormous. There is, unfortunately, not enough funding available to accommodate those needs, and within that context, Senator HARKIN and Senator SPECTER have done their very best.

I wish to say a few words about one particular program which is important to me, which is important to the people of Vermont, and which is vitally important to this whole country as we try to deal with the health care crisis our country is now facing, a crisis in which 47 million Americans have no health insurance, even more are underinsured, and the cost of health care is soaring every day. What this legislation deals with and I think deals with quite well is understanding that it is important for us to grow the number of community health centers in this country.

The community health center program is a wonderful success story, and it is widely recognized as one of the most cost-effective programs in the entire Federal Government. Community health centers are community-run. They are run by the people in the community themselves. They are run on a nonprofit basis. They provide not only affordable health care to their people but affordable dental care, which is a growing crisis all over rural America and in the State of Vermont. They provide mental health counseling—another serious issue. They provide low-cost prescription drugs—in fact, the lowest cost prescription drugs available in America.

These federally qualified health centers serve people from all walks of life and all incomes. Whether you have private insurance, whether you have Medicare, whether you have Medicaid, or whether you have no health insurance, you are welcome into these community health centers. For those with no health insurance, payment is based on a sliding scale. If you don't have a whole lot of money, you don't have to pay a lot for your health or dental care.

Today, over 16 million Americans—16 million—benefit from the services health centers provide in every State and in almost every congressional district in our country. For an average Federal grant expenditure of only $124 per patient per year, these centers offer comprehensive health care, regardless of ability to pay. At a time when more and more Americans are losing their health insurance, when they are finding it hard to secure primary health care, these centers play an extraordinary role, and they deserve to be adequately funded.

This legislation provides $2.24 billion for the community health center program—a $250 million increase above the fiscal year 2007 level. I thank Senators Harkin and Specter very much for their support for this program. It is estimated that this increase will allow us to expand or create some 500 new community health centers all over this country, serving an additional 2 million Americans. That is a big deal at a time when millions and millions of people are unable to find primary health care or just don't have the funds to pay for it. Given the fact that we have 47 million uninsured, it is clear this is not enough, but it is a significant step forward.

In Vermont in recent years, we have expanded the number of federally qualified health centers from two to six, and my hope is that we can add an additional three or four more centers in the next 3 years. These centers now serve over 86,000 Vermonters and provide quality health care, quality dental care, low-cost prescription drugs, and mental health counseling in some 23 different locations around the State of Vermont. The centers are the medical home for 24 percent of Vermont's Medicaid beneficiaries and serve 19 percent of our uninsured.

Nationally, health centers are not only providing quality, efficient care in underserved communities, they are filling a major gap in our Nation's health care system where primary care is becoming a lost profession. It is no secret that in many parts of America, especially rural America, it is very, very hard for people to locate a primary health care physician. It is also imperative that these centers play a role, which allow people to go to them rather than flooding emergency rooms in hospitals, which are much more expensive.

In addition to this appropriations bill, we are also in the process of reauthorizing the community health center program in the Health, Education, Labor and Pensions Committee on which I serve, and I thank our chairman and our ranking member for putting forth this important legislation that has the support of 68 Members from both sides of the aisle.

So I think this issue of community health centers is very much an issue and an area supported by people from different political perspectives. It is doing an enormous job in providing health care to millions of Americans. I am glad we are going to take a step forward when we pass this legislation.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### METHAMPHETAMINE CONTROL

Mr. CRAPO. Madam President, in September, the Finance Committee held a hearing on the efficacy, over the past year, of the Combat Methamphetamine Epidemic Act, or the Combat Meth Act, for short. The Combat Meth Act implemented restrictions on drugs that go into the production of methamphetamines. Methamphetamine abuse has devastated lives, families, and communities across our Nation and across the world. The testimony given at this hearing by the U.S. Department of Homeland Security, the U.S. Department of State, and State agencies indicated that while the Combat Meth Act helped reduce the home production of methamphetamine across the U.S., it is now flowing at historic levels across our borders from countries where production controls are much less rigid.

A 2006 Substance Abuse and Mental Health Services Administration report found that my home State of Idaho had one of the highest rates of methamphetamine use in the preceding 12 months of those aged 12 and older. In rural Idaho, especially, the issue of methamphetamine abuse has almost become commonplace: I visit with local officials and community leaders to hear about problems affecting their community when I am home in Idaho. When I ask if it is still a problem, the response is almost always "of course," as if the very question was a little naive. This troubles me greatly.

Thomas Siebel, chairman and founder of the highly successful Montana Meth Project, also testified at the September Finance Committee hearing on the Combat Meth Act. The Montana Meth Project was established in 2005 as a nonprofit organization created to reduce first-time methamphetamine use through public-service messaging, public policy and community outreach. In the 2 years since the project has been active in Montana, the State has gone from being fifth in the Nation for per capita meth use to 39th today—a staggering change. Adult meth use is down in Montana by as much as 70 percent. The Montana Meth Project is an example of a highly effective private sector education and prevention effort. This success is also good news for Arizona, Illinois and my State of Idaho, all three of which have started their own "Meth Projects." While this is very encouraging, we have a long way to go.

Montana and Idaho are just two States that have been overwhelmingly affected by meth production, use and addiction. Rural communities nationwide have been hit particularly hard by the demand and presence of this lethal drug, creating major challenges for law enforcement, health and welfare and environmental protection agencies, not to mention our families and school systems.

I have been approached by police officers, community leaders, health advocates, school administrators, and criminal justice leaders about the severe toll that this drug takes on our citizens, particularly teens and young adults. They have witnessed destroyed relationships and families torn apart, all suffering from this drug that invades neighborhoods, friends, and families. According to Idaho's Department of Health and Welfare, the number of children in foster care increased by 40 percent between 2002 and 2006. Approximately 3,000 children enter foster care in Idaho every year; the majority of them are children of meth-addicted single mothers. Our children are the unwitting and helpless victims of this menacing drug epidemic.

There is some encouraging news but, as is the case with drug trafficking, it is tempered with alarming trends. In 1999, Idaho implemented an initiative to fight meth production, coordinating regional and State level law enforcement efforts. These efforts have proven highly successful. In 2000, 186 meth labs were seized. In 2004, the number had dropped to 38 thanks to this enhanced coordination strategy. According to Idaho law enforcement agencies, meth lab seizures are now at an all-time low, which has resulted in less danger to neighborhoods and communities, as well as to environmental protection workers who are responsible for doing clean up of these sites after they are seized.

At the Finance Committee hearing last month, Gary Kendall, director, State of Iowa Governor's Office of Drug Control Policy, testified that Iowa had also seen success with "State and local prevention efforts" and "multijurisdictional task forces."

At the national and international level, according to the State Department Bureau for International Narcotics and Law Enforcement, since the passage last year of the Combat Meth Act, methamphetamine abuse has been trending slightly downward in the United States; unfortunately, worldwide consumption is growing. This is due in large part to the fact that, compared to organic illegal drugs such as opiates and cocaine, methamphetamine is relatively easy to manufacture, can be produced just about anywhere and has a very substantial profit margin. It is the State Department's assessment that international mitigation and control of this disturbing worldwide trend can only be maintained by strong U.S. leadership. We have seen some success in recent months and years. During the first 6 months of this year, Operation Crystal Flow, a joint operation between the U.S. Government and governments in North and South America and West Asia, saw the halting, suspension or seizure of 53 tons of chemicals that go into meth production—so-called precursor drugs.

This operation was the joint effort of the International Narcotics Control Board through its Project Prism Task Force which includes the U.S. Drug Enforcement Agency and authorities in 126 other nations. This is just one of a number of international efforts in which the U.S. Government is participating.

With the crackdown here at home on methamphetamine production, the supply source has changed. Today, Mexico is the principal foreign supplier of methamphetamine to the United States. According to the State Department, 80 percent of drug addicts in Mexicali and Tijuana are using meth. Mexico itself has a very serious methamphetamine addiction problem among its population and, because of the success of the Combat Meth Act and activities undertaken by individual States, U.S. demand for the drug has gone south, so to speak. Meth from so-called "superlabs" in Mexico is reaching beyond the already-established demand of my State and surrounding western and southwestern States to other areas in the United States: We're seeing it in the Great Lakes, the Northeast, and Southeast.

Again, the lure of an enormous profit margin, coupled with the highly addictive nature of meth is a proven recipe for even greater disaster. The Mexican Government has been working over the past few years to exert more sweeping control of the movement of large amounts of methamphetamine precursor drugs. Our Government is working with the Mexican Government in ongoing border security and drug trafficking initiatives, but as supply lines are squelched in one area, they restart in other areas and other countries where controls and law enforcement are lacking. As I stated earlier, this is an international problem and efforts, led by the United States, must be global in scope.

According to the Department of Homeland Security and Immigration and Customs Enforcement, methamphetamine seizures have steadily increased. Although Immigrations and Customs Enforcement has increased its bilateral and multilateral drug interdiction efforts in recent years, and drug seizures are up, the supply is also increasing as it becomes the drug of choice for 15 to 16 million people worldwide.

Our work to combat meth is a multipronged process and, as I said earlier, rural areas and States have been hit particularly hard by this trend. Small towns in Idaho, Montana, Wyoming, and other States remain under siege by the meth epidemic. These are not communities with substantial numbers of law enforcement personnel and resources, massive revenue bases, or specialized departments and offices to fight back.

Recently, an Idahoan with over 20 years' experience working with drug-endangered children shared an idea with me on how to best fight the meth problem in rural communities. His recommendation was that the Federal Government should assist local communities in forming multi-organization, school, parent, and agency task forces to educate children and adults about the perils of meth addiction. He reminded me that these task forces exert community and peer pressure to report the presence of labs and those selling and using meth in the community. In Idaho, this approach has proven to be the most effective way to combat meth problems in our rural communities. Educating people before they try meth like the Montana Meth Project has done, enabling and energizing local collaborative task forces to spread the word that their communities say "no" to meth, and maintaining a zero tolerance policy that includes severe penalties for breaking the law, will help reduce demand and dry up supply.

Integral to fighting methamphetamine in our communities is educating our children. To that end in Idaho, I have partnered with the Idaho State Department of Education Safe and Drug Free Schools program and issued a call for high schools across my State to create public service announcements that seek to educate other students about the dangers of methamphetamine abuse, on the model of the highly successful Montana Meth Project. Getting our youth involved directly in this outreach and education effort will reduce the potential for methamphetamine use.

Considering the growing international methamphetamine epidemic, it is in our Nation's interest to remain very active in cooperative endeavors such as those in which the State Department, the U.S. Drug Enforcement Agency, and the Department of Homeland Security are currently involved. These successful programs deserve continued funding in order to stop the supply of meth coming into our neighborhoods.

It is time for our Nation to mobilize to fight this deadly drug. It is time to let foreign drug traffickers know that the United States is closed to meth business. We have witnessed enough children with ruined bodies, minds, and lives. We have seen enough adults abandon their parental and societal responsibilities for the lie that is a meth high. We have seen the tragedy of newborn babies taken away from mothers unable to care for them, and the infants themselves suffering the same terrible addiction.

Meth continues to ravage America's communities, large and small. This will require an increased effort from the Federal Government to bring an end to meth use and production in these places. It is especially important to focus Federal dollars where they are truly needed—in rural communities nationwide that don't have the manpower or other resources to fight this battle alone. I call on my colleagues to support critical effective efforts in their respective States to work toward meth-free communities, and to continue to support U.S. leadership and involvement in international drug trafficking interdiction and suppression efforts.

There are many things we can do from the Federal level to the State level to the local community and, frankly, the family and individual levels to fight meth in this country.

One of the most important findings is simply educating people about the risks involved in the use of methamphetamines. It is critical to our ability to reduce the demand and to be able to get a handle on fighting the supply.

I yield back the remainder of my time.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. I want to talk about two amendments I have offered that hopefully will be voted on very shortly. Is there any kind of unanimous consent agreement?

The PRESIDING OFFICER. There is not.

Mr. ENSIGN. Just to alert the managers of the bill, I probably will not talk for more than about 10 minutes total.

### AMENDMENT NO. 3342

The first amendment I want to talk about is the amendment that deals with the totalization agreement between the United States and Mexico, the latest attempt to drain the Social Security trust fund.

In 2004, the Commissioner of Social Security signed a totalization agreement with the Director General of the Mexican Social Security Institute. While the President has not yet submitted the United States-Mexico totalization agreement to Congress, I am concerned that the agreement can severely impact the Social Security trust fund and threaten the retirement benefits of hard-working Americans.

The proposed totalization agreement with Mexico does not contain protections against fraud, and there are too many unanswered questions about its cost to American taxpayers. The Government Accountability Office has already warned us that the proposed totalization agreement with Mexico will likely increase the number of unauthorized workers and make their family members eligible for Social Security benefits.

Mexican workers, who ordinarily would not receive benefits because they lack the required 10 years of legally documented employment in the United States, could qualify for partial Social Security benefits with as little as 1½ years of work history.

More family members living in Mexico would also qualify for United States Social Security benefits, because the proposed agreement waives rules that prevent payments to noncitizens such as children and spouses living outside the United States.

Because the Mexican Government does not keep sufficient records of births, deaths, and marriages, it would be nearly impossible to determine whether someone died so that the Social Security Administration could discontinue sending benefits. The Social Security Administration estimates that 50,000 additional Mexican workers would qualify for these benefits in the first 5 years, for a total estimated cost of over $500 million. During that same time period, the agreement would save U.S. workers a little over $100 million. If you do the math, it appears the cost of the agreement could be almost 4 times the savings.

Before we send scarce Social Security dollars to a foreign country, Congress must first determine whether a totalization agreement is in the best interests of our country.

To protect Social Security benefits to U.S. citizens, and to preserve the program for future generations, I am offering this amendment today. My amendment would bar funding for the administration of benefit payments under a totalization agreement with Mexico.

### AMENDMENT NO. 3352

I am also offering a second amendment. There have been many media reports recently about those who are here illegally stealing American Social Security numbers. Every year employers are advised that nearly 800,000 employees do not have valid matching Social Security numbers. In too many of those cases, the numbers that are used belong to someone else in America.

Today, I am going take a few moments to share with my colleagues a few of the stories of victims of identity theft. I have shared some of these stories in the past. Last year I spoke about Audra, who had been a stay-at-home mom since 2000. Her Social Security number was being used by at least 218 different illegal immigrants, mostly in Texas, to obtain jobs. The IRS accused her of owing back taxes of over $1 million on other people's illegal work.

There was also Caleb, who lives in Nevada with his wife and 2 young children. In December of 2003 Caleb was unable to work and he applied for unemployment benefits. He was denied benefits that were rightfully his and was told that it was because he was already working as a landscaper in Las Vegas. Las Vegas and Reno are about 500 miles apart. It would have been very difficult for this unemployed worker in Nevada.

Stories such as this are all too common. States have experienced a crime spree involving illegal immigrants using the stolen identities of children. In one case in Utah, a child apparently owns a cleaning company and works as a prep cook at 2 restaurants in Salt Lake City. That is a lot of responsibility, especially for a little 8-year-old boy.

A little boy in Salt Lake City supposedly works for an express air freight company; quite an important job for an 11-year-old.

These stories are quite shocking. Americans are being denied unemployment benefits and are being unfairly targeted for failure to pay taxes on money they did not earn. My amendment prohibits the Social Security Administration from using funds to process claims for work performed under a stolen or fraudulent Social Security number.

We should not reward individuals who have knowingly engaged in illegal behavior. My amendment will ensure that the 218 illegal immigrants who stole Audra's Social Security number will not receive benefits from the Social Security trust fund. The landscaper who stole Caleb's Social Security number will not get credit for his work using one of my constituent's numbers, and the prep cook who stole an 8-year-old's Social Security number will not get credit for victimizing a child either.

We should value hard work and reward those who play by the rules. Therefore, I urge my colleagues to support both of these important amendments.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### GOLDEN GAVEL

Mr. REID. Madam President, the hour of 5 o'clock has arrived, and the occupant of the chair has now presided over the Senate for 100 hours. That is commendable. The Senator is the fourth to have done it this year. I am proud and appreciative of that. It is not easy to preside for 100 hours. Sometimes it is difficult. Frankly, having presided over the Senate many hours myself—never 100 in a year, as the Senator has done—I know it is a very grueling process. You not only see the debate going on here on the floor but all things going on, as it has happened today, outside of the microphones. So with the Senator's experience as a Government worker, we are so glad to have her in the Senate. The people of Missouri sent us a real dandy when they sent the Senator here. Congratulations.

What I didn't say is that when someone serves for 100 hours, they get a golden gavel, which is a nice award. It has a nice case, and it is something the Senator will always have to remember her first year in the Senate.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. REID. Mr. President, it is never really easy. We have a lot of procedural stuff. I have tried to be as patient as I can be. I have acknowledged publicly that the two managers have done everything within their power to move this bill; 12:30 has passed but the good faith is still here. We are going to work through and finish this bill. We have lost a few hours, but I think with this agreement we will accomplish everything we need to do, even if we had completed this bill earlier today.

Mr. President, I ask unanimous consent the following be the only amendments or motions remaining in order to the bill; that there be 2 minutes of debate prior to each vote, equally divided and controlled in the usual form, and that there be 20 minutes of debate equally divided and controlled prior to a vote on the motion to commit; that no second-degree amendments be in order other than as specified in this agreement; that upon disposition of all amendments and motions, if the motion to commit is defeated, then the substitute amendment, as amended, be agreed to, the bill be read a third time, and the Senate proceed to vote on passage of the bill with the vote sequence as listed below.

I will talk specifically about the listing of the amendments and the order in which they will be voted upon because this has been negotiated for the last several hours. After the first vote, the time for each vote be 10 minutes each. They will be voted on in the following order: No. 1, Cardin, No. 3400; No. 2, Ensign, No. 3342; No. 3, Ensign, No. 3352; No. 4, Vitter, No. 3328, and that it be in order for the amendment to be modified if agreed upon by the managers or Senator VITTER; the Dorgan pending amendment, No. 3345, will be withdrawn—that will be done by either Senator DORGAN or the chairman, Senator HARKIN—No. 5, Bingaman, No. 3440, with 2 minutes each, BINGAMAN and KYL; No. 6, Kennedy, No. 3433, as modified; No. 7, Grassley-Sanders, No. 3396, and that the amendment be modified with the changes at the desk, and it is my understanding there will be a voice vote on that; No. 8, Schumer, No. 3404, as amended by the Durbin amendment, No. 3449—voice vote; No. 9, DeMint amendment on first-class air travel to be offered and agreed to; No. 10, Chambliss amendment No. 3391, as modified; No. 11, Republican motion to commit.

Further, I ask unanimous consent that upon the passage of H.R. 3043 the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the 2 Houses, and the Chair be authorized to appoint conferees, and that the Senate then proceed to executive session to consider the nomination of Leslie Southwick to be U.S. Circuit judge; that a cloture motion on the nomination be filed at that time; that there be 4 hours for debate on the motion with the time to be divided between Senators LEAHY and SPECTER or their designees, and that 2 hours of that time be used today with the remaining time to be used tomorrow; following the Senate's convening at 9 a.m., that the Senate vote on cloture on the nomination to occur at 11 a.m. tomorrow; that if cloture is invoked, the Senate then vote immediately on confirmation of the nomination; if cloture is not invoked, the nomination be returned to the calendar and the Senate return to legislative session; if the nomination is confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session; that regardless of the outcome, once the Senate returns to legislative session there be 20 minutes equally divided for debate between the 2 leaders or their designees prior to the cloture vote on the motion to proceed to S. 2205, the DREAM Act.

The PRESIDING OFFICER. Is there objection?

The minority leader is recognized.

Mr. MCCONNELL. Regretfully reserving the right to object, after the majority leader began to read this agreement, I have one potential snag over here, and I think it will be cleared shortly. I would like to suggest we have a quorum call briefly and let me check out one more thing. We should be able to go forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. It is my understanding there is a unanimous consent pending; is that right?

The PRESIDING OFFICER. The majority leader is correct. Without objection, it is so ordered.

### AMENDMENT NO. 3345 WITHDRAWN

Under the previous order, the Dorgan amendment No. 3345 is withdrawn.

The Senator from Iowa.

### AMENDMENT NO. 3443, AS MODIFIED, TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, before we start, I send a modification to the desk and ask for its immediate consideration on amendment No. 3443 for Senator HATCH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. HATCH, proposes an amendment numbered 3443, as modified.

Mr. HARKIN. Mr. President, the amendment has been agreed to on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3443), as modified, was agreed to, as follows:

### AMENDMENT NO. 3443, AS MODIFIED

At the appropriate place in title II, insert the following:

SEC. ____. (a) The amount appropriated under the heading "DISEASE CONTROL, RESEARCH, AND TRAINING" under the heading "CENTERS FOR DISEASE CONTROL AND PREVENTION" in this title is increased by $1,000,000.

(b) The amount appropriated under the heading "GENERAL DEPARTMENTAL MANAGEMENT" under the heading "OFFICE OF THE SECRETARY" in this title is decreased by $1,000,000.

(c)(1)(A) The Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) shall conduct, and shall invite the University of Utah and West Virginia University to participate in conducting, a study of the recovery of coal pillars through retreat room and pillar mining practices in underground coal mines at depths greater than 1500 feet.

(B) The study shall examine the safety implications of retreat room and pillar mining practices, with emphasis on the impact of full or partial pillar extraction mining.

(C) The study shall consider, among other things—

(i) the conditions under which retreat mining is used, including conditions relating to—

(I) seam thickness;

(II) depth of cover;

(III) strength of the mine roof, pillars, and floor; and

(IV) the susceptibility of the mine to seismic activity; and

(ii) the procedures used to ensure miner safety during retreat mining.

(2)(A) Not later than 1 year after beginning the study described in paragraph (1), the Secretary shall submit a report containing the results of the study to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.

(B) The report shall include recommendations to enhance the safety of miners working in underground coal mines where retreat mining in room and pillar operations is utilized. Among other things, the recommendations shall identify means of adapting any practical technology to the mining environment to improve miner protections during mining at depths greater than 1500 feet, and research needed to develop improved technology to improve miner protections during mining at such depths.

(3) Not later than 90 days after the submission of the report described in paragraph (2) to Congress, the Secretary of Health and Human Services shall publish a notice in the Federal Register describing the actions, if any, that the Secretary intends to take based on the report.

### AMENDMENT NO. 3430, AS MODIFIED, TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, I ask unanimous consent to vitiate the previous vote on amendment No. 3430, the Feingold amendment. I now send to the desk a modification of that amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment 3430, as modified, is agreed to.

The amendment (No. 3430), as modified, was agreed to, as follows:

### AMENDMENT NO. 3430, AS MODIFIED

At the end of title III, add the following:

SEC. ____. (a) Not later than May 31, 2009, the Comptroller General of the United States shall submit a report to Congress on the strategies utilized to assist students in meeting State student academic achievement standards, including achieving proficiency on State academic assessments.

(b) The report required under subsection (a) shall include data collected from a representative sample of schools across the Nation to determine the strategies utilized by schools to prepare students to meet State student academic achievement standards and achieve proficiency on State academic assessments, including the following categories of strategies:

(1) Adjusting the structure of the school day, which may include the expansion of the school day, or modifications in the time spent on instruction in core academic subjects.

(2) The professional development provided to teachers or additional school personnel to assist low-performing students.

(3) Changes in the provision of instruction to students, including targeting low-performing students for specialized instruction or tutoring.

(4) Utilizing types of instructional materials to prepare students.

(5) Instituting other State or local assessments.

(6) Using other strategies to prepare students to meet State student academic achievement standards and achieve proficiency on State academic assessments.

(c) The data collected pursuant to this section shall be disaggregated by—

(1) schools with a high percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(2) schools with a low percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) schools with a student enrollment consisting of a majority of racial and ethnic minority students;

(4) schools with a student enrollment consisting of a majority of non-minority students;

(5) urban schools;

(6) suburban schools;

(7) rural schools; and

(8) schools identified as in need of improvement under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

(d) The representative sample described in subsection (b) shall be designed in such a manner as to provide valid, reliable, and accurate information as well as sufficient sample sizes for each type of school described in subsection (c).

(e) The data collected under subsection (b) shall be reported separately for the most common types of strategies, in each of the categories listed in paragraphs (1) through (6) of subsection (b), used by schools to prepare students to meet State student academic achievement standards, including achieving proficiency on State academic assessments.

### AMENDMENT NO. 3433, AS MODIFIED, TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3433, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. KENNEDY, proposes an amendment numbered 3433, as modified.

The PRESIDING OFFICER. Under the previous order the amendment is agreed to.

The amendment (No. 3433) as modified, was agreed to, as follows:

### AMENDMENT NO. 3433, AS MODIFIED

At the end of title III, insert the following:

SEC. ____. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C. 1078–1) that exists on the date of enactment of this Act. With respect to an entity with which the Secretary of Education has a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C. 1078–1) on the date of enactment of this Act that is not cost neutral, if the Secretary terminates such agreement after January 1, 2008, the Secretary of Education shall, not later than December 31, 2008—

(1) negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement.

### AMENDMENT NO. 3400

Mr. HARKIN. Mr. President, Parliamentary inquiry: What is the amendment now before the Senate?

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Cardin amendment No. 3400.

The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I urge my colleagues to support the amendment. It is offered by Senator SMITH and myself. Refugees who come to this country are entitled to loans to help them defray the cost of transportation and to resettlement assistance once they arrive. I am for that.

This amendment provides similar benefits to those who qualify for Special Immigration Visas. These are Iraqi and Afghan translators who have helped us, and now, in risk of their lives, are allowed to come to a safe haven, the United States.

This amendment extends a helping hand to those who have helped us under very difficult and dangerous circumstances. As I indicated, refugees are entitled to this benefit for up to 7 years. This provides benefits for only up to 6 months for the SIV holders.

It is carefully crafted. It has been scored at not adding additional costs to the budget. I think this is a matter of basic fairness. I urge my colleagues to support the Cardin-Smith amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. HARKIN. Mr. President, since no one is here to speak in opposition, I yield back all time.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment.

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. CONRAD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 386 Leg.]

YEAS—92

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—8

Biden
Clinton
Conrad
Dodd
Kennedy
McCain
Obama
Warner

The amendment (No. 3400) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3342

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on Ensign amendment No. 3342.

Who yields time?

Mr. REID. Mr President, I am going to vote for the amendment offered by Senator ENSIGN with respect to the U.S.-Mexico Totalization Agreement, and I wanted to take a few minutes to explain my thinking on this issue.

The United States has negotiated totalization agreements with more than 20 countries. These agreements establish mechanisms for coordinating our respective Social Security systems so that U.S. citizens working abroad are treated fairly. For example, the agreements help prevent Americans from being subject to unfair double taxation. They also help ensure that work in each country can be combined for purposes of qualifying for benefits, so that those who split their careers between countries are not left uncovered. Of course, while their purpose is to protect American interests, the agreements also provide reciprocal benefits to citizens of the other countries.

Totalization agreements can be win-win arrangements that benefit both sides, provided they are crafted carefully to ensure that their benefits and their burdens are reasonably balanced. No agreement, no matter how carefully drafted, is likely to impose identical costs on both countries. More likely, there will be some difference in the burdens borne and benefits received by each nation. And if the United States ends up paying far more in benefits to citizens of another country than American citizens receive, our national interests could dictate that we reject or renegotiate that agreement.

The need to carefully scrutinize a proposed totalization agreement is especially great because its costs could directly affect the Social Security benefits of virtually all Americans in the future. This type of agreement has the potential of imposing significant burdens on the Social Security trust fund. Although the Congressional Budget Office projects that the trust fund will be solvent through 2046, we should be careful before approving any measure that would worsen the program's long-term challenges. Otherwise, the end result could be unnecessarily deep cuts in benefits or excessive increases in taxes for Americans.

Given this, I believe it is important that President Bush not be given unilateral power to negotiate and implement agreements without significant congressional involvement. Current law allows Congress to reject an agreement, but this mechanism probably is unconstitutional under the Supreme Court's Chadha decision, which invalidated so-called legislative vetoes. We need to develop a new mechanism, and I am pleased that Senator BAUCUS and Senator GRASSLEY have been working in a bipartisan manner to develop one.

While those efforts are ongoing, I believe it is appropriate to take interim steps to ensure that the Bush administration is not allowed to implement a totalization agreement unilaterally. That is what the Ensign amendment does. While not making a final determination about whether an agreement should be approved, the amendment effectively would ensure that, for the next fiscal year, an agreement with Mexico will not be implemented without congressional approval. I think that makes sense.

In my view, the Ensign amendment would have been stronger had it applied to all totalization agreements, not just the agreement with Mexico. Not only would that have helped ensure that all agreements serve our national interests, but it would have eliminated any perception that we are unfairly singling out Mexico for special treatment. Having said that, I do understand the view of the General Accounting Office that the Mexican agreement is, "both qualitatively and quantitatively different than any other agreement signed to date," largely because of the potential impact of the many workers who have come from Mexico into the United States. The extent of that impact is unclear. In any case, surely this complex issue deserves to be considered seriously here in the Congress before any agreement is implemented.

The Senator from Iowa.

Mr. HARKIN. Mr. President, in consultation with Senator ENSIGN, he does not wish to use his time. So, therefore, we yield back all time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "no."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 387 Leg.]

YEAS—91

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd

Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—3

Hagel
Lugar
Martinez

NOT VOTING—6

Biden
Clinton
Dodd
Kennedy
McCain
Obama

The amendment (No. 3342) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3352

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Ensign amendment No. 3352.

Who yields time?

Mr. HARKIN. Mr. President, it is my understanding we don't need any time. All time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 388 Leg.]

YEAS—92

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—2

Hagel
Lugar

NOT VOTING—6

Biden
Clinton
Dodd
Kennedy
McCain
Obama

The amendment (No. 3352) was agreed to.

AMENDMENT NO. 3328, AS MODIFIED

Mr. HARKIN. Mr. President, the next amendment up would be Senator VITTER's amendment No. 3328. I have a modification I send to the desk.

The PRESIDING OFFICER. Under the previous order, the amendment is so modified.

The amendment (No. 3328), as modified, is as follows:

On page 79, after line 4, insert:

SEC. ___. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355) and is not—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

Mr. VITTER. Mr. President, I rise today to discuss my amendment, Amendment No. 3328, which is currently pending to the Labor-HHS-Education Appropriations bill before the Senate. My original amendment is simple. It would stop officials at HHS from preventing individuals from bringing back a prescribed medication for themselves from Canada. I have agreed to make two modifications to my amendment. My amendment, as modified, would add explicit restrictions on controlled substances and biological products from my amendment.

Therefore, as modified, my amendment prohibits funds from preventing individuals, not wholesalers, from importing prescriptions for themselves, and that because there is no restriction in my language as to how they may import these prescriptions, it is understood that mail order and Internet importation is not prohibited along with carrying on the person over the border. All controlled substances and biological products are prohibited.

It is my understanding that my amendment will be accepted by voice vote today on the agreement that the chairman and ranking member of the subcommittee, Senator HARKIN and Senator SPECTER, will work hard for its inclusion in the final conference report for the final legislative vehicle for this bill.

Mr. HARKIN. Mr. President, I appreciate the sentiments by the Senator from Louisiana and accept this proposal on this modified amendment and will ask that it be adopted by unanimous consent. I agree to work hard for inclusion of this amendment in the conference report of the final legislation.

Mr. SPECTER. Mr. President, I concur with my colleague and confirm this agreement with my colleague from Louisiana, Mr. VITTER.

Mr. HARKIN. Mr. President, we are ready to vote on the Vitter amendment.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 3328), as modified, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is to be recognized.

AMENDMENT NO. 3440, AS MODIFIED, TO AMENDMENT NO. 3325

Mr. BINGAMAN. Mr. President, this is an amendment to add $150 million to the Social Security Administration account so that they can deal with the enormous backlog of cases that are pending there in people applying for disability benefits. The average wait is 523 days now. If a person filed today for a hearing in Social Security, they would expect to get that hearing in June of 2009. That is unacceptable. We need to do better. This amendment will help us do that.

I yield the remainder of my time to Senator DOMENICI.

Mr. DOMENICI. Mr. President, I suggest that this is absolutely imperative. For citizens who are on disability to have to wait 2 years on an appeal, as the Senator said, is unacceptable. The money this is providing will take care of that. He asked the administrator, and that is what is needed, and we ought to do it. We have Social Security and disability, and then they make them wait 2 years, and all of the offices are being cut back because they don't have enough operating money. We should pass this amendment.

Mr. BINGAMAN. Mr. President, I call up amendment No. 3440, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 3440, as modified.

The amendment is as follows:

At the appropriate place, insert the following:

GENERAL PROVISIONS

SEC. 401. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be increased by $150,000,000.

(b) Section 1848(l)(2)(A) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)(A)), as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110-90), is amended by striking "$1,350,000,000" and inserting "$1,200,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed $650,000,000" in the first sentence.

(c) Section 323 of title 31, United States Code, is amended to read as follows:

Mr. GRASSLEY. Mr. President, do we have an opportunity to address it?

The PRESIDING OFFICER. There is 2 minutes on each side.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I rise in support of the goals of this amendment. I want to speak about process so that nobody gets the understanding that the Committee on Finance has given up jurisdiction over this area. We also want to explain that the offset is coming from the Medicare physician assistance and quality initiative fund, which we have set aside to make sure doctors don't get a 10-percent cut this year in their formula. That is something which is going to come out of the Finance Committee in the next few weeks.

The reason we are going along with this offset is we have found another offset that will fill the void in this fund I just referred to, so that we will be able to keep this whole. I advise people that just because we are allowing this fund to be tapped, we are not going to tap this fund again because we are going to save this to make sure we can help doctors not get cut in their reimbursement on Medicare.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I yield back the remaining time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 6, as follows:

[Rollcall Vote No. 389 Leg.]

YEAS—88

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—6

Allard
Burr
Coburn
DeMint
Gregg
Inhofe

NOT VOTING—6

Biden
Clinton
Dodd
Kennedy
McCain
Obama

The amendment (No. 3440) was agreed to.

Mr. CARDIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3396, AS MODIFIED, TO AMENDMENT NO. 3325

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa, Mr. GRASSLEY, is recognized to offer an amendment.

Mr. GRASSLEY. Senator SANDERS should go first.

Mr. SANDERS. I call up my amendment.

Mr. HARKIN. Mr. President, I understand that under the unanimous consent agreement, the next amendment will be No. 3396, the Grassley-Sanders amendment. It has been modified.

The PRESIDING OFFICER. The Senator is correct. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. SANDERS, proposes an amendment numbered 3396, as modified, to amendment No. 3325.

The amendment is as follows:

At the appropriate place, insert the following:

**SEC. ___. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.**

(a) SHORT TITLE.—This section may be cited as the "American Competitiveness Scholarship Act of 2007".

(b) ESTABLISHMENT.—The Director of the National Science Foundation (referred to in this section as the "Director") shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, health care, or computer science.

(c) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a scholarship under this section, an individual shall—

(A) be a citizen of the United States, a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1157), or an alien lawfully admitted to the United States for permanent residence;

(B) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(C) certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical medical program, or technology, or science program designated by the Director.

(2) ABILITY.—Awards of scholarships under this section shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants for scholarships are deemed by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.

(d) AMOUNT OF SCHOLARSHIP; RENEWAL.—

(1) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $15,000 per year, except that no scholarship shall be greater than the annual cost of tuition and fees at the institution of higher education in which the scholarship recipient is enrolled or will enroll.

(2) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for not more than 4 years.

(e) FUNDING.—The Director shall carry out this section only with funds made available under section 286(w) of the Immigration and Nationality Act, as added by subsection (g).

(f) FEDERAL REGISTER.—Not later than 60 days after the date of the enactment of this Act, the Director shall publish in the Federal Register a list of eligible programs of study for a scholarship under this section.

(g) SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT; GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(w) SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Supplemental H–1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this Act, there shall be deposited as offsetting receipts into the account 85.75 percent of the fees collected under section 214(c)(15)(B).

"(2) USE OF FEES FOR AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—The amounts deposited into the Supplemental H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in the American Competitiveness Scholarship Act of 2007 for students enrolled in a program of study leading to a degree in mathematics, engineering, health care, or computer science.

"(x) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.25 percent of the fees collected under section 214(c)(15)(B).

"(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).".

(h) SUPPLEMENTAL AND DEFICIT REDUCTION FEES.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(15)(A) Except as provided under subparagraph (D), if the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (11), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee and a deficit reduction fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amounts determined under subparagraph (B).

"(B) The amount of the supplemental fee shall be $3,500, except that the fee shall be ½ that amount for any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).

"(C) Of the amounts collected under subparagraph (B)—

"(i) 85.75 percent shall be deposited in the Treasury in accordance with section 286(w); and

"(ii) 14.25 percent shall be deposited in the Treasury in accordance with section 286(x).

"(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fees imposed under this paragraph.".

The PRESIDING OFFICER. Who yields time?

Mr. SANDERS. Mr. President, I will say a few words about this amendment.

I thank Senator GRASSLEY for working with me on this amendment. We modified the original amendment. This amendment is substantially similar to the amendment Senator GRASSLEY and I offered last May on the immigration reform bill which passed the Senate with a bipartisan vote of 59 to 35.

This amendment is motivated by one major concern. We want to make certain that young Americans receive the educational opportunities they need in order to obtain the professional, good-paying jobs that are coming about in this country. To do that, we need to make sure they have the college education they need in math, science, engineering, health care, and other professional fields.

This amendment also expands the Jacob Javits Gifted and Talented Educational Program, long supported by Senator GRASSLEY.

This amendment will accomplish these goals by adding a $3,500 surcharge on companies that utilize the H–1B program, the same surcharge that 59 Senators supported last May.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I wish to speak to what this bill does or does not do for our most promising students.

In his best selling book, "The World Is Flat," Thomas Friedman discusses the challenges of globalism using the metaphor of the world getting flatter.

What he means is that international barriers to the movement of goods, services, people, and ideas are breaking down. That means that American businesses are facing competition from different sources, and the competition will only get fiercer.

If Americans want us to remain an economic leader and keep high paying jobs, we will need to stay one step ahead of others around the world in coming up with new ideas and innovative products and services.

Thomas Friedman likens this moment in American history to the height of the Cold War when the Soviet Union leaped ahead of America in the space race by putting up the Sputnik satellite.

In response to Sputnik, Congress passed the National Defense Education Act, which really started the Federal involvement in education.

According to Thomas Friedman, to meet the challenges of what he calls "flatism" will require, "as comprehensive, energetic, and focused a response as did meeting the challenge of communism."

We have heard a lot of talk in Congress about the need to do something about American competitiveness.

In fact, earlier this year we passed the America COMPETES bill, authorizing a series of new programs designed to stimulate advanced learning by young Americans. But are we serious about that?

The bill before us today is a $5.35 billion increase over the previous year. That is not small potatoes. That is enough to give a boost to a lot of programs.

But one program that is not seeing a boost is the only source of Federal funds currently focused on helping meet the unique learning needs of gifted and talented students.

The Javits Gifted and Talented Students Education Act has suffered a series of cuts in recent years due to across-the-board rescissions.

For the current fiscal year, Congress passed an unusual type of modified continuing resolution.

While the continuing resolution contained no specific language further cutting funding for gifted education, the program mysteriously suffered a significant 21 percent cut.

In total, gifted and talented education has taken a 33 percent cut since 2002, and that is not adjusted for inflation. The current bill retains that cut.

If we are serious about maintaining America's competitive edge internationally, our most promising students must be challenged and supported to reach their full potential.

We need these talented young people to go on to pursue advanced degrees and make the technological innovations that drive our economy.

Make no mistake, that will not happen by itself.

Gifted students learn faster and to a greater depth than other students and often look at the world differently than other students. As a result, it takes a great deal more to keep them challenged and stimulated.

If gifted students are not sufficiently stimulated, they often learn to get by with minimum effort and adopt poor learning habits that can prevent them from achieving their potential.

In fact, many gifted and talented students underachieve or even drop out of school.

The book "Genius Denied," by Jan and Bob Davidson from the majority leader's home, the State of Nevada, chronicles how we are letting gifted students throughout the Nation fall through the cracks, wasting their potential.

The Belin-Blank Center in my home State of Iowa produced a report titled, "A Nation Deceived: How Schools Hold Back America's Brightest Students."

We must do a better job of developing American talent if America is to remain competitive in the global economy.

Twice now, on the competitiveness bill and the immigration bill, I have proposed an amendment to provide an appropriate funding source for gifted and talented education.

My proposal would increase the fee employers pay for H–1B visas for highly skilled foreign workers to come to the United States and use that additional funding for the Jacob Javits Gifted and Talented Students Education Act.

H–1B visas are temporary visas.

Highly skilled foreign workers come to the United States, often working for less than Americans, and garner useful experience with American companies.

Then, by the nature of the H–1B program, they go home to use their talent in their native country.

That is hardly a permanent solution to our need for talented workers.

Doesn't it make sense to charge a fee to those investing in temporary talent from abroad and use it to invest in permanent talent for the future here at home?

The modified amendment at the desk is a compromise that I worked out with the Senator from Vermont, Mr. SANDERS.

The modification includes language that was agreed to during the immigration debate.

In fact, a similar amendment passed the Senate with a 59-vote majority.

It would increase the fee for H–1B visas and use the revenue to support gifted and talented education as well as an American Competitiveness Scholarship Program that the Senator from Vermont has authored.

I support his goal of creating a scholarship program for students pursuing a degree in math, engineering, health care, or computer science.

I appreciate Senator SANDERS's willingness to help me and to provide needed funding for gifted and talented students.

We cannot continue to shortchange our best and brightest students and still expect excellence from them.

Gifted students are the innovators of tomorrow that will keep our economic pump primed.

For their sake and ours, we cannot afford to squander this vital national resource.

I urge the adoption of my amendment.

Mr. HARKIN. If there is no one else to speak, I yield back the remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 3396), as modified, was agreed to.

Mr. SANDERS. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 3404 TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, I understand the next amendment is the Schumer amendment No. 3404.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. As amended by the Durbin amendment No. 3449.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. SCHUMER, for himself and Mrs. HUTCHISON, proposes an amendment numbered 3404 to amendment No. 3325.

The amendment is as follows:

(Purpose: To increase the domestic supply of nurses and physical therapists, and for other purposes)

On page 126, between lines 7 and 8, add the following:

SEC. 521. Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1996, 1997," after "available in fiscal year"; and

(B) by inserting "group I," after "schedule A,";

(2) in paragraph (2)(A), by inserting "1996, 1997, and" after "available in fiscal years"; and

(3) by adding at the end the following:

"(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.".

### AMENDMENT NO. 3449 TO AMENDMENT NO. 3404

(Purpose: To increase the number of nursing faculty and students in the United States, to encourage global health care cooperation, and for other purposes)

Mr. HARKIN. Mr. President, I call up the Durbin amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DURBIN, proposes an amendment numbered 3449 to amendment No. 3404.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DURBIN. Mr. President, my second degree amendment reflects my belief that we cannot continue to import nurses from other countries without also taking steps to step up capacity for training nurses here in the U.S. We all know that the United States faces a serious shortage of qualified nurses. Projections show that by the year 2020, our country will fall short of the nurses we need by one million nurses.

Why do we have this looming shortage? Certainly it is due in part to our growing and aging population. But there are also structural problems with the domestic nursing system that limit the number of nurses we educate and train in this country. The main structural problems are an insufficient number of nurse educators and a shortage of clinical space for training. An American Association of Colleges of Nursing survey showed that nursing colleges denied admission to nearly 43,000 qualified applicants in 2006 academic year. The top reasons these applications were not accepted were insufficient faculty and not enough admissions slots. This is a bottleneck that is stifling the supply of nurses in this country. And we need to fix it.

We need to devote resources to training and hiring new nursing faculty and expanding clinical space for nursing schools so they can accept more qualified students. These investments will exponentially increase the number of trained American nurses. The Schumer-Hutchison amendment's approach to fixing our nursing shortage is to allow up to 61,000 foreign nurses to enter the country as green card holders. Importing these thousands of foreign nurses is only a band-aid solution to our projected nursing shortage of 1 million. But it is also a step that deflates any momentum towards finding real solutions for our domestic nursing crisis. We have done these nursing visa recaptures before. In fact, 2 years ago in 2005, the President signed into law a recapture of 50,000 nursing visas as part of that year's Emergency Supplemental Appropriations Act. Did this 2005 visa recapture stop the nursing shortage? Of course not. It was a band-aid solution. But it did undermine momentum for efforts to undertake the real reform that we know we need. And so here we are again, 2 years later, with hospitals desperate for more nurses.

My second degree amendment is a reasonable compromise that will help both the hospitals in the short term and the domestic nursing supply in the long term. My amendment would require employers who successfully petition for a recaptured nursing green card to pay a $1,500 fee.

This fee would be used to fund a grant program that would provide grants to U.S. nursing schools for hiring nurse faculty, expanding training capacity, and recruiting more students. $1,500 is not a large fee—hospitals often spend many times that amount for the services of foreign nurse recruiting companies. However, under my amendment, hospitals that are in dire financial straits, like Health Professional Shortage Area facilities and Louisiana hospitals still recovering from Hurricanes Katrina and Rita, would receive a waiver from paying this fee. Neither does my amendment also impose the fee on the dependents of any nurses who receive a recaptured green card.

Again, the Durbin 2nd degree amendment is a reasonable compromise that will help both the hospitals in the short term and the domestic nursing supply in the long term. It will allow for the additional nursing green cards to address immediate needs, but it will also take steps that will put the American nursing profession on a path to sustainability. My amendment also contains two measured steps to enhance global healthcare cooperation and to safeguard against a crippling brain drain of foreign healthcare workers from countries where they are critically needed. The first provision would allow a healthcare worker who is a legal permanent resident in the U.S. to temporarily provide healthcare services in a country that is underdeveloped or that has suffered a disaster or public health emergency—like the 2004 tsunami—without jeopardizing his or her immigration status in the U.S. The second provision would require a foreigner who is petitioning to work in the U.S. as a health care worker to attest that he or she has satisfied any outstanding commitment to his or her home country under which the foreigner received money for medical training in return for a commitment to work in that country for a period of years. The goal of this second provision is to ensure that foreign countries do not invest money in healthcare workers who then renege on commitments to work in their country without satisfying their commitment in some way, such as by a new voluntary agreement. There is a waiver available in case of coercion by the home country government. My amendment is strongly supported by the American Nurses Association and the American Association of Nursing Colleges.

I urge my colleagues to support the domestic nursing profession and support global healthcare cooperation. I urge passage of my amendment.

Mr. HARKIN. All time is yielded back.

The PRESIDING OFFICER. If all time is yielded back, without objection the second-degree amendment is agreed to.

The amendment (No. 3449) was agreed to.

The PRESIDING OFFICER. Without objection, the amendment, No. 3404, as amended, is agreed to.

The amendment (No. 3404), as amended, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3450 TO AMENDMENT NO. 3325

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina, Mr. DEMINT, is recognized to offer an amendment.

Mr. HARKIN. Mr. President, I have an amendment for Mr. DEMINT, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DEMINT, proposes an amendment numbered 3450 to amendment No. 3325.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent Federal employees from purchasing unnecessary first class or premium class airline tickets at taxpayers' expense, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301-10.123 and 301-10.124 of title 41 of the Code of Federal Regulations.

Mr. HARKIN. Mr. President, the amendment has been agreed to on both sides.

The PRESIDING OFFICER. All time is yielded back. Without objection, the amendment is agreed to.

The amendment (No. 3450) was agreed to.

AMENDMENT NO. 3391 WITHDRAWN

Mr. HARKIN. Mr. President, I am informed that amendment No. 3391 by Senator CHAMBLISS can be withdrawn, so I ask unanimous consent that amendment No. 3391 be withdrawn.

The PRESIDING OFFICER. Is there objection? The chair hears none, and it is so ordered.

The Republican leader.

MOTION TO COMMIT

Mr. McCONNELL. Mr. President, we are now in the fourth week of the new fiscal year, and Congress still hasn't sent a single 1 of the 12 appropriations bills to the President. Those who made a lot of noise about Republican spending habits before last year's elections are now making the same mistakes themselves.

There is a difference. This year, our Democratic friends are delaying the most essential business of Congress on a political gambit. They have stuffed this bill with so much extra spending it is guaranteed to draw a veto. Once again, they are setting up the kind of media circus that has become so common this year. Instead of having a debate about the issues, about spending, we will have a nondebate played out in front of cameras, complete with props and outrage. A story in Monday's "Roll Call" laid out the strategy. It said our Democratic friends think a Presidential veto of the Labor-HHS bill will allow them to paint the administration and Capitol Hill Republicans as "out of touch" with average Americans, just like the effort that is underway on SCHIP.

Well, it is time to stop painting and to start legislating. The fact is, the Labor-HHS bill is simply too expensive. It is $9 billion over the President's request, and we all know what that means. Next year, Democrats will use that figure as their baseline, and on and on in perpetuity. They expect taxpayers to forget how much they increase spending this year so they can say it isn't that much when they do it again next year.

Our friends on the other side of the aisle like to downplay the spending hikes, but let's stop for a second and look at what some of their proposed increases this year would actually look like down the line. The spending hike they are asking for in this bill, if allowed to continue at the same rate, will cost the American taxpayer $120 billion over the next 10 years. Let me say that again. This spending increase over what the President has requested, if allowed to stand year after year, which is the way this always works, will cost the American taxpayers $120 billion over the next 10 years. That is equivalent to the entire budget of the State of New York just in discretionary increases, just on this one appropriations bill. So this increase on this bill, compounded out, $120 billion over the next 10 years, is the equivalent of the entire budget of the State of New York.

So what we are telling taxpayers is this proposed $23 billion increase over the President's request for this year's appropriations bills isn't all that much. How many times have we heard that: this isn't all that much money? But let's look at the 10-year totals. The $23 billion this year, at the same rate of growth, will end up costing taxpayers $252 billion over 10 years.

What can we do with $252 billion? We could fund this year's discretionary appropriations for the Department of Transportation, the Department of Housing and Urban Development, the Department of Justice, the Department of Commerce, the Department of Agriculture, the Departments of Homeland Security, Interior, Energy, and still have more left over than the entire 2005 Massachusetts State budget.

So our friends are saying that is not a lot of money. Only in Washington, DC, could this kind of spending be not much. We need to get serious about how we spend other people's money, and if we don't start on this bill, which represents the largest increase among all the appropriations bills, we won't cut anywhere.

Senator LOTT and I propose to send this bill back to committee and instruct them to prioritize spending in a way that is responsible and which will secure a Presidential signature. We cannot continue to use the Government charge card knowing our children and their children will have to pay the bill.

On behalf of Senator LOTT and myself, I move to commit H.R. 3043 to the Committee on Appropriations with instructions to report back with total amounts not to exceed $140.92 billion, and I urge my colleagues to vote with us to get us out of the business of political theater and back to the business of governing in a responsible way.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, first, I commend Senator HARKIN for his skillful management of this bill. The Labor, HHS, and Education bill requires tough—did you hear me say that word, tough?—tradeoffs between critical programs that serve our Nation well. I thank Senator SPECTER for his many contributions to this legislation, which is bipartisan, and I urge Senators to vote no on the motion to commit the bill to the committee for the purpose of reducing the bill to the President's request.

Hear me now. Hear me now. Listen. I am going to pose a question. You will have an opportunity to answer it. If such a motion to commit were approved, the bill would need to be reduced by $9 billion. To any Senator who intends to vote for the motion to commit so as to reduce the bill by $9 billion, I ask: What programs would you cut? What programs would you cut?

The President proposes to cut National Institutes of Health funding by $279 million for studying cancer, diabetes, and heart disease. Under the President's budget, the National Institutes of Health would have to eliminate 717 research grants that could lead to cures or treatments for cancer, diabetes, Alzheimer's, and other diseases. Should we reduce funding for the National Institutes of Health? How about it? Do I hear a response? Ask yourself before you vote: Where would you cut? Where would you cut?

The President proposes over $3 billion in cuts for education programs, including special education, safe and drug-free schools, and improving teacher quality. Should we reduce funding for educating our children? Should we? Which educational programs shall we cut? Step up to the plate.

The President proposes cuts of nearly $1 billion in health programs such as rural health, preventive health, nurse training, and mental health grants. Should we reduce funding for programs that improve the health of our Nation? Should we? Ask yourself, which program—which program—should be cut?

Silence. The record will note silence in answer to the question.

The President proposes to cut low-income home energy assistance by $379 million. Winter is coming on. It gets pretty cold in those West Virginia hills. As winter approaches and home heating oil prices rise, should we reduce funding for home energy assistance? No Senator will be cold this winter at home. I won't be cold at home. I am a Senator, proud to be a Senator. By how much should we slash low-income home energy assistance? By how much? Those who want to cut, now is the time to answer the question. By how much should we slash low-income home energy assistance?

Mr. President, it is easy to demand cuts until one has to say just what will be cut. Whose ox—whose ox, yours or mine—whose ox will be gored? Who will be left out in the cold?

To all Senators listening, I urge a "no" vote on the motion to commit.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes 15 seconds.

Mr. HARKIN. I yield—how much time remains?

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes 15 seconds; the Republican leader has 5 minutes.

Mr. HARKIN. I will split it, 1½ minutes to Senator SPECTER, and I will take the last 1¼ minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I oppose the motion to commit because the President's budget is $3.5 billion under the current expenditures, and figuring an inflation rate it would be $8.5 billion less.

If we accept the President's figure, then we are abdicating our constitutional responsibility of the appropriations process. The Constitution gives to the Congress the appropriations power. If we automatically defer to the President on the total figure, all we do is fill in the blanks, and that would be an abdication of our constitutional responsibility. In fact, I think it would be unconstitutional for us to delegate that authority to the President. There is case law to the effect that Congress may not delegate its constitutional authority.

I discussed an alternative motion to commit, and that is to arrive at a figure which would be acceptable to the President. On SCHIP the President has stated his willingness to negotiate. The Senate has its figure; the President has his figure. I would be prepared to commit this bill to committee to arrive at a compromise but certainly not to abdicate our constitutional authority and responsibility.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, first I thank Senator SPECTER for his help through all this debate and developing this bill. I thank Senator BYRD for his usual eloquence tonight. I think he encapsulated what this is all about.

This is a bipartisan bill. It passed the committee by a vote of 26 to 3. Frankly, I think at least two, maybe all three of those were opposed to the stem cell portion we had in there, which is no longer in the bill. Nonetheless, this passed 26 to 3.

To echo a little bit what Senator BYRD said, if you vote to commit, you are voting to cut community services block grants, to zero it out, and your social services block grants that go to your States will be cut by 30 percent. You would cut NIH, as Senator BYRD said, by $279 million. How about special education? That would be cut by $748 million. How about community health centers? That would be cut by $250 million.

A "yea" vote means you agree with the President that we do not need any more community health centers, you agree with the President we don't need any more money to go to the States for special education, you agree with the President that we can cut funding for NIH, you agree with the President we can zero out the community services block grants and cut the social services block grants to the States by 30 percent. That is what a "yea" vote means.

Frankly, I hope we have an overwhelming vote to reject this motion to commit and keep this a strong bipartisan bill with which we can go to conference.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I yield the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 54, as follows:

[Rollcall Vote No. 390 Leg.]

YEAS—40

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Sununu
Thune
Vitter
Warner

NAYS—54

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Coleman
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy

Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—6

Biden
Clinton
Dodd
Kennedy
McCain
Obama

The motion was rejected.

Mr. HARKIN. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

### STUDY ON FOLIC ACID

Mr. SALAZAR. The distinguished ranking member, Senator SPECTER, and I wish to engage in a colloquy about an important public health matter.

Folic acid is an essential "B vitamin" that plays a critical role in the body's natural processes for making new cells throughout the body. As the Labor/HHS appropriations committee has indicated in its committee report, folic acid fortification can play a critical role in reducing the incidences of serious birth defects, such as spina bifida. In that regard, according to research conducted by the Centers for Disease Control, since the implementation of the FDA's policies governing folic acid fortification in enriched cereal grain products, the prevalence of spina bifida and other neural tube defects has declined approximately 20 to 30 percent.

While this represents significant progress in the prevention of birth defects, the decline falls short of the national policy objective to achieve a 50 percent reduction by 2010. It also falls short of the 50 percent to 70 percent reduction in birth defects that the Public Health Service has estimated would result if all U.S. women of childbearing age consumed the recommended amount of folic acid daily.

Mr. HARKIN. Senator SALAZAR, I commend you for bringing this critical issue to my attention and to my Colleagues' attention. I agree with you that we must do all that we can to reduce serious birth defects.

Mr. SALAZAR. Thank you, Senator HARKIN. Of great concern to me is that the scientific evidence indicates that the progress that has been made since the current fortification policy was adopted is distributed unevenly, and public health efforts have not been successful in reaching some of the population groups that are at highest risk of having a child affected by NTD birth defects. For example, research analyzing the government's 2001–2002 National Health and Nutrition Examination Survey data found that approximately 60 percent of non-Hispanic white women, and nearly 80 percent of Hispanic women and nearly 80 percent African American women consumed less than the recommended amount of folic acid daily.

CDC research suggests that current fortification policy is a barrier to fortifying the types of food consumed by diverse groups and may help explain the disparate results that have been achieved in diverse U.S. populations. In view of the inadequacy of folic acid intake that persists among U.S. women who are most at risk of having a child affected by NTD birth defects, there is a need for further study to evaluate whether greater improvements in the nutritional status of women and the prevention of NTDs can be achieved through the expansion of food and beverage fortification with folic acid.

Senator SPECTER, the statistics show that our current fortification policy is not reaching all populations. Do you agree that we need the CDC to study this issue further, so that we can take appropriate action based on those results?

Mr. SPECTER. As a longstanding advocate of prevention and education programs, Senator SALAZAR, I believe that the CDC should conduct critical public health research regarding our current folic acid fortification policies, so that we have a chance to meet our public health objectives of significantly reducing the occurrences of spina bifida and other birth defects.

Mr. SALAZAR. I am familiar with the distinguished Senator's long history of supporting public health prevention and education programs, and I ask that you work with me when we get to conference to add report language to the Labor, HHS and Education Appropriations bill that would direct the CDC to conduct a study of the additional disease prevention benefits to the U.S. population that would be gained from expanded folic acid fortification of the food and beverage supply consumed by populations currently at risk for inadequate folic acid intake. It is also my opinion that CDC should use public-private partnerships to facilitate that study.

Mr. HARKIN. Senator SALAZAR, I will work with you to expand folic acid fortification of foods and beverages.

Mr. SALAZAR. Thank you, Senator HARKIN and SPECTER. I appreciate your interest in and dedication to addressing this critical public health matter.

Mr. SPECTER. I commend my colleague for working on this important issue and concur with Chairman HARKIN.

### COMMUNITY-BASED DOULA INITIATIVE

Mr. DURBIN. Mr. President, I rise to enter into a colloquy with the Senator from Iowa, chairman of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, Mr. HARKIN. I am pleased that the subcommittee has designated funding for a community-based doula initiative within the Maternal and Child Health Bureau. In particular, I am eager to see that this funding be used in part to support technical assistance and evaluation activities.

Poor and low-income adolescents make up 38 percent of all women ages 15 to 19, yet they account for 73 percent of all pregnancies in that age group. Teenage mothers are much less likely than older women to receive timely prenatal care and are more likely to smoke during pregnancy. Because of these and other factors, babies born to teenagers are more likely to arrive too early and at a lower birth weight, which puts them at greater risk for serious and long-term illness and developmental delays.

In Chicago, we have seen how the community-doula model can improve the odds for those young moms and their babies. The Chicago Health Connection pioneered this model. The group trained mentors from the community to work with at-risk moms, many of whom had few ideas of where else to turn. These mentors spend time in the neighborhood, finding and befriending pregnant women who need help. With the guidance of the doula, the Chicago Health Connection found that more young mothers were going to their prenatal care appointments, making better lifestyle choices, and not surprisingly delivering healthier babies. The doulas stay with the moms through the early months, encouraging breastfeeding, cuddling, interactive play, and other critically important developmental activities. The key to success in this model is the doula, who comes from the same communities they serve. The doula provides culturally sensitive pregnancy and childbirth education and helps ensure that pregnant women know how to access prenatal care and social services.

My request to the subcommittee to transform this model into a national priority was supported by Senators OBAMA, BINGAMAN, BROWN and CASEY. In a time of budget constraints, I know that not many new programs were begun and I thank the chairman for making this program a reality. I also commend the chairman for his foresight in expanding it to include community-based breastfeeding programs in rural areas.

I am eager to see the Chicago Health Connection model successfully replicated and to make that happen, it is important that new programs have guidance and help to not reinvent the wheel. I would hope that the national program would include funding for a national leader with expertise in the replication of the community-based doula model as well as expertise in breastfeeding promotion to provide training, technical assistance and evaluation services.

Mr. HARKIN. I thank my friend from Illinois for his leadership on this issue. I have worked hard in this bill to make prevention a priority. Doula programs provide the help and support that families need to create a safe environment for new infants, particularly when mothers have nutritional challenges. Everything we learn from the National Institutes of Health reminds us that this early stage of development is so key to our health and well-being.

And I want to applaud my friend Senator DURBIN for bringing this proven model to me last year. We worked hard to include funding and I agree with him that expert technical assistance will be an important component to this initiative. I look forward to working with Senator DURBIN and Senator SPECTER to monitor the implementation of this program and the outcomes it provides.

### PUBLIC ACCESS

Mr. ENZI. Mr. President, I wish to engage in a colloquy with the distinguished Senator from Oklahoma, Mr. INHOFE, and the chairman and ranking member of the Labor-HHS Appropriations Subcommittee, Senators HARKIN and SPECTER.

Mr. President, I am concerned about a provision in the fiscal year 2008 LHHS appropriations bill that would change the National Institutes of Health, NIH, public access policy to a mandate requiring that private sector commercial and nonprofit journal articles be made freely available for worldwide access on an online NIH Web site.

As ranking member of the Health, Education, Labor and Pensions, HELP, Committee, I am concerned that this matter has not been reviewed by our committee, the committee of primary jurisdiction over the NIH. This issue has been handled through the appropriations process, and I believe that the HELP Committee should study the issue and determine the best and most appropriate manner to implement and improve the current voluntary policy. In the Statement of Administration Policy, SAP, issued last week, the administration echoed this sentiment and called on Congress to review the policy and balance the need for public access against the impact it could have on scientific publishing, peer review and intellectual property. The private sector invests hundreds of millions of dollars in the peer review process which vets scientific research, and I believe that a change in the NIH public access policy could undermine that investment.

I would respectfully ask when this bill is conferenced that the section of the Labor-HHS appropriations bill mandating the NIH public access policy be modified so it may receive further study by the committees of jurisdiction to ensure that it achieves its goals without unintended negative consequences.

Mr. INHOFE. I would like to add my voice to Senator ENZI's concern regarding the NIH public access mandate that would force private sector publishers to make their articles freely available on an NIH Web site. I am concerned that this proposal will harm the journal businesses, hurt scientific communication, and impose a severe regulatory taking on commercial and nonprofit publishers. I also believe that this change in policy could have a negative impact on the intellectual property protections for scientific journal articles. I believe this issue is different from making underlying scientific data available. I believe that federally funded scientific raw data should be available for other researchers to review. I would also ask that Senators HARKIN and SPECTER agree to work with me to revise this NIH provision when this bill is conferenced.

Mr. HARKIN. I remain committed to retaining the provision in conference as it is written in the Senate and House Labor-HHS appropriations bills. I will be happy to work with the Senators from Wyoming and Oklahoma to ensure that the policy is implemented as smoothly as possible for the NIH, researchers, and scientific publishers.

Mr. SPECTER. I thank the Senators from Wyoming and Oklahoma for their concerns about the NIH public access policy, which I share. I will work with the chairman to closely monitor the policy's implementation.

Mr. ENZI. I thank the distinguished chairman and ranking member of the subcommittee.

Mr. INHOFE. I also thank the distinguished chairman and ranking member of the subcommittee for their willingness to work with Senator ENZI and me on this important issue.

### MENTORING CHILDREN OF PRISONERS GRANT PROGRAM

Mr. CORNYN. Mr. President, about 2 percent of all children under the age of 18 have at least one parent incarcerated in a State or Federal prison. According to the Bureau of Justice.

> In 1999 an estimated 721,500 State and Federal prisoners were parents to 1,498,800 children under age 18. 22 percent of all minor children with a parent in prison were under 5 years old. Prior to admission, less than half of the parents in State prison reported living with their children 44 percent of fathers, 64 percent of mothers.

As a group, children of prisoners are less likely than their peers to succeed in school and more likely to become engaged in delinquent behavior. So, it is important that we support organizations that provide positive adult mentors to address the needs of these at-risk children—organizations like the Seedling Foundation in Austin, TX; and national organizations like Big Brothers and Big Sisters, and Amachi, both of which have chapters in most States.

Many of these organizations depend on grants from the Mentoring Children of Prisoners Program, authorized in 2001 under section 439 of the Social Security Act and administered by the U.S. Department of Health and Human Services. This program was designed to keep children connected to a parent in prison in order to increase the chances that the family will come together successfully when the parent is released. Unfortunately, this program has been level-funded for the past few years.

The current allocation for the Mentoring Children of Prisoners Program is $507,000 below the President's request and is at the fiscal year 2007 level. I would have preferred that the Senate adopt an amendment to a modest increase in fiscal year 2008 funding and restore this amount to the Senate bill. At the very least, I would encourage the conferees to retain the existing funding for this program.

Mr. HARKIN. I agree with my colleague and will work during the conference process to ensure that funding for this program is not reduced.

Mr. SPECTER. I share my colleague's strong and enthusiastic support for this important program. I will continue to support the existing funding levels for the Mentoring Children of Prisoners Program when we conference this bill.

### DEAFBLIND PROGRAMS

Mr. KERRY. Mr. President, I would like to engage the distinguished chairman of the Subcommittee on Labor, HHS, and Education, Mr. HARKIN, in a colloquy concerning funding for deafblind services and programs at the Department of Education. Would the chairman and manager of the bill entertain a question?

Mr. HARKIN. Mr. President, I would be happy to.

Mr. KERRY. As the Senator knows, tremendous progress has been made in addressing the needs of deafblind children and their families over the past 2 decades. Despite a doubling of the population of children who are deafblind over that same time period, the 46 State and regional project centers that support the deafblind community have not had a budget increase in over 20 years.

In fiscal year 2007, the national technical assistance and dissemination program at the Department of Education received $48.9 million for all disability technical assistance, of which $12.8 million is designated for deafblind programs and services. At a time when remarkable advances in medicine and technology are enabling many more of these infants and children to survive and live longer, it is important for Congress to recognize the need for increased support.

While the President's budget proposed baseline funding for this program, the House included a modest $2 million increase for deafblind programs for fiscal year 2008 in their Department of Education appropriations bill. The equivalent allocation in the Senate was, of course, lower than in the House.

I know the chairman recognizes the urgent help our States need to improve their services for families, to support the activities of the national technical assistance and dissemination center on deafblindness, and to strengthen personnel preparation programs.

Mr. President, I would ask the chairman if he would be willing to continue to work during the conference process to include a $2 million budget increase for deafblind funding?

Mr. HARKIN. Mr. President, I would say to the Senator from Massachusetts that I agree with his description of the challenges facing the funding for deafblind services and that it is my hope that we can find agreement with our House colleagues to retain the modest funding increase that appears in their bill.

Mr. KERRY. Mr. President, I thank the chairman for his help on this issue.

### FAMILY LITERACY PROGRAM

Mrs. CLINTON. Mr. President, I wish to speak on a program that is not just important to me and to many of my constituents in New York but to thousands of children and parents across the country. The William F. Goodling Even Start Family Literacy Program is a highly valuable program that gives economically and educationally disadvantaged parents the tools necessary to support early literacy and language development for their young children. Even Start not only coordinates with early childhood education programs and home visitation programs like HIPPYUSA to provide literacy and language development services, but also incorporates parental involvement. The program assists parents to fulfill their role as their child's first teacher by providing them with adult and parenting education, English as a second language instruction, and structured parent-child joint literacy activities that we all know are necessary for children to arrive at school ready to learn.

The Even Start Program is the only early literacy program that works with parents to serve children during the infant and toddler years, a developmental period that research shows is critical for building later reading proficiency. Moreover, Even Start has been shown to be highly effective in helping low-income parents support their children's education and breaking the cycle of illiteracy and poverty.

During recent years, Even Start has been plagued by a pervasive misconception that the program is ineffective. This has resulted in drastic funding cuts. To date, many Even Start Programs have closed down and thousands of vulnerable families have lost services. In 2005, Even Start Programs in New York were serving 3,064 families. Today, due to the Bush administration's budget cuts, Even Start is serving only 722 families. We can all agree these are dramatic cuts for a program that serves such vulnerable families. For New York, cuts to the Even Start Program have affected 2,342 families.

In order to keep the program alive, it is imperative the Senate ensure the Even Start Program receives the fiscal year 2007 level of $99 million. I am proud to be joined by my colleagues, Senators HARKIN and SPECTER, and most of all by Senator SNOWE who has spent the last 3 years championing this program with me.

Ms. SNOWE. Mr. President, I support the William F. Goodling Even Start Family Literacy Program. I am proud to join my colleague, Senator CLINTON, on this important issue. Senator CLINTON and I have been fighting for this program for the last 3 years, and we are committed to continuing to fight until this program is fully restored.

The majority of Maine's neediest families have also had services taken away from them due to cuts over the past 2 years. In 2005, Even Start Programs in Maine served 168 families through 9 programs. Today, Even Start is only serving 57 families through 3 programs. This means that 66 percent of Maine families being served have lost Even Start services over the past 3 years.

These families depend on Even Start for help in learning English, pursuing educational opportunities, and obtaining job skills. In a Texas A&M University Study, 2004–05, parents participating in Even Start were more often and better employed. The study found that employment jumped from 17 percent before enrollment to 51 percent after program completion, and wages increased by more than 25 percent.

This program helps parents acquire important skills to be their child's first and most important teacher. In fact, Even Start complements other early childhood education programs such as Head Start and Reading First by providing the comprehensive family services that help children in these critical years. Even Start is also consistent with the parent involvement goals of the No Child Left Behind Act. The program supports parents to be effective advocates for their children.

Mrs. CLINTON. Mr. President, Even Start Programs are essential to breaking down the barriers that poverty and illiteracy create by integrating early childhood education, adult literacy, or basic education, and parenting education into a unified family literacy program. That is why 35 national organizations, including the Center for Law and Social Policy, the Children's Defense Fund, the National Council of La Raza, Home Instruction for Parents of Preschool Youngsters USA, and Pre-K Now. We have an obligation to our most vulnerable families to support services that they need the most.

The criticisms of Even Start have been largely based on the findings from the U.S. Department of Education's national evaluation released in May 2003. However, this study contained serious methodological flaws that call into question the accuracy of the findings. For example, the study's sample was not representative of the Even Start population. Thus, findings cannot be generalized to all of Even Start, particularly Even Start participants in rural communities or special populations, such as migrant and Native American families. Experts in assessment of limited English-proficient, LEP, individuals caution that the findings for LEP individuals, who represent 75 percent of those assessed in the study, are flawed due to inappropriate assessment protocols and measures. Of the 118 Even Start projects eligible to participate in the study in 2003, only 18 programs self-selected, meaning that researchers included programs largely based on who volunteered rather than using random selection, and such a small pool of programs overall does not allow for the study's findings to be generalized to all of Even Start.

However, the California Department of Education Even Start evaluation found that the percentage of parents who reported reading to their child on a more regular basis and involvement in activities such as parent-teacher conferences increased each year that they were served by the program.

Even Start families are the most in need. Eighty-four percent of Even Start's families are at or below Federal poverty levels. Eighty-four percent of Even Start adults do not have a high school diploma or GED, and 44 percent of the parents have not gone beyond the ninth grade. Nearly one-third of children and parents served by Even Start are limited English proficient.

Mr. HARKIN. Mr. President, I thank my colleagues, Senator CLINTON and Senator SNOWE, for bringing this critical issue to the floor of the U.S. Senate.

The Even Start Family Literacy Program is a valuable program, and I agree with my colleagues that Congress must do all that it can to ensure that the Even Start Program receives an adequate funding level to keep the program alive.

Mr. SPECTER. Mr. President, I also want to thank Senators CLINTON and SNOWE for their hard work on this critical program, and I look forward to working with the chairman in providing the needed resources for the Even Start Family Literacy Program.

### SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Mr. SANDERS. Mr. President, I first want to thank Chairman HARKIN and Ranking Member SPECTER for their terrific work on the Labor-HHS appropriations bill. I appreciate how well the chairman and the ranking member were able to address so many of the important issues in this bill despite the overwhelming needs of so many worthy programs that have been terribly underfunded during the Bush administration. With this in mind, I want to enter into a colloquy to clarify a key issue concerning this measure.

As a member of the HELP Committee and its Retirement and Aging Subcommittee, I am a strong supporter of the Senior Community Service Employment Program, SCSEP, which provides part-time community service opportunities at minimum wage for unemployed low-income seniors over the age of 55 with poor employment prospects. This year, approximately 100,000 seniors nationally will have access to assistance from the SCSEP program. Last year, approximately 94,000 were served and 40 million hours of community services were provided at local community-based organizations, and 33 percent of participants obtained employment as a result of participating in this program

Through SCSEP, low-income older people benefit from training, counseling, and community service assignments at nonprofit organizations and public agencies before transitioning into the workforce. Participants' community service assignments benefit schools, health facilities, homeless shelters and food banks, disaster relief agencies, and aging services. The wages participants earn makes the difference in their ability to care for basic necessities of life such as food and medicine. Many participants overcome homelessness and other obstacles such as disabilities, literacy deficiency, language, or lack of self-esteem through their participation, and are able to compete for jobs in their local communities. Each year thousands of participants transition to employment, allowing additional older workers to benefit from the SCSEP.

The SCSEP program was reauthorized last year as part of the Older Americans Act with strong bipartisan support as a result of the tremendous difference the program makes in the lives of our Nation's low-income seniors and our communities. As our population continues to grow grayer, the need for SCSEP services is anticipated to grow accordingly.

SCSEP rewards work and the important contribution our Nation's seniors can make to our society. However, program costs will rise this coming year as the increase in the minimum wage results in higher costs for the SCSEP program due to the minimum wage payments made to program participants. In order to continue current participant service levels, the House bill provided $531 million for SCSEP, which provides adequate funds to cover the 2008 minimum wage increase.

I know that Senator HARKIN and Ranking Member SPECTER are supporters of the program but had a funding allocation $2 billion lower than their counterparts in the House.

Can the chairman provide his commitment of his intent to fund SCSEP at the House-passed level when he moves to conference with the House?

Mr. HARKIN. I thank the Senator from Vermont for his support of this important program and share his commitment to our Nation's low income seniors. I want to assure him that I am committed to funding the program at the highest level possible and will work with the House to do so within our existing budgetary constraints. I thank the Senator from Vermont.

Mr. SPECTER. I agree with the chairman.

Mr. SANDERS. I thank the chairman and the ranking member for their work on this critical issue.

### NATIONAL HEALTH SERVICE CORPS

Mr. DORGAN. Mr. President, I commend the chairman and ranking member for rejecting the President's proposal to slash funding for rural health programs by more than 90 percent. The President proposed eliminating practically every rural health program except for the Federal and State offices of rural health. If enacted, these cuts would have a devastating effect on communities in North Dakota and all across rural America. Although one-fifth of the Nation's population lives in rural areas, 70 percent of all underserved areas in the country are rural. I thank the chairman and ranking member for restoring funding for the rural health programs in this bill.

One of the big problems in rural areas is recruiting and retaining health professionals. More than 80 percent of North Dakota's counties are designated as Federal health professional shortage areas. Although recruiting and retaining health professionals is a major challenge in rural communities, it is also a problem in some urban settings. In fact, more than one of every four counties in the United States is designated as a health professional shortage area. Residents who live in these areas frequently have to drive long distances or wait to access the care they need. One of the ways Congress has sought to reduce the number of shortage areas is by supporting a program called the National Health Service Corps, which provides full-cost scholarships or sizable loan repayment to clinicians who agree to serve in a shortage area. I was disappointed that the President proposed cutting funding for the National Health Service Corps by $9 million in fiscal year 2008. I appreciate that the chairman and ranking member were able to restore funding to the fiscal year 2007 level. However, I believe that we must ramp up our investment in this program as well as consider other initiatives to reduce the number of health professional shortage areas.

When this funding bill gets to conference, I encourage the chairman and ranking member to support the funding level proposed by the House for the National Health Service Corps. The House bill would provide a $5.8 million increase for the National Health Service Corps for fiscal year 2008.

Mr. SANDERS. I would like to congratulate the chairman and ranking member for their ongoing championing of critical programs that support health care access, including making substantial investments in the Nation's community health centers. The expansion of the National Health Service Corps is essential if health centers are to continue to meet the health care needs of their growing disadvantaged populations, and if we are to address the impending crisis in the supply of primary care doctors and dentists. Increasing the program's funding over the next several years is an important goal. The program is strongly supported by the Association of American Medical Colleges, which has called for an increase of 1,500 Corps awards per year to help meet the need for physicians caring for underserved populations and to help address rising medical student indebtedness.

In fiscal year 2007, the National Health Service Corps was funded at $126 million and the current level approved by the Appropriations Committee for fiscal year 2008 would level-fund the program. I thank the committee members for rejecting the administration's proposal which would have actually reduced funding by $10 million for this vital resource in the face of a dwindling supply of primary care doctors and dentists. While I recognize the many competing needs of important programs within the Labor, Health and Human Services, and Education appropriations bill, at the very least, I would like to see the National Health Service Corps program funding increased by the $5.8 million approved by the House of Representatives.

Ms. MURKOWSKI. I would like to thank the chairman and the ranking member of the subcommittee for providing one of the largest increases in funding for community health centers which include migrant health centers, health centers for the homeless, and public housing health services. Community health centers particularly impact medically underserved communities which can be in urban settings like New York City or in the most frontier of all States, my home State of Alaska.

I am pleased that the bill before us today recognizes the importance of community health centers and provides $2.26 billion in funding for the program. But what about staffing these facilities? While it is important that we provide money for building these centers, we simply cannot ignore the fact that many community health centers throughout America are not fully staffed. According to a Washington Post article from June of this year, many of these centers rely heavily on the National Health Service Corps. Still, this is not enough to fill the gap, according to the National Association of Community Health Centers. For lack of funding, the Health Service

Corps had to turn away about 50 percent of the 1,800 doctors who applied last year.

Whether in a large urban city like New York, or a frontier community like Bethel, AK, the National Health Service Corps should be properly funded so that millions of underinsured and uninsured Americans have access to health care. I believe that with an increase to the appropriations for the National Health Services Corps we will be able to achieve that and encourage my colleagues to match the House-passed funding levels.

Mr. SCHUMER. Mr. President, I also would like to commend Chairman HARKIN and Ranking Member SPECTER for putting together a funding bill for the Departments of Labor, Health and Human Services, and Education that reflects of our Nation's priorities and will do much to help the American people. Of particular importance to me and my State is the funding for the National Health Service Corps. I appreciate that the chairman and ranking member were able to restore funding to the fiscal year 2007 level for this program, but believe that we need to do more to combat the serious issue of physician shortage in the underserved areas of our States. In my State, hospitals and health centers are searching for physicians who will fill the numerous vacancies that physician retirement and retention problems have created. We need more specialists, surgeons, and general practitioners, dentists, nurse practitioners, and nurse midwives. We need to do more to recruit and retain these essential providers—and that is exactly what the National Health Service Corps does. Robust funding of this program, in addition to pursuing other strategies to assist areas experiencing health professions shortages, will make a significant difference to patients and the providers and facilities that care for them. I thank the chair and ranking member and hope that the National Health Service Corps program funding is increased by the $5.8 million that was approved by the House of Representatives.

Mr. HARKIN. I share my colleagues' support for the National Health Service Corps and agree that we must do more to reduce the number of health professional shortage areas. In my State, 14 of our counties are designated as shortage areas, so I know this issue firsthand. When this bill gets to conference, I will support as much funding as possible for this important program, and I look forward to continuing to work with my colleagues to ensure an expansion of the National Health Service Corps.

Mr. SPECTER. I will work with Senator HARKIN to provide as much funding as possible for this program when we get to conference with the House.

### LIFESPAN RESPITE CARE APPROPRIATIONS

Mr. WARNER. Mr. President, I speak in regard to Senate amendment No. 3394, an amendment sponsored by Senator CLINTON and I, which provides $10 million in funding—fully offset—for the Lifespan Respite Care Act. Currently, the House of Representatives fiscal year 2008 Labor, Health and Human Services, Education appropriations bill contains $10 million for this important program. However, the Senate's version contains no such funding.

As you know, the Lifespan Respite Care Act passed unanimously in the Senate last year and was signed into law by the President on December 21, 2006. This important program authorizes competitive grants to Aging and Disability Resource Centers in collaboration with a public or private nonprofit State respite coalition to make quality respite available and accessible to family caregivers, regardless of age or disability.

I know that my good friends Senator HARKIN, the chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, and Senator SPECTER, the ranking member of the subcommittee, recognize that funding this program will be a win-win-win for everybody involved. Patients will be able to receive care in the home from loving, caring family members rather than in a nursing home. Family members will be even further encouraged to serve as a family caregiver knowing that services will be available to assist them. And, finally, the Federal Government and our health care system will recognize fiscal savings as more care will be given in the home by a family member rather than in the more costly nursing home setting. As we all know, given the aging baby boomer generation, the cost of Medicaid nursing home care is expected to be a primary reason of increased health care costs in the years to come. Funding the Lifespan Respite Care bill is one step in the right direction towards controlling these costs.

I encourage the chairman and ranking member to try to achieve $10 million in funding for the Lifespan Respite Care Act.

Mrs. CLINTON. I rise today with my colleagues, Senators HARKIN, WARNER, and SPECTER to talk about the importance of providing adequate funding for the Lifespan Respite Care Act. Across our country quality respite care remains hard to find. Where community respite care services do exist, there are often long waiting lists. And until the Lifespan Respite Care Act, no Federal plan focused on respite care to coordinate among disparate and fragmented services.

This legislation, enacted almost 1 year ago, is designed to expand and enhance access to respite care services to provide support and relief to families providing care; to help ailing loved ones stay in their homes longer; and to control health care costs as respite care allows families to postpone or prevent expensive hospitalization and nursing care.

Family caregivers provide 80 percent of all long-term care in the U.S.—work that is virtually always unpaid but valued at more than $300 billion annually. That is more than the entire amount we spent on Medicare in 2004.

Because of their responsibilities at home, studies have shown us that it is much more difficult for caregivers to find and maintain jobs. Many caregiving families are struggling to stay afloat. The cost to businesses is estimated in the tens of billions of dollars, including the cost for employees who leave jobs due to overwhelming responsibilities at home.

This labor of love often results in substantial physical and psychological hardship. Research suggests that caregivers often put their own health and well being at risk while assisting loved ones. Many caregivers are exhausted and are more prone to illness themselves. One study found that caregivers are 51 percent more likely to experience sleeplessness and 61 percent more likely to experience depression.

Often, this incredible struggle—with little support despite the heroic efforts of the organizations advocating for and providing respite care—leads to more costly out-of-home placements as a family's only alternative.

Like Senator WARNER, I also ask the chairman and ranking member of the Labor, Health and Human Services Appropriations Subcommittee to try to provide $10 million in funding for the Lifespan Respite Care Act.

Mr. SPECTER. The Lifespan Respite Care Act is a worthwhile piece of legislation that will impact almost all American families. I will work with the chairman to provide funding for these activities.

Mr. HARKIN. Respite care programs recognize the vitally important work that families do when a loved one is struck with illness or disability. I have long been a supporter of home and community-based services to keep people with disabilities in their homes and respite care is an important part of that effort. For that reason, I will work with my colleague, Senator SPECTER, to obtain funding for the Lifespan Respite Care Act in conference.

### HEALTH INFORMATION TECHNOLOGY NETWORK DEVELOPMENT

Mr. ISAKSON. Mr. President, it is my understanding that the Health Information Technology Development program will see a substantial increase in this appropriations bill, and I applaud the chairman and ranking member's commitment to this program by recognizing the need to develop systems that will help disseminate vital information to help in the detection, prevention, and treatment of some of the most devastating diseases.

In particular, this program is important to improve access to quality care for Georgians living with cancer. Cancer unfortunately acutely affects Georgia, as it is the second leading cause of death within the State, yet there is a shortage of options available for those afflicted with cancer. The Georgia Cancer Coalition, in partnership with and as the parent organization of the Georgia Center for Oncology Research and Education, GA-CORE, is an independent, nonprofit organization working to improve cancer care and strengthen clinical research throughout Georgia by encouraging collaboration, sharing of information, and improving the clinical trials process. To that end, the Georgia Cancer Coalition has created a model that harnesses the combined talents of cancer researchers, physicians, and academia throughout the State to work to eradicate this destructive disease. The State of Georgia has already recognized the importance of this initiative by allocating funds from the State's budget.

As I mentioned before, the Health Information Technology Development program will see a substantial increase in Federal dollars in fiscal year 2008, and I really believe that some of it should go to Georgia.

Mr. SPECTER. Mr. President, like my colleague from Georgia, I am supportive of the Health Information Technology Development program, and I was happy to support the chairman's effort to increase funding for it. I believe that the goals of the Department of Health and Human Services through its Office of the National Coordinator of Health Information Technology may be well-served by the sort of program that Senator ISAKSON described a moment ago.

Mr. HARKIN. I appreciate the comments by the Senator from Georgia, as well as the ranking member. I agree with them that the Health Information Technology Development program is a step towards better dissemination of health information and better health care, and I will work with my colleagues during conference with the House to provide as much funding as possible.

(At the request of Mr. HARKIN, the following colloquy was ordered to be printed in the RECORD.)

### HIV/AIDS PROGRAMS

• Mr. DODD. First, I would like to thank and congratulate the distinguished chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee on putting together this vitally important appropriations bill that will restore and grow funding for so many of our Nation's domestic health, education and labor programs. In particular, he should be commended for his leadership in support of funding for domestic HIV/AIDS programs.

As a senior member of the Health, Education, Labor and Pensions—HELP—Committee, I am deeply troubled by the impact Public Law 109-415, the Ryan White HIV/AIDS Treatment Modernization Act of 2006, has had on the State of Connecticut. Is the distinguished chairman aware that the State of Connecticut lost a total of $3.3 million in Federal funding in the current fiscal year as a result of improper implementation of the reauthorization by the Bush administration?

Mr. HARKIN. I am aware of the cuts the State of Connecticut has sustained and am aware that these cuts directly impact individuals living with HIV/AIDS in your State.

Mr. DODD. I am particularly concerned because these funding cuts so deeply impacted Connecticut's two transitional grant areas, formerly eligible metropolitan areas, Hartford, which lost nearly $1.5 million, and New Haven, which lost nearly $1.6 million. Urban areas in my State, like many urban areas throughout the U.S. with a long history of the presence of this disease, have systems of medical care and treatment that have been disrupted by the Ryan White CARE Act reauthorization bill. When I put my support behind the final reauthorization bill, it was with the understanding that this bill would do no harm to my State. In fact, an analysis of the reauthorization bill provided by the Government Accountability Office and others prior to its passage showed that the State of Connecticut and the cities of Hartford and New Haven would gain over $2 million as a result of its passage. However, this has not been the case.

Mr. HARKIN. Section 102 of Public Law 109-415 lists States by name that have sufficiently reliable and accurate names-based reporting of living non-AIDS cases of HIV. The State of Connecticut is not listed among those States. However, it is my understanding that the Health Resources and Services Administration, HRSA, has administered the program as if Connecticut were on that list. Is that true?

Mr. DODD. Yes, it is. Connecticut is not listed among the States with sufficiently reliable and accurate names-based reporting of living non-AIDS cases of HIV. During negotiations on the reauthorization bill, I was told by officials in the Bush administration that Connecticut's names-based reporting system could not yet be considered sufficiently reliable and accurate because it had not reported HIV cases by name for four consecutive years. Connecticut would not be in that position until 2009, at the earliest. The result has been that my State lost $3.3 million in Federal funding.

I am also deeply troubled by reports of how HRSA may be measuring urban areas' demonstrated need for supplemental funding. Under Public Law 109-415, HRSA can consider the impact a decline in formula funding under title I would have on individuals living with HIV/AIDS for purposes of supplemental grant funding. It is my understanding that this language targets urban areas whose decline in formula funding has meant a decline or disruption of services for people living with HIV/AIDS by giving them priority in the supplemental funding process.

Mr. HARKIN. I see.

Mr. DODD. It is my hope that the impact of a decline in formula funding under title I will be measured based on the urban areas' prior year formula award. This is because applicants for supplemental funding do not know their current years' formula award at the time they apply for supplemental funding and therefore neither the applicant nor HRSA can measure the current years' decline or disruption of services for individuals living with HIV/AIDS. It is my hope that I can work with the distinguished chairman in conference to provide some clarification and guidance to HRSA on this critically important issue.

It has been stated that the Ryan White reauthorization bill better targeted funding so that infected persons would have better access to high quality health care. Residents in the State of Connecticut do not have better access to high quality health care as a result of the Ryan White reauthorization bill. However, there is funding in the House-passed Labor, Health and Human Services, and Education appropriations bill that is targeted to cities losing funding under title I. I strongly support this targeted funding and urge that it be maintained in the final conference report.

Mr. HARKIN. I appreciate knowing of the Senator's support for this provision. I will certainly keep it in mind as we move into conference negotiations.

Mr. DODD. I thank the Senator for his consideration.•

(At the request of Mr. McCONNELL, the following statement was ordered to be printed in the RECORD.)

• Mr. McCAIN. Mr. President, here we go again, pushing through a bloated appropriations bill chocked full of earmarks and far exceeding the President's budget request. This is the seventh annual appropriations measure that has been considered by the Senate and it is by far the biggest budget buster of those considered. The first 6 bills exceeded the President's request by over $8 billion, while this bill alone exceeds the President's budget request by almost $9 billion. At what point will Congress come to grips with the fact that we are mortgaging our children's and our grandchildren's futures by approving bills like this?

The Department of Labor, Health and Human Services, and Education, and Related Agencies appropriations bill for fiscal year 2008 provides over $605 billion, including $149.2 billion in total discretionary spending and, as I mentioned, exceeds the President's budget by $8.95 billion. The Statement of Administration Policy begins with the following;

> The Administration strongly opposes S. 1710 because, in combination with the other FY 2008 appropriations bills, it includes an irresponsible and excessive level of spending and includes other objectionable provisions. The statement goes on to say, The Administration has asked that Congress demonstrate a path to live within the President's topline and cover the excess spending in this bill through reductions elsewhere, while ensuring the Department of Defense has the resources necessary to accomplish its mission. Because Congress has failed to demonstrate such a path, if S. 1710 were presented to the President, he would veto the bill.

Well, it looks like he will have the opportunity to do just that.

There are over 1,000 earmarks in this bill. Examples include: $1 million for the Bethel Performing Arts Center in Liberty, NY, for the Woodstock Museum (which the Senate did strike by a vote 52:42); $500,000 for the New York Botanical Garden, Bronx, NY, for the virtual Herbarium; $200,000 for Dallas, TX, for the Women's Museum; $200,000 for the Italian American Cultural Center of Iowa in Des Moines; $250,000 for the James K. Polk Association in Columbia, TN, for exhibit preparation; $100,000 for the Los Angeles Craft and Folk Art Museum; $500,000 for the Southwest Museum of the American Indian in Los Angeles, CA; $100,000 for the Warner Robbins Museum of Aviation in Georgia; $200,000 for the Texas Historical Commission; $600,000 for the Vermont Department of Labor for Job Training of Female Inmates in Vermont; $2.4 million for Maui Community College for the Remote Rural Hawaii Job Training Project; $1.8 million for Maui Community College for training and educational opportunities; $750,000 for Minot State University to provide training and masters degrees to job corp center senior management personnel; $250,000 for the United Auto Workers Region 9 Training Initiative in New York; $900,000 for the Lyndon Baines Johnson Foundation in Austin, TX, for the Presidential Timeline Project; $1.1 million for the Billings Clinic, Billings, MT—interestingly, the Billings clinic only has 272 beds in its hospital, and received recently an endowment of over $1 million for its cancer center; $5.9 million for Marshall University, WV, including $1,575,000 for the Virtual Colonoscopy Outreach Program; $3,600,000 for Mountain State University, Beckley, WV, for the construction of the Allied Health Technology Tower; $3,150,000 for West Virginia University, for the construction and equipping of medical simulation research and training centers; $4,050,000 for West Virginia University, for the construction of a Multiple Sclerosis Center; $1,000,000 for Wetzel County Hospital, WV, for the expansion and remolding of the Emergency Department; $2,000,000 for the Iowa Department of Public Health to continue the Harkin Wellness Grant program; and $100,000 for Iowa Games, Ames, IA, to continue the Lighten Up Iowa program.

I could go on and on calling out earmarks in this bill and its accompanying report. We are doing a disservice to the American taxpayers and ourselves by approving such wasteful spending. It doesn't have to be this way. In fact, for the past 2 fiscal years, the programs funded through the Labor-HHS bill were virtually pork-free. A fortunate disagreement resulted in almost no earmarks in the fiscal year 2006 bill, which had about 3,000 earmarks the prior year. And last year, we funded the programs with a continuing resolution that, for the taxpayers, turned out to have been about the most fiscally responsible route that we could have taken.

I urge my colleagues to reject the excessive spending in the bill.•

(At the Request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. CLINTON. Mr. President, I rise today to express my support and gratitude for the $55 million included in this legislation to support our continued efforts to address the health impacts of 9/11. I would in particular like to thank Senator HARKIN, Senator BYRD, Senator SPECTER, and their colleagues on the Senate Appropriations Committee for their efforts to help the many responders, recovery workers, residents and others who have been suffering from persistent adverse health effects resulting from exposure to the toxins released during the attacks on the World Trade Center.

When the towers collapsed, thousands of tons of coarse and fine particulate matter were released into the air—including cement dust, glass fibers, asbestos, lead, hydrochloric acid, and other toxic pollutants. The combustion of jet fuel after the attacks created a dense plume of black smoke, filled with other toxic substances like benzene and polycyclic aromatic hydrocarbons. Fires at Ground Zero continued to burn underground for several months after the attacks.

Thousands worked and lived by this Ground Zero site, amidst the dust, smog, and toxic mix of debris. People also worked at Fresh Kills, the landfill in Staten Island, where workers sifted through the debris in an attempt to discover evidence and recover human remains. And in the first few months following the attacks, we began to hear reports of persistent coughing among rescue workers. These reports were among the first indications of the multiple physical and mental health impacts we have identified among workers, responders, and residents following 9/11—chronic respiratory illness, anxiety and depression, and musculoskeletal injuries, among others. I believe we have a moral obligation to take care of those suffering from 9/11 related illnesses, and I would like to commend the Appropriations Committee for helping to meet that obligation.

I have been working with my colleagues on the Health, Education, Labor and Pensions Committee to develop a long-term solution to address these health care needs, and I am pleased to note the bipartisan support from my colleagues there. As we continue our efforts to develop this solution, the cooperation of the appropriators in maintaining funding for existing programs is greatly appreciated.

In the wake of the attacks, I have been proud to work again and again with Senators HARKIN, BYRD, SPECTER, and others to secure funding to establish necessary screening, monitoring and treatment programs to address the health care needs of those impacted by 9/11. Through our joint efforts, we have allocated funding to establish Centers of Excellence at the Fire Department of New York and Mt. Sinai Medical Center, as well as its affiliated institutions. These institutions have been working on these issues as the early reports of illness appeared, and providing care and medical guidance to the responders and recovery workers who were at Ground Zero and Fresh Kills.

In partnership with the National Institute for Occupational Safety and Health, these Centers of Excellence have engaged in efforts to treat those suffering these attacks, as well as research and monitoring to allow us to understand more about the ways in which these exposures do result in disease. And in addition to these efforts, I also want to highlight the work of the City of New York, which has established another Center of Excellence at Bellevue Hospital with city funds to meet the needs of residents, office workers and others who were exposed to these toxins.

The $55 million included in this legislation will go towards continuing these programs to carry out the screening, monitoring and treatment activities administered by NIOSH. It also includes language requiring the Department of Health and Human Services, again working through NIOSH, to expand its efforts to address the needs of residents, office and commercial workers, students, and other individuals who were exposed.

With this funding, we will ensure that those who responded in our hour of need are helped in their hour of need. We will continue to expand our understanding of the ways in which exposure to environmental hazards adversely impact human health. We will be helping the previously healthy detectives, firefighters and construction workers—people in good physical shape before the attacks who now have difficulty breathing and who experience mental health concerns. For these individuals, their illnesses are a constant reminder of that terrible day, and evidence of the sacrifices made to assist our country after a terrorist attack.

Again, I would like to thank Senator HARKIN, Senator BYRD, Senator SPECTER, and others on the Appropriations Committee for helping to support these programs.●

Mr. CARDIN. Mr. President, I rise today in support of H.R. 3043, the fiscal year 2008 Department of Labor, Health and Human Services, and Education, and Related Agencies appropriations bill. Some call this legislation the most significant appropriations bill we will consider as it touches the lives of every single American. Each American citizen has the right to basic education, adequate healthcare, and access to employment opportunities. In providing funding across three major agencies, we are ensuring that our citizens have every opportunity to reach their maximum potential. I appreciate the opportunity to highlight a few of the bill's major provisions.

American workers deserve every opportunity to provide for their families. Investment in training, education, and employment services leads to good jobs that provide self-sustainability for workers and their families. This was the purpose of the Workforce Investment Act and is what the funding provided for in this bill accomplishes through various job training programs. This bill acknowledges the value of training and employment services by continuing to fund adult employment and training, youth training and dislocated worker assistance programs.

This bill also provides critical funding for the National Institutes of Health, or NIH. NIH funds significant health research at over 3,000 institutions throughout the U.S. and around the world. While increased funding provided in this bill is a good start, we can, and must, do more. NIH funding supports research to develop and find cures for a myriad of health issues, including cancer, diabetes, stroke, and mental illness. These are significant health concerns facing Americans today.

As you are aware, NIH is headquartered in Bethesda, MD, where more than 18,000 are employed. So it is especially important to me, a Senator from Maryland, that we give all of these individuals the resources they need to improve and save lives through health research. I commend the Appropriations Committee for supporting this agency with a 3.3 percent increase to the overall NIH budget. However, if we expect America to remain a leader in medical advancements and technologies, we must be committed to providing researchers the resources they need to move forward. I am committed to that goal and urge my colleagues to remain vigilant, as well.

This bill provides a $125 million increase above the administration's budget request for the Social Security Administration's, SSA, administrative expenses and for that I am grateful. However, that increase does not adequately address SSA's serious backlog issue. It is no secret that the Social Security Administration's resources are stretched thin. Disability claims are arising at an alarming rate. Currently, over three-quarters of a million individuals are waiting for a hearing decision as pending hearings have increased to a record 752,103. Further, the time that an applicant must wait for a hearing continues to rise, currently averaging 523 days. Compounding the crisis, Medicare reform legislation passed by Congress has increased SSA's responsibilities. Field offices average over 850,000 visitors a week. Meanwhile, SSA continues to downsize its labor force. Further, we hear a lot of talk about fraud, waste, and abuses within the SSA.

I submit that we will never get a handle on the problem unless we provide adequate resources to address it. We in Maryland are fortunate to have the Social Security Administration Headquarters in Baltimore. By not adequately addressing the SSA backlogs, not only are we doing harm to the hundreds of thousands of individuals that, due to health circumstances beyond their control, can no longer support themselves, we are also tying the hands of the hard-working individuals assisting them. Again, I commend the Appropriations Committee for providing additional funding SSA administrative expenses but note that the agency needs additional funding to avoid further staff reductions and an increasing disability backlog.

I would like to take this opportunity to thank my colleagues for their support of my amendment establishing the sense of the Senate that the Secretary of Health and Human Services should maintain "deemed status" coverage under the Medicare Program for clinical trials that are federally funded or reviewed. Under current policy, trials that are federally funded or reviewed by institutions such as the National Institutes of Health, received "deemed status" and were not subjected to additional review to be eligible for reimbursement. This policy has worked well for 7 years.

Prior to 2000, too few seniors participated in clinical trials. One reason for this disparity was Medicare's reimbursement policy. Because Medicare was modeled on the indemnity health insurance policies, it did not pay for treatment considered "experimental" in nature, and so often denied reimbursement for the routine patient care costs associated with clinical trials. Many seniors could not afford to pay these costs themselves, and so they were by and large excluded from these trials. CMS has recently considered changing this policy, requiring trial sponsors to undergo a process certifying that they have met 13 separate criteria to qualify for Medicare coverage. This new policy has the potential to reverse the progress that has been made over the past 7 years by making it much more difficult for trials to qualify.

Seniors' participation in clinical trials serves two vital functions. First it affords many seniors with serious illnesses their only hope for lifesaving treatment. Second, it is key to researchers' efforts to determine the effectiveness of therapies for seniors. Since this issue has come to light, I have heard from hundreds of patients and providers across the country who agree that we must continue to remove access barriers to innovative healthcare treatments for our seniors. Again, I thank my colleagues for their support on this important matter.

The Appropriations Committee is committed to funding significant programs that address real issues that touch the heart and home of Americans. This includes some innovative programs in my home State of Maryland, such as: funding provided through this bill will allow the Chesapeake Bay Foundation, CBF, in collaboration with Living Classrooms Foundation, LCF, to continue providing students with rich, meaningful field and classroom programs focusing on the natural and cultural history of the Chesapeake Bay watershed. Funding will allow CBF and LCF to reach approximately 700 teachers, and 87,000 underserved students.

The bill funds KIPP Ujima Village Academy in Baltimore through its parent organization. KIPP Ujima opened its doors in the summer of 2002 with its first class of fifth graders, and now serves 300 fifth through eighth grades. Over 99 percent of its students are African American, and 87 percent qualify for Federal free or reduced-price meals program. KIPP Ujima is the highest performing public school serving middle grades in Baltimore City, as measured by the 2006 Maryland State Assessment. On that exam, 100 percent of seventh and eighth graders scored proficient or advanced in mathematics, achieving the highest math scores in the State of Maryland.

Carroll County Youth Service Bureau, CCYSB, provides a continuum of community-based mental health services for children, adults, and families throughout Carroll County. CCYSB uses a multidisciplinary approach to deliver prevention, intervention and treatment services in the least restrictive and most cost-effective manner. Funding provided in the bill will allow CCYSB to reach more underserved patients in need of mental health services.

The bill also provides funding for equipment and technology in a number of Maryland healthcare facilities, including St. Agnes Hospital, Mercy Medical Center, Northwest Hospital, Kennedy-Krieger, Lifebridge, and Holy Cross. The technology and equipment provided will allow these facilities to better detect, diagnose, and treat patients who suffer traumatic illnesses and injuries.

I thank Senator HARKIN, Senator SPECTER, and their staffs for all of their hard work to develop a bill that addresses many other basic rights that all Americans deserve: education, employment, and health care.

Mr. FEINGOLD. Mr. President, today the Senate will be voting on the fiscal year 2008 Labor, Health and Human Services, and Education appropriations act. I am pleased to support this bill, which provides healthier funding levels for our labor, health, and education programs for the first time in many years. At a time of rising poverty levels, rising health care and heating costs, and classrooms in desperate need of funding, this bill helps promote programs that offer solutions to these problems.

I am pleased that the Senate adopted four amendments I worked on. One was an amendment I cosponsored that Senator COLLINS offered to provide much needed additional funding to improve access to dental health in rural and underserved areas. Our amendment successfully doubled the funding for the Dental Health Improvement Act, bringing funding from $2 million to $4 million. The Collins-Feingold Dental Health Improvement Act authorized a new State grant program that is designed to improve access to oral health services in rural and underserved areas. States can use these grants to fund or create programs tailored to State needs. For example, they can use the funds for loan forgiveness and repayment programs for dentists practicing in underserved areas. They can also use the grant funds to establish or expand community or school-based dental facilities or to set up mobile or portable dental clinics. In Wisconsin, funds were used to provide children with better access to sealants. This helps prevent further and more expensive dental work later in life.

The Collins-Feingold amendment to increase funding for this important program will help fund additional State programs so that more people in our country will have access to essential oral health care. I thank Senator COLLINS for her work on this, and also thank Chairman HARKIN and Senator SPECTER for their assistance in passing this.

Another adopted amendment will increase public access to automatic external defibrillators, or AEDs, in schools. In my home State of Wisconsin, as in many other States, heart disease is the No. 1 killer. Cardiac arrest can strike anyone. Cardiac victims are in a race against time, and unfortunately, for too many of them, emergency medical services are unable to reach people in need, and time runs out for victims of cardiac arrest.

Fortunately, AEDs are inexpensive and simple to operate. Because of advancements in AED technology, it is practical to train and equip police officers, teachers, and members of other community organizations on how to use these devices.

Over the past 6 years, I have worked with Senator SUSAN COLLINS on a number of initiatives to empower communities to improve cardiac arrest survival rates. We have pushed Congress to support first responders—local police and fire and rescue services—in their efforts to provide early defibrillation. Congress heard our call, and responded by enacting two of our bills, the Rural Access to Emergency Devices Act and the ADAM Act.

The Rural Access to Emergency Devices program allows community partnerships across the country to receive a grant enabling them to purchase defibrillators, and receive the training needed to use these devices. Approximately 95 percent of sudden cardiac arrest victims die before reaching the hospital. With every minute that passes before a cardiac arrest victim is defibrillated, the chance of survival falls by as much as 10 percent. After only 8 minutes, the victim's survival rate drops by 60 percent. This is why early intervention is essential—a combination of CPR and use of AEDs can save lives.

If we give people in rural communities a chance, they may be able to reverse a cardiac arrest before it takes another life. Unfortunately, the President zeroed out the funding for the Rural AED program after the program was cut by 83 percent in fiscal year 2006 and kept at that level in fiscal year 2007. I am very disappointed that the program was eliminated in the President's budget. Our rural communities deserve better, and I am pleased that the Senate Appropriations Committee recognized this by providing $3 million in funding for the program this year. That is double last year's funding level and, while it is still much lower than I would like, I hope the final version of this bill includes at least that much in funding.

Heart disease is not only a problem among adults. A few years ago I learned the story of Adam Lemel, a 17-year-old high school student and a star basketball and tennis player in Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest, and died before the paramedics arrived.

This story is incredibly tragic. Adam had his whole life ahead of him, and could quite possibly have been saved with appropriate early intervention. This story helps to underscore some important issues. First, although cardiac arrest is most common among adults, it can occur at any age—even in apparently healthy children and adolescents. Second, early intervention is essential—a combination of CPR and the use of AEDs can save lives.

After Adam Lemel suffered his cardiac arrest, his friend David Ellis joined forces with Children's Hospital of Wisconsin to initiate Project ADAM to bring CPR training and public access defibrillation into schools, educate communities about preventing sudden cardiac deaths and save lives.

The ADAM Act was passed into law in 2003, but has yet to be funded. The ADAM Act is one way we can honor the life of children like Adam Lemel, and give tomorrow's pediatric cardiac arrest victims a chance at life.

The Feingold-Collins amendment provides modest funding for this act just $200,000. This funding, while not much in the grand scheme of the Federal budget, will help jump start this valuable program. This amendment as drafted would be funded through the Rural AED line; however, I am pleased that the managers share my goal of not taking away any of the already limited Rural AED funding and are looking for additional ways to fund the ADAM Act. I am pleased that our amendment passed the Senate by unanimous consent and I urge the conferees to maintain this small but important program.

My third amendment that passed requires GAO to conduct an assessment of current State health care reforms and comment on the potential role that Congress could take in assisting States with their efforts. I offered this amendment along with Senators GRAHAM, BINGAMAN, and VOINOVICH. There is momentum in many States to reform the broken health care system. This study would provide an overview of what is working in the States and the effect of Federal laws on State health care initiatives. In addition, the study would provide recommendations on how the Federal Government could better work with States to further efforts.

While Congress may not be able to reach consensus on how to ensure all Americans access to health services, a State-based model allows consideration of politically diverse solutions that could eventually be widely applied. Gathering data on what works at the State level will assist Congress in looking at broader reforms, which is why Senator GRAHAM and I have introduced legislation, with the backing of the Brookings Institute and the Heritage Foundation, to encourage and expand State efforts to extend health care coverage.

My fourth amendment directs GAO to examine the different techniques schools are using to prepare students to achieve on State standardized exams as well as meet State academic standards. Schools in Wisconsin and around the country are facing their sixth year under No Child Left Behind, NCLB, the centerpiece of President Bush's domestic agenda, and I continue to hear grave concerns throughout Wisconsin about the Federal testing mandates contained in NCLB and the ongoing implementation problems with the law.

Wisconsin teachers and parents are concerned about many of the unintended consequences of NCLB, including the narrowing of the curriculum to focus on the subjects that are tested under NCLB—reading and math. As a consequence of more narrowed curriculums, some students are experiencing reduced class time on other important subjects including social studies, civics, geography, science, art, music, and physical education. I have also heard numerous concerns that students are being drilled in reading and math in order to boost performance on these standardized tests, which may not be the best measure of students' higher order thinking skills. Many Wisconsinites are concerned that rote drill exercises in reading and math take the joy out of learning for students and have called for a reexamination of NCLB policies to ensure that a diverse and high-quality curriculum is taught in all of our Nation's schools.

I voted against NCLB in large part because of its Federal testing mandate and the potential ramifications of the primary focus on test scores in order to determine adequate yearly progress in our schools. I also remain deeply concerned that NCLB's testing and sanctions approach has forced some schools, particularly those in our inner cities and rural areas, to become places where students are not taught, but are drilled with workbooks and test taking strategies, while in wealthy suburban schools, these tests do not greatly impact school curriculums rich in social studies, civics, arts, music, and other important subjects.

I do not necessarily oppose the use of standardized testing in our Nation's schools. I agree that some tests are needed to ensure that our children are keeping pace and that schools, districts, and States are held accountable for closing the persistent achievement gap that continues to exist among different groups of students, including among students in Wisconsin. But the Federal one-size-fits-all testing and punishment approach that NCLB takes is not providing an equal education for all, eradicating the achievement gap that exists in our country or ensuring that each student reaches his or her full potential.

My amendment calls on GAO to examine how the use of different preparation techniques varies based on the demographic characteristics of schools, including the concentration of poverty at schools, whether schools are located in a rural, suburban, or urban environment, and whether schools have been identified for improvement under NCLB. It is my hope that Congress will receive concrete data on how the student preparation varies among different types of schools so that we can get a better sense of how NCLB is impacting our Nation's schools. The disaggregation element of this GAO study should better help us determine whether various preparation techniques, including commercial test preparation programs and narrowing of the curriculum, are correlated with certain school demographics.

I was also pleased to cosponsor an amendment from my colleague, Senator BROWN of Ohio, to prohibit the Department of Education from continuing its problematic evaluation of the Upward Bound program until Congress has a chance to examine this policy as part of the Higher Education Act, HEA, reauthorization. I have been a strong supporter of the TRIO Upward Bound program for many years and continuously hear about the benefits it provides to Wisconsin students entering college, particularly first-generation college students.

Because of my strong support for Upward Bound, I continue to be concerned about the Department of Education's evaluation of Upward Bound, including the mandate that colleges had to recruit more students than they can serve under the Upward Bound program. I agree that Upward Bound, like other Federal programs, needs to be evaluated to ensure Federal dollars are being spent wisely and effectively. But the Federal Government has a duty to design responsible evaluations of Federal programs, and I do not think the Department fulfilled that obligation with the design of this Upward Bound evaluation. I am pleased the Senate recognized that the ongoing evaluation is troublesome and agreed to prohibit funding for it until Congress can reexamine the Upward Bound evaluation as part of the ongoing HEA reauthorization.

I am pleased that my colleagues supported all of my amendments and accepted them. I thank Chairman HARKIN and Senator SPECTER for their assistance and support with these amendments.

I would also like to comment briefly on an amendment that the Senator from Colorado, Mr. WAYNE ALLARD, brought to a vote. This amendment would have redirected funds from programs deemed ineffective by the Program Assessment Rating Tool, or PART. This program was enacted into law as part of the Government Performance Results Act and is intended to better target Government dollars to the most efficient programs. Senator ALLARD's amendment would have cut the programs considered ineffective by PART by 10 percent, and then sent these dollars to the Federal deficit.

I share Senator ALLARD's goals of efficient Government spending and reducing the deficit; however, I have some concerns about the standards for evaluating Government programs in PART. There are several programs that are making a big, positive difference in communities, that score poorly on the assessment. Some of these programs I have supported for years, such as rural health programs, and various higher education programs. I think it is important to examine this tool more closely and see if there is a way to improve the assessment before cutting these programs. For this reason, I opposed this amendment, which would have had far-reaching implications.

I was pleased to support final passage of this bill which provides essential funding for education, health care, and job training programs. Many of these programs have seen drastic cuts over the past 6 years and I am happy that we have been able to more adequately fund these programs in this bill. I am disappointed that the President continues to say that he will veto this bill and I hope that he will reconsider in the coming days. Too many Americans are depending on the employment, health care, and education services provided in this legislation and they are the ones who will be negatively impacted if the President follows through on his veto threat. Much more remains to be done to correct the inadequate funding for these programs in recent years, but this bill is a step in the right direction.

The PRESIDING OFFICER. Under the previous order, the substitute, as amended, is agreed to.

The amendment (No. 3325), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HARKIN. Mr. President, we have had a very productive 5 days of debate on the fiscal year 2008 appropriations bill for Labor, Health and Human Services, Education, and related agencies. I would like to again thank the ranking member, Senator ARLEN SPECTER, for his leadership and partnership in helping to shape this bipartisanship bill.

I would also like to take this opportunity to thank the subcommittee staff for the long hours and hard work they put into it. On the Democratic side, I thank Ellen Murray, Lisa Bernhardt, Teri Curtin, Erik Tatemi, Adrienne Hallet, and Mark Laisch. On the Republican side, I thank Bettilou Taylor, Sudip Parikh, and Jeff Kratz. These staff members set a very high standard of professionalism, excellence, and integrity, and we are very fortunate to have people of this caliber in public service.

Mr. President, we are just minutes away from the vote on final passage of the bill. I want to emphasize that this is an overwhelmingly bipartisan bill that meets the priorities of members on both sides of the aisle. Senator Arlen Specter and I produced a bill that passed in committee with the support of 14 of 15 Democrats and 12 of 14 Republicans. This bill funds the most essential, life-supporting and lifesaving services for millions of people in this country. It reflects the values and priorities of the American people.

As I have said before, it is regrettable that, even before we brought this bill to the floor last week, President Bush threatened to veto it because it included a provision to expand embryonic stem cell research, and because it includes $11 billion in funding above what he requested.

We have done our very best to accommodate the President, and to produce a bill that he can sign. To that end, we removed the stem cell provision from the bill before bringing it to the floor. This is a core priority for me, for Senator Specter, and for many other Senators. But we took it out of the bill in order to meet the President halfway. I remain hopeful that, in turn, he will meet us halfway, and join us in this spirit of bipartisan compromise.

I am an optimist, and I hold out hope that, if the President examines the substance of this bill, he will see that the additional funding above his budget request goes to essential programs and services that have been shortchanged in recent years.

President Kennedy said that "to govern is to choose." The President has made his choices. But, under the Constitution, Congress also gets to choose. And, in this bill, we have made the right choices. Let me cite just a few examples:

The President is requesting that we cut the National Institutes of Health—research into cancer, diabetes, Alzheimer's and other diseases—by $279 million. In this bill, we increase funding for NIH by $1 billion.

The President requests that we reduce the Head Start program by $100 million, which would cut tens of thousands of children from the Head Start roles. This bill increases funding for Head Start by a modest $200 million.

Despite predictions of record energy prices this winter, Mr. Bush requests that we cut the Low Income Home Energy Assistance Program for poor people by $379 million. In this bill, we maintain LIHEAP funding at last year's level.

Mr. Bush requests that we eliminate the community services block grant, the safety net that includes job training, housing, and emergency food assistance. In this bill, we increase the community service block grant by a modest $40 million.

In each of these program areas, the bill includes modest, reasonable increases in order to keep pace with inflation or to prevent significant cuts in essential services. This remains a barebones, no-frills bill that conforms to a very conservative budget allocation.

For 5 years, Congress has appropriated countless billions of U.S. taxpayer dollars for schools, job programs, hospitals, and human services in Iraq. Democrats and Republicans on the committee agree that it's time to look after those same needs in this country. And that is exactly what we do in this bill.

As I said, we tried hard to accommodate the President's concerns. There has been so much division and partisanship in Washington in recent months. This bill offers a great opportunity for Congress and the President to show the American people that we can resolve our differences with compromise and bipartisan goodwill. We have met the President halfway—in my opinion, more than halfway. Now it is time for him to respond in kind, and to rescind his veto threat.

It is important that we send a strong, bipartisan message to the American people that, at a time when we are spending enormous sums on wars in Iraq and Afghanistan, we will not neglect or shortchange essential, lifesaving, and life-supporting programs and services here at home. I urge my colleagues to vote yes on this important bill. And I urge the President to join us in supporting this bipartisan bill.

I know Senators are eager to vote and go home. I just want to thank all of the Senators for their many kindnesses and their courtesies in bringing this bill to a close. It was 5 days, but it was 5 days of good debate and good amendments. We have a strong bipartisan bill. I hope we will pass it with a strong bipartisan vote, go to conference, and get it to the President's desk as soon as possible.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. Biden), the Senator from New York (Mrs. Clinton), the Senator from Connecticut (Mr. Dodd), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Illinois (Mr. Obama) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCain).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 391 Leg.]

YEAS—75

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—19

Allard
Barrasso
Brownback
Bunning
Burr
Coburn
Corker
Cornyn
DeMint
Ensign
Enzi
Graham
Gregg
Inhofe
Kyl
Martinez
Sessions
Thune
Vitter

NOT VOTING—6

Biden
Clinton
Dodd
Kennedy
McCain
Obama

The bill (H.R. 3043), as amended, was passed.

(The bill will be printed in a future edition of the Record.)

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate insists on its amendment and requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer appointed Mr. Harkin, Mr. Inouye, Mr. Kohl, Mrs. Murray, Ms. Landrieu, Mr. Durbin, Mr. Reed, Mr. Lautenberg, Mr. Byrd, Mr. Specter, Mr. Cochran, Mr. Gregg, Mr. Craig, Mrs. Hutchison, Mr. Stevens, Mr. Shelby, and Mr. Domenici conferees on the part of the Senate.

## EXECUTIVE SESSION

### NOMINATION OF LESLIE SOUTHWICK TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER (Mr. Salazar). Under the previous order, the Senate will go into executive session and the clerk will report the nomination.

The legislative clerk read the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Republican leader.

### CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture petition to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 291, the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Mitch McConnell, Arlen Specter, Wayne Allard, Johnny Isakson, Richard Burr, Norm Coleman, David Vitter, Kay Bailey Hutchison, George V. Voinovich, John Thune, Jim DeMint, Tom Coburn, Michael B. Enzi, Elizabeth Dole, Jeff Sessions, Jim Bunning, John Barrasso, Trent Lott, Thad Cochran.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today, the Senate considers the controversial nomination of Leslie Southwick to the United States Circuit Court of Appeals for the Fifth Circuit. Unlike so many of President Clinton's nominees, Mr. Southwick was accorded a hearing on his nomination.

I refused to ambush Leslie Southwick the way Republicans ambushed Ronnie White in 1999. Thus, despite my opposition to this nomination, I made sure that Mr. Southwick was treated fairly and that his nomination was debated and voted upon by the Judiciary Committee. The process has been open and fair and the rights of every Senator Democratic or Republican have been respected.

During the Clinton administration, several outstanding nominees to the Fifth Circuit were pocket filibustered successfully by the Republicans. They included Judge Jorge Rangel of Texas, Enrique Moreno of Texas, and Alston Johnson of Louisiana. They were pocket filibustered without a hearing or committee consideration.

This is a seat on the Fifth Circuit that would have been filled long ago but for a series of troubling nominations. In the last Congress, President Bush nominated Michael Wallace to this seat, the first circuit court nomination since 1982 to receive a unanimous rating of "not qualified" from the American Bar Association.

This is the seat to which President Bush had previously used a recess appointment to put Charles Pickering on the bench, after his nomination was voted down by the Judiciary Committee in 2002. President Bush announced that appointment, as I recall, on the Martin Luther King Jr. holiday weekend in 2004, despite the significant concerns and open debate about that controversial nomination.

Those concerns included Judge Pickering's intervention with the Department of Justice in an attempt to get the sentence of a convicted cross burner reduced.

The nomination we consider today has engendered significant opposition. Those opposing this nomination include: the Leadership Conference on Civil Rights, the Human Rights Campaign, the Mississippi State Conference of the NAACP, the NAACP Legal Defense Fund, Lambda Legal, the National Employment Lawyers Association, the Magnolia Bar Association, the National Organization of Women, the National Urban League, the AFL-CIO, the Congressional Black Caucus, and many more.

A number of members of the Judiciary Committee spoke eloquently about their concerns and doubts during committee consideration on August 2.

I have given careful consideration to Mr. Southwick's record. Many share with me my concern about Judge Southwick's deciding vote in Richmond v. Mississippi Department of Human Services, 1998. This decision reinstated a white state social worker who had been fired for using a racial epithet what has come to be known colloquially as "the n word" in referring to an African-American coworker during a meeting with high-level company officials.

That epithet was called by one Fifth Circuit opinion "a universally recognized opprobrium, stigmatizing African-Americans because of their race." Yet the hearing officer at her appeal before the State Employee Appeals Board suggested that the use of the racial slur "was in effect calling the individual a 'teacher's pet.'" I am not sure any African American would consider it being called a "teacher's pet."

Judge Southwick provided the deciding vote to uphold the hearing officer's conclusion, the opinion he joined finding that the racial slur was "not motivated out of racial hatred or animosity directed at her co-worker or toward blacks in general, but was, rather, intended to be a shorthand description of her perception of the relationship existing between the [co-]worker and [a] DHS supervisor."

In dissent, two judges criticized this opinion for presenting a "sanitized version" of the facts and for suggesting that "absent evidence of a near race riot, the remark is too inconsequential to serve as a basis of dismissal." The dissent found that this racial epithet is "inherently offensive, and [its] use establishes the intent to offend." The dissent was right.

In my view, the Mississippi Supreme Court did the right thing in reversing that decision and I commend them. There is no place for "the n word" in the workplace or in use by a supervisor to and about an employee. None. Just as there is no place for it in this body or anywhere else. I am not naive enough not to know the word is used in parts of America, but it should be condemned by all wherever it is used, and it certainly is by me.

If, as Mr. Southwick now says, his view of the Richmond case was the narrow, technical, legalistic one that he now says justifies his providing the deciding vote to the majority opinion, he could have said so back then, in a separate opinion.

He could have noted that he felt such use of "the n word" was inexcusable, but that he felt constrained by his limited role on appeal to apply a standard of review that compelled him to reverse Judge Graves of the Circuit Court and reaffirm the Employee Appeals Board's reinstatement of the offending supervisor with back pay. That is not what he did, however.

In the face of a cogent dissent, he provided the deciding vote to uphold the decision excusing that remark.

Likewise I am troubled by Judge Southwick's actions in S.B. v. L.W, in which he voted to uphold a decision taking an 8-year-old child away from her biological mother due to her mother's sexual orientation and the fact that she was living with a female partner.

My concern is not just that Judge Southwick joined the majority opinion but that he went out of his way to sign on to a concurring opinion that suggested that sexual orientation is an individual "choice" and an individual must accept that losing the right of custody over one's child is one of the "consequences flowing from the free exercise of such choice."

I also have concerns about his approach in some cases involving allegations of race discrimination in jury selection, such as his opinion in a 1997 case, Brock v. Mississippi upholding a criminal conviction where the prosecution struck an African-American juror, purportedly because he lived in a high crime area.

The dissenting judge criticized Judge Southwick's opinion for accepting a strike which "on its face appears geared toward a racially identifiable group." In another case involving jury discrimination, Bumphis v. State, 1996, three judges criticized Judge Southwick's majority opinion for "establishing one level of obligation for the state, and a higher one for defendants on an identical issue."

His legal writing also points to a narrow view of the role of the Federal courts in upholding protections against race discrimination. In one article, he found "compelling" a statement of a Mississippi Supreme Court Justice that "the judiciary is not the avenue to effectuate the removal of the Confederate battle flag from public property."

I have questions whether he would be balanced in protecting the rights of employees given the overwhelming number of cases 160 out of 180 written decisions—in which he has offered a narrow interpretation of the law to favor protecting business and corporate interests at the expense of the rights of workers and consumers.

In one 1999 case, Dubard v. Biloxi, H.M.A., Judge Southwick authored a dissent expressing the virtues of a legal doctrine that would allow employers to fire employees for any reason, even though such an analysis was not relevant in the case before him.

My concerns about his bias are heightened by a law review article he wrote characterizing litigation against tobacco companies led by former Mississippi Attorney General Michael Moore as destabilizing and posing separation of powers concerns.

As I said in opposing this nomination in committee, this is not a decision I come to lightly. I take seriously the strong support of Senator COCHRAN and Senator LOTT whom I respect, and I have expressed my concerns directly to them as well as to the White House.

I also take seriously Mr. Southwick's answers to my questions and to those of others in connection with his hearing. I was glad to see that he now acknowledged the offensiveness of the racial epithet used in the Richmond case and also that human rights law has evolved since 2001 when he joined the decision in the child custody case.

Still, I share the deep disappointment of members of the African-American and civil rights communities that this administration continues to renege on a reported commitment to appoint an African American to the Mississippi Federal bench.

In more than 6 years, President Bush has failed to do so. He has appointed only 20 African-American judges to the Federal bench, compared to 52 African-American judges appointed by President Clinton in his first 6 years in office.

With an ever-growing number of outstanding African-American lawyers in Mississippi, the State with the highest percentage of African Americans in the country, it is not as if there is a dearth of qualified candidates. Nonetheless, President Bush has now submitted 10 nominees to the Federal bench in Mississippi, seven at the district level and three to the United States Court of Appeals for the Fifth Circuit, and none of these nominees has been African American.

Our Nation's diversity is one of its greatest strengths, and I am disappointed that the President has missed yet another opportunity to reflect this great strength in our Federal courts. Many of us believe that diversity makes America what it is. It is the diversity in our States, our courts, this body, and our families that makes us stronger.

When viewed against his record on the bench, the importance of this seat on the Fifth Circuit, and the troubling lack of diversity on that court, I am not convinced that he is the right nominee for this vacancy at this time. I shall vote no on cloture and, if it is invoked, no on this nomination.

I ask unanimous consent that letters of opposition and others be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LANGROCK SPERRY & WOOL, LLP,
*Middlebury, VT, June 5, 2007.*

Hon. PATRICK J. LEAHY,
*Senate Russell Office Building,*
*Washington, DC.*

DEAR PAT: I understand the nomination of Leslie Southwick to the 5th Circuit Court of Appeals is coming up for a vote this Thursday. The little I know about Judge Southwick absolutely frightens me. His attitude towards lesbian parents is just totally inconsistent with Vermont philosophy and with respect for human dignity. I also understand he has been involved in some cases which would indicate insensitivity to African Americans. I would certainly hope that your Committee does not approve him.

Sincerely yours,
PETER F. LANGROCK.

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LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
*Washington, DC, October 23, 2007.*

DEAR SENATOR: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we write to express our opposition to the confirmation of Leslie H. Southwick, a former Mississippi Court of Appeals judge, to the United States Court of Appeals for the Fifth Circuit. His record raises too many questions about his commitment to civil and human rights for him to be entrusted with a lifetime appointment to the federal judiciary. We urge you to vote no on cloture on the Southwick nomination.

The federal courts of appeal are the courts of last resort in most federal cases. Moreover, the Fifth Circuit has the highest percentage of minority residents of all the federal circuits, making Judge Southwick's record on matters of civil rights particularly important. Unfortunately, Judge Southwick's decisions as a state court judge, along with his hearing testimony, indicate that he favors the interests of the powerful over the interests of minorities, working people, and others who depend on judges to stand up for them. This record warrants the rejection of Judge Southwick's nomination to the Fifth Circuit.

In Richmond v. Mississippi Dep't of Human Services, Judge Southwick joined a 5-4 ruling upholding the full reinstatement order of the state's Employee Appeals Board (EAB) of a white state social worker who had been fired for calling an African-American coworker "a good ole nigger." The ruling he joined had declared that, taken in context, this slur was an insufficient ground to terminate the white plaintiffs employment in part because it "was not motivated out of racial hatred or racial animosity directed toward a particular co-worker or toward blacks in general." Moreover, the EAB decision upheld by the Court of Appeals decision trivialized the use of the words "good ole nigger" by comparing them to the expression "teacher's pet." The Court of Appeals did nothing to distance itself from this aspect of the EAB decision.

The reasoning offered by Judge Southwick and his colleagues in the majority is nothing short of baffling. As two dissenters in the 5–4 decision rightfully pointed out: "The word 'nigger' is, and has always been, offensive. Search high and low, you will not find any nonoffensive definition for this term. There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend."

Fortunately the Supreme Court of Mississippi reversed the decision, stating that the EAB should not simply be upheld, but rather that the matter should be remanded to the EAB for consideration of whether full reinstatement was truly justified under the circumstances or whether some other penalty short of discharge might be appropriate.

In another case, S.B. v. L.W., Judge Southwick joined an opinion that upheld the removal of an eight-year-old girl from the custody of her bisexual mother. In addition to joining the majority opinion, he was the lone judge to join a colleague's gratuitously anti-gay concurring opinion. The concurrence argued the "choice" to engage in homosexuality comes with consequences, up to and including the consideration of "the homosexual lifestyle" as a determining factor in child custody cases. The views expressed in the concurring opinion raise doubts about Judge Southwick's interest in ruling fairly in cases that involve the civil rights of gays and lesbians.

In Dubard v. Biloxi, H.M.A., Judge Southwick wrote a dissenting opinion in which he extolled the virtues of employment-at-will, a doctrine that provides that employers should be able to fire employees for virtually any reason, even though his analysis was not relevant to reaching a decision in the case. He wrote that "I find that employment at will, for whatever flaws a specific application may cause, is not only the law of Mississippi but it provides the best balance of the competing interests in the normal employment situation. It has often been said about democracy, that it does not provide a perfect system of government, but just a better one than everything else that has ever been suggested. An equivalent view might be seen as the justification for employment at will." His gratuitous comments raise questions about his ability to separate his own views from his duty to follow the law in labor and employment cases.

Judge Southwick also has a poor record in cases involving race discrimination in jury selection. He has routinely rejected defense claims that prosecutors struck African-American jurors based on race. At the same time, however, he has usually upheld allegations by prosecutors that defendants tried to strike white jurors on the basis of race. One of Judge Southwick's own colleagues, in response, accused him of "establishing one level of obligation for the State, and a higher one for defendants on an identical issue."

His record also shows a troubling tendency, in state employment law and tort cases, to favor business and insurance interests over injured parties. He did so in 160 out of 180 such published cases in . which at least one judge dissented, giving him an 89 percent pro-business voting record.

When asked by Senator Durbin (D- IL) during live questioning at his hearing if he could think of one example of an unpopular decision he made in favor of the powerless, the poor, minorities, or the dispossessed, Judge Southwick responded that he could not. In response to a follow-up written question posed by Senator Durbin, Judge Southwick indicated that he could not find a single nonunanimous case, of the more than 7000 opinions that he wrote or joined, in which he voted in favor of a civil rights plaintiff or wrote a dissent on behalf of a plaintiff.

Given the tremendous impact that federal judges have on civil rights and liberties, and because of the lifetime nature of federal judgeships, no judge should be confirmed unless he or she demonstrates a solid commitment to protecting the rights of all Americans. Because Judge Southwick has failed to meet this burden, we urge senators to vote no on cloture on the nomination.

Thank you for your consideration. If you have any questions, please contact Nancy Zirkin, Vice President and Director of Public Policy, at 202-263-2880, or Paul Edenfield, Counsel and Policy Analyst, at 202-263-2852.

Sincerely,

WADE HENDERSON,
*President & CEO.*
NANCY ZIRKIN,
*Vice President, Director of Public Policy.*

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HUMAN RIGHTS CAMPAIGN,
*Washington, DC, May 23, 2007.*

DEAR MEMBERS OF THE COMMITTEE ON THE JUDICIARY: I am writing on behalf of the Human Rights Campaign and our 700,000 members and supporters to oppose the nomination of Leslie Southwick to the United States Court of Appeals for the Fifth Circuit. As a Mississippi Judge, Southwick demonstrated a serious lack of understanding of gay people and families. His statements during his hearing before this Committee and his written responses to your questions do not satisfy us that his positions have evolved nor that he would fairly judge cases involving the rights of gay, lesbian, bisexual, and transgender ("GLBT") Americans.

During his tenure on the Mississippi Court of Appeals, Judge Southwick (now in private practice) participated in a custody case involving a lesbian mother. The majority decision, which Southwick joined, took an eight-year-old child from the mother, citing in part that the mother had a "lesbian home." The opinion further denigrates what it calls the "homosexual lifestyle" and the "lesbian lifestyle."

More disturbingly, Judge Southwick joined a concurrence written by Judge Payne—completely unnecessary to effectuate the result—that emphasized Mississippi's public policy against lesbian and gay parents (using only the term "homosexuals"). Judge Southwick was the only judge in the majority to join Judge Payne's concurrence, which is rife with misconceptions and biases.

The concurrence does not even refer to gay individuals, but rather focuses on "the practice of homosexuality." It then cites Mississippi's law prohibiting same-sex couples from adopting children—even though this was not an adoption case, but rather a case regarding a biological mother's right to retain custody of her child. The opinion even goes so far as to cite the state's sodomy law (subsequently invalidated by the Supreme Court's decision in *Lawrence* v. *Texas*).

Perhaps most troublingly, the concurrence states that even if the mother's sexual acts are her choice, she must accept the fact that losing her child is a possible consequence of that "choice." This statement underscores Judge Southwick's disregard for commonly accepted psychiatric and social science conclusions. The American Psychological Association (APA) has made clear that sexual orientation is not a choice. The APA, along with every other credible psychological and child welfare group, has also concluded that lesbian and gay people are equally successful parents as their heterosexual counterparts. This disregard for widely accepted social science conclusions has ramifications not only for cases involving gay and lesbian people, but also in any case where respect for science comes into play—whether this involves reproductive choice, people with disabilities, environmental studies, to name a few.

No parent should face the loss of a child simply because of who they are. If he believes that losing a child is an acceptable "consequence" of being gay, Judge Southwick cannot be given the responsibility to protect the basic rights of gay and lesbian Americans.

When questioned before this Committee about why he joined this offensive concurrence, Southwick gave the unsatisfactory response that he did not write it. He further stated that the concurrence reflected Mississippi's public policy, but did not indicate why he joined the concurrence that his colleagues deemed unnecessary. He did not distance himself from the concurrence or the language that it contains.

In his written responses to questions about this case and about the rights of gay and lesbian Americans, Southwick did not provide adequate reassurance that his position has changed or that his understanding has evolved. Although he repeatedly indicated that *Lawrence* v. *Texas* is now controlling precedent, having overruled *Bowers* v. *Hardwick*, this is an insufficient answer. Although we are hopeful that Lawrence will bring about greater equality for GLBT Americans, Southwick's promise to adhere to that precedent does not address the question of whether he believes that gay people should have the same parenting rights as others.

The United States Court of Appeals for the Fifth Circuit has historically paved the way for civil rights advances. We believe that Judge Southwick's nomination is inconsistent with this important legacy, and would turn back the tide of progress by denying equal protections to GLBT Americans.

We therefore oppose his nomination and request that you vote against his confirmation. Only a judge who has demonstrated that he can be a fair and impartial judge for all Americans, regardless of their sexual orientation, is entitled to confirmation on this important court. For more information, please contact Senior Public Policy Advocate David Stacy at *david.stacy@hrc.org*, or Legal Director Lara Schwartz at *lara.schwartz@hrc.org*.

Sincerely,

ALLISON HERWITT,
*Legislative Director.*

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NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE MISSISSIPPI STATE CONFERENCE,
*Jackson, MS, May 9, 2007.*

Hon. PATRICK LEAHY,
*Dirksen Senate Office Building,*
*Washington, DC.*
Hon. ARLEN SPECTER,
*Dirksen Senate Office Building,*
*Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: The Mississippi State Conference of the NAACP is strongly opposed to the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals.

As you are well aware, previous nominations to this particular seat on the Fifth Circuit have raised serious civil rights problems. In reviewing this history, we cannot help but conclude that this Administration is determined to place a person hostile to civil rights in the Mississippi seat on the Fifth Circuit. Judge Charles Pickering was nominated in 2001. The Senate refused to confirm him, largely based on his civil rights record. President Bush then nominated Michael Wallace to the same seat. The American Bar Association found Mr. Wallace to be "unqualified," due to his judicial temperament regarding civil rights issues. Wallace withdrew his nomination at the end of 2006. Now, President Bush has named yet a third nominee with a troubling civil rights record.

We note that the Southwick nomination does nothing to ameliorate the egregious problem with the lack of diversity on Mississippi's federal bench. Mississippi has the highest African-American population of any state (36%). Yet there has never been an African American appointed to represent Mississippi on the Fifth Circuit. African-American representation on the federal district court in Mississippi has been limited to one judge, Judge Henry Wingate, appointed over twenty years ago. In his two terms, President Bush has made ten nominations to the federal bench in Mississippi—district and appellate. None were African American. This is extremely disturbing to many Mississippians, who believe the State should be fairly represented on the federal bench.

The civil rights record of Judge Southwick on the Mississippi Court of Appeals gives us great pause. We are deeply troubled by his rulings on race discrimination in the areas of employment and jury selection.

Judge Southwick participated in a truly stunning decision, *Richmond* v. *Mississippi Dep't of Human Services*. He joined a ruling that a Mississippi state agency could not terminate an employee for using the word "nigger" toward an African-American coworker. At a business conference, the white employee had called the black employee "a good ole nigger," and then used the same term toward the employee the next day at the office. The state agency fired the white employee. But a hearing officer reinstated the employee, finding that calling the employee "a good ole nigger" was equivalent to calling her "teacher's pet." Southwick upheld the reinstatement.

The opinion endorsed by Southwick makes outrageous conclusions about the use of the term "nigger" in the workplace. The opinion states: "[The white employee] presented proof that her remark, though undoubtedly ill-advised and indicative of a rather remarkable insensitivity on her part, was not motivated out of racial hatred or racial animosity directed toward a particular co-worker or toward blacks in general." Astonishingly, the court credited the white employee's testimony that her remark was intended to be "a shorthand description" of the relationship between an employee and a supervisor.

Two of Southwick's colleagues strongly dissented. They stated that it "strains credulity" to compare calling the employee "a good ole nigger" with "teacher's pet." The dissent wrote: "The word 'nigger' is, and has always been offensive. . . . There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend. . . . The character of these terms is so inherently offensive that it is not altered by the use of modifiers such as 'good ole.' . . . [The rulings] seem to suggest that absent evidence of a near race riot, the remark is too inconsequential to serve as a basis for dismissal. Such a view requires a level of myopia inconsistent with the facts and reason." Indeed, the Mississippi Supreme Court *unanimously* reserved the ruling joined by Southwick to uphold the reinstatement of the white employee.

Additionally, we are disturbed by Judge Southwick's rulings on race discrimination in jury selection. Dozens of such cases reveal a pattern by which Southwick rejects claims that the prosecution was racially motivated in striking African-American jurors while upholding claims that the defense struck white jurors on the basis of their race. In Bumphis v. State, an appellate colleague accused Southwick of "establishing one level of obligation for the State, and a higher one for defendants on an identical issue."

Finally, on issues affecting workers, consumers and personal injury victims, Judge Southwick rules overwhelmingly in favor of employers and corporations. We question his ability to be a fair and impartial decisionmaker in these cases as well. Mississippians need to be confident that they will receive equal justice before the federal courts.

Respectfully yours,
DERRICK JOHNSON,
*President.*

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CONGRESSIONAL BLACK CAUCUS,
*Washington, DC, June 6, 2007.*

Hon. PATRICK J. LEAHY,
*Russell Senate Office Building,*
*Washington, DC.*
Hon. ARLEN SPECTER,
*Hart Senate Office Building,*
*Washington, DC.*

DEAR MR. LEAHY AND MR. SPECTER: We write to be clear concerning the strong opposition of the Congressional Black Caucus to moving Leslie Southwick, formerly of the Mississippi Court of Appeals, through committee for the Fifth Circuit Court of Appeals. We are enclosing the press release that the Caucus issued just before Memorial Day recess asking that Leslie Southwick not be listed for a vote in committee. We understand that, nevertheless, Mr. Southwick may have a vote in committee on Thursday, June 7, 2007. We are astonished that the committee would seriously consider this nominee on a circuit that hears cases affecting more Blacks and Hispanics than any circuit in the country. Mr. Southwick's long record, revealing inexcusably insensitive and hostile views on race and on other issues that have directly harmed people of color, should spell the end of his consideration for the Fifth Circuit.

The enclosed release mentions the most obvious and overt racial example, involving Mr. Southwick's concurrence in Richmond v. Mississippi Department of Human Services, 1998 Miss. App. LEXIS 637 (Miss. Ct. App. 1998), allowing the use of a racial slur that was unanimously overruled, but importantly refers to many other areas of equally deep concern to us because they involved average Mississippi residents who typify the Black, Hispanic, and white residents of the Circuit.

Mr. Southwick's record provides nothing less than a case study of a judge with a closed mind and fixed far-right views. In no area of law have we been able to find decisions that did not seem to be entirely predicted by an ideological predisposition. We believe that the committee should be impressed by the frequency with which Southwick's opinions and concurrences have been overruled. Our investigation of 10 years of Southwick decisions reveals a one-sided animus against workers and consumers, in particular, with rulings almost always favoring business and insurance interests and almost never for working people and consumers.

Our Caucus is most concerned about Mr. Southwick's ability to afford equal justice under law in the Circuit where racial discrimination has always been most pronounced. The Southwick decisions show a remarkable predisposition to rule for whites alleging improper use of peremptory challenges and against Blacks who make similar allegations regarding peremptory challenges. Nothing could be more disturbing today, considering that Congress has allowed racially unfair mandatory minimums and sentencing guidelines to remain in tact, virtually destroying a generation of African American men. Rep. BENNIE THOMPSON's Mississippi constituents were profoundly and negatively injured during Southwick's tenure in virtually every area of state law. We ask that you avoid elevating Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit, where he is likely to do the same harm to residents of three states—Texas, Louisiana, as well as Mississippi.

We want to be clear that the Congressional Black Caucus could not be more troubled by the transformation of the Fifth Circuit by judges that make it difficult to believe in the fairness, balance and openness of the judiciary. Five members of the CBC represent constituents in this circuit, the largest number members in anyone circuit. The Fifth Circuit presides over the largest percentage of minority residents (44 percent) of any circuit and Mississippi has the highest African-American population (36 percent) of any state in the country. We therefore would take very seriously the reach to place yet another farright judge with offensive racial views on the Fifth Circuit so late in President Bush's last term. We ask that you reject Leslie Southwick.

Sincerely,
CAROLYN C. KILPATRICK,
*Chairperson, Congressional Black Caucus.*
BENNIE THOMPSON,
*CBC Member—Mississippi.*

Mr. LEAHY. I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I urge my colleagues to vote to cut off debate—that is, to invoke cloture—on the pending nomination of Judge Leslie H. Southwick for the U.S. Court of Appeals for the Fifth Circuit and then to vote to confirm him.

Judge Southwick comes to this nomination with an outstanding record. He received his bachelor's degree cum laude from Rice University and a J.D. from the University of Texas law school in 1975.

He was a law clerk for Judge John Onion, Jr., of the Texas Court of Criminal Appeals. He was a law clerk for Judge Charles Clark of the Fifth Circuit Court of Appeals. He practiced law from 1977 through 1989. He was a Deputy Assistant Attorney General for the U.S. Department of Justice, Civil Division, from 1989 to 1993. He has been a judge on the Mississippi Court of Appeals, which is an intermediate court, for some 12 years.

Judge Southwick has participated in about 6,000 cases and has personally authored some 985 opinions.

In a very remarkable move, when Judge Southwick was 53 years old—he had been in the Army Reserve since he was 42, when he obtained an age waiver in order to join the Army Reserve—and in the year 2003, when he was 53 years old, he volunteered to transfer to a line combat unit. He was deployed to Iraq, serving as a staff judge advocate in forward operating bases near Najaf.

Major General Harold Cross, Judge Southwick's commanding officer, said:

> This was a courageous move; as it was widely known at the time that the 155th was nearly certain to mobilize for overseas duty in the near future.

Judge Southwick was voted out of the Judiciary Committee on August 2 of this year on a bipartisan basis with a favorable recommendation.

Judge Southwick's critics have pointed to only two cases—where he was in a concurrence and did not write the opinions. One case involved the issue of the punishment for someone in Civil Service who used a very derogatory racial term. When that case was reviewed, it was decided that since the individual had made only an isolated remark, and immediately apologized, that it would be excessive to fire that person but that the penalty should be something less. That case was reviewed by the Mississippi Court of Appeals on a very constricted standard as to whether the finding was arbitrary and capricious—which is a very high standard—and that applicable standard determined that firing was excessive.

The case then went to the Supreme Court of Mississippi, and it agreed with the appellate court's conclusion that the dismissal was unwarranted. In this case they said:

> [w]e find that the harsh penalty of dismissal . . . from her employment is not warranted under the circumstances.

Now, I emphasize that in both of these cases, Judge Southwick did not write the opinions but only concurred in the result. While some might say it would have been preferable to take a different position, in the context of deciding some 6,000 cases and having written some 985 opinions, that is very little to pick at.

The second case was a matter where the issue of custody came up. After an extensive hearing, the trial judge awarded custody to the father, and there was a reference to the fact that the mother was a lesbian. Here again, the references in the opinion—again, not written by Judge Southwick—might have been somewhat more sensitive. In the overall context, it is hardly the basis for denying confirmation to Judge Southwick.

I met with Judge Southwick at length, had a long talk with him about his approach to the judiciary, about his legal background. He is a very mild-mannered, very temperate man, who on the credentials, in black and white, has an outstanding record and in person was very impressive.

It is worth noting that a number of former African-American clerks have spoken out in solid support of Judge Southwick.

La'Verne Edney, a distinguished African-American woman who is a partner at a prominent Jackson, MS, law firm and a member of the Magnolia Bar Association, the Mississippi Women Lawyers' Association, and a member of the Mississippi Task Force for Gender Fairness, stated this:

> When I finished law school . . . I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals . . . who had ever hired African-American law clerks. . . .While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity.

As a clerk, Ms. Edney observed:

> It did not matter the parties' affiliation, color or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly.

Patrick Beasley, a practicing attorney in Jackson, MS, who also is African American, endorsed Judge Southwick for his quality of being fair to minorities. Mr. Beasley wrote:

> I speak from personal experience that Leslie Southwick is a good man who has been kind to me for no ulterior reason. I am not from an affluent family and have no political ties. While I graduated in the top third of my law school class, there were many individuals in my class with higher grade point averages and with family "pedigrees" to match. Yet, despite all of the typical requirements for the clerkship that I lacked, Judge Southwick gave me an opportunity. Despite [those who criticize him], Judge Southwick is a fair man and this is one of the qualities that makes him an excellent choice for the Fifth Circuit. . . .

Judge Southwick has ruled numerous times in favor of workers, the so-called little guy.

For example, in Sherwin Williams v. Brown, Judge Southwick held that a 45-year-old carpet layer was permanently and totally industrially disabled due to an onsite injury and that the carpet layer made reasonable efforts to obtain other employment.

In United Methodist Senior Services v. Ice, Judge Southwick affirmed the award of workers' compensation benefits to a woman who hurt her back while working as a certified nursing assistant, despite her first employer's claim that she exacerbated the injury during her subsequent employment.

In Kitchens v. Jerry Vowell Logging, Judge Southwick reversed the Workers' Compensation Commission's decision that a truck driver from a logging company did not suffer a permanent loss of wage earning capacity and remanded the case for further consideration.

In McCarty Farms, Inc. v. Caprice Banks, Judge Southwick concurred with an opinion affirming the Workers' Compensation Commission's award of permanent partial disability benefits for a woman who experienced a 70-percent industrial disability to her right arm and a 30-percent loss to her left.

Indeed, contrary to some suggestions, Judge Southwick has spoken out in dissent in favor of workers' rights.

In Total Transportation Inc. v. Shores, Judge Southwick joined with three other dissenters in a 6-to-4 decision, which would have upheld an award of workers' compensation benefits for a truck driver's widow, while the majority ruled in favor of the employer.

In Burleson v. Hancock County Sheriff's Department—a 6-to-3 decision—Judge Southwick wrote a dissent in which he argued that a public employee was improperly terminated without sufficient due process under the U.S. Constitution, while the majority ruled in favor of the employer.

Judge Southwick has ruled in favor of tort victims and against businesses in many cases. Illustrative are Ducksworth v. Wal-Mart Stores, Breland v. Gulfside Casino Partnership, Martin v. BP Exploration & Oil, and Wilkins v. Bloodsaw.

Mr. President, I ask unanimous consent that a description of these cases be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> In Ducksworth v. Wal-Mart Stores, Judge Southwick joined his colleagues in reversing the trial court's directed verdict against a customer who had slipped on an unknown substance at a Wal-Mart.
>
> In Breland v. Gulfside Casino Partnership, Judge Southwick joined an opinion for the court that reversed summary judgment for a casino in a slip and fall action brought by a patron who had suffered multiple injuries falling down the casino's staircase.
>
> In Martin v. BP Exploration & Oil, Judge Southwick joined his colleagues in reversing summary judgment against a plaintiff who injured her ankle upon exiting a gas station's restroom on an allegedly poorly constructed access ramp.
>
> In Wilkins v. Bloodsaw, Judge Southwick joined an opinion for the court that reversed a grant of summary judgment in favor of a Pizza Hut, which was sued by a mother who was injured when her disabled son fell as she tried to help him exit the restaurant.

Mr. SPECTER. Judge Southwick has voted in favor of criminal defendants on numerous occasions, often in dissent. I cite a series of cases: Jones v. State, Parker v. State, Mills v. State, and Harris v. State, and ask unanimous consent that a description of these cases be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> In Jones v. State (a 5–5 decision), Judge Southwick dissented, arguing for reversing a conviction because the indictment did not provide the defendant with sufficient clarity and specificity to know with certainty what crime was being charged.
>
> In Parker v. State (a 6–4 decision), Judge Southwick dissented (in an opinion joined by some of his Democratic brethren), arguing that a murder conviction should be reversed because the trial judge failed to give a proper jury instruction.
>
> In Mills v. State (a 6–3 decision), Judge Southwick dissented from the majority opinion affirming a drug conviction on the grounds that the court should not have admitted a statement by the defendant's four-year-old son, and the state failed to disclose a piece of evidence against the defendant that it had in its possession.
>
> In Harris v. State (a 5–4 decision), Judge Southwick dissented from the majority opinion affirming a DUI conviction on the grounds that the trial court erroneously allowed the state to avoid proving all the elements charged in the indictment.

Mr. SPECTER. Further, Judge Southwick has voted in favor of the so-called underdogs. The suggestion that he is biased against women and homosexuals is contradicted by a number of cases: Curtis v. Curtis, Kmart Corp. v. Lee, Hughey v. State of Mississippi. Again, I ask unanimous consent that a description of these cases be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> In Curtis v. Curtis, Judge Southwick wrote for a divided court and upheld the trial court's grant of divorce in favor of the wife on the grounds of adultery. The dissent would have reversed and remanded.
>
> In Kmart Corp. v. Lee, Judge Southwick wrote an opinion upholding the lower court's decision to award $500,000 to a woman who slipped on antifreeze in a Kmart. Judge Southwick sympathized with the woman, stating: "Before the fall, Lee was a hard working, independent woman who was able to take care of many problems at the apartment complex she managed herself. . . . now she is unable to work a full day . . ."
>
> In Hughey v. State of Mississippi, Judge Southwick affirmed the trial court's decision to disallow cross-examination as to the victim's sexual preference. He recognized that whether the victim was homosexual was not relevant to the defense and that such a line of inquiry would produce undue prejudice.

Mr. SPECTER. That is a very short statement of the qualifications of Judge Southwick. I believe if Judge Southwick were under consideration for any circuit court of appeals except for the Fifth Circuit—which has had a history of difficulties in obtaining confirmation and has had an overtone of concern about civil rights—if he were up for any other circuit, there would be no hesitancy.

This man ought to be judged on the basis of his own record and his own qualifications. But he has demonstrated fairness and an appreciation for the rule of law and for equality regardless of race, color, creed and regardless of standing and has been willing to stand up for plaintiffs in tort cases and defendants in criminal cases and, as stated earlier, women and those of a different choice of sexual orientation, so that on the record he is deserving of confirmation.

It is my hope he will be judged as an individual. That is the American way. By that standard, he certainly would be confirmed.

Mr. President, how much time did I consume in my speech?

The PRESIDING OFFICER. The Senator has consumed 14 minutes.

Mr. SPECTER. I thank the Chair.

I now yield 20 minutes to the distinguished Senator from California and then 10 minutes to the Senator from Mississippi, Mr. LOTT. And if Senator—

Mr. CARDIN. Mr. President, there are still some requests on our side for time. I would hope we would have a chance—

Mr. SPECTER. Mr. President, I ask Senator CARDIN, how much time would the Senator like?

Mr. CARDIN. Mr. President, I will be speaking for about 10 minutes.

Mr. SPECTER. Mr. President, 10 minutes to Senator CARDIN. And if Senator COCHRAN desires time: unlimited time, if he so desires.

Mr. COCHRAN. Five minutes.

Mr. SPECTER. Mr. President, Senator COCHRAN asks for 5 minutes.

I thank the Chair and yield the floor.

Mr. CARDIN. Mr. President, parliamentary inquiry: I was under the impression that time was divided between the proponents and opponents.

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Mr. President, may I inquire if Senator CARDIN is speaking in opposition?

Mr. CARDIN. Mr. President, I will be speaking in opposition to the nomination.

Mr. SPECTER. Mr. President, I think Senator CARDIN needs his time from Senator LEAHY, but I am sure there would be no difficulty in having 5 minutes.

Mr. CARDIN. I understand that. I wonder if we would follow the normal practice of allowing those in opposition to be able to speak in regular order rather than having to wait for the time.

Mr. SPECTER. I ask the Senator, do you want to speak now?

Mr. CARDIN. Yes, I would prefer to have an opportunity to speak.

Mr. SPECTER. I think that would be acceptable, if it is OK with the Senator from California.

Mrs. FEINSTEIN. That is fine.

Mr. SPECTER. Mr. President, I ask consent that Senator CARDIN be recognized now and then Senator FEINSTEIN be recognized next, and if others appear, it is appropriate, as Senator CARDIN suggested, that we alternate.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I thank Senator SPECTER for the courtesy. I notice Senator LEAHY is not on the floor, and I appreciate my colleague from Pennsylvania organizing the debate on the floor.

I appreciate that.

This is a unique body, the Senate of the United States. One of our most important responsibilities is the advice and consent on Presidential appointments on the confirmation of Federal judges. The Constitution envisions that we will use independent judgment in order to make these decisions. Article III, section 2, clause 2 of the Constitution gives us the power to confirm Federal judges.

I know all of my colleagues know these are lifetime appointments, so this is our one chance in order to evaluate those who will serve as Federal judges. We are talking about the U.S. Court of Appeals. For most Federal cases, this will be the final decision on a case that is brought in the Federal court. Very few in percentages of the cases reach the Supreme Court of the United States. So the Court of Appeals is responsible for much of our laws in this country as far as the final judicial determination.

When I sought to become a Member of this body, I went over with the people of Maryland the standards I would use in trying to decide whether to vote to confirm a judge. I talked about judicial temperament and experience, but I also talked about a standard that I think is very important, which is a judge's or potential judge's passion for the Constitution of this country in order to protect every individual. I think it is important that we take a look at that, particularly when we talk about an individual who will serve on the U.S. Court of Appeals.

I have sat in the confirmation hearings. I am a member of the Judiciary Committee. I had a chance to listen to Judge Southwick. I had a chance to listen to the questions that were posed back and forth. I must tell my colleagues I cannot support this confirmation. I will vote against it, and I would like to give the reasons why.

Senator SPECTER talked about some of the opinions that Judge Southwick participated in or some of his rulings, and I think that is what we should be looking at. For Judge Southwick, we do have an idea about his passion for the Constitution and what his priorities will be by looking at the type of cases he ruled on, the opinions he joined, and the opinions he wrote. So let me talk about the two opinions Senator SPECTER raises, because I think they are important opinions in order to get some insight as to this judge's passion for the Constitution.

The 1998 case of Richmond v. Mississippi Department of Human Services was an important case. It was very offensive to not just the minority community but the entire community. The racial term that was used should never be used, as Senator LEAHY said, in the workplace or anyplace else. The dissent of that opinion, of that decision, got it right, where it said that the racial epithet is inherently offensive and its use establishes the intent to offend. Unfortunately, that was the minority opinion in that court. On appeal it was overturned, but Judge Southwick joined the majority. The rationale in the majority opinion I think is important, because it speaks to what Judge Southwick used to reach his conclusions. In that opinion he said the absence of evidence of a near race riot, the remark is too inconsequential to serve as a basis of dismissal.

I find that very offensive. I think we do have to be held accountable to where we allow our name to be added. Fortunately, as I said, that was corrected, but it took an appellate court to do that.

In 2001, we have S.B. v. L.W. where a 12-year-old child is taken away from her mother. It was done because she was a lesbian. The language in the opinion is very offensive. It talks about a homosexual lifestyle, words that I think we all know bring out bigotry in our society. But Judge Southwick went further in that case. He joined a concurring opinion that said your sexual orientation is a matter of choice and any adult may choose any activity in which to engage. That person is not thereby relieved of the consequences of his or her choice.

No wonder Judge Southwick is being challenged by many respected national groups. Upon questioning within our committee on confirmation, I didn't get a sense that there was a retraction by Judge Southwick of these decisions. He stuck by the decisions.

At the confirmation hearing, Senator DURBIN asked him a pretty simple question. He asked him a question about whether during his life or career, he ever took an unpopular point of view on behalf of those who were powerless or vulnerable and needed someone to stand up for their rights when it was not a popular position. That, to me, is a softball question: When did you stand up for someone else's rights? Judge Southwick couldn't think of a single example throughout his entire career.

So there is no wonder that there is concern about whether this potential judge on the court of appeals will protect all of our rights as the cases come before him and why there is so much concern about his confirmation.

But I want to go on to another issue that Senator LEAHY raised, and that is the issue of diversity. Diversity is very important. We expect all of our citizens will live according to the rule of law and will have confidence that the laws we make and the Court's rulings on those laws will be fair to all communities, so they have a right to expect that there will be equal access to participation in all branches of Government. Looking at the record in the Fifth Circuit, there is reason for concern. The Fifth Circuit is Mississippi, Louisiana, and Texas—the highest percentage of minority population in the country of any circuit outside of the District of Columbia—44 percent minority. Of the 10 nominees President Bush has submitted to the Federal bench from Mississippi and the Fifth Circuit—10—none have been African American. Mississippi has the largest percentage of African Americans of any State in the Nation: 36 percent. Of the 19 Federal judges on the Fifth Circuit, only one is African American. These are important issues to the people of that circuit and to the people of this country.

So there are many organizations that are opposing Judge Southwick's nomination. I ask unanimous consent that the letters of opposition and concern from the J. Franklin Bourne Bar Association and the National Organization for Women, the Legal Momentum, and the Jewish Alliance for Law and Social Action be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

J. FRANKLYN BOURNE
BAR ASSOCIATION, INC.,
*Upper Marlboro, MD, June 7, 2007.*

Re: Nomination of Leslie Southwick.

Hon. PATRICK LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY: The J. Franklyn Bourne Bar Association, Inc. opposes the nomination of Leslie Southwick to the United States Court of Appeals for the Fifth Circuit.

Established in 1977, the Bourne Bar was formed to advance the status of African-American attorneys who work and/or live in Montgomery and Prince George's Counties, Maryland. The organization is named in honor of the Honorable J. Franklyn Bourne, the first African-American District Court judge in Prince George's County. The Bar Association's mission includes assisting in the development of African-American communities through the vehicle of law, educating the general public about legal issues of concern to all, and insuring the continuation of African-Americans in the legal profession. It is in the spirit of our mission that we register our opposition to the Leslie Southwick's nomination.

A representative democracy is a must in a free society, and as such the residents of the state of Mississippi, Texas and Louisiana are deserving of a federal judiciary that reflects the composition of their respective citizenry. More importantly, as federal judgeships are lifetime positions, each candidate for such an appointment must he closely scrutinized. Judge Southwick's pattern of approving preemptory challenges that exclude Blacks from juries while approving challenges when whites allege discrimination from such challenges is particularly troubling; so to is the decision Judge Southwick joined in the case Richmond v. Mississippi Department of Human Services which would have reinstated a white woman who used the phrase "good ole nigger" about an African American coworker.

The Senate Judiciary is constitutionally tasked with the responsibility of approving nominations by the President following fair deliberations. In that regard, the Bourne Bar Association is confident that its opposition outlined above will be duly noted.

Thank you for your attention.

Sincerely,

ABIGALE BRUCE-WATSON,
*President.*

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NATIONAL ORGANIZATION FOR WOMEN,
*Washington, DC, June 6, 2007.*

Senator PATRICK J. LEAHY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEAHY: The National Organization for Women strongly opposes the nomination of Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit. We urge you to oppose this nomination both in the Judiciary Committee and on the floor of the Senate.

Judge Southwick has a disturbing record and an appalling lack of sensitivity on women's rights, racial justice, and discrimination based on sexual orientation. He demonstrates the usual Bush nominee bias toward big business and against consumers and individuals.

In the 2006 election, the voters clearly rejected right wing extremism. The National Organization for Women expects that those Senators who were elected by the votes of women will take their "advise and consent" role seriously and not put our rights in jeopardy by confirming such an individual to one of the highest courts in the land.

As we have learned from many past judicial battles, a "yes" vote in committee which allows a nomination to reach the floor of the Senate is tantamount to a vote for confirmation regardless of a subsequent "no" vote on the floor. We urge you to stand firm and to vote to stop this nomination in its tracks—in the Judiciary committee.

Sincerely,

KIM GANDY,
*NOW President.*

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JEWISH ALLIANCE FOR LAW AND
SOCIAL ACTION
*Boston, MA, June 8, 2007.*

Re Maintaining an Independent Judiciary

Hon. PATRICK LEAHY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEAHY: As an organization devoted to upholding constitutional protections against racial and religious discrimination, we write to urge that you and your colleagues on the Judiciary Committee and in the Senate oppose the appointment to the Fifth Circuit Court of Appeals of Leslie Southwick.

Judge Southwick has demonstrated his disdain for equal rights and equal protection under the law. While on the Mississippi State Court of Appeals, he joined a decision that upheld the reinstatement, without any punishment whatsoever, of a white state employee who was fired for calling an African American co-worker a "good ole nigger", finding that this was not an offensive term. In another case, Mr. Southwick went out of his way to go beyond the majority decision against a lesbian mother, in a concurrence that was not only gratuitous but gratuitously anti-gay.

While the current President has tried to fill this seat on the Fifth Circuit with other appointees equally out of the mainstream, this is the first nomination since the Democratic Party has regained its Congressional majority. Now is the time to deliver a strong message that Democrats will protect the American people, the Constitution and the judiciary from the prospect of even more extremist right wing judges who will continue to undermine the judiciary's crucial role in preserving our bedrock constitutional protections.

We at JALSA urge you not only to reject this nomination but to do so in a way that makes clear that the Senate will protect the independence of the judiciary, and will no longer allow this administration to pack the courts in order to legislate an extremist agenda of bigotry and hatred.

Yours truly,

ANDREW FISCHER,
*Chair, Judicial Nominations Committee.*

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LEGAL MOMENTUM,
*Washington, DC, June 7, 2007.*

Hon. PATRICK LEAHY,
*Chairman, Senate Judiciary Committee,*
*Washington, DC.*
Hon. ARLEN SPECTOR,
*Ranking Member, Senate Judiciary Committee, Washington, DC.*

CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: On behalf of Legal Momentum, the nation's oldest advocacy organization that works to define and defend the rights of women and girls, I urge you to oppose the nomination of Judge Leslie Southwick to the US Court of Appeals for the 5th Circuit. While much of Judge Southwick's record remains unknown due to lack of publishing and incomplete Committee records, what has been revealed is disheartening for those who look to the federal courts to uphold and enforce laws barring discrimination on the basis of race, sex, national origin and religion.

Historically, the 5th Circuit Court of Appeals has served as a bulwark for the protection of civil rights. However, Judge Southwick displays a continued absence of dedication to upholding certain essential civil rights protections. In the case of *Richmond v. Mississippi Department of Human Services*, 1998 Miss. App. LEXIS 637 (Miss. Ct. App. 1998), reversed, 745 So. 2d 254 (Miss. 1999), Judge Southwick joined a 5-4 ruling upholding the reinstatement of a white state social worker, Bonnie Richmond, who had been fired for referring to an African American co-worker as "a good ole n*****" at an employment-related conference. The Mississippi Supreme Court unanimously reversed this ruling. Similarly, Judge Southwick's rulings on race discrimination in jury selection give us pause. A review of his decisions reveals a disturbing pattern in which Judge Southwick routinely rejects defense claims regarding racially motivated prosecutors who strike African-American jurors but upholds claims of prosecutors that defense attorneys are striking white jurors on the basis of their race. The 5th Circuit, which includes Louisiana, Mississippi and Texas, has the highest concentration of racial and ethnic minorities in the country. There is no room at any level of the judiciary for Southwick's troubling and seemingly biased approach to the enforcement of civil rights laws.

In another case, *S.B. v. L W*, 793 So.2d 656 (Miss. App. Ct. 2001), Judge Southwick wrote a separate concurring opinion positing that a "homosexual lifestyle" could be used to deprive a parent of the custody of her own child. His concurrence, a unwarranted and hurtful piece of work, took great pains to elaborate upon the punitive "consequences" that could be imposed on individuals in homosexual relationships, including the loss of custody of a child. Grounding his beliefs in the principles of "federalism", he promoted limiting the rights of gay and lesbian parents in the area of family law and characterized the participation in a homosexual relationship as a "choice" and an "exertion of a perceived right."

Discussing an issue not raised by either party in the case and citing incomplete legal analysis, the concurrence also identified a policy position of the Mississippi legislature that would limit the custody rights of homosexual parents. His opinion cited the Supreme Court's decision in Bowers v. Hardwick, which upheld criminal penalties for sodomy, but ignored the more recent decision in Romer v. Evans, in which the attempt to deny anti-discrimination protections to gays and lesbians via ballot initiative was found not to further a proper legislative end, but deemed a means to make them unequal and consequently struck down. His contorted and selective analysis showcases a distinct lack of the judicial impartiality necessary in appeals court judges.

Lastly, we cannot accept the possibility that there are no qualified African-Americans to serve on this Circuit's Court of Appeals. President Bush's glaring lack of racially diverse nominations remains unfathomable, and unacceptable to our organization, specifically in a region that displays such a long history of racial apartheid and disenfranchisement and continues to need integration at every level, particularly in the federal judiciary.

Given the arguments listed above, it is clear that the Senate Judiciary Committee must defeat Judge Southwick's nomination. He does not possess the requisite abilities to merit a life-tenured position in the federal judiciary. In rejecting Southwick's nomination, please urge President Bush to nominate a well-qualified individual with the appropriate judicial temperament to dispense justice as intended by our Constitution and a demonstrated respect for fundamental constitutional rights.

Sincerely,

LISALYN R. JACOBS,
*Vice-President for Government Relations.*

Mr. CARDIN. Mr. President, I am going to quote very briefly from the letter from the Bourne Bar Association where it says:

> A representative democracy is a must in a free society, and as such the residents of the State of Mississippi, Texas, and Louisiana are deserving of a Federal judiciary that reflects the composition of their respective citizenry.

Ten nominees from this area; none African American.

The National Organization for Women states:

> Judge Southwick has a disturbing record and an appalling lack of sensitivity on women's rights, racial justice, and discrimination based on sexual orientation.

The Jewish Alliance for Law and Social Action:

> Judge Southwick has demonstrated his disdain for equal rights and equal protection under the law.

So I am not convinced Judge Southwick is the best that we can find for the court of appeals. I am not going to give the President a blank check, and I will vote against the confirmation of Judge Southwick.

Once again, I thank my friend from Pennsylvania for his courtesy.

Mrs. BOXER. Mr. President, I plan to vote against cloture on the nomination of Judge Southwick, and, if cloture is invoked, against the nomination itself.

The Fifth Circuit serves one of the most racially diverse regions in the country. It is especially important, therefore, that a nominee to this court possess an unshakable commitment to equal justice and a willingness to protect the rights of all. Unfortunately, President Bush has chosen a nominee who does not pass this simple test.

During his tenure with the Mississippi State court, Judge Southwick joined a ruling that reinstated a State employee who used a very charged racial slur about another worker. That decision was unanimously reversed by the Mississippi Supreme Court. In another case, Judge Southwick joined in an opinion that took into consideration the sexual orientation of a mother rather than her love for her child when deciding to deny her custody. On other occasions, he voted against the concept of "a jury of our peers."

I am deeply disappointed that President Bush has once again attempted to fill the Fifth Circuit vacancy with a nominee holding views far to the right of most Americans, and I do not support the nomination of Judge Southwick to the Fifth Circuit.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I too rise to discuss the nomination of Judge Leslie Southwick and to explain why I will vote in favor of cloture and in favor of confirming him to the Fifth Circuit Court of Appeals.

There has seldom been an appellate nominee to whom I have given more thought than I have given to Judge Southwick. I am very much aware of the concerns many on my side of the aisle, in the House of Representatives, and in the community feel.

I have reviewed Judge Southwick's record and the transcript of his confirmation hearing. I have read the many letters, both pro and con, and I have spent about an hour or more talking with him in person.

What emerged for me was an understanding that Judge Southwick is a qualified, sensitive, and circumspect person. I think the personal qualities of an individual often get lost in our debates about judicial nominees. These nominees are not just a collection of prior writings or prior judicial opinions. They are, first and foremost, people; and the kind of person they are is, in fact, important. In my conversations with Judge Southwick, I have gotten a sense of the type of person that I believe him to be. He is not either insensitive or a racist but one who is thoughtful and analytical and a strong believer in the law. As an appellate court judge, he evaluates the specific legal issues of the case before him, not necessarily the veracity of the parties involved as would a trial judge.

I know some of my colleagues are opposed to this nomination. Concerns have been raised about his judicial record, particularly with regard to civil rights and the rights of gays and lesbians. I assure my colleagues that I have taken these concerns seriously. I gave them careful consideration and made my best judgment, which is all any of us can do.

While I respect the views of my colleagues who oppose this nomination, I also respectfully disagree. I think Judge Southwick made mistakes by concurring in the two opinions in question, but I don't think those rulings define his views. I don't believe they outweigh the other factors that suggest Judge Southwick should be confirmed.

As I see it, there are three factors that weigh in favor of confirmation. They are:

First, the qualifications and character of the judge himself;

Second, the need to fill this longtime vacancy in the Fifth Circuit which the judicial branch has designated as a judicial emergency;

And third, my very strong belief that when a future Democratic President sends up a judicial nominee who becomes controversial, the test should be whether the nominee is within the judicial mainstream and is qualified by education, experience, and temperament to be a sound judge or Justice in the Federal court system of our great country.

When I weighed those factors against the concerns I have heard, I decided to vote in favor of Judge Southwick in committee. They also will form the basis for my vote on Judge Southwick tomorrow.

The first factor I wish to address is his qualifications and character. I don't think anyone disagrees that Judge Southwick is an experienced appellate court judge. He sat on the State court of appeals in Mississippi for 11 years, from January 1995 to December of 2006. He has heard roughly 7,000 appeals.

How many judges have we confirmed without nearly that kind of experience? This is a large number of cases.

There is no organization better positioned to evaluate the performance of judges in Mississippi than the Mississippi State bar, and they awarded

Judge Southwick their Judicial Excellence Award in 2004, after he had been on the State court bench for 10 years. That award describes him as: "A leader in advancing the quality and integrity of justice," and as "a person of high ideals, character, and integrity."

Isn't that the kind of judge we want to see on the bench?

I think those views from the bar association from his home State are important. I also think it is significant that the American Bar Association, which evaluates every judicial nominee that comes to the Senate for confirmation, unanimously rated Judge Southwick "well qualified"—their highest rating. In fact, the evaluation by the ABA for him to serve on the Fifth Circuit is stronger than it was when he was nominated to a district court last year.

For that nomination, the ABA was not unanimous in finding him "well qualified." But they were for the appellate court.

The Judiciary Committee approved that nomination, but the 109th Congress ended without further action on it. Now, Judge Southwick stands before us with a unanimous recommendation for the Fifth Circuit from the ABA.

I am also impressed, as Senator SPECTER spelled out, by his record of military service to our country. I find it singular among the judges in the 15 years I have served on the Judiciary Committee.

This judge joined the U.S. Army Reserves in 1992 at the age of 42. To do that, he had to get an age waiver.

How many would do that?

He had already achieved professional success as a lawyer. At the time, he was serving as the Deputy Assistant Attorney General in the Civil Division of the Department of Justice. Still, he felt a sense of duty to his country, and he did not let his age or his promising civilian legal career stop him.

He volunteered in 2004 for a unit that was going to be deployed to Iraq. That unit, the 155th Brigade Combat Team, was, in fact, deployed, and he was with it.

Judge Southwick was 53 years old at the time. He had a wife and family and a prestigious job as a judge on the State court of appeals. Yet, from January to December 2005, he served in Iraq—first as a Deputy Staff Judge Advocate at Forward Operating Base Duke, and then as Staff Judge Advocate for the 155th Brigade at Forward Operating Base Kalsu.

How many judges have done that? Shouldn't that count for something?

Well, it counts to me, Mr. President. To me, it is a clear indication of the character of the man, and I deeply respect him for this military service.

The second factor that is important, in my judgment, is the need to fill this vacancy on the Fifth Circuit. It has been vacant for 7 out of the last 8 years. Judge Southwick is the third nominee for the position—not the first or the second, but the third.

The vacancy opened in August 1999—7 years ago—and went unfilled for more than 4 years. Then, in 2004, the President used a recess appointment to place Charles Pickering on the bench. The Senate did not confirm Judge Pickering to the seat, and since the end of 2004, it has been vacant again. Michael Wallace was nominated for it, but that nomination wasn't approved by the Judiciary Committee.

So at this time the Administrative Office of the U.S. Courts has declared this seat to be a "judicial emergency."

Now, I am not suggesting that we should confirm whomever the President nominates just because a seat has been vacant for a long time, or because the seat has been designated a judicial emergency. But I hope this urgent need to fill a longtime vacancy will help tip the balance in the nominee's favor. By any measure, 7 years is too long for a vacancy to remain open.

The third factor that weighs in favor of confirmation for me is my strong belief that we have seen too much delay and controversy over qualified nominees for too many years.

There are plenty of examples of long delays in the confirmation process when President Clinton was in office and the Senate was under the Republican control. For example, when Ronnie White had the support of Senator BOND and was voted favorably out of the Judiciary Committee twice, it took more than 2½ years for the nomination to come to the floor, and then the nomination was rejected.

William Fletcher was a well-qualified Ninth Circuit nominee in the 1990s. Unlike Judge White, at least Judge Fletcher was confirmed by the Republican Senate—thanks in large measure to Senator HATCH—but not until he had waited for 3½ years.

During that period of time, I had calls from prospective judges, saying: I don't know what to do. Do I stay the course, or withdraw? What do I do about my family? These are real problems and we ought to respond to them.

I also share the views of my colleague, Senator LOTT, that we must improve the confirmation process. He recently wrote an op-ed column in which he explained his vote to confirm Justice Ruth Bader Ginsburg to the Supreme Court. Since the Senator is sitting here, let me quote him:

> I probably wouldn't agree with Justice Ginsburg on any philosophical issue, but she was qualified to serve by education, experience, and temperament. Elections have consequences, and she had President Clinton's confidence.

That is the way it was. I have used the same analysis to arrive at my position on Judge Southwick. I probably would not agree with him on certain philosophical issues, but I think he is qualified to serve by education, by experience, and by temperament.

Critics of this nomination have pointed to 2 opinions: 1 that reinstated an employee who had been fired for using an egregious racial slur, and another that denied a woman custody of her child for reasons that included—but were not limited to—her involvement in a same-sex relationship.

These are 2 opinions out of 7,000 cases that he heard or that he sat on. They are opinions he joined, not ones he wrote. One was a majority opinion joined by 4 other judges on his court, and 1 was a concurring opinion in a case where he also joined the majority opinion.

Ultimately, the case involving the racial slur was reversed by the State supreme court and remanded for consideration of a different penalty. The ruling of Judge Southwick's court in the child custody case apparently was not appealed to the State's high court.

Critics of Judge Southwick have also pointed to certain rulings that, in their view, suggest that Judge Southwick will be hostile to workers, minorities, and those who lack power and privilege in our society. These are serious concerns. But I don't think these cases accurately reflect Judge Southwick's views. This is only my best judgment, based on my own discussions with him.

The racial slur case, Richmond v. Mississippi Department of Human Services, involved, as has been stated, a State employee who had used a racial slur in reference to an African-American coworker. The State agency fired the employee, and she appealed to an administrative board, which ordered her reinstated.

Judge Southwick joined a majority opinion that upheld the board's decision to reinstate the employee. The opinion stated that there was sufficient evidence in the record to support the decision of the board.

I believe he should not have joined the court's opinion, but I don't think his decision to concur in that opinion should disqualify him from being a Federal judge.

After our meeting in person, I asked the judge to put his thoughts in writing, and he did. I found the letter convincing.

Mr. President, I will quote some of this letter:

> The court said that the use of the word "cannot be justified" by any argument. It could have gone far beyond that legalistic statement. Captured in this one terrible word is a long, dark, sad chapter in our history. This racial slur is unique in its impact and painful to hear for many, including myself. I said at my hearing that this is the worst of all racial slurs. Its use is despicable. All people of good will should make their rejection of the word clear. The opinion had an opportunity to express more fully and accurately the complete disgust that should greet the use of this word. Such a statement would certainly be consistent with my own beliefs that this is the worst kind of insult.

> As I testified, everyone took this issue extraordinarily seriously. I regret that the failure to express in more depth our repugnance of the use of this phrase has now led to an impression that we did not approach this case with sufficient gravity and understanding of the impact of this word.

The letter goes on to say:

> I always tried to treat everyone who came before me as a judge with respect. I gave a memorandum to each of my law clerks that they were to use no disparaging words towards anyone in a draft opinion, no matter what the appeal was about. From the bench and in my opinions, I followed that same rule. I believe that everyone whom I encounter, whether as a judge or in some purely private capacity, is deserving of my respect.
>
> I took a broad view in looking for staff. I was one of the original ten judges on the Court of Appeals, taking office in January 1995. In my second year on the court, I became the first white judge to hire an African-American law clerk on that court. I could not have been more pleased with her work, and she went on to be a partner in a major Mississippi law firm. I was equally pleased with the two additional African-American clerks I hired before I left the court.

Judge Southwick concludes by saying:

> Until the last two months, my fairness and temperament had not been subject to criticisms. The recent concern may have arisen from the fact that only one piece of evidence was being used, namely, the racial slur opinion. A much better explanation of my own abhorrence of this slur clearly could have been written. I have tried in this explanation to express my disgust for the use of that word and to present some of the evidence from my own life to prove my commitment to furthering the civil rights of all.

In the second case, the child custody case, which is called S.B. v. L.W., Judge Southwick's court affirmed a decision to deny custody of a child to a mother who was in a same-sex relationship. The lower court had based its opinion on several different factors, such as employment, financial stability, and stability of the environment, and not just the sexual orientation of the mother.

In fact, a major concern in the case was that the mother was planning to move to a new city, and the mother had admitted that the move was not in the daughter's best interest. She said she did not know where her daughter would attend school, and also that she would be devoting a lot of time to starting a new business after the move.

Judge Southwick joined the majority opinion, upholding a lower court's decision that the best interests of the child would be better served by being in the father's custody. He also joined a concurring opinion written by another judge.

When asked about the case at his hearing, Judge Southwick said that he had joined the concurring opinion because it followed State law at the time, which was governed by Supreme Court precedent that has since been overruled. Judge Southwick conceded at the hearing that under current law the analysis of the case, and perhaps the result, would be different.

Again, the question is whether his decision to join the opinion is grounds for disqualifying him from a Federal judgeship. To me, simply stated, it is not.

So I am voting in favor of Judge Southwick because I think, based on the letter he wrote to me, on my discussions with him, and on his record, he is not outside of the judicial mainstream.

That is the primary criterion I use when evaluating an appellate nominee, and I expect future nominees of Democratic Presidents to be treated in the same way.

I believe the concerns that have been raised about Judge Southwick are outweighed by his record of service to our country, his long experience as an appellate court judge, and the temperament I have come to know in my discussions with him.

Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII with respect to the Southwick nomination be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I obviously rise in support of the cloture motion and in support of the nomination of Judge Leslie Southwick to be confirmed to the Fifth Circuit Court of Appeals.

I begin by thanking Senator REID for allowing this nomination to be called up and even considered. He doesn't have to do that as our leader, but he should be commended by those of us who support Judge Southwick for his willingness to allow the nomination to be debated and considered.

Mr. President, I wish to express my appreciation to the very studied and careful job that Senator FEINSTEIN has done with regard to this nominee. I know it has not been easy, but I also know that she has taken time, she has been patient, she has done her homework. I am sure she has endured criticism. She has shown tonight that she is truly one of the outstanding lions or lionesses, I guess, is the correct word, of the Senate. She has shown courage.

She and I have worked together. Sometimes we have lost when we have worked together, and sometimes we have succeeded. But we have tried to do the right thing for the Senate and for our country. I have nothing but the utmost admiration and appreciation for the position she has taken. I actually am hesitant to proceed after her comments because they were so careful and so well thought out and presented.

I do think that I would like to put a few remarks into the RECORD tonight, and I will add additional items tomorrow. I thank Senator FEINSTEIN so much. What she did tonight with regard to this nominee and how she is going to vote tomorrow is the kind of thing, I believe, that will affect in a positive way the nominations of other men and women in the future in the Senate. We have worked together on nominees from California in the past, and I stood against a filibuster then, and I am proud I did. I have voted for nominees, such as Justice Ginsburg, because I thought it was right.

I also have been a party to and have observed conduct in the Senate by my colleagues on this side of the aisle that I am sorry about, I regret. But how do we ever stop the slide downhill by the Republicans and then by the Democrats and then again by the Republicans? When can we rise above that type of personal and partisan attack and consider these nominations and legislation in a more respectful and responsible way?

I believe Senator FEINSTEIN has taken that first step that can lead to other steps, and we will stop this slide I have observed occurring more and more each year for 10 years. Now maybe this is the moment, maybe this will be the catalyst that will lead to other steps on this side of the aisle and on the other side of the aisle so that we will treat these nominations and legislation in a proper way.

I thank the Senator for staying and allowing me to commend her. I hope it doesn't get her into too much trouble, but I admire the Senator very much.

I do want to recognize the remarks made by Senator SPECTER of Pennsylvania and the thorough job he did in referring to particular cases. I don't want to repeat the cases that have been mentioned here tonight, or go over his whole resume again, but I wish to take a moment to maybe highlight some of the parts of that resume of this very distinguished nominee.

I also want to note the presence of the senior Senator from Mississippi, my colleague Senator COCHRAN. He and I have been in the Congress for 35 years. We were in the House together. He came to the Senate, and 10 years later I came to the Senate. One of the things I did when I came to the Senate, I sat down and talked to Senator COCHRAN about how to consider nominees for the Federal judiciary, because he was on the Judiciary Committee. He had some very good, helpful, and simple advice. Basically, he said if they are from your State, certainly if they are personally repugnant, you can vote against them. But basically, he said, if they are qualified by education and by experience and by temperament, you should be supportive. Kind of simple, but it was a thoughtful suggestion to me that came from this experienced member of the Judiciary Committee, and I have tried to do that, and I will continue to do so.

I do believe very strongly that this nominee is obviously well qualified. One of the things that was noted about his outstanding academic record was that he graduated cum laude from Rice University, a well-known and well-respected academic institution. He didn't just graduate with honors, he graduated cum laude, right at the top. He later graduated from the University of Texas School Of Law, where he also had an outstanding record academically.

When he came to the State of Mississippi, he continued that record of success. He worked with one of the most revered members of the Fifth Circuit, Chief Judge Charles Clark, one of the most outstanding jurists I have ever observed in my career of watching our Federal judiciary.

When he went to work for a law firm, he didn't go with just any law firm, he went with one of the State's very best—Brunini, Grantham, Grower, and Hewes, where he became a partner. At every step along his career, he didn't do just well, he excelled in how he handled himself in the positions he had, and he continued that when he went on the court of appeals.

A lot has been made about the fact that he has served in the Mississippi National Guard. He reached the rank of lieutenant colonel. He didn't just serve as a reservist to meetings of the National Guard, he was actively involved with the 155th Separate Armored Brigade. And, of course, he went with the 155th Brigade Combat Team and was mobilized in Operation Iraqi Freedom. So even there he took risks. He was involved in a way at his age that wouldn't ordinarily have been expected. This further shows that he is a unique individual in terms of his education and his experience.

But more than anything else, with rare exception, I have never seen a more qualified nominee to be an appellate court judge; not just a Federal judge, but an appellate court judge. His experience has been in the Mississippi appellate court system, where he presided or participated over 7,000 cases. That point has already been made, but that is an extraordinarily large number of cases for him to be involved with over these several years that he was a member of the appellate court in Mississippi.

In terms of the kind of man he is, let me read one part of one letter from one of the most revered and respected former Governors of our State of Mississippi, a Governor who has a very progressive record of leadership and of civil rights issues, and who has continued until this very day to work for racial reconciliation and heads an organization at the University of Mississippi dedicated to that purpose. This is a Democrat. This is what most people would acknowledge in Mississippi would be one of your more moderate to liberal Democrats. Knowing him, he probably doesn't like those labels, but he has a record of involvement in those areas where this nominee has been challenged or criticized. This is what William Winter, our former Governor, said:

> I further know him to be a very intelligent, conscientious, ethical and hard-working member of the legal profession. I have a great deal of personal respect for him and based upon my association with him I believe he will reflect fairness and objectivity in his approach to all matters which may come before him as a judge.

I don't know what higher recommendation you could have from our State, from a member of the opposite party, and a former Governor of our State. So he knows the background of this nominee.

Mr. President, I ask unanimous consent to have printed in the RECORD the entirety of the letter of William F. Winter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> WATKINS LUDLAM WINTER
> & STENNIS, P.A.,
> *Jackson, Mississippi, June 13, 2007.*
>
> HON. ARLEN SPECTER,
> *Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*
>
> DEAR SENATOR SPECTER: I join a number of my colleagues in the Mississippi Bar in expressing support for the nomination of the Honorable Leslie Southwick for a seat on the U.S. Court of Appeals for the Fifth Court.
>
> I personally know Judge Southwick as a highly regarded attorney and jurist in Jackson, Mississippi. I further know him to be a very intelligent, conscientious, ethical and hard-working member of the legal profession.
>
> While it is generally known in this community that he and I do not share the same views on some public issues. I have a great deal of personal respect for him and based on my association with him I believe that he will reflect fairness and objectivity in his approach to all matters which may come before him as a Judge.
>
> I, therefore, commend him to you as one whose personal character and professional record make him worthy of your favorable consideration for this important position.
>
> Respectfully yours,
> WILLIAM F. WINTER.

Mr. LOTT. Judge Southwick was awarded the Judicial Excellence Award by the Mississippi State Bar Association, and he was rated not just well qualified but unanimously well qualified by the American Bar Association. This is supposed to be the gold standard. The previous nominee for this position was not given that. He was given a "not qualified" rating by the bar association. So they don't just rubberstamp nominees, they look very closely at them.

If there is a question about his temperament, if there is a question about his record on civil rights issues, or anything else, they would have found it and they would have included it in their recommendations. And, by the way, this is the same nominee who, 1 year ago, was unanimously referred by the Judiciary Committee to be a Federal district judge. Now, 1 year later, there are those who question the same record they had a chance to review last year.

Of the opinions he actually authored, there is no criticism of the more than 1,000 decisions where he actually wrote the opinion. I assure you, they were scrubbed and reviewed very carefully. There are two decisions in 7,000 where he concurred but did not write the decision, where questions have been raised.

I know we all make mistakes, and we choose to associate sometimes with situations or people we regret later. I know he would do some of his decisions differently now if he had them to do over again. But this is a long distinguished record, with only a couple of phrases in two decisions that, obviously, are troublesome.

Now, beyond those qualifications, he also has the temperament. He is mild mannered, he is very judicious, he is moderate in his approach to being a judge and in his life; not to say that he won't be conservative in a lot of his rulings. I think he will. But I am talking about demeanor and temperament. Clearly, he has what Senator COCHRAN and I thought the Senate indicated they desired.

This is the third nominee for this vacancy. The other two didn't make it. We heard what the Senate had to say regarding these past nominees and we came up with a judge we thought met the criteria that was expressed by a lot of our colleagues here in the Senate. But I also want to emphasize this. I have stood on this floor and argued to my own colleagues that we should not set the precedent of filibustering qualified judicial nominees——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOTT. Mr. President, I ask unanimous consent for 2 additional minutes, if my colleague, Senator COCHRAN, would yield me those 2 to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I have argued we should not filibuster Federal judges. One time when I sat in that seat as majority leader, my colleagues actually voted to filibuster a judge and opposed cloture. Senator HATCH and I took to the floor and said we are not going to do this. This is wrong. If you want to vote against him, vote against him, but we are not going to filibuster these judges. Those judges were Judges Paez and Berzon in 2000. We had a second vote, reversed the previous vote which opposed cloture, invoked cloture, and then voted on those nominees. I voted against them both, but I thought they deserved an up-or-down vote.

Here tonight and tomorrow, when we vote, at the very minimum we should not filibuster this nomination. We should allow this judge to have an up-or-down vote. One of the speakers tonight indicated he would vote against him. Fine, if that is what your conscience dictates. But first, we have to deal with this question of should we start down this trail of filibustering qualified judges because we disagree with some philosophical position. We shouldn't do that. If we do it here, we will do it again later. If we do it in this administration, we will do it in another administration. Give the man an up-or-down vote. I believe—I am absolutely convinced—that he will be confirmed.

I will have a few more remarks probably in the morning, but let me say to you, Mr. President, and to my colleagues in the Senate, I have never before done this, but I can vouch on my honor to this institution that I have served for many years now and in leadership positions, this is a good and qualified nominee who will reflect credit on the institution that confirms him and in the court in which he serves.

The judicial confirmation process has always shown strong deference to the opinions of home State Senators. There is good reason for this. Home State Senators are uniquely positioned to know the personalities, qualifications, and reputations of the nominees from their state. The fact that this traditional courtesy of the Senate is being ignored should be cause for concern for every Senator in this Chamber.

I respected this traditional courtesy when I served as majority leader. In the last few years of the Clinton administration, a Republican Senate confirmed a string of highly controversial appeals court nominees who nonetheless had the backing of their home State Senators.

When the controversial nominations of Paez and Berzon where debated in 2000, I filed cloture on both of their nominations. While many on my side of the aisle opposed the nominations, I upheld my promise to bring their nominations to an up-or-down vote.

We are in danger of establishing an ill-advised precedent that could have longstanding negative ramifications on not just the legislative branch but also upon the judicial branch. Should this body block a clearly qualified nominee based on a "perceived controversy"?

Every Senator in this body needs to understand what is at stake here. This isn't a simple case of controversial nominee being taken down in a partisan fight.

This is a mainstream nominee to a seat that has been declared a judicial emergency, with the strong support of both home State Senators, with a "unanimously well qualified" rating from the ABA—the supposed gold standard for my colleagues on the other side of the aisle—who was reported out of the Judiciary Committee unanimously for a lower court nomination less than 12 months ago, and a military judge who courageously served in Iraq.

This isn't just about Judge Lesile Southwick. This is about the standard that is being set for the future. Every Senator in this Chamber will have judicial nominees that come from their home State, and they will expect those qualified nominees—with home State Senator support—to be confirmed. Well, that is not the precedent that we are establishing here. Next time, this could be your nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, under the order, I think there were 5 minutes, and 2 of the minutes I yielded to my colleague and distinguished Senator, so it is my intention to proceed with 3 minutes.

The PRESIDING OFFICER. There is 9 minutes remaining on the Senator's side.

Mr. COCHRAN. I will use the balance of that in the morning.

The purpose of my being here tonight was to be sure I was available to hear the comments of all Senators who wanted to speak on this confirmation. This has been a very frustrating experience for me personally, because, as my colleague pointed out, we have confronted difficulties in submitting names for the consideration of the Senate for this particular position. Two he pointed out have been nominated by the President and, in fact, rejected. Names were withdrawn because of delays that made it clear those judicial nominees were unacceptable. So we put our heads together, we talked about what the other options were, and decided Leslie Southwick was the epitome of someone who had to be acceptable to the Senate. Not only is he an experienced judge in an appellate court position, but he is a person of great integrity, widely respected, even though he has been a Republican and active in politics in our State, supporting candidates that he thought were the best in his party who were available to be nominated and elected. He is a person who is widely respected by Democrats, as proven by William Winter's very generous letter complimenting him and pointing out his personal qualities. That should be instructive to the Senate in its consideration of this nomination.

I don't know of any situation I have confronted since I have been in the Senate that has been more frustrating than watching and listening to the criticism of this nominee who has been totally unjustified, totally unjustified on the record. Viewing his career as I have observed it, it is not the same person I hear described by those I hear criticizing and objecting to this nomination, reaching through 7,000 opinions trying to find something he had said or done or indicating a view that was unacceptable in a Federal judge. And they come up with two opinions that he didn't write, and they are fully explained by him, and totally contradictory, in the way they have interpreted, to his personality, his good judgment, and the way he has lived his life.

I think it is a lot more instructive if you could have been with me yesterday in Natachez, MI, dedicating a new Federal court building, the shock, I guess, that others might find, that the Presiding Officer at that ceremony was United States District Court Judge Henry Wingate, an African American I had recommended 20 years ago for the Federal bench, who is now the chief judge of the Southern District in the United States District Court.

There are several other judges, all of whom were there. Edith Jones of the Fifth Circuit, who is the chief judge now of the Fifth Circuit Court of Appeals, was our principal speaker on this occasion. And I noticed that the person who is a U.S. marshal for the Southern District of Mississippi is Nehemiah Flowers, whom I had recommended many years ago and has served in that job with distinction and reflected credit on African Americans of our State, but also as an individual in his own right who is the chief keeper of the peace and law enforcement official in the Federal District Court, I was proud to be there on the podium with him.

Leslie Southwick is totally well qualified and ought to be confirmed by the Senate. I have spoken on the Senate floor a couple of times at great length about it and put into the RECORD letters from people all over our State commending him and vouching for him, talking about his experiences as a judge and my familiarity with him as a person. He has a record that would be the envy of anyone who would aspire to be admired and respected as a judge or a lawyer or a citizen. I can't believe that he is being challenged as harshly as he is by some in this body, and I urge the Senate to confirm him as a United States Court of Appeals judge tomorrow.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes.

Mr. BROWNBACK. Mr. President, I want to speak in favor of Judge Southwick and the nomination and would take up that 4 minutes.

A couple of quick points I want to make on this because the time is short, the hour is late, and I appreciate the Presiding Officer staying. I have met and I have gotten to know Judge Southwick. I have worked with him. I have seen him now through two Senates, the last Senate and this Senate.

This is an honorable man. This is a good man. I think this is a smear campaign that people are trying to do on him, on a good man.

I think if he came up in different circumstances everybody would say: Why, absolutely he is the right person for it.

Part of the reason I say that is you look at the last Congress when he came up in front of the Senate Judiciary Committee. Judge Southwick came up in the last Congress, and he was unanimously approved by the Judiciary Committee, seen as a consensus nominee who should move forward. He has been through these parts before. Why is it he was unanimous last time around and now he is a controversial candidate? Why is it you are looking at 7,000 opinions and somehow now we found something in a couple of opinions but didn't find those last year when people were fly-specking it?

I think this is kind of a sign of the times and where we are and the President's time period and the President's approval ratings. He is in his last 2 years and people are looking and saying we don't want to get these many circuit court judges approved. But if you look at the record, this is not fair to this judge.

Look at the diversity issue. I just want to put a chart up on the diversity of the Fifth Circuit because that issue has been raised, the number of appointees to the Fifth Circuit. Under President Clinton and Bush: Women appointed under President Clinton, zero; President Bush appointed two; African Americans, one under Clinton, none under Bush; Hispanics, one under Clinton, one under Bush, and actually there was a third woman appointed under Bush. I don't think that stands the review and test of us being honorable and honest with what the situation is.

This is a judicial emergency situation. Senator LEAHY has previously stated if a vacancy is deemed to be a judicial emergency, it should be addressed quickly. This is a judicial emergency, as determined by the nonpartisan Administrative Office of the Courts. They have declared the seat to which Judge Southwick has been nominated a judicial emergency.

Senator LEAHY, for whom I have a great deal of respect and worked with on a number of additional issues other than this, has also said it is important whether the two home State Senators support the nominee. You have just heard from the two home State Senators who strongly support this nominee.

I think the criteria that have been previously set to fill a circuit court position have been met, in many cases even exceeded. Yet we have a controversy over a person who was seen, one Senate ago, one Congress ago, as a consensus candidate. This seems to be much more reflective of the time rather than the person, and I don't think that is meritorious of this body, to decide something on, OK, it is in this session of Congress rather than the prior session of Congress.

Here is an honorable, good man. If you have qualms with one of the nominees, fine. But let's make it a real set of qualms and let's not make it something that we invent this session, during this Congress, and try to take it out on somebody who is a good candidate.

Here is a person who served honorably in the military, even asked that his age be waived so he could join the Army Reserves at age 42. In 2002, at the age of 53, he volunteered to transfer to a line combat unit that was widely anticipated to deploy to Iraq.

This is an honorable man. I urge my colleagues to actually look past the way he is being painted and look to the reality of the facts and to the longevity of his service and what he seeks to do and to vote and to support this nominee.

I yield the floor.

## LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDOR

Mr. CASEY. Mr. President, I rise today to address not only a major public policy issue for the State of Pennsylvania but also a fundamental issue of fairness and the proper role of Government, which I think will have an impact on the country as a whole.

Recently, the U.S. Department of Energy designated 52 counties—52 out of Pennsylvania's 67 counties—as part of a power transmission corridor, more formally known as the National Interest Electric Transmission Corridor. This means the Government will be able to turn three-quarters of the State of Pennsylvania into a superhighway of transmission towers.

Their authority to designate this corridor was granted in the Energy bill passed in 2005 in the previous Congress. This designation would allow the Federal Government to override State authority and construct high-voltage power transmission lines wherever they please—virtually wherever the Federal Government pleases. They could place the lines on farmland, through neighborhoods, through someone's backyard, and, for example, through a beautiful vineyard such as the one I saw most recently in Greene County in the furthermost southwestern corner of Pennsylvania, so virtually anywhere in the Commonwealth and anywhere in the country.

Earlier this year, the Department had a public comment period where I and other public officials and most importantly my constituents spoke out loudly in opposition to the draft corridor plan. That draft plan is virtually identical to the final plan.

Let me give my colleagues a sense of what we are talking about here. This is a map which depicts the draft Mid-Atlantic and Southwest area national corridor. There are people in Washington who for years have been talking about creating opportunities for more power, and this is a national priority, they say. Yet we can see just by the dotted areas that there are a lot of States in the Northeast that will be impacted—obviously, New York and Pennsylvania, West Virginia, Maryland, and a few others, and then out West in the furthermost reaches of the Southwest of our country, principally in the State of California. So for all of the talk about a national priority, there is very little that impacts the middle of our country.

I sent letters, as Senator SPECTER did, to the Department of Energy, but so far, I am not happy to report the Department of Energy has ignored my constituents. I think this is an outrage, for a government bureaucracy to ignore the people they are supposed to serve. They pay their salaries—those taxpayers pay their salaries. The least this Department should do is respond not just in a timely way but to respond completely. But we haven't seen that yet.

Last week, I met with an Assistant Secretary of Energy to discuss my opposition to the transmission corridor as it is presently drafted. I have sent letters to the Energy Secretary, Mr. Samuel Bodman, most recently in early October. We are still waiting for a response to that, a letter signed by both Senator SPECTER and me, waiting for a response. I know people get busy, but I think it is time now to respond to that letter. We are also waiting for Secretary Bodman to respond to my request for a meeting. We are getting a little resistance there as well.

So while I am waiting for these responses from the Energy Secretary, I want to put him on notice and I want to put the Federal Energy Regulatory Commission—which we know by the acronym FERC—I want to put FERC on notice and I want to put the Senate on notice that I have grave concerns, as a lot of people in Pennsylvania have grave concerns, about this transmission corridor as presently designed or drafted. I am outraged by how my constituents have been treated so far in this process. I would argue they have been ignored in this process.

So I intend to use every means at my disposal—every means at my disposal—to prevent the National Interest Electric Transmission Corridor from moving forward until Pennsylvania is at a minimum treated equitably. So I intend to place a hold on the renomination of Joseph Kelliher, who is now serving as the Chairman of the Federal Energy Regulatory Commission, known as FERC. I will place a hold on his renomination, and I will be introducing tomorrow, in connection with the amendments to the farm bill, an amendment to prevent the use of eminent domain to take farmland for use as a part of this power transmission corridor.

One more chart before I conclude. The second chart here depicts the number of counties affected in the northeastern corner of the United States. I will speak just of Pennsylvania for today—52 out of those 67 counties. Basically, what the Federal Government has told us, in essence, implicitly—this is what I derive from their failure to respond to the State of Pennsylvania—is there is going to be a superhighway of power lines across Pennsylvania, and there is nothing anyone can do about it. The Federal Government is going to take over this effort and put those lines across the State of Pennsylvania.

Well, I have news for them. Pennsylvania is full of a lot of people who are concerned about this, whether they are in small towns or urban areas, and, as we are going to be speaking to tomorrow, rural areas in Pennsylvania, farm communities. Most of those counties designated there are in rural communities. If the Federal Government and the Department of Energy or the Federal Energy Regulatory Commission or anyone else in this town wants to fight about this, we are ready to fight, and we will fight morning, noon, and night until our State, the Commonwealth of Pennsylvania, is treated equitably.

## 24TH ANNIVERSARY OF BOMBING OF MARINE CORPS BARRACKS IN BEIRUT

Mr. WEBB. Mr. President, 24 years ago today, at 6:20 in the morning, in Beirut, a yellow Mercedes-Benz truck drove into the Beirut International Airport, where the 1st Battalion 8th Marines was keeping its headquarters. The truck crashed through a barbed wire fence, went through the parking lot, passed between two sentry posts, and then crashed through a gate and into the lobby of the large building where the marines were keeping their headquarters.

At that point, the explosives were set off in this truck, ending up with the deaths of 241 American military servicemembers. This was the largest loss of life for the U.S. Marine Corps in one single day since Iwo Jima. It was the largest loss of life in one day for American service people from the beginning of the Tet Offensive of 31 January 1968, and it remains the largest single loss of life in one day since that time.

I believe it is appropriate for us to take a few minutes and remember today the sacrifices that were made and the contributions the United States was attempting to make in that particular circumstance.

I make these comments as someone who is proud to have served in the U.S. Marine Corps, who has a brother who served in the Marine Corps, who has a son who is now serving in the Marine Corps, and as someone who covered the marines in Beirut as a journalist and had recently left the country when this incident occurred.

The marines who went to Beirut came in peace. They had been sent in after several incidents occurred regarding multiparty incidents, which I will describe in a minute, at the request of the Lebanese Government. We had a U.S. Marine Corps representation. We had military people from the United Kingdom, Italy, and France. They were asked to help separate the warring factions inside Beirut during a vicious civil war and also to help separate the end result of an Israeli incursion, in which the Israelis were attempting to take out large elements of the Palestinian Liberation Organization.

So our marines began this "visibility" presence in September of 1982. They had been there through different cycles of rotation for a little more than a year when this event occurred.

They operated under enormously difficult rules of engagement. The situation in Beirut at that time was rather similar to what we see in Iraq today in terms of having a weak central government and many different factions around it.

On any given day, our marines in Beirut could be bumping up against Shia militia, Sunni militia, Christian Phalange, Druze militia, the Syrians over the border on one side—as well as with French, U.K., and Italian military units all operating in this environment. The Israeli military, which at this point had pulled back over the Chouf mountains, also was present.

These were very fine marines. I spent a good bit of time with them on their different positions. They were overall commanded by COL Tim Geraghty, an extraordinarily capable officer who had spent more than 2 tours in Vietnam. Their battalion commander, LTC Howard Gerlach, had done a tour and a half in Vietnam as infantry leader.

The rules of engagement were so strict in Beirut at the time that when our marines took fire, they could only return fire with the same type of weapon they were receiving fire from. These very restrictive rules ended up contributing to the situation in which the truck bomb went off. The sentries at the gate where the truck came in were not even allowed to have ammunition in their weapons at that time. They were precluded from being able to take out this truck when it entered because once they saw what was happening, they had to attempt to load their weapons and then fire at it.

This was an incident which combines so many different factors that are still in play right now in the Middle East. We should be remembering it. We should be remembering when we look back on it that the United States must play its hand very carefully in that part of the world. As one marine said to me during a firefight at one outpost I was covering as a journalist:

> It is always difficult when you get involved in a five-sided argument.

We ought to think about that when we are looking at what is going on in other parts of the Middle East today.

But the main purpose of me speaking today is to urge all of us never to forget the courage and the risk and, ultimately, the sacrifice that so many of our young people are required to make on behalf of our country and under the direction of the leadership of those who decide to send them into harm's way.

## HONORING OUR ARMED FORCES

### CHIEF WARRANT OFFICER JOHN W. ENGEMAN

Mr. ROCKEFELLER. Mr. President, in the lush green hills of Arlington Cemetery, where peace holds its gentle sway, there is a headstone inscribed with the name of John W. Engeman. On it are his rank of chief warrant officer, and his honors, the Legion of Merit, Bronze Star, and Purple Heart. But, like all of the iconic white markers at Arlington, it only tells part of a hero's story.

Chief Warrant Officer Engeman enlisted in the Army when he was 18, and was stationed in Korea and Germany, and served in Kosovo and Operation Desert Storm. Two years ago, he moved with his family to West Virginia, where he was the active duty liaison between the National Guard and Reserves.

But he was more than a career military man; he was also a devoted father and husband, brother and son.

The soldiers in his unit called him a father figure and a great story teller. They recalled that whenever they needed advice, they always went to the Chief. They said they would follow him anywhere because he was a great leader, a good decisionmaker, and a good friend. And, they said, he loved to talk about his wife Donna or his two children, Nicole and Patrick.

So I can only imagine how he must have felt when the Army made special arrangements for him to watch his wife graduate from college. It had been a shared goal between the two of them, and on the day before Mother's Day, he sat half-a-world away and watched the dream turn into a reality. He ended that day by telling his wife how proud he was of her, and that he would call the next day to wish her a happy Mother's Day.

It was a call that would never come. Chief Warrant Officer Engeman's humvee would be struck by a roadside bomb later that evening.

From the earliest days of the Republic we have held a special place in our hearts for those families who have lost a loved one in war. Later this week, as part of the White House Commission of Remembrance, the family of Chief Warrant Officer Engeman will be honored, along with the families of other soldiers, sailors, and marines who have been lost in combat.

It is altogether right and fitting that we do this. Chief Warrant Officer Engeman answered the call to duty and served with honor and distinction. He won the respect of his soldiers and the admiration of his country.

But those truly timeless qualities—his laugh, his quirky smile he would give you when you needed his advice, and his love for his family—will live in the hearts of his wife, children, sisters, and parents forever.

All of West Virginia joins with me today in keeping the Engemans close in our hearts and prayers.

## ESTABLISHING A FEDERAL STATUTORY FIRST AMENDMENT PRIVILEGE

Mr. LEAHY. Mr. President, The Senate Judiciary Committee has considered and for the first time reported a bill to establish a Federal statutory privilege to safeguard the freedom of the press. The Free Flow of Information Act, S. 2035, is bipartisan legislation that was reported on a strong bipartisan vote. The House has already passed legislation on this same subject, H.R. 2102, with a strong, bipartisan and apparently veto-proof majority of 398 to 21. Thus, both S. 2035 and H.R. 2102 are available for Senate action on the Senate business calendar. I strongly support the enactment of a Federal shield law for journalists, and I urge the Senate to promptly consider Federal shield legislation.

All of us have an interest in enacting a balanced and meaningful first amendment privilege. Sadly, the press has become the first stop, rather than the last resort, for our Government and private litigants when it comes to seeking information. This is a dangerous trend that can have a chilling effect on the press and the public's right to know.

Enacting Federal shield legislation would help to reverse this troubling trend. In fact, proceeding promptly to consideration of this legislation is something I strongly support. Should the Senate take up the bipartisan shield bill that overwhelmingly passed in the House, Federal shield legislation could go immediately to the President's desk and be signed into law without delay this year.

The Senate bill has the support of a bipartisan coalition of Senators, including Senators SPECTER, SCHUMER, LUGAR, DODD, GRAHAM, and myself, who have all united to cosponsor this legislation. In addition, more than 50 news media and journalism organizations support this legislation, and the call for Senate action on this historic bill extends to editorial pages across the country, including the New York Times, Arizona Republic, L.A. Times, Salt Lake Tribune, and San Francisco Chronicle, among others.

The Senate and House bills protect law enforcement interests and safeguard national security. Moreover, both of these bills follow the lead of 33 States and the District of Columbia which have shield laws, and many other States, including Vermont, which recognize a common law reporters' privilege. Tellingly, the Bush administration has not identified a single circumstance where a reporters' privilege has caused harm to national security or to law enforcement, despite the fact that many courts have recognized such a privilege for years.

When he testified before the Judiciary Committee in favor of Federal shield legislation in 2005, William Safire told the Committee that the essence of newsgathering is this:

> [I]f you don't have sources you trust and who trust you, then you don't have a solid story—and the public suffers for it.

On behalf of the American public, I urge the Senate to protect the public's right to know by promptly considering and passing a Federal shield law.

## KINGDOM GEMS OF VERMONT

Mr. LEAHY. Mr. President, I am pleased to stand before the Senate today to tell my friends about Vermont's Northeast Kingdom—a place that is known as much for its natural beauty as the rural and industrious Vermonters who have settled there.

This region, defined by the three northeastern-most counties of Vermont that sit between the headwaters of the Connecticut River and the U.S.-Canadian border, became one of America's first National Geographic geotourism destinations. The designation highlights the character and sense of place that has come to define the dozens of mountain valley communities that sit in Orleans, Essex, and Caledonia Counties.

My wife Marcelle was born in the Northeast Kingdom, just south of the Canadian border in the city of Newport. Since then, like many Vermonters, we have often found ourselves heading to this part of Vermont to visit friends, go for a hike, or find a special place to have a meal. The people of the Northeast Kingdom have made this region of Vermont advance while carefully holding on to the key elements of their identity. Whether they are crafting furniture from the forests of the north woods or diversifying their family farm, these individuals have helped the communities of northeastern Vermont grow.

This autumn, Michelle Edelbaum and Daria Bishop of the Burlington Free Press published an article about a trip the two of them shared through the area, and I ask unanimous consent to have printed in the RECORD the text of the article offering a glimpse into these "Kingdom Gems."

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

[From The Burlington Free Press, Sept. 30, 2007]

### KINGDOM GEMS

(By Michelle Edelbaum)

When trees scream with crimson, gold and orange, head to the Northeast Kingdom for world-class leaf peeping.

With foliage in mind, photographer Daria Bishop and I spent a day exploring the towns, shops and people that make the area special. We strayed from our loose plan to follow locals' hand-drawn maps down scenic dirt back roads to not-to-miss destinations.

On our 13-hour tour we didn't reach half the locations on our list, which included classic attractions Cabot Creamery, Great Vermont Corn Maze, Stephen Huneck's Dog Mountain and Fairbanks Museum. But we did visit a handful of gems worth a stop.

### GREENSBORO

Twenty-eight years ago an enthusiastic David Smith and his wife, Willie, took over Highland Lodge in Greensboro from his parents and fostered a community-centric gathering place that hosts out-of-town guests and community gatherings. "The Walking Ladies," a group of 55 women who range in age from 40 to 86, meet thrice weekly in the dining room for coffee and muffins after they exercise.

On their recommendation we ate moist, sugar-crusted blueberry muffins, from-scratch blueberry pancakes and a fluffy cheese and veggie omelet with McKenzie sausage links. After breakfast, we set out on the lodge's 30 miles of trails from a grove of soaring pine trees decorated with colorful placards of children's artwork, courtesy of the lodge's summer campers.

In Greensboro village two stores dominate the retail scene. The Miller's Thumb, housed in a former grist mill, is filled with local artwork, fancy kitchen knickknacks, Italian pottery and antiques. Watch water rushing under the red building through a plexiglass-covered hole in the floor.

At Willey's Country Store, customer Doug Aronson of Woodbury declares "if you can't find it here, you can't find it anyplace." Wine, appliances, groceries, hardware and clothes are sold at the town institution, housed in a rambling white building that dates to the 1800s and has been owned by the Hurst family for five generations.

### CRAFTSBURY

Look up as you approach Pete's Greens in Craftsbury. The roof of the farm's serve-yourself stand is laden with trailing plants, flowers and herbs. Peek inside at artful displays of colorful organic vegetables.

Consider yourself lucky if you hit Stardust Bookstore and Cafe on the idyllic Craftsbury Common during its limited school-centric hours. The store, run primarily by students from Craftsbury Academy, sells new and used books, coffee and espresso drinks inside the quaint 1940s former public library. Part of the proceeds are given to nonprofit organizations and granted as scholarships.

Just outside of town down a long dirt road lies Craftsbury Outdoor Center, on Great

Hosmer Pond with 10 kilometers of trails open for biking and hiking. Ski director John Brodhead suggests spending an afternoon canoeing, mountain biking, walking with a naturalist, kayaking or relaxing in an Adirondack chair by the lake.

### GLOVER

Untold treasures lie within Red Sky Trading Co. in Glover. Owner Cheri Safford's whimsy is on display in the unique and colorful assortment of vintage house wares, Melmac resin dishware, trays, china tea cups, garden decor, picture frames and more, that fill the maroon barn.

Buttery cookies, dense bars and rich chocolate cakes from Safford's kitchen share counter and refrigerator space with Vermont cheeses, natural sodas and local produce. Don't miss Safford's award-winning canned jellies, jams, bread and butter pickles, chutneys and pickled beets—just like Grandma made.

Between a bank of beer coolers and a rack of chips at Currier's Quality Market Inc. stand three stuffed deer and a black bear; turn the corner into the postal area and you'll come face-to-face with a 948-pound moose. More than 100 taxidermy animals are on display in the one-stop shop, including a porcupine, wild boar, ram and British timberwolf.

Jim Currier, who's owned the store for 40 years with his family, started the ever-growing collection 25 years ago with a deer head from his father. Hunters with a mount at the store earn "bragging rights," said Currier's daughter Julie McKay. Coming soon: a red fox, possum, and snow goose.

By 4 p.m. we hadn't eaten lunch and regretfully skipped Bread and Puppet Museum and its "Cheap Art." We missed Mount Pisgah in Barton, with stunning views of Lake Willoughby, biking in Burke at Kingdom Trails, and a mandarin orange chicken salad at River Garden Cafe. We also passed on flat bread and microbrews at Trout River Brewing Co. in Lyndonville and coffee and chitchat at Miss Lyndonville Diner.

### ST. JOHNSBURY

Instead we split for St. Johnsbury, where local-food-centric Elements Food and Spirits, like many destinations in the Northeast Kingdom that have irregular hours, isn't open on Monday.

At Kham's Thai, chef and manager Souki Luangrath, whose Essex Junction-based parents own the restaurant, says quality ingredients are a priority—he even deveins shrimp. Our refreshing late lunch included fresh spring rolls filled with crisp veggies, savory coconut Tom Kha soup and saucy panang curry with chunks of vegetables.

Railroad Street in downtown St. Johnsbury is home to several dozen independently owned shops and restaurants. Moose River Lake and Lodge Store sells jewelry with a Southwestern flair, Adirondack and Amish-style furniture, fine wine kept in a walk-in vault, art by illustrator Philip R. Goodwin, quality sportswear and home decor.

Scottie Raymond, formerly an employee at Outdoor Gear Exchange in Burlington, recently opened Kingdom Outdoors, which sells technical outdoor wear and gear. Raymond inked the graffiti-style mural in the skate shop and lounge downstairs.

During the day, hit Dylan's Caf for creative breakfast and lunch combinations, the newly opened Village Baker for artisan bread and pastries, or Boxcar and Caboose for coffee drinks and books. If you have time, check out PODO Shoes, the Northeast Kingdom Artisan Guild and Gallery and Frogs and Lily Pads.

## DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT

Mrs. BOXER. Mr. President, I plan to vote in support of the Development, Relief, and Education for Alien Minors Act of 2007, better known as the DREAM Act.

The thousands of talented and hard working children and young adults who were brought to this country by their parents had nothing to do with the decision to disobey our laws.

I strongly believe this bill will strengthen our communities, our economy, and our military by requiring that undocumented students demonstrate good moral character, prove completion of a college or graduate degree, or serve in the U.S. military for 2 years in order to earn legalized status.

I urge my colleagues to support the DREAM Act.

## NATIONAL PHYSICAL THERAPY MONTH

Mr. JOHNSON. Mr. President, I rise today in recognition of National Physical Therapy Month. What we currently celebrate as National Physical Therapy Month began in 1981 as a week long celebration in the month of June. In 1992, that week was extended to a whole month and was moved to October.

National Physical Therapy Month focuses attention on the value of physical therapy to one's health and the contributions of physical therapists to the health of their communities. This year National Physical Therapy Month is focusing on obesity because physical activity is a crucial component of weight loss and better health.

My understanding of physical therapy has greatly increased over the past several months. I owe a debt of gratitude to a great many doctors, nurses, and therapists who brought me through the darkest moments of my life and who are walking with me on the road to recovery.

I am blessed to work with professional and talented physical therapists as I continue my recovery. Their confidence in my ability to improve is infectious, and my physical therapists motivate me to work harder than I thought possible. I am confident that with my hard work and the dedication of my physical therapists, my potential to improve is limitless.

Throughout my career in the U.S. House and Senate, I have strongly supported expanding access to all kinds of health care professionals. Physical therapists provide critical services to their patients. In a rural State like ours, where they may be the only provider of these services in their community, physical therapists greatly improve patient access to care and quality of life.

This year the Senate is considering the Medicare Access to Rehabilitation Services Act which would repeal the annual Medicare outpatient cap on certain physical and occupational therapy services and the Medicare Patient Access to Physical Therapists Act which would authorize qualified physical therapists to provide services for Medicare beneficiaries without requiring a physician referral. It would also provide for treatment of outpatient speech-language pathology services separately from outpatient physical therapy services. I am pleased to support both of these measures, and I commend them to my colleagues for their consideration.

I encourage everyone to consider with their health care professionals how physical therapy might benefit them, whether recovering from an accident or illness or seeking preventive care. National Physical Therapy Month is a great time to learn more about the benefits of physical therapy.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 53. An act to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

H.R. 189. An act to establish the Paterson Great Falls National Historical Park in the State of New Jersey and for other purposes.

H.R. 523. An act to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district.

H.R. 767. An act to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes.

H.R. 783. An act to modify the boundary of Mesa Verde National Park, and for other purposes.

H.R. 813. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes.

H.R. 830. An act to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska.

H.R. 1205. An act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

H.R. 1337. An act to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District.

H.R. 1462. An act to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir.

H.R. 1803. An act to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes.

H.R. 1855. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

H.R. 2094. An act to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes.

H.R. 2197. An act to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes.

H.R. 3564. An act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

H.R. 3775. An act to support research and development of new industrial processes and technologies that optimize energy efficiency and environmental performance, utilize diverse sources of energy, and increase economic competitiveness.

H.R. 3776. An act to provide for research, development, and demonstration programs in advanced storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution applications, to support the ability of the United States to remain globally competitive in this field, and to promote the efficient delivery and use of energy.

At 5:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 327) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 53. An act to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 189. An act to establish the Paterson Great Falls National Park in the State of New Jersey; to the Committee on Energy and Natural Resources.

H.R. 523. An act to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No.1 of Douglas County, Washington, to the utility district; to the Committee on Energy and Natural Resources.

H.R. 767. An act to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 813. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 830. An act to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska; to the Committee on Energy and Natural Resources.

H.R. 1205. An act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1462. An act to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; to the Committee on Energy and Natural Resources.

H.R. 1803. An act to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1855. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project; to the Committee on Energy and Natural Resources.

H.R. 2197. An act to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3775. An act to support research and development of new and industrial processes and technologies that optimize energy efficiency and environmental performance, utilize diverse sources of energy, and increase economic competitiveness; to the Committee on Energy and Natural Resources.

H.R. 3776. To provide for research, development, and demonstration programs in advanced energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution applications, to support the ability of the United States to remain globally competitive in this field, and to promote the efficient delivery and use of energy; to the Committee on Energy and Natural Resources.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1337. An act to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District.

H.R. 2094. An act to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2216. A bill to amend the Internal Revenue Code of 1986 to extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation.

S. 2217. A bill to amend the Internal Revenue Code of 1986 to extend the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-235. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida commending the Florida officials who provided for the installation of guardrails along bodies of water and in roadway medians; to the Committee on Commerce, Science, and Transportation.

POM-236. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging the Florida Legislature to designate West Flagler Street from 13 Avenue to 14 Avenue as Father Emilio Vallina Avenue; to the Committee on Commerce, Science, and Transportation.

POM-237. A resolution adopted by the Iberville Parish Council of the State of Louisiana urging Congress to vote in favor of H.R. 1229, the "Non-Market Economy Trade Remedy Act of 2007"; to the Committee on Finance.

POM-238. A resolution adopted by the Edina City Council of the State of Minnesota endorsing the United Nations principle of the Responsibility to Protect; to the Committee on Foreign Relations.

POM-239. A resolution adopted by the Gretna City Council of the State of Louisiana expressing its support for the implementation of legislation that would improve and eliminate barriers contained in the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

POM-240. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to implement food policies that promote healthy food, farms, and communities by encouraging local production of fruits and vegetables by specialty crop farmers; to the Committee on Agriculture, Nutrition, and Forestry.

### House Resolution No. 156

Whereas, the federal Farm Bill traditionally provides crop subsidies to corn, wheat, soybean, and cotton farmers, and less than 40 percent of all United States farmers and ranchers actually receive any kind of subsidy from the federal government. However, there are many different kinds of farmers, both in Michigan and nationwide, growing nutritious and affordable fruits and vegetables that are vital to the health and wellbeing of Americans. Government support must emphasize nutritious, affordable, and locally available foods; and

Whereas, the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) encourages institutions participating in the school lunch program to purchase locally produced foods for school meals. While the real price of fruits and vegetables has increased by 40 percent since 1985, the cost of junk foods and sodas has declined by as much as 20 percent. We need to encourage the choice of fresh fruits and vegetables by purchasing locally grown produce and other foods, thereby supporting local farmers and benefiting students in need of high quality, nutritious food products. However, the USDA continues to discourage efforts by schools and other institutions to develop these important programs. The USDA claims that 7 CFR 3016.60(c) clearly prohibits the use of state or local geographic preferences and that all purchases are to be made competitively; and

Whereas, the Community Food Projects, a federally funded program designed to fight food insecurity through development of local food projects, promotes self-sufficiency of low-income communities. Grants from this program support urban nonprofits and urban residents in growing fresh vegetables in their neighborhoods. Funding is also used to provide entrepreneurship training to urban farmers, again encouraging local specialty crop farmers in Michigan. However, maintaining current funding for the Community Food Projects is important to promoting healthy, locally grown foods in low-income communities; and

Whereas, the emphasis on traditional crops in the allocation of farm subsidies has resulted in a loss of fruit and vegetable farmers as well as a decrease in the acreage of specialty crop farmland used for farming nationwide. At the current rate, Michigan will lose 15 percent of its agricultural land by 2040, including 25 percent of the acreage used to grow fruit and 36 percent of the acreage used to grow dry beans. The Michigan House of Representatives supports the federal government encouraging and providing programs and assistance to farm operations that grow fruits and vegetables including but not limited to asparagus, cherries, apples, carrots, beets, lettuce, celery, squash, potatoes, peppers, pumpkins etc: Now, therefore, be it

*Resolved by the House of Representatives*, That we encourage Congress and the United States Department of Agriculture to implement food policies that promote healthy food, farms, and communities by encouraging local production of fruits and vegetables by specialty crop farmers; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Agriculture, and the members of the Michigan congressional delegation.

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POM-241. A resolution adopted by the California State Lands Commission expressing its support for legislation which would reduce pollution from marine vessels that use the nation's ports; to the Committee on Environment and Public Works.

### Resolution

Whereas, California's 1,100 mile coastline, with its beautiful beaches, wild cliffs, abundant fish stocks and fragile environment is a national treasure and a valuable state resource, which is at the heart of a tourist industry that generates nearly five billion dollars in state and local taxes each year; and is central to the state's $46 billion ocean economy; and

Whereas, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands below the mean high tide line out to three miles from the coast as well as the lands underlying California's bays, lakes, and rivers; and

Whereas, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, common law that requires these lands to be used for commerce, fishing, navigation, recreation, and environmental protection; and

Whereas, the impacts of air pollution affect the public trust values of the lands under the Commission's jurisdiction and the utility of these lands to the public, future generations, and the environment; and

Whereas, most commercial goods imported to the United States come through our nation's ports by means of marine vessels; and

Whereas, California is home to the busiest ports in the nation, with large volumes of international goods entering through the Ports of Los Angeles, Long Beach, and Oakland, which rank as the first, second, and fourth busiest ports in the country, respectively; and

Whereas, in 2004, 1,900 ships visited California's ports, 87% of which were foreign vessels, and it is estimated that freight volume will more than double in the Los Angeles region over the next 20 years; and

Whereas, marine vessels at California's ports emit large amounts of diesel particulate matter (PM), nitrogen oxides (NOx), and sulfur oxides (SOx), and

Whereas, most marine vessels use high emitting diesel bunker fuel, a low quality petroleum, high in sulfur, that is capable of producing approximately 50 times more haze-forming pollutants than the dirtiest trucks on our nation's highways; and

Whereas, bunker fuel used by marine vessels contains, on average, 27,000 parts per million (ppm) of sulfur, compared to the 15 ppm of sulfur allowed in diesel fuel used by heavy-duty trucks in the U.S.; and

Whereas, the pollutants emitted from burning bunker fuel cause environmental problems such as smog, soot, acid rain and global climate change, as well as damaging health effects such as asthma and cancer—as reported by the California Air Resource Board's Emission Reduction Plan for Ports and Goods Movement, air pollution from California's ports is the cause of 750 premature deaths each year; and

Whereas, in 2006, Maersk, Inc., which operates the largest container terminal in the Los Angeles harbor, voluntarily switched all 37 of its cargo ships to low-sulfur fuel, proving that it is feasible for marine vessels to use environmentally safer fuels, and

Whereas, the U.S. Environmental Protection Agency (EPA) announced a delay until December 2009 to adopt new emission and fuel regulations for big ocean ship propulsion engines and there is no assurance that the rules will be adopted by then or that they will be strict enough to significantly reduce air pollution; and

Whereas, the United Nations International Maritime Organization has before it a proposal, supported by the EPA, World Shipping Council, Pacific Maritime Shipping Association, and U.S. Coast Guard, to develop, among other things, stringent new standards on sulfur content in fuel used by marine vessels; however, it is uncertain if enough nations will support this proposal; and

Whereas, the Marine Vessel Emissions Reduction Act bill, introduced by Senators Boxer and Feinstein through S. 1499, and Congresswoman Solis through H.R. 2548, seeks to regulate the emissions of domestic and foreign-flagged marine vessels entering or leaving U.S. ports or offshore terminals; and

Whereas, specifically, the Marine Vessel Emissions Reduction Act, if passed, will mandate the EPA to set limits on the sulfur content of fuel used by these vessels, if they are within a certain distance from the coast (for the west coast, it is 200 miles), to no more than 1,000 ppm beginning December 31,2010, unless the EPA determines that such a limit is not technically feasible, in which case there will be an interim limit of 2,000 ppm; and

Whereas, the Marine Vessel Emissions Reduction Act, if passed, will also mandate the EPA to establish standards for new and in-use engines in marine vessels that will require the maximum degree of emission reduction for PM, NOx, hydrocarbons, and carbon monoxide achievable by no later than January 1, 2012; therefore, be it

*Resolved by the California State Lands Commission*, that it supports the Marine Vessel Emissions Reduction Act (S. 1499 and H.R. 2548), which would reduce the emissions of air pollutants from marine vessels, including foreign-flagged vessels, entering or leaving U.S. ports or offshore terminals; and be it further

*Resolved*, That the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the

United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, to the Chairs and Ranking Minority Members of the Senate Committee on Environment and Public Works, the House Committee on Energy and Commerce, and to each Senator and Representative from California in the Congress of the United States.

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POM-242. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to address the recent approval of increased pollution by British Petroleum into the Great Lakes; to the Committee on Environment and Public Works.

### HOUSE RESOLUTION NO. 172

Whereas, Lake Michigan is a national treasure and a vital natural resource shared by four states in trust for the entire nation. Lake Michigan is a drinking water source for millions of people and a recreational haven for swimming, fishing, and boating in all the states. Tourism and recreation based around Lake Michigan are worth billions of dollars each year to these states' economies; and

Whereas, Michigan and the other states bordering Lake Michigan rely on the federal Clean Water Act to limit polluted discharges originating from other states. Pollution originating from any state can negatively affect the public health and economy of the other states that use Lake Michigan water. Improving and preserving Lake Michigan's water quality are imperative to support the many uses of its water; and

Whereas, despite provisions in the federal Clean Water Act that prohibit degradation of water quality, the Indiana Department of Environmental Management approved, and the United States Environmental Protection Agency concurred with, a permit that allows the British Petroleum (BP) refinery in Whiting, Indiana, to increase significantly the dumping of industrial pollutants into Lake Michigan. These discharges threaten other uses of Lake Michigan water and are inconsistent with regional efforts to clean up the Great Lakes; and

Whereas, this decision sets a poor precedent for the future. States could approve increased pollution discharges to interstate waters for industries that economically benefit that state at the expense of other states that rely on that water: Now, therefore, be it

*Resolved by the House of Representatives,* That we urge the Congress of the United States and the United States Environmental Protection Agency to address the recent approval of increased pollution by British Petroleum into the Great Lakes; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Administrator of the United States Environmental Protection Agency.

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POM-243. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact H.R. 2927, which responsibly balances achievable fuel economy increases with important economic and social concerns; to the Committee on Environment and Public Works.

### HOUSE RESOLUTION NO. 165

Whereas, H.R. 2927 sets tough fuel economy standards without off ramps or loopholes, by requiring separate car and truck standards to meet a total fleet fuel economy between 32 and 35 mpg by 2022—an increase of as much as 40 percent over current fuel economy standards—and requires vehicle fuel economy to be increased to the maximum feasible level in the years leading up to 2022; and

Whereas, H.R. 2927, while challenging, will provide automakers more reasonable lead time to implement technology changes in both the near and long term. Model year 2008 vehicles are already available today, and product and manufacturing planning is done through Model Year 2012. H.R. 2927 recognizes the critical need for engineering lead times necessary for manufacturers to make significant changes to their fleets; and

Whereas, H.R. 2927 respects consumer choice by protecting the important functional differences between passenger cars and light trucks/SUVs. Last year, 2006, was the sixth year in a row that Americans bought more trucks, minivans, and SUVs than passenger cars, because they value attributes such as passenger and cargo load capacity, four-wheel drive, and towing capability that most cars are not designed to provide; and

Whereas, while some would like fuel economy increases to be much more aggressive and be implemented with much less lead time, Corporate Average Fuel Economy (CAFE) standards must be set at levels and in time frames that do not impose economic harm on the manufacturers, suppliers, dealers, and others in the auto industry; and

Whereas, proponents of unrealistic and unattainable CAFE standards cite Europe's 35 mpg fuel economy, without ever mentioning Europe's $6 per gallon gasoline prices, the high sales of diesel vehicles, the high proportion of Europeans driving manual transmission vehicles (80 percent in Europe vs. 8 percent in the U.S.), the significant differences in the size mix of vehicles, or that trucks and SUVs are virtually nonexistent among Europe households; and

Whereas, proponents of unreasonable CAFE standards claim they will save consumers billions, but they neglect to talk about the upfront costs of such changes to the manufacturers of meeting unduly strict CAFE standards—more than $100 billion, according to the National Highway Traffic Safety Administration—which will lead to vehicle price increases of several thousand dollars; and

Whereas, proponents of unrealistic CAFE standards ignore the potential safety impacts of downsized vehicles on America's highways and overlook the historical role and critical importance of manufacturing plants to our national and economic security. They seem unconcerned about threats to the 7.5 million jobs that are directly and indirectly dependent on a vibrant auto industry in the United States. They also seem unconcerned about maintaining CAFE rules that require the continuance of small car production in the United States; and

Whereas, H.R. 2927 is a reasonable bill that balances a number of important public policy concerns. The bill represents a tough but fair compromise that deserves serious consideration and support: Now, therefore, be it

*Resolved* by the House of Representatives, That we memorialize the United States Congress to enact H.R. 2927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demand; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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POM-244. A resolution adopted by the Senate of the State of Michigan urging Congress to extend the H2B returning worker exemption permanently; to the Committee on the Judiciary.

### SENATE RESOLUTION NO. 96

Whereas, seasonal workers are a key component of our state's and our nation's tourism and recreation industries. Annually, thousands of young men and women use seasonal employment to begin their journey on the path to a career. Many tourism areas, however, do not have the populations necessary to fill all the seasonal jobs available. In Michigan, for example, world-renowned Mackinac Island hires up to 4,500 seasonal workers each year. Its 500 year-around residents cannot begin to supply the workforce necessary for peak-season employment levels; and

Whereas, foreign workers supplement the seasonal staff needs in a host of our tourism and recreation destinations. Many of these employees are in our country under the H2B visa program; and

Whereas, all workers under the H2B visa program are here legally, are tracked by the federal government to ensure they are doing the work their visa is intended for, and are paid under federally prescribed wage scales; and

Whereas, Congress took action to help alleviate problems with the H2B visa program by capping the number of visas available at 66,000, but also exempting workers who already held an H2B visa. This action ensures that there is enough of a workforce available for those industries that depend on seasonal workers; and

Whereas, there is a sunset in the law on the federal level that would remove the returning worker exemption. As of September 30, 2007, every returning worker will again be considered a new worker and be forced to apply under the 66,000 visa limit. This cap had been reached for each of the previous few years before Congress took action, just as the national economy has surged and more and more people are traveling. The cap also distorted hiring patterns across the nation, as employers are forced to put on workers far beyond service needs to help assure that they will have the employees they need when their season begins; and

Whereas, legislation has been introduced in Congress to revise the H2B visa program. The measure would extend the H2B returning worker exemption by removing the sunset language from current law. Clearly, this is an issue that needs prompt action: Now, therefore, be it

*Resolved by the Senate,* That we memorialize the Congress of the United States to continue exempting returning workers allowed into this country under the H2B visa program by passing H.R. 1843; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the Michigan congressional delegation.

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POM-245. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to continue exempting returning workers from the cap on H2B visas; to the Committee on the Judiciary.

### HOUSE RESOLUTION NO. 183

Whereas, seasonal workers are an essential component of the tourism and recreational industries of our state and nation. Even though thousands of young people use seasonal employment to begin their journey on the path to a career, many tourism areas do not have the populations necessary to fill all the seasonal jobs available. In Michigan, for example, Mackinac Island hires up to 4,500 seasonal workers each year. The island's 500 year-round residents cannot supply the workforce necessary for peak season employment levels; and

Whereas, foreign workers supplement the seasonal staff needs in a host of our tourism and recreation destinations. Many of these employees are in our country under the H2B visa program; and

Whereas, all workers under the H2B visa program are here legally, are tracked by the federal government to ensure they are doing the work prescribed under their visa, and are paid under federally prescribed wage scales; and

Whereas, according to the Michigan Travel Commission, the travel and tourism industry is a $17.5 billion industry in the state of Michigan, contributing $971 million annually to the state treasury. This industry is dependent upon seasonal workers in order to do business; and

Whereas, recently, the Congress of the United States took action to help alleviate problems with the H2B visa program by capping the number of visas available at 66,000 but also exempting workers who already have H2B visas. This action ensured that there is enough of a workforce available for those industries that depend on seasonal workers; and

Whereas, currently, there is a sunset in the law at the federal level that would remove the returning worker exemption. As of September 30, 2007, every returning worker would again be considered a new worker and be forced to apply under the 66,000 visa limit. This cap had been reached for each of the previous few years before Congress took action, just as the national economy has surged and more and more people are traveling. This cap also distorted hiring patterns across the nation, as employers are forced to put on workers far beyond service needs to help assure that they will have the employees they need when their season begins; and

Whereas, legislation has been introduced in the Congress of the United States to revise the H2B visa program. The measure would extend the H2B returning worker exemption by removing the sunset language from current law. Clearly, this is an issue that needs prompt action: Now, therefore, be it

*Resolved by the House of Representatives*, That we memorialize the Congress of the United States to continue exempting returning workers from the cap on H2B visas; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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POM–246. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to reestablish medical care for certain veterans whose income and disability status disqualified them for medical care as of January 17, 2003; to the Committee on Veterans' Affairs.

### HOUSE RESOLUTION NO. 175

Whereas, we have been at war for nearly six years since the September 11th terrorist attacks on our soil. During this time, American military personnel have served around the world in combat. The wounds and illnesses that they may endure as the result of this service in our defense could affect them for a lifetime. It is our responsibility as a nation to honor their service and sacrifice by doing all we can to restore their health and opportunities in civilian life; and

Whereas, beginning January 17, 2003, veterans with income above certain levels and who have no service-connected disability have been ineligible for Department of Veterans Affairs (VA) medical care. These Priority 8 category veterans may lack other sources of health care, and so ineligibility for VA health care could be a threat to their long-term health. Even veterans without evident war-related injuries or illnesses could have hidden health issues that can evolve into serious problems. Infections or viruses from serving in foreign lands might not reveal themselves until later in life. In addition, veterans with combat wounds such as traumatic brain injury (TSI) from blast effects or post-traumatic stress disorder (PTSD) may not display symptoms for years. Without early access to the VA healthcare system, veterans may not have the benefits of medical monitoring and early intervention in developing health issues; and

Whereas, Congress has before it two bills that would restore VA eligibility to these Priority 8 veterans under current standards with income levels too high and no service-connected disability. In the House of Representatives, HR 463 would restore this eligibility, while in the Senate, S 1147 has been introduced. We owe it to our veterans to act on this legislation to ensure that any long-term problems that may not be currently evident can be identified and treated in a timely manner. Providing quality health care is part of our duty as a nation to our veterans, and there is no excuse for failing to right this mistake: Now, therefore, be it

*Resolved by the House of Representatives*, That we memorialize the United States Congress to reestablish medical care for certain veterans whose income and disability status disqualified them for Department of Veterans Affairs medical care as of January 17, 2003; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1845. A bill to provide for limitations in certain communications between the Department of Justice and the White House Office relating to civil and criminal investigations, and for other purposes (Rept. No. 110–203).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 2216. A bill to amend the Internal Revenue Code of 1986 to extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; read the first time.

By Mr. INHOFE (for himself and Mr. ROBERTS):

S. 2217. A bill to amend the Internal Revenue Code of 1986 to extend the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; read the first time.

By Mr. ROBERTS:

S. 2218. A bill to provide for the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in a test of atomic weapons; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. AKAKA, Ms. STABENOW, Mrs. BOXER, and Mr. OBAMA):

S. 2219. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. MARTINEZ):

S. 2220. A bill to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 2221. A bill to amend title XVIII of the Social Security Act to provide for the reporting of sales price data for implantable medical devices; to the Committee on Finance.

## ADDITIONAL COSPONSORS

### S. 507

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

### S. 719

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 719, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

### S. 940

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

### S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army

Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 982

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 982, a bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1413

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1413, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. 1445

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1553

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1553, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 1616

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1616, a bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1847

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1847, a bill to reauthorize the Consumer Product Safety Act, and for other purposes.

S. 1870

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1870, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2022

At the request of Mr. JOHNSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2022, a bill to prohibit the closure or relocation of any county office of the Farm Service Agency until at least one year after the enactment of an Act to provide for the continuation of agricultural programs for fiscal years after 2007.

S. 2087

At the request of Mr. DORGAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2087, a bill to amend certain laws relating to Native Americans to make technical corrections, and for other purposes.

S. 2128

At the request of Mr. SUNUNU, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2128, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2190

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2190, a bill to amend title XVIII of the Social Security Act to provide for the inclusion of barbiturates and bezodiazepines as covered part D drugs beginning in 2008.

S. 2205

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2205, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

AMENDMENT NO. 3364

At the request of Mr. COLEMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3364 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3376

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3376 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3387

At the request of Mr. DEMINT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3387 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3396

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 3396 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3400

At the request of Mr. CARDIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3400 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

### AMENDMENT NO. 3440

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Ohio (Mr. BROWN), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3440 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3440 proposed to H.R. 3043, supra.

### AMENDMENT NO. 3447

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3447 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS:

S. 2218. A bill to provide for the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in a test of atomic weapons; to the Committee on Armed Services.

Mr. ROBERTS. Mr. President, I want to take a moment to honor those veterans who have served their Nation as quiet heroes. These quiet heroes, otherwise known as Atomic Veterans, were exposed unknowingly to ionizing radiation resulting from atomic testing conducted between 1945–1963.

Sacrifice in the service of your country can take many different forms. We see it everyday in our military efforts in Iraq and Afghanistan. We see it in the hospital beds of Walter Reed and VA hospitals nationwide. It is our duty as Americans, to honor the sacrifice made by our Nation's servicemembers.

In the case of the Atomic Veterans, sacrifice was not necessarily something that happened on the battlefield, nor on the navel fleet. The price that many Atomic Veterans paid came due after their years of military service, when enduring mysterious cancers and other medical conditions related to their exposure to ionizing radiation. Their fight continues and the time is long overdue to recognize what, for some, has become the ultimate sacrifice.

In recognition of the silent sacrifices made by these American heroes, I am introducing the Atomic Veterans Medal Act. It is the Senate companion to H.R. 3471, offered by my colleague, Congressman TODD TIAHRT, in the House. We owe a debt of gratitude to brave Americans who have worn the uniform. It is my hope that this measure helps to show the respect and honor these Atomic Veterans deserve.

By Mr. DURBIN (for himself, Mr. AKAKA, Ms. STABENOW, Mrs. BOXER, and Mr. OBAMA):

S. 2219: A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Finance.

Mr. DURBIN. Mr. President, nearly 4 years have passed since Congress enacted the Medicare Modernization Act. Adding a prescription drug benefit to Medicare was long overdue, and many senior citizens and people with disabilities are relieved to finally have drug coverage.

But the drug benefit was not structured like the rest of Medicare. For all other Medicare benefits, seniors can choose whether to receive benefits directly through Medicare or through a private insurance plan. The overwhelming majority choose the Medicare-run option for their hospital and physician coverage.

No such choice is available for prescription drugs. Medicare beneficiaries must enroll in a private insurance plan to obtain drug coverage.

A report released today by the Medicare Rights Center, with the support of Consumers Union, identifies the problems this decision to rely exclusively on private drug plans has created.

Seniors are having trouble identifying which of the dozens of private drug plans works best for them. Anyone who has visited a senior center or spoken with an elderly relative knows that the complexity of the drug benefit has created much confusion.

Each drug plan has its own premium, cost-sharing requirements, list of covered drugs, and pharmacy network. After you have identified the right drug plan, you have to go through the whole process again at the end of the year because your plan may have changed the drugs it covers or added new restrictions on how to access covered drugs.

Medicare beneficiaries often cannot obtain the drugs they need because they are trapped in an appeals process that the Medicare Rights Center calls "hopelessly dysfunctional." Drug plans often do not tell beneficiaries that they can appeal a drug plan's decision to deny coverage of a drug, even though they are required to do so. Beneficiaries who do appeal soon find that it is a long and difficult process.

The complexity of the Medicare drug benefit also has made beneficiaries more vulnerable to aggressive and deceptive marketing practices. Some insurers try to steer seniors into more profitable Medicare Advantage plans. Some seniors have been signed up for Medicare Advantage plans without their knowledge, and, unfortunately, there have also been unscrupulous insurance agents who have misrepresented what benefits would be covered.

Adding to the frustration with the program so far is accumulating evidence that private drug plans have not been effective negotiators, which means seniors end up paying more than they should.

Drug prices are higher in private Medicare drug plans than drug prices available through the Veterans Administration, Medicaid, and other countries like Canada.

A report by the House Oversight and Government Reform Committee estimated that taxpayers and Medicare beneficiaries would have saved almost $15 billion in 2007 if administrative expenses in the drug program were as low as the traditional government-run Medicare program and if drug prices were the same as Medicaid levels.

It should come as no surprise then that the average beneficiary who stays in their current Medicare drug plan will see their monthly premiums increase 21 percent in 2008.

Today, I am introducing the Medicare Prescription Drug Savings and Choice Act. The bill would create a Medicare-operated drug plan that would compete with private drug plans and would require the Health and Human Services Secretary to negotiate with drug companies to lower drug prices.

This is the kind of drug plan that Medicare beneficiaries are looking for. According to a survey by the Kaiser Family Foundation, ⅔ of seniors want the option of getting drug coverage directly from Medicare, and over 80 percent favor allowing the government to negotiate with drug companies for lower prices.

The Health and Human Services Secretary would have the tools to negotiate with drug companies, including the use of drug formulary. The best medical evidence would determine which drugs are covered in the formulary, and the formulary would be used to promote safety, appropriate use of drugs, and value.

The bill would establish an appeals process that is efficient, imposes minimal administrative burdens, and ensures timely procurement of nonformulary drugs or nonpreferred drugs when medically necessary.

The Secretary would also develop a system for paying pharmacies that would include the prompt payment of claims.

Seniors want the ability to choose a Medicare-administered drug plan. Let us give them this option, just as they have this choice with every other benefit covered by Medicare. Many seniors will find direct Medicare coverage to be a simpler, more dependable, and less costly option than private drug plans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

### S. 2219

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Prescription Drug Savings and Choice Act of 2007".

### SEC. 2. ESTABLISHMENT OF MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION.

(a) IN GENERAL.—Subpart 2 of part D of the Social Security Act is amended by inserting after section 1860D–11 (42 U.S.C. 1395w–111) the following new section:

"MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION

"SEC. 1860D–11A. (a) IN GENERAL.—Notwithstanding any other provision of this part, for each year (beginning with 2009), in addition to any plans offered under section 1860D–11, the Secretary shall offer one or more medicare operated prescription drug plans (as defined in subsection (c)) with a service area that consists of the entire United States and shall enter into negotiations in accordance with subsection (b) with pharmaceutical manufacturers to reduce the purchase cost of covered part D drugs for eligible part D individuals who enroll in such a plan.

"(b) NEGOTIATIONS.—Notwithstanding section 1860D–11(i), for purposes of offering a medicare operated prescription drug plan under this section, the Secretary shall negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs in a Medicare operated prescription drug plan and shall encourage the use of more affordable therapeutic equivalents to the extent such practices do not override medical necessity as determined by the prescribing physician. To the extent practicable and consistent with the previous sentence, the Secretary shall implement strategies similar to those used by other Federal purchasers of prescription drugs, and other strategies, including the use of a formulary and formulary incentives in subsection (e), to reduce the purchase cost of covered part D drugs.

"(c) MEDICARE OPERATED PRESCRIPTION DRUG PLAN DEFINED.—For purposes of this part, the term 'medicare operated prescription drug plan' means a prescription drug plan that offers qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A). Such a plan may offer supplemental prescription drug coverage in the same manner as other qualified prescription drug coverage offered by other prescription drug plans.

"(d) MONTHLY BENEFICIARY PREMIUM.—

"(1) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The monthly beneficiary premium for qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A) to be charged under a medicare operated prescription drug plan shall be uniform nationally. Such premium for months in 2009 and each succeeding year shall be based on the average monthly per capita actuarial cost of offering the medicare operated prescription drug plan for the year involved, including administrative expenses.

"(2) SUPPLEMENTAL PRESCRIPTION DRUG COVERAGE.—Insofar as a medicare operated prescription drug plan offers supplemental prescription drug coverage, the Secretary may adjust the amount of the premium charged under paragraph (1).

"(e) USE OF A FORMULARY AND FORMULARY INCENTIVES.—

"(1) IN GENERAL.—With respect to the operation of a medicare operated prescription drug plan, the Secretary shall establish and apply a formulary (and may include formulary incentives described in paragraph (2)(C)(ii)) in accordance with this subsection in order to—

"(A) increase patient safety;

"(B) increase appropriate use and reduce inappropriate use of drugs; and

"(C) reward value.

"(2) DEVELOPMENT OF INITIAL FORMULARY.—

"(A) IN GENERAL.—In selecting covered part D drugs for inclusion in a formulary, the Secretary shall consider clinical benefit and price.

"(B) ROLE OF AHRQ.—The Director of the Agency for Healthcare Research and Quality shall be responsible for assessing the clinical benefit of covered part D drugs and making recommendations to the Secretary regarding which drugs should be included in the formulary. In conducting such assessments and making such recommendations, the Director shall—

"(i) consider safety concerns including those identified by the Federal Food and Drug Administration;

"(ii) use available data and evaluations, with priority given to randomized controlled trials, to examine clinical effectiveness, comparative effectiveness, safety, and enhanced compliance with a drug regimen;

"(iii) use the same classes of drugs developed by United States Pharmacopeia for this part;

"(iv) consider evaluations made by—

"(I) the Director under section 1013 of Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

"(II) other Federal entities, such as the Secretary of Veterans Affairs; and

"(III) other private and public entities, such as the Drug Effectiveness Review Project and Medicaid programs; and

"(v) recommend to the Secretary—

"(I) those drugs in a class that provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that should be included in the formulary;

"(II) those drugs in a class that provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that should be excluded from the formulary; and

"(III) drugs in a class with same or similar clinical benefit for which it would be appropriate for the Secretary to competitively bid (or negotiate) for placement on the formulary.

"(C) CONSIDERATION OF AHRQ RECOMMENDATIONS.—

"(i) IN GENERAL.—The Secretary, after taking into consideration the recommendations under subparagraph (B)(v), shall establish a formulary, and formulary incentives, to encourage use of covered part D drugs that—

"(I) have a lower cost and provide a greater clinical benefit than other drugs;

"(II) have a lower cost than other drugs with same or similar clinical benefit; and

"(III) drugs that have the same cost but provide greater clinical benefit than other drugs.

"(ii) FORMULARY INCENTIVES.—The formulary incentives under clause (i) may be in the form of one or more of the following:

"(I) Tiered copayments.

"(II) Reference pricing.

"(III) Prior authorization.

"(IV) Step therapy.

"(V) Medication therapy management.

"(VI) Generic drug substitution.

"(iii) FLEXIBILITY.—In applying such formulary incentives the Secretary may decide not to impose any cost-sharing for a covered part D drug for which—

"(I) the elimination of cost sharing would be expected to increase compliance with a drug regimen; and

"(II) compliance would be expected to produce savings under part A or B or both.

"(3) LIMITATIONS ON FORMULARY.—In any formulary established under this subsection, the formulary may not be changed during a year, except—

"(A) to add a generic version of a covered part D drug that entered the market;

"(B) to remove such a drug for which a safety problem is found; and

"(C) to add a drug that the Secretary identifies as a drug which treats a condition for which there has not previously been a treatment option or for which a clear and significant benefit has been demonstrated over other covered part D drugs.

"(4) ADDING DRUGS TO THE INITIAL FORMULARY.—

"(A) USE OF ADVISORY COMMITTEE.—The Secretary shall establish and appoint an advisory committee (in this paragraph referred to as the 'advisory committee')—

"(i) to review petitions from drug manufacturers, health care provider organizations, patient groups, and other entities for inclusion of a drug in, or other changes to, such formulary; and

"(ii) to recommend any changes to the formulary established under this subsection.

"(B) COMPOSITION.—The advisory committee shall be composed of 9 members and shall include representatives of physicians, pharmacists, and consumers and others with expertise in evaluating prescription drugs. The Secretary shall select members based on their knowledge of pharmaceuticals and the Medicare population. Members shall be deemed to be special Government employees for purposes of applying the conflict of interest provisions under section 208 of title 18, United States Code, and no waiver of such provisions for such a member shall be permitted.

"(C) CONSULTATION.—The advisory committee shall consult, as necessary, with physicians who are specialists in treating the disease for which a drug is being considered.

"(D) REQUEST FOR STUDIES.—The advisory committee may request the Agency for Healthcare Research and Quality or an academic or research institution to study and make a report on a petition described in subparagraph (A)(ii) in order to assess—

"(i) clinical effectiveness;

"(ii) comparative effectiveness;

"(iii) safety; and

"(iv) enhanced compliance with a drug regimen.

"(E) RECOMMENDATIONS.—The advisory committee shall make recommendations to the Secretary regarding—

"(i) whether a covered part D drug is found to provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that is currently included in the formulary and should be included in the formulary;

"(ii) whether a covered part D drug is found to provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that is currently included in the formulary and should not be included in the formulary; and

"(iii) whether a covered part D drug has the same or similar clinical benefit to a drug in the same class that is currently included in the formulary and whether the drug should be included in the formulary.

"(F) LIMITATIONS ON REVIEW OF MANUFACTURER PETITIONS.—The advisory committee shall not review a petition of a drug manufacturer under subparagraph (A)(ii) with respect to a covered part D drug unless the petition is accompanied by the following:

"(i) Raw data from clinical trials on the safety and effectiveness of the drug.

"(ii) Any data from clinical trials conducted using active controls on the drug or drugs that are the current standard of care.

"(iii) Any available data on comparative effectiveness of the drug.

"(iv) Any other information the Secretary requires for the advisory committee to complete its review.

"(G) RESPONSE TO RECOMMENDATIONS.—The Secretary shall review the recommendations of the advisory committee and if the Secretary accepts such recommendations the Secretary shall modify the formulary established under this subsection accordingly. Nothing in this section shall preclude the Secretary from adding to the formulary a drug for which the Director of the Agency for Healthcare Research and Quality or the advisory committee has not made a recommendation.

"(H) NOTICE OF CHANGES.—The Secretary shall provide timely notice to beneficiaries and health professionals about changes to the formulary or formulary incentives.

"(f) INFORMING BENEFICIARIES.—The Secretary shall take steps to inform beneficiaries about the availability of a Medicare operated drug plan or plans including providing information in the annual handbook distributed to all beneficiaries and adding information to the official public Medicare website related to prescription drug coverage available through this part.

"(g) APPLICATION OF ALL OTHER REQUIREMENTS FOR PRESCRIPTION DRUG PLANS.—Except as specifically provided in this section, any Medicare operated drug plan shall meet the same requirements as apply to any other prescription drug plan, including the requirements of section 1860D-4(b)(1) relating to assuring pharmacy access).".

(b) CONFORMING AMENDMENTS.—

(1) Section 1860D–3(a) of the Social Security Act (42 U.S.C. 1395w–103(a)) is amended by adding at the end the following new paragraph:

"(4) AVAILABILITY OF THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—A medicare operated prescription drug plan (as defined in section 1860D–11A(c)) shall be offered nationally in accordance with section 1860D–11A.".

(2)(A) Section 1860D–3 of the Social Security Act (42 U.S.C. 1395w–103) is amended by adding at the end the following new subsection:

"(c) PROVISIONS ONLY APPLICABLE IN 2006, 2007, AND 2008.—The provisions of this section shall only apply with respect to 2006, 2007, and 2008.".

(B) Section 1860D–11(g) of such Act (42 U.S.C. 1395w–111(g)) is amended by adding at the end the following new paragraph:

"(8) NO AUTHORITY FOR FALLBACK PLANS AFTER 2008.—A fallback prescription drug plan shall not be available after December 31, 2008.".

(3) Section 1860D–13(c)(3) of such Act (42 U.S.C. 1395w–113(c)(3)) is amended—

(A) in the heading, by inserting "AND MEDICARE OPERATED PRESCRIPTION DRUG PLANS" after "FALLBACK PLANS"; and

(B) by inserting "or a medicare operated prescription drug plan" after "a fallback prescription drug plan".

(4) Section 1860D–16(b)(1) of such Act (42 U.S.C.1395w–116(b)(1)) is amended—

(A) in subparagraph (C), by striking "and" after the semicolon at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(E) payments for expenses incurred with respect to the operation of medicare operated prescription drug plans under section 1860D–11A.".

(5) Section 1860D–41(a) of such Act (42 U.S.C. 1395w–151(a)) is amended by adding at the end the following new paragraph:

"(19) MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—The term 'medicare operated prescription drug plan' has the meaning given such term in section 1860D–11A(c).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

### SEC. 3. IMPROVED APPEALS PROCESS UNDER THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.

Section 1860D–4(h) of the Social Security Act (42 U.S.C. 1305w–104(h)) is amended by adding at the end the following new paragraph:

"(h) APPEALS PROCESS FOR MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—

"(1) IN GENERAL.—The Secretary shall develop a well-defined process for appeals for denials of benefits under this part under the medicare operated prescription drug plan. Such process shall be efficient, impose minimal administrative burdens, and ensure the timely procurement of non-formulary drugs or exemption from formulary incentives when medically necessary. Medical necessity shall be based on professional medical judgment, the medical condition of the beneficiary, and other medical evidence. Such appeals process shall include—

"(A) an initial review and determination made by the Secretary; and

"(B) for appeals denied during the initial review and determination, the option of an external review and determination by an independent entity selected by the Secretary.

"(2) CONSULTATION IN DEVELOPMENT OF PROCESS.—In developing the appeals process under paragraph (1), the Secretary shall consult with consumer and patient groups, as well as other key stakeholders to ensure the goals described in paragraph (1) are achieved.".

### SEC. 4. PHARMACY PAYMENT UNDER THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.

Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112 (b)) is amended by adding at the end the following new paragraph:

"(4) PHARMACY PAYMENT UNDER THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—

"(A) IN GENERAL.—Under the medicare operated prescription drug plan, the Secretary shall develop a system for payment to pharmacies. Such a system shall include a requirement that the plan shall issue, mail, or otherwise transmit payment for all clean claims submitted under this part within the applicable number of calendar days after the date on which the claim is received.

"(B) DEFINITIONS.—In this paragraph:

"(i) CLEAN CLAIM.—The term 'clean claim' means a claim, with respect to a covered part D drug, that has no apparent defect or impropriety (including any lack of any required substantiating documentation) or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under this part.

"(ii) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—

"(I) with respect to claims submitted electronically, 14 calendar days; and

"(II) with respect to claims submitted otherwise, 30 calendar days.

"(C) PROCEDURES INVOLVING CLAIMS.—

"(i) CLAIMS DEEMED TO BE CLEAN CLAIMS.—

"(I) IN GENERAL.—A claim for a covered part D drug shall be deemed to be a clean claim for purposes of this paragraph if the Secretary does not provide a notification of deficiency to the claimant by the 10th day that begins after the date on which the claim is submitted.

"(II) NOTIFICATION OF DEFICIENCY.—For purposes of subclause (I), the term 'notification of deficiency' means a notification that specifies all defects or improprieties in the claim involved and that lists all additional information or documents necessary for the proper processing and payment of the claim.

"(ii) PAYMENT OF CLEAN PORTIONS OF CLAIMS.—The Secretary shall, as appropriate, pay any portion of a claim for a covered part D drug under the medicare operated prescription drug plan that would be a clean claim but for a defect or impropriety in a separate portion of the claim in accordance with subparagraph (A).

"(iii) OBLIGATION TO PAY.—A claim for a covered part D drug submitted to the Secretary that is not paid or contested by the provider within the applicable number of calendar days (as defined in subparagraph (B)) shall be deemed to be a clean claim and shall be paid by the Secretary in accordance with subparagraph (A).

"(iv) DATE OF PAYMENT OF CLAIM.—Payment of a clean claim under subparagraph (A) is considered to have been made on the date on which full payment is received by the provider.

"(D) ELECTRONIC TRANSFER OF FUNDS.—The Secretary shall pay all clean claims submitted electronically by an electronic funds transfer mechanism.".

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By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. MARTINEZ):

S. 2220. A bill to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, today I am introducing legislation that will amend the Outdoor Recreation Act of 1963, to further enhance education, instruction and recreation opportunities available in our Nation's tropical botanical gardens. I wish to also thank my colleagues, Senators DANIEL INOUYE, MEL MARTINEZ and BILL NELSON, for joining me in sponsoring this measure.

Studies have indicated that throughout the world, our plants and their habitats are quickly disappearing. With 90 percent of these species existing in tropical areas, it is imperative that we continue to strive for a greater understanding of how we can preserve these natural resources.

The legislation that I am introducing today, the Outdoor Recreation Act of 1963 Amendments Act, will authorize $1 million for the National Botanical Gardens in fiscal year 2009, and up to $500,000 each fiscal year thereafter. These funds are to be matched by State and local governments as well as private individuals.

Since Congress chartered the National Tropical Botanical Gardens in 1964, the gardens have not only thrived and flourished, but have provided valuable research. This research is vital to enriching our lives through not only perpetuating the survival of ecosystems, but preserving the cultural knowledge of these tropical regions.

As we, and the rest of the world, continue to develop rural areas, we slowly deplete our natural resources and place our Nation's tropical plant bio-diversity at risk. It is our responsibility to ensure that measures are in place that will preserve our finite natural resources, or we may find ourselves without the basics for survival.

These gardens serve as safe havens for endangered tropical plants where scientists strive to understand the evolution, structure relationships and qualities of these plants for the future benefit of all Americans. The gardens also serve as a valuable educational tool, where students of all ages go to learn about environmental stewardship and horticultural practices, and discover that science can be fun. The collections at these gardens provide valuable information that conservationists and others utilize to study and determine how to protect these resources by halting further degradation of habitats so that at-risk species will have a better chance of surviving in the future.

I urge my colleagues to support this important legislation in order to ensure that these gardens continue to not only thrive for generations to come, but ensure that these resources will be preserved.

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By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 2221. A bill to amend title XVIII of the Social Security Act to provide for the reporting of sales price data for implantable medical devices; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to introduce today with Senator SPECTER the Transparency in Medical Device Pricing Act of 2007.

As we all know, both parties to a transaction need information in order for the free market to properly work. If only one party has information, the market does not properly function because you have a one-sided negotiation. The purpose of this legislation is to bring transparency to medical device pricing so that there will be sufficient information available for market forces to truly work.

In the Medicare program, most hospitals receive a single payment for all the health care goods and services provided during a beneficiary's stay. This payment structure is designed to give hospitals incentives to provide efficient, effective, and economical care. Why? Because when a hospital lowers its costs, more of the Medicare payment can go toward the hospital's bottom line.

Hospitals normally have many resources like consultants or reference materials to help them when they negotiate prices for things like drugs, nursing care, or hospital gowns. Unfortunately, this is not the case with implantable medical devices like pacemakers, stents, and artificial hips and knees.

Hospitals have no way of knowing what a fair market price for a medical device is, because in this one industry there is a veil of secrecy over pricing information. In fact, manufacturers typically require hospitals to agree to secrecy or gag clauses in their contracts. The device makers actually prohibit hospitals from disclosing the price of a medical device to others. So hospitals have no idea of what is a fair price. Instead they must engage in one-sided negotiations with medical device manufacturers.

We all know that there must be enough transparency for market forces to work. The free market, after all, thrives on complete information and open competition—not on gag rules and secrecy clauses.

As a farmer, when I go out and buy a tractor, I first go out and talk to a number of people to help me figure out what is a fair price. Having this information puts me on equal footing with the dealer when we negotiate the price. After all, I don't want to be taken to the cleaners.

Today, there is no level playing field when hospitals negotiate with device manufacturers. It shows. This is a major reason why many hospitals pay absurdly more than others for the same medical device. The inflated prices many hospitals pay have implications for the health care system on multiple levels.

First, higher medical device costs take up more of the Medicare payment. That means hospitals have less to spend on other crucial components of care such as staff. And hospitals have less of the Medicare payment to devote toward their bottom line. So they have less money for activities to improve hospital quality and safety. They have less money to spend on health information technology systems. Most importantly, they have less money to keep their doors open and provide care to Medicare beneficiaries. In rural areas in my state where hospitals are barely squeaking by, this is a problem.

Also, I want to point out how hospitals paying more than the fair market price for medical devices adds to skyrocketing entitlement spending. Medicare hospital payments are updated every year. The update takes into account the increased cost of goods and services used to provide care to beneficiaries. Let us say medical device prices are higher than they should be. As a result, Medicare hospital payment updates and Medicare spending will rise faster than they should.

Also, let us remember that there are cost-sharing requirements for certain hospital services. And so Medicare beneficiaries will be paying more out-of-pocket than they should.

All this adds up to one thing: a need for greater transparency in medical device pricing. My good friend and colleague, Senator SPECTER, and I have developed a way to provide greater transparency.

The Transparency in Medical Device Pricing Act of 2007 would bring this needed transparency to medical device pricing by building on current initiatives at the Department of Health and Human Services, HHS. Under the act, here are some conditions device manufacturers would have to receive direct or indirect payments under Medicare, Medicaid, or SCHIP. Every quarter they would have to submit to the HHS Secretary data on average and median sales prices for all medical devices that are implanted during inpatient and outpatient procedures. Manufacturers would be subject to civil money penalties from $10,000 to $100,000 for failure to report or misrepresentations of price data.

Collecting such data is not new to HHS. The Secretary has been collecting average sales price data for drugs covered under Part B of the Medicare program for a number of years now.

The Secretary would also be required to make the data available to the public on the website of the Centers for Medicare & Medicaid Services, CMS. CMS would have to update the website on a quarterly basis.

Again, this is nothing new at HHS. It has been promoting transparency in Medicare for quite some time. The Secretary already publicly reports quality and price data of various Medicare providers. This is so beneficiaries can use these resources when selecting a provider.

Publicly reporting implantable medical device pricing would help hospitals negotiate fair prices. For once, they would have a resource to consult so negotiations would be fairer.

Mr. President, let me be clear. I fully support the medical device industry making a profit. I just think it should not be at the expense of hospitals, beneficiaries and the American taxpayer paying much more than they should. We must let the market work, and markets depend on information.

The Transparency in Medical Device Pricing Act of 2007 would go a long way toward ensuring that free market forces actually work. The act would enable hospitals to obtain medical devices at fair prices.

Mr. SPECTER. Mr. President, with Senator GRASSLEY, I introduce a bill that will help control Medicare spending and will increase transparency in our health care system. Medicare spending is a huge component of the Federal budget. In 2006, Medicare benefit payments totaled $374 billion and accounted for 12 percent of the Federal budget.

Over the past several months I have received many letters from hospitals, consumer groups, employers, health and welfare funds, and health care journalists about the secrecy that the medical device industry is trying to impose around pricing for implantable medical devices, pacemakers, hip and knee replacements, which hospitals purchase. Hospitals are being told they can't share pricing information with any "third parties," that would include patients, physicians, auditors, and consultants. The hospitals are not the ultimate payers. The payers are patients and those who provide health insurance coverage, which includes small businesses, large employers, and local, State, and Federal Government programs. But the hospitals are the ones who have the role of negotiating fair pricing on behalf of the patients and other payers.

A New York hospital stated in a letter to me that many hospitals, patients, communities and Federal agencies are "prevented from participating in an open and fair marketplace—culminating in inflated pricing and less than optimal cost effective health care." This hospital said that it has an annual health care supplies spend of approximately $300 million, and although the implantable items such as cardiac pacemakers and orthopedic implants represent only 3 percent of the total items the hospital buys, the expenditures are close to 40 percent of the total spend. Moreover, these devices are characterized by annual cost increases of from 8 percent to 15 percent. Since national sales of implant able devices are approximately $65 billion annually, with an expected growth in utilization of close to 20 percent, the potential of adding 8 to 15 percent annual price increases to the expenditures clearly demands attention.

A smaller health system in Jackson, MS, reports savings in 2006 of more than $10 million because it was able to get detailed objective and measurable information that neutralized the arguments from the vendors who were telling them that they were getting the best price. The National Partnership for Women and Families told me that consumers can learn more about the quality and price of a car than they can about these medical devices that are implanted in the body. The Pacific Business Group on Health, a collection of 50 of the Nation's largest purchasers of health care who spend billions of dollars annually to provide health care coverage to more than 3 million employees, retirees and dependents, also wrote to me that the critical strategy for improving the quality of our Nation's health care system is increasing its transparency.

The Transparency in Medical Device Pricing Act of 2007 would require medical device manufacturers, as a condition of receiving direct or indirect payments under Medicare, Medicaid, and SCHIP, to submit to the Secretary of Health and Human Services, on a quarterly basis, data on average and median sales prices for all implantable medical devices used in inpatient and outpatient procedures. Manufacturers would be subject to civil monetary penalties from $10,000 to $100,000 for failure to report or for misrepresentation of price data. The data would be available to the public on the website of the centers for Medicare and Medicaid Services.

Senator GRASSLEY and I believe this bill will improve the overall quality and efficiency of our health care system and will help ensure that health care programs administered or sponsored by the Federal Government, in particular, promote quality and efficient delivery of health care through 1. the use of health information technology; 2. transparency regarding health care quality and price; and 3. better incentives for those involved in these programs—physicians, hospitals, and beneficiaries. By making important information available in a readily useable manner and in collaboration with similar initiatives in the private sector and nonfederal public sector, we can help control government spending on health care. The rising cost of health care and health insurance is a problem for consumers, small business owners, large employers and union health and welfare funds. This bill says that if you want to do business with the Federal Government, you have got to show us your prices.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3449. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3404 proposed by Mr. SCHUMER (for himself and Mrs. HUTCHISON) to the amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

SA 3450. Mr. HARKIN (for Mr. DEMINT) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

## TEXT OF AMENDMENTS

**SA 3449.** Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3404 proposed by Mr. SCHUMER (for himself and Mrs. HUTCHISON) to the amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 2 of the amendment, after line 11, insert the following:

SEC. 522. (a) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by section 521, is further amended by adding at the end the following:

"(5) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa recaptured from fiscal years 1996 and 1997 under this subsection to provide employment for an alien as a professional nurse, provided that—

"(i) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and "(ii) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

"(I) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

"(II) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

"(B) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to this paragraph shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.".

(b) CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS; DOMESTIC NURSING ENHANCEMENT ACCOUNT.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

### "SEC. 832. CAPITATION GRANTS.

"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

"(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

"(c) GRANT COMPUTATION.—

"(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

"(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

"(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

"(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

"(B) $1,405 for each full-time or part-time student who—

"(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

"(ii) has not more than 3 years of academic credits remaining in the program.

"(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

"(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

"(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

"(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

"(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

"(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

"(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—

"(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

"(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

"(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

"(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

"(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

"(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

"(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

"(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

"(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

"(i) the physical facilities at the school involved limit the school from enrolling additional students; or

"(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

"(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

"(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

"(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

"(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

"(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

"(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

"(F) Increasing enrollment of minority and diverse student populations.

"(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

"(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

"(I) Increasing integration of geriatric content into the core curriculum.

"(J) Partnering with economically disadvantaged communities to provide nursing education.

"(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

"(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

"(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

"(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

"(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

"(2) not later than September 30, 2010, a final report on such results.

"(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 833, there are authorized to be appropriated such sums as may be necessary to carry out this section.

### "SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.

"(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Domestic Nursing Enhancement Account.' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

"(b) USE OF FUNDS.—Amounts collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000, and deposited into the account established under subsection (a) shall be used by the Secretary of Health and Human Services to carry out section 832. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.".

(c) GLOBAL HEALTH CARE COOPERATION.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

**"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.**

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

"(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

"(2) to meet the continuous residency requirements under section 316(b).

"(b) DEFINITIONS.—In this section:

"(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—

"(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

"(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

"(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

"(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

"(A) has been lawfully admitted to the United States for permanent residence; and

"(B) is a physician or other healthcare worker.

"(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

"(d) PUBLICATION.—The Secretary of State shall publish—

"(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;

"(2) an updated version of the list required by paragraph (1) not less often than once each year; and

"(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).".

(2) RULEMAKING.—

(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendments made by this subsection.

(B) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—

(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: "except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,".

(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting ", including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "101(a)(27)(A),".

(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "Act,".

(D) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

"Sec. 317A. Temporary absence of aliens providing health care in developing countries.".

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to U.S. Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(d) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

"(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

"(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

"(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

"(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

"(I) the obligation was incurred by coercion or other improper means;

"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

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**SA 3450.** Mr. HARKIN (for Mr. DEMINT) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301-10.123 and 301-10.124 of title 41 of the Code of Federal Regulations.

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, October 23, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

This hearing will examine the Surface Transportation Board's recent and ongoing efforts related to the commercial regulation of railroads, including rulemakings and recent cases. Witnesses will provide their perspectives on the STB and its effectiveness in balancing the commercial needs of railroads and their customers and will provide an update on the Government Accountability Office 2006 report reviewing the freight railroad industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, October 23, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The hearing is on the nomination of Mr. Todd J. Zinser, Inspector General—Designate, United States Department of Commerce; Mr. Robert Clarke Brown, Member of the Board of Directors—Designate, Metropolitan Washington Airports Authority; Mr. Carl B. Kress, Commissioner—Designate, Federal Maritime Commission; and Mr. A. Paul Anderson, Commissioner (Reappointment), Federal Maritime Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, October 23, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, "Examining the human health impacts of global warming."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing entitled "EEOICPA: Is the Program Claimant Friendly for Our Cold War Heroes?" during the session of the Senate on Tuesday, October 23, 2007 at 10 a.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 23, 2007, at 10 a.m. in order to conduct a hearing entitled "Six Years After Anthrax: Are We Better Prepared to Respond to Bioterrorism?"

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 23, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–9

Mrs. FEINSTEIN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on October 23, 2007, by the President of the United States:

Protocol of Amendments to Convention on International Hydrographic Organization, Treaty Document No. 110–9.

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol of Amendments to the Convention on the International Hydrographic Organization done at Monaco on April 14, 2005. The Protocol amends the Convention on the International Hydrographic Organization, which was done at Monaco on May 3, 1967, and entered into force for the United States on September 22, 1970 (TIAS 6933; 21 UST 1857; 752 UNTS 41). I am also transmitting, for the information of the Senate, the report of the Secretary of State on the Protocol.

The Protocol will facilitate the reorganization of the International Hydrographic Organization (IHO). The IHO, which is a technical and consultative international organization headquartered in Monaco, facilitates safe and efficient maritime navigation throughout the world. It accomplishes these objectives by facilitating the coordination of the activities of national hydrographic offices, promoting uniformity in the nautical charts and documents generated by such offices, encouraging the adoption of reliable surveying methods, and fostering the development of the science of hydrography. Reorganization of the IHO will result in a more flexible, efficient, and visible organization.

Ratification of the Protocol would serve important U.S. interests. United States commercial shipping, the United States Navy, and the scientific research community rely heavily on hydrographic information collected and shared under the auspices of the IHO. The United States plays an important leadership role in the IHO and as a result enjoys expeditious and economical access to this information. Moreover, the United States has committed more resources than any other country to research, development, and evaluation of hydrographic instruments and therefore stands to benefit significantly from the efficiencies generated by this reorganization.

Article XXI of the Convention sets forth the procedure for the approval and entry into force of amendments: Amendments that are adopted or "approved" by the Conference enter into force for all Contracting Parties to the Convention 3 months after two-thirds of the Contracting Parties have notified the depositary of the their consent to be bound.

I recommend that the Senate give prompt and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 23, 2007.*

## MEASURES READ THE FIRST TIME—S. 2216 AND S. 2217

Mrs. FEINSTEIN. Mr. President, I understand that there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 2216) to amend the Internal Revenue Code of 1986 to extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation.

A bill (S. 2217) to amend the Internal Revenue Code of 1986 to extend the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

Mrs. FEINSTEIN. I now ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will receive their second reading on the next legislative day.

## ORDERS FOR WEDNESDAY, OCTOBER 24, 2007

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand adjourned until 9 a.m., Wednesday, October 24; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the 2 leaders reserved for their use later in the day, and the Senate then resume executive session and consideration of the Southwick nomination, with the time until 11 a.m. equally divided and controlled between the 2 leaders or their designees, and the time from 10:40 a.m. to 11 a.m. divided and controlled between the 2 leaders, with the majority leader controlling the final 10 minutes; that the Senate then proceed to vote on the motion to invoke cloture on the nomination at 11 a.m., as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow morning.

Thereupon, the Senate, at 9:28 p.m., adjourned until Wednesday, October 24, 2007, at 9 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF DEFENSE

JAMES SHINN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

### DEPARTMENT OF TRANSPORTATION

ROBERT A. STURGELL, OF MARYLAND, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS, VICE MARION C. BLAKEY, TERM EXPIRED.

### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

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HILDA MARIE ARELLANO, OF TEXAS
DAWN M. LIBERI, OF FLORIDA
KAREN DENÉ TURNER, OF THE DISTRICT OF COLUMBIA

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GARY FLYNN FULLER, OF CALIFORNIA
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MICHAEL T. HARVEY, OF TEXAS
JAMES M. HARMON, OF MARYLAND
EDITH FAYSSOUX JONES HUMPHREYS, OF FLORIDA
BROOKE ANDREA ISHAM, OF WASHINGTON
DAVID LEONG, OF VIRGINIA
BOBBIE E. MYERS, OF FLORIDA
CHARLES ERIC NORTH, OF VIRGINIA
MARTHA ERIN SOTO, OF VIRGINIA
DENNIS J. WELLER, OF ILLINOIS
MELISSA ANN WILLIAMS, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

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STEVEN A. BROWNING, OF TEXAS
JEREMY F. CURTIN, OF MARYLAND
DANIEL FRIED, OF CALIFORNIA
FRANCIS JOSEPH RICCIARDONE, JR., OF NEW HAMPSHIRE

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BETSY LYNN ANDERSON, OF VIRGINIA
CLAUDIA E. ANYASO, OF THE DISTRICT OF COLUMBIA
EDMUND EARL ATKINS, OF CALIFORNIA
JOYCE A. BARR, OF WASHINGTON
KEVIN MICHAEL BARRY, OF VIRGINIA
LESLIE ANN BASSETT, OF CALIFORNIA
DONNA M. BLAIR, OF LOUISIANA
ANNE TAYLOR CALLAGHAN, OF VIRGINIA
ARNOLD A. CHACON, OF NEW YORK
MICHAEL HUGH CORBIN, OF CALIFORNIA
GENE ALLAN CRETZ, OF NEW YORK
MICHAEL JOSEPH DARMIENTO, OF VIRGINIA
JONATHAN D. FARRAR, OF CALIFORNIA
PHILIP S. GOLDBERG, OF NEW YORK
GARY A. GRAPPO, OF FLORIDA
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DAVID M. HALE, OF NEW JERSEY
ROBERT PORTER JACKSON, OF VIRGINIA
TRACEY ANN JACOBSON, OF THE DISTRICT OF COLUMBIA
STUART E. JONES, OF PENNSYLVANIA
PETER GRAHAM KAESTNER, OF FLORIDA
SUSAN E. KEOGH, OF CALIFORNIA
NABEEL A. KHOURY, OF NEW YORK
LISA JEAN KUBISKE, OF VIRGINIA
JOSEPH ESTEY MACMANUS, OF NEW YORK
HAYNES RICHARDSON MAHONEY III, OF MASSACHUSETTS
M. LEE MCCLENNY, OF WASHINGTON
NANCY E. MCELDOWNEY, OF FLORIDA
CHRISTOPHER J. MCMULLEN, OF THE DISTRICT OF COLUMBIA
JAMES DESMOND MELVILLE, JR., OF NEW JERSEY
WILLIAM H. MOSER, OF FLORIDA
SANDRA M. MUENCH, OF FLORIDA
ANTHONY MUSE, OF TENNESSEE
GERALDINE H. O'BRIEN, OF MASSACHUSETTS
JAMES A. PAIGE, OF OHIO
ISIAH L. PARNELL, OF FLORIDA
MICHAEL BERNARD REGAN, OF NEW JERSEY
PAUL EDWARD ROWE, OF VIRGINIA
LARRY SCHWARTZ, OF WASHINGTON
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JAY THOMAS SMITH, OF INDIANA
BARBARA J. STEPHENSON, OF FLORIDA
AGU SUVARI, OF RHODE ISLAND
TEDDY B. TAYLOR, OF MARYLAND
DONALD GENE TEITELBAUM, OF VIRGINIA
MARGARET A. UYEHARA, OF VIRGINIA
JAMES B. WARLICK, JR., OF CALIFORNIA
KEVIN MICHAEL WHITAKER, OF VIRGINIA
MARY JO WILLS, OF VIRGINIA
MARIE L. YOVANOVITCH, OF CONNECTICUT

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

GREGORY ADAMS, OF ARIZONA
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RICHARD HANSON APPLETON, OF CALIFORNIA
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PHILIP JACKSON BREEDEN, JR., OF CALIFORNIA
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ROBERT JOHN CLARKE, OF FLORIDA
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JULIE A. FURUTA-TOY, OF CALIFORNIA
GONZALO ROLANDO GALLEGOS, OF TEXAS
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THOMAS HENRY GOLDBERGER, OF NEW JERSEY
ROBERT DANIEL GRIFFITHS, OF NEVADA
EVA JANE GROENING, OF NEW JERSEY
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CHRISTOPHER A. LAMBERT, OF VIRGINIA
JOHN CHARLES LAW, OF VIRGINIA
FRANK JOSEPH LEDAHAWSKY, OF NEW JERSEY
LEWIS ALAN LUKENS, OF VERMONT
CAROL LYNN MACCURDY, OF VIRGINIA
KEVIN K. MAHER, OF VIRGINIA
JOHN A. MATEL, OF WASHINGTON
ROBIN HILL MATTHEWMAN, OF WASHINGTON
MATTHEW JOHN MATTHEWS, OF VIRGINIA
LOUIS MAZEL, OF NEW HAMPSHIRE
MICHAEL WILLIAM MCCLELLAN, OF KENTUCKY
KENNETH H. MERTEN, OF VIRGINIA
LAWRENCE MIRE, OF CALIFORNIA
MICHAEL CHASE MULLINS, OF NEW HAMPSHIRE
RICHARD WALTER NELSON, OF CALIFORNIA
VIRGINIA E. PALMER, OF VIRGINIA
ROBERT PATTERSON, OF PENNSYLVANIA
CLAIRE A. PIERANGELO, OF CALIFORNIA
H. DEAN PITTMAN, OF MISSISSIPPI
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STEPHANIE SANDERS SULLIVAN, OF MARYLAND
SUSAN M. SUTTON, OF VIRGINIA
ALAINA TEPLITZ, OF THE DISTRICT OF COLUMBIA
HEATHER ANN TOWNSEND, OF THE DISTRICT OF COLUMBIA
JEFFREY STEWART ALEXANDER TUNIS, OF FLORIDA
THOMAS E. WILLIAMS, JR., OF VIRGINIA
BISA WILLIAMS-MANIGAULT, OF TEXAS
MARY HILLERS WITT, OF PENNSYLVANIA
ROBERT A. WOOD, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

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SCOTT P. BULTROWICZ, OF OHIO
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CONRAD V. SCHMITT, OF TEXAS
JAMES E. VANDERPOOL, OF CALIFORNIA
FRONTIS B. WIGGINS, OF VIRGINIA

# HOUSE OF REPRESENTATIVES—*Tuesday, October 23, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LINCOLN DAVIS of Tennessee).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *October 23, 2007.*

I hereby appoint the Honorable LINCOLN DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

## CLEAN WATER ACT

Mr. BLUMENAUER. Mr. Speaker, last week we observed the 35th anniversary of the Clean Water Act, and it was an important observation here on the floor as we dealt with the impact that that new law had, the heightened awareness and the progress that resulted. Back in 1972 when the law was enacted, only one-third of our waterways met water quality standards. Two-thirds did not. In the course of that 35 years, we have reversed that: Now there are only one-third that don't meet the goal. But the fact is that there still is one-third that are not in compliance with our basic water quality standards.

When we look under the ground, the situation is even worse. There are over 72,000 miles of sewer pipe and water main that are over 80 years old. It is one of the reason large sink holes open up and swallow trucks in American streets, why the American Society of Civil Engineers has given our water infrastructure a D-minus grade.

All of this is compounded by the stress from global warming, as we see not just the ice caps shrink but the snow pack being reduced, we watch evaporation being accelerated as a result of the elevated temperatures, and we see that thirsty crops need more water because of the global warming. Agriculture of course is 90 percent of our water commitment.

Now, there is going to be more friction, more problems over time with Water and Agriculture. We have some of our programs that have been enacted that are just plain silly. We continue to grow heavily subsidized cotton with subsidized water in the desert, something that long since should have been phased out. The New York Times Magazine this weekend featured the Southwest United States water problems, especially centered on the Colorado River and the demands that are rising there. But this tremendous problem is not limited to the southwest. On the front page of this morning's paper we see the Georgia delegation in Congress is suggesting that they deal with their severe drought and water supply problems by ignoring the environmental regulations of the Endangered Species Act, upsetting not just environmentalists but their friends downstream. It is a problem we are familiar with in the Pacific Northwest, where we have a severely water stressed Klamath River Basin, where the Federal Government as in most all instances has been part of the problem as we promise more water to more diverse users than nature can deliver.

It is time for us to revisit, not just the celebration of the 35th anniversary of the Clean Water Act, but revisit our commitment that is embodied in that Act and where we are going over the next 35 years.

It is important that we deal with very real problems of environmental quality requirements to save fish and wildlife and protect eco systems and, indeed, human life. We are watching the problems of diminishing supplies as we mine fossilized water in ancient underground aquifers. Global warming of course is going to make all of these problems more complex, more severe, and harder to solve.

Every Member of Congress needs to do more than just celebrate the 35th anniversary of the Clean Water Act. I would hope that, in the months ahead, every one of us does an assessment at home to find out how bad the situation is with our local water supply, storm water, sewage, and drainage. Are we one of the over 1,000 communities with combined sewer overflow problems? How is it going to be paid for? What is the planning that needs to take place? Every one of us should be insisting that we shift to basinwide framework for analyzing and solving water problems, not just looking at isolated instances.

It is time for us to be serious about a funding solution. In 1978, the Federal Government provided 78 percent of the funding for our water quality problems. Today, that is just 3 percent. Even that 3 percent is as uncertain, as it is inadequate. It is time to establish a water trust fund, like the Highway Trust Fund, to help be a partner with State and local communities in meeting water quality needs. Finally, we need to begin addressing the ultimate question of who is going to get the water and why, beyond just some historic accident and water rights policy no longer adequate for today's challenges.

I strongly urge my friends in Congress to reflect on the 35th anniversary of the Clean Water Act by getting serious today with our constituents at home about what we are going to do for the next 35 years of clean water.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 6 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. DEGETTE) at 10 a.m.

## PRAYER

The Reverend Bobby L. Johnson, First Assembly of God, Van Buren, Arkansas, offered the following prayer:

Almighty God, today we come humbly and thankfully to You. Humbly, for allowing each of us to be in our positions and thankfully, for Your guidance at this time.

None of us knows what this day holds, but we trust You to see us through every decision we make. Help us to realize that it is by Your hand that we are free and well. Grant us wisdom to know the right thing to do in every decision. Give us the strength to follow through with what is right regardless of the consequences.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Within the hands of these public servants rests the destiny of this great Nation. Help this great body to bring peace to our Nation and the world. Give them the wisdom of Solomon, the strength of Samson, the faith of Abraham, and the ability of David to accomplish the challenges we face. In Jesus' name, Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. BOOZMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. BOOZMAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING THE REVEREND BOBBY L. JOHNSON

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute.)

Mr. BOOZMAN. Madam Speaker, it is my pleasure to introduce a good friend, a man who ministers to the men and women of western Arkansas, a man of God, our guest chaplain, the Reverend Bobby L. Johnson of Van Buren, Arkansas. He has been pastor of First Assembly of God in Van Buren since June of 1980. Since then, the church has grown from over 200 at Sunday School to over 2,000, placing it among the fastest growing Sunday Schools in Arkansas and the Nation.

His mission is bringing the Word to the people through his extensive outreach, from mobile ministry to television and over the Internet. A graduate of both the University of Central Arkansas and Evangel College in Missouri, Pastor Johnson has taught public high school and pastored three other churches in Arkansas.

It is my honor to welcome Pastor Johnson to the House of Representatives and thank him for his service to his calling and to the people of Arkansas.

## SCHIP

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Madam Speaker, our Nation's values are reflected in how we spend taxpayers' hard-earned money. Yesterday, rather than encouraging us to invest in the good health of our children here at home, the President asked for permission to spend $200 billion in Iraq. Well, it is okay to ask and it is okay to respond by saying, "No, thank you." The health of our Nation's children is more valuable than making more of a mess in Iraq.

My friends, enough is enough. It is time to spend our tax dollars right here at home. Last week, 44 Republicans joined the Democratic majority in attempting to override the President's veto of the State Children's Health Insurance Program, known as SCHIP. This issue is not going away. We will prevail. It is a matter of how long it will take.

Here are some facts to keep in mind: SCHIP saves tax dollars by sending children in need to the doctor's office, not to the costly emergency room. And over 90 percent of those in SCHIP earn less than $41,000 a year. There is a better way of doing things in America. By working together, we will find it and guarantee access to health care for all those in need.

## RUSH LIMBAUGH LETTER RAISES MILLIONS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, last week, America's number one radio personality, Rush Limbaugh, auctioned off for charity a letter shamefully signed by a group of 41 Democratic Senators. The letter to Limbaugh's employer attacked Rush for comments blatantly distorted by Media Matters regarding persons who had lied about their service in the military.

I am happy to report that the Senate letter of infamy was auctioned for $2.1 million, an amount Rush says he will generously match. That brings the total to $4.2 million.

The money will be donated to the Marine Corps-Law Enforcement Foundation. This charitable organization provides financial assistance to the children of fallen marines and law enforcement officers. I wish to commend Rush for overcoming what was clearly a political ploy to chill his first amendment rights of free speech. Rush took an abusive power by Democratic leadership and turned it into something positive. Between Rush Limbaugh and Senate Democrats, America knows who really supports our troops.

In conclusion, God bless our troops and we will never forget September the 11th.

## DEMOCRATS TRYING TO EASE THE PAIN OF MIDDLE CLASS FAMILIES BY MAKING COLLEGE AFFORDABLE

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Madam Speaker, I am very pleased to have the opportunity to address the House. I am excited to be a Democrat. I always take pleasure in giving reasons for why I am a member of the Democratic Party.

Since taking control of Congress, Democrats have worked to pass legislation that will help families once again live the American Dream. Over the last 6 years, college costs have shot up 40 percent, putting higher education out of reach for most Americans. I have one son in college today, and I can tell you I am excited over the fact that we passed, and the President did, in fact, sign the College Cost Reduction Act of 2007. This law is the single largest increase in college aid since the GI Bill. It strengthens the middle class by cutting interest rates in half and subsidizes student loans over the next 5 years. We are also able, in this bill, to increase the maximum Pell Grant scholarships by $500.

Madam Speaker, I am pleased and I am excited to be a Democrat.

## SCHIP

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Madam Speaker, SCHIP continues to be used as a political game by Washington liberals. Sensible, effective compromise does exist to bring meaningful bipartisan support for this necessary program.

The Kids First bill, of which I am a cosponsor, adds 1.3 million new children to the SCHIP program by 2012. It encourages the States to move children to private coverage. Kids First provides $14 billion in new SCHIP allotments, and it includes $400 million in grants for outreach and enrollment. This is a sensible approach.

I support SCHIP, and I am committed to ensuring that it is a successful program that helps children who need it and the children for whom it was really intended, those who are in poverty. It makes SCHIP a program for those whom it was intended for.

I thank my colleagues, Representatives CAMP and HULSHOF, for their work on this bill. I ask my colleagues on the other side of the aisle to join us in this compromise approach to help put our poor children first.

## RECOGNIZING THE U.S. ARMY'S 3RD ARROWHEAD BRIGADE-2ND INFANTRY DIVISION

(Mr. SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Washington. Madam Speaker, I rise today to pay tribute to a U.S. Army brigade from Fort Lewis, Washington, that has served with distinction in Iraq.

On October 11, the last of the roughly 3,800 men and women of the 3rd Brigade-2nd Infantry Division returned home to Fort Lewis after completing their second deployment to Iraq. The Arrowhead Brigade has been a trailblazer for the Army as the first brigade to be outfitted with the Stryker combat vehicles, the first Stryker Brigade to serve in Iraq, and now the first Stryker Brigade to complete two tours in Iraq.

During their recent deployment, the Arrowhead Brigade supported operations in Mosul, Baghdad, Baqubah, and other critical areas. On several occasions they were asked to secure downed U.S. aircraft and the sites of numerous suicide attacks. In addition, the Arrowhead Brigade constantly remained prepared to mobilize and deploy anywhere in Iraq for any number of contingencies within 24 hours.

In tribute to their brave service, seven members of the brigade were awarded the Silver Star, the United States' third highest award for combat valor. In the course of their deployment, the Arrowhead Brigade lost 48 of their comrades, with another 700 wounded.

I want to express my deep condolences to the 3-2 Brigade and the families of those fallen soldiers. Their contribution and sacrifice will not be forgotten. The men and women of the 3-2 Brigade have done everything their country has asked of them and more. We all should have the utmost respect and admiration for their service and sacrifice.

## DOMESTIC VIOLENCE AWARENESS MONTH

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, recently Congress passed House Resolution 590, supporting the goals of Domestic Violence Awareness Month while raising awareness of domestic violence throughout our country. I am here to voice my support for everyone impacted by this horrible nightmare. This is an issue which affects millions in urban and rural areas alike. It crosses economic lines, geographic lines and ethnic lines. No segment of our population is immune. One out of five women and one out of 14 men have been domestically assaulted at some point in their lives.

In my home State of Nebraska, there are more than 5,800 protection orders needed for those living in fear of violence. Domestic violence is an issue which too often is swept under the rug or ignored. So as part of the Domestic Violence Awareness Month, I am wearing a purple ribbon to raise awareness about the crime of domestic abuse as we work toward ending this violence.

## SCHIP

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Madam Speaker, last week, despite the best efforts of the Democratic majority and about 44 Republicans, we were unable to override the President's veto of health insurance for the children of poor and working families. Now, I listened to the argument that we can't afford providing health care for our children, despite the fact that our SCHIP program was entirely paid for.

Look, Madam Speaker, I believe that a strong Nation can do both. You can be fiscally responsible and you can take care of your children. Good families manage to be fiscally responsible and take care of their children. It is just a matter of priorities. I will say, Madam Speaker, that I was struck by some of the mispriorities that I heard about. The same people who said that we can't afford health insurance for our children increased spending 7 percent a year since 2001 and voted to increase our debt limit 4 out of the past 5 years. The difference is that they spent on the wrong things. No spending? We can't afford health care for children but billions of dollars in tax cuts for the most profitable oil companies on Earth? We can't afford spending for health insurance for our children but billions of dollars in spending in no-bid contracts for Halliburton? We have increased the debt. We are putting it on our kids' shoulders, and now we are telling our kids we can't afford to help them with the x-rays.

## FISA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, in the early hours of May 11, seven U.S. soldiers were on lookout near a patrol base in Iraq. Some time before dawn, heavily armed al Qaeda gunmen made coordinated surprise attacks on the soldiers. Four of the soldiers were killed and three others taken hostage. What happened next is a travesty and a failure of our public policy in support of the troops in the field. A search to rescue the men began immediately but was brought to a halt because of our FISA law, by the need for military lawyers to jump through legal hoops in order to gain approval to conduct surveillance of terrorist communications. Ten hours passed before they were granted such permission. The search for a kidnapped U.S. soldier was halted so that lawyers could find grounds to have the Attorney General grant special permission to listen in on the communications between the individuals in Iraq. Our FISA law, as the President has requested, needs reform, not the flawed bill the Democrats are seeking to pass.

☐ 1015

## SPENDING FOR CHIP VERSUS SPENDING IN IRAQ—IT'S ALL A QUESTION OF PRIORITIES

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Madam Speaker, last week the rubber stamp Republicans in this House once again held true to their name by voting to stand with the President and reject health care coverage for 10 million American children. The spending priorities of the President's Republican allies in the House are simply out of line with the priorities of the American people. In fact, the 86 percent of Americans who support this bipartisan CHIP reauthorization might be interested to know that for the cost of just 37 days in Iraq, we could provide health care coverage to 10 million children. Yet the President's irresponsible, open-ended commitment to the occupation in Iraq continues, while the number of American children without access to health care keeps climbing.

Madam Speaker, yesterday the President asked Congress to borrow another $196 billion to continue his failed blank-check, no-plan policy in Iraq. But he and his Republican friends in this body apparently feel that spending $35 billion on a highly successful program that provides health care to uninsured children is excessive.

It's time for Republicans to stop blindly following the President and start helping American families.

## THE TAXPAYER CHOICE ACT

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Madam Speaker, I want to bring before the body this morning an issue that needs more attention, not less, and that is the issue of the huge blob that ate the American Dream called the alternative minimum tax. One thing that we are seeing is that the alternative minimum tax, Madam Speaker, is set to rise at a level so unprecedented that the American economy has not experienced anything like this in the last 40 years.

Right now, the tax burden for the average American and to the economy is about 18.5 percent of GDP. If we don't scale back on the alternative minimum tax, we are looking at the tax burden of GDP being almost 24 percent by mid-century. We have never seen this level of taxation in our GDP. This means this money will come out of the pockets of the American taxpayer and will go into the coffers of the Federal Government.

This is a big concern, Madam Speaker, one that I am very concerned about, as I know most of the Members in this Chamber are as well.

In 1969, when the alternative minimum tax came in, it was 155 people. I will close with the fact that this year we are looking at 23 million Americans impacted.

## PRESIDENT BUSH ASKS FOR ANOTHER $196 BILLION TO FUND THE WAR IN IRAQ IN 2008

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Madam Speaker, yesterday President Bush asked Congress to rubber-stamp his plan to spend $196 billion next year on the war in Iraq. I have to tell the President: not a nickel more for this war.

Since the beginning of this year, congressional Democrats have been trying to change a war policy from one where our troops will stay there for more than a decade, to one where we have a responsible redeployment and bring the troops home next year. The President believes it's acceptable to spend billions of dollars in Iraq, while important domestic priorities here in our own country go unmet.

While the President was crafting his $196 billion war supplemental, the Democratic House approved appropriations bills that included targeted investments in our priorities here at home: education, health care for veterans, more police on the streets, caring for American families.

Madam Speaker, as Congress begins to examine the President's latest war-funding bill, we will once again demand that the President change course in Iraq and get a responsible plan to bring our troops home within the year.

## SUPPORT FOR BELARUS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to acknowledge the pro-democracy rally that took place in Belarus on October 7. During this event, thousands of protesters flooded the streets of the capital city in support of democracy and to demand free and fair elections. The protesters shouted "Belarus and Europe," and they waved European Union flags to express outrage against Alexander Lukashenko. That is the person the State Department has labeled "the last dictator of Europe."

It is time for this dictator, who cheated his way into office by stealing the elections last year, to step aside, step down, and let the people decide who should lead their country through legitimate and clean elections. The world must not tolerate evil dictators, and this one must step aside to allow Belarus to join the modern world rather than suffer under the oppressive and selfish rule of one man.

I applaud, Madam Speaker, the courage of the protesters who took to the streets in Belarus, and I stand with them in their quest for freedom, democracy, and the rule of law.

## REAUTHORIZE SCHIP

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, President Bush and about 10 House Republicans are all that stand between 10 million children and the health care they need and deserve. I am deeply disappointed in the President's dumbfounding veto of the SCHIP bill. He reneged on his pledge he made when running for re-election in 2004.

The bill to reauthorize SCHIP continues coverage for 6 million kids currently covered and provides incentives for another 4 million kids who have been falling through the cracks of the health care system. The program continues to focus on low- and moderate-income families who earn too much for the Medicaid program, but can't afford private health care.

Madam Speaker, the big momentum behind this historic bill is growing exponentially and will not be stopped. To those blocking the SCHIP reauthorization from becoming law, I say either get on board, get out of the way, or get run over. The children's health care bill is on its way, either with or without you.

SCHIP supporters are even more determined than ever to get this done by the mid-November deadline. Let's all finish this job. For children's health care in America, it's fourth and goal on the 1-yard line. Working together, we can overpower anyone left blocking the way.

## THE MEANING OF THE RESTORE ACT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, as we listen to the comments of our colleagues on the other side of the aisle, it is obvious that what they intend to do is to make this "SCHIP Week" and "SCHIP Month." You kind of wonder why they are doing this.

Reflect back on last week when we had a most important vote scheduled for this floor that somehow was removed. It was called the FISA vote. It is the question of how we enable ourselves to protect us and our children and our grandchildren against the attacks of those who are terrorists around the world. We do it in many ways, but absolutely essential is intelligence.

Madam Speaker, the FISA bill, the Foreign Intelligence Surveillance Act, would have been destroyed by the bill placed on the floor last week by the majority, the so-called RESTORE Act. It actually gave greater protection to Osama bin Laden in a telephone conversation than an American citizen in the United States accused of a crime.

RESTORE: What does it mean? Repeal Effective Surveillance Techniques Opposing Real Enemies. Go out to NSA and see what they are doing. Understand what we need to do in this country and then bring a bill back to this floor that restores the ability of the United States to find out about our enemies before they attack.

## TRIBUTE TO KENNETH T. WHALUM, SR.

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, the City of Memphis, Tennessee, has lost one of its finest citizens, Kenneth Whalum, Sr.

Kenneth Whalum, Sr., passed away last night. He was a pastor, he was a two-time city councilman, he was a father, he was a family man, he was a leader in our community.

For 30 years, he was the pastor of the Olivet Baptist Church and very highly respected in the community and among the clergy. For 8 years, he was a city councilman, one time as a district councilman in a community known as Orange Mound. Then when he saw a higher calling and the need to address a higher subject, he ran against an incumbent city councilman, at the time unheard of, and was elected at large, one of the first African Americans elected at large to the Memphis City Council.

He was also a postal service employee and had a career there and rose through the ranks to director of personnel. For that reason, this House, and this week with the President's action, the post office at Third Street in

Memphis, Tennessee, will be named the Kenneth T. Whalum, Sr., Postal Building. That is a tribute to his work and all postal employees.

He had a family of which the City of Memphis is proud. His son Kenneth, Jr., is a pastor and a member of the school board. His son Kirk Whalum is a world-renowned saxophonist, and his other son Kevin is a musician with a contract and a poet.

There have been many great families in the City of Memphis to get involved in politics, but none greater than the Whalums. The hair of the hypocrite never was upon this family, and the idea of discrimination and bigotry or intolerance never disgraced them either. He was a leader in biracial politics and activities in the City of Memphis. He was a leader in being bipartisan as well.

There have been few people like Kenneth Whalum, Sr., in the City of Memphis. There will be few to come. I share his loss greatly. He was a supporter of mine who, although he had a stroke and had difficulty walking, came down and did a political ad for me when he could hardly get up the stairs, and on television it was like an angel speaking. When JOHN CONYERS came to Memphis in February, he made it up a whole flight of stairs to see JOHN CONYERS, and a happier man I have not seen. He knew the post office was being named for him before he passed. I am happy he knew that and I am happy I knew him. We have lost a great leader.

## NEW DIALOGUE NEEDED TO BRING TROOPS HOME

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Madam Speaker, it is clear that President Bush has no intention of changing the course in Iraq in any way before he leaves office in January 2009. In fact, both the President and the Pentagon have recently said that they expect American combat troops to be in Iraq for another 10 years; and just yesterday the President requested an additional $196 billion to fund the war in Iraq for the upcoming year.

The Democratic Congress rejects the notion that our troops are needed in Iraq for the next decade. If the Iraqi Government knows that we are going to be there for 10 years, they have absolutely no reason to make any of the tough political compromises that they promised they would make when the troop escalation began earlier this year. Instead, we support a responsible redeployment out of Iraq so that the Iraqis can finally take control of their own fate and so that we are no longer sending more than $2 billion there every week.

Madam Speaker, House Democrats are committed to bringing our troops home, but we can't do it alone. I hope this outrageous funding request serves as a wake-up call to my Republican friends and starts a new dialogue to bring our troops home.

## DISCLOSE SALARIES OF CERTAIN GOVERNMENT CONTRACTORS

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Madam Speaker, when will it end with Blackwater? Probably not soon enough. Just yesterday, the Committee on Oversight and Government Reform released findings that show that Blackwater has potentially misclassified hundreds of workers in Iraq and Afghanistan, evading taxes and costing the taxpayers in the United States at least $30 million. This comes a few weeks after the same committee discovered that Blackwater is raking in potentially $100 million in profit off of their government contracts. We have got to get this situation under control.

That is why I, along with Mr. WELCH and Chairman WAXMAN, have introduced legislation to require that private government contractors receiving more than 80 percent of their revenue from Federal contracts, like Blackwater, must disclose the salaries of their most highly compensated employees.

It just isn't right for executives at Blackwater or anywhere else to make their fortune off of war profiteering. It is our money, and we deserve to know how it is being used.

I urge my colleagues to join me in supporting this commonsense legislation.

## QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Madam Speaker, I offer a privileged resolution (H. Res. 767) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

### H. RES. 767

Whereas, United States soldiers and personnel in Iraq are fighting to protect innocent Americans from being attacked by al-Qaeda and radical jihadists who are determined to kill the American people.

Whereas, on October 18, 2007, in debate on H.R. 976, Children's Health Insurance Program Reauthorization Act, the Member from California, Mr. Stark, stated: "You don't have money to fund the war or children. But you're going to spend it to blow up innocent people if we can get enough kids to grow old enough for you to send to Iraq to get their heads blown off for the President' amusement."

Whereas, on October 18, 2007, in a press release, Rep. Pete Stark is quoted as saying: "I respect neither the Commander-in-Chief who keep them in harms way nor the chickenhawks in Congress."

Whereas, the Member from California, Mr. Stark, engaged in personally abusive language toward the President and Members of the House, including the use of language that impugns their motives.

Whereas, the Member from California, Mr. Stark dishonors not only the Commander-in-Chief, but the thousands of courageous men and women of America's armed forces who believe in their mission and are putting their lives on the line for our freedom and security.

Whereas, the Member from California, Mr. Stark, has failed to retract his statement and apologize to the Members of the House, our Commander-in-Chief, and the families of our soldiers and commanders fighting terror overseas.

*Resolved*, That the Member from California, Mr. Stark, by his despicable conduct, has dishonored himself and brought discredit to the House and merits the censure of the House for the same.

*Resolved*, The Member from California, Mr. Stark, is hereby so censured.

☐ 1030

The SPEAKER pro tempore (Mrs. TAUSCHER). The resolution presents a question of privilege.

### MOTION TO TABLE OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Madam Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 196, nays 173, answered "present" 8, not voting 55, as follows:

[Roll No. 986]

YEAS—196

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe

Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

### NAYS—173

Aderholt
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

### ANSWERED "PRESENT"—8

Boren
Cleaver
Davis, Lincoln
Hill
Loebsack
Mahoney (FL)
Melancon
Moore (KS)

### NOT VOTING—55

Akin
Bishop (UT)
Bonner
Boyda (KS)
Brady (TX)
Butterfield
Carson
Crenshaw
Cubin
Culberson
Cummings
Edwards
Engel
Everett
Fattah
Feeney
Fossella
Green, Gene
Hastert
Hinojosa
Hoekstra
Holden
Hunter
Jindal
Johnson (IL)
Johnson, E. B.
Kind
King (NY)
LaHood
McHenry
McKeon
Mollohan
Moore (WI)
Moran (VA)
Murtha
Pastor
Paul
Pickering
Platts
Poe
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rothman
Simpson
Snyder
Souder
Waxman
Weldon (FL)
Westmoreland
Whitfield
Wilson (OH)
Wynn
Young (FL)

□ 1101

Mr. LEWIS of California and Mr. TIAHRT changed their vote from "yea" to "nay."

Messrs. HOLT, SMITH of Washington, and DOGGETT changed their vote from "nay" to "yea."

Mr. DONNELLY changed his vote from "present" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PASTOR. Madam Speaker, on rollcall No. 986, I was at a meeting away from my office and unable to return on time. Had I been present, I would have voted "yea."

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 986, had I been present, I would have voted "yea."

Mr. KIND. Madam Speaker, I was detained in my district and was unable to have my vote recorded on the House floor on Tuesday, October 23, 2007 for H. Res. 767 (Roll No. 986). Had I been present, I would have voted "yea."

Mr. POE. Madam Speaker, on rollcall No. 986, had I been present, I would have voted "nay."

Mr. FOSSELLA. Madam Speaker, on rollcall No. 986, had I been present, I would have voted "nay."

Mrs. BOYDA of Kansas. Madam Speaker, had I been present for rollcall vote 986, I would have voted "nay."

## QUESTION OF PERSONAL PRIVILEGE

Mr. STARK. Madam Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore (Ms. DEGETTE). The gentleman has apprised the Chair of media accounts that give rise to a question of personal privilege under rule IX.

The gentleman from California is recognized for 1 hour.

Mr. STARK. Madam Speaker, I yield myself such time as I may consume.

I thank the Speaker.

In a very serious note, and I won't take the hour, I want to apologize to, first of all, my colleagues, many of whom I have offended, to the President, to his family, to the troops that may have found in my remarks, as were suggested in the motion that we just voted on, and I do apologize.

For this reason, I think that we have a serious issue before us, the issue of providing medical care to children, the issue of what we do about a war that we are divided about how to end.

I hope that with this apology, I will become as insignificant as I should be and that we can return to the issues that do divide us, but that we can resolve in a better fashion.

Madam Speaker, I yield back the balance of my time.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

## VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM PREVENTION ACT OF 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1955) to prevent homegrown terrorism, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1955

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Violent Radicalization and Homegrown Terrorism Prevention Act of 2007".

**SEC. 2. PREVENTION OF VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM.**

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following new subtitle:

**"Subtitle J—Prevention of Violent Radicalization and Homegrown Terrorism**

**"SEC. 899A. DEFINITIONS.**

"For purposes of this subtitle:

"(1) COMMISSION.—The term 'Commission' means the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism established under section 899C.

"(2) VIOLENT RADICALIZATION.—The term 'violent radicalization' means the process of adopting or promoting an extremist belief system for the purpose of facilitating ideologically based violence to advance political, religious, or social change.

"(3) HOMEGROWN TERRORISM.—The term 'homegrown terrorism' means the use, planned use, or threatened use, of force or violence by a group or individual born, raised, or based and operating primarily within the United States or any possession of the United States to intimidate or coerce the United States government, the civilian population of the United States, or any segment thereof, in furtherance of political or social objectives.

"(4) IDEOLOGICALLY BASED VIOLENCE.—The term 'ideologically based violence' means the use, planned use, or threatened use of force or violence by a group or individual to promote the group or individual's political, religious, or social beliefs.

**"SEC. 899B. FINDINGS.**

"The Congress finds the following:

"(1) The development and implementation of methods and processes that can be utilized to prevent violent radicalization, homegrown terrorism, and ideologically based violence in the United States is critical to combating domestic terrorism.

"(2) The promotion of violent radicalization, homegrown terrorism, and ideologically based violence exists in the United States and poses a threat to homeland security.

"(3) The Internet has aided in facilitating violent radicalization, ideologically based violence, and the homegrown terrorism process in the United States by providing access to broad and constant streams of terrorist-related propaganda to United States citizens.

"(4) While the United States must continue its vigilant efforts to combat international terrorism, it must also strengthen efforts to combat the threat posed by homegrown terrorists based and operating within the United States.

"(5) Understanding the motivational factors that lead to violent radicalization, homegrown terrorism, and ideologically based violence is a vital step toward eradicating these threats in the United States.

"(6) Preventing the potential rise of self radicalized, unaffiliated terrorists domestically cannot be easily accomplished solely through traditional Federal intelligence or law enforcement efforts, and can benefit from the incorporation of State and local efforts.

"(7) Individuals prone to violent radicalization, homegrown terrorism, and ideologically based violence span all races, ethnicities, and religious beliefs, and individuals should not be targeted based solely on race, ethnicity, or religion.

"(8) Any measure taken to prevent violent radicalization, homegrown terrorism, and ideologically based violence and homegrown terrorism in the United States should not violate the constitutional rights, civil rights, or civil liberties of United States citizens or lawful permanent residents.

"(9) Certain governments, including the United Kingdom, Canada, and Australia have significant experience with homegrown terrorism and the United States can benefit from lessons learned by those nations.

**"SEC. 899C. NATIONAL COMMISSION ON THE PREVENTION OF VIOLENT RADICALIZATION AND IDEOLOGICALLY BASED VIOLENCE.**

"(a) ESTABLISHMENT.—There is established within the legislative branch of the Government the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism.

"(b) PURPOSE.—The purposes of the Commission are the following:

"(1) Examine and report upon the facts and causes of violent radicalization, homegrown terrorism, and ideologically based violence in the United States, including United States connections to non-United States persons and networks, violent radicalization, homegrown terrorism, and ideologically based violence in prison, individual or 'lone wolf' violent radicalization, homegrown terrorism, and ideologically based violence, and other faces of the phenomena of violent radicalization, homegrown terrorism, and ideologically based violence that the Commission considers important.

"(2) Build upon and bring together the work of other entities and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

"(A) the Center of Excellence established or designated under section 899D, and other academic work, as appropriate;

"(B) Federal, State, local, or tribal studies of, reviews of, and experiences with violent radicalization, homegrown terrorism, and ideologically based violence; and

"(C) foreign government studies of, reviews of, and experiences with violent radicalization, homegrown terrorism, and ideologically based violence.

"(c) COMPOSITION OF COMMISSION.—The Commission shall be composed of 10 members appointed for the life of the Commission, of whom—

"(1) one member shall be appointed by the President from among officers or employees of the executive branch and private citizens of the United States;

"(2) one member shall be appointed by the Secretary;

"(3) one member shall be appointed by the majority leader of the Senate;

"(4) one member shall be appointed by the minority leader of the Senate;

"(5) one member shall be appointed by the Speaker of the House of Representatives;

"(6) one member shall be appointed by the minority leader of the House of Representatives;

"(7) one member shall be appointed by the Chairman of the Committee on Homeland Security of the House of Representatives;

"(8) one member shall be appointed by the ranking minority member of the Committee on Homeland Security of the House of Representatives;

"(9) one member shall be appointed by the Chairman of the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(10) one member shall be appointed by the ranking minority member of the Committee on Homeland Security and Governmental Affairs of the Senate.

"(d) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and a Vice Chair from among its members.

"(e) QUALIFICATIONS.—Individuals shall be selected for appointment to the Commission solely on the basis of their professional qualifications, achievements, public stature, experience, and expertise in relevant fields, including, but not limited to, behavioral science, constitutional law, corrections, counterterrorism, cultural anthropology, education, information technology, intelligence, juvenile justice, local law enforcement, organized crime, Islam and other world religions, sociology, or terrorism.

"(f) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed no later than 60 days after the date of enactment of this subtitle.

"(g) QUORUM AND MEETINGS.—The Commission shall meet and begin the operations of the Commission not later than 30 days after the date on which all members have been appointed or, if such meeting cannot be mutually agreed upon, on a date designated by the Speaker of the House of Representatives. Each subsequent meeting shall occur upon the call of the Chair or a majority of its members. A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold meetings.

"(h) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

"(i) POWERS OF COMMISSION.—The powers of the Commission shall be as follows:

"(1) IN GENERAL.—

"(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section, hold hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers advisable to carry out its duties.

"(B) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

"(2) INFORMATION FROM FEDERAL AGENCIES.—

"(A) IN GENERAL.—The Commission may request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. The head of each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent practicable and authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chair of the Commission, by the chair of any subcommittee created by a majority of the Commission, or by any member designated by a majority of the Commission.

"(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—The Committee and its staff shall receive, handle, store, and disseminate information in a manner consistent with the operative statutes, regulations, and Executive orders that govern the handling, storage, and dissemination of such information at the department, bureau, agency, board, commission, office, independent establishment, or instrumentality that responds to the request.

"(j) ASSISTANCE FROM FEDERAL AGENCIES.—

"(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

"(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance required under paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, and staff as they may determine advisable and as may be authorized by law.

"(k) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

"(l) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

"(m) PUBLIC MEETINGS.—

"(1) IN GENERAL.—The Commission shall hold public hearings and meetings to the extent appropriate.

"(2) PROTECTION OF INFORMATION.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order including subsection (i)(2)(B).

"(n) STAFF OF COMMISSION.—

"(1) APPOINTMENT AND COMPENSATION.—The Chair of the Commission, in consultation with the Vice Chair and in accordance with rules adopted by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the maximum rate of pay for GS-15 under the General Schedule.

"(2) STAFF EXPERTISE.—Individuals shall be selected for appointment as staff of the Commission on the basis of their expertise in one or more of the fields referred to in subsection (e).

"(3) PERSONNEL AS FEDERAL EMPLOYEES.—

"(A) IN GENERAL.—The executive director and any employees of the Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

"(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

"(4) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and during such detail shall retain the rights, status, and privileges of his or her regular employment without interruption.

"(5) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(6) EMPHASIS ON SECURITY CLEARANCES.—The Commission shall make it a priority to hire as employees and retain as contractors and detailees individuals otherwise authorized by this section who have active security clearances.

"(o) COMMISSION PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an employee of the government shall be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

"(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

"(3) TRAVEL ON ARMED FORCES CONVEYANCES.—Members and personnel of the Commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when such travel is necessary in the performance of a duty of the Commission, unless the cost of commercial transportation is less expensive.

"(4) TREATMENT OF SERVICE FOR PURPOSES OF RETIREMENT BENEFITS.—A member of the Commission who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the Commission shall not be subject to the provisions of such section with respect to membership on the Commission.

"(5) VACANCIES.—A vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made. The appointment of the replacement member shall be made not later than 60 days after the date on which the vacancy occurs.

"(p) SECURITY CLEARANCES.—The heads of appropriate departments and agencies of the executive branch shall cooperate with the Commission to expeditiously provide Commission members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements.

"(q) REPORTS.—

"(1) FINAL REPORT.—Not later than 18 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress a final report of its findings and conclusions, legislative recommendations for immediate and long-term countermeasures to violent radicalization, homegrown terrorism, and ideologically based violence, and measures that can be taken to prevent violent radicalization, homegrown terrorism, and ideologically based violence from developing and spreading within the United States, and any final recommendations for any additional grant programs to support these purposes. The report may also be accompanied by a classified annex.

"(2) INTERIM REPORTS.—The Commission shall submit to the President and Congress—

"(A) by not later than 6 months after the date on which the Commission first meets, a first interim report on—

"(i) its findings and conclusions and legislative recommendations for the purposes described in paragraph (1); and

"(ii) its recommendations on the feasibility of a grant program established and administered by the Secretary for the purpose of preventing, disrupting, and mitigating the effects of violent radicalization, homegrown terrorism, and ideologically based violence and, if such a program is feasible, recommendations on how grant funds should be used and administered; and

"(B) by not later than 6 months after the date on which the Commission submits the interim report under subparagraph (A), a second interim report on such matters.

"(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include in each report under this subsection the individual additional or dissenting views of the member.

"(4) PUBLIC AVAILABILITY.—The Commission shall release a public version of each report required under this subsection.

"(r) AVAILABILITY OF FUNDING.—Amounts made available to the Commission to carry out this section shall remain available until the earlier of the expenditure of the amounts or the termination of the Commission.

"(s) TERMINATION OF COMMISSION.—The Commission shall terminate 30 days after the date on which the Commission submits its final report.

**"SEC. 899D. CENTER OF EXCELLENCE FOR THE STUDY OF VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM IN THE UNITED STATES.**

"(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish or designate a university-based Center of Excellence for the Study of Violent Radicalization and Homegrown Terrorism in the United States (hereinafter referred to as 'Center') following the merit-review processes and procedures and other limitations that have been previously established for selecting and supporting University Programs Centers of Excellence. The Center shall assist Federal, State, local and tribal homeland security officials through training, education, and research in preventing violent radicalization and homegrown terrorism in the United States. In carrying out this section, the Secretary may choose to either create a new Center designed exclusively for the purpose stated herein or identify and expand an existing Department of Homeland Security Center of Excellence so that a working group is exclusively designated within the existing Center of Excellence to achieve the purpose set forth in subsection (b).

"(b) PURPOSE.—It shall be the purpose of the Center to study the social, criminal, political, psychological, and economic roots of violent radicalization and homegrown terrorism in the United States and methods that can be utilized by Federal, State, local, and tribal homeland security officials to mitigate violent radicalization and homegrown terrorism.

"(c) ACTIVITIES.—In carrying out this section, the Center shall—

"(1) contribute to the establishment of training, written materials, information, analytical assistance and professional resources to aid in combating violent radicalization and homegrown terrorism;

"(2) utilize theories, methods and data from the social and behavioral sciences to better understand the origins, dynamics, and social and psychological aspects of violent radicalization and homegrown terrorism;

"(3) conduct research on the motivational factors that lead to violent radicalization and homegrown terrorism; and

"(4) coordinate with other academic institutions studying the effects of violent radicalization and homegrown terrorism where appropriate.

**"SEC. 899E. PREVENTING VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM THROUGH INTERNATIONAL COOPERATIVE EFFORTS.**

"(a) INTERNATIONAL EFFORT.—The Secretary shall, in cooperation with the Department of State, the Attorney General, and other Federal Government entities, as appropriate, conduct a survey of methodologies implemented by foreign nations to prevent violent radicalization and homegrown terrorism in their respective nations.

"(b) IMPLEMENTATION.—To the extent that methodologies are permissible under the Constitution, the Secretary shall use the results of the survey as an aid in developing, in consultation with the Attorney General, a national policy in the United States on addressing radicalization and homegrown terrorism.

"(c) REPORTS TO CONGRESS.—The Secretary shall submit a report to Congress that provides—

"(1) a brief description of the foreign partners participating in the survey; and

"(2) a description of lessons learned from the results of the survey and recommendations implemented through this international outreach.

**"SEC. 899F. PROTECTING CIVIL RIGHTS AND CIVIL LIBERTIES WHILE PREVENTING IDEOLOGICALLY BASED VIOLENCE AND HOMEGROWN TERRORISM.**

"(a) IN GENERAL.—The Department of Homeland Security's efforts to prevent ideologically based violence and homegrown terrorism as described herein shall not violate the constitutional rights, civil rights, or civil liberties of United States citizens or lawful permanent residents.

"(b) COMMITMENT TO RACIAL NEUTRALITY.—The Secretary shall ensure that the activities and operations of the entities created by this subtitle are in compliance with the Department of Homeland Security's commitment to racial neutrality.

"(c) AUDITING MECHANISM.—The Civil Rights and Civil Liberties Officer of the Department of Homeland Security shall develop and implement an auditing mechanism to ensure that compliance with this subtitle does not violate the constitutional rights, civil rights, or civil liberties of any racial, ethnic, or religious group, and shall include the results of audits under such mechanism in its annual report to Congress required under section 705.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting at the end of the items relating to title VIII the following:

"Subtitle J—Prevention of Violent Radicalization and Homegrown Terrorism

"Sec. 899A. Definitions.
"Sec. 899B. Findings.
"Sec. 899C. National Commission on the Prevention of Violent Radicalization and Ideologically Based Violence.
"Sec. 899D. Center of Excellence for the Study of Violent Radicalization and Homegrown Terrorism in the United States.
"Sec. 899E. Preventing violent radicalization and homegrown terrorism through international cooperative efforts.
"Sec. 899F. Protecting civil rights and civil liberties while preventing ideologically based violence and homegrown terrorism.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Washington (Mr. REICHERT) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this bill and include therein any extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 1955, the Violent Radicalization of Homegrown Terrorism Prevention Act of 2007.

In May, 6 men were arrested for allegedly plotting to attack Fort Dix. Three of those men were United States citizens; the other 3 had been in the United States since they were small children. Then, again, in June, another 4 men were charged with plotting to attack JFK Airport by blowing up jet fuel tanks. The alleged mastermind of this plot was a United States citizen.

Today, one of the most frequently visited English language Web sites that preaches hate, violence, and radicalized views of Islam is operated by a 21-year-old U.S. citizen from the comfort of his parents' home in North Carolina. Some may say these incidents are isolated cases, but I believe that they are indicative of a growing trend of homegrown terrorism in this country.

Homegrown terrorists no longer need to travel to Afghanistan or Pakistan to get support and training. They can simply go on the Internet to find violent propaganda and others who share their violent ideology. H.R. 1955 provides us with a strategy for how to address this very challenging Homeland Security issue. I commend Chairwoman HARMAN for authoring this important legislation and for championing this case.

The centerpiece of this bill is the creation of a national commission. It is a step in the right direction. National commissions have a long and successful history in this country. The Gilmore Commission, of which our chairwoman was a member, which functioned from 1993 to 1998, made 164 recommendations regarding the domestic response to terrorism. Of those 164 recommendations, all have been adopted in whole or in part by the Congress and the Federal Government.

Another commission, the National Commission on Terrorism, which operated in the early 1990s, was on the cutting edge of the terrorism debate. That commission provided the Nation with the blueprint of how to address the threat of terrorism long before the September 11 attacks.

The more recent 9/11 Commission set the tenor of our administrative and legislative response to the September 11 attack. That commission's recommendations were the bedrock of legislation I offered that was enacted into law this summer.

The commission established in H.R. 1955 will help build on the work of past commissions and help our Nation come up with strategies for new threats. The bill also requires our government to reach out to other nations that have experienced home grown terrorism. Learning from other nations about what works and what doesn't will better position us to prevent the spread of violent ideology in our country.

The bill also creates a center of excellence to conduct research that is desperately needed in determining the root cause of violent radicalization.

At the same time, H.R. 1955 also protects simple rights and liberties of U.S. citizens. The bill is mindful of Americans' right to free speech, freedom of association and freedom to worship. H.R. 1955 makes certain that individuals exercising these rights within lawful parameters are not singled out.

I urge my colleagues to support this important Homeland Security bill and ask them to vote in favor of passage of this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. REICHERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.

As the ranking member on the Homeland Security Subcommittee on Intelligence, I would like to commend, first of all and especially, Chairwoman JANE HARMAN, who has, as the chairman says, Mr. THOMPSON, really done a lot of work in this area and has been at the forefront of our intelligence community in working to protect our Nation.

I also want to thank the full committee chairman, Mr. THOMPSON of Mississippi, for all his hard work, and our ranking member, Mr. KING of New York, who could not be here today.

This truly has been a bipartisan effort. It's one of those issues that all of us in this body recognize as so critical to the protection of our citizens and our country. This legislation is focused on addressing the issue of radicalization and homegrown terrorism. While terrorist recruitment and radicalization is a worldwide problem that must be combated globally, the United States cannot afford to simply focus on eliminating terrorists abroad. It is essential that we fully understand the future and the nature of the threat here in the United States from homegrown radicals.

In the National Intelligence Estimate on the Terrorist Threat to the U.S. Homeland released in July of this year, the Director of National Intelligence and the National Intelligence Council assess, "The spread of radical Internet sites, increasingly aggressive anti-U.S. rhetoric and actions, and the growing number of radical, self-generating cells in Western countries indicate that the radical and violent segment of the West's Muslim population is expanding, including in the United States. The arrest and prosecution by U.S. law enforcement of a small number of violent Islamic extremists inside the United States—who are becoming more connected ideologically, virtually, and/or in a physical sense to the global extremist movement—points to the possibility that others may become sufficiently radicalized that they will view the use of violence here as legitimate."

Because of the freedoms of our society, and the interconnected world we live in, radical ideas spread easily.

These ideas can come from overseas or from within the United States. They can come from within prisons inside of isolated religious or ethnic enclaves or on the Internet. These ideas reach people in the privacy of their homes, via the Internet, and can be similarly assessed by vulnerable individuals at schools, libraries and universities.

Unfortunately, our freedoms are being abused by individuals whose sole purpose is to destroy our way of life. While we have not seen radicalization to the extent witnessed in other Western countries like the United Kingdom, we have seen homegrown terrorist cells.

Prisoners in Sacramento state prison plotted to attack Jewish and U.S. military targets. Radicalized individuals plotted to destroy fuel tanks at JFK Airport in New York and aimed to create carnage at Fort Dix in New Jersey.

While clearly law enforcement and intelligence efforts are key to intercepting and interdicting these ideas and thoughts and efforts in our country, we need a strategy to ensure that violent, radical ideologies are contained. Because of the nature of this threat, it is essential that we understand why individuals become radicalized and what we can do to prevent radical ideologies from taking hold and spreading here in the United States.

H.R. 1955 establishes a National Commission on the Prevention of Violent Radicalization and Ideologically Based Violence. The commission incorporates aspects of H.R. 1695, the PREVENT Act, which I introduced earlier this year. The purpose of this national commission would be to proactively get ahead of the radicalization problems so that as a Nation we can combat these radical ideologies before they become widespread within our borders.

In addition, H.R. 1955 includes provisions to help us learn from our international partners on how they are trying to prevent radicalization in their own countries. This issue is not new to many countries throughout the world such as the United Kingdom, and I believe it is critical for us to work with our international partners and learn from their past successes and failures.

□ 1115

Lastly, this legislation includes provisions that ensure privacy and civil rights are protected for all American citizens.

Again, I would like to commend Chairman HARMAN and Chairman THOMPSON for working with me and Mr. KING on this legislation. I urge all my colleagues to support this bill.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield as much time as she may consume to the gentlelady from California (Ms. HARMAN), the chairman of the subcommittee, as well as the author of this legislation under consideration today.

Ms. HARMAN. Madam Speaker, I thank my chairman for yielding to me, and I thank my ranking member, Mr. REICHERT, for his generous remarks.

Madam Speaker, on 9/11 we were attacked by foreigners who had come to this country legally. The next time and, sadly, I believe there will be a next time, my assumption is that many who attack us will already be here, and some will be U.S. citizens. Homegrown terror is a phenomenon many countries are scrambling to understand, including the British, as they are under major threat from it. Theirs is a peculiar kind with a large Pakistani population that is not well assimilated.

But America has a problem too, unique in nature, and we fail to understand it at our peril. Far from being immune to the danger of homegrown terror, think Timothy McVeigh or Theodore Kaczynski, the threat today is infinitely greater and more likely to be influenced by events in the Middle East or by the larger struggle against radical Islam.

What causes an individual or group to, first, coalesce around a set of radical principles or a charismatic leader, activities permitted by our Bill of Rights, but subsequently to embrace a violent agenda intended to inflict maximum pain and disruption on his neighbors, potential treason, is not well understood.

In recent testimony before our Intelligence Subcommittee, some common traits and characteristics emerged. Said RAND Corporation's Bruce Jenkins: "It is the same age group that is susceptible to being recruited into gangs. These are young men who are going through identity crises, looking to define themselves. If you have a narrative that exalts violence, that attempts to project that violence as a personal obligation, that offers the tantalizing prospect of clandestinity, identity, all of those are appealing to that specific age group."

Combine that personal adolescent upheaval with the explosion of information technologies and communications tools, tools which American kids are using to broadcast messages from al Qaeda, as Chairman THOMPSON just said, and there is a road map to terror, a retail outlet for anger and warped aspirations. Link that intent with a trained terrorist operative who has actual capability, and a "Made in the USA" suicide bomber is born.

Madam Speaker, H.R. 1955 was carefully constructed by DAVE REICHERT and me, as ranking member and chairman of the Homeland Security Intelligence Subcommittee. The bill passed out of subcommittee and full committee unanimously. This bill has strong bipartisan origins. As one who believes that this body's best work is done on a bipartisan basis, I think this bill is a testament. Though not a silver bullet, the legislation will help the Nation develop a better understanding of the forces that lead to homegrown terrorism and the steps we can take to stop it.

Madam Speaker, free speech, espousing even very radical beliefs, is protected by our Constitution. But violent behavior is not. Our plan must be to intervene before a person crosses that line separating radical views from violent behavior, to understand the forces at work on the individual and the community, to create an environment that discourages disillusionment and alienation, that instills in young people a sense of belonging and faith in the future.

The legislation before us today offers that opportunity. It is, I would suggest, the key to prevention. If we fail to prevent, the best we can do is manage consequences. Prevention is better. I urge an "aye" vote.

Mr. REICHERT. Madam Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN), the ranking member of the Transportation Security and Infrastructure Protection Subcommittee.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, according to the FBI testimony before our House Committee on Homeland Security: "The European and American experience shows that prisons are venues where extremists have radicalized and recruited among the inmate population."

Now, this is not just a theoretical concern. We all remember the case of Richard Reid, apprehended while attempting to detonate a bomb on a U.S.-bound commercial flight in December 2001. Well, that same Mr. Reid is believed to have been radicalized by an imam while incarcerated in Britain.

In 2005 we learned of the California prison-based case of the "Assembly of Authentic Islam." These individuals were involved in almost a dozen armed gas station robberies in the Los Angeles area, with the goal of financing terrorist operations. They were indicted by a Federal grand jury for conspiracy to levy war against the U.S. Government through terrorism.

And in April of this year, in a hearing that we held out in Torrance, California, Sergeant Larry Mead of the Gang Intelligence Unit, Los Angeles County Sheriff's Department, testified that "analysis shows that radicalization and recruitment in U.S. prisons is still an ongoing concern."

Similarly, in a recent report, the NYPD noted that prisons are "an excellent breeding ground for radicalization."

The key to the success of stopping the spread of radicalization is identifying how radicalization begins and eliminating its breeding grounds. We know we have difficulties with this phenomenon in our prisons, but we don't know enough about it. We need to have collaboration between the Federal prison system authorities and the State prison system authorities and within the prison system authorities themselves. We need to bring together the best thinkers on this, the best people who have experience in dealing with this already at the ground level; and, in fact, this bill does that.

Radicalization is not that well understood, and through this bill we will take an in-depth look at how it occurs. The commission provided for in H.R. 1955 would give our government an in-depth, multidisciplinary look at radicalization. And why is that important? Because no one has the single answer on this.

Yes, we have the background of prisons as the general background to look at the radicalization in prisons, but how does it occur? Why does it occur? And why are we seeing a rise in this at this particular time when it is perhaps most dangerous to the American people?

Radical Islam and its advocates around the world are a threat to America, but we have to understand we might develop a threat within the United States, as evidenced already by certain actions that have occurred. And therefore I would suggest that we vote "yes" on H.R. 1955 so we can get the facts upon which we can plan for prevention, not just taking care of the problem after it occurs.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. CARNEY), the chairman of our Management and Oversight Committee.

Mr. CARNEY. Madam Speaker, I would like to thank Chairman THOMPSON and certainly my good friend and colleague, Chairwoman HARMAN, for this legislation, and for our friends across the aisle. As a freshman, it's very instructive to watch what we can do in a bipartisan manner to protect this country. I do appreciate that. A lesson not lost on me, certainly.

This past May, six suspected terrorists were charged with conspiring to attack Fort Dix. Their goal was to bring about significant destruction and mass casualties to that critical military base. These six men lived less than an hour away from my home and trained right in the Pocono Mountains of northeast Pennsylvania.

In June of this year, four men were charged with plotting to attack civil aviation by blowing up jet fuel pipelines that serve JFK. In both cases the accused individuals planned, plotted, and attempted to perpetrate their crimes on American soil. More troubling is that, according to media reports, neither cell received any assistance or had any contact with al Qaeda or any other overseas terrorist group. These two recent events demonstrate the troubling presence of homegrown terrorism in the United States.

Members of such groups are indistinguishable from traditional terrorists in that they are radicalized and sympathize with the al Qaeda cause. However, that said, they undertake their terrorist plots without training or support from a central foreign terrorist group.

Given the civil rights and liberties protections that we enjoy as all Americans, the Federal Government must be creative in its approach to combating homegrown terrorism.

H.R. 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007, protects the civil rights and civil liberties of Americans and lawful permanent residents, while providing solutions for preventing future violent radicalization and homegrown terrorism.

The act creates a national commission to examine the cases of violent radicalization and homegrown terrorism. The commission will be tasked with proposing concrete recommendations and legislative strategies for mitigating these types of domestically nurtured threats.

The act also establishes Centers for Excellence for the Prevention of Radicalization that will study the social, criminal, political, psychological, and economic roots of the problem. Additionally, it will provide Homeland Security officials across the government with suggestions for preventing future radicalization and homegrown terrorism. It requires our Homeland Security officials to thoroughly examine the experiences of other nations that have experienced homegrown terrorism so that our government can learn from those experiences. I look forward to the passage of this vital piece of legislation and others that will make this Nation even more safe.

Mr. REICHERT. Madam Speaker, it is my privilege to yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT), the ranking member of the Emergency Communications, Preparedness and Response Subcommittee of the Homeland Security full committee.

Mr. DENT. Madam Speaker, I have to add my two cents' worth, that the same folks who were training up in the Poconos near Congressman CARNEY's home were training about an hour from my home as well, and we all, I think, realize the nature of this homegrown threat.

But I want to rise today to speak in support of H.R. 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act.

Recently, U.S. intelligence and law enforcement officials have enjoyed a number of successes in the war against violent extremism. The plot to kill soldiers at Fort Dix, the attempt to disrupt the Kennedy Airport pipeline system, and last year's conspiracy to bring down the U.S./U.K. transatlantic flights, were all disrupted by good intelligence efforts and, as a result, lives were saved.

But we cannot rest on our laurels. After all, it is still al Qaeda's stated goal to kill 4 million Americans, to bring the United States to its knees, and to impose a system of radical violent Islamism upon the Middle East, and in fact the rest of the world. We need to protect ourselves from this threat to do everything we can in order to make sure that there are no future terrorist attacks on the homeland, and the Violent Radicalization and Homegrown Terrorism Prevention Act would help us certainly in this effort.

This bill's effectiveness is enhanced by the fact that it was put together in a spirit of bipartisan, much to the credit of the Chair, Ms. HARMAN. Earlier this year, the ranking member of the Homeland Security Committee's Intelligence, Information Sharing, and Terrorism Risk Assessment Subcommittee, Congressman DAVE REICHERT, introduced legislation, H.R. 1695, that forms the basis for the current bill, H.R. 1955. Chairwoman HARMAN and Ranking Member REICHERT have both actively supported the current bill, which was voted out of the Homeland Security Committee without opposition in August.

Also, this bill was the subject of numerous hearings, excellent hearings, much to the credit of both of them.

□ 1130

This bill can help us to stop the spread of violent radicalization that has helped terrorist groups to grow their rank-and-file membership. It creates a 10-member national commission, modeled after the 9/11 Commission, which will study radicalization and come up with recommendations for defusing its power and preventing its spread. It establishes a university-based center of excellence that will study this phenomenon in depth, and it encourages international cooperation to stop the spread of this violent extremism. It authorizes the Department of Homeland Security to work with nations such as the U.K. and Israel, countries that have had a lot of experience and success in dealing with violent extremism within their borders, to develop a "best practices" methodology that can be used to help prevent radicalization and to thwart ideologically based violence.

I hope that Members will join me in supporting this bipartisan legislation aimed at protecting us against violent extremism and at making us safer here in this country.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Madam Speaker, I thank Chairman THOMPSON and I want to thank Ms. HARMAN and Mr. REICHERT for conducting a number of hearings across the country to really focus our attention on what could be a very big problem if we don't get in touch with it right now.

As the global war on terror continues, America dedicates much of its resources to tracking foreign terrorists at home and abroad. But in recent years, we have seen a rise in the number of U.S.-born criminals inspired by, but not necessarily affiliated with, groups like al Qaeda. And we have had, from Ms. HARMAN and Mr. REICHERT and Mr. LUNGREN as well, a list of a number of incidents that we have seen recently.

It is vital that our Nation do what it can to understand the growing threat of homegrown terrorists and what we can do to prevent it. The Homegrown Terrorism and Violent Radicalization Act finally focuses attention on this matter. The bill establishes a national center of excellence to bring in the top minds in the world to explore the causes of radicalization. The legislation also enhances our international cooperation so we may learn from our allies who have extensive experience with homegrown terrorism.

But the centerpiece of this legislation is the establishment of a national commission to report to Congress the causes and preventive measures that we can take. The commission consists of academics, religious experts, counterintelligence officials, prison administrators, and many others with the experience provided for this input.

And I must make it clear this bill has strict oversight of the privacy officers within the Department of Homeland Security to ensure it respects personal and religious freedom.

As Americans, it is very difficult to understand why one of our citizens would want to terrorize his neighbors and countrymen. But it is a question we must face in order to protect our security. This bill tackles this head on, and I would like to thank our chairman and ranking member for bringing this bill forward.

Mr. REICHERT. Madam Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Florida, a member of the full Committee on Homeland Security (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007. This very important bill will play a key role in protecting our homeland.

As events abroad have taught us all too frequently, homegrown extremists and terrorists pose a serious and deadly threat to the general population. The recent attacks in Great Britain, as well as the foiled plot in Germany, prove that we must prevent the spread of violent radicalization within our own borders. They do it there; we certainly need to do more here.

Here at home our intelligence and law enforcement officials have done an exceptional job of keeping America safe from such threats. Over the last 1½ years, we have seen plots against the Sears Tower in Chicago, Ft. Dix in New Jersey, and JFK Airport foiled by our Nation's vigilant network of law enforcement and intelligence personnel.

The bill before us will serve to strengthen those homeland defense efforts by preventing ideologies that promote violence and terrorism from taking root in American soil.

We know that al Qaeda seeks to spread their evil philosophy everywhere, even into the minds of our own U.S. citizens. To combat radical Muslim extremists' ceaseless efforts at expansion, this bipartisan bill will create a commission to study violent radicalization and work with all levels of government both here and abroad to examine strategies to deal with this phenomena. This bill has an estimated cost of approximately $20 million. This number pales in comparison to the cost in human suffering and economic devastation a homegrown terrorist attack might bring.

As Americans, we must never give up fighting the forces of hate and violence espoused by al Qaeda, and I believe this bill is a valuable weapon in that struggle. I commend the chairwoman and Ranking Member REICHERT for their tenacity in bringing this bill to the floor, and I support it.

Mr. THOMPSON of Mississippi. Madam Speaker, at this time I have no further requests for time, and I reserve the balance of my time.

Mr. REICHERT. Madam Speaker, it is my pleasure to yield 3 minutes to the gentleman from Connecticut, who is a member of the full Committee on Homeland Security (Mr. SHAYS).

Mr. SHAYS. Madam Speaker, I thank my colleague for yielding to me.

Madam Speaker, I rise in support of H.R. 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act, which I refer to as the Harman-Reichert bill. I appreciate that they have worked so well together on a bipartisan basis.

I like the fact that this legislation creates a 10-member national commission, modeled after the 9/11 Commission, to study violent radicalization and ideologically based terrorism in these United States.

Before September 11 we had the Hart-Rudman Commission, the Bremer Commission, the Gilmore Commission. They all told us the same basic point, that we have a terrorist threat and we need to recognize that threat, that we need a strategy to deal with this threat, and that we need to reorganize our government to implement the strategy.

Then came September 11, and we did wake up somewhat. We reorganized our government and created the Department of Homeland Security. We passed the PATRIOT Act. We reorganized our intelligence agencies and created a Director of Intelligence. And we are reforming the FISA law, but this is still an issue we are working with.

The 9/11 Commission did something very courageous. They didn't say we are confronting terrorism; they said we are confronting Islamist terrorists who would do us harm. I think it is absolutely important we pass this legislation to begin to know the effects of radical terrorism spreading throughout the entire world and working its way into the United States.

I believe with all my heart and soul that we have a level of recognition of the threat that pales in comparison to what the true threat is. I think this legislation will help awaken us a bit and help awaken others within our country that this threat must be dealt with.

We have a lot of issues that are important for our country to deal with, but our homeland security is on the top of the list. I urge passage of this legislation.

Mr. THOMPSON of Mississippi. Madam Speaker, I continue to reserve the balance of my time.

Mr. REICHERT. Madam Speaker, it is indeed my pleasure to yield 3 minutes to the gentleman from Georgia, who is a member of the full Committee on Homeland Security (Mr. BROUN).

Mr. BROUN of Georgia. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, homegrown terrorism is a very dangerous threat and must not be overlooked. The United States has an obligation and a solemn duty to guard against the violent radicalization of the American population, a radicalization that has far-reaching, devastating implications.

On September 11, 2001, the world saw firsthand the damage that Islamic extremists can do to the American people. As we look within our own population, there are individuals who promote ideologies under the guise of religion, political, and social benefits that are diametrically opposed to the American values and liberties that we hold so dear. Ideologies of any kind, religious or otherwise, that are based on violence, intolerance, and hatred have no place in America.

In the past 18 months, the United States law enforcement and intelligence agencies have stopped numerous individuals and groups that promote radical political, religious, or social beliefs from carrying out terrorist attacks on American soil. I, for one, would like to know how these individuals are operating and how they are funded. Are foreign entities providing the funding for their activities? Are these individuals who promote radical political ideologies registered as foreign agents? Perhaps we need to reexamine the Foreign Agents Registration Act of 1938. We need to be more proactive and strike at the roots of the problem.

The bill that we are discussing today, H.R. 1955, is proactive instead of reactive. Britain, Spain, France, and most recently Germany and Denmark have all suffered the deadly effects of a small radicalized population that often use religion as an excuse to engage in violence and murder. The United States, thanks in large part to its alert citizenry and professional law enforcement agencies, has prevented the successful execution of several recent domestic terror threats in New York, Chicago, Florida, and elsewhere.

Studying the causes of radicalization and ideologically based violence will better inform all of us how we can prevent terrorists from spreading their messages of hate.

The Violent Radicalization and Homegrown Terrorism Prevention Act is the work of a solid bipartisan cooperation at the subcommittee and full committee levels. Such cooperation is readily apparent as the current bill includes major aspects of H.R. 1695, Congressman REICHERT's PREVENT Act, which was designed to establish a National Commission on Radicalization. The nonpartisan commission envisioned by Representatives REICHERT and HARMAN will be dedicated to comprehensively examining the phenomenon of violent radicalization so that we might better understand its root causes within the United States.

I urge my colleagues to support this important timely, bipartisan piece of legislation.

Mr. REICHERT. May I inquire as to how much time I have left.

The SPEAKER pro tempore. The gentleman from Washington has 1½ minutes remaining.

Mr. REICHERT. I have no additional speakers.

Mr. THOMPSON of Mississippi. Madam Speaker, at this time I would like to yield such time as she may consume to the chairman of the subcommittee, Ms. HARMAN.

Ms. HARMAN. Madam Speaker, how much time remains on this side, may I ask?

The SPEAKER pro tempore. The gentleman from Mississippi has 6 minutes remaining.

Ms. HARMAN. I assure the chairman I will just take a brief amount of time.

I want to note for the body that this has been an excellent debate. We are bipartisan, we are unanimous, everyone understands the problem, and everyone wants to solve the problem. It is extremely refreshing, and I have thoroughly enjoyed this debate.

I want to make 2 additional points. Number 1, our bill was sequentially referred to the Judiciary Committee, and the Judiciary Committee agreed to report it for it to be brought up on the consent calendar. I would especially like to thank Chairman CONYERS for his cooperation and note that our staff, our excellent staff, worked out this agreement.

My second comment is that a companion bill, the identical text, has been introduced in the Senate, and referred to the Government Affairs Committee, which is the committee of jurisdiction there, and I hope that following passage here, should we be able to pass the bill today, there would be prompt action in the other body and we would have a law to send to the President to sign this fall.

In conclusion, this is a good process and I think an excellent result. It will make America more safe.

□ 1145

Mr. REICHERT. Madam Speaker, I just want to reemphasize the words of Chairwoman HARMAN, who just spoke. This really has been a bipartisan effort; we talk a lot about that on the Hill here. And this committee, working with Ms. HARMAN has been, indeed, a pleasure, traveling across the country to various locations, holding hearings on this topic.

It is important for the American people to know and understand and realize there really is truly a threat here within the borders of the United States of America, and how important it is for all of us to work together because Americans working together keep this country safe and protect the freedoms that we have all enjoyed, for me, 57 years of enjoying the freedoms of this blessed country. And I want the same things for my children and my grandchildren. I want them to enjoy the same freedoms that I've had the opportunities to enjoy. In order for us to do that, both sides of the aisle have to work closely together to make sure that we pass the laws, the legislation that will accomplish that great feat.

In reminding the American people what has happened in the past 18 months in this country, the Sears Tower in Chicago in 2006; a New York-New Jersey PATH tunnel in July of 2006; Chicago-area shopping mall, December of 2006; passengers aboard a transatlantic flight from the U.K. to the U.S.; soldiers at Fort Dix in New Jersey; JFK Airport's fueling systems and others, these have been terrorist acts that have been prevented, and we need to continue that effort. Passing this legislation will accomplish that.

Madam Speaker, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, in closing, I urge my colleagues to join me in support of H.R. 1955. This vital legislation will put our Nation on the path to addressing an emerging threat, homegrown terrorism.

There is general agreement that the threat of foreign-based terrorist groups is real. We, as a Nation, have dedicated a great deal of resources to global counterterrorism. However, in some corners, there has been a kind of mindset about homeland security that believes we will be safe if we get the terrorists there before they get us here. It's the kind of mindset that ignores the fact that there are some would-be terrorists who are born here, raised and educated here, and only have lived here in the United States. For those of us who love this Nation, it is not the kind of thing that we want to acknowledge, but we must. Enactment of H.R. 1955 will put us on a course to understanding homegrown terrorism and coming up with strategies to reduce this major threat to the homeland.

Madam Speaker, I, also would like to pay tribute to the chairwoman of the committee for ushering this passage, as well as the ranking member of the committee. But I would also like to acknowledge that Ranking Member KING, who had an unfortunate death in his family, is not here. He has been a source of support for this legislation and has helped get us to this point, and I would like to acknowledge that for the record.

Madam Speaker, I urge passage of this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 1955, the Violent Radicalization and Homegrown Terrorist Prevention Act of 2007, introduced by my distinguished colleague from California, Representative HARMAN. This important legislation recognizes the threat of homegrown terrorism and seeks to address this burgeoning problem while maintaining the civil rights and liberties of American citizens.

Since May of this year, two separate plots against strategic American targets have been foiled and prevented by American officials; what distinguishes them from previous terrorist plots against the United States is that the potential terrorists here had no support from Al-Qaeda or any other overseas terrorist cells. America must be unique in its approach to homegrown terrorism, given the civil rights and civil liberties protections that are unique to America and enjoyed by all American citizens.

As a senior Member of the Committee on Homeland Security and Chair of the Subcommittee on Transportation Security and Infrastructure, I believe we can secure our homeland and remain true to our values simultaneously. In our fights against global terrorism, it is critical that Muslim Americans continue to be our allies. The Muslim American Community has grown in size and prominence, and is an integral part of the fabric of this Nation. Muslim Americans share the same values and ideals that make this Nation great. Ideals such as discipline, generosity, peace, and moderation.

Many years of civil rights jurisprudence and law have been ignored and thrown out the window when the racial profiling, harassment, and discrimination of Muslim and Arab Americans is permitted to occur with impunity. These practices show a reckless and utter disregard for the fundamental values on which our country is founded: Namely, due process, the presumption of innocence, nondiscrimination, individualized rather than group suspicion, and equitable application of the law. We cannot allow xenophobia, prejudice, and bigotry to prevail, and eviscerate the Constitution we are bound to protect.

The securing of our homeland and protection of our national security is on the forefront of my agenda. However, using 9/11 as an impetus to engage in racial profiling, harassment, and discrimination of Muslim and Arab Americans is not only deplorable, it undermines our civil liberties and impedes our success in the global war on terror. We must fight our war on terror without compromising our freedoms and liberties.

It is precisely for these reasons that I so strongly support H.R. 1955. This Act calls for the creation for the creation of the National Commission to examine the various causes of violent radicalization and homegrown terrorism in order to propose concrete and meaningful recommendations and legislative strategies in order to alleviate these threats. It also establishes a Center of Excellence for the Prevention of Radicalization and Home Grown Terrorism that will study the social, criminal, political, psychological, and economic roots of the problem as well as provide homeland security officials across the government with suggestions for preventing radicalization and home grown terrorism.

Furthermore, it requires our homeland security officials to thoroughly examine the experiences of other nations that have experienced homegrown terrorism so that our government might learn from those experiences. As such, H.R. 1955 does more than merely address the current situation with regard to homegrown terrorism but also works to identify the causes behind the problem and address them as well.

I strongly urge my colleagues to join me in supporting this important legislation.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 1955, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMPSON of Mississippi. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

## SECURE HANDLING OF AMMONIUM NITRATE ACT OF 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1680) to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1680

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Secure Handling of Ammonium Nitrate Act of 2007".*

***SEC. 2. SECURE HANDLING OF AMMONIUM NITRATE.***

*(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following new subtitle:*

***"Subtitle J—Secure Handling of Ammonium Nitrate***

***"SEC. 899A. DEFINITIONS.***

*"In this subtitle, the following definitions apply:*

*"(1) The term 'ammonium nitrate' means—*

*"(A) solid ammonium nitrate that is chiefly the ammonium salt of nitric acid and contains not less than 33 percent nitrogen by weight; and*

*"(B) any mixture containing a percentage of ammonium nitrate that is equal to or greater than the percentage determined by the Secretary under section 899B(b).*

*"(2) The term 'ammonium nitrate facility' means any entity that produces, sells, or otherwise transfers ownership of, or provides application services for, ammonium nitrate.*

*"(3) The term 'ammonium nitrate purchaser' means any person who buys and takes possession of ammonium nitrate from an ammonium nitrate facility.*

***"SEC. 899B. REGULATION OF THE SALE AND TRANSFER OF AMMONIUM NITRATE.***

*"(a) IN GENERAL.—The Secretary shall regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility in accordance with this subtitle to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.*

*"(b) AMMONIUM NITRATE MIXTURES.—The Secretary, in consultation with the heads of appropriate Federal departments and agencies, including the Secretary of Agriculture, shall, through notice and comment and by no later than 90 days after the date of the enactment of this subtitle, establish a threshold percentage for ammonium nitrate in a substance. If a substance contains a percentage of ammonium nitrate that is equal to or greater than the percentage established by the Secretary, the substance shall be treated as ammonium nitrate for the purposes of this subtitle.*

*"(c) REGISTRATION OF OWNERS OF AMMONIUM NITRATE FACILITIES.—*

*"(1) REGISTRATION.—The Secretary shall establish a process by which—*

*"(A) any person who is the owner of an ammonium nitrate facility is required to register with the Department; and*

*"(B) upon such registration, such person is issued a registration number for purposes of this subtitle.*

*"(2) REGISTRATION INFORMATION.—The Secretary shall require that each applicant for registration as the owner of an ammonium nitrate facility must submit to the Secretary—*

*"(A) the name, address, and telephone number of each ammonium nitrate facility owned by the applicant;*

*"(B) the name of the person designated by the owner of the ammonium nitrate facility as the point of contact of such facility, for purposes of this subtitle;*

*"(C) for each such facility, the amount of ammonium nitrate that is sold or transferred during each year; and*

*"(D) such other information as the Secretary may determine is appropriate.*

*"(d) REGISTRATION OF AMMONIUM NITRATE PURCHASERS.—*

*"(1) REGISTRATION.—The Secretary shall establish a process by which—*

*"(A) any person who seeks to be an ammonium nitrate purchaser is required to register with the Department; and*

*"(B) upon such registration, such person is issued a registration number for purposes of this subtitle.*

*"(2) REGISTRATION INFORMATION.—The Secretary shall require that each applicant for registration under this subsection as a prospective ammonium nitrate purchaser must submit to the Secretary the name, address, and telephone number of the applicant and the intended use of ammonium nitrate to be purchased by the applicant.*

*"(e) RECORDS.—*

*"(1) MAINTENANCE OF RECORDS.—The Secretary shall require the owner of an ammonium nitrate facility engaged in selling or transferring ammonium nitrate to—*

*"(A) maintain a record of each sale or transfer of ammonium nitrate, during the two-year period beginning on the date of such sale or transfer; and*

*"(B) include in such record the information described in paragraph (2).*

*"(2) SPECIFIC INFORMATION REQUIRED.—For each such sale or transfer, the Secretary shall require the owner of an ammonium nitrate facility to—*

*"(A) record the name, address, telephone number, and registration number issued under subsection (c) or (d) of each person that takes possession of ammonium nitrate from the owner of an ammonium nitrate facility, in a manner prescribed by the Secretary;*

*"(B) if applicable, record the name, address, and telephone number of each individual who takes possession of the ammonium nitrate on behalf of the person referred to in subparagraph (A), at the point of sale;*

*"(C) record the date and quantity of ammonium nitrate sold or transferred; and*

*"(D) verify the identity of the persons referred to in subparagraphs (A) and (B), as applicable, in accordance with a procedure established by the Secretary.*

*"(3) PROTECTION OF INFORMATION.—In maintaining records in accordance with paragraph (1), the owner of an ammonium nitrate facility shall take reasonable actions to ensure the protection of the information included in such records.*

*"(f) EXEMPTION FOR EXPLOSIVE PURPOSES.—The Secretary may exempt from this subtitle a person producing, selling, or purchasing ammonium nitrate exclusively for use as an explosive material under a license issued under chapter 40 of title 18, United States Code.*

*"(g) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Agriculture, States, and appropriate private sector entities, to ensure that the access of agricultural producers to ammonium nitrate is not unduly burdened.*

*"(h) DATA CONFIDENTIALITY.—*

*"(1) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, or the USA PATRIOT ACT (Public Law 107–56; 115 Stat.*

*272), and except as provided in paragraph (2), the Secretary may not disclose to any person any information obtained under this subtitle.*

*"(2) EXCEPTION.—The Secretary may disclose any information obtained by the Secretary under this subtitle to an officer or employee of the United States, or a person that has entered into a contract with the United States, who has a need to know the information to perform the duties of the officer, employee, or person, or to a State agency pursuant to section 899D, under appropriate arrangements to ensure the protection of the information.*

*"(i) REGISTRATION PROCEDURES AND CHECK OF TERRORIST WATCH LIST.—*

*"(1) REGISTRATION PROCEDURES.—*

*"(A) GENERALLY.—The Secretary shall establish procedures to efficiently receive applications for registration numbers under this subtitle, conduct the checks required under paragraph (2), and promptly issue or deny a registration number.*

*"(B) INITIAL SIX-MONTH REGISTRATION PERIOD.—The Secretary shall take steps to maximize the number of registration applications that are submitted and processed during the six-month period provided for in section 899F(e).*

*"(2) CHECK OF TERRORIST WATCH LIST.—*

*"(A) CHECK REQUIRED.—The Secretary shall conduct a check of appropriate identifying information of any person seeking to register with the Department under subsection (c) or (d) against identifying information that appears on the terrorist watch list.*

*"(B) AUTHORITY TO DENY REGISTRATION NUMBER.—If the person's identifying information appears on the terrorist watch list and the Secretary determines such person may pose a threat to national security, the Secretary may deny issuance of a registration number under this subtitle.*

*"(3) EXPEDITED REVIEW OF APPLICATIONS.—*

*"(A) IN GENERAL.—Following the six-month period provided for in section 899F(e), the Secretary shall, to the extent practicable, issue or deny registration numbers under this subtitle not later than 72 hours after the time the Secretary receives a complete registration application, unless the Secretary determines, in the interest of national security, that additional time is necessary to review an application.*

*"(B) NOTICE OF APPLICATION STATUS.—In all cases, the Secretary shall notify persons of the status of their application not later than 72 hours after the time the Secretary receives a complete registration application.*

*"(4) EXPEDITED APPEALS PROCESS.—*

*"(A) REQUIREMENT.—*

*"(i) APPEALS PROCESS.—The Secretary shall establish an expedited appeals process for persons denied a registration number under this subtitle.*

*"(ii) TIME PERIOD FOR RESOLUTION.—The Secretary shall, to the extent practicable, resolve appeals not later than 72 hours after receiving a complete request for appeal unless the Secretary determines, in the interest of national security, that additional time is necessary to resolve an appeal.*

*"(B) CONSULTATION.—The Secretary, in developing the appeals process under subparagraph (A), shall consult with appropriate stakeholders.*

*"(C) GUIDANCE.—The Secretary shall provide guidance regarding the procedures and information required for an appeal under subparagraph (A) to persons denied registration numbers under this subtitle.*

*"(5) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—*

*"(A) IN GENERAL.—Information obtained by the Secretary under this section may not be made available to the public.*

*"(B) USE OF CERTAIN INFORMATION.—Any information constituting grounds for denial of a registration number under this section shall be maintained confidentially by the Secretary and may be used only for making determinations under this section. Notwithstanding any other provision of this subtitle, the Secretary may share any such information with Federal, State, local, and tribal law enforcement agencies, as appropriate.*

*"(6) REGISTRATION INFORMATION.—*

*"(A) AUTHORITY TO REQUIRE INFORMATION.—The Secretary may require a person applying for a registration number under this subtitle to submit such information as may be necessary to carry out the requirements of this section.*

*"(B) REQUIREMENT TO UPDATE INFORMATION.—The Secretary may require persons issued a registration under this subtitle to update registration information submitted to the Secretary under this subtitle, as appropriate.*

*"(7) RE-CHECKS AGAINST TERRORIST WATCH LIST.—*

*"(A) RE-CHECKS.—The Secretary shall, as appropriate, re-check persons provided a registration number pursuant to this subtitle against the terrorist watch list, and may revoke such registration number if the Secretary determines such person may pose a threat to national security.*

*"(B) NOTICE OF REVOCATION.—The Secretary shall, as appropriate, provide prior notice to a person whose registration number is revoked under this section and such person shall have an opportunity to appeal, as provided in paragraph (4).*

### "SEC. 899C. INSPECTION AND AUDITING OF RECORDS.

*"The Secretary shall establish a process for the periodic inspection and auditing of the records maintained by owners of ammonium nitrate facilities for the purpose of monitoring compliance with such section or for the purpose of deterring or preventing the misappropriation or use of ammonium nitrate in an act of terrorism.*

### "SEC. 899D. ADMINISTRATIVE PROVISIONS.

*"(a) COOPERATIVE AGREEMENTS.—The Secretary—*

*"(1) may enter into a cooperative agreement with the Secretary of Agriculture, or the head of any State department of agriculture or its designee involved in agricultural regulation, in consultation with the State agency responsible for homeland security, to carry out the provisions of this subtitle; and*

*"(2) wherever possible, shall seek to cooperate with State agencies or their designees that oversee ammonium nitrate facility operations when seeking cooperative agreements to implement the registration and enforcement provisions of this subtitle.*

*"(b) DELEGATION.—*

*"(1) AUTHORITY.—The Secretary may delegate to a State the authority to assist the Secretary in the administration and enforcement of this subtitle.*

*"(2) DELEGATION REQUIRED.—At the request of a Governor of a State, the Secretary shall delegate to the State the authority to carry out functions under sections 899B and 899C, if the Secretary determines that the State is capable of satisfactorily carrying out such functions.*

*"(3) FUNDING.—Subject to the availability of appropriations, if the Secretary enters into an agreement with a State under this subsection to delegate functions to the State, the Secretary shall provide to the State sufficient funds to carry out the delegated functions.*

*"(c) PROVISION OF GUIDANCE AND NOTIFICATION MATERIALS TO AMMONIUM NITRATE FACILITIES.—*

*"(1) GUIDANCE.—The Secretary shall make available to each owner of an ammonium nitrate facility registered under section 899B(c)(1) guidance on—*

*"(A) the identification of suspicious ammonium nitrate purchases or transfers or attempted purchases or transfers;*

*"(B) the appropriate course of action to be taken by the ammonium nitrate facility owner with respect to such a purchase or transfer or attempted purchase or transfer, including—*

*"(i) exercising the right of the owner of the ammonium nitrate facility to decline sale of ammonium nitrate; and*

*"(ii) notifying appropriate law enforcement entities; and*

*"(C) any such additional subjects as the Secretary determines are appropriate to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.*

*"(2) USE OF MATERIALS AND PROGRAMS.—In providing guidance under this subsection, the Secretary shall, to the extent practicable, leverage any relevant materials and programs.*

*"(3) NOTIFICATION MATERIALS.—*

*"(A) IN GENERAL.—The Secretary shall make available materials suitable for posting at ammonium nitrate facilities where ammonium nitrate is sold.*

*"(B) DESIGN OF MATERIALS.—Such materials shall be designed to notify prospective ammonium nitrate purchasers of—*

*"(i) the record-keeping requirements under section 899B; and*

*"(ii) the penalties for violating such requirements.*

### "SEC. 899E. THEFT REPORTING REQUIREMENT.

*"Any person who is required to comply with section 899B(e) who has knowledge of the theft or unexplained loss of ammonium nitrate shall report such theft or loss to the appropriate Federal law enforcement authorities within one calendar day of the date on which the person becomes aware of such theft or loss. Upon receipt of such report, the relevant Federal authorities shall inform State, local, and tribal law enforcement entities as appropriate.*

### "SEC. 899F. PROHIBITIONS AND PENALTY.

*"(a) PROHIBITIONS.—*

*"(1) TAKING POSSESSION.—No person shall take possession of ammonium nitrate from an ammonium nitrate facility unless such person is registered under subsection (c) or (d) of section 899B, or is an agent of a person registered under subsection (c) or (d) of that section.*

*"(2) TRANSFERRING POSSESSION.—An owner of an ammonium nitrate facility shall not transfer possession of ammonium nitrate from the ammonium nitrate facility to any person who is not registered under subsection (c) or (d) of section 899B, unless such person is an agent of a person registered under subsection (c) or (d) of that section.*

*"(3) OTHER PROHIBITIONS.—No person shall—*

*"(A) buy and take possession of ammonium nitrate without a registration number required under subsection (c) or (d) of section 899B;*

*"(B) own or operate an ammonium nitrate facility without a registration number required under section 899B(c); or*

*"(C) fail to comply with any requirement or violate any other prohibition under this subtitle.*

*"(b) PROHIBITIONS.—No person shall—*

*"(1) buy and take possession of ammonium nitrate without a registration number required under subsection (c) or (d) of section 899B;*

*"(2) own or operate an ammonium nitrate facility without a registration number required under section 899B(c); or*

*"(3) fail to comply with any requirement or violate any other prohibition under this subtitle.*

*"(c) CIVIL PENALTY.—A person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than $50,000 per violation.*

*"(d) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—*

*"(1) the nature and circumstances of the violation;*

*"(2) with respect to the person who commits the violation, any history of prior violations, the ability to pay the penalty, and any effect the penalty is likely to have on the ability of such person to do business; and*

*"(3) any other matter that the Secretary determines that justice requires.*

*"(e) NOTICE AND OPPORTUNITY FOR A HEARING.—No civil penalty may be assessed under this subtitle unless the person liable for the penalty has been given notice and an opportunity for a hearing on the violation for which the penalty is to be assessed in the county, parish, or incorporated city of residence of that person.*

*"(f) DELAY IN APPLICATION OF PROHIBITION.—Paragraphs (1) and (2) of subsection (a) shall apply beginning 6 months after the issuance by the Secretary of a final rule implementing this subtitle.*

**"SEC. 899G. PROTECTION FROM CIVIL LIABILITY.**

*"(a) IN GENERAL.—Notwithstanding any other provision of law, an owner of an ammonium nitrate facility who in good faith refuses to sell or transfer ammonium nitrate to any person, or who in good faith discloses to the Department or to appropriate law enforcement authorities an actual or attempted purchase or transfer, based upon a reasonable belief that the person seeking purchase or transfer of ammonium nitrate may use the ammonium nitrate to create an explosive device to be employed in an act of terrorism (as defined in section 3077 of title 18, United States Code), or to use ammonium nitrate for any other unlawful purpose, shall be immune from civil liability arising from that refusal to sell ammonium nitrate or from making that disclosure.*

*"(b) LIMITATION.—Subsection (a) shall not be construed to apply with respect to any refusal to sell or disclosure—*

*"(1) that violates—*

*"(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq); or*

*"(B) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); or*

*"(2) made on the basis that the person seeking purchase or transfer of ammonium nitrate is a veteran or member of the armed forces of the United States.*

**"SEC. 899H. PREEMPTION OF OTHER LAWS.**

*"(a) OTHER FEDERAL REGULATIONS.—Except as provided in section 899G, nothing in this subtitle affects any regulation issued by any agency other than an agency of the Department.*

*"(b) STATE LAW.—Subject to section 899G, this subtitle preempts the laws of any State to the extent that such laws are inconsistent with this subtitle, except that this subtitle shall not preempt any State law that provides additional protection against the acquisition of ammonium nitrate by terrorists or the use of ammonium nitrate in explosives in acts of terrorism or for other illicit purposes, as determined by the Secretary.*

**"SEC. 899I. DEADLINES FOR REGULATIONS.**

*"The Secretary—*

*"(1) shall issue a proposed rule implementing this subtitle within six months after the date of the enactment of this subtitle; and*

*"(2) issue a final rule implementing this subtitle within one year after such date of enactment.*

**"SEC. 899J. AUTHORIZATION OF APPROPRIATIONS.**

*"There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle for fiscal years 2007 through 2011.".*

*(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title VIII the following new items:*

*"Subtitle J—Secure Handling of Ammonium Nitrate*

*"Sec. 899A. Definitions.*
*"Sec. 899B. Regulation of the sale and transfer of ammonium nitrate.*
*"Sec. 899C. Inspection and auditing of records.*
*"Sec. 899D. Administrative provisions.*
*"Sec. 899E. Theft reporting requirement.*
*"Sec. 899F. Prohibitions and penalty.*
*"Sec. 899G. Protection from civil liability.*
*"Sec. 899H. Preemption of other laws.*
*"Sec. 899I. Deadlines for regulations.*
*"Sec. 899J. Authorization of appropriations.".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this bill and include therein any extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 1680, the Secure Handling of Ammonium Nitrate Act of 2007.

The committee has worked vigilantly to get this bill to where it is today. In fact, we've been working on this bill in a bipartisan way for two Congresses now.

We all know the devastating impact that fertilizer bombs can have. Over 12 years ago, domestic terrorists used an ammonium nitrate-based bomb to blow up the Murrah Federal Building in Oklahoma City. That blast had a force equal to that of 4,000 pounds of TNT. It killed 168 people.

Since that time, ammonium nitrate-based bombs have repeatedly been used throughout the world. In 2002, a group linked to al Qaeda detonated a bomb outside a night club in Bali, Indonesia, killing 202 people. In 2003, an al Qaeda cell in Istanbul killed 57 people in two separate explosions. Last year, Canadian authorities arrested 17 people in Toronto for plotting to attack targets with ammonium nitrate-based bombs.

This threat is real, Madam Speaker. To do nothing about it is unacceptable. However, I have always believed that we must act in a thoughtful manner that recognizes the importance of ammonium nitrate in our agricultural sector.

I am proud of the work that the Committee on Homeland Security has done. The committee has worked hard to ensure that H.R. 1680 strikes the right balance between ensuring access to ammonium nitrate for farmers and making it difficult for terrorists to obtain.

Specifically, this bill directs DHS, in consultation with State agricultural authorities, to create a registry of facilities that manufacture and sell ammonium nitrate. H.R. 1680 requires the sales of ammonium nitrate to be limited to purchasers who register in advance and that the name, address, telephone number and registration number of the purchaser be recorded.

The tracking and registration functions are not new phenomena. The agriculture and fertilizer industry and some States have been engaged in voluntary programs to monitor sale of ammonium nitrate for some time. In fact, Madam Speaker, a handful of States, including New York, California, New Jersey, Nevada, Oklahoma, Missouri, South Carolina, Maryland, Michigan, and Iowa have enacted laws regulating the sale of ammonium nitrate-based fertilizer.

The time has come to put Federal rules in place to ensure that terrorists cannot cross State lines to buy ammonium nitrate without being registered or checked against the terrorist watch list.

Madam Speaker, I am proud to say that our committee has worked collaboratively with industry stakeholders in the agriculture industry on this legislation. We consulted State and local farm bureaus, fertilizer manufacturers and retail outlets, and mining and explosive makers. It is reassuring to know that we can all come together to come up with a reasonable approach to regulating ammonium nitrate.

I have somewhat of a vested interest in getting this right, Madam Speaker. There is an ammonium nitrate plant in my district. The Terra Yazoo City plant has been in operation for more than 50 years. The Terra plant is a major economic engine in our local economy, providing good-paying jobs and stable jobs for the community.

The Terra facility and many others like it across the country are committed to safeguarding ammonium nitrate, but they cannot do it alone. The Federal Government needs to show some leadership here. That is why H.R. 1680 directs DHS to take the lead in coming up with an approach to registering ammonium nitrate purchases.

I am pleased that through this bipartisan effort we've been able to come up with an approach to tighten control of ammonium nitrate, yet allow it to remain accessible for crop nutrition purposes.

This legislation is another of our ongoing homeland security efforts at preventing a future terrorist attack on our Nation.

I would like to thank subcommittee Chairman LANGEVIN, Ranking Member KING, and others, for their leadership on this critical issue. Each has put their mark on the bill through the committee process. Their efforts, without question, made this a better bill.

I urge my colleagues to join me in supporting H.R. 1680.

Madam Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, a vote on this legislation is long overdue. The need to regulate ammonium nitrate has been evident since the bombing of the Alfred Murrah building in 1995. This legislation is needed to protect Americans from those who seek to utilize this dangerous chemical in terrorist attacks. But as the chairman said, we must balance this threat to our Nation's security with the need for ammonium nitrate to remain accessible because it is a highly effective agricultural fertilizer and has other legitimate uses in industries like mining.

The legislation before us creates a system of regulation so that ammonium nitrate is available for legitimate use, but does not fall into terrorist hands; a system that keeps us safe, but does not burden farmers. I believe this legislation strikes that balance.

We originally took up this legislation in the 109th Congress and we approved it in the Committee on Homeland Security. But the 109th Congress ended before this legislation could be considered on the House floor, so I'm happy to see this legislation before us again in the 110th Congress. And I thank the chairman for bringing it to us at this time.

H.R. 1680 is a bipartisan bill. We worked with our colleagues across the aisle to strengthen the prevention of terrorism component of this bill by insisting on a registration requirement for those who purchase ammonium nitrate rather than just those who sell it.

We were happy to see the committee accept three Republican amendments to this bill. I introduced an amendment which requires the Department of Homeland Security to check the name of applicants for ammonium nitrate registration numbers against terrorist watch lists. This will prevent suspected terrorists from acquiring this deadly material and will alert law enforcement authorities of potential plots under way.

Other Republican amendments provide civil liability protection for the sellers of ammonium nitrate in the event they refuse to sell ammonium nitrate to suspect purchasers or make reports to law enforcement about suspect purchasers. No seller of ammonium nitrate should be afraid to deny sale of this dangerous material out of fear of legal action.

Ammonium nitrate is a legitimate chemical used to fertilize our crops; but its availability, accessibility, ease of bomb-making, cost, and history of prior use make it an obvious material for large explosives that could be employed in terrorist attacks.

We need only to look back in recent history to understand that ammonium nitrate can be the terrorist tool of choice: the al Qaeda bombings of U.S. embassies in Kenya and Tanzania in 1998; in November 2003 scores of individuals killed when terrorists detonated ammonium nitrate bombs in Istanbul; in March 2005 British antiterror police seized a half ton of ammonium nitrate from suspects accused of being affiliated with Islamic terrorists; later that month, over 3,000 pounds of ammonium nitrate was stolen by armed terrorists in Thailand; the arrests last summer, June 2006, of 17 people in Canada on charges that they were planning on using ammonium nitrate to make an extremely powerful bomb.

□ 1200

Al Qaeda has an Internet hit on how to make ammonium nitrate bombs. An ABC News team last fall demonstrated how easy it might be to acquire ammonium nitrate. With just $300, ABC interns managed to purchase 1,000 pounds of ammonium nitrate in 2 days in farm supply stores from North Carolina to the District of Columbia. No one questioned why they needed ammonium nitrate. No one asked for their identification. That ammonium nitrate was stored in a public storage facility just a few miles from where we stand today.

These events have demonstrated vulnerabilities that put us in the crosshairs of terrorist sights right where we live, work and travel. Here in the U.S., a few of our States, including California, have already begun to implement laws to secure the handling of ammonium nitrate. The chemical and farming industry developed important protections in their respective industries to keep this substance out of the hands of terrorists.

These are important efforts, but it creates a patchwork where all a terrorist has to do to build a ammonium nitrate bomb is to travel from New York to Pennsylvania to acquire it. Congress needs to step in to set a national policy. This legislation does just that. It sets a floor across the Nation so that ammonium nitrate is used as intended, that is, to grow our Nation's crops, not to create the next Oklahoma City bombing. We believe fair and proportionate regulations will allow ammonium nitrate to continue to be available to legitimate users who are not a security concern while at the same time preventing and deterring its acquisition by those who wish to do us harm.

By supporting H.R. 1680, we will take another step in upholding our responsibility to protect the lives and livelihood of our American citizenry.

And with that, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. PERLMUTTER), a distinguished member of our committee.

Mr. PERLMUTTER. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in strong support of House bill 1680, the Secure Handling of Ammonium Nitrate Act. On many of the 728 farms in my district and those throughout the country, hardworking farmers rely on ammonium nitrate as a trusted fertilizer that can produce more nutrients than natural fertilizers, but by its very chemical nature, ammonium nitrate is also a substance that, if mixed with certain fuels, can be used as a powerful explosive. The Oklahoma City bombing of 1995 is perhaps the most notable and frightening example of ammonium nitrate's potential. Therefore, we must do all we can to prevent criminals and murderers from obtaining this legal substance while maintaining easy access for our Nation's farmers.

The Secure Handling of Ammonium Nitrate Act creates a national registry to monitor the purchase and sale of ammonium nitrate. It further matches the names of applying farmers against the terrorist screening database so we can keep ammonium nitrate out of terrorists' hands. In particular, I am pleased to have worked with Mr. LUNGREN and with others throughout the committee to craft an expedited appeals process for farmers who have been adversely affected by the name check process. The Department of Homeland Security must either approve or deny an application within 3 days. If someone is denied a registration number under the program, they may appeal and get a resolution from the government within 3 days. The provision ensures that farmers who are misidentified do not jeopardize their livelihoods due to a governmental mistake. This is a commonsense bill that guaranties that ammonium nitrate in our country is being used for legitimate agricultural purposes and not for harm.

Mr. Speaker, I urge my colleagues to adopt this bill.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT), a member of the Homeland Security Committee.

Mr. DENT. Mr. Speaker, if there is an example of how legislation should be crafted, the Secure Handling of Ammonium Nitrate Act of 2007 is it. This is a great bill that will help to improve our homeland security. And if it should succeed on the floor today, its passage will be a tribute to the spirit of bipartisanship that is alive and well in the Homeland Security Committee and that has been carefully cultivated under the leadership of that committee's chairman, the gentleman from Mississippi (Mr. THOMPSON), its ranking member (Mr. KING), and certainly

Mr. LUNGREN, to my immediate left, who have all worked very hard to work in that bipartisan environment on the committee.

The bill started out in the 109th Congress where it was introduced by former Congressman Curt Weldon of Pennsylvania. Unfortunately, while it passed in the Homeland Security Committee, it was never addressed in the full House. Fortunately, in 2007, Chairman THOMPSON recognized the importance of this legislation and helped revive the bill in the new Congress. Both sides worked together to make sure that the bill accomplished its objective, to keep ammonium nitrate out of the hands of Timothy McVeighs and other would-be terrorists of the world while making sure that legitimate end users of the substance in agricultural production were not inconvenienced. An en bloc amendment offered by Chairman THOMPSON, for example, removed the requirement that farmers and others register with the Department of Homeland Security so long as they never come into possession of the ammonium nitrate.

In addition to protecting the rights of legitimate end users, the chairman also helped make sure that the final legislative product had input from both sides of the aisle. Three key Republican amendments were added to the bill during committee markup as a result. First, offered by my colleague from California (Mr. LUNGREN), directed applications by those seeking to distribute or utilize ammonium nitrate be checked against a terror watch list with an expedited appeals process to handle any cases of mistaken hits. Ranking Member KING also offered an amendment that would protect legitimate distributors of ammonium nitrate if they act in good faith when they refuse to sell to a suspicious purchaser or if they notify the department of that would-be purchaser's suspicious behavior. Finally, Congresswoman BROWN-WAITE offered an amendment that would help to streamline recordkeeping requirements for agricultural retail outlets. These amendments have all served to strengthen the bill.

The need for this legislation is clear. Ammonium nitrate has been the explosive material of choice in a number of acts and attempted acts of terrorism, including the 1995 bombing of the Murrah Federal Building in Oklahoma City which killed 168 innocent men, women and children. The 1998 attacks on the U.S. Embassies in Kenya and Tanzania, the Toronto-based bomb plot thwarted by the Royal Canadian Mounted Police in June 2006, of course, most recently, the attempts by a terrorist group in London to detonate explosive charges throughout the United Kingdom.

I hope the House will see fit to join me in supporting this effective legislation. It is a very bipartisan piece of legislation. Again, I would like to thank my colleague from California for yielding me this time and thank him for his leadership on this issue.

Mr. THOMPSON of Mississippi. Mr. Speaker, at this time, I do not have any additional requests for speakers, and I am prepared to close.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, let me just use the balance of my time to say that I thank the chairman for the work he has done on bringing this to the floor at this time so we can complete action with the Senate and get it to the President's desk to be signed. I would also like to mention the ranking member of the full committee (Mr. KING) who could not be here because he is still returning from the funeral for his mother who passed away this past week. Mr. KING has done tremendous work on this, particularly the amendment for liability protection for the sellers of ammonium nitrate if they act in good faith to protect the American people. Mr. KING has done yeoman work in this regard to this and other bills. I hope that we would recognize that at this time.

Again, Mr. Speaker, this is an example of a bipartisan approach to an issue that affects all Americans, Democrat, Republican, independent, whatever. It is of the utmost importance. And once again, I thank all the members, Democrat and Republican, who worked on this, and I thank my chairman for bringing this to the floor and allowing us to vote on this time. I would ask for Members to have full support for this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, as DHS Secretary Michael Chertoff recently said, improvised explosive devices are the weapon of choice for terrorists. And when it comes to making an improvised bomb, regrettably, ammonium nitrate seems to be an easy access to use. That is why I authored the Secure Handling of Ammonium Nitrate Act. It will put safeguards in place to keep ammonium nitrate out of the hands of terrorists while ensuring that farmers can still access it. Ammonium nitrate fertilizer is a popular fertilizer because it is relatively inexpensive and highly effective.

In 2005 alone, 1.4 million short tons of ammonium nitrate fertilizer was used to direct application to farmers' fields. Passage of H.R. 1680 will ensure that ammonium nitrate will remain available to those who need to access it for proper purposes. At the same time, passage of this bill is an important step toward ensuring that our Nation is more secure against the threat of improvised explosive devices.

I, too, would like to acknowledge the work of the minority committee as well as Colleen O'Keefe, who will be leaving the committee today. Karis Gutter on this side, has worked on the majority side on the committee, and I would like to acknowledge both of them. At an earlier comment, I referred to Ranking Member KING's unfortunate tragedy in his family and why he was not here. So I would like to join with the comments of Mr. LUNGREN in that respect.

Mr. Speaker, I urge my colleagues to join me in passing this critical homeland security legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1680, legislation critical to securing our nation against further acts of terrorism. I am proud to co-sponsor this legislation, which I believe effectively balances necessary measures to provide additional security with the need to protect our agricultural industry .

On September 11, 2001, our enemies demonstrated their ability to use everyday objects as deadly weapons. Ammonium nitrate is a product of great use to our nation's agricultural sectors, but, in the hands of terrorists, could cause America great harm. Like the airplanes flown into buildings, fertilizer bombs have been used to deadly effect, beginning infamously with the 1995 Oklahoma City bombing. We need to balance these very real security concerns against the vital value of ammonium nitrate fertilizer to the U.S. plant food industry, its many local retail agribusiness outlets, and the farmers and livestock producers they serve.

Ammonium nitrate fertilizes our nation's crops, and it helps the American economy grow. It provides a relatively inexpensive source of the nitrogen required to grow crops, and it has economic, agronomic, and environmental benefits to the entire society. It can also, however, be used to create explosive devices, as demonstrated by the Oklahoma City bombing as well as by subsequent terrorist plots in 2000, 2002, 2003, and 2004.

According to a 1998 National Research Council report, "Containing the Threat From Illegal Bombings," short of a method of neutralizing the explosive properties of ammonium nitrate, which we do not yet have, commercial controls and regulatory action "offer the best means of reducing the threat from illegal bombings."

H.R. 1680 will require the creation of these controls and regulations. This bill will provide the Department of Homeland Security with the authority to develop a nationally consistent, effective, and integrated approach to control access to ammonium nitrate, and it will require the Department to develop a regulatory system aimed at keeping these fertilizers away from those who would use it to threaten our Nation. Under the provisions of this legislation, the Department of Homeland Security will register all producers, sellers, and purchasers of ammonium nitrate, and those who purchase and take custody of this product will be required to provide their names, addresses, and telephone numbers to the Department. All of these individuals will be accountable for any ammonium nitrate they take possession of.

In addition, this legislation will require producers and sellers to maintain records of all sales and transfers for at least three years.

Sellers will have the right to refuse sale to prevent misappropriation of this potentially dangerous substance, and they will be provided with guidance on identifying suspicious activity, as well as how to alert law enforcement officials to such behavior. Additionally, producers and sellers will be required to report any loss or theft to law enforcement within 24 hours.

This legislation also provides further means for enforcement, establishing a process for the Department to track, monitor, and audit the ammonium nitrate records. Under the provisions of this bill, enforcement may be delegated to States where cooperative agreements and sufficient funding exist. To punish violations, the Department may levy civil fines of up to $50,000. This legislation does not preempt or alter any State statute providing additional protection against ammonium nitrate falling into the hands of terrorists.

Yet in our counterterrorism efforts we should not lose sight of the need to protect the American farmer, especially small and minority farmers struggling to make ends meet on the family farm. Ammonium nitrate is an essential tool they use to sustain themselves and their families and those essential needs should not be overlooked. Our counterterrorism efforts should not be detrimental to the continued availability of ammonium nitrate fertilizer to U.S. farmers, endangering their way of life and threatening their livelihoods.

H.R. 1680 offers an opportunity to strengthen our defenses against the threat of terrorism without placing an extraordinary burden on industry. This legislation has the support of the Fertilizer Institute, an industry group representing most fertilizer producers.

Mr. Speaker, as our Nation's leaders, it is our responsibility to be proactive, and to make every effort to remain several steps ahead of any who might attack our country. This bill is an opportunity to do just that, to not wait for another devastating attack to address what we already recognize to be a serious security threat. I strongly support this legislation, and I urge my colleagues to do likewise.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 1680, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes.".

A motion to reconsider was laid on the table.

## TO ELIMINATE THE EXEMPTION FROM STATE REGULATION FOR CERTAIN SECURITIES DESIGNATED BY NATIONAL SECURITIES EXCHANGES

Mr. MEEKS of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2868) to eliminate the exemption from State regulation for certain securities designated by national securities exchanges, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2868

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SCOPE OF EXEMPTION FROM STATE SECURITIES REGULATION.**

Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. 77r(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "or the American Stock Exchange, or listed, or authorized for listing, on the National Market System of the Nasdaq Stock Market (or any successor to such entities)" and inserting ", the American Stock Exchange, or the Nasdaq Stock Market (or any successor to such entities)"; and

(B) by inserting before the semicolon the following: ", except that a security listed, or authorized for listing, on the New York Stock Exchange, the American Stock Exchange, or the Nasdaq Stock Market (or any successor to such entities) shall not be a covered security if the exchange adopts listing standards pursuant to section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) that designates a tier or segment of such securities as securities that are not covered securities for purposes of this section and such security is listed, or authorized for listing, on such tier or segment"; and

(2) in subparagraph (B), by inserting "covered" after "applicable to".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentleman from New York (Mr. FOSSELLA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

### GENERAL LEAVE

Mr. MEEKS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEKS of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been a major advocate of making sure that America maintains its global competitive edge whether it is in business or human development. America must stay at the forefront of innovation, productivity and expertise. No matter how economically, militarily or culturally strong a Nation has become, it will certainly begin its decline when it rests on the laurels of its past accomplishments and ceases to stay ahead of the competition.

H.R. 2868 was introduced by me and my good friend and colleague from New York, VITO FOSSELLA, toward the goal of maintaining America's competitive business advantage. Although Mr. FOSSELLA and I may be on opposite sides of the aisle, we stand in the same space when it comes to our support for American businesses and American markets.

Recently, Mayor Michael Bloomberg of New York City and Senator CHARLES SCHUMER commissioned a study on "Sustaining New York's and the U.S.'s Global Financial Services Leadership." In the executive summary of that study, it states, "The U.S. financial markets, with New York at the center, are still the world's largest and are among the most important by many measures."

The United States is home to more of the world's top financial services institutions than any other country. Six of the top 10 financial institutions by market capitalization are based in the New York area, and U.S.-based firms still head the global investment banking revenue rankings.

In terms of global financial stock, the United States remains the largest market, well ahead of Europe, Japan and the rest of Asia, although the financial stock in other regions is now growing faster than it is here in the United States. The United States generates more revenues from financial services than any other region. But once again, the rest of the world is challenging that leadership in a hotly contested investment banking and sales and trading markets.

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To sum up that paragraph with a phrase that Satchel Paige is known for: "Don't look back. Someone might be gaining on you."

To further quote the study, the study says: "The choice of venue for IPOs offers the most dramatic illustration of the interplay between these factors. The world's corporations no longer turn primarily to stock exchanges in the United States, such as the New York Stock Exchange or NASDAQ, to raise capital internationally." It continues to say: "The IPO market offers other examples of jurisdictional arbitrage working against the United States, with very small-cap companies in the United States increasingly favoring London's Alternative Investment Market over NASDAQ," and I add here the American Stock Exchange. "American private equity firms are choosing to list on European exchanges."

Mr. Speaker, in this study, leading financial services executives who were interviewed indicated that "the legal environment and regulatory framework in particular were critical to potential issuers considering whether to enter the U.S. markets." The implementation of Sarbanes-Oxley was part of the United States regulatory framework that was cited as a concern for issuers in considering the markets in which they would list.

This is why earlier this year I introduced H.R. 1508, the COMPETE Act of 2007, to improve the implementation of section 404 of Sarbanes-Oxley. My office has worked closely with the PCAOB and the SEC to review and discuss the regulatory reforms of SOX. We hope it will improve the implementation of the law.

Toward continuing my efforts to improve our regulatory environment, H.R. 2868 will make a technical change to the 1996 National Securities Market Improvement Act that would allow the American Stock Exchange and NASDAQ to offer a tier 2 level listing if they so choose. This would allow these exchanges to compete more directly with the London Alternative Investment Market and the Toronto Stock Exchange. It will help us keep our competitive advantage and lead.

Mr. Speaker, I would also like to thank Chairman FRANK for moving this bill through the committee. I would also like to give special thanks to my cosponsor, Mr. FOSSELLA, for the work of his office, particularly Ryan McKee. I also want to thank Lawranne Stewart and Deborah Silberman of Mr. FRANK's staff, and of course Mr. Jameel Johnson, my chief of staff.

Mr. Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me at the outset thank my colleague from New York (Mr. MEEKS) without whom this legislation would not be possible. As he has mentioned, while we are on opposite sides of the aisle, we share the common goal of ensuring that the U.S. remain the envy of the world when it comes not just to capital markets but also the place where people can come, investors can come, entrepreneurs can exist and find capital and make this country even better and stronger.

Of course, we share the common purpose of representing the greatest city in the world, New York, which has always been and shall continue to be the financial capital of the world. I would also like to thank the chairman of the committee, Mr. FRANK, and especially the ranking member, Mr. BACHUS, for bringing this bill to the floor, again, without whom this would not be possible.

Over the past year or more there has been a new and rightly placed focus on the competitiveness of the United States capital markets. As emerging international markets continue to grow, the natural and historical attraction to the U.S. capital markets has given way to the considerations of a broader scale. In short, the U.S. is no longer the only game in town.

Over the past several years, as my good friend Mr. MEEKS has indicated, several reports have been published that argue the regulatory and legal environment in the U.S. serve as negative considerations when market participants choose where to raise capital or headquarter a global business. With new markets popping up across the globe, investors and businesses now have more options, and increasingly we are seeing them choose alternatives to the U.S., such as Hong Kong, Singapore, and London.

We have seen an increasing number of U.S. companies, in particular small companies, raise capital on foreign exchanges, in particular, London's Alternative Investment Market, or, as known commonly, AIM. Clearly, the United States remains the global financial leader. Overall, I believe we can be optimistic about the future growth and success of the American capital markets. However, in a constantly evolving and ever-innovative global marketplace, we cannot take our leadership for granted, nor ignore indicators that the U.S. competitive edge is diminishing. As lawmakers, we have a critical responsibility to ensure the U.S. remains at the forefront of the financial markets.

Strong capital markets are not a success realized by Wall Street and investment bankers exclusively. Strong markets mean jobs, economic growth and retirement security for people across the United States. We cannot control the evolution of overseas markets or their ability to compete in a global marketplace, nor should we want to. What we can control, however, is our ability to respond and to adapt to changing circumstances with innovation and flexibility that will allow our markets and market-makers to maintain their competitive edge.

This bill, the Small Cap Competitive Listing Act, is an important and reasonable step toward achieving that goal. In order to compete in an increasingly global and highly competitive marketplace, exchanges both domestic and international have developed additional listing tiers, with lower listing standards to expand opportunities for smaller companies. Particularly for small cap companies, an opportunity to list on a developmental tier is an important component to their ability to raise the capital necessary to grow their business and to continue to innovate.

Mr. Speaker, in 1996, Congress passed the National Securities Market Improvement Act in an effort to streamline the regulatory process and eliminate duplication. Common sense. This act included an important provision that granted preemption from State security regulation to the national exchanges: the New York Stock Exchange, NASDAQ, and the American Stock Exchange. Because these listings were national in scope on the major U.S. exchanges, Congress deferred regulation to the Securities and Exchange Commission. However, as the markets have evolved, that legislation has created a legislative barrier to the establishment of developmental tiers on national exchanges.

Because developmental tiers have less stringent listing standards, securities offered on those exchanges should in fact be subject to State regulatory oversight in addition to the SEC oversight. The legislation provides the national exchanges a legislative pathway that currently exists for regional domestic exchanges and foreign exchanges to offer a marketplace for small cap companies. By allowing the national exchange to establish this new tier, it will grant small cap companies a new alternative to London's AIM market and to other marketplaces that may be less regulated and less transparent.

This legislation represents sound policy. It puts all of our domestic exchanges on equal footing and removes a roadblock to progress. In addition, the bill represents an important approach to addressing American competitiveness. It grants the flexibility to develop new offerings without creating a regulatory race to the bottom. These new tiers would be subject to State security regulations, and any proposed new listing will be subject to oversight and approval from the SEC. Additionally, investor protections are upheld. As public companies, small cap companies seeking to list on a developmental tier will be required to fully comply with U.S. securities laws.

Let me just say in closing, Mr. Speaker, I want to thank Mr. MEEKS. We here in Congress, regardless of our party affiliation or where we are from, know that this country is the engine of the world, and we want to keep it such. We understand that financial markets, in particular the securities industry, is a vital component of our national economy.

And it is not just about Wall Street. As mentioned, many of us, whether you are from Queens, Brooklyn or Staten Island, many of our constituents benefit from a vibrant financial service industry. Much of that tax revenue disproportionately in New York City goes to fund schools and parks and roads. This is just a small way in which we can maintain that competitive edge, give entrepreneurs and small companies the opportunity to access our capital markets, put us on equal footing to compete with London's AIM and other emerging market exchanges across the world, and understand that the American people, the American businessman and woman, can compete with anyone if given the tools and the barriers are diminished.

Mr. Speaker, I have no speakers. Mr. MEEKS, thank you very much. As well, I would like to add my thanks to his staff and that of Mr. FRANK, Mr. BACHUS, and on my staff, Ryan McKee, and urge my colleagues to adopt the underlying legislation.

With that, I yield back the balance of my time.

Mr. MEEKS of New York. Mr. Speaker, again, I would like to thank Mr. FOSSELLA for all of his hard work, because that is what we are talking about. We are talking about basically the backbone of America has always been its small businesses. So when we have these firms, we want them to invest and grow their businesses right here in the United States of America.

It makes great sense, because as they are investing and expanding their businesses, it creates jobs for Americans. When you look at the services, the financial services in particular, that is where the jobs are being created, that is where we are the most competitive, and that is where we have got to stay and keep our competitive edge. It makes great sense for us to make sure that tomorrow continues to be the great day for our financial services industry, because it is the key to the economic security, as well as to the jobs of tomorrow for many of our young people.

Mr. Speaker, I urge all of my colleagues to vote for this bill. It makes great sense, and it helps us maintain the competitive edge and helps us maintain being the financial capital of the world.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of H.R. 2868, bipartisan legislation that would enhance the competitiveness of U.S. capital markets by allowing exchanges to establish developmental tiers to expand listing opportunities in the U.S. for smaller companies.

H.R. 2868 would remove the barrier to creating developmental listing tiers on several of the major exchanges in the U.S. by amending Section 18 of the National Securities Markets Improvement Act (NSMIA). Under the bill, all securities listed on a developmental tier would be subject to Securities and Exchange Commission (SEC) oversight and state blue-sky regulations in an effort to uphold investor protections.

Right now, the inability to develop an additional, developmental tier can be a significant impediment to an exchange's ability to compete in the global marketplace. These barriers make our markets less competitive for small cap listings and can drive companies to list outside the United States.

London's Alternative Investment Market (AIM) for example, is attracting capital worldwide and recruiting U.S. IPO's. According to a recent International Herald Tribune report, companies listed on London's AIM raised $30 billion in capital in 2006. The exchange has tripled its number of listed companies to 1,640 since 2000, with about one-third of them international. A total of 63 companies worth about $11 billion are from the United States—the highest representation on AIM.

The U.S. must take the necessary steps to maintain our capital markets as the premiere choice for companies large and small, within our country and throughout the world. The New York Stock Exchange (NYSE) previously offered a developmental tier through Arca, but is currently in the process of getting out of that business, while the AMEX has expressed an interest in developing a second tier.

I am proud to co-sponsor H.R. 2868, which was introduced by my esteemed colleagues from New York, Congressman MEEKS and Congressman FOSELLA. I urge all of my colleagues to support this important legislation, level the playing field, and ensure our domestic exchanges can compete in the global marketplace.

Mr. MEEKS of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 2868, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## JOSHUA OMVIG VETERANS SUICIDE PREVENTION ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 327) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Joshua Omvig Veterans Suicide Prevention Act".*

***SEC. 2. SENSE OF CONGRESS.***

*It is the sense of Congress that—*

*(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as "PTSD") is a serious problem; and*

*(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act.*

***SEC. 3. COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.***

*(a) IN GENERAL.—*

*(1) COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:*

***"§ 1720F. Comprehensive program for suicide prevention among veterans***

*"(a) ESTABLISHMENT.—The Secretary shall develop and carry out a comprehensive program designed to reduce the incidence of suicide among veterans incorporating the components described in this section.*

*"(b) STAFF EDUCATION.—In carrying out the comprehensive program under this section, the Secretary shall provide for mandatory training for appropriate staff and contractors (including all medical personnel) of the Department who interact with veterans. This training shall cover information appropriate to the duties being performed by such staff and contractors. The training shall include information on—*

*"(1) recognizing risk factors for suicide;*

*"(2) proper protocols for responding to crisis situations involving veterans who may be at high risk for suicide; and*

*"(3) best practices for suicide prevention.*

*"(c) HEALTH ASSESSMENTS OF VETERANS.—In carrying out the comprehensive program, the Secretary shall direct that medical staff offer mental health in their overall health assessment when veterans seek medical care at a Department medical facility (including a center established under section 1712A of this title) and make referrals, at the request of the veteran concerned, to appropriate counseling and treatment programs for veterans who show signs or symptoms of mental health problems.*

*"(d) DESIGNATION OF SUICIDE PREVENTION COUNSELORS.—In carrying out the comprehensive program, the Secretary shall designate a suicide prevention counselor at each Department medical facility other than centers established under section 1712A of this title. Each counselor shall work with local emergency rooms, police departments, mental health organizations, and veterans service organizations to engage in outreach to veterans and improve the coordination of mental health care to veterans.*

*"(e) BEST PRACTICES RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on best practices for suicide prevention among veterans. Research shall be conducted under this subsection in consultation with the heads of the following entities:*

*"(1) The Department of Health and Human Services.*

*"(2) The National Institute of Mental Health.*

*"(3) The Substance Abuse and Mental Health Services Administration.*

*"(4) The Centers for Disease Control and Prevention.*

*"(f) SEXUAL TRAUMA RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on mental health care for veterans who have experienced sexual trauma while in military service. The research design shall include consideration of veterans of a reserve component.*

*"(g) 24-HOUR MENTAL HEALTH CARE.—In carrying out the comprehensive program, the Secretary shall provide for mental health care availability to veterans on a 24-hour basis.*

*"(h) HOTLINE.—In carrying out the comprehensive program, the Secretary may provide for a toll-free hotline for veterans to be staffed by appropriately trained mental health personnel and available at all times.*

*"(i) OUTREACH AND EDUCATION FOR VETERANS AND FAMILIES.—In carrying out the comprehensive program, the Secretary shall provide for outreach to and education for veterans and the families of veterans, with special emphasis on providing information to veterans of Operation Iraqi Freedom and Operation Enduring Freedom and the families of such veterans. Education to promote mental health shall include information designed to—*

*"(1) remove the stigma associated with mental illness;*

*"(2) encourage veterans to seek treatment and assistance for mental illness;*

*"(3) promote skills for coping with mental illness; and*

*"(4) help families of veterans with—*

*"(A) understanding issues arising from the readjustment of veterans to civilian life;*

*"(B) identifying signs and symptoms of mental illness; and*

*"(C) encouraging veterans to seek assistance for mental illness.*

*"(j) PEER SUPPORT COUNSELING PROGRAM.—(1) In carrying out the comprehensive program, the Secretary may establish and carry out a peer support counseling program, under which veterans shall be permitted to volunteer as peer counselors—*

*"(A) to assist other veterans with issues related to mental health and readjustment; and*

*"(B) to conduct outreach to veterans and the families of veterans.*

*"(2) In carrying out the peer support counseling program under this subsection, the Secretary shall provide adequate training for peer counselors.*

*"(k) OTHER COMPONENTS.—In carrying out the comprehensive program, the Secretary may provide for other actions to reduce the incidence of suicide among veterans that the Secretary considers appropriate.".*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"1720F. Comprehensive program for suicide prevention among veterans.".*

*(b) REPORT TO CONGRESS.—*

*(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the comprehensive program under section 1720F of title 38, United States Code, as added by subsection (a).*

*(2) CONTENTS OF REPORT.—The report shall contain the following:*

*(A) Information on the status of the implementation of such program.*

*(B) Information on the time line and costs for complete implementation of the program within two years.*

*(C) A plan for additional programs and activities designed to reduce the occurrence of suicide among veterans.*

*(D) Recommendations for further legislation or administrative action that the Secretary considers appropriate to improve suicide prevention programs within the Department of Veterans Affairs.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, before I introduce the author of the legislation, I just want to say in introduction, unfortunately, suicide prevention has become a major part of our responsibilities to both active duty and our veterans.

It is a terrible statistic, Mr. Speaker, but as many Vietnam veterans have now committed suicide as died in the original war. That is over 58,000. We have to do as a Nation a better job. The Army just announced recently that the suicide rate among active duty and recently discharged has now reached Vietnam proportions. So we have to do a far better job and we intend to do that.

The author of the original legislation, Mr. BOSWELL from Iowa, saw this very clearly and introduced this bill.

Mr. Speaker, one of the top priorities of the Committee on Veterans' Affairs in this Congress is to address the needs of our returning servicemembers. The House passed H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act, on March 21st of this year. I'm pleased the Senate also made it a priority to act on this important legislation. I believe the bill shows a clear compromise in our efforts to provide help to those in need.

One of the most pressing issues facing our men and women is mental health care. I believe that if we send our men and women off to war, we must, as a nation, do all we can to address their health care needs when they return. We cannot ask them to fight and then forget them when they return from battle. Veterans suffer a higher risk of suicide than the general population. The stress of combat, combined with the stigma that exists for servicemembers and veterans seeking mental health care services can have disastrous consequences.

We must do everything possible to improve the VA's mental health services, and its ability to detect, and help, those veterans most at risk. H.R. 327 will provide the important tools to assist the VA in strengthening suicide prevention, education, and awareness programs within the VA by mandating a comprehensive program for suicide prevention among veterans.

I thank my colleague Mr. BOSWELL for introducing this bill, and I thank my colleagues for their support.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. I thank the chairman for yielding.

Mr. Speaker, this is a very important moment for our veterans as we think of their service to our country. Of course, we all wouldn't be here, I believe, I think we would agree with that, if it wasn't for our veterans, who have been willing to put it on the line.

Mr. Speaker, as Chairman FILNER has spoken here, this legislation came up after a very tragic thing. Joshua Omvig, returning after an 11-month tour, a good young fellow, a member of the Grundy Center Volunteer Fire Department, the Grundy Center Police Reserves, he was concerned about the safety of others, but because of the situation, he took his life.

I can't help but be thoughtful of Ellen, his mother.

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She would like to have had more training. She knew there was a problem, and so did his dad. She was with Josh when he went out to his pickup truck that day to go to work to try to talk to him, to try to help. And he took his life right in her presence.

Well, they could have just kind of backed off in their great grief and sorrow and done nothing, but we reached out to them and they reached back. They want to participate in doing something for others. And so out of that came what is now known as H.R. 327. It is pretty simple: Improve early detection for incidence of suicide among veterans, provide those veterans with the assistance they need, which was not there for Joshua.

This bill also requires the Veterans Administration to develop a comprehensive program to address the rate of suicide among veterans. And it also underscores the importance for further research, peer counseling, family education and involvement, and education for all staff at the Veterans Administration. There is an urgent need for this bill to pass.

You have heard the report that Mr. FILNER gave us. The statistics are astounding. Stress disorder has jumped like 70 percent.

Also, I want to thank our two Iowa Senators, Senator HARKIN and Senator GRASSLEY, for their support; and I especially want to thank Randy and Ellen Omvig, the mom and dad of Joshua. They have suffered a lot over this, as we all would. But at the same time, they found the courage and strength to want to help others and want to reach out. They want to do anything they can possibly do to prevent this from happening to another individual and another family.

It is almost with relief for me, Mr. Speaker, that we are passing this today and moving it on because we know there are hundreds of other veterans out there who need help, and this ought to set that in motion. There is no doubt there is more we can do, but this is a good beginning. With that, I would like to yield back and let other Members speak to this very important piece of legislation.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act as amended by the Senate. I also want to thank Mr. BOSWELL for his hard work in bringing this forward.

H.R. 327 was originally passed by the House unanimously in March. The legislation was slightly modified by the Senate to ensure that referrals for mental health counseling and treatment considered the request of the veteran concerned.

Preventing suicide among our veterans is a top priority of this Congress and the Nation. The Veterans Health Administration estimates there are 1,000 suicides per year among veterans receiving VA health care, and as many as 5,000 per year among all living veterans. These are alarming statistics.

H.R. 327, as amended, establishes requirements for a multifaceted VA suicide prevention plan that strengthens early detection measures, staff education initiatives, and counseling and treatment assistance to reach out and help at-risk veterans to prevent suicides among those who have so bravely served our Nation.

VA has already begun to implement a national suicide prevention lifeline as required by this legislation. The hotline became operational in July of this year. Veterans experiencing thoughts of suicide can call 1–800–273–TALK (8255) for help. The first call, according to the VA, was received on July 25. Since that time and through September 1, as a result of calls to the suicide prevention hotline, 346 callers were referred to a VA suicide prevention coordinator, and there were 56 rescues.

Mr. Speaker, H.R. 327, as amended, is important legislation that responds to the need to strengthen suicide prevention, education and awareness programs within the VA. I urge my colleagues to support H.R. 327, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Hare).

Mr. HARE. Mr. Speaker, I rise today in strong support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act.

I would like to express my heartfelt appreciation to the family of Joshua, both for their tireless efforts to pass this legislation and for their son's brave service to our Nation.

Too many soldiers are returning from the battlefield with hidden injuries. According to the Department of Defense, 60,000 troops have been diagnosed with posttraumatic stress disorder or traumatic brain injuries. Sadly, only a small number of our veterans receive or seek the help that they need.

H.R. 327 strengthens cooperation between the Departments of Defense and Veterans Affairs, it creates a comprehensive program to screen veterans for mental health and suicide risk factors, and increases training for suicide prevention.

This bill is the first step in ensuring that we treat the psychological wounds of our troops by improving mental health coordination and our outreach to veterans. I urge all of my colleagues to join me in voting for H.R. 327.

Mr. BOOZMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. Ginny Brown-Waite).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to express my overwhelming support for H.R. 327. This bill addresses a glaring need for mental health support at the Department of Veterans Affairs.

Medical personnel easily identify and treat physical injuries related to combat. However, more difficult to identify are those brave men and women that bear the mental scars of war. Posttraumatic stress disorder is a very real and potentially deadly condition if not properly treated.

The reality is we as a Nation ask a great deal of the men and women who serve in our Armed Forces. They deal with extreme conditions, heavy body armor and separation from their families. In addition, these soldiers are constantly looking over their shoulders not knowing when or where the next attack or IED will come from. Many times, they witness firsthand the deaths of those they serve beside.

Under these extreme conditions, it is no wonder that those who have served so bravely come home and find it very difficult to put these experiences behind them. PTSD is gaining more attention, and rightly so.

As a member of the House Veterans Affairs' Committee, we are seeing more servicemembers returning home with these types of stress disorders. If not properly treated, those suffering from PTSD may turn to drugs or alcohol to cope. Some may even take their life.

That is why the Joshua Omvig Suicide Prevention Act is such an important piece of legislation. It ensures when a veteran is having trouble with any mental illness they have a place to turn. It ensures that at each VA medical facility there is a designated suicide prevention counselor who will engage in community outreach to veterans and improve the coordination of mental health services.

The bill also makes available mental health care 24 hours a day, 7 days a week. There is also a toll-free hotline for veterans staffed by appropriate mental health personnel.

In conclusion, Mr. Speaker, H.R. 327 provides a necessary service to our Nation's veterans, and I would urge all of my colleagues to support this measure.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. Berkley).

Ms. BERKLEY. I thank the chairman of the VA Committee for yielding me this time.

I rise in strong support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act. I listened to what Mr. Boswell had to say. He is the prime sponsor of the bill. I heard him in committee and I heard him again on the floor, and I appreciate so much the fact that he has brought this to Congress' attention. And a special thank you to Joshua's family and his parents. I am not sure if my child had committed suicide after his service in Iraq that I would have the strength to not only go on as they have, but to try to bring PTSD to the attention of the American people and actually do something about it.

I want to share why this is important to me and why I am supporting this bill. More than 1,600 Nevada veterans have returned from serving in Iraq and Afghanistan. Many of these brave men and women suffer from PTSD. Nationally, one in five veterans returning from Iraq and Afghanistan are suffering from PTSD; 35 percent have been diagnosed with some sort of mental disorder. It is vital that our veterans receive the help they need to deal with this condition.

A few years ago a constituent of mine, Lance Corporal Justin Bailey, returned from Iraq with some physical injuries as well as a diagnosis of PTSD. He struggled with addiction to legal prescription and illegal drugs. After consultation with his parents, he checked himself into the West L.A. VA facility where he was given five additional prescription drugs, including methadone, without proper oversight. The next day, the man was dead.

I can't understand, it is incomprehensible to me why a facility would give anyone with a substance abuse problem a 30-day supply of medication unsupervised under a self-medication policy. This devastating loss of life could have been and should have been prevented. This is a systemic problem in our VA system, and that's why this issue needs immediate attention.

One other quick story, if you can call it a story. About a month ago I called a grandmother in Pahrump, Nevada. It is a small town outside of Las Vegas. Her grandson lived with her. He came home from his first tour of duty in Iraq, and he was messed up mentally. He was suffering from PTSD. It was apparent to anybody who spoke to him. He didn't want to go back. He felt he couldn't handle it. He was emotionally and physically drained, and he begged not to go back.

So the military's response was they gave him Prozac because he was depressed and they sent him back to the front lines in Iraq. The day he got back to Iraq, he blew his brains out. That is a very difficult thing to come to grips with if you are the grandmother of a grandson who begged you not to let him go back to Iraq.

We have problems with PTSD. It is imperative that we provide adequate mental health services for those who have and are currently sacrificing for our great Nation. This bill takes a step in the right direction in providing our veterans with the health care they have earned.

Mr. BOOZMAN. Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to Mr. Walz of Minnesota.

Mr. WALZ of Minnesota. Mr. Speaker, I thank Chairman Filner for his strong support of this piece of legislation and to all members of the committee. Mr. Boozman has been a strong supporter of our veterans, and I appreciate the support for this piece of legislation.

Mr. Boswell so clearly illustrated the need for this piece of legislation. I urge my colleagues to stand in support of this compromise that has come back from the Senate, and thank Senator Harkin for moving it towards us.

As I spoke on this piece of legislation in March, the numbers show that veterans' suicide and mental health issues are urgent issues that require Congress' immediate attention. Although veterans make up 10 percent of our population, one in five people who commits suicide in the United States is a veteran.

A full 35 percent of our veterans returning from Iraq are seeking counseling for mental health issues within the first year. PTSD is fast becoming a signature injury of the wars in Iraq and Afghanistan, and the Veterans' Affairs Committee has seen in countless hearings that the need to expand care is there.

H.R. 327 will meet this need. By directing the Department of Veterans Affairs to offer mental health screening to veterans, providing education to VA staff, contractors and medical personnel, and making available 24-hour mental health care for veterans who are at risk, we will alleviate some of these hardships.

I urge my colleagues to support this legislation because of the critical service it will provide. Although we often have bitter debates in this House and are deeply divided over issues like the war in Iraq, there is one issue that we all agree on and has the potential to unite us and this Nation, and that is the care for our veterans. No one in this body questions the incredible sacrifice each of the veterans has made on behalf of the United States. And no one questions the responsibility that we have in Congress to provide them with the resources and the help necessary to live healthy and prosperous lives.

With this legislation, the 110th Congress will again demonstrate its commitment on behalf of our veterans.

Mr. BOOZMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FILNER. Other Members from the State of Iowa want to express support for the Iowa family that helped inspire this legislation. I would yield 2 minutes to the gentleman from Iowa (Mr. BRALEY).

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Mr. BRALEY of Iowa. Mr. Speaker, I thank the gentleman for the opportunity to address this very important issue, and I want to congratulate and thank my colleague and friend, Congressman BOSWELL, for his persistence in seeing this bill to its conclusion and, again, thank the ranking member for the bipartisan support for this bill.

One of the most moving experiences I've had in this body is standing on the floor when we first spoke about this bill and heard overwhelming support and great personal testimony from people on both sides of the aisle.

I want to put a human face on the bill we are talking about. This is Joshua Omvig, and these are his parents, Randy and Ellen Omvig. I've known Randy and Ellen for almost 20 years. They're warm, caring, decent Iowans who loved their son and who are with us here in spirit as this bill makes its final journey through Congress on its way to the White House.

Joshua was a brave young man who served in a military police unit in Davenport, Iowa, which is in the First District that I happen to represent, and Joshua's face has become a national face for the issue and the crisis that brings us here today.

People who deal with post-traumatic stress disorder, especially PTSD involving veterans, will tell you this is the hidden combat wound. When these veterans return with PTSD, they can be walking on the streets of your city, your town, your community; and you will not know that they are suffering because of the nature of the disease.

What's even more significant is that people suffering from PTSD are frequently the last people to know they've got a problem, and that's why this bill is so important, so that people coming back and veterans who are suffering from PTSD get the resources, the early screening and the early prevention and intervention necessary to make a difference in their lives and to save the next Joshua Omvig who faces this struggle without the necessary resources and support.

I'm proud to be part of this overwhelming bipartisan effort in the House of Representatives to take care of our wounded veterans, our aging veterans, and our new veterans coming back from Iraq and Afghanistan. You've heard the statistics about the overwhelming nature of this problem among current combat veterans. That's why this bill is so important, and I ask my colleagues to join me today.

I rise to speak in support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act. I am proud to be an original cosponsor of this crucial legislation, introduced by my friend and colleague from Iowa, Congressman BOSWELL, and I am very pleased that the Senate has acted and that the House is again passing this bill today.

Named in honor of 22-year-old Joshua Omvig, an Army Reservist from Iowa who tragically took his own life after serving an 11-month tour of duty in Iraq, this legislation is an essential and overdue step in ensuring adequate mental health care for our troops who return home from serving in combat zones. The need for this legislation could not be more urgent, as more and more soldiers are returning home from Iraq and Afghanistan suffering from PTSD, TBI, and other combat-related mental health problems.

This bill is very near to my heart, as I know Joshua's parents, Randy and Ellen Omvig, very well. It is my hope that the passage of this bill in the House today means that the tragic death of their son will not be in vain.

I would like to thank Congressman BOSWELL for his leadership on this bill, and the Omvigs for their tremendous advocacy and commitment. I urge all of my colleagues to vote in favor of this bill today, and I urge President Bush to swiftly sign this bill into law so that we can give all of our returning veterans—who have sacrificed so much for our country—the mental health care and treatment that they deserve.

Mr. FILNER. Mr. Speaker, I would like to yield 2 minutes to another gentleman from Iowa (Mr. LOEBSACK) to add his support.

Mr. LOEBSACK. Thank you, Chairman FILNER, and thank you, Congressman BOSWELL, Congressman BRALEY, and Congressman BOOZMAN, for your bipartisan support on this bill.

I rise today in strong support of H.R. 327, the Joshua Omvig Suicide Prevention Act.

This bill was one of the very first bills that I cosponsored as a new Member of Congress, and I did so because I believe we have a moral obligation to care for those who have worn our country's uniform. Indeed, just yesterday, early yesterday, I visited the mental health unit at our military hospital in Landstuhl, Germany.

The incidence of suicide among our Nation's veterans is indeed staggering. In fact, it has reached the highest rate in 28 years, and we've already heard about Joshua Omvig, himself one of Iowa's own.

By directing the VA to implement screening, counseling, and other mental health services for returning veterans, this legislation will reach those who are most in need of our help.

I urge the passage of this legislation, and I urge the President to quickly sign it into law so that these vital mental health services can reach our Nation's veterans.

Mr. FILNER. We have no further speakers except my closing, if the gentleman would like to close.

Mr. BOOZMAN. Mr. Speaker, again, I want to thank Congressman BOSWELL for his hard work in bringing this forward, Chairman FILNER, Ranking Member BUYER, Mr. MICHAUD, Mr. MILLER, all of them for reaching a compromise with the Senate as we go forward on this.

I think this is a great example that out of a terrible tragedy something good can happen, and we've heard the story of this young guy, and because of his tragedy, because of that family's tragedy, hopefully in putting programs like this in place we will help other families, other individuals, other service men not go through this and prevent future tragedies.

So, again, I urge my colleagues to vote "yes" and urge the President to sign this so that we can go forward completely.

Mr. Speaker, I yield back the balance of my time.

### GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 327, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I want to thank Mr. BOSWELL for his ongoing support.

As a Nation, in the name of Joshua Omvig and for his family and for all the families who have suffered from suicide, we have got to do a better job as a Nation. We have just got to do a better job. We know what will happen if we fail.

Vietnam veterans have paid a heavy price for our refusal to look at mental health as important as physical health, for our refusal to look into the souls of our young veterans and recognize that they are crying out for help.

So we have to get this right, and this is a good step in doing it.

Again, I thank Mr. BOSWELL and all the Iowa Representatives for taking a tragedy that befell Joshua Omvig and his family and turning it into a positive that will help all of us in America achieve better health care for our veterans.

I urge my colleagues to support H.R. 327.

Mr. LATHAM. Mr. Speaker, I rise in strong support of the Joshua Omvig Veterans Suicide Prevention Act. I first want to thank my friend and colleague LEONARD BOSWELL for his service to our Nation, and his efforts to bring this legislation forward on behalf of Iowa veterans. I was pleased to be an original cosponsor of this legislation when it was introduced.

The bill contains many important provisions to ensure that the VA health system is better equipped to identify soldiers at risk for suicide and respond with appropriate counseling and care. The bill also mobilizes federal government agencies to pool their expertise on this issue in order to identify the best strategies for suicide prevention.

The bill is named in honor of SPC Joshua Omvig, who served his country as part of the Army Reserve 339th Military Police Company from Davenport, IA. A little over a year after his return from a tour in Iraq, Joshua Omvig took his own life on December 22, 2005. While his death was tragic, we are grateful for his service to our Nation.

Our soldiers encounter enormous stress and mental health challenges in the course of their duties. We have a crucial obligation to do all we can to ensure that our veterans are given proper care and to prevent such tragedies from occurring.

No one has done more to secure our Nation's freedom than our veterans and military personnel. Their sacrifice and service must be matched with greater commitment to them on our part. With that, I urge my colleagues to support H.R. 327.

Mr. EMANUEL. Mr. Speaker, today I rise in strong support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act. As our soldiers continue to defend our country's freedom overseas, it is imperative that we at home continue to recognize their sacrifice by providing them with the support and services that they have earned.

H.R. 327 is named after an Iraq veteran Joshua Omvig, a 22-year-old Army Reservist who served honorably in Iraq, but returned home unable to cope with his memories of the war. Only months after his return from Iraq, he committed suicide.

The story of Joshua Omvig is not an isolated occurrence. In 2004, a study conducted by the New England Study of Medicine concluded that over 15 percent of veterans returning from a year in Iraq met screening criteria for major depression, generalized anxiety, or post traumatic stress disorder. Today, our soldiers are serving much longer than a single year and are returning from combat with severe psychological trauma.

H.R. 327 implements a comprehensive program that takes into consideration the special needs of veterans who are at high risk of depression and experience high rates of suicide. By directing and training the staff of Veterans Affairs in the proper screening, monitoring, and tracking of veterans, this legislation will lead to earlier diagnosis for those who may be prone to suicide.

Mr. Speaker, we have a responsibility to support our Nation's veterans. I stand in strong support of H.R. 327, and I encourage my colleagues to join me in voting for the Joshua Omvig Suicide Prevention Act.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act.

Mr. Speaker, the measures in this bill are designed to reduce the alarming incidence of suicides among our vets. According to a recent study conducted by Portland State University, male U.S. military veterans are twice as likely to commit suicide as men who haven't served in the armed forces. The report is a painful reminder of why we must adopt the measures outlined in this bill to assist our military personnel returning from Afghanistan and Iraq.

The Portland State study followed 320,000 men over age 18 for 12 years collecting data on those who participated in the National Health Interview Survey. The researchers found that men who had served in the military at some time between 1917 and 1994 were twice as likely to die from suicide than men in the general population. In addition, veterans who committed suicide were more likely to be older, white, better educated, and married. But the report offered few clear indicators for the high suicide rates. That in part is the purpose of this legislation—to locate the root cause of the high suicide rates and to reverse the situation.

There are approximately 25 million veterans in the United States, and 5 million veterans who receive care within the Veteran's Health Administration (VHA). Based on CDC data, VHA mental health officials estimate 1000 suicides per year among veterans receiving care with VHA and as many as 5000 per year among all living veterans.

Representative BOSWELL'S bill is a bipartisan effort to get at the root of this troubling trend and to find solutions.

This bill requires the Veterans Administration to consider the special needs of veterans who suffer from post traumatic stress disorder and mandates the development and implementation of a comprehensive program to reduce the incidence of suicide among all veterans.

The bill accomplishes this by requiring that appropriate Veterans Administration staff are able to recognize risk factors for suicide and are aware of the proper protocols and best practices for responding to crisis situations involving veterans who may be at high risk.

The legislation also requires the designation of a suicide prevention counselor at each department medical facility and authorizes the availability of 24-hour mental health care; a hotline, staffed with trained mental health personnel; and expanded outreach and education services for veterans and their families.

We must put an end to this tragedy affecting the many vulnerable men and women who have worn our country's uniform and who serve this country proudly today. I believe this legislation is an important step in that direction, and I am happy to support it.

Mr. SHULER. Mr. Speaker, I rise today in support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act, which will expand suicide-prevention services to our nation's veterans.

Joshua Omvig was an Army Reservist who committed suicide in 2005 after serving his Nation in Iraq. My thoughts and prayers are with the family of this fallen hero, who have responded to this tragedy by championing efforts to improve mental health care for returning war veterans.

It is widely understood that suicide among veterans suffering from post-traumatic stress disorder (PTSD) is a serious and pressing problem facing our veterans' community. Our Nation's men and women returning from service abroad deserve the highest quality care that this Nation can provide, including access to top quality mental health programs.

H.R. 327 directs the Secretary of Veterans Affairs to take a comprehensive approach to combating the negative long-term effects of PTSD.

Specifically, this Act requires the Secretary of Veterans Affairs to develop a program that includes screening for suicide risk factors for veterans receiving medical care at all Department facilities, referral services for at-risk veterans for counseling and treatment, designation of a suicide prevention counselor at each Department facility, a 24-hour veterans' mental health care availability, peer support counseling, and mental health counseling program for veterans who have experienced sexual trauma while in military service.

I ask my colleagues to join me in supporting this measure to improve suicide-prevention programs through the Department of Veterans Affairs. I commend the House and Senate Veterans' Affairs Committee for their hard work on this bill.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act. As an original cosponsor who voted for its passage in the House earlier this year, I am pleased that this bill has passed both the House and the Senate. I look forward to sending this bill to the President with such overwhelming support.

H.R. 327 will expand awareness of the serious problem of suicide among veterans suffering from PTSD and of the special needs of veterans at high risk for depression. Furthermore, it would develop and implement a program that would include mandatory training for professionals who interact with veterans, screening for suicide risk factors, counseling and treatment for at-risk veterans, and 24-hour veterans' mental health care availability.

It is a sad reality that we as a Nation must face once again the repercussions of war, and it is equally tragic that we are forced to acknowledge where our system has failed our servicemembers and veterans. I will continue to work with my colleagues to forge solutions in correcting our military care structure to ensure they receive the care that they earned and deserve.

Mr. Speaker, passing this bill is one way to correct what is wrong with the current system. May we all recognize the service of those who have selflessly given to our country, especially those brave men and women who are serving today around the world. I know you join me in praying for their safe and quick return home.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 327.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1808) to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1808

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

Congress finds the following:

(1) Charlie Norwood volunteered for service in the United States Army Dental Corps in a time of war, providing dental and medical services in the Republic of Vietnam in 1968, earning the Combat Medical Badge and two awards of the Bronze Star.

(2) Captain Norwood, under combat conditions, helped develop the Dental Corps operating procedures, that are now standard, of delivering dentists to forward-fire bases, and providing dental treatment for military service dogs.

(3) Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war.

(4) Dr. Norwood provided military dental care at Fort Gordon, Georgia, following his service in Vietnam, then provided private-practice dental care for the next 25 years for patients in the greater Augusta, Georgia, area, including care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid.

(5) Congressman Norwood, upon being sworn into the United States House of Representatives in 1995, pursued the advancement of health and dental care for active duty and retired military personnel and dependents, and for veterans, through his public advocacy for strengthened Federal support for military and veterans' health care programs and facilities.

(6) Congressman Norwood co-authored and helped pass into law the Keep our Promises to America's Military Retirees Act, which restored lifetime healthcare benefits to veterans who are military retirees through the creation of the Department of Defense TRICARE for Life Program.

(7) Congressman Norwood supported and helped pass into law the Retired Pay Restoration Act providing relief from the concurrent receipt rule penalizing disabled veterans who were also military retirees.

(8) Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia, and succeeded in maintaining and increasing Federal funding for the center.

(9) Congressman Norwood maintained a life membership in the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

(10) Congressman Norwood's role in protecting and improving military and veteran's health care was recognized by the Association of the United States Army through the presentation of the Cocklin Award in 1998, and through his induction into the Association's Audie Murphy Society in 1999.

**SEC. 2. DESIGNATION OF CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.**

(a) DESIGNATION.—The Department of Veterans Affairs Medical Center located at 1 Freedom Way in Augusta, Georgia, shall after the date of the enactment of this Act be known and designated as the "Charlie Norwood Department of Veterans Affairs Medical Center".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Charlie Norwood Department of Veterans Affairs Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I'm going to allow the author of the legislation, Mr. KINGSTON, to go into the career of our good friend Charlie Norwood.

I just want to say that we all loved him as a Member. I didn't know he had this incredible career in the United States Army in the dental corps, and I will let you go through that, but it was a very incredible story of his devotion to our Nation.

We saw his heart and soul here. He always wanted to take care of veterans, and I'm pleased to support your motion to name the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the Charlie Norwood Department of Veterans Affairs Medical Center.

Mr. Speaker, I rise today to offer my support of H.R. 1808, a bill to name the VA Medical Center in Augusta, Georgia, after our former colleague, Charlie Norwood.

Charlie Norwood served as a Captain in the United States Army from 1967 to 1969, beginning with an assignment to the U.S. Army Dental Corps at Sandia Army Base in Albuquerque, New Mexico. In 1968 he was transferred to the Medical Battalion of the 173rd Airborne Brigade in Vietnam and served a combat tour at Quin Yon, An Khe, and LZ English at Bon Son.

During his tour, he participated in experimental military dental practices that are now standard procedure for the armed forces. Captain Norwood was one of the first participants in the Army's outreach program that delivered dentists to forward fire bases in lieu of transferring patients to rear treatment areas. He provided some of the first field-based dental treatment of military guard dogs, and assisted in non-dental trauma care in Mobile Army Surgical Hospitals.

In recognition of his service under combat conditions, he was awarded the Combat Medical Badge and 2 Bronze Stars. After Vietnam, Captain Norwood was assigned to the Dental Corps at Fort Gordon, Georgia, where he served until his discharge in 1969.

He remained a member of The American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars until his death. H.R. 1808 would name the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

Naming a VA facility after this hero and strong veterans advocate is a proper honor for an honorable soldier.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, H.R. 1808, a bill to designate the VA Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center," would honor one of our colleagues who was taken from us all too soon.

Charles "Charlie" Whitlow Norwood, Jr., was born on July 27, 1941. A Georgia native, Charlie Norwood attended Georgia Southern University in Statesboro, Georgia, and Georgetown University in Washington, and was a dentist prior to serving in the House of Representatives.

Charlie Norwood served as a captain in the United States Army from 1967 to 1969, beginning with an assignment in the U.S. Army Dental Corps at Sandia Army Base in Albuquerque, New Mexico.

In 1968, he was transferred to the medical battalion of the 173rd Airborne Brigade in Vietnam, and served a combat tour at Quin Yon, An Khe, and LZ

English at Bon Son. During his tour, he participated in experimental military dental practices that are now standard procedure for the Armed Forces. In recognition of his service under combat conditions, Norwood was awarded the Combat Medical Badge and two Bronze Stars.

After his discharge in 1969, he remained a member of the American Legion, Veterans of Foreign Wars, and the Military Order of the World Wars until his death.

Mr. Speaker, Charlie Norwood served with us as a Member of Congress from January 4, 1995, until his untimely death on February 13, 2007. During his congressional career, Norwood worked to pass a patients' bill of rights aimed at giving people better access to health care and greater ability to sue insurers, and spent his life supporting the overall well-being of veterans.

He was quick to protect TRICARE benefits, and he cosponsored legislation to address military survivor benefit plan inequities and to improve military pay raises. He was a tireless advocate for our men and women in uniform and for our Nation's veterans.

This legislation has the support of the State veteran service organizations, as well as the entire Georgia delegation. In the Senate, a companion bill has been introduced, S. 1026, which has the cosponsorship of both of the Georgia U.S. Senators.

Mr. Speaker, I support honoring this distinguished American by naming the VA facility in Augusta, Georgia, the Charlie Norwood Department of Veterans Affairs Medical Center. To honor our deceased friend and colleague in this manner is a tribute to his love of Nation and his contributions to our military and veteran community and as a Member of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman from Arkansas. I thank the gentleman from California for your support of this legislation and your kind words about Charlie Norwood.

This bill, Charlie would really approve of it because it has three things that Charlie loved dearly. He loved veterans; he loved Augusta, Georgia; and he loved medicine and doctors giving medicine and taking care of patients. Probably the only things he loved more were his Lord and Savior, Jesus Christ; his wife, Gloria, and their family; and, indeed, the United States of America.

Charlie was a happy warrior. We all know Charlie. And whether you agreed with him or disagreed with him, he always smiled, and he always expected you to push back. He never would resent your opposition to any philosophical point whatsoever, and that was a double-edged sword. He was a Republican's Republican at times; but I can say this, if it meant doing something he believed in, he would oppose the Republican Party.

We all remember the Norwood-Dingell bill which Charlie championed that was part of the patients' bill of rights, and that was a bill which was largely not supported by the Republican Party. And yet Charlie just charged away and said we're going to do this because it's the right thing. And he earned the respect of both sides of the aisle by handling this.

I remember him relating a story to me when the President of the United States called him and said, Charlie, what can I do to get you to back off this bill a little bit and give us some flexibility? And I believe he said, Mr. President, not a thing. But if you know Charlie and you know the President, that conversation probably has been cleaned up a little bit. But the whole time you could see both of them kidding back and forth because that was the nature of Charlie Norwood.

I remember one time I used to represent Emanuel County, and because of reapportionment, Charlie became the Representative. I said, Charlie, now, you're from Augusta. These folks are rural. I need to go up and introduce you. They're not going to take to you easily. We were going to meet about 7:30 in the morning in a local restaurant, a little diner, the epitome of what you always see on TV. And I got there just a few minutes late, and I thought, oh, man, Charlie has been surrounded by these farmers for a while now and I've embarrassed him by coming late and they're looking at this Augusta city slicker whom they've never met before.

I walked in and it was like interrupting somebody else's family reunion. Charlie was sitting at a table surrounded by farmers, surrounded by rural folks, while Charlie spun one yarn after another about what was wrong in Washington, DC. They loved him, and I hardly even got a place at the table, sort of nodded my head and said, Charlie, you take it from here and said to my former constituents, "You guys are in very, very good hands."

I remember one commercial that Charlie had, and I had been elected the term before Charlie. So I had a little bit to say here and there and Charlie had actually never been in elected office. Many of us had served in the Georgia General Assembly together, and Charlie ran an ad that said, I'm going to do what I can for you. I'm going to try to do my best, but I'll tell you this, if you're from the 10th District of Georgia, I don't care who you are, I'm going to do anything I can to help you.

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I said in my sage way, Charlie, now, look, if somebody has broken the law, you don't want to make that statement out there that you are going to help anybody for anything. He said, No, I will, and that's the way I feel.

People understood that about Charlie Norwood, that he was a fighter for them, he was a fighter for the cause, and he literally did mean it. If I can help you, I am going to do what I can for you.

I see we are about out of time on my half of the program here, but I want to state some facts for the RECORD about Charlie. Mr. BOOZMAN has outlined a lot of the specifics of his military career, but it is substantial. He was a fighter over and over again for the veterans. Again, he would be with the Republican Party or with the Democrat Party if it was in the best interests of the veterans. That's why it's so good to have such strong bipartisan support for this legislation today.

We want to say, Charlie, we love you. Gloria, and all the family, we certainly love you as well and support you. It's going to be a proud day when we get this building renamed.

As a soldier, Charlie earned both the Combat Medical badge and two Bronze stars while he served in Vietnam. He helped develop the Dental Corps standard operating procedures of delivering dentists to forward-fire bases. He dutifully served and provided dental, emergency medical and surgical care for both U.S. personnel as well as Vietnamese civilians and prisoners-of-war. As a Congressman, he co-authored and helped pass into law the Keep our Promises to America's Military Retirees Act and was also a key Member in passing the Retired Pay Restoration Act. Year after year, he defeated attempts to reduce Federal support for the Augusta VA Center and helped maintain and increase funding for the center. He received the Cocklin Award from the Association of the U.S. Army in 1998.

Over the past few months, we have received letters from several veterans organizations in support of this legislation. Here is a sample of what some of them had to say:

"We support this bill as Congressman Norwood spent his life supporting the overall well being of veterans"—Georgia Department of Veterans

"He was a member of the Augusta MOAA chapter and he would attend meetings unannounced to make sure he stayed in touch with Georgia veterans. He was always quick to protect TRICARE benefits, and he co-sponsored legislation to fix the military Survivor Benefit plan inequities, and improving military pay raises"—Georgia Military Officers Association of America

"Designating the Augusta VA after Charlie Norwood is the most appropriate act for a great Congressman and a grateful community"—The American Legion, Department of Georgia (Note: He was a life member of the Georgia chapter)

"Renaming the Department of VA in memory of Congressman Norwood would be very fitting and greatly appreciated"—Veterans of Foreign Wars, Department of Georgia

"Speaking with the veterans in Augusta, you can tell that most of them do not want to forget the great things that he has done for all veterans. As a native of Augusta, Congressman Norwood would always be remembered by renaming the VAMC located there."—AmVets, Department of Georgia

Former Congressman Charles Taylor: "I know the many Veterans who received care through Charlie's many efforts would like to say thank you. He often reminded us, 'we are in fact defending our nation's future' by showing young people the 'level of importance we place on military service'".

Former Congressman Bob Beauprez: "Charlie epitomized the phrase 'servant leader'. He went about his work daily without thought of himself, building a legacy, or attracting notoriety. Headlines he did not seek, and even in his battle with the disease that finally took him from us, sympathy was never his objective. He could make a decision and he could argue passionately for a cause, but he also was one of the most caring, forgiving, decent, humble Christian men I ever met."

President Bush: "Charlie was a good friend and a strong, spirited legislator who always stuck to his principles, remembering that his duty was to represent the best interests of the citizens of his district."

From the New York Times obituaries: "A feisty conservative who railed against government bureaucracy, Mr. Norwood was part of the Republican wave that took control of Congress in 1994. Mr. Norwood prided himself on serving his northeast Georgia district, promoting his success in cutting through federal regulations a decade ago to allow a constituent to bring home a stuffed polar bear the man had killed on a hunting trip in Canada."

Mr. FILNER. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN, if you need more time, we will be happy to yield to you.

Mr. BOOZMAN. Thank you, Mr. Chairman.

Mr. Speaker, I yield 3 minutes to the gentleman Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding.

I thank Chairman FILNER and Ranking Member BUYER, and certainly my colleague, the author of the bill, Congressman KINGSTON from Savannah.

I want to tell the Congressman that there are no city slickers in Augusta, Georgia. I am an Augusta native. There are probably not any in Savannah either. Maybe they are all in the Atlanta area.

Mr. Speaker, I do rise today in strong support of H.R. 1808 to designate Department of Veterans Affairs Medical Center in Augusta, Georgia, my hometown, as the Charlie Norwood Department of Veterans Affairs Medical Center.

I am proud to stand here today as an original cosponsor of the bill, not just because Charlie Norwood was a great American who loved his country and found any way he could to serve, but also because I had the honor and privilege to serve with him, to personally know Charlie and to count him as one of my close friends.

Charlie, as has already been said, I am just proud to repeat a lot of this, but Charlie was a native son of Georgia, growing up in Valdosta. He graduated from Georgia Southern University in Statesboro. After earning his doctorate in dentistry from Georgetown University, Charlie went on to serve as a captain in the United States Army from 1967 to 1969. During this time he served in Vietnam.

He practiced experimental military dental practice that's now standard operating military procedure for the Armed Forces. He was one of the first dentists to operate in the active combat zone in Vietnam.

In recognition for his service in Vietnam, Charlie was awarded the Combat Medical Badge and two Bronze Stars. After Vietnam, Charlie was assigned to the dental corps at Fort Gordon, the Army base just outside of Augusta, and from then on, Charlie, Gloria and his family made their home in Augusta, Georgia.

In 1994, Charlie became the first Republican to represent Georgia's 10th Congressional District since reconstruction. This landmark election gave us a leader who tirelessly fought for immigration reform, including the Clear Act to eliminate sanctuary cities, and the patients' bill of rights. I will never forget that. I was practicing medicine in Marietta, Georgia, when Charlie brought forth that bill about 10 years ago and did such a great job with reining in managed care. He is always for smaller, fiscally conservative government.

During this time, Charlie never forgot his fellow veterans. He remained an active member of the American Legion, the Veterans of Foreign Wars and the Military Order of the World Wars. And throughout the BRAC process, Charlie's constituents in Augusta could rest easy knowing that Charlie was there fighting for Fort Gordon and the Augusta area Veterans Affairs Medical Center.

Charlie Norwood was a strong American who spent his life fighting for his country, both at home and abroad. For this reason I can think of no one more fitting after which to name the Department of Veterans Affairs Medical Center in Augusta.

I urge all my colleagues to remember the selfless sacrifice of Charlie Norwood to America, his deep love for our Nation, by voting in favor of H.R. 1808.

Mr. BOOZMAN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I rise in strong support of H.R. 1808. I am proud to be the first non-Georgian sponsor of the bill after the entire Georgia delegation.

I knew Congressman Norwood very well. He was one of my very best friends in the House. I can think of no better tribute than to name the Veterans Affairs Center at One Freedom Way in Augusta the Charlie Norwood Medical Center.

Congressman Norwood was a strong advocate for veterans. He was a veteran himself. He was very active in health care issues and veterans health care issues on the House floor. This is a fitting tribute to his service in the Congress and his service to the country when he was in the military and served so nobly and ably in Vietnam.

I rise in strong support and hope we get unanimous support for this bill at the appropriate time.

I have had the pleasure of working with many great men and women in my 22 years in the House, and I can say with all honesty that Charlie Norwood was one of the best. I knew Charlie well, both as an outspoken member of the Energy and Commerce Committee and a good friend. His devotion to people of the Tenth District of Georgia was undeniable, as was his passion for improving this country's healthcare and the lives of its veterans.

Charlie Norwood's service to his country began long before his election to the House of Representatives. Charlie volunteered to serve in the United States Dental Corp during the Vietnam War. Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war. The Dental Corp operating procedures that he helped develop while in combat conditions have now become standard.

Upon returning stateside, Charlie settled in the Augusta area and set up a private dental practice serving local residents as well as providing care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid. His work on behalf of veterans and military personnel continued throughout his twelve years in the House of Representatives.

Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia. I think it only appropriate that we gather here today to honor the memory of this great man by placing his name on the institution that he fought so hard for. I cannot think of a more fitting tribute to Congressman Charlie Norwood.

Mr. BOOZMAN. Mr. Speaker, how much time do we have?

The SPEAKER pro tempore (Mr. CAPUANO). The gentleman from Arkansas has 8½ minutes, and the gentleman from California has 19 minutes.

Mr. BOOZMAN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank my colleague for yielding. I am so pleased to join my colleagues in support of this resolution.

Mr. Speaker, Charlie Norwood, Congressman Norwood, was a dear friend to me, and he was a friend to this body. It's wonderful that we have this opportunity to recognize and honor him here today and forever with the commemoration and renaming of this veterans facility.

Congressman Norwood spent his entire life helping others. After serving valiantly in defense of our Nation in Vietnam, he returned home to serve his community in Augusta, Georgia, as a dentist. For 12 years he was a faithful servant to the people of Georgia as a Member of Congress, and all of this service, with his wife, Gloria, close by his side, indispensably.

In Congress, Charlie Norwood was a passionate supporter of our military and our veterans, and he never forgot for whom he was to work in Washington, his constituents. His leadership on veterans issues and a broader conservative vision for America are deeply missed. Anyone who knew Charlie knew that he was as tough as they come, and he always stood on principle.

His legacy in the House of Representatives will be one of integrity, vigor and loyalty. It's fitting that we memorialize his life with this tribute today.

Thank you, Charlie.

Mr. BOOZMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, Congressman Charlie Norwood was a man of integrity and conviction who made immeasurable contributions to this Nation.

I knew Charlie when he was first elected to Congress in 1994. He was a tireless advocate for veterans, for this district, and for the entire State of Georgia. Charlie and I shared the love of hunting and fishing. When I was an active member of the safari club, I used to come to Washington to lobby for hunters' rights and gun owners' rights. Charlie was always very supportive and very helpful.

I have enormous respect for his unwavering commitment to his principles. Throughout Charlie's illness, I prayed that God would heal him. His passing was a great loss to us all. I hope that dedicating this facility will be a comfort to the Norwood family and for all that they have been through.

I have tremendous appreciation for Charlie's wife, Gloria, for the unwavering support that she gave to Charlie. Without her help he could not have accomplished so many wonderful things and touched so many people's lives.

Charlie gave a lifetime of public service to the people of this Nation. After giving so much to his country, it is only fitting that we honor Charlie today by naming this medical center after him.

Mr. Speaker, I rise today to join my fellow colleagues in strong support of H.R. 1808, To designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans" Affairs Medical Center."

Congressman Charlie Norwood was a man of integrity and conviction, who made immeasurable contributions to this nation, and I can't think of anything more appropriate than to name the Augusta VA Medical Center after Charlie.

Before serving in the House of Representatives, Charlie volunteered for the Army, serving in the Army Dental Corps. In Vietnam, he served bravely as an Army captain under combat conditions, providing dental and emergency care to American soldiers, civilians, and prisoners of war. For his distinguished service, he was awarded the Combat Medical Badge and two Bronze Stars. After returning from Vietnam, Charlie continued to serve in the Army Dental Corps at Fort Gordon in Augusta, GA. When he was discharged in 1969, he began his dental practice in Augusta.

I have enormous respect for Charlie Norwood. I knew Charlie when he was first elected to Congress in 1994. Throughout his 12 years in Congress, he was a tireless advocate for veterans, for the district, and for the entire State of Georgia. He championed the Patients' Bill of Rights, worked to reform health care for veterans, and fought to secure our borders.

Charlie and I shared the love of outdoors, of hunting, and fishing. When I was an active member of the Safari club, I used to come to Washington to lobby for hunters' rights and gun owners' rights, and Charlie was always very supportive and helpful. I've always admired his unwavering commitment to his principles. Throughout Charlie's illness, I prayed that God would heal him. However, it seems that God had a different plan. His passing was a great loss to us all.

I hope that dedicating this facility will be a comfort to the Norwood family for all that they have been through. I have tremendous appreciation for Charlie's wife, Gloria, for the unwavering support that she gave to Charlie. Without her help, he could not have accomplished so many wonderful things and touched so many people's lives.

Charlie truly cared about people. He gave a lifetime of public service to the people of this nation. After giving so much to his country, it is only fitting that we honor Charlie today by naming the VA Medical Center in Augusta after him.

Mr. BOOZMAN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding. You have already heard the accolades about Charlie's service as a decorated dentist in the Vietnam era and in Vietnam, in country.

I didn't know Charlie until he came to Congress, but he and I became very close friends. We worked together on the Energy and Commerce Committee. He was always dedicated to the things that he thought was for the best, especially for our veterans, for those who serve their country and who had sacrificed for our country.

He was always somebody that you knew exactly where he stood, and he wasn't always partisan in where he stood. He simply took positions based on what he thought was right. In the words of Charlie Norwood, I would thank the gentleman who introduced this resolution, and, as Charlie would say, "you done good."

Mr. BOOZMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. I thank the gentleman for yielding.

Mr. Speaker, I was a friend of Charlie's for over 30 years. We met in the early 1970s when he was the president of the Georgia Dental Association and I was a practicing dentist and a young State legislator.

Charlie never ever was in neutral, and he rarely ever backed up. It was full go ahead. The great story about him in the Army was he changed the way they were doing business, moving dentists to forward-fire bases. His commander called him and said, I want a daily report of what you are doing there that is out of the ordinary. Charlie said to him, Well, I have got a chair here. You come down here and set your own butt on it and write your own report. I just don't have time. The colonel did come down, and they changed the entire way the Army did business because of Charlie's ideas.

When he got involved shortly thereafter in the Georgia Dental Association, he did the same thing. He just took charge and became president. He traveled all over the State of Georgia fighting for important things for patients' welfare. His campaign in 1994 was a joy to watch, just a joy to watch, yard signs everywhere and him moving as fast as he could from one house to the next, from one hand to the next. He was just a remarkably good campaigner.

Then he came here and he introduced a very important bill. I didn't agree with him on the bill, but he didn't slow down at all.

The fact that the House and the Senate did not sign the patients' bill of rights did not mean it wasn't important. The changes it brought in the relationships between HMOs and patients are there today because of the pressure of that legislation and will be there forever. Charlie was a remarkable human being and one whom I have loved for a very long time and will miss.

Mr. BOOZMAN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank the gentleman for yielding.

Mr. Speaker, it is a great honor that I stand up and ask for the support on the renaming of this veterans center in Augusta for Congressman Charlie Norwood.

I told Charlie one time, I said, Charlie, you are my foxhole buddy. And he said, What do you mean by that? I said, Well, I know that you are going to keep my back covered and that you are going to be with me if you tell me that you are with me until I get out of the foxhole or until they drag our dead bodies out.

That's the kind of guy he was. If he told you that he was with you, then he was with you. That's the type of thing that he exerted towards the veterans of this country is that he was with the veterans. I don't think there could be any greater honor on that veterans building in Augusta than Charlie Norwood's name, to let the veterans know and understand that he has always been with them, that he went through many adversities with his health, a long time of trying to get over an illness.

They may be up for some of the things, but Charlie Norwood was always there for them. I just think it's a great honor that this body has voted, and I hope will continue to vote, to make that the Charlie Norwood Veterans Administration Medical Center.

Mr. BOOZMAN. Mr. Speaker, in closing, again, we have all heard what a great asset Charlie Norwood was to this body, not only in helping us as Members, but in the many, many ways that he served his country.

He and his wife, Gloria, also served us in the way of helping junior Members' wives as they came on board, my wife, in particular. Again, we are very, very grateful to his service. I can't think of a more fitting honor than the honor of naming this building.

Mr. Speaker, I yield back the balance of my time.

### GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1808.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I just heard from Charlie, and he said, in his typical way, I wish all those guys saying such nice things about me would have voted for my patients' bill of rights.

But naming a VA facility after this hero and a strong veterans advocate is certainly a proper honor for an honorable soldier and for a Congressman we all loved.

Mrs. BLACKBURN. Mr. Speaker, I rise in strong support of H.R. 1808, legislation to VA Medical Center in Augusta, GA as the "Charlie Norwood Department of Veterans Affairs Medical Center."

Simply put, there is no more fitting vehicle to pay tribute and honor our friend and former colleague, Representative Charlie Norwood.

As many of my colleagues have so eloquently noted, Dr. Norwood was first and foremost a friend of the American veteran. Having served in wartime conditions in the Republic of Vietnam in 1968, Captain Norwood helped develop the Army Dental Corps operating procedures that is now the standard for delivering dentists to forward-fire bases.

In so doing, Captain Norwood provided quality dental care to his fellow combat servicemen, and established standard practice that continued to benefit servicemen long after he left the Army.

That is an appropriate metaphor for Charlie's career in the U.S. House. As a Member who served his constituents passionately during more than 12 years of service, he dedicated his government service to ensuring access to quality healthcare for every American, and for guaranteeing veterans the benefits and respect that they deserve.

We all miss Charlie. But even though he is no longer with us, the good doctor's passion and dedication to American veterans is not forgotten. This legislation is a true memorial to his service, and I urge my colleagues to support it.

Mr. BUYER. Mr. Speaker, I rise today in support of H.R. 1808, a bill to designate the VA Medical Center in Augusta, Georgia as the "Charlie Norwood Department of Veterans Affairs Medical Center" which would honor one of our colleagues and one of my close friends who passed away this Congress.

Charlie Norwood was born on July 27, 1941 and attended both Georgia Southern University in Statesboro, Georgia and Georgetown University in Washington, DC. I have a close affinity to Charlie who was a dentist, like many in my family, prior to serving in the House of Representatives.

Charlie Norwood served as a Captain in the United States Army from 1967 to 1969. He began his Army career with an assignment to the U.S. Army Dental Corps at Sandia Army Base in Albuquerque, New Mexico, and in 1968, was transferred to the Medical Battalion of the 173rd Airborne Brigade in Vietnam. He served a combat tour at Quin Yon, An Khe, and LZ English at Bon Son. During his tour of duty, he participated in experimental military dental practices that are now standard procedure for the Armed Forces. In recognition of his service under combat conditions, Norwood was awarded the Combat Medical Badge and two Bronze Stars. After his discharge in 1969, he remained a member of the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars until his death.

Mr. Speaker, Charlie Norwood served with us as a Member of Congress from January 4, 1995 until his untimely death on February 13, 2007. During his Congressional career, as a Member of the Energy and Commerce Committee, Charlie Norwood worked to pass a patients' bill of rights, aimed at giving people better access to health care, and spent his life supporting the overall well-being of veterans. Serving as a Member of the National Guard and Reserve Caucus, which I co-chair, he was a tireless guardian of our military and worked hard to protect TRICARE benefits, co-sponsored legislation to address military Survivor Benefit Plan inequities, and worked to get pay raises for our military members.

Mr. Speaker, honoring his hard work, and dedication to the military and our nation's veterans, as well as his love of nation by naming the VA Medical Center in Augusta, Georgia the "Charlie Norwood Department of Veterans Affairs Medical Center" is a fitting tribute to our late colleague and friend.

Mr. Speaker, I urge the full support of my colleagues on this legislation.

Mr. BARTON of Texas. Mr. Speaker, I have had the pleasure of working with many great men and women in my 22 years in the House, and I can say with all honesty that Charlie Norwood was one of the best. I knew Charlie well, both as an outspoken member of the Energy and Commerce Committee and a good friend. His devotion to people of the Tenth District of Georgia was undeniable, as was his passion for improving this country's healthcare and the lives of its veterans.

Charlie Norwood's service to his country began long before his election to the House of Representatives. Charlie volunteered to serve in the United States Dental Corps during the Vietnam War. Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war. The Dental Corps operating procedures that he helped develop while in combat conditions have now become standard.

Upon returning stateside, Charlie settled in the Augusta area and set up a private dental practice serving local residents as well as providing care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid. His work on behalf of veterans and military personnel continued throughout his twelve years in the House of Representatives.

Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia. I think it only appropriate that we gather here today to honor the memory of this great man by placing his name on the institution that he fought so hard for. I cannot think of a more fitting tribute to Congressman Charlie Norwood.

Mr. WILSON of South Carolina. Mr. Speaker, I wish to take this opportunity to remember a friend and colleague; Charlie Norwood, and to support H.R. 1808, a bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

Charlie dedicated his life to medicine and public service—as a captain in the Army assigned to the Army Dental Corps during Vietnam, a dentist in private practice, and as a Member of Congress. During his 12 years in the House of Representatives, Charlie fought hard for conservative values, the military and our veterans, and remained dedicated to seeing a patients' bill of rights passed into law. Although this dream of his has not yet become a reality, it is all too fitting that we name the VA Medical Center in Augusta, Georgia, after one of that state's favorite sons.

Our military veterans had no stronger advocate in Congress than Charlie, and with the passage of this bill, we will be honoring that legacy. Additionally, I want to thank his wife Gloria for her loving support and her service as First Lady of Georgia's Tenth Congressional District.

As an original co-sponsor of H.R. 1808, a fellow veteran, a friend, and an admirer of Charlie Norwood, I want to thank Representative JACK KINGSTON for introducing this legislation, and I look forward to its passage.

Mr. STEARNS. Mr. Speaker, I rise today to support H.R. 1808, to name the VA Medical Center in Augusta, Georgia after my good friend and colleague, Charlie Norwood. I served with Representative Norwood for 12 years here in Congress, and was honored to work alongside him. This principled man did not hesitate to stand up for his conservative principles, even if it meant criticizing his party.

Charlie was an intelligent and respected man, both in this House and in his hometown that he ably served. He was an amiable man full of a love for life and with a wisdom that he had earned through experience. I was never surprised when in Committee he would comment on an issue with particular insight and concern for the complexities involved.

It is fitting that a VA Medical Center be named after this courageous man, especially since he himself had served our country with distinction in the Armed Forces. Representative Norwood served as a Captain in the United States Army from 1967 to 1969, beginning with an assignment to the U.S. Army Dental Corps at Sandia Army Base in Albuquerque, New Mexico. In 1968, he was transferred to the Medical Battalion of the 173rd Airborne Brigade in Vietnam, and served a combat tour at Quin Yon, An Khe, and LZ English at Bon Son. During his tour, he participated in experimental military dental practices that are now standard procedure for the armed forces. Charlie Norwood was one of the first participants in the Army's outreach program that delivered dentists to forward firebases, instead of the previous practice of transferring patients to rear treatment areas. Interestingly, he also provided some of the first field-based dental treatment of military guard dogs, and assisted in non-dental trauma care in Mobile Army Surgical Hospitals.

In recognition of his service under combat conditions, Representative Norwood was awarded the Combat Medical Badge and two Bronze Stars. After Vietnam, Charlie was assigned to the Dental Corps at Fort Gordon, Georgia, where he served until his discharge in 1969. He remained a member of the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars until his recent tragic death.

I was honored to serve with this effective Representative from the 10th district of Georgia, was strengthened to draw from this intelligent individual's wealth of knowledge and insight, and have been blessed to know this vibrant and caring man, Charlie Norwood, as a friend. I support honoring his memory by this designation, and urge my colleagues to join me in support of this bill.

Mr. FILNER. Mr. Speaker, I have no future requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1808.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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□ 1315

## MILO C. HUEMPFNER DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2408) to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2408

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, GREEN BAY, WISCONSIN.**

The Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, shall after the date of the enactment of this Act be known and designated as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield to my distinguished colleague from Wisconsin (Mr. KAGEN) to speak about the bill which he has authored to name the outpatient clinic in Green Bay, Wisconsin, after this great hero.

Mr. KAGEN. Mr. Speaker, thank you for this opportunity to speak in support of H.R. 2408, a bill to name the Department of Veterans Affairs community-based outpatient clinic in Green Bay for Milo C. Huempfner, Brown County, Wisconsin's most highly decorated veteran of World War II, recipient of the Distinguished Service Cross, second only to the Medal of Honor, the Bronze Star, and numerous other commendations.

Having cared for thousands of veterans as their physician, and now as their elected Representative, I would also like to thank the members of the leadership and the members of the Veterans' Affairs Committee who worked hard to bring this legislation to the floor today, especially Chairman FILNER. Thank you. And thank you as well to Ambassador Mark Green for beginning this good work.

We need to remember Milo C. Huempfner. He was a hero. His bravery, his dedication to others and his selflessness to serve is a beacon to guide all of us today.

Milo served in one of the best trained units in the U.S. Army, the elite 551st Parachute Infantry Battalion. It was a unit where courage was common. Yet even in this company, Milo distinguished himself.

Milo Huempfner was literally a one-man army. For 2 days in December of 1944, Milo Huempfner was literally a one-man army. He singlehandedly waged war against a German tank column in Belgium during the Battle of the Bulge.

In that chaotic battle, Milo and a colleague were separated from their convoy with a truckload of ammunition. They were near the Belgian town of Leignon when their truck slid off the road into a ditch. Milo was left behind to guard the truck until a tow truck could return. He had instructions to destroy it if the Germans arrived. He turned down opportunities to leave. When he heard an armed column of Panzer tanks approaching, he burned the truck and retreated into the local city. Over the course of the next 2 days and 2 nights, Milo waged a one-man battle, a one-man guerrilla war against the town's Nazi occupiers. He destroyed tanks; he destroyed trucks. He stormed the machine gun positions and engaged in hand-to-hand fighting with enemy troops.

When he was not protecting townspeople of Leignon, Milo would sneak out of town to warn approaching troops, allied troops, that the enemy was nearby. He saved many American soldiers' lives.

One evening, a freezing evening, the townspeople came to him and asked if he would go to church and protect them. The people wanted to go to church and he could not understand why. Well, it happened to be Christmas Eve, they reminded him. And he stood outside armed only with a pistol to protect them on Christmas Eve. As the people of Leignon celebrated, he stood guard as he stands guard now. On Christmas morning, Milo received his present when allied forces began their counterattack and surrounded the town. Milo didn't stop. He sprang into action against a German artillery hidden in a barn, and 18 Nazis surrendered to him. When Milo finally met the allied troops, they almost mistook him for a German spy. They couldn't believe that a single soldier could hold them off from this town and couldn't understand how a single American soldier could bring so many enemy troops into being captives.

For these deeds, Private Huempfner was awarded the Distinguished Service Cross. The after-action report on Private Huempfner's deeds ends with these words, and I quote: "His gallantry, intrepidity and extraordinary heroism while operating within the very limits of the German units, without being ordered to do so, and when withdrawal could have been accomplished with honor and safety, reflect the highest standards and ideal of the military service and favorably demonstrated to the citizens of Leignon the courage and daring of the American soldier."

After the war, Milo Huempfner preferred not to talk about his experiences. This was common for many soldiers in World War II. His own children did not know any of what I just spoke about until his funeral, when Milo's comrades stepped forward to speak of their cherished comrade.

Despite his silence, Milo remained a committed patriot and dedicated to the men he served. Over the years between the war and his passing in 1985, Milo attended the funerals of over 900 veterans in Brown County, Wisconsin. He used his dress uniform so frequently that he wore it out. As a mark of respect and thanks, local veterans organizations paid to have it restored.

By naming this temporary community outpatient clinic building in Green Bay after Milo Huempfner, we are paying respect to one of Wisconsin's great heroes.

I would like to thank Milo Huempfner's children, Jackie, Wayne, Geri and Milo, for their help and also his friend, Bernard Depry of Green Bay, who brought this request to my attention and worked tirelessly over the years to make this a reality.

I encourage my colleagues to support H.R. 2408. We are recognizing the deeds of a brave and noble man.

Mr. BOOZMAN. Mr. Speaker, H.R. 2408, a bill to designate the VA outpatient clinic in Green Bay, Wisconsin as the Milo Huempfner Department of Veterans Affairs Outpatient Clinic would honor an individual whose demeanor during combat in World War II exemplifies the concept of the army of one.

In 1944, Private First Class Huempfner was stranded in the small Belgian village of Leignon after his truck was separated from its convoy and slid off the road. While in hiding in Leignon, Private First Class Huempfner found that the village had been overrun by German troops. He proceeded, over the next 4 days and nights, to singlehandedly wage war against an entire German armored column consisting of tanks, numerous heavy gun emplacements, and hundreds of soldiers. During this period of time, Private First Class Huempfner warned off numerous American and British troops from Leignon, who otherwise would have been slaughtered by the Germans occupying the town. He repeatedly refused to be evacuated on these occasions, staying to destroy additional German equipment, killing German soldiers in direct combat, and protecting the citizens of the occupied town.

Mr. Speaker, on Christmas Eve, British forces dislodged German forces using information collected by Private First Class Huempfner. After over 72 hours on his feet, under constant threat and harassment from enemy forces, Private First Class Huempfner retired to a household he had earlier defended.

For all of these accomplishments he was awarded the Distinguished Service Cross in 1973. After the war, Private First Class Huempfner attended the funerals of as many veteran comrades as possible. Reports indicate that he participated in the burial of some 900 fellow comrades in arms over the years since World War II, attending in full dress uniform, honoring their service and repeatedly demonstrating his love for our Nation by showing the brave veterans of Brown County the dignity and respect that they had earned. He continued attending these funerals until a week before his death in October 1985.

Mr. Speaker, I support honoring this brave American veteran by naming this facility the Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic. It is a fine tribute to a true patriot and true hero.

Mr. Speaker, I yield back the balance of my time.

### GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I again ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2408.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I want to thank Mr. KAGEN for bringing this story and history of a brave American and a great hero for Wisconsin. I wish your guys from Green Bay, whether they be quarterbacks or heroes, would have names we could pronounce. But we thank you for telling us the story of Milo Huempfner, and we look forward to the naming of the facility in Green Bay after him.

Mr. Speaker, the Distinguished Service Cross (DSC) was established in 1918 by President Woodrow Wilson. It is the second highest military decoration of the United States Army and surpassed only by the Medal of Honor in order of precedence.

The DSC is awarded for extreme gallantry and risk of life and this extraordinary heroism must take place while the individual is engaged in an action against an enemy of the United States. The act of heroism must be so notable and involve risk of life so extraordinary as to set the individual apart from his comrades.

It is an honor for me to stand before you today to talk about one such individual—Milo C. Huempfner.

Mr. Huempfner was the most decorated serviceman in Brown County during World War II. In 1944, PFC Huempfner committed acts of extraordinary bravery and heroism during the final European campaign of World War II.

On December 20, 1944, in Belgium, PFC Huempfner was driving a truck loaded with ammunition that went off the road. Sending his only comrade back to seek help and safety, Huempfner proceeded over the next 4 days and nights to wage war, single-handedly, against an entire German armored column.

During this time, he warned off numerous American and British troops from the area who otherwise would have been slaughtered by the Germans occupying the area.

After his military service he remained heavily involved in veterans activities.

H.R. 2408 would name the Department of Veterans Affairs Outpatient Clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic".

Given his unselfish service to his country, it is only fitting that we name a Veterans Affairs Outpatient Clinic in his honor.

Mr. Speaker, I thank my colleague of Wisconsin, STEVE KAGEN, for introducing this bill and I urge the support of my colleagues.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2408.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## CONDEMNING THE ACTIONS OF SEPTEMBER 7, 2007, RESULTING IN DAMAGE TO THE VIETNAM VETERANS WAR MEMORIAL

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 680) condemning the actions of September 7, 2007, resulting in damage to the Vietnam Veterans War Memorial.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 680

Whereas the Vietnam Veterans Memorial serves as a memorial to the 2,700,000 men and women in the United States Armed Forces who served in the designated war zone during the Vietnam Era;

Whereas 58,256 men and women died while serving in South East Asia or as a result of their wounds or a service-connected disability;

Whereas on Friday evening, September 7, 2007, the United States Park Police reported being notified of a light, oily, and unidentified substance that was spilled over portions of some of the names, panels, and paving stones of the Vietnam Veterans Memorial;

Whereas at least 14 of the 140 inscribed panels of the Memorial Wall were damaged; and

Whereas the National Park Service has determined that the damage was the result of an act of vandalism: Now, therefore, be it

*Resolved*, That the House of Representatives condemns all attacks upon the memory of veterans and their service to the United States, as exemplified by the incident of vandalism of September 7, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself as much time as I might consume.

I rise in strong support of this bill which condemns the action that resulted in damage to our Vietnam Veterans Memorial. We all know that this memorial recognizes and honors the men and women who are veterans of our Nation who served in one of America's most divisive wars. The memorial grew out of a need to try to heal the Nation's wounds as America struggled to reconcile its different moral and political points of view on this war. In fact, the memorial was conceived and designed to make no political statement about the war. It was designed to bring us together. It was designed as a place where everyone, regardless of their opinion of the war, could come together, remember and honor those who served and those who made the ultimate sacrifice in service of their country. I think all of us, wherever we were during that terribly divisive time, feels at peace and feels a relationship to those people who served our Nation.

The memorial, as I said, has paved the way towards reconciliation and healing, a process that still continues. That's why, Mr. Speaker, I think we were all so disturbed when we heard about the senseless act of vandalism that happened earlier this year. Someone walked along that memorial with some type of oil applying it secretly on the wall as they walked by. The unknown oil has done real damage to the polished granite surface. But it did more than damage the wall, Mr. Speaker. It damaged the respect we have for our Nation's veterans and their sacrifice, damaging the healing process; and it takes us, as a Nation, back to a time when we did not honor or take care of our returning Vietnam veterans.

It takes us back to a time when many people in this country confused the war and the warrior. If you did not like the war, you said to heck with the warrior. That was a deep mistake on our part, Mr. Speaker, a tragic mistake, and one, as a Nation, we still suffer from today.

We did not provide these veterans the care they needed. We didn't welcome them back with honor and dignity and respect, and we're paying a price today. More than half of the homeless on the streets throughout America tonight, are Vietnam vets, over 200,000. Others still suffer from post-traumatic stress disorder, substance abuse, other ailments. And as I said earlier, as many Vietnam veterans have now committed suicide as died in the original war. We, as a Nation, have to rectify this wrong. We have to take care and provide the health care, the treatment and the support that our Vietnam veterans deserve and need. We have to say that we are sorry for the treatment that they received when they came home, and honor these courageous men and women for their sacrifice to this Nation.

Anything that subtracts from this healing process is an outrage to the honor and memory of these brave veterans who fought and died for our country. And that is exactly what the senseless, needless act of vandalism that was perpetrated on the Vietnam Veterans Memorial does. It rubs salt into the wounds of our veterans that are still healing, and dishonors those that deserve nothing less than our Nation's honor and gratitude.

□ 1330

So, Mr. Speaker, through this resolution we condemn this act. We condemn those who are responsible. The oil is not just a stain on a piece of granite; it is a stain on the fabric of our Nation, a Nation still healing from a divisive war but a Nation that honors the sacrifices of its soldiers and veterans.

Maya Ying Lin, who designed the Memorial, said; " . . . this Memorial is for all those who have died, and for us to remember them."

Mr. Speaker, let us remember their patriotism and valor and let us condemn the discordant acts of those who seek to tarnish them.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 680, which condemns the actions of September 7, 2007, resulting in damage to the Vietnam Veterans War Memorial.

Mr. Speaker, the Vietnam Veterans War Memorial, commonly referred to as "The Wall," serves as a memorial to the 2.7 million men and women in the United States Armed Forces who served in Vietnam. It is a memorial that has many different meanings to those who lived through that era and serves as an especially poignant reminder of the cost of that war and the ultimate sacrifice made in any conflict.

Americans come from all across the country each year to reflect on the sacrifices of the 58,256 names inscribed on the 140 panels of black granite. Whether it is a family member looking for the name of a loved one or a comrade in arms honoring a foxhole buddy or a young child searching for the name of a relative they never knew, every American who visits the wall leaves a changed person. It is fitting that the Memorial for our most divisive war has become a place of solace and coming together.

Mr. Speaker, regardless of who is responsible for the recent attack on the Vietnam Wall, that cowardly act was an affront to every American. In an apparent act of vandalism, 14 panels were defaced with a light, oily substance that damaged names, panels, and paving stones of the Vietnam Veterans Memorial.

While I am thankful that it appears that the substance was removed and the Memorial has been restored to its pristine condition, I believe it is important for us in Congress to show Congress's support for one of our Nation's most sacred sites.

Mr. Speaker, I also urge my colleagues to join me between November 7 through November 10 to read some of the 58,256 names on the Vietnam Veterans Memorial. This will only be the fourth time that this reading has occurred here in Washington, and it coincides with the 25th anniversary of the Vietnam Veterans Memorial.

I thank my colleague Representative CARTER for introducing this resolution and Chairman FILNER and Ranking Member BUYER for bringing it to the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as he may consume to another hero of the Vietnam War, a man who served two tours in Vietnam, the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I thank Chairman FILNER for yielding and what he is doing here for veterans.

I have to thank JOHN CARTER for his attention to this issue. Vandalism is never acceptable. Never. When I learned about the vandalism that took place at the Vietnam Memorial, I was outraged. Outraged.

As a Vietnam veteran, as many of you are in this Chamber, many of our colleagues, for me 20 years plus, I know firsthand, a lot of us do, the sacrifices that servicemembers and their families make.

This memorial does more than just honor the brave men and women who gave their lives for this great Nation. It also serves as a reminder to all Americans the price of freedom.

The Vietnam Veterans Memorial serves as a resting place for our brethren who were unable to come home. And I will bet some of the rest of you, as I, have wondered how come our name wasn't on that wall. We know it could have been. And for somebody to desecrate that is just unacceptable. I hope the park service will be able to find these criminals and swiftly bring them to justice.

I would like to give special thanks to all of our troops and all those of them who have given the ultimate sacrifice. We cannot forget them.

With the passage of this legislation today, it is one more example of what Congress has done to fulfill our Nation's obligation to servicemembers, their families, and all veterans.

I am proud to stand here as a cosponsor of this bill, and I encourage the House to pass H. Res. 680 today.

Mr. BOOZMAN. Mr. Speaker, I yield 3 minutes to the sponsor of the legislation, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding. And I would also like to thank Ranking Member BUYER and Chairman FILNER for bringing this forward today. I think this is an important resolution.

When I heard about the fact that someone had defaced the Vietnam Memorial, I just didn't really know what to think about it. It wasn't a front page item; it was a back page item. But to me it was just a shock. So I went down to the park to take a look at it.

And as I walked along there, and I know some others have done this too, you could see where this substance had cast what looked like a shadow across the names that were printed on portions of this wall. And it brought back to me a memory of the time when the traveling wall came to the town I am from in Round Rock, Texas, and was put up out in the park, and I went out there with one of my good friends and one of the lawyers who worked in my court who was a true Vietnam veteran and a hero, and we walked up to approach that wall. And it was sitting up on a hill in our park, and he got about 75 or 50 yards from the wall and he just stopped. And I said, Mike, are you going up there? And he said, Not right now. And then he stood there and stared at that wall and cried. And it took him a long time before he approached that wall because, as he said, there were too many names on that wall that he missed and loved.

That wall means that kind of thing to our Vietnam veterans. And for someone to go out and deface the honor of these fallen heroes whose names were carved on that wall is intolerable. I too hope the Park Service finds these people and prosecutes them to the full extent of the law because this is a shame. It's not only a shame to our national monument, which is against the law, but it is a shame to our national honor that this happened. And that is why I brought this bill forward.

I want to note that there are others who feel the same way, and many of them are here today and I am thankful for them. The Gathering of Eagles and the AMVETS posted a $5,000 reward to try to find out who did this defacing of the wall. That's how much it means to them.

This act of vandalism cannot be tolerated, should not be tolerated. And by passing this resolution, we will reaffirm to our veterans who fought the war in Vietnam that they did it with honor, they did it with principle, and we respect them as our warriors who did their job and should have been treated accordingly with honor when they came home. We need to continue to honor our Vietnam vets. That's why I feel this resolution is so important. And I hope it will be passed unanimously by this House.

The Vietnam Veterans Memorial serves as a memorial to the 2,700,000 men and women in the United States Armed Forces who served in the designated war zone during the Vietnam Era.

While serving in Southeast Asia or as a result of their wounds or a service-connected disability, 58,256 men and women died.

On Friday evening, September 7, 2007, the United States Park Police reported being notified of a light, oily, and unidentified substance that was spilled over portions of some of the names, panels, and paving stones of the Vietnam Veterans Memorial.

At least 14 of the 140 inscribed panels of the Memorial Wall were damaged.

The National Park Service has determined that the damage was the result of an act of vandalism.

Thank the Gathering of Eagles organization and AMVETS for bringing attention to this crime through the $5,000 reward they are offering and by spreading the word to their members.

Mr. FILNER. Mr. Speaker, I look forward to hearing the words of our great Vietnam hero, Mr. JOHNSON, who was, of course, a POW in Vietnam for many, many years. But I will let Mr. BOOZMAN introduce him.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a true American hero who certainly can speak with authority on this subject.

Mr. SAM JOHNSON of Texas. Thank you, Mr. BOOZMAN, and thank you, Chairman FILNER. I appreciate your bringing this to the floor. It's an important piece of legislation. And I think what everyone has said is absolutely true.

Mr. Speaker, as a former POW in Vietnam for nearly 7 years, and I was there for 2 tours too, Mr. BOSWELL and I both, I find this vandalism unconscionable and un-American. Why on Earth would someone want to reignite the pains of the past?

Defacing the wall was the ultimate act of cowardice. Why anyone would want to destroy a sacred monument in Washington, DC is beyond me.

Even though I did 2 tours in Vietnam, I spent most of my time in captivity. I didn't get to know a lot of the brave men and women who died in action, those who have their names etched into the shiny, marble dark wall.

But I did get to know a great American very well. His name is Ron Storz, a lieutenant colonel in the Air Force and a fellow fighter pilot.

Originally from New York, Ron was shot down on April 28, 1965. I was shot down barely a year later, on April 16, 1966.

Because our captors tried to blame a handful of us for overthrowing the Vietnamese Government, they labeled us diehards. They threw 11 of us in solitary confinement in adjacent cells. Of the 11 of us, only 10 came home. Our captors killed Ron Storz after he went on a hunger strike.

It breaks my heart to think that someone would senselessly harm and deface the names, the honors, the legacies of great patriots like Ron.

You can find Ron's name on panel 1 of the east wall.

I deeply hope and pray the loved ones of those men and women memorialized on the wall know we remember their selfless family members and thank them for their dedicated service and ultimate sacrifice. These men and women listed on the wall all demonstrate why America is the land of the free and the home of the brave. These valiant warriors fought to protect and defend this great Nation, and we should not allow someone to tarnish their good names, and we must condemn this vandalism.

I thank you both.

Mr. FILNER. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Minnesota, Colonel KLINE.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

I, like my colleagues, have come here today to condemn in the strongest possible terms the actions which damaged the Vietnam Veterans Memorial.

And as always when I am in the same room with my colleague Mr. JOHNSON from Texas, I am humbled to be in the presence of a real hero of the Vietnam War. And I don't know that I can add to the passion and to the caring that he has already conveyed for us, but I just have to say that I can't remember being so outraged by such a cowardly act.

Visitors from around the world who come to visit the Memorial are moved by the simple but powerful image of the etched granite wall. For those of us who served in Vietnam, however, the names on the wall hold an even stronger significance. Those names bolster our sometimes failing memories of the friends and comrades who didn't return with us.

It is with these memories in minds that I express my complete, my total, utter outrage at this recent desecration. The person or persons who did this have violated a sacred trust, and I consider their actions deplorable. Their cowardice, yes, their cowardice, stands in sharp contrast to the bravery and valor of those for whom this memorial was erected, and we as a country will simply not tolerate such behavior. Just as we honor and pay tribute to those who served and sacrificed so much, so too must we condemn, we as a Congress, we as a people, we as a Nation, those who would denigrate that sacrifice through such cowardly actions.

If there are those who applaud or somehow justify this desecration, I would only remind them of the hypocrisy of their beliefs and their actions. Our freedom was won and maintained by brave men and women such as those honored on this wall, and we should all hold them reverently in our hearts.

Mr. Speaker, I want to thank my colleague Mr. CARTER for bringing this important resolution to the floor, to the chairman and ranking member of the committee for bringing it to the floor.

I encourage my colleagues to support this bill. Let's support it unanimously.

Mr. BOOZMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise to join my colleagues today to condemn in the harshest terms possible the vandalism that scarred the Vietnam Veterans Memorial a few weeks ago.

My district in Florida is home to the second most veterans of any Member of this body, with more than 105,000 veterans and their dependents residing there.

□ 1345

I also serve on the House Veterans' Affairs Committee. So many brave soldiers, marines, Navy men, airmen who fought with bravery over in the Southeast to stop the spread of communism and to protect American interests live in my district. For those brave troops throughout our great Nation who perished in the line of fire, their names are forever marked on the Vietnam Veterans War Memorial here in Washington, DC. That anyone would deface the wall and desecrate the memory of these fine soldiers is beyond anyone's comprehension.

As someone who grew up in the Vietnam era and someone whose brother and cousin and other family members served honorably and, thankfully, came home safely, I know firsthand the sacrifices these soldiers made, physically and emotionally, during their periods of service.

While thousands of our troops perished in the jungles of Vietnam and had their names inscribed on the wall, tens of thousands more came home to their families and loved ones. These are the people who deserve to be the most outraged by the vandalism that took place, the families, friends and fellow soldiers of the deceased, who make pilgrimages to the wall to pay respects and honor those who gave the ultimate sacrifice for our great Nation.

I commend Judge CARTER for bringing this resolution to the floor today. And I thank him for doing his part to honor the memory of those who fought and died in Vietnam.

We all hope that the individuals who perpetrated this crime will be caught and prosecuted to the full extent of the law and that, clearly, something like this would never happen again.

Mr. BOOZMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. I thank the gentleman for yielding.

General Westmoreland said: "I do not believe that the men who served in uniform in Vietnam have been given the credit they rightfully deserve. It was a difficult war against an unorthodox enemy." I agree with General Westmoreland, especially in light of those events when, last month, Vietnam veterans were dishonored when outlaw vandals desecrated the memorial.

I want to thank my colleague, Judge CARTER, for introducing this resolution that deplores this despicable act. I'm glad to be a cosponsor of it.

It has also been said that in this war, Vietnam War, "all gave some, and some gave all." And the Vietnam Veterans War Memorial lists the names of over 58,000 Americans who gave all for their country. And of course the men and women who sacrificed their lives in Vietnam deserve better than what happened to the memorial that honors them.

The thugs who desecrated the wall ought to be tracked down and be brought to justice because justice is the one thing we should always find. I certainly know what I would do to them if I were still on the bench, and I'm sure Judge CARTER would like to do the same if he caught them. Be that as it may, they should be brought before the bar of justice.

Many of the friends that I grew up with in Texas served in Vietnam, and there are five of their names on that wall. We can honor them today by passing this resolution and demanding justice.

It has been said that in the Vietnam War it cost our troops everything, and it cost the American public almost nothing. It's time for the American public, by standing up for this resolution, to stand up for our troops and honor their memory in Vietnam.

Mr. BOOZMAN. Mr. Speaker, I know that all of us look forward to passing this very important resolution. I want to thank Judge CARTER for bringing it forward. And then also a special thanks to Mr. FILNER, chairman of the Veterans' Affairs Committee, and Ranking Member BUYER, in expediting it and getting it on the floor.

With that, Mr. Speaker, I yield back the balance of my time.

### GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 680.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I thank Mr. CARTER. I thank all the Members who spoke on this legislation. It is an important bill. But I must say, we ought to go further than this resolution.

Mr. POE said voting for this resolution means we're standing up for our troops. Well, I just spoke recently to the Annual Convention of the Vietnam Veterans of America. I'll tell you what they define as standing up for our troops—and there will be legislation embodying all of this soon. It would mean that we would look at the 200,000 Vietnam vets who are on the street homeless tonight and solve that moral blot on our record.

Most of us go to Stand-Downs every year, where the whole community comes around for 3 days and provides security and comfort, medical attention, dental health, legal assistance, clothes for the homeless vets in that community. The community comes together and has a holistic approach of drug and alcohol abuse and job counseling. So we know what to do for those 3 days. But the last five or eight Stand-Downs that I've addressed I said, I'm tired of coming to Stand-Downs. We should have Stand-Downs 365 days a year. That's what the Veterans Administration ought to do. With a $100 billion budget, you would think we could take care of the Vietnam vets who are homeless. That would be standing up for the troops.

In addition, many of them have been fighting for decades to get compensation for an agent orange disability. And the law, while we have extended the areas to which presumption applies and give these brave veterans health care and disability compensation, there is still too many areas that are not awarded a claim.

At this stage (I would like to talk to Mr. JOHNSON later about this), I would say all these agent orange claims, if they have medical backing and help by a veteran service officer, are presumptive, and have them stop fighting after all these decades and get the care and attention that they need.

I will tell you, I have just got a list of 500 veterans from one State, Vietnam vets, who got Parkinson's disease in their early fifties. That's way earlier than the average age of on set for the general population. So it's obviously Vietnam that was the cause. Yet the law says there is no proof that agent orange caused Parkinson's or Lou Gehrig's disease, and so they're shut out. That's a shame. They served us; we should serve them. Let's grant all these agent orange claims.

And we ought to, according to the representatives at the convention, give the status of "mandatory" or "assured funding" to the health care for our veterans. Right now, health care in our budget is called "discretionary." We fight over it every year, Democrats, Republican, House, Senate, VA Committee versus everybody. We should not play politics with veterans health care, and we should have a guaranteed mandatory budget.

Those are the things that would really tell our Vietnam vets that we care about them. So let's pass this resolution. The wall is, as we've heard today, so important to our memories, to our healing, to those brave men who fought for us. But let's go further and really give the Vietnam vets a thank you and pass legislation that will not only end homelessness and grant the agent orange claims, but give mandatory funding for the VA health care budget.

Mr. BUYER. Mr. Speaker, I rise today in strong support of H. Res. 680 condemning the act of vandalism on the Vietnam Veterans Memorial last month. On the evening of September 7th vandals dumped an oily substance, which damaged 14 of the 140 black granite panels commemorating the lives of more than 58,000 men and women killed or missing during the war. The substance has been cleaned up, however I believe it is important for the American people to know what happened to this sacred shrine.

Mr. Speaker, while no one has yet been connected with the vandalism, anti-war protesters earlier this year defaced other Washington landmarks. In January, protesters spray painted a Capitol terrace. Protesters later defiled the Lone Sailor statue at the United States Navy Memorial. This pattern of attacks is a national disgrace.

When I stand before the Wall and look on those names, I feel great humility in the presence of what this memorial represents. These men and women died so that our very way of freedom might endure. I call upon the coward or cowards who defiled this shrine to come forward and accept responsibility, or go back under the rock from which they came. It is an obscene perversion that others would creep out in the dark of night to deface the memory of heroes. The memory of these patriots endures in our hearts, whatever hateful attacks vandals may attempt.

I would like to thank my colleague Representative JOHN CARTER of Texas for introducing this important legislation, and I thank the House leadership for bringing it to the floor.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 680.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CARTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## SUPPORTING AND ENCOURAGING GREATER SUPPORT FOR VETERANS DAY EACH YEAR

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 237) supporting and encouraging greater support for Veterans Day each year.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 237

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and at great personal sacrifice;

Whereas the American people owe the security of the Nation to those who have defended it;

Whereas on Memorial Day each year, the Nation honors those who lost their lives in service to the Nation;

Whereas on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas the observance of Memorial Day and Veterans Day is an expression of faith in democracy, faith in American values, and faith that those who fight for freedom will defeat those whose cause is unjust;

Whereas section 116(a) of title 36, United States Code, provides that "The last Monday in May is Memorial Day" and section 116(b) of that title requests the President to issue a proclamation each year calling on the people of the United States to observe Memorial Day by praying, according to their individual religious faith, for permanent peace, designating a period of time on Memorial Day during which the people may unite in prayer for a permanent peace, calling on the people of the United States to unite in prayer at that time, and calling on the media to join in observing Memorial Day and the period of prayer;

Whereas section 4 of the National Moment of Remembrance Act (Public Law 106-579) provides, "The minute beginning at 3:00 p.m. (local time) on Memorial Day each year is designated as the 'National Moment of Remembrance' "; and

Whereas Section 6103(a) of title 5, United States Code, provides that "Memorial Day, the last Monday in May" and "Veteran's Day, November 11" are legal public holidays: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) encourages Americans to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection;

(2) encourages schools and teachers to educate students on the great contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces and after completing their service; and

(3) requests that the President issue a proclamation each year in connection with the observance of Veterans Day calling on the people of the United States to observe that day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I would yield for as much time as he may consume to the author of this legislation, an Army veteran of the Vietnam era, the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in support of H. Res. 237.

I want to thank Representative FILNER for his commitment to this resolution in support of our veterans. And I say "the support of our veterans." As a veteran myself who served in both the 101st and 82nd Airborne Division, I am proud to stand with our brave men and women.

Today, there are over 23 million veterans living in the United States; 165,000 in Iraq and Afghanistan. In my district, we have over 32,000 veterans. There are also many veterans who serve in Congress, and I want to thank those Members who have served this country. And I salute each and every one of the Members who have served our country.

To my fellow veterans, I commend you for your service. When our troops commit to serve our country, they make a promise to serve and to protect this country.

We also have a moral responsibility to protect the returning veterans and their families. Veterans returning from Iraq and Afghanistan must receive the best treatment. Sadly, for the last few years, I don't believe that our government has held its end of the bargain. The conditions at Walter Reed show us that in many cases our veterans are not receiving the care they deserve. This resolution reminds us that Veterans Day is not just a day off from school or work. This is a special day of reflection to honor those who have defended our country.

I visited Israel a few years ago. There I learned how truly they respect and honor veterans in that country. Israel calls for 1 minute of silence across the whole country. The country's emergency siren goes off at 10 a.m., and all TV and radio stations are also interrupted and programs sounding the alert. Everyone then stops whatever they are doing, working, driving, anything else, and stands in silence for those heroes who have served their country. That's paying respect.

My resolution also encourages schools to educate our young people about the contributions of our veterans to this country because they ultimately have made the sacrifice for the freedoms that they have to be in school and to be all that they want to be.

This year, as Chair of the Congressional Hispanic Caucus, I have worked closely with Hispanic veterans and the Medal of Honor veteran winners from World War II until today. The stories of courage and sacrifices I've heard from them were nothing short of amazing. They deserve to be recognized and thanked, as well as every veteran who has served our country.

I also believe a special thanks is necessary to the veterans and military families that are left behind. Too often we forget about the families and veterans who are left behind. They have sacrificed so much for their loved ones and for America, for America that we stand up with, America that we have always been with. You are the support system and the backbone for all of these veterans.

On November 11, on Veterans Day, do not forget those who are the true heroes of this country. Reflect on the true meaning of Veterans Day, and remember the sacrifices made by so many proud American sons and daughters that we will honor on that day.

I urge my colleagues to support this resolution. Veterans Day is about our heroes.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take great pleasure in urging my colleagues to support House Resolution 237, urging all of America to make a special effort to honor America's veterans on November 11, introduced by a veteran of the Vietnam War, the Honorable Joe Baca.

This resolution reminds each of us of the debt we owe to those whose sacrifices have made America the beacon of freedom throughout the world. America's holidays remind us of important events and persons in our Nation's history. It is significant that veterans are honored with 2 holidays that recognize the important role of those who wear the uniform.

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Veterans have assaulted heavily defended beaches, jumped from aircraft under heavy fire, shivered in frozen foxholes, slogged through malaria-ridden jungles, and endured horrible abuses as prisoners of war. Veterans have survived incredible hardships, they have suffered wounds, and far too many have paid the ultimate price of freedom. They have often experienced long separations from families, and they serve in the outposts of freedom while their fellow citizens enjoy the fruits of everyday life in America. Each of them, from the Army or Marine infantrymen on patrol, to the sailor deep in the bowels of an aircraft carrier, to the airmen miles above the ground sets an example for the rest of us.

Mr. Speaker, I think it is important to recall how Veterans Day came to be. In 1921, an unknown World War I American soldier was buried in Arlington National Cemetery. This site on a hillside overlooking the Potomac River and the City of Washington became the focal point of reverence for America's veterans. Similar ceremonies occurred earlier in England and France where an unknown soldier was buried in each of the nation's highest place of honor, in England West Minster Abby, in France the Arc de Triomphe.

These memorial gestures all took place on November 11, giving universal recognition to the celebrated ending of World War I fighting at 11 a.m., November 11, 1918, the 11th hour of the 11th day of the 11th month. The day became known as Armistice Day. The first celebration using the term "Veterans Day" occurred in Birmingham, Alabama, in 1947.

Raymond Weeks, a World War II veteran, organized National Veterans Day, which included a parade and other festivities to honor all veterans. The event was held on November 11, then designated Armistice Day. Later, U.S. Representative Edward Rees of Kansas proposed a bill that would change Armistice Day to Veterans Day. In 1954, Congress passed the bill that President Eisenhower signed proclaiming November 11 as Veterans Day. Raymond Weeks received the Presidential Citizens Medal from President Reagan in November 1982. Weeks' local parade and ceremonies are now an annual event celebrated nationwide.

Mr. Speaker, I again suggest this most fitting of resolutions is worthy of unanimous support for my colleagues. As Mr. Filner said in the previous bill, we need to go further.

Mr. Speaker, there is no better way to honor our veterans on Veterans Day than to ensure funding for their medical care and other benefits. That is why I call on my friends on the other side of the aisle to appoint conferees for the Military Construction and VA appropriations bill.

We are almost a month into the new fiscal year and there is no practical reason that this bill cannot pass and become law. It won't be long before this apparent political ploy will begin to affect the care our Nation's warriors receive. Let's appoint conferees and ensure that the VA can continue to give our veterans the excellent care that they deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield such time as he may consume to our Vietnam aviator, Mr. Boswell of Iowa.

Mr. BOSWELL. Thank you, Chairman Filner, and all of you who have worked on veterans events this day and these last several months. We appreciate it very much.

Mr. Speaker, as veterans we know the sacrifice that our servicemembers pay each day. Whether currently deployed in Iraq, Afghanistan, Korea, or wherever they might be around the world, serving on active duty or serving in the Army Reserves or on the National Guard, our men and women in uniform sacrifice for our freedom.

Oftentimes when we speak of our key military assets we are referring to the carriers and the stealth bombers and the tanks or the fighter planes. Well, while those are all impressive, none are more impressive than our brave men and women in uniform. I think, in fact, I know, they are our greatest military asset. The men and women who serve our Nation are the best educated, trained and equipped fighting force in the world. Because of this, I am proud to stand with my colleague (Mr. Baca) and all the rest of you to encourage communities and schools around the country to recognize the contributions veterans have made to our country and to our history.

It is often said, but we will say it again, a grateful Nation will always remember those who sacrifice so much in preserving our freedom. If we are to continue to have the very best of our Nation serve, we must continue to give them assurances that their service will not be forgotten. By granting all veterans who served before them the recognition, care and respect promised, tomorrow's veterans will have the reassurance in knowing their future needs will be addressed.

I am very proud to stand here to cosponsor this bill today and encourage the House to pass H. Res. 237. Honor Veterans Day. It's something we have a privilege to do.

Mr. BOOZMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. Ginny Brown-Waite).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of the resolution offered by Representative Baca of California. I applaud him for bringing this resolution to the floor today and I am very proud to support his efforts.

With a district with so many veterans, I can honestly stand here today and tell you that Veterans Day in my district is on par with the love of God, mom and apple pie. Almost every town and municipality in the eight counties that make up my congressional district goes out of their way to hold a public event celebrating the accomplishments of our Nation's veterans.

Traveling around my district, I have met literally thousands of men and some women who recount their stories of military service with pride and with joy. They tell of the bravery of their comrades, of the sacrifices to protect the innocent and the weak and the memories of those killed in action.

The resolution before us, House Resolution 237, is a good sense of the House that encourages the celebration of Veterans Day. Veterans Day is not just another day to go to the mall or look for Veterans Day sales but, rather, to honor those who have served our country.

These brave soldiers fought for our freedoms and the liberties of our Nation around the world, including France, England, Poland, Vietnam, Korea, Kuwait, Iraq and Afghanistan. The actions of the American military throughout the history of our Nation have helped advance the cause of freedom around the globe and protect citizens from attack from foreign powers, and today from attacks from terrorists.

Mr. Speaker, I encourage every American to adopt the spirit of this resolution in celebrating Veterans Day and show our veterans how much we appreciate their sacrifice and the time served. May God bless our soldiers and our veterans.

Mr. FILNER. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, in closing, again, I encourage everyone, certainly we are all anxiously awaiting to get to vote "yes" on this very, very important resolution. I want to thank Mr. BACA for bringing this to our attention and doing the work that it took to get it on the floor. A special thanks to Chairman FILNER, Mr. BUYER, again, for working together and getting all of the bills that we have done today on the floor. I think it represents a tremendous amount of work. As always, I want to thank the staffs on both sides who worked so hard in preparing these things and actually getting it to fruition.

So with that, again, I yield back the balance of my time.

### GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 237.

The SPEAKER pro tempore (Mr. BLUMENAUER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, this is an important resolution, and we have heard the many reasons why, and I thank Mr. BACA for bringing this resolution to the floor. But after we give our speeches on Veterans Day, after we have given all the tributes, let's come back and do some real work that we have to do to really honor our veterans.

I agree with the gentleman from Arkansas. Let's pass that appropriations bill. If you add the money that is in the appropriations bill for 2008 with the continuing resolution we did earlier this year and the supplemental resolution we did earlier, we have added more than $13 billion for the health care of our veterans for this year over last year. That is a 30 percent increase. That is unprecedented in the history of the VA and will put in place all the programs that many of us want and know that they are needed, deserved and earned.

But let's go further than that. Let's pass together a GI Bill for the 21st century, a bill that not only increases the benefits to a realistic fashion for education and home loans, but brings in the Guard and Reserve units to be eligible for the GI Bill's benefits. They are doing half the fighting in Iraq and yet do not have full benefits when they return home. So let us include the Guard and Reserve.

Let us include an absolute right to mental health treatment. We cannot neglect mental health, PTSD (post traumatic stress disorder), and other mental conditions. While we can deal with the visible wounds a lot easier, we cannot forget the invisible ones.

Let us work together to end that atrocious claims backlog. Over 600,000 claims for disability compensation are pending at the VA. People have died while waiting for their claim to be adjudicated. Others have lost their home because they didn't have the income. We can cut through that bureaucracy, not just add, as the budget has, 1,000 more people, but really look at a whole new way, a nonadversarial way of dealing with the claims for disability. We can do that.

For too many people, VA means "veterans adversary." VA should mean "veterans advocate". We can do that. Let us make sure that every young man and woman that comes back from Iraq and Afghanistan is diagnosed for both traumatic brain injury and PTSD, post traumatic stress disorder. We are going to let tens of thousands of young men and women out of the service without adequately understanding these wounds, some of whose symptoms are invisible for some time. They are ticking time bombs that, coming back to society, will create enormous problems for our social structure. So let's diagnose it. Let's treat it early. Let's bring the family in. Let's make sure that we have treated the mental illness that is so prominent in a war like this that we are unfortunately pursuing.

Let us end homelessness for our veterans in America. We can do this. This is not rocket science. We know what it takes. We have all, as I said earlier, been to Stand-Downs. We know how to bring the community together to give homeless veterans the support they need to reintegrate. And I tell you, we are already seeing the problems that we saw in Vietnam. We have suicide rates of our current vets that are the highest rates since Vietnam. We have homeless Iraqi vets on the street. So let us not make the same mistake again that we did in Vietnam, but let us remember we have both new veterans and older veterans. We have to serve both. This Nation can do it, we should do it, and working together, we will do it.

Each year on Veterans Day, Americans come together to honor our Nation's heroes: the 25 million veterans that have served our country.

House Resolution 237 encourages Americans to demonstrate their support for veterans. It is important to let these heroes know that this grateful Nation honors their service to our country.

On this 88th Veterans Day, I urge all Americans to take the time to show appreciation to those who have answered the call to duty.

Although, we can never adequately thank them for their service and sacrifice to our Nation, today, on Veterans Day and everyday, we can humbly salute our brave veterans and soldiers.

Our nation has a proud legacy of supporting the men and women who have worn the uniform in defense of this country.

As a nation, we have a sacred pact with all those who served in uniform and we owe them a debt of gratitude.

Our country is founded on the principles of democracy, American values and faith that those who fight for freedom will defeat those whose cause is unjust.

I know I speak for the Nation when I say that we stand united behind our courageous men and women in uniform.

We must be united in seeing that every soldier, sailor, airman and marine is welcomed back with all the care and compassion this grateful Nation can bestow.

No other group of Americans has stood stronger and braver for our democracy than our troops and veterans.

Veterans Day should not be observed just once a year—our Nation's heroes must be celebrated, honored and remembered for their service to our Nation—the whole year through.

Veterans have kept their promise to serve our Nation—and we, as a free and democratic country, must keep our promises to our veterans.

As Chairman of the Veterans' Affairs Committee, it is my honor to serve the veterans of this Nation and I encourage my fellow Americans to do the same.

I encourage all Americans to reach out to veterans. Thank them and their families for their amazing sacrifice. Learn more about their great contributions to our country and gain the wisdom of their personal stories of our nation's history.

Americans have learned, again, the truth behind the inscription on the Korean War Memorial—"Freedom is not free." And no one has paid a higher price and sacrifice for our freedom than our veterans.

Pause to remember the noble service and high sacrifices of those who have worn this Nation's uniform.

On Veterans Day and the whole year through, join me and take the time to show your gratitude to those who have answered the call to duty.

Mr. Speaker, I yield back the balance of my time.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of the proceedings or any audible conversation is in violation of the rules of the House.

The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 237.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

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## THIRD HIGHER EDUCATION EXTENSION ACT OF 2007

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3927) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3927

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Third Higher Education Extension Act of 2007".

**SEC. 2. EXTENSION OF PROGRAMS.**

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking "October 31, 2007" and inserting "April 30, 2008".

**SEC. 3. RULE OF CONSTRUCTION.**

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) and the College Cost Reduction and Access Act of 2007 (P.L. 110-84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

### GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3927, a bill to extend the Higher Education Act through April 30, 2008. This bill is very straightforward. It simply extends the current programs authorized under the Higher Education Act until April 30, 2008, giving us the time to fully consider and complete the reauthorization.

Mr. Speaker, we are making progress. With bipartisan support and the President's signature, we are making a historic investment in student financial aid in the College Cost Reduction and Access Act. We have also laid the groundwork to reauthorize the other core higher education programs, including teacher preparation, developing and strengthening institutions, college readiness and outreach programs, international education programs, graduate education, and many others.

The Higher Education Act was due to be reauthorized during the 108th Congress. It was not completed. The 109th Congress also failed to reauthorize this act. Given the length of time that has elapsed between when the Higher Education Act should have been reauthorized and today, we believed that it was critical that the 110th Congress and the stakeholders in the higher education community take a fresh look at the law and the recommendations to improve it.

We have held a series of congressional hearings covering the core issues of access, affordability, college preparation, teacher preparation, and institutional capacity. We put out a call for recommendations and received over 85 responses from individuals and organizations from across the Nation. I am looking forward to working with all my colleagues to produce a strong reauthorization that will earn broad support.

Mr. Speaker, I would also like to thank Congressman MCKEON, the ranking member of the full committee. I would like to thank Congressman RIC KELLER, the ranking member of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness. Also, I wish to thank Chairman GEORGE MILLER for working together with all of us to expedite this extension. I urge all my colleagues to support this legislation, H.R. 3927.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3927, a measure to extend programs under the Higher Education Act, which are set to expire at the end of this month, for an additional 6 months. This is a clean extension. This will simply change the date required to reauthorize this law from October 31, 2007, until April 30, 2008. I thank my committee colleagues, Chairman MILLER, Chairman HINOJOSA, and Ranking Member MCKEON, for their work on this bill, as well as their consistent efforts on behalf of our Nation's college students and their families.

Mr. Speaker, while I support the extension of the Higher Education Act, I also believe that we need to get on with it at this point and reauthorize this important law. The last time this law was authorized was when President Bill Clinton was in office back in 1998, and it expired in 2004.

We need to work in a bipartisan way to finally reauthorize the Higher Education Act. Republicans on the House Education Committee recently took a positive step in this direction by introducing H.R. 3746, The College Access and Opportunity Act of 2007. This bill is an updated version of H.R. 609, the Higher Education reauthorization bill that passed the House last Congress but was not taken up by the Senate. H.R. 3746 would strengthen the Pell Grant program by providing for year-round Pell Grants, and it would address college affordability by providing transparency in college costs, among other things.

I hope that we will move forward with the Higher Education Act reauthorization in a bipartisan and thoughtful manner. I look forward to working with Ranking Member MCKEON and Chairmen MILLER and HINOJOSA and all of my colleagues on the Education and Labor Committee in completing our work in the coming months. In the meantime, however, I urge my colleagues to join with me in supporting this extension.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, as my colleague RIC KELLER pointed out, the last reauthorization took place back in 1998. If we are able to get it done this year, it will have been almost 10 since that reauthorization. For me, having served 11 years in Congress, I have had quite a learning curve. I have learned the importance by listening to presidents and chancellors of many of the institutions of higher learning and realize the importance of us getting this job done this session.

Mr. Speaker, it is extremely important because we are trying to raise the number of students who will be college ready. We must have programs that are going to fill the need that we have in our country for teachers, for scientists, for mathematicians, for all of the different fields that are necessary for our country to enjoy its prosperity.

I am working hard with my colleague RIC KELLER so that the Higher Education Act is completed on a timely basis, and one that is going to serve us for the next 6 years.

With that, I reserve the balance of my time and would like to ask the gentleman from Florida if he has some other speakers.

Mr. KELLER of Florida. Mr. Speaker, I have no other speakers and I am prepared to close at this time.

Mr. Speaker, I just want to urge all of my colleagues to vote "yes" on H.R. 3927. We believe that a college education opportunity is the passport out of poverty for so many worthy young people. I urge my colleagues to support this extension and then later to work together in a bipartisan manner to reauthorize the Higher Education Act.

Mr. Speaker, I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 3927.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Concurring in the Senate amendment to H.R. 327, by the yeas and nays;

H.R. 1808, by the yeas and nays;

H. Res. 680, by the yeas and nays.

The vote on H.R. 1955 will be taken later today.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## JOSHUA OMVIG VETERANS SUICIDE PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 327, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 327.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 987]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—15

Bishop (UT)
Carson
Cubin
Feeney
Hastert
Hunter
Jindal
Johnson, E. B.
McKeon
Paul
Reyes
Rothman
Snyder
Wilson (OH)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1449

Mr. HALL of New York changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1808, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1808.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 988]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner

Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—15

Bishop (UT)
Carson
Cubin
Feeney
Gutierrez
Herger
Hunter
Jindal
Johnson, E. B.
McKeon
Paul
Reyes
Snyder
Wilson (OH)
Young (FL)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1458

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CONDEMNING THE ACTIONS OF SEPTEMBER 7, 2007, RESULTING IN DAMAGE TO THE VIETNAM VETERANS WAR MEMORIAL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 680, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 680.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 989]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)

Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—14

Bishop (UT)
Bonner
Carson
Cubin
Feeney
Hunter
Jindal
Johnson, E. B.
McKeon
Paul
Reyes
Snyder
Wilson (OH)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

☐ 1505

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BONNER. Mr. Speaker, due to an error, I failed to cast a vote on rollcall 939. Had I cast a vote, I would have voted "yea" on rollcall 989.

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## PROVIDING FOR CONSIDERATION OF H.R. 1011, VIRGINIA RIDGE AND VALLEY ACT OF 2007

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 763 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 763

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1011) to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; (2) the amendment printed in the report of the Committee on Rules, if offered by Representative Goodlatte of Virginia or his designee, which shall be in order without intervention of any point of order (except those arising under clause 9 or 10 of rule XXI) or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1011 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas, my friend, Mr. SESSIONS.

All time yielded during the consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 763.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 763 provides for consideration of H.R. 1011, the Virginia Ridge and Valley Act of 2007, under a structured rule. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Natural Resources.

The rule makes in order the substitute reported by the Committee on Natural Resources and makes in order the amendment from the gentleman from Virginia (Mr. GOODLATTE), the only amendment which was submitted to the Committee on Rules for consideration on this rule.

The rule waives all points of order against consideration of the bill, except for clause 9 and 10 of rule XXI. Finally, the rule provides one motion to recommit with or without instructions.

The bill before us today, H.R. 1011, designates 43,000 acres as wilderness and nearly 12,000 acres as national scenic areas in the Jefferson National Forest in southwestern Virginia. The areas in the Jefferson National Forest that are protected by this bill are some of the most beautiful areas of the country. The areas offer numerous recreational activities, including fishing, hunting, hiking, camping, canoeing, horseback riding and skiing. These areas are virtually priceless and provide much-needed opportunities for visitors and families to spend time in the great outdoors and enjoying America's natural beauty.

H.R. 1011 ensures that critical habitat for bears, song birds, wild turkeys, brook trout, and other species, in addition to preserving countless stands of old growth, a 45-foot cascading waterfall, and breathtaking scenic views that encompass wide areas. Preserving this habitat is also critical for the economy, as tourism is the fattest growing industry in the region.

Each of these areas contained in H.R. 1011 were either recommended as part of the Jefferson National Forest plan or have been endorsed by the relevant county boards of supervisors in the local areas. The bill has broad bipartisan support from five other Representatives from Virginia, both Virginia Senators, Governor Tim Kaine and four county boards of supervisors. Local businesses and State organizations, faith groups, the International Mountain Bicycling Association and local bear hunters also support this bill.

Finally, I would like to thank Chairman RAHALL and Mr. BOUCHER for their dedication and hard work in bringing this legislation to the floor today so that we can ensure that America's most treasured resources are protected once again for future generations.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. I thank the gentleman from California for yielding me time.

Mr. Speaker, I rise in opposition to this structured rule and to a number of provisions included in the underlying provision in its current form. I oppose this legislation because it substitutes the deliberate and long-studied recommendation of well-trained Forest Service professionals with a purely political congressional action by designating 27,000 additional acres, which are land in the Forest Service today, as wilderness, beyond the Forest Service recommendation of 16,000 acres in southwestern Virginia's Jefferson National Forest.

This means that despite having spent millions of congressionally appropriated tax dollars and investing tens of thousands in on-the-ground Federal employee hours on studying this issue, the Democrat leadership will simply override the Forest Service's well-reasoned decision to force this additional acreage into wilderness status. This also, despite the fact that many of the areas proposed in this legislation do not meet the standards of the 1964 Wilderness Act, including roads, utility corridors, mountain biking areas, and a Federal Aviation Administration tower. These should not be considered within wilderness area, and yet, today, that's exactly what is happening.

Today's bill makes private landowners to the area vulnerable to the Jefferson National Forest Plan ultimate goal of obtaining all private lands within these expanded wilderness boundaries, including 722 total acres of outstanding privately held mineral rights.

What is even worse is that thousands of acres in this proposed wilderness area are at high risk for wildfire and require mechanical thinning for proper fire risk mitigation. Many of these areas are next to the small communities that will be placed at even greater risk of catastrophic wild fires if this land is not managed properly.

□ 1515

So even as the threat posed by wildfires to American communities all across this country is fresh on our minds, as we watch with great concern and sympathy the unbelievable damage these wildfires are inflicting on Southern California, nonetheless, the Democrat leadership of this House has decided that the best course of action is to extremely limit and outright prohibit commonsense reduction activities across this Jefferson National Forest in Virginia.

Besides the private land owners and homeowners adjacent to this land, other losers created by this legislation include a number of animal species covered by the Endangered Species Act, including bats and bears. Currently, several of the proposed wilderness areas added by this legislation are professionally managed to maintain threatened endangered and sensitive species habitat. By passing the legislation under this rule, Congress will be preventing the Forest Service from using the equipment that they need to comply with the Endangered Species Act.

This makes no sense, Mr. Speaker. It makes absolutely no sense why this new Democrat majority throws aside not only the expressed opportunities that the Forest Service have given us to understand proper management, but they will override professionals who have studied this and do this for a living.

Perhaps worst of all, Mr. Speaker, because this draconian "wilderness" designation prevents any road or trails from being improved in these areas, a number of our Nation's most vulnerable populations such as the elderly and disabled will be effectively prevented from accessing and enjoying this piece of America under this bill. It absolutely makes no sense, Mr. Speaker.

I'm sorry we're having to be on the floor today to take this position, because the Republican Party is in favor of our national parks, is in favor of people utilizing our national parks, and we view these areas as very historic areas that we want to preserve and make right and keep them.

Mr. Speaker, this is bad public policy. I oppose this structured rule and the underlying legislation.

I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield 1 minute to the gentlewoman from California, an esteemed environmentalist and champion for our national resources, the Speaker of the House, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I thank him for bringing this rule to the floor that will enable us to vote for this important bipartisan bill which has broad support, H.R. 1011, the Virginia Ridge and Valley Act of 2007.

I commend our colleague, Mr. BOUCHER, for his persistent and relentless leadership on this legislation. In advancing this, Mr. BOUCHER, you have advanced the cause of protecting our existing wilderness, and all of us who care about the wilderness and our park lands are deeply in your debt.

As we come to the floor, though, today, Mr. Speaker, I do want to call additional attention of my colleagues that as we gather here this afternoon, wildfires are raging in my home State of California. The President has declared an emergency. I hope that it will be limited to that. But the way the fire is raging, I'm afraid it may come to the point of a major disaster. The Governor of California, Governor Schwarzenegger, has just reported that 750 homes have been totally destroyed, 68,000 homes are endangered; 250,000 acres of land, an area the size of the entire City of New York, has been devastated by the fire, much of it wilderness areas. And in addition to that, 365,000 people have been evacuated from their homes.

In any consideration of what is happening there, it's very important to salute our firefighters for their courage and their tireless, tireless effort to end this fire, which is a tough battle because of the winds and, hopefully, they will die down soon. It is possible that if the fire continues to rage, we may have to appeal to the President to declare this a major disaster and therefore eliminate any capping of support that we would have for California, and that would have implications, as we know, for other fires that may occur in our country.

So this is when the American people look to government to step up to the plate and to be there for them. The firefighters are doing their share. The people are acting in a very responsible way in the evacuations. The local government is doing well, according to what the Governor says and, of course, the State of California has this as an emergency of the highest, highest order. So far they have been able to avail themselves of whatever is available from the Federal Government. We may have to expand on that if the fires continue to rage.

But to those who have suffered personal losses, whether it's the loss of a loved one, personal injury, loss of their homes and their communities, I extend the deepest sympathy and the fullest support as Speaker of the House of Representatives.

With that, again, I urge my colleagues to support Mr. BOUCHER's bipartisan legislation to protect the Virginia wilderness, and in advance of any needs that we may have for the wildfires in California, inform my colleagues of the extent of the damage that we know to date and the need that we have for support. This compact between the people and the Federal Government is never called upon more strongly than in time of a natural disaster of this kind.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentlewoman from California's words about the tragedies that are occurring. Not only for the past few days, but also, as always, anytime there's a wildfire, people who get in the way, the brave men and women of the National Park Service and others who go to help fight those fires, I know the Nation is at this time very focused on the lives and the property and the effort that is going on in California.

With great respect, I too, join the gentlewoman from California for expressing our sincere appreciation for the firefighters who are trying to battle and save the property and the lives in California.

Mr. Speaker, for perhaps the same reason that the gentlewoman from California has come down to join in this discussion today, perhaps with an opposite result, I, too, am down on the floor to talk about how wise management of our natural resources, of our Parks Service, is important. You don't have to go back really as far as Teddy Roosevelt to understand what Teddy Roosevelt saw, that this great Nation had the abundance of beautiful woodlands, hills, mountains, streams, the acreage included within that, the beautiful animals, the birds, the fish, the wolves that were a part of our landscape. And that's why national parks were created. National parks were created with an opportunity for the Federal Government to have a chance to allow people to come and see this great country, to see the beautiful country that we had.

As a young man growing up and scouting, I remember well the opportunity that I had to not only visit national parks, but a chance to get what is called the Forestry Merit Badge. And even back in 1965 or 1966, when I was receiving this badge, I remember, this is not the term that was used, best practices, but one has become used as a term of best practice and that is, wise management of our forests to not only sustain them, but to protect them, and to protect the animals and all that lives and counts on that forest surviving. We've learned these wise management techniques, not just in scouting to get the Forestry Merit Badge, but we have learned them through the years. We've learned that sometimes unwise management and doing things to our park system, in fact, caused more damage than it did good.

I remember back with the fires that we had in Yellowstone, how the National Park Service said just let it burn, it is a fire created by an act of God. But they really, as a result of that, learned that they had to learn a better practice to save millions of acres and millions of animals that could be destroyed.

Well, part of that best practice is what the National Park Service is attempting to do right now and has been attempting to do in this national park today. It is against their recommendation that politically we override the best practices, the best thoughts and ideas that people have who manage our park system, who do see the balance, who are there every day with the careful consideration.

By designating this area, an extensive amount of area, as wilderness, it means that arbitrarily, we're taking something that would never qualify under the intended statutes and add it in. I think this is unwise. This is how you do have problems. This is how you do have fires that burn out of control when you're not able to come in and protect the forest properly as a result of this designation. This is how you have problems when you're not able to take care of the endangered species that are in there and properly protect them, because it will have that wilderness designation.

And so with great respect for the same purpose that the gentlewoman from California came to notify us and to remember what America's paying attention to today, the wildfires in California, I would say we need that same sort of vision to avoid what could be in the time of drought or in the time of misdeed because of perhaps a lightning storm, something that's an unintended consequence, and that is to take this area and to move it into wilderness means that it will not receive or be able to receive the same kind of regular work that happens to protect these wilderness areas and national parks from destruction of a fire. I think it's a bad idea.

I think it's also a bad idea any time politicians in Washington, D.C. for political purposes decide to overrule common sense.

Mr. Speaker, at this time I would like to yield 5 minutes to the ranking member of the Rules Committee, the gentleman from San Dimas, California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend from Dallas for yielding.

Mr. Speaker, I come to the well for the exact same reason that our California colleague, the distinguished Speaker of the House, Ms. PELOSI, has taken time, and that is to talk about what many have described as probably the worst fire that has ever hit Southern California.

I was just talking to the dean of our delegation, Mr. LEWIS, who is going to be returning to California. I know a number of our colleagues have gone now. He represents the Lake Arrowhead area where Governor Schwarzenegger and other elected officials are looking at this situation.

As the Speaker pointed out, 365,000 people have been evacuated from their homes, and literally hundreds of thousands of acres have been burned. And Mr. LEWIS just reminded me that one of the things that we can be extraordinarily grateful for is that we have been able to learn from previous fires how to deal with this. For example, we've had an increase in the number of what are known as the Mobile Airborne Firefighting System aircraft, the MAFS, which are going to be coming from other States. And we, as Californians, are very grateful for the fact that other States are working with us to deal with California's challenge in this time of need.

There are other environmental issues with which we've had to contend, the bark beetle that Mr. LEWIS just mentioned, and making sure that we are able to go in and clean up areas which create the potential for fire. And so we've learned a lot from the horrible circumstances that we have faced in the past. And I'm convinced, Mr. Speaker that we will, in fact, learn from this tragedy as well.

Our thoughts and prayers are with those who have lost their homes. And if there is any kind of silver lining, when you think about the fact that 365,000 people have been evacuated, hundreds of thousands of acres, countless structures in the hundreds have been obliterated, and yet the report now is that there is only one loss of life. And obviously there are a number of firefighters who have been injured. According to a report I just saw on the television, another 25 individuals have been injured, and our thoughts and prayers are with them. But we are very grateful for those who have stepped up.

□ 1530

Governor Schwarzenegger just, Mr. Speaker, talked about the fact that at this time of need, calling on those in the grocer industry and a wide range of others coming in and providing water, diapers, baby formula, other foodstuffs that are necessary for those who have been evacuated and those who are engaged in firefighting is something that has really been remarkable, as our Governor just said.

And, Mr. Speaker, I have to tell you that one of the things that I have been struck with is that, while some people try to make things like this partisan, we are coming together as a State delegation to deal with this. As I said, a number of our colleagues have already gone to California. I know some members of the San Diego delegation, because that area has been hit particularly hard, have already gone.

So, Mr. Speaker, I would simply like to express my appreciation to those who are on the front lines and to say, as our Governor has, again, we have all come together to try to provide assistance, and the one thing we need to do now is pray for an improvement in both the wind and create the potential for some rain, if that's at all possible, to help provide some kind of relief, and to again state that at this time of disaster we want every level of government as well as individuals to continue to work together, and I am convinced that we will be able to.

Mr. CARDOZA. Mr. Speaker, I would like to say that I share the comments of our prior speakers. Both the Speaker of the House and the gentleman from California spoke eloquently about the disasters that are happening in our home State. It is certainly a time of great need and a great need for us to come together to figure out how we proceed from here to battle this rage.

I see Mr. LEWIS in the audience, and I have been to his district at a hearing about this very topic, and I know the serious nature of some of the forest management issues that are around his district and we have discussed it on numerous occasions. And our sympathies are with you and those of your constituents, Mr. LEWIS.

At this time, Mr. Speaker, I would like to yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my colleague Mr. CARDOZA from California for yielding.

I also want to express solidarity with the concerns and expressions of sympathy expressed by the Speaker for the residents of California who are so afflicted by this terribly uncontrollable act of nature. I know the entire Congress, if they had the opportunity, would want to stand up and speak out on behalf of those very same sentiments.

We hope they can get that fire under control and that the people that have been displaced are able to find other housing and some safety. It's certainly one of the worst natural disasters.

None of us can imagine what it would be like to be in the line of fire.

Mr. Speaker, my primary purpose for rising today is to express support for the legislation that has been introduced by my good friend and Virginia colleague Congressman RICK BOUCHER. It's an extraordinary proposal for what it accomplishes in the way of conservation and wilderness protection but also for the collaborative effort it represents to bring different public land uses together to the table and craft a proposal that almost everybody can and does support. In fact, Republican Senator JOHN WARNER, the dean of our delegation, has sponsored it over on the Senate side.

The Virginia Ridge and Valley Act will protect nearly 43,000 acres of the Jefferson National Forest in southwestern Virginia as wilderness or wilderness study areas and another 12,000 acres as scenic areas.

Today, wilderness designations are often very controversial. That's because our public lands are visited more frequently by a much more diverse and engaged public, a public that now holds very different views oftentimes and expectations on how the public land should be used. As a result, we have seen fewer and fewer wilderness designations work their way through Congress. That's unfortunate because saving some of our last pristine public lands from resource extraction is an obligation and should, in fact, be a legacy we can pass on to future generations.

My colleague from Virginia, however, is a very persistent colleague. And the time that he and the conservation community have invested to find middle ground and build a consensus to support this legislation is a model that other conservation groups around the country should look to to enact wilderness legislation. It can be done, but it takes that kind of commitment, persistent dedication that Mr. BOUCHER has shown.

This legislation will protect the scenic and undisturbed character of pristine areas of the Jefferson National Forest.

Now, while all terrain and four-wheel-drive vehicles are prohibited in the wilderness areas, recreational activities such as hunting, fishing, camping, canoeing, kayaking, swimming, picnicking, backpacking, bird watching, horseback riding, cross-country skiing, snowshoeing, spelunking, rock climbing, and so many other outdoor activities are allowed and, in fact, encouraged. So it is not that the public can't be fully and actively engaged in enjoying this land. But motorized traffic will be permitted only in certain circumstances in the 12,000 acres that have been designated as national scenic areas.

This legislation, though, will protect the recreational, historic, and natural resources in the delineated areas in a manner that is generally similar to the protections wilderness status affords. By finding consensus, this bill has won the endorsement of all the local governments and the counties that it would affect. It is supported by a broad array of businesses and chambers of commerce and enjoys broad support from conservation organizations.

So I encourage all of my colleagues on both sides of the aisle to support this bill. It's a fine bill, and I congratulate Mr. BOUCHER for bringing it forward.

Mr. SESSIONS. Mr. Speaker, as the entire country is focused upon California fires, the disasters that are occurring and the heroic efforts of the firefighters, the people who live in California are working together, community activities, the entire country has been called into action. And I'm sure every single one of us, as not only Members of Congress but just as proud Americans, want to respond in a way that is appropriate.

The gentleman who represents a vast area that is included within those wildfires is with us now. He's the gentleman from California (Mr. LEWIS). I would like to yield him 10 minutes at this time.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague's yielding me the time.

I will not use anywhere near 10 minutes. But let me say that my colleagues have already expressed their support for the phenomenal work that has taken place over the recent years as we have learned from past tragedies like this. The law enforcement officials, local government, the State people with the Forestry Service in California, and the U.S. Forestry Service have been truly phenomenal. We have learned an awful lot. But I would mention two things.

The first is that in terms of managing our forests, we usually find our way very quickly to develop those dollars that are necessary following a fire to respond to the immediate tragedy. Those dollars seem to flow almost upon our call. The dollars that, on the other hand, are much more difficult are those that involve managing the forest long term. It is so important that we recognize that the U.S. Forestry Service does all that they can, but they know full well that the great difficulty of getting the money for managing that which makes up the ground fire that can destroy a forest, literally can obliterate this territory when we are looking, must be a part of our Federal responsibility.

There is little doubt that we will overcome this tragedy. Hundreds and hundreds of homes lost in my own district in and around Lake Arrowhead, California, tragedies for each of those families. But I would say beyond remembering that we must find the money for managing the forests. We also should talk to our constituents about the fact that when faced with a fire tragedy, the first thing that all of our people should do is to respond to those warnings that suggest, when they are called to evacuate, to evacuate. One life lost is too many, and the danger of attempting to overcome a fire near your home, indeed, is a critical decision. I would urge all of our citizens who are faced with this difficulty to respond to those calls for evacuation.

With that, I appreciate very much my colleagues' response to our tragedy and I appreciate very much their help.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

I just wish to again give my deepest condolences to the folks who have lost their property in your district, Mr. LEWIS. As you have said, we have traveled there and had hearings, and, frankly, with all the dry timber that was left behind there, we were fearful that that would have happened a couple of years ago, and I understand it's happening as we speak. And hopefully we will not lose any more lives. And our hopes and prayers are with the people that habitat that region in and around Lake Arrowhead.

With regard to the bill at hand, H.R. 1011, I would just like to say, as has been said before, that this measure is supported by the members of the Virginia delegation. We will be offering, the gentleman from Virginia (Mr. GOODLATTE), the only amendment that was proposed under this rule. It's supported by all the local boards of supervisors as well as Senator WARNER, Governor Kaine.

And, in fact, we have listened to the community. And Mr. SESSIONS is right. The local officials and local community leaders, citizens of a region should be consulted when we designate one of these wilderness areas. And, in fact, this bill does incorporate those suggestions and comments of the local community. They desire this wilderness designation for their area. And it is truly going to be a national treasure. It already is, and it will be preserved for our children and for their children.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume to close at this time.

Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to have Speaker PELOSI, in consultation with Republican Leader BOEHNER, immediately appoint conferees to H.R. 2642, the Military Construction and Veterans Affairs Appropriations bill for 2008.

Yesterday a number of news publications, including Roll Call, reported that the Democrat leadership intends to hold off sending appropriations bills to President Bush so that they can use an upcoming anticipated veto of the Labor-HHS appropriations bill to serve as "an extension of their successful public relations campaign on the State Children's Health Insurance Program."

While the Democrat leadership plays politics on this issue, however, our Nation's veterans are paying the price. For every day that the Democrats allow the veterans funding bill to languish without conferees for their own political agenda, our Nation's veterans lose $18.5 million, which could be used for veterans health care, veterans housing, and other important support activities for veterans and their families.

I would like to repeat that. Every single day there is $18.5 million that is lost for our veterans and their families.

On October 18, the American Legion National Commander Marty J. Conaster, 5 national vice commanders, and all 55 Legion National Executive Committee members sent Speaker PELOSI a letter pleading with her to put partisanship aside and provide this funding now for our veterans and troops.

☐ 1545

At this time, I will insert this letter into the CONGRESSIONAL RECORD.

THE AMERICAN LEGION,
*Indianapolis, IN, October 18, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR SPEAKER PELOSI: Today ends the Fall meeting of The American Legion's National Executive Committee, at The American Legion's National Headquarters in Indianapolis, Indiana. The National Executive Committee consists of an elected leader from each of The American Legion's 55 Departments (50 States, the District of Columbia and four foreign countries). In accordance with The American Legion's National Constitution and By-laws, the National Executive Committee serves as The American Legion's governing body.

The National Commander Marty Conatser briefed The National Executive Committee on an array of issues to include the status of the VA budget for FY 2008. The fiscal activities of the 110th Congress—the FY 2007 Continuing Resolution, the Budget Resolution for FY 2008, and the passage of the Military Construction, Veterans' Affairs and Related Agencies Appropriations for FY 2008 were reviewed.

However, in trying to grasp why such a bipartisan bill, which passed overwhelmingly in both chambers, still hasn't moved in over a month is rather difficult, especially since the President has already said he would not veto the bill, even though it exceeds his recommendations. Understanding why the appropriations process has come to a complete halt is difficult. What is preventing the appointment of conferees, the Conference Committee, or passage of a Conference Report?

We are now in the new fiscal year with no idea when the Mil Con-VA appropriations will be passed. If history repeats itself, this standoff may last well into the second quarter of the fiscal year. This uncertainty is disturbing to not only The American Legion and other veterans' and military service organizations, but to every veteran who is dependent on VA for timely access to quality health care, earned benefits, and other services provided by a grateful nation.

Madam Speaker, the newest generation of wartime veterans are reporting to VA medical facilities every day as troops are returning from deployments to Iraq and Afghanistan. Some will be determined to be service-connected disabled because of medical conditions incurred or aggravated while on active-duty. Others may very well have invisible scars that need attention as soon as possible. As VA welcomes new patients, the existing patient population cannot be ignored nor should their health care be rationed due to limited available resources. There are veterans dependent on VA as their life-support system.

The American Legion represents 2.6 million wartime veterans, but also speaks for the 24 million veterans of the United States Armed Forces and their families.

Please continue the appropriations process—name conferees, convene the Conference Committee, and pass the Conference Report.

Sincerely,

Marty Conatser, National Commander; Thomas L. Burns, Jr. (DE), National Vice Commander; Randall A. Fisher (KY), National Vice Commander; David A. Korth (WI), National Vice Commander; James L. Van Horn (AK), National Executive Committeeman; Ross Rogers (AK), National Executive Committeeman; Peggy G. Dettori (AK), National Vice Commander; Donald Hayden (MN), National Vice Commander; Floyd W. Turner (AL), National Executive Committeeman; Julius Maklary (AZ), National Executive Committeeman; James W. Hackney (CA), National Executive Committeeman.

Jeff Luginbuel (CO), National Executive Committeeman; John J. Jackson (DE), National Executive Committeeman; Robert J. Proctor (FL), National Executive Committeeman; Ray Hendrix (GA), National Executive Committeeman; Cleve Rice (ID), National Executive Committeeman; W. Darrell Hansel (IN), National Executive Committeeman; David O. Warnken (KS), National Executive Committeeman; Charles D. Aucoin (LA), National Executive Committeeman; Dr. Gordon B. Browning (MD), National Executive Committeeman; Richard W. Anderson (CT), National Executive Committeeman; Paul H. _____, for Walter W. Norris (DC), National Executive Committeeman; William E. Marshall (France), National Executive Committeeman; Andrew W. Johnson (HI), National Executive Committeeman; Kenneth J. Trumbull (IL), National Executive Committeeman; Michael E. Wanser (IA), National Executive Committeeman; Randall Coffman (KY), National Executive Committeeman; Robert A. Owen (ME), National Executive Committeeman; James F. Army (MA), National Executive Committeeman.

John E. Hayes (Mexico), National Executive Committeeman; Virgil V. Persing (MN), National Executive Committeeman; David N. Voyles (MO), National Executive Committeeman; Michael J. Landkamer (NE), National Executive Committeeman; John E. Neylon (NH), National Executive Committeeman; Bruce Jorgensen (NM), National Executive Committeeman; Jerry L. Hedrick (NC), National Executive Committeeman; Carl W. Swisher (OH), National Executive Committeeman; Charles E. Schmidt (OR), National Executive Committeeman; Gerald N. Dennis (MI), National Executive Committeeman; Charles E. Langley (MS), National Executive Committeeman; Bob O. Beals (MT), National Executive Committeeman; Ron Gutzman (NV), National Executive Committeeman; William A. Rakestraw, Jr. (NJ), National Executive Committeeman; Paul Mitras (NY), National Executive Committeeman; Curtis O. Twete (ND), National Executive Committeeman; Bobby J. Longenbaugh (OK), National Executive Committeeman; Alfred Pirolli (PA), National Executive Committeeman.

William J. Kelly (Philippines), National Executive Committeeman; Ernest Gerundio (RI), National Executive Committeeman; Paul A. Evenson (SD), National Executive Committeeman; Ronald G. Cherry (TX), National Executive Committeeman; Leslie V. Howe (VT), National Executive Committeeman; William F. Schrier (WA), National Executive Committeeman; Arthur D. Herbison (WI), National Executive Committeeman; Carlos Orria-Medina (PR), National Executive Committeeman; Billy W. Bell (SC), National Executive Committeeman; Jennings B. Loring (TN), National Executive Committeeman; William E. Christoffersen (UT), National Executive Committeeman; Rob R. Gordon, Jr. (VA), National Executive Committeeman; William W. Kile (WV), National Executive Committeeman; ———, for Irvin A. Quick (WY), National Executive Committeeman.

On the same day, the commander in chief of the Veterans of Foreign Wars, George Lisicki, also asked Speaker PELOSI and the Democrat leadership to put partisanship aside for the benefit of our Nation's veterans and troops. These pleas from the American Legion and the VFW follow on the heels of requests from Republican Members to both Speaker PELOSI and Democrat Senate Majority Leader HARRY REID on September 17 and October 4 urging them to begin conference work on the Veterans Appropriations bills. Unfortunately, it appears as though all these commonsense requests have fallen on deaf ears, and our Nation's veterans are being forced to pay the price for continued Democrat partisanship and lack of leadership on this issue.

At this time, I will insert into the CONGRESSIONAL RECORD these 2 letters so that everyone watching today's debate across the country can see the efforts that have been made by the Republican Party to end this impasse on an important issue of providing adequate funding for those who have sacrificed so much on behalf of our country.

CONGRESS OF THE UNITED STATES,
*Washington, DC, September 17, 2007.*

OFFICE OF THE SPEAKER
*U.S. Capitol,*
*Washington, DC.*

MADAM SPEAKER: We write to urge you in the strongest possible terms to reach a prompt agreement on the conference report on the FY2008 Military Construction and Veterans Affairs Appropriations Act (H.R. 2642). Few issues are more important than adequate funding for our nation's veterans. The leadership in the House cannot allow this critically important funding to fall victim to the usual partisan wrangling which occurs all too often in Washington.

Veterans should not be used as tools for political bargaining and gamesmanship. Both the House and Senate passed the FY08 MilCon-Veterans appropriations with overwhelming majorities because our commitment to veterans rises above partisan squabbling. Tragedies such as the recent revelations at Walter Reed Army Medical Center must never be repeated. The findings of insufficient care at Walter Reed and other facilities should be seen by Congress as a mandate to finish the work and live up to the promises we have made to our veterans.

After decades of flat funding, total VA budget rose from $48 billion in FY 2001 to approximately $70 billion in FY 2006, a 46 percent increase. This year, the House voted to increase funding by $6 billion dollars over FY07, one of the largest in the 77 year history of the Department of Veterans Affairs. Both the Senate and House versions received overwhelming majority support passing by a vote of 409–2 in the House and 92–1 in the Senate.

Earlier in the year, the new Majority agreed they would continue the trend of significant increases in veterans funding begun by the Republican Congress. We ask you to honor that agreement and see that the commitment we made to our veterans is honored.

We must never forget the sacrifice of our veterans. As members of Congress, we have a solemn obligation to fulfill our promises to them. We ask for you to look past the heightened partisanship of our times and unite us on this issue by making it a first priority to quickly bring a stand alone Veterans appropriations bill through conference so the Congress may present the President with a bill by October 1, 2007.

We stand ready to assist you in reaching this goal.

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CONGRESS OF THE UNITED STATES,
*Washington, DC, October 4, 2007.*
OFFICE OF THE SENATE MAJORITY LEADER,
*U.S. Capitol,*
*Washington, DC.*

DEAR MAJORITY LEADER REID: We write today to ask you to keep the Senate in session the week of October 8, to help pass this year's veterans appropriations. Now that we are already into the new fiscal year, it is imperative that the House and Senate reach a prompt agreement on the conference report on the FY2008 Military Construction and Veterans Affairs Appropriations Act (H.R. 2642).

It is unfortunate the Senate has been unable to act upon many of its Constitutionally mandated appropriations bills. While the House continues to wait upon the Senate to complete its work, we call upon you to quickly move veterans appropriations through conference so a final version of the bill may be passed and presented to the President. We believe that veterans issues rise above the partisan divisions of Washington which is evident by the passage of the FY08 MilCon-Veterans appropriations with overwhelming majorities in both Houses, 501–3 combined.

The Senate cannot allow this critically important funding to continue to fall victim to the usual partisan wrangling which occurs all too often in Washington. If tragedies such as the recent revelations at Walter Reed Army Medical Center are to be diverted in the future, we must pass veterans funding now. From FY 2001 the total VA budget rose from $48 billion to approximately $70 billion in FY 2006, a 46 percent increase. This year, the House voted to increase funding by $6 billion dollars over FY07, one of the largest in the 77 year history of the Department of Veterans Affairs. Because we have asked so much of our brave men and women in uniform during the War on Terror we must uphold our commitment to veterans upon their return home.

Earlier in the year, the new Majority agreed they would continue the trend of significant increases in veterans funding begun by the Republican Congress. We ask you to honor that agreement and see the commitment we made to our veterans is upheld.

We must never forget the sacrifice of our veterans. As members of Congress, we have a solemn obligation to fulfill our promises to them. We ask you to look past the heightened partisanship of our times and unite us on this issue by making it a first priority to bring a stand-alone veterans appropriations bill through conference so the Congress may present the President with a bill no later than October 12, 2007.

Mr. Speaker, I will ask all of my colleagues to support this motion to defeat the previous question so that we can put partisanship aside and move this important legislation forward.

Mr. Speaker, this is a very important vote for each of the Members of Congress to decide whether we are going to move forward for the best interest of our military and veterans, or whether we are going to play partisan politics.

I ask unanimous consent to insert the text of the amendment and extraneous material in the RECORD just prior to the vote on the previous question

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, I want to start by saying that I couldn't disagree more with the gentleman's last comments. What I heard just does not even make any sense to me, having spent the last 5 years of my life sitting here watching this House debate veterans issues.

The first 4 years that I was here, we saw the Republican Congress that was in power at that time refuse to take up a number of measures that were brought forward by the Democratic minority at that time. In fact, there were several discharge petitions that laid languishing at that desk for weeks and weeks on end until they finally died at the end of the session because they never got the attention of the Republican majority at that time. In fact, this year, since we have taken back the House and we have become a Democratic majority, we have been champions of veterans issues. And to say that they want to now lay letters upon the table that they're demanding of the Speaker's attention, we have been putting attention on this issue for a number of years. And not only are we taking care of our veterans now for the first time in 12 years, but we are taking care of it in a way that would surprise them. And our Nation's veterans are very grateful that we are finally giving them the respect they deserve.

And I will tell you that this House, by a vote of 409–2, passed the Veterans appropriations bill. And, yes, we do need to go to conference; but we will do that when the conferees are appointed in the Senate, when it is appropriate to do it. We have passed, this year, an additional appropriation of $3.4 billion to take care of our Nation's veterans. We will, in fact, make sure that all the veterans are taken care of. In fact, on November 11 of this year we will celebrate tremendous respect for our Nation's veterans and will, in fact, do everything that we have promised to do, and more.

We just saw today three bills taken up by the Veterans' Committee to, in fact, take care of the needs of our Nation's veterans. And I am highly offended by the insinuation that we are in some way acting in a partisan way not to take care of our Nation's veterans.

Mr. Speaker, with regard to H.R. 1011, this bill is, in fact, an important bill to protect the natural resources of the State of Virginia, a vital area for our country. Mr. BOUCHER and the delegation from Virginia have done a fabulous job in crafting this proposal. It is a bill that preserves tens of thousands of acres of pristine wilderness in Jefferson National Forest. It is necessary that these beautiful, natural landscapes remain protected and untouched so that they may be enjoyed by our children and our grandchildren for years to come. It deserves the strong support of all the Members on the floor today.

That is the bill that we will be moving the previous question on. Mr. Speaker, I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 763 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## PROVIDING FOR CONSIDERATION OF H.R. 1483, CELEBRATING AMERICA'S HERITAGE ACT

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 765 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 765

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1483) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) One hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1483 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 765.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, House Resolution 765 provides for consideration of H.R. 1483, the Celebrating America's Heritage Act. The rule provides 1 hour of general debate controlled by the Committee on Natural Resources and makes in order the substitute reported by the Committee on Natural Resources.

The rule also contains a self-executing provision to the base text consisting of a technical correction that inserts a map reference for a map that was not completed yet by the National Park Service prior to filing the reported bill. The rule also provides for one motion to recommit with or without instructions.

Mr. Speaker, before I begin to address the rule and the underlying bill, I want to also extend my feelings of empathy and concern for those out in California dealing with the fires that are plaguing that area of our country. We are all watching and we are all, in spirit, hoping that the fire ravaging will end. We appreciate the hard work and the fearless dedication of our fire service and our firefighters, and we hope that that situation is under control in the very, very near future.

Mr. Speaker, I rise today in support of this rule and the underlying bill. At the outset, I would like to commend my Republican colleague and neighbor, Congressman REGULA, for his leadership in sponsoring this bipartisan piece of legislation.

This bill will provide additional support to nine national heritage areas and allow for the designation of six new heritage areas, making them eligible for Federal support.

I am proud that the Ohio and Erie National Heritage Canalway is among these nine national heritage areas. And I can tell you from firsthand experience that I've had with the Ohio and Erie National Heritage Canalway, that these heritage areas are an invaluable asset, both to the local communities and to our Nation, from the preservation of local culture and history, to increasing tourism, and as centerpieces for economic growth.

The designation of heritage areas provides for a partnership approach to heritage development, allowing the sites to be locally managed with a local organization coordinating in partnership with local residents.

These areas provide unique opportunities to understand the larger context of these regions' traditions, landscapes and people, and the heritage of this great country.

The Ohio and Erie National Heritage Canalway is not a traditional park. It's a lived-in region where the national, cultural, historic and recreational resources combine to form a nationally significant landscape that celebrates the significance of the Ohio and Erie Canal and its contribution to the region, the State of Ohio, and the United States.

The Ohio and Erie Canal helped connect the Ohio frontier with New York and New Orleans in the early 19th century, playing a key role in linking a previously isolated Ohio with economic centers east and south. And the canal was crucial to the development of Ohio's economy, attracting businesses to the area and providing a viable transportation route for emerging industries.

Mr. Speaker, I am confident that with increased Federal support, the Ohio and Erie National Heritage Canalway and other heritage areas included in this legislation will continue to play central roles in their communities and equally important roles in our national heritage.

Similarly, Mr. Speaker, in addition to the Ohio and Erie National Heritage Canalway, the Celebrating America's Heritage Act will provide support to the National Coal Heritage Act in West Virginia, the Tennessee Civil War Heritage Area, the Augusta Canal and National Heritage Area in Georgia, the Steel Industry American Heritage Area in Pennsylvania, the Essex National Heritage Area in Massachusetts, the South Carolina National Heritage Corridor, America's Agricultural Partnership in Iowa, and the Hudson River Valley National Heritage Area in New York.

This legislation will also recognize and bring the benefits of heritage areas to six new communities throughout the Nation: Journey Through Hallowed Ground Heritage Area in Virginia, Niagara Falls National Heritage Area in New York, Muscle Shoals National Heritage Area in Alabama, Freedom's Way National Heritage Area in Illinois, and Santa Cruz Valley National Heritage Area in Arizona.

And it's important to note, Mr. Speaker, that this legislation specifically includes language that protects private property rights. And the bill makes clear that a national heritage area designation does not alter existing regulations or land use plans.

This is a good bill that will help communities and our country celebrate our heritage and use our history for future prosperity and collective pride. I urge my colleagues to support it.

I'm proud to be a cosponsor of this bipartisan legislation. And, again, I would like to thank Congressman RALPH REGULA from my home State of Ohio for introducing this bill and for being a champion of Ohio's heritage.

I urge all of my colleagues to support this important bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1600

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. SUTTON) for yielding me the customary 30 minutes. I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this closed rule and urge my colleagues to oppose it as well. Mr. Speaker, this rule is the 39th closed rule the House will be considering this year. The Democrats have not just broken their promise to the American people to cooperate in an open and honest manner, they are actually doing it in a record-setting manner. In fact, this Democrat-controlled Congress has considered more than twice as many closed rules, twice as many, Mr. Speaker, as the previous Republican-controlled Congress did at the same point in the session.

So they didn't just break their promise, Mr. Speaker, they have shattered it. Most troubling of all is that this rule would prevent Representatives from offering amendments to adjust and alter the bill out of concerns directly affecting the districts and people that those Representatives were elected to represent.

The Celebrating America's Heritage Act authorizes $135 billion to be spent over the next 15 years for nine already established National Heritage Areas and six new National Heritage Areas. One of the new National Heritage Areas created in the bill is the Journey Through Hallowed Ground National Heritage Area, which includes land in Pennsylvania, Maryland, West Virginia and Virginia. Mr. BARTLETT of Maryland and Mr. GOODE of Virginia have expressed concerns that the land in the districts they represent is included in this new National Heritage Area and that this bill does not guarantee local residents will be allowed to participate in decisions affecting the area in their districts. If Congress is going to dictate how land is to be used, we must make sure that those who are directly affected by such designations are, in fact, supportive of the legislation.

I believe that all Members should be afforded an opportunity to have their voices heard on behalf of those they represent when their district is directly impacted. It was remarked yesterday in testimony before the Rules Committee by Mr. YOUNG of Alaska, "That is just good government." What he was referring to obviously was to have a Member talk about issues that affect their district. Unfortunately, if adopted, this 39th closed rule of the year will deny Mr. BARTLETT and Mr. GOODE and, in fact, all Members of the House, the opportunity to bring forth their concerns to attempt to amend—to perfect this bill. Although National Heritage Areas typically do not create additional Federal lands, the Federal Government can significantly impact the use of the land in and surrounding National Heritage Areas.

Mr. Speaker, coming from an area in my area in central Washington that is 40 percent federally owned, I want to take this opportunity to discuss my concerns with future actions that could lead to additional Federal lands. As I have said many times before on this floor, I believe Federal land management agencies simply have too much land to manage effectively. Federal land agencies continue to struggle to maintain trails and facilities on public lands as well as to manage unnaturally high fuel loads that can lead to catastrophic wildfires. We had that discussion on the previous rule; yet, year after year we are spending precious tax dollars to buy up more private property to take off local tax rolls.

There are far more pressing issues affecting public lands management that we could be considering today. For example, Mr. Speaker, we should be discussing the extension of payments to forested counties for rural schools and roads or for development of clean energy on public lands. These are far more pressing issues, and they are not going to go away. I believe the House should act quickly in a bipartisan manner to address them.

Mr. Speaker, this is a closed rule, as I mentioned in my opening remarks. In closing, I would like to read a quote from the distinguished majority leader (Mr. HOYER) from Congress Daily PM on December 5, 2006, a little more than 10 months ago. He said, Mr. Speaker, "We intend to have a Rules Committee that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House."

Mr. Speaker, the distinguished majority leader said that a little bit more than 10 months ago. Unfortunately, the Democrat majority is once again not living up to the promises they made to Americans just less than a year ago. We are shutting out the people and the Representatives who are directly impacted by this legislation with this closed rule.

Mr. Speaker, accordingly, I urge my colleagues to vote against this, the 39th closed rule of the year.

I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to remind my colleague from Washington that this legislation does not affect private property rights. The bill makes it clear that a National Heritage Area designation does not alter existing regulations or land use plans, either.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Ms. SUTTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, I rise today to support this rule and the underlying bill, H.R. 1483, amending the Omnibus Parks and Public Lands Management Act.

Early this year, I introduced the Santa Cruz Valley National Heritage Area Act with Congressman GRIJALVA. I am pleased that our bill has been included in H.R. 1483.

By designating the Santa Cruz Valley as a National Heritage Area, this beautiful and thriving region will receive modest Federal support for promoting the area's history, cultural resources and indigenous wildlife habitat. We are ensuring that the Santa Cruz Valley visitors can experience the unique watershed and diverse societies it has supported, Native American tribes, descendants of Spanish ancestors, American pioneers, and, now, members of our diverse Sonoran Arizona communities.

Widely supported from Marana, Arizona, to Patagonia, the Santa Cruz Valley will protect private property rights and public use of this federally managed land.

So I support this bill. I urge a "yes" vote on the rule and the underlying bill to support preserving Arizona's National Heritage.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, for the past several weeks, my colleagues on the Rules Committee and I have highlighted loopholes in the House rules related to earmark transparency. While this is an important issue that still must be addressed, there is still a more pressing issue that the House must act on immediately.

Mr. Speaker, it has now been 130 days, 130 days, since the veterans funding bill was approved by the House. The Senate passed a similar bill. Mr. Speaker, contrary to what was said in the debate in the last bill, the Senate has appointed their conferees over 6 weeks ago. Sadly, the Democrat leadership in the House has refused to move forward on this bill and name conferees and instead has chosen to put partisanship and politics ahead of ensuring our veterans' needs are met. Every day the Democrats choose not to act to move this bill forward, our Nation's veterans lose $18.5 million.

Last week, Republican Leader BOEHNER took a positive step toward naming House Republican conferees. Now, Speaker PELOSI must follow suit and take the steps necessary to ensure that work can begin on writing the final veterans funding bill that can be enacted into law.

I might add, Mr. Speaker, this is one of those bills that enjoys strong bipartisan support. It is troubling to me that Democrat leadership chose to consider a simple resolution today supporting and encouraging greater support for Veterans Day each year, but thus far, has refused to demonstrate meaningful support for our Nation's veterans by working on this final funding bill. Our veterans, and all Americans, want us to put partisanship and politics aside and work together to do what is in the best interests for our Nation's veterans.

Mr. Speaker, I see no better time than right now. Therefore, I will be asking my colleagues to vote "no" on the previous question so that I can amend the rule to allow the House to immediately act to go to conference with the Senate on H.R. 2642, the Military Construction and Veterans Affairs funding bill and appoint conferees.

The amendment to the rule I am offering would allow the Speaker to declare a recess for the purpose of consulting with the minority leader prior to the appointment of conferees. Further, it would provide that the motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within 2 additional legislative days after adoption of this resolution. In other words, Mr. Speaker, we can act on this as quickly as we possibly can.

By defeating the previous question, the House will send a strong message to our veterans that they have our commitment to write a final bill providing them the funding and increase they need, deserve and were promised.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. DOYLE). Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to oppose the previous question on the 39th closed rule the House is considering this year, and I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, I only wish the same commitment and tenacity on behalf of veterans that is being expressed here today continues into the future, and I wish that it had been a little bit more at the surface in the past.

As you know, Mr. Speaker, the Democrats, when they came into the majority in this House, passed the biggest increase for veterans health care in history. They passed in the Military Construction and Veterans Affairs appropriations bill $6.7 billion above the fiscal year 2007 budget, which, by the way, was the largest single increase in the 77-year history of the VA, $3.8 billion above the President's request. So we are indeed on the same page in terms of protecting our Nation's veterans, and we are working diligently, not just with our words, but with our votes and with our actions to make sure that we live up to the promise that we make to our veterans.

Returning to the legislation and the rule at hand, Mr. Speaker, the Celebrating America's Heritage Act would provide support for some of our Nation's cultural treasures and will expand support to additional heritage areas. I cannot overstate the importance of many of these areas, not only to the local communities and the regions in which they exist, but to preserving the history of the United States, that history that those veterans fought for, by the way, and these heritage areas stand out for national parks and they are overseen by a coalition of local leaders, community members and local organizations all with an interest in the preservation in their areas' traditions and culture and in the continued vitality of their communities. These heritage areas play a key role in spurring economic development, which serve as a bridge to the future for communities as well as a constant reminder of our past and the cumulative history that has led to where we are today.

I know what the Ohio and Erie National Heritage Canalway means to northeast Ohio, and I know what increased Federal support will do to help it continue serving our community and our Nation.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

The material referred to previously by Mr. HASTINGS of Washington is as follows:

### AMENDMENT TO H. RES. 765 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

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Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1615

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 763, by the yeas and nays;

Adopting House Resolution 763, if ordered;

Ordering the previous question on House Resolution 765, by the yeas and nays;

Adopting House Resolution 765, if ordered; and

Suspending the rules and passing H.R. 1955.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

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## PROVIDING FOR CONSIDERATION OF H.R. 1011, VIRGINIA RIDGE AND VALLEY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 763, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 225, nays 190, not voting 17, as follows:

[Roll No. 990]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt

Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Bilbray
Bishop (UT)
Carson
Cubin
Culberson
Feeney
Hastert
Hunter
Issa
Jindal
Johnson, E. B.
McKeon
Moore (WI)
Oberstar
Paul
Reyes
Wilson (OH)

☐ 1641

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

---

## PROVIDING FOR CONSIDERATION OF H.R. 1483, CELEBRATING AMERICA'S HERITAGE ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 765, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 191, not voting 13, as follows:

[Roll No. 991]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—13

Bilbray
Bishop (UT)
Carson
Cubin
Feeney
Hunter
Issa
Jindal
Johnson, E. B.
McKeon
Paul
Reyes
Wilson (OH)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

☐ 1649

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 186, not voting 15, as follows:

[Roll No. 992]

YEAS—231

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski

Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wolf
Woolsey
Wu
Wynn
Yarmuth

### NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

### NOT VOTING—15

Bilbray
Bishop (UT)
Carson
Cubin
Feeney
Hunter
Issa
Jindal
Johnson, E. B.
Lamborn
McKeon
Musgrave
Paul
Reyes
Wilson (OH)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes to record their vote.

☐ 1657

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM PREVENTION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1955, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 1955, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 6, not voting 22, as follows:

[Roll No. 993]

### YEAS—404

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)

Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

### NAYS—6

Abercrombie
Costello
Duncan
Flake
Kucinich
Rohrabacher

### NOT VOTING—22

Barrett (SC)
Bilbray
Bishop (UT)
Carson
Conyers
Cooper
Cubin
Davis (IL)
Davis, Tom
Feeney
Hunter
Issa
Jindal
Johnson, E. B.
McKeon
Moore (KS)
Paul
Peterson (PA)
Reyes
Sherman
Wilson (OH)
Woolsey

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have less than 2 minutes to vote.

☐ 1706

Mr. ABERCROMBIE changed his vote from "yea" to "nay."

Mr. PENCE and Mr. LOEBSACK changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include therein extraneous material on H.R. 1011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

## VIRGINIA RIDGE AND VALLEY ACT OF 2007

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 763, I call up the bill (H.R. 1011) to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 1011

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Virginia Ridge and Valley Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Designation of additional National Forest System lands in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.
Sec. 3. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
Sec. 4. Designation of Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
Sec. 5. Trail plan and development.

**SEC. 2. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LANDS IN JEFFERSON NATIONAL FOREST, VIRGINIA, AS WILDERNESS OR A WILDERNESS STUDY AREA.**

(a) DESIGNATION OF WILDERNESS.—Section 1 of Public Law 100–326 (102 Stat. 584; 16 U.S.C. 1132 note), as amended by Public Law 106–471 (114 Stat. 2057), is further amended—

(1) in the matter preceding paragraph (1), by striking "System—" and inserting "System:";

(2) by striking "certain" at the beginning of paragraphs (1) through (8) and inserting "Certain";

(3) by striking the semicolon at the end of paragraphs (1) through (6) and inserting a period;

(4) by striking "; and" at the end of paragraph (7) and inserting a period; and

(5) by adding at the end the following new paragraphs:

"(9) Certain lands in the Jefferson National Forest, which comprise approximately 3,769 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated February 2007, and which shall be known as the Brush Mountain East Wilderness.

"(10) Certain lands in the Jefferson National Forest, which comprise approximately 4,794 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated February 2007, and which shall be known as the Brush Mountain Wilderness.

"(11) Certain lands in the Jefferson National Forest, which comprise approximately 4,223 acres, as generally depicted on the map entitled 'Seng Mountain and Raccoon Branch' and dated February 2007, and which shall be known as the Raccoon Branch Wilderness.

"(12) Certain lands in the Jefferson National Forest, which comprise approximately 3,270 acres, as generally depicted on the map entitled 'Stone Mountain' and dated February 2007, and which shall be known as the Stone Mountain Wilderness.

"(13) Certain lands in the Jefferson National Forest, which comprise approximately 8,470 acres, as generally depicted on the map entitled 'Hunting Camp Creek and Garden Mountain' and dated February 2007, and which shall be known as the Hunting Camp Creek Wilderness.

"(14) Certain lands in the Jefferson National Forest, which comprise approximately 3,291 acres, as generally depicted on the map entitled 'Hunting Camp Creek and Garden Mountain' and dated February 2007, and which shall be known as the Garden Mountain Wilderness.

"(15) Certain lands in the Jefferson National Forest, which comprise approximately 5,476 acres, as generally depicted on the map entitled 'Mountain Lake Additions' and dated February 2007, and which are hereby incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

"(16) Certain lands in the Jefferson National Forest, which comprise approximately 308 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated February 2007, and which are hereby incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

"(17) Certain lands in the Jefferson National Forest, which comprise approximately 1,845 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated February 2007, and which are hereby incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

"(18) Certain lands in the Jefferson National Forest, which comprise approximately 2,249 acres, as generally depicted on the map entitled 'Shawvers Run Additions' and dated February 2007, and which are hereby incorporated in the Shawvers Run Wilderness designated by paragraph (4).

"(19) Certain lands in the Jefferson National Forest, which comprise approximately 1,203 acres, as generally depicted on the map entitled 'Peters Mountain Addition' and dated February 2007, and which are hereby incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

"(20) Certain lands in the Jefferson National Forest, which comprise approximately 263 acres, as generally depicted on the map entitled 'Kimberling Creek Additions and Potential Wilderness Area' and dated February 2007, and which are hereby incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).".

(b) DESIGNATION OF WILDERNESS STUDY AREA.—Section 6(a) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3108) is amended—

(1) by striking "certain" at the beginning of paragraphs (1) through (4) and inserting "Certain";

(2) by striking the semicolon at the end of paragraphs (1) and (2) and inserting a period;

(3) by striking "; and" at the end of paragraph (3) and inserting a period; and

(4) by adding at the end the following new paragraph:

"(5) Certain lands in the Jefferson National Forest, which comprise approximately 3,226 acres, as generally depicted on a map entitled 'Lynn Camp Creek Wilderness Study Area' and dated February 2007, and which shall be known as the Lynn Camp Creek Wilderness Study Area.".

(c) MAPS AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of each wilderness area designated or expanded by the amendments made by subsection (a) and of the Lynn Camp Creek Wilderness Study Area designated by the amendment made by subsection (b).

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in paragraph (1) shall

have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and descriptions. In the case of any discrepancy between the acreage specified in the amendments made by subsection (a) or (b) and the corresponding map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The maps and legal descriptions referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) ADMINISTRATION.—

(1) NEW WILDERNESS AREAS.—Subject to valid existing rights, the Secretary of Agriculture shall administer the lands in the Jefferson National Forest designated as a new wilderness area by the amendments made by subsection (a) in accordance with this section and the Wilderness Act (16 U.S.C. 1131 et seq.), except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(2) EXPANDED WILDERNESS AREAS.—Subject to valid existing rights, the Secretary of Agriculture shall administer the lands in the Jefferson National Forest designated as wilderness and incorporated into an existing wilderness area by the amendments made by subsection (a) in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and other laws applicable to that wilderness area, except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

**SEC. 3. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.**

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands in the Jefferson National Forest, which comprise approximately 349 acres, as generally depicted on the map entitled "Kimberling Creek Additions and Potential Wilderness Area" and dated February 2007, are designated as a potential wilderness area for eventual incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

(b) MAP AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of potential wilderness area.

(2) FORCE AND EFFECT.—The map and legal description referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the map and description. In the case of any discrepancy between the acreage specified in subsection (a) and the map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The map and legal description referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) MANAGEMENT.—Except as provided in subsection (d) and subject to valid existing rights, the Secretary of Agriculture shall manage the potential wilderness area as wilderness pending its incorporation in the Kimberling Creek Wilderness.

(d) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of non-native species, removal of illegal, unused, or decommissioned roads, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary of Agriculture may use motorized equipment and mechanized transport in the potential wilderness area until its incorporation in the Kimberling Creek Wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(e) WILDERNESS DESIGNATION.—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary of Agriculture publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is five years after the date of the enactment of this Act.

(f) ADMINISTRATION.—Subject to valid existing rights, upon incorporation of the lands designated as wilderness under subsection (e) in the Kimberling Creek Wilderness, the Secretary of Agriculture shall administer the lands in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other laws applicable to that wilderness area, except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date on which the lands are designated as wilderness under subsection (e).

**SEC. 4. DESIGNATION OF SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.**

(a) ESTABLISHMENT.—The following National Forest System lands in the State of Virginia are hereby designated as National Scenic Areas (in this section referred to as the "scenic areas"):

(1) Certain lands in the Jefferson National Forest, which comprise approximately 6,455 acres, as generally depicted on the map entitled "Seng Mountain and Raccoon Branch" and dated February 2007, and which shall be known as the Seng Mountain National Scenic Area.

(2) Certain lands in the Jefferson National Forest, which comprise approximately 5,128 acres, as generally depicted on the map entitled "Bear Creek" and dated February 2007, and which shall be known as the Bear Creek National Scenic Area.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of each of the scenic areas.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and descriptions. In the case of any discrepancy between the acreage specified in subsection (a) and the corresponding map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The maps and legal descriptions referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) PURPOSES OF SCENIC AREAS.—The scenic areas are established for the purposes of—

(1) ensuring the protection and preservation of scenic quality, water quality, natural characteristics, and water resources;

(2) protecting wildlife and fish habitat, consistent with paragraph (1);

(3) protecting areas that may develop characteristics of old-growth forests; and

(4) providing a variety of recreation opportunities, consistent with the preceding paragraphs.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall administer the scenic areas in accordance with this section and the laws and regulations generally applicable to the National Forest System. In the event of conflict between this section and other laws and regulations, this section shall take precedence.

(2) CONSISTENT USE.—The Secretary shall only allow such uses of the scenic areas as the Secretary finds will further the purposes for which the scenic areas are established.

(e) MANAGEMENT PLAN.—Within two years after the date of the enactment of this Act, the Secretary of Agriculture shall develop a management plan for the scenic areas consistent with this section. The management plan shall be developed as an amendment to the land and resource management plan for the Jefferson National Forest, except that nothing in this section requires the Secretary to revise the land and resource management plan for the Jefferson National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(f) ROADS.—After the date of the enactment of this Act, no roads shall be established or constructed within the scenic areas, except that this prohibition shall not be construed to deny access to private lands or interests therein in the scenic areas.

(g) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic areas, except as the Secretary of Agriculture finds necessary in the control of fire, insects, and diseases and to provide for public safety and trail access. Notwithstanding the preceding sentence, the Secretary may engage in vegetation manipulation practices for maintenance of existing wildlife clearings and visual quality. Firewood may be harvested for personal use along perimeter roads under such conditions as the Secretary may impose.

(h) MOTORIZED TRAVEL.—Motorized travel shall not be permitted within the scenic areas, except that the Secretary of Agriculture may authorize motorized travel within the scenic areas—

(1) as necessary for administrative use in furtherance of the purposes of this section;

(2) in support of wildlife management projects in existence as of the date of the enactment of this Act; and

(3) on Forest Development Road 9410 and 84b during deer and bear hunting seasons.

(i) FIRE.—Wildfires in the scenic area shall be suppressed in a manner consistent with the purposes of this section, using such means as the Secretary of Agriculture considers appropriate.

(j) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic areas to maintain scenic quality, prevent tree mortality, reduce hazards to visitors, or protect private lands.

(k) WATER.—The Secretary of Agriculture shall administer the scenic areas so as to maintain and enhance water quality.

(l) MINING WITHDRAWAL.—Subject to valid existing rights, all federally owned lands in the scenic areas are withdrawn from location, entry, and patent under the mining laws of the United States and from leasing claims under the mineral and geothermal leasing laws of the United States, including amendments to such laws.

**SEC. 5. TRAIL PLAN AND DEVELOPMENT.**

(a) TRAIL PLAN.—The Secretary of Agriculture shall establish a trail plan for National Forest System lands described in this subsection in order to develop the following:

(1) Hiking and equestrian trails on the lands in the Jefferson National Forest designated as wilderness by the amendments made by section 2(a), in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) Nonmotorized recreation trails within the Seng Mountain and Bear Creek Scenic Areas designated by section 4.

(b) CONSULTATION.—The Secretary of Agriculture shall establish the trail plan in consultation with interested parties.

(c) IMPLEMENTATION REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the trail plan, including the identification of priority trails for development.

(d) TRAIL REQUIRED.—The Secretary of Agriculture shall develop a sustainable trail, using a contour curvilinear alignment, to provide a continuous connection for non-motorized travel between County Route 650 and Forest Development Road 4018 in Smyth County, Virginia.

The SPEAKER pro tempore. Pursuant to House Resolution 763, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1011

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Virginia Ridge and Valley Act of 2007".*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title and table of contents.*
*Sec. 2. Designation of additional National Forest System lands in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.*
*Sec. 3. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.*
*Sec. 4. Designation of Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.*
*Sec. 5. Trail plan and development.*

***SEC. 2. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LANDS IN JEFFERSON NATIONAL FOREST, VIRGINIA, AS WILDERNESS OR A WILDERNESS STUDY AREA.***

*(a) DESIGNATION OF WILDERNESS.—Section 1 of Public Law 100–326 (102 Stat. 584; 16 U.S.C. 1132 note), as amended by Public Law 106–471 (114 Stat. 2057), is further amended—*

*(1) in the matter preceding paragraph (1), by striking "System—" and inserting "System:";*

*(2) by striking "certain" at the beginning of paragraphs (1) through (8) and inserting "Certain";*

*(3) by striking the semicolon at the end of paragraphs (1) through (6) and inserting a period;*

*(4) by striking "; and" at the end of paragraph (7) and inserting a period; and*

*(5) by adding at the end the following new paragraphs:*

*"(9) Certain lands in the Jefferson National Forest, which comprise approximately 3,769 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated February 2007, and which shall be known as the Brush Mountain East Wilderness.*

*"(10) Certain lands in the Jefferson National Forest, which comprise approximately 4,794 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated February 2007, and which shall be known as the Brush Mountain Wilderness.*

*"(11) Certain lands in the Jefferson National Forest, which comprise approximately 4,223 acres, as generally depicted on the map entitled 'Seng Mountain and Raccoon Branch' and dated February 2007, and which shall be known as the Raccoon Branch Wilderness.*

*"(12) Certain lands in the Jefferson National Forest, which comprise approximately 3,270 acres, as generally depicted on the map entitled 'Stone Mountain' and dated February 2007, and which shall be known as the Stone Mountain Wilderness.*

*"(13) Certain lands in the Jefferson National Forest, which comprise approximately 8,470 acres, as generally depicted on the map entitled 'Hunting Camp Creek and Garden Mountain' and dated February 2007, and which shall be known as the Hunting Camp Creek Wilderness.*

*"(14) Certain lands in the Jefferson National Forest, which comprise approximately 3,291 acres, as generally depicted on the map entitled 'Hunting Camp Creek and Garden Mountain' and dated February 2007, and which shall be known as the Garden Mountain Wilderness.*

*"(15) Certain lands in the Jefferson National Forest, which comprise approximately 5,476 acres, as generally depicted on the map entitled 'Mountain Lake Additions' and dated February 2007, and which are hereby incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).*

*"(16) Certain lands in the Jefferson National Forest, which comprise approximately 308 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated February 2007, and which are hereby incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).*

*"(17) Certain lands in the Jefferson National Forest, which comprise approximately 1,845 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated February 2007, and which are hereby incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).*

*"(18) Certain lands in the Jefferson National Forest, which comprise approximately 2,249 acres, as generally depicted on the map entitled 'Shawvers Run Additions' and dated February 2007, and which are hereby incorporated in the Shawvers Run Wilderness designated by paragraph (4).*

*"(19) Certain lands in the Jefferson National Forest, which comprise approximately 1,203 acres, as generally depicted on the map entitled 'Peters Mountain Addition' and dated February 2007, and which are hereby incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).*

*"(20) Certain lands in the Jefferson National Forest, which comprise approximately 263 acres, as generally depicted on the map entitled 'Kimberling Creek Additions and Potential Wilderness Area' and dated February 2007, and which are hereby incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).".*

*(b) DESIGNATION OF WILDERNESS STUDY AREA.—Section 6(a) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3108) is amended—*

*(1) by striking "certain" at the beginning of paragraphs (1) through (4) and inserting "Certain";*

*(2) by striking the semicolon at the end of paragraphs (1) and (2) and inserting a period;*

*(3) by striking "; and" at the end of paragraph (3) and inserting a period; and*

*(4) by adding at the end the following new paragraph:*

*"(5) Certain lands in the Jefferson National Forest, which comprise approximately 3,226 acres, as generally depicted on a map entitled 'Lynn Camp Creek Wilderness Study Area' and dated February 2007, and which shall be known as the Lynn Camp Creek Wilderness Study Area.".*

*(c) MAPS AND LEGAL DESCRIPTIONS.—*

*(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of each wilderness area designated or expanded by the amendments made by subsection (a) and of the Lynn Camp Creek Wilderness Study Area designated by the amendment made by subsection (b).*

*(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and descriptions. In the case of any discrepancy between the acreage specified in the amendments made by subsection (a) or (b) and the corresponding map filed under paragraph (1), the map shall control.*

*(3) AVAILABILITY.—The maps and legal descriptions referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.*

*(d) ADMINISTRATION.—*

*(1) NEW WILDERNESS AREAS.—Subject to valid existing rights, the Secretary of Agriculture shall administer the lands in the Jefferson National Forest designated as a new wilderness area by the amendments made by subsection (a) in accordance with this section and the Wilderness Act (16 U.S.C. 1131 et seq.), except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.*

*(2) EXPANDED WILDERNESS AREAS.—Subject to valid existing rights, the Secretary of Agriculture shall administer the lands in the Jefferson National Forest designated as wilderness and incorporated into an existing wilderness area by the amendments made by subsection (a) in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and other laws applicable to that wilderness area, except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act*

*shall be deemed to be a reference to the date of the enactment of this Act.*

### ***SEC. 3. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.***

*(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands in the Jefferson National Forest, which comprise approximately 349 acres, as generally depicted on the map entitled "Kimberling Creek Additions and Potential Wilderness Area" and dated February 2007, are designated as a potential wilderness area for eventual incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).*

*(b) MAP AND LEGAL DESCRIPTIONS.—*

*(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of potential wilderness area.*

*(2) FORCE AND EFFECT.—The map and legal description referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the map and description. In the case of any discrepancy between the acreage specified in subsection (a) and the map filed under paragraph (1), the map shall control.*

*(3) AVAILABILITY.—The map and legal description referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.*

*(c) MANAGEMENT.—Except as provided in subsection (d) and subject to valid existing rights, the Secretary of Agriculture shall manage the potential wilderness area as wilderness pending its incorporation in the Kimberling Creek Wilderness.*

*(d) ECOLOGICAL RESTORATION.—*

*(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary of Agriculture may use motorized equipment and mechanized transport in the potential wilderness area until its incorporation in the Kimberling Creek Wilderness.*

*(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.*

*(e) WILDERNESS DESIGNATION.—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—*

*(1) the date on which the Secretary of Agriculture publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or*

*(2) the date that is five years after the date of the enactment of this Act.*

*(f) ADMINISTRATION.—Subject to valid existing rights, upon incorporation of the lands designated as wilderness under subsection (e) in the Kimberling Creek Wilderness, the Secretary of Agriculture shall administer the lands in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other laws applicable to that wilderness area, except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date on which the lands are designated as wilderness under subsection (e).*

### ***SEC. 4. DESIGNATION OF SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.***

*(a) ESTABLISHMENT.—The following National Forest System lands in the State of Virginia are hereby designated as National Scenic Areas (in this section referred to as the "scenic areas"):*

*(1) Certain lands in the Jefferson National Forest, which comprise approximately 6,455 acres, as generally depicted on the map entitled "Seng Mountain and Raccoon Branch" and dated February 2007, and which shall be known as the Seng Mountain National Scenic Area.*

*(2) Certain lands in the Jefferson National Forest, which comprise approximately 5,128 acres, as generally depicted on the map entitled "Bear Creek" and dated February 2007, and which shall be known as the Bear Creek National Scenic Area.*

*(b) MAPS AND LEGAL DESCRIPTIONS.—*

*(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of each of the scenic areas.*

*(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and descriptions. In the case of any discrepancy between the acreage specified in subsection (a) and the corresponding map filed under paragraph (1), the map shall control.*

*(3) AVAILABILITY.—The maps and legal descriptions referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.*

*(c) PURPOSES OF SCENIC AREAS.—The scenic areas are established for the purposes of—*

*(1) ensuring the protection and preservation of scenic quality, water quality, natural characteristics, and water resources;*

*(2) protecting wildlife and fish habitat, consistent with paragraph (1);*

*(3) protecting areas that may develop characteristics of old-growth forests; and*

*(4) providing a variety of recreation opportunities, consistent with the preceding paragraphs.*

*(d) ADMINISTRATION.—*

*(1) IN GENERAL.—The Secretary of Agriculture shall administer the scenic areas in accordance with this section and the laws and regulations generally applicable to the National Forest System. In the event of conflict between this section and other laws and regulations, this section shall take precedence.*

*(2) CONSISTENT USE.—The Secretary shall only allow such uses of the scenic areas as the Secretary finds will further the purposes for which the scenic areas are established.*

*(e) MANAGEMENT PLAN.—Within two years after the date of the enactment of this Act, the Secretary of Agriculture shall develop a management plan for the scenic areas consistent with this section. The management plan shall be developed as an amendment to the land and resource management plan for the Jefferson National Forest, except that nothing in this section requires the Secretary to revise the land and resource management plan for the Jefferson National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).*

*(f) ROADS.—After the date of the enactment of this Act, no roads shall be established or constructed within the scenic areas, except that this prohibition shall not be construed to deny access to private lands or interests therein in the scenic areas.*

*(g) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic areas, except as the Secretary of Agriculture finds necessary in the control of fire, insects, and diseases and to provide for public safety and trail access. Notwithstanding the preceding sentence, the Secretary may engage in vegetation manipulation practices for maintenance of existing wildlife clearings and visual quality. Firewood may be harvested for personal use along perimeter roads under such conditions as the Secretary may impose.*

*(h) MOTORIZED TRAVEL.—Motorized travel shall not be permitted within the scenic areas, except that the Secretary of Agriculture may authorize motorized travel within the scenic areas—*

*(1) as necessary for administrative use in furtherance of the purposes of this section;*

*(2) in support of wildlife management projects in existence as of the date of the enactment of this Act; and*

*(3) on Forest Development Roads 9410 and 84b during deer and bear hunting seasons and on that portion of Forest Development Road 6261 designated on the map referred to in subsection (a)(2) as "open seasonally" during deer and bear hunting seasons.*

*(i) FIRE.—Wildfires in the scenic area shall be suppressed in a manner consistent with the purposes of this section, using such means as the Secretary of Agriculture considers appropriate.*

*(j) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic areas to maintain scenic quality, prevent tree mortality, reduce hazards to visitors, or protect private lands.*

*(k) WATER.—The Secretary of Agriculture shall administer the scenic areas so as to maintain and enhance water quality.*

*(l) MINING WITHDRAWAL.—Subject to valid existing rights, all federally owned lands in the scenic areas are withdrawn from location, entry, and patent under the mining laws of the United States and from leasing claims under the mineral and geothermal leasing laws of the United States, including amendments to such laws.*

### ***SEC. 5. TRAIL PLAN AND DEVELOPMENT.***

*(a) TRAIL PLAN.—The Secretary of Agriculture shall establish a trail plan for National Forest System lands described in this subsection in order to develop the following:*

*(1) Hiking and equestrian trails on the lands in the Jefferson National Forest designated as wilderness by the amendments made by section 2(a), in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).*

*(2) Nonmotorized recreation trails within the Seng Mountain and Bear Creek Scenic Areas designated by section 4.*

*(b) CONSULTATION.—The Secretary of Agriculture shall establish the trail plan in consultation with interested parties.*

*(c) IMPLEMENTATION REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the trail plan, including the identification of priority trails for development.*

*(d) TRAIL REQUIRED.—The Secretary of Agriculture shall develop a sustainable trail, using a contour curvilinear alignment, to provide a continuous connection for non-motorized travel between County Route 650 and Forest Development Road 4018 in Smyth County, Virginia.*

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in House Report

110-403 if offered by the gentleman from Virginia (Mr. GOODLATTE) or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT) for the purpose of a unanimous consent request.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 1011, the Virginia Ridge and Valley Act of 2007, introduced by my colleague from Virginia's Ninth Congressional District, Congressman RICK BOUCHER. I am proud to have been an original cosponsor of this important conservation legislation in this Congress and in the last Congress and I commend Congressman BOUCHER for all his hard work on this bill over the years.

This bipartisan bill will protect approximately 54,000 acres of the Jefferson National Forest in Virginia through the designation of additional wilderness areas and the creation of new National Scenic Areas. Although mechanized traffic and equipment would be prohibited in much of these areas, recreational activities would be permitted and encouraged throughout these new designations contributing to the local economy of Southwest Virginia. Protecting these additional acres of pristine forest will ensure that future generations will be able to enjoy the natural beauty of Southwest Virginia. We must also be vigilant in protecting environmentally sensitive areas by promoting responsible land use plans, which this bill does.

The bill before us today was reported out of the Natural Resources Committee by voice vote, is endorsed by the U.S. Forest Service, and is supported by Virginia Governor TIM KAINE, members from both parties in the Virginia delegation, both of Virginia's Senators, JOHN WARNER and JIM WEBB, the Board of Supervisors in Bland County, Craig County, Montgomery County, and Smyth County, and various environmental organizations, including the League of Conservation Voters, the Garden Club of Virginia, the Natural Resources Defense Council, the Sierra Club, the Wilderness Society, and the Virginia Wilderness Committee.

Mr. Speaker, this bill is vitally important to conservation efforts in the Commonwealth of Virginia and to guaranteeing that future generations of Americans can experience the natural wonder and beauty of Southwest Virginia. I applaud Congressman BOUCHER and his staff for all of their hard work on this bill. I encourage my colleagues to support the legislation and I encourage each of them to experience firsthand the pristine natural beauty of Southwest Virginia.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1011, the Virginia Ridge and Valley Act, was introduced by my friend and neighboring colleague, Representative RICK BOUCHER.

The bill designates nearly 40,000 acres in the Jefferson National Forest as wilderness and nearly 12,000 acres as National Scenic Areas. These natural spaces represent some of the true wild gems of the Commonwealth of Virginia and my State of West Virginia.

H.R. 1011 is a strong bipartisan measure that is cosponsored by several other representatives from Virginia. H.R. 1011 also has broad support from Governor Tim Kaine, both Virginia Senators, four county boards of supervisors, local businesses, State organizations, hunters and faith groups.

Each of the areas within H.R. 1011 were either recommended for wilderness designation in the 2004 Jefferson National Forest Plan or have been endorsed by the local board of supervisors of the relevant county. All the areas of H.R. 1011 are located within the district of Representative BOUCHER, who has been a true leader and fighter for this legislation and deserves the commendation of us all.

All are located within his District, as I said, with the exception of a 555 wilderness-acre addition that I am proud to note is in my congressional district in Monroe County, West Virginia. Wilderness designation is not new to this portion of Virginia. In addition to designating six new wilderness areas, the legislation provides for additions to six existing wilderness areas.

The people of this area are well acquainted with wilderness, and H.R. 1011 reflects their desire to preserve these natural treasures. By designating wilderness, the Congress has long recognized that there are some places that should be left to the management of Mother Nature and that the all-knowing Creator's careful handiwork is something worth conserving and cherishing.

H.R. 1011 is a well-crafted and meritorious measure that has broad support for those who live in the area and their elected officials.

Mr. Speaker, I urge adoption of the bill in the House today.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I come from a State which has more of its land locked up in wilderness than any other State, 58 million acres. This is larger than the entire State of New York and accounts for 56 percent of all the wilderness in the United States, so I think I know wilderness. I know that a lot of wilderness in Alaska is designated for reasons that have little to do with the stated goals of the Wilderness Act.

The designations have blocked vital uses of these lands and blocked access to State and private resources that we Alaskans were promised when we entered statehood. There have been and still are major consequences for what Congress did in 1980. In the East, where most of you come from, that is not always the case.

All I can say is that if this is what Mr. BOUCHER and his constituents want in Virginia, then good luck. I can guess that one day, I think that one day they will regret this action. Given Virginia's population growth, the severe risk of forest fires, such as they are in California today, caused by sustained drought, I believe all but two counties have been declared disaster areas by the Governor last week, problems with gypsy moths and other agricultural threats to this area and the dampening effect that wilderness restrictions can have on the development of adjacent areas, you may wonder why you have brought this upon yourself. We should be looking to give the Forest Service more tools to manage our lands, not taking them away, which is exactly what wilderness does.

Once this bill becomes law, our constituents, your constituents, may find that they may not be able to burn wood in their fireplaces that keep them warm in the winter because their quality of wilderness must be protected, or that a new school or hospital can't be built because the view shed for the wilderness could be affected. People are even talking about "smellscapes" when it comes to wilderness areas, so enjoy your Weber grill right now while you can.

The committee should also know that H.R. 1011 designates nearly 27,000 acres of wilderness above what was recommended by the Forest Service. This is contrary to the recently revised Jefferson National Forest Plan, which took 11 years, millions of dollars, and extensive public involvement to create. We asked for this study. They followed the rules, but now we are ignoring the professional land managers.

In addition, H.R. 1011 will endanger citizens living near this proposed wilderness area by tying the hands of the Forest Service, who need to perform proactive treatments that could reduce the risk of wildfires. Wildfires, I keep stressing that because we are seeing what is happening in California. If they cleared off those forests around those homes, they would not be burning today, but that was prohibited.

Nonqualifying areas are now being actively managed for endangered threatened species protection, and this could come to an end.

The amendment filed by Mr. GOODLATTE helps mitigate some of these issues, and I will strongly support the amendment. Most notably, the amendment will remove 26 acres which contain a power line and remove 1,263 acres from the proposed designation to allow continued use of the Barton Gap Motorized trail and Wildlife Habitat Management in key areas.

I could go on and on about this. I just want to warn people, it is not the area we are talking about; it is the Wilderness Act itself, and it should be upgraded. I encourage my chairman to do so so that we can address those problems that can occur from the designation of wilderness, taking care of gypsy moths, taking care of the fires, taking care of the ability to access and to have the availability of the area for public use. If we do not do that, then I think we are doing ourselves a great mistake.

I do not live in this area. I am not affected by it. That's why, very frankly, I am not raising some of the objections that I should have raised to it.

I think you will learn, though, in the long run, you are not doing yourselves a favor. The Forest Service themselves can manage this land in a manner that will take and provide for the people. It does not have to be designated as a wilderness area.

Again, it has already been done. We have moved it out of committee, and I will say, again, may I not be on this floor when you come back to say we have to revise it.

Mr. Speaker, I reserve the balance of my time.

□ 1715

Mr. RAHALL. Mr. Speaker, I'm very proud to yield 5 minutes to my dear friend and the very powerful subcommittee Chair of Energy and Air Quality, Mr. BOUCHER.

Mr. BOUCHER. Mr. Speaker, I want to thank the gentleman from West Virginia (Mr. RAHALL) who, with such distinction, chairs the Committee on Natural Resources, for his leadership and his very able assistance in bringing this measure to the House floor today.

Earlier this year, I introduced the legislation, along with other members of Virginia's House delegation. In fact, original cosponsors of this legislation comprise a majority of Virginia's House delegation, and it is a bipartisan majority of that delegation. And I want to express my appreciation to our colleagues from Virginia, Representatives WOLF, DAVIS, SCOTT and MORAN for coauthoring the bill, along with me, and for their strong support of this effort. I would also note, Mr. Speaker, that the legislation was coauthored by our recently departed colleague, Mrs. Davis as well.

Again, on a bipartisan basis, Virginia's United States Senators have introduced a measure identical to the bill that is under consideration today.

The Virginia Ridge and Valley Act offers needed protection to 53,000 acres of national forest land in the congressional district that I have the privilege of representing. It extends protection to approximately 550 acres of the Jefferson National Forest situated in our neighboring State of West Virginia, in the congressional district represented by Chairman RAHALL.

Of the total acreage protected, 43,000 acres will receive the wilderness designation, and 10,000 acres will become new national scenic areas. These designations confer both economic and environmental benefits that are of great importance to our region.

Virginia's national forest provides an excellent outdoor experience with our State's highest mountains, fast-flowing rivers and superb hunting, camping, fishing, backpacking, winter sports and other activities.

Our existing wilderness areas are treasured by a growing number of travelers who collectively are boosting Virginia's tourism economy. In fact, tourism is among the fastest growing of all the industries in my congressional district; and our existing wilderness areas, which are a haven for outdoor activities and recreation of various kinds, are a significant contributor to that current growth in the economy within my region.

The protections we're extending today for lands containing rare treasures of Virginia's natural heritage and the permanent protection that will then be afforded will further enhance our region's travel economy. These designations also protect old-growth timber, wildlife habitat, and our region's clean water resources.

Virginia has a long and proud history of resource conservation and protection of our diverse ecosystems. We have continual awareness of the unique role that our natural landscape plays in our culture and in our State's history. That awareness is reflected in the bipartisan support for this measure in both our House and Senate delegations. It is reflected in the endorsement of this bill by local governments in my congressional district, and it is reflected in the endorsements for the bill of numerous civic organizations and literally of scores of local businesses.

With thanks to the six Virginia cosponsors, and all who have assisted us, and particular thanks to Chairman RAHALL of the Natural Resources Committee, and his outstanding staff, I urge passage of the Virginia Ridge and Valley Act.

Over the last several weeks, I have been engaged in discussions with my friend and colleague, the gentleman from our neighboring Sixth Congressional district in Virginia (Mr. GOODLATTE) regarding the possibility of adjusting the boundaries of some of the areas receiving protection in this legislation.

Mr. GOODLATTE will be offering an amendment shortly that reflects our conversations and our agreement to adjust some of those boundaries. I'll be urging the adoption of Mr. GOODLATTE's amendment when that amendment is offered later this afternoon.

I, again, thank the gentleman from West Virginia for yielding this time to me.

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the gentleman that just spoke and his presentation. I just, again, wish that people would understand it's not the wilderness itself; it's how the act has been written. And if you think you're going to make a living off of coffee shops and tourism, these are low-grade paying jobs. I've seen it happen. I've seen my town of Ketchikan. We created a forest that we can't harvest and we took $80,000 jobs now down to the minimum wage. That will happen too. So I just, and it's too late, it's your district. You believe in what you say, and I commend you for it. But this is not the economy which I see, serving those that come from the larger urban areas, the elitists, as I call it.

And this area, by the way, was farmed at one time, as you know, and timbered and mined. People had jobs that provided and produced. We are rapidly becoming a Nation of consumption and of no production, of pleasure and no sweat.

Having said that, I have no other speakers, and yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, in 1964 Congress created the Wilderness Preservation System to recognize and protect pure, untarnished areas of land. With a wilderness designation, the land is off-limits to development, natural resource extraction and most forms of mechanized activity. Congress created this system as they witnessed these natural splendors continuing to disappear. Forty years later, lands remain eligible for such a designation, but Congress has failed to provide them protection.

These areas are rarer today than ever before. Failure to protect them now would leave them vulnerable to actions that could jeopardize the inherent qualities that make them eligible to be classified as wilderness.

With passage, the House will designate 43,000 acres of the Jefferson National Forest as wilderness and add 12,000 acres to the National Scenic Areas inventory. With this action we will ensure our nation's children and grandchildren visiting our great Commonwealth in the years to come, will have the same access to pristine lands as was available to us and those who preceded us.

The solitude that can be found in these areas is something every American should experience. It harkens back to the founding of this great nation and provides an insight into the minds of those gone by.

As we continue to experience economic gains, we can also expect continued population growth, sprawl and strain on our environment. With these combined factors, our untarnished lands grow increasingly vulnerable, but they also grow increasingly valuable.

Let us act to protect them now. Protect them for their beauty. Protect them for their purity. Protect them for our children.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

### AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

Mr. GOODLATTE. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 110–403 offered by Mr. GOODLATTE:

Page 3, line 20, strike "3,769 acres" and insert "3,743 acres".

Page 3, line 22, strike "February" and insert "October".

Page 12, line 23, strike "6,455 acres" and insert "5,192 acres".

Page 12, line 25, strike "February" and insert "October".

Page 18, beginning line 6, strike subsection (d) and insert the following new subsection:

(d) TRAIL REQUIRED.—The Secretary of Agriculture shall develop a sustainable trail, using a contour curvilinear alignment, to provide for non-motorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of Public Law 100–326, as added by (2)(a) of this Act, connecting to Forest Development Road 49352 in Smyth County, Virginia.

The SPEAKER pro tempore. Pursuant to House Resolution 763, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I rise today to offer an amendment which represents an agreement just referenced by my friend and colleague, Mr. BOUCHER, and myself regarding some of the concerns with regard to H.R. 1011, the Virginia Ridge and Valley Act. And I'd like to thank Congressman BOUCHER and congratulate him for his hard work on this legislation over a number of years, and thank him for working with me to address some of these important issues.

H.R. 1011, the Virginia Ridge and Valley Act, creates over 40,000 acres of wilderness, wilderness study, and potential wilderness and over 11,000 acres of national scenic areas in the Jefferson National Forest in southwest Virginia.

Mr. BOUCHER and I share the Jefferson National Forest between our districts. Although this bill affects only national forest land within Mr. BOUCHER's district, any change in how the forest is managed will impact my district.

My amendment addresses three areas. First, it modifies the boundary of the Brush Mountain East Wilderness Area, removing 26 acres containing a power line which is not consistent with wilderness qualities.

Second, the amendment changes the boundaries of the Seng Mountain National Scenic Area, removing 1,263 acres from the area to allow continued use of the Barton Gap Motorized Trail and to allow for wildlife habitat management.

Finally, the amendment changes the trail language for the Raccoon Branch Area, allowing the Forest Service more flexibility when building the trail.

While I'm pleased to offer this amendment, it does not resolve all the concerns I have with the bill. The fact still remains that this bill ignores the recommendations of the professional land managers working in the Jefferson National Forest by designating 15,000 additional wilderness acres not recommended in the forest plan.

When the House Agriculture Committee held a hearing on H.R. 1011 earlier this month, several witnesses highlighted serious concerns with these additional wilderness areas. These experts noted forest health and wildfire risks, increased recreation conflicts, lack of suitability as wilderness and wildlife management needs.

Mr. Speaker, there is a reason why Congress mandated that each national forest create a forest plan. Forest plans help the land management agencies find a balance among all the conflicting interests in national forests and factor in the latest science and cite specific qualities unique to each forest. Professional land managers then use this information to chart a path for managing each forest for the coming years.

The Jefferson Forest Plan, finalized in 2004, was developed over a 12-year period and involved countless scientists, land managers, interest groups and interested citizens. Throughout the process, the Forest Service held over 100 technical meetings and received over 15,000 public comments.

This local approach is what Congress intended when it established the national forests. Instead of resisting this localized process, H.R. 1011 tells the professional land managers and the public participants that the forest plan is not important. It says that no matter how much discussion and compromise goes on at the local level, or how good the science is, Congress knows best how to manage the national forest.

Mr. Speaker, this is not the best way to manage the Nation's public forests. And that's why I have worked with my colleague, Mr. BOUCHER, to try to rectify these concerns. Until this bill is more reflective of the local perspectives and expert opinions in the forest plan, I will continue to have concerns with H.R. 1011.

I urge my colleagues to vote "yes" on this amendment, however, because I do think that the gentleman has been very forthcoming in working with us and hearing our concerns. And I hope that that will continue as this process moves forward, and I would hope that the chairman of the Resources Committee would work with us as well to continue to address concerns that we have as the bill moves through the other body.

Again, I thank the gentleman from Virginia for his hard work on this legislation, for his willingness to work with me in addressing these concerns. I wish more had been addressed, but I thank him for where he has come.

I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I rise to claim the time in opposition to the amendment.

The SPEAKER pro tempore. Is the gentleman opposed to the amendment?

Mr. BOUCHER. I would say to the Speaker that I rise for purposes of claiming the time in opposition, although I will not actually oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

Mr. BOUCHER. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. GOODLATTE) for the good work that we have been able to do together on the amendment that he offers this afternoon. I want to thank him for the time that he and I have expended in conversations about the subject matter the amendment addresses, and for the considerable amount of time that his very capable staff and mine have also expended on this matter. The staffs have focused on it a bit more than we have.

Collectively, I think we've done a very good job in addressing a range of the concerns that the gentleman from Virginia last expressed. These adjustments are being made in a manner which I think improves the bill, and it is my intention to urge that the amendment be adopted.

Under the amendment, 26 acres will be removed from the Brush Mountain East Wilderness Area in order to ensure that an existing power line is not within the wilderness boundary.

Another adjustment is of 1,263 acres, and that is in the Seng Mountain Scenic Area, which will carve out a motorcycle trail and an area appropriate for bear habitat management.

Another portion of the amendment provides greater flexibility for the Forest Service regarding trail construction adjacent to the Raccoon Branch designated area.

And as I indicated, these changes improve the legislation, and I urge adoption of the amendment which makes them.

As for the underlying bill, I would point out that this is truly a bipartisan measure. It is cosponsored in this body by a majority of Virginia's House delegation, including three original Republican sponsors, three original Democratic sponsors.

In the other body, both of Virginia's United States Senators, on a bipartisan basis, have introduced the identical measure. And so the construction of this legislation arises from a deep bipartisan conversation that has proceeded over a number of years.

It also strongly reflects the desires of the people in the district that I have the privilege of representing. It is true that some of the areas added for protection in this measure go beyond what the forest plan devised by the Jefferson National Forest management had recommended.

□ 1730

But nowhere is it written that Congress making ultimate public policy is in some way disabled from adding areas for protection that go beyond what the agency suggests it would like to see.

We have incorporated the recommendations made in the forest plan, and we have added selected additional acreages that have been endorsed by the local governments, by the elected boards of supervisors that reflect the will of the people and the counties where these added areas are situated.

I would also note that large numbers of civic organizations and scores of locally owned businesses have endorsed the passage of this measure. And it clearly, given that broad base of support, bipartisan here, and among elected representatives, local businesses, civic organizations, and others in the district that I represent, clearly represents the will of what the people in that part of Virginia would like to have.

So, Mr. Speaker, I hope that our colleagues will join us in approving this legislation and in adopting the amendment offered by the gentleman from Virginia.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield the balance of my time to the gentleman from Alaska (Mr. YOUNG).

The SPEAKER pro tempore (Mr. DOYLE). The gentleman has 30 seconds.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

And I do thank both the gentlemen from Virginia. This is a good amendment. I urge the passage of this amendment. It does help the bill somewhat, and I think my colleagues would be wise to vote for it.

The SPEAKER pro tempore. Pursuant to House Resolution 763, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from Virginia (Mr. GOODLATTE).

The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. LAMBORN

Mr. LAMBORN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LAMBORN. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lamborn moves to recommit the bill H.R. 1011 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 2, add the following new subsection:

(e) MOTORIZED ACCESS IN EMERGENCIES.—The designation of lands as wilderness or a wilderness study area by an amendment made by this section does not prohibit the use of motor vehicles, motorized equipment, or motorboats or the landing of aircraft or other forms of mechanical transport, on the designated lands when required in connection with an emergency involving the health and safety of persons, including search and rescue efforts or the response to an Amber Alert.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado is recognized for 5 minutes in support of his motion.

Mr. LAMBORN. Mr. Speaker, the Wilderness Act is currently unclear as to when motorized access may be used for health and safety reasons in a wilderness area or in a wilderness study area.

This motion to recommit removes any ambiguity regarding the legality of responding to health and safety emergencies within the wilderness area designated by this bill.

Current law does not specifically authorize the use of motorized or mechanical equipment within wilderness areas in response to health and safety emergencies. The provision in the Wilderness Act dealing with health and safety issues is in parentheses and does not clearly define what types of motorized vehicles may be allowed for emergencies.

The fact is that health, safety, and fire concerns merit more than a single phrase in parentheses, as is the case in the Wilderness Act of 1964. There are 3,600 words in the Wilderness Act. A mere 15 words are devoted to health and safety.

The bill we are considering, H.R. 1011, designates 15,000 more wilderness acres than what the Forest Service recommended in the Jefferson National Forest. This is far more than what Forest Service professionals think is warranted. So the bigger the area, the bigger the potential fire, the harder it is to find a missing child, for instance, when an Amber Alert is issued.

We cannot stand by and risk even a single human life, which is why we must begin to update the law to state clearly that a wilderness designation does not stop motorized access from being used for emergencies. The current ambiguity in the language, which this motion to recommit fixes, is just simply unacceptable, Mr. Speaker.

This amendment does not threaten the wilderness designation. It just puts our priorities in the proper order. Human life must always be first.

Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, the gentleman from Colorado's amendment would appear to be a restatement of what current law already is. And reading from that current law, it says, "Except as specifically provided for in this act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment," et cetera, et cetera.

So there are exceptions in current law for health and safety of persons. So I would say to the gentleman that the gentleman's recommittal motion is redundant with current law.

Mr. LAMBORN. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Colorado.

Mr. LAMBORN. Mr. Speaker, I thank the gentleman for yielding.

Just briefly in response, I would like to say that the parenthetical phrase "including measures required in emergencies" is, I believe, unacceptably vague. It should not have to be the case where a Forest supervisor has to go get attorneys and call the lawyers to say, In this case, here's the situation: Is a boat okay or do we have to use horseback or can we go on foot? It's just simply not clear enough.

Mr. RAHALL. Reclaiming my time, Mr. Speaker, I would respond to the gentleman that if such were necessary, I would think that the Forest Service would come to us making these recommendations. But we have not received such recommendations from the Forest Service, and, therefore, the language is not necessary.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LAMBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 236, nays 178, not voting 18, as follows:

[Roll No. 994]

YEAS—236

Aderholt
Akin
Alexander
Altmire
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Eshoo
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Hulshof
Inglis (SC)
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pastor
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
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Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
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Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
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Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
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Jones (OH)
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Ruppersberger
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Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
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Schwartz
Scott (GA)
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Sires
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Snyder
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Spratt
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Weiner
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Bishop (NY)
Bishop (UT)
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Carson
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Cubin
Feeney
Hunter
Issa
Jindal
Johnson, E. B.
Obey
Paul
Reyes
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1807

Messrs. JACKSON of Illinois, COHEN, HARE, ELLISON, SIRES, STUPAK, WU, HOYER, GORDON of Tennessee, COURTNEY, VAN HOLLEN, LINCOLN DAVIS of Tennessee, RUSH, HALL of New York, OLVER, PASCRELL, LEVIN, CONYERS, CARNAHAN, RANGEL, MILLER of North Carolina, and FARR, Mrs. MALONEY of New York, Ms. BERKLEY, Ms. CLARKE and Ms. CASTOR changed their vote from "yea" to "nay."

Messrs. BROWN of South Carolina, KAGEN, CHANDLER, PETERSON of Pennsylvania, BOREN, KING of Iowa, KLEIN of Florida, EDWARDS, THOMPSON of California, LAMPSON, MURPHY of Connecticut, DICKS, RYAN of Ohio, SALAZAR, ROSS, WELCH of Vermont, CRAMER, BISHOP of Georgia, and Ms. ESHOO changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HALL of New York. Mr. Speaker, tonight, as part of consideration of the Virginia Ridge and Valley Act of 2007, the minority offered a motion to recommit forthwith with the proclaimed intent of clarifying the circumstances under which motorized vehicles can enter wilderness areas. However, I am concerned that the language of the motion may actually work at cross purposes with that goal.

The MTR stated that: "The designation of lands as wilderness or a wilderness study area by an amendment made by this section does not prohibit the use of motor vehicles, motorized equipment, or motorboats or the landing of aircraft or other forms of mechanical transport, on the designated lands when required in connection with an emergency involving the health and safety of persons, including search and rescue efforts or the response to an Amber Alert."

I don't know anyone who believes that we shouldn't be able to use motorized equipment in a wilderness to react to an emergency. It's common sense, and that's why it's already included in the underlying statute. In fact, the underlying law makes the allowance for motorized equipment in a health or safety emergency without enumerating specific types of equipment or circumstances, giving the widest possible scope of interpretation. I am concerned that by listing specific pieces of equipment and circumstances, the motion offered tonight could have caused more confusion and possibly limited the ability to respond to emergencies, despite any good intentions. For this reason, I voted against it.

Mr. RAHALL. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 1011 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of section 2, add the following new subsection:

(e) MOTORIZED ACCESS IN EMERGENCIES.—The designation of lands as wilderness or a wilderness study area by an amendment made by this section does not prohibit the use of motor vehicles, motorized equipment, or motorboats or the landing of aircraft or other forms of mechanical transport, on the designated lands when required in connection with an emergency involving the health and safety of persons, including search and rescue efforts or the response to an Amber Alert.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## HONORING NORTHWEST GEORGIA YWCA

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to honor the Young Women's Christian Association, or YWCA of Northwest Georgia for their efforts to eliminate the epidemic of domestic violence that transcends all ethnic, racial, age, gender and socioeconomic boundaries.

The YWCA of Northwest Georgia, under the leadership of Executive Director Holly Comer, has made it their mission to bring the issue of domestic violence to the forefront and to educate Georgians on ways to prevent abuse and violence within the home.

Mr. Speaker, the YWCA of Northwest Georgia is not only the sole domestic violence shelter located in the heart of my 11th District in Cobb County, but has also taken a leadership role in combating domestic violence throughout the State of Georgia.

It was, in fact, the YWCA of Northwest Georgia that open the very first shelter for victims of domestic violence in the State of Georgia. Through the ministry of Cobb Shelter, the YWCA has worked together with victims, families, social service providers, and criminal justice officials to stop the spread of domestic violence

Mr. Speaker, I ask that my colleagues join me in recognizing YWCA of Northwest Georgia and similar groups throughout the country for their contributions toward making our Nation's homes safer places for our children and families.

## THE GRAVE OF LANCE CORPORAL JEREMY BURRIS

(Mr. POE asked and was given permission to address the House for 1 minute)

Mr. POE. Mr. Speaker, Lance Corporal Jeremy Burris, 22, was buried last week in Liberty, Texas, after being killed in Iraq. This young marine was honored at a funeral by the entire town for his heroism.

But a few days after his funeral, outlaws desecrated Jeremy's grave site. Some reports indicate the suspected criminals may have been antiwar peaceniks that commit violence in the name of peace. They disrespect and dishonor the dead by their vandalism.

But whoever committed such dastardly deeds should be quickly captured by the local sheriff. After these grave-desecrating criminals are convicted, they should be sentenced to serve time at Gitmo prison in Guantanamo Bay. After all, that is where America houses other war criminals.

So, Mr. Speaker, those that commit crimes against the graves of our fallen war dead are nothing more than war criminals and should be treated as such, because justice is the one thing we should always find.

And that's just the way it is.

□ 1815

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## IN RECOGNITION OF JAMES T. BATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise to acknowledge an extraordinary staff member who has moved on after 20 years with the House Budget Committee, Jim Bates.

James T. Bates, the Committee's Republican chief of staff, recently accepted a position as associate program director at the Office of Management and Budget. Ordinarily, that would be a significant, though not surprising, step in a career dedicated to Washington fiscal policy. But there is nothing ordinary about this case.

Jim Bates's two decades of service represents the longest tenure of any Budget Committee staffer. He served in various capacities during this time, including those of minority counsel, chief majority counsel and deputy chief of staff before rising to the top slot in late 2004. In each of those roles he demonstrated a singular dedication.

He came to be known as a true believer in the value of congressional budgeting; a stickler for adhering to the budget disciplines written in law and in convention; and a thoroughly convinced proponent of the institution of the Budget Committee. He is as closely identified with the committee as is the Congressional Budget Act itself. It is nearly impossible to think of one without the other.

Mr. Speaker, you can't go back over the last 20 years and look at the enforcement of the Budget Committee, the preservation of the Budget Act, without thinking of Jim Bates.

Jim started with the committee in January of 1988, a time when the Republican minority offices were across Highway 395, on the second floor of the Ford Office Building, then simply called Annex Two. He worked initially as a budget analyst, covering Income and Social Security, but before long he found his real niche as committee counsel. Here, he mastered the intricate details and subtleties of the Budget Act; he vigorously protected the committee's jurisdiction, and, when possible, expanded it. He also developed a unique understanding of budget arcana, something I can clearly testify to, such as the Gramm-Rudman baseline or the pay-as-you-go rule.

Here are some highlights of his congressional career: he participated in the famous Andrews Air Force Base negotiations that produced the budget agreement of 1990. In 1993, he coordinated drafting the narrowly defeated Penny-Kasich amendment. In 1997, he anchored the legislative language for the Balanced Budget Act, which a year later produced the first budget surplus in nearly four decades. Shortly thereafter, he developed a bipartisan plan for the first comprehensive budget process reform since the Budget Act was created in 1974.

In 2005, he oversaw the staff work that led to that year's Deficit Reduction Act, the first in a long time. In 2006, he was immensely helpful to me in writing the Legislative Line Item Veto Act, designed to allow the President to strike individual spending items without violating Congress's constitutional prerogatives.

Jim is an avid fisherman, which shows a greatness of soul. He is a fan of the renowned author Ray Bradbury, which reflects a creative mind. He might misplace his car keys or his BlackBerry, but he has never lost his conviction about budgeting, or his integrity. Yet, of all Jim's qualities, perhaps the most important is the trust that he has earned from Members and colleagues alike. It is because of that trust that when I was chosen to be the Budget Committee's ranking Republican last December, my first and easiest decision was keeping Jim as the chief of staff. He was and still is simply irreplaceable.

Mr. Speaker, let me close simply by saying that there aren't a lot of people in this town who really understand how the Budget Committee works, how this budget process works, let alone people who really know the best ideas and ways of making it work better. Jim Bates is one of the handful of people in this town who knows this. You can count the people on one hand who really know the Budget Act, know how to make it work and know how to make it work better. Jim Bates is one of those.

This institution, this Congress, both from the Democrat side and the Republican side, owe a large debt of gratitude for the service of this fine servant, Jim Bates.

## STATEMENT ON JULY 8 AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I rise today to commend my colleagues for passing H. Con. Res. 405, which promotes the United Nations' sponsored efforts to bring about a negotiated reunification of Cyprus. The division of Cyprus has endured for 33 years, far too long by any measure.

Today, I met with Alexis Galanos, the distinguished mayor of Famagusta, Cyprus, which prior to the Turkish invasion was the main town of the second largest district of Cyprus, both in terms of its population and surface area.

A few weeks after the initial invasion on August 14, 1974, Turkish military forces bombarded Famagusta relentlessly. Greek Cypriots were forced to flee their homes in fear and terror, rendering Famagusta a ghost city. Turkish forces then sealed off the area with barbed wire fences; 45,000 inhabitants of Famagusta became refugees in their own country. They lost their land, their properties, their homes and businesses and many of their own people.

The city and the mayor elected by its displaced residents who can't go home have now become a symbol of the injustice that persists in the occupied region. The 2 waves of the invasion by the Turkish troops forced nearly 200,000 Greek Cypriots, over one-quarter of the Cypriot population at the time, from their homes, making them refugees in their own country. The equivalent in the U.S. would be around 80 million people. For the last 33 years, 36.2 percent of the island continues to be under occupation by 43,000 Turkish forces.

The July 8, 2006, agreements reached under the auspices of the United Nations Under Secretary General Ibrahim Gambari, by President Tassos Papadopoulos and Turkish-Cypriot leader Mehmet Ali Talat establishes a set of negotiating principles that will lead to a unified Cyprus.

The July 8 agreement supports the Greek and Turkish-Cypriot efforts to find common ground for the peaceful reunification of their country within the framework of a federal bi-zonal and bi-communal nation state. These agreements call for the implementation of specific confidence-building measures, starting with the practical steps of establishing bi-communal working groups and technical communities to examine and discuss issues affecting the day-to-day lives of the people of Cyprus.

Mr. Speaker, there is no viable justification for the continued division of Cyprus. The people of Cyprus have every reason to seek out reconciliation. They aspire to a reunified homeland. In the last 4 years, there have been more than 13 million peaceful crossings across the Green Line by Greek and Turkish-Cypriots, a remarkable achievement for an island whose total population is less than 800,000 people. Turkish-Cypriots cross into the Republic of Cyprus to go to work every day. Approximately 35,000 Turkish-Cypriots have applied for and received passports from the Republic of Cyprus. On the ground, there is clear momentum for peace and a desire on both sides to work together.

Today, Cyprus has evolved into a dynamic country, endowed with a robust economy and incredible democratic institutions. Its qualitative capacities are showcased by its recent entry to the European Union and its imminent membership in the Eurozone. Located off the western shores of the Middle East, Cyprus has the capacity to be a vigorous participant in the wider NATO security architecture.

For us in the United States, therefore, there is great purpose in facilitating peace and unification beyond any moral and altruistic imperatives. As expressed by the House last week, the July 8 agreement lays the groundwork for accomplishing this goal.

I commend the House for its passage of H. Con. Res. 405 and implore our government to continue its support for the full and immediate implementation of the July 8, 2006, agreements.

* * *

## LIMITING EARMARKS ON APPROPRIATIONS BILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, in a couple of weeks, it is likely that we will be addressing the Labor-HHS bill. We have passed the bill in the House. I believe they have passed the bill in the Senate, but conferees have not been named. We will be asked to approve a large bill that I believe is over the President's budget. But, more significantly, this is the first test of actually doing a conference under the new earmark rules.

We had new earmark rules passed at the beginning of the year that provide a little more transparency than we have had before, and that is a good thing; but it hasn't done much to cut down the number or dollar value of earmarks, because we haven't gotten through the process now.

Some people have said in the House we have fewer earmarks, the dollar value is down, and that is a good thing. Certainly it is a good thing. But we are only halfway through the process. Typically, when you get to the conference process, that is where a lot of the mischief happens, where earmarks are added in the middle of the night and you aren't given a chance to vote on them. You simply vote on the bill, either up or down.

Just to give you a flavor of what is in this Labor-HHS bill, the House bill included about 1,342 earmarks. These earmarks were added in the conference report of the bill that came to the House. They were added just days before the bill came to the house. We had very little opportunity to actually look at the earmarks to find out which Member had offered them and to offer amendments to strike those earmarks. A few amendments were offered here on the floor, but that is hardly a process that can pass for due diligence to actually see what is in these earmarks.

Now, I hasten to add that this is not a partisan issue. There are both Republican and Democrat earmarks in this bill. When Republicans were in charge of this body, typically Republicans got about 60 percent of the earmarks, the Democrats got about 40 percent. Now that has switched.

But, really, I wish it were a partisan issue. I wish, as one of my side of the aisle, that Republicans were right on and Democrats were wrong on. But we haven't seen that. We have seen both parties continue to earmark in this fashion.

There are 1,342 earmarks in the House bill. Let me just read through a few to give people a flavor of what is there.

I wish we didn't have to do this. I wish there was another way. But as I mentioned, when these bills come to the floor, the committee report will accompany the bill. It will only come a few days before the bill passes, and we aren't given a real opportunity to vet these earmarks and look at them.

Let me read a few of them. For example, $300,000 goes to the American Air Power Museum in Farmingdale, New York, for exhibits and educational programs. This may be a great museum, but why the Federal taxpayer should be on the hook to fund it, I don't know.

And $200,000 in this bill goes to the American Jazz Museum in Kansas City, Missouri, for exhibits and education programs. It may be a great museum, but why is the Federal taxpayer paying for?

$200,000 for the American West Heritage Center in Wellsville, Utah, for a lifelong learning initiative.

$125,000 for the Children's Museum in Indianapolis, Indiana, for exhibits and equipment.

$200,000 for a Children's Museum in Los Angeles for exhibits and educational programs.

$150,000, College Park Aviation Museum in College Park, Maryland.

If you are recognizing a theme here, the Federal Government is funding a lot of museums. Why is this the case? Why, when we are running massive deficits, when we have a big debt and other obligations that are crying out to pay down the debt, to lower the deficit, why are we funding programs like this? Why are we on the hook for these programs yet again? You have to remember, whenever you are funding a museum, because we have a deficit, we are borrowing money to do that.

$250,000 for the Discovery Center in Idaho. This is in Boise, for a science center.

$350,000 for an aerospace museum in McClellan, California, for exhibits.

$350,000 for the George and Eleanor McGovern Library in Dakota Wesleyan University in Mitchell, South Dakota.

$75,000, Monterey Bay Aquarium in Monterey, California.

Here is another theme. We fund a lot of aquariums. There are great aquariums that educate a lot of people, but why we are doing it at the Federal level, I don't know.

$350,000 for the Museum of Aviation Foundation in Warner Robins, Georgia, for educational programs.

Let's pay attention to the Labor-HHS bill as it comes along.

□ 1830

## GENDER-IDENTITY INCLUSIVENESS IN ENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

Mr. WEINER. Mr. Speaker and my colleagues, later on this week or perhaps early next week, this House will embark on the latest chapter in our Nation's history of extending the civil rights that all Americans should be entitled to to one other group. We will be considering the Employment Nondiscrimination Act. It is an effort to make sure that people are not discriminated against in their workplace because of their sexual orientation, because of their gender identity. It is something that is intuitive to so many Americans, and, frankly, the overwhelming number of Americans. And it is an example of how sometimes we in this House lead on civil rights issues and sometimes we follow.

In this case, it is a little bit of each. Under ENDA, we will be following to a large degree. Hundreds of companies, including virtually all of the Fortune 50 and Fortune 500 companies, already recognized fundamentally that it is good business to judge people by the quality of their work, their intellect, their drive, by what they bring to the business, not what their sexual orientation or gender identity is.

Overwhelming numbers of companies, and not just companies that you would describe as being progressive, but companies from all across the political spectrum, financial services groups like American Express and J.P. Morgan and Lehman. You have companies like Clear Channel Communication, Coca-Cola, Nationwide Insurance, Nike, Microsoft. These are all companies that, when they write the contracts for their other workers, it is fundamental to them that there will be no discrimination based on someone's sexual orientation or gender identity.

For these companies and for the 90 percent or so of American people that responded to a Gallup poll in 2007, employment nondiscrimination based on gender identity and based on sexual orientation is obvious; it is not even an innovation.

But we are going to be leading in some important ways. There are still about 30 percent of people who respond to polls who are members of the lesbian, bisexual and transgender community who say that they experience discrimination at the workplace regularly. Some of them, 25 percent, say they experience it on a regular basis. Why should that be? Is that an American value? Is it an American value to say we should discriminate on someone based on the sense of who they love or how they express it? Of course not.

So, for those men and women throughout all 50 States, we will be leading later on this week when we pass the Employment Nondiscrimination Act. But it is very important that we also realize that we are leading on another element to this discussion. There is an active discussion going on in this Chamber and elsewhere whether or not to include gender identity in the same category we include sexual orientation. I say unequivocally the answer is yes. There are people who every day experience discrimination because of their gender identity.

Susan Stanton spent 14 years as the Largo, Florida city manager; 14 years, obviously doing a good job, rehired, reappointed. Susan was once Steve Stanton. When he started hormone therapy and planned to become a woman, was fired.

Diane Schroer, 25 years of distinguished service in the Army as David. Recorded 450 parachute jumps, received the Defense Superior Service Medal, hand picked to lead a classified national security operation. Retired and was offered a job with a private homeland security consulting firm. The offer was rescinded when Schroer explained he was transgender and wanted to begin the job as a woman.

But the question has come up: If we can't include gender identity in this bill, should we do anything at all? Should we take half a loaf.

My colleagues, I think the answer is no. I think we cannot toss this element of an important civil rights coalition to the side. We have to make sure, particularly in the context of us doing what is largely symbolic, there is no sense that the Senate is going to act on this, and certainly no sense that the President of the United States and this administration is going to. Maybe what we should say is we are in this together.

If we are going to make a symbolic stand, the symbolic stand should be let's pass a one House bill with only part of the protections. Let's let the symbolic message be that we are sticking together, that when we say "GLBT," we mean it. And we should do something else. We should also make it very clear to those watching this discussion that we are not going to negotiate against ourselves. We are not going to say if we toss this element or that element off to the side, maybe we will be able to get what we need. There are some things that are immutable, some civil rights that are immutable. This is one of them.

We are going to stick together and pass an inclusive ENDA, or we are going to come back again and do it right.

## WITNESS SECURITY AND PROTECTION ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I have stood before the House many evenings to discuss the problems associated with witness intimidation and its detrimental impact on our judicial system and our communities.

Tragically, there has been another ruthless occurrence of witness intimidation in my home town of Baltimore City that I must report tonight. A family who spent 10 years living the American Dream found it destroyed in just 10 minutes. They came home last week to find their home smoldering and torn apart. The phrase "rats must be killed" and the word "snitch" crossed out with Xs spray painted on their walls.

The couple's oldest daughter has been in custody since July for her role in a robbery of a taxicab driver earlier this year. Apparently, her co-conspirators believe she is cooperating with law enforcement on some level. Gang activity also appears to be involved. The word "blood" appeared on various parts of the house.

Needless to say, the family will not be returning to their home. This is an innocent, hardworking family trying simply to live in peace. They deserve so much better.

Unfortunately, when people are willing to cooperate with the police in Baltimore City and other jurisdictions throughout our country, sadly, it has become customary for their homes to be firebombed or for them to be threatened, attacked or even killed.

No one can forget the tragedy surrounding the death of Angela and Carnell Dawson and their 5 children. The entire family was incinerated in October 2002 in the middle of the night when their home was firebombed in retaliation for Ms. Dawson's repeated complaints to police about recurring drug trafficking in her east Baltimore neighborhood.

Just 2 years ago, the home of community activist Edna Abier survived a firebomb attack that was launched just because of her attempts to rid her neighborhood of drug dealers. Just a few weeks ago, I had an opportunity to meet with another couple whose home had been firebombed because they were simply trying to cooperate with police.

Finally, Carl Lackl was murdered outside of his home with chilling calculation just days before he was scheduled to testify as a witness in a murder case. His murderers lured him out of his home under the premise of looking at his used car that he was trying to sell.

Violent crime in the United States is on the rise nationwide, as is drug-related gang activity. However, if witnesses are too afraid to come forward, criminals cannot be prosecuted and our justice system has no credibility and cannot stand.

This is why I introduced H.R. 933, the Witness Security and Protection Act of 2007, which authorizes $270 million over the next 3 years to enable State and local prosecutors who demonstrate a need for the funds to protect witnesses in cases involving gangs or other violence to establish short-term witness protection programs.

Improving protection for State and local witnesses will move us one step closer to alleviating the fears and threats to prospective witnesses and help safeguard our communities from violence. The time has come for us to show our commitment to our constituents and the justice system because, without witnesses, there can simply be no justice.

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☐ 1845

## FOREIGN INTELLIGENCE SURVEILLANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, there is no other issue more central to the core responsibility of government than the duty to protect the safety and security of the American people. The right not to be killed is foundational to all other rights. The actions we take with respect to the Foreign Intelligence Surveillance Act, better known as FISA, will reflect the level of seriousness with which we have assumed this fundamental obligation.

While I take a backseat to no one when it comes to the protection of civil liberties, it is essential to understand the proper context of the issue by us.

Mr. Speaker, the focus of the debate here relates to overseas intelligence, the implications for the privacy rights of Americans, talked about so loudly on the floor last week by our colleagues on the other side of the aisle, the implications for privacy rights of Americans where surveillance targets of non-U.S. persons overseas is minimal to nonexistent.

This debate over FISA must not be morphed into an ideological crusade by those who have such a visceral dislike for President Bush that any perceived defeat for this administration is in some perverse way chalked up as a victory. The debate is not about President Bush; it is about protecting the lives of those who have sent us here to represent them.

And it is serious business. In my estimation, this is perhaps the most important issue that we will face here in the 110th Congress.

It has been my privilege to serve on both the Homeland Security and Judiciary Committees. It is my belief that we have made progress in protecting the homeland since 9/11. Under the leadership of both parties on the Homeland Security Committee, there have been disagreements about the particulars, but there has always been a bipartisan commitment to moving the ball forward to make our Nation safer.

To be brutally honest, we cannot rely on the prospect of getting it right every time someone might seek to come here to kill innocent Americans. The idea of having to construct a perfect defense in and of itself is not conceivable. However, this is where the role of intelligence comes into primary focus.

Developing a homeland security strategy must not be considered in isolation. Intelligence collection overseas is the crucial element in any strategy to secure the homeland. Otherwise, we fall prey to what I refer to as the Maginot syndrome. You remember the Maginot line. That is where the French learned a terrible lesson concerning the folly of relying on the idea that they could protect themselves with a focus on massive defense perimeter. Much more is required and, again, intelligence collection targeting non-U.S. persons can extend our homeland defense perimeter overseas.

Brian Jenkins of the RAND Corporation, a noted expert on terrorism, has stressed that our intelligence capability is a key element in our effort to protect our homeland. As he says, in the terror attacks since 9/11 we've seen combinations of local conspiracies inspired by, assisted by, and guided by al Qaeda's central leadership. It is essential that while protecting the basic rights of American citizens we find ways to facilitate the collection and exchange of intelligence across national and bureaucratic borders.

So how do we make sense out of what is taking place in this House with respect to our consideration of FISA, the Foreign Intelligence Surveillance Act? Foreign intelligence surveillance, I'd like to underscore.

The manner in which we address this crucial national security question is a clear measure of our level of seriousness about the threat posed to our Nation from another terrorist attack. The bottom line question to be asked is whether or not we are safer as a result of the action taken by this House concerning the collection of overseas intelligence.

As in the game of football, you're either advancing the ball or you are losing yardage. Does our action make America safer or does it impose obstacles in the path of the intelligence community which make their job more difficult? In making this determination, I would suggest that the line of scrimmage should be drawn with the Protect America Act. That is the act we passed in early August, on a bipartisan basis, responding to the request of Admiral McConnell, the Director of National Intelligence.

We should understand that that act represented a compromise reflecting what Admiral McConnell, the Director of National Intelligence, identified as absolutely necessary, absolutely necessary to the task of protecting the American people. Based upon his service to our Nation, I would suggest we should take his considered opinion with the seriousness that it deserves. As a career naval officer, former head of the National Security Agency under President Clinton for 4 years, and the current Director of National Intelligence, Admiral McConnell has had a distinguished career in his service to our Nation.

Admiral McConnell and General Hayden came to the Congress with a larger package of needed changes to the Foreign Intelligence Surveillance Act last April. However, in order to close what Admiral McConnell described as gaps in our intelligence, that is, an inability for us to be able to actually find the dots that were out there, we had to act immediately. A compromise was, therefore, reached by this body this past August.

He defined the concept of "gap" to mean this: foreign intelligence information that we should have been collecting. In fact, Admiral McConnell indicated that prior to the enactment of our Protect America Act in August, we were not collecting somewhere between one-half and two-thirds of the foreign intelligence information which would have been collected were it not for the recent legal interpretations of FISA which required the government to obtain prior FISA warrants for overseas surveillance. In many cases, we couldn't obtain them. You have to have evidence to reach a standard that, frankly, at that stage you cannot reach.

Secondly, the volume of number of targets and the paperwork and, more than the paperwork, the intellectual work, the cost in time by taking analysts off the job of analyzing, to working up these requests for warrants, basically made it impossible for us to be able to go after these targets, which we'd always been able to go after in the context of FISA as it was passed in 1978.

What's the problem? The problem is that a definition of electronic surveillance constructed almost 28 years ago certainly has not kept pace with changes in technology. Ironically, when FISA was enacted, almost all international communications were wireless. Most local calls at that time were on a wire and fell within the definition of electronic surveillance requiring a warrant.

Today, it's just the reverse. Almost all international communications are transmitted by wire. Thus, international communications not intended to be covered by the warrant requirement in the 1978 act are now inadvertently covered because of the change in technology. This was never ever the intention in Congress.

Again, the act we passed in August closed the resulting national security gaps. However, less than 3 months later, here we are in the House of Representatives, the leadership of this House is now trying to reinvent the wheel. It will be one thing were we considering the other elements of a larger package which General Hayden and Admiral McConnell presented to us back in April, but that's not the case.

Rather, the leadership of this body is retreating from the provisions of the Protect America Act, which Admiral McConnell told us he needs in order to do his job. The so-called RESTORE Act undoes core provisions of this compromise that we were told was necessary to close the gaps in our intelligence.

That's why I call the RESTORE Act the Repeal Effective Surveillance Techniques Opposing Real Enemies Act, because that's what it does. It takes away the techniques that we allowed under the law that we passed last August in response to requests from Admiral McConnell based on his considered judgment that he was not able to do the job to protect the American people from the threat abroad.

Admiral McConnell affirmed that prior to the Protect America Act the intelligence community attempted to work under the law as interpreted by the court. Unfortunately, he found that as a result of working under those restrictions his agency was prohibited from successfully targeting foreign conversations, foreign conversations, that otherwise would have been targeted for possible terrorist activity.

Admiral McConnell has made it clear that although there remains elements of the larger package which would further enhance our ability to conduct surveillance against al Qaeda and other terrorist groups, the Protect America Act, that act that we passed in August which is now the law, has provided us with the tools, as he said, to close gaps in our foreign intelligence collection.

Then why are we seeking to make these critical changes in the Protect America Act before the ink is barely dry? Well, one thing is certain: the immediate reviews by the leftist blogosphere were hardly positive. Although Admiral McConnell has worked for both President Clinton and for President Bush, much of the criticism of the act in the wake of its passage seemed to stem from these objections, now, listen to this, that the White House was trying to influence the outcome of the negotiations which took place prior to its enactment. Imagine that.

When Admiral McConnell appeared before our Judiciary Committee, he faced questions along the lines of what did the White House know and when did they know it. Now, think of this: the idea that the White House would seek to have input on issues relating to the national security of the United States is about as startling as the discovery that gambling, yes, gambling, was taking place in Joe's bar during the movie "Casablanca."

This should not be the issue. Again, it's not about George Bush, whether you dislike him, love him or are indifferent to him. The only valid question is how best we can protect the American public from al Qaeda and others who seek to kill us.

Surveillance of foreign persons outside the United States is a central part of that effort, and the bill they presented on the floor last week, the so-called RESTORE Act, changed what we had done in August to make it difficult, in some cases impossible, to gain that information. Even if it is Osama bin Laden on the line calling into the United States, under the terms of the bill that was presented on the floor, we couldn't use information gathered from that conversation against Osama bin Laden unless we went to a court for a court order, unless the Attorney General could specifically show that information was leading to the death of a particular individual.

Now, I've said this on the floor before and I will say it again: that's just plain nuts. There's no other way to explain it. There is absolutely no other way to explain it; and perhaps with an ability to explain this kind of thinking on the floor, I would yield to the gentlelady from Tennessee to enlighten us as to her observations as to what is taking place on the floor on this important issue.

Mrs. BLACKBURN. Well, I thank the gentleman for yielding and I thank him for his leadership on the security issues that affect our great Nation.

And, Mr. Speaker, as the gentleman from California knows, national security is one of the major issues that we hear about every single day. Our constituents want to be certain that America, that our interests, that our communities are safe, and certainly, as we are looking at FISA, this is an issue that is coming before us.

One of the things that we hear regularly from constituents is, what are you doing about it? What are you doing about tracking down these terrorists? What are you doing about finding those that want to kill us? What are you doing?

Well, we did some good things last year. As the gentleman from California mentioned, the provisions that we passed, Admiral McConnell's recommendations, the pathway forward for us, how we were to proceed to be certain that we could use the information that we had. And now the RESTORE Act, and I do like the acronym that he is using, Repeal Effective Surveillance Techniques Opposing Real Enemies. That is an appropriate acronym for the bill that they brought forward.

And I think, Mr. Speaker, that our colleagues across the aisle forget that it is FISA. Maybe they think it is the U.S. Intelligence Surveillance Act, or USISA. They forget that it is FISA, Foreign Intelligence Surveillance Act.

We do seek to find those who would seek to do us harm and end our way of life. That is something we should be about every single day.

Now, we've heard from lots of people on the FISA issue, and the gentleman from California brings such a wide range of knowledge on this, and I know he is going to be joined by others, others of our colleagues who are going to touch on this issue. Many of them are from the Republican Study Committee, and they're going to bring their expertise to bear on this.

I want to touch on one quick point. The gentleman from California highlighted some of Admiral McConnell's recommendations and procedures that we took to be certain that we closed the terrorist loophole. And the measure that the liberal leadership brought forward, the RESTORE Act, would reopen the terrorist loophole. The Democrat FISA bill creates a process by which a court order is required for U.S. persons who are outside the United States.

As the gentleman from California mentioned, if a foreign target operating overseas, such as Osama bin Laden, has either had contact with a U.S. person or called a U.S. number, our intelligence officials would be required, if this bill passed, to obtain a FISA court order to listen to those communications.

Well, in Tennessee, we would say that just doesn't make good sense, and it doesn't, Mr. Speaker; and it is frightening to think that there are those among us who may want to deal with terrorists more delicately than they would handle the welfare and well-being of our communities.

I would also highlight the New York Post and a comment that they had as we were working through the FISA overhaul and looking at these situations dealing with these cumbersome legal requirements. The New York Post quotes in an October 15, 2007, article: "A search to rescue the men was quickly launched. But it soon ground to a halt as lawyers obeying U.S. strict laws about surveillance cobbled together the legal grounds for wiretapping the suspected kidnappers. For an excruciating 9 hours and 38 minutes searchers in Iraq waited as U.S. lawyers discussed legal issues and hammered out the 'probable cause' necessary for the Attorney General to grant such 'emergency' permission."

We know the emergency. We know the probable cause. Men were under attack and they needed to be found. We are in a time of war. The terrorists are there to end our way of life. We have to stay a couple of steps in front of them, Mr. Speaker; and as the gentleman from California has so eloquently said, the way we do this is with a commonsense approach and very thoughtful approach to our intelligence surveillance that we have on our foreign enemies.

□ 1900

Mr. DANIEL E. LUNGREN of California. I thank the gentlelady for her comments. She mentioned a particular instance in which we brought lawyers into a situation that if you looked at it from the outside doesn't make much sense; you stop battlefield operations in order for lawyers to determine whether or not we can listen in on conversation between non-U.S. persons outside the United States.

When you look at the other side of the aisle's response to this problem, you see what they have done is they have elevated the judiciary to the primary role in these decisions. That is, in my judgment, a complete misunderstanding of the proper role of the courts.

Look, since Marbury v. Madison, the eminent case basically saying that the Supreme Court gets the last say on constitutional issues, there has been a misunderstanding by some that that means that the Supreme Court, the judicial branch, is somehow superior to the other two branches of government.

That is not the case in the area of war-making capacity or carrying out a war. If you look at the Constitution, you will see very, very clearly that the Constitution specifies specific powers in article I to Congress and in the executive branch in article II, and the United States Supreme Court has already told us that there are some matters, believe it or not they have said, better suited for disposition by the elected branches of government.

The War Powers Act, or, excuse me, the war power, the right to declare war, given to the Congress; powers of the purse, given to the Congress. The President possesses authority relating to his constitutional status as Commander-in-Chief as well as all executive authority.

So these are very, very distinct. What we have seen on the other side of the aisle is an elevation to the altar of judicial determination in these cases. This is not just the only thing. The leaders on the other side want to take now and give habeas corpus rights to those people we have at Guantanamo, those people we have taken off the battlefield.

Mr. AKIN. One of the problems of being as competent and technical as you are is there are some of us, people like me from Missouri, as an engineer, like to try to put things in plain simple terms.

The first thing I would like to ask, because you are the expert, but I have a little bit of a sense of what's going on here, and first of all the problem is that we are trying to collect intelligence on terrorists that are trying to kill our citizens. Is that what we are dealing with?

Mr. DANIEL E. LUNGREN of California. That's a very basic thing we are dealing with, foreign intelligence.

Mr. AKIN. I want to keep it simple. So we are dealing with collecting intelligence on these terrorists.

Mr. DANIEL E. LUNGREN of California. Right.

Mr. AKIN. We have a format that was put into law years ago, as I understand it, that when a signal is transmitted into the air that we can tap into that and listen for terrorist talk; is that correct?

Mr. DANIEL E. LUNGREN of California. Yes, absolutely.

Mr. AKIN. But now in the last number of years, the way that transmissions are made is different. We are going now through these fiber-optic cables and through these tremendous switching networks; is that correct?

Mr. DANIEL E. LUNGREN of California. Correct.

Mr. AKIN. Now, does the current law allow us to do the same thing on those as we do on a transmitted signal?

Mr. DANIEL E. LUNGREN of California. The law, prior to our change in August, did not permit us to, at least as determined by the FISA Court last year.

Mr. AKIN. Now we are getting to the problem. The problem is that the government is getting in the way and the Democrats are getting in the way of us collecting intelligence to protect our constituents.

Now, the lady from Tennessee, you talked about some common sense, and the common sense of the matter is some of us remember September 11, and these people are not nice people; right?

Mrs. BLACKBURN. The gentleman from Missouri is exactly right.

These are people who do not seek to do us well. They seek to do us harm. That, we have to keep in mind.

As the gentleman from Missouri mentioned, we have had tremendous technological changes with how our signals are transmitted when you are dealing with telephones, with cell phones, with satellite phones, with voice, video and data, with those communications.

Things have changed, and we are not focused on the end use; we are more focused on the technology and the changes that we sought in August would allow, and that we gained in August allowed our intelligence community to be able to exercise a little bit more leeway in obtaining these communications from those who would seek to do us harm.

Mr. DANIEL E. LUNGREN of California. If I could just respond to that, let's remember, we are not talking about domestic terrorists. We are not talking about domestic criminals. We are not talking about American citizens. We are talking about non-Americans not in the United States. That's what we are talking about, and the American people need to understand that.

Mrs. BLACKBURN. I want to bring the attention back to the poster that is on the floor there. Just as he would say, this is the Foreign Intelligence Surveillance Act.

As I said earlier, it is not USISA. It is not the United States Intelligence Surveillance Act. This is the Foreign Intelligence Surveillance Act.

That is so important that we keep this in mind. As the gentleman said, these are people who are not U.S. citizens who are seeking to do us harm.

Mr. DANIEL E. LUNGREN of California. Let me also explain one bill. If you look at the bill that the Democratic majority brought to the floor, they say, we take care of this problem. They say, if it's foreign to foreign, you don't need a warrant.

Here is the problem that Admiral McConnell explained to us. When you put a tap, or you somehow capture the communications, you only know the front end of the communications; that is, Osama bin Laden is calling somewhere and communicating in some way. You don't know where in the world he is going to end up on the other side of the communication. If, in fact, you have to say ahead of time, we can guarantee that none of those conversations will ever reach into the United States or to an American anywhere, you couldn't get a prior warrant, because you can't guarantee that.

What you need to do is to do it the way Admiral McConnell suggested and the way we put it in the law before. If it's a target that is a foreigner in a foreign country, for foreign intelligence purposes, as defined under the law, if that's the case, you don't need a warrant.

If, as you collect the communications in some way, you find that inadvertently a communication went into the United States or is with an American citizen, you do what we call, under the law, minimization, which means, if it has nothing to do with that individual on the other end that implicates that individual in any way, you don't use it. But you do use it against Osama bin Laden.

What they put in the bill was, very specifically, if we inadvertently capture a communication that involves an American on the other side, guess what we have to do? We cannot use it. We cannot disclose it. We cannot use it for any purpose, and we cannot keep it for more than 7 hours unless we go to a court and get another court order for a warrant.

Mr. AKIN. But if the gentleman would yield, what I understand the Democrat solution is saying, that you can't do that. That as soon as Osama bin Laden lights up his computer, we don't know where he is calling to, and, therefore, we have got to get some judge to give us permission to tap into.

Mr. DANIEL E. LUNGREN of California. Let's understand what we are talking about. I presume Osama bin Laden is sharp enough to realize that maybe he ought to have more than one phone line. You know what we have with bad guys in the United States, they use cell phone after cell phone after cell phone. They use it for maybe a day. They throw it away. They use another one.

Don't you think the bad guys trying to kill us are as smart as that? We have to be able to be sharp enough to find this stuff and turn on this information in a timely fashion to save us. We have to have the agility to do that. What has happened with the law we passed in August, according to the NSA, and I was out there yesterday, and according to Admiral McConnell, we are now able to do those things.

We now have the agility to do those things. If we were to adopt the bill that was on the floor last week, we couldn't do it. The American people have to understand, no matter what they say about it, the expert on it tells it, we would not be able to do it.

Mr. AKIN. So my understanding, with the bottom line, with the bill that has been proposed, we would lose about 60 percent or more of our intelligence leads that we are collecting through electronic surveillance needs; is that correct?

Mr. DANIEL E. LUNGREN of California. That is the absolute testimony of the experts who actually do it.

Mr. AKIN. Sixty percent of our intelligence-gathering capability is going to be hobbled?

Mr. DANIEL E. LUNGREN of California. Against terrorist targets internationally, absolutely. In the process, we will grant more protection under the law to Osama bin Laden than we do to an American citizen accused of a crime in the United States. That is the utter insult in the whole process.

Mr. AKIN. Yet in the State of Missouri we don't call that common sense.

Mr. DANIEL E. LUNGREN of California. I don't think anybody could call that common sense. Only on the floor of the House of Representatives would one dare to call that common sense. I am not one person who dares, nor are my two colleagues here.

Mrs. WILSON of New Mexico. I want to make sure I understand something here, because I think you said something that's important. If the United States Government inadvertently collects a phone call that involves an American, if Osama bin Laden himself calls into the United States on a new phone line, and we had no idea, we didn't expect him to call in to America, and he has got a new phone number, he has got one of those disposable phones, he calls in and we get lucky and we pick it up, and that phone call says to one of his cells in the United States, "Tomorrow is the day. Blow up the Sears Tower in Chicago," is it my understanding that under this bill they have put forward the intelligence agents couldn't even tell law enforcement about that? They would be prohibited from that?

Mr. DANIEL E. LUNGREN of California. Unless that cell had already been identified by us, we knew who they were, we had already gotten legal permission to do that, we wouldn't be able to do that.

Mrs. WILSON of New Mexico. So we get the intelligence tip of a lifetime to be able to prevent the next terrorist attack, and this bill, the RESTORE Act, would prevent us from protecting American citizens?

Mr. DANIEL E. LUNGREN of California. Absolutely. Let me tell you what happens in a criminal case. Let's say we have a legitimate wiretap on a member of the Mafia, and that person makes calls. We don't know who he is going to call. He calls his mother. He calls his barber. He calls the guy who delivers pizza.

Because he talks to that other person who was not the target, the legal target, doesn't mean that we cannot use that information against the legal target. We can't use it against that person if that person is someone we then find is a person of interest, and we would become a target. Then we have to go get a warrant against that person. That's all that we are saying we ought to do with the law and, in fact, that is what you would do with the law that you passed.

As a result, we have really put handcuffs in our ability to deal with terrorism far much more than people would argue that we would do in terms of law enforcement.

Mrs. WILSON of New Mexico. I thank the gentleman for clarifying that, because I think it's an important provision, and I think it is being added into what is being called the RESTORE Act very late in the game before it was pulled from the House floor last week. It is a provision that is deadly dangerous to the security of this country.

The Foreign Intelligence Surveillance Act was set up to protect the civil liberties of Americans, and it has done that effectively. But because of changes in technology over the last decade in particular, there are more and more conversations that are foreign conversations, international conversations that happen to transit the United States. Under the old law, before we fixed this in early August, you needed a warrant to touch a wire inside the United States even if the person you are targeting is overseas.

Earlier this year, because of some court decisions, this became completely unmanageable, and the Foreign Intelligence Surveillance Court became almost completely nonfunctional, with backlogs, with requests for warrants, people who couldn't develop probable cause, because, you think about this, you have got some guy on the Horn of Africa that you suspect of being affiliated with al Qaeda. It's not as if the FBI can go and talk to their neighbors and develop probable cause for a warrant in order to touch a wire in the United States, and yet our intelligence capability is much enhanced if we can touch that wire in the United States.

□ 1915

So you have an odd situation where we're having intelligence agents take tremendous risks to try to collect intelligence overseas, while we're tying our own hands here in the United States. The law that we passed in early August addresses this problem.

The act that was pulled from the floor, so-called RESTORE Act, last week would only have restored the ability of terrorists to plot to kill Americans. It would be suicide for the United States to intentionally, intentionally cut off our ability to try to listen to the communications of the terrorists who are trying to kill Americans or anybody else.

I would be happy to yield to my colleague from New York.

Mr. DANIEL E. LUNGREN of California. Let me just reclaim my time for a moment. And remembering last week when we had this bill on the floor and we went before the Rules Committee to ask for an opportunity for amendment and debate on our important issues and we were denied that by a gag rule, I would like to yield to the gentleman for purposes of a short debate, because I think this is what we should engage in and why I was so disappointed last week on the rule.

Mr. NADLER. I appreciate the gentleman yielding to me. And I wasn't planning to debate this; I just happened to be walking through the Chamber and I heard what you were saying. People are entitled to their opinions, but they're not entitled to misquote what the bill does, which is what I've been hearing.

First of all, it is quite correct, as the gentlelady from New Mexico said, that the FISA law needed to be updated.

Mr. DANIEL E. LUNGREN of California. Well, if I could take back my time, if the gentleman would specifically say where we misstated, I would love to respond to that. But the gentleman can get his own time to talk about other things.

Mr. NADLER. I will say two things. Number one, the RESTORE Act, the bill that was pulled from the floor, number one takes care of that technological problem, just as the bill that was passed in August does, by updating and making clear that foreign-to-foreign communications that come through a server in the United States do not need a warrant. So that's not an issue because this bill does it.

Second of all, let me just make the two points. And second of all, I think I heard you say, both of you, somebody here, that if you were tapping some terrorist abroad and he called into the United States and you heard him talk about terrorism with somebody in the United States, that you could not tap that, you could not use that information. That's simply not true.

Mr. DANIEL E. LUNGREN of California. I will reclaim my time. The fact of the matter is that is true. I hope to get the language here in a moment. In the manager's amendment, in the second major paragraph of the amendment, it specifically refers to inadvertent capture of a conversation involving an American on one end. And in those cases it specifically said, if that is the case, you may not use it for any purpose, you may not disclose it, and you may not keep it for more than 7 days, unless you get a specific warrant with respect to that, or the Attorney General makes a specific finding that the information itself relates to the death of an American.

Now, the fact of the matter is that was picked up from language that's currently in FISA that has nothing to do with this, that has to do with inadvertent communications gained in another context. So I don't know whether it was inadvertent, it was bad draftsmanship, or it was intentional. But the fact of the matter is, on its face, that is exactly what it does, and that's why I can stand here and say, without fear of contradiction, that it gives greater protection to Osama bin Laden in that instance than we give to an American charged with a crime in the United States.

Again, I don't know what the purpose was in drafting it that way. That's one of the problems when you bring a bill to the floor and you have a closed rule that doesn't even allow us to question the language, to attempt to deal with it. And the gentleman can say it doesn't say that. I would suggest the gentleman go back and look at the specific language, because I was astounded when I first read it. I first looked at it and said, this can't possibly be the way. I presented it to the Rules Committee. Not a single person on the Rules Committee or a member of your side of the aisle on the Judiciary Committee or the Intelligence Committee contradicted what I had to say. No one pointed to where that was wrong. That happens to be in the bill. Now, if you want to change it, we ought to change it. But the fact of the matter is that's where it is.

Mrs. WILSON of New Mexico. If the gentleman would yield, the issue of foreign-to-foreign communications is in the bill. But here's the problem. We can put in law that you don't need a warrant to listen to foreign-to-foreign communications, but you're never targeting a communication between two points. You're always looking at one target. And if I am targeting you in Afghanistan, I don't know who you're going to pick up the phone and call next. If it is a felony to listen to a conversation between a foreigner and a U.S. person without a warrant, as soon as that foreigner picks up the phone and dials an American number, you've created a situation where an intelligence agent is a felon. As a result, if you have that provision in the bill, they must get warrants on every foreigner. And that is the situation we were in earlier this year that completely crippled our intelligence collection.

Mr. DANIEL E. LUNGREN of California. Let me just reclaim my time to specifically quote Admiral McConnell on this point. He said in testimony before the Judiciary Committee: "When you are conducting surveillance in the context of electronic surveillance, you can only target one end of the conversation. So you have no control over who that number might call or who they might receive a call from." He then said specifically: "I'm talking about foreign-to-foreign and whether that takes care of the problem."

These are his words. If you have to pre-determine that it's foreign-to-foreign before you do it, it is impossible. That's the point. You can only target one. If you're going to target, you have to program some equipment to say, I'm going to look at number 1, 2, 3, so targeting, in this sense, if you are targeting a phone number that is foreign. So that's the target. The point is that you have no control over who that target might call or who might call that target.

Mr. NADLER. Will the gentleman yield at this point?

Mr. DANIEL E. LUNGREN of California. I'll be happy to yield in one second. I found that I did have the specific language to which I referred a moment ago. This is the proposed language in the bill: "If electronic surveillance concerning foreign-to-foreign communications inadvertently collects a communication in which at least one party to the communication is located inside the United States or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General." If that's all it said, that would be fine. But then it says: "That require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated or used for any purpose or retained for longer than 7 days, unless a court order is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily injury."

Reading that, as it is written, if Osama bin Laden, in a conversation, communication or whatever to someone who happens to be a U.S. person or is in the United States that is not then a target, under the regime that we have, doesn't implicate that individual whatsoever, but in the course of the conversation, reveals where he is, where he's going to be, we cannot act on that information under this specific language unless the Attorney General determines the information indicates a threat of death or serious bodily injury. Telling where he is doesn't indicate a threat of death to anybody or serious bodily injury to anybody.

That's the language that your side has presented on the floor as a fait accompli. We could not amend it. We couldn't even discuss amending it on the floor because we had a gag rule.

And the gentleman is a distinguished attorney. He knows how to use words very, very well. You can't change the words that are on the printed page.

Let me yield to my friend from Missouri before I yield to the gentleman from New York.

Mr. AKIN. Now, there was one procedure that the Republicans were allowed to do, and that's called the recommit; is that correct? We couldn't make any amendments. We couldn't discuss it.

Mr. DANIEL E. LUNGREN of California. Motion to recommit, yes.

Mr. AKIN. And so on the motion to recommit, we did the best thing we could to try to fix this problem, which was going to basically muzzle 60 percent of our intelligence-gathering capability. And that, I guess, you could look at it as an amendment on the motion to recommit. It was merely a sentence or two. And that sentence said something to the effect that nothing in this bill will prevent us from trying to capture bin Laden or prevent us from gathering information on al Qaeda, and they're attacking this country, something to that effect.

Mr. DANIEL E. LUNGREN of California. Al Qaeda, Osama bin Laden or other terrorist groups and prevent attacks on the United States or Americans. That was the language. And I might say to the gentleman, it was never offered, we never got to that point. But rather than have a gag rule or follow the leadership we got from the Democratic side, of a gag rule, we also showed it to the other side way ahead of time. And the reaction was what? To pull the bill, or at least to stop in mid-debate on the bill, and we will bring it back.

Mr. AKIN. It was in such a hurry that we didn't have time for any amendments.

Mr. DANIEL E. LUNGREN of California. Well, let me yield to the gentleman from New York. Perhaps the gentleman from New York can tell us when the bill is coming back to the floor.

Mr. NADLER. I can't because I don't know that. I don't know that. Presumably sometime in the next 2 weeks. But would you yield now?

Mr. DANIEL E. LUNGREN of California. I'd be happy to yield to the gentleman.

Mr. NADLER. Thank you. Two points. One, what was just said about that motion to recommit, the contents of the motion to recommit, that nothing shall be construed as barring, tapping or wiretapping, whatever the language was, bin Laden, Osama bin Laden, al Qaeda, et cetera, was completely unobjectionable. Indeed, it was totally superfluous. Had that motion said the motion is to recommit the bill to committee to amend it to include these words, and to report the bill back forthwith so we could have continued the debate, we would have accepted that amendment. We would have said fine. It doesn't change anything. Fine.

But, as you know, the amendment said report back promptly, which would have entailed at least a 2-week delay. That's why the bill was pulled, not because of the subject matter, but because of the word "promptly."

Mr. DANIEL E. LUNGREN of California. If I might take my time on that point. Promptly means it goes back to committee. It doesn't say it can't come back for 2 weeks. It goes back to committee.

Now, we have some rules here that require a few days. We also have something called waiver of rules that has happened virtually on every rule that we've had here, presenting a bill to the floor. And let me ask the gentleman, if, in fact, your concern was it would be a delay of a week or two, what are we doing now?

I would yield to the gentleman.

Mr. NADLER. I will answer to the best of my knowledge. I don't know what we're doing now. I'm not part of the leadership. And as I said, I just happened to be walking here. I don't know why the bill isn't back here now. But I know it will be in the next week or so.

Mr. DANIEL E. LUNGREN of California. So it's the gentleman's statement that you're willing to accept the motion to recommit, and your side is the leadership.

Mr. NADLER. Yes. The language was unobjectionable.

Mr. DANIEL E. LUNGREN of California. Well, that's good to hear. Then we will expect to see that language in the bill when it returns.

Mr. NADLER. Had it said forthwith, it would have been, and I shouldn't speak for the leadership but that's what they were saying at the time, we would have accepted it. But because it said promptly, which the Parliamentarians have told us would entail a considerable delay.

Mr. DANIEL E. LUNGREN of California. I'm sure glad we're not delaying now. But go ahead.

Mr. NADLER. Well, we found out, by the way we thought the Senate was going to pass the bill the next day. It turns out they haven't got their act together, so we have a little more time.

Mr. DANIEL E. LUNGREN of California. The Senate was going to pass a bill. Not that bill.

Mr. NADLER. Yes, it was going to pass a different bill. We wanted to pass a bill before they did, so that's why we were in a hurry.

But getting back to the point we said a few minutes ago, I don't have the benefit of the language. I know you have it there from the manager's amendment which I haven't seen, or the context. But I do know the following: The whole point, Admiral McConnell is quite correct when he says, obviously, if you're tapping whoever in a foreign country, you don't know who he's going to call. You're tapping that one point. You're tapping Mohammed in Karachi because you know that he, you suspect he's a terrorist that's involved. If he calls someone else abroad no one thinks you need a warrant or anything else. Under the bill, if he calls someone in the United States, either you hear it, you can't help hearing it. Either that conversation is innocent or it's involved with something that makes you suspicious of terrorism. If it's innocent, you have to engage in minimization procedures so you don't unduly and inadvertently violate the privacy of some American for an innocent conversation. If it's not innocent, then you, with that information, you can continue listening and if necessary you can get a warrant. And that's the general design of the amendment.

Mr. DANIEL E. LUNGREN of California. I'll take back my time. That's precisely the problem. You have to get a warrant before you can take action. And if, in that conversation, something that Osama bin Laden said does not implicate the American whatsoever, does not indicate a threat of death or serious bodily injury to anybody else, but reveals where he is, you are prohibited from dealing with that.

The gentleman from New York, I appreciate it. But you know, the great political philosopher, Don Meredith, once said: "If if and buts were candy and nuts, everyday would be Christmas." Now you may wish it. You may hope it. You may think it. These are the words that your side presented to us as a fait accompli. That's what it says. You can't get around it. And the gentleman, as a distinguished attorney, knows that when you go into court you've got to look at the words. We're not going to put people at risk in the CIA, in the FBI and the NSA, in all of those other agencies in the Department of Justice based on the fact that we ought to read these, as I think the gentleman said once before in debate, in a commonsense way.

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There is no commonsense exception to this provision in the law.

I would be happy to yield to the gentlewoman from New Mexico.

Mrs. WILSON of New Mexico. One of the things my colleague from New York said was, well, there are these minimization procedures, and that's true. There are minimization procedures under current law, which means that if you gather information that involves innocent people, you mask their identity, you don't disseminate things that don't matter, and you protect people's privacy. If it only went that far, that would be fine. The problem is the rest of the paragraph that my colleague from California mentioned, which actually prohibits dissemination of information that could be critical to this country.

It is astounding to me that we might actually intercept a conversation involving Osama bin Laden himself that reveals where he is going to be tomorrow and we would prohibit our intelligence agencies from telling the military where he is so they could target him.

Mr. DANIEL E. LUNGREN of California. Reclaiming my time, not only could we not disseminate, but this is the language: "or used for any purpose." That's pretty broad, I would say.

Mrs. WILSON of New Mexico. Absolute prohibition.

And I think we need to get back to some basics here, which is, number one, the current law requires that you need a warrant to wiretap a U.S. person for the purposes of collection of foreign intelligence. That's what the whole Foreign Intelligence Surveillance Act was about. But it also makes clear under the law that we passed in the first week of August that you do not need a warrant to listen to foreigners reasonably believed to be in a foreign country.

America spies. We try to discover the secrets of people who are not our friends, some of whom are trying to kill large numbers of Americans. We do everything we can to find out what their plans and capabilities and intentions are so we can prevent another terrorist attack. That is what our intelligence community does. And to somehow tie this up in red tape with a bunch of lawyers and judges makes no sense to me at all when we are trying to find out the secrets they are desperately trying to protect from us.

I have to say, there is a question, how many lawyers should it take to be allowed to listen to Osama bin Laden? The answer should be zero. That's what the answer should be. We shouldn't involve lawyers and judges in trying to intercept his communications, even if he is talking to an American.

Mr. AKIN. Will the gentleman yield?

Mr. DANIEL E. LUNGREN. I would be happy to yield after I make this one statement in reference to what the gentlewoman just said.

Judge Richard Posner of the Seventh Circuit Court of Appeals put it this way: "The aim of national security intelligence is to thwart attacks by enemy nations or terrorist groups rather than to punish the perpetrators after an attack has occurred. The threat of punishment is not a reliable deterrent to such attacks, especially when the attackers are fanatics who place a low value on their own lives and when the potential destructiveness of attacks is so great that even a single failure of deterrence can have catastrophic consequences. That is why," the judge says, "when the government is fighting terrorism rather than ordinary crime, the emphasis shifts from punishment to prevention."

The judge has put it fairly well in almost understandable terms, as the gentleman from Missouri would say.

And I yield to the gentleman from Missouri, who would not like to be described as an attorney.

Mr. AKIN. Well, I appreciate the good work that attorneys do, Mr. Speaker, and I particularly like different attorney jokes. And this one particular joke is the only one I have heard that isn't funny, and that is, how many attorneys does it take to collect intelligence on our enemies? And the answer, exactly as the lady said, should be zero. There should be no doubt about this.

Now, you have talked about somewhat subtle or finer points of law, but the bottom line is there is an agency that is charged with following the law and protecting our citizens. Now, the opinion of that agency on this point is what is critical, isn't it? Because if they believe they can't do the collection, then there is going to be 60 percent or more of intelligence gathering that is going to be hobbled. They are not going to have that capability. And their belief is that what you are saying is true because you quoted them; is that right?

Mr. DANIEL E. LUNGREN of California. That is true. And I would say it is similar to going to the doctor and the doctor's telling you that you need an operation to repair a faulty valve in your heart, and before you make the decision, you have to go to a judge to get permission to follow the doctor's order. I don't think that's what I would want to do.

Mrs. WILSON of New Mexico. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield.

Mrs. WILSON of New Mexico. I know we are coming to the end of this hour, but I think there is something important for Americans to understand.

We all remember where we were the morning of 9/11. We remember what we were wearing, what we had for breakfast, whom we were with, and that is seared into our memories.

Very few Americans remember where they were when the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow and blowing them up simultaneously over the Atlantic. We don't remember it because it didn't happen. And it didn't happen because American, British, and Pakistani intelligence were working together to disrupt the plot and prevent the terrorist attack.

That is what matters here. We want to stop those memories from being created before the event happens.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would just like to say, because we keep hearing that we are not concerned about civil liberties and so forth and that courts ought to look at this rather than making decisions by the President of United States, many people fondly remember Justice "Whizzer" White on the United States Supreme Court, an appointee of President John F. Kennedy. And in the seminal case in the Supreme Court dealing with the question of privacy and wiretapping called Katz versus U.S., he said this: "We should not require the warrant procedure and a magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable." Because the fourth amendment talks about protection against unreasonable searches and seizures and we never hear on this floor that qualification. It is reasonable.

So how do we protect American citizens in this? The process of minimization that we talked about that is followed by everybody in the NSA. And I would just show this to the gentleman. This chart shows the procedures already put into place at the NSA, National Security Agency, to implement the Protect America Act and ensure that Americans' civil liberties are protected by minimization.

Look at this: Internal oversight, they have training built on the foundation of compliance training. They have an annual requirement to read the legal compliance and minimization documents. They have advanced training and a competency test. Everybody out there has to take the test and pass or they can't be involved in the program. They have new training in the authority and the competency test. They understand the legislative changes, the documentation and the termination. They have spot checks and audits to assess compliance. They have somebody else come out within their organization and check up on individuals. And then they have an assessment of management controls.

In other words, they have multiple reviews on a regular basis of what's going on there. And in addition, what they have done is they are subjected to oversight by the Office of the Director of National Intelligence and the Department of Justice every 14 days, every 30 days, and every 60 days. And then on top of that, they have the Congress that can look at things.

That, the American people should understand, is the seriousness with which the agency is undertaking their responsibility to protect Americans from terrorists overseas and to make sure there is no inadvertent violation of the civil liberties of Americans.

Mr. AKIN. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. Yes, I would be happy to yield.

Mr. AKIN. I believe that what you have described is pretty much what we worked out last summer. Just going back to last summer when this problem reared its ugly head, we were approaching September 11. The Democrats had been unwilling to deal with it. We had been going back and forth and back and forth. And as I recall, we basically told the other party we are not leaving for summer break until you get this thing fixed because our Nation is exposed. We are not collecting the information that we need and we have to deal with that. So at the last minute, we passed a 6-month, if you will, patch that takes us to February; is that correct?

Mr. DANIEL E. LUNGREN of California. That is correct.

Mr. AKIN. So until February we are able to do this collection at this point, but we have to deal with this problem.

Now, the gentlewoman from New Mexico made reference to September 11, and I think each of us have our own memories. But mine was being at the site in New York City and seeing that wall along the side of a city block, four-by-eight sheets of plywood. Covering over the wall was a piece of that kind of slick, greasy plastic that's waterproof, and it had little dots of mist because it was a misty day. And underneath it were pictures. Some black and white, some in color, a picture of a guy with his dog, a husband and wife. And as I looked at those pictures, it reminded me of the many times in the morning where eyes had met gently saying good-bye for the day, a gentle brush of the hair that would be no more, that ended in violent, fiery tragedy and death. And for us to hobble our Intelligence Committee and knock out 60 percent of their intelligence gathering is un-American, it is something that we will not tolerate in this Chamber, and until we get it right, I will never be quiet on this subject. And I know the gentleman feels as strongly as I do.

Mr. DANIEL E. LUNGREN of California. I appreciate the gentleman's sentiments. And I would just say I don't think there is anybody in this Chamber that depreciates the experiences of 9/11 nor the threat that currently faces this country. That does not excuse anybody in this Chamber or us collectively for making either ill-informed decisions or just wrongheaded decisions. And when we have the expert experience and judgment of people like Admiral McConnell, who told us of the threat that we are currently facing and his inability to do the job that he has sworn an oath to do, and when we responded in a way which he said works, it is totally beyond belief that we would want to change that now.

And the other thing is, is there anybody in this Chamber that believes the threat is only until February or is only for 2 years, as was in the bill that was presented to us? This is a long-term threat which necessitates a long-term commitment on the part of the American people, on the part of the Congress, on the part of the entire Federal Government. And we have an obligation to make sure that that takes place. Otherwise, the American people have every right to say to us you have not done the job.

So I would hope that when we have this bill on the floor we have an opportunity to make it permanent so that we can tell our adversaries we will throw everything at you, not to convict you after a perpetration of an attack on us but to prevent it in the first place. The American people don't want prosecution. They want prevention first and foremost.

Mr. AKIN. If I could just interrupt for a minute, I don't think any of us want to impugn anybody's motives. Our objective here is and the reason we were sent here by our constituents is to solve problems, which you have outlined is a reasonable balance between the privacy rights of Americans and the necessity of the government to do what it is number one tasked to do, which is to protect our citizens. But when we get that balance wrong and the director of the people that have to collect that intelligence say that we have got to have judges, you are going to knock out more than half of our intelligence-gathering capability, then it says we need to get back to the drawing board and get this thing done the right way.

I certainly appreciate your attention to the details to looking at the language. And I certainly hope that our Democrat colleagues will allow enough debate and discussion to solve the problem.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for his words.

And let me just finish on these words. Justice Robert Jackson of the U.S. Supreme Court once said, "The Constitution is not a suicide pact."

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## DROUGHT CONDITIONS IN THE SOUTHEAST

The SPEAKER pro tempore (Mr. MITCHELL). Under the Speaker's announced policy of January 18, 2007, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ETHERIDGE. Mr. Speaker, I rise tonight to begin this hour to put a great spotlight on what is occurring in the southeastern region of the United States.

You know, when you look at the statistics and you look at the effects, there is only one word that can describe the drought that has gripped the southeastern United States, and that is "tragic."

If you look at this map to my right, you see that the Southeast is this large red area. And you also have some of the same effects in some parts of the west coast, and we've seen the effects of what's happening there with the terrible fires that are now taking place out in California.

Mr. Speaker, this is a disaster, not like a tornado or a hurricane or even any major catastrophic event. When you have a big storm or you have an earthquake, it's over, you come in and put things back together, you're able to start sorting people's lives out. But a drought of the magnitude of the one that is now gripping the Southeast is sort of a continual process. It started well over a year ago. We had a dry winter, we had a dry fall, last year a dry winter, this past year, and now this year. And I will talk about it more as the evening goes on.

We have places in my home State and in other places of the Southeast where we are 20 inches of rain below normal. And I will talk about that and will have more to say about it as the evening goes on. But this impact adds up over time. It impacts every person in the Southeast. It impacts animals, it impacts vegetation, and it certainly has an impact on the land.

This drought, frankly, is the worst one that people who are now living can remember. And in some places in my State, people who are approaching 100 years of age say they have never seen anything this bad. We know that this entire region has had, in some places, 10 inches less rain, others plus-20. And I was on the phone just today with one of our small towns working with the Governor's office. They will be out of water in 60 days. We are struggling to get water lines to them just to help them out.

But tonight I'm going to talk about a broader issue of it is impacting the people who live on the land, who provide our food and fiber in this country. This area has been the hardest hit. And it's a broad area, as you can see here. It's in the State of Arkansas, Mississippi, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and even parts of Maryland.

In North Carolina, Governor Easley has issued a state-wide ban on burning, and he has asked citizens to halt all nonessential water use. Just this week he took another step, and he asked our citizens to reduce their water use by 50 percent by Halloween. And this drought has affected our farmers to an extent so great that it is now affecting rural communities across North Carolina. And I'm sure, as my colleagues come this evening, they will share with you what's happening in their State across the Southeast.

I don't know if my colleagues can see here, but certainly North Carolina is predominantly red because now, and I will talk about it in a few minutes, almost every county, almost all 100 counties are in what's called the "extreme drought," and I will talk about that; but my congressional district falls 100 percent in the extreme drought area.

And it does have an effect on rural communities, but it also affects suburban and urban communities. Plants are having their production levels cut to save water. Several communities have only a few months of water supply remaining. And I just talked about one that has no more than 60 days. It has now cut production in one of the plants that employs roughly 2,000 people; it has cut their production back to 3 and 4 days. They're hauling water in water tankers just to keep operating. I know that this is the case in several of these other States as well, and I look forward to hearing from my colleagues.

What we really need is a good rain. Members of Congress think they can do a lot of things, but they can't do a whole lot about rain. We can talk about it, we can pray for it, we can wish we were able to get it; but the truth is we can't do anything about it. And when we can't do that, what we can do is help in ways we can help.

In my district, the Second District of North Carolina, as I've said, the entire district is virtually in the exceptional drought area. That is the most serious category of drought you can have. Farmers have had to struggle all year in this very difficult situation.

The crisis that this drought is is underlined by the two critical variables that seem to be working against us.

First is the self-sustaining cycle that a drought of this magnitude can trigger. For this region to recover any time soon, we will need at least an additional foot of precipitation. We're not likely to get that. This late in the year, we normally get the ocean tropical storms out of the Caribbean. There was a time when we worried about hurricanes. We have people in North Carolina now saying we wish we could get one because they would get rain.

Mr. Speaker, I'm working in Congress to provide some relief. The House Agriculture Committee is holding a hearing on Thursday to help shine the spotlight on this growing disaster, and it really is a disaster of large proportion.

I wrote a letter to the President asking for assistance. This letter was signed by 54 of my colleagues, both Democrat and Republican. I assume it takes a long time for a letter to get to Pennsylvania Avenue. I haven't heard anything from him. I assume that Pony Express will show up one day, maybe it went with Turtle Express, but I do hope to hear. We have asked that some money be included in the supplemental that the President requests. And I understand he sent a supplemental down, but there was no request in it. I hope he will reconsider because these farm families may not be able to make it another year.

They pay taxes when they have money. They're God-fearing people. They help in their communities. And they deserve, when they have tough times, for their government to help them because they've helped others when they've had tough times.

Farmers are some of the most resourceful, ingenious, productive people around; but there is not much you can do to grow crops or raise livestock or produce poultry and pork without some of the essential things you need, and rain is one of those things. And you need feed.

Mr. Speaker, this is why we're here tonight, and this is why we all work together. And we're going to work to create an awareness to this problem. And we're going to put a fire under our colleagues, if necessary, and we're going to do the same at the White House if it takes that because our farmers and rural communities desperately need assistance. It is my hope that we can pass a relief package and that the President will sign it into law.

These are good Americans. They don't live someplace around the world; they live here in the United States of America. As I said earlier, they're taxpaying citizens when they have money.

Now, let me yield to my good friend from North Carolina, MIKE MCINTYRE, who also understands this problem. His district is caught in the red area also. So I yield to him for whatever time he may consume.

Mr. MCINTYRE. Thank you, Mr. ETHERIDGE. And I want to thank my colleague, BOB ETHERIDGE, for requesting this time tonight. Indeed, we all stand together, knowing that the severe drought which is gripping the southeastern United States has already destroyed millions of acres of valuable crops, Mr. Speaker, not only in our home State of North Carolina, but throughout the southeastern U.S. And, unfortunately, the situation is only going to get worse.

Today, North Carolina experienced yet another day of dry weather. Months upon months of hot temperatures, scorching sun back since early this summer, and little to no rain since then have brought about dead and dying crops, soybeans, corn, hay, cotton and nursery crops, in particular. During my travels around southeastern North Carolina, both the summer and this fall, I met with many farmers about this issue. Back in August, during our recess, I met with farmers then who feared the worse, and now here we are months later and unfortunately their nightmares are coming true. If we had not experienced significant rainfall by the Labor Day weekend, we were going to have even worse problems and, indeed, we have. Where lush green fields of corn once stood, ragged brown stalks, beat down by the sun, now dot our rural landscape; constant reminders of how devastating this drought is proving to be.

During August, I met with and talked with farmers from several counties. I asked North Carolina Governor Mike Easley, on behalf of our area's farmers, to request a disaster declaration as severe drought conditions existed in most areas, and I know my colleagues have done the same.

I also wrote then-Secretary of Agriculture Mike Johanns and the President to request their assistance. And subsequently, upon the return to Washington after the August recess, I then also asked the leadership of both parties here in the House to help us to help those in need because, indeed, this is not an issue about political parties. This is an issue of economic survival, and ultimately, it's going to affect everybody.

You know, Mr. Speaker, and to my friend, Congressman ETHERIDGE, and those others who are joining us here tonight that you will hear from shortly, this is something that affects everybody's pocketbook. We all depend on food and fiber for our very survival. And this is an issue that is now going to affect all of us here in our neighborhoods back home, in our communities, indeed, across our State of North Carolina and throughout the Southeast, and ultimately across this Nation.

According to USDA loss estimates, 85 of our State's 100 counties have reported excessive agriculture losses due to drought for at least one significant crop. And major losses have been reported already on corn, cotton, tobacco, soybeans, pastures, hay and peanuts. And those numbers continue to rise, Mr. Speaker, as farmers harvest what's left of their crops.

I also joined my friend, Congressman ETHERIDGE, in signing a letter to the President as well when we returned from our recess.

Now, for many families in our district, farming is their sole source of income, and any significant loss of yields is financially devastating. As we all have been hearing from our farmers, they may not even be able to make it until next year, and many may be forced to sell the land they have just to pay their bills. And even if North Carolina were to see some significant rainfall, most crops are already too far gone for it to make a difference at this point.

What these folks need now is disaster assistance to help them pay their bills, to make sure that they can remain on their farms and get ready to plant again in the spring. It is also important for all of us, as communities and as citizens, to realize that this is going to affect all of us beyond the farms into our very homes. And now people are realizing that with preventative measures they're having to do to avoid wasting water.

It's imperative that we support our farmers during this dire time so that we may ensure a safe and abundant food supply for which we, in America, are known and which is important to all American citizens. We need help, and we need it now.

And let me just say that this drought reaches, indeed, beyond the farm to citizens throughout regions now across the country. Restrictions on watering lawns and washing cars have now turned into calls to even reduce shower times. And public schools and some places now have started to switch to paper plates to conserve water.

Our Governor now has called on even greater restrictions in North Carolina. And there are great concerns that we not only need rain to help the farmers, but this drought has affected every citizen, and our supply of water for all needs, in industry, in home, in schools, and throughout all sectors of society.

We must all begin to think about long-term strategies to conserve water and protect the vital water supplies of countless communities through, not only North Carolina, but, indeed, the rest of the southeastern U.S. With meteorologists now calling for continued warm, dry weather, the urgency of addressing this worsening drought continues to rise, and the need for financial assistance is greater than ever.

The time is now to act. I thank my colleague for helping us bring attention to this tonight in this time we have. And I know several colleagues from not only throughout North Carolina, but across the South, are going to be speaking tonight on the floor. We must act. We must stand in one voice. We must stand across party lines. And we must give the assistance that is needed now.

Mr. ETHERIDGE. I thank the gentleman.

I have just changed the map here for my good friend, Mr. SPRATT from South Carolina, to give a little bit better view of the South Carolina area that his district falls in. And it reaches, of course, into North Carolina, South Carolina, Virginia, as I said earlier, Tennessee, Kentucky, all the way down to Alabama.

As my colleague, Mr. MCINTYRE, said, and I think my friend from South Carolina will confirm, you know, these are the things, it sort of starts to weigh on you as the drought gets worse and worse. You know, not being able to water our lawn, wash your car, take a long shower is an inconvenience; but if you're a farmer and you don't have the water for your crops, it's catastrophic. Because you not only have an opportunity to lose your livelihood; you could lose your means of future livelihood if you ultimately lose your land and the equipment that you till it with.

So I would yield such time as he may consume to my good friend from South Carolina, the gentleman, Mr. SPRATT.

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Mr. SPRATT. Mr. Speaker, I thank my good friend for yielding and thank all of you for participating in this Special Order tonight. You know, we tend to think of ourselves as urbanized, even in the Southeast these days. But in South Carolina, my State, and even more so in North Carolina, agriculture is critically important as part of our total economy. In South Carolina, 46,000 full- and part-time jobs are supported by agriculture. That is 22 percent of all the jobs in our State; $15.1 billion in income is attributable to agriculture, 17 percent of the State's total income.

I could go on to show that even now in the 21st century, we in the Carolinas and throughout the Southeast still have a lot of agriculture, and we are critically dependent upon it. Our farmers and our people throughout the Southeast are faced with just about the worst drought I have seen in I don't know when. And it keeps getting worse and worse. I went to Marlboro County, probably one of the most agricultural counties in the 14 counties I represent. I couldn't believe what I saw. And it hasn't gotten any better since then. Soybeans that never develop. There is no pod. Cotton that is barely worth getting out of the fields. Hay, peanuts, pastures, you name it, they are all suffering. It is basically at the level of being catastrophic unless we can help and help soon. In Marlboro, back in September, the threshold for the Department of Agriculture in declaring a crop or an area a disaster area is 33 percent crop loss. Marlboro County in September, 2 months ago virtually, at least 6 weeks ago, had 67 percent of its crop already damaged. It is worse by now I am sure. I represent 14 counties, small-town counties, proud counties, but still dependent on agriculture, and 13 of those 14 counties were included recently in a disaster declaration from the Secretary of Agriculture. That is how widespread the disaster situation is.

Our Commission of Agriculture estimates that in South Carolina alone, the losses are going to equal $500 to $600 million. Now, most people don't know it, but most farmers today, responsible farmers, carry crop insurance underwritten and subsidized by the Federal Government. But it is not enough to cover their losses. It is partial recovery, but it is not nearly enough. The existing law requires, allows disaster relief and other forms of relief to farmers who have suffered from natural disasters, provided that they planted their crops or harvested their crops before February 28, 2007. Unfortunately, that applies to very few of our farmers in the crops that they plant. Consequently, they have next to no coverage, next to no protection from disaster relief that some farmers in other parts of the country would enjoy.

Basically what we would like simply to see happen is for our farmers to be cut into the same program of relief that other farmers are enjoying by virtue of existing agriculture law. That is what we are asking for. And there's several different ways to do it. Supplementals will be coming through here with capital improvements in various parts of the world, Iraq, Afghanistan; we could afford something in those bills for our own farmers. The farm bill itself will be coming back here in conference report. Maybe there is some way we can adjust it to provide for us. The Agriculture appropriations bill has not yet been passed. There are lots of opportunities.

We are here tonight to say we need the help of everyone, beginning with the administration. The Bush administration could initiate this process by requesting in the next supplemental some sort of assistance for these farmers, as was done and should have been done for the farmers suffering from wild fire on the west coast and, by golly, that will be a big first step and help us finish the process, carry the ball across the goal line here in Congress.

We are here tonight from all over the Southeast to bring the same message to the Congress, to the country and to the Bush administration. We are hurting, hurting bad. And if we don't get some sort of relief, it is going to be devastating for our farmers.

Thank you very much for the time you have yielded.

Mr. ETHERIDGE. I thank the gentleman, and he is absolutely correct. Let me share some numbers, and I think the same could be said for South Carolina as in North Carolina. This is from the National Government, and this map here was actually from the U.S. Department of Drought Monitoring and it is dated October 16. It is worse today than it was on the 16th because we have had no rain.

Let me just share some numbers, and it will be the same that is true in South Carolina, Georgia and all these regions that we see in red. For instance, as a State as a whole in North Carolina, just talking about topsoil moisture, 73 percent short, very short, 21 percent short. Translated, what that really means Statewide is you can't plant grain for the fall. The ground is so dry it will not germinate. In the mountains, 81 percent, very short, 16 short. In the piedmont, 87 percent short, 13 percent very, and even in the coastal plains 53, 34. From the mountains to the coast in North Carolina. South Carolina probably faces some of the same challenges in terms, and if you look at the crop conditions, and this was over a month ago, cotton, very poor and poor to fair, 80-some percent; pastures, 99 percent either fair, poor or very poor. I share that on pastures because there are a lot of cattle in South Carolina as there are in North Carolina. The price of cattle at the auction market has dropped $15 a pound since early summer. Now farmers are being forced to sell because of no hay, no grazing for the winter, and guess what is happening? They are getting hit twice. They are buying hay to feed the cattle that they have left, and the ones they are selling they get less money.

Now, the people in the Midwest faced this several years ago. This is something we haven't faced before. I will go through the others later. But at this time, my colleague from eastern North Carolina, where he is facing some of the same drought areas, one of the heaviest agricultural areas in North Carolina, my good friend, G.K. BUTTERFIELD, I yield to you such time as you may consume.

Mr. BUTTERFIELD. I want to thank my friend, Congressman ETHERIDGE, for yielding me this time. This is a very important issue for North Carolina, and I want to thank him for allowing me to come to this floor tonight to add my comments to this subject. Also I want to thank my good friend MIKE MCINTYRE. He spoke just a few minutes ago. MIKE and Congressman ETHERIDGE both are dynamic leaders of the Agriculture Committee. They both serve as chairmen of subcommittees on the Committee on Agriculture, and they are leading the way. I want to thank them publicly for their extraordinary leadership.

But, Mr. Speaker, I have come to the floor tonight to, again, talk about this serious drought. My colleagues are absolutely correct. North Carolina is experiencing its worst drought in 50 long years. In fact, nearly three-quarters of North Carolina's 100 counties, that is 75 or more counties, are experiencing an exceptional drought, the most severe category listed by the Drought Management Advisory Council. The council also lists the remaining counties as experiencing extreme drought or severe drought conditions. This is very serious for North Carolina.

The conditions have been so severe that several of our communities have as little as 3 months of water left remaining. If North Carolina does not see significant rain, some areas face prospects of water rationing. Yes, water rationing, or potentially running out of water entirely. The climate data shows that this spring and summer was the area's driest period since 1948.

North Carolina, Mr. Speaker, is taking this problem seriously. Currently, 106 public water systems have already adopted mandatory water restrictions, while 118 have enacted voluntary restrictions. I was on a program a few nights ago with the Speaker of our House of Representatives in North Carolina, Speaker Joe Hackney, and I told Speaker Hackney that I would be on the House floor tonight with our friend BOB ETHERIDGE and we will be talking about the drought. The Speaker of my House told me, "Congressman, with all due respect, you need to talk about more than the drought. You need to provide resources for the farmers and others who are affected by the drought."

This is very serious. As anyone can imagine, the effects on agriculture have been brutal. Congressman ETHERIDGE talked about it a few minutes ago and Congressman MCINTYRE and my friend Congressman SPRATT, they all talked about it. The effects have been absolutely brutal. It is estimated that peanut production is down about 20 percent from this time last year. Hay production has been cut nearly in half, and soybean production is down by more than a third. My colleagues, that is serious. In many parts of my district, and Congressman ETHERIDGE has the map there with him in the well of the Chamber, these conditions are so dry that the soil at the bottom of drainage ditches has started to crack, and water in streams and creeks has ceased to even move. For many, the water table has also dropped to the point where there is virtually no water in the ground. The drought also means that there is less water available for our cattle and horses and other uses. At this point, some farmers will likely have to abandon their crops, particularly our peanut farmers. The consequences will be even more serious if there is no significant rainfall between now and February.

Our U.S. Department of Agriculture declared 85 North Carolina counties disaster areas last month, making farmers eligible for low-interest emergency loans. And we are certainly thankful for that. But our farmers still need more help, and that is what Congressman ETHERIDGE was talking about a few minutes ago. We are facing the kind of disaster that could push many of our farmers out of business and off of their farms. Congress must move quickly to avoid worsening this natural disaster.

So, I am confident, I am extremely confident that the Democratic majority will rise to the occasion. We will certainly encourage the leadership to do that. We will make the resources available for our citizens. And I pray, Mr. Speaker, that the President of the United States would not veto that legislation, that he will sign it into law.

Thank you, Mr. ETHERIDGE, for your extraordinary leadership, and thank you for what you mean to North Carolina.

Mr. ETHERIDGE. I thank the gentleman, and I couldn't agree more that, you know, when you look at our State, really, all this whole region is suffering, but according to the numbers by the Drought Monitoring Council in the Department of Agriculture, if you look at North Carolina specifically, North Carolina is still reporting more drought impact than any other State from the mountains to the coast. Now, all these in the Southeast are hurting. But in North Carolina, as one farmer said to me the other day, and I mentioned this earlier, he said, "You know, if you can't water your lawn, that is an inconvenience. If you can't wash your car, you can drive it a little dirty. You can cut back on the shower. But my ponds are empty, so I can't irrigate my fields. So I am facing the forces of nature, and I could lose everything I have got." That's a sad situation to be in. But it is a reality. When that happens, you know, farmers are the last ones to sort of stand up and say, "We want the government to help us." They usually want to say, as you well know, "If you just leave us alone, we can get our jobs done." But this is one of those times that many of them won't make it without help. And it is certainly true in your area as it is in mine.

Mr. BUTTERFIELD. Mr. ETHERIDGE, are you beginning to hear from our farmers across North Carolina? Are they calling your office like they are calling my office?

Mr. ETHERIDGE. They are.

Mr. BUTTERFIELD. I discern a sense of desperation among our farmers. They are looking to their Federal Government for a response. Is that what you are finding?

Mr. ETHERIDGE. I am. I thank the gentleman for yielding. I do. And it is one of those things where, as I said earlier, it didn't start this year. It really started last year, as you remember. We had a dry winter, then a late frost that hurt the spring crops, and then we had a dry summer that led into the fall, and now they can't plant the fall crops because there is no ground moisture. So there is a level of desperation that I can't remember having seen in my lifetime. Certainly we are hearing from farmers on a daily basis just saying, "What can we do? What kind of help can we get to get through this?" because they know they have no ability to make it rain.

□ 2015

Mr. BUTTERFIELD. If we don't do it, it won't happen.

Mr. ETHERIDGE. That's exactly right. If we don't get it done, it won't get done. I appreciate you being here tonight. Thank you for coming and joining us.

According to the National Drought Monitor Center, North Carolina is still reporting, as I said, the largest drought impact in the United States at this time. The crop conditions are devastating.

Let me just share with you an example of a farmer from Autryville, North Carolina. He grows watermelons. He said, We have suffered at least 25 percent for our early summer crop and an 80 percent loss of the later plantings in August and September. We had over 500 acres of watermelons.

Now for the people who go to the grocery store, they are going to feel that impact because not having products produced close to home, that they don't have a lot of transportation in, that they know where it comes from, they get a good, fresh product at a reasonable price. That won't be there. He said, All of our ponds ran out of water in both the watermelon and the cantaloupe fields even though we only used drip irrigation. You say, Why would the water run out? Because we had the hottest summer on record. When you have a hot summer, you get a lot of evaporation. If you get no rain, you get no opportunity to replenish it.

He said, Our cantaloupe crop wasn't hurt much more than 25 percent totally. However, a 25 percent loss starts to eat up our profit when you have over 300 acres of cantaloupes that were early. Pumpkins. We experienced 100 percent loss on our 100 acres of pumpkins. Even though we were able to irrigate some of them, we ran out of water. The excessive heat caused very poor pollination, which resulted in no fruit set.

Now, for those who are listening this evening here in the Chamber and those who may be watching on C-SPAN, what they are really talking about is you have to pollinate those flowers, and if they don't get pollinated and don't set, you get no fruit. So all of a sudden, after all the work he put in, the expensive inputs, there's no money at the end of the year.

He said his wheat crop was about a 65 percent loss due to the drought conditions as far back as February and

March. Remember, I said earlier we had a dry fall last year, it went into the winter, and then we had the early frost that hit the wheat and the oats and a lot of our late grains. So he winds up with a 65 percent loss there.

Then his other crops, and this is just one farmer, and I will share with you in a minute what these products mean in terms of dollars just in North Carolina. I could use other States, but since North Carolina is my home, I am going to use that State. It has an impact because roughly 25 percent of North Carolina's gross domestic product is really tied up in agriculture. Peanuts. Our loss ranged anywhere from 30 percent to 75 percent below normal yields due to drought. That was just a plain lack of rainfall.

Now, some of you might say, Well, why would the rains be so great between 30 percent and 75 percent for a farmer who had peanuts. You have got to understand, the rain, what little rain we got this year, and, remember, I said earlier it rains, depending on where you were in the State, 10 inches below normal, to as much as 20. If you happened to be in one of those 20-plus inch areas, then your peanuts didn't do much of anything, or anything else. So that was part of the problem. It could happen within any given county. This is one of those unusual drought years.

He said, I planted soybeans. Even though we haven't started harvesting soybeans yet, there is nothing there to harvest. We have 500 acres of soybeans. So those of you who don't have an idea how much 500 acres is, I will just share with you that if you had a good yield on 500 acres, and you yielded say 40 bushels an acre, you can figure it up right quick if soybeans are $7 a bushel. You can see how much prospective income you have just lost. You have already got all the expenses of getting your land ready, buying the seed, putting the chemicals on it if you had to spray it for pesticides or something. This year they probably wouldn't because it was so dry. Any time you have a dry year, you're more likely to have pests eat it. That is a real problem.

Just this past Monday I was in the field with a gentleman who actually farms in Johnston in Wake County. Mr. Jordan carried us into one of his grain fields of soybeans, showed us his sweet potatoes. Let me just read to you what he said when I visited him. He is a hardworking guy. He has farmed all of his life. His dad farmed the land; his son is now with him.

He said, I just had a third of a crop of sweet potatoes come in, and the ones we harvested, and for those of you who know what I'm talking about, number one potatoes are the ones you get your money for, and the others don't turn out too good. They're good potatoes, but people go to the grocery shelf and they may not buy them. Most of them were not number ones.

Then we went to his soybean field, and in that field, and I grew up on a farm, my son still farms, I participate in it a little, and I would venture to say we opened some pods on some of the soybeans, and those of you who ever had a BB gun know how big a BB is, and a soybean is supposed to be a lot bigger, like a pea. And they were like BBs.

Of course, when they go through and harvest, they will go right through the harvest and wind up back on the ground. They are great to help the birds a little bit, but it's going to be devastating for Mr. Jordan and farmers like him. He said, The heat has been as big a factor as the drought. Of course, all of you know the heat contributes to the drought, because it was the hottest summer on record in the State of North Carolina and in the Southeast.

He went on to say he has cattle. He said there is not enough hay to cut to justify running the machinery, so we are to spend a lot of money for feed to help these cows get through the winter. We have farmers in North Carolina hauling hay great distances, others that cannot even buy it, hay that was $20 and $25 for a big bale has now gone from $40 to $50, and in some cases they can't even get it. This is why they are asking for help. This is why this Democratic Congress, and I hope my Republican colleagues, and I pray the President, will do the right thing and sign legislation to help.

Mr. Jordan has estimated that his gross loss will be somewhere between $115,000 and $200,000 on his fall harvest. He is a large operator. He might weather it. But it will take him years to recover, because the machinery he uses has got a year's use on it and it is getting worn out and he has no money to make it happen. He said, I hope we can salvage some of it. We will try to save what we can. And I just say thank God for people like him and other farmers who are willing to continue to get up early in the morning, work in the hot sun, and take the huge risk that it takes to provide food and fiber for all of us in America.

Let me share with you something about what is happening with what we call the "green industry." The green industry, of course, is our nursery industry and a host of those things tied to it. These numbers are for North Carolina.

The green industry contributes more than $8.6 billion to the economy of North Carolina. The green industry alone employs roughly 151,000 people. Due to the drought thus far this year, the green industry has laid off 30 percent of their labor force and revenues are down 40 percent. Let me repeat that again: 40 percent.

Now, that will be felt not just this year. That is going to be felt for a number of years, because that means, number one, you can't expand. Number two, you can't buy new equipment, and all of those people that they buy trucks, tractors and equipment from, they are going to feel it.

As you can see from the map here, as I said earlier, the situation in North Carolina and the entire region is dire. Fifteen more counties were just moved into the worst category of drought, exceptional, this week. We talked about 85 already. Fifteen more have been moved into it. We hope to get some rain this weekend. Every time we get promised rain, it tends to split and get away. We hope we do. But more is needed to make it. When you have as much area having drought as we do, it just seems that it gets tougher and tougher.

Let me share with you one other thing. I think it was my good friend Mr. BUTTERFIELD was talking about how he saw streams that were cracking. I was up toward Siler City about a month ago in the Upper Piedmont, western part of my district. It was the first time in my lifetime I have seen trees along streams that were dead. Not the leaves falling off, trees were dead, because the streams had long since dried up. And anyone who knows anything about forestry, a tree near a stream tends to have its roots fairly shallow and in the water or close to it. These streams had been dry so long, the trees didn't have deep roots so whole trees were dying. You could see long strips of trees along streams that were dead. Farmers had been feeding hay since late July.

I keep repeating this because this is a critical situation. You know, you can be in Washington and you can come into this nice building and you can have plenty of food every day, but one of these days, if we don't take care of the people who provide food and fiber, we might face that challenge too.

So I hope my colleagues understand how serious this situation is, and I hope the people at the White House understand. I pray that the President will send a request to help not only our folks in the Southeast that are going to take a long time to recover, but also those on the west coast that we see on TV tonight, and it looks like it is going to be awhile, who have lost a great deal as well.

These things, if they do not deserve an emergency appropriation, I pray ask, what does? If we can't help the people in this country, who can we help? When can we help them, if we can't help them when they are hurting?

Mr. Speaker, almost 85 percent of the land area of my State is now designated as being either extreme or exceptional drought. To my knowledge, that has never happened in my lifetime. I have talked with people who are almost 100 years old, and they never remember it.

Fifty-four percent of the land area is in the exceptional category. That is up from 38 percent just last week. And, as I said, all of the State is in at least severe drought, with the last three counties in the moderate category now moving into severe.

On October 18, the North Carolina Drought Management Advisory Council Web site listed the number of North Carolina counties in each category as follows: D–4, that is exceptional, 71; D–3, extreme, 18; and D–2, severe, 11.

□ 2030

We talked earlier about the challenge we face with water. And water is important to sustain life. I mentioned earlier about Siler City. I want to talk about that again because that county has probably suffered as much or more as any county in the district, agriculturally as well as the city of Siler City. They are down to 60 days of water. Tonight I want to thank the Governor of our State, Mike Easley, and his staff and some of the folks from USDA who have worked together to try to make sure that the town has water. They have been hauling water with trucks to keep roughly 1,500 to 2,000 people working. As I said when I began to speak, they are now down to 3 or 4 days a week. It looks like they are going to break ground, because of the hard work of the Governor's staff, on a waterline that will hopefully get them over the hump. But we still need rain and we need help.

These two plants, Pilgrim's Pride and Townsend, provide a lot of jobs, but they also provide an opportunity for our farmers to have income who produce a lot of poultry in our State. They provide a lot of food for the table of a lot of Americans who don't want to think about it, who don't want to know about it, who really aren't interested in it. They just want to go to the meat counter and have good, safe, plentiful, affordable food supply.

Mr. Speaker, to do that it is incumbent upon every Member who took the oath of office in this Chamber and the other body across the hall and the President of the United States, if we can get together a bill, pass it, and we should, for him to sign it, to make sure that these folks continue to make it.

I saw on Monday the sad commentary of what a major drought can do. I was on our farm with our son Saturday. We spent an hour or two and were going to put a cover crop in. We actually put some in last Saturday. He said to me I probably made a mistake; it might not come up. He is probably right. This Saturday we decided not to plant anything because the ground was so dry it wouldn't germinate.

I happen to believe our food supply is part of our national defense. It is part of our homeland defense, and Members of Congress I think will rally. Farmers face some of the toughest perils that I can imagine when they invest their money in the spring and depend on weather to make it. Make no mistake about it, somewhere in America almost every year there is some catastrophic event tied to agriculture. Some of it is tied to our beaches with hurricanes. It is tied to tornadoes in the Midwest. It is tied to earthquakes. It is tied to a lot of things. We have always responded. We have always helped, and we should. Now is the time, Mr. Speaker, to help the people in the Southeast at a time when we have the toughest drought that we have ever faced.

And I am pleased that we are now joined by my colleague from Wake County who understands this. He represents some of the agricultural area, but we are very fortunate to have him chairing the Appropriations Subcommittee on Homeland Security, and he certainly understands that our agricultural production is part of our national security as much as protecting our homeland. If we can't have cotton and corn and soybeans and those things we enjoy having on our table, then we are challenged. And I yield to the gentleman from North Carolina (Mr. PRICE). He can see from the map as well how North Carolina is the worst of all of the southeastern States by the drought monitor.

Mr. PRICE of North Carolina. I thank my colleague for yielding. That map before us is an all too familiar scene, I'm afraid. We have seen the drought areas growing and growing each week in the newspaper depictions of our weather pattern. It is very, very dry up and down the eastern seaboard. In the Washington, D.C. area, this is a serious situation as well. But my colleague is right; no State has been hit harder than North Carolina. And the devastation started in the western part of the State at first, but has now swept across the State, and we have severe drought conditions, I think, in every one of our North Carolina counties. The situation is dire.

The gentleman from North Carolina (Mr. ETHERIDGE) who serves so well on the Agriculture Committee and also the Homeland Security Committee, has done us a service in organizing this Special Order tonight and bringing this serious problem to the attention of our colleagues and to the attention of the country.

If anyone has spent any time at all in the Southeast this summer and fall, it would be difficult for the enormity of the drought not to catch your attention. We see it daily during our time in North Carolina. We are not simply talking about brown suburban lawns or needing to take shorter showers, although both of those are realities. The hot and dry conditions of the past several months have dried up our lakes and killed our crops. They are threatening the water supply of many communities, and they are irreparably damaging this year's agricultural output.

It is that damage to agriculture that brings us here tonight. North Carolina boasts one of the most diverse arrays of agricultural products in the Nation, yet crop yields in North Carolina and other southeastern States are down across the board. There is not a crop that is not affected.

Last month, following our Governor's recommendation, the U.S. Department of Agriculture designated 85 of North Carolina's 100 counties as disaster areas, and all 85 of these counties have lost at least 35 percent of at least one major crop.

Such losses are not confined to farming in rural areas. They may hit the smallest farming communities the hardest, but they inflict serious pain on the entire economy of an agricultural State like ours. They are felt throughout the country, seriously affecting the Nation's food supply and prices.

This may be a regional drought, a disaster that is centered in the Southeast and in North Carolina in particular, but there is no doubt it is a national problem and that national attention is called for. We need to focus attention on this challenge in this body.

Congressional attention and action are demanded. That is why we signed a letter to the President requesting that he include disaster assistance in any supplemental appropriations request. I am disappointed that yesterday's request failed to do so. I know my colleague shares that disappointment, and I suspect he has talked about it a good deal tonight already.

I am hopeful that the Appropriations Committee will pay attention to tonight's remarks and understand the scope of this problem and take appropriate action. I am a member of that committee, and I plan to press for disaster relief wherever and whenever it can be achieved. I urge all of my colleagues to do the same.

Again, I commend my colleague for calling this Special Order and for his dogged persistence in looking out for our farm communities, but also understanding the implications of this disaster for the economy as a whole.

Mr. ETHERIDGE. Let me thank the gentleman and thank you for your leadership not just on this, but other issues as well. North Carolina is one of those States, I couldn't help but think as you were going through the list, as you talk about the drought, and over the years being here talking about floods and hurricanes because North Carolina, as folks can see on this map, we sort of stick out in the Atlantic and we get whacked by hurricanes and we have had floods. I thank the gentleman for his leadership over the years. He has taken the leadership on the Appropriations Committee, and we will lean on your broad shoulders again as we work through this because it is important.

Let me share with my colleagues in the little time we have remaining what Brian Long, who is a spokesman for the State Department of Agriculture and Consumer Services had to say. He said, "We cringe a little more each month because it is going from bad to worse."

And I say that because every day that it doesn't rain it gets drier, and every day that it gets drier, it means that more and more farmers move closer to the edge. Don Nicholson, a State regional agronomist, said: "It's the worst I've ever seen. My mother is 76. She talks about how bad it was in the early fifties. That is the only reference point that I have." And what he was saying was fifties were bad, but 2007 is worse.

Mr. Speaker, as I close out tonight, I want to thank my colleagues for coming and joining me to talk about this issue, to call attention at the national level because truly this is a problem of national proportion. As the gentleman from North Carolina (Mr. PRICE) said, it may now only affect the Southeast, but it really is a national issue. It is national in that we are all in this together, and it is national in that this will ultimately affect the table of families across this country in one way or another, because if cotton production is down, it will have an impact. And for all of the fruits and vegetables, it will have an impact. And soybeans and corn over the long haul, because if you have to pay more for feed for pigs and poultry, it is reflected on the tables of American consumers and people around the world.

Mr. Speaker, I trust we can get a bill through and I trust that ultimately the President will send us a request in one of the supplementals where he is asking for additional money from this Congress. And if not, that we will put it in and that he will sign it. That's the least that we can do for the people in this country who work hard every day, who play by the rules, who are good folks and deserve an opportunity to continue to do the things not only that they love, but provide food and fiber for our tables.

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## DREAM ACT IS AMERICAN NIGHTMARE

The SPEAKER pro tempore (Mr. MITCHELL). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, as always, I very much appreciate the privilege to address you here on the floor of the United States House of Representatives.

Having sat here and listened to the discussion that was presented by our gentlemen from the Carolinas and talking about the drought in the Southeast, I am quite interested in the map that they have laid out for us to see.

Coming from an agriculture State and district myself, I will say I have significant empathy for the drought plight in that part of the country. That huge area of bright red tells me how tough it must be down there where it hasn't rained very much in a long time and gives me a sense before how long it will be before you can see green again in your part of the country, Mr. ETHERIDGE. We have lived through that in past years, and I can tell you, it goes deeper than just looking at a picture. It goes to the very lives of the people you represent.

I yield to the gentleman.

Mr. ETHERIDGE. I thank the gentleman for yielding.

I remember when we went out to South Dakota and through Iowa and how tough it was when it was dry. I will always remember with my good friend, JERRY MORAN, we flew into Kansas last year to do a hearing on the ag bill. Lo and behold, when we flew in, it was raining like the dickens. I said, "JERRY, you have been talking about how dry it has been for so long."

He said, "Yes, and all of a sudden we got plenty of water." Hopefully we will get back there, but you do understand. Thank you for your help. I think this is an issue where we have to pull together and help. I thank you for your leadership and help on the Agriculture Committee, too. I appreciate that.

Mr. KING of Iowa. And I thank you. We will work together on this issue. There is nothing your producers can do when it doesn't rain. Perhaps we can have a hearing down there and it will bring rain like it did in Kansas.

Mr. ETHERIDGE. That would be great. Thank you.

Mr. KING of Iowa. Mr. Speaker, I wanted to express those sentiments, but I come to the floor tonight to discuss a different subject matter.

□ 2045

The subject that I've chosen to discuss tonight is the Dream Act, and I do so because a vote on cloture is scheduled on the floor of the United States Senate tomorrow sometime, I believe, in the afternoon.

The DREAM Act, Mr. Speaker, you will remember is an act that's been pushed for several years here in the United States Congress and also pushed at the State level. What it is about, it is a bill with a wonderful name, and once you read through it and think about the ramifications, it's not such a wonderful bill. It has actually meant the demise of a number of public figures. People who have served in this Congress, people that have served in the State legislatures and people who have aspired to serve in this Congress have found themselves enamored by the wonderful name, the DREAM Act, but also trapped up in and captured in the pitfalls of the reality of what's behind this DREAM Act.

So, Mr. Speaker, if you will permit, I will describe what the DREAM Act does, and that is, it provides, let me say it this way, an opportunity for in-state tuition discounts to go to people who are otherwise unlawfully present in the United States, usually younger people that have graduated from high school. It gives them in-state tuition discounts, or allows the States to do so, and then gives them a conditional legal status in the United States provided they enter into college or enter into the uniform services, not always our military, but some type of uniform services.

This sounds good over the top of things, but it works out to be this: it defies a current Federal law. In fact, it has to amend a current Federal law, a law that's been defied by at least 10 States, and it's a law that was in the 1996 Immigration Reform Act, sponsored by now-ranking member of the Judiciary Committee, LAMAR SMITH of Texas.

This legislation in 1996, current Federal law, Mr. Speaker, prohibits a State and institutions of higher learning from granting residency in-state tuition discounts, breaks on the costs of the education, to students who are unlawfully present in the United States, that's a nice word for illegal aliens, Mr. Speaker, unless those universities and those States that set that policy grant that same tuition discount to all students who are lawfully present in the United States wheresoever they might reside.

So let me just draw an example, being from Iowa. Let's just say, for example, that there is a student that grows up on the east side of the Mississippi River and a resident of Illinois who wants to go to college at Iowa State University. And if Iowa had the DREAM Act as a policy, and they defeated it in the State legislature a couple or 3 years ago, actually let it die in committee as I recall. But if that student who grows up and goes to a high school in Illinois, a resident of Illinois, chooses to go to college at Iowa State, they will pay an out-of-state, nonresident tuition of about $16,000 a year; and by the way, a resident of Iowa will pay about $6,000 a year. So not quite three times as high if you're a nonresident student.

And by anecdote, I can tell you that in California the numbers are comparatively about $3,000 a year to go to school at a California institution if you're a resident, and I believe it's about $23,000 a year if you're a nonresident. You pay that kind of premium if you come from out of state to go to school in-state. Each State sets their own policies. These numbers aren't hard; but, conceptually, they're accurate numbers, Mr. Speaker.

So the out-of-state student, the nonresident student, pays a premium to go to college at an institution in a State that they're not a resident of. That's been a longstanding practice so that the State can encourage, foster, and subsidize the education of their residents in the hopes that they have highly educated students that will stay at home and grow the economy of the State that pays the taxes to support those institutions of higher learning.

But that's a little too convoluted, Mr. Speaker. I'll just say that States want to help their own residents. So they've set these policies, and that's why it costs more money to be an out-of-state student going to school in another State than it does to go to school in your own State, a longstanding practice.

The DREAM Act turns that all on its head, and for illegal alien students who have come into the United States in violation of the law, whom if ICE, Immigration and Customs Enforcement, were to be required to deliver this in-state tuition discount, let's call it a voucher, it's not, it's a discount, but if they had to deliver it in the form of check or a voucher and if ICE had to deliver that, Immigration and Customs Enforcement, they would be compelled to pick up that prospective student and send them back to the country from which they came so that they could be legally residing in their home country.

That's the law, Mr. Speaker, and the Dream Act turns this on its head. It grants people who are here illegally, all the way up to age 30, if they will enter into a school and start their studies on a 2-year study program or if they will go into the uniform services, not necessarily our armed services, then they get conditional residency or conditional legal status in the United States. And then, if they keep their nose clean, they get a green card which is lawful, permanent residence, and it's about 5 years to citizenship. And the formerly illegal immigrants have access then to all the chain migration tools that anyone else has who comes here legally for those who have respected our laws.

Now, that means they can bring in their siblings. It means they can bring in their children. It means they can bring in their parents, and that whole chain migration can start over and over again.

We had a chart that was put together on the chain migration that comes with the policy that's there that's called family reunification, and it looks like about one legal immigrant can bring in about 277 family members by the time you go out through the chain of the family tree. That would also be true for an illegal immigrant who would be granted amnesty under the DREAM Act.

So in-state tuition discounts, amnesty for illegal aliens, put this bill, this bill that if the cloture as has been filed and if it successfully passes tomorrow, then the Senate will go to a vote on the DREAM Act. If they do that and the House should take up the same bill and then the President should sign it, you will have illegal aliens who will be sitting in desks in the institutions of higher learning within our States studying, going to college at the expense of the taxpayers and at the expense of the Federal taxpayers because we do appropriate funds that go into these institutions.

As you know, Mr. Speaker, there are only so many desks in a classroom. There are only so many slots in our institutions of higher learning, and that's why we have admissions requirements. That's why you apply and you put in your grades and all of the other qualifications that are there, and very tough decisions are sometimes made by these universities to allow people to come in and study there or to cut them out.

You will remember some high-profile cases. For example, the affirmative action cases at the University of Michigan and at the University of Michigan Law School. There are only so many desks that are available. Imagine granting an in-state tuition discount to someone who came across the border and into the United States illegally and someone who is getting a $6,000 education, when the student sitting in the desk right next to them is a United States citizen, naturalized or born in the United States, whose mother or father has served perhaps in Iraq or Afghanistan, who has perhaps been killed over there to defend our freedom, and that poor student without a father or a mother has given their life for our freedom is paying out-of-state tuition prices to go to school at their preferred institution, sitting in a desk next to someone who is unlawfully present in the United States and would be deported if it weren't for this DREAM Act that grants them amnesty.

Now, that sets up a friction in this society, Mr. Speaker, that's illogical. It's irrational. It rewards the wrong thing, and in the end, it would not be tolerated by the public if they begin to understand what this really means.

The Department of Homeland Security, Michael Chertoff's DHS, under this DREAM Act would not be able to go in and use any of the records; and so if they want to protect this society, if they want to go in and apply the law, they can't even look at the records that are there that are part of the data that's compiled to grant this supercitizenship to people who are eligible for deportation. And I say supercitizenship, Mr. Speaker, because this supercitizenship path, by the way, grants more rights, special rights to illegal aliens to go to school in our institutions of higher learning at a tuition discount.

For example, if you have a legal alien, someone who has applied for a student visa or has lawful, permanent status, lawful permanent residency here in the United States, a green card, and they're going to school at an out-of-state institution, they have to pay the out-of-state tuition rate. If someone comes in from Korea or Guatemala or let's say Russia, Poland, comes into the United States legally, student visa or under a green card, maybe even in a path to citizenship, and they have a residency in New Jersey, they can't go to school in New York with an in-state tuition discount, and they sure in the world can't go to school in California for $3,000 because they'll be considered an out-of-state resident and they will be.

That's the way it is for American citizens, both naturally born and naturalized. That's the way it is for people who have followed and respected and honored our immigration laws, whether they're on a student visa or whether they're here on lawful permanent residency, a green card. They all have to follow the laws of this country, and they all have to pay the going rate that reflects their residency of their State.

And consider, Mr. Speaker, if you will, consider the children of military families, whether or not they've lost a parent in this global war on terror. Those children move around a lot, and some of them don't qualify necessarily for the in-state tuition discount maybe anywhere, and they would be paying a premium as a son or a daughter of our military veterans, sitting next to a desk of someone who before this act would be passed today will be unlawfully present in the United States, subject to deportation who would end up getting a discount for the tuition.

This is the bill, Mr. Speaker, that the Senate proposes to bring up tomorrow with their cloture vote; and if they vote cloture, and we'll have this debate on the floor of the United States Senate, and you're going to be able to, Mr. Speaker, look across over to the Senate and be able to evaluate the set of values that the United States Senate brings to the table and this set of values that produces supercitizenship, superaccess to citizenship for illegals.

I recall some of the debates that we've had here on the floor of this House. Discussions and speeches, I should say, rather than debates; and I recall how easy it is for some of the Members to look at this and conclude, well, this is the DREAM Act, and why would we want to punish kids who are simply here unlawfully? Can't we give them an education, and isn't that a better thing? Yes, if your view is that simplistic, Mr. Speaker, if that's all the view is, isn't it better for the kids that would be beneficiaries of this? The answer is yes.

But we could grant in-state tuition discount to every kid in this country, and in my State it would cost several hundred million dollars. The State legislature is not willing to do that. The current law is, if you grant that in-state tuition discount to students who are illegal, then you grant that same discount to everyone in the United States, wherever their residency might be. And so all of those students that are paying out-of-state tuition, that $16,000 in Iowa, would end up getting the $6,000 annual education as opposed to the $16,000 education. A $10,000 premium that's there that's levied against all of those students that come from other places around the country and the world would all be level down to $6,000.

They can do that today if they choose, Mr. Speaker; but they will not do that because the boards of regents and the State legislatures across this land don't want to take the financial hit. They don't want to level the premium. They don't want to give this kind of benefit to all American citizens. They don't want to give this kind of benefit to the sons and daughters of our military. They don't want to give this benefit to those who are legally emigrating here into the United States. And they don't want to give this benefit to those who are on a path to citizenship here in the United States provided they're not residents of the institution in question.

No, sir, Mr. Speaker. This is all about special right, special treatment for people, for students that are unlawfully here; and the numbers break out to be something like this. A million, more, we don't know. There's not a cap on it, but the best estimates say more than a million; and we know that when you grant benefits, it attracts more people. And there will be people that will come into the United States illegally and present themselves to go to college at a tuition discount, and they will say, oh, yes, I've been here that 5 years or so that the Senate bill requires that I'm here; and by the way, I have these falsified utility bills and rent canceled checks and things of that nature that say that I've been here so I meet the minimum standards. Give me that tuition discount, too.

That's the view and the strategy, the special extra citizenship rights that come with it for more than a million people. And we know also, Mr. Speaker, that whenever you open the door up and you count the numbers, the numbers get greater, not smaller. Ronald Reagan said, what you tax you get less of; what you subsidize you get more of.

And we are here talking about opening the door to subsidizing significantly a two-thirds discount, a 66 or 67 percent discount, on college tuition for people who are eligible for deportation.

□ 2100

I think it's breathtaking how far they are seeking to reach over in the United States Senate. I think the people understand this. I think they understand that this is a super amnesty plan. Whatever your heart says, can we just please engage our brains for a little bit and think about what this means; what it means if we give in-State tuition discounts to people who are unlawfully present in the United States, those who, as I said earlier, if ICE, Immigrations and Customs Enforcement, had to deliver the paperwork that said here is your tuition discount, they would be compelled to pick these students up and send them home again. Some of these students up to the age of 30 are taking advantage of the soft heart of Americans.

So extend this on out, what's the motive? Some is driven by the churches, I understand. I appreciate the ministry that they provide. You know, I am a strong proponent and adherent to the values that come from our churches and the good movements in America that come from the pulpit. But if the churches from America believe that we should be providing in-State tuition discounts for those people that the law says need to be sent home, can you please pass the collection plate. Don't come here to Congress and ask that we squeeze that out of the sweat of the taxpayers, because they are the ones in the end that pay the price, and the American citizens that won't have a desk in a classroom, because that desk is already filled by somebody who gets a cheaper rate than they can get.

There is only so much room. There are only so many benefits. We can help in the foreign countries better than we can open our doors here for an unlimited amount of people coming in. When we undermine the integrity of our immigrations system, when we do so, we take away the options that are constitutionally bestowed upon this Congress. The Constitution directs us to set the immigration policy here.

I recognize that we have a legal and appropriate right to deal with acts like the DREAM Act. We ought to shoot it down. We ought to vote it down. We should defeat it. We should not let it slide its insidious policy across the halls here between the Senate and the House of Representatives. It should not be passed.

In fact, the Senate has three times here in the 110th Congress, three times just this year, voted to defeat the DREAM Act because they understood the political repercussions from the American people who understood what amnesty is. This bill grants amnesty. This bill says, it says that if you are here unlawfully, if you are subject to deportation, but if you apply for this DREAM Act and apply to go to school, under a super discount, we will give you conditional lawful status here in the United States. That's amnesty. It's also a path to citizenship, and it opens the door for family reunification, the chain migration that we talk about. It does all of those things. That's amnesty.

Amnesty, to define it for the benefit of those who have heard a lot of different definitions, the consistent definition of amnesty that addresses this is the definition that we have used in the Judiciary Committee over and over again. In our debates as we mark up immigration bills, in our hearings as we cross-examine the witnesses on immigration, to grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crimes, to pardon immigration lawbreakers and reward them with the objectives of their crimes. That's amnesty. That's what the DREAM Act does. That's what's moving, that's what's cooking, that's what is shaking over in the Senate.

By the way, the beneficiaries of this act don't have to finish their college education. All they have to do is engage in it for a couple of years. That starts the ball rolling. As I said earlier, they don't have to serve in the military; they just have to serve in the uniformed services. There are many holes in this act.

Let me take this, if I can, back to another subject matter that's associated with this, and that's the subject matter that also threatens to find its way into legislation that we expect will be moving in the United States Senate, and that's AgJOBS. AgJOBS is a bill that grants amnesty to people that are unlawfully here that are working in the agriculture industry, people that are picking lettuce, as Senator McCain has so well illustrated. And the AgJOBS bill says if you have been here for 5 years and you apply under this AgJOBS, we will grant you a lawful status here in the United States. That also is amnesty.

The AgJOBS bill that looks like it's most likely to emerge in the United States Senate gives a path to citizenship, provides immediate lawful presence here in the United States, a path to citizenship, a reward to immigration lawbreakers, a pardon to immigration lawbreakers and the reward of the objective of their crime, which is, we presume, in most cases their objective was to get jobs here in the United States.

I would point out that the low-skilled jobs here in the United States have the highest level of unemployment. It's not the other way around. There is no statistical data that supports that this country is starved for low-skilled workers.

When we look at the low-skilled workers, the unemployment rates go over 10 percent, well over 10 percent. American citizens are being bumped from jobs, those jobs. Low-skilled, undereducated American citizens who were born here and naturalized here are being bumped from those jobs by illegal aliens who are taking those jobs cheaper.

Of course they can. In fact, they have to, because some of the job market they can't compete in, in the legitimate part of the job market. So they all come in and work cheaper, but on the other hand they don't have the risk of liabilities that go along with steady employment like a citizen does with a regular address who has the obligations to make their contributions to the Federal Government, to the State government and to the local government.

It's not to say that many of the illegals don't pay taxes, but here is where it comes to me this way. Someone who presents a Social Security number, that's often someone else's, and sometimes it's just a made-up number. They then have been consistently hired to go to work through a number of different professions; most, I will say, many of the professions. They will often record the maximum number of dependents with the H.R. team that's there for the company so that they get the highest amount of take-home pay and the least amount taken out for their Federal and their State income tax in the States that have income tax, and that's almost all.

If you have someone come in, and let's just say they are making $10 an hour, and let's say it's 40 hours a week, and it's simple math, and I am just doing it as I stand here, so that's $400 a week. The withholding that would be there for the State taxes at $400 and for the Federal tax at $400 a week, if you would claim a number of dependents, let's just say six or seven or eight, you are already in the category at that kind of wage where you wouldn't have any withholding for Federal income tax, you wouldn't have any withholding for State income tax. You would still have to pay the payroll tax, Social Security, Medicare, Medicaid.

That gets sacrificed to the no-match Social Security file, of which there are hundreds of thousands of no-match Social Security numbers on record. The deposits that go in on those keep growing in the Social Security trust fund. Now, that's a whole different speech, but the sacrifice is made on the part of those illegals who are working on an assumed Social Security number, not their own, obviously. They sacrifice the payroll taxes, Social Security, Medicare and Medicaid because it's cheaper to do that and it's possible to do that.

Their take-home pay is their gross earnings minus the payroll tax, Social Security, Medicare and Medicaid, 15 percent of that, half of that, and the employer matches the other half, but no withholding for Federal and for State.

I get from the parking lot of some the companies that I represent the check stubs from these workers. Americans will pick them up off the parking lot where they get torn off and left in the wind to blow. I have manila envelopes full of these that have been kind of crinkled up, walked on, a little muddy, a little dusty. They are like an accordion in a manilla envelope.

I take those out and look through them. Check stub after check stub, not a dollar withheld for Federal income tax, not a dollar withheld for State income tax. Of course, the payroll tax has been paid. At least the names are not on those check stubs, and I don't recall if there are Social Security numbers on them. That's the kind of thing that's going on all over the country.

The taxes that are paid from sales tax, the contributions that go to property tax, yes, there is a tax contribution, but there is a tax evasion that's there, and it's obvious. To turn in no-match Social Security numbers and go to work under those standards is a standard practice. The AgJOBS component of this is amnesty. It does grant a pardon to immigration lawbreakers, and it does reward them with the objective of their crime, and it rewards an industry that's grown more and more dependent upon illegal labor.

You know, I understand that when you have got a crop in the field, you need to get that crop out. When you plan for this, you have to also plan for the labor. I also recognize that there has been a growth in the labor-intensive agriculture in this country, because there has been an easy and a steady and a ready supply of cheap, illegal labor to come in and do that work in the fields. So it's inhibited us from developing the machinery that we might otherwise develop to more mechanically plant the crop and harvest the crop and maintain that crop during the growing season and to transport it.

If the labor is cheap, you are not going to develop those things, you are not going to do the bioengineering that has been done with the tomato plant that makes it mechanically harvestable. I can make a more clear example that would be something like this.

I have a constituent, whom I have great respect for, that is a very modern agriculture producer. I believe he has at least a 16-row planter that he puts the crop in with in my part of the country. I also understand that he has bought land in Brazil where they raise cotton and soybeans. When I ask what kinds of chemicals he uses to control the weeds in the cotton, he says, "I don't use any." I said, "Well, how can you raise cotton without herbicide?"

Well, he says, "I have 96 people, each with a hoe, that go down through the rows of cotton that hoe that cotton. When they get down to the other end, they turn around and they come back to the field in a different row." Ninety-six people paid $3 a day cultivate that cotton with a hoe.

Now, the only thing that has changed in that technique since the dawn of agricultural time was we have a metal hoe instead of perhaps a bone or a wooden hoe. That technology that has been there has been there for hundreds and hundreds of years. It hasn't moved an inch.

Same kind of thing down through those rows of cotton, chopping cotton with a hoe. That's what's going on from the same operation where you have a man who is a very modern person with the most modern equipment in the upper Midwest who markets his grain and does his purchases, very, very astute, on the Internet, professional in his field, very well respected, active in the professions that had to do with the ag industry. But when the economics dictate that you can hire 96 people with a hoe for $3 to $4 a day and it's cheaper than putting a machine out in the field where you put a man on the machine and you buy the fuel and provide the repairs and you have to buy some spray in order to kill the weeds in that cotton, when the math works out that stoop labor is cheaper than mechanized labor, that tells you something about what happens when labor is cheap. It slows the growth of our society. It slows the development of our society. It inhibits the development of our technology and puts us in a situation where we actually de-adopt the technology. You park the 16-row planter, that's only figuratively speaking, and you put the people in the field with the hoe. That's literally happening. It's not just happening there; it's happening on thousands and thousands of farms in the areas in the world where labor is cheap.

Our idea here in the United States is we don't have enough cheap labor. I would look back through history and challenge anywhere over here on the other side of the aisle to rise and ask if I will yield, I would be happy to yield, if you can give me an example, if you can give me a single example of a society, a culture or a nation that has failed or collapsed due to a lack of cheap labor. I would submit it's the other way around. Societies have been undermined from within because they didn't have enough higher education or technological background to keep up the paces or keep up with the times.

If you look at the States that are highly educated and highly skilled. They have the highest income, the highest average income. They have the highest household income. They are the most prosperous people. And this Nation should be about raising the average annual productivity of its people.

So one might submit, what are we going to do for the labor, how are we going to harvest, how are we going to harvest that lettuce if we don't have enough people who are willing to go down and pick that lettuce? How are we going to do the celery? How are we doing to go into the peppers, the strawberries, the tomatoes? We have that a little more mechanized now. How do we do all of that?

If everyone woke up tomorrow morning in the country where they can legally reside, not ICE doing their job, but if just miraculously that magic wand, poof, caused that to happen where Michael Chertoff didn't have that job any longer of providing the transportation to send people to a legal country, if that happened, what would then happen to the economy of this Nation?

□ 2115

And I hear scare stories coming out of the Wall Street Journal, out of Wall Street, out of, I don't know how to describe the words here, kind of a nouveau aristocracy in America that seems to think somehow they have a birthright to cheap labor and a birthright to somebody to take care of their lawn and their garden and their mansions, and that they will raise their children in a gated community and send them off to an Ivy League school, and so they'll never really be burdened by this growth of the lower class that they are promoting, and they think they have a birthright to that.

But I would submit this: That's not what America is about, Mr. Speaker. The strength of America has been an ever-broadening middle class, a middle class that's ever been more and more prosperous. We don't want to shrink this middle class. We don't want to suppress their growth and their improvement. We want to broaden the middle class and we want to lift it up.

And by the way, we don't want to expand the middle class, Mr. Speaker, from the ranks of the upper middle class. We want to expand the middle class from the ranks of the lower class. But for the first time in the memories of living Americans today, and maybe for the first time in the history of this country, we are seeing the lower class expand, the middle class shrink and the aspirations of middle-class Americans diminish.

Now, if we look at young people that grow up in Middle America that decide a college education is not for me, I just want to get my high school degree and go to work at the plant, punch the clock and earn a pretty good wage, maybe earn a living wage, and go home and take care of my family, my kids, play ball with the kids, cut the grass, go fishing, take time off on the weekends and live this life of this American Dream, buy a modest house and pay for it, send the kids to college if they want to go. Does any child that gets that high school degree and doesn't aspire to a higher education have a hope of being able to do those things in today's economy, Mr. Speaker? And I'll argue, it can be done. It's unlikely that it will happen, because the wages of the lower skilled and lower educated have been so suppressed by the ranks of illegals and unskilled lower skilled illegals who have come into this economy.

And I'm hearing from the people on Wall Street and in the Wall Street Journal that this country can't survive economically if we don't have that 12 to 20 million people to do this work that "Americans" won't do. All work Americans will do, and there's not a job in this country you can't find an American doing it. Americans are doing all kinds of work in this country.

But here's the magnitude, and that is, there are 6.9 million working illegals, by the statistics that are put out by the people that do this analysis. That's 6.9 million out of about 12 million. That's the standard numbers we've been working with. I think it's more than 20 million, but this proportion works out in any case.

Out of the 6.9 million working illegals, that's part of, that's 4.7 percent of a work force that is 142 million. So 4.7 percent of 142 million, and if you do the math I think it comes out to 6.9 million. That's how many working illegals we have. Okay. That represents 4.7 percent of the work force. But they're only doing 2.2 percent of the work, Mr. Speaker, because we measure the annual output under the gross domestic product of our workers.

And because those who are here unlawfully working in this economy are, on average, lower educated and lower skilled, their production, even though they're 4.7 percent of the work force, is only 2.2 percent of the work, Mr. Speaker. And so if you have a work force that's doing 2.2 percent of the work, and let's just say it's a factory that has 1,000 people in it, everybody working diligently, and that factory does all their work in an 8-hour day, and you went to work as the CEO at 7:30 in the morning, sat down at your desk, and a memo hit your desk that said you're going to lose 2.2 percent of your work force today, they're not showing up.

Now, say that's at 7:30, and yet you need to meet your production quota by 5:00 that night when everybody clocks out. They clock in at 8. They clock out at 5. They need to get 1,000 widgets made that day, and you have to figure out how you're going to solve that problem as a CEO when 2.2 percent of your work doesn't show up. And I'll submit, here's the answer. Any CEO can figure this out easily. They'd sit down and do the math and say, well, we've got to get our production up. So people aren't going to show up till 8:00, that's all right. When they get here at 8:00 we're going to let them know that we're going to cut their coffee break in the morning by 5½ minutes. We're going to cut their coffee break in the afternoon by 5½ minutes. That adds up to 11 minutes out of the 8-hour day; 11 minutes out of an 8-hour day is 2.2 percent of the overall day.

And so the illegal work force in America, if you look at the United States as one huge macrocompany, and if that work force just stopped producing for that day, you would be losing 2.2 percent of that day's production. If we did all of our work in this country in an 8-hour day instead of a 24-hour day, that's 11 minutes out of 8 hours. And if it's a 24-hour day, you've got about a little over 3 minutes out of each shift is all that it amounts to.

I can't be convinced, Mr. Speaker, that this economy would come to a screeching halt if that happened to gradually drift away from us because the administration began gradually enforcing the law. I can't think that it's a cataclysmic event that would be, that would come falling down on this economy. I can't think it would slow us down. I believe, Mr. Speaker that we would recover in a heartbeat from that kind of a transition.

And that's presuming, Mr. Speaker, that that 2.2 percent of the work force that's being done by illegal labor is all essential work. And if we look across at some of that work, some people are taking care of lawns. Some garden. Some are cleaning the houses. There's work out there that we could find a way to recover from. Like somebody said to me, oh you want to enforce a law, but who is going to flip your steak? Who's going to cut your grass? Well, Mr. Speaker, I cut my own grass, and I flip most of my own steaks, and if I had to flip every one of my steaks to preserve the rule of law in America, I'd be very happy to do that.

That's really the essential pillar here that we're talking about with the immigration issue in the United States, and that is, what are you willing to do to preserve the most essential pillar of American exceptionalism, the rule of law? Are you willing to cut your own grass? Are you willing to flip your own steaks? Are you willing to shorten your coffee break up for a little while, by 5½ minutes, morning and afternoon, or 3 minutes a shift out of a 3-shift day if you're working 24/7? Are you willing to do those things? Would you notice the difference if you didn't? Would the nonessential work in the United States shrink if we didn't have economical illegal labor to do that work?

Mr. Speaker, if you bring me 100 people that will work for a dollar an hour, I guarantee you I can figure out a way to make a living with that. I can find a way to put them to work where they're going to return four, five or six or seven or $8 an hour to me. And so the cheaper labor gets, the more demand there is. And yet we have people that are considered otherwise to be wise, economic gurus who seem to, well, I will say just flat advocate that we should set the immigration flow into the United States, legalize all of those who would want to come here, legalize every willing traveler, Mr. Speaker, as long as there's a demand for their labor.

And I will submit that the more labor there is, the lower the price will be. The lower the price there is, the more demand there will be. Labor, Mr.

Speaker, is a commodity like any other commodity in that the value of it is determined by supply and demand in the marketplace. Labor is a commodity. Corn, beans, gold, oats, crude oil, you name it, Mr. Speaker, you name it, they're all commodities. And the value of those commodities are determined by supply and demand in the marketplace. Corn's up, beans are up. Can't get the cotton out of the field, I heard in the previous Special Order. It's not worth bringing it out I guess if the price is that low, according to Mr. SPRATT. But the value of labor will be determined by the supply and demand, what the market will bear.

And so if we flood this economy with low-skilled labor, as we have, we will see unemployment rates in the lower-skilled ranks, the lower-skilled jobs go up, as we have. Unemployment rates of over 10 percent in some of the lowest-skilled jobs. Those rates go up. And that shouldn't be a surprise to any of us.

But it might be a surprise to some of the elitists who have a different view of this country than I have. I grew up in Middle America, small town and rural America, a place where we understand the value of hard work, a place where our parents, our grandparents, our ancestors, if they were here in this country long enough, goes back always to drive a stake out in the ground and homestead the land and make your living out of that and start your business and grow your community and your family and your churches and work with your neighborhoods and make this place a better place than it was when you came, and earn that with the sweat of your brow, and work hard, but work smart and build for the future generations.

That's the roots that I represent from the middle part of America. We respect hard work. We respect honesty. We respect integrity. We respect the values of faith and family. And yet we are sons and daughters of immigrants. And, in fact, I remember walking into a community building in one of the small towns that I represent, and this is a very German community. There were about 400 to 450 people in there for a benefit auction for a friend of mine. And I began to ask the question, how many people in here grew up in a German-speaking home or else their parents did? It was almost everyone in that building, and yet they fly the flag, they are some of the most self-sacrificing patriots this country has produced. They understand these American values and they understand the rule of law. They came here legally. They have great pride that they have adapted themselves to the American society and culture and prospered and handed to their children and their grandchildren the things they dreamed for their children and grandchildren, but in a society that was not just intact with the rule of law with respect for the rule of law, but one that was actually strengthened by their adherence and respect for the rules and for the law.

And here we are, in my opinion, the central pillar of American exceptionalism is the rule of law. If we don't respect the laws of this country, then what foundation have we?

And I will always make the argument that our rights come from God, and that they're passed through the hands and the minds of our Founding Fathers who, I believe, were guided, they were guided by God to put down for us the parameters of this free Nation to be a guiding light for the freedom for the world. And who are we to trail in the dust the golden hopes of men if we aren't willing to defend this rule of law, this rule of law that preserves our property rights, our freedom of speech, religion, press, assembly, all of the freedom from double jeopardy and the list of all of those rights that were in the Bill of Rights. Who are we to trail that all in the dust because what, because we have an emotion that overcomes our intellect, because we've severed ourselves from the thing that we've inherited from the Greeks, the age of reason.

We've lost our reason and lost our way if we believe that a good name for a bad bill supersedes the rule of law. The DREAM Act is a good name. I wish I'd thought of that. I'd have stuck it on something too, only it would have been a good bill underneath the title. This is not a good bill under the DREAM Act. This is a bill that directly undermines the rule of law. It rewards law breakers, Mr. Speaker, and when we do that, we can't hope to sustain the rule of law in America any longer. If we have 12 million, 20 million people who are granted amnesty, maybe under the DREAM Act it's only a million for starters. That will grow, and the chain migration will grow from that, and your one million could conceivably and I don't think literally it could happen but it could conceivably go out to more than 200 million.

That's how the stats map it out. And we know that's pretty unlikely that it would go that far. But if it's one million people going to 2 million or 3 million under the DREAM Act and we grant amnesty there, and then we have the AgJOBS component of this that grants amnesty to people who are here illegally, working illegally for about 1.5 million for starters, and then, we work with this myopic idea that if there's a demand, that must indicate how many we need, even though the more cheap labor you have, the more demand there will be for more cheap and cheaper labor. And it makes a simple economic equation. The unions used to understand this, Mr. Speaker. They used to understand that they wanted a tight labor supply. And so I'll go back to that.

But the DREAM Act is a bad bill that grants amnesty for a million or more people that would do the chain migration for their families, attract more, and more would be signed up.

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By the way, there is no cap on this. There is no deadline. The way this bill is written, applications for in-State tuition discounts, special super citizenship rights for illegal aliens goes on and on. It never ends. It isn't that just the people that are here right now today, but it's the people that would forever apply. So the number clearly is over a million. And 2 million, 3 million, 5 million, we know how these things go. It always gets out of hand. It's 1½ million under AgJOBS, those who have been working illegally in our fields. But that 1½ million is for starters and it goes on and on. And when we get to the full amnesty package that the Senate three times has voted down now and now wants to give us the components of their amnesty plan, their comprehensive amnesty bill, one bitter pill at a time, things that have bad bills with good names, slip them to us one at a time, put them in a package into the Senate and send them over there in a must-pass bill. Plan that strategy, and as this amnesty number grows from a million under the DREAM Act, 1½ million under the AgJOBS piece to the next component and the next component and the next component of amnesty, and we end up granting, as the Senate advocated, a comprehensive amnesty plan to not 6.9 million or 12 million, but everyone who is here illegally right now. That number some say is 12 million. I think it is more than 20 million. We grant amnesty to them, and they will do as those recipients of the 1986 amnesty bill did. They will be the strongest advocates for another amnesty plan.

And if you will notice, no one here in the House of Representatives, Mr. Speaker, and no one over across the Rotunda to the United States Senate has said, well, this comprehensive amnesty plan is an amnesty to end all amnesties. They haven't said that. First, they are still in denial about it being amnesty, and yet not one of them will define amnesty unless they have found a way to define it around where their bill is exempted, but it isn't an objective definition. They won't stand up and tell you to grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crimes. But those 12 or 20 million would be advocating the same way that the 1 million who were to be the recipients of the amnesty to end all amnesties in 1986 that turned out to be more like 3 million who were the recipients of the 1986 amnesty. They were advocates of more amnesty. They say, well, that's been good for me and it's been good for my family, so we need more of that. And all of them who advocate for more amnesty are undermining the rule of law.

And they are a smaller number by comparison. It started out by being 1 million. It turned out to be 3 million or more. The 2 million difference was mostly fraud, counterfeit documents, people that came in here and took advantage of the sympathetic nature of the American people. And so with 3 million advocates for amnesty, 2 million of them beneficiaries of fraud, and 1 million were actually the target of the 1986 amnesty bill that Ronald Reagan at least had enough integrity to declare it to be the amnesty bill to end all amnesties, they have been advocates for more amnesty.

Imagine what 20 million beneficiaries of an amnesty would be. A mass lobbying group for family reunification, chain migration. Bring in your unlimited number of family members directly in here under that path and then have them all. Not just those who received amnesty but those who were beneficiaries of the chain migration from those who received amnesty. They turn into the tens of millions and perhaps more, maybe more than 100 million and on up who have little respect for the rule of law, who have been rewarded for breaking the law, who have now come to believe that if a law is inconvenient and enough other people don't respect and honor that law, eventually Congress will capitulate and change the law to accommodate your behavior.

That is no kind of a Nation to have; not when you have a Nation like this Nation, the unchallenged greatest Nation in the world. We are beneficiaries of the sacrifice and the vision of our Founding Fathers, and we are charged with defending those values and handing this country over to the next generation in better condition than when we found it. Not worse. Not digressing into anarchy where the law is disrespected and where it has no value and no teeth. Not turning us into a class envy society. Not turning us into a society where we are pitted against each other, a society of victimology. Not that. Not a society where we point our finger at people and call them names rather than make an empirical argument. We need to be rational human beings. We're the beneficiaries of the Age of Reason in Greece where they actually built a culture around the idea that they could think rationally and connect their thoughts in a rational fashion and defend the conclusions that they had drawn by the sequence of the deductive reasoning that got them there. That is a foundation for our science, the theorem, the hypotheses, a number of other approaches to Western thought that was founded in the Greek society 2 and 3,000 years ago that found its way across through Europe and had a pretty good stay in France during the Age of Enlightenment. And as the Western civilization, the core of it, the dynamic moving force rolled out from France in the Age of Enlightenment over into the United States and arrived here at a time when we had a continent that was just begging to be settled, full of natural resources, and a free enterprise economy with property rights and low and sometimes no taxation and low and often no regulation, and we had a people that set about the manifest destiny to settle this continent from the Atlantic to the Pacific ocean and did so in record time, in an historical blink of an eye. We were able to do many of those things because we had also learned the talents and the skills and had built within our culture that ability to deductively reason.

And today we have people who emote, people who feel. We have college professors who teach their students never say anything except "I feel" or you can say "I believe," but if you say "I think this," your thoughts can be challenged, but your feelings cannot. So I feel, and then someone will tell you I feel we should pass the DREAM Act. I feel we should pass AgJOBS because I feel for the beneficiaries of this program. And, by the way, I feel that we need more cheap labor in this country, and I feel that food would be more expensive, and I feel that there is work Americans won't do, and I feel we ought to bring people in here or those who came here in here and legalize them because they will do the work that Americans won't do. So in the end, even though there isn't any data out here that supports my irrational feelings, I just feel this, and therefore you ought to follow my feelings.

How can a Nation, Mr. Speaker, how can a Nation meet the challenges of this global, modern 21st Century if we are going to be guided by these feelings that trump rational thought and empirical data?

I will submit, Mr. Speaker, that one of the foundations, one of the pillars of American exceptionalism, the central pillar is the rule of law, but one of the pillars is this culture, this unique American culture was the recipient of the work of the Age of Reason from the Greeks and a recipient of the enlightenment from Western Europe and primarily from France that came here at the dawn of the Industrial Revolution with all the natural resources. And we grew this Nation, yes, on a Christian-Judeo foundation, a work ethic, called a Protestant work ethic until they found out that Catholics did pretty well with that work ethic too. We understand some of the things that made this a great Nation. But letting our feelings rule our thoughts is not one of those pillars of American exceptionalism. That is an example of American intellectual weakness, that we can't confront these issues with our minds, with our reason, with our data, because with that data we can see where this can take us.

The DREAM Act, the act that grants in-State tuition discount to people who are eligible for deportation. Now, I just cannot rationally get to a conclusion that that is the best way that we can spend taxpayers' money or send a message to the broader society. I believe we need to adhere to the rule of law. I believe we need to stand on the rule of law, and we need to enforce the rule of law. And it needs to be respected by the States, the States like California and Kansas and about eight others who have decided to defy the Federal law and grant in-State tuition discounts to illegals within their State institutions but charge out-of-State tuition premiums to the residents of other States who might want to go to UC Berkeley or the University of Kansas or a number of other schools within those two States and eight other States that are defying Federal law. And we are still taking this through the courts. And the DREAM Act, Mr. Speaker, invalidates all lawsuits that have been brought forward to enforce the Federal law which establishes the requirement that these States grant the same tuition discount to residents of other States that they might to illegal aliens in the desks in their own schools in their own States.

AgJOBS, another amnesty plan. AgJOBS says if you worked in this country and worked in agriculture, worked for the preponderance of, and that is my word, not the bill's word, 5 years, we are going to grant you provisional legal status here in the United States. Legal status under the DREAM Act, legal status under the AgJOBS act. You add them up, and by their numbers, that's 2½ million who get amnesty. They won't call it amnesty, obviously, Mr. Speaker. But we know those numbers would be significantly larger.

And then when one grants the special status, the special conditional legal residence in the United States to these people, what's the argument to deny it to anyone else? What's the argument to deny a reward of the objective of their crimes to all who have broken immigration laws except perhaps those who are convicted felons and those who have conducted themselves in otherwise abhorrent fashion?

This is irrational, Mr. Speaker. The American people often don't understand what this legislation is. That's why there is such a concerted effort to strategize on how we name a bill here in this Congress, how this bill is named, because that is all that people hear is the name of the bill. They don't get to read it. Most Members don't read the legislation that comes through this place. But the public doesn't read the bill, and if they did, they don't really have the opportunity to examine the components of it. So to critique the legislation, they have to rely on somebody else. So the practice is give it a nice sounding name, and then when I do my press conferences and talk to the press, they will ask me, Here's a list of one, two, three, four, five really nice sounding pieces of legislation. You voted against all five of them, Mr. KING. Why did you do that? And my answer is it is a nice sounding title, but it is a horrible bill. And you will see that happen often, especially since the gavels have changed hands in here in the 110th Congress, Mr. Speaker.

So I reiterate to you and to the people that are overhearing this conversation that we must draw the line. We need to pick up the phones and call the United States Senate again. We need to shut down their telephones in the switchboards in the United States Senate and tell them we don't want a DREAM Act. We need that killed in the United States Senate. We need to cease this amnesty. We need to preserve the central pillar of American exceptionalism, the rule of law.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Mr. HOYER) for today and October 22 on account of a death in the family.

Mr. POE (at the request of Mr. BOEHNER) for today until 2 p.m. on account of official business.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today until 4 p.m. on account of family illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SARBANES) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. THOMPSON of Mississippi, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. WALDEN of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

Mr. RYAN of Wisconsin, for 5 minutes, today.

Mr. POE, for 5 minutes, October 30.

Mr. DAVIS of Kentucky, for 5 minutes, October 25.

Mr. JONES of North Carolina, for 5 minutes, October 30.

Mr. BILIRAKIS, for 5 minutes, October 24.

## BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 23, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 1495. Water Resources Development Act of 2007.

## ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 24, 2007, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3823. A letter from the Deputy Under Secretary for Logistics and Material Readiness, Department of Defense, transmitting a report on the Deprtment's Program for Planning, Managing, and Accounting for Civilian Contractor Services and Contractor Personnel during Contingency Operations, pursuant to Public Law 109-364, section 815; to the Committee on Armed Services.

3824. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting an interim report on the activities of a working group tasked with identifying the needs of National Guard and Reserve Members Returning From Deployment In Operation Iraqi Freedom or Operation Enduring Freedom, pursuant to Public Law 109-364, section 676; to the Committee on Armed Services.

3825. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

3826. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 42(b) of the Arms Export Control Act, notification that the Government of Egypt has requested that the United States Government permit the use of Foreign Military Financing for the sale and limited coproduction of 125 M1A1 Abrams Tank kits; to the Committee on Foreign Affairs.

3827. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Thailand (Transmittal No. RSAT-03-07); to the Committee on Foreign Affairs.

3828. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Republic of Korea (Transmittal No. DDTC 087-07); to the Committee on Foreign Affairs.

3829. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Governments of Denmark, the Netherlands, and Belgium (Transmittal No. DDTC 052-07); to the Committee on Foreign Affairs.

3830. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 080-07); to the Committee on Foreign Affairs.

3831. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment to the Government of Australia (Transmittal No. DDTC 050-07); to the Committee on Foreign Affairs.

3832. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

3833. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3834. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3835. A letter from the Assisant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3836. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's third quarter committee report for Fiscal Year 2007, including a summary income and expense statement to cover the period October 1, 2006 through June 30, 2007, pursuant to Public Law 106-58; to the Committee on Oversight and Government Reform.

3837. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3838. A letter from the Administrator, Small Business Administration, transmitting the Administration's strategic plan for fiscal years 2008 through 2013 in compliance with the Government Performance and Results Act of 1993 (GPRA); to the Committee on Oversight and Government Reform.

3839. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2007 through September 30, 2007 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 110-67); to the Committee on House Administration and ordered to be printed.

3840. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Ceanothus ophiochilus (Vail Lake ceanothus) and Fremontodendron mexicanum (Mexican flannelbush) (RIN: 1018-AU77) received September 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3841. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-AV12) received September 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3842. A letter from the Assistant Secretary for Fish and Wlidlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018-AV12) received September 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3843. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Indiana Regulatory Program [Docket No. IN-156-FOR, Administrative Cause No. 06-046R] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3844. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-251-FOR] received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3845. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 061020273-7001-03] (RIN: 0648-XC05) received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3846. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2007 Summer Period [Docket No. 061020273-6321-02] (RIN: 0648-XC70) received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3847. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC90) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3848. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC91) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3849. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC88) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3850. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC89) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3851. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic Region; Closure [Docket No. 060525140-6221-02] (RIN: 0648-XC83) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3852. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel With Gears Other than Jig in the Eastern Aleutian District and the Bering Sea Subarea in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XC56) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3853. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC47) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3854. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC22) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3855. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Coast Groundfish Fishery [Docket No. 070323069-7117-02; I.D. 031907A] (RIN: 0648-AV46) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3856. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea/Aleutian Islands Fishery Resources; American Fisheries Act Sideboards [Docket No. 0612242886-7464-03; I.D. 041307D] (RIN: 0648-AU68) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3857. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Bering Sea and Aleutian Islands Management Area [Docket No. 0612242903-7445-03; I.D. 112006I] (RIN: 0648-AU48) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3858. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XC55) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3859. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XC55) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3860. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2007, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Mr. McKEON, Mr. HINOJOSA, and Mr. KELLER):

H.R. 3927. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor. considered and passed.

By Mr. MURPHY of Connecticut (for himself, Mr. WELCH of Vermont, Mr. WAXMAN, Mr. LYNCH, Mr. McDERMOTT, Mr. BRALEY of Iowa, Mr. HODES, Mr. HALL of New York, and Mr. OLVER):

H.R. 3928. A bill to require certain large government contractors that receive more than 80 percent of their annual gross revenue from Federal contracts to disclose the names and salaries of their most highly compensated officers, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MCGOVERN (for himself, Mr. DELAHUNT, Mr. FILNER, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. ZOE LOFGREN of California, Mr. KUCINICH, Mr. SHAYS, Mr. WOLF, Ms. WOOLSEY, Mr. SCHIFF, Mr. VAN HOLLEN, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. ROTHMAN, and Mr. CAPUANO):

H.R. 3929. A bill to amend titles 23 and 49, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE:

H.R. 3930. A bill to provide for a land exchange involving State land and Bureau of Land Management land in Chavez and Dona Ana Counties, New Mexico, and to establish the Lesser Prairie Chicken National Habitat Preservation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. BAKER (for himself, Mr. HENSARLING, and Mr. ROYCE):

H.R. 3931. A bill to protect investors by fostering transparency and accountability of attorneys in private securities litigation; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY (for himself, Mr. HINCHEY, Mr. FARR, Mr. WAXMAN, Mr. WEXLER, Ms. LINDA T. SÁNCHEZ of California, Mr. KANJORSKI, Mr. MCNULTY, Mr. TIERNEY, Mr. BISHOP of New York, Mr. NADLER, Mr. MARSHALL, Mr. SERRANO, Mr. HALL of New York, and Ms. SCHAKOWSKY):

H.R. 3932. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE:

H.R. 3933. A bill to amend the Internal Revenue Code of 1986 to permanently extend the election to include combat pay as earned income for purposes of the earned income tax credit and penalty-free distributions from retirement plans to individuals called to active duty, and for other purposes; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. BRADY of Texas, Ms. BEAN, Mrs. BIGGERT, Ms. BERKLEY, Mr. BOOZMAN, Mr. BLUMENAUER, Mr. CARTER, Mr. BOREN, Mr. CONAWAY, Mrs. BOYDA of Kansas, Mr. ENGLISH of Pennsylvania, Mr. CAPUANO, Mr. FORTUÑO, Mr. CLAY, Mr. GARRETT of New Jersey, Mr. CUELLAR, Mr. SAM JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. MARCHANT, Mr. MARKEY, Mr. LEWIS of Kentucky, Ms. HOOLEY, Mr. MCCAUL of Texas, Mr. MATHESON, Mrs. MYRICK, Mr. MCDERMOTT, Mr. WELLER, Mr. MEEKS of New York, Mr. GALLEGLY, Mr. RODRIGUEZ, Mr. TIAHRT, Mr. TOWNS, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mr. ROSKAM, Mr. MOORE of Kansas, and Mr. BUTTERFIELD):

H.R. 3934. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 3935. A bill to extend the time limit of the authority of the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass, and for other purposes; to the Committee on Natural Resources.

By Mr. DEAL of Georgia:

H.R. 3936. A bill to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. DELAURO:

H.R. 3937. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of imported food; to the Committee on Energy and Commerce.

By Mr. DINGELL:

H.R. 3938. A bill to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243) and to require the withdrawal of the United States Armed Forces in Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE (for himself and Mr. SALAZAR):

H.R. 3939. A bill to increase the safety for crew and passengers on an aircraft providing emergency medical services; to the Committee on Transportation and Infrastructure.

By Mr. ELLISON (for himself, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. WALZ of Minnesota, and Mr. PETERSON of Minnesota):

H.R. 3940. A bill to amend the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

By Mr. FLAKE (for himself, Mr. WAMP, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. WALBERG, Mr. HENSARLING, Mr. FRANKS of Arizona, and Mr. TOWNS):

H.R. 3941. A bill to amend title 23, United States Code, to authorize a State that has a structurally deficient bridge within its boundaries to obligate funds made available to carry out a high priority project for any project or activity eligible for assistance under title 23, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. FRANK of Massachusetts:

H.R. 3942. A bill to amend title XVIII of the Social Security Act to permit the disabled surviving spouse of an individual to elect to retain private health insurance as the primary payor of health insurance benefits under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. BRADY of Texas, Mr. WELLER, Mr. RAMSTAD, Mr. RYAN of Wisconsin, Mr. TIBERI, Mr. NUNES, and Mr. SAM JOHNSON of Texas):

H.R. 3943. A bill to amend the Trade Act of 1974 to reauthorize the trade adjustment assistance for workers program, and for other purposes; to the Committee on Ways and Means.

By Mr. HONDA (for himself, Mr. DENT, Mr. SCHIFF, Mr. MCNULTY, Mr. TOWNS, and Mr. GERLACH):

H.R. 3944. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, education, research, and medical management program that will lead to a marked reduction in liver cirrhosis and a reduction in the cases of, and improved survival of, liver cancer caused by chronic hepatitis B infection; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 3945. A bill to provide for the establishment by the Secretary of Energy of a program of Federal support for local governments and school districts to implement clean energy projects; to the Committee on Education and Labor.

By Mr. JEFFERSON (for himself, Mr. MELANCON, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. PAYNE, and Ms. CLARKE):

H.R. 3946. A bill to provide for a temporary waiver under part B of title III of the Higher Education Act of 1965 for undergraduate historically black colleges and universities located in an area affected by a Gulf hurricane disaster; to the Committee on Education and Labor.

By Mr. LARSON of Connecticut (for himself, Mr. CAMP of Michigan, Mrs. MCCARTHY of New York, Mr. BURTON of Indiana, Mr. ENGLISH of Pennsylvania, Mr. FRANKS of Arizona, Mr. LEWIS of Kentucky, Mr. PAUL, Mr. RAMSTAD, Mr. SESTAK, and Mr. SOUDER):

H.R. 3947. A bill to amend the Internal Revenue Code of 1986 to provide for a carryforward of unused benefits in health flexible spending arrangements; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. MURTHA, Mr. MCGOVERN, Ms. MCCOLLUM of Minnesota, Ms. BALDWIN, Mr. STARK, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, and Mr. ELLISON):

H.R. 3948. A bill to amend the Internal Revenue Code of 1986 to establish a temporary surtax to offset the current costs of the Iraq war; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 3949. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits to be produced in dwelling houses, other connected structures, and certain other premises; to the Committee on Ways and Means.

By Mr. TANCREDO:

H.R. 3950. A bill to approve a final rule of the Department of Homeland Security relating to employers who receive a "no-match" letter from the Commissioner of Social Security; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WICKER (for himself and Mr. TIM MURPHY of Pennsylvania):

H. Res. 766. A resolution supporting the goals and ideals of National Infection Prevention Week; to the Committee on Energy and Commerce.

By Mr. BOEHNER:

H. Res. 767. A resolution raising a question of the privileges of the House.

By Ms. SHEA-PORTER:

H. Res. 768. A resolution honoring the life of Thomas "Tommy" Makem; to the Committee on Education and Labor.

By Ms. FOXX (for herself, Mr. KUHL of New York, Mr. WHITFIELD, Mr. GUTIERREZ, and Mr. COHEN):

H. Res. 769. A resolution congratulating the government and people of Turkey as they celebrate Republic Day, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PORTER (for himself, Mr. BOEHNER, Mr. HOYER, Mr. KIND, Ms. WASSERMAN SCHULTZ, and Mr. WAMP):

H. Res. 770. A resolution expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our nation in times of war and conflict; to the Committee on Veterans' Affairs.

By Mr. SENSENBRENNER:

H. Res. 771. A resolution supporting the goals and ideals of Down Syndrome Awareness Month; to the Committee on Energy and Commerce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. ALEXANDER.

H.R. 71: Mr. KLINE of Minnesota.

H.R. 82: Mrs. MYRICK.

H.R. 92: Mr. MARSHALL.

H.R. 138: Mr. TERRY.

H.R. 275: Mr. WU and Mr. BURTON of Indiana.

H.R. 460: Mr. TOWNS.

H.R. 491: Mr. MCCOTTER.

H.R. 579: Mr. WALDEN of Oregon.

H.R. 601: Mr. DAVID DAVIS of Tennessee.

H.R. 621: Mr. SALI.

H.R. 636: Mr. DUNCAN.

H.R. 718: Mr. MCHENRY.

H.R. 725: Mr. SMITH of Nebraska.

H.R. 758: Mr. ROGERS of Michigan.

H.R. 826: Mr. FORBES.

H.R. 829: Mr. MCHUGH.

H.R. 854: Mr. JACKSON of Illinois.

H.R. 887: Mr. AL GREEN of Texas.

H.R. 891: Mr. BARTLETT of Maryland and Mr. BROWN of South Carolina.

H.R. 897: Mr. LANTOS, Mr. BISHOP of New York, Ms. MATSUI, and Mr. VAN HOLLEN.

H.R. 926: Mr. KLINE of Minnesota.

H.R. 953: Mr. ENGLISH of Pennsylvania.

H.R. 1014: Mr. FORTUÑO and Mr. SERRANO.

H.R. 1074: Mr. ALLEN.

H.R. 1078: Mr. FATTAH, Mrs. DAVIS of California, Mr. GEORGE MILLER of California, and Mr. BRADY of Pennsylvania.

H.R. 1092: Mr. CUMMINGS and Mr. HONDA.

H.R. 1188: Ms. SUTTON.

H.R. 1198: Mrs. MALONEY of New York.

H.R. 1216: Ms. BALDWIN.

H.R. 1279: Mr. MANZULLO, Mr. WEXLER, Ms. LINDA T. SÁNCHEZ of California, Mr. WYNN, Mr. MARCHANT, Mr. COURTNEY, Mr. HASTINGS of Florida, and Mr. WILSON of South Carolina

H.R. 1283: Mr. GONZALEZ and Mr. MILLER of North Carolina.

H.R. 1295: Mr. BOOZMAN.

H.R. 1320: Mr. WALSH of New York.

H.R. 1352: Mr. TOWNS, Ms. HIRONO, and Mr. SHAYS.

H.R. 1353: Mrs. BOYDA of Kansas.

H.R. 1363: Mr. MARKEY, Mr. ABERCROMBIE, Ms. CASTOR, Mr. LYNCH, and Mr. WELCH of Vermont.

H.R. 1386: Ms. HARMAN, Mr. FILNER, Mr. ALLEN, Mr. SALAZAR, and Mr. CASTLE.

H.R. 1422: Mr. WALZ of Minnesota and Mr. FRANK of Massachusetts.

H.R. 1428: Mr. WALDEN of Oregon.

H.R. 1497: Mr. VAN HOLLEN and Ms. MATSUI.

H.R. 1570: Mr. LATHAM.

H.R. 1576: Mr. BRALEY of Iowa, Mr. GEORGE MILLER of California, Mr. LATHAM, and Mr. MCINTYRE.

H.R. 1609: Mr. ROSS, Mr. DENT, Ms. LEE, and Mr. WELLER.

H.R. 1621: Mr. BRADY of Pennsylvania.

H.R. 1746: Mr. SHERMAN.

H.R. 1772: Mr. CLAY.

H.R. 1820: Mr. PASTOR and Mr. SHAYS.

H.R. 1834: Mr. ROTHMAN.

H.R. 1843: Mr. SESTAK and Mr. SIMPSON.

H.R. 1971: Ms. SOLIS.

H.R. 2021: Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. SIRES, and Mr. CARNEY.

H.R. 2045: Mr. MCNULTY, Mr. BRALEY of Iowa, and Mr. TOWNS.

H.R. 2049: Mrs. MCCARTHY of New York and Ms. CLARKE.

H.R. 2066: Mr. SERRANO.

H.R. 2165: Ms. BALDWIN.

H.R. 2188: Mr. COOPER.

H.R. 2233: Mrs. CHRISTENSEN, Mr. ABERCROMBIE, and Mr. FILNER.

H.R. 2236: Mr. SNYDER.

H.R. 2343: Mr. COOPER.

H.R. 2365: Mr. HOBSON.

H.R. 2406: Ms. WOOLSEY, Ms. GIFFORDS, Mr. MILLER of North Carolina, Mr. ROTHMAN, Mr. LAMPSON, Mr. BAIRD, Mr. ROSS, Mr. KANJORSKI, and Mr. MELANCON.

H.R. 2417: Mr. SESTAK.

H.R. 2464: Mr. TOWNS, Mr. BARROW, Mr. DAVID DAVIS of Tennessee, and Ms. CASTOR.

H.R. 2514: Mr. MILLER of North Carolina and Ms. WASSERMAN SCHULTZ.

H.R. 2567: Mr. SARBANES.

H.R. 2580: Mr. COLE of Oklahoma.

H.R. 2606: Mr. HASTINGS of Florida, Mr. ENGLISH of Pennsylvania, Mr. HINOJOSA, and Mr. MOORE of Kansas.

H.R. 2694: Mr. AL GREEN of Texas and Mr. MCGOVERN.

H.R. 2744: Mr. CAPUANO, Mr. BACA, and Mr. DOYLE.

H.R. 2802: Ms. MATSUI.

H.R. 2818: Mr. BRADY of Texas.

H.R. 2821: Mr. HASTERT.

H.R. 2840: Mr. DOGGETT.

H.R. 2894: Mr. WOLF.

H.R. 2905: Mr. ALTMIRE.

H.R. 2915: Ms. ZOE LOFGREN of California.

H.R. 2933: Mr. BARROW, Mr. BOOZMAN, Mr. HAYES, and Mr. ROTHMAN.

H.R. 2942: Ms. SOLIS.

H.R. 2949: Mr. SHERMAN.

H.R. 2951: Mr. AL GREEN of Texas and Ms. KILPATRICK.

H.R. 2994: Mr. GORDON, Mr. HINCHEY, and Mr. MARSHALL.

H.R. 3012: Mr. LUCAS and Mr. MANZULLO.

H.R. 3026: Mr. BURTON of Indiana and Mr. SKELTON.

H.R. 3042: Mrs. CUBIN and Ms. HERSETH SANDLIN.

H.R. 3045: Mr. BISHOP of New York, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. FARR, Mr. BLUMENAUER, Mr. KUCINICH, Mr. WEXLER, Mr. HASTINGS of Florida, and Mr. SERRANO.

H.R. 3053: Ms. JACKSON-LEE of Texas, Mr. SALAZAR, and Mr. CLAY.

H.R. 3058: Mr. REICHERT, Mr. HASTINGS of Washington, Mr. HERGER, Mr. BISHOP of Utah, Mr. MICHAUD, and Mr. DOOLITTLE.

H.R. 3119: Mrs. MALONEY of New York.

H.R. 3167: Ms. WATSON and Mr. HILL.

H.R. 3204: Mr. AL GREEN of Texas and Mr. STARK.

H.R. 3219: Mr. ROTHMAN.

H.R. 3298: Mr. BLUMENAUER.

H.R. 3326: Mr. ORTIZ and Mr. GORDON.

H.R. 3329: Mr. SIRES.

H.R. 3334: Mr. SESTAK.

H.R. 3348: Mr. SESSIONS, Mr. CARTER, Ms. GRANGER, Mrs. CUBIN, and Mrs. MYRICK.

H.R. 3429: Mr. KAGEN and Mr. PETERSON of Minnesota.

H.R. 3461: Mr. ROSS, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Mr. YARMUTH, and Ms. MATSUI.

H.R. 3484: Mr. GRIJALVA and Ms. DELAURO.

H.R. 3485: Mr. HALL of New York, Ms. ZOE LOFGREN of California, Ms. BORDALLO, and Ms. DELAURO.

H.R. 3533: Mrs. EMERSON and Mr. MARSHALL.

H.R. 3541: Ms. HOOLEY.

H.R. 3543: Mr. THOMPSON of Mississippi and Mr. SAXTON.

H.R. 3548: Mr. HILL, Mr. EMANUEL, and Mr. MAHONEY of Florida.

H.R. 3582: Mr. WAXMAN.

H.R. 3609: Ms. WOOLSEY.

H.R. 3629: Mr. WALZ of Minnesota.

H.R. 3631: Mr. LIPINSKI, Mr. COURTNEY, Ms. ZOE LOFGREN of California, and Ms. SCHAKOWSKY.

H.R. 3633: Mr. CARNAHAN.

H.R. 3641: Mr. PAUL.

H.R. 3654: Mr. LARSEN of Washington, Mr. CROWLEY, Mr. UDALL of Colorado, Ms. BEAN, Mr. DONNELLY, Ms. HERSETH SANDLIN, Ms. GIFFORDS, and Mr. PLATTS.

H.R. 3660: Mr. ROYCE, Mr. MCNERNEY, and Mr. BARTLETT of Maryland.

H.R. 3663: Mr. TIERNEY, Mr. FILNER, Ms. SCHAKOWSKY, and Mr. FRANK of Massachusetts.

H.R. 3680: Mr. PAUL, Mr. INSLEE, and Ms. HERSETH SANDLIN

H.R. 3684: Mr. SHULER.

H.R. 3691: Mr. STARK and Mr. SESTAK.

H.R. 3697: Mr. OBERSTAR and Mr. KANJORSKI.

H.R. 3700: Mr. MCGOVERN.

H.R. 3705: Mr. GRIJALVA and Mr. COHEN.

H.R. 3724: Mr. JEFFERSON.

H.R. 3725: Mr. CAMPBELL of California and Mr. FEENEY.

H.R. 3757: Mr. BAIRD.

H.R. 3758: Ms. GIFFORDS.

H.R. 3779: Mr. GARRETT of New Jersey.

H.R. 3780: Mr. COHEN.

H.R. 3781: Mr. SKELTON.

H.R. 3784: Ms. LEE.

H.R. 3793: Mr. HINCHEY, Mr. KIND, Mr. BOYD of Florida, Mr. LOBIONDO, Mr. HILL, Mr. MATHESON, Mr. HIGGINS, and Mr. SALAZAR.

H.R. 3796: Mr. HARE, Mr. SARBANES, Ms. LINDA T. SÁNCHEZ of California, and Ms. HIRONO.

H.R. 3797: Ms. SCHWARTZ and Mr. OLVER.

H.R. 3810: Mr. ARCURI, Mr. HINCHEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, and Mr. CONAWAY.

H.R. 3815: Mr. BRADY of Pennsylvania.

H.R. 3816: Mr. BRADY of Pennsylvania.

H.R. 3818: Mr. JORDAN, Mr. DUNCAN, and Mr. GALLEGLY.

H.R. 3827: Mr. BRADY of Pennsylvania.

H.R. 3846: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LINDA T. SÁNCHEZ of California, and Mr. THOMPSON of Mississippi.

H.R. 3847: Mr. MCHENRY.

H.R. 3864: Mr. MCCOTTER, Mr. DAVIS of Kentucky, and Mr. COLE of Oklahoma.

H.R. 3877: Mr. WU.

H.R. 3881: Mrs. MALONEY of New York.

H.R. 3882: Mr. HILL, Ms. HERSETH SANDLIN, Mr. FILNER, Mr. HARE, Mr. KAGEN, Mr. SALAZAR, Mr. EDWARDS, Mr. STUPAK, Mr. MURTHA, Mr. DONNELLY, Mr. BUYER, Mr. MILLER of Florida, Mr. BISHOP of New York, Mr. POMEROY, Mr. HALL of New York, Mr. RODRIGUEZ, and Mr. KING of Iowa.

H.R. 3887: Mr. CHABOT, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, Mr. FORTENBERRY, Ms. SOLIS, Mr. PAYNE, Mr. BERMAN, and Mr. SIRES.

H.R. 3888, Mr. COLE of Oklahoma and Mr. KNOLLENBERG.

H.R. 3895: Mr. BLUMENAUER.

H.R. 3905: Mr. RANGEL.

H.R. 3908: Mr. ADERHOLT, Mr. POE, Mr. NEUGEBAUER, and Mr. AKIN.

H.R. 3920: Ms. WOOLSEY, Ms. HARMAN, Mr. ETHERIDGE, Mr. ALTMIRE, and Mrs. GILLIBRAND.

H.R. 3921: Mr. SERRANO.

H.R. 3923: Mr. HILL.

H.J. Res. 6: Mr. BILBRAY and Mr. SULLIVAN.

H.J. Res. 54: Mr. PITTS, Mr. YOUNG of Florida, Mr. HELLER, and Mrs. MYRICK.

H. Con. Res. 81: Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. DELAHUNT, and Mr. MCNULTY.

H. Con. Res. 215: Mr. PAUL, Mr. BOOZMAN, Mr. GILCHREST, Mr. BACHUS, Mrs. BIGGERT, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. CRENSHAW, Mr. CULBERSON, Mr. TIAHRT, Mr. WELDON of Florida, Mr. ENGLISH of Pennsylvania, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. GERLACH, Mr. PETRI, Mr. CASTLE, Mr. MCCOTTER, Ms. PRYCE of Ohio, and Mr. ENGEL.

H. Con. Res. 230: Mr. ENGLISH of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. LAMBORN, and Mr. BUYER.

H. Con. Res. 234: Mr. CALVERT, Mr. WU, Mr. SIRES, Mr. INGLIS of South Carolina, and Mr. SHERMAN.

H. Con. Res. 235: Mr. JORDAN, Mr. SOUDER, and Mr. HENSARLING.

H. Res. 111: Mr. HALL of Texas, Mr. PORTER, Mr. WALBERG, Mr. SOUDER, and Mr. NEUGEBAUER.

H. Res. 146: Mr. MEEKS of New York, Mr. ENGEL, Ms. GIFFORDS, and Ms. WATSON.

H. Res. 163: Mr. WELCH of Vermont, Mr. BRADY of Pennsylvania, Ms. MATSUI, Mr. MCNULTY, and Mr. CLAY.

H. Res. 335: Mr. EHLERS, Mr. KUHL of New York, Mr. CAPUANO, Mr. WAXMAN, and Mr. HOBSON.

H. Res. 338: Mr. BAIRD.

H. Res. 356: Mr. HARE.

H. Res. 373: Mr. SIRES.

H. Res. 435: Mr. RAMSTAD and Mr. SHERMAN.

H. Res. 537: Mrs. CUBIN.

H. Res. 542: Ms. GIFFORDS, Mr. JOHNSON of Illinois, Mr. LAMBORN, and Mr. INGLIS of South Carolina.

H. Res. 573: Mr. SHERMAN.

H. Res. 617: Ms. ROS-LEHTINEN.

H. Res. 618: Ms. WATERS, Mr. CUMMINGS, and Ms. WATSON.

H. Res. 669: Mr. HOBSON and Mr. KIRK.

H. Res. 684: Mrs. JONES of Ohio.

H. Res. 705: Mr. FORTÚNO, Mr. DONNELLY, Mr. ROSKAM, and Mr. TANCREDO.

H. Res. 708: Mr. DOYLE.

H. Res. 715: Ms. GRANGER, Mrs. DRAKE, Mr. REYNOLDS, and Mr. PETERSON of Minnesota.

H. Res. 726: Mr. PITTS, Ms. HIRONO, Mr. INGLIS of South Carolina, and Mr. WYNN.

H. Res. 727: Mr. SHADEGG.

H. Res. 754: Mr. MORAN of Virginia and Mr. LEWIS of Georgia.

H. Res. 759: Mr. KAGEN.

H. Res. 760: Ms. LINDA T. SÁNCHEZ of California, Mr. EDWARDS, Mr. WALZ of Minnesota, Mr. ALTMIRE, Mr. HASTINGS of Florida, Mr. MCNERNEY, Mr. LOEBSACK, Mr. MEEK of Florida, Mr. ROSS, Mr. BERRY, Ms. MATSUI, Mr. SHULER, Mr. MCGOVERN, Mrs. LOWEY, Ms. DELAURO, Mr. LARSON of Connecticut, Mrs. BOYDA of Kansas, Ms. WASSERMAN SCHULTZ, Mr. FRANK of Massachusetts, Mrs. CAPPS, Ms. WATSON, Mr. HINCHEY, Mr. WELCH of Vermont, Mr. LEVIN, Mr. ETHERIDGE, Mr. MARKEY, Mr. DOGGETT, Mr. EMANUEL, Mr. HODES, Mr. MORAN of Virginia, Ms. BERKLEY, Mr. STUPAK, Mr. LANGEVIN, Mr. GRIJALVA, Mr. SCOTT of Virginia, Mr. CLYBURN, Mr. BUTTERFIELD, Ms. KILPATRICK, Mr. WATT, Mr. RUSH, Mr. WYNN, Mr. COHEN, Mr. CLEAVER, Ms. HOOLEY, Ms. HIRONO, Ms. LORETTA SANCHEZ of California, Ms. GIFFORDS, Mr. GINGREY, Mr. MCCAUL of Texas, Mr. HALL of Texas, Mr. DANIEL E. LUNGREN of California, Mr. PEARCE, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. WALSH of New York, Mr. BURGESS, Mr. POE, Mr. PRICE of Georgia, Mr. GOHMERT, Mr. CONAWAY, Mrs. MCMORRIS RODGERS, Mr. HERGER, Mr. DOOLITTLE, Mr. HOEKSTRA, Mr. UPTON, Mr. KUHL of New York, Mr. ROGERS of Michigan, Mrs. WILSON of New Mexico, Mr. WALDEN of Oregon, Mr. MATHESON, Ms. SCHAKOWSKY, Mr. HILL, Mr. YARMUTH, Mr. MURPHY of Connecticut, and Ms. DEGETTE.

H. Res. 761: Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. MCCOTTER, and Mr. FRANKS of Arizona.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

**Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:**

The amendment to be offered by Representative FLAKE or a designee to H.R. 505, the Native Hawaiian Government Reorganization Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative GEORGE MILLER of California or a designee to H.R. 3685, the Employment Non-Discrimination Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

# EXTENSIONS OF REMARKS

## HEARING ON "URANIUM CONTAMINATION IN THE NAVAJO NATION"

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. KUCINICH. Madam Speaker, I submit for the RECORD a copy of my opening statement delivered before the Committee on Oversight and Government Reform on October 23, 2007 on Uranium Contamination.

I want to thank and commend the Chairman for holding this hearing. Native Americans have borne a disproportionate burden of the toxic legacy from this country's pursuit of nuclear weapons and nuclear power. This is a topic that has been important to me for a long time. In this classic environmental justice story, we can see how long disadvantaged peoples have been burdened with inhumane levels of contamination. And we see how long it can take just to begin to undo the damage that such contamination brings.

The stories we will hear today will also make clear that quests for power—be they political or electrical—have no respect for life and exact an unacceptable cost to human health and the environment. The EPA guesses there are about 520 abandoned uranium mines in the Navajo nation and 1,200 abandoned mines in the area. The Navajo nation is home to 5 old uranium mills. Each of the mill sites and the mine sites represent a potential groundwater contamination site in addition to being sources of air and soil contamination.

There are many potential exposure routes. Children play in the water that accumulates in the radioactive tailing piles. Homes and hogans are built out of materials that are radioactive. Wind-blown dust from the tailings is inhaled. Groundwater is contaminated with uranium and its daughter products. Wildlife and plantlife concentrate the contamination and become food for other wildlife or for Navajo living off the land.

Uranium can be toxic in two ways. First, its properties as a chemical confer an ability to irreversibly destroy parts of the kidney when acting in isolation. But, like lead and mercury, it is a metal which interacts with uranium in the human body. Native Americans are known to experience disproportionately high levels of lead poisoning. And when uranium and lead both make their way into a person, the toxic effect on the kidney could be additive or even synergistic.

Uranium is also toxic because it naturally decays into other elements like radium, thorium and radon, each of which is also radioactive. Radon alone is the number two cause of lung cancer in the U.S. behind smoking.

The industrial process of extracting and concentrating uranium uses a host of other highly toxic compounds like various acids and cyanide, which are common mine tailing contaminants. And of course there are the other elements that co-occur with uranium like arsenic and fluoride which are left behind when the uranium is refined. Each of these compounds bears its own list of health effects. And each combination of two or three or more of these compounds brings their own set of health effects. It could take generations just to completely understand the health effects of the contamination at all of these sites in question.

Making things worse, it is a formidable challenge just to understand the magnitude of the contamination—so much so, it hasn't even been done yet. No comprehensive review of groundwater contamination at all of the mine sites has been done. No comprehensive review for the presence of elevated levels of radiation in Navajo houses has been done even though dozens are known to have been built with radioactive materials. No comprehensive review of the health effects of the contamination from the mines and mills has been done. There is no way we can begin to address the problem if we can't define it.

One estimate I've heard is that the entire cleanup could cost around $500 million. That seems unrealistically low. Efforts just to clean up the groundwater at three of the old mill sites on the Navajo nation are predicted to take 20 years. Already, the contamination has spanned generations and will span many more if we continue the current pace of cleanup.

Some effects can't be cleaned. Before the mines were opened, the Navajo way of life was heavily dependent on natural resources, which fostered a healthy respect for their environment. Not only did they rely on it for clean water and abundant food, but they incorporated it into their customs, their religion, and their way of life. Carol Markstrom and Perry Charley pointed out in their chapter of The Navajo People and Uranium Mining, that the contamination of livestock, of the medicinal herbs they used, and the water bodies their children played in, changed the view of the land. It was embraced and used as the conceptual center for their way of life. After the contamination, they feared it. It is hard to imagine how destabilizing it would be if we thought radioactive contamination permeated all that we rely on to be clean and safe.

Now, almost 60 years after the first uranium contamination began, there are corporations who want to reopen some of these very same mines and extract more uranium for nuclear power plants.

Never mind the contamination already created that we're still trying to define, let alone clean up. Never mind the permanent social damage inflicted by this contamination. Never mind that nuclear power is nowhere near economical. Never mind the lack of a viable and safe storage facility for the waste that will continue to be toxic for thousands of years.

I look forward to hearing from our witnesses about plans for cleaning up the contamination in shortest possible timeframe. And I stand ready to do whatever I can to not only help this process along, but to make sure we don't do anymore damage by failing to learn our lessons from the past.

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## IN MEMORY OF FLAVE CARPENTER

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Flave Joseph Carpenter Sr., formerly of Arkadelphia, Arkansas, who passed away October 15, 2007, at the age of 89.

Flave Carpenter spent his lifetime dedicated to his family, his community and his country. He was born in Clark County and his affinity for the region he called home can be measured by the enormous contributions he made to all the people and organizations he championed throughout his long life. He lived life to the fullest and would always say yes when he was called upon to help.

Flave Carpenter spent 28 years serving in the military, which encompassed tours in World War II and Korea where he was honored with multiple decorations including two Purple Hearts, two Bronze Stars and a Silver Star. Upon retirement, he returned to Arkadelphia where he took his enthusiasm for serving his country and shifted it into public service. Over the years, he gave everything he had to the city of Arkadelphia and Clark County by serving as the executive director of several local businesses and organizations. He was appointed by then-Governor Dale Bumpers to the Arkansas Parks and Recreation Commission and was later elected chairman of the Arkansas Chamber of Commerce Directors. His passion for public service was rewarded in 1984 when then-Governor Bill Clinton inducted him into the Arkansas Parks and Tourism Hall of Fame. In 2002, he received the esteemed Lifetime Leadership in Economic Development recognition by the Arkansas Economic Developers.

In addition to his civic leadership, Flave Carpenter was also a man of devout faith. He was a member of the First Presbyterian Church where he served as deacon and elder. He also enjoyed the outdoors and the camaraderie that came with hunting, experiencing nature and the numerous recreational opportunities the State of Arkansas offered.

I send my deepest condolences to his 3 children, Diane McKenzie of Colorado Springs, Colorado, Jan Davis of Brazil, South America, and Flave Carpenter Jr., of Searcy; his sister Carolyn Jane Berry of Arkadelphia; and to his numerous grandchildren, great-grandchildren, nieces, nephews and friends. Flave Carpenter will be greatly missed in Arkadelphia, Clark County and throughout the state of Arkansas, and I am truly saddened by this loss.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## THE FUTURE OF MEDICARE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. KUCINICH. Madam Speaker, I submit for the RECORD a copy of my speech delivered at the summit on the future of Medicare on October 19, 2007.

Good afternoon. I want to thank each of you for coming to discuss one of the issues that reflects the values of this country—health insurance for retirees and the disabled. I want to especially thank the Senior Voice Coalition, a group of organizations and passionate individuals who are truly the grassroots leaders in organizing around issues affecting seniors in our community. Before I begin, please know that while there are many issues of importance, we will only be talking about Medicare at this summit today. If there are other issues on your mind, I would be happy to discuss them with you if there is time after.

Many of you recall that I held 13 town hall meetings in 2005 during the Social Security privatization debate. At these town halls, I presented detailed information on the reasons why I rejected the notion advocated by the President and some in Congress that there was a "crisis" in the solvency of the combined Old Age, Survivors, and Disability Insurance Trust Fund. We were told that to correct this manufactured crisis, the best solution was to privatize Social Security. Even if there was a "crisis," which did not actually exist, according to both the Social Security Administration and the Congressional Budget Office, the worst solution would be to drain the trust fund more quickly and therefore undermine the entire program.

Folks, we are on the verge of a very similar debate today with Medicare, our nation's other social insurance program. There is a symbiotic relationship between Social Security and Medicare. But unlike with Social Security, much of Medicare has already been privatized. Today I want to explore that with you by looking at two different Medicare programs that have been the cornerstones of efforts to privatize Medicare to see how they have performed. First, we'll look at the Medicare prescription drug plan, also known as "Part D," which leaves enrollees no choice but to go through the extraneous insurance companies. Second, Medicare Advantage shoehorns in the option to have private insurance industry middlemen to dole out health care according to what is profitable.

#### PART D

In 2003 came the single biggest Medicare privatization effort to date, the Medicare Modernization Act. It passed the House of Representatives only because the then-Majority party held open a 15 minute vote for over three hours in the middle of the night so they could strong-arm their way to a passing vote. Not only did it create an entirely private, chaotic prescription drug program, but it also dramatically increased subsidies to Medicare Advantage plans.

Several of us in Congress warned of what we were buying into with Part D. We warned against the forced inclusion of the unnecessary middleman—the insurance industry—and its likely effects on cost and access to meds. We warned about CMS' inability to negotiate drug prices like the VA does. We warned of a benefit that was far too complex. We warned of the now famous doughnut hole that left people without coverage for a period of time even though they were still paying premiums. We supported a bill that created a new prescription drug benefit that did away with all those problems by keeping the insurance industry out of the benefit and letting Medicare administer it.

As you know, we were not alone in our fight. At the time, the Center for Economic and Policy Research released a study showing that even if we took the modest step of allowing Medicare to negotiate drug prices, we would save so much money that we would be able to cover every single beneficiary with no co-payments, no deductibles, and no premiums . . . and still have $40 billion dollars left.

Oversight and Government Reform Committee report on Part D.—I am sad to say that we were right. Just this Monday, the Committee on Oversight and Government Reform released a study, which was requested by a handful of my colleagues and me, on the performance of Part D so far. It found three things. First, it confirmed the most obvious concern; that administrative costs are far higher than they should be. This was expected because of the forced inclusion of the insurance industry in the benefit. The insurers reported administrative expenses, sales costs, and profits of almost $5 billion in 2007—including $1 billion in profits alone. The administrative costs of the privatized Part D program are almost six times higher than the administrative costs of the traditional Medicare program.

The second finding was that the insurance industries were not doing a good job of negotiating with the pharmaceutical companies to lower prices. One of the main rallying cries of the Part D privatization effort was that the private insurers could be more effective negotiators than Medicare. Turns out to not be true. Now, instead of negotiating for lower prices, the insurers negotiate for rebates from the drug companies, which is what the Part D law calls for. The committee investigation found that drug price rebates negotiated by the insurers reduce Medicare drug spending by just 8.1 percent. In contrast, rebates in the Medicaid program reduce drug spending by 26 percent, over three times as much. Because of the difference in the size of the rebates, the transfer of low-income seniors from Medicaid drug coverage to Medicare drug coverage will result in a $2.8 billion windfall for drug manufacturers in 2007. Furthermore, the insurers receive no rebates or other manufacturer discounts for three-quarters of the drugs used by seniors.

And the third finding was that when insurers do actually get a rebate from the drug companies, rather than passing the savings on to seniors in the form of lower prices, they keep the money for themselves! This year alone, the private insurers will receive $1 billion in rebates on purchases that seniors pay for out of their own pockets, thanks to the doughnut hole. But beneficiaries continue to pay premiums.

Unpredictability in Part D.—Another problem with Part D as it has been implemented is that stability is lost. Much like with corporate pension scandals, instead of receiving a guaranteed benefit, those enrolled in Medicare Part D only receive a guaranteed bill to pay. Instead of being able to have peace of mind when it comes to whether or not drugs prescribed by a doctor will actually be covered, a state of financial nervousness and uncertainty is par for the course with Medicare Part D. A consumer's Union study found that most insurers raise the cost of their drugs during the year—in one case by 28 percent. The same uncertainty is present in predicting which month beneficiaries will hit the doughnut hole and be forced to pay all your drug costs as if you had no benefit at all.

Clearly, Part D is more of a benefit for the pharmaceutical and insurance industries than retirees and the disabled. The Part D provisions of the Medicare bill alone guaranteed $139 billion in guaranteed profits for the pharmaceutical industry, which amounts to 61 percent of the total spending in the bill for prescription drugs, according to Boston University School of Public Health. Even so, Part D is not where the real money is. The real money is in the Medicare Advantage, the HMOs, PPOs, PFFSs and other alphabet soup of private plans offered through Medicare as an alternative to traditional Medicare. I'd like to talk a bit about these plans now.

#### MEDICARE ADVANTAGE

Medicare Advantage plans have been in existence for several years now, but the 2003 Medicare Modernization Act has drastically accelerated privatization. Lets take a look at how the plans have done, starting with how they deal with customers. I'll start with their efforts to sign you up and then we'll see how they treat you after you're already on the plan and are requesting coverage.

Marketing.—An October 7 article in the New York Times conducted their own review of 91 federal audits of privately run Medicare plans—both Medicare Advantage Plans as well as Part D plans. They found that "tens of thousands of Medicare recipients have been victims of deceptive sales tactics." They also found that "since March, Medicare has imposed fines of more than $770,000 on 11 companies for marketing violations and failure to provide timely notice to beneficiaries about changes in costs and benefits." I want to read you 2 other quotes from that article to round out the picture. "In July, Medicare terminated its contract with a private plan in Florida after finding that it posed an 'imminent and serious threat' to its 11,000 members." "Medicare officials said that compliance problems occurred most often in two areas: marketing, and the handling of appeals and grievances related to the quality of care." That stands to reason since that is where the profit is made.

Humana is a good case study. Humana, which is the second-largest provider of Medicare Advantage plans, was required to fulfill corrective action plans for 300 different violations. The Center for Medicare and Medicaid Services or CMS administers Medicare. Their audit results for Humana included findings that marketing agents were not trained or supervised, enrollees were not informed of changes to plan formularies (list of covered drugs), and enrollees were not provided with explanations for claims denials or appeal rights when their claims had been denied. This is the same company that gained 4 million new policy holders and reported to stockholders in April that it had amassed "record- breaking revenues," according to an article in "The Nation." Keep in mind that this company pays its agents a commission five times greater for enrolling individuals into their Medicare Advantage plan than the commission they receive for enrolling them into a stand-alone prescription drug plan. Similar arrangements are true for other leading insurers like United Health Care, Aetna, and Blue Cross and Blue Shield. But why would they do that?

Big insurance companies are quite eager to sign up people for Part D plans. But Part D plans are nothing compared to the profit to be made in Medicare Advantage. So insurers offer low price Part D plans in order to get their foot in the door with those who were on traditional Medicare. Then they aggressively marketed their Medicare Advantage plans, too often using the unscrupulous tactics I just described. Such marketing tactics are especially effective when the plans are so complex, the customer is easily fooled. In Humana's case, the tactics worked. They were a relatively small company before the prescription drug plan and the Medicare Advantage push. But they were able to get 100,000 people to move to Medicare Advantage plans. An insurance consultant said "an additional 100,000 people contributing to top line revenue is not insignificant—it's an extra billion dollars."

Customer Service.—Now that's just the marketing. What do they do when they have you? The New York Times article found that both Medicare Advantage and Part D enrollees "had claims improperly denied by private insurers." Some examples of other problems found include "the improper termination of coverage for people with H.I.V. and AIDS, huge backlogs of claims and complaints, and a failure to answer telephone calls from consumers, doctors and drugstores."

WellPoint, an Indianapolis-based company that covers 360,000 members under Medicare, had a backlog of 354,000 claims under its Medicare plans. Auditors logged an average wait time of 27 minutes to answer enrollee phone calls and a 16-minute wait time to respond to provider calls. Of the more egregious offenses, Sierra Health, based in Las Vegas, wrongfully terminated drug coverage for 2,300 HIV-positive Medicare Advantage enrollees, improperly claiming they had defaulted on plan premiums.

Fewer options, not more.—Medicare Advantage advocates often speak of the greater choice in their plans as opposed to traditional Medicare. I don't think you can have more choice than to be able to choose from any doctor, which is the case with traditional Medicare, but we'll take a look anyway.

As with Part D plans, there are countless stories of beneficiaries seeing changes to their plan midyear, including cost increases, dropping certain drugs from formularies, or doctors dropping out from frustration with the plans. In fact, Medicare Advantage plans talk a lot about their extensive network of doctors but customers frequently find that when try to go to one, the docs won't take Medicare Advantage customers. Many doctors don't like it because of the low pay and because of the insurance industry second-guessing their diagnoses and choices for providing care. Even though all these changes can be made at any time in the enrollment cycle, beneficiaries can only switch plans once per year.

Some argue that Medicare Advantage offers a better quality of care than traditional Medicare. The Congressional Budget Office disagrees, stating "though Medicare Advantage plans cost more than care under the fee-for-service program does, on average, they would be more cost-effective if they delivered a sufficiently higher quality of care . . . The limited [quality] measures available suggest that Medicare Advantage plans are not more cost-effective than the fee-for-service program."

Those enrolled in Medicare agree, as traditional Medicare beneficiaries are less likely to have problems accessing specialists, according to MedPAC.

Out of pocket costs.—Medicare Advantage insurance companies make money when they shift the costs onto you and me. One of the ways they do that is by providing incomplete insurance or underinsurance. They can offer meager coverage in specific unnoticeable areas that only matter if you get the illness that isn't covered well. Because Medicare Advantage plans are not required to be standardized—meaning different companies are not required to offer the same plan structure and compete only for price—these companies can skew their plans to maximize their profits and decrease benefits. One tragic result is that people in more need of services, especially those in need of physician-administered chemotherapy drugs and dialysis services, pay more under Medicare Advantage than they would under traditional Medicare for less service, Their out-of-pocket costs are unexpectedly and dangerously high. This is one of the biggest health care problems that we don't hear enough about. About half of all bankruptcies in this country are related to medical bills. Of those medical bankruptcies, 75 percent of the people had insurance before they got sick. But because their insurance still allowed them to go bankrupt, it was clearly lacking. Profitable, but lacking.

For those of you that have seen Sicko, the Michael Moore movie about health care, you know that another way insurance companies make money is to deny benefits, which is done in spades under Medicare Advantage. The Medicare Rights Center who collects many Medicare Advantage complaints told the story of an 80 year old man enrolled in a private Medicare plan called HealthSpring. He had a heart attack and went to the hospital. All of his claims were denied because he didn't get prior authorization from the plan to enter the hospital. His hospital bills now top $87,000.

Propping Medicare Advantage up.—You would think that since Medicare Advantage beneficiaries are getting such an inferior product, that it would cost less. It is not so. As with Part D, Medicare Advantage is far more costly than traditional Medicare. Both the Medicare Payment Advisory Commission (MedPAC) and the Congressional Budget Office (CBO) report that for 2007, it costs taxpayers 12 percent more (on average) to cover beneficiaries enrolled in private Medicare Advantage Plans than under traditional Medicare. That is an extra $149 billion over 10 years. The Chief Medicare Actuary has said that the beneficiary enrolled in traditional Medicare pays an extra $24 per person this year because of overpayments to Medicare Advantage. This overspending also cuts years off the life of the Medicare trust fund and diverts money away from hospital and acute care services. While the Social Security trust fund can pay 100 percent of benefits until at least the year 2041 without any changes whatsoever, the Medicare Hospital Insurance (or HI) Trust Fund can pay 100 percent of claims only until the year 2019, based on current actuarial assumptions, in large part because of privatization.

Not only is the program inefficient, but it is growing steadily. According to the Congressional Budget Office, 18 percent of current Medicare beneficiaries are enrolled in a Medicare Advantage plan. This number is expected to increase to 26 percent by 2017. The biggest growth—about 650 percent since 2005—has been in enrollees in the private fee for service plans which have enjoyed exclusive access to major subsidies from Congress as well as exceptions to standards of quality care. Unfortunately, the fastest growing type of plan is also the least efficient of all Medicare Advantage plans. They cost, on average, 19 percent more than traditional fee for service Medicare. Where does all that money that should go to health care, actually go? MedPAC found that half of the overpayments go directly to profits, marketing, and administrative costs. That's worth repeating. Half of the overpayments go directly to profits, marketing, and administrative costs.

These private fee for service plans aren't the only ones to get corporate welfare. The PPO "stabilization" fund is a slush fund designed to encourage growth of new regional PPOs of 10 billion dollars over 10 years. That's in addition to general subsidies for Medicare Advantage plans. But in 2006, 88 percent of beneficiaries had access to a regional PPO. So subsidies for growth are unnecessary. Even MedPac recommended eliminating the slush fund.

I mentioned earlier that Medicare Advantage Plans are lucrative for insurance companies. UnitedHealthcare will make about 11 percent of its net income for 2007 from Medicare Advantage. That number is 66 percent for Humana. Between 2005 and 2006, when a lot of these subsidies took effect, United and Humana saw increases in revenue of over 50 percent. WellPoint saw an increase of 27 percent. When there is so much money at stake, it is very cost effective to have not only a big marketing push, but also a strong lobbying army to make sure your Congressional subsidies don't go away. That is what they do.

## GENERAL DISCUSSION

There is a race in the health insurance world to determine who can provide the lowest quality benefits for the highest possible cost that consumers, companies, and the government will accept.

Seniors and disabled individuals who have contributed to Medicare from a lifetime of work deserve to have simple, clearly defined benefits which do not change from month to month, year to year. We should not be paying companies exorbitant administrative costs and overpayments that maximize profit margins in order to put beneficiaries, benefits at risk. All of this is the case with the private Medicare Advantage and Medicare Part D, and it should be stopped.

The best, most efficient way to ensure all Medicare beneficiaries will always have real, reliable, and complete benefits is to end private involvement in Medicare. That's why I, along with John Conyers of Michigan, coauthored the Expanded and Improved Medicare for All Act, H.R. 676, back in 2003. HR 676 captures the enormous savings to be had if Americans had health care provided through Medicare and uses them to cover everyone for all medically necessary services with no copayments, no deductibles and no premiums. This bill would strengthen Medicare by removing the for-profit interests, decrease the financial burden to beneficiaries, and increase the quality of care—all without the confusing maze that privatized Medicare has become today. There is enough money that America spends in health insurance and health care today to cover everybody. Every year, $2.2 trillion is spent, and only about 69 cents out of every dollar actually goes to providing health care services. We are all paying for universal health coverage, we just aren't getting it.

Congress will be required to hold hearings on and propose changes to Medicare due to the financial situation of the program which privatization has created. I intend to use this opportunity to emphasize the best, most comprehensive, and most cost efficient way to strengthen benefits for those enrolled in Medicare—H.R. 676.

What's happening in Washington.—Many of you know an early version of a bill to provide health insurance to millions of children through a program called SCHIP, also called for cuts to one of Medicare Advantage slush funds I mentioned earlier. I supported that bill but the insurance industry mounted an expensive and aggressive lobbying campaign that ensured their slush fund stayed in place. Now there is talk of using that slush fund money to pay for maintaining Medicare payments to doctors as opposed to allowing scheduled cuts of about 10 percent to take place.

H.R. 676 now has 85 cosponsors and is the only national health care reform bill that has an entire national movement behind it. There are two national non-profit organizations and several regional organizations devoted to its passage. And it has the official backing of 93 Central Labor Councils, including several Cleveland and Ohio unions as well as cities and states across the nation.

There is the possibility of implementing an interim measure of providing a prescription drug benefit that gets rid of the insurance companies and lets the benefit be administrated by Medicare. Doing so would clearly lower costs, increase access and increase quality. But I would like to hear what you think of that idea. Would people be willing to give up their privatized plans for more plans that give greater security and coverage?

And while I'm asking for your input, I'd like to ask you about another related issue that has recently come up. As I understand it, Ohio Public Employees Retirement System (OPERS) has announced that it will shift from offering two traditional Medicare plans to offering one traditional Medicare plan and one Medicare Advantage plan. I am concerned about this choice and would like to hear from you about it.

I know you all have been waiting for the opportunity to ask questions and share your comments, so let's transition to that right now.

## IN MEMORY OF EARL PATY, JR.

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Earl Paty, Jr., of Sheridan, Arkansas, who passed away October 17, 2007, at the age of 76.

Earl Paty, Jr., was a lifelong resident of Grant County where he built a solid foundation of community service that impacted countless lives and will forever be remembered by all who knew him. Whether serving others during his 40-year career at International Paper Co., or through his involvement with numerous local and state organizations, he devoted his lifetime to selflessly giving back to the citizens of Grant County and the State of Arkansas to make the world a better place.

Earl Paty, Jr., was a devout man of faith and a member of Moore's Chapel United Methodist Church. He took great pride in serving the church and congregation on the Administrative Board, as a Sunday School teacher and as a delegate to the Arkansas Annual Conference. He even rose to the level of becoming a certified lay speaker within the United Methodist Church. In addition, he was actively involved with numerous local organizations where he devoted his time and heartfelt energies to others. These included the Grant County Fair Board, the Grant County 4–H Club, the Southeast Arkansas District Development Cooperative and the Sheridan Masonic Lodge.

Perhaps my fondest memories of Earl Paty, Jr., are the many discussions we had over the years about politics, as he well understood how a career in public service could positively affect the lives of thousands. I always admired his fervor for politics which took him up the ladder from chairman of the Grant County Democratic Party to the Executive Director of the Senior Democrats of Arkansas. His contributions to the Democratic Party were recognized in 2003 when he was honored with the distinguished Harold Jinks Democratic Memorial Award. In fact, it was Earl Paty, Jr., who inspired me, through his passion and love of politics and public service, to seek elected office and run for the seat I now hold as U.S. Representative of Arkansas's Fourth Congressional District. For that, I am forever grateful. He was a man I truly looked up to and admired and I am blessed to have been able to call Earl a dear friend.

I send my deepest condolences to his wife of 53 years, Betty Sue Autrey Paty; his children Patricia Knighten, David Paty, and Leslie Tannahill; his 2 sisters Sue Walker and Faye Welch; and his 9 grandchildren, 2 great grandchildren and numerous nieces and nephews. Earl Paty, Jr., will be greatly missed in Sheridan, Grant County and throughout the state of Arkansas, and I am truly saddened by this loss.

## IN REMEMBRANCE OF J. ROY GABRIEL

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. COSTA. Madam Speaker, I rise today to honor the life and dedication of Mr. J. Roy Gabriel, director of labor affairs for the California Farm Bureau Federation and chief operating officer of the Farm Employers Labor Service. Roy passed away suddenly this month in our Nation's Capital while representing the agricultural community on the issues he found most near and dear to his heart. His service and commitment to California agriculture and his passion and joy for life will be sorely missed.

A native of southern California, Roy attended California Polytechnic University, San Luis Obispo where he earned a degree in Agricultural Business Management and a technical certificate in crops production. Armed with this knowledge and a love for farming, Roy became active in local politics, honing his negotiating skills. In 1973, he joined the California Farm Bureau as a legislative assistant and began his life long commitment to the betterment of agriculture in California. Recognizing Roy's breadth of experience and political prowess, Gov. Pete Wilson appointed Gabriel in 1998 to serve as chief deputy director of the California Department of Industrial Relations.

Roy's involvement with California farming has spanned 30 years. Throughout his lifetime, he has been a tireless voice in support of the valley's immigrant population. In the eighties, Roy helped more than 50,000 workers apply for legal immigration status under the Federal Immigration Reform and Control Act of 1986. Like me, Roy believed the current agriculture labor shortage to be a crisis and fought to bring attention to the issue and enact reform legislation like AgJobs. The agricultural labor reform movement has lost a great champion in his passing.

We also shared a passion for rail transportation. He was not only an avid historian of nineteenth and twentieth century rail development, but he was respected for his knowledge and opinions on the subject matter. Roy was also an active supporter of today's national high speed and inner-city passenger rail efforts. For all these reasons, we will miss him dearly.

Mr. Gabriel's leadership and dedication will continue to inspire Californians for many years to come. A man of great principle and integrity, his passion and enthusiasm has touched many lives, including my own. It is with fond sadness that I remember and honor the life of my colleague and friend, Mr. J. Roy Gabriel.

## PERSONAL EXPLANATION

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, October 22, 2007, I was unable to cast my votes on H.R. 189, H.R. 523, and H. Res. 76.

Had I been present for rollcall No. 983 on suspending the rules and passing H.R. 189, the Paterson Great Falls National Historical Park Act, I would have voted "aye".

Had I been present for rollcall No. 984 on suspending the rules and passing H.R. 523, the Douglas County, Washington, PUD Conveyance Act, I would have voted "aye".

Had I been present for rollcall No. 985 on suspending the rules and passing H. Res. 762, Supporting the goals of National Bullying Prevention Awareness Week, I would have voted "aye".

## PERSONAL EXPLANATION

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. MILLER of Florida. Madam Speaker, I would like to offer a personal explanation of the reason I missed rollcall vote Nos. 983 through 985 on October 22, 2007. I was in my district attending a family funeral.

If present, I would have voted: rollcall vote No. 983, H.R. 189, establishing the Paterson Great Falls National Park in the state of New

Jersey, "nay"; rollcall vote No. 984, H.R. 523, requiring the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district, "aye"; rollcall vote No. 985, H. Res. 762, supporting the goals of National Bullying Prevention Awareness Week, "aye".

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## IN HONOR OF THE 25TH ANNIVERSARY OF THE GREATER SPOKANE SUBSTANCE ABUSE COUNCIL

### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to honor the Greater Spokane Substance Abuse Council (GSSAC) as they celebrate 25 years of service to the Spokane community. In 1982, local policymakers and citizens joined together to take a stand against the devastation of drugs and violence. Through their efforts, GSSAC now runs programs and collaborative efforts that are empowering our youth, focusing on prevention of substance abuse and violence and solving the problem of meth abuse in our community.

At the core of the GSSAC Prevention Center mission is a desire to equip those in need with the knowledge and skills to make positive choices in their life. They work to unite and support the community through fostering positive attitudes and behaviors. Most of all, they encourage, facilitate, initiate and assist all people, groups and organizations in finding solutions to alcohol, tobacco and other drug abuse.

Over the 25 years that GSSAC has served the greater Spokane community, they have accomplished many milestones. The staff and volunteers of GSSAC give their time and resources through a variety of programs like the Spokane County Meth Action Team, Washington Drug-Free Youth and Prevention in Practice. They also help to disseminate information about drug abuse and prevention through their Information Clearing House.

GSSAC has become a model of impact an organization can have when they invest in their community. Through the message of prevention, focusing on education, and reducing the stigma of treatment and recovery, they are teaching others that it truly does take community wide involvement to accomplish goals.

Madam Speaker, I rise today to congratulate the dedicated staff and volunteers of Greater Spokane Substance Abuse Council on 25 years of influential service to our community. I invite my colleagues to join me in commending them for continuing on with their vision to make Spokane a safer place to live, and raising awareness on how we can prevent substance abuse in our communities.

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## CONGRATULATING ALICE EASON BALLANCE

### HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. BUTTERFIELD. Madam Speaker, please join me in recognizing and congratulating Alice Eason Ballance of Winsor, North Carolina. Mrs. Ballance was recently named as this year's Experience Works Prime Time Award recipient for North Carolina. This national award program honors individuals over the age of 65 who continue to make meaningful contributions in the workplace, and who best reflect the characteristics of leadership, learning, mentoring and contributing to the nation and their local communities.

Mrs. Ballance is highly deserving of this honor after a lifetime centered on helping others, particularly those who need assistance the most. She continues to work hard each day to help the poor and disadvantaged in eastern North Carolina and has realized many successes along the way.

Mrs. Ballance understood the power of voting and mounted a highly successful voter registration drive where she personally taught people to read to enable them to overcome literacy tests. Among her many accomplishments, she has helped displaced sharecroppers find housing, worked to open the welfare system to anyone who needed assistance, and developed poverty and jobs programs.

She has been recognized many times for her selfless efforts, with honors including the Long Leaf Pine Award from former North Carolina Governor James Hunt, a Community Service Award from former President Bill Clinton and the Nancy Susan Reynolds Award for Extraordinary Leadership.

Today, the 88-year-old Mrs. Ballance still works 9 hours each day as the director of Kiddie World—Mary Alice Day Center overseeing the delivery of daycare services to 150 children and 25 adults. She is an energetic inspiration to all who know her. Mrs. Ballance embodies the true spirit of commitment and compassion; she has given all that she can to her community.

The communities in eastern North Carolina are better for Mrs. Ballance's efforts, so it is a great honor for me to recognize the success and achievements of this outstanding resident of the First Congressional District of North Carolina.

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## IN HONOR OF DR. WILLIAM C. POTTER

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. FARR. Madam Speaker, I rise today to congratulate Dr. William C. Potter, director of the Center for Nonproliferation Studies, CNS, at the Monterey Institute of International Studies, MIIS, for holding the first Nunn-Lugar Chair in Nonproliferation Studies.

The Cooperative Threat Reduction, CTR, Program, commonly referred to as Nunn-Lugar, was created to address the threat against global security resulting from the dissolution of the Soviet Union and loss of control over weapons of mass destruction. Just think what could have happened without Nunn-Lugar—since the program's inception in 1992 nearly 7,000 nuclear warheads and 2,000 missiles have been decommissioned. Nunn-Lugar also provides critical funding for security upgrades and conversion of many former nuclear and biological weapons facilities.

Along with Senators Sam Nunn and RICHARD LUGAR, Dr. Bill Potter has devoted his academic life to nonproliferation issues as the director of the Center for Nonproliferation Studies at the Monterey Institute of International Studies. Under Dr. Potter's leadership, the center is world renowned as a nexus for nonproliferation education, resources, and policy information. For over 9 years, the center has published The Nonproliferation Review, the leading international journal in the field, and other significant publications on various nonproliferation topics by international experts and practitioners. The center nonproliferation databases and website have become known among analysts, government experts, and the media as reliable sources of objective information on cutting-edge policy issues, as well as a broad range of technological and regime-related questions.

Dr. Potter is a global leader on nonproliferation issues. He has authored or edited 14 books and has contributed chapters and articles in over 90 scholarly books and journals. He has served as a consultant to the Arms Control and Disarmament Agency and the RAND Corporation. His present research focuses on nuclear terrorism and on proliferation issues involving post-Soviet states. He is a member of the Pacific Council on International Policy, the International Institute for Strategic Studies, the Council on Foreign Relations and served for 5 years on the U.N. Secretary-General's Advisory Board on Disarmament Research.

Madam Speaker, Dr. Potter's work on nonproliferation and disarming weapons in the former Soviet Union and locating "loose nukes" has contributed significantly to our global security. I can think of no one more worthy of the honor of the first endowed Nunn-Lugar professorship in the world devoted to nonproliferation study than Dr. William C. Potter. It is my honor to consider Dr. Potter a friend.

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## IN TRIBUTE TO LOURDES CASTILLO-URIBE, PRINCIPAL OF THE YEAR 2007

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize a compassionate leader, an educator, and an advocate for children, Ms. Lourdes Castillo-Uribe. Ms. Castillo-Uribe has served as principal at Escuela Vieau School for 15 years. Vieau School serves

Head Start through 8th grade children, 96 percent of whom are of Hispanic descent. Ms. Castillo-Uribe achieved a 95 percent attendance rate at Vieau School, even though 69 percent of the students are bussed. Vieau School is the only P–5 DPI program and bilingual school recognized as high achieving by the Milwaukee Public School district.

Ms. Castillo-Uribe prioritizes knowing the students, their families and their challenges such as lack of healthcare and food insecurity. For example, 95 percent of Vieau School students qualify for free or reduced lunch. Ms. Castillo-Uribe knows a positive early school experience strongly influences the future academic success of children in poverty. She sets high expectations for students and teachers and encourages creative thinking from teachers. She instituted the High Scope model for family involvement, providing daily opportunities for parental involvement in the academic and social lives of their children during school hours and after school in their Community Learning Center.

For her commitment to our children and for her many efforts and gifts, the Wisconsin Department of Public Instruction and the Association of Wisconsin School Administrators named Ms. Castillo-Uribe as Principal of the Year from the Milwaukee Public School system for 2007.

Ms. Castillo-Uribe's belief in ongoing professional development for teachers has lead Vieau School to become a training and professional coaching school. Instructional Practice Inventory, IPI, is a new initiative focusing on both high expectations and best practices for teachers. All the classroom teachers at Vieau are guided and mentored by teachers who are trainers and coaches for IPI.

Ms. Castillo Uribe has formed a number of private/public partnerships to provide programs for students. The partnerships include: the Helen Bader Foundation, Medical College of Wisconsin, Alverno College, Hispanic Chamber of Commerce, United Migrant Opportunities Services, UMOS, Wisconsin Hispanic Scholarship Foundation, Mexican Fiesta, Milwaukee Symphony Orchestra, and Wisconsin Hispanic Professional Association.

Ms. Castillo-Uribe graduated cum laude with a bachelor's degree in elementary education and a master's degree in curriculum and instruction from the University of Wisconsin-Milwaukee.

Madam Speaker, for these reasons, I am honored to pay tribute to M. Castillo-Uribe who has dedicated her life toward educating and improving the lives of the children in the Fourth Congressional District and is an outstanding recipient of the Principal of the Year award.

## HONORING ALDEN WILSON

### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. MICHAUD. Madam Speaker, I rise today to recognize Alden Wilson, who announced recently that he will be stepping down as Director of the Maine Arts Commission. Alden has been a fixture in Maine's cultural landscape for over 3 decades.

Under Alden's leadership, the Maine Arts Commission has become an example for similar commissions in other states to follow. One of the keys to the Commission's success has been Alden's ability to bring together artists, community members, and policy makers to focus on common goals.

The arts are a fundamental building block in our regional economies and are vital to our communities. Serving as director of the Maine Arts Commission for 33 years, Alden focused the group on the cultivation of Maine's creative economy. In large part because of Alden, Maine enjoys a vibrant arts landscape that spreads to every corner of the state.

Alden leaves an organization with a strong vision and a record of success. I have had the joy of working with Alden during my time in the Maine State Legislature, and now, while serving in Washington.

I wish Alden the very best in the future as he pursues new opportunities.

## TRIBUTE TO MAJOR GENERAL CHARLES ELWOOD "CHUCK" YEAGER

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mrs. CAPITO. Madam Speaker, I rise today to honor Major General Charles Elwood "Chuck" Yeager and the 60th Anniversary of breaking the "Sound Barrier." Both the accomplishment and the man responsible for it serve as lessons in what we can achieve as a nation.

In 1947, when young Captain Yeager raced across the sky faster than the speed of sound, the United States was still new to its role as a world power. The sound barrier represented a principle of nature. By breaking it, Yeager showed the world America's endless potential for innovation.

Yeager's early life prepared him well to become a fighter pilot. Born in Boone County, West Virginia, he grew up hunting and working in his father's repair shop. These skills later served him well as a pilot. At the tender age of 18, Yeager enlisted in the Army Air Corps.

Yeager served as a pilot in England during World War II. On one mission, he was shot down over France. Showing remarkable resilience he evaded capture and returned to Britain to fly. Yeager was never shot down again. He finished the war as a Captain, totaling 12½ kills, including an impressive five in one day.

After the war, he became a test pilot in the Air Corps' Research and Development Program. On October 14, 1947 he was given a chance to break the sound barrier in an X-1 rocket powered jet.

Yeager's flight has grown into legend over the years due in large part to breaking his ribs just days before the flight. Hiding his injuries from his superiors, he needed a rigged broom handle just to close the plane's hatch. Despite the pain, Yeager flew into history, reaching March 1.6, a speed of 700 miles per hour.

It was 6 months before the public was informed of Yeager's achievement. He nonetheless became a hero and was labeled the "fastest man alive." It was a name he did his best to live up to, continuing to fly faster and higher than anyone. Over the course of his career Yeager rose through the ranks, commanding fighter bombing squadrons during the Korean and Vietnam wars and mentoring up and coming pilots at the Aerospace and Research Pilot School.

Chuck Yeager's life of service is a model for all Americans and by breaking the sound barrier he inspired the next generation of heroes to grand achievements of their own, including: the space program and the Moon landing.

Just as was the case in 1947, our Nation today continues to face unprecedented challenges, but we should find strength from this moment in history and from heroes like Chuck Yeager that our nation will continue to break new barriers and reach new heights.

## PERSONAL EXPLANATION

### HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. SIRES. Madam Speaker, on October 22, 2007, I missed rollcall vote Nos. 983, 984, and 985. Had I been present, I would have voted "yes" on rollcall 983, "yes" on rollcall 984, "yes" on rollcall 985. In addition, I want to express my strong support for H.R. 189, legislation introduced by Congressman BILL PASCRELL to establish the Paterson Great Falls National Park in Paterson, New Jersey. I regret having missed the opportunity to cast a vote in favor of the establishment of this park, which will provide all northern New Jersey residents as well as all Americans continued access to this historic landmark.

## TRIBUTE TO LIEUTENANT RONALD PHILLIP ALLEN, JR.

### HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to LT Ronald Phillip Allen, Jr. of Tar Heel, North Carolina, for serving his community as a dedicated volunteer with the Tar Heel Fire Department. On the morning of September 22, 2006, Lieutenant Allen was tragically killed in an accident with an oncoming car while marking hydrant locations along North Carolina Highway 87.

The American scholar, William Arthur Ward, once said, "Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, and character." Lieutenant Allen led such a life.

As a Bible school teacher, Lieutenant Allen shared his faith and the goodness it instilled within him with the members of his church community. As a firefighter, Lieutenant Allen showed humility through his willingness to sacrifice his safety and well-being for the protection of others. As a correctional officer, he served as a source of character inspiration and guidance for the inmates in his charge. And as the son of a former mayor of Tar Heel, Lieutenant Allen was born into a tradition of public service, a tradition that he would uphold and implement every day of his life.

The life of this remarkable hero was truly one dedicated to helping others and making his community a better place to live. Lieutenant Allen and 82 additional heroes who sacrificed their lives in the line of duty were honored by 5,000 people, including President George Bush and Members of Congress, during the National Fallen Firefighters Memorial Service on October 7, 2007.

Madam Speaker, may we never forget the goodness, humility, service, and character that defined the life of Lieutenant Allen. May God continue to bless his loved ones, the work he did, and the greatness that he inspired within all who knew him.

## A TRIBUTE TO SALLIE BALDWIN HOWARD

### HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. BUTTERFIELD. Madam Speaker, it is with great pride that I rise today to pay tribute to Mrs. Sallie Baldwin Howard, a native and resident of Wilson, North Carolina. For many years, Mrs. Howard dedicated her life to educating and serving the people of Northeastern North Carolina. She was recently honored as the Wilson Human Relations Commission 2007 Paul Lee Stevens Humanitarian for outstanding service to her community.

Madam Speaker, Mrs. Howard, who is affectionately known as "Bibi," dedicated much of her life as a teacher in the New York City Public School System during her early years, but for the past 15 years she has donated all of her time and energy to rallying youth in Wilson, challenging them to be exemplary citizens and great achievers.

Madam Speaker, high praise is due to Mrs. Howard for her success in overcoming the racial and gender prejudices of her time. Mrs. Bibi Howard was born in Wilson, North Carolina, to Narcissus and Marcellus Sims on March 23, 1916. She overcame countless challenges growing up in the Jim Crow South as the daughter of sharecroppers. Nevertheless, she was driven and focused and graduated as valedictorian from Charles H. Darden High School in 1938. Mrs. Howard attended Hunter College in New York City where she earned both her bachelor and masters degree in education.

She taught for nearly 30 years as a first grade teacher in New York. While there, she worked in the New York City American Negro Theater, which helped start the careers of Sidney Poitier, Harry Belafonte, Ossie Davis, Ruby Dee and Esther Rolle. There she honed her acting, directing and writing talent, finding a voice through her art. Her Off Broadway play The Passing of a Dinosaur is still performed today in local schools.

Upon her retirement, Mrs. Howard returned to Wilson to lead the Christian Education Department of the St. John AME Zion Church. Her enthusiasm for education and the church inspired many of the youth of the community. Along with many other projects, Mrs. Howard founded the Youth Enrichment Program with Dr. JoAnne Woodard in 1989, and focused the program on lasting scholarship, a commitment to the cultural heritage of African Americans, and promoting the arts. Bibi Howard's tireless work to enrich the community inspired Dr. JoAnne Howard to create the one of the first public charter schools in the state, and the only public charter school in Wilson, the Sallie B. Howard School for the Arts & Education. The school, along with the Youth Enrichment Program, has been an invaluable asset to our community.

Madam Speaker, in honor and recognition of Mrs. Sallie Baldwin Howard's diligent service as an educator and leader, I ask my colleagues to join me in paying tribute to this great woman.

## HONORING THE STUDENTS OF HALF HOLLOW HILLS HIGH SCHOOL EAST

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. ISRAEL. Madam Speaker, I rise today to recognize the students of Half Hollow Hills High School East for their thoughtful letters on the war in Iraq. I appreciated hearing their views and reading their individual letters which contained their ideas and perspectives on our involvement in Iraq.

I want to applaud their interest in this critical topic and appreciate that they took the time to share their opinions with me.

## TRIBUTE TO ERIN REED, LOIS SUZUKI AND STEVE SMITH

### HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. DOOLITTLE. Madam Speaker, on September 29, 2005, emergency flight nurses Erin Reed, Lois Suzuki and pilot Steve Smith gave their lives when their helicopter lost control in inclement weather conditions after delivering a patient to a nearby hospital. This accident, like many of the increasing number of emergency medical service (EMS) fatal crashes, occurred under so-called "Part 91" regulations, which allow an EMS crew to fly in conditions which are more dangerous than what is permitted when a patient or an organ is on board.

Since her death, Erin's family has joined a coalition of friends and family members who have lost loved ones in a medical flight. Their efforts are devoted to making air medical transports safer for the flight crew and patients who take to the skies for emergency medical care. With the support of this coalition, I am pleased to introduce bipartisan legislation today that will increase safety for all those on board an aircraft providing emergency medical services. This bill will eliminate the Part 91 regulations for certain flights and direct the Federal Aviation Administration to study and implement several other proposals to increase safety conditions for medical flights.

I would like to recognize the efforts of the many families who have responded to their losses with determination to help others. I would particularly like to thank Stacey Friedman, Erin's sister, for her tireless efforts in advocating for changes that would protect caregivers like her sister. By enacting this legislation, we will not only honor the remarkable sacrifices of those who gave their lives while trying to save others, but in their honor we will also prevent similar tragedies from occurring in the future.

## RECENTLY INTRODUCED HEALTH CARE LEGISLATION

### HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. MCHUGH. Madam Speaker, I rise today to discuss three bills I recently introduced that are designed to reduce the number of Americans who do not have access to health insurance. These three bills are designated H.R. 3515, the Health Insurance Tax Relief Act of 2007; H.R. 3516, the Affordable Health Care for Americans Act of 2007; and H.R. 3517, the Long-Term Care Tax Reduction Act of 2007.

In 2006, approximately 47 million Americans, or 15.8 percent of the population, did not have health insurance coverage for the entire year. When people lack health insurance, they often find themselves lacking real access to health care, thus unnecessarily incur illnesses, emotional and physical pain, and costs. This is particularly the case with preventable or chronic conditions. In addition, when patients cannot pay for health services, the facilities that provide those services suffer financial losses, which have been estimated to be as high as $41 billion annually. As a result, some health care providers reduce or stop offering services while others may raise rates, thus reducing everyone's access to health care.

The average annual premium for self-only coverage in 2007 is $4,479 with the average premium for a family of four at $12,106. These premiums were 7.7 percent over the cost of the previous year's premiums and grew at a rate in excess of both wage gains and the growth in prices for goods and services. Nearly 60 percent of Americans receive health insurance through their employment, primarily because of the advantages available to employers and employees under our Nation's tax code.

To reduce the number of uninsured Americans, we need to help open doors for those who do not receive health insurance through their workplace and do not qualify for public programs. H.R. 3515, the Health Insurance Tax Relief Act of 2007, and H.R. 3516, the Affordable Health Care for Americans Act are both designed to provide this assistance. Specifically, H.R. 3515 would allow eligible individuals a refundable credit against income tax for the purchase of private health insurance and H.R. 3516 would permit individuals to take an above-the-line tax deduction, whether or not they itemize, for all health insurance premiums paid during a tax year.

With regard to long-term care, this challenge currently constitutes a significant component of health care spending in the United States. In fact, of the $1.56 trillion spent on personal health care services in 2004, over $194 million or 12.5 percent was spent on long-term care services. Of that amount, nearly $37 billion was paid out-of-pocket by consumers.

There is no question that long-term care insurance is increasingly becoming a necessity as Americans are living longer. However, the expense of this coverage is a major obstacle to its purchase. Thus, I have introduced H.R. 3517, the Long-Term Care Tax Reduction Act of 2007, which would allow individuals to use their IRAs, as well as 401(k) and 403(b) plans, to purchase qualified long-term insurance using pre-tax dollars without penalty. If enacted, this measure may save the government money in the long run by reducing the more than $133 billion Medicaid and Medicare spend annually, while allowing Americans to preserve more of their retirement savings and their sense of independence.

Accordingly, I ask my colleagues to carefully consider these points as they review these three bills. In addition, I ask them to work with me to enact these measures during the 110th Congress.

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## ON THE DEATH OF RANDALL FORSBERG

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. MARKEY. Madam Speaker, it is with great sadness that I rise to mark the passing of my friend Randall Forsberg, but it is with pride, admiration, and thankfulness that I remember her enormous contributions to the cause of nuclear disarmament.

Randy Forsberg was the mother of the Nuclear Freeze movement. When she was a doctoral candidate at the Massachusetts Institute of Technology in 1980, she put forward a simple and inspired proposal: To end the "testing, production, and deployment" of all nuclear weapons everywhere. With her "Call to Halt the Nuclear Arms Race," and her tireless advocacy for a nuclear weapons freeze, Randy galvanized a national grassroots campaign to end the threat of nuclear weapons.

I was proud to introduce the very first nuclear freeze resolution in the Congress, and to work for its successful passage on the House floor in the spring of 1983. That vote shocked many within the dusty confines of the foreign policy establishment, who simply could not comprehend that ordinary citizens understood the unique and intolerable threat of nuclear weapons and that the American public would demand a fundamentally different course be set. Randy was at the center of the Nuclear Freeze throughout the country, and was a guiding light to many who believed in the necessity of the Nuclear Freeze. While the Freeze did not pass in the Senate, the activism that this movement created led the Congress to pass other legislation to cut in half the proposed size of the MX missile force, ban anti-satellite weapons testing in space, cut funding for Star Wars missile defenses, and to propose a moratorium on underground nuclear weapons testing. Those Congressional initiatives, in turn, led the Reagan Administration—which came to office opposed to arms control—to sign the START and INF treaties with the Soviet Union.

In order to advance a nuclear weapons freeze, Randy founded the Institute for Defense & Disarmament Studies in Cambridge, Massachusetts, in 1980. Since that time, IDDS has been an important part of the arms control community in the United States and abroad. Through its numerous publications, including its World Arms Database, IDDS has provided vital information and analysis to both policy makers and the public at large.

Randy Forsberg passed away last Friday night, ending a long battle with endometrial cancer during which she had shown incredible bravery and dignity. My thoughts and prayers are with her daughter, Katarina Lilly, her mother, Genie Watson, and her sister, Celia Seupel.

With Randy Forsberg's death, the world has lost an eloquent and inspired advocate for nuclear disarmament. But the cause to which she devoted her life endures, and her example serves to inspire others who share her dream of a world without nuclear weapons.

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## TRIBUTE TO THE KALAMAZOO PUBLIC LIBRARY

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. UPTON. Madam Speaker, I rise today to recognize the Kalamazoo Public Library on the 100th anniversary of its designation as a federal depository.

Since 1907, the Kalamazoo Public Library has safeguarded the public's right to know by accepting, organizing, and maintaining all publications released by the U.S. Federal Government. Furthermore, the Kalamazoo Depository has provided the public of Southwest Michigan with free access to these government documents in an impartial environment along with professional research assistance.

From census records and court rulings to financial aid forms and the federal tax code, the Kalamazoo Depository has become an easily accessible resource for those seeking information relating to the federal government.

As a republic founded upon the ideals of governmental accountability and democratic participation, public access to such information is invaluable. The public's ability to know, question, and participate is the lifeblood of a free and open society such as ours, and not something to be taken for granted.

Once again, I would like to personally recognize and thank the Kalamazoo Public Library and its staff for providing such an invaluable service to the citizens of this community. Southwest Michigan is truly a better place because of their contributions.

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## TRIBUTE TO ANNE MARGARET KELLEHER REAM

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Ms. ESHOO. Madam Speaker, I rise today to pay tribute to an extraordinary member of my congressional staff for over 14 years, Anne Ream.

Anne was born Anne Margaret Kelleher on January 23, 1943, in Winthrop, Massachusetts, to William Joseph Kelleher and Elizabeth Tyrrell, affectionately known as Betty.

Anne graduated from Albertus Magnus College in 1964 with a B.A. in Economics and a minor in political science. She then went on to work as a securities research analyst at several stock brokerage firms in New York City and San Francisco between 1964 and 1969; as a portfolio analyst at Wells Fargo Bank between 1969 and 1971, and as a research assistant at Dataquest, Inc. between 1975–1979.

On August 10, 1968, she married the love of her life, Christopher Ream, and they had 2 beautiful children; Jason born in 1971 and Anita born in 1974. While raising her 2 young children, she attended the Santa Clara University School of Law, received her Juris Doctor degree in 1983, and was admitted to the California Bar the same year. Anne practiced law at the firm of Auchincloss and Marblestone in Redwood City between 1984 and 1989.

Anne is respected throughout our community as a real leader, volunteering with many organizations and serving as president of the Community Breast Health Project, board member of the Girls Club in East Palo Alto, executive vice president of the Palo Alto Foundation for Education, chair of the Resource Committee for Families in Transition, board chair of the Rachel Austin Foundation, board member and event co-chair for the Association for Senior Day Health, and board member of the Associates of the Institute for Research on Women and Gender.

Anne is the proud and loving grandmother of Hollister and Jessica Ream, and just welcomed her newest granddaughter, Chloe Pollert.

Since my first day as a Member of Congress in January 1993 until July 2007, Anne Ream has worked effectively to serve the people of the 14th Congressional District, first as a field representative and then as my deputy district chief of staff in our Palo Alto District Office. She applied her years of experience and expertise to bring community leaders together on critical healthcare, women's and senior issues. She assisted hundreds of constituents and resolved complex problems with federal agencies, including Medicare, immigration, Social Security, disability and housing. Her compassion for constituents, especially for the disenfranchised, knew no bounds and she set a standard of excellence in everything she did. Her strong presence in our office will always be missed, as well as her rich sense of humor, her meticulous attention to detail and her endless reserve of knowledge.

Madam Speaker, I ask my colleagues to join me in honoring the work of Anne Ream as she begins the next exciting chapter of her life. She has served the people of California's 14th Congressional District with grace and distinction and in doing so, she strengthened our community and made our country better. How proud I am of all she accomplished and how grateful I am to have her as my friend.

## INDIA'S JEWISH COMMUNITY OUTRAGED OVER "NAZI COLLECTION"

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. TOWNS. Madam Speaker, on September 30, Fox News reported an outrageous story. India has a small Jewish community and they are outraged at the emergence in Mumbai (formerly Bombay) of a new line of bedspreads called the "Nazi Collection." The proprietor, one Kapil Kumar Todi, claimed that it stands for "New Arrival Zone for India," but nobody takes that claim seriously. Mr. Todi pretends not to understand the outrage of the Jewish community, saying "It really does not matter to me who feels bad about it."

This collection is an outrage, not only against Jews, but against all people who believe in decency and tolerance. India should shut it down.

A restaurant in Mumbai used swastikas on its menus and called itself Hitler's Cross. After the Jewish community protested, the restaurant was forced to change its name. This shows the tolerance for Nazi ideas in India, and yet it considers itself the ally of Israel and the Jewish people.

As you know, Madam Speaker, India has been plagued by Hindu fundamentalism and many instances of religious intolerance. Christians, Muslims, Sikhs, and others have suffered religious violence that has claimed hundreds of thousands of lives. There has been destruction and laws have been enacted to prevent a Hindu from converting to another religion. A booklet was published telling people how to implicate Christians and others in false criminal cases. This is merely the latest outrage. But it is one more example of the lack of religious freedom in India. That is one reason that there are 17 freedom movements inside India.

This is unacceptable, Madam Speaker. It is one more reason why we should cut off our aid to India and our trade with that country and put the U.S. Congress on record in support of self-determination and freedom for the many nations seeking their freedom from India.

[From Fox News, Sept. 30, 2007]

INDIAN JEWS OUTRAGED OVER "THE NAZI COLLECTION" LINE OF BEDSPREADS

MUMBAI, INDIA—Leaders of India's Jewish community expressed outrage Sunday over a new line of bedspreads called "The Nazi Collection" from a Mumbai-based home furnishing company that used swastikas in its promotional material.

The furnishing dealer said the name stands for "New Arrival Zone for India" and was not meant to be anti-Semitic.

But Jewish groups said they would file a lawsuit against the company.

"This is an enormous insult to Jews and all right-thinking people and must be retracted," said Jonathan Solomon, chairman of the Indian Jewish Federation.

There are about 5,500 Jews living in India, a predominantly Hindu nation of 1.1 billion people.

The bedspread line is not yet on sale, but brochures were handed out in a mall in a northern Mumbai suburb, the Times of India newspaper reported Sunday.

Furnishing dealer Kapil Kumar Todi said he chose the name because "that's what came to my mind," according to the paper.

"It really does not matter to me who feels bad about it," he said.

Some Indians regard Hitler as just another historical figure and have little knowledge about the Holocaust in which 6 million Jews were killed during World War II.

The swastika symbol, which was appropriated by the Nazis, was originally an ancient symbol used in Hinduism, Buddhism and other religions, and is still displayed all over India in hopes of bringing luck.

Last year, a restaurant in Mumbai, India's financial and entertainment capital, changed its name from Hitler's Cross after the city's Jewish community protested. The restaurant used swastikas on its signs and menus.

## PERSONAL EXPLANATION

### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. ELLISON. Madam Speaker, on October 10, 2007, I inadvertently failed to vote on H. Res. 719 (rollcall No. 954), had I voted, I would have voted "aye."

## PAYING TRIBUTE TO EILEEN SWEENEY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. RANGEL. Madam Speaker, I rise to ask my colleagues to take this time to remember the life of Eileen Marie Sweeney.

Eileen Sweeney, a woman whose life, to a remarkable degree, embodied the reverie of the American dream, was a great woman of distinction which reflected her grand Irish heritage.

Born on October 5, 1934, Eileen Sweeney was a long-time community activist who devoted many years to the betterment of Washington Heights and Inwood, For many years, she worked for New York State Assembly Members Edward H. Lehner and Herman D, Farrell, Jr., where she was diligent in resolving constituent issues. While in her office or out in the community, any project she took on merited her full and undivided attention.

Eileen contributed her time and talents to countless civic and charitable endeavors and has always given of herself unstintingly. One of countless examples was her membership to Community Board 12 of Manhattan, where she served as a fierce housing and tenant advocate and protector of her beloved community.

In 1976, she was called upon to serve as a Democratic District Leader for the 71st New York State Assembly District and also as a Delegate of the Democratic National Convention in which nominated then Presidential Candidate, President Jimmy Carter.

As she passed away on January 31, 2006, such a benevolent amalgamation of intellect, steadfastness, and vigor as that demonstrated by Eileen Sweeney over a lifetime of sacrifice and dedication to others, will greatly be missed.

This past weekend, on October 20th, 2007, Eileen was memorialized by those that loved and cherished her with the renaming of the Northwest corner of West 207th Street and Broadway in my district. It is our hope that this act will help preserve the memory of this remarkable woman, not only for the benefit of those who knew her but for all who value the promise of America.

## K.P.S. GILL SHOULD NOT TESTIFY IN AIR INDIA INQUIRY

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. TOWNS. Madam Speaker, K.P.S. Gill, the former Director General of Police in Punjab, has requested the opportunity to testify before the Major Commission, which is investigating the 1985 Air India bombing. The request comes in response to the testimony of officials from the Punjab Human Rights Organization who had valuable new information to impart. Mr. Gill should not testify.

Gill was part of the same machinery of Indian repression that led to the bombing. He was responsible for the murders of tens of thousands of Sikhs while he was DGP in Punjab. Mr. Gill was quoted as endorsing extrajudicial killings, saying that they "should happen." These are incidents where the police kill innocent people, then report it as an "encounter" to justify their actions. He was denied passage to the 1996 Olympics in Atlanta by every airline because of his terrorism and he had to leave the country immediately after India's field hockey games. He serves as president of the Indian Field Hockey Association. Almost 50 Members of Congress wrote to the State Department urging them to deny Mr. Gill a visa. He stands convicted of sexually harassing a high-level female Indian Administrative Service employee. He is not fit to be a witness in any civilized country. He ought to be in prison.

Gill has no information on the Air India incident. Why doesn't the Major Commission call Zuhair Kashmeri and Brian McAndrew, who wrote the book Soft Target, which details the Indian government's involvement in this terrorist act, or former Member of Parliament David Kilgour, who exposed the story of Ryszard Paskowski? Paszkowski was a Canadian-Polish double agent who was approached by representatives of the Indian government who asked him to be involved in a second bombing. They said, "the first one worked so well." For that matter, why not just call Mr. Paszkowski himself?

Gill's involvement in genocide is well known. Why should the Major Commission accept him as a witness?

GILL SHOULD NOT TESTIFY BEFORE MAJOR COMMISSION

WASHINGTON, DC, October 3, 2007.—Former Punjab Director General of Police K.P.S. Gill is seeking to testify before the Major Commission, which is investigating the 1985 Air India disaster. His request comes in response to testimony from two officials of the Punjab Human Rights Organization (PHRO.)

Gill should not testify because he is a terrorist," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "He is responsible for the murders of tens of thousands of Sikhs. Now he is portraying himself as some sort of expert on the Air India bombing. The Council of Khalistan, the government pro tempore of Khalistan, leads the struggle to liberate Khalistan from India.

Gill was denied passage to the Atlanta Olympics by every airline in 1996 because of his terrorism. He had to be sent to Atlanta in a special train and he was sent out as soon as the hockey game was over. 49 Members of the U.S. Congress wrote to the State Department, urging them not to give Gill a visa. In that same year, he was convicted of sexually harassing a senior IAS official. A few years ago when Gill was visiting Belgium, his turban was removed from him by Sikh activists, who then chased him down to his hotel. In 1999, he was quoted as saying that fake encounters "should occur" if they are "necessary." Many innocent people, including a three-year-old child, have been killed in such encounters. In 1994, the U.S. State Department reported that the Indian government paid out over 41,000 cash bounties to police officers for such killings.

Gill presided over more than 50,000 extrajudicial killings, which were exposed by the PHRO in a study begun by Sardar Jaswant Singh Khalra, who was picked up by the police in September 1995 and murdered in police custody in October of that year. Many of these were secret cremations, in which Sikhs were arrested, tortured, and murdered, then their bodies were secretly cremated and declared "unidentified." Their remains were never even given to their families. It was for exposing this brutal policy that Gill's police arrested and murdered Sardar Khalra.

Gill serves as head of the Anti-Terrorist Institute of India, which has so far received $95 million in taxpayer funding from the government of Canada, and of the Institute for Conflict Management, which has received $65,000. "It is ironic that Gill heads an antiterrorism institute and he is a terrorist himself," said Dr. Aulakh. "Like most police officials, he has escaped any consequences of his actions. Gill should be tried for genocide."

Information recently released to Tehelka by the PHRO showed that Talwinder Singh Parmar, the leader of Babbar Khalsa (an organization significantly infiltrated and controlled by the Indian government) had identified Lakhbir Singh Brar (Rode), leader of the International Sikh Youth Federation (ISYF), as the main culprit behind the bombing and as an Indian government agent. A police official, Harmail Singh Chandi, showing documents that were supposed to have been destroyed, reported that Parmar was murdered in police custody. It is clear that Parmar was killed to keep him from talking about Rode's involvement. As a Canadian Security Investigative Service agent who was quoted in Zuhair Kashmeri and Brian McAndrew's book Soft Target said. "If you really want to clear up the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver. We know it and they know it that they are involved."

"If Gill can testify, why not call Kashmeri and McAndrew? Former Member of Parliament David Kilgour, who wrote Betrayal: The Spy That Canada Abandoned, should also be invited to testify," Dr. Aulakh said. In his book Kilgour reports on a Canadian-Polish double agent named Ryszard Paszkowski, who was approached by representatives of the Indian regime, who asked him to participate in a second bombing because "the first one worked so well." Paszkowski should also be invited to testify.

A report issued by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Many have been in illegal custody since 1984. According to Amnesty International, there are tens of thousands of other minorities being held as political prisoners in India. The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, Bodos, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

"How can anyone accept testimony of the representative of this bloody regime?" Dr. Aulakh asked. "In a free Khalistan, no one would accept those who carry out genocide against the Sikh religion and the Sikh Nation or against any other people," he said. "The Sikh Nation and the Sikh religion cannot flourish without political power. We must free Khalistan now.'

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## PERSONAL EXPLANATION

### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. ELLISON. Madam Speaker, on October 22, 2007, I inadvertently failed to vote on rollcall No. 983–985, had I voted, I would have voted "aye."

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## TRIBUTE TO "MOUNT CALVARY BAPTIST CHURCH" ON THEIR 90TH ANNIVERSARY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. RANGEL. Madam Speaker, it is with great honor and enthusiasm that I rise to congratulate Mount Calvary Baptist Church as they join together in celebration of their 90th Anniversary. They will be celebrating his very momentous and joyous occasion with a banquet held on October 20th, 2007.

The Mount Calvary has a very rich history that has given it life and longevity for the past 90 years. It all began in the late summer of 1916. Mr. Sterling Grayson Jr. along with 2 other colleagues, Reverend William Lilly and Reverend Young, sat among each other and through conversation, the idea was born in the mind of Mr. Grayson to plan and organize a Missionary Baptist Church. In September of that year, at Thomas Chapel, located at 91 West 134th Street, the idea of the 3 men came to fruition.

Mr. Sterling Grayson, Jr., who at the time was a college student, turned over the officiating of the church to his father, Reverend Sterling Grayson, Sr. Through names submitted by the new church congregation and pastor, Reverend Grayson Sr.'s submission of Mount Calvary Baptist Church is chosen and he becomes known as the author of the official name of the church on September 27th, 1917. Mount Calvary continues to flourish at its new location of 231 West 142nd Street in my district.

From its modest beginning, Mount Calvary Baptist Church has emerged as a cornerstone of the community. Under the guidance of Reverend Dr. Adolph Roberts, Jr., Mount Calvary continues to thrive, both in terms of spiritual growth as well as practical improvements. The proud members of the church are thankful for the spiritual and emotional leadership he and the previous pastors have provided during the years.

Reverend Dr. Adolph Roberts, Jr. was installed as pastor of the church in April of 1983. Though he is dedicated to his congregants, he has never limited his time and love for his family. Reverend Dr. Adolph Roberts, Jr. and his wife of 43 years, Victoria, have 1 son, Anthony and 3 grandchildren. He is a scholar and a veteran of the Korean War, where he served with the 82nd Airborne Infantry Division.

The 90th Anniversary Worship Service and Celebration Week began on Monday, October 15th, 2007, with the Friendship Baptist Church Family and Pastor James A. Kilgore. On Saturday, October 20th, 2007, there will be an evening of love and appreciation at the Alhambra Ballroom Banquet in my district where Reverend Dr. James Forbes will be the guest speaker. The celebration banquet will include with church services on Sunday, October 21, 2007, with the Mount Calvary Baptist Church Family of Savannah, Georgia, and Philadelphia, Pennsylvania.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring and congratulating Mount Calvary Baptist Church on their historic 90th Anniversary. Their constant dedication, commitment, and spiritual guidance is worthy of the highest commendation.

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## TRIBUTE TO KEITH HOLLIDAY, MAYOR OF GREENSBORO, NORTH CAROLINA

### HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. WATT. Madam Speaker, Representative BRAD MILLER of North Carolina and I are pleased to join in this tribute to the Honorable Keith Holliday, who will soon be retiring as Mayor of Greensboro, NC.

Mayor Holliday is a model public servant who served as a member of the Greensboro City Council from 1995 to 1999 and has served as Mayor since 2000. He has distinguished himself nationally, effectively leading Greensboro through major economic and political challenges, through economic redevelopment and through a renaissance of Greensboro's downtown. He has helped position greenways, parks, public art projects, and other beautification initiatives on Greensboro's priority agenda and has focused on servicing an ever-expanding, diverse and multi-cultural population.

Mayor Holliday has also been a committed and persuasive advocate for the International Civil Rights Center and Museum. Throughout the world, North Carolina is recognized as the birthplace of the sit-in movement and the International Civil Rights Center and Museum, the site of the original sit-ins, is being renovated and will be opening soon as a lasting tribute to the "Greensboro Four." These 4 courageous students from North Carolina A&T State University led thousands of students and others who sat down at the F.W. Woolworth lunch counter in Greensboro, NC, to protest segregation and ultimately changed the human condition and struck a blow for human dignity, equality, and justice for all.

We applaud Mayor Holliday as he continues to raise his voice in support of the completion of the International Civil Rights Center and Museum so the city of Greensboro and the citizens of North Carolina and this Nation will always remember this great chapter in American history. We join in thanking Mayor Keith Holliday for his many years of exceptional public service.

## BIRTHDAY OF GURU NANAK, FOUNDER OF SIKH RELIGION

## HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. TOWNS. Madam Speaker, on October 20, Sikhs around the world will celebrate the birthday of Guru Nanak Dev Ji, the founder of the Sikh religion, who was born in 1469. There are about 25 million Sikhs worldwide. I would like to take this opportunity to congratulate Sikhs around the world on this important occasion.

Guru Nanak had a spiritual experience in 1499 while bathing in the Bein river. He received revelations for 3 days, then became a travelling preacher, preaching a philosophy of inclusion, tolerance, and univeralism. "There is neither Hindu nor Muslim," he said, and he used both Hindu and Muslim titles for God. Guru Nanak met with both Hindu and Muslim leaders.

His following continued to grow. He eventually settled in Kartarpur, Punjab.

Guru Nanak taught that humans could approach God directly, that God is a formless, unified being. He taught that we could do this by many means including meditation, purification, spiritual purity, and achieving detachment. He encouraged charity. He taught that caste didn't matter. All that mattered was following the spiritual path. He admonished his followers to oppose tyranny and repression.

The teachings of Guru Nanak and his successors are recorded in the Adi Granth, the holy scripture of the Sikh religion, also called the Guru Granth Sahib. It is written in Punjabi, the language of the Sikhs, which was not considered acceptable by the other religious leaders of the time, but which shows that God favors no caste or group.

Guru Nanak's birthday is a major occasion for the Sikh Nation and I congratulate Sikhs worldwide on the celebration of his birth, which gave rise to their religion.

## IN RECOGNITION OF GREG GASPERECZ AND LAURIE CONNER

## HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. RAHALL. Madam Speaker, I rise today to recognize Mr. Greg Gasperecz and Ms. Laurie Conner, in anticipation of the joyful event of their marriage on October 26th, 2007. The institution of marriage is one of the most sacred, cherished and effective traditions in society, and I am pleased today to pause and offer my congratulations to Greg, and best wishes to Laurie, as they approach this important milestone in their lives.

Greg and Laurie have been longtime companions and soul-mates, and they both cherish their proud heritage as lifelong residents of New Orleans, Louisiana. Side by side, in steadfast support of one another, they have celebrated the best of times, and weathered the worst of storms, as survivors of Hurricane Katrina.

In September of 2005, Greg and Laurie were each living the American Dream of home ownership, and Laurie owned a rental property as well, all in the Lakeview neighborhood of New Orleans. Although they were both able to evacuate in the days before the storm, they had to leave behind a lifetime of possessions in the homes they loved so much. By the time they were able to return, they found their homes defiantly still standing, but the structures and entire contents, were a total loss. All 3 houses, wiped out in a single day.

In December of 2005, my wife and I decided to celebrate our first wedding anniversary in New Orleans. And we decided to drive from southern West Virginia to southern Louisiana, so that we could better appreciate the storm's damage to the entire region. We went to New Orleans to show our support for the community in some small way, and to personally tell any survivors that we could find, that they had not been forgotten.

It was on that visit that I came to know Greg Gasperecz and Laurie Conner, in what had to be the bleakest period of their lives. They were just beginning to comprehend the totality of their personal loss, and that of their beloved hometown. Yet they spent an entire day and evening, offering us an extended tour of the affected areas, including their homes, and they proudly took us on a tour of the unmistakable French Quarter; which was still proudly vibrant under the dire circumstances that persisted. That day, we stood atop the sandbags that had been dropped 3 months earlier at the breech of the 17th Street Canal, a stream of lake water still slowly spreading into the street below. Greg offered his insight and expertise as he explained the environmental implications of both the cause and the effects of the disaster.

Greg and Laurie had so much to be sad about at that time, but they were still the most charming hosts for which the city could ever hope. I was touched by their pride and compassion, and inspired by their stoic resolve to remain and to rebuild. And 2 years later, rebuild they have. It is my understanding that in the last week, they have finally been able to begin construction on a brand new home, in their same Lakeview neighborhood. And this week, in their beloved French Quarter, they will stand before their loved ones and recite their vows of marriage to one another. Greg and Laurie realize that they have been blessed; to have each other, to have survived this epic disaster, and to have been able to rebuild their home and their lives. They don't take any of that for granted, instead, have chosen to recommit to rebuilding their community, and give back to the city that has given them so much. This is so characteristic of the proud and tough West Virginia work ethic and belief in God.

Madam Speaker, I close my remarks today with congratulations to Greg and Laurie. I ask that you join me in wishing them well, and trust that they will have many happy years together in New Orleans, LA.

## PERSONAL EXPLANATION

## HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. KING of New York. Madam Speaker, due to the recent passing of my mother, I have been absent in Washington since Thursday, October 18 and have missed a number of votes. However, if I had been present, this is how I would have voted on each rollcall:

Rollcall No. 981: On Approving the Journal, "aye".

Rollcall No. 982: Passage, Objections of the President Notwithstanding of the Children's Health Insurance Program Reauthorization Act, "aye".

Rollcall No. 983: On Motion to Suspend the Rules and Pass, as amended, the Paterson Great Falls National Historic Parks Act, "aye".

Rollcall No. 984: On Motion to Suspend the Rules and Pass, as Amended, the Douglas County, Washington, PUD Conveyance Act, "aye".

Rollcall No. 985: On Motion to Suspend the Rules and Agree to Supporting the Goals of National Bullying Prevention Awareness Week, "aye".

## STRONG SUPPORT OF PRIVILEGED RESOLUTION

### HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. EVERETT. Madam Speaker, I rise in strong support of this privileged resolution to censure Representative PETE STARK (CA), offered by the Republican Leader. Like many of my colleagues, I was disgusted by the comments of the gentleman from California, Mr. STARK.

Regardless of his personal feelings on the war in Iraq or any other issue before Congress, Mr. STARK's comments were distasteful and not in keeping with the traditions of the House of Representatives. His despicable statements on October 18, 2007 about the Commander in Chief, his colleagues in Congress, and the men and women who are serving our Nation in Iraq and Afghanistan should be condemned.

Mr. STARK just doesn't get it. The service and sacrifice of our men and women in uniform deserve to be honored and applauded in Congress—not chided and denigrated by his senseless remarks. I found his recent actions on the floor of the House to be extremely disrespectful of our military and our Commander in Chief. We face serious challenges at home and abroad and Mr. STARK should consider the impact of these comments before opening his mouth in the future.

## A TRIBUTE TO JOSEPH SELLERS

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor a man who rose through the Sheet Metal Worker ranks to become a figurehead and an important contributor to the Sheet Metal Worker community. Joseph Sellers, Jr. is a self-made man who has worked hard to get to where he is today. He began as an apprentice in 1980, and became a journeyman in 1984.

Joseph Sellers, Jr. began his career on the Local 19 Executive Board in 1994. Two years after, he was elected to the position of training coordinator, which he held for 4½ years. He followed this position with the position of business representative, and then was unanimously elected by the Local 19 Executive Board to the office of president and business manager. In June of 2003, he was again unanimously elected to this position. He is currently serving his third term in this office.

During his tenure on the Local 19 Executive Board for the Sheet Metal Workers, Mr. Sellers has held a number of other important positions, and left his mark in each of them. These titles include President of the Pennsylvania State Council of Sheet Metal Workers, President for the Metropolitan Association of Presidents and Business Representatives, President of the Board of Directors for the National Energy Management Institute, Vice President of the Philadelphia Building and Construction Trades Council, and Vice President of the Philadelphia AFL–CIO.

These are only a fraction of the prestigious positions Mr. Sellers has held. He has been an influential leader among all of the Sheet Metal Workers in Philadelphia and beyond. It is no small wonder, then, that he has been selected to receive the esteemed Labor Man of the Year Award for his unparalleled service and dedication to the Sheet Metal Workers community across Pennsylvania. I would like my colleagues to join me in honoring Joseph Sellers, Jr., without whom the title of Sheet Metal Worker would not have the same honor.

## A TRIBUTE TO JOANN E. EVANS

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor Joann E. Evans, one of my most distinguished constituents, for her service to the people of Philadelphia. Throughout her life, Ms. Evans has demonstrated unwavering loyalty to her community and church. The recipient of numerous rewards, she has held a number of leadership positions that allowed her to better our city.

She has showcased her administrative skills by serving as the Director of Support Services for the Center City Association and the Client Relations Manager for Penn Health Pass Corporation. In her efforts with Philadelphia's Mariama House and the United Negro College Fund, Ms. Evans has worked to advance the city's young adults.

In addition to her involvement in the community, Ms. Evans has furthered her commitment to education through participation in her church. She has worked as a youth minister and retreat leader for parochial schools and religious organizations throughout the Nation. As a contributing writer for The National Catholic Reporter and the Faith Alive Series, Ms. Evans shares this sense of faith and activism with readers.

As a native of Philadelphia, Ms. Evans has made a remarkable contribution to her city. I assure you that her leadership is felt by all members of this community. Once again, I congratulate and thank Ms. Evans for her immeasurable service to this Philadelphia.

## HONORING THE LIFE AND PUBLIC SERVICE OF SENATOR ANTONIO R. UNPINGCO

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Ms. BORDALLO. Madam Speaker, I rise today to honor and recognize the life of Antonio Reyes Unpingco, a Guam leader whose service as a fourteen term Senator of the Guam Legislature will live in the Hearts of the people of Guam and the people of the Western Pacific region who knew him well. Sadly, Senator Unpingco passed away unexpectedly on October 18, 2007 at the age of 65 years. He leaves behind his wife, Emily Cruz Borja, his children Lisa, Christine, Raymond, Nicole, Noel, Meriza, Carlo, Aaron, Jerome, Daniel, and Paul. He also leaves behind several foster children and 16 grandchildren.

Tony Unpingco was born on April 22, 1942, five months after Guam was invaded by enemy forces on December 8, 1941. He grew up aware of the atrocities endured by his people during the occupation of Guam in World War II and he fought for justice for the suffering of the Chamorro people. As a founding member and Co-Chairman of the Mannengon Memorial Foundation and Chairman of the Fena Massacre Memorial Committee, Tony's record of public service reflects his strong commitment to the pursuit of justice for the Chamorro people. In 2003, he was appointed by Secretary of the Interior Gale Norton to the Guam War Claims Review Commission, a federal commission which examined the historical record of the occupation and reported to Congress on whether the people of Guam were treated with parity for purposes of war claims. His input and advocacy was vital in the formulation of the Commission's Final Report and its recommendations to Congress.

Tony graduated from Father Duenas Memorial School and attended the University of Guam and the University of Portland before graduating from Portland State University. He began his public service career in 1969 as the head of a Special Task Force charged by the Governor of Guam to automate the Government of Guam payroll system. In 1970, he served as Deputy Director of the Department of Administration of the Government of Guam. Then, in 1971, Tony served as the first Administrator of the Government of Guam Liaison Office in San Francisco.

Tony ran for the office of senator in 1976 and was elected. He served as Chairman of the Committee on General Governmental Operations and Military and Veterans Affairs of the 14th Guam Legislature. His election to the Guam Legislature in 1976 commenced an impressive record of winning election to every subsequent Legislature until his passing. His continuous service in the Legislature was interrupted only by his candidacy for Lieutenant Governor in 1986 and for Governor in 2002.

As a distinguished legislator, Senator Unpingco was selected by his colleagues to serve as Speaker for the 24th, 25th, and 26th Guam Legislatures. During his lengthy career he served as chairman and as a member of numerous committees. Most recently, during the 29th Guam Legislature, he served as the Chairman of the Committee on Tourism, Maritime, Military and Veterans' Affairs. Senator Unpingco also served in the leadership positions of Republican Co-Leader, Minority Leader, Assistant Minority Leader, and the Minority Whip for the Legislature.

Antonio Reyes Unpingco epitomized the noblest meaning of public service. He was a true public servant whose sense of duty and commitment to his people and his community transcended his loyalty to his political party. Among his legislative colleagues and contemporaries, Tony was a respected conciliator, constantly working to bridge contentious issues and to find common ground. Among all who have had the honor to serve with him, he will be remembered as a peacemaker. On the floor of the Guam Legislature, Tony maintained a demeanor of dignity and his statesmanship served as an example to his colleagues when controversial legislation was being considered. He reminded his colleagues that their noblest purpose as elected leaders was to serve the people. For this, he was appreciated and respected in all political circles. For his ability to bring peace and harmony to the halls of the Legislature, Tony Unpingco will be greatly missed by all the people of Guam.

Understanding the extraordinary commitment to public service of our veterans, Tony Unpingco wholeheartedly supported the needs of those who served our nation in defense of freedom. He worked with the many veterans' service organizations on Guam to ensure that those who served in our Armed Forces received the benefits they deserved. Working directly with these organizations, Tony Unpingco fought to ensure that their voices were heard.

Even above his political zeal, Tony Unpingco was dedicated to his community. A devout Catholic, he was an active member of the Santa Rita Parish Council, its "Mom and Pop" Choir, and the Knights of Columbus. He eagerly supported and participated in church activities and was instrumental in the rebuilding of Our Lady of Guadalupe Church. As a devoted family man, Tony dedicated much of his time to his children's school activities. Even after his children had grown and graduated, Tony and Emily continued to commit time and resources to the children of Guam. A loving husband of 42 years, Tony's devotion to his wife, Emily, and her devotion to Tony, made them inseparable. They represented the finest traditions of Chamorro graciousness and hospitality.

I am deeply saddened by the passing of my friend. As my colleague during my years as a Senator in the Guam Legislature, I learned to respect Tony and I valued his opinion and advice on many issues. I found him to be a man of integrity and honesty and, most of all, he was always sincere and always ready with an understanding, warm and friendly smile. Tony will be greatly missed by his family and friends, but his legacy of service and his devotion to public service will live on in our people and community forever.

## A CELEBRATION OF JUDGE THOMASINE GRAYSON MASON

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize a long time friend and fellow South Carolinian Judge Thomasine Grayson Mason.

A graduate of the University of South Carolina, Judge Mason has been recognized as a Who's Who of American Women, a Who's Who in American Law, and a Who's Who in America. She has served as a public school teacher, a civil service representative during World War II, an attorney for the Department of Justice, one of the first elected females to the South Carolina State Senate, and most recently as an administrative law judge for the Social Security Administration's Office of Disability Adjudications and Review in South Carolina.

Throughout her 7 decades of service to federal and state government, Judge Mason has earned a reputation as a hard working advocate and community leader. She has participated and continues to participate in numerous organizations at the local and Federal level—often holding positions of leadership.

Our family especially appreciates her friendship as she and my wife, Roxanne, have been lifelong friends, and she has virtually adopted 2 of our sons, Alan and Julian, as her own.

On Saturday, we will congratulate Judge Mason on her 89th birthday and thank her for nearly 70 years of public service. She has dedicated her life to serving her country and the people of South Carolina. I applaud my friend Judge Mason on this occasion and wish her the best in the years to come.

## PERSONAL EXPLANATION

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. KIND. Madam Speaker, I was detained in my district and was unable to have my votes recorded on the House floor on Monday, October 22, 2007, for H.R. 189 (rollcall No. 983), H.R. 523 (rollcall No. 984), and H. Res. 762 (rollcall No. 985). Had I been present, I would have voted in favor of these measures.

## THE IMPORTANCE OF THE SERVICES INDUSTRY

### HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. KLEIN of Florida. Madam Speaker, I rise today in support of the buoyant U.S. services industry, an unsung American success story that will continue to ensure that our workforce is second to none in the global economy of the future.

Services impact every village, town, city, and State all across this country in nearly every sector of the economy. Just think about the services we all rely on: lawyers, doctors, bankers, insurance agents, accountants, nurses, college professors, restaurant workers, web designers, and software engineers. And there are many more service workers who touch our lives every day.

What is often lost in attention-grabbing headlines is that the United States has run a large trade surplus in services since 1971 with almost 90 percent of the $72 billion surplus generated by business and professional services.

Services accounted for 77.8 percent of U.S. private sector gross domestic product in 2005, or $8.5 trillion. The services industry remains the engine of growth in our economy and we must not take our eye off the ball.

The United States is also the world's largest and most competitive exporter of services. We have enjoyed surpluses in the services sector since the 1970s because U.S. companies are exporting a wide range of high-value services around the world that other nations value, like financial services, express package delivery, web hosting, or software design. We are second to none in the services sector against our international competitors. To keep our lead, we need to strive for fair and open markets around the world so that we can sell these services in other countries.

Close to 400 congressional districts have 70 percent or more of their workforce employed in the services industry. By 2012,19.2 million new services jobs will be created, which would account for 90 percent of all new job creation, according to the Coalition of Service Industries. This is a phenomenal achievement and clearly where our workforce of the future will come from.

In my home State of Florida and in my congressional district, some 85 percent of all our jobs stem from a wide variety of services. And we're growing. In 2002, there were 5.5 million Floridians involved in services employment. That number grew to 5.9 million by 2005. Between 2004 and 2005, Florida's exports of services grew 13 percent to $23 billion.

Services are being used in areas that we could hardly dream of just a decade ago. With today's fast-changing technology, services are provided around the globe—24 hours a day, 7 days a week. For instance, IBM, one of my constituents which employs nearly 1,200 highly skilled workers at its Boca Raton facility, is providing a host of innovative services from its south Florida hub, such as network services, integrated technology services, and e-business hosting.

To give you an example of the IBM skill set, the company is testing speech translation-based products in my district. One of the products currently undergoing testing is a "speech to speech" voice recognition translator with two-way real-time speech capability. IBM is donating this key technology to the U.S. Government to translate between Iraqi Arabic and English.

A user speaks into the system in one language, their speech is recognized, translated, and spoken in another language using a combination of IBM technologies. They are also donating 1,000 laptops or handheld devices plus 10,000 software licenses to support better communication between the U.S. military, Iraqi citizens, and aid organizations in Iraq. We sincerely appreciate this type of corporate commitment to our community.

Services are making the world more connected, allowing producers, consumers, and everyone in between to communicate and collaborate quickly and easily in every corner of the globe. Our service industries are constantly providing new ways to innovate, both here and abroad, to grow our economy.

I urge my colleagues on both sides of the aisle to recognize the impact and importance of this growing, vital sector to our economy and to keep fair and open markets that service providers need to achieve even greater success in the skills-based knowledge economy of the future.

## CONGRATULATING NEIL ARMSTRONG ELEMENTARY SCHOOL ON MOVING INTO THEIR NEW FACILITY

### HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. MAHONEY of Florida. Madam Speaker, today, Neil Armstrong Elementary School in Port Charlotte, Florida is celebrating the first day of school for the second time this year. It is my honor to rise today to congratulate the resilient and determined staff, students, and parents of Neil Armstrong Elementary School as they move into their new permanent school facility.

On August 13, 2004, the school's campus was completely destroyed by Hurricane Charley. Immediately following the Hurricane, the students attended classes on a split shift arrangement at Liberty Elementary School until they moved into a temporary modular school on the grounds of Port Charlotte Middle School.

Today, the students and staff move in to a brand new 112,000 square foot school. The newly completed school has been built to Leadership in Energy and Environmental Design, LEED, standards, which is a nationally accepted benchmark for design, construction and operation of high performance green buildings.

Neil Armstrong Elementary School is named in honor of the first man on the moon, Neil A. Armstrong. A replica of the space suit that he wore on his historic lunar voyage will be displayed in the lobby of the new school.

When Neil Armstrong took that first step on the moon, he understood the importance of his small step and how it represented the determination of mankind. Today, I am pleased to paraphrase Mr. Armstrong in recognizing that the first step on the new campus today represents a giant leap toward recovery from the ravages of Hurricane Charley in Charlotte County.

On behalf of Florida's 16th Congressional District, I wish the Neil Armstrong Elementary School community our congratulations and our best wishes for a long and successful future in their new home.

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## CONGRATULATING MR. RON LEVY

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. AKIN. Madam Speaker, I rise today to recognize Mr. Ron Levy, an exceptional leader from my district in St. Louis, Missouri. Since 1999, Ron has served as President and CEO of SSM Health Care-St. Louis. Prior to that, Ron served with SSM Health Care for 30 years, beginning as a resident at St. Mary's Hospital in Madison, Wisconsin in 1976. During his tenure, Ron has served in various capacities at SSM which have included: President of St. Clare Hospital and Health Services in Baraboo, Wisconsin; President of SSM St. Mary's Health Center in Richmond Heights, Missouri, and President of SSM Physicians Organization in St. Louis, Missouri.

Ron's leadership over the years has been invaluable not only to the SSM health care system, but to the community as a whole. In 2005, Ron served as chair of the Missouri Hospital Association. Ron has served as a member of the St. Louis Regional Health Commission, and since its inception has worked tirelessly to ensure access and coverage for healthcare services for the medically uninsured and underinsured in the greater St. Louis region.

I am pleased to be able to honor Ron Levy today. He is a shining example of the great leadership we have in Missouri and I know all of my colleagues join me in wishing him the very best as he begins the next chapter in his life and career.

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## HONORING T.J. LEE ELEMENTARY AND IRVING INDEPENDENT SCHOOL DISTRICT FOOD SERVICE DEPARTMENT

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. MARCHANT. Madam Speaker, I rise today to pay tribute to T.J. Lee Elementary and the Irving Independent School District Food Service Department upon receiving the first coveted United States Department of Agriculture Gold School award in the state of Texas.

This honor was bestowed on Lee Elementary and IISD Food Service because of their strong commitment to the nutritional and physical well being of their students. Before an elementary school is granted this prestigious award, a stringent HealthierUS School challenge criteria must be met. Providing USDA nutrition standard school lunches, nutrition education to students, regularly scheduled physical activity and other lunch menu criteria are just a few of the measures required to obtain this recognition.

Fighting obesity in school children in the United States is of utmost importance. Lee Elementary and IISD Food Service Department are to be commended for their commitment in improving the health and well being of their students. The leadership they have shown helping students learn healthy eating habits and maintain an active lifestyle is an example to all of us.

Madam Speaker, I am proud to honor T.J. Lee Elementary and IISD Food Department for earning the United States Department of Agriculture Gold Award.

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## PAYING TRIBUTE TO CLAUDE "BLACKIE" EVANS

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. PORTER. Madam Speaker, I rise today to honor the life of Claude "Blackie" Evans, who passed away on September 28, 2007.

Claude "Blackie" Evans was born on November 11, 1935 in Joplin, Missouri. He moved to Nevada with his wife in 1953. Initially, Blackie worked as a laborer and lathe operator at Titanium Metal Corporation. He then went on to work as a shop steward with the United Steelworkers of America #4856. There he was elected as the president of his local union and the youngest person to ever be elected to that position. After years of involvement and dedication, Blackie became the Executive Secretary-Treasurer of the Nevada State AFL–CIO. He served as liaison to the National AFL–CIO, National Labor Relations Board, and 150 affiliated local unions. In 1998, Blackie reached the pinnacle of his career serving as a member of the General Executive Board of the National AFL–CIO.

Over the years, Blackie was an integral part of our community. His commitment to his community extended beyond his experience with the AFL–CIO. He was a member of the State Mine Safety Advisory Board in 1969, and the State Job Training Board from 1979 to 1982. Additionally, he served on the state of Nevada's Vocation Education Training Board from 1980 to 1983, the State Industrial Insurance System Board of Directors from 1979 to 1993, and the Federal Solar Energy Education Board in 1994.

Madam Speaker, I am proud to honor Blackie Evans. His dedication to his community should serve as an example to us all. I send my deepest sympathies to his family and friends. His passing is a tremendous loss to Nevada.

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## HONORING PETTY OFFICER DANNY PHILLIP DIETZ

### HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. TANCREDO. Madam Speaker, I rise today to honor the sacrifice of a fallen hero and Navy SEAL from my district, Petty Officer Danny Phillip Dietz of Littleton, Colorado. Petty Officer Dietz was killed 2 years ago during combat operations in Afghanistan.

On June 27, 2005, Petty Officer Dietz's four-man SEAL team was inserted into Afghanistan's remote Hindu Kush Mountains. His comrades included Petty Officer Matthew Gene Axelson of Cupertino, California, Petty Officer Marcus Luttrell of Huntsville, Texas, and Lieutenant Michael Murphy of Patchogue, New York. In the heavy fighting that followed the four men, experts not only in warfare but friends and members of a close-knit team, all faced the enemy opposition with inspiring valor and determination. Together they faced incredible odds, determined not only to do their duty but to give all that they had, each in the defense of the others. Ultimately overwhelmed, only Petty Officer Luttrell survived, and then with grievous wounds, to be rescued after several days of escape and evasion during which he continued to battle the enemy.

As Navy SEALs these four men exemplify the very best of America's young men and women, many of whom continue the battle on foreign shores or serve at home to protect our homeland. As valiant warriors they serve to inspire us in understanding not only the importance of Duty, Honor, Country, but also the importance of the unity of teamwork against all odds, regardless of our differences or where we are from.

Danny Dietz is not forgotten in his home town of Littleton, Colorado. This year on Independence Day, a large bronze statue was unveiled in Littleton's Berry Park to ensure that future generations will never forget his uncommon valor and selfless sacrifice. The citation awarding him the Navy Cross notes: "Demonstrating exceptional resolve and fully understanding the gravity of the situation and his responsibility to his teammates, Petty Officer Dietz fought valiantly against the numerically superior and positionally advantaged enemy force. Remaining behind in a hailstorm of enemy fire, Petty Officer Dietz was wounded by enemy fire. Despite his injuries, he bravely fought on, valiantly defending his teammates and himself in a harrowing gunfight, until he was mortally wounded."

Second only to the Medal of Honor, the Navy Cross is the Navy's highest award for military heroism. Since it was established in World War I it has only been awarded 6,923 times to members of the Armed Services and to only 4,544 members of the U.S. Navy. To date, in the Global War on Terrorism, 17 Marines and 6 members of the Navy have received the Navy Cross. Three of those Navy awards went to Petty Officers Dietz, Axelson, and Luttrell.

In addition to the 3 Navy Crosses and 4 Purple Hearts awarded to the 4 men in a single action, Lieutenant Murphy was also posthumously awarded the Medal of Honor. I hope that all Americans will take the time to reflect on the sacrifices of these brave men—and indeed all of those serving our Country around the world.

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## HONORING OLIVIA HARRINGTON RETIREMENT

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. MARCHANT. Madam Speaker, I rise today to honor Olivia Harrington upon her retirement for her volunteer work and community involvement in Duncanville, Texas.

Mrs. Harrington has been working with youth and volunteers for 25 years. She was the YW Teen Director for the YWCA for 13 years and also created and served as the Duncanville Teen Court Volunteer Coordinator for 12 years. Teen Court allows teens, who have committed Class C misdemeanors, to be judged by their peers in an authentic court setting with actual sentences being handed out. Teen volunteers serve as attorneys, clerks, bailiffs and jurors. Many students have contributed their success in adulthood to the lessons they learned from Mrs. Harrington's guidance participating in Teen Court.

Besides Teen Court Coordinator, Mrs. Harrington is involved in other numerous volunteer organizations. She's a charter member of Theta Pi Chapter, Epsilon Sigma Alpha service fraternity, the Duncanville Genealogy Club, the Ellis County Genealogy Society, and the Duncanville Book Review Club. In addition, Mrs. Harrington is a life member of the Ellis County Art Association, the Historic Waxahachie Inc. and United Methodist Women.

Mrs. Harrington has been recognized for her achievements when the Duncanville Teen Court received the TICA Spotlight Achievement Award for outstanding Teen Court in Texas in 2001. She was also honored by the Duncanville High School naming the Olivia Harrington Outstanding Volunteer Award for her in 2005.

Mrs. Harrington has a husband, Fred, and two beautiful daughters, Angie and Teenya.

Madam Speaker, I am proud to honor Olivia Harrington for her community activism which has enriched the lives of so many in Duncanville, Texas. I applaud her efforts and wish her the best in her future endeavors.

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## SOUTHERN CALIFORNIA FIRES

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2007*

Mr. BACA. Madam Speaker, over the past two days wildfires have exploded across Southern California, causing loss of life, and tens of thousands of acres of property and forest damage in San Bernardino, Riverside, San Diego, Los Angeles, Ventura, Santa Barbara and Orange Counties.

In the Inland Empire, fires have burned many acres of land across the northern part of my district in Lytle Creek, 300 acres in the Sierra Lakes neighborhood of North Fontana and 160 acres in Ontario. Thankfully those fires have now been fully contained and no homes have been reported damaged.

Unfortunately, there are currently more than 5,000 acres of land still being consumed by fires in the Mountain communities adjacent to my district. At last report, more than 136 homes have been destroyed and evacuations continue in this area. Schools in San Bernardino, Fontana and Ontario have all been closed. Children and families, friends, and even some of my staff have been affected.

Evacuees are receiving shelter at the National Orange Show which is down the street from my district office in San Bernardino. At last count there were around 1,800 evacuees being housed there. Unfortunately we are hearing reports that not everyone affected by this disaster is receiving shelter. The center is being administered by the American Red Cross but they are only accommodating evacuees from designated evacuation areas. Those that are homeless and victims that are evacuating themselves from non-designated areas filled with smoke are not being serviced. We should not allow self-imposed regulations to prevent service to people that are in need. We must serve all residents, including homeless individuals, regardless of identification or citizenship status.

All told, an estimated 350 homes will have been destroyed by these devastating fires. This means there are going to be many homeless families that will need food and shelter. In addition, we fear that our hospitals will see an influx of people with respiratory problems.

The Inland Empire is a major railway and highway transportation hub but these fires have practically shut down access to many affected communities by closing down Highway 330 and HWY 18 leaving only one road, HWY 38 available for vehicles to go up and down the mountain. We need help containing these fires so that rescue and recovery personnel can get to these communities.

The San Bernardino County's Department of Public Health has issued an air quality warning because of high soot levels in the air caused by the fires and the high winds. Inhaling these dangerous chemicals will undoubtedly create respiratory problems for many of our residents. I hope the American Red Cross and other federal assistance is available to our local first responders to ensure the public health needs of all affected individuals are met.

I thank President Bush for his quick response in declaring a state of emergency in the areas affected by the wildfires. In a letter sent earlier today, I asked that he gives all federal support possible, including personnel, equipment, and funding, necessary for a speedy recovery.

I also thank the brave men and women on the ground, who continue to fight the wildfires and evacuate those in harm's way. Throughout the day, I will be meeting with individuals from the U.S. Forest Service to remain as informed as possible on the coordination of federal and local activities. We are working to determine the best possible course of action to prevent further spread of the wildfires, and determine what future steps must be taken to ensure a quick and full recovery for those individuals and families whose lives are affected.

As Chair of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry I plan to hold hearings to explore what lessons we can learn from these fires to be better prepared in the future and what steps we must take from here to ensure the fastest recovery possible.

# SENATE—*Wednesday, October 24, 2007*

The Senate met at 9 a.m. and was called to order by the Honorable KEN SALAZAR, a Senator from the State of Colorado.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Almighty and eternal God, thank You for this good land. We are grateful for her hills and valleys, her fertile soil, her trees, her plains, and mountains. We thank You for the brilliant colors of the changing seasons.

Lord, make us a great nation full of truth and righteousness. Lead our leaders to honor Your Name by living with integrity and humility. Teach them to express in words and deeds the spirit of justice, discharging their duties that other nations may respect us.

Give rest to the weary and new vigor to tired hands. Lift us when we fall, and set our feet again on the way everlasting.

Lord, we continue to pray for those facing the challenges of the California fires.

We pray in Your strong Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable KEN SALAZAR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 24, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KEN SALAZAR, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. SALAZAR thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, we are going to immediately return to executive session to continue the consideration of Judge Southwick to be nominated to 1 of our circuit courts. The debate time until 11 o'clock is equally divided and controlled. The 20 minutes prior to the 11 a.m. vote on the motion to invoke cloture on the nomination will be for the 2 leaders who will be recognized to speak, with the majority leader controlling the final 10 minutes. That order is already in effect. The consent agreement says if cloture is invoked the Senate would go to confirmation following that cloture vote. Following disposition of the nomination, there will be 20 minutes of debate, equally divided, prior to the vote on the motion to invoke cloture.

## MEASURES PLACED ON THE CALENDAR—S. 2216, S. 2217

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 2216) to amend the Internal Revenue Code of 1986 to extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation.

A bill (S. 2217) to amend the Internal Revenue Code of 1986 to extend the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

Mr. REID. I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## EXECUTIVE SESSION

## NOMINATION OF LESLIE SOUTHWICK TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to executive session to resume consideration of the following nomination which the clerk will report.

The legislative clerk read the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. shall be equally divided between the 2 leaders or their designee, with the time from 10:40 to 11 a.m. divided and controlled between the 2 leaders and with the majority leader controlling the final 10 minutes.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. How much time remains on each side?

The ACTING PRESIDENT pro tempore. Fifty-seven and a half minutes on the majority side and 58 minutes on the minority side.

Mr. SPECTER. How much again on the Republican side?

The ACTING PRESIDENT pro tempore. Fifty-eight minutes.

Mr. SPECTER. Mr. President, I spoke extensively last night after Senator LEAHY, the chairman, spoke about the nomination. I will make a few comments now, and I will invite my colleagues to come to the floor on the Republican side. For those who are interested in time, we have only a limited amount, but we will apportion it as best we can, obviously equitably. It is my hope that we will move through the cloture vote to cut off debate and then proceed to confirm Judge Leslie Southwick.

As I said yesterday—and, again, I spoke at some length—Judge Southwick comes to this nomination with an outstanding academic, professional, and judicial record. On the Court of Appeals in the State of Mississippi and the intermediate appellate court, Judge Southwick has distinguished himself by participating in some 6,000 cases and writing some 950 opinions. His critics have singled out only 2 cases against that extraordinary record. I commented yesterday at length about the fact that in neither of the cases in which he has been criticized did he write the opinion, but only concurred, and there were good reasons for the positions he took.

An extraordinary thing about Judge Southwick is that he got a waiver to join the Army Reserve at the age of 42 and then at the age of 53 volunteered to go to Iraq into harm's way to serve on the Judge Advocate General's staff, receiving the commendation of the major general which I put into the RECORD yesterday.

His record shows that he has been very concerned about plaintiffs in personal injury cases, about defendants in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

criminal cases, and has looked out for the so-called little guy. As I enumerated yesterday, a number of very prominent members of the African-American community from Mississippi have come forward in his support—one young lady who was his law clerk and others who knew him. It is my view that on the merits, there is no question that Judge Southwick should be confirmed.

There has been some concern about the seat he is filling, whether there should be greater diversity on the seat. That really is a matter in the first instance for the President and then in the second instance for the Senate to consider the merits of the individual. It is the American way to consider Judge Southwick on his merits as to what he has done and as to what he stands for.

We have seen this body very badly divided in the past couple of decades along partisan lines. In the final 2 years of the administration of President Reagan when Democrats had control of the Senate and the Judiciary Committee, President Reagan's nominees were stonewalled to a substantial extent. The same thing happened during the last 2 years of the administration of President George H.W. Bush. Then, Republicans acted in kind during the Clinton administration and refused in many cases to have hearings or to call President Clinton's nominees up for confirmation. I think that was the incorrect approach and said so, in fact, on a number of President Clinton's nominations.

This body had a very tough time 2 years ago when we were considering the so-called nuclear constitutional option which would have taken away the filibuster opportunity to require 60 votes, and we succeeded in a compromise with the so-called Gang of 14. The Judiciary Committee has functioned more smoothly during the course of the past 3 years with Senator LEAHY now the chairman and during the course of the 109th Congress in 2005 to 2006 when I chaired the committee.

So it is my hope that comity will be maintained, that Judge Southwick will be considered as an individual as to whether he is qualified, without any collateral considerations as to the history of nominees to the Fifth Circuit. I think if that is done, Judge Southwick will be confirmed. It would be most unfortunate, in my judgment, if we were to go back to the days of excessive partisanship.

It is an open question as to who the President will be following the 2008 elections, and it would be my hope that however the Presidential election works out and whoever may control the Senate, that we will consider the nominees on their individual merits. To repeat, I think that will lead to the confirmation of Judge Southwick.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from New Jersey is recognized for 10 minutes.

Mr. MENENDEZ. Mr. President, I rise today in opposition to the nomination of Judge Southwick. With a long and consistent history of insensitivity toward discrimination and of siding with the powerful against the powerless, Mr. Southwick is the wrong person to take a seat on the Fifth Circuit Court of Appeals, and he is the wrong person to sit on the Federal bench in the State of Mississippi.

Before I explain why I oppose this nominee, let me say that my concerns are based entirely on Judge Southwick's judicial record. They have absolutely nothing to do with Judge Southwick as a person—whether he is a nice man, a good employer, or a devoted family man. That is not what this confirmation process is all about. This confirmation process is about the kind of judge Leslie Southwick was on the Mississippi State Court of Appeals and what kind of judge he will be if he is confirmed to the Fifth Circuit.

On the basis of Judge Southwick's record on the State court, I have a fairly clear picture of the kind of judge he will be if given a lifetime appointment. He will be the type of judge who consistently rules in favor of big business and corporate interests at the expense of workers' rights and consumer rights. I know this because in 160 out of 180 written decisions, he found a way to achieve that very outcome.

What I do know is that he interprets the law in a way that is not blind to color, blind to race, or blind to sexual orientation, but, in fact, focuses on these factors and sides against them. In fact, his record reveals a long history of discriminating against individuals based on race and sexual orientation, a long history of siding with the powerful over and to the detriment of the powerless.

Finally, what I do know is that when given the opportunity, he stands by those opinions. When asked by my colleagues on the Judiciary Committee, under oath, Judge Southwick was unable to think of a single instance—not even one example—of standing up for the powerless, the poor, minorities, or the dispossessed, not when he was asked during the hearing and not when he was asked for a second time in written followup. This is not the kind of judge we need on the Federal bench.

Remember the circuit this judge was nominated to—the Fifth Circuit. It is the circuit that covers Mississippi, Texas, and Louisiana, the circuit that has the largest percentage of minority residents of any Federal circuit in the United States—44 percent. Let's not forget that he is nominated to take one of the seats within that circuit reserved for a judge from Mississippi—the State with the highest percentage of African Americans in the country.

President Bush made a commitment to the residents of the Fifth Circuit, the people of Mississippi, and the people of this country that he would appoint more African Americans to this circuit. Not only has he gone back on this commitment, he has nominated someone whom the Congressional Black Caucus vehemently opposes on the grounds that he would not provide equal justice in a circuit where racial discrimination has always been the most pronounced. He has nominated someone who the NAACP, the NAACP Legal Defense Fund, the National Urban League, and the Rainbow/PUSH Coalition have all said would fail to protect the civil rights of the millions of minority residents living within the Fifth Circuit. Judge Southwick is an unacceptable nominee to any position on the Federal bench, but he is particularly ill-suited for the Fifth Circuit.

Mr. President, let me give you one example of how Judge Southwick's insensitivity toward racial discrimination affects how he decides cases. In the case of Richmond v. Mississippi Department of Human Services, Judge Southwick had to decide whether it was racial discrimination for a White employer to refer to an African-American as "a good ole" N word. Reversing a trial court's finding of discrimination, Judge Southwick joined an opinion stating that the N word was only "somewhat derogatory" and compared it to calling someone a "teacher's pet." A teacher's pet?

Judge Southwick was the deciding vote in the 5-4 decision. He had strong opposition from four dissenting judges who wrote:

> The ["N" word] is, and has always been, offensive. Search high and low, you will not find any non-offensive definition for this term. There are some words, which by their nature and definition are so inherently offensive, that their use establishes the right to offend.

It is incomprehensible to me that anyone could disagree with that statement. It is even more incomprehensible that the President of the United States could nominate an individual who does not believe the law sees such a term as offensive to the Federal appellate bench.

The "N" word is one of the most hateful, most denigrating words in the English language. It has no place in our society and certainly should never be tacitly permitted in the workplace.

The fact that Judge Southwick joined the majority opinion—which I should add was reversed by the State supreme court—is not an anomaly. Judge Southwick also has a troubling record in cases reviewing racial bias in the selection of jurors. Of the 59 instances that an African-American defendant challenged their conviction on the grounds that the prosecution systematically struck African-American jurors, Mr. Southwick refused the challenge 54 times. That is an over 91 percent refusal rating.

When the color of the juror's skin was different, when African-American defendants challenged their convictions on the grounds that their defense attorneys were prevented from striking Caucasian jurors, Mr. Southwick refused their challenge and allowed the Caucasian juror to remain in the jury 100 percent of the time. So if a defendant claimed an African-American was unjustly kept off the jury, Judge Southwick denied his claim. If a defendant claimed a Caucasian was unjustly kept on the jury, Judge Southwick denied his claim. Thus, it seems like Judge Southwick favors keeping Caucasians on juries and keeping African-Americans off—even in a State like Mississippi.

One of Judge Southwick's own colleagues criticized this apparent policy because it established a low burden for the state to keep Caucasian jurors on a jury and a high burden for defendants to keep African-Americans on a jury. Any double standard of justice, especially one that gives the benefit of the doubt to the Government at the detriment of individual rights, is antithetical to our justice system and its presumption of innocence. It is absolutely unacceptable on a Federal appellate court.

Another area of concern I have involves Judge Southwick's rulings in cases involving discrimination on the basis of sexual orientation. In the case S.B. v. L.W., Judge Southwick joined an opinion that took an 8-year-old child away from her birth mother largely because of the mother's sexual orientation. The fact that Judge Southwick joined this overtly discriminatory opinion is extremely troubling. However, the concurrence he himself authored is even more so.

His concurring opinion stated that homosexuality was a "choice" that comes with consequences. Despite the fact that the American Psychological Association has found that sexual orientation is not a choice, Judge Southwick decided to give his personal opinion, his personal belief, that is was a choice, the weight of the law. Judges must always remember the precedential value of their words and their opinions. That a judge would base a legal judgment on personal opinion is disconcerting. That a judge would base a legal judgment on such misguided personal views regarding sexual orientation is absolutely intolerable.

Before I conclude, I would like to discuss one other problem I have with Judge Southwick's nomination. That is the distinct trend in Judge Southwick's decisions of deciding in favor of big business and against the little guy. In fact, Judge Southwick ruled against injured workers and consumers 89 percent of the time when there was a divided court; 89 percent of the time Judge Southwick put the interests of corporations ahead of average Americans; 89 percent of the time injured workers and injured consumers found they were entitled to no relief in Judge Southwick's eyes.

I understand that the individual is not always right. Big business is not always wrong. But no judge should have such a strongly slanted track record in one direction or another. 89 percent is a very strongly slanted track record.

That is one reason why the UAW has also come out in strong opposition to Judge Southwick's nomination. Another reason the UAW is so strongly opposed is Judge Southwick's opinion that the "employment at will" doctrine, which allows employers to fire workers for any reason, "provides the best balance of the competing interests in the normal employment situation." In other words, he does not believe in protecting job security. It is no wonder that the UAW has serious concerns about his ability to enforce the National Labor Relations Act, title VII of the Civil Rights Act, and other laws that protect employees in the workplace and limit "employment at will." I share those concerns.

Let me give you an example. In Cannon v. Mid-South X-Ray Co., Judge Southwick refused to allow a woman to receive compensation for the debilitating injuries she suffered as a result of being exposed to toxic chemicals at work. The majority believed the woman should be able to bring her case to trial. Judge Southwick dissented from the 8–2 decision. He rested his decision on a procedural point—that the statue of limitations had tolled—even though the woman did not experience symptoms of her poisoning until years after initially being exposed. He rested his decision on the fact that she should have brought her case before she experienced any symptoms of poisoning. There was a shadow of a doubt as to when the clock should have began to run for her case—and he found in favor of big business.

In another case, Goode v. Synergy Corporation, Judge Southwick's dissent would have kept a family—whose granddaughter was killed in a propane heater explosion—from receiving a new trial even after it became clear that the company responsible for the heater had provided false information in the original trial. Luckily for the family, the majority opinion felt differently.

Mr. President, our Federal appellate courts are the second most powerful courts in our country, deferring only to the Supreme Court on a relatively small number of cases each year. For the majority of Americans, justice stops there. Now more than ever we need an independent judiciary that respects the rights of all Americans, is dedicated to colorblind justice, and protects workers and consumers from corporate America. We cannot afford to get these nominations "wrong." These are lifetime appointments that cannot be taken away once we grant them.

In many ways, Judge Southwick is exactly what a judge should not be. He brings his personal bias into his decision-making process. He consistently sides with the government over defendants, particularly African-American defendants. He routinely finds in favor of big business at the expense of individual workers and consumers. He does not seem to approach his cases with an open mind.

We cannot place a judge like this on the Federal appellate bench. Therefore, I urge my colleagues to vote against the motion to invoke cloture, and should that succeed, to unanimously vote against the nominee and giving a lifetime appointment to someone who consistently decides against African Americans. In a circuit in which they are such a huge part of the population, it is simply unacceptable.

I ask unanimous consent that letters of opposition and concern from groups concerned about the environment, the Bazelon Center for Mental Health Law, the United Auto Workers, and the African-American Bar Association of Dallas, Texas be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMUNITY RIGHTS COUNSEL; EARTHJUSTICE; FRIENDS OF THE EARTH; SIERRA CLUB, ENDANGERED HABITATS LEAGUE, LOUISIANA BAYOUKEEPER, INC., LOUISIANA ENVIRONMENTAL ACTION NETWORK, SAN FRANCISCO BAYKEEPER, TEXAS CAMPAIGN FOR THE ENVIRONMENT, VALLEY WATCH, INC.,

JUNE 13, 2007.

Re nomination of Leslie Southwick to a Lifetime Position on the U.S. Court of Appeals for the Fifth Circuit.

Hon. PATRICK J. LEAHY,
*Chairman, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.*

Hon. ARLEN SPECTER,
*Ranking Member, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: We are writing to express serious concerns with the pending nomination of Mississippi attorney and former Mississippi Court of Appeals Judge Leslie Southwick to a lifetime seat on the United States Court of Appeals for the Fifth Circuit, which decides the fate of federal environmental and other safeguards in Texas, Louisiana, and Mississippi.

Some of these concerns are based upon points made by Judge Southwick in two Mississippi Law Review articles that were published in 2003, while he was on the Mississippi Court of Appeals:

Leslie Southwick, Separation of Powers at the State Level: Interpretations and Challenges in Mississippi Separation of Powers at the State Level, 72 Miss. L.J. 927 (2003). [Hereinafter Separation of Powers]

Leslie Southwick, Recent Trends in Mississippi Judicial Rule Making: Court Power, Judicial Recusals, and Expert Testimony, 23 Miss. C. L. Rev. 1 (2003). [Hereinafter Recent Trends]

### JUDGE SOUTHWICK SUPPORTS THE MAJORITY SIDE IN THE SUPREME COURT'S FEDERALISM REVOLUTION AND, POTENTIALLY, THE "CONSTITUTION IN EXILE" MOVEMENT

Between 1990 and 2001, a 5–4 majority of the Supreme Court struck down federal legislation at a rate rivaled only by the discredited "Lochner-era" Court, which blocked the labor reforms of the Progressive Era and the Congressional response to the Depression in the early stages of the New Deal The Court's rulings, often grouped together under the inaccurate label of "federalism," undermined important laws protecting women, senior citizens, minorities, the disabled, and the environment. These rulings have engendered withering criticism from both sides of the political spectrum. For example, Judge John Noonan, a conservative appointed by President Reagan to the Ninth Circuit, declared that the Rehnquist Court had acted "without justification of any kind" in doing "intolerable injury to the enforcement of federal standards." "The present damage," Judge Noonan warns, "points to the present danger to the exercise of democratic government." As Senator Specter noted in a letter to then Judge John Roberts, these cases represent "the judicial activism of the Rehnquist Court."

Judge Southwick, writing in 2003, had a much more positive view of these cases. Indeed, he analogized the Court's "return to first principles" to a Christian following the Scriptures: "The Court is insisting on obedience to constitutional structural commandments. It is as if the text that is being followed begins along these lines: In the Beginning, the New World was without Form, and void, and the Patriot Fathers said 'Let There Be States.' Behold, there were States, and it was Good." Separation of Powers, at 929. He noted that the "return by the Supreme Court to the original scripture of federalism, or as some opposed to the outcomes might claim, to the original sin of the constitutional fathers, began in earnest with United States v. Lopez in 1995." Id. at 929. The bulk of his article is devoted to explaining how the model set by the Supreme Court can be employed at the state level by the new conservative majority on the Mississippi Supreme Court.

Even more troubling, at least potentially, is his assertion that "[f]rom 1937 to 1995, federalism was part of a 'Constitution in exile. "' Id. at 930. Judge Southwick's invocation of this term, coined by D.C. Circuit Judge Douglas Ginsburg, and still relatively obscure outside Federalist Society circles in 2003, suggests that he is supportive of efforts by certain scholars in academia and some judges on the federal bench to restore understandings of the Constitution held by a conservative majority of the Supreme Court in the period before the Great Depression and the New Deal As University of Chicago law professor Cass Sunstein opined in a New York Times Magazine cover story written by Jeffrey Rosen, success of this "Constitution in Exile" movement would mean:

> many decisions of the Federal Communications Commission, the Environmental Protection Agency, the Occupational Safety and Health Administration and possibly the National Labor Relations Board would be unconstitutional. It would mean that the Social Security Act would not only be under political but also constitutional stress. Many of the Constitution in Exile people think there can't be independent regulatory commissions, so the Security and Exchange Commission and maybe even the Federal Reserve would be in trouble. Some applications of the Endangered Species Act and Clean Water Act would be struck down as beyond Congress's commerce power.

### JUDGE SOUTHWICK IS A PRO-CORPORATE PARTISAN IN THE MISSISSIPPI TORT WARS

Over the past decade, Mississippi judges have been engulfed in what Judge Southwick calls "never-ending and ever-escalating tort wars being fought out at every level of the Mississippi court system." Recent Trends at * 11. Judge Southwick is clearly a partisan in this war. He criticizes former Mississippi Supreme Court Justice Chuck McRea for "an interest in crafting precedents that were favorable to the interests of plaintiffs in personal injury actions." He calls former Mississippi Governor Ronnie Musgrove "the poster boy for trial lawyer campaign contributions." Separation of Powers at 1027. Judge Southwick is also deeply critical of the litigation against tobacco companies led by former Mississippi Attorney General Michael Moore, favorably quoting another commentator for the proposition that "[i]f the fallout from the state tobacco litigation is not addressed quickly, it will further distort and destabilize a number of areas of law, including the separation of powers within state governments." Separation of Powers at 1032. Finally, Judge Southwick notes that he has been criticized for taking the defendants' side in such cases: "[o]ther appellate judges, including the author of this article, may from time to time also appear to various observers to have brought their background experiences into play in their rulings on the bench." Recent Trends at * 11. Some of these statements—particularly Judge Southwick's pointed depiction" of the sitting Mississippi Governor—seem a bit intemperate for a sitting judge.

Moreover, examinations of Judge Southwick rulings by Alliance for Justice and a business advocacy group support a conclusion that Judge Southwick's rulings as a judge favored corporate defendants. In 2004, a business advocacy group gave Judge Southwick the highest rating of any judge on the Mississippi Court of Appeals, based on his votes in cases involving liability issues. B. Musgrave and T. Wilemon, "Business Group Rates State Justices," The Sun Herald (Mar. 24, 2004). According to an analysis by the Alliance for Justice, "Judge Southwick voted, in whole or in part, against the injured party and in favor of special interests, such as corporations or insurance companies, in 160 out of 180 published decisions involving state employment law and torts cases in which at least one judge dissented." Alliance for Justice, Preliminary Report on the Nomination of Leslie H. Southwick to the Fifth Circuit, at 4–5; http://independentjudiciary.com/resources/docs/ PreliminaryReportSouthwick.pdf.

One of the cases included in the Alliance report gives us particular concern because it limits access to courts, which is essential to ensure that Americans have a meaningful right to prevent and redress environmental harms including injury to their health and safety, clean water, clean air, and endangered species. State common law tort, nuisance and other civil remedies often provide invaluable supplementation of limited federal safety, health and environmental statutes. Court rulings that unfairly cut off state common law claims can preclude the most effective or only avenue of relief. Unfortunately, that is what Judge Southwick would have done in his dissent in a case in which the court ruled 8–2 that the statute of limitations did not begin to run until the plaintiff had reason to believe the chemicals that she was exposed to caused her illness. Gannon v. Mid-South X-Ray Co. 738 So. 2d 274 (Miss. Ct. App. 1999).

His record as a judge, combined with Judge Southwick's own words, raise questions about his ability to be a fair and neutral arbiter of environment and other cases that involve the interests of corporate defendants. Concerns about the ability of a judicial nominee to be unbiased go to the heart of the Senate's constitutional advice and consent role. We urge you to carefully consider these concerns, raised by Judge Southwick record, before voting on his proposed nomination to a lifetime position on the Fifth Circuit Court of Appeals.

Sincerely,

Doug Kendall, Executive Director, Community Rights Counsel.
Glenn Sugameli, Senior Judicial Counsel, Earthjustice.
Dr. Brent Blackwelder, President, Friends of the Earth.
Pat Gallagher, Director, Environmental Law Program, Sierra Club.
Dan Silver, Executive Director, Endangered Habitats League.
Tracy Kuhns, Executive Director, Louisiana Bayoukeeper, Inc.
Marylee M. Orr, Executive Director, Louisiana Environmental Action Network.
Sejal Choksi, Baykeeper & Program Director, San Francisco Baykeeper.
Robin Schneider, Executive Director, Texas Campaign for the Environment.
John Blair, President, Valley Watch, Inc.

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JUNE 14, 2007.

Hon. PATRICK LEAHY,
*Chairman, Senate Judiciary Committee, Russell Senate Office Building, Washington, DC.*
Hon. ARLEN SPECTER,
*Ranking Member, Senate Judiciary Committee, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR LEAHY AND SENATOR SPECTER: I write to express the opposition of the Bazelon Center for Mental Health Law to the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals. The Bazelon Center is a national nonprofit organization that advocates for the rights of individuals with mental disabilities through litigation, policy advocacy, education and training. The Center previously expressed concern about the nomination; we now feel it is appropriate to express our opposition.

Judge Southwick apparently holds a narrow view of federal power that suggests that he would invalidate portions of critical civil rights legislation if appointed. He has characterized the Supreme Court as returning to the "scripture" of the Constitution by striking down portions of the Violence Against Women Act and Gun Free School Zones Act, and hampering Congress's power to abrogate sovereign immunity to protect Native Americans. Leslie Southwick, Separation of Powers at the State Level, 72 Miss. L. J. 927, 930–31 (2003). Southwick also indicated his apparent support for the "Constitution in exile" movement, a radical ideology that would undo seventy years of Supreme Court rulings, dramatically undermining the federal government's power.

These issues are of paramount concern to the disability community because the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA) have been the targets of repeated attacks on federalism grounds, and the constitutionality of these laws has been hotly contested in the federal courts.

Southwick's nomination to the Fifth Circuit is especially troubling because that court is already closely divided on the constitutionality of disability rights legislation. See Pace v. Bogalusa City School Bd., 325 F.3d 609 (5th Cir. 2003) (Congress did not validly abrogate state sovereign immunity in the IDEA), rev'd, 403 F.3d 272 (5th Cir. 2005) (5 judges dissenting); McCarthy v. Hawkins, 481 F.3d 407 (5th Cir. 2004) (upholding ADA's community integration mandate against commerce clause challenge in divided vote); Neinast v. Texas, 217 F.3d 275; (5th Cir. 2000) (Congress lacked authority under Fourteenth Amendment Section 5 to enact the ADA's bar on imposing handicapped parking placard surcharges on individuals with disabilities). Southwick's addition to the Fifth Circuit would increase the likelihood that critical disability rights protections would be eliminated in that Circuit.

This lifetime position should be held by someone who respects Congress's authority to enact needed civil rights protections, including protections for individuals with disabilities.

Sincerely,

ROBERT BERNSTEIN,
*Executive Director, Bazelon Center for Mental Health Law.*

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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,
OCTOBER 22, 2007.

DEAR SENATOR: This week the Senate may take up the nomination of Mississippi Judge Leslie H. Southwick to the 5th Circuit Court of Appeals. The UAW urges you to oppose his nomination and to vote against any attempt to invoke cloture on this nomination.

Judge Southwick's record as a judge on the Mississippi Court of Appeals is deeply troubling. He has consistently ruled against workers seeking compensation for injuries suffered on the job. He has also opined that the "employment at will" doctrine, which allows employers to fire workers for any reasons, "provides the best balance of the competing interests in the normal employment situation." This raises serious questions about his ability to enforce the National Labor Relations Act, Title VII of the Civil Rights Act, and other laws that protect employees in the workplace and limit "employment at will."

Judge Southwick also joined the court's 5–4 decision in Richmond v. Mississippi Department of Human Services, upholding the reinstatement of a state social worker who was fired for using a despicable racial epithet in a condescending reference to a co-worker. This decision reveals a disturbing lack of understanding for the negative impact of this language. In addition, a review of Judge Southwick's decisions reveals a disturbing pattern in which he routinely rejects defense claims regarding racially motivated prosecutors who strike African-American jurors, but upholds claims of prosecutors that defense attorneys are striking white jurors on the basis of their race.

For all of these reasons, the UAW believes that Judge Southwick's confirmation would endanger core worker and civil rights protections. Accordingly, we urge you to vote against his nomination and against any attempt to invoke cloture to cut off debate on his nomination.

Thank you for considering our views on this issue.

Sincerely,

ALAN REUTHER,
*Legislative Director.*

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THE AFRICAN-AMERICAN BAR ASSOCIATION OF DALLAS, TEXAS,
*June 6, 2007.*

Re nomination of Leslie Southwick to the United States Court of Appeals for the Fifth Circuit.

Hon. PATRICK LEAHY,
*Chairman, Senate Committee on the Judiciary, Russell Office Building, U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY: The J.L. Turner Legal Association ("JLTLA"), the premier organization for African-American attorneys in Dallas, Texas, writes to register its opposition to the nomination of Leslie Southwick to the United States Court of Appeals to the Fifth Circuit. In so doing, we join with Senator Barack Obama, the Magnolia Bar Association, the Alliance for Justice and the National Employment Lawyers Association, among others, in voicing concerns about Judge Southwick's fitness for elevation to a lifetime appointment to the federal appellate bench.

More significantly, the JLTLA is deeply disturbed by the Bush Administration's consistent and highly objectionable pattern of selecting ultra-conservative, non-diverse candidates to serve on the most racially diverse federal circuit in the country. The Fifth Circuit, comprised of Mississippi, Louisiana and Texas, is home to more African-Americans than any other federal circuit, with the possible exception of the Fourth Circuit. Only one African-American judge, Carl Stewart, currently serves on the Fifth Circuit. Bush has, moreover, nominated no African-Americans to the Fifth Circuit. After Charles Pickering and Mike Wallace, Judge Southwick's nomination could only very generously be described as yet another "slap in the face" to the diverse populations of the Fifth Circuit.

Further, this appointment reflects the Bush Administration's clear disregard for the will of the American people given the significantly dynamic change in Congress. The dramatic outcome of the midterm Congressional election signals that Americans are seeking a new landscape rather than leaving an even more conservative footprint on what is now one of the most conservative Circuits in the nation.

Historically, the Fifth Circuit served as the vanguard for the advancement of civil and human rights, particularly with regard to the implementation of the U.S. Supreme Court's dictates following its historic ruling in Brown v. Board of Education et al. The last 20 years, however, have marked a notable retrenchment in the Fifth Circuit's commitment to civil rights. Judge Southwick's elevation to the Fifth Circuit would only strengthen the conservative leanings of this Court, and further alienate the diverse citizens of this Circuit.

We trust that you will call upon all of your colleagues on the Judiciary Committee to reject this nomination, and call on the President to select a consensus nominee that would bring greater balance to the Fifth Circuit.

Very truly yours,

VICKI D. BLANTON, Esq.,
*President, JLTLA.*

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I rise to make a few brief remarks on this nomination to the United States Court of Appeals for the Fifth Circuit, which serves the residents of Mississippi, Louisiana, and my State of Texas.

Judge Leslie Southwick has served for almost 12 years on the Mississippi Court of Appeals where he has participated in thousands of cases in almost every area of State civil and criminal law. He is, by all accounts—notwithstanding some of the attacks by interest groups that we have heard recounted here today—a respected member of that court and an honorable and decent man. Notably, he took a leave from the bench to volunteer to serve his Nation in Iraq. I ask: What kind of man would give up a cushy job on the Mississippi Court of Appeals to put his life on the line in Iraq?

The American Bar Association has unanimously found Judge Southwick "well qualified" to serve on the Fifth Circuit, which is the highest rating the American Bar Association gives. It is important to point out that the American Bar Association investigates the background of these nominees, talks to litigants who appeared before them, talks to other judges and leaders of the legal community, and they have concluded that instead of the comments we have heard today attacking the integrity of this public servant, that he deserves the highest rating of the American Bar Association.

For whatever reason, this honorable public servant has been dragged through the mud in this confirmation proceeding and, in my opinion, has been slandered by some of his critics. Judge Southwick has been called an "arch-reactionary," a "neoconfederate," "hostile to civil rights," everything but the word "racist," although that has been implied time and time again.

Judge Southwick's nomination was opposed by 9 of the 10 Democrats on the Senate Judiciary Committee. But, to her credit, Mrs. FEINSTEIN, the Senator from California, declined to be strong-armed by the interest groups who are whipping up manufactured hysteria when it comes to opposing this nominee. Announcing that she found "zero evidence to support the charges against Judge Southwick," Senator FEINSTEIN joined the nine Republicans on the committee to advance the nomination to the Senate floor.

What was never answered in the Judiciary Committee's debate over this nomination is why the same panel had, just a year earlier, unanimously approved him for a seat on the Federal District Court bench. I posed this question to my colleagues during the Judiciary Committee debate:

> If there is a concern out there that Judge Southwick is not qualified because of some perceived racial problem, why in the world would that opposition deem him acceptable to be a Federal District Court judge?
>
> Think about that a second. The discretion afforded a District Court judge is so much greater than that on the court of appeals—from the start of a trial, through voir dire and juror strikes, through evidentiary rulings, and jury instructions. I trust that my

> colleagues would never vote for someone with a perceived race problem for life tenure in a role with such enormous discretion. We all know that there was no objection at the time he came before the committee for a Federal District bench because, the fact is, the allegations against him had been manufactured since that time.

There is no legitimate concern about Judge Southwick's character or record. This is just the latest incarnation of the dangerous game being played with the reputations and lives of honorable public servants.

The Republican leader put it this way:

> When do we stop for the sake of the institution, for the sake of the country, and for the sake of the party that may not currently occupy the White House? When do we stop?

The Washington Post's editorial page, along with the respected legal affairs columnist Stuart Taylor, both lamented the treatment afforded Judge Southwick who has yet to be confirmed by the Senate but hopefully will be today. Stuart Taylor's column is appropriately titled "Shortsighted on Judges." He writes:

> The long-term cost to the country is that bit by bit, almost imperceptibly, more and more of the people who would make the best judges—liberal and conservative alike—are less and less willing to put themselves through the ever-longer, ever-more-harrowing gauntlet that the confirmation process has become.

The attacks on Judge Southwick, unfortunately, have come to typify the kinds of vicious, gratuitous, personal attacks that are occurring with greater frequency against judicial nominees.

I wonder if there is a Member of this body who doesn't think we need to improve the tone and rhetoric of the judicial confirmation process. When good men and women decline the opportunity to serve on the Federal bench out of disdain for this unnecessarily hostile process, the administration of justice in this Nation can only be the worst for it.

I urge my colleagues to send a strong message today with this vote that these unwarranted, baseless attacks on Leslie Southwick are beneath the dignity of the Senate. At some point in time we have to stop it, and I can think of no better time than now with this outstanding public servant.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, after the Senator from Illinois speaks, I would like to yield 7 minutes to the Senator from Arizona, Mr. KYL.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, a few weeks ago, our Nation witnessed one of the largest civil rights rallies in decades. It was a rally to condemn hate crimes and racial disparities in our criminal justice system. It occurred in a town in Louisiana that most of us never heard of, Jena, LA. That small town captured the attention of America. Why? Well, because of an incident that occurred at a high school where there was a tree that White students traditionally gathered under.

School officials came to the conclusion it was time that all students could sit under the tree. In protest for that decision, White students hung nooses from the tree. Nooses, the ancient symbol of hatred and bigotry.

Well, that incident led to other incidents, fights between Black and White students at the school. Three White students who put the nooses in the tree were given a 3-day suspension from the school, a 3-day suspension.

In contrast, the Jena district attorney, who was White, brought criminal charges for attempted murder against 6 African-American teenagers, the so-called Jena 6.

If convicted on all the charges, the African-American students could have served a combined total of more than 100 years in prison. One hundred years in prison for 1 group of students, a 3-day suspension for others. It is no wonder this captured the attention of the Nation.

Squabbling, fighting among students, led to serious criminal charges for some and a very slight reprimand for others. This is not the first time America has faced this kind of disparity in justice. Sadly, it is not likely to be the last. Some of us in my age group can recall the struggles of the 1960s when civil rights became a national cause in America, when all of us, Black, White, and brown, North and South, were forced to step back and take a look at the America we live in and make a decision as to whether it would be a different country.

We look back now as we celebrate Dr. Martin Luther King's birthday and observances with fond remembrance of that era. But I can remember that era, too, as being one of violence and division in America. I can recall when Dr. King decided to come to the Chicago area and lead a march. It was a painful, violent experience in a State I love.

I look back on it because I want to make it clear: Discrimination is not a Southern phenomena, it is an American phenomena. But in the course of the civil rights struggle in the 1960s, there were some real heroes, and one of them was a man I dearly love and served with in the House, JOHN LEWIS.

JOHN LEWIS, a young African-American student, decided to engage in sit-ins, and when that did not succeed, he moved on to the next level, the freedom bus rides. He risked his life taking buses back and forth across the South to establish the fact that all people, regardless of their color, should be given a chance.

And then, of course, the historic march in Selma. JOHN LEWIS was there that day. I know because I returned to that town a few years ago with him and he retraced his footsteps. He showed us how he walked over that bridge as a young man. As he was coming down on the other side of the bridge, he saw gathered in front of him a large group of Alabama State troopers. As they approached the troopers, the troopers turned on the marchers and started beating them with clubs, including JOHN.

JOHN was beaten within an inch of his life, knocked unconscious. Thank God he survived. I thought about that because I wanted to be there at that Selma march. I was a student here in Washington at the time and for some reason could not make it and have regretted it ever since.

But as we were driving back from Selma, I recall that JOHN LEWIS said something to me which stuck. He said: You know, there was another hero on that Selma march who does not get much attention; his name was Frank Johnson. Frank Johnson was a Federal district court judge and later a Federal circuit court judge in the Fifth Circuit, which at the time included the State of Alabama. JOHN LEWIS said: If it were not for the courage of Frank Johnson, who gave us the permission to march, there never would have been a march in Selma. Who knows what would have happened to the civil rights movement.

Well, Frank Johnson is a man who has been celebrated in his career as a jurist for his courage. He and his family faced death threats. They were under constant guard for years because of the courageous decisions he made that moved us forward in the civil rights movement.

I had a chance to meet with 2 prospective nominees to the Supreme Court before their confirmations, Chief Justice Roberts and Justice Alito. I gave both of them this book, "Taming the Storm," written by Jack Bass—which is a biography of Frank Johnson—hoping that in their busy lives they might take the time to read these words about his courage and his life and be inspired in their own responsibilities.

There are so many things that have been said and written about Frank Johnson's courage as a judge, a circuit judge in the same circuit we are considering today. One of them was written by a fellow who served in the Senate. I didn't have the chance to serve with him, but I heard so many wonderful things about him, Howell Heflin. Senator Howell Heflin of Alabama introduced a bill to name the U.S. courthouse in Montgomery, AL, for Frank Johnson, Jr.

This is what he said: Judge Johnson's courtroom has been a living symbol of decency and fairness to all who come before his bench. It is from this courthouse that the term "rule of law" came to have true meaning; it is from this courthouse that the term "equal protection of the law" became a reality;

and it is from this courthouse that the phrase "equal justice under law" was dispensed despite threats to his personal life.

Frank Johnson, circuit judge, Fifth Circuit, had the courage to make history and the power to change America. It is a high standard, and it is not for all of us, whether you are a Member of the Senate or seek to be on the Federal judiciary.

It is particularly an important standard to consider with the nomination of Leslie Southwick. There are so many good things to say about Leslie Southwick, if you read his biography, things he has done in his military service, his service in many respects.

But he is asking to serve on Frank Johnson's circuit court, the Fifth Circuit. I guess many of us believe it is a particularly important circuit for the same reason it was in the time of Frank Johnson.

That Fifth Circuit is still a crucible for civil rights. That Fifth Circuit contains Jena, LA. That is a circuit which many times has been called upon to make important historic decisions about fairness and equality in America.

So, yes, I know we ask more of the nominees for that circuit. We know it has a higher minority population than any other circuit in America. We know the State of Mississippi, the home of Leslie Southwick, has the highest percentage of African-Americans.

Yesterday, the Congressional Black Caucus came to meet with the Senate leadership. It is rare that they do that. Congresswomen CAROLYN KILPATRICK and ELEANOR HOLMES NORTON and others came to speak to us.

The depth of emotion in their presentation is something that touched us all. Members of the Senate who have been through a lot of debates and a lot of nominations, many of them were misty-eyed in responding to the feelings, the deep-felt feelings of these African-American Congresswomen about this nomination.

BENNIE THOMPSON of Mississippi, the only Black Congressman from that delegation, talked about what this meant to him, how important it was to have someone who could start to heal the wounds of racism and division in the State he lived in. It touched every single one of us.

I asked Leslie Southwick a question at his nomination hearing under oath; it was as open-ended as I could make it. I asked him:

> Can you think of a time in your life or career where you did bend in that direction, to take an unpopular point of view on behalf of those who were voiceless or powerless and needed someone to stand up for their rights when it wasn't a popular position?

Judge Southwick responded:

> I hope that a careful look—and the answer is, no, I cannot think of something now. But if I can give you this answer, I cannot recall my opinions, and I don't think of them in those terms.

By every standard that was a softball question. I asked this man to reflect on his personal and professional life and talk about a Frank Johnson moment, when he stood up to do something that was unpopular but right for someone who did not have the power in his courtroom.

I even sent him a followup written question because I wanted to be fair about this. And he still could not come up with anything. It is troubling. I hope that if the Senate rejects this nomination, the Senators in the Fifth Circuit, particularly from Mississippi, will bring us a nominee for this circuit who can start to heal the wounds, who can bring us back together, who can give hope to the minorities and dispossessed in that circuit that they will get a fair shake if their cases come to court.

I hope they can reach back and find us a Frank Johnson, someone in that mold, someone who can answer that open-ended question in a very positive way.

Today, I will vote against cloture and oppose the nomination of Leslie Southwick.

I yield the floor.

Mr. SPECTER. Mr. President, how much time remains on the Republican side?

The PRESIDING OFFICER. There is 45 minutes 17 seconds.

Mr. SPECTER. Mr. President, I yield 7 minutes to the Senator from Arizona. I will yield 10 minutes jointly to the senior Senator from Arizona, Mr. MCCAIN, and Senator GRAHAM, which will come in sequence after we alternate with the Democrats.

Mr. WHITEHOUSE. Mr. President, it is my understanding that Senator SCHUMER of New York wishes to be recognized for 10 minutes at 10 o'clock, which just about coincides with what the Senator from Pennsylvania has indicated.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I rise in support of Judge Southwick. There is no question that the nominee is qualified to serve. I do not need to repeat his qualifications. Senators SPECTER and FEINSTEIN did that very well last night. There is no question that he has had an impressive life of service.

Nobody can question the service of a man who joins the Army Reserves at age 42 and then requests duty in a war zone when he is past the age of 50. I will suggest, by the way, that might have been a good answer to the question that Senator DURBIN proposed a moment ago. His life is a life of service, and I believe we should honor him for that.

There is no question the Nation would be well served by his service on the bench. There is also no question the questions about him have been contrived, and there is no question there is more at stake today than the confirmation of Judge Leslie Southwick.

My colleagues should think long and hard about voting against cloture and about what has happened to this nomination. Until the year 2003, no circuit court nominee has been denied confirmation in this body due to a filibuster. Only Abe Fortas faced a real filibuster attempt, and obviously he had ethics issues which caused him to withdraw after it was clear he lacked even majority support.

Since that time, the convention throughout the 1970s and 1980s and 1990s was to reject this path of filibustering nominees. Senators did not like some nominees, but they did not require cloture. When a few Senators tried to impose a cloture standard, the Senate united, on a bipartisan basis, to reject that 60-vote standard.

In fact, then-Majority Leader LOTT and then-Judiciary Chairman HATCH led the fight against requiring cloture in 2000 when we voted on Clinton nominees Paez and Berzon. The vast majority of Republicans rejected any filibuster of judicial nominees.

But in 2003 things began to change. Liberal activist groups pursued many Democrats to apply a different standard. From 2003 to 2005, Democrats actively filibustered several nominees.

> I recall the Senator from Nevada saying: "This is a filibuster."

Well, it was a brandnew world, and many realized it was not good. A group of Senators, 7 from both parties, got together and worked out an arrangement which would preclude this from happening in the future because it was not good and was setting a very bad precedent in the Senate.

In 2005, most of the people on both sides of the aisle backed down from this precipice and the Democrats agreed that in light of the opposition to what they had been doing, their obstructionism, that they would no longer do that.

Unfortunately, today we are seeing a rise, a rejuvenation of those earlier efforts. It strikes me as exceedingly shortsighted and needs to stop. Senator FEINSTEIN's thoughtful speech last night set the standard.

She concluded the speech with the following words, relating to Judge Southwick:

> He is not outside the judicial mainstream. That's the primary criterion I use when evaluating an appellate nominee. And I expect future nominees of Democratic Presidents to be treated the same way.

Well, that is the real question, Mr. President: Will Senator FEINSTEIN's expectation become the reality? I wish I could say yes, but it may not occur that way if cloture is not granted to Judge Southwick, and that is the larger question.

Until now, my Republican colleagues and I have been clear that we think judicial filibusters are inappropriate. I suggest today's vote is a watershed. If Senate Democrats decide to filibuster Judge Southwick today, a clearly qualified nominee, they should not be surprised if they see similar treatment for Democratic nominees. This cannot be a one-sided standard. So this isn't just a vote about Judge Southwick; it is about the future of the judicial nomination process. If Leslie Southwick can't get an up-or-down vote, then I suspect no Senator should expect a future Democratic or Republican President to be able to count on their nominees not to be treated in the same fashion. Any little bit of controversy could be created to create the kind of hurdles Judge Southwick is facing today.

Senator SPECTER and Senator FEINSTEIN have made clear there is nothing to these supposed controversies that have been generated around Leslie Southwick. They are largely inventions of the activist left and don't hold up in the light of scrutiny.

So what of the future? If a Republican wants to block a Democratic President's nominee, all one would need would be the allegation of a controversy. Pick out a case. Raise questions about motivation. Ignore the plain language of a court opinion. Speculate. Ignore the man's character.

The Senator from Illinois spoke movingly a little while ago about civil rights, JOHN LEWIS, Frank Johnson, Martin Luther King, all of which are very important to any debate, but very little of Leslie Southwick—no evidence that he would not apply the same standard in judging civil rights matters, just an insinuation because he didn't answer a question about whether he had ever done something unpopular but right. Well, that is not a disqualification from serving on the court.

So think about the nominees whom you might want to recommend. Could an activist group gin up a controversy about your nominee? Is there anything in his or her past that could be misconstrued, distorted, or painted in an unfair light?

Senator FEINSTEIN asked for a system in which we simply asked whether nominees are in the mainstream and, obviously, are they qualified? She asks that we apply that standard in the future. That is the standard we should be applying on both sides. But if things go badly today and Judge Southwick is treated as poorly as he has been treated so far, then I would have to say that nobody can count on what that standard could be in the future.

Vote for cloture today, my friends, because Judge Southwick is an American patriot who has devoted his life to service. Vote for cloture because he is qualified to serve on the bench. But if that isn't enough, vote for cloture to save future nominees from the same kind of problem that has been attendant to this nominee and the potential that a different standard will be applied in the future with respect to confirming our nominees. That would take us down the wrong path.

Senator FEINSTEIN is right. We should confirm this nominee.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have a brief unanimous consent request that the Senator from Arizona has given me the courtesy of propounding before he speaks.

Mr. President, I ask unanimous consent to have printed in the RECORD letters of opposition from People For the American Way, the West Texas Employment Lawyers Association, the National Gay and Lesbian Task Force, and the National Council of Jewish Women.

There being no objection, the material was ordered to be printed in the Record, as follows:

PEOPLE FOR THE AMERICAN WAY,
*Washington, DC, May 30, 2007.*

Re Leslie Southwick.

Hon. PATRICK LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY AND SENATOR SPECTER: I am writing on behalf of People For the American Way and our more than 1,000,000 members and supporters nationwide to express our strong opposition to the confirmation of Mississippi lawyer and former state court judge Leslie Southwick to the United States Court of Appeals for the Fifth Circuit. Apart from the fact that much of Judge Southwick's record has not yet been provided to the Committee for its consideration, what is known of that record is disturbing, particularly in connection with the rights of African Americans, gay Americans, and workers. Moreover, given that the states within the jurisdiction of the Fifth Circuit (Mississippi, Louisiana, and Texas) have the highest percentage of minorities in the country, we deem it of great significance that the NAACP of Mississippi and the Congressional Black Caucus are among those opposing Southwick's confirmation.

As you know, Judge Southwick has been nominated by President Bush to fill a seat on the Fifth Circuit that the President has previously attempted to fill with Charles Pickering and then with Michael Wallace, both of whose nominations were met with substantial opposition, in large measure because of their disturbing records on civil rights. As you will recall, on May 8, 2007, jointly with the Human Rights Campaign (which has since announced its opposition to Southwick's confirmation), we sent the Committee a letter expressing our very serious concerns about Judge Southwick's nomination, observing that, once again, President Bush had chosen a nominee for this seat who appeared to have a problematic record on civil rights. In particular, our letter discussed in detail the troubling decisions that Judge Southwick had joined in two cases raising matters of individual rights that strongly suggested he may lack the commitment to social justice progress to which Americans are entitled from those seeking a lifetime appointment to the federal bench. Those decisions take on added significance because the intermediate state appellate court on which Judge Southwick sat does not routinely consider the types of federal constitutional and civil rights matters that would shed a great deal of light on a judge's legal philosophy concerning these critical issues. As further discussed below, Judge Southwick's confirmation hearing on May 10 did not allay the concerns raised by these decisions or by other aspects of his record.

In one of the cases discussed in our earlier letter, *Richmond* v. *Mississippi Department of Human Service,* 1998 Miss. App. LEXIS 637 (Miss. Ct. App. 1998), reversed, 745 So. 2d 254 (Miss. 1999), Judge Southwick joined the majority in a 5–4 ruling that upheld the reinstatement with back pay of a white state employee who had been fired for calling an African American co-worker a "good ole nigger." The decision that Judge Southwick joined effectively ratified a hearing officer's opinion that the worker's use of the racial slur "was in effect calling the individual a 'teachers pet'." 1998 Miss. App. LEXIS 637, at *19. The hearing officer considered the word "nigger" to be only "somewhat derogatory," felt that the employer (the Mississippi Department of Human Services no less) had "overreacted" in firing the worker, and was concerned that other employees might seek relief if they were called "a honkie or a good old boy or Uncle Tom or chubby or fat or slim." Id. at *22–23.

Four of Judge Southwick's colleagues dissented. Two would have upheld the decision by DHS to fire the worker. Two others, also joined by one of the other dissenters, objected to the Employee Appeals Board's failure to impose any sanctions at all on the worker, noting a "strong presumption that some penalty should have been imposed." Id. at *18. The three judges issued a separate dissent and would have remanded the case so that the board could impose "an appropriate penalty or produce detailed findings as to why no penalty should be imposed." Id. at *18. Significantly, Judge Southwick chose not even to join this three-judge dissent that would have remanded the case so that some disciplinary action short of firing the worker could have been imposed on her for having referred to a co-worker by a gross racial slur, "in a meeting with two of the top executives of DHS." Id. at *28.

As we discussed in our earlier letter, the Mississippi Supreme Court unanimously reversed the ruling that Southwick had joined. The Supreme Court majority ordered that the case be sent back to the appeals board to impose a penalty other than termination or to make detailed findings as to why no penalty should be imposed—the position taken by three of Judge Southwick's colleagues. Some of the justices on the Supreme Court would have gone even further and reinstated the decision by DHS to fire the worker. But all of the Supreme Court justices rejected the view of the Court of Appeals majority (which included Southwick) that the board had not erred in ordering the worker's reinstatement without imposition of any disciplinary action.

In the second case that we discussed in our May 8 letter, *S.B.* v. *L.W.*, 793 So. 2d 656 (Miss. Ct. App. 2001), Judge Southwick joined the majority in upholding—over a strong dissent—a chancellor's ruling taking an eight-year-old girl away from her bisexual mother and awarding custody of the child to her father (who had never married her mother), in large measure because the mother was living with another woman in "a lesbian home." In addition to the disturbing substance of the majority's ruling, its language is also troubling, and refers repeatedly to what it calls the mother's "homosexual lifestyle" and her "lesbian lifestyle."

Judge Southwick not only joined the majority opinion upholding the chancellor's ruling, but alone among all the other judges in the majority, he joined a concurrence by Judge Payne that was not only gratuitous, but gratuitously anti-gay. As we have previously observed, the concurrence appears to have been written for the sole purpose of underscoring and defending Mississippi's hostility toward gay people and what it calls "the practice of homosexuality" (id. at 662), in response to the position of the dissenters that the chancellor had erred. (The word gay is not used; the concurrence refers repeatedly to "homosexuals" and "homosexual persons.") Among other things, the concurrence suggests that sexual orientation is a choice, and explicitly states that while "any adult may choose any activity in which to engage," that person "is not thereby relieved of the consequences of his or her choice." Id. at 663. In other words, according to Judge Southwick, one consequence of being a gay man or a lesbian is possibly losing custody of one's child.

In addition, and as we noted in our May 8 letter, the concurrence claimed that "[u]nder the principles of Federalism, each state is permitted to set forth its own public policy guidelines through legislative enactments and through judicial renderings. Our State has spoken on its position regarding rights of homosexuals in domestic situations." Id, at 664. Thus, according to the separate concurrence that Southwick chose to join, the states' rights doctrine gave Mississippi the right to treat gay people as second-class citizens and criminals. The views expressed in this concurrence strongly suggest that Judge Southwick is hostile to the notion that gay men and lesbians are entitled to equal treatment under the law.

Unfortunately, Judge Southwick's testimony at his May 10 hearing and his response to post-hearing written questions did not resolve and in fact underscored the very serious concerns that we and others had raised about his record and in particular his decisions in these cases. For example, in response to Senator Kennedy's post-hearing question about why, in the Richmond case, Judge Southwick had "accept[ed] the employee's claim that [the racial slur] was not derogatory," Judge Southwick stated that while the word is derogatory, "there was some evidence that [the worker] had not been motivated by hatred or by animosity to an entire race," and further stated that the opinion he joined had recounted evidence that the employee's use of the racial slur "was not motivated by a desire to offend." Judge Southwick's answers reflect far too cramped an appreciation of the magnitude of the use of this gross racial slur anywhere, let alone to refer to a co-worker in Mississippi.

Senator Kennedy also asked Judge Southwick why, "[e]ven if you did not think a worker should be fired for using a racial slur—why not at least let the employer impose some form of discipline?" Southwick replied that "[n]either party requested that any punishment other than termination be considered." However, as noted above, three of Judge Southwick's dissenting colleagues and the state Supreme Court found no impediment to concluding that even if termination were not warranted by the use of this offensive racial slur, the case should have been sent back so that some form of lesser punishment could be considered.

The custody case was also the subject of much questioning at Judge Southwick's hearing and in post-hearing questions. When Judge Southwick was asked at his hearing about his decision to uphold the chancellor's ruling to deprive the mother of custody of her daughter, in large measure because of her sexual orientation, Judge Southwick repeatedly insisted that a parent's "morality" was a relevant factor in a Mississippi custody case, the clear implication being that Southwick considers gay men and lesbians to be immoral. And he also observed that *Bowers* v. *Hardwick*, 478 U.S. 186 (1986), upholding anti-gay "sodomy" laws, was then good law (not yet having been overturned by the Supreme Court in *Lawrence* v. *Texas*, 539 U.S. 558 (2003)).

However, when Senator Durbin in his post-hearing questions expressly asked Judge Southwick whether he would have voted with the majority or the dissent in Lawrence (which, as noted, overruled Bowers), Judge Southwick did not answer this question, instead giving what appears to have become the rote answer of all nominees to lower courts—that if confirmed they will be "bound to" and will follow precedent. Particularly in light of Judge Southwick's reliance on the much-discredited and since overruled *Bowers* v. *Hardwick*, his refusal to answer Senator Durbin's question is quite disturbing, and further calls into question whether he can apply the law fairly to all Americans.

Judge Southwick's decisions in Richmond and in S.B. raise enormous red flags about his legal views. These are the types of cases that draw back the curtains to reveal critical aspects of a judge's legal philosophy and ideology. We simply cannot conceive of any situation in which calling an African American by the racial slur used in the Richmond case would be akin to calling her "a teacher's pet," and we cannot fathom describing that slur as only "somewhat" derogatory, as the hearing officer did in an opinion essentially ratified by Judge Southwick. As America's recent experience with the racially offensive remarks leveled at the young women of the Rutgers University basketball team has shown, most of our country has progressed beyond racial slurs and recognizes the right of every individual to be treated with dignity regardless of race.

And we agree with the Human Rights Campaign, which stated in its May 23, 2007 letter to the Committee opposing Judge Southwick's confirmation, that if Judge Southwick "believes that losing a child is an acceptable 'consequence' of being gay, [he] cannot be given the responsibility to protect the basic rights of gay and lesbian Americans." Every American, regardless of his or her sexual orientation, should likewise be accorded equality of treatment and dignity under the law.

Unfortunately, Judge Southwick's decisions in Richmond and S.B. call into serious question his understanding of and commitment to these fundamental principles. Moreover, these decisions are far from the only troubling aspects of his record. As the Mississippi State Conference of the NAACP has observed in connection with Judge Southwick's rulings on race discrimination in jury selection, "[d]ozens of such cases reveal a pattern by which Southwick rejects claims that the prosecution was racially motivated in striking African-American jurors while upholding claims that the defense struck white jurors on the basis of their race." Indeed, in one such case, three other judges on Southwick's court harshly criticized him in a dissent, accusing the majority opinion written by Southwick of "establishing one level of obligation for the State, and a higher one for defendants on an identical issue." *Bumphis* v. *State*, No. 93-KA-01157 COA (Miss. Ct. App., July 2, 1996).

During his time on the state court of appeals, Judge Southwick also compiled a strikingly pro-business record in divided rulings. According to an analysis by the Alliance for Justice, "Judge Southwick voted, in whole or in part, against the injured party and in favor of special interests, such as corporations or insurance companies, in 160 out of 180 published decisions involving state employment law and torts cases in which at least one judge dissented. In 2004, a business advocacy group gave Judge Southwick the highest rating of any judge on the Mississippi Court of Appeals, based on his votes in cases involving liability issues.

In one case heard by his court involving an alleged breach of an employment contract, Judge Southwick went out of his way in a dissenting opinion to praise the doctrine of employment-at-will, which allows an employer to fire an employee for virtually any reason. Despite the fact that neither the existence nor merits of the at-will doctrine were at issue in the case, Judge Southwick wrote, "I find that employment at will, for whatever flaws a specific application may cause, is not only the law of Mississippi but it provides the best balance of the competing interests in the normal employment situation. It has often been said about democracy, that it does not provide a perfect system of government, but just a better one than everything else that has ever been suggested. An equivalent view might be seen as the justification for employment at will."

*Dubard* v. *Biloxi H.M.A.*, 1999 Miss. App. LEXIS 468, at *16 (Miss. Ct. App. 1999), rev'd 778 So. 2d 113, 114 (Miss. 2000). The National Employment Lawyers Association has cited this case in particular in explaining its opposition to Judge Southwick's confirmation. According to NELA, "[t]hat Mr. Southwick would use the case as a platform to propound his views, rather than as a vehicle to interpret laws is problematic and suggests that he may be unable to separate his own views from his judicial duty to follow the law." Indeed, when asked about this case at his May 10 hearing, Judge Southwick admitted that he had put his personal "policy" views into a decision, but claimed to regret having done so.

Finally, we note that not all of Judge Southwick's record has been provided to the Committee, including more than two years' worth of unpublished decisions by the Mississippi Court of Appeals in cases on which he voted but in which he did not write an opinion. As the Richmond and S.B. cases underscore, the opinions that a judge chooses to join, or elects not to, can be just as revealing of his judicial philosophy as those that he writes. Particularly given what is known about Judge Southwick's record, the notion of proceeding with his nomination on less than a full record would be grossly irresponsible.

With a lifetime position on what is essentially the court of last resort for most Americans at stake, Judge Southwick has failed to meet the heavy burden of showing that he is qualified to fill it. The risks are simply too great to put someone with Judge Southwick's legal views on a federal Court of Appeals for life.

In this regard, we were particularly struck by a very telling moment at Judge Southwick's May 10 hearing. Senator Durbin, in questioning Judge Southwick, noted the great personal courage of federal Judge

Frank Johnson of Alabama, whose landmark civil rights rulings were so critical to advancing the legal rights of African Americans in the south. Senator Durbin then asked Southwick, looking back on his career in public service, to cite an instance in which he had "stepped out" and taken an unpopular view on behalf of minorities. Judge Southwick could not identify one single instance in response to this question, even when Senator Durbin asked it a second time.

As more than 200 law professors wrote to the Senate Judiciary Committee in July 2001, no federal judicial nominee is presumptively entitled to confirmation. Because federal judicial appointments are for life and significantly affect the rights of all Americans, and because of the Senate's co-equal role with the President in the confirmation process, nominees must demonstrate that they meet the appropriate criteria. These include not only an "exemplary record in the law," but also a "commitment to protecting the rights of ordinary Americans," and a "record of commitment to the progress made on civil rights, women's rights, and individual liberties." Judge Southwick has failed to meet his burden of showing that he should be confirmed.

We had hoped that after the failed nominations of Charles Pickering and Michael Wallace, the President would nominate someone for this lifetime judicial position in the tradition of Frank Johnson, or at the least someone whose record did not reflect resistance to social justice progress in this country. Unfortunately, the President has not done so. We therefore strongly urge the Judiciary Committee to reject Leslie Southwick's confirmation to the Fifth Circuit.

Sincerely,

RALPH G. NEAS,
*President.*

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WEST TEXAS EMPLOYMENT
LAWYERS ASSOCIATION,
*El Paso, TX, May 22, 2007.*

Hon. PATRICK LEAHY,
*Senate Judiciary Committee,*
*Washington, DC.*

DEAR SENATOR LEAHY: I write on behalf of the West Texas Employment Lawyers' Association. Collectively, the members of our group have represented thousands of employees, workers and average folk in matters ranging from employers' failures to pay our clients a minimum wage for work performed, sexual harassment claims, as well as age, race, disability and sex discrimination claims. We routinely practice in front of the Fifth Circuit Court of Appeals and we are very proud of the work we perform on behalf of the hardworking men and women of our nation, vindicating their right to be free from discrimination.

As an organization, we felt it necessary to go on record to oppose Leslie Southwick's nomination to the Fifth Circuit. Please oppose the nomination of Leslie Southwick to the Fifth Circuit. As civil rights and employment discrimination lawyers, it is our humble opinion that Leslie Southwick would do grievous and long-term harm to ordinary workers, and normal Americans whose last names are not "Inc." or "Ins. Co."

Please, for the sake of our civil liberties and the average working American, do all in your power to prevent Leslie Southwick's nomination.

Sincerely,

ENRIQUE CHAVEZ, Jr.,
*President.*

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NATIONAL GAY AND LESBIAN
TASK FORCE,
*Washington, DC, May 29, 2007.*

Senator PATRICK LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY AND SENATOR SPECTER: On behalf of the National Gay and Lesbian Task Force, Inc. a non-partisan civil rights and advocacy group organizing nationwide to secure lesbian, gay, bisexual, and transgender (LGBT) equality, I urge you to oppose the nomination of Leslie Southwick to the United States Court of Appeals for the Fifth Circuit. Judge Southwick has a disturbing record on LGBT rights. His statements during his confirmation hearing and written responses do not allay our concerns about how he would approach cases involving the rights of gay, lesbian, bisexual, and transgender Americans.

While on the Mississippi Court of Appeals, Judge Southwick joined an opinion removing an eight-year-old child from the custody of her mother, citing in part that the mother had a lesbian home. This decision was based on a negative perception about the sexual orientation of the biological mother and ignored findings by the American Psychological Association, along with every other credible psychological and child welfare group that lesbian and gay people are equally successful parents as their heterosexual counterparts.

Further, Judge Southwick was the only judge in the majority to join a deeply troubling concurrence written by Judge Payne. The concurrence asserts that sexual orientation is a choice and an individual who makes that choice must accept the negative consequences, including loss of custody. This statement underscores Judge Southwick's disregard for commonly accepted psychiatric and social science conclusions that sexual orientation is not a choice. Regardless, it also demonstrates Judge Southwick's callous disregard for the rights of LGBT families.

A nominee to the federal bench bears the burden of demonstrating a commitment to rigorously enforce the principles of equal protection and due process for all Americans. The judicial record of Judge Southwick makes clear that he cannot meet that burden. It also makes clear that the individual and equal protection rights of LGBT families would be in real jeopardy if he were confirmed.

We therefore oppose his nomination and request that you vote against his confirmation. It would be unconscionable for this Senate to confirm any judge who has illustrated such a clear anti-LGBT bias to a lifetime seat on the federal bench.

Sincerely,

MATT FOREMAN,
*Executive Director.*

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NATIONAL COUNCIL OF JEWISH WOMEN,
*New York, NY, June 5, 2007.*

Hon. PATRICK LEAHY,
*Chairman, Senate Judiciary Committee,*
*Washington, DC.*

DEAR CHAIRMAN LEAHY: On behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW), I am writing to urge the Judiciary Committee to reject the nomination of Judge Leslie H. Southwick to the 5th Circuit Court of Appeals. Much of Judge Southwick's record remains unknown because the opinions in which he concurred were rarely published, but what we do know is deeply troubling. It does not appear that Judge Southwick will uphold federal law, including laws against discrimination on the basis of race, sex, national origin, and religion.

To the contrary, Judge Southwick joined a majority of the Mississippi appeals court in ruling that a state employee's dismissal for referring to a co-worker as "a good ole n****" was unwarranted, a ruling unanimously reversed by the Mississippi Supreme Court. In another case Judge Southwick wrote a concurring opinion positing that a "homosexual lifestyle" could be used to deprive a parent of custody of her own child.

Historically, the 5th Circuit Court of Appeals has served as a bulwark for the protection of civil rights. Sadly in recent years that record has evaporated. President Bush has twice nominated candidates perceived to be hostile to civil rights that fortunately were never confirmed. Judge Southwick appears to follow in the footsteps of his predecessor nominees in his apparent hostility to civil rights. It is also disappointing that President Bush again failed to take advantage of an opportunity to appoint an African American lawyer to the Mississippi seat on the 5th Circuit Court.

The Judiciary Committee's hearing of May 10, 2007, did not reverse the clear impression that Judge Southwick is unable to serve as an impartial judge on the 5th circuit, and much of his record still remains unavailable for analysis. The committee should reject his nomination and urge the President to submit a consensus nominee committed to respect for fundamental constitutional rights.

Sincerely,

PHYLLIS SNYDER,
*NCJW President.*

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The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I am pleased the Senate will vote today on Judge Southwick's nomination. I hope my colleagues will join me in voting to confirm this dedicated public servant and courageous soldier.

Judge Southwick has many impressive credentials. Most impressive to me and most revealing of his character is his military service. In 1992, almost 20 years after graduating from law school, Judge Southwick interrupted his successful career as an attorney in private practice and obtained an age waiver to join the U.S. Army Reserves Judge Advocate General's Corps. Ten years later, at age 53, Judge Southwick volunteered to transfer to the 155th Brigade Combat Team of the Mississippi National Guard, a line combat unit that was deployed to Iraq in 2005. Judge Southwick's decision to join the Army is a model of self-sacrifice, and his actions helped to provide equal justice not only to American soldiers but also to the numerous Iraqi civilians whose cases he heard while he was stationed in Iraq. That is the kind of service this individual has provided to his country.

Most disappointing is that some Members of the Senate have questioned Judge Southwick's character by stating that "He has an inclination toward intolerance and insensitivity." That is an interesting criteria that we should set for the confirmation of judges.

It is interesting that we are now going to have, for the first time in a long time, a requirement for 60 votes to move forward. As my colleagues might recall, a couple of years ago there was a proposal from some on this side of the aisle and some others that we should change the rules of the Senate so that only 51 votes would be necessary to confirm a nominee. At that time, I opposed that idea because I thought that it would then put us on a slippery slope to other requirements, other further erosion of the 60 votes upon which this body operates and which separates us from the House of Representatives. So a group of us, who were given the nickname of the "Gang of 14," got together and agreed that we would not filibuster or require 60 votes unless there were "extraordinary circumstances." As a result of that, Justices Roberts, Alito, and many other judges were confirmed by this body.

I think it is pretty obvious that agreement has broken down. I would like to remind my colleagues that not that many years ago the benefit of the doubt went to the President and his nominees and that elections have consequences. Among those consequences are the appointments of judges—in some respects, perhaps the most important consequence of elections because, as we all know, these are lifetime appointments, and some of us on the conservative side have viewed over the years legislating from the bench in certain kinds of judicial activism as very harmful not only to our principles and philosophy and our view of the role of Government and the various branches of Government but the effects of some of that judicial activism.

So here we are now with a person who is clearly qualified, served in the military, and is now being accused of perhaps having an "inclination toward intolerance or insensitivity." I can assure my colleagues there are some people living in Iraq today who don't believe Judge Southwick has an inclination toward intolerance and insensitivity. In fact, he has earned their gratitude for his efforts in installing the fundamental effects of democracy, and that is the rule of law.

I hope, Mr. President, once we get this over with, perhaps we can sit down again, Republicans and Democrats alike, and try to have a process where we could move forward with these judicial nominations. As we know, there are more vacancies every day. And I would even agree to give them a pay raise, which they seem to feel is rather important.

This is an important decision right now, which I think is larger than just the future of this good and decent man. Will others who want to serve on the bench be motivated to serve or not serve as they watch this process where someone accused of an inclination toward intolerance and insensitivity seems to be a new criteria?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I would like to echo the sentiments of Senator MCCAIN and add my two cents' worth to this debate. In this regard, there will be some good news today. I anticipate that this fine man will have a vote on the floor of the Senate, that the cloture motion will pass, and we will allow an up-or-down vote and he will get confirmed.

To my 2 colleagues from Mississippi: Well done. You have sent to the Senate an unusually well-qualified candidate by any standard you would like to apply to a person in terms of his humanity, his intellect, and his judicial demeanor. It is one of the best selections I have had the privilege of reviewing since I have been in the Senate.

The unfortunate news is that we are having to go through this particular exercise to get 60 votes. Quite frankly, I think the accusations being made against Judge Southwick are unfounded and just political garbage, to be honest with you.

He has received the highest qualified rating from the American Bar Association. Everyone who has ever served with Judge Southwick, in any capacity, whether it be as a judge, a lawyer, or private citizen, has nothing but glowing things to say about the man. And really, we are trying to use two legal events to cast doubt over the man. Six hundred cases he has sat in judgment upon, and the American Bar Association has reviewed all these cases, I would assume, and come to the conclusion that he is at their highest level in terms of judicial qualification.

Judge Southwick has done things as a person that have really been beneficial to Mississippi. He has tried to bring out the best in Mississippi. These are the types of people you would hope to represent the State of Mississippi—or any other State, for that matter—in terms of their demeanor, their tolerance, their willingness to work together with all groups to move their State forward.

Now, the 2 cases in question are just complete garbage—the idea that the term "homosexual lifestyle" was used in an opinion that he concurred in involving a custody case. That term, if you research it in the law, has been used in hundreds of different cases—over 100 cases. President Clinton mentioned it in 1993 when he was talking about his policy regarding the military. It is a term that was used in the Mississippi court cases that were the precedent for the case involved. And to say that he concurred in an opinion where the authoring judge used that term has somehow tainted him means you better go through the records and throw a bunch of judges off, Democrats and Republicans. That is ridiculous, completely ridiculous, and if applied in any fair way would just be—it would be chaos. You would have politicians, you would have judges, you would have people from all over the country who somehow, because of that term having been used in a judicial opinion, couldn't sit in judgment of others. That is ridiculous. Just go search the record of how this term has been used. To suggest that it means something in Judge Southwick's case but no one else's has a lot to say about this body, not Judge Southwick.

Now, the other case, he was sitting in judgment of an administrative board that decided not to dismiss an employee who used a racial slur in the workplace. To suggest that by somehow giving deference to the administrative board, whether or not their decision was capricious and arbitrary—the review standard at the appellate level—he embraces this term or is intolerant is equally ridiculous. I have an administrative board in the State of Mississippi that is an expert in the area of employment discrimination law, hiring and firing practices. The case is decided at the administrative level, and it comes up to appeal, and every judge involved says this is a terrible word to use but, as a matter of law, the board's finding it was an isolated incident did not justify a complete dismissal was the issue in the case.

Now, do we really want to create a situation in this country where the judges who want to get promoted will not render justice or apply the law, that they will be worried about themselves and what somebody may say about the context of the case? Are we going to get so that you cannot represent someone? What about the person who was being accused of the racial slur? What if you had represented them? Would we come here on the floor of the Senate saying: My God, you represented someone who said a terrible thing; therefore, you can't be a judge? I don't know about you, but as a lawyer, I have represented some pretty bad people. It was my job. And judges have to apply the law and use their best judgment.

So I hope this man will get an up-or-down vote and that this garbage we are throwing at our nominees will stop.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, could you tell me how much time we have remaining on our side?

The PRESIDING OFFICER. Thirty-three minutes 45 seconds, including the——

Mr. SCHUMER. The 10 minutes, yes. And how about on the other side?

The PRESIDING OFFICER. Twenty-seven minutes.

Mr. SCHUMER. Mr. President, I yield myself 10 minutes.

This is, indeed, an important debate, and I think you can look at it at two different levels.

First, I wish to argue strongly against the confirmation of Leslie Southwick to the Fifth Circuit Court of Appeals. We do not assess judicial nominees in a vacuum. In addition to the particular record of the nominee, there are a number of factors that figure into a Senator's proper evaluation of a candidate. We may consider, among other things, the history behind the seat to which the candidate has been nominated; the ideological balance within the court to which the nominee aspires; the diversity of that court; the demographics of the population living in that court's jurisdiction; the legacy of discrimination, injustice, and legal controversy in that jurisdiction. In this case, the context and circumstances of the nomination require us to view it with particular scrutiny. In this case doubt must be construed not for the nominee, as some of my colleagues—the Senator from Arizona and the Senator from South Carolina—have argued, but, rather, against the nominee.

The Fifth Circuit is perhaps the least balanced and least diverse in the country. The circuit has deservedly earned a reputation as being among the most conservative in the Nation. It has 15 judges, 11 filled by Republican Presidents. It has a large African-American population. There is only one African-American judge serving on it. The circuit has three seats traditionally reserved for Mississippians. That honor has never gone to an African American, even though Mississippi's population is more than one-third African American. Of course, the Fifth Circuit services areas that still suffer the scars and effects of decades of deep racial inequality and discrimination.

So you have to put things in context. We have had two other nominees who were extremely unsuitable candidates: Judge Pickering, whom this body rejected, and Michael Wallace, whom many, when you speak to them in Mississippi and in the African-American community there, said an African American might not get a fair trial in Michael Wallace's court. But they were nominated. The exact same reasoning could have been used for them. Those were the two previous nominees. We have to evaluate Judge Southwick against this backdrop.

When we do so, we cannot have confidence that he is a moderate jurist who will apply the law evenhandedly. Most disturbingly, Judge Southwick's judicial record provides no comfort that he understands or can wisely adjudicate issues relating to race, discrimination, and equal treatment. In this circuit above all, that should be a criterion. Whether you are from Mississippi or Arizona or South Carolina or New York, we should all care about that.

Let's go over some of the record. There is the Richmond case. The majority opinion in the Richmond case reflects an astonishingly bad decision. In that case, Judge Southwick joined a 5-to-4 ruling that essentially ratified the bizarre finding of a hearing officer who reinstated a State worker who had insulted a fellow worker by using the worst racial slur, the "n" word. To join that wrongheaded decision was to ignore history and common sense and common decency, to find a basis for excusing the most deeply offensive racial slur in the language. As the dissenters in Richmond pointed out, and there were four of them, the term "is and always has been offensive. Search high and low, you will not find any nonoffensive definition for this term. There are some words which by their nature and definition are so inherently offensive their use establishes the intent to offend."

Of course, the Mississippi Supreme Court, the highest court in Mississippi, unanimously reversed. The Richmond case cannot be dismissed, as some would like, as just one case that Judge Southwick merely joined. He could have joined the very vocal dissent. He could have written a separate concurrence. He did neither. It is fair and proper to ascribe to Judge Southwick every word of the Richmond majority opinion—and the case is a touchstone, the case is a benchmark. It is a predictor and it is all the more important because there is little or nothing in the record to offset the impression it gives about Judge Southwick's jurisprudence.

Judge Southwick, at his hearing, said some of the hearing officer's analysis "does not now seem convincing to me," even though he endorsed it only 9 years ago. This mild attempt at backtracking at his confirmation hearing does not provide comfort. In fact, it smacks of a nominee trying in some small way to please Senators who will decide his fate.

Beyond this defining case, moreover, Judge Southwick has shown over more than a decade of adjudicating cases that we should be concerned about his legal philosophy in so many areas: consumer rights, workers' rights, race discrimination in jury selection. He has shown a bias. I am not going to get into those cases, but, again, I would say there is a special onus on us all here.

Most of my colleagues—some on this side of the aisle—have said: Well, he issued thousands of opinions and only made one mistake. First, I am not sure that is true. When you look at his opinions, there are more mistakes than that. But let's even say he made this one mistake. Normally that would be a good argument. We all make mistakes. None of us before God is flawless, is perfect. Of course we are human beings. But certain mistakes are not forgivable. They may be forgivable of a person as a man or a woman, but not forgivable when you are elevating someone to the Fifth Circuit.

We have had a poison in America since the inception of this country. This is a great country. I am a patriot. I love this country dearly. It is in my bones. But the poison in this country, the thing that could do us in, is race and racism. Alexis de Tocqueville, the great French philosopher, came here in the 1830s. He made amazing predictions about this country. We were a tiny nation of farmers, not close to the power of Britain or France or Russia, the great European nations. De Tocqueville comes from France and says this country, America—this is in the 1830s—this country is going to become the greatest country in the world. He was right. Then he said one thing could do us in—race, racism and its poison. He was right again.

When it comes to the area of race and racism, we have to bend over backwards. The African-American community in Mississippi, in the country, is strongly against the Southwick nomination. They know this discrimination, this poison of America, better than anybody else. They know, even in 2007, the little winks and gestures that indicate a whole different subplot. When you condone using the "n" word, you are doing just that. Unfortunately, Judge Southwick—he may be a good man and I certainly don't think he is a racist, but his words have to be seen in context. Like it or not, when he is nominated to the Fifth Circuit he is carrying 200-some-odd years of bigotry that has existed in this country, and particularly in this circuit, on his back. That is the issue here. This is not just any mistake; this is not just any flaw. This comes in a whole subcontext.

Then I heard yesterday that Judge Southwick has not met with the one African Member of the Mississippi delegation, BENNIE THOMPSON. He has not met with, I believe it was called the Magnolia Bar Society, the African-American bar society in Mississippi. Should not Judge Southwick, after these allegations, have gone out of his way? He called yesterday, after BENNIE THOMPSON, Congressman THOMPSON, presented this to us. Shouldn't he have been camped out at BENNIE THOMPSON'S door to try to explain what he did? It is the same kind of attitude. It is the same kind of subtext that, frankly, unless you are African American, you don't see.

JOHN MCCAIN is right. Elections have consequences. I do not expect our President to nominate to the Fifth Circuit somebody who has my views or the views of other Members of this side. Elections do have consequences. But on the issue of race, the poison of America, where the Fifth Circuit has been a cauldron, I do expect the President to nominate someone who is above reproach. Because we are not just judging a man or a woman as he or she treads on this Earth. We are judging somebody to go to the second highest court in the land. There must be—there must be—thousands of jurists of every race who meet the President's views but do not have this unfortunate, serious, and irremovable blemish upon them.

This one to me is not an ordinary situation. It is not one mistake out of 7,000 opinions. It is not judging whether Judge Southwick is a good man. Let's assume he is. It goes far deeper than that. It is not saying, as so many of my colleagues have said: We may have a Democratic President and we need, next time out, to make sure we come together on judges. I wish to do that. You know, when you vote for 90-some-odd percent of the President's nominees, almost every one of whom you disagree with philosophically, you are doing that. I have done that. Most Members on this side have done that. But that does not forgive this—again, in the context, not of somebody as a person but in the context of something to be elevated to the Fifth Circuit.

In conclusion, we have to make every effort to bend over backwards on the issue of race and racism in the Fifth Circuit and in the other circuits as well. We have not done that here. We are sort of casting it aside, finding an excuse, pushing it under the rug. Again, I do not believe Judge Southwick is a racist, but I do believe when it comes to the issue of race, one on the Fifth Circuit must be exemplary. This case shows he is not. He has failed that standard. I urge my colleagues, every one of them on both sides of the aisle, to look into their hearts when they cast this important vote.

Mr. President, I ask unanimous consent that several letters regarding this Nomination be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 8, 2007.

Re Leslie Southwick

Hon. PATRICK LEAHY,
*Chairman, Committee on the Judiciary,*
*U.S. Senate, Washington, DC.*
Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary,*
*U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY AND SENATOR SPECTER: We are writing on behalf of People for the American Way and the Human Rights Campaign and our combined grassroots force of more than 1,700,000 members and other supporters nationwide to express our serious concerns regarding the nomination of Mississippi lawyer and former state court judge Leslie Southwick to the United States Court of Appeals for the Fifth Circuit. As you know, Judge Southwick has been nominated by President Bush to fill a seat on the Fifth Circuit that the President has previously attempted to fill with Charles Pickering and then with Michael Wallace, both of whose nominations were met with substantial opposition, in large measure because of their disturbing records on civil rights. Now, with Judge Southwick, President Bush once again appears to have chosen a nominee for this seat who has a problematic record on civil rights, as further discussed below. And once again the President has passed over qualified African Americans in a state with a significant African American population that has never had an African American judge on the Fifth Circuit.

At the outset, we are constrained to note that there are significant concerns regarding the insufficient time provided to the Judiciary Committee to consider Judge Southwick's record in the careful manner required by the Senate's constitutional responsibilities in the confirmation process, as well as concerns raised by the fact that Judge Southwick's complete record does not appear to have been provided to the Committee. The confirmation hearing for Judge Southwick was scheduled with only a week's notice to the Committee, providing insufficient preparation time for the consideration of a controversial appellate court nominee. In addition, there has not been sufficient time since Judge Southwick submitted his responses to the Committee's questionnaire, in late February, for his entire judicial record to be reviewed; indeed, it appears that some of his record has not yet even been provided to the Committee.

Leslie Southwick served as a judge on the Mississippi Court of Appeals from 1995–2006. The number of cases in which he participated during that time is voluminous, well in excess of 7,000 by his own estimation. Moreover, according to Judge Southwick, many of the court's decisions during that time were not published at all (including all of the court's rulings—some 600 cases a year according to Southwick—issued over a period of approximately two and a half years during his tenure). While Judge Southwick in late February provided to the Committee a compact disc containing thousands of pages of his own unpublished opinions, to the best of our knowledge he has not provided copies of the court's unpublished opinions as to which he voted but that he did not write. As the cases discussed below underscore, it is critical that the Committee examine those rulings as well, for the opinions that a judge chooses to join, or elects not to, can be just as revealing of his judicial philosophy as those that he writes.

In addition, and to our knowledge, the Committee also has not been provided with Department of Justice records relevant to Southwick's tenure as a Deputy Assistant Attorney General during the administration of the first President Bush. These records would shed additional light on Southwick's legal philosophy and views, particularly on federal law issues that simply did not come before him while he served on the Mississippi Court of Appeals but that likely would if he were confirmed to a federal Court of Appeals. It is axiomatic that the Committee should not consider any judicial nominee without the nominee's full record or adequate time in which to review it.

Apart from these significant procedural issues, a preliminary review of Judge Southwick's record raises serious concerns about his record on civil rights. As an intermediate state appellate court, the Mississippi Court of Appeals hears appeals in state law criminal cases and typical state law civil cases such as contract disputes, tort claims, workers compensation matters, trusts and estates matters, and the like. It does not routinely consider the types of federal constitutional and civil rights matters that would shed a great deal of light on a judge's legal philosophy concerning these critical issues. Nonetheless, Judge Southwick's positions in two cases before that court during his tenure raising matters of individual rights are highly disturbing, and strongly suggest that Southwick may lack the commitment to social justice progress to which Americans are entitled from those seeking a lifetime appointment to the federal bench. We discuss each of these cases below.

*Richmond* v. *Mississippi Department of Human Services*, 1998 Miss. App. LEXIS 637 (Miss. Ct. App. 1998), *reversed*, 745 So. 2d 254 (Miss. 1999)

In Richmond, Judge Southwick joined a 5–4 ruling upholding the reinstatement of a white state social worker, Bonnie Richmond, who had been fired for referring to an African American co-worker as "a good ole nigger" at an employment-related conference. Richmond worked for the Mississippi Department of Human Services ("DHS"), which terminated her employment after other employees raised concerns about her use of the racial slur. The ruling that Southwick joined was unanimously reversed by the Supreme Court of Mississippi. The facts are as follows.

After she was fired, Richmond appealed her termination to the state Employee Appeals Board ("EAB"), which ordered her reinstatement. The hearing officer opined that Richmond's use of the racial slur "was in effect calling the individual a 'teachers pet'." 1998 Miss. App. LEXIS 637, at *19. He considered the word "nigger" only "somewhat derogatory," felt that DHS had "overreacted," and was concerned that other employees might seek relief if they were called "a honkie or a good old boy or Uncle Tom or chubby or fat or slim." Id. at *22–23.

The opinion that Southwick joined upheld the EAB's reinstatement of Richmond, essentially ratifying the astonishing findings and conclusions of the hearing officer. Moreover, the opinion that Southwick joined accepted without any skepticism Richmond's testimony that her use of the racial slur was "not motivated out of racial hatred or animosity directed at her co-worker or toward blacks in general, but was, rather, intended to be a shorthand description of her perception of the relationship existing between the [co]-worker and [a] DHS supervisor." Id. at *9–10 (emphasis added).

There was a strong dissent by two judges who were obviously appalled by the hearing officer's findings and opinion. Unlike the majority, they openly criticized the hearing examiner's findings and also criticized the majority for presenting a "sanitized version of [those] findings." Id. at *29. According to the dissenters,

> The hearing officer's ruling that calling [the co-worker] a 'good ole nigger' was equivalent to calling her 'teacher's pet' strains credulity. . . . The word 'nigger' is, and has always been, offensive. Search high and low, you will not find any nonoffensive definition for this term. There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend.

Id. at *26.

The dissenters would have held that the EAB's actions were not supported by substantial evidence, and would have upheld the decision by DHS to fire Richmond. Another judge wrote a separate dissent, joined by two other judges, in which he would have remanded the case to the EAB so that some penalty could be imposed on Richmond, or detailed findings made as to why no penalty was appropriate.

DHS appealed the ruling of Southwick's court to the Mississippi Supreme Court, which unanimously reversed. The Supreme Court majority ordered that the case be sent back to the EAB to impose a penalty other than termination or to make detailed findings as to why no penalty should be imposed. Some of the justices on the court would have gone even further and reinstated the decision by DHS to fire Richmond. But all of the Supreme Court justices rejected the view of the Court of Appeals majority (which included Southwick) that the EAB had not erred in ordering Richmond's reinstatement.

*S.B.* v *L.W.*, 793 So. 2d 656 (Miss. Ct. App. 2001).

In this case, Judge Southwick joined a decision by the Mississippi Court of Appeals, upholding—over a strong dissent—a chancellor's ruling taking an eight-year-old girl away from her bisexual mother and awarding custody of the child to her father (who had never married her mother). The mother was living at the time with another woman, and in awarding custody to the father, the chancellor was plainly influenced by the mother's sexual orientation and his obvious concern about having the girl continue to live in what he called "a lesbian home." Judge Southwick not only joined the majority opinion upholding the chancellor's ruling, but alone among all the other judges in the majority, he joined a concurrence by Judge Payne that was not only gratuitous, but gratuitously anti-gay.

In taking the girl away from her mother (with whom she lived), the chancellor cited a number of factors that he claimed weighed in favor of the father, but it is clear that he was heavily influenced by the mother's sexual orientation. For example, the chancellor stated that the factor of "[s]tability of the home environment" weighed in favor of the father, because "he is in a heterosexual environment. Has a home there that is an average American home." 793 So. 2d at 666. Meanwhile, the chancellor said, "[t]o place the child with [the mother], the child would be reared in a lesbian home, which is not the common home of today. To place a child with [the father], the child would be reared in a home which is considered more common today." Id.

The mother appealed to the Court of Appeals which, as noted above, upheld the chancellor's ruling taking her daughter away from her. The majority opinion, which Southwick joined, held that the chancellor had not erred in taking the mother's sexual orientation into consideration as what it viewed as one factor in his ruling. In addition to the disturbing substance of the majority's ruling, its language is also troubling, and refers repeatedly to what it calls the mother's "homosexual lifestyle" and her "lesbian lifestyle."

Not only did Southwick sign on to the majority opinion, but he also made an affirmative decision to join a concurrence by Judge Payne that was gratuitously anti-gay—and was the only other judge in the majority to do so. The concurrence appears to have been written for the sole purpose of underscoring and defending Mississippi's hostility toward gay people and what it calls "the practice of homosexuality" (id. at 662), in response to the position of the dissenters (see below) that the chancellor had erred. (The word gay is not used; the concurrence refers repeatedly to "homosexuals" and "homosexual persons.") The concurrence begins by stating that the Mississippi legislature has "made clear its public policy position relating to particular rights of homosexuals in domestic relations settings." Id. at 662. It then proceeds to note that Mississippi law prohibits same-sex couples from adopting children—although this law had nothing to do with the case, since the mother was the birth mother—and also notes that state law makes "'the detestable and abominable crime against nature'"—which it says includes "homosexual acts"—a ten-year felony. Id.

Finally, the concurrence takes a huge and troubling states' rights turn, claiming that "[u]nder the principles of Federalism, each state is permitted to set forth its own public policy guidelines through legislative enactments and through judicial renderings. Our State has spoken on its position regarding rights of homosexuals in domestic situations." Id. at 664. In other words, according to the separate concurrence that Southwick chose to join, federalism gives Mississippi the right to treat gay people as second-class citizens and criminals. The views expressed in this concurrence strongly suggest that Judge Southwick is hostile to the notion that gay men and lesbians are entitled to equal treatment under the law.

Two judges dissented, and in particular noted that there had been no finding that there was any conduct harmful to the child, and that "it is the modern trend across the United States of America to reject legal rules that deny homosexual parents the fundamental constitutional right to parent a child." Id. at 668.

As more than 200 law professors wrote to the Senate Judiciary Committee in July 2001, no federal judicial nominee is presumptively entitled to confirmation. Because federal judicial appointments are for life and significantly affect the rights of all Americans, and because of the Senate's co-equal role with the President in the confirmation process, nominees must demonstrate that they meet the appropriate criteria. These include not only an "exemplary record in the law," but also a "commitment to protecting the rights of ordinary Americans," and a "record of commitment to the progress made on civil rights, women's rights, and individual liberties."

The burden is on Judge Southwick to demonstrate that he satisfies these important criteria for confirmation. In addition to addressing the serious concerns raised by the matters discussed herein and those that have been raised by others, Judge Southwick must also make his full record available, and the Committee must have a reasonable opportunity to examine it. Because the Supreme Court hears so few cases, the Courts of Appeals really are the courts of last resort in most cases and for most Americans. It is therefore imperative that the Committee not engage in a rush to judgment over anyone seeking a lifetime seat on a federal appellate court, and that it insist upon being provided with the nominee's complete legal record.

It is critical that the Committee closely scrutinize Judge Southwick's full record and his jurisprudential views and legal philosophy, particularly with respect to matters critical to individual rights and freedoms. Until the Committee has the opportunity to do that, and unless the significant questions raised to date by Judge Southwick's record are resolved satisfactorily, the Committee should not proceed with consideration of Judge Southwick's nomination.

Sincerely,

JOE SOLMONESE,
*President, Human Rights Campaign.*
RALPH G. NEAS,
*President, People For the American Way.*

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MAGNOLIA BAR ASSOCIATION, INC.,
*Jackson, Mississippi, May 30, 2007.*

Re Nomination of Leslie Southwick

Hon. PATRICK LEAHY,
*Chairman, United States Senate, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY: The Magnolia Bar Association, Inc. opposes the nomination of Leslie Southwick to the United States Court of Appeals for the Fifth Circuit.

Founded in 1955, the Magnolia Bar was formed as all organization of African-American lawyers in Mississippi at a time when the Mississippi Bar was only open to white attorneys. The Magnolia Bar, an affiliate of the National Bar Association, is now a biracial organization whose membership is committed to the same ideals of racial equality that drove our founders to form the Magnolia Bar in the first place.

A federal judgeship is a lifetime position. Any time there is an opening, there are a number of people who could be considered, and no one is necessarily entitled to such an appointment. While the President has a right to nominate, the Senate and its Judiciary Committee must insure that the nominations do not form a pattern that is racially discriminatory in purpose or effect. President Bush has demonstrated an absolute disdain for appointing African-Americans to the federal judiciary; particularly within the states representing the Fifth Circuit. Of his seven nominations to the Fifth Circuit Court of Appeals and his 32 nominations to the district courts, not one nominee is an African-American. This is particularly painful as African-Americans comprise 37% of the population of Mississippi according to the most recent census. This is the highest of the fifty states. Louisiana is the second highest while Texas also has a high African-American population percentage. Confirmation should focus not simply on the nominee, but on the impact the person's appointment will have on the federal judiciary and the interpretation of the law.

Leslie Southwick's nomination continues a stark pattern of racial discrimination and racial exclusion in appointments by President Bush to the Fifth Circuit and to the federal judiciary from Mississippi. If the Senate Judiciary Committee approves this nomination, it will perpetuate this pattern of exclusion and will, in our view, bear equal responsibility for it. Moreover, Judge Southwick's record as a state court of appeals judge in Mississippi suggests that he is not the right person for the Fifth Circuit Court of Appeals at this time in our history, and that his presence there could lead to an improperly narrow interpretation of the constitution and the civil rights laws. There are many others from Mississippi who would make good federal judges, some of whom are African-American. We ask that you not approve this nomination, but instead allow President Bush to reconsider and perhaps nominate someone who will add to the Fifth Circuit's stature, diversity, and sensitivity to the need to enforce fully the civil rights laws.

Despite an ever-growing pool of highly qualified candidates from which to choose, all seventeen Mississippi nominees for federal judgeships the past twenty-two years have been white. The only appointment of an African-American federal judge in the history of Mississippi, the twentieth state to join the union, was when Judge Henry Wingate was appointed by President Reagan to the district court in 1985. Of the sixteen active and senior judges from Mississippi on the federal district courts and court of appeals, only one is African-American. Of the nineteen active and senior judges on the Fifth Circuit, only one is African-American—Carl Stewart of Louisiana, who was appointed by President Clinton. Incidentally, Judge Stewart is only the second African-American to have been appointed to the Fifth Circuit since the court was created by the Judiciary Act of 1869.

Having an appreciation of Mississippi's long history of racial apartheid, disenfranchisement, interposition and massive resistance, it is scandalous that President Bush has not seen fit to nominate not one African-American from our state to the federal judiciary.

Fortunately, the Senate Judiciary Committee has not ratified all of these nominees. It did not approve the earlier nominations of Charles Pickering and Mike Wallace to this seat. Yet, President Bush continues his pattern of racial exclusion by submitting only white people for these appointments, and submitting those who have not shown a sufficient appreciation of the need for racial progress in Mississippi. It is vitally important for the Senate Judiciary Committee to stand firm and not ratify President Bush's brazen disregard of the need to integrate the federal judiciary and to nominate those who have demonstrated they will fully enforce the civil rights laws. If President Bush is unwilling to help create a racially integrated federal judiciary that is his prerogative. The Senate, however, should not be an accomplice to this unjustifiable behavior. It should keep the seats open until he is willing to do so or until we have a new President who will have a fresh opportunity to do so.

Several organizations have already expressed concern about the decisions of Judge Southwick and whether he will fairly and properly interpret the law with respect to the civil rights of all. We share those concerns. Particularly troubling is the decision Judge Southwick joined in the case of Richmond v. Mississippi Department of Human Services. The Mississippi Court of Appeals does not review many cases involving racial issues in employment. This is not a situation where this decision is an outlier in what otherwise is a progressive record on issues of race in the workplace. Judge Southwick and his colleagues in the 5-4 majority basically held that the Mississippi Department of Human Services—an agency of the State of Mississippi—could not discipline this worker who called a co-worker a "good ole nigger." This decision was the subject of publicity in Mississippi, Clarion Ledger, August 5, 1998, and seemed to send a message that the Court of Appeals majority did not believe state officials should have the power to eliminate this sort of behavior from the workplace.

In written questions by Senator Durbin, Judge Southwick was asked why he believed that the hearing officer was not acting arbitrarily and capriciously when he (the hearing officer) concluded that the use of the word "nigger" was similar to the terms "good old boy or Uncle Tom or chubby or fat or slim." Judge Southwick responded by saying that "[i]t was the EAB's [Employee Appeals Board] decision, though, not that of the hearing officer, that was subject to our analysis . . ." But that statement is misleading. The Richmond majority opinion, which Judge Southwick joined, states: "The hearing officer's findings, subsequently adopted by the full Board, address two separate aspects of the matter under consideration." 1998 Miss. App. LEXIS 637 *4. The opinion adds: "In order to reverse the EAB, we must determine that there was not substantial evidence in the record to support the findings made by the hearing officer and ratified by the full board." Id. *7. As explained by the dissent of Judge King (a distinguished African-American from Mississippi who is now Chief Judge of the Mississippi Court of Appeals having been appointed as Chief by the Chief Justice of the Mississippi Supreme Court and who would make an excellent federal appellate judge): "Because the EAB made no findings of its own, we can only conclude that it incorporated by reference and adopted the findings and order of the hearing officer." Id. * 19. As Judge King later said: "The majority opinion is a scholarly, but sanitized version of the hearing officer's findings and is subject to the same infirmities found in that opinion." Id. *28-29.

Moreover, we agree with Judge King, that one can "[s]earch high and low, [and] you will not find any non-offensive definition for [the] term [nigger], and it "is so inherently offensive that it is not altered by the use of modifiers, such as 'good ole.'' Id. at 26-27 Having used the term, which has always been offensive, within a 60% black division of a state agency with more than 50% black employees demonstrated a gross lack of judgment that the agency should have dismissed the employee. As Justice Fred Banks, the African-American member of the Supreme Court at the time, explained in his concurring opinion:

> [I]t is clear [the Department of Human Services] had an interest in terminating Bonnie Richmond because not to have taken some sort of action regarding the comment made by her, could possibly have subjected the agency to a claim of racially hostile environment claim under federal law, and therefore retaining Bonnie Richmond could constitute negligence. *Richmond* v. *Mississippi Dept. of Human Services*, 745 So.2d 254, 260 (Miss. 1999)(Banks, J., concurring)(joined by Sullivan, P.J., and Smith, J.)

We are also troubled by the other decisions and positions cited in the various questions propounded by members of the Judiciary Committee and in the statements issued by other organizations expressing concern over this nomination. We question whether Judge Southwick will properly enforce the law when it comes to the rights of those who are unpopular and who are marginalized by the political process. The Fifth Circuit needs a moderating influence at this point in history, but it appears this appointment will have the opposite effect.

As Senator Durbin pointed out at the hearing on Judge Southwick's nomination, the Fifth Circuit Court of Appeals was once a collection of several heroic judges who steadfastly enforced the civil rights of African-Americans and other dispossessed groups even though many white people in the South were quite hostile to the notion of equal rights under the law. Unfortunately, the present-day Fifth Circuit has often retreated from that legacy by applying a narrow and overly technical interpretation of the constitution and the civil rights laws. Moreover, at a time when the bars of Mississippi, Louisiana, and Texas have become racially integrated, and when many governmental bodies in those states have achieved significant racial diversity, the Fifth Circuit presently stands as an almost all-white judicial body in the heart of the Deep South. This is a sad legacy and the Senate Judiciary Committee should do everything it can to end that legacy rather than perpetuate it.

Thank you for your consideration.

Sincerely,

CARLTON W. REEVES,
*President,*
*Magnolia Bar Association, Inc.*

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NATIONAL EMPLOYMENT
LAWYERS ASSOCIATION,
*San Francisco, California, May 30, 2007.*

Hon. PATRICK J. LEAHY,
*Chairman, Committee on the Judiciary,*
*Washington, DC.*
Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary,*
*Washington, DC.*

DEAR SENATORS LEAHY AND SPECTER: I am writing to you as President of the National Employment Lawyers Association (NELA) to express our strong opposition to the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals. After reviewing Mr. Southwick's background and legal experience, we believe he is not qualified to be appointed to the federal bench.

Mr. Southwick has been nominated to the same Fifth Circuit seat that has been steeped in controversy: President Bush recess appointed Charles Pickering to the seat in January 2004 and nominated Michael Wallace to the seat in 2006. NELA strongly opposed both of those nominees and takes a similar position on Mr. Southwick's nomination.

Like Pickering and Wallace, Mr. Southwick has espoused extreme views reflecting a lack of commitment to equality and justice in the workplace. For example, Mr. Southwick joined a troubling 5-4 decision from the Mississippi Court of Appeals that excused the use of a racial slur by a white state employee. In Richmond v. Mississippi Dep't of Human Services, Bonnie Richmond, an employee with the Mississippi Department of Human Services (DHS), was terminated when she referred to an African-American coworker as a "good ole n*****" at a meeting that included agency executives. Richmond appealed her termination to the Mississippi Employee Appeals Board (EAB). A hearing was conducted by one member of the EAB who had been designated to act as hearing officer.

Among other things, the hearing officer concluded that the "DHS overreacted" to Richmond's comments, because the term "was not a racial slur, but instead was equivalent to calling [the African American employee] 'teacher's pet.'" The hearing officer stated, "I understand that the term 'n*****' is somewhat derogatory, but the term has not been used in recent years in the conversation that it was used in my youth, and at that point—at that time it was a derogatory remark . . . I think that in this context, I just don't find it was racial discrimination."

The majority, which included Mr. Southwick, affirmed the EAB hearing officer's decision without reservation. They found that, taken in context, the slur was an insufficient ground to terminate Richmond's employment in part because it "was not motivated out of racial hatred or racial animosity directed toward a particular co-worker or towards blacks in general." The dissent, rightly disturbed by the majority's failure to acknowledge the inherent offensiveness of the epithet, stated that "the hearing officer and the majority opinion seem to suggest that absent evidence of a near race riot, the remark is too inconsequential to serve as a basis of dismissal."

When Judiciary Committee member Senator Russ Feingold, at Mr. Southwick's hearing earlier this month, characterized the argument relied upon by Mr. Southwick in the case as "a pretty shocking piece of analysis," Mr. Southwick even admitted that the reasoning "does not now seem convincing to me." However, his backpedaling comes too late and fails to allay NELA's concerns that Mr. Southwick, if confirmed to the Fifth Circuit, will turn a blind eye to discrimination in the workplace.

Indeed, NELA is troubled by Mr. Southwick's views on other workplace issues, particularly his zealous support for the employment-at-will doctrine, a doctrine which provides that employers can fire employees for virtually any reason. In Dubard v. Biloxi, H.M.A., the court addressed the issue, among others, of whether there was sufficient evidence to show that the defendant did not breach the plaintiff's employment contract or that the defendant did not wrongfully discharge the plaintiff. In a dissenting opinion that focused less on the merits of the case and more on the virtues of the employment-at-will doctrine, Mr. Southwick went to great lengths to justify a legal theory that has been the subject of intense legal, judicial and academic controversy. He wrote: "I find that employment at will, for whatever flaws a specific application may cause, is not only the law of Mississippi but it provides the best balance of the competing interests in the normal employment situation. It has often been said about democracy, that it does not provide a perfect system of government, but just a better one than everything else that has ever been suggested. An equivalent view might be seen as the justification of employment at will."

Mr. Southwick casually, and without any supporting citations, equated the doctrine of employment at will with democracy. In fact, it is its polar opposite. That doctrine is often used to justify employers' decisions to discharge employees who have engaged in pro-union activities or in other conduct protected by anti-discrimination, minimum wage and overtime, occupational safety and health, family and medical leave, whistleblower protection, and other federal and state statutes. An employer can cause devastating financial and emotional harm to an employee; an individual employee rarely has that same power. Mr. Southwick's endorsement of that doctrine calls into question his willingness to vigorously enforce federal legislation that imposes restrictions on an employers ability to fire employees without a good reason or, for that matter, without any reason.

Based on his demonstrated insensitivity to race issues, combined with his apparent inability to divorce his views from his judicial obligation to be fair and independent, NELA believes that Mr. Southwick would be in the mold of previous nominees like Charles Pickering and Michael Wallace who had never been friendly to employee rights. As such, NELA is strongly opposed to Mr. Southwick's nomination to the Fifth Circuit Court of Appeals and believes he should not be confirmed by the Senate.

Thank you for your consideration. If you have any questions, please feel free to contact NELA Program Director Marissa Tirona.

Sincerely,

KATHLEEN L. BOGAS,
*President,*
*National Employment Lawyers Association.*

**Mr. WARNER.** Mr. President, I rise today in support of the nomination of Judge Leslie Southwick to serve on the U.S. Circuit Court of Appeals for the Fifth Circuit.

Article II, section 2 of the U.S. Constitution explicitly provides the responsibilities of the executive branch of Government and the Senate with respect to judicial nominations. Article II, section 2 of the Constitution reads, in part, that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court and all other Officers of the United States . . . ."

Thus, the Constitution provides the President of the United States with the responsibility of nominating individuals to serve on our Federal bench.

The Constitution provides the Senate with the responsibility of providing advice to the President on those nominations and with the responsibility of providing or withholding consent on those nominations.

In this respect, article II, section 2 of our Constitution places our Federal judiciary—a coequal branch of Government—in a unique posture with respect to the other two co-equal branches of our Federal Government. Unlike the executive branch and unlike the Congress, the Constitution places the composition and continuity of our Federal judiciary entirely within the coordinated exercise of responsibilities of the other two branches of Government. Only if the President and the Senate fairly, objectively, and in a timely fashion exercise these respective constitutional powers can the judicial branch of Government be composed and maintained so that our courts can function and serve the American people.

For this reason, in my view, a Senator has no higher duty than his or her constitutional responsibilities under article II, section 2—the advice and consent clause.

During the course of my 28 years in the Senate, I have always tried to fairly and objectively review a judicial nominee's credentials prior to deciding whether I will vote to provide consent on a nomination. I look at a wide range of factors, primarily character, professional career, experience, integrity, and temperament for lifetime service on our courts. While I certainly recognize political considerations, it is my practice not to be bound by them.

Having reviewed Judge Southwick's nomination, in my view, he is eminently qualified to serve on the Federal bench. I note that the American Bar Association, often cited as the "gold standard" of review of judicial nominees, agrees with me as it has given Judge Southwick its highest rating of "well-qualified."

Judge Southwick's credentials are well-known but worth repeating. He received his bachelor's degree, cum laude, from Rice University and then proceeded to law school at the University of Texas.

Subsequent to his law school graduation, he served as a law clerk for two jurists: a judge on the U.S. Court of Appeals for the Fifth Circuit—the court for which he now has been nominated—and for a judge on the Texas Court of Criminal Appeals.

Upon completing his clerkships, Mr. Southwick entered private practice with a law firm in Mississippi, starting as an associate but rising to the level of partner 6 years later. After 12 years of private practice, he joined the U.S. Department of Justice in the George H. W. Bush administration, working as Deputy Assistant Attorney General for the Civil Rights Division.

From 1995 until 2006, Leslie Southwick served as a member of the Mississippi Court of Appeals. During this time, Judge Southwick also served his country in uniform.

From 1992 through 1997, he was a member of the Judge Advocate General's Corps in the U.S. Army Reserve. In 2003, he volunteered to serve in a line combat unit, the 155th Separate Armor Brigade. In 2004, he took a leave of absence from the bench to serve in Iraq with the 155th Brigade Combat Team of the Mississippi National Guard.

Mr. President, Judge Southwick is obviously very well qualified to serve on the Federal bench. Not only does he meet the requisite academic requirements, he also has real world experience in private practice and a dedication to public service.

In my view, he deserves to be confirmed to the Federal bench. I urge my colleagues to support this eminently qualified nominee.

**Mr. HATCH.** Mr. President, I strongly support the nomination of Judge Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit. His confirmation is compelling for two reasons. Judge Southwick should be confirmed because of his merits, and Judge Southwick should be confirmed because of the traditions of this body.

Judge Southwick's merits are obvious. He is a good man and a good judge. Leslie Southwick has long been active serving his community, his church and his country. He is a man of character and integrity.

Our colleagues from Arizona, South Carolina, and Virginia, Senators MCCAIN, GRAHAM, and WARNER, have spoken forcefully and eloquently from their perspective as veterans about Judge Southwick's military service. He volunteered for service in Iraq when he was old enough to have children serving in Iraq. He did not have to do that, he offered to do that. It seems to me that we want men and women on the Federal bench who have this selfless commitment to serving others.

Leslie Southwick is also a good judge. What could be more directly relevant to a Federal appeals court nomination than 12 years of State appeals court service? During that time, he participated in more than 7,000 cases and wrote nearly 1,000 opinions.

Earlier this year, the Congressional Black Caucus said that, in deciding whether to confirm Judge Southwick, we should consider how often his majority and concurring opinions were reversed on appeal. I do think that is a legitimate factor to consider. I thought I would find an unusually high number, that he has been repeatedly rebuked, rebuffed, and reversed, that Mississippi Supreme Court had to routinely put him in his judicial place. I found just the opposite. Only 21 of Judge Southwick's majority or concurring opinions were reversed or even criticized by the Mississippi Supreme Court. That is less than 2 percent. I am indeed impressed by that low figure because it shows that Judge Southwick's work as a judge stands up under scrutiny. If that is an appropriate standard for evaluating his nomination, we should confirm him immediately.

Judge Southwick's critics suggest that he is supposedly out of the mainstream. That is the phrase liberals invented 20 years ago to attack judicial nominees who they predict will not rule a certain way on certain issues. This is a completely illegitimate standard for evaluating judicial nominees and is based on a tally of winners and losers, as if judges are supposed to decide winners and losers by looking at the parties rather than at the law and the facts. Perhaps my liberal friends could publish a confirmation rate card, telling us how often judges are supposed to rule for one party or another in certain categories of cases. But the case against Judge Southwick is even more ridiculous than that. The case against Judge Southwick's nomination rests on just two, of the 7,000 cases in which he participated. It rests on 2 opinions, just 2, that he did not even write. No one has argued that those cases were wrongly decided. No one has argued that the court ignored the law. No one is making that argument because no one can. In fact, the Washington Post editorialized that Judge Southwick should be confirmed and said that while they might not like the results in these 2 cases, they could not argue with what the Post admitted was a "legitimate interpretation of the law."

I ask my colleagues a very important, perhaps the most important, question: Are judges supposed to be legally correct or politically correct? Are judges supposed to decide cases based on legitimate interpretation of the law or based on which side wins or loses? Are judges supposed to apply the law or ignore the law? That question of what judges are supposed to do lies at the heart of every conflict over a judicial nominee, including the one before us today.

The case against Judge Southwick is that, in just 2 cases with opinions he did not write, the court was legally correct instead of being politically correct. The case against Judge Southwick is that, in just 2 cases, the court did not ignore the law. What kind of crazy, topsy-turvy argument is this, that Judge Southwick should not be confirmed because as a state court judge he stuck to the law? I think that exposing the real argument against him is enough to show that there is no real argument against him at all. I thought we wanted judges on the Federal bench who would rule based on the law, who would be committed to equal justice for every litigant coming before them.

When it comes to evaluating Judge Southwick's record, whom should we believe—partisan and ideological critics here in Washington or lawyers and judges who have worked with Judge Southwick for many years? That is not even a close call. Everyone who actually knows him, everyone who has actually worked with him, says that Judge Leslie Southwick is fair, decent, hard-working, and committed to equal justice under law. You would have to twist and contort his record into something else entirely to conclude otherwise.

The American Bar Association also looked at Judge Southwick's fitness for the Federal bench. They evaluated his qualifications and record not once but twice, last year when he was nominated to the U.S. District Court and again this year after his nomination to the U.S. Court of Appeals. I must be candid with my colleagues regarding the ABA's two ratings of Judge Southwick. In the interest of full disclosure, I must be honest that the ABA's two ratings of Judge Southwick are not the same and, quite frankly, I think this must be considered when we vote. The ABA's rating for Judge Southwick's current appeals court nomination is higher than their rating for his district court nomination. The ABA says that it looks specifically at a nominee's compassion, freedom from bias, openmindedness and commitment to equal justice under law. The ABA's highest "well qualified" rating means Judge Southwick receives the highest marks for these qualities. I thought we wanted judges on the Federal bench who are compassionate, free from bias, openminded, and committed to equal justice under law. Judge Southwick's critics have offered nothing, absolutely nothing, to rebut this conclusion. Nothing at all.

I think the record, the evidence, and the facts are clear. Judge Southwick is a good man and a good judge, and, based on his merits, he should be confirmed.

Judge Southwick should also be confirmed because of the traditions of this body. Traditionally, the Senate has respected the separation of powers when it comes to the President's appointment authority. Under the Constitution, the President has the primary appointment authority. We check that authority, but we may not hijack it. We may not use our role of advise and consent to undermine the President's authority to appoint judges. That is why, as I have argued on this floor many times, it is wrong to use the filibuster to defeat judicial nominees who have majority support, who would be confirmed if only we could vote up or down. That is why I have never voted against cloture on a judicial nomination. That is why I argued against filibusters of even President Clinton's most controversial judicial nominees. And believe me, the case against some of those nominees was far greater, far more substantial, by orders of magnitude, than the nonexistent case against Judge Southwick.

Traditionally, the Senate has not rejected judicial nominees based on such thin, trumped-up arguments. We have not rejected nominees who received the ABA's unanimous highest rating. In fact, I remember when this body confirmed judicial nominees of the previous President whom the ABA said were not qualified at all. We have not rejected judicial nominees who received such uniform praise from those who know them and worked with them. We have not rejected judicial nominees for refusing to ignore the law.

Traditionally, the Senate has respected the views of home-state Senators. Our colleagues from Mississippi, Senators COCHRAN and LOTT, are respected and senior members of this body. They strongly support Judge Southwick, and we should respect their views. Such home-state support was an important factor in moving even the most controversial Clinton judicial nominees to this floor and onto the Federal bench.

So I say to my colleagues that Judge Southwick's merits and our traditions mean that he should be confirmed. Judge Southwick is a good man and a good judge. Our traditions respect the separation of powers, respect the obvious merits of nominees, and respect the views of home-state Senators. I urge my colleagues not to veer from that path, but to support this fine nominee and keep the confirmation process from slipping further into the political mire.

I urge my colleague to vote for cloture and to vote for confirmation.

Mr. FEINGOLD. Mr. President, I will vote against the nomination of Judge Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit. I believe he should not be confirmed.

The context for this nomination is important, so I want to turn to that first.

During the last 6 years of the Clinton administration, this committee did not report out a single judge to the Fifth Circuit Court of Appeals. And, as we all know, that was not for lack of nominees to consider. President Clinton nominated three well-qualified lawyers to the court of appeals. None of these nominees even received a hearing before this committee. When Chairman LEAHY held a hearing in July 2001 on the nomination of Judge Edith Brown Clement, only a few months after she was nominated, it was the first hearing for a Fifth Circuit nominee since September 1994. Judge Clement was quickly confirmed. We have also confirmed two other Fifth Circuit nominees during this administration, Edward Prado and Priscilla Owen.

So there is a history here. Some may think it is ancient history, but the fact is that nominees to this circuit were treated particularly unfairly during the Clinton administration, and there was a special burden for the current administration to work with our side on nominees for it. To ignore this history would be to simply reward the behavior of the Republicans during the last 6 years of the Clinton administration. And the numbers tell a very clear tale—3 judges confirmed for this circuit during the first 6 years of this administration, versus none in the last 6 years of President Clinton's term.

President Bush did not act in a bipartisan way, of course, in the case of the seat for which Judge Southwick has been nominated. First, he nominated Judge Charles Pickering, leading to one of the most contentious floor fights of his first term. Judge Pickering was never confirmed by the Senate, but in a further slap to this institution, the President put him on the court through a recess appointment. Then, when Judge Pickering retired, the President nominated Michael Wallace, whom the ABA judicial nominations screening committee unanimously gave a rating of "not qualified" based on comments from judges and lawyers in his own State concerning his temperament and commitment to equal justice. Mr. Wallace ultimately withdrew his nomination when it became clear he could not be confirmed.

Another important part of the context of this nomination is that except for the DC Circuit, the Fifth Circuit has the largest percentage of residents who are minorities of any circuit—over 40 percent. Thirty-seven percent of the residents of Mississippi are African American. Yet only 1 of the 19 seats on the circuit is currently held by an African American judge. The Fifth Circuit is a court that during the civil rights era issued some of the most significant decisions supporting the rights of African-American citizens to participate as full members of our society. It is a circuit where cases addressing the continuing problems of racism and discrimination in our country will continue to arise.

In this context, as we come to the end of this President's term, I wanted very much to see, if not an African-American nominee, at least a nominee whose commitment to equal rights for all Americans and equal justice under law is unassailable. Judge Southwick is not that nominee. While the record we have been able to review is not extensive, two decisions he made as a judge raise real red flags.

In the Richmond case, Judge Southwick joined the majority in a split decision upholding a hearing examiner's decision that an employee's use of the most offensive racial slur in our Nation's history was not adequate grounds for dismissal. That hearing examiner said that the slur was "somewhat derogatory, but the term has not been used in recent years in the conversation that it was used in my youth, and at that point—at that time it was a derogatory remark. I think that in this context, I just don't find it was racial discrimination."

A unanimous Mississippi Supreme Court reversed the decision that Judge Southwick joined. Mr. Chairman, in the year 2007, in a State where 37 percent of the residents are African Americans, we need a judge on the Fifth Circuit who recognizes that such a decision had to be overturned.

I am also disturbed by Judge Southwick's role in the child custody case, S.B. v. L.W., and particularly by his joining a stridently antigay opinion concurring in the decision to take a woman's child away from her and give custody to the unmarried father of the child. I found Judge Southwick's explanation of his reasoning in joining this opinion, and his assurances that he harbors no bias against gay Americans, unconvincing. I am simply not convinced by his assurances that he will give all litigants who come before him a fair hearing.

Mr. President, it gives me no pleasure to vote against this nominee. As my colleagues know, I do not start with a predisposition against the President's choices. I have supported well over 200 of the President's judicial nominees. But no one is entitled to a lifetime appointment to our powerful Federal courts, and Judge Southwick has not demonstrated that he is the right nominee for this vacancy. I will vote no.

I ask unanimous consent that letters of opposition and concern from the Congressional Asian Pacific American Caucus, the National Partnership for Women and Families, the California State Conference of the National Association for the Advancement of Colored People, the Congressional Black Caucus, and the NAACP be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
*Washington, DC, July 25, 2007.*

Re Jude Leslie Southwick nomination.

Hon. PATRICK LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY AND SENATOR SPECTER: On behalf of the Congressional Asian Pacific American Caucus (CAPAC), we write to express our strong opposition to the nomination of Judge Leslie Southwick to the United States Court of Appeals for the Fifth Circuit.

The Southwick nomination fails to address the lack of diversity on Mississippi's federal branch. As you know, the Fifth Circuit presides over the largest percentage of minority residents (44%) of any circuit. Mississippi has the highest African American population (36%) of any state in the country. Yet, out of the seventeen seats on the Fifth Circuit, only one is held by an African-American. Additionally, the Fifth Circuit has issued decisions important to minority communities such as employment discrimination, voting rights and affirmative action. The lack of diversity of the Fifth Circuit, compounded with Judge Southwick's flawed record on race, further exemplifies the unacceptability of Southwick's nomination.

Judge Southwick's record as a judge on the Mississippi State Court of Appeals clearly demonstrates that he is an objectionable nominee for the Fifth Circuit. In the case of Richmond v. Mississippi Department of Human Services, Judge Southwick joined a 5–4 decision that upheld the reinstatement of a white state social worker, Bonnie Richmond, who had been fired for calling an African American co-worker a "good ole n*****" at a meeting that included top agency executives. The ruling that Southwick joined was unanimously reversed by the Supreme Court of Mississippi.

CAPAC is furthered disturbed by Judge Southwick's rulings against consumers and workers in divided torts and employment cases and worker rights. In 160 out of 180 published decisions, Judge Southwick votes against the injured party and in favor of business interests, such as corporations or insurance companies.

With the lifetime judicial position at stake, Southwick's record has failed to reflect the values of social justice, fairness and equality in this country. We strongly urge the Judiciary Committee to reject Leslie Southwick's confirmation to the Fifth Circuit.

Sincerely,
MICHAEL M. HONDA,
*Chair, CAPAC.*
BOBBY SCOTT,
*Chair, CAPAC Civil Rights Task Force.*

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NATIONAL PARTNERSHIP
FOR WOMEN & FAMILINES,
*Washington, DC, June 21, 2007.*

Re nomination of Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit.

Hon. PATRICK J. LEAHY,
*Chair, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.*

Hon. ARLEN SPECTER,
*Ranking Member, Senate Judiciary Committee, Hart Building, Washington, DC.*

DEAR SENATORS LEAHY AND SPECTER: We write to urge you to reject the nomination of Leslie Southwick for a seat on the United

States Court of Appeals for the Fifth Circuit. As an organization committed to protecting and promoting women's rights and eradicating discrimination in the workplace, the National Partnership for Women & Families is troubled by Judge Southwick's record and its implications for rights that are vital to ensuring equal opportunity and access to justice. Judge Southwick's failure to produce significant portions of his record—effectively thwarting the thorough, comprehensive review every federal appellate nomination deserves and demands—only exacerbates these concerns.

### INCOMPLETE RECORD

For the committee to consider fairly any nominee for a lifetime appointment to a seat on the federal court of appeals—the court of last resort in the vast majority of cases—the nominee's entire record must be fully reviewed and evaluated. Judge Southwick's failure to produce unpublished opinions in which he participated and joined during his first two years on the Mississippi Court of Appeals makes such review impossible. These gaps in Judge Southwick's record alone should give the committee pause in moving Judge Southwick's nomination forward.

### A SETBACK FOR CIVIL RIGHTS

A review of Judge Southwick's record calls into question his commitment to the full enforcement of rights critical to ensuring fair workplaces and access to justice. In *Richmond* v. *Mississippi Department of Human Services*, 1999 Miss. App. LEXIS 468 (Miss. Ct. App. 1999), Richmond, a social worker, was terminated by the Mississippi Department of Human Services for using a derogatory racial epithet. Richmond appealed the decision and was reinstated by the state Employee Appeals Board (EAB). A sharply divided Mississippi Court of Appeals affirmed the EAB ruling. Judge Southwick joined the Court of Appeals's 5-4 decision, which credited Richmond's testimony that "her remark was not motivated out of racial hatred or animosity directed toward her co-worker or toward blacks in general." The Mississippi Supreme Court was unanimous in reversing the Court of Appeals, holding instead that the EAB should either impose some penalty on Richmond or make detailed findings why no penalty should be imposed. *Richmond* v. *Mississippi Department of Human Services*, 778 So. 2d 113, 114 (Miss. 2000). Three justices would have gone further by reversing the EAB' s reinstatement decision and upholding Richmond's termination.

Judge Southwick's decision to join the majority in this case is deeply troubling. The EAB's written decision is limited and provides little explanation of its reasoning. The primary record about the incident at issue consists of the hearing officer's findings. The hearing officer found that the racial epithet used by Richmond—referring to an employee as a "good ole n*****"—was once considered "derogatory," but was no longer evidence of racial discrimination. Instead, he characterized the phrase as akin to calling someone a "teacher's pet," "chubby," or "slim." These statements indicate a failure to take this incident seriously and are wildly out of touch with the deeply offensive and charged nature of racial slurs. The hearing officer's findings should have raised a red flag, particularly in light of the diversity of the agency where Richmond worked, where more than half of the employees were African American, and the undoubtedly very diverse client base the agency served—all factors that further heightened the need for sensitivity to issues of race.

Although Judge Southwick's ability to alter the outcome in this case may have been constrained by the posture of the case and the deferential standard of review, he still had every opportunity to object to the use of the epithet and demand a fuller explanation of why Richmond was reinstated by writing a separate concurring opinion or working with the authoring judge to modify the opinion. Judge Southwick did neither of these things. That the dissenting judges on his own court and each of the justices on the Mississippi Supreme Court recognized the gravity of this incident while Judge Southwick did not makes plain that Judge Southwick is out of step with his peers on issues of racial justice. If the opinion Judge Southwick joined had been the final word in this case, Richmond would have been reinstated without any discipline and would have faced no consequences for using a horrible racial slur. Moreover, the underlying record and the questionable assessment of the hearing officer would have been left unrebutted, perhaps influencing the outcome of future cases. Judge Southwick's deference to the decision of the EAB despite the suspect findings on which that decision was based calls into question his ability to apply the law to ensure that workplaces in the Fifth Circuit—the circuit with the largest minority population—are free of discrimination.

Judge Southwick displayed similar insensitivity to the rights of minorities in *S.B.* v. *L.W.*, 793 So. 2d 656 (Miss. Ct. App. 2001), a case in which the Mississippi Court of Appeals granted custody of a child to the child's father based on a number of factors, including the mother's sexual orientation. Not content simply to review the lower court's application of the custody standard and explain why the application was or was not correct, Justice Southwick joined a separate opinion to emphasize the immorality of the mother's "choice" to engage in a "homosexual lifestyle." His decision to join an opinion that injected personal views and divisive rhetoric into the legal analysis raises concerns about whether he will apply the law without prejudice to all who may come before him as a judge on the Fifth Circuit Court of Appeals.

### HURDLES FOR INJURED PARTIES

Judge Southwick's ability to apply the law fairly is also called into question by his lopsided record favoring business interests over individuals and his tendency to deny plaintiffs their right to have their cases decided by a jury of their peers. According to published reports, Judge Southwick voted, in whole or in part, against the injured party and in favor of the defendant, in 160 out of 180 non-unanimous published decisions involving state employment and tort law. In a troubling number of cases, Judge Southwick voted to prevent an injured party's case from being heard by a jury based on cramped legal interpretations that erect unreasonable barriers to pursuing one's day in court. See, e.g., *Cannon* v. *Mid-South X-Ray Co.*, 738 So. 2d 274 (Miss. Ct. App. 1999).

### CURTAILING CIVIL RIGHTS PROTECTIONS

Finally, Judge Southwick's view of the "federalism revival" raises doubts about his commitment to civil rights laws that have been essential to advancing equal employment opportunities. In a 2003 article, Judge Southwick indicated that he approved of the Supreme Court's recent limitations on Congress's ability to pass civil rights legislation under its commerce power, and on Congress's power to abrogate state immunity and allow state employees to sue to vindicate their rights under federal law. See Judge Leslie Southwick, Separation of Powers at the State Level: Interpretations and Challenges in Mississippi, 72 Miss. L. J. 927 (2003). This narrow view of Congress's authority to combat and remedy domestic violence and workplace discrimination raises significant concerns for those who have looked to Congress to ensure that crucial rights and protections extend to every American.

### CONCLUSION

It is critical to ensure that judges elevated to the federal appellate bench inspire confidence that the law is being administered fairly, consistently, and without bias. Because of the concerns outlined above, we urge the committee to reject Judge Southwick's nomination.

Sincerely,

DEBRA NESS,
*President.*

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CALIFORNIA STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
*Sacramento, CA, June 13, 2007.*

Re California State Conference of the NAACP opposition to the nomination of Lesley Southwick to the 5th Circuit U.S. Court of Appeals.

Senator PATRICK LEAHY,
*Chairman, Senate Judiciary Committee, Washington, DC.*

DEAR SENATOR: The California State Conference of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely recognized grassroots civil rights organizer for stands in strong opposition to the nomination of Lesley Southwick to the U.S. Court of Appeals for the 5th Circuit. After thoughtful review and careful analysis of Judge Southwick's record, it is clear that Judge Southwick has a disdain for civil rights, evidenced by a substantial sentencing disparity on the basis of ethnic identity where African Americans are overwhelmingly incarcerated. It is equally important to note that the 5th Circuit, which covers Louisiana, Mississippi and Texas, has the highest concentration of racial and ethnic minorities in the country.

Judge Southwick's record as a jurist on the Mississippi State Court of Appeals clearly demonstrates that he is an inappropriate nominee for the U.S. Court of Appeals for the 5th Circuit. In the case of *Richmond* v. *Mississippi Department of Human Services*, 1998 Miss. App. LEXIS 637 (Miss. Ct. App. 1998), reversed, 745 So. 2d 254 (Miss. 1999). Judge Southwick joined a 5-4 ruling upholding the reinstatement of a white state social worker, Bonnie Richmond, who had been fired for referring to an African American co-worker as "a good ole nigger" at an employment-related conference. Richmond worked for the Mississippi Department of Human Services ("DHS"), which terminated her employment after other employees raised concerns about her use of the racial slur. The ruling that Southwick joined was unanimously reversed by the Supreme Court of Mississippi.

The California State Conference of the NAACP is further disturbed by Judge Southwick's rulings on race discrimination in jury selection. His rulings demonstrate a clear lack of support for or even understanding of the basis for civil rights for African Americans in the American legal system. Dozens of cases in this area reveal a pattern in which Judge Southwick rejected the claims that the prosecution was racially motivated in striking African American jurors while upholding claims that the defense struck white jurors on the basis of their race. In Bumphis v. State, and appellate colleague accused Judge Southwick of "establishing one level of obligation for the State, and a higher one for defendants on an identical issue."

The 5th Circuit Court of Appeals has a history of protecting and even promoting the civil rights of the racial and ethnic minorities living within its jurisdiction. The current court, however, does not appear to be following this trend; indeed they appear more interested in curbing civil rights and retarding civil liberties. Given Judge Southwick's record, we believe he would only perpetuate this discriminatory trend if he were confirmed. Therefore the California State Conference of the NAACP must oppose Judge Southwick's nomination to the 5th Circuit Court of Appeals and urge you to do the same when his nomination is considered by the Senate Judiciary Committee.

On behalf of the California State Conference of the NAACP, I want to thank the Senate Judiciary Committee for its consideration of our letter of opposition to the Southwick nomination. Should you have any questions, please dc not hesitate to contact me.

Sincerely,

ALICE A. HUFFMAN,
*President.*

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CONGRESSIONAL BLACK CAUCUS
OF THE 110TH UNITED STATES CONGRESS,
*Washington, DC, May 24, 2007.*

Hon. GEORGE W. BUSH,
*President, United States of America, The White House, Washington, DC.*

MR. PRESIDENT: On behalf of the nearly forty million Americans we represent, including those in Louisiana, Mississippi and your home state of Texas, we urge you to withdraw the nomination on Leslie Southwick to the U.S. Court of Appeals, Fifth Circuit. To say that our opposition to Mr. Southwick is strong and unequivocal would be an understatement.

As you know, the Fifth Circuit presides over the largest percentage of minority residents (44%) of any circuit. It has issued seminal decisions on voting rights, affirmative action, employment discrimination, discriminatory jury selection, and the death penalty.

The Southwick nomination fails to remedy the egregious problem with the lack of diversity on Mississippi's federal bench. It bears noting that Mississippi has the highest African-American population (36%) of any state in the country. Yet, you have nominated ten individuals to the federal bench in Mississippi, none of whom has been African-American. While you have nominated three individuals to the Fifth Circuit, none of them has been approved. The Southwick nomination would compound the absence of diversity with a nominee with an unacceptable record on race.

Please consider Mr. Southwick's judicial record in the following cases:

In *Richmond* v. *MS Dep't of Human Services*, 1998 Miss. App. LEXIS 637 (Miss. App. Ct. 1998), Southwick joined a decision reinstating the job of a white employee who had used the word "nigger" toward an African-American coworker.

At an employment related conference, the white employee had called the black employee "a good ole nigger," and then used the very same term toward the employee the next day back at the office. The white employee was fired.

The opinion joined by Southwick was reversed by the Mississippi Supreme Court. 745 So. 2d 254 (Miss. 1999). No one on the Supreme Court thought that the ruling of Southwick's court was correct. They reversed and remanded the case on the nature of the penalty or to make detailed findings on the record why no penalty should be imposed. Some members of the Supreme Court would not only have reversed, but would have reinstated the judgment of the Circuit Court upholding the termination.

In *Brock* v. *Mississippi*, No. 94-LA-00634 (Miss. App. Ct. Dec. 2, 1997), Southwick authored an opinion upholding a conviction where the defendant had challenged the prosecution's strike of an African-American juror.

The prosecution had responded by stating that the juror was struck because he lived in a high crime area.

Southwick held that "striking a juror based upon residency in a high crime area is a race neutral explanation." Another Court of Appeals judge disagreed with such a broad holding: "While [another state] has adopted the position that being a resident of a high crime area is automatically a race neutral reason to strike a potential juror, I am not prepared to do so. Given existing housing patterns and common sense, there are generally, common racial characteristics shared by persons, who reside in so-called high crime areas. To accept without reservation, a strike which on its face, appears geared toward a racially identifiable group, has the potential for great mischief." (King, J., concurring in result).

It is clear from this record that Mr. Southwick is not properly suited to serve on the Fifth Circuit. In 160 out of 180 published decisions on state employment law or torts in which one judge dissented, Southwick voted in favor of the corporate defendant, in whole or in part.

Mr. Southwick's intolerant racial views and his fixed right-wing worldview make support for him a vote against everything the CBC and African-Americans are striving for in 2007. Your continued support of Mr. Southwick would make a bad Fifth Circuit problem worse. We trust that your reconsideration of this nomination will result in a fairer Fifth Circuit that is truly representative of the diverse populations served by the Circuit.

Sincerely,

CAROLYN CHEEKS
KILPATRICK,
*Chair, Congressional Black Caucus.*
BENNIE THOMPSON,
*Member, Congressional Black Caucus.*

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WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE,
*Washington, DC, August 1, 2007.*

Re NAACP reiteration of strong opposition to the nomination of Lesley Southwick to the 5th Circuit U.S. Court of Appeals.

MEMBERS,
*U.S. Senate, Committee on the Judiciary, Washington, DC.*

DEAR SENATORS; On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I am writing to reiterate our organization's strong opposition to the nomination of Lesley Southwick to the U.S. Court of Appeals for the 5th Circuit. Our opposition comes after a careful and thorough review of Judge Southwick's record, and our resulting dismay with his dismal record on civil rights. Our opposition to his nomination is amplified by the fact that the 5th Circuit, which covers Louisiana, Mississippi and Texas has the highest concentration of racial and ethnic minority Americans in our country.

Judge Southwick's record as a judge on the Mississippi State Court of Appeals clearly demonstrates that he is an inappropriate nominee for the U.S. Court of Appeals for the 5th Circuit. In the case of *Richmond* v. *Mississippi Department of Human Services*, 1998 Miss. App. LEXIS 637 (Miss. Ct. App. 1998), reversed, 745 So. 2d 254 (Miss. 1999), Judge Southwick joined a 5-4 ruling upholding the reinstatement of a white state social worker, Bonnie Richmond, who had been fired for referring to an African American co-worker as "a good ole nigger" at an employment-related conference. Richmond worked for the Mississippi Department of Human Services ("DHS"), which terminated her employment after other employees raised concerns about her use of the racial slur. The ruling that Southwick joined was unanimously reversed by the Supreme Court of Mississippi.

The NAACP is further disturbed by Judge Southwick's rulings on race discrimination in jury selection. They demonstrate a clear lack of support for, or even understanding of the basic civil rights of African Americans in the American legal system. Dozens of cases in this area reveal a pattern in which Judge Southwick rejected the claims that the prosecution was racially motivated in striking African American jurors while upholding claims that the defense struck white jurors on the basis of their race. In Bumphis v. State, an appellate colleague accused Judge Southwick of "establishing one level of obligation for the State, and a higher one for defendants on an identical issue."

The 5th Circuit Court of Appeals has a history of protecting and even promoting the civil rights of the racial and ethnic minorities living within its jurisdiction. The current court, however, does not appear to be following this trend; indeed they appear more interested in curbing civil rights and retarding civil liberties. Given Judge Southwick's record, we believe he would only perpetuate this sad trend if he were confirmed. Thus, the NAACP must oppose Judge Southwick's nomination to the 5th Circuit Court of Appeals and urge you to do the same when his nomination is considered by the Senate Judiciary Committee.

Finally, given Mississippi's long history of racial apartheid, disenfranchisement, interposition, nullification and massive resistance, it is unfathomable that President Bush has not nominated a single African American to serve on the Court of Appeals for the 5th Circuit or any of the district courts during his tenure in office. This is especially mind-boggling, given that 37% of Mississippi's population is African American, the highest percentage of all 50 states. While it certainly is the President's prerogative to nominate the individuals of his choice to the federal judiciary, and while the NAACP does not advocate the nomination of unqualified individuals simply because of the color of his or her skin, we unequivocally reject the notion that there are no qualified African Americans to fill this vacancy on the 5th Circuit. Lesley Southwick's nomination continues a stark pattern of racial discrimination and racial exclusion in appointments by President Bush in a state and a region that continues to need integration. The Senate Judiciary Committee must defeat Lesley Southwick's nomination based on his clear lack of qualifications and merit. This will provide President Bush with the opportunity to nominate a well-qualified racial or ethnic minority individual with the appropriate judicial temperament to dispense justice as intended by our Constitution.

Thank you in advance for your attention to the NAACP's strong opposition to the Southwick nomination. Please do not hesitate to contact me if there is any more information I can provide you on our position, or if you have any questions or comments.

Sincerely,

HILARY O. SHELTON,
*Director.*

Mr. LEVIN. Mr. President, I will oppose the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals because I have serious questions about his ability to be an impartial jurist.

I am concerned that Judge Southwick's views of racial discrimination in jury selection reflect a lack of adequate respect for Supreme Court precedent. In Batson v. Kentucky, the Supreme Court ruled against preemptory dismissal of jurors without stating a valid cause for doing so may not be used to exclude jurors based solely on their race.

The contrast between Judge Southwick's votes in jury challenge cases is particularly troubling. In the majority of cases where African-American defendants have challenged their convictions on the ground that the prosecution used peremptory challenges to strike African-American jurors, Judge Southwick voted against the defendant's challenge. Further, in the majority of cases where African-American defendants challenged their convictions on the ground that the prosecution had unfairly prevented them from using their peremptory challenges to exclude White—or in 1 case Asian American—jurors, the defendants, with Judge Southwick joining the majority, lost the challenges.

There is other evidence of racial insensitivity that concerns me. In Richmond v. Mississippi Department of Human Services, Judge Southwick joined a 5-4 ruling upholding the reinstatement of a White State social worker who had been fired for referring to an African-American co-worker as a "good ole n*****" during a meeting with high level company officials. After she was fired, Richmond appealed her termination to the State Employee Appeals Board, EAB, which ordered her reinstatement. The hearing officer opined that Richmond's use of the racial slur "was in effect calling the individual a 'teacher's pet.'" On appeal, Judge Southwick joined a majority that held that the use of the racial slur was "not motivated out of racial hatred or animosity directed at her coworker or toward blacks in general, but was, rather, intended to be a shorthand description of her perception of the relationship existing between the [co-]worker and [a] DHS supervisor."

In dissent, 2 judges criticized the hearing officer and majority opinion for having a "sanitized version" of the facts and for suggesting that "absent evidence of a near race riot, the remark is too inconsequential to serve as a basis of dismissal." The dissent found that the racial epithet of "n*****" is "inherently offensive, and [its] use establishes the intent to offend."

The ruling Judge Southwick joined was unanimously reversed and remanded on appeal by the Mississippi Supreme Court.

Further, in Brock v. Mississippi, a case which upheld a criminal conviction where the prosecution used a preemptory challenge against an African-American juror purportedly because he lived in a high crime area, the dissenting judge criticized Judge Southwick's opinion for accepting the action of the prosecutor, which, "on its face appears geared toward a racially identifiable group."

Some have tried to make the point that Judge Southwick did not write most of these opinions; rather that he merely signed on to them. If Judge Southwick did not agree with those opinions, he could have dissented. If he agreed with the holding but not the reasoning, he could have written a separate concurrence. To the contrary, he simply voted with the majority and supported their opinions.

Because I do not believe that his record reflects the objectivity and even-handedness necessary to serve in a lifetime appointment on the Federal bench, I cannot vote to confirm his nomination.

Mr. COBURN. Mr. President, today the Senate has a golden opportunity to take a big stride forward in working its way out of this judicial nomination mess we are in. At some point we as a body are going to have to take partisanship out of this judicial nomination process if we hope to continue to attract great candidates to the Federal bench. We have seen other great nominees withdraw because of the stress and difficulty of this process. Fortunately, Judge Southwick has stood firm so that the Senate has a chance to confirm him.

Leslie Southwick is an Iraq veteran and has already demonstrated that he is a great jurist. From the testimonials of people in Mississippi, regardless of political or cultural differences, he is fairminded, not biased, and is an outstanding pick for this seat.

It is incredible to observe the vitriolic opposition to this nomination that is built wholly on two written opinions in question that Judge Southwick did not even write. How can the Senate seriously say that those two opinions, in a vacuum, show that Judge Southwick is racist or insensitive to minority litigants? The support from African-Americans in Mississippi exposes that the opposition is politically motivated.

The Senate and the Judiciary Committee must step away from the politically based litmus tests that currently control the nominations process. We must also stop focusing purely on the results of cases, without any context to the facts and law at issue, as the sole indicator of a nominee's judicial philosophy.

I ask my colleagues to seriously reconsider our current course and let Judge Southwick have a fair up-or-down vote.

When we are reviewing judicial nominees, we should ask ourselves three questions:

First, does the nominee have the basic qualifications to be a good judge?

In this case, the answer is yes. The American Bar Association twice rated Judge Southwick "well qualified," with the ABA actually increasing their rating to "unanimously well qualified" when he was nominated to the Fifth Circuit vacancy.

Second, does the nominee possess the appropriate judicial temperament so that every litigant will be treated fairly when they come before this nominee?

The answer again is yes. If you read the many letters from lawyers and judges in the Mississippi legal community, they clearly believe litigants are treated fairly and impartially before Judge Southwick.

Third, does the nominee respect the proper constitutional role of a judge to not create law from the bench?

Again the answer is yes. The record clearly demonstrates that Judge Southwick is and will be a restrained jurist.

As Congress we should be thrilled when a judge shows that he will be restrained in his rulings from the bench. We write the laws, and we should be grateful that a judge knows he is not a Member of Congress and will defer to us in the task of writing law.

Again, I ask my colleagues to move beyond petty partisanship with quality nominees like Judge Southwick, and let's give him a vote.

I yield the floor.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. There remain 27 minutes, including leadership time.

Mr. SPECTER. Is that 27 minutes on the Republican side?

The PRESIDING OFFICER. Correct.

Mr. SPECTER. How much on the Democratic side?

The PRESIDING OFFICER. Twenty minutes.

Mr. SPECTER. I thank the Chair.

Might I inquire of the senior Senator from Mississippi how much time he would like?

Mr. COCHRAN. Mr. President, I would be happy to speak for up to 10 minutes.

Mr. SPECTER. I yield 10 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, it is very difficult to listen to the criticism of those who have not known Leslie Southwick in the context and with the experiences of those, obviously, who have worked with him, observed him in close range as a fellow lawyer, seen him take positions of public support for candidates who were running for office in Mississippi, being active in our Republican Party in Mississippi; being admired widely by all who have come to know him, practicing law with him, observing him as a lecturer at the Mississippi College School of Law, observing him serving voluntarily as an officer in the Mississippi National Guard, the U.S. Army Reserves, being deployed to Iraq, volunteering for duty to serve as a judge advocate, and accompanying Mississippi soldiers who were deployed to that region in time of war.

He didn't have to do that. He is way beyond the age of most of those who were engaged in that operation and in that responsibility to protect the security interests of our country.

It is so inconsistent—all of that—to those of us who know this nominee compared with the harsh, shrill pronouncements being made on this floor of the U.S. Senate by leaders of the opposition to this nomination. I am not going to criticize their right to disagree with those of us who support Judge Southwick, but I do want to point out that I hope Senators will look at the record that has been accumulated in the Senate as a result of statements made by Senator LOTT, me, and others who have known Judge Southwick and others who are the most respectable and trustworthy people in our State and Nation who have a totally different view of him as a person and of his record as an appellate judge, as a lawyer, and as a professor of law.

I hope Senators will take a look at who is saying what and base a judgment on this nomination on the things that have been said and the information that has been made available to the Senate from those who have spent time with Judge Southwick, who know him, or whether that will be outweighed by the harsh and shrill blandishments and criticisms and hyperbole and exaggerations and inaccuracies in the description of this person as a lawyer, as an individual, as a citizen who is here being subjected to totally unfounded criticism.

I hope those words aren't too harsh. I believe they are just as true and accurate as can be. And it would be a disgrace on this body to block the confirmation, to vote against invoking cloture which, in effect, would kill the nomination. We are going to vote on whether to invoke cloture. It will take 60 votes to shut off debate so we can get to a vote on the confirmation.

I have spoken on the floor on two or three occasions on this subject, back in June, I think, the first time. I have been reading the RECORD and looking at what I said July 19, 2007. I included after my remarks letters that I had received and that the committee had received from lawyers, judges, and acquaintances of Leslie Southwick over the past 30 years of his life. I am not going to burden the RECORD by putting all those letters in or reading them or reading excerpts from them, but these are some of the finest people, and some of them are liberal Democrats. Some of them are active today as elected officials in our State. Others are just fellow lawyers, people who have worked with him closely, a State supreme court justice. Former Gov. William Winter is an example.

This morning, I found on my desk in my office when I came to work a letter that had been faxed to me, I guess, this morning. At 9:01 a.m. it was received in my office. It is from the Secretary of State of Mississippi, Eric Clark. And because this is a new letter, I think I will read it. It is actually addressed to me and Senator LOTT:

> Dear Senator Cochran and Senator Lott:
>
> I sat at home last night and listened on C-SPAN to the debate on Judge Leslie Southwick, and I feel compelled to write you this letter.
>
> I am the senior Democratic elected official in Mississippi. I have been elected to office eight times as a Democrat. I am retiring from politics in January, so I have no ax to grind by commenting on this debate. During my entire career in public service, I have aggressively promoted the inclusion of all Mississippians, and particularly African-Americans, at the decision-making table in Mississippi. I take a back seat to no one in promoting inclusion in our state.
>
> It has been my pleasure to know Leslie Southwick for more than 20 years. If I had to name 1 person who is kind, fair, smart, thoughtful, and open-minded, it would be Leslie Southwick. For any Senators who have been told or who have concluded otherwise, that is wrong—as wrong as it can be.
>
> We in Mississippi are quite accustomed to being the objects of negative stereotyping. Of course, it is much easier to believe a stereotype about someone than to make the effort to get to know that person. It is perfectly clear to me that this is what is happening to Judge Southwick.
>
> It seems to me that what is being decided in this case is not whether Leslie Southwick would be a good and fair judge—we could not have a better or fairer one. What is being decided, I think, is whether the United States Senate considers judicial nominees based on truth and merit, or based on politics and partisanship.
>
> Let me make my point as plainly as I can: Leslie Southwick is the polar opposite of an ignorant and bigoted judge—the polar opposite of that stereotype. I hope that the Senate passes the test of recognizing the truth and acting accordingly.
>
> Thank you. Sincerely, Eric Clark, Secretary of State of Mississippi.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COCHRAN. I yield the floor.

Mr. SPECTER. Mr. President, how much time remains on the Republican side?

The PRESIDING OFFICER. There is 16½ minutes remaining, including the leadership time.

Mr. SPECTER. I see the distinguished Senator from Mississippi, Mr. LOTT, on the Senate floor. How much time would Senator LOTT like?

Mr. LOTT. Just a couple minutes.

Mr. SPECTER. Senator LOTT can have as much time as he wants. It sounds as if he wants 5 minutes. I yield to Senator LOTT.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I don't want to repeat everything that has been said. I was going to read this letter from our secretary of state, Eric Clark. My senior colleague just read it, and I am glad he did. I appreciate how he feels.

I do feel hurt in some ways by what has happened in this particular case. This is a good and honorable man, qualified by education, by experience, by temperament. He deserves to have an up-or-down vote. We should vote for cloture, and then we should have an up-or-down vote on this judge for a position that is a judicial emergency for the Fifth Circuit Court of Appeals, which is a very broad-based circuit court of appeals. He will be a fine addition to that court.

I want to end on a positive note because Judge Southwick has waited a long time, has been open and available to anybody who was willing to meet with him, not just the Judiciary Committee members but others, including House Members.

We are here because Senator DIANNE FEINSTEIN showed unbelievable courage by voting to report this nominee out of the Judiciary Committee after very careful analysis, looking at the cases, meeting with the nominee. I will always be indebted to her and appreciative of what she did.

I have to acknowledge that the Judiciary Committee, in this case led by the very aggressive support of Senator SPECTER, has done its job, and has done it well, and we have reached a point of final determination.

I also thank the majority leader and the Republican leader for working together to find time to make this happen. I know from experience, majority leaders do not have to allow votes such as this to occur, and I suspect the majority leader has been criticized for it.

I do believe that this is a moment in time—I hope it is not fleeting—where we can return to some modicum, some small amount of bipartisanship, nonpartisanship, and civility. I think Senator REID, Senator MCCONNELL, Senator FEINSTEIN, and Senator SPECTER have made the right steps to make that possible.

I urge my colleagues to vote for cloture and vote for this nominee. He will be a credit to the court on which he will serve, the Fifth Circuit Court of

Appeals. He will exhibit the character and the positions that I believe the people in the Senate will think are appropriate for the rest of his life.

I believe confirmation of this judge will reflect well on the Senate and will pay dividends in many ways not visible at this moment.

I thank Senator SPECTER for yielding this time.

I yield the floor.

Mr. SPECTER. How much time remains, Mr. President?

The PRESIDING OFFICER. There is 12½ minutes remaining.

Mr. SPECTER. Mr. President, we only have the Senators from Mississippi and myself on the floor. For any other Republicans who wish to speak, now would be a good time to come to the floor. I know our leader, Senator McCONNELL, will be speaking shortly, at 10:40 a.m., but there is still 11 minutes remaining.

I yield 10 minutes to the distinguished Senator from Florida, Mr. MARTINEZ.

Mr. President, that will take us right up to 10:40 a.m., at which time it is my understanding there is an order for the two leaders to speak. I yield 10 minutes now to Senator MARTINEZ.

The PRESIDING OFFICER. Without objection, the Senator from Florida is recognized for 10 minutes.

Mr. MARTINEZ. Mr. President, I thank the Senator from Pennsylvania. I am very pleased to speak on behalf of a good man to occupy a very important position. The Fifth Circuit is a very important court. I want to talk about this nomination as a person who practiced law for a quarter of a century. Twenty-five years of my life I spent in courtrooms in Florida. As a result of that experience, I have a great and abiding respect for our judicial system and for what it does for people to reasonably and in an orderly way settle disputes, and also for those who run afoul of the law to be brought through a justice system that is fair, that is just, and that works for all Americans.

At the pinnacle of all that, at the very centerpiece of the judicial system that functions is the judiciary. And in the judiciary, we need to have the best. We need to have people of dedication. We need to have people of competence and people with impeccable credentials. That is the kind of judge Judge Southwick is and the kind of person he will make as a judge on the Fifth Circuit.

I wish to talk about the process. It is a process that has become much too poisoned. It has become much too divisive and increasingly hostile. What occurs then is that between the inadequate salaries judges in the Federal judiciary now make in comparison to what they could easily be making in the private sector, as well as the difficult gauntlet they must run in order to be confirmed and to then have the opportunity of serving their Nation as a member of the judiciary, I do believe it is very important that judicial candidates be given a fair and timely hearing, that they be given fair and timely consideration.

I believe all too often we allow dissident groups to gain our attention, not mine but some of those who do pay attention to the outside noise when it comes to judicial candidates. I don't believe it is appropriate that we should allow for outside influences to steer us in different directions that become more and more divisive.

When it comes to judicial candidates, we ought to look for qualifications. We ought to look for experience. We ought to look for those things we could consider. I always think, is this the kind of judge I would like to try a case in front of, is this the kind of judge I would like to take my clients' affairs in front of to have a fair, impartial, and reasoned disposition of the matter I bring before the judge? If he or she is that kind of person, they should be given confirmation. To allow outside and distracting political debates to be a part of the confirmation process is simply wrong.

I was pleased when Chief Justice Roberts was going through the process and he used language in his confirmation hearing that ought to ring true with all of us. He said he viewed his role as a judge as that of an umpire. He viewed his role as someone who could come into the courtroom and call it as he sees it, call balls and strikes. For the vast majority of what a judge does, that is what it is about. It is about calling balls and strikes. It is not about pitching. It is not about catching, not about hitting. It is about calling balls and strikes. That is the role of the judge. That is the role of the judiciary. We honor that role when we accept a judicial candidate who is otherwise qualified, who has an impeccable record. I used to be called from time to time by the ABA committee, the American Bar Association, that looks at candidates and they would ask: What kind of judge would he make? Would he have the right judicial temperament? These are the things we want to know. Is he knowledgeable of the law? Would he be a fair and impartial judge? Does he have the ethical considerations to be the kind of person who is going to set higher standards for those on the bar, who is going to be the kind of person society will accept when he makes a difficult ruling that sometimes has to come from the court?

It is with great pleasure that I support this nominee. I hope my colleagues will do so as well. It is important we restore a certain normalcy to the confirmation process. I say this fully understanding that in about a year and some months, there could very well be someone of a different party who has a very different philosophy about who should be on the bench than the current President. At that time, I will be prepared to live by the standard I have laid out today, which is a standard of qualifications, a standard that puts aside political considerations, a standard that looks at a judicial nominee, as we have done for most of the history of our country. The departure we have had over the last several years is not a healthy one. It is not positive for the judicial system and for the admission of justice. This is a standard I will be prepared to live with, even if someone from a different party than mine is making judicial nominations. I will look to their qualifications, experience, ethical standing. Is this the kind of judge I would have been happy to have my client take matters before.

I would expect a fair and impartial judge to make a learned and reasonable decision based on the facts, the evidence, and the law. That is what judges are about, analyzing facts and law and making a judicial determination of how to rule in a given case. It is not about politics that more belong in a body such as ours and not on the bench.

How much time remains?

The PRESIDING OFFICER. There remains 5½ minutes before leadership time.

Mr. MARTINEZ. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, shortly we will have an extremely important vote in terms of our ability to deal with judicial confirmations in the future. There has been widespread bipartisan concern that the confirmation process has descended to a point with which most of the Members on both sides of the aisle are uncomfortable. We will have an interesting test shortly as to whether the Senate can use cloture not to defeat a judge but to move a nomination forward. That is the way it has been done in the past. We have had controversial judicial nominations from time to time over the years, controversial with a few but not all of the Senate. The way cloture was used in those situations was to advance a nomination, not to stop it. I am reminded when Senator LOTT was the majority leader, there were a couple of controversial nominations from California. His view was they were entitled to an up-or-down vote. We invoked cloture on the nomination. I remember voting for cloture because I believed judges were entitled to an up-

or-down vote and then not supporting the judge on final passage.

We have before us the nomination of a Mississippi lawyer named Leslie Southwick. He wanted to serve his country in the Armed Forces. At 42, he was too old to do so. But service to others is a duty Leslie Southwick has always taken very seriously, whether in the Justice Department or on the State bench or with Habitat for Humanity or in doing charity work for inner-city communities. So in 1992, 42-year-old Leslie Southwick sought an age waiver to join the U.S. Army Reserves. The country had the good sense and the good fortune to grant this request.

Leslie Southwick continued to serve in the Armed Forces after he was elected to the State court of appeals in 1994. He conscientiously performed his military and judicial duties, even using his vacation time from the court to satisfy the required service period in the Mississippi National Guard.

In 2003, LTC Southwick volunteered for a line combat unit, the 155th Separate Armor Brigade. His commanding officer, MG Harold A. Cross, notes that his decision "was a courageous move; as it was widely known at the time that the 155th was nearly certain to mobilize for overseas duty in the near future." Colleagues such as attorney Brian Montague were not surprised. "Despite the love of wife and children," Leslie Southwick volunteered for a line combat unit over a safer one "because of a commitment to service to country above self-interest."

In August of 2004, Leslie Southwick's unit mobilized in support of Operation Iraqi Freedom. His commanding officer states he distinguished himself at forward bases near Najaf. Another officer, LTC Norman Gene Hortman, Jr., described Leslie Southwick's service in Iraq as follows:

> Service in a combat zone is stressful and challenging, often times bringing out the best or the worst in a person. Leslie Southwick endured mortar and rocket attacks, travel through areas plagued with IEDs, extremes in temperature, harsh living conditions. . .—the typical stuff of Iraq. He shouldered a heavy load of regular JAG Officer duties which he performed excellently. He also took on the task of handling the claims of numerous Iraqi civilians who had been injured or had property losses due to accidents involving the U.S. military . . .
>
> Leslie always listened to these Iraqi claimants patiently and treated them with the utmost respect and kindness. He did this not just out of a sense of duty but because he is a genuinely good and caring person. His attitude left a very positive impression on all those that Leslie came in contact with, especially Iraqi civilians he helped. This in turn helped ease tensions in our unit's area of operations . . . and ultimately, saved American lives.

Lieutenant Colonel Hortman concludes that Leslie Southwick "has the right stuff"—the right stuff—for the Fifth Circuit Court of Appeals: "Profound intelligence, good judgment, broad experience, and an unblemished reputation." He adds:

> I know him and can say these things without reservation. Anyone who says otherwise simply does not know him.

Stuart Taylor writes in the National Journal that Leslie Southwick "wears a distinctive badge of courageous service to his country," and that he "is a professionally well-qualified and personally admirable" nominee to the Fifth Circuit.

Judge Southwick does not seek thanks or notoriety or charity for his military and other civic service. He asks to be judged fairly—to be judged on the facts, to be judged on his record. It is the same standard he has applied to others as a judge, a military officer, and a teacher. It is a standard for which he is well known and admired. By that standard, he is superbly fit to continue serving his country, this time on the Fifth Circuit. Senators COCHRAN and LOTT, his home State Senators, know this. They are strongly behind him. As everyone knows, his peers on the State bar know this. They honored him as one of the State's finest jurists, saying he is "an example of judicial excellence; a leader in advancing the quality and integrity of justice; and a person of high ideals, character and integrity."

The American Bar Association knows this. It has twice given him its highest rating: "well-qualified." In doing so, the ABA found him to be exemplary in the areas of "compassion," "open-mindedness," "freedom from bias and commitment to equal justice under law."

Democrats on the Judiciary Committee knew this too. Last fall all of them—every single one—looked at his record and approved him for a lifetime position to the district court. Congress adjourned before he could be confirmed, and Judge Southwick was renominated to fill a judicial emergency on the Fifth Circuit. Two things then occurred. First, the ABA increased his rating—increased his rating—from "well-qualified" to "unanimously well-qualified." In other words, not a single person on the ABA committee found him anything other than the most qualified nominee possible. Second, in August, the committee favorably reported his nomination to the floor with bipartisan support.

Unfortunately, some of our colleagues on the other side who had supported his nomination to the Federal bench last fall seem to have changed their mind. Since there is no material change in Judge Southwick's credentials other than the ABA actually giving him an even higher rating for the circuit bench than they gave him for the district bench, the sudden change is indeed puzzling.

Critics now point to two cases out of 7,000, neither of which Judge Southwick wrote, and both of which existed when the committee unanimously approved him last fall. One of our colleagues even asserts that because these two cases create a perception among some outside groups about potential unfairness, this "perceived fairness" standard should determine our vote on Judge Southwick.

That is a standard I would say I would hate to have applied to nominations by a Democratic President by Republican Senators. And remember, we are setting a standard here that will apply not only to this nomination but to other nominations in the future.

The notion that mere perception, not reality, should determine whether someone is confirmed is troubling, to say the least. We expect the judges we confirm to rule based on the facts. We should not judge their fitness for office based on perception rather than the facts. In the case of Judge Southwick, the sudden "perception" about his fairness is driven by those who do not even know him, and it is amply disproven by his long record and by those who know him very well.

But more broadly, if we start opposing well-qualified nominees because outside groups have manufactured an unfair perception of them, then we will have established a precedent that will affect us all, as I indicated a minute ago, and for the worse—regardless of who is in the White House and which home State Senators support a nomination. Is the standard going to be around here the perception created by some outside group? I think that is a standard that would be very dangerous, no matter who is in the White House.

I urge my colleagues not to undo the good work and goodwill that brought us back from the precipice we had almost descended into a few years ago on judicial confirmations. I urge them to think hard about the ramifications of their vote for the future, and to vote for cloture on the Southwick nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that letters of opposition and concern from numerous organizations regarding the nomination now before the Senate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FAIR HOUSING ALLIANCE,
*Washington, DC, June 6, 2007.*

Hon. PATRICK LEAHY,
*Chairman, U.S. Senate Judiciary Committee,*
*Washington, DC.*

DEAR CHAIRMAN LEAHY: The National Fair Housing Alliance (NFHA) is strongly opposed to the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals.

NFHA is dedicated to ending housing discrimination and ensuring equal housing opportunity for all people. With several member organizations within the Fifth Circuit, we are deeply concerned about a nominee whose civil rights record reveals a lack of commitment to equality and justice.

We find the civil rights record of Judge Southwick on the Mississippi Court of Appeals quite troubling. His rulings on race discrimination in the areas of employment and jury selection lead us to question his ability to be a fair and impartial decision-maker in cases involving housing discrimination.

Judge Southwick participated in a shocking 5-4 decision that essentially excused an employee's use of a racial slur. The holding in Richmond v. Mississippi Department of Human Services affirmed a Mississippi Employee Appeals Board hearing officer's decision to reinstate an employee who had been fired for calling her co-worker a "good ore nigger." The officer had concluded that the employer had overreacted because the term was not a racial slur but rather equivalent to calling the black employee "teacher's pet." The majority, including Judge Southwick, agreed, finding that taken in context, the comment "was not motivated out of racial hatred or racial animosity directed toward a particular co-worker or toward blacks in general."

This decision drew a strong dissent and was unanimously reversed by the Mississippi Supreme Court. The dissenters stated that the majority's reasoning "strains credulity" because "[t]he word 'nigger' is, and has always been offensive." They went on to argue that "the hearing officer and the majority opinion seem to suggest that absent evidence of a near race riot, the remark is too inconsequential to serve as a basis of dismissal."

Judge Southwick's reasoning in Richmond is indicative of a general lack of concern for rice discrimination, and it reveals a potential hostility toward equal opportunity in housing. Many cases of housing discrimination involve intimidation through racial slurs. In this context, as in all contexts, the word "nigger" is powerful, offensive, and threatening. The following cases are indicative of the pervasive nature of this deplorable conduct in housing cases:

In Bradley v. Carydale Enterprises, the Eastern District of Virginia ordered compensatory damages for an African-American woman whose neighbor had called her "nigger." The court noted that the term "deeply wounded" the woman, pointing to her humiliation and embarrassment, sleepless nights, and inability to perform at her job.

In Smith v. Mission Associates Ltd. Partnership, an on-site property manager called a white tenant a "nigger-lover" because of his live-in girlfriend's bi-racial children, and the manager's son told one of these children he didn't like "niggers." Based on this and other racially hostile conduct, the District of Kansas held that the plaintiffs had established a prima facie case for a hostile housing environment under the Fair Housing Act.

In Cousins v. Bray, the Southern District of Ohio granted the plaintiffs' motion for a preliminary injunction against eviction and any attempts of harassment, intimidation, or threats. The court found that the plaintiffs' allegations that defendants had referred to their biracial sons as "niggers" helped to establish that race motivated their eviction, in violation of the Fair Housing Act.

And just this month, in United States v. Craft, the Seventh Circuit relied on an arsonist's use of the term "nigger" to determine that he targeted a black man's house because of the victim's race. It held the arsonist in violation of the portion of the Fair Housing Act that prohibits the use of coercion or intimidation to interfere with property rights.

As these cases demonstrate, our federal courts acknowledge that harmful racial slurs like "nigger" are powerful tools in the denial of fair housing. We are deeply concerned that based on his record, Judge Southwick does not share these ideals, and we question his ability to be a fair and impartial decision-maker in these and other civil rights cases.

Thus, we strongly oppose Judge Southwick's nomination to the Fifth Circuit Court of Appeals and believe the Senate should not confirm him.

Sincerely yours,
SHANNA SMITH,
*President.*

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SERVICE EMPLOYEES INTERNATIONAL UNION,
*Washington, DC, June 6, 2007.*
Hon. PATRICK LEAHY,
*Chair, U.S. Senate Judiciary Committee*
*Washington, DC.*
Hon. ARLEN SPECTER,
*Ranking Member, U.S. Senate Judiciary Committee*
*Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I am writing on behalf of the 1.8 million members of the Service Employees International Union (SEIU), including the health care, public sector and property service members who live and work in the Fifth Circuit, to oppose the nomination of Judge Leslie H. Southwick to the United States Court of Appeals. SEIU joins the civil rights organizations, professional societies and editorial boards which have stated their opposition to Judge Southwick's nomination because of his consistent record of hostility to the rights of minorities and gay parents as well as his practice of going beyond the resolution of the case at issue to inject his own views on social and legislative policies into his decisions. We write separately to express our concerns regarding Judge Southwick's rulings regarding workplace issues and his ability to fairly enforce the nation's labor and employment laws.

In his dissent in *Cannon* v. *Mid-South X-Ray Co.*, 738 So. 2d 274 (Miss. App. Ct. 1999), Judge Southwick argued that the claim of Annie Cannon, a worker exposed to toxic chemicals in her work place, should be rejected because it was barred by the statute of limitations. Ms. Cannon had begun to experience health problems soon after the start of her employment as a darkroom technician. However, while the severity of the problems increased over time, Ms. Cannon's condition was not diagnosed by a doctor as work related until sometime later. Based on this diagnosis, Ms. Cannon filed suit.

Judge Southwick argued that all that is necessary for the statute of limitations to run against a plaintiffs claim is that the plaintiff know of her illness, not the cause of her illness. This rule, as the eight judges in the majority recognized, places an unreasonable burden on a worker "who cannot reasonably be expected to diagnose a disease on which the scientific community has yet to reach an agreement." While Ms. Cannon knew she was sick, she did not know she had been injured by the defendants until her disease was affirmatively diagnosed by her doctor and therefore should not have been required to file a cause of action which she did not know even existed.

The use of a procedural device by Judge Southwick to deny an injured worker her day in court is chillingly similar to the rule announced by Justice Alito in *Ledbetter* v. *Goodyear Tire & Rubber Co.*, 550 U.S.—(2007). In that case, Lilly Ledbetter's pay disparity claim was not "easy to identify" because the impact of that discrimination, like Ms. Cannon's illness, grew over time and when it reached the point that it was clear that discrimination, or work place chemicals, was the cause, an action was filed. In upholding the dismissal of Ms. Ledbetter's case, Justice Alito relied upon same statute of limitations procedural device employed by Judge Southwick in denying Ms. Cannon her day in court.

In another dissent, Judge Southwick offers a gratuitous insight into his judicial philosophy on the subject of employment at will. The employment at will doctrine, which is premised on the illusion that employers and individual workers have equal power in the employment relationship, has been consistently criticized and limited by legislative and judicial action over the last hundred years. However, in *Dubard* v. *Biloxi H.M.A.*, 1999 Miss. App. Lexis 468 (1999), *rev'd*, 778 So. 2d 113, 114 (Miss. 2000), Judge Southwick opines that "employment at will . . . provides the best balance of the competing interests in the normal employment situation. It has often been said about democracy, that it does not provide a perfect system of government, but just a better one than everything else that has ever been suggested. An equivalent view might be seen as the justification for employment at will." Judge Southwick's radical statement of judicial philosophy calls into question the legitimacy of most federal employment laws enacted in the twentieth century, from the minimum wage to the Family and Medical Leave Act, implying that they are inconsistent with a democratic system of government.

Judge Southwick's record of judicial activism evidences a willingness to erect insurmountable barriers to workers seeking access to the courts and an aversion of laws which limit the employer's unrestricted right to control the employment relationship. He should not be given a lifetime appointment to a court where he will be called upon to enforce laws that he clearly disdains by injured workers who he believes have no right to ask for relief. We ask the Committee to reject the nomination of Judge Southwick to the United States Court of Appeals for the Fifth Circuit.

Sincerely,
ANNA BURGER,
*International Secretary-Treasurer.*

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NATIONAL WOMEN'S LAW CENTER,
*Washington, DC, June 6, 2007.*
Re Nomination of Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit
Hon. PATRICK J. LEAHY,
*Chair, U.S. Senate Judiciary Committee,*
*Washington, DC.*
Hon. ARLEN SPECTER,
*Ranking Member, U.S. Senate Judiciary Committee, Washington, DC.*

DEAR SENATORS LEAHY AND SPECTER: We write to express our serious concerns regarding the nomination of Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit. As an organization dedicated to advancing and protecting women's legal rights, the National Women's Law Center (NWLC) has reviewed Judge Southwick's available record, his testimony before the Committee, and his responses to Senators' written questions in order to assess his commitment to upholding essential civil rights protections. This substantive review has led the Center to conclude that there is a significant basis to doubt that commitment. Under these circumstances, it is especially troubling that hundreds of unpublished opinions that Judge Southwick joined while on the Mississippi Court of Appeals have not been produced to the Committee. As a result, the legal record that serves as the basis for determining his fitness for a lifetime position on the Fifth Circuit remains woefully incomplete. Consequently, we urge the Committee not to advance Judge Southwick's nomination until all of his record has been made available and has been reviewed, and until the substantive concerns have been satisfied.

Judge Southwick's actions in S.B. v. L.W. and Richmond v. Mississippi Department of Human Services raise significant concerns. Judge Southwick joined a separate concurrence in S.B. v. L.W. and joined the majority opinion in Richmond. Although he did not write those opinions, the result and reasoning therein is properly ascribed to him. As Judge Southwick stated in his hearing before the Committee, his decision to join an opinion as a judge on the Mississippi Court of Appeals meant that he at least agreed with the outcome espoused by that opinion. He also acknowledged at the hearing that he could have worked with the author of an opinion to change its language and at all times had the option of writing his own separate opinion.

In S.B. v. L. W., a 2001 custody case involving the parental rights of a mother in a homosexual relationship, Judge Southwick joined the majority in its holding awarding custody to the father. He also chose to join a concurrence that gratuitously took pains to elaborate the punitive "consequences" that may be imposed on individuals in homosexual relationships, including the loss of custody of a child. The concurrence expounded upon the state's ability, grounded in principles of "federalism," to limit the rights of homosexual Americans in the area of family law and characterized participation in a homosexual relationship as a "choice" and "exertion of a perceived right." In addition, although neither party to the case had raised constitutional questions, the concurrence undertook to discuss constitutional precedent in a highly selective manner to support its conclusion that the Mississippi legislature had permissibly taken a policy position with regard to the rights of homosexual individuals in domestic relations settings that would limit the custody rights of homosexual parents. The opinion cited the Supreme Court's decision in Bowers v. Hardwick, which upheld criminal penalties for sodomy, but ignored Romer v. Evans, which struck down a ballot initiative that "classifie[d] homosexuals not to further a proper legislative end but to make them unequal." To make matters worse, when Judge Southwick was questioned about the concurrence's failure to discuss Romer, he answered that neither Romer nor Bowers was argued by the parties to the case. However, his answers do not speak to why the concurrence only cited Bowers, and, therefore, do not allay our concerns about the impartiality of the legal analysis in this case.

Furthermore, while Judge Southwick indicated in written responses that the custody decision would be evaluated differently today in light of the Supreme Court's decision in Lawrence v. Texas, he did not directly address concerns raised by the language of the concurrence either in his written answers or in his testimony, although he was asked to do so. He did not clarify whether he considers homosexuality to be a choice as suggested in the concurrence and provided no persuasive justification for his seeming endorsement of extraordinarily harsh penalties for that so-called choice.

Judge Southwick's decision to join the majority opinion in Richmond v. Mississippi Department of Human Services, affirming a state review board's decision to overturn a state agency's termination of an employee for referring to an African-American employee as a "good ole n*****," also raises serious concerns. The majority in Richmond concluded that the terminated employee "was not motivated out of racial hatred or racial animosity directed toward a particular co-worker or toward blacks in particular," and that there was no "credible proof" that the use of this highly inflammatory racial epithet caused substantial problems within the agency workplace. This majority opinion failed to adequately consider the discrimination inherent in the use of that particular racial epithet and required an unnecessarily stringent showing of disruption from the employing agency. The Mississippi Supreme Court unanimously reversed the Court of Appeals' decision, remanding to the review board to make findings as to whether the agency acted properly under state personnel rules, and as to whether a lesser penalty than termination should be imposed.

Judge Southwick's testimony before the Senate Judiciary Committee and his responses to written questions did not alleviate NWLC's concerns. It is disturbing that Judge Southwick continues to consider the majority opinion in Richmond well-reasoned and declined to criticize the opinion he joined in part so as not to "change horses mid-stream:" In addition, Judge Southwick's characterization of the standard of review in his written questions as whether no evidence sported the review board's decision (rather than whether substantial evidence support it) is incorrect. Whether the mischaracterization represents his original understanding of the standard of review or a post-hoc attempt to justify joining the majority, his position is equally troubling. Further, although the Mississippi Supreme Court concluded that the employee should not have been terminated, 2 strong dissents raised grounds for Judge Southwick to consider whether his decision to join the majority opinion was correct: First, that the Court of Appeals improperly placed the burden of proof upon the agency with regard to the issue of the disruptive effect of the epithet; second, that failing to terminate the employee could have subjected the agency to a federal discrimination action and thus would have constituted negligence; and third, that the majority of the Mississippi Supreme Court substituted its judgment for the review board's. As a result, Judge Southwick's reliance on the Mississippi Supreme Court opinion in answer to questions about whether he believed his decision to join the majority in Richmond was correct does not eliminate our concerns.

Although our concerns are primarily grounded in only two of the reported cases that came before Judge Southwick on the Mississippi Court of Appeals, these cases are significant because they are among the few in his available record that raise constitutional and civil rights issues that Judge Southwick would face if confirmed to the Fifth Circuit. Moreover, hundreds of unpublished opinions that Judge Southwick joined during his first 2 years on the Mississippi Court of Appeals have not been tamed over to the Committee. These opinions could implicate an even broader range of legal issues and could shed light on Judge Southwick's approach to the constitutional and federal legal issues that come before the Fifth Circuit. It is critical for Senators and the public to be able to review a nominee's complete record when a lifetime appointment to the federal bench is at stake. To allow this already-questionable nomination to move forward while substantial gaps in the record exist would be highly unfortunate and unwarranted.

No judicial nominee enjoys a presumption in favor of confirmation; rather, it is the nominee who carries the burden of convincing the Senate that he or she should be confirmed. NWLC respectfully urges the Committee not to vote Judge Southwick out of committee while his record remains incomplete, and while substantive concerns raised by his available record have not been allayed. If you have questions or if we can be of assistance, please contact us at (202) 588-5180.

Sincerely,

NANCY DUFF CAMPBELL,
*Co-President.*
MARCIA D. GREENBERGER,
*Co-President.*

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PARENTS, FAMILIES AND FRIENDS
OF LESBIANS AND GAYS,
*Washington, DC, June 7, 2007.*

Senator PATRICK LEAHY,
*Chairman, Committee on the Judiciary,*
*U.S. Senate, Washington, DC.*
Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary,*
*U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY AND SENATOR SPECTER: On behalf of more than 200,000 members and supporters of Parents, Families and Friends of Lesbians and Gays (PFLAG), I am writing to urge the Judiciary Committee to reject the nomination of Judge Leslie H. Southwick to the 5th Circuit Court of Appeals. There is absolutely nothing in Judge Southwick's troubling record, written responses, or testimony to the committee to indicate that he can fairly judge cases involving gay, lesbian, bisexual or transgender families or any other minority parties.

As a member of the Mississippi Court of Appeal, Judge Southwick joined a majority opinion which took custody of an eight-year-old child away from her mother, citing in part the mother's "lesbian home" and "homosexual lifestyle" as justification for the decision. Additionally, Judge Southwick was the only other judge to join a concurring opinion by Judge Payne that unnecessarily referenced the state's probation on gay and lesbian adoption, despite the fact that this was not an adoption case, using the phrase "the practice of homosexuality" throughout. Most disturbingly, the concurrence states that even if the mother's sexual acts are her choice she must accept the fact that losing her child is a possible consequence of that choice.

We hope that you will agree that all American families, including those living in Mississippi, Louisiana, and Texas, deserve a federal court system free from bias, regardless of their sexual orientation or gender identity. We are in no way confident that Judge Leslie H. Southwick can provide that basic right. Because of this, we strongly urge you to oppose the nomination of Leslie H. Southwick to a lifetime seat on the 5th Circuit Court of Appeals.

For more information please contact our Assistant Director of Programs, Elizabeth

Hampton Brown, at (202) 467-8180 ext. 211 or e-mail ebrown@pflag.org.

Sincerely,

JODY M. HUCKABY,
*Executive Director.*

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ALLIANCE FOR JUSTICE,
*Washington, DC, May 31, 2007.*

Hon. PATRICK J. LEAHY,
*Chair, Committee on the Judiciary,*
*U.S. Senate, Washington, DC.*
Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary,*
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR SPECTER: No nominee to a lifetime seat on our federal courts is entitled to a presumption of confirmation. As Senator LEAHY has stated, the Senate's constitutional "advice and consent" role is a serious responsibility, by which "those 100 of us privileged to serve in the Senate are entrusted with protecting the rights of 280 million of our fellow citizens." Were the Senate to confirm Judge Leslie Southwick to a lifetime appointment on the Fifth Circuit, it will in fact have placed in jeopardy the rights of many of the most vulnerable of our fellow citizens. As a judge on the Mississippi Court of Appeals, Judge Southwick assembled a deeply troubling record in cases involving the interests of vulnerable parties, consistently favoring corporations, insurance companies, and other powerful interests over vulnerable workers and consumers. His record also calls into question his commitment to equal dignity and equal justice for minorities.

Judge Southwick's published opinions reveal that he voted 89 percent of the time against injured workers and consumers in divided employment and torts decisions. In a number of these cases, Judge Southwick harshly interpreted laws and precedents to favor corporate defendants. In Goode v. Synergy Corporation, Judge Southwick voted to deny a family, who sued the propane company after their grandchild was killed in a fire, a new trial even though there was new evidence previously undisclosed by the company, showing that the company's conduct may have caused the fire.

Although there are few cases that shed light on Judge Southwick's views on civil rights, those that do are profoundly troubling. Astonishingly, in one of his exceedingly rare decisions in favor of an employee, he joined the court's 5-4 opinion in Richmond v. Mississippi Dep't of Human Services, which upheld an Employee Appeals Board decision to reinstate, with full back pay, a woman who used a racial slur in reference to a coworker, calling her a "good ole n*****." In neither the opinion he joined, nor in his answers to questions at his confirmation hearing, did he express doubts about the decision he joined in Richmond. He and his colleagues on the majority also declined to remand the case to the Board for assessment of a lesser penalty—as one dissenting opinion urged and the Mississippi Supreme Court later ordered in reversing the Court of Appeals. Judge Southwick and the majority would have allowed the employee full reinstatement with back pay in spite of the epithet.

In S.B. v. L.W., Judge Southwick joined a homophobic concurrence arguing that sexual orientation was a perfectly legitimate basis on which to deny a parent custody of one's child. At his hearing, he attempted to explain this opinion as a reflection of the intent of the legislature as to the rights of gay parents. However, a dissenting opinion in S.B., along with a subsequent Mississippi Supreme Court decision stating that sexual orientation was not a basis on which to deny child custody, demonstrate that Judge Southwick's attempt to deflect criticism to the state legislature is questionable indeed.

The Senate must be especially wary of Judge Southwick's nomination because the president, in his six years in office thus far, has engineered a transformation of the federal courts to reflect an ideology that is hostile to the rights of minorities and our society's most vulnerable members. Moreover, the president has shown little willingness to promote diversity on the bench. Astonishingly, there has never been an African-American Fifth Circuit judge from Mississippi, a state with a population that is 37% African-American. Thus, it is particularly troubling that the President has now nominated someone to this Mississippi seat whose record raises such grave doubts about his racial sensitivity and his commitment to equal justice for all Americans.

President Bush and his Senate allies have exploited every opportunity to confirm the nominees of the hard right, steamrolling venerable Senate rules and traditions to achieve this goal. The current Senate now faces a choice: stand up to nominees who will make our courts even less friendly to our most vulnerable citizens; or inherit a share of President Bush's disturbing legacy of remaking the courts in the partisan image of his right wing base. Judge Leslie Southwick represents a crossroads, and the Senate should choose to reject his nomination and insist that the President submit a nominee with a demonstrated commitment to equal rights and fairness to all Americans, regardless of their race, sexual orientation or economic status.

Sincerely,

NAN ARON,
*President.*

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Mr. REID. Mr. President, first of all, let me say I have the greatest respect for my senior colleague, the Senator from Mississippi, Mr. COCHRAN, who is always a gentleman in everything he does. I have worked on the floor with Senator LOTT during the time I was assistant leader, and I have the greatest respect for him. I appreciate the way they have handled this and not making it personal in nature simply because I oppose something they want.

I say in response to my friend, the distinguished Republican leader, there is a different standard, as well there should be, for someone who is going to be placed on the trial court than somebody placed on the appellate court. So the reasoning that Senators approved in the committee a judge for a district court—clearly, the tradition in the Senate is, with rare exception, they are approved—so the argument that we have approved somebody for a trial court so they should automatically be approved for an appellate court simply is not valid.

Our Constitution outlines the shared responsibility between the Senate and the President of the United States to ensure that the judiciary is staffed with men and women who possess outstanding legal skills, suitable temperament, and high ethical standing.

As a leader, I have worked hard to ensure that the Senate carries out its work with respect to judicial nominees fairly and promptly, and with a lot of transparency.

The judicial confirmation process today is working well, and all Senators should be pleased to know that the judicial vacancy rate is currently at an all-time low. For people who yell and shout and complain about the Democrats not allowing Republicans to assume the bench, the judicial vacancy rate today is at an all-time low. We have a Judiciary Committee that has helped this significantly. Senator Pat Leahy, Senator Arlen Specter—the chairman and ranking member of that committee—have as much collegiality as I have ever seen in a committee since I have been in the Senate. They have been fair, and they have been fast.

This year alone, the Senate has confirmed 32 judicial nominees, including four court of appeals nominees—in addition to the more than 250 others who have been approved during the past 6 years of the Bush administration.

In contrast, my Republican colleagues and my Democratic colleagues will clearly recall that during the Clinton administration, the Republican-controlled Senate refused to confirm 70 nominees. Think about that: 70 nominees. Many of them did not even have the courtesy of a hearing. Some of them waited almost 4 years for a hearing.

I remember how we were treated. But we have chosen to live by the Golden Rule. We have chosen this is not "get even time;" this is a time to be fair and to be open. The Golden Rule: Treat people as you would want them to treat you. I am happy to say that is how we have done this.

Judges with impeccable records, such as Ronnie White and Richard Paez, were maligned by Republicans merely for partisan political gain. That is wrong. We do not intend to initiate any of that while we are in charge of the Senate.

But today we face a judicial nomination that has attracted strong opposition. I turned in what is part of this RECORD a stack of organizations and individuals who simply oppose this nomination for lots of different reasons.

Opposition to the nomination of Judge Leslie Southwick for the Fifth Circuit Court is neither partisan nor political. It is factual. These facts are present deep within the fundamental American commitment to civil justice and equal rights, which is something we must stand by.

In the past few weeks, our Nation has seen the recurrence of racial issues that we had assumed and hoped were behind us. Yet, the recent events in Jena, LA, and at the U.S. Coast Guard academy—where nooses were hung to intimidate, demean, and belittle people of color—demonstrate that issues of race and intolerance are sorrowfully still present in our society.

For many Americans, for many African Americans, and for the Congressional Black Caucus—of which this body only has one member. When I first came to the House of Representatives, there were about 20 members of the Congressional Black Caucus. Now there are 78. I believe that is the number. That is good. That is good for our country. But those individuals concerned know the Federal courts have historically represented the first, last, and often the only form of redress against racism and civil injustice. For that reason, I believe this body has little choice but to consider the nomination of Judge Southwick to the Fifth Circuit Court in the context of race and civil rights.

I heard Senator SCHUMER here this morning talk about the demography of the State of Mississippi. That has to be something we take into consideration.

President Bush is asking us to confirm Southwick for one of the highest judicial positions in the United States: The United States Circuit Court of Appeals. It is a lifetime appointment. But for a court as important as the Fifth Circuit, Judge Southwick is the wrong choice. His record on the Mississippi State court does not justify a promotion. That is why I rise, once again, as I have many times regarding Judge Southwick, to express my strong opposition to this nomination. I urge my colleagues to join me in voting "no."

As a member of the Mississippi State appellate court, Judge Southwick joined decisions that demonstrate insensitivity to, and disinterest in, the cause of civil rights.

Mr. President, I ask unanimous consent that the hour of 11 o'clock time for the vote be extended. I should be finished shortly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I do believe that as a member of the Mississippi State appellate court, Judge Southwick joined decisions that demonstrate insensitivity to, and disinterest in, the cause of civil rights.

For example, in the Richmond case, he voted to uphold the reinstatement with back pay of a White State employee who had used a racial epithet about an African-American coworker.

Judge Southwick says the decision was about technical legal issues, but the dissent in the case by his colleague, Judge King, explains what was at stake. It was not a technical legal issue. As I said when I began, it was based on the facts. Judge King wrote, regarding the "N" word—and I quote him:

> There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend.

It was clear in this decision that Judge Southwick should have joined what would have been the majority. The majority would have been with Judge King. He decided not to go with what would have been the majority and created his own majority to, in effect, agree that using this "N" word was nothing more than an offhand remark that meant nothing. It took the courageous action of judges on the Fifth Circuit to carry out the Supreme Court's desegregation decisions and destroy the vestiges of the Jim Crow era.

Judge Southwick, from what I have learned about him, is not capable of being part of that. Yet Judge Southwick's record gives us absolutely no reason to hope that he will continue this tradition of delivering justice to the aggrieved.

That is why there is no shortage of opposition to this nomination, first and foremost, as I have said, from our colleagues, Members of Congress, the Black Caucus. They cite opposition by the Magnolia Bar, the Mississippi NAACP, and countless other organizations that stand for justice. They have asked us to remember that their constituents are our constituents—some 45 million of them—and they deserve representation on this issue.

His decision in the Richmond case is his most serious problem, but Judge Southwick has failed in many other areas. He sides continually with plaintiffs in bad cases. He always, with rare exception, joins with corporations and not the workers. He appears to favor defendants.

There is no reason why the President can't find a nominee with a record fairly representing all people. If we reject Judge Southwick, the President will still have an opportunity to nominate another candidate. Judge Southwick's record has been fully documented by my colleagues who have spoken before me. His most grievous failure—I repeat—a failure to give full weight to the vile meaning and history of the "N" word—is deeply disturbing. I cannot overlook it.

I urge all my colleagues to join me in voting "no," so we can find a candidate truly befitting this important lifetime appointment—a candidate who will give the people of the Fifth Circuit the confidence they deserve that their claim to justice will be heard with the respect and equality every American citizen deserves.

The PRESIDING OFFICER. All time for debate has expired.

Mr. LEVIN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state his inquiry.

Mr. LEVIN. How many votes are required to invoke cloture and end the debate on the pending nomination under the rules and precedents of the Senate?

The PRESIDING OFFICER. It will be three-fifths of the Members duly chosen and sworn, that being 60.

Mr. LEVIN. I thank the Chair.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 291, the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Mitch McConnell, Arlen Specter, Wayne Allard, Johnny Isakson, Richard Burr, Norm Coleman, David Vitter, Kay Bailey Hutchison, George V. Voinovich, John Thune, Jim DeMint, Tom Coburn, Michael B. Enzi, Elizabeth Dole, Jeff Sessions, Jim Bunning, John Barrasso, Trent Lott, and Thad Cochran.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Leslie Southwick to be United States Circuit Judge for the Fifth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 392 Ex.]

YEAS—62

Akaka
Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—35

Baucus
Bayh
Biden
Bingaman
Brown
Cantwell
Cardin
Casey
Clinton
Durbin
Feingold
Harkin
Kerry
Klobuchar
Kohl

Landrieu
Lautenberg
Leahy
Levin
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—3

Boxer
Dodd
Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. Under the previous order, the question is, Shall the Senate advise and consent to the nomination of Leslie Southwick to be United States Circuit Judge for the Fifth Circuit.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 393 Ex.]

YEAS—59

Akaka
Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—38

Baucus
Bayh
Biden
Bingaman
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Durbin
Feingold
Harkin
Inouye
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—3

Boxer
Dodd
Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table, and the President is notified of the Senate's action.

Mrs. CLINTON. Mr. President, I opposed the nomination of Leslie Southwick to serve a lifetime appointment on the U.S. Court of Appeals for the Fifth Circuit. His tenure as a judge on the Mississippi Court of Appeals reveals a record that fails to honor the principles of equality and justice and demonstrates a disregard for civil rights.

The American people deserve Federal judges—regardless of who nominates them—who are dedicated to an even-handed and just application of our laws. In case after case, Judge Southwick has demonstrated a lack of respect and understanding for the civil rights of all Americans, and particular indifference towards the real and enduring evils of discrimination against African Americans and gay and lesbian Americans.

After reviewing his judicial opinions and examining his qualifications, I have concluded that Judge Southwick's regressive civil rights record should disqualify him from serving a lifetime appointment on the Court of Appeals for the Fifth Circuit. I urge the President to select judicial nominees who embrace the principle that all are equal under the law.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. There will now be 20 minutes of debate equally divided before a cloture vote on a motion to proceed to S. 2205.

The majority leader.

Mr. REID. Mr. President, I am going to use my leader time so it does not interfere with the 20 minutes allocated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, earlier this year, we had a chance at comprehensive immigration reform. I agree with the President of the United States that we should do comprehensive immigration reform. President Bush and I, I repeat, were in agreement. That effort brought people together from both sides of the aisle, from all parts of the political spectrum. We agreed our current immigration system works well for no one. That effort brought Democrats and Republicans together in pursuit of a common good.

Many of us then were profoundly disappointed when this issue was stopped, not because of the President, but by Republicans in the Senate and a few Democrats. It was a real disappointment to me. We had spent so much time on the floor trying to move forward on comprehensive immigration reform.

I continue to believe that tough, fair, practical and comprehensive reform is the only way to get control of our broken immigration system and restore the rule of law. I remain committed to enacting comprehensive legislation as soon as we can. But until we can once again look forward to comprehensive immigration reform, we should, at the very least, enact the DREAM Act. We tried to offer this crucial legislation as an amendment to the Defense authorization bill, but we were blocked from doing so by a small number of Republicans.

At that time, I committed to moving the DREAM Act for a vote before November 16. Today, that is where we are. We now turn to the DREAM Act as stand-alone legislation, and I once again rise to offer my strong support for this legislation. Anyone who believes as I do that education unlocks doors to limitless opportunity should join me in voting for this legislation.

We should vote for this legislation because the DREAM Act recognizes that children should not be penalized for the actions of their parents. Many of the children this bill addresses came here when they were very young. Many don't even remember their home countries—in fact, most of them don't—or speak the language of their home countries. They are as loyal and devoted to our country as any American. Only children who came to the United States when they were 15 years old or younger and have been in the United States for at least 5 years and are now not yet 30 years old can apply. Those who are eligible must earn a high school diploma, demonstrate good moral character, and pass criminal and security clearances. They must also either go to college or serve in the military for 2 years.

I have met many star students in Nevada who qualify for the DREAM Act. With it, their futures are limitless. Without it, their hope is diminished greatly. What a waste it is to make it more difficult for children—children in our country—to go to college and get jobs or join the military when they can be making meaningful contributions to their communities and to our country. What good does it do anybody to prevent these young people from having a future? The answer is it does no good. It harms children who have done no wrong, and in the long run it greatly harms our country's economy.

I very much appreciate the hard work of Senator DURBIN and Senator HATCH to bring this legislation to the floor. They have worked tirelessly to ensure this important bipartisan bill does not go away. We must now invoke cloture and pass this bill. Vote cloture and move to this legislation. If we do, we will put the American dream within the reach of far more children in Nevada and across America who want nothing more than a fair chance at success. That will be an accomplishment of which we can all be proud.

A lot of what we do is based on personal experiences. My memory goes back many years to a small rural community in Nevada called Smith Valley. It is one of the few farming areas we have left in the State of Nevada. It is a beautiful place. I spoke to an assembly at a small school, and I could tell this young lady wanted to speak to me when I finished. She was embarrassed, of course. But I asked her if she wanted to talk to me, and she was embarrassed—clearly embarrassed. She said words to this effect: I am the smartest kid in my class. I am graduating from high school soon. I can't go to college. My parents are illegals.

I have thought about that so much. I don't know where she is today. Is she doing domestic work someplace? What is she doing? She should have been able to go to college. Not a free education—that isn't what this bill calls for—but an opportunity to go to college.

In Reno and in Las Vegas we have scores of gangs—many of them Hispanic gangs—doing illegal things much of the time. Not all the time but much of the time. There is no question—I have been told by police officers, by high school counselors—that this legislation would give children an alternative, an alternative to going into the gangs.

So I appreciate this legislation. It is all-American legislation, which is so important for what we want to accomplish in this country. I would hope my fellow Senators will allow this legislation to move forward by voting yea on the motion to proceed.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I yield 2 minutes to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, every once in a while we disagree with the majority leader. In this case, I do. When he says the immigration bill brought us together, it didn't bring us together. Let us remember what happened, though. The immigration bill: We came in on a Monday and expected to vote on a bill that no one had seen until Saturday afternoon. Now, this is another sudden thing upon us, and let us keep in mind this is an amnesty bill. We are talking about people who came to this country illegally, regardless of age.

This says: If you have lived in the United States for more than 5 consecutive years, even though you came in illegally, and if you entered this country at age 16 or before—and you could have been here for as long as 14 years illegally, because they have the cutoff at age 30—then you will be getting a conditional, lawful permanent residence—a green card—for up to 6 years.

What can you do during that 6-year period? During that 6-year period you can actually bring in other members, parents and others, who were brought here illegally in the first place, so they can enjoy that same type of citizenship.

Now, I know I am prejudiced on this issue because I have had the honor of speaking at naturalization ceremonies. When you look at the people who have done it right, done it legally—they have learned the language and the history—this or any other type of an amnesty bill would be a slap in the face to all those who came here legally.

So I would ask the question: When do we learn? We went through this thing before. I know we try to fast-track these things so people will not catch on, but I can assure you, all of America is awake on this one and they know exactly what we are doing. This is another amnesty bill, and I believe we should not proceed to it.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to commend Senator DURBIN and Senators HATCH, LUGAR, HAGEL, and MENENDEZ for their commitment to this bill. This legislation would allow young people who have grown up in the United States a chance at stability, and a chance to achieve the American dream by attending college or serving in our military.

I do not believe it is the American way to punish young people for the mistakes of their parents. When these young people have the opportunity to reach their potential by service in our Armed Forces or through higher education, we all win. Opening the door to opportunity, not squandering the potential of young people, is part of what America is all about.

So let us take a first step toward sensible immigration policy and move beyond the rhetoric and give these people a chance of fulfilling the American dream.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in today's New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 24, 2007]

### A CHANCE TO DREAM

The Senate has a chance today to pluck a small gem from the ashes of the immigration debate. A critical procedural vote is scheduled on the Dream Act, a bill to open opportunities for college and military service to the children of undocumented immigrants.

Roughly 65,000 children graduate each year from high school into a constrained future because they cannot work legally or qualify for most college aid. These are the overlooked bystanders to the ferocious bickering over immigration. They did not ask to be brought here, have worked hard in school and could, given the chance, hone their talents and become members of the homegrown, high-skilled American work force.

The bill is one of the least controversial immigration proposals that have been offered in the last five years. But that doesn't mean much. Like everything else not directly involving border barricades and punishment, it has been branded as "amnesty," and has languished.

But this bill is different, starting with its broad, bipartisan support, from its original sponsor, the Utah Republican Orrin Hatch, to its current champion, Richard Durbin, Democrat of Illinois. Repeated defeats have forced Mr. Durbin to pare away at the bill's ambitions. It focuses now on a narrow sliver of a worthy group: children who entered the country before age 16, lived here continuously for at least five years and can show good moral character and a high school diploma. They would receive conditional legal status for 6 years, during which they could work, go to college and serve in the military. If they completed at least 2 years of college or military service, they would be eligible for legalization.

These young people—their numbers are estimated at anywhere from a million to fewer than 100,000—are in many ways fully American, but their immigration status puts a lock on their potential right after high school. They face the prospect of living in the shadows as their parents do, fearing deportation to countries they do not know, yearning to educate themselves in a country that ignores their aspirations.

The Dream Act rejects that unacceptable waste of young talent. The opportunity is there, provided the votes are there in the Senate.

Mr. LEAHY. I yield the floor, and I yield the remainder of my time to Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, many speeches are made on the floor, many amendments are offered, many bills, and many resolutions. Very few of them cause a ripple. A handful of people may follow them closely, a handful of people may care. The DREAM Act is a different thing. The DREAM Act is a bill which I thought about and introduced years ago, and it has finally reached this moment of truth where it comes to the floor of the Senate. The reason why this bill will be noticed is that literally thousands of young people across America know that their fate and future will be determined by this vote.

Yesterday, I had a press conference with three of these young people. A Congressman from the State of Colorado sent out a press release arguing that these three young people should be arrested in the Capitol. Of course, he didn't take the time to determine that they are all here now with the understanding of and disclosure to the Department of Homeland Security. But his press release is an indication of how badly this debate is going in America. To turn on these children and treat them as criminals is an indication of the level of emotion and, in some cases, bigotry and hatred that is involved in this debate.

America is better than that. America is a better nation than what we hear from the likes of that Congressman. What crime did these children commit? They committed the crime of obeying their parents; following their parents to this country. Do you think there was a vote in the household about their future? I don't think so. Mom and dad said: We are leaving. And the kids packed their suitcases and followed. That is their crime. That is the only crime you can point to. What did they do after they got here? To qualify under the DREAM Act, they had to make certain they didn't commit a crime while living in America; they had to have good moral character and beat the odds and graduate from high school. That is the only way they can qualify for this.

Then what do we say? Not enough. If you want to be legal in America, you have to do one of two things: Volunteer to serve in our military, to risk your life for America, and then we will give you a chance to be citizens. But even that is not good enough for some. Some argue, no, we don't want them in our military. We don't need them. Well, the people involved in our military know better. They know these are the kind of bright, promising young people who can serve our country with distinction and they tell us that.

What else could they do? They can pursue their education to show they are serious about making something out of their lives. These are the only two ways they get a chance. That is what the DREAM Act is all about.

I could go for an hour or more with stories of these young people whom I have met. They are hopeful and heartbreaking at the same time. They are hopeful stories because these are young people who have the same dreams my children have, the same dreams every American child has: to have a good life, a good family, and do something important in their lives. That is all they want.

The young woman from India I met in Chicago wants to be a dentist. The young man from Mexico, who is now pursuing his graduate degree in biomedical science, wants to go into research. A young girl from Texas is a graduate of nursing school but can't find a job because she is a person without a country. Tomorrow's teachers and engineers and scientists. All they are asking for is a chance. That is the hopeful side of it.

The heartbreaking side of it is these are kids without a country. They have nowhere to turn. Tam Tran, who is with us today and who joined me yesterday, has been through an arduous journey, starting in Vietnam, going to Germany, then coming to the United States. Her family can't return to Vietnam and face persecution, and Germany would not have her. She doesn't even speak German. Yet our government tells her: Leave. She graduated from UCLA. She wants to pursue a degree and be a professor.

Leave. We don't want you. Is that the message? If it is, it is the wrong message. Because time and again we are told we need talent in America to be a successful and prosperous nation. We are told we need to bring in talent from overseas with our H-1B visas and the H-2B visas. Well, how can we, on one side of the argument, say we need more talent and then turn these children away, turn these young people away? Give them a chance. Give them hope. Give them a chance to prove themselves in this country.

This bill puts them through a long process. It will not be easy. Some will not make it. Most will not make it. But those who do will make this a better Nation. Isn't that what we should be about?

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I would like to be recognized for 2 minutes, and if you can announce when that time has expired.

The PRESIDING OFFICER. The Senator will be notified.

Mr. VITTER. Mr. President, I think there are millions of Americans all around the country who wish no ill will on these minors whom we are talking about but are sitting at home following this debate, following this procedure, and scratching their heads and saying: Haven't these Members of Congress heard us? Don't they get it? Don't they understand what we have been saying loudly and clearly? Apparently, we don't.

I don't think the message could have been clearer from millions of Americans across the country this summer. They said during our debate on the overall so-called comprehensive immigration bill: No, you got it wrong. The enforcement in that bill is inadequate. It has not been accomplished. It is not done. We want that done first. And no, you got it wrong. We do not want amnesty.

Yet, even after that clear, compelling message from the American people, a message so overwhelming it shut down the Senate phone system the morning of the last vote which killed that bill, apparently a whole bunch of folks here still do not get it. They still are not listening. Because this is a bill which has no enforcement but does have clear amnesty.

The American people have no ill will toward these minors we are talking about. But they do have complete confusion with regard to what we are doing—not fixing the problem, making it worse. Inadequate enforcement plus amnesty, that is a recipe for disaster. They know that out of innate common sense. We do nothing to stop the magnet that attracts illegal aliens here because we have little or no workplace enforcement, in particular. Yet we continue with amnesty and other programs.

Please vote no, my colleagues, on proceeding to the DREAM Act.

Mr. GRASSLEY. Mr. President, I am voting against the motion to proceed to the DREAM Act today. Even though I support the end goal of this legislation; that is, to provide children with an education, I do not think the bill is perfect. I would like to see changes made. The bill didn't go through the proper channels and was not approved by the Judiciary Committee. Moreover, the majority leader has indicated that he will fill the tree and prevent the minority from offering amendments to the bill. "Filling the tree" by the majority leader is what this process is called and it freezes me out of offering amendments to improve the DREAM Act. For these reasons, I will oppose proceeding to the bill today.

Mr. FEINGOLD. Mr. President, I strongly support the DREAM Act. This bill would give promising children, who played no part in their parents' decision to come to this country illegally, the chance to earn legal status through college attendance or military service.

Some of my colleagues have suggested that this bill constitutes amnesty. But the term "amnesty" implies that these children did something wrong and are being absolved of the consequences of their actions. It is difficult to imagine how these children can be blamed for actions that their parents took when the children were too young to have any say. The United States does not visit the sins of parents on their children in other contexts and should not do so here. Furthermore, to call the bill "amnesty" ignores the fact that these children would be required to earn their legal status through academic achievement or military service.

The children who would be granted legal status under the DREAM Act are those who have shown through their actions that they can make an important contribution to our country. At a time when our economy and our military are in need, turning these children away squanders a valuable resource. It also leaves these children in a permanent limbo, as many of them have little or no knowledge of the country from which their parents came and have known no home other than the United States.

It serves neither justice nor our national interest to deprive these children of a future and to deprive ourselves of their potential contributions. That is why I support the DREAM Act, and I urge my colleagues to support it as well.

Mr. HAGEL. Mr. President, today, I rise in support of the DREAM Act, introduced by Senators DURBIN, LUGAR, and myself. Each year, thousands of hard-working students who graduate from American high schools are unable to attend college or serve in the military because of their illegal immigration status.

These young people were brought to the United States by adults who were breaking the law. In America, we have never held children responsible for their parents' sins. It is not the habit of the United States to punish children for the actions of their parents. Let's not start now.

Many have been in our country nearly their entire lives, and most have received their primary education here. They contribute to their communities and our country by earning higher education or serving in the Armed Forces. It is in our national interest that they be given the opportunity to do so. These young people were forced into an unfortunate position, which have made them outcasts in our society, yet they have proven their potential and ambition by meeting the several requirements necessary to be eligible under the DREAM Act for legal status. We need more young people to contribute to our country, not less.

The DREAM Act would make it possible to bring these young people out of shadows and give them the opportunity to contribute, work, and pay taxes—giving back to the communities in which they were raised.

The DREAM Act is not amnesty. It is a narrowly tailored piece of legislation that would help only a limited, select group of young people earn legal status. This is not an incentive for more illegal immigrants to enter our country. To be eligible for legal status under the DREAM Act, you must have good moral character, have graduated from an American high school, entered the country under the age of 15, and have been in the United States for at least 5 years. There is an end date to the DREAM Act.

The current system punishes children for the mistakes of their parents. The DREAM Act will provide a legal path for undocumented students to pursue the American dream based on their own accomplishments and hard work.

Immigration is a very complicated and difficult issue, for many reasons. Partly because we have deferred this issue for years. We have refused to take a responsible position on all the different aspects of immigration reform—including the DREAM Act.

Obviously border security is the core, the beginning of immigration reform. I am not aware of any Senator who has questioned or contested that point. In July, the Senate approved $3 billion in funding for border security and immigration enforcement—totaling $40.6 billion in overall funding for homeland security. From fiscal year 1993 to fiscal year 2006, the budget for the Border Patrol has tripled from $362 million to $1.6 billion.

That is not the debate. The debate, of course, resides around the difficult issues, the 11 to 12 million illegals now in this country. The debate elicits great and deep emotions and passion—and it should. We were sent here to deal with the great challenges of our time, to resolve the issues, find solutions, not go halfway. That is leadership.

Currently, we have provided no leadership for the American people. We have not had the courage to deal with it because it is political, because it is emotional, because it cuts across every sector and every line of our society. It is about national security. It is about autonomy and our future. It is about our society, our schools, our hospitals. That is difficult.

Who are we helping with the current situation that we have today? People stay in the shadows, we don't collect taxes, we don't have the complete involvement in communities that we have always had from our immigrants. There is a national security element to this. There is a law enforcement element to it, and there is certainly an economic element to it. Are we really winning? No, we are losing. We are losing everywhere.

You can take pieces of each and pick and choose which might make you more comfortable politically, but it doesn't work that way. It is all wrapped into the same enigma. It is woven into the same fabric. That is what we are dealing with.

It is leadership to take on the tough issues. Immigration is one of those issues which tests and defines a society. It tests and defines a country. And the precious glue that has been indispensable in holding this country together for over 200 years has been common interests and mutual respect. I don't know of an issue that is facing our country today that is more important, that is framed in that precious glue concept more precisely than this issue. Crafting something for the future, for our history, for our children, and for our society—that is what it is about.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I don't know whether I am in control of time or not, but how much time is left on this side?

The PRESIDING OFFICER. The Republican side has 5 minutes 47 seconds.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: How much time is left on the other side?

The PRESIDING OFFICER. The majority side has 3 minutes 3 seconds.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I want to proceed on my leader time and preserve the remainder of time on this side for Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, earlier this year, a bipartisan group of Senators took up the issue of illegal immigration. It was clear from the debate that ensued that there are deeply held beliefs on both sides. It was also apparent that this is not a problem with a simple solution; it is one that requires time and consideration.

And to live up to the expectation of our constituents, it seemed clear to me that Congress must take steps to secure our borders and provide for our national security first. The Senate seemed to get the message, because it voted overwhelmingly in July to dedicate $3 billion in emergency spending to help promote our border and interior security.

I am disappointed my colleagues on the other side of the aisle are not continuing on the bipartisan path of enhancing our security. Instead, they are bringing up a controversial issue with the DREAM Act. This bill is an attempt to put illegal immigrants who graduate from a U.S. high school or obtain their GED on a special path to citizenship.

Though I recognize and appreciate the tremendous contributions to our country made by generations of immigrants, I do not believe we should reward illegal behavior. It is our duty to promote respect for America's immigration laws and fairness for U.S. citizens and lawful immigrants.

The DREAM Act fails that test and I will oppose it.

This is not an issue that can be solved in one day, and there are pressing matters which we must address.

Here we are, 4 weeks into the new fiscal year and we have yet to send a single appropriations bill to the President's desk. We should be focused on funding our troops in the field, ensuring our intelligence forces have the tools they need to find and catch terrorists, and holding the line on budget-busting spending bills.

The Internet tax moratorium expires in exactly 1 week. Unless we act soon, Internet users across the country will be hit with yet another tax.

And we still have yet to see any plan for addressing the looming middle class tax hike known as the alternative minimum tax. Secretary Paulson told Congress that we must act by early November if we don't want to see 50 million taxpayers ensnared in a confused filing season next year. This deadline, too, is just around the corner.

We still have an enormous amount of work to complete, and we are running out of time.

I urge my colleagues to oppose this attempt to bring up a divisive issue, further delaying the essential, unfinished, business of the Congress.

The Senate has more than enough to do without also tackling issues that divide both this body and the Nation.

Mr. President, I wish to extend my time just 1 more minute.

It has been made clear to me in discussions that this will not be an open amendment process if we get on the bill. It is my understanding that the tree will be filled up, which, of course, would put the majority in control of deciding what amendments, if any, are offered. So this is not going to be an open debate, as far as I can tell.

Maybe the majority would decide to bless some amendment on this side and allow a vote on it. I guess that is possible. But for the balance of the people on this side of the aisle, on my side of the aisle, the Republican side, I want them to understand that even if we get cloture on the motion to proceed, there is certainly no guarantee that this will be an open process that will allow a broad array of amendments.

I yield the floor.

Mr. CORNYN. Will the Senator yield for a question?

Mr. McCONNELL. I yield to the Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the comments made by the distinguished Republican leader with regard to the process we can anticipate and the fact that the majority leader has indicated he will fill the amendment tree, blocking any ability of any Senator, both on this side of the aisle and the other side of the aisle, to offer amendments to improve the bill or perhaps add other provisions that cry out for some remedy.

I ask the distinguished Republican leader whether the types of amendments or suggestions that have been discussed informally would include things like adding a requirement of securing the borders and having an enforceable system at the worksite, or a trigger, before any other provisions like the DREAM Act would be considered or implemented; whether it would also consider—for example, we know that in the agricultural sector there is a lot of concern about a shortage of workers—whether there would be an ability to provide an amendment which would allow for not a path to citizenship but for a temporary workforce to satisfy that need in the agricultural sector; or, for example, in places like Texas that are fast growing States, whether there may be an opportunity to offer any amendments that would provide for a temporary worker program—not a path to citizenship—that would satisfy the legitimate needs of American business? Are those going to be precluded under the plan by the majority leader?

Mr. McCONNELL. Mr. President, I say to my friend from Texas, I don't know for sure, but the way the process will work—we have seen it before under majorities of both parties—is the majority leader has the ability to fill up the tree and then deny any amendments or pick amendments. Only the majority leader would be able to answer the question whether an amendment dealing with workplace enforcement or an amendment dealing with border security or, in the case of this Senator, an amendment dealing with the H–2A agricultural worker program, which is important to my State—all of that would be within the sole authority of the majority leader, who would pick and choose if any amendments were allowed, pick and choose which ones were given a chance to have a vote.

I say to my colleagues here on the minority side, we will have little or no control—or none, no control at all over what amendments would be allowed. It would be entirely controlled by the majority leader.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. How much time do we have on this side?

The PRESIDING OFFICER. The Republicans have 5 minutes 45 seconds.

Mr. McCONNELL. I know Senator SESSIONS is seeking time. Is Senator HUTCHISON trying to get some of the time on our side as well?

Mrs. HUTCHISON. Mr. President, I was really trying to have an opportunity to ask Senator DURBIN a question and have a colloquy. I don't want to take from your time on that. I ask if I could have a colloquy with Senator DURBIN on his time?

Mr. DURBIN. Mr. President, there has been some conversation here about procedure. If you would be kind enough—if the minority side will allow me 2 minutes for a colloquy with Senator HUTCHISON, and I would offer the same 2 minutes——

Mr. McCONNELL. Would that be off the time of the Senator from Illinois?

Mr. DURBIN. No, no. I asked consent for an additional 2 minutes. I have 3 minutes remaining, so it would be a total of 5 minutes, 2 minutes for a colloquy with Senator HUTCHISON and myself, and I would extend 2 minutes to the time of the minority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Unless the Senator from Alabama or Pennsylvania wants to speak, I would enter into a colloquy with Senator HUTCHISON at this point?

Mr. SESSIONS. Mr. President, I have no objection to that. I assume it is a colloquy—but I would not want to concede that rather small amount of time remaining on this side.

Mr. McCONNELL. We would lose no time, as I understand it. We would end up, actually, with more time, 7 minutes, which will allow the Senator from Alabama to have 5 and the Senator from Pennsylvania to have the remaining 2.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, during the course of preparing this bill for the floor, I have been working on both sides of the aisle. I hope the vote in a few minutes will evidence that. I have had a constructive conversation with Senator HUTCHISON of Texas and Senator MARTINEZ of Florida and others about modifications of the DREAM Act. I believe the proposals they have made in principle are positive proposals that move us toward our goal.

I say to the Senator from Texas, and I certainly am going to open this to her comments when I finish, it is my intention to offer a substitute amendment as the first amendment that is brought forward by the majority, a bipartisan amendment with Senator HUTCHISON which will achieve our mutual goals. I hope we can reach that agreement in the next 30 hours, after this motion prevails. Failing that agreement, the minority is protected because it will require another cloture vote, another 60-vote margin before this bill moves forward.

So they have my word to work in good faith on the substitute bipartisan amendment. Failing that, their protection is a cloture vote which they could join in defeating.

I yield to my colleague from Texas if she has any comment or question.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate what the Senator from Illinois has said because I do believe there is a compromise approach to the DREAM Act that could have bipartisan support. As has been mentioned on the floor, there is no opportunity that has been laid out for a substitute to be considered. But the Senator from Illinois has given me his word. I have been working on something that I think would take us on the right path. This is such an important piece of legislation, and I do think this is isolated from the entire immigration issue because there——

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent for 1 additional minute on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, there are young people who have been brought to this country as minors, not of their own doing, who have gone to American high schools, graduated, and who want to go to American colleges. They are in a limbo situation. I believe we should deal with this issue. We should do it in a way that helps assimilate these young people with a college education into our country. They have lived here most of their lives. If we sent them home, they wouldn't know what home is. There is a compassionate reason for us to try to work this out. But I will say, if we cannot work on a bipartisan amendment, we will have another vote, as has been promised. I will vote against the Durbin bill. But if we can work on a bipartisan solution, we should try.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, how much time is left on this side?

The PRESIDING OFFICER. The Republicans now have 8 minutes 47 seconds.

Mr. SESSIONS. Mr. President, I yield 4 minutes to Senator SPECTER, please.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I believe that the DREAM Act is a good act, and I believe that its purposes are beneficial. I think it ought to be enacted. But I have grave reservations about seeing a part of comprehensive immigration reform go forward because it weakens our position to get a comprehensive bill.

Right now, we are witnessing a national disaster, a governmental disaster, as States and counties and cities and townships and boroughs and municipalities—every level of government—are legislating on immigration because the Congress of the United States is derelict in its duty to proceed.

We passed an immigration bill out of both Houses last year. It was not conferenced. It was a disgrace that we couldn't get the people's business done. We were unsuccessful in June in trying to pass an immigration bill. I think we ought to be going back to it. I have discussed it with my colleagues.

I had proposed a modification to the bill defeated in June, which, much as I dislike it, would not have granted citizenship as part of the bill, but would have removed fugitive status only. That means someone could not be arrested if the only violation was being in the country illegally. That would eliminate the opportunity for unscrupulous employers to blackmail employees with squalid living conditions and low wages, and it would enable people to come out of the shadows, to register within a year.

We cannot support 12 to 20 million undocumented immigrants, but we could deport the criminal element if we could segregate those who would be granted amnesty only.

I believe we ought to proceed with hearings in the Judiciary Committee. We ought to set up legislation. If we cannot act this year because of the appropriations logjam, we will have time in late January. But as reluctant as I am to oppose this excellent idea of the Senator from Illinois, I do not think we ought to cherry-pick. It would take the pressure off of comprehensive immigration reform, which is the responsibility of the Federal Government. We ought to act on it, and we ought to act on it now.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I yield myself 4 minutes. I yield Senator DEMINT the remaining time.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SESSIONS. The Executive Office of the President of the United States, OMB, has issued a veto threat on this bill and said they will veto it because they believe it is not part of comprehensive reform, as Senator SPECTER said. They also go forward to note a number of specific problems with it.

They note that we:

> [M]ust be careful not to provide incentives for recurrence of the illegal conduct that has brought the Nation to this point. By creating a special path to citizenship that is unavailable to other prospective immigrants—including young people whose parents respected our Nation's laws—S. 2205 falls short.

They go on to note:

> This path to citizenship is unavailable to any other alien, no matter how much promise he or she may have, no matter how much he or she may contribute to American society.

They note that it would:

> [A]llow illegal aliens to obtain a green card before many individuals who are currently lawfully waiting in line.

They note that they can:

> [P]etition almost instantly to bring family members into the country.

By the way, it would be 1.3 million people admitted under this program, according to the Migration Policy Institute, a fair and objective—certainly not a conservative group, I will say it that way.

They go on to note that the persons would be "eligible for welfare benefits within 5 years." The bill would be indiscriminate in who it would make eligible for the program through certain loopholes:

> Certain aliens convicted of multiple misdemeanors and even felonies.

They note that it would be vetoed. So that is President Bush who has been strongly favoring immigration reform. I have disagreed with him consistently on many of his ideas.

Let me make mention of a couple of things that are fundamentally important. Most importantly, individuals are not going to take the military route. I would estimate at least 90 percent would take the option of just 2 years of college without any requirement to have to attain a degree.

I submit this will strike a dagger, most importantly, in the heart of the decided will of the American people which is to create a lawful system of immigration. It would put illegals ahead of legals. It will make clear that even after our national debate and vote a few weeks ago, the Congress still does not get it; that the Congress is still determined to stiff the will of the decent majority of American citizens; that the Senate will move forward with an amnesty bill that puts 1.3 million people on a swift and guaranteed path to citizenship, ahead of millions who applied and are waiting in line lawfully, to give them every right of citizenship this country has to offer.

That is what I think amnesty is, giving every single right that we have to offer to someone as a result of illegal conduct. So before—and this is important—before we make any real progress toward a lawful system of immigration, we have less than 100 miles of the 700 miles of fencing this Congress called for. There is no workplace enforcement. A modest attempt to do something like that has been blocked by the courts, and nothing has been followed up. There has been little or no—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for an additional 30 seconds?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. SESSIONS. I will just conclude by saying, this would be the wrong direction. This would be to signal that, once again, we are focused on rewarding illegality rather than taking the steps necessary to create a lawful system, and at that point we can more fairly go to the American people and ask them to consider what to do in a compassionate way for those here illegally.

I yield the remainder of the time to Senator DEMINT.

The PRESIDING OFFICER. The Senator from South Carolina has 1 minute.

Mr. DEMINT. I appreciate the motives of those who sponsored the bill. It is true that by us not enforcing our laws over many years we have created a lot of tragic circumstances. But the solution is not to reward lawbreaking and create incentives for more illegal immigration in the future.

America has asked us to secure our borders, create a worker ID system, and an immigration system that works. If we do this, if we build that foundation, then the possibility of comprehensive reform becomes a reality.

I would encourage my colleagues not to chip away in the way of trying to provide compassion through amnesty, but let's fix the system like we promised and revisit this next year. Then, hopefully, we can achieve the comprehensive reforms that my colleagues have talked about. I urge my colleagues to vote against proceeding to this bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. How much time remains?

The PRESIDING OFFICER. There is 3 minutes 8 seconds remaining.

Mr. DURBIN. Mr. President, what are we talking about? We are talking about children. We are talking about children who are brought to this country by their parents. Since when in America do we visit the sins and crimes of parents on children?

If a parent commits a crime, does that mean the child goes to prison? If a parent disqualifies himself or herself from American citizenship, does that mean the child can never have a chance? Is that what America has come to amidst the confusion and distortion and vitriol on this debate on immigration, children such as Marie Gonzalez? She was brought to this country from Costa Rica by her parents at the age of 5. Her parents have been deported as illegals. Because I have made a special request, she has been allowed to continue to finish her college education at Westminister College in Missouri. Her goal is to be an American and to give to the only country she has ever known. Costa Rica is not her country; America is her country.

What we are talking about is turning these children out. And what sin, what crime did they commit? They obeyed their parents; they followed their parents. And for some, that is going to be a mark of Cain on their head forever in America. Is that what we are all about? Give these kids a chance. Meet them. Take time to see these children. Many of us have.

And what you will see in their eyes is the same kind of hope for this country we want to see in our own children's eyes, to be doctors and nurses and teachers, engineers, to find cures for diseases, start businesses, the things that make America grow.

Give these kids a chance. Do not take your anger out on illegal immigration on children who have nothing to say about this. They were brought to this country, they have lived a good life, they have proven themselves, they have beaten the odds. We need them.

Do not turn around and tell me tomorrow that you need H1-B visas to bring in talented people to America because we do not have enough. Do not tell me you need H2-B, H2-A, and all of the rest of them if you are going to turn away these children, if you are going to say: America doesn't need you, go about your business, find someplace in the world. Do not come back to me and tell me that we need a bigger labor pool and more talent in America.

How can we say no to hope? How can we say no to these kids when all they want is a piece of the American dream? Please, vote to proceed to the DREAM Act. I will work with Senator HUTCHISON on a bipartisan amendment. We will do our best. I think we can come up with something. Give us a chance. Give these kids a chance.

I yield the floor.

Mr. SESSIONS. Mr. President, I need to correct one statement I made previously. I said the President had issued a veto threat. He does not normally do that on a motion for cloture situation. It was a statement of objection for the bill without an explicit threat of veto.

### CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 431, S. 2205, DREAM Act.

> Richard J. Durbin, Robert Menendez, Daniel K. Inouye, Robert P. Casey, Jr., Joe Lieberman, Patty Murray, Jeff Bingaman, Jack Reed, Patrick Leahy, Charles Schumer, Daniel K. Akaka, Frank R. Lautenberg, Benjamin L. Cardin, John Kerry, S. Whitehouse, Barbara Boxer, Harry Reid.

The PRESIDING OFFICER. The questions is, Is it the sense of the Senate that debate on the motion to proceed to S. 2205, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 394 Leg.]

YEAS—52

Akaka
Bayh
Bennett
Biden
Bingaman
Brown
Brownback
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Craig
Durbin
Feingold
Feinstein
Hagel
Harkin
Hatch
Hutchison
Inouye
Johnson
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Webb
Whitehouse
Wyden

NAYS—44

Alexander
Allard
Barrasso
Baucus
Bond
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Conrad
Corker
Cornyn
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Inhofe
Isakson
Kyl
Landrieu
McCaskill
McConnell
Murkowski
Pryor
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Boxer
Dodd
Kennedy
McCain

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

### MORNING BUSINESS

Mr. REID. Mr. President, I now tell all Members, I have had a conversation with the distinguished Republican leader, and we are going to make a decision in the next hour or so as to what we are going to go to next. We were planning, of course, to go to this legislation. Cloture on the motion to proceed was not invoked. We have a number of things we are talking about, and we will make that decision this afternoon.

Mr. President, I now ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CALIFORNIA WILDFIRES

Mrs. FEINSTEIN. Mr. President, either my colleague Senator BOXER or I have updated the Senate each day on the California wildfire situation. Senator BOXER is in California now, and I believe the President is as well. I wish to give a brief update to the Senate.

So far, this is the largest evacuation of people in California history. It is the largest evacuation in the United States since Katrina. San Diego remains the worst of the burning regions.

As of this morning, the President has approved individual assistance programs that will allow FEMA, the Federal Emergency Management Agency, to make payments for rental assistance, home repair, and pay for some home replacement costs.

As soon as the fires die down and the wind in places is easing, FEMA will set up centers. I urge Californians, who have been evacuated from their homes, who have had their homes partially burned or burned to the ground, to go to FEMA centers and see what assistance is available to you.

This morning, on television, I heard a family speak. I think they are from Escondido. I think they have a few acres—12. They had a home. They have children. The home was burned down, but the father said: We have fire insurance.

Then I heard of another family, with four young children, and no fire insurance. The father has no relatives in the area. Fortunately, the wife has a mother with whom the family will be in the near term. But they said: We don't know what we will do.

For those people who are in the "We don't know what we will do" category, this is the job of FEMA, to be out there, to open those centers, and to offer help and aid to these people.

So please, Californians, use this.

More than 950,000 people have been ordered evacuated.

More than 420,000 acres have burned. That is roughly 656 square miles. If you think of it, it is a huge area.

More than 6,000 firefighters are battling 19 active fires. They range from north of Los Angeles to San Diego, and they have crossed the Mexican border.

More than 1,155 homes have been destroyed and 68,000 are threatened.

Two deaths are reported so far. I believe there are others.

Now, if the winds die down today, we will be able, hopefully, to get a handle on it. The vast bulk of the damage now is occurring in populated areas.

The good news: The canyon fire in Malibu is 75 percent contained.

The bad news: Most of the other fires are uncontained and out of control.

Interstate 5, the main artery between San Diego and Los Angeles, was closed in both directions earlier, near Camp Pendleton, because of smoke. Northeast of San Diego, the town of Julian has been evacuated.

I am particularly concerned about the coming days and the Herculean task of feeding, caring, and providing shelter to hundreds of thousands of displaced Californians. We have more than 10,000 in Qualcomm Stadium, another 2,000 at the clubhouse at the Del Mar Race Track.

The Red Cross is doing great. Thank you, Red Cross. Thank you, Red Cross volunteers. They are manning at least three shelters that I know about, and up to this point food, water, and sanitary facilities have been adequate.

I think there is a lot of food for thought for Californians in what is happening in terms of the future, and perhaps it is too early to begin to talk about it.

I do not think there is any blame to be cast on anyone. I think everyone is responding: the Governor, the mayors, Homeland Security, FEMA, and, of course, the President. I am very grateful for this, and I know I am joined by my colleague Senator BOXER. She will be back tonight, and I know she will have stories to tell on the floor of the Senate tomorrow.

But I think we need to think a little bit in the future, particularly those of us who come from local government. I spent 18 years in local government, 9 as a county supervisor and 9 as a mayor, and there is one thing I know, and that is that local governments control zoning. I think the local governments have to begin to look at their zoning about the siting of new housing developments in floodplains in the northern part of the State, around levees and the siting of large subdivisions in the path of Santa Ana winds in parched, dry areas of the State where these winds blow hard and hot.

In this case, at least up to this point, we believe power lines blew down. The winds were so forceful they actually turned large container trucks on their side, and the fires were so strong and burned so hot that they melted the metal of automobiles so that, literally, nothing was left. It could sweep off of a ridge and within minutes come down that ridge and just devour homes and take pieces of board, which are called embers, and send them a mile or two away to start a new fire.

In San Diego 4 years ago, there was the cedar fire. It destroyed 2,000 homes. And now there is this fire in the same area.

So the question comes: Would local officials be well advised to take a look at zoning codes and to begin to protect areas that are prone to catastrophic wildfire from housing developments?

Secondly, community fire plans. Community fire plans are very good. Communities can come together—they did it in the cedar fire area, and they have done it quite successfully—to be able to establish fire plans: how they keep a fire break from their house, what they can take down, the kind of ground cover they should have, the kind of roof that is fire resistant, the siding that is fire resistant—and actually get some Government help to implement these fire plans. This is now going on in the Nevada Tahoe area and in the California Tahoe area as well.

So I believe very strongly that local officials should exercise their zoning control to see that citizens in the future are protected by staying out of heavily fire-prone and heavily flood-prone areas. I will be having more to say about that in the future.

It is also pretty clear to me that we have to develop some Government-helped catastrophic insurance. I have been very concerned. Allstate Insurance Company pulled out of California, and they pulled out of California because they said: It is catastrophe prone, it is fire prone, it is earthquake prone, and we—Allstate—don't want any part of it. So they are not insuring in California any longer. This must not be allowed to happen. Companies must not be allowed to cherry-pick the United States and only insure areas that are safe and secure and say to other areas: You are on your own.

So we are kind of rethinking this area. I think the State of California, which has an earthquake authority which helps underwrite insurance in earthquake-prone areas, perhaps should also develop a flood and fire authority where they can enter into the same kind of undertaking. Just think about what it would be like to have four children standing in front of a television camera and saying: My house burned down. With it, all my possessions, all my children's possessions, all our photographs and albums and memories, and virtually everything we held dear, and we have no insurance. Think about it. Think about how you would feel if you were in that situation.

So I think there is going to be a lot of food for thought coming out of these fires in terms of public policy, and I am delighted that my colleague, Senator BOXER, is there, and I look forward to her report tomorrow. I believe we will have much more to say about the public policy that goes into the future for our State and other States that are catastrophe prone.

I will just tell my colleagues one other little story. I received a call a while ago from the head of the San Francisco Fine Arts Museum saying that they had an opportunity to bring two paintings to show in San Francisco from the Met, and the insurance for those two paintings was $8 billion, just to bring them out for show. Why? Because insurance was being denied because California was a catastrophe-prone area. This is just one other example of what is ricocheting out there under the surface now, and I think this body has to become involved. Any one of us can have a catastrophe. Any one of us can have a major bombing. Any one of us can have a major earthquake, a major flood, or major fires. I think it is up to us to see that we have in place the regulations and the laws that enable people to get the insurance they need on a cost-effective basis to be able to restore their lives and rebuild once again.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Is there any pending business?

The PRESIDING OFFICER. We are in morning business, with Senators recognized for up to 10 minutes.

Mr. SESSIONS. Mr. President, I wish to speak in morning business. Before I do, I just want to express my concern and sympathy to Senator FEINSTEIN and the people of California. It has been horrendous. I caught some of it last night, and my wife has been watching it off and on all day. It is a horrifying spectacle to see the power of that fire and the helplessness you face when the winds are right. I think it does, I say to the Senator, indicate, as she has suggested, whether we are talking about hurricanes or earthquakes or fires or floods, we can probably do a better job with policy and reaction to that. I look forward to working with the Senator from California.

## DREAM ACT

Mr. SESSIONS. Mr. President, I would like to share a few thoughts on the vote we cast on the DREAM Act. I really believe it was an important issue. It went beyond what some might think in that it dealt with some issues that are important to America, what we are thinking of as a country, and why we need to get the immigration issue correct. We can do it. It is something that is important. But once again, we sort of fell into the trap of focusing on helping to meet what the needs or desires are of people who are here illegally and not focusing on restoring the rule of law to immigration enforcement. So I think the Senate leadership's commitment to moving this legislation would have been a step in exactly the wrong direction. I believe the strong bipartisan vote against it indicates that there remains grave concern about this kind of amnesty proposal, particularly in light of the fact that we have not achieved any significant progress toward enforcement of our laws at the border, at the workplace, and in other areas.

I would just say as a person who has worked on this with some determination in the last several years that I have absolutely come to believe that if we do a series of things, we can create a lawful system of immigration in America. That is important because I think a lot of people think it is just not possible, that nothing we do will work. But that is not true. If we have a good legal system, if we have a good enforcement system at the border, if we make it difficult for people to work, eliminate the job magnet and create a work card, an identification card that is biometric and can't be easily counterfeited, we could see a dramatic return to lawfulness in immigration. That would be so good for America. It would so reduce the frustration and anger that is out there.

As I have said before, I don't think people are angry at immigrants, although some of the people who support these legislative acts that I think have been bad have tried to suggest that the anger which is out there among the American people is directed at immigrants. It is really directed at us. The American people have been requesting for 30, 40 years that we create a lawful system of immigration, and Congress has continued to stiff them—just refused to do it—and talks about it and promises and passes this bill or that bill or this provision or that provision, all the time suggesting that these are going to make a difference. Then, either we don't fund them adequately, so they never really take place, or the bill is a discrete piece of legislation that never has much impact on the overall situation we have confronted and does not do any significant—does not take us in any significant way toward a lawful system.

I hope this strong vote sends a message that this Senate, prior to creating a lawful system of immigration both at our border and in the workplace, is not prepared to undertake the huge AgJOBS legislation. Senator REID has said he would bring that up again, but maybe this vote will encourage him not to do so.

The DREAM Act, which we just rejected, would have given, in short order, every benefit of citizenship—including citizenship—to 1.3 million persons. The AgJOBS bill that we keep hearing will be brought up will be an additional 3.3 million. So that is a third of the amount of people who would be provided the benefits of amnesty, a third of the number that was in the bill this summer that the American people rejected. The DREAM Act, as I said, would have provided amnesty for over 1.3 million, according to the Migration Policy Institute—not a conservative group. It would give current illegal aliens a financial bonus. They would be eligible for instate tuition, subsidized student loans, and Federal work study.

So if you have a problem with illegality—and I just want to share this with my colleagues; these are not insignificant points I am making—if you are going to create a lawful system of immigration into America, you are going to have to have some sanctions and punishments and prosecutions.

More than that, you absolutely can't give benefits to people who have violated our laws, who have gotten past our borders, and then we start rewarding them with benefits. So a number of years ago, in 1996, we said that if you are a person coming to our country illegally and you were illegally here, you at least shouldn't get instate tuition when you go to college. You ought to not be in a better position than a lawful American who might live a few miles across the State line. That was the deciding vote here. This would have reversed that—not only that; as I said, it would give them subsidized student loans, Stafford loans and other loans, as well as work study benefits. So, as they say, if you are in a hole, the first thing you do is stop digging. If you would like to end and reduce illegal immigration, stop rewarding it, please. That is what we are talking about.

So this bill I think went too far in a number of ways. I was actually pleased that President Bush's administration analyzed it and strongly opposed it and sent us a letter to that effect. So even President Bush, who strongly supports immigration into America and has supported a lot of the legislation here, opposed this bill. I think they were right in doing so.

I would note that under the DREAM Act, individuals, once they have been here 5 years and did 2 years of college without a degree being required—they got 2 years of college—they would then be able to bring their family members.

Some say: Well, they were brought here as a young child and through no fault of their own, and so they ought to be given the benefits of this amnesty. Well, that is not a uniform picture. It does tug at our heart strings, and we do care about that. It is something we are going to have to deal with sooner or later: how we are going to deal with people who came here a long time ago?

But many people came here at age 15. You only have to be here prior to age 15. Maybe they came and lived with their brothers, sisters, cousins, aunts and uncles, and then they are immediately put on a path to citizenship. They are then able, after that, to become a citizen and to bring their parents or maybe the parents are here. They would also be able to bring in their wife and children, plus bringing brothers and sisters. That is the way the system would work. I think it is not a good process. I am pleased the Senate agreed with that.

I will conclude by making some points about policy and the question of the rule of law in our country. If we are serious about securing our borders, the first thing you do is stop providing benefits to those who come illegally. That is the first and most obvious step we can take. The principle is clear: If there are benefits to breaking the law, people will continue to do it. When you subsidize something, you get more of it. If you subsidize people who are here illegally by giving them student loans and in-State tuition, you will encourage that. You will also send a message that is even more important—that if you can get into America illegally and hold on a few years, you will be rewarded in advance of those who are here legally and are waiting in line.

This is an untenable position for our Nation. A nation that wants itself to be considered seriously, a nation that respects its laws and cares about that must follow through. We cannot abandon our commitment to the rule of law. You have to be consistent. That is what sends the message that builds respect for the law, and not just in the United States, I submit; it would be sending that message and broadcasting that message to the world. If we don't do it, the message we are broadcasting to the world is that if you can bring, send or assist a teenager to come into the United States, the United States will educate them all the way through college—and we do that. We don't require you to be a legal American citizen to go to schools in Alabama or anyplace in America, nor to college. But you are not supposed to get in-State tuition if you are here illegally.

Not only would you be able to carry through with that, but you would be able to, in 5 years, get a permanent resident status, a citizenship, and then you would be able to bring your family in. That is not the right direction, I submit, we should be going in. We don't want to send the wrong message.

The question sort of comes down to, do we have the will to enforce our immigration law? Do we have the will to do it? Will we stand on principle and law and sound public policy? Or will we allow emotion and politics to further erode an already weak immigration system and further erode the perception that we are serious about creating a lawful system. Passing the DREAM Act today would, in the wake of failed comprehensive reform that we had this summer—if we had done that before we have been able to secure our borders and before we have been able to create a lawful system of immigration, that is not the right way for us to go. It is not. It cannot be gotten around. It sends the wrong message. It will say we have immigration laws but no intent to enforce them. It will send a message that if you break our laws, not only will that be forgiven, but you will be put at the head of the line and you will be financially rewarded for it.

That is not what we have to do to create a lawful system. The rule of law in this country is important. I was a Federal prosecutor for almost 15 years. I was attorney general of Alabama. I have worked with law enforcement all my professional life. I remember distinctly talking with law enforcement officers about the sale of marijuana in neighborhoods. Sometimes local police would say: You know, these are small amounts of marijuana and we cannot focus on the small cases. We only focus on the dealers. That was a mindset a lot of police departments had. They discouraged that. I would tell them that, in effect, if you take that policy, you have legalized the sale of marijuana in that neighborhood. Not only that, you have created an unlawful system in that neighborhood and you will have created violence and instability that adversely impacts the good and decent people who live in that neighborhood. You cannot do that.

You see, there are moral and legal and practical consequences of having a legal system that is not enforced. It adds up. That is what we have done in immigration. We have looked the other way and denied it is happening, and we have let people with special interests dominate the debate and we have talked about making the system lawful, but we have never done it. That is why the American people are not happy with us. We have not been trustworthy. We have not been reliable. We have not. If we would get this system right, we could do a lot better job about making it work in an effective way. The American people want us to do that.

I have to tell you, why do people want to come to America? They think they can make a better life here. If there has been crime and instability and theft and abuse and unfairness in the system that was in the place they came from, they feel like if they come to America and they have a problem here, they can go to court and they will be protected and they can make money and build assets and people will not come and steal it from them. They can leave something for their children and they can work hard and send their children to college and they will be able to do even better. That is why they want to come here. It is all founded on the rule of law. The reason we are a unique nation—and you know that great hymn that says our liberty is in law—is that our legal system has made us great, prosperous, and free.

I don't think it is a good policy that we allow millions of people to come to our country in violation of our law. I think that sends a wrong message to them and undermines the very legal system that makes the country so attractive. I remember in the debate, Senator GRASSLEY, who is a direct speaker, a farmer from Iowa and now the ranking member on the Finance Committee, made a speech. He said he was here in 1986 as a Member of this body. He remembered the debate. During those debates, it was said that in 1986 this would be amnesty, but it is the last time, we would never do it again. He said: Let me ask you why nobody this time, in this debate, a few months ago this summer, is saying we will not have anymore amnesty again. Why are people not saying that? He said the answer is obvious. If we had amnesty in 1986, and 20 years later we have it again, nobody with a straight face can stand up before the world or the American people and say that we would not have amnesty after this one, that this is going to be the last one. How silly is that? We said that a few years ago.

So this is not a small matter. What principle can you utilize to say to a young person, or any other person who came into our country illegally today, 10, 15 years from now—what principle can you articulate as to why they should not be given amnesty when we gave it to people today? You see, this is a matter of seriousness. It cannot be ignored. I feel strongly about that. I want my colleagues to know our country needs to create a lawful system of immigration. Once that is accomplished and the American people feel comfortable about that, we can think about a way, I believe, that would be effective and compassionate for those who are here today and that is rational and that we can defend. I don't believe we can defend that today, when our system is not working.

I see my time has expired. I will wrap up and say I think we did the right thing in this vote today. Hopefully, we will continue to work toward a lawful system of immigration and, if we do that, a lot of things will become possible in the future that are not possible and appropriate and should not be done today.

I ask unanimous consent that a Statement of Administration Policy that opposes the DREAM Act, which we rejected a short while ago, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY—S. 2205, DEVELOPMENT—RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2007

The administration continues to believe that the Nation's broken immigration system requires comprehensive reform. This reform should include strong border and interior enforcement, a temporary worker program, a program to bring the millions of undocumented aliens out of the shadows without amnesty and without animosity, and assistance that helps newcomers assimilate into American society. Unless it provides additional authorities in all of these areas, Congress will do little more than perpetuate the unfortunate status quo.

The administration is sympathetic to the position of young people who were brought here illegally as children and have come to know the United States as home. Any resolution of their status, however, must be careful not to provide incentives for recurrence of the illegal conduct that has brought the Nation to this point. By creating a special path to citizenship that is unavailable to other prospective immigrants—including young people whose parents respected the Nation's immigration laws—S. 2205 falls short. The administration therefore opposes the bill.

The primary change wrought by S. 2205 would be to establish a preferential path to citizenship for a special class of illegal aliens. Specifically,

S. 2205 awards permanent status to any illegal alien who is under 30, has been in the United States for five years after arriving as a child, and has completed two years of college or in the uniformed services. This path to citizenship is unavailable to any other alien, no matter how much promise he or she may have, no matter how much he or she may contribute to American society. Moreover, the path that S. 2205 creates would allow illegal aliens to obtain a green card before many individuals who are currently lawfully waiting in line.

Sponsors of S. 2205 argue that the bill is necessary in order to give children who are illegal aliens incentives to obtain an education. But it is difficult to reconcile that professed aim with the bill's retroactivity provisions: Even those who attended college years earlier will be eligible for a green card.

The legal status that the bill grants its beneficiaries means that they can petition almost instantly to bring family members into the country. It also places them on the fast track to citizenship because they can immediately begin accruing the residence time in the United States that is necessary for naturalization. Finally, this legal status entitles the bill's beneficiaries to certain welfare benefits within 5 years.

The bill is also indiscriminate in whom it would make eligible for the program. For example, S. 2205 includes loopholes that would authorize permanent status for certain aliens convicted of multiple misdemeanors and even felonies.

The open-ended nature of S. 2205 is objectionable and will inevitably lead to large-scale document fraud. The path to citizenship remains open for decades, thus creating a strong temptation for future illegal aliens to purchase fraudulent documents on a burgeoning black market. Moreover, the bill's confidentiality provisions are drawn straight from the 1986 amnesty law and will provide the same haven for fraud and criminality as that law did.

Immigration is one of the top concerns of the American people—and of this administration—but it needs to be addressed in a comprehensive and balanced way that avoids creating incentives for problems in the future.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that I be allowed to speak for 30 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FISCAL HEALTH OF THE NATION

Mr. VOINOVICH. Mr. President, I rise today to comment on the sad state of the appropriations process, as well as our long-term fiscal health. The new fiscal year began 23 days ago, and we are debating appropriations bills that haven't even passed the Senate yet, as Government agencies operate on temporary, stopgap funding. When we Republicans were in the majority, we consistently failed to enact all of the appropriations bills before the end of the fiscal year. We enacted short-term continuing resolutions, or CRs, to keep agencies funded while we wrapped several of those bills into an end-of-the-year omnibus bill.

After the Democrats won control of the Senate, I sincerely hoped they would fulfill their promises to manage the budget better. But while the party in power has changed, the results have stayed the same. In fact, the results, so far, have been even worse. Fiscal year 2008 has already started, and we have enacted exactly zero appropriation bills.

Government-by-CR has consequences. Agencies cannot plan for the future. They cannot make hiring decisions. They cannot sign contracts. As a result, we get more waste and inefficiency from Government. We get lower quality services provided to the people. At the end of the day, we get higher spending and less accountability and oversight of the taxpayers' money.

On September 23, the New York Times reported that our failures could have a devastating effect on cancer research because scientists are waiting around to hear if they will receive grants for their innovative research ideas. The same article quoted a transportation industry representative as saying our failure could have major implications for anyone who rides in cars, trucks, trains, buses, and subways. If you want more examples of how Congress's failure to do its job on time affects ordinary Americans, I invite you to visit my Web site, where I provide several additional examples.

That is why a bipartisan group of Senators agree that we need to adopt biennial budgeting by the Federal Government, such as I had as Governor of Ohio, so Congress can get its work done on time while also conducting the oversight necessary to ensure that programs and agencies are functioning effectively.

Senator DOMENICI has been a leader on biennial budgeting for years. We should adopt it during this Congress and name it the Pete Domenici Biennial Budgeting Act as part of Pete's legacy to this country.

Putting aside our short-term failures and focusing on our long-term problems, in January I introduced the Securing America's Future Economy, or SAFE Commission Act, legislation that would create a bipartisan commission to look at our Nation's tax and entitlement systems and recommend reforms to put us back on a fiscally sustainable course and ensure the solvency of entitlement programs for future generations.

I commend two of my colleagues, the Budget Committee chairman from North Dakota and the ranking member from New Hampshire, for recently introducing a bipartisan bill that would create a tax and entitlement reform task force very similar to my SAFE commission. In fact, I saw them on CNBC recently talking about it. The only major difference is that Senators CONRAD and GREGG require every congressional appointee to be a sitting Member of Congress, whereas the SAFE commission would include outside experts. I have signed on as a cosponsor of the Conrad-Gregg proposal, and I am pleased to learn they intend to hold a hearing on the bill in the very near future. I look forward to working with them to get the bill passed.

I also commend Democratic Congressman Jim Cooper of Tennessee and Republican Congressman FRANK Wolf of Virginia who introduced a bipartisan SAFE commission bill in the House of Representatives. I have been working with Congressman WOLF for more than a year on this proposal, and I welcome Congressman COOPER's decision to join us.

This bipartisan, bicameral group has support from corporate executives, religious leaders, and think tanks across the political spectrum, from the Heritage Foundation to the Brookings Institution, and former Members from both parties, such as former Senators Warren Rudman and Bob Kerrey, and former Congressmen Bill Frenzel and Leon Panetta.

Our entitlement programs are creaking under the strain of an aging society and runaway health care costs. Our Tax Code is imploding from the hundreds of economic and social policies that Congress pursues through tax incentives and from the dozens of temporary tax provisions that wreak havoc on families and businesses trying to plan their affairs.

Neither our major entitlement programs nor our Tax Code are sustainable in the current form. The appropriations bills that we are debating this week are shrinking as a share of the budget as entitlements crowd out domestic discretionary spending. We must come together and develop a bipartisan consensus to fix these systems so our children and grandchildren can enjoy prosperity and increasing standards of living.

I want to share with my colleagues some extraordinary numbers that reveal our Nation's looming fiscal crisis. I speak out of concern not only for our generation but also for our children and our grandchildren. They are going to bear the burden of reckless fiscal policies.

Sir Edmund Burke, the father of conservative thought, said:

> Society is . . . a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.

Unless we change course, we will break that partnership with those who are yet to be born. This grave situation can be addressed only through hard bipartisan work, and we must begin our work now, for every day we wait, the solutions become more painful.

In the simplest of terms, the Federal Government continues to spend more than it brings in. Running up the credit card for today's needs and leaving the bill for future generations should not be the policy of this country, this Congress, or this administration. It represents a recklessness that threatens our economic security, our global competitiveness, and our future quality of life. The Federal Government has become the biggest violator of credit card abuse in the world.

Comptroller David Walker has said:

> The greatest threat to our future is our fiscal irresponsibility.

He added:

> America suffers from a serious case of myopia, or nearsightedness, both in the public sector and the private sector. We need to start focusing more on the future. We need to start recognizing the reality that we're on an imprudent and unsustainable fiscal path, and we need to get started now.

Everyone in this great body should heed Comptroller Walker's warning.

Our commitments to the war on terror, to securing our borders, to educating our workforce, and to investing in our Nation's infrastructure demand tremendous resources and require long-term financial commitments. At the same time, we cannot ignore the demographic tide that will soon overwhelm our resources. We need a system for raising the revenues necessary to fund these priorities that does as little damage to the economy as possible. In short, the need for tax reform and entitlement reform has never been greater.

A historical perspective helps to highlight the gravity of our current situation.

The fiscal year 2007 budget deficit was $163 billion, but that figure hides the true degree to which our fiscal situation has deteriorated, mainly because it uses every dime of the Social Security surplus, as well as surpluses in other trust funds, to hide the true size of the Government's operating deficit. The Social Security surplus, however, must be reserved for future retirees. As far as I know, you cannot spend the same money twice, but Congress keeps pretending that it can.

If you wall off the Social Security surplus so Congress cannot spend it on other programs, as I believe we should do, then the Government's operating deficit more than doubles to $344 billion, not $163 billion. And if you add back the money the Government is borrowing from other trust funds, such as Federal employee pensions, the deficit explodes to $441 billion, almost triple the reported deficit.

In other words, we are hiding from the public how much we are borrowing because we don't tell them about the money we are borrowing from trust funds. As a result, they see these numbers, such as the $163 billion, and they think things are getting better, but we are hiding the fact that we are spending every dime of these trust funds to keep the Government going.

The annual difference between revenues and outlays is not what is truly threatening our future. It is the cumulative, ongoing increase in our national debt that matters.

Remember, in 1992 when Ross Perot ran for President and he showed us those frightening fiscal charts? Well, I have my own charts, and I call these charts my Halloween charts. I call them that because, No. 1, the Government's new fiscal year starts in October and, No. 2, because the fiscal picture is terrifying.

Fifteen years ago, when Ross Perot was sounding the alarm, the national debt was about $4 trillion. He showed a chart projecting that by 2007, the debt would increase to $8 trillion. Well, guess what. As of 2007, the national debt stands at almost $9 trillion. Ross Perot's doomsday predictions turned out to be too rosy. In the more than 200 years that have passed between the Declaration of Independence and Ross Perot's 1992 campaign, the U.S. Government accumulated $4 trillion in debt. We have now added even more than that in the last 15 years.

This Congress has acknowledged that it will pass right by $9 trillion. A few weeks ago, Congress very quietly voted to allow the national debt to increase by another $800 billion, from about $9 trillion to $9.8 trillion.

What does that mean, $9 trillion? How do we even fathom that number? For one thing, it represents two-thirds of our entire national economy, the worst number in 50 years. For another thing, it means that each man, woman, and child in the United States owes $30,000 of the Federal Government's debt. I want my colleagues to think about these young people, the pages here today. All of you, every one of you, owe $30,000 on the debt we have accumulated.

That $30,000 only represents the debt racked up by the Government in the past. Because we continue borrowing more than we bring in, that number is increasing every single day. And those numbers pale in comparison with the budget problems looming in our future as the baby boom generation begins to retire just 69 days from now, on January 1, 2008. In fact, just last week, the first baby boomer applied for Social Security retirement benefits. Reality is setting in that this is not just a far-off prediction. It is a growing storm that threatens to overwhelm our economy if we do not act now.

Perhaps even more concerning is that 55 percent of the privately owned debt is held by foreign creditors, mostly foreign central banks. That's up from 35 percent just 6 years ago. Foreign creditors provided more than 80 percent of the funds the United States has borrowed since 2001, according to the Wall Street Journal.

And who are these foreign creditors? According to the Treasury Department, the three largest holders of U.S. debt are China, Japan, and the OPEC nations. Borrowing hundreds of billions of dollars from China and OPEC puts not only our future economy, but also our national security, at risk. It is critical that we ensure that countries that control our debt do not control our future.

If after hearing all this, one still thinks this is a problem that exists only in the distant future, consider recent projections by the major credit rating agency, Standard & Poor's. For decades, U.S. Treasuries have been considered the risk-free investment against which the risks of all other investments are judged. A good place to invest, our Treasuries. In fact, the global financial system is largely based on the notion of U.S. Treasuries as the only risk-free investment out there.

But in just 5 years, that will cease to be true. According to Standard & Poor's, U.S. Treasuries will lose their triple-A credit rating in 2012 because of the Government's deteriorating long-term fiscal position. Don't think that the world markets aren't looking at what we are doing in the United States. What kind of global economic turmoil awaits us 5 years from now when the U.S. Government is considered as risky as a typical corporation? What happens if the foreign banks decide they are going to move their money out of the United States and send it somewhere else? And what economic catastrophe awaits our children and grandchildren in 2025 when Standard & Poor's projects that U.S. Treasuries will be classified as junk bonds?

Why do we refuse to see the warning signs? A decade ago, who ever would have imagined that the Canadian dollar would be worth just as much as a U.S. dollar? A few years ago, the Euro was worth 83 cents. Now it is worth $1.42. Meanwhile, our trade deficit has gone through the roof as we Americans are forced to borrow the money we need to buy foreign products.

What is driving this train wreck? Certainly additional revenues have to be part of the solution. But this is not a problem that will be solved simply by reaching deeper into the American people's pockets. Many colleagues are familiar with Pete Peterson, former Commerce Secretary. He made it clear that "The minute you start looking at a tax increase as the primary solution, you're confronted with tax increases that are clearly beyond anything anyone can imagine."

Even the Democratic chairman of the Budget Committee has acknowledged that most of the heavy lifting will have to be done on the spending side. Revenues will be on the table for sure, but the coming storm will require significant changes to entitlement programs.

Here are some numbers tho help put this situation in perspective. Forty years ago in 1967, Social Security, Medicare, and Medicaid made up only 3 percent of the GDP. In 2007, their cost has tripled as a share of the economy to 9 percent. The Congressional Budget Office projects that over the next 40 years, this number could double again to 18 percent, a frightening thought when we consider that in 2006 total federal revenues accounted for only 18 percent of GDP. It reminds me of when I was Governor of Ohio. I called Medicaid the Pac-Man in Ohio.

Well, today I would refer to entitlements as the Pac-Man in terms of our national finances. If entitlement spending continues on this path, we will be required to use every cent of our Federal revenue to fulfill these entitlement obligations. Our grandchildren will have no money for national defense, energy security, education, the environment, or our infrastructure. And, they'll look back at our generation and ask how we could be so reckless with their futures.

Our Nation faces one of the most competitive environments in its history, and the question is, in this new world of global competitiveness, will future generations be able to enjoy the same standard of living we are experiencing? Will my kids, will my grandchildren be able to enjoy the same standard of living I have enjoyed? Will they have the opportunity for the same quality of life? With the largest national debt in 50 years, will we be able to remain competitive with foreign economies?

Congress must view our Tax Code, entitlement system, and the budget process as 3 components or pillars of the Nation's fiscal foundation, and not as separate problems. Each is linked to the other 2 pillars, and we must reform all 3 to raise the necessary revenue to fund the Government in an economically efficient manner, to keep our obligations to future generations, and to keep the size of Government to a manageable level.

We must enact fundamental tax reform to help make the Tax Code simple, fair, transparent, and economically efficient. According to the President's Advisory Panel on Federal Tax Reform, headed by former Senators Connie Mack and John Breaux, only 13 percent—think of this, only 13 percent—of taxpayers file without the help of either a tax preparer or computer software. Since enacting the Tax Reform Act of 1986, over 15,000 provisions have been added to the Internal Revenue Code.

It is not just a matter of saving taxpayers' time and effort. This is about saving real money. The Tax Foundation estimates that comprehensive tax reform could save Americans as much as $265 billion a year in compliance costs associated with preparing their returns. Now, that would be a real tax reduction that wouldn't cost the Treasury one dime.

Mr. President, I have been working on tax reform for years. In 2003, I attached an amendment to the Jobs and Growth Tax Relief Reconciliation Act that would have created a blue ribbon commission to study fundamental tax reform. The amendment was adopted by voice vote but later removed in conference. Then, in the autumn of 2004, I offered my tax reform commission amendment again, this time to the American Jobs Creation Act. The Senate again adopted my amendment. During conference negotiations, the White House contacted me and requested I withdraw my amendment because the President was preparing to take a leadership role by appointing his own tax reform panel. I enthusiastically agreed to defer to his leadership, and I withdrew my amendment. It seemed to me that the tax reform bandwagon was finally starting to roll.

In January 2005, President Bush announced the creation of the all-star panel headed up by former Senators Connie Mack and John Breaux, and that panel spent most of the year engaging the American public to develop proposals to make our Tax Code simpler, fairer, and more conducive to economic growth. In November of 2005, the panel issued its final report. While not perfect in everyone's mind, the panel's two plans provided a starting point for developing tax reform legislation that would represent a huge improvement over the current system. The panel's proposals belong as a key part of the national discussion on fundamental tax reform.

Tinkering with the current Tax Code won't get it done. Tinkering is what has got us in this mess in the first place. It's time to rip the Tax Code out by its roots and replace it with something that works.

The President's panel had a number of great ideas that we should incorporate into tax reform legislation. For example, we should simplify the code by repealing the complex, unfair, and antigrowth alternative minimum tax. We should consolidate all the various tax-preferred savings plans into just two or three plans that average workers and families can understand and utilize. We should scale back the tax subsidies that we use to pursue social engineering and dictate economic policy, forcing Americans who fail to qualify for tax breaks to pay higher rates to make up the lost revenue.

We must create a tax system that is conducive to job creation and economic growth. We should start by addressing one of the biggest problems with the current code, and that is it rewards moving production overseas. We are taxing our exports heavily and taxing our imports lightly. Such a system sounds absolutely perverse, but that's what we have in the United States.

In fact, a constituent of mine, Tom Secor, from Norwalk, OH, who owns his own small business, came to my office and told a story about a business trip he made to China. He said he saw an editorial in a Chinese newspaper that was discussing the concerns of Americans about Chinese competition. The conclusion of the editorial was that Americans could solve most of their problems with Chinese competition if they would just reform their own Tax Code. Imagine that, even Communist China knows the United States needs tax reform to stay competitive. But for some reason we refuse to learn that lesson ourselves.

We must also understand that unless we do tax reform, the lower marginal rates, the lower capital gains taxes, the lower taxes on dividends will evaporate and we will have gained nothing in regard to fundamental tax reform and entitlement reform. And I think such reform, folks, must take into account our failure to pay for the Iraq war. This administration will have to explain why they are leaving us holding the bag and why they did not keep their promise for tax reform. They promised us.

I know there is bipartisan support in this chamber to move forward on fundamental tax reform. Some of our colleagues have already taken steps towards developing legislation that would represent a huge improvement over our current system. As I already mentioned, we have Senator GREGG and we have Senator KENT CONRAD who want to get going, so we should endorse the approach they want to take and submit legislation that Congress could consider under fast-track procedures. The proposal basically is to appoint eight Democrats and eight Republicans, including two top administration officials, and it would require a three-fourths vote for submitting a proposal to Congress.

In other words, they do their work, and if three-fourths have said this is what we want to do for tax reform and entitlement reform, we have to vote on it up or down. That is really important because you can't ask some of our colleagues to spend that kind of time on tax reform and entitlement reform and not guarantee them that if they agree on something, they will get a vote on it.

Some say to me: George, it is too late to do something. Well, it is not. And I think of Bill Bradley. Bill Bradley, in 1982, came up with a tax reform program. It took 4 years, but it was adopted in 1986. In other words, Ronald Reagan, working with Congress, reformed the Tax Code in 1986, and President Reagan is still fondly remembered as the leader who set the stage for years of prosperity at the end of the 20th century. He worked on a bipartisan basis. I think this President really has an opportunity to do something in regard to this. I think the President and the administration should say to Congress: Everything is on the table. No holds barred. I will sit down with you, and I will work on it. And you know what. Maybe we will not get it done, but at least we will start it. We will let the American people know that we understand that tax reform and entitlement reform is fundamental to the future of our country. What a nice legacy for our President, to at least say he got into the game and did something about it and didn't say you guys worry about it; it is your problem.

Mr. President, the time to act is now. When you look at the numbers, it is self-evident we must confront our swelling national debt; that we must make a concerted bipartisan effort to reform our tax system, slow the growth of entitlement spending, and halt this freight train that is threatening to crush our children and grandchildren's future.

Right now, in my lifetime, where I am at this stage, what I am worried about is the kids of America. I am worried about my grandchildren and other people's grandchildren. What is the legacy that we are going to leave those children and grandchildren? I don't know about my colleagues, but I am worried. I am really worried. I am worried about whether we are going to develop the infrastructure of competitiveness so those kids can compete in that global marketplace.

It is in our hands. Folks back home sent us here to take on the tough problems and make the tough decisions and do what is right for our country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE DREAM ACT

Mrs. MURRAY. Mr. President, our Nation was built on the belief that no matter where we start from in life, we all have a shot at the American dream. I, for one, am very proud of this reputation, and I believe it is one we should continue to promote and maintain. Unfortunately, Mr. President, somewhere along the way, amid politics and rhetoric, the belief that we should now turn our backs on certain children in our communities has gained a voice.

Mr. President, I am here on the floor of the Senate today because I believe we need to make sure that America remains a country of opportunity for all children, no matter where they come from, no matter what language they speak at home, and no matter what obstacles they have to overcome. Earlier today in the Senate we had a chance to pay more than just lipservice to the idea of opportunity for all. Unfortunately, a few Members of this body didn't think it was an American priority.

I still believe in the DREAM Act and its power to not only give hope to many today but to make our country stronger in the future. In fact, we can still give hope to many by passing the Development, Relief and Education for Alien Minors Act. This DREAM Act was narrowly tailored bipartisan legislation that would give a select group of undocumented students the chance—the chance—to become permanent residents if they came to this country as children, are long-term U.S. residents, have good moral character, and attend college for at least 2 years or enlist in the military. Certainly, Mr. President, those are criteria that all of us would be very proud of.

Senator DURBIN previously brought up the DREAM Act as an amendment to the Defense authorization bill to address critical manpower shortages that are facing our military forces. Under the DREAM Act, tens of thousands of well-qualified potential recruits would become eligible for military service for the first time. These are young people who love our country and are eager to serve in the Armed Forces during a time of war. The DREAM Act would add a very strong incentive to enlist because it provides a path to permanent legal status.

The DREAM Act would also make qualified students eligible for temporary, legal immigration status upon high school graduation that would lead to permanent residency if—if—they attend college.

Mr. President, critics of this amendment would have you believe this is simply a matter of politics. Well, it is not. This is about real people, and I want to tell you about one of them. Recently, the Seattle Times, a newspaper in my State, featured the story of a young woman named Maria who has lived in the United States illegally since her parents brought her here at the age of 5. Maria completed high school in my home State of Washington. She did really well and was an active member of the student body. In fact, she was elected class officer 3 years in a row. Maria was accepted to the University of Washington. She graduated with a high GPA and honors in her department of study.

Maria is now in her second year of law school, and to quote the Seattle Times:

> By all rights, save one, she should have the world by the tail. But she is dogged by the questions: When she graduates, will she be able to take the bar exam? Will she be able to keep helping low-income people as she's done during her internship this summer with a non-profit legal-aid corporation?

"The DREAM Act is my only hope," Maria said in the article. "I hope and I pray for it."

Isn't Maria exactly the type of young person in whom we should be investing? She studied hard, she got good grades, she has served her school, she has served her community, and now she wants to continue to serve her community and our country—the only home she has ever known.

It is not Maria's fault that her parents brought her to America when she was 5 years old. It is not Maria's fault that Congress has not yet passed the comprehensive immigration reform we clearly need. But it is the thousands of Marias out there who are living the consequences. We do need comprehensive immigration reform, but we also need a Government that invests in our children and understands that the face of the American dream is not just one class or one race or one religion. Our Nation is filled with young people who love this country, have beat the odds, and whom we should be investing in. We will reap the return we invest.

The reason I know that is from personal experience. When I was young, growing up in a family of nine, I thought my family was doing fine. I knew we didn't have a lot of money. But my dad was stricken with multiple sclerosis when I was a young teacher. All of a sudden, seven young kids under the age of 16 didn't know if they would ever be able to go to college, didn't know if they would ever even be able to graduate from high school or how they were going to face the future.

Because this country was there for them and we had student loans and Pell grants and a country that said: We are there with you, all seven of those children graduated from high school and graduated from college. Today, this country has a Microsoft employee. They have a lawyer who works very hard. They have a young mom who stays home with her two kids. They have a newspaper reporter who follows sports around the country. They have an eighth grade teacher who has taught now, for 25-plus years, eighth grade students. And they have a U.S. Senator. That is a pretty good investment by our country for those seven kids who thought they had lost their hope. That was my family.

I know what it is like to lose hope, and I know what it is like to have hope behind you when your country steps in. That is what we are talking about with the DREAM Act—young kids out there who are just looking for a country to be behind them, who have the skills, who have the capability, who are willing to be a part of this country, to give back if they could.

This is a real issue which touches real communities and real people across our country. I actually got a letter from the superintendent of the Lake Chelan School District in north central Washington. I wish to read what he wrote. He said:

> Each year I watch students who have worked hard to be successful during high school struggle to continue their education after graduation because of their immigration status. These students are an important part of America's future and we must give them the opportunity to further their education, contribute to society, and help build the American dream for generations to come. Allowing these young people to flourish is not only fair to them, but it also adds value to our country's rich, vibrant, and diverse culture. They deserve that opportunity to succeed regardless of the outcome of the current immigration debate.

I couldn't agree more. I think it is important that we remember that this debate is not just about immigration. It really is about what type of country we want to be. It is about what we stand for. It is about what type of future we want to build.

It is pretty easy to get caught up in the specifics of the policies we debate. But I encourage all of my colleagues to not lose sight, today, as we struggle with this difficult debate, of the bigger picture, because this debate touches nearly every aspect of American life, from our economy to our security, from our classrooms to our workplaces. Most importantly, it speaks about our values.

I received a letter recently from a high school senior named Victor. Victor lives in Walla Walla, a small town on the Washington-Oregon border. Victor wrote to me and he said:

> I came to the U.S. when I was 10 years old. My most difficult and only challenge I faced since I came to the U.S. is education. I came to this country not knowing a single word of English, therefore I had to learn it as fast as I could. I was held back a grade and put into English as a Second Language classes. It took me about a year to learn it well enough to where I was able to be in classes with native speakers.
>
> I am currently part of the National Honors Society and I also take part in fall and spring sports. I have been accepted to the University of Washington and three other Washington universities. . . . My plans are to go to the University of Washington and get a degree in computer science.
>
> Unfortunately, I come from a low-income family, making it hard for me to make further plans about my education. Currently the federal government will not help with any financial aid to any noncitizen in the United States. How do you expect us to improve ourselves and succeed in this country?

I would like to ask my colleagues how they answer Victor's question, how they expect our Nation to continue to be one of hope, one of opportunity, if we close down our children's future rather than handing them the keys to success. All of our children should have the opportunity to become more successful than their parents, and none of them should be punished for their parents' decisions.

We have thousands of dedicated, motivated, and gifted students who have been forced into the shadows through no fault of their own. Like Victor, like Maria, they have beaten odds many of us could never even imagine, and they want to serve now and contribute back to America's future. It would be our mistake to say no.

I hope my colleagues will reconsider their votes today. I hope they will say yes to the DREAM Act and yes to a richer, stronger, more vibrant American dream for all of us, for generations to come.

Mrs. CLINTON. Mr. President, more than 65,000 immigrant students will graduate from U.S. high schools this year only to see the doors of opportunity closed to them. These are gifted and highly motivated children who grew up in the United States. For these children, many of whom arrived to this country as babies, America is the only home they know. They speak English fluently, and for many it is their first and only language. Many have never even visited the country of their birth. They have been educated in our public school system. They have stayed in school and stayed out of trouble. These kids are honor students, team captains, student body presidents, and valedictorians.

Many would like nothing more than to contribute to the only country they have ever known as home. But for these children, because of their immigration status, they are often effectively barred from pursuing a post-secondary education and reaching their full potential. Through no fault of their own, they are forced to live in the shadows and denied their chance at achieving their God-given potential.

What are we saying to these hardworking students? Well I will tell you. We are saying they are not welcome in the only country they have ever known. We are telling them to go back to another country they often know little about, where they may not speak the language or understand the culture. These are children caught at a crossroads, and rather than providing them with an opportunity, we are holding them accountable for the actions of their parents.

That is not the America I know.

There is a solution to this crisis, but, sadly, the Senate today failed to act. The DREAM Act—which I have proudly cosponsored for several years—would help expand opportunities for our Nation's immigrant children. For those students who have grown up in the United States, have demonstrated good moral character, and are pursuing a college education or have enlisted in the military, the DREAM Act will provide an opportunity to earn legal status in this country.

There are many good reasons to enact the DREAM Act. In today's 21st century economy, where a post-secondary education is quickly becoming the minimum requirement for higher earning jobs, we need to provide the children in our country with every opportunity to achieve academically, both for their benefit but also for the benefit of our society. The DREAM Act would also strengthen our Nation's military readiness, allowing these well-qualified young men and women to serve their country with honor. But most importantly, the DREAM Act ensures that the promise of the American dream becomes a reality for all our children.

I am disappointed that the Senate failed to pass the DREAM Act. The enactment of this legislation is long overdue, and I will continue to fight for its passage, for all of our children and our Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I thank my colleagues for their remarks that were just concluded on the DREAM Act and for the vote in support of it. It is interesting to me that those who have taken no time to meet the students who were involved in this issue come away with a much different feeling. Once this goes beyond cliches and inflammatory rhetoric that you hear in what passes for entertainment—television and radio—and you actually sit down and hear these life stories, you just can't help but have your heart touched by them. It happened to me a long time ago, 6 years ago, and it continues to happen to me. But, unfortunately, we didn't have the votes. We had 52 votes when we needed 60. In the Senate, 60 votes is a threshold requirement.

I thank the 11 Republicans who voted with me. I will tell you, it took some courage for them to do it. It is not an easy vote for anybody. It is surely not an easy vote for them when the vast majority of their colleagues are going the other way.

I also thank the 41 Democrats who stood by me. Some of them did it with pain in their eyes, thinking about: Now I have to go home and explain this one. I understand that. I thank them for doing that.

After you have been around Capitol Hill for a few years—and I have—you try to put things in perspective about your public service. I don't believe there are many, if any, who come to the Senate with the ambition of retiring. Most of us come here with the ambition of doing something important for our Nation and serving our Nation. There reaches a point sometime in a career where risks have to be taken for important things to happen. What I did today was no great risk. I will probably hear about it back home, and I already have a little bit, but I will just say in the course of our history the important things that have occurred here in this Chamber have involved political risk and controversy—whether it is a question of voting on war or voting on issues involving civil rights and human rights. It is rare that you find a great issue that makes a career that everybody agrees with.

I say to my colleagues who joined in this effort today, thank you from the bottom of my heart, but thanks also to the thousands of young people across America who continue to follow this debate and follow this issue so closely. The toughest part was not standing in the well and being told that I lost with only 52 votes; the toughest part was walking up those stairs and facing 3 of the kids in my office. I didn't quite know what to expect. These young people have been through a lot, through no fault of their own.

One young man whose stepgrandfather failed to file the appropriate documents is 20 years old. A few years ago, he was arrested and detained in jail over Christmas and New Year's. How is that for a high school graduation present, to be told that you are illegal and subject to deportation?

Another young woman—her parents were outed as being illegal and deported. I pled with the Department of Homeland Security to let her stay in school and finish her college degree, and they have allowed her to do that. I hope they will continue to. But she doesn't know where she is going from here. She has lived in the United States since she was a very young girl and this is her country, this is where she wants to be.

Another one is literally a young woman without a country. A refugee from Vietnam, she went to Germany and then came to the United States. Vietnam is not a safe place for her to return to, and Germany doesn't want her. She is without a country. She has a bachelor's degree and no place to turn.

I didn't quite know what to expect when I went up to see them after this disappointing vote, and they greeted me with smiles and encouragement. It is great to work around young people; they have such determination and energy, and they are not going to let anything get them down. It made me feel better, and I am glad we did it even though we weren't successful. It renewed my commitment to this issue.

I am not going to quit. I don't know when the next chance will be. I know we have a busy schedule, and Senator REID was kind enough to give me the chance today for a vote, but this is an idea whose time will come because it is an idea based on justice and fairness. To think these young people would see their lives ruined because their parents were undocumented, because their parents brought them to this country, to think we would turn them away from America, saying we don't need any more electrical engineers, we don't need any more teachers and nurses and doctors—no, we know better than that. We need them. We need all of them, and their strength makes us a stronger Nation.

So the day will come, and I hope soon, when we will have a chance for those who follow the debate so closely and to those who understood their fate was in the hands of the Senators who voted this morning.

Do not give up. We have not given up yet and you should not give up. We are going to keep pursuing this. We are in a sad and troubling moment in American history when the issue of immigration is so divisive. But let's be honest, it has always been divisive. There have always been people saying: No more immigrants, please, in this nation of immigrants.

Immigrants have to play by the rules. They have to follow the law. I understand that. But let's not turn our back on our heritage as a nation. The strength of America is its diversity. The fact that we come from the four corners of the world to call this place home, the fact that our parents and grandparents had the courage to pick up and move, rather than to be content with a life of mediocre opportunity—those are the people who made America, those are the ones who defined who we are. It is why we are special in this world, if we are, and I think we are.

We cannot let these young people go. We cannot afford to let them go. For those several of the Senators today who stuck their necks out a mile, a political mile to cast this vote, I thank you from the bottom of my heart, and these DREAM Act kids thank you too. The American dream will be there some day, and we will keep working until it happens.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IRAQ

Mr. FEINGOLD. Mr. President, last week marked the 5-year anniversary of President Bush's signing the Congressional resolution that authorized him to use military force in Iraq. That resolution has proved to be a disaster for our country, opening the door to a war that has undermined our top national security priority, the fight against al-Qaida and its affiliates.

More than 5 years after the authorization of war, America is mired in a conflict that continues to have no end in sight. Nearly 4,000 of our soldiers have died and more than 27,000 have been wounded. Hundreds of thousands of Iraqi civilians have been killed, if not more, and at least 4.5 million have been displaced from their homes. The region is more unstable, and our credibility throughout the international community has been significantly damaged.

We have spent over a half trillion dollars and stretched our military to the breaking point. Who knows how many more billions will be spent and how many brave Americans will die while the President pursues a military solution to problems that can only be solved by a political settlement in Iraq.

At the same time, al-Qaida has reconstituted itself along the Afghanistan-Pakistan border region and has developed new affiliates around the globe. Al-Qaida has been strengthened, not weakened, since we authorized military action against, and then want to war in, Iraq.

Indeed, this senseless war has made us more vulnerable, not more secure. Yet it continues endlessly with only a small token drawdown of forces expected in the coming months, and no timeline from this administration as to when more troops will come home.

The American people know this war does not make sense. They expect us to do everything in our power to end it. Now that does not mean neglecting domestic priorities, and there are plenty of those to address, but it does mean we cannot, in good conscience, simply put Iraq on the back burner. We cannot simply tell ourselves and our constituents we have done everything we could. Finding the votes to end this war is not an easy task, but for the sake of the country, we must keep trying. I, for one, am not prepared to say, in late October, with weeks to go before we adjourn for the year, that Iraq can wait until we come back in 2008. Believe me, the administration and its supporters would like nothing better than to change the subject from Iraq. Every time we insist on debates and votes on Iraq, they complain loudly that we are taking time away from the country's true priorities. But as we were reminded last November, however, ending the disastrous Iraq war is one of the American people's top priorities. It may well be their top priority, and we owe it to them to make it our top priority as well.

While the administration continues to refuse to acknowledge that we have severely strayed off course, the war drags on and on, and more brave American soldiers are being wounded or killed. But it is not only the President and his administration that is at fault; many of my colleagues here in Congress have expressed concerns about the war but refuse to take real action to end it. They have prevented Congress from acting to secure our country and restore our global leadership.

I will not stand idly by while this mistaken war continues. I will continue working to end this war and bring our troops home. I will continue looking in the days and weeks ahead for opportunities to debate and vote on ending the war, this year, and, if necessary, next as well.

My colleagues may complain, they may be inconvenienced, they may prefer to focus on other matters. But this Congress has no greater priority than making right the mistake it made more than 5 years ago when it authorized this misguided war.

I do not want to have to come to the floor again in a year to mark another anniversary of the war's authorization, and to again implore my colleagues to act. I do not want the American people to lose faith in their elected leaders for pursuing a war they rightly oppose. I do not want more American troops to be killed for a war that does not serve our national security interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. We are in morning business.

## ALTERNATIVE MINIMUM TAX

Mr. WYDEN. Mr. President, this country is headed toward a total meltdown on taxes. I am going to spend a few minutes this afternoon to talk about how that can be cooled off for a bit.

Yesterday, Treasury Secretary Paulson warned that unless the Congress acts within the next month on the alternative minimum tax, up to 50 million households, more than a third of all taxpayers, could be clobbered with new taxes. Congress has known for some time that unless the alternative minimum tax is addressed, 23 million taxpayers would be hit with the double whammy of having to calculate their taxes twice, and typically pay a higher tax bill.

First, they are going to have to do their taxes using the regular 1040 form; then they will have to calculate their taxes using the alternative minimum tax, which has a completely different and more complex set of forms.

Having to do your taxes once is bad enough. On average, that takes something like 15 to 30 hours, depending on whether a taxpayer is itemizing. But having to do your taxes is simply bureaucratic water torture.

Yesterday's announcement by Treasury Secretary Paulson revealed that twice as many taxpayers as previously estimated could be put in bureaucratic limbo by the alternative minimum tax and face delays in processing their returns and getting a tax refund. The problem is going to get worse and worse each year, as more and more taxpaying Americans are dragged into the alternative minimum tax parallel universe of tax rules, because the tax law is now stuck in a time warp.

It was never indexed for inflation. If Congress does not act, an estimated 30 million taxpaying Americans are going to be hit by the alternative minimum tax double whammy in 2010.

The Congress has not been able to get ahead of the problem. It is simply, at this point, trying to keep the problem from getting worse. Each year, the cost of even the so-called temporary patch to keep the AMT from clobbering more persons goes up. This year it will cost $55 billion to preserve the status quo. The next year the cost will go to $80 billion. Over 10 years the cost is an astounding $870 billion.

The Senate Finance Committee, on which I serve, is trying to find a way to pay for a 1-year fix. Senators are working in good faith in a bipartisan fashion, but there is not a huge pot of money out there to pay for a $55 billion patch for the alternative minimum tax.

I will be working with my colleagues on a bipartisan basis to look at every conceivable possibility to come up with the money for 1 year of alternative minimum tax relief. But certainly the Congress ought to start, and start now, to find a clear path out of the budgetary haze. I think that path and all roads that the Congress ought to be looking at should lead to comprehensive tax reform in our country.

This week the House Ways and Means chairman plans to unveil his proposal that would repeal the alternative minimum tax as part of a larger tax reform effort. Over the summer, Treasury Secretary Paulson called for corporate tax reform.

Ways and Means Chairman RANGEL has indicated he is going to look at the issue of corporate reform as part of broader legislation he wants to consider. But I think there is an opportunity now, if the administration would engage the Congress on tax reform, and there is a model. The model is one where a Republican President, Ronald Reagan, worked with the Democratic Congress to achieve historic reform in 1986. It was based on a simple set of principles. Those principles were: It ought to be possible for everybody in our country to get ahead. It ought to be possible for people who work for a wage and people who make money through investments to get ahead.

It was a system that kept progressivity so that there was a sense of fairness for all Americans. It was a system based on cleaning out a lot of unnecessary tax breaks, clutter in the Tax Code, in order to finance reform.

That is what I have proposed to do in legislation that I call the Fair Flat Tax Act. I believe there are real opportunities for bipartisan reform, starting with the issue of tax simplification. In our Fair Flat Tax Act we have a 1-page 1040 form, something like 30 lines long.

President Bush had a tax reform commission that looked at reform. Their simplification process involved a form that was something like 34 lines long. For purposes of Government work, that is about the same thing. We could get a bipartisan agreement on tax simplification, if the President engaged the Congress fairly quickly. Certainly, the other issues will take a great deal more thought and involve more complexity, but I have been asking witnesses who come before the Finance Committee their views about tax reform. These are experts who come from across the political spectrum. They share widely differing views. But of the witnesses who came to the Finance Committee, 19 out of 20 witnesses agree with my fundamental premise that the model of 1986, holding down rates for everybody, keeping progressivity and financing it by getting rid of loopholes and breaks, those witnesses all said the 1986 model, put together by the late President Reagan and Democrats in Congress, is still a model that makes sense for today.

One of the witnesses even said:

> Baseball fans remember the moment when Babe Ruth pointed at the stands and hit a home run, and tax geeks remember the 1986 Act with similar relish.

Like the 1986 act, I start with simplification, as I have outlined. Then I look to make the Tax Code flatter to make sure that instead of six individual brackets, we would have perhaps three. I start with the rates Ronald Reagan started with, but I am not wedded to those particular rates. Ronald Reagan and Bill Bradley and others in 1986 looked at something in the vicinity of 15 and 28 percent. The point is, if Members of this body, working with the President on a bipartisan basis, want to get into this, it would be possible to look at comprehensive tax reform now. The alternatives, as the Senate sees how difficult it is to fix the alternative minimum tax and deal with various proposals as it relates to investment and hedge funds, strike me as nowhere near as appealing as dealing with comprehensive tax reform.

Many have raised the question of the issue of the differential treatment between work and wealth. It is a fact that the cop walking the beat today who makes their money on wages pays taxes at a significantly higher rate than somebody who makes their money from investments. That is a fact that ought to trouble all Americans. What we ought to be trying to do is not pit those two against each other but look at an approach such as the one pursued in 1986 so that all Americans have a chance to get ahead. That is what we are about as a nation, not pitting one group of people against another. We want people who work for a wage to have a chance to get ahead as well as pay for necessities for their families. We all understand how important investment is at a time when we face great economic challenges globally. The fair flat tax of 2007 seeks to try to ensure that all Americans would have an opportunity to get ahead and provides real relief to the middle class through fewer exclusions, exemptions, deductions, deferrals, credits, and special rates for certain businesses and activities and through the setting of one single flat corporate rate.

On the individual side, the fair flat tax ends favoritism for itemizers while approving deductions across the board. The standard deduction would be tripled for standard filers from $5,000 to $15,000 and raised from $10,000 to $30,000 for married couples. As a result, the vast majority of Americans would be better off claiming the standard deduction than having to itemize their deductions, so filing will be simplified for all Americans. We also keep the deductions most used by middle-class families, as Ronald Reagan and Bill Bradley and others who worked so hard in 1986 did. We protect the home mortgage interest break, the one for charitable contributions, and the credits for children, education, and earned income. But nobody would have to calculate their taxes twice under the Fair Flat Tax Act.

The alternative minimum tax would be eliminated. This is particularly important right now as citizens look at the challenges they are going to face next year.

What makes the Fair Flat Tax Act unique is it also corrects one of the most glaring inequities in the current tax system; that is, regressive State and local taxes. Under current law, low and middle-income taxpayers get hit with a double whammy once again. Compared to those who are more fortunate, they pay more of their income in State and local taxes. Poor families pay more than 11 percent, and middle-income families pay about 10 percent of their income in State and local taxes, while more fortunate individuals pay only about half. Because many low- and middle-income taxpayers don't itemize, they get no credit on their Federal forms for paying State and local taxes. In fact, two-thirds of the Federal deduction for State and local taxes goes to those with substantial incomes. Under the Fair Flat Tax Act, for the first time the Federal code would look at the individual's entire tax picture, their combined Federal, State, and local tax burden, and give credit to low and middle-income individuals to correct for regressive State and local taxes.

What this all means—and we had Jane Gravelle and her excellent team at the Congressional Research Service work on these numbers—is that the typical middle-class family with wage and salary income up to approximately $150,000 a year would see tax relief in a way that would not cause the Federal Government to lose revenue.

Finally, by simplifying the code, there are other benefits. With a simpler system, it would be harder for individuals to take advantage of the system and easier for the Internal Revenue Service to catch those who do cheat. At present, there is a tax gap between taxes owed and collected of over $300 billion per year. Chairman BAUCUS and Senator GRASSLEY have done yeoman's work on this issue. I believe the Fair Flat Tax Act can make, in addition, a significant dent in dealing with the tax gap, raising a significant amount of revenue from a source that would not increase taxes. The Fair Flat Tax Act, as it relates to the tax gap issue, is a win for all Americans except for those who have been cheating the system.

I am obviously aware that the clock is ticking down on this session of Congress. Certainly, by early next year, in the thick of a Presidential election, something such as this is daunting. But it is time for Congress to get started now on what witness after witness after witness in the Finance Committee is saying; that is, the urgent need, after scores of tax changes, to get about draining the swamp.

To give you an idea of what the numbers are with respect to tax changes, the latest analysis shows we have had something akin to 15,000 tax changes. That comes to three for every working day. Even regional IRS offices, according to practitioners I talk to, cannot agree among themselves as to how to apply this increasingly complicated Tax Code.

It is time to get started. The Bush tax cuts expire in 2010. Certainly, that is going to cause additional confusion and chaos for taxpayers. With the problems the Congress is wrestling with now, such as the immediate crunch of the alternative minimum tax and with the hammer poised to come down in 2010 with all the other expiring tax laws, there is a strong incentive for members of both political parties to come to the table and get to work on tax reform.

I hope colleagues will look at the Fair Flat Tax Act as a way to start the debate. I don't consider it the last word on this extraordinarily important subject, but I hope we can begin the debate now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, what is the order of business at this time?

The PRESIDING OFFICER. We are in morning business.

Mr. LOTT. Until what time?

The PRESIDING OFFICER. There is no time limit.

## AMTRAK

Mr. LOTT. Mr. President, while we are in this morning business period and in anticipation of going to the next legislation, I wish to make some opening comments about what happened here and make a plea to my colleagues on both sides of the aisle, but particularly my own side of the aisle, that we not object to going to consideration of Amtrak legislation.

I have been working on this issue for several years now. I think it is an important issue. It is an important part of our transportation system in America. I believe that for the future development of our country, for the mobility of our country, for the creation of jobs, the maintaining of jobs, for safety, security, and access, we should pay attention to infrastructure in America, and lanes, planes, trains, ports, and harbors. This is critical to our future economic development and to our American lifestyle.

I have been working for years to upgrade and improve the Federal Aviation Administration, the air traffic control system so we can have less congestion in the airways and fewer delays, and modernization. We are still working on that. We did get FAA reauthorization a few years ago. Now it is back up but, unfortunately, stalled right now. We did pass a highway bill a few years ago that had many good things in it. But here is my point: You can only build so many lanes until you can't build any more. You can only have so many planes in the sky until you can't have any more. So what is the other alternative? Trains.

Now, I am not from a State that is hugely dependent on the rail passenger system. We get some of the benefits of it. But part of the problem is we don't have enough access, enough opportunities in that area, or we have delays and problems such as that. Why do we have delays? Because we haven't modernized the Amtrak system. Because we have not worked through the Transportation Department to put in some reforms, decide what is needed in terms of money, and how to get more capitalization. We haven't done the reforms.

I was pleased to be involved the last time we did some Amtrak legislation.

That was several years ago. I stood right in this very spot and told my friend JOHN MCCAIN from Arizona if it didn't work and if Amtrak didn't do a better job, I would eat it without salt. Well, I guess I should have probably eaten it without salt later on. It didn't do everything I hoped it would. But what is the alternative? Do we want a national rail passenger system or not? I think we do. I don't mean only on the Northeast corridor, although I love the Northeast corridor. I have been delighted to work with my friend and colleague from New Jersey, Senator LAUTENBERG, on this legislation, because I want good Amtrak service between Washington and New York City. Frankly, I would rather ride the Acela to New York City than the shuttle, the airline shuttle. You go to the airport; you wait; you are delayed. You get on the train. You ride the Acela. You do your computer. You are not crowded. It is nice, clean. It works. You can get a little something to eat, and you arrive in New York City.

I realize Acela is one of the best in the country, but we need to do more. In fact, putting money in it—and by the way, not enough—year after year we are starving it to death and then we are saying, Why didn't it do better? It is because we haven't given them more opportunities, we haven't had more requirements, we haven't had reforms. I tried for the past 2 years to get this legislation up. We had some objections. We had some Senators who wanted to offer amendments. My attitude is: Fine. If you have amendments, let's go with them. Administration: If you have some reforms, fine, let's do it. But we need to get this thing done.

Now here we are, we have a different majority. Senator LAUTENBERG is the chairman of the committee. But basically, this is the bill he and I put together 3 years ago. It is time to do it. It is not perfect. It has some reforms in it. It has some requirements in it. By the way, more people are riding Amtrak, and they have more income. They are doing better. If we give them more incentives, if we get them to close some of the routes that are never going to be profitable, they are not going to work, it would be even better than that.

I am not going to give my full opening speech now, even though I sound like it. I am saying to my colleagues, we should not object to the motion to proceed on every bill, and filibuster the motion to proceed. That is bad business. Do it judiciously? Yes. If you want to slow this place down time after time after time, yes, we can do that. But I stood here on the floor earlier today and last night and said: If the Senate will do the right thing on this judicial nomination, Leslie Southwick, that will be a step forward to show that this place can work together. We can be civil. We can be less partisan, and there will be some benefits. I am standing right here right now saying this is the next step. Let's not tangle this bill up because we are not ready, or because we may not like it. You don't like it? Vote against it. You want more? Bring your amendments. Let's get this done. I hope my colleagues will not try to block the motion to proceed. Senator REID is going to ask unanimous consent that we go to the bill, and I hope and pray that if it is objected to, he is going to file cloture and he is going to make us eat it, because we ought to take this up and deal with it. If we want to kill it, shoot it down, but doing nothing is unacceptable.

The Senate has become very proficient at doing nothing; not just this year, but last year and the year before. We paid a price, because we didn't get anything done in the previous 2 years. Are we going to do it again or can we do something for the American people? This is one way we can do it.

So I make that plea and I hope we can get something worked out when we get on this bill. I will not be a party to try to ram it through so quickly people can't get their amendments ready.

Mr. LAUTENBERG. Mr. President, will the Senator yield?

Mr. LOTT. I will be glad to yield to my distinguished colleague and leader on this effort now, and to my friend from New Jersey, and I look forward to working with him on this legislation.

Mr. LAUTENBERG. Mr. President, the obvious obstinacy at getting this on the floor seems to ignore the fact that you almost can't get anyplace from here or there without enormous delays, without enormous congestion, and with pollution problems, et cetera. Is it understood, I ask the distinguished Senator from Mississippi, how difficult it is for the country right now? You can't get an airplane that will leave on time or arrive on time with any degree of certainty. I, for instance, travel from here up to Newark or to LaGuardia Airport, both of which are convenient to my home in New Jersey, and a flight that takes 36 minutes of air time takes 2½ hours to get there, more often than not.

So do the Senator's friends understand that this is a crisis moment for this country of ours? We have seen incidents so many times where the absence of a rail system—for instance, we threw away billions of dollars some years ago because nuclear powerplants that were built, ready to operate, couldn't get a license to go because there weren't satisfactory evacuation routes and it had to be by rail because the highways were unable to provide for it.

If we look at Katrina and we see how much better we could have done if rail was sufficiently employed down there, and we didn't get it, and people were jammed and stuck in there.

There is no difference in what—when you cross the aisle, when you ask the question: Do we want to get things operating better? Do we want to facilitate our corporations to operate efficiently? Do we want to provide the jobs that go along when you have facilities for travel in place? Would people do better if they could travel by rail rather than have to get in a car and pay who knows what for gasoline? It is predicted that oil is going to go up to $200 a barrel one of these days. Well, Heaven forbid that does come. We are not going to close shop and say we will go home and rest.

Do the Senator's colleagues recognize that those who don't want to let us get this train of theirs started, do they realize that these problems are in front of us, I ask?

Mr. LOTT. Mr. President, let me say to the distinguished Senator from New Jersey, I am sorry I went ahead and spoke first, because you are chairman of the committee and you have been providing real leadership in trying to get this legislation brought up. I did it because I wanted to make a plea to my colleagues on this side of the aisle to let this move forward. Let me emphasize that I have no indication there will be objection. They want to take a look at it. They want to make sure they will have a chance to offer amendments or substitutes. I have assured them we will work with them. I believe we are going to be able to clear the hurdles, but I wanted to make a public plea so we could get on this legislation and guarantee the Members that their amendments will be considered and, in fact, in the past, when we worked together, we have accepted amendments and fought some of them, and we had votes. It is a novel idea in the Senate, to have a debate and have a vote.

But I want to say again I have enjoyed working with Senator LAUTENBERG. This is a lot bigger issue in New Jersey and along the eastern seaboard, I guess, but more and more it is important on the west coast, it is important to the Chicago area, it is important all over America. This is not about one region or the other region, or trying to accommodate business or labor; this is about American people. So I think my colleagues, hopefully, are going to realize that we ought to do something about Amtrak, and this is the way to get it done.

I thank the Senator for his question.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I want to respond to what my friend from Mississippi has said. We have worked together in the past and we have gotten things done in the past. We know that Amtrak finally has come into its place. We have a lot of work yet to do when you think about what travel is like these days in all forms. The highways are too congested. The airways are getting even more congested. The expectation is that delays are going to become even longer. So I hope those who want to discuss it and those who want to amend it—the Senator is right, we should consider amendments. As a matter of fact, I think it is good if we do hear from people and see what problems they foresee. But we can't get it done unless we talk about it, unless we prepare for a vote.

Are we about to say to the American people: No, continue to suffer? Stay stuck in traffic? Stay stuck at the airports? Time will take care of it? All you have to do is spend more time away from home, away from your job and away from things you might enjoy.

American people, get used to spending more time away from home in useless activities, such as listening to an idling engine or listening to the car radio or something like that. We cannot function this way.

Now the time is upon us where we have to do something about this. I believe this is an opportune time. I know a lot of colleagues on that side of the aisle want to see this happen. After all, we touch 40 States across the country. Wherever you look and see where there has been new or upgraded rail service, people are responding to it: On the west coast, and some of the routes out of Chicago—people are responding to it, and they are getting on trains.

I use the trains frequently. The other day I got on an Amtrak train here, and it was a full train with barely a seat left. So people are demanding it. If we look at the example that exists, let's say in Europe or in Japan, and see what happens. When I wanted to take a plane one time from Brussels, where a NATO meeting was ongoing, to go to Paris, I tried to get a flight. They said: You cannot get an airplane from here because we go by train—200 miles in 1 hour and 20 minutes. Imagine what it would do for travel in this country and business progress.

So I am ready whenever my colleague and our friends on that side of the aisle are ready. I am told we are all set here and ready to go.

Mr. LOTT. If the Senator will yield, since I have worked with the Senator on this issue, some of my colleagues have taken to calling me Senator "Lott-enberg." I know there is a bit of a regional difference. It is not quite as crowded in our neck of the woods, so you might come on down South and it would be a lot less crowded. However, I would like for them to be able to get there on Amtrak, to be able to catch that train in Washington or in Newark and run on down and come through Atlanta down to Jackson, MS. I think they would enjoy it once they got there. I invite the Senator from New Jersey to take the ride to Jackson, and we will show him around down there.

Mr. LAUTENBERG. In response, A, I would like to do it; and, B, I wonder if people realize how many new lines are being dreamt up—I say "dreamt" up because unless we get the base going, nothing else is going to happen.

I hear from colleagues in other States besides mine who say, you know, we could use train service here or there. We have seen something in New Jersey that exemplifies the value of rail service. We had a line open from the southernmost tip of our State to Trenton, our State capital. The ridership, at first, was very low. Before you knew it, we began to see buildings, factories, warehouses, et cetera, being built along the transit way. And now the area is beginning to prosper where it was just dead and nothing was going on. That is what we have seen.

There is a lot of talk about something called transit villages. In New Jersey, the most crowded State in the country, we don't think about villages really, but we have transit villages centered around a rail hub. People know they can get back and forth, and companies know employees can get back and forth to work and they can run an efficient operation.

So this is a point in time when opportunity presents itself, and we ought not to miss it. If we cannot see it, we ought to let the public see that. Certainly, at this point in time, we ought to be able to discuss it. We should not have any obstruction to bringing the issue to the floor of the Senate. Let's get out in this public forum and have a discussion and see what we can do or whether there are problems that can be dealt with or maybe we can go to some other kinds of travel—I don't know what kind, but we at least ought to take the one nearest to us that is the best option.

With that, I yield the floor.

Mr. LOTT. Mr. President, we are working on when we are going to be able to get this up. I have a couple of points. One, we have a catch-22. Our Members want to make sure they have a chance to offer amendments, and we want to do that. At the same time, our leadership on both sides has to pay attention to when and how we get it to a conclusion. I think it is incumbent upon our leadership from the committee to work with Members to get amendments but also not to let this become a punching bag and have Members throwing everything out but the kitchen sink.

I believe we can move this through in a reasonable time. My attitude is, when Senators have amendments, come over and offer them. We will debate them and then have a vote. We will not shove it over until 9 or 10 o'clock tomorrow night. I think there is hesitation on both sides of the aisle, and we have to work through that. But we have done this before. We did this bill 2 years ago, or so, and we got 90-something votes. So we can do that.

Mr. President, one other observation: As I have worked on this, another part of the equation of having a good national rail passage system is encouraging our States to be able to do more on their own and build lines like we have in San Francisco to the L.A. area—there is incentive to do more—and at the same time, not telling poorer States that they have to do way more than they are capable of doing.

Also, a couple of weeks ago, I thought about this bill. I was at Big D's Barbeque at Pocahontas, MS. The City of New Orleans, a sleeper Amtrak train, came whizzing by Big D's Tee Pee. They were ballin' the jack headed to New Orleans. It had about 6 or 8 cars, which is relatively short. But the important thing was that they were going lickity-split.

If we are going to be able to get these trains, in a reasonable way, where they want to go, part of the problem is a problem the freight lines have. If they are going to get off on a side track and let the Amtrak go through, they have to build side tracks. We need more lines all across America. Union Pacific, Burlington Northern, Santa Fe—they need to build more lines across this country. We need to encourage the freight lines to build more capacity, more lines, and more side tracks, so they can work with Amtrak, so that Amtrak is not adding to the cost of doing business of the freight lines. So I am looking at that equation too. We don't want a conflict between Amtrak and freight lines. We want them both to be able to make a profit and deliver the goods and services to the American people.

So we are working on that side of the equation too, to make sure that Amtrak has a way to be on time.

Mr. LAUTENBERG. The Senator from Mississippi remembers that yesterday we had a hearing on freight railroads, and that traffic is going to be up some 44 percent by 2020. They are concerned about how to get it done. At the same time, we have to provide for passenger rail service. This is a good time for all sides to get together and start moving.

Does the Senator remember this bill was processed on the Senate floor last year? We had a vote that was 93 to 6. I lost a year. It was actually in 2005.

Mr. LOTT. Yes, I think that is right.

Mr. LAUTENBERG. The vote was 93 to 6, I remind everybody. This was popularly supported, totally understood. We were on our way to the next station, and it just didn't work out. Things were a little tumultuous, to put it mildly. Now there is a cooler moment to think about it and present it. We have time available on the floor, and I think to waste it would be a terrible loss when we can discuss this important problem with a solution for the country.

Mr. LOTT. Mr. President, I thank my colleague. The occupant of the chair, the Senator from Maryland, I suspect, supports this too. I am ready to do business when we get the go-ahead to take up this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MARTINEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. MARTINEZ. Parliamentary inquiry, Madam President: Is the Senate in morning business?

The PRESIDING OFFICER. The Senate is in morning business, with 10-minute grants.

Mr. MARTINEZ. I wish to speak for a period of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CUBA

Mr. MARTINEZ. Madam President, in the last couple of hours, the President took the opportunity to speak at the State Department on the condition of relations between the United States and Cuba. For me, as an immigrant from Cuba, born on that island and an immigrant to this country, it was a very moving and transcending kind of moment. The President, for the first time, I think, in many years that any American President might do this, detailed the problems in Cuba and the cruelty of that regime toward its own people.

The President put a human face on the suffering of the Cuban people by inviting to the stage with him three families of Cuban political prisoners. These families, each with their own tale of hardship and suffering, were representatives of what I think is the now almost half century long suffering of the Cuban people. He spoke about their plight, the unjust nature of their relatives' incarceration, which is nothing more than a representative sampling of what the Cuban people have suffered over so many years of brutal repression.

He also detailed the many failed promises of the Cuban revolution toward its own people. He spoke of the failed promises; that the revolution would bring a better life and so many other things that have simply not occurred. He detailed frankly, the economic misery the Cuban people suffer from today, the fact that housing is deplorable and difficult and that many families have to, obviously, live together. He spoke about the irony that while the Cuban system touts the greatness of their medical prowess; in fact the Cuban people do not have access to the kind of quality medical care that medical tourists can obtain.

Just as an anecdote, sitting next to me was a foreign diplomat who mentioned to me that she had been to Cuba for eye surgery some years earlier. I mentioned to her that at about that same time—I think she said that was in 1992—I had a relative, an uncle of mine, whom we had brought to this country so he could have eye surgery here because he couldn't get it in Cuba. So foreign visitors, for dollar amounts, can get first-rate medical care in Cuba, but it is not always available to the Cuban people.

He spoke about the oppression of those who seek to be a voice for change and the fact that many of those in prison, these patriots, are in prison for nothing more than having a fax machine in their home or a willingness to speak and talk about the human rights conditions on the island. The fact is that each of these brave souls takes great risk in order to facilitate the opportunity for Cubans to speak to one another, for the opportunity to speak in freedom, the opportunity to freely express an idea. These are things which are abhorrent to the Cuban regime.

The President made an offer. He made an offer that the United States, through non-governmental organizations and religious entities, would send computers and provide Internet access to the Cuban people, if only the Cuban Government would allow the average, everyday Cuban—what today is part of international trade, commerce, and communications—Internet access. Internet access in Cuba today is only allowed under the strictest of Government authority, and it is a way in which the Cuban people are held back from achieving the promise that the 21st century has for so many people, in so many other places.

He also spoke about the opportunity for Cuban children to be a part of a scholarship program and all they would have to do is to be freely allowed to participate.

He spoke to the international community using the example of the Czech Republic, Hungary, and Poland, which have, with such determination, stood clearly on the side of freedom, stood clearly on the side of those in Cuba who are not satisfied with the current conditions but look to the moment of their liberty, look to the moment of freedom. These new democracies in Europe, who still well remember the days of their oppression at the hands of another Communist dictator, are very much involved in helping the Cuban dissident movement, in allowing them to come to their embassies and just stand in their lobbies and have access to a magazine or a newspaper or a book that would otherwise not be permitted by the Cuban authorities.

We can all do more. The United States has been at the forefront of assistance to a free Cuba, but no doubt many other countries, many other capitals across the world could well heed the example these Eastern European governments are today giving to the rest of the world as they stand clearly on the side of freedom.

The fact is that the most important take-away, if you will, that I heard today in this very moving, emotional, and I thought historic speech was the fact that the President today said that in the future of Cuba, we should be clearly on the side of freedom and not on the side of stability.

You see, the Cuban people are in the throes of change. Change is happening on that imprisoned island today, and that change can take one of several forms. One of them would be for us to side with stability and more of the same, for the sake of stability. The other would be to chart that uncertain path that freedom often brings but a path that ultimately leads to the opportunity for free people to live freely, that opportunity to simply stand in a town square and speak your mind.

So often people ask me: Have you ever been back to Cuba?

And I say: No.

They ask: Will you ever go back?

And I say: Yes, I will go back the day I can stand in the park of my little town where I grew up, in Sagua La Grande, Cuba, and stand there and freely express my thoughts or the day I can pick up a book and read it freely.

Those are the times and those are the conditions under which the Cuban people will really begin to taste freedom.

All of Latin America today in one measure or another is moving to the march of democratic governments and clearly enjoying the fruits of a free market. The free-trade agreements currently pending with Latin American countries will only continue to expand the wave of prosperity that is today sweeping that continent. But one example remains, one example of absolute tyranny, one example of an old-fashioned, brutal military dictator, and that is Cuba.

The fact is, I do believe freedom is on the march and that freedom can come to the Cuban people. I hope we can continue to encourage the voices of freedom within the island.

The President spoke to the military, he spoke to the governmental structures of the Cuban Government, and he pleaded with them to side with the people of Cuba who seek to live free and not use the elements of repression at a critical and decisive moment in the future of Cuba.

I have no doubt that many of those who today might have been, at one time, supporters of the Cuban regime, who believed in the promises of the revolution, as at one time or another all of us did, that they would now understand that this failed system has a limited lifespan and that it is time to side with the forces of freedom and not with the forces of repression and tyranny. For those who have no blood on their hands, they do have a future in a free Cuba.

One of the more touching moments today was when the President discussed dissidents, such as Oscar Elias Biscet. Oscar Elias Biscet is a physician who has been sentenced, to I believe 20 years, for merely speaking and expressing his own beliefs and his desire to see a change within Cuba. He is in deplorable conditions, in rat-infested conditions, needing medical care and getting none. He is the face of the future of Cuba. He is the face of the dissidents in Cuba. He is a young man, born and raised under the Castro regime. He does not belong to any rich families of the past. In fact, he happens to be an Afro-Cuban. He is a physician. He believes in life at all stages, from conception to death, and that was one of the big sins for which he has been punished in Cuba.

So I would say that today is an important day in the history of U.S. relations with Cuba. I hope it will also be a historic marker for the future of the Cuban people. The President spoke about a popular song, both in Cuba and outside, and it basically talks about "our day is coming." I don't think there is any doubt that the freedom of the Cuban people is coming and that our day, without a doubt, is coming.

I look forward to continuing to help the dissident movement inside Cuba in any way that we can, to continuing to help the voices of freedom that so much yearn for an opportunity. I believe the President made it clear that the standard by which we should judge our future relations with Cuba is the way in which the Cuban Government treats its own people; by releasing political prisoners, by allowing freedom of expression, by allowing freedom of the press, and by ending these despicable acts of repression or repudiation, which are nothing more than a government-organized gang of neighbors ganging up on someone who, for whatever reason, seems to be out of step with the orthodoxy of the Government of the day. These are horrible beatings and harassment that cut across age groups. It is not just about the head of the household who has expressed himself in a way the Government deems negative or maybe being guilty of that ill-defined crime of dangerousness. But the children of that family suffer, the elderly, and all of the members of any family who is chosen for these repudiation acts. They all suffer. Those are despicable acts. Those have to end—that kind of repression—and the freeing of political prisoners. These simple things.

When people talk about what is going to be the future, the future is in the hands of the Cuban people. I know the United States will stand clearly on the side of freedom. That is, what makes our country so very different and so very special, is the fact we do put freedom first; that we do put a value on every human being, every human life, and the dignity of each one; that we do understand there is a difference between freedom and oppression and we choose to stand clearly on the side of freedom.

I will always be proud to stand with our President, who so clearly spoke today about his desire to stand on the side of freedom. I hope many of my colleagues in the Senate will take the time to read the speech the President gave today. If you care about Latin America, if you care about Cuba, if you care about the future of that oppressed island, I think this was a very good moment.

I see my dear colleague from New Jersey and fellow Cuban American here on the Senate floor, and I know we share the same passion for the opportunity for Cuba to be free. This isn't a partisan issue between us; this is about the right of the Cuban people to live freely. I say to Senator MENENDEZ that it was a momentous speech and I think one that will be a historic marker, as I said, in the relations between our countries and the opportunity for the Cuban people to live in freedom. I think it was an important moment, and I hope my colleague will have an opportunity to see it and read it. It was the kind of speech so many of us have wished for and were delighted to hear today.

Madam President, I appreciate the indulgence of the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I come to the floor primarily to speak about a vote we took earlier today on the DREAM Act. I do appreciate my distinguished colleague from Florida's comments about the President's speech. We look forward to getting a further focus on what the President had to say. We certainly appreciate any movement, any policy that tries to create an opportunity for freedom for the people of Cuba, for them to be able to achieve what we enjoy here in the United States—the right to choose our Representatives, to worship at the altar that we chose freely, to be able to associate with others freely, to be able to protest when we believe our Government is moving in the wrong direction. We have freedom of the press, freedom of religion, freedom of speech. All of those things are denied the Cuban people.

Certainly, the efforts the President speaks about, trying to move in the direction that creates that moment in which those freedoms can be fulfilled for the people of Cuba, we applaud.

## THE DREAM ACT

Mr. MENENDEZ. Madam President, I came to the floor to talk about the earlier vote on the DREAM Act. I have heard some of my colleagues define it in ways that make me believe the future of any other form of immigration reform is going to be incredibly difficult. We did not get to cloture and cannot move to have a full debate on the bill and a vote to move in a direction in which we could give young people in this country—who did not choose to come to this country themselves, as they were brought here by their parents at a young age, and who in many cases could achieve great success for the Nation—an opportunity to earn their way to a process of legalization. To see that those hopes have been snuffed out by the votes that were taken here leads me to believe the future of any other form of immigration reform is going to be incredibly difficult.

It was not the decision of these children to come to the United States. It's hard to make a decision about where you are moving to when you are in a stroller. If we cannot give hope to children, if we are going to insist that the children be responsible for the sins of their parents, in making the decision they did to come in an undocumented fashion to the United States, then this is not the America I know.

If, by no choice of your own, you came to this country and have now grown up—for many of those children I have met across the landscape of the country have grown up as Americans, and thought of themselves as Americans—and then came a point in time in which they wanted to go to college or enlist in the Armed Forces, they found their status was not that of an American. They wanted badly to either serve or to be able to fulfill their God-given abilities by achieving a college education. They had to earn all of this. All we need to do is give them a chance.

I have colleagues who represent a lot of sectors, and they want people to come to this country and use their human capital to do some of the toughest jobs that exist in America, to bend their backs and be on their knees picking crops for Americans to be able to consume.

There are some who suggest we are going to even change the nature of what AgJOBS is, so even though you come year after year, you bend your back, you give your sweat, you do some of the toughest jobs no one wants to do—we will not give you any pathway to earn legalization.

I don't know how those who want to see the AgJOBS bill move think it can move when we turn down children who had no choice of their own. Our friends in industries that request H1-B visas say we need to bring people from other countries in the world to America because we don't have enough human capital here to meet our Nation's high-tech demands, but in that case it doesn't make much sense to refuse to take advantage of the proven capacity of so many children in this country, some of whom have graduated as valedictorians and salutatorians from high school. A vote against the DREAM Act says, we are not going to use that intellect; no, let's bring in somebody from outside the country to perform that service.

Those in the service industries, such as the hotels and motels of our cities and highways, who want people to clean the toilets and the bathrooms, or those who want workers to pluck the chickens at poultry plants or work at seafood establishments and the list goes on and on—let's give those people visas to come to this country and let's use their human capital. I am for any American who wants to do any of those jobs first and foremost. Whatever is necessary to create that opportunity, I am for. But in the absence of it, I wish to challenge some of our colleagues who talk about the big growers and their needs, who talk about the high-tech industry and their needs, who talk about the hotels and motels and poultry plants and seafood plants—and then vote against these children. I want to hear how they can justify the differences.

What the DREAM Act said was if you had no choice, you made no choice in coming to this country—your parents brought you here, you grew up here and you have been a good citizen, you have lived the type of life we want all our young people to live in terms of being good citizens, being of exemplary character, being individuals who have the intellectual capacity on their own to get into college—we want to give them the opportunity to have the status to do that. I would rather have our kids going to school than hanging out on the streets, but I guess we would rather have them hanging out on the streets rather than having them get an education and serving our Nation.

I don't understand how a military that is straining, in terms of the volunteer Armed Forces that we have, that has now downgraded whom they are willing to accept in the Armed Forces to include people who have criminal records and those who are high school dropouts, we will have those people serve, but we will not have young people who are incredibly talented, have no criminal record whatsoever, exemplary individuals, and some of them, some very smart ones, but who want to serve America because they believe themselves to be Americans—oh, no, let's not have them serve in the Armed forces of the United States. By virtue of that service, including the possibility that they could die on behalf of their adopted country, no, let's not give them that opportunity either. We would rather take people who have criminal records. We would rather take people who have not even finished high school.

The first U.S. soldier who died in Iraq was someone who was not a U.S. citizen. Yet he died in Iraq in the service of the country he loved as his own.

I believe there are going to be challenges going forward. As Members of the Senate who represent different parts of our economy come forth and say, "I need to help the farmers because we need to get people in those fields, we can't get anybody to do the job;" or, "I need to have someone at that poultry plant and make sure that we are able to pluck chickens and go through the bone-breaking job, their hands are cut from the processing," I want to see how, in fact, that discussion is going to take place.

We will certainly be here to challenge our colleagues to think about how can you promote those desires and yet snuff out the hopes and dreams and aspirations of a young person who did not do anything wrong. On the contrary, they want to do everything they can to serve this country, and we say no to them. Yet we will bring in people from other parts of the world to do these things. It is going to be very difficult. It is going to be very difficult, without reform of the process, to make sure we are not outsourcing jobs in the process, without labor protections. I think it is all going to be very difficult.

I hope our colleagues will think about reconsidering their position on the DREAM Act because they say it is an "amnesty." Everything is amnesty to them. I can't wait until the AgJOBS bill comes up. I am sure we will get cries of "amnesty." I can't wait until the H-1B issue comes up. I can't wait until the H-2B issue comes up. I am sure it will be cries of "amnesty." So those sectors of the American economy will be halted, and we will not get the productivity we need because I am sure they are not going to find a way to say that it is not "amnesty."

At end of the day, I am looking forward to those debates as we move forward. I believe we have set a precedent in today's vote that people will rue as they try to understand the essence of some of the economic sectors of our country that are going to need help, have needed help, and need help today.

We should, hopefully, have a little introspection and figure out whether a process in which you have a journey to go through, in which you have to start with an exemplary record, in which you have to be willing to meet all types of challenges, in which you must give of yourself to the Nation or you must be able to create personal achievement that ultimately will be of value to the Nation—whether snuffing out that opportunity is in the national interests of the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak for 12 to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

## MISPLACED PRIORITIES

Mr. WHITEHOUSE. Madam President, as my colleagues know, earlier this week President Bush announced he will ask this Congress to provide an additional $46 billion for the war in Iraq next year. That is $46 billion more than the $150 billion he already told us he would ask for. Taken together, that is close to $200 billion more than the hundreds of billions of dollars the taxpayers of this country have already poured into the sands and marshes of Iraq—for a war this President has made clear he has no intention of ending.

The people of Rhode Island are tired of watching their sons and daughters, their neighbors and their friends, sent off to war by a President who won't trouble himself to make a plan to bring them home. They are tired of spending money our country has to borrow on a war with burdens our country should no longer have to bear. And they are sick and tired of hearing this President veto or threaten to veto legislation passed by this Congress that supports the real and urgent needs of Americans and their families—all because he says it costs too much.

Clearly, this President is an expert when it comes to irresponsible and excessive spending. Look at the war. Look at the private contractors. Look at the national debt he has run up. But how can he keep a straight face and tell the American people it is more important to borrow and spend $35 billion for 3½ more months of the Iraq war than it is to provide budgeted health insurance for 5 years to 10 million American children? What a sobering revelation of this administration's misplaced priorities.

No American should doubt for 1 minute what is going on here. Every time President Bush vetoes a bill to fund children's health care, every time he threatens to veto legislation that will send our Nation's children to college, keep families warm during the winter months, invest in job training and technical education programs, or offer the promise of medical cures through research at the National Institutes of Health, President Bush is making a choice. He is choosing prolonging a war in Iraq over battling cancer. He is choosing his no-plan war over helping families in poverty. It is a choice, and it is the wrong choice.

Last night, the Senate passed a bill to provide funding for the Departments of Labor, Health and Human Services, Education, and other agencies. On October 17, the administration expressed its opposition to this appropriations bill based on what it calls "an irresponsible and excessive level of spending." As I said, this President is certainly expert at irresponsible and excessive levels of spending, but what does he mean? The President means that $10.8 billion spent to help millions of Americans lead healthier, more productive lives is irresponsible and excessive, but the nearly $200 billion additional he wants to borrow and spend on the war in Iraq is just fine.

Let's look at two areas in this bill where the funding levels we propose exceed those in the administration's budget to see just how irresponsible and excessive we are.

The first is at the National Heart, Lung, and Blood Institute at NIH. Our bill funds the institute at $67 million more than the President's request. I want to introduce my colleagues to one man who does not think this increase is irresponsible and excessive.

This is a picture of Richard Pezzillo on his last visit to Washington, DC. Rich is a bright, kind, thoughtful young man from North Providence, RI, who hopes one day to become a meteorologist. Rich also suffers from hemophilia and right now lies in a hospital bed in Rhode Island, too sick to attend his classes at Western Connecticut State University where he hopes to graduate this May. Sadly, Rich, now 24, has missed 2½ years of school due to his illness.

One of these absences was caused by an activity most of us would never even think about—something we do, in fact, to save lives—putting on a seatbelt. Three years ago, Rich unfastened his seatbelt from the airplane, collected his things, and walked off into the airport and suddenly started to feel tremendous pain. He started vomiting blood. Simply wearing his seatbelt had caused Rich to bleed internally, inside of his stomach, eventually requiring that his gall bladder be removed. Rich spent roughly 3 weeks in the hospital, accumulating bills totaling nearly $1.5 million. Luckily, Blue Cross-Blue Shield of Rhode Island, his family's insurer, covered most of these costs. But Rich is desperately afraid what will happen to him when he graduates from college and no longer qualifies under his parents' health care plan. Hemophilia is one of the most expensive conditions a person can have, one that few insurance companies will want to take on.

Richard Pezzillo is a fighter. He is an example for us all. But he will continue to face tremendous difficulties with his health throughout his life. Soon, thanks to research going on at the National Institutes of Health; specifically at the National Heart, Lung, and Blood Institute, hemophilia could be the first disease cured by gene therapy. The funding in this appropriations bill will go toward research which could save Richard's life and the lives of 18,000 people across this country who suffer from hemophilia. This spending is not irresponsible. This spending is not excessive. This spending is vital and it is working and it has the potential to save thousands of people like Rich Pezzillo.

A second place where this bill calls for spending above the President's budget—$128 million above his budget to be exact—is at the National Cancer Institute. Here I want to share the story of Benjamin Haight. I met Ben's parents this summer when they came down to my office from Warwick, RI, to share their little boy's story. Ben was diagnosed with neuroblastoma early in 1999 when he was just 4½ years old. At the time, Ben's dad was a senior chief in the Navy, serving aboard the USS Miami. He was airlifted off the submarine to join his son, as Ben underwent 5 rounds of chemo, surgery, radiation, and endured 2 stem cell transplants. These treatments left Ben with no high frequency hearing, requiring him to wear the 2 hearing aids, and they left him with a severely compromised immune system. But Ben refused to let any of this keep him from being a kid. He told his doctors there would be no treatments during science class, and that they would have to be out by 3 to go to Cub Scouts or baseball or soccer or other activities. He often left his chemotherapy sessions dressed in his Little League uniform. Ben was a snorkler, a sailor, a swimmer, a fisherman, a climber, an artist, and an animal lover. He was, as his parents say, a child first and a child with cancer second.

Though Ben and his family enjoyed 2 years of remission, he relapsed again in October 2001 at the start of second grade. This new round of treatment consisted of more chemo and over 200 blood and platelet transfusions. Ben lost his battle with neuroblastoma on August 8, 2003, at the age of 9. The night before he died, Ben turned to his mom and asked: "Can't we try a stronger medicine?"

Well, Ben, at the pediatric oncology branch of the National Cancer Institute, they are trying to create that stronger medicine. Ten phase I and 4 phase II clinical trials are currently being conducted on neuroblastoma, and scientists are closer and closer every day to the stronger medicine you asked for.

Is it really so irresponsible and excessive to provide the funding for these studies, to find the treatments that could have saved Ben Haight and could save so many more children like him?

To me, irresponsible and excessive is borrowing and spending $450 billion for an endless war that undermines our national security and then asking the Congress for another $196.4 billion without a plan to bring our troops home, all while nearly 50 million Americans go without health insurance and millions of families hover at the door of poverty.

We should be clear that the nearly $200 billion this President has requested for the war in Iraq, on top of the hundreds of billions he has already spent, is not even the whole story. When this administration tells us about the financial costs of this disastrous war, they don't tell us about the interest payments we will have to pay. The Congressional Budget Office tells us that interest on the war will total $415 billion by 2017, and then there will be more interest on the additional $200 billion the President wants us to borrow and spend. The final interest costs of this war could approach $1 trillion, passed on to our children and grandchildren.

President Bush, I think most Americans would argue with you. I think most Americans would argue that $22 billion to keep our families healthy is a pretty sound investment in our country's future, and trillions of dollars in spending and hundreds of billions of dollars in interest for a war you won't take action to end, that is what is irresponsible and excessive.

The President's threatened veto of this appropriations bill is just another illustration of his extraordinarily misplaced priorities. The $67 million increase this bill calls for to fund the National Heart, Lung, and Blood Institute is a few hours of the cost of the war in Iraq—not even a full day, not even half a day, a few hours. In fact, the entire NIH budget in this bill is only $1 billion above the President's request. One billion dollars sounds like a lot of money, of course, but it is, in fact, only a few days of the war in Iraq—not a month, not a week, only a few days.

President Bush would rather prolong the war in Iraq than fund additional research at the National Institutes of Health into pediatric cancer, into hemophilia, and into other diseases such as diabetes, heart disease, arthritis, multiple sclerosis, autism, Parkinson's, and Alzheimer's. He would rather fund a continuous war than provide hope for millions of families around this country.

Well, I hope President Bush will listen to Rich Pezzillo's story. I hope he will listen to Ben Haight's parents. I hope he will listen to the thousands of Rhode Islanders who have reached out to me to demand a new direction, not only in Iraq but here at home in America. I hope he will listen to Americans across this country who think that people such as Rich and Ben should be our first priorities.

I am proud this bill puts people such as Rich and Ben ahead of the extreme rightwing ideologies and reckless wars this President pursues, and I hope we in Congress will stand our ground when, of all people, this President charges that putting Rich and Ben first is irresponsible and excessive.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

## PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007

Mr. REID. Mr. President, we are going to move to the Amtrak bill. There is an understanding that I have with Senator LOTT that a number of Members on the Republican side want to be able to have a little extra time to do some amendments dealing with this bill. There are no games being played with this legislation. This is something which is long overdue, and we want to complete this.

I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 158, S. 294, the Amtrak authorization measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me say this. We have a lot to do here. For people who are concerned with why we haven't been doing things this afternoon, it takes time getting things done, and I appreciate that. This is a bipartisan effort to move forward on this legislation. It is something I think we can do. There is no effort to do anything other than get a bill passed.

I have had a conversation with Senator LOTT and with two other Republican Senators, and we have agreements with what we have talked about with them. It is a gentleman's agreement, but we will live up to it on our side.

Mr. President, there will be no more votes today. We hope there will be a good debate on this important issue today and hope there will be some amendments offered tomorrow and Friday.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 294) to reauthorize Amtrak, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 294

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Passenger Rail Investment and Improvement Act of 2007".

### SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

### SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.
Sec. 102. Authorization for the Federal Railroad Administration.
Sec. 103. Repayment of long-term debt and capital leases.
Sec. 104. Excess railroad retirement.
Sec. 105. Other authorizations.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Sec. 201. National railroad passenger transportation system defined.
Sec. 202. Amtrak Board of Directors.
Sec. 203. Establishment of improved financial accounting system.
Sec. 204. Development of 5-year financial plan.
Sec. 205. Establishment of grant process.
Sec. 206. State-supported routes.
Sec. 207. Independent auditor to establish methodologies for Amtrak route and service planning decisions.
Sec. 208. Metrics and standards.
Sec. 209. Passenger train performance.
Sec. 210. Long distance routes.
Sec. 211. Alternate passenger rail service program.
Sec. 212. Employee transition assistance.
Sec. 213. Northeast Corridor state-of-good-repair plan.
Sec. 214. Northeast Corridor infrastructure and operations improvements.
Sec. 215. Restructuring long-term debt and capital leases.
Sec. 216. Study of compliance requirements at existing intercity rail stations.
Sec. 217. Incentive pay.
Sec. 218. Access to Amtrak equipment and services.
Sec. 219. General Amtrak provisions.
Sec. 220. Private sector funding of passenger trains.
Sec. 221. On-board service improvements.
Sec. 222. Management accountability.
*Sec. 223. Locomotive biodiesel fuel use study.*

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 301. Capital assistance for intercity passenger rail service.
Sec. 302. State rail plans.
Sec. 303. Next generation corridor train equipment pool.
Sec. 304. Federal rail policy.
Sec. 305. Rail cooperative research program.

**[**TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

Sec. 400. Short title.
Sec. 401. Rail transportation security risk assessment.
Sec. 402. Systemwide Amtrak security upgrades.
Sec. 403. Fire and life-safety improvements.
Sec. 404. Freight and passenger rail security upgrades.
Sec. 405. Rail security research and development.
Sec. 406. Oversight and grant procedures.
Sec. 407. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 408. Northern border rail passenger report.
Sec. 409. Rail worker security training program.
Sec. 410. Whistleblower protection program.
Sec. 411. High hazard material security threat mitigation plans.
Sec. 412. Memorandum of agreement.
Sec. 413. Rail security enhancements.
Sec. 414. Public awareness.
Sec. 415. Railroad high hazard material tracking.
Sec. 416. Authorization of appropriations.**]**

*TITLE IV—IMPROVED RAIL SECURITY*

*Sec. 401. Definitions.*
*Sec. 402. Rail transportation security risk assessment.*
*Sec. 403. Systemwide Amtrak security upgrades.*
*Sec. 404. Fire and life-safety improvements.*
*Sec. 405. Freight and passenger rail security upgrades.*
*Sec. 406. Rail security research and development.*
*Sec. 407. Oversight and grant procedures.*
*Sec. 408. Amtrak plan to assist families of passengers involved in rail passenger accidents.*
*Sec. 409. Northern border rail passenger report.*
*Sec. 410. Rail worker security training program.*
*Sec. 411. Whistleblower protection program.*
*Sec. 412. High hazard material security risk mitigation plans.*
*Sec. 413. Enforcement authority.*
*Sec. 414. Rail security enhancements.*
*Sec. 415. Public awareness.*
*Sec. 416. Railroad high hazard material tracking.*
*Sec. 417. Certain reports submitted to Senate Committee on Homeland Security and Governmental Affairs.*
*Sec. 418. Authorization of appropriations.*

## TITLE I—AUTHORIZATIONS

### SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2007, $580,000,000.
(2) For fiscal year 2008, $590,000,000.
(3) For fiscal year 2009, $600,000,000.
(4) For fiscal year 2010, $575,000,000.
(5) For fiscal year 2011, $535,000,000.
(6) For fiscal year 2012, $455,000,000.

(b) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:

(1) For fiscal year 2007, $813,000,000.
(2) For fiscal year 2008, $910,000,000.
(3) For fiscal year 2009, $1,071,000,000.
(4) For fiscal year 2010, $1,096,000,000.
(5) For fiscal year 2011, $1,191,000,000.
(6) For fiscal year 2012, $1,231,000,000.

(c) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2007.

(2) 11 percent for fiscal year 2008.

(3) 23 percent for fiscal year 2009.

(4) 25 percent for fiscal year 2010.

(5) 31 percent for fiscal year 2011.

(6) 33 percent for fiscal year 2012.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

### SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this Act for fiscal years 2007 through 2012.

### SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2007, $153,900,000.

(B) For fiscal year 2008, $153,400,000.

(C) For fiscal year 2009, $180,600,000.

(D) For fiscal year 2010, $182,800,000.

(E) For fiscal year 2011, $189,400,000.

(F) For fiscal year 2012, $202,600,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2007, $139,600,000.

(B) For fiscal year 2008, $131,300,000.

(C) For fiscal year 2009, $121,700,000.

(D) For fiscal year 2010, $111,900,000.

(E) For fiscal year 2011, $101,900,000.

(F) For fiscal year 2012, $90,200,000.

(3) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(4) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

### SEC. 104. EXCESS RAILROAD RETIREMENT.

There are authorized to be appropriated to the Secretary of Transportation, beginning with fiscal year 2007, such sums as may be necessary to pay to the Railroad Retirement Account an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in such fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries. For each fiscal year in which the Secretary makes such a payment, the amounts authorized by section 101(a) shall be reduced by an amount equal to such payment.

### SEC. 105. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2007 through 2012 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;

(2) $5,000,000 for fiscal year 2008, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and

(3) $2,000,000 for fiscal year 2008, for the use of Amtrak in conducting the evaluation required by section 216 of this Act.

## TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

### SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

"(5) 'national rail passenger transportation system' means—

"(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, DC;

"(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

"(C) long distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2007; and

"(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

"(i) Amtrak; or

"(ii) another rail carrier that receives funds under chapter 244.".

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

**"§ 24702. Transportation requested by States, authorities, and other persons**

"(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

"(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

"24702. Transportation requested by States, authorities, and other persons.".

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

"(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).".

### SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

**"§ 24302. Board of directors**

"(a) COMPOSITION AND TERMS.—

"(1) The Board of Directors of Amtrak is composed of the following 10 directors, each of whom must be a citizen of the United States:

"(A) The Secretary of Transportation.

"(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

"(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

"(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

"(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

"(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

"(5) The Secretary may be represented at board meetings by the Secretary's designee.

"(6) The voting privileges of the President can be changed by a unanimous decision of the Board.

"(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

"(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

"(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

"(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.".

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on October 1, 2007. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

### SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices; and

(2) shall implement a modern financial accounting and reporting system that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations;

(C) to allow the analysis of ticketing and reservation information on a real-time basis;

(D) to provide Amtrak cost accounting data; and

(E) to allow financial analysis by route and service.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

### SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principal and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in Amtrak's ability to operate with reduced Federal operating assistance; and

(12) capital and operating expenditures for anticipated security needs.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this Act.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) ASSESSMENT TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

### SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this Act, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. As part of those requirements, the Secretary shall require, at a minimum, that Amtrak deposit grant funds, consistent with the appropriated amounts for each area of expenditure in a given fiscal year, in the following 3 accounts:

(1) The Amtrak Operating account.

(2) The Amtrak General Capital account.

(3) The Northeast Corridor Improvement funds account.

Amtrak may not transfer such funds to another account or expend such funds for any purpose other than the purposes covered by the account in which the funds are deposited without approval by the Secretary.

(c) REVIEW AND APPROVAL.—

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

### SEC. 206. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

### SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) METHODOLOGY DEVELOPMENT.—The Federal Railroad Administration shall obtain the services of an independent auditor or consultant to develop and recommend objective methodologies for determining intercity passenger routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by other forms of public transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) SUBMITTAL TO CONGRESS.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a) by the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this Act to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) PIONEER ROUTE.—Within 2 years after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of the Pioneer Route formerly operated by Amtrak to determine, using methodologies adopted under subsection (c), whether a level of passenger demand exists that would warrant consideration of reinstating the entire Pioneer Route service or segments of that service.

### SEC. 208. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

### SEC. 209. PASSENGER TRAIN PERFORMANCE.

(a) IN GENERAL.—Section 24308 is amended by adding at the end the following:

"(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—

"(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity passenger train operations for which minimum standards are established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board may initiate an investigation, or upon the filing of a complaint by Amtrak, an intercity passenger rail operator, *a host freight railroad over which Amtrak operates*, or an entity for which Amtrak operates intercity passenger rail service, the Board shall initiate an investigation to determine whether, and to what extent, delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over tracks of which the intercity passenger train operates or reasonably addressed by Amtrak or other intercity passenger rail operator. In making its determination or carrying out such an investigation, the Board shall obtain information from all parties involved and identify reasonable measures and make recommendations to improve the service, quality, and on-time performance of the train.

"(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation as required under subsection (c), the Board may award damages against the host rail carrier, including prescribing such other relief to Amtrak as it determines to be reasonable and appropriate pursuant to paragraph (3) of this subsection.

"(3) DAMAGES AND RELIEF.—In awarding damages and prescribing other relief under this subsection the Board shall consider such factors as—

"(A) the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

"(B) what reasonable measures would adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak on the route involved.

"(4) USE OF DAMAGES.—The Board shall, as it deems appropriate, remit the damages awarded under this subsection to Amtrak or to an entity for which Amtrak operates intercity passenger rail service. Such damages shall be used for capital or operating expenditures on the routes over which delays or failures to achieve minimum standards were the result of a rail carrier's failure to provide preference to Amtrak over freight transportation as determined in accordance with paragraph (2).".

(b) CHANGE OF REFERENCE.—Section 24308 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (a)(2)(A) and inserting "Surface Transportation Board";

(2) by striking "Commission" each place it appears and inserting "Board";

(3) by striking "Secretary of Transportation" in subsection (c) and inserting "Board"; and

(4) by striking "Secretary" the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting "Board".

### SEC. 210. LONG DISTANCE ROUTES.

(a) IN GENERAL.—Chapter 247 is amended by adding at the end thereof the following:

**"§ 24710. Long distance routes**

"(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007, Amtrak shall—

"(1) evaluate annually the financial and operating performance of each long distance passenger rail route operated by Amtrak; and

"(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

"(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop and publish a performance improvement plan for its long distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 208 of that Act. The plan shall address—

"(1) on-time performance;

"(2) scheduling, frequency, routes, and stops;

"(3) the feasibility of restructuring service into connected corridor service;

"(4) performance-related equipment changes and capital improvements;

"(5) on-board amenities and service, including food, first class, and sleeping car service;

"(6) State or other non-Federal financial contributions;

"(7) improving financial performance; and

"(8) other aspects of Amtrak's long distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak's long distance passenger rail routes.

"(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

"(1) beginning in fiscal year 2008 for those routes identified as being in the worst performing third under subsection (a)(2);

"(2) beginning in fiscal year 2009 for those routes identified as being in the second best performing third under subsection (a)(2); and

"(3) beginning in fiscal year 2010 for those routes identified as being in the best performing third under subsection (a)(2).

"(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

"(1) shall notify Amtrak, the Inspector General of the Department of Transportation, and appropriate Congressional committees of its determination under this subsection;

"(2) shall provide an opportunity for a hearing with respect to that determination; and

"(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

"24710. Long distance routes.".

### SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

(a) IN GENERAL.—Chapter 247, as amended by section 209, is amended by adding at the end thereof the following:

**"§24711. Alternate passenger rail service program**

"(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

"(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States [Code] *Code, or any entity operating as a rail carrier that has negotiated a contingent agreement to lease necessary rights-of-way from a rail carrier or rail carriers that own the infrastructure on which Amtrak operates such routes*, may petition the Federal Railroad Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak;

"(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

"(3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

"(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding to the winning bidder—

"(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this Act; and

"(B) an operating subsidy—

"(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

"(ii) for any subsequent years at such level, adjusted for inflation; and

"(5) each bid would contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available by the winning bidder to the public after the bid award.

"(b) IMPLEMENTATION.—

"(1) INITIAL PETITIONS.—Pursuant to any rules or regulations promulgated under subsection (A), the Administration shall establish a deadline for the submission of a petition under subsection (a)—

"(A) during fiscal year 2008 for operations commencing in fiscal year 2009; and

"(B) during the immediately preceding fiscal year for operations commencing in subsequent fiscal years.

"(2) ROUTE LIMITATIONS.—The Administration may not make the program available with respect to more than 1 Amtrak passenger rail route for operations beginning in fiscal year 2009 nor to more than 2 such routes for operations beginning in fiscal year 2011 and subsequent fiscal years.

"(c) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

"(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

"(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

"(B) the service provider's compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 and such additional performance standards as the Administration may establish;

"(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 218 of that Act, necessary to carry out the purposes of this section;

"(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

"(4) the winning bidder shall provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

"(d) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 24711(a)(1).

"(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following:

"24711. Alternate passenger rail service program.".

### SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, in the Secretary's discretion, provide grants for financial incentives to be provided to employees of the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code,

or by the elimination of any route, to other positions within the Corporation in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than $50,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this Act for termination-related payments to employees under existing contractual agreements.

### SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the *railroad right-of-way (including track, signals, and auxiliary structures), facilities, stations, and equipment, of the* Northeast Corridor to a state of good repair by the end of fiscal year 2012, consistent with the funding levels authorized in this Act and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

### SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

**"§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Committee**

"(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

"(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

"(A) members representing the National Railroad Passenger Corporation;

"(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

"(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

"(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

"(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

"(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

"(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(6) The Chairman of the Commission shall be elected by the members.

"(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

"(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

"(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

"(10) The commission shall consult with other entities as appropriate.

"(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning Northeast Corridor rail infrastructure and operations including proposals addressing, as appropriate—

"(1) short-term and long term capital investment needs beyond the state-of-good-repair under section 213;

"(2) future funding requirements for capital improvements and maintenance;

"(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

"(4) opportunities for additional non-rail uses of the Northeast Corridor;

"(5) scheduling and dispatching;

"(6) safety and security enhancements;

"(7) equipment design;

"(8) marketing of rail services; and

"(9) future capacity requirements.

"(c) ACCESS COSTS.—

"(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2007, the Commission shall—

"(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

"(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

"(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

"(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

"(C) transmit the proposed timetable to the Surface Transportation Board; and

"(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

"(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

"(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

"(e) NORTHEAST CORRIDOR SAFETY AND SECURITY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety and Security Committee composed of members appointed by the Secretary. The members shall be representatives of—

"(A) the Secretary;

"(B) Amtrak;

"(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

"(D) commuter agencies;

"(E) rail passengers;

"(F) rail labor;

"(G) the Transportation Security Administration; and

"(H) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

"(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

"(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to Congress on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.".

(b) CONFORMING AMENDMENTS.—Section 24904(c)(2) is amended by—

(1) inserting "commuter rail passenger and" after "between"; and

(2) striking "freight" in the second sentence.

(c) RIDOT ACCESS AGREEMENT.—

(1) IN GENERAL.—Not later than December 15, 2007, Amtrak and the Rhode Island Department of Transportation shall enter into an agreement governing access fees and other costs or charges related to the operation of the South County commuter rail service on the Northeast Corridor between Providence and Wickford Junction, Rhode Island.

(2) FAILURE TO REACH AGREEMENT.—If Amtrak and the Rhode Island Department of Transportation fail to reach the agreement specified under paragraph (1), the Administrator of the Federal Railroad Administration shall, after consultation with both parties, resolve any outstanding disagreements between the parties, including setting access fees and other costs or charges related to the operation of the South County commuter rail service that do not allow for the cross-subsidization of intercity rail passenger and commuter rail passenger service, not later than [January 30, 2008.] *October 31, 2007.*

(3) INTERIM AGREEMENT.—Any agreement between Amtrak and the Rhode Island Department of Transportation relating to access costs made under this subsection shall be superseded by any access cost formula developed by the Northeast Corridor Infrastructure and Operations Advisory Commission under section 24905(c)(1) of title 49, United States Code, as amended by section 214(a) of this Act.

### SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires on October 1, 2008.

(b) DEBT RESTRUCTURING.—The Secretary of Treasury, in consultation with the Secretary of the Transportation and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of Treasury may assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(1) for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(2) for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 103(a)(1) or (2) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by November 1, 2008—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

### SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by September 30, 2008, along with recommendations for funding the necessary improvements.

### SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

### SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accord with the methodology established pursuant to section 206 of this Act.

### SEC. 219. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2007 through 2012.

*(c) APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.—Section 24301 is amended by adding at the end the following:*

*"(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between the National Railroad Passenger Corporation and the State of Maryland, or any department or agency of the State of Maryland, after*

*the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.".*

*(d) Travel Facilitation.—Using existing authority or agreements, or upon reaching additional agreements with Canada, the Secretary of Transportation and other Federal agencies, as appropriate, are authorized to establish facilities and procedures to conduct preclearance of passengers traveling on Amtrak trains from Canada to the United States. The Secretary shall seek to establish such facilities and procedures—*

*(1) in Vancouver, Canada, no later than June 1, 2008; and*

*(2) in other areas as determined appropriate by the Secretary.*

### SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase its operation of trains funded by the private sector in order to minimize its need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

### SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) In General.—Within 1 year after metrics and standards are established under section 208 of this Act, Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service developed under that section.

(b) Report.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

### SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) In General.—Chapter 243 is amended by inserting after section 24309 the following:

#### "§ 24310. Management accountability

"(a) In General.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

"(b) Assessment.—The management assessment undertaken by the Inspector General may include a review of—

"(1) effectiveness improving annual financial planning;

"(2) effectiveness in implementing improved financial accounting;

"(3) efforts to implement minimum train performance standards;

"(4) progress maximizing revenues and minimizing Federal subsidies; and

"(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.".

(b) Conforming Amendment.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

"24310. Management accountability.".

### *SEC. 223. LOCOMOTIVE BIODIESEL FUEL USE STUDY.*

*(a) In General.—The Federal Railroad Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the extent to which Amtrak could use biodiesel fuel blends to power its fleet of locomotives and any of its other motor vehicles that can operate on diesel fuel.*

*(b) Factors.—In conducting the study, the Federal Railroad Administration shall consider—*

*(1) environmental and energy security effects of biodiesel fuel use;*

*(2) the cost of purchasing biodiesel fuel blends for such purposes;*

*(3) whether sufficient biodiesel fuel is readily available; and*

*(4) the effect of biodiesel fuel use on relevant performance or warranty specifications.*

*(c) Report.—Not later than April 1, 2008, the Federal Railroad Administration shall report the results of its study to the Congress together with such findings, conclusions, and recommendations as it deems appropriate.*

## TITLE III—INTERCITY PASSENGER RAIL POLICY

### SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) In General.—Part C of subtitle V is amended by inserting the following after chapter 243:

### "CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

"Sec.
"24401. Definitions.
"24402. Capital investment grants to support intercity passenger rail service.
"24403. Project management oversight.
"24404. Use of capital grants to finance first-dollar liability of grant project.
"24405. Grant conditions.

#### "§ 24401. Definitions

"In this subchapter:

"(1) Applicant.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

"(2) Capital project.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

"(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, security, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

"(C) costs associated with developing State rail plans; and

"(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

"(3) Intercity passenger rail service.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of title 49, United States Code.

#### "§ 24402. Capital investment grants to support intercity passenger rail service

"(a) General Authority.—

"(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities and equipment necessary to provide or improve intercity passenger rail transportation.

"(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007.

"(b) Project as Part of State Rail Plan.—

"(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 203 of the Passenger Rail Investment and Improvement Act of 2007, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

"(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

"(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

"(c) Project Selection Criteria.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

"(1) require that each proposed project meet all safety and security requirements that are applicable to the project under law;

"(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007;

"(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

"(4) ensure that each project is compatible with, and is operated in conformance with—

"(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

"(B) the national rail plan (if it is available); and

"(5) favor the following kinds of projects:

"(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

"(B) Projects that also improve freight or commuter rail operations.

"(C) Projects that have significant environmental benefits.

"(D) Projects that are—

"(i) at a stage of preparation that all precommencement compliance with environmental protection requirements has already been completed; and

"(ii) ready to be commenced.

"(E) Projects with positive economic and employment impacts.

"(F) Projects that encourage the use of positive train control technologies.

"(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

"(H) Projects that involve donated property interests or services.

"(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

"(J) Projects described in section 5302(a)(1)(G) of this title that are designed to support intercity passenger rail service.

"(d) Amtrak Eligibility.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

"(e) Letters of Intent, Full Funding Grant Agreements, and Early Systems Work Agreements.—

"(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

"(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

"(C) An obligation or administrative commitment may be made only when amounts are appropriated.

"(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

"(i) establish the terms of participation by the United States Government in a project under this section;

"(ii) establish the maximum amount of Government financial assistance for the project;

"(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

"(iv) make timely and efficient management of the project easier according to the law of the United States.

"(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

"(i) a full funding grant agreement for the project will be made; and

"(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

"(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

"(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(c) of Passenger Rail Investment and Improvement Act of 2007, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

"(f) Federal Share of Net Project Cost.—

"(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

"(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

"(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

"(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

"(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service *and operating costs of up to $5,000,000 per fiscal year of such service* in fiscal years 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded *in fiscal years 2007, 2008, and 2009* under this section. The Secretary may require such information as necessary to verify such expenditures.

"(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a [fiscal year beginning in 2007] *fiscal year, beginning in fiscal year 2007*, for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average [of] *capital and operating* expenditures made for such service in fiscal years 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

"(g) Undertaking Projects in Advance.—

"(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

"(A) the applicant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

"(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

"(h) 2-Year Availability.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

"(i) PUBLIC-PRIVATE PARTNERSHIPS.—

"(1) IN GENERAL.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this title.

"(2) FORMS OF PARTICIPATION.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

"(B) cost-sharing of any project expense;

"(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

"(D) any other form of participation approved by the Secretary.

"(3) SUB-ALLOCATION.—A State may allocate funds under this section to any entity described in paragraph (1).

"(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

"(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

"(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

"(k) SMALL CAPITAL PROJECTS.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2007 beginning in fiscal year 2008 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

**"§ 24403. Project management oversight**

"(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

"(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

"(3) a construction schedule for the project;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

"(8) material testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

"(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

"(b) SECRETARIAL OVERSIGHT.—

"(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this subchapter to enter into contracts to oversee the construction of such projects.

"(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

"(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

"(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this subchapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

**"§ 24404. Use of capital grants to finance first-dollar liability of grant project**

"Notwithstanding the requirements of section 24402 of this subchapter, the Secretary of Transportation may approve the use of capital assistance under this subchapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

**"§ 24405. Grant conditions**

"(a) DOMESTIC BUYING PREFERENCE.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

"(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

"(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

"(B) DE MINIMIS AMOUNT.—Subparagraph (1) applies only to a purchase in an total amount that is not less than $1,000,000.

"(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

"(A) such requirements are inconsistent with the public interest;

"(B) the cost of imposing the requirements is unreasonable; or

"(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

"(3) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

"(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts the that definition or in which that definition applies, including—

"(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); and

"(2) the Railway Labor Act (43 U.S.C. 151 et seq.).

"(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

"(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

"(A) any compensation for such use;

"(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

"(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

"(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

"(2) the applicant agrees to comply with—

"(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

"(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this subchapter.

"(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

"(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

“(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

“(B) establishes a procedure for notifying such an employee of such positions;

“(C) establishes a procedure for such an employee to apply for such positions; and

“(D) establishes rates of pay, rules, and working conditions.

“(2) IMMEDIATE REPLACEMENT SERVICE.—

“(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

“(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

“(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

“(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

“(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.— Nothing in this section applies to—

“(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

“(2) the Alaska Railroad or its contractors; or

“(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.”.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 243:

“244. Intercity passenger rail service capital assistance ......... 24401”.

“(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

“244. Intercity passenger rail service capital assistance ......... 24401”.

### SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

## “CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

“Sec.
“22501. Definitions.
“22502. Authority.
“22503. Purposes.
“22504. Transparency; coordination; review.
“22505. Content.
“22506. Review.

### “§ 22501. Definitions

“In this subchapter:

“(1) PRIVATE BENEFIT.—

“(A) IN GENERAL.—The term ‘private benefit’—

“(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

“(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

“(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

“(2) PUBLIC BENEFIT.—

“(A) IN GENERAL.—The term ‘public benefit’—

“(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

“(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

“(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

“(3) STATE.—The term ‘State’ means any of the 50 States and the District of Columbia.

“(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term ‘State rail transportation authority’ means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.”.

### “§ 22502. Authority

“(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

“(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

“(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

“(2) establish or designate a State rail plan approval authority to approve the plan;

“(3) submit the State's approved plan to the Secretary of Transportation for review; and

“(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

### “§ 22503. Purposes

“(a) PURPOSES.—The purposes of a State rail plan are as follows:

“(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

“(2) To establish the period covered by the State rail plan.

“(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

“(4) To serve as the basis for Federal and State rail investments within the State.

“(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

### “§ 22504. Transparency; coordination; review

“(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

“(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

**"§ 22505. Content**

"(a) IN GENERAL.—Each State rail plan shall contain the following:

"(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

"(2) A review of all rail lines within the State, including proposed high speed rail corridors and significant rail line segments not currently in service.

"(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

"(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

"(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

"(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

"(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

"(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

"(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.

"(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

"(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

"(12) A statement that the State is in compliance with the requirements of section 22102.

"(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

"(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

"(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

"(B) A detailed funding plan for those projects.

"(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

"(A) a description of the anticipated public and private benefits of each such project; and

"(B) a statement of the correlation between—

"(i) public funding contributions for the projects; and

"(ii) the public benefits.

"(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

"(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

"(B) Rail capacity and congestion effects.

"(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

"(D) Regional balance.

"(E) Environmental impact.

"(F) Economic and employment impacts.

"(G) Projected ridership and other service measures for passenger rail projects.

**"§ 22506. Review**

The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2007 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter".

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

"225. State rail plans .................. 22501".

"(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

"225. State rail plans .................. 24401".

### SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 105 of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

### SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting "IN GENERAL.—" before "The Federal" in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting "ADMINISTRATOR.—" before "The head" in subsection (b);

(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and by inserting after subsection (b) the following:

"(c) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.";

(5) by inserting "POWERS AND DUTIES.—" before "The" in subsection (d), as redesignated;

(6) by striking "and" after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesignating paragraph (2) of subsection (d), as redesignated, as paragraph (3) and inserting after paragraph (1) the following:

"(2) the duties and powers related to railroad policy and development under subsection (e); and";

(8) by inserting "TRANSFERS OF DUTY.—" before "A duty" in subsection (e), as redesignated;

(9) by inserting "CONTRACTS, GRANTS, LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR TRANSACTIONS.—" before "Subject" in subsection (f), as redesignated;

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the following:

"(g) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

"(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;

"(2) develop a long range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

"(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007;

"(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

"(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

"(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

"(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

"(h) PERFORMANCE GOALS AND REPORTS.—

"(1) PERFORMANCE GOALS.—In conjunction with the objectives established and activities undertaken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

"(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under section 103(e).

"(3) SUBMISSION WITH PRESIDENT'S BUDGET.—Beginning with fiscal year 2009 and each fiscal year thereafter, the Secretary shall submit to Congress, at the same time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.".

### SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

**"§ 24910. Rail cooperative research program**

"(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

"(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems and rail security;

"(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

"(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

"(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

"(b) CONTENT.—The program to be carried out under this section shall include research designed—

"(1) to identify the unique aspects and attributes of rail passenger and freight service;

"(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

"(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

"(4) to recommend priorities for technology demonstration and development;

"(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

"(6) to explore improvements in management, financing, and institutional structures;

"(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

"(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

"(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

"(10) to review the impact of equipment and operational safety standards on the further development of high speed passenger rail operations connected to or integrated with non-high speed freight or passenger rail operations; and

"(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high speed freight or passenger rail operations.

"(c) ADVISORY BOARD.—

"(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

"(2) MEMBERSHIP.—The advisory board shall include—

"(A) representatives of State transportation agencies;

"(B) transportation and environmental economists, scientists, and engineers; and

"(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

"(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

"24910. Rail cooperative research program.".

### [TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

### [SEC. 400. SHORT TITLE.

[This title may be cited as the "Surface Transportation and Rail Security Act of 2007".

### [SEC. 401. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

[(a) IN GENERAL.—

[(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

[(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

[(B) identification and evaluation of critical assets and infrastructures;

[(C) identification of vulnerabilities and risks to those assets and infrastructures;

[(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

[(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

[(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

[(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

[(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

[(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

[(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

[(D) conducting public outreach campaigns on passenger railroads;

[(E) deploying surveillance equipment; and

[(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

[(3) PLANS.—The report required by subsection (c) shall include—

[(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

[(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

[(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

[(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

[(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

[(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

[(c) REPORT.—

[(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on

Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

[(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

[(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

[(e) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2008.

### [SEC. 402. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

[(a) IN GENERAL.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

[(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

[(2) to secure Amtrak trains;

[(3) to secure Amtrak stations;

[(4) to obtain a watch list identification system approved by the Secretary;

[(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

[(6) to hire additional police and security officers, including canine units;

[(7) to expand emergency preparedness efforts; and

[(8) for employee security training.

[(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

[(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 401, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

[(d) AVAILABILITY OF FUNDS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

[(1) $63,500,000 for fiscal year 2008;

[(2) $30,000,000 for fiscal year 2009; and

[(3) $30,000,000 for fiscal year 2010.

[Amounts appropriated pursuant to this subsection shall remain available until expended.

### [SEC. 403. FIRE AND LIFE-SAFETY IMPROVEMENTS.

[(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

[(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 416(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

[(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

[(A) $100,000,000 for fiscal year 2008;

[(B) $100,000,000 for fiscal year 2009;

[(C) $100,000,000 for fiscal year 2010; and

[(D) $100,000,000 for fiscal year 2011.

[(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

[(A) $10,000,000 for fiscal year 2008;

[(B) $10,000,000 for fiscal year 2009;

[(C) $10,000,000 for fiscal year 2010; and

[(D) $10,000,000 for fiscal year 2011.

[(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

[(A) $8,000,000 for fiscal year 2008;

[(B) $8,000,000 for fiscal year 2009;

[(C) $8,000,000 for fiscal year 2010; and

[(D) $8,000,000 for fiscal year 2011.

[(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 416(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2008 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

[(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

[(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

[(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

[(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

[(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

[(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

[(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

[(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

[(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

### [SEC. 404. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

[(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 401, including—

[(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

[(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

[(3) the security of hazardous material transportation by rail;

[(4) secure intercity passenger rail stations, trains, and infrastructure;

[(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

[(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

[(7) public security awareness campaigns for passenger train operations;

[(8) the sharing of intelligence and information about security threats;

[(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

[(10) to hire additional police and security officers, including canine units; and

[(11) other improvements recommended by the report required by section 401, including infrastructure, facilities, and equipment upgrades.

[(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

[(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section 401, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

[(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 402(b) of this title.

[(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 401 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

[(1) in excess of $45,000,000 to Amtrak; or

[(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

[(f) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title,, there shall be made available to the Secretary of Homeland Security to carry out this section—

[(1) $100,000,000 for fiscal year 2008;

[(2) $100,000,000 for fiscal year 2009; and

[(3) $100,000,000 for fiscal year 2010.

Amounts made available pursuant to this subsection shall remain available until expended.

[(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

### [SEC. 405. RAIL SECURITY RESEARCH AND DEVELOPMENT.

[(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

[(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

[(2) test new emergency response techniques and technologies;

[(3) develop improved freight technologies, including—

[(A) technologies for sealing rail cars;

[(B) automatic inspection of rail cars;

[(C) communication-based train controls; and

[(D) emergency response training;

[(4) test wayside detectors that can detect tampering with railroad equipment;

[(5) support enhanced security for the transportation of hazardous materials by rail, including—

[(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

[(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 404(g) of this title); and

[(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

[(6) other projects that address vulnerabilities and risks identified under section 401.

[(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

[(1) is already sponsoring a research and development project in a similar area; or

[(2) has a unique facility or capability that would be useful in carrying out the project.

[(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 404(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

[(d) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title,, there shall be made available to the Secretary of Homeland Security to carry out this section—

[(1) $33,000,000 for fiscal year 2008;

[(2) $33,000,000 for fiscal year 2009; and

[(3) $33,000,000 for fiscal year 2010.

[Amounts made available pursuant to this subsection shall remain available until expended.

### [SEC. 406. OVERSIGHT AND GRANT PROCEDURES.

[(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under this title to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

[(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

[(c) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

### [SEC. 407. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

[(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

**[“§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents**

[“(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Surface Transportation and Rail Security Act of 2007 Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

[“(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

[“(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

[“(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

[“(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

[“(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

[“(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

[“(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

[“(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

[“(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

[“(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

[“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

[“(f) FUNDING.—Out of funds appropriated pursuant to section 416(b) of the Surface Transportation and Rail Security Act of 2007, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.”.

[(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

[“24316. Plan to assist families of passengers involved in rail passenger accidents.”.

### [SEC. 408. NORTHERN BORDER RAIL PASSENGER REPORT.

[Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

[(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

[(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in “The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America”, dated January 18, 2001;

[(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the “Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States”, dated April 2, 2003;

[(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

[(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

[(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

[(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

[(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

### [SEC. 409. RAIL WORKER SECURITY TRAINING PROGRAM.

[(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

[(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

[(1) Determination of the seriousness of any occurrence.

[(2) Crew communication and coordination.

[(3) Appropriate responses to defend or protect oneself.

[(4) Use of protective devices.

[(5) Evacuation procedures.

[(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

[(7) Situational training exercises regarding various threat conditions.

[(8) Any other subject the Secretary considers appropriate.

[(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

[(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

[(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

[(f) FRONT-LINE WORKERS DEFINED.—In this section, the term “front-line workers” means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

[(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

### [SEC. 410. WHISTLEBLOWER PROTECTION PROGRAM.

[(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

### [“§ 20118. Whistleblower protection for rail security matters

[“(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

[“(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

[“(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

[“(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

[“(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

[“(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this subtitle, including the burdens of proof, applies to any complaint brought under this section.

[“(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

[“(e) DISCLOSURE OF IDENTITY.—

[“(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

[“(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.".

[(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

["20118. Whistleblower protection for rail security matters.".

### [SEC. 411. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

[(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 404(g) of this title to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

[(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

[(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

[(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

[(c) COMPLETION AND REVIEW OF PLANS.—

[(1) PLANS REQUIRED.—Each rail carrier shall—

[(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

[(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

[(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

[(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

[(d) DEFINITIONS.—In this section:

[(1) The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

[(A) catastrophic loss of life; and

[(B) significantly damaged national security and defense capabilities; or

[(C) national economic harm.

[(2) The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

[(A) loss of life; or

[(B) significant damage to property or structures.

[(3) The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

### [SEC. 412. MEMORANDUM OF AGREEMENT.

[(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

[(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

### [SEC. 413. RAIL SECURITY ENHANCEMENTS.

[(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

[(1) by inserting "(a) IN GENERAL.—" before "Under"; and

[(2) by striking "the rail carrier" each place it appears and inserting "any rail carrier".

[(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

### [SEC. 414. PUBLIC AWARENESS.

[Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

### [SEC. 415. RAILROAD HIGH HAZARD MATERIAL TRACKING.

[(a) WIRELESS COMMUNICATIONS.—

[(1) IN GENERAL.—In conjunction with the research and development program established under section 405 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 404(g) of this title) with wireless terrestrial or satellite communications technology that provides—

[(A) car position location and tracking capabilities;

[(B) notification of rail car depressurization, breach, or unsafe temperature; and

[(C) notification of hazardous material release.

[(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

[(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

[(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

[(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

### [SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

[(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

["(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

["(1) $205,000,000 for fiscal year 2008;

["(2) $166,000,000 for fiscal year 2009; and

["(3) $166,000,000 for fiscal year 2010.".

[(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

[(1) $121,000,000 for fiscal year 2008;

[(2) $118,000,000 for fiscal year 2009;

[(3) $118,000,000 for fiscal year 2010; and

[(4) $118,000,000 for fiscal year 2011.

## *TITLE IV—IMPROVED RAIL SECURITY*

### *SEC. 401. DEFINITIONS.*

*In this title:*

*(1) HIGH HAZARD MATERIALS.—The term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, anhydrous ammonia, and other hazardous materials that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.*

*(2) SECRETARY.—The term "Secretary" refers to the Secretary of Homeland Security unless otherwise noted.*

### *SEC. 402. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.*

*(a) IN GENERAL.—*

*(1) RISK ASSESSMENT.—The Secretary shall establish a task force, including the Transportation Security Administration and other agencies within the Department, the Department of Transportation, and other appropriate Federal agencies, to complete a risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—*

*(A) a methodology for conducting the risk assessment, including timelines, that addresses*

*how the Department of Homeland Security will work with the entities described in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;*

*(B) identification and evaluation of critical assets and infrastructures;*

*(C) identification of risks to those assets and infrastructures;*

*(D) identification of risks that are specific to the transportation of hazardous materials via railroad;*

*(E) identification of risks to passenger and cargo security, transportation infrastructure (including rail tunnels used by passenger and freight railroads in high threat urban areas), protection systems, operations, communications systems, employee training, emergency response planning, and any other area identified by the assessment;*

*(F) an assessment of public and private operational recovery plans to expedite, to the maximum extent practicable, the return of an adversely affected freight or passenger rail transportation system or facility to its normal performance level after a major terrorist attack or other security event on that system or facility; and*

*(G) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.*

*(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—*

*(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service or on operations served or otherwise affected by rail service;*

*(B) deploying equipment and personnel to detect security threats, including those posed by explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;*

*(C) training appropriate railroad or railroad shipper employees in terrorism prevention, preparedness, passenger evacuation, and response activities;*

*(D) conducting public outreach campaigns on passenger railroads regarding security;*

*(E) deploying surveillance equipment;*

*(F) identifying the immediate and long-term costs of measures that may be required to address those risks; and*

*(G) public and private sector sources to fund such measures.*

*(3) PLANS.—The report required by subsection (c) shall include—*

*(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal Government to provide adequate security support at high or severe threat levels of alert;*

*(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and*

*(C) a contingency plan, developed in coordination with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—*

*(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and*

*(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.*

*(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, offerers of hazardous materials, public safety officials, and other relevant parties. In developing the risk assessment required under this section, the Secretary shall utilize relevant existing risk assessments developed by the Department or other Federal agencies, and, as appropriate, assessments developed by other public and private stakeholders.*

*(c) REPORT.—*

*(1) CONTENTS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report containing—*

*(A) the assessment, prioritized recommendations, and plans required by subsection (a); and*

*(B) an estimate of the cost to implement such recommendations.*

*(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.*

*(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.*

*(e) FUNDING.—Out of funds appropriated pursuant to section 114(v) of title 49, United States Code, as amended by section 418 of this title, there shall be made available to the Secretary to carry out this section $5,000,000 for fiscal year 2008.*

### *SEC. 403. SYSTEMWIDE AMTRAK SECURITY UPGRADES.*

*(a) IN GENERAL.—*

*(1) GRANTS.—Subject to subsection (c) the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak in accordance with the provisions of this section.*

*(2) GENERAL PURPOSES.—The Secretary may make such grants for the purposes of—*

*(A) protecting underwater and underground assets and systems;*

*(B) protecting high risk and high consequence assets identified through system-wide risk assessments;*

*(C) providing counter-terrorism training;*

*(D) providing both visible and unpredictable deterrence; and*

*(E) conducting emergency preparedness drills and exercises.*

*(3) SPECIFIC PROJECTS.—The Secretary shall make such grants—*

*(A) to secure major tunnel access points and ensure tunnel integrity in New York, New Jersey, Maryland, and Washington, DC;*

*(B) to secure Amtrak trains;*

*(C) to secure Amtrak stations;*

*(D) to obtain a watch list identification system approved by the Secretary;*

*(E) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;*

*(F) to hire additional police officers, special agents, security officers, including canine units, and to pay for other labor costs directly associated with security and terrorism prevention activities;*

*(G) to expand emergency preparedness efforts; and*

*(H) for employee security training.*

*(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary. Amtrak shall develop the security plan in consultation with constituent States and other relevant parties. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training and shall be consistent with State security plans to the maximum extent practicable.*

*(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 403, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.*

*(d) AVAILABILITY OF FUNDS.—*

*(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(v) of title 49, United States Code, as amended by section 418 of this title, there shall be made available to the Secretary and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—*

*(A) $63,500,000 for fiscal year 2008;*

*(B) $30.000,000 for fiscal year 2009; and*

*(C) $30,000,000 for fiscal year 2010.*

*(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.*

### *SEC. 404. FIRE AND LIFE-SAFETY IMPROVEMENTS.*

*(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, New Jersey, Maryland, and Washington, DC.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 418(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:*

*(1) For the 6 New York and New Jersey tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—*

*(A) $100,000,000 for fiscal year 2008;*

*(B) $100,000,000 for fiscal year 2009;*

*(C) $100,000,000 for fiscal year 2010; and*

*(D) $100,000,000 for fiscal year 2011.*

*(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—*

*(A) $10,000,000 for fiscal year 2008;*

*(B) $10,000,000 for fiscal year 2009;*

*(C) $10,000,000 for fiscal year 2010; and*

*(D) $10.000,000 for fiscal year 2011.*

*(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—*

*(A) $8,000,000 for fiscal year 2008;*

*(B) $8,000,000 for fiscal year 2009;*

*(C) $8,000,000 for fiscal year 2010; and*

*(D) $8,000,000 for fiscal year 2011.*

*(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 418(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2008 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to*

*augment the capacity of the existing Baltimore tunnels.*

*(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.*

*(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—*

*(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and*

*(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.*

*(f) REVIEW OF PLANS.—*

*(1) IN GENERAL.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak.*

*(2) INCOMPLETE OR DEFICIENT PLAN.—If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review.*

*(3) APPROVAL OF PLAN.—Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall—*

*(A) identify in writing to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives the portions of the plan the Secretary finds incomplete or deficient;*

*(B) approve all other portions of the plan;*

*(C) obligate the funds associated with those other portions; and*

*(D) execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.*

*(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—*

*(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;*

*(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and*

*(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.*

### *SEC. 405. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.*

*(a) SECURITY IMPROVEMENT GRANTS.—The Secretary, in consultation with Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies or officials, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials offerers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and to Amtrak for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security risks identified under section 402, including—*

*(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;*

*(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;*

*(3) the security of hazardous material transportation by rail;*

*(4) secure intercity passenger rail stations, trains, and infrastructure;*

*(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;*

*(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;*

*(7) public security awareness campaigns for passenger train operations;*

*(8) the sharing of intelligence and information about security threats;*

*(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;*

*(10) to hire additional police and security officers, including canine units; and*

*(11) other improvements recommended by the report required by section 402, including infrastructure, facilities, and equipment upgrades.*

*(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.*

*(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk as determined under section 402, and shall encourage non-Federal financial participation in projects funded by grants awarded under this section. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether stations or facilities are used by commuter rail passengers as well as intercity rail passengers. Not later than 240 days after the date of enactment of this Act, the Secretary shall provide a report to the Committees on Commerce, Science and Transportation and Homeland Security and Governmental Affairs in the Senate and the Committee on Homeland Security in the House on the feasibility and appropriateness of requiring a non-Federal match for the grants authorized in subsection (a).*

*(d) CONDITIONS.—Grants awarded by the Secretary to Amtrak under subsection (a) shall be disbursed to Amtrak through the Secretary of Transportation. The Secretary of Transportation may not disburse such funds unless Amtrak meets the conditions set forth in section 403(b) of this title.*

*(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 402 the Secretary determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made cumulatively over the period authorized by this title—*

*(1) in excess of $45,000,000 to Amtrak; or*

*(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).*

*(f) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(v) of title 49, United States Code, as amended by section 418 of this title, there shall be made available to the Secretary to carry out this section—*

*(A) $100,000,000 for fiscal year 2008;*

*(B) $100,000,000 for fiscal year 2009; and*

*(C) $100,000,000 for fiscal year 2010.*

*(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.*

### *SEC. 406. RAIL SECURITY RESEARCH AND DEVELOPMENT.*

*(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—*

*(1) reduce the risk of terrorist attacks on rail transportation, including risks posed by explosives and hazardous chemical, biological, and radioactive substances to intercity rail passengers, facilities, and equipment;*

*(2) test new emergency response techniques and technologies;*

*(3) develop improved freight rail security technologies, including—*

*(A) technologies for sealing rail cars;*

*(B) automatic inspection of rail cars;*

*(C) communication-based train controls; and*

*(D) emergency response training;*

*(4) test wayside detectors that can detect tampering with railroad equipment;*

*(5) support enhanced security for the transportation of hazardous materials by rail, including—*

*(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;*

*(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 401 of this title); and*

*(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and*

*(6) other projects that address risks identified under section 402.*

*(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—*

*(1) is already sponsoring a research and development project in a similar area; or*

*(2) has a unique facility or capability that would be useful in carrying out the project.*

*(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 405(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(v) of title 49, United States Code, as amended by section 418 of this title, there shall be made available to the Secretary to carry out this section—*

*(A) $33,000,000 for fiscal year 2008;*

*(B) $33,000,000 for fiscal year 2009; and*

*(C) $33,000,000 for fiscal year 2010.*

*(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.*

### *SEC. 407. OVERSIGHT AND GRANT PROCEDURES.*

*(a) SECRETARIAL OVERSIGHT.—The Secretary may award contracts to audit and review the safety, security, procurement, management, and financial compliance of a recipient of amounts under this title.*

*(b) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 180 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.*

*(c) ADDITIONAL AUTHORITY.—The Secretary may issue nonbinding letters under similar terms to those issued pursuant to section 47110(e) of title 49, United States Code, to sponsors of rail projects funded under this title.*

### *SEC. 408. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.*

*(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:*

### *"§24316. Plans to address needs of families of passengers involved in rail passenger accidents*

*"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Transportation Security and Interoperable Communication Capabilities Act, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.*

*"(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:*

*"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.*

*"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.*

*"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.*

*"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).*

*"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.*

*"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.*

*"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.*

*"(c) USE OF INFORMATION.—Neither the National Transportation Safety Board, the Secretary of Transportation, the Secretary of Homeland Security, nor Amtrak may release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.*

*"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak under this section in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.*

*"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.*

*"(f) FUNDING.—Out of funds appropriated pursuant to section 418(b) of the Passenger Rail Investment and Improvement Act of 2007, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2008 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".*

*(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:*

*"24316. Plan to assist families of passengers involved in rail passenger accidents.".*

### *SEC. 409. NORTHERN BORDER RAIL PASSENGER REPORT.*

*Within 1 year after the date of enactment of this Act, the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—*

*(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;*

*(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;*

*(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;*

*(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;*

*(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-screened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;*

*(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;*

*(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security; and*

*(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.*

### *SEC. 410. RAIL WORKER SECURITY TRAINING PROGRAM.*

*(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers and shippers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.*

*(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements appropriate to passenger and freight rail service that address the following:*

*(1) Determination of the seriousness of any occurrence.*

*(2) Crew communication and coordination.*

*(3) Appropriate responses to defend or protect oneself.*

*(4) Use of protective devices.*

*(5) Evacuation procedures.*

*(6) Psychology, behavior, and methods of terrorists, including observation and analysis.*

*(7) Situational training exercises regarding various threat conditions.*

*(8) Any other subject the Secretary considers appropriate.*

*(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 90 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 90 days after receiving them.*

*(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the*

Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term "front-line workers" means security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

### SEC. 411. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

**"§20118. Whistleblower protection for rail security matters**

"(a) DISCRIMINATION AGAINST EMPLOYEE.—A railroad carrier engaged in interstate or foreign commerce may not discharge or in any way discriminate against an employee because the employee, whether acting for the employee or as a representative, has—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security;

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this subtitle, including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or Secretary of Homeland Security may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.

"(f) PROCESS FOR REPORTING PROBLEMS.—

"(1) ESTABLISHMENT OF REPORTING PROCESS.—The Secretary shall establish, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding railroad security problems, deficiencies, or vulnerabilities.

"(2) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of a person who submits a report under paragraph (1) and any such report shall be treated as a record containing protected information to the extent that it does not consist of publicly available information.

"(3) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary shall respond promptly to such person and acknowledge receipt of the report.

"(4) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps under this title to address any problems or deficiencies identified.

"(5) RETALIATION PROHIBITED.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the compensation to, or terms, conditions, or privileges of the employment of, such employee because the employee (or a person acting pursuant to a request of the employee) made a report under paragraph (1).".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

"20118. Whistleblower protection for rail security matters.".

### SEC. 412. HIGH HAZARD MATERIAL SECURITY RISK MITIGATION PLANS.

(a) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 402 of this title, to develop a high hazard material security risk mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security risk mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe or specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security risk mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary that includes an operational recovery plan to expedite, to the maximum extent practicable, the return of an adversely affected rail system or facility to its normal performance level following a major terrorist attack or other security incident; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term "high-consequence target" means property, infrastructure, public space, or natural resource designated by the Secretary that is a viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life;

(B) significant damage to national security or defense capabilities; or

(C) national economic harm.

(2) The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

### SEC. 413. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(u) ENFORCEMENT OF REGULATIONS AND ORDERS OF THE SECRETARY OF HOMELAND SECURITY ISSUED UNDER THIS TITLE.—

"(1) APPLICATION OF SUBSECTION.—

"(A) IN GENERAL.—This subsection applies to the enforcement of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title other than a provision of chapter 449.

"(B) VIOLATIONS OF CHAPTER 449.—The penalties for violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under chapter 449 of this title are provided under chapter 463 of this title.

"(C) NONAPPLICATION TO CERTAIN VIOLATIONS.—

"(i) Paragraphs (2) through (5) of this subsection do not apply to violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title—

"(I) involving the transportation of personnel or shipments of materials by contractors where the Department of Defense has assumed control and responsibility;

"(II) by a member of the armed forces of the United States when performing official duties; or

"(III) by a civilian employee of the Department of Defense when performing official duties.

"(ii) Violations described in subclause (I), (II), or (III) of clause (i) shall be subject to penalties as determined by the Secretary of Defense or the Secretary's designee.

*"(2) CIVIL PENALTY.—*

*"(A) IN GENERAL.—A person is liable to the United States Government for a civil penalty of not more than $10,000 for a violation of a regulation prescribed, or order issued, by the Secretary of Homeland Security under this title.*

*"(B) REPEAT VIOLATIONS.—A separate violation occurs under this paragraph for each day the violation continues.*

*"(3) ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES.—*

*"(A) IN GENERAL.—The Secretary of Homeland Security may impose a civil penalty for a violation of a regulation prescribed, or order issued, under this title. The Secretary shall give written notice of the finding of a violation and the penalty.*

*"(B) SCOPE OF CIVIL ACTION.—In a civil action to collect a civil penalty imposed by the Secretary under this subsection, the court may not re-examine issues of liability or the amount of the penalty.*

*"(C) JURISDICTION.—The district courts of the United States have exclusive jurisdiction of civil actions to collect a civil penalty imposed by the Secretary under this subsection if—*

*"(i) the amount in controversy is more than—*

*"(I) $400,000, if the violation was committed by a person other than an individual or small business concern; or*

*"(II) $50,000, if the violation was committed by an individual or small business concern;*

*"(ii) the action is in rem or another action in rem based on the same violation has been brought; or*

*"(iii) another action has been brought for an injunction based on the same violation.*

*"(D) MAXIMUM PENALTY.—The maximum penalty the Secretary may impose under this paragraph is—*

*"(i) $400,000, if the violation was committed by a person other than an individual or small business concern; or*

*"(ii) $50,000, if the violation was committed by an individual or small business concern.*

*"(4) COMPROMISE AND SETOFF.—*

*"(A) The Secretary may compromise the amount of a civil penalty imposed under this subsection. If the Secretary compromises the amount of a civil penalty under this subparagraph, the Secretary shall—*

*"(i) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security of the compromised penalty and explain the rationale therefor; and*

*"(ii) make the explanation available to the public to the extent feasible without compromising security.*

*"(B) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.*

*"(5) INVESTIGATIONS AND PROCEEDINGS.—Chapter 461 of this title shall apply to investigations and proceedings brought under this subsection to the same extent that it applies to investigations and proceedings brought with respect to aviation security duties designated to be carried out by the Secretary.*

*"(6) DEFINITIONS.—In this subsection:*

*"(A) PERSON.—The term 'person' does not include—*

*"(i) the United States Postal Service; or*

*"(ii) the Department of Defense.*

*"(B) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).".*

*(b) CONFORMING AMENDMENT.—Section 46301(a)(4) of title 49, United States Code is amended by striking "or another requirement under this title administered by the Under Secretary of Transportation for Security".*

*(c) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".*

### *SEC. 414. RAIL SECURITY ENHANCEMENTS.*

*(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—*

*(1) by inserting "(a) IN GENERAL.—" before "Under"; and*

*(2) by adding at the end the following:*

*"(b) ASSIGNMENT.—A rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State may be temporarily assigned to assist a second rail carrier in carrying out law enforcement duties upon the request of the second rail carrier, at which time the police officer shall be considered to be an employee of the second rail carrier and shall have authority to enforce the laws of any jurisdiction in which the second rail carrier owns property to the same extent as provided in subsection (a).".*

*(b) MODEL STATE LEGISLATION.—By no later than September 7, 2007, the Secretary of Transportation shall develop model State legislation to address the problem of entities that claim to be rail carriers in order to establish and run a police force when the entities do not in fact provide rail transportation and shall make it available to State governments. In developing the model State legislation the Secretary shall solicit the input of the States, railroads companies, and railroad employees. The Secretary shall review and, if necessary, revise such model State legislation periodically.*

### *SEC. 415. PUBLIC AWARENESS.*

*Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.*

### *SEC. 416. RAILROAD HIGH HAZARD MATERIAL TRACKING.*

*(a) WIRELESS COMMUNICATIONS.—*

*(1) IN GENERAL.—In conjunction with the research and development program established under section 406 and consistent with the results of research relating to wireless tracking technologies, the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 402 of this title) with technology that provides—*

*(A) car position location and tracking capabilities; and*

*(B) notification of rail car depressurization, breach, unsafe temperature, or release of hazardous materials.*

*(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—*

*(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and*

*(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.*

*(b) FUNDING.—Out of funds appropriated pursuant to section 114(v) of title 49, United States Code, as amended by section 418 of this title, there shall be made available to the Secretary to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.*

### *SEC. 417. CERTAIN REPORTS SUBMITTED TO SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.*

*The Senate Committee on Homeland Security and Governmental Affairs shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Senate Committee on Commerce, Science, and Transportation:*

*(1) Section 402(c) of this title.*

*(2) Section 404(f)(3)(A) of this title.*

*(3) Section 409 of this title.*

*(4) Section 410(d) of this title.*

### *SEC. 418. AUTHORIZATION OF APPROPRIATIONS.*

*(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, as amended by section 413, is amended by adding at the end thereof the following:*

*"(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—*

*"(1) $205,000,000 for fiscal year 2008;*

*"(2) $166,000,000 for fiscal year 2009; and*

*"(3) $166,000,000 for fiscal year 2010.".*

*(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—*

*(1) $121,000,000 for fiscal year 2008;*

*(2) $118,000,000 for fiscal year 2009;*

*(3) $118,000,000 for fiscal year 2010; and*

*(4) $118,000,000 for fiscal year 2011.*

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I thank the Senator from New Jersey and the Senator from Mississippi for allowing me to proceed.

(The remarks of Mr. ALEXANDER are printed in today's RECORD under "Morning Business.")

Mr. ALEXANDER. Mr. President, I thank the bill managers, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, our bill has been sent to the desk, and I want to start off by saying that I am pleased, obviously, that the Senate is considering S. 294, the Passenger Rail Investment and Improvement Act of 2007.

The first thing I want to do is to say thanks to my friend and chief cosponsor of the bill, Senator TRENT LOTT. We have worked together on matters related to transportation in the past, and there is no question that he understands the potential for passenger rail, and his long-standing efforts to improve our country's transportation systems are well known and deeply appreciated.

Like him, I believe this is a critical moment—with delays, unavailability of reliable planning for work, personal opportunity to spend time with kids and family or other activities of choice. Anyone who spends any significant time on our roads does not need reminders that highway congestion is a major problem. In almost every city and town of any size throughout our country, it is experienced.

A recent study by the Texas Transportation Institute showed that highway congestion costs our country over $78 billion per year, including $4.2 billion in lost productivity and 2.9 billion gallons of wasted fuel and an indeterminable loss in the quality of our lives. These things all cascade upon us.

Congestion, however, isn't just limited to our roads. One in 4 flights was late last year at our airports. At Newark Liberty International Airport, it is almost 1 in 2 flights. Other metropolitan regions are experiencing worsening delays. The DOT finally had to cap the number of flights at Chicago's O'Hare Airport a couple of years ago and is considering doing the same thing for Newark and Kennedy Airport in New York. Even airlines are throwing in the towel. The 38 minutes in the air between here and New York City is now scheduled to take almost 2 hours, gate to gate. It is on the schedule—38 minutes of flying time and almost 2 hours to make the trip. It is outrageous. Coupled with long security lines, these delays make air travel increasingly stressful and inconvenient. How about those who are stranded in airplanes, for sometimes as long as 9 hours—stuck in an airplane without the amenities that necessarily should be there, like food and potable water and working restrooms and so forth?

Everyone knows what a difficult day going to the airport can be, or that air travel can be like. Further, everyone knows that the high price of gas has created economic hardship for so many Americans. Some experienced voices are predicting that oil prices in the future, not too distant, can be as high as $200 a barrel, more than twice the current price. One reason why the United States is addicted to oil, as President Bush puts it, is because the Government has not provided other options for travelers. Where reliable rail service is available, people will run to the trains.

Our Nation's passenger railroad, Amtrak, has enjoyed record ridership over the past several years and set a new company record of almost 26 million passengers in the last year. More travelers take the train between Washington and New York City than fly on all the airlines combined between these cities. Amtrak is so popular in the Northeast because people can count on being on time; it is reliable service and it is economical and comfortable.

We see similar results outside of the Northeast corridor, where frequent and reliable passenger service is available. I can tell you from personal experience that riding the train can be a pleasurable experience. Passengers can use their laptops, talk on the phone, have a bite and be productive and not be exhausted when they get there.

Additionally, in most instances, rail service delivers passengers directly to where they need to go in the heart of a city. What a difference that is. You don't have to spend a half hour or an hour to get to the airport a half hour or an hour before the plane takes off so you are ready when the flight is ready to leave. Good passenger rail service is not only good transportation policy, but it is something people in this country are rushing to use.

Everyone is aware now also of the danger of pollution. In the battle against global warming, which is enveloping our country, with erratic weather raising havoc, rail is one of the most effective weapons. To move one passenger a mile, Amtrak emits slightly more than half of the carbon dioxide that airlines do and less than cars as well. Americans want a cleaner option in the air and the water for their children, grandchildren, and future generations than this constant assault on healthy air and water.

In a time where conserving energy and reducing our dependency on foreign oil has never been more important, passenger rail service offers significant fuel-saving benefits. In a time when oil imports continue to expand while prices rise, the quality of life in America is being substantially eroded by these high prices. According to the Department of Energy, airlines on the average consume over 20 percent more energy than Amtrak to move a passenger one mile, while we search for ways to fight against poisoning our atmosphere.

Passenger rail is not just a matter of convenience. It is also an important security asset. One of the lessons we learned on 9/11 was that our country cannot afford to rely on any single mode of transportation. When our aviation system shut down that terrible day, September 11, and for days thereafter, Amtrak was a principal way to reunite thousands of travelers with their families. We also saw chaotic evacuations during Hurricanes Katrina and Rita, with resulting floods, with evacuating motorists stuck for hours and some without cars were left behind altogether. Some investigations showed that with better preparation, passenger trains could have been used to help move thousands out of harm's way.

It is clear that rail service can help move our citizens to safety during emergencies, but you can't do it without the trains and the track that are part of the system. Other nations around the world understand these benefits and, unfortunately, we have been lagging behind. I will never forget a trip I took from Paris to Brussels. There are 18 trains a day between these 2 cities. You cannot get an airplane that goes between the 2. The 210-mile trip takes about 85 minutes. Think about it, 210 miles taking 85 minutes, with trains leaving practically every hour. If you go to Union Station here and travel approximately 210 miles, it is a 3-hour or 2¾-hour train ride. We can do so much better.

The Europeans are not better at these things than we are. They are not smarter than we are. But from Spain to Germany, they have simply made the wise decision to invest in passenger rail. These investments extend worldwide.

Taiwan recently opened its $15 billion, 208-mile rail line this year, where riders can travel its length, 208 miles, in 90 minutes—approximately the length of the trip between Washington, DC, and New York City.

The benefits of these systems are obvious to anyone who travels there. We need the same world-class system in this country. The potential of new rail corridors in our country is enormous. Higher speed, more frequent rail service between Chicago and other Midwestern cities, such as St. Louis, Detroit, and Milwaukee, would revolutionize the way people travel in an entire region of our country.

Likewise, expanded rail service between Atlanta, Charlotte, Richmond, and Washington would allow people options besides having to brave traffic and trucks on Interstate 95.

I am reminded that the train service between Portland, Oregon, and Seattle, Washington, called the Cascades line, is enjoying tremendous ridership, over 600,000 passengers each and every year. It is an invaluable asset. We see something similar in California between San Diego and Los Angeles, where over two and a half million people took the train this past year.

There is enthusiasm for passenger rail service in America, and States are planning rail corridors throughout the country. They are prepared to spend their limited funding for rail projects. But our Federal policies encourage them to build more roads. That is why we need to pass this bill that Senator LOTT and I have presented. Our bill paves the way for an improved modern passenger rail network. It authorizes funding for Amtrak's capital needs as well as State grants for passenger rail. We already make a significant investment in roads. We spend $40 billion a year. By comparison, we spend almost half that amount on airports and air traffic control towers. Our bill will start to address this investment gap by authorizing nearly $2 billion a year for Amtrak in the States that participate over the next 6 years.

A yearly average of $237 million of this money will be used to create a new State grant program for rail projects. Our Amtrak bill also funds the rehabilitation of Amtrak's Northeast corridor and mandates that Amtrak work with the Department of Transportation and the States to develop plans to do so.

Our bill also requires changes at Amtrak—Senator LOTT pursued this diligently—to make sure these funds will help the railroad continue moving in the right direction.

While we had record ridership and revenues last year, we can still improve its efficiency and management practices. That is why our bill would require Amtrak to reform its operations to reduce its Federal operating subsidy by 40 percent over the life of the bill. It also, at the suggestion of the Department of Transportation's inspector general, will allow the Federal Government to refinance Amtrak's $3 billion in outstanding debt.

With this bill, we are hitting so many of the areas of concern: it not only addresses the funding, but it also helps the management to focus on getting this railroad in a condition that it should be in.

One of these major reforms is for Amtrak to develop a new financial accounting system, which will provide more transparency into the company's financial management and better cost controls.

Most importantly, the LAUTENBERG-LOTT Amtrak bill focuses on improving service for passengers. I learned when I was in the private sector that if you provide a good product, people will buy it. We will require new standards for service quality—on-time performance, onboard and station services, cost recovery, connectivity, to name a few. The public is going to know what Amtrak is doing and would be kept apprised of their performance through quarterly reports from the Federal Railroad Administration.

Our bill also addresses the problem of train delays. On many routes outside the Northeast, freight trains delay Amtrak riders from reaching their destination on time. It is against the Federal law. As we know in the airline industry, delays frustrate passengers and hurt the company's bottom line. Our bill would authorize the Surface Transportation Board to issue fines to freight railroads that delay Amtrak trains. We all have to share the system and share it efficiently.

Some have suggested another provider could be more efficient than Amtrak. I doubt this claim, but our bill does authorize a program to allow a freight railroad to bid for Amtrak's subsidy on up to two long-distance or State-supported corridor routes. So we are saying, even if there is some skepticism on our part, the bill authorizes the States to go ahead and work with the freight railroad to bid for an Amtrak subsidy, on up to two long-distance or State-supported corridor routes.

I repeat that because it is very significant. We want the States to participate, and we want to open as much of a change in policy as can be done with practical output. This pilot program could allow freight railroads to maximize efficiencies because they own the tracks already. As many Northeast corridor States have called for more involvement in how that essential corridor is run, this bill will improve governance by giving Northeast States, such as New Jersey, a bigger voice in infrastructure and operations decisions.

The State will join a newly formed commission that will develop recommendations about the short- and long-term capital investments, among other things.

And speaking of governance, our bill restructures Amtrak's board of directors by ensuring a bipartisan nine-member board of qualified members. That gives an opportunity to bring more people into the management decision process, and we think it will be a much more efficient and involved board. One board member, nominated by President Bush, actually told me at his Senate confirmation hearing that he had never even been on an Amtrak train. Well, it does not suggest he is going to be working with knowledge in hand that is significant or helpful to the company.

Currently there is a seven-member board, no qualification requirements, and for years the Administration had taken the position that the board need not be bipartisan at all. Well, it was originally structured as a bipartisan board to give all sides to the principal parties to be able to be engaged in this process.

We worked hard to forge this bipartisan compromise plan. Last Congress, our plan, which was nearly identical to this one, was approved by the Senate as an amendment to the budget bill by a vote of 93 to 6. That tells us this is a well thought-out plan.

There are only slight changes to our bill from the last Congress, and we will have a managers' amendment to address other minor modifications. Our Nation's passenger rail programs have not been reauthorized for a decade, and the result is chaos in our transportation system.

I urge my colleagues to vote for this Amtrak bill, to provide millions of Americans with more transportation choices. It is fair to say that the public has agreed with this change in droves. They are sick and tired of being delayed, paying more for fuel, and including a more polluted atmosphere at the same time. It is time to make this change.

AMENDMENT NO. 3451

Madam President, I send a managers' amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Ms. CANTWELL.) The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 3451.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make minor changes in the bill as reported, to strike title IV, and for other purposes)

In the table of contents, strike the items relating to title IV.

On page 22, line 2, insert "relevant" after "each".

On page 22, line 4, insert "single, Nationwide" after "implement a".

On page 28, line 12, insert "As part of its investigation, the Board has authority to review the accuracy of the train performance data." after "operator.".

On page 29, line 15, insert "order the host rail carrier to" after "appropriate,".

On page 29, between lines 23 and 24, insert the following:

(b) FEES.—The Surface Transportation Board may establish and collect filing fees from any entity that files a complaint under section 24308(f)(1) of title 49, United States Code, or otherwise requests or requires the Board's services pursuant to this Act. The Board shall establish such fees at levels that will fully or partially, as the Board determines to be appropriate, offset the costs of adjudicating complaints under that section and other requests or requirements for Board action under this Act. The Board may waive any fee established under this subsection for any governmental entity as determined appropriate by the Board.

(c) AUTHORIZATION OF ADDITIONAL STAFF.—The Surface Transportation Board may increase the number of Board employees by up to 15 for the 5 fiscal year period beginning with fiscal year 2008 to carry out its responsibilities under section 24308 of title 49, United States Code, and this Act.

On page 29, line 24, strike "(b)" and insert "(d)".

On page 51, between lines 4 and 5, insert the following:

(d) ACELA SERVICE STUDY.—

(1) IN GENERAL.—Amtrak shall conduct a conduct a study to determine the infrastructure and equipment improvements necessary to provide regular Acela service—

(A) between Washington, D.C. and New York City in 2 hours and 30 minutes; and

(B) between New York City and Boston in 3 hours and 15 minutes.

(2) ISSUES.—The study conducted under paragraph (1) shall include—

(A) an estimated time frame for achieving the trip time described in paragraph (1);

(B) an analysis of any significant obstacles that would hinder such an achievement; and

(C) a detailed description and cost estimate of the specific infrastructure and equipment improvements necessary for such an achievement.

(3) SECONDARY STUDY.—Amtrak shall provide an initial assessment of the infrastructure and equipment improvements, including an order of magnitude cost estimate of such improvements, that would be necessary to provide regular Acela service—

(A) between Washington, D.C. and New York City in 2 hours and 15 minutes; and

(B) between New York City and Boston in 3 hours.

(4) REPORT.—Not later than February 1, 2008, Amtrak shall submit a written report containing the results of the studies required under this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives;

(D) the Committee on Appropriations of the House of Representatives; and

(E) the Federal Railroad Administration.

On page 57, strike lines 3 through 11.

On page 57, line 12, strike "(d)" and insert "(c)".

On page 73, line 1, insert "2003," after "years".

On page 81, line 25, strike "and".

On page 82, line 2, strike "seq.)." and insert "seq.); and".

On page 82, between lines 2 and 3, insert the following:

"(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

On page 144, beginning with line 2, strike through the end of the bill.

Mr. LAUTENBERG. Madam President, this amendment will strike the title on security which has already become law this year. It adds a study on trip time in the Northeast corridor, and makes several technical corrections.

I yield the floor to my distinguished friend and colleague, Senator LOTT.

Mr. LOTT. Let me say with regard to the package that was agreed to, the changes, we did work together on that. It was cleared on both sides. I want to thank the leaders for allowing us to move forward on this legislation. It is never easy to go straight to a bill these days. There are Senators who have reservations about going to this particular bill at this time. Some Senators wanted to make sure they were going to have an opportunity to look at the legislation and prepare thoughtful amendments, amendments that might, frankly, improve the legislation, add additional reforms, delete parts of it.

That is all well and good. I understand that maybe some Senators were not aware we were going to try to go to Amtrak today, even though I know an effort was made to try to inform both sides that would be the intent after we dealt with the Labor-HHS appropriations bill, the Southwick nomination, and the DREAM Act. Maybe it moved a little quicker than people thought because of some of the earlier actions today.

I want to emphasize this too. While I have been involved in working on this legislation for some 3 years with Senator LAUTENBERG as chairman of this subcommittee and now as ranking member, and I think there are some good things in here worth having, maybe we can even strengthen it more. That would be positive for the future of Amtrak. I am perfectly willing and anxious to see if there are good ideas of how we can make it even a stronger bill. I want Amtrak to succeed. If we are going to keep it, let's fix it where it will work. I do not think it is wise to continue putting money into a system that is not enough, and then complain because it is not doing the job. We are slowly starving it, using it more, and complaining that it is not doing better. I think we need some reforms. I think we need to have authorization. I think we need to expect more of the Amtrak board. We need to expect good service from Amtrak. I think we ought to provide an opportunity for them to have a way to get the funds to do the job. That is what we are trying to do here.

As I said earlier today, this is not something people in my State are going to feel an immediate impact from. We do have Amtrak service that runs through my State, north and south, from New Orleans to Chicago. We have even had it down along the coast. Probably some people would say: Well, it is not worth it.

I believe we need Amtrak. I believe we need a national passenger rail system. It is a part of the package. I support improving aviation and a modernization of the aircraft control system. I want us to have safety in the airways. I want us to have less congestion. I want us to do what we need to do to modernize the system. I want good passenger airline service. I also want to continue to work to improve highways in this country. But I do not believe that lanes and planes will always be enough. There is a limit to what you can do in the air and on the ground with highways. I think we need passenger rail service also.

This is not something, again, that is going to be critical in my State. But I think it is important for our country. My State will benefit, too, when the rest of the country benefits.

I also think if we are going to have this system, it ought to not be just the Northeast corridor. I think we should continue to work to try to find ways to make other routes profitable, on time, provide good service. That is what we are trying to do here.

Some of my friends look at me and say: Well, why are you trying to do this? This is costing money. It is too overly subsidized. They have union problems, this, that and the other. I admit it has problems. I think we are part of the problem, because we are not engaged in trying to improve the law, give them more power to do what they need to do to make the tough decisions, get outside advice, try to figure out how to do a better job. That is what we do here.

So this is an area I have worked on for most of my career in Congress, transportation and infrastructure. I believe they are critical to the future of our country. It is about jobs. It is about economic development. It is about opportunity. It is about movement. It is about America.

That is why I have been involved for some time, to the consternation of some of my friends. We have worked on this before. I worked on the last Amtrak reform legislation. I had higher hopes from that legislation than the results we got. But I think we have made some progress. And when you do legislation that does not achieve all you want it to do, my attitude is, come back and try again.

But to show you the amount of support we have, when we brought this up on the reconciliation package in 2005, it got 93 votes. Some people said: Well, it is not enough, or, we can do better. But when they voted, 93 Senators voted for it. That is part of the process.

This time, hopefully, we can get it through here freestanding, get the House to act, let us get to conference, let's bring in the administration. If the administration has recommendations or concerns, great, let us hear them.

My problem with the administration is, they have tried to ignore it. So let's try to get them involved. I am not going to be partisan about this. I do not want to blast Amtrak, I don't want to blast the board or the administration. I want us all to get together. That is part of the effort of what we are trying to do here.

This legislation, S. 294, makes a number of important reforms in Amtrak. It has three major themes: Amtrak reform and accountability; cost cutting; and creating funding options for States.

Now, whether are you from Illinois, California, or Missouri, or whether you are from New Jersey, you ought to like this. And if you are a conservative Republican, did you hear what I said? Cost cutting, reform, and accountability. This is made in heaven.

I think we should get this done, and work in good faith with each other. I think we need to increase the executive branch oversight and involvement in Amtrak. The bill ensures that taxpayer money is used more effectively and it builds on the improvements that have been made in recent years. I think you have to give credit to the fact that David Gunn, when he was the president of Amtrak, made some improvements in his management. He did a good job. He finally wound up leaving because he had other opportunities, and maybe some people were critical of him. But I have to say I think he did a great job, and he moved it in the right direction.

The bill requires Amtrak to develop better financial systems and to evaluate its operations objectively. It forces Amtrak to improve the efficiency of long-distance train service. There are some lines that are losing way too much money. I think the Amtrak officials should look at it and try to make those lines more profitable, put some guidelines on them, put some pressure on them, and if they do not meet them, cut them off. I cannot defend a line that is losing money and is costing $400 a head subsidy for a passenger.

So the bill reduces Amtrak's operating subsidy by 40 percent by 2012 by requiring Amtrak to use its funds more effectively.

But it does not just say "do it," it provides a number of things that will lead to making that possible. The bill promotes a greater role for the private sector by allowing private companies to bid on operating Amtrak lines.

The bill also creates a new rail capital grant program that States can use to start new inner city passenger rail service. There has been a real increase, and that is where we had a lot of boardings, a lot of passengers. They are using that service where that opportunity has existed. This would be the first time that States will have a Federal program they can use for passenger rail, putting inner city passenger rail on similar footing with highway transit and airports, all of which have Federal assistance programs for infrastructure.

Some people complain about the money in Amtrak, and yet if you look at what we have in these other areas, highways and transit and airports, Amtrak is terribly shortchanged. We provide all of this infrastructure in these other areas, and then we are not prepared to do that with the passenger rail system.

States will not have to rely only on Amtrak for their inner city passenger rail service. It gives them more opportunity, more for themselves, and to have a Federal program work with them to achieve that.

Now, while discussing reform, we should not forget there is good news here. Some people will only say: Well, it is still losing money. In fiscal year 2007, there was a record number of 25.8 million passengers who traveled on Amtrak. People are using it and using it more. It is the chicken-and-egg deal. Once you get better equipment, ontime service, better food, going to places people want to go, they will ride. In the past they haven't done it because maybe the equipment was old or they got delayed. As they have provided better service, more people started riding. The boarding ticket revenues increased 11 percent to $1.5 billion in fiscal year 2007. Of course, the Acela Express, I guess the old standard of what Amtrak should do, can do—and we use it here in this corridor—had a 20-percent increase in ridership and achieved an on-time performance of 87.8 percent, proving it can be done. Passenger service can be on time. The Acela is so popular that another roundtrip between New York and Washington was created in July.

We should not focus solely on the Northeast corridor though. I want to make sure we have some service in the South and the Midwest and the West and in the Northwest. The Capital Corridor operating in California between Auburn and San Jose increased ridership by 15 percent and has an ontime performance of 75 percent. Most notably, the Lincoln service connecting Chicago to St. Louis is up 42 percent. Chicago to St. Louis, that is a tremendous increase. It is a direct result of the State more than doubling its contract with Amtrak. Across the country, States are interested in passenger service, and passengers are responding in record numbers to the better service.

S. 294 is the best mechanism to reform Amtrak. I encourage my colleagues to support this bill. Read it. It is not a long, complicated bill. But if you have a better idea, come on out here. Let's hear it. Tomorrow we will be ready for business. We will have some amendments. The way I like to do business, with the cooperation of our chairman, if you have an amendment, let's have you offer it. Let's talk about it, and let's vote. Let's don't be setting them aside and piling them up for later on in the day. Let's do business. I think that is one way you get Senators to actually be here and doing work, actually have some votes. I don't want to go on too long.

Let me just run down some of the areas where we have concentrated in this bill. It does provide for management improvement. The bill requires a financial accounting system for Amtrak operations and a 5-year financial plan. Why in the world wouldn't they have that? I don't know. Families have plans for their budgets and what they are going to do in the future. Amtrak ought to do that.

It deals with debt. The bill directs the Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, to negotiate the restructuring of Amtrak's debt within 1 year. This is something Senator LAUTENBERG has talked about. They can actually save money. Why would they not do that? So we would direct that in the bill.

It does improve corporate governance. It adds the Amtrak president to the Amtrak board, bringing the total number of members of the board to nine. Think about that, the Amtrak president was not on the board. That doesn't make any sense.

It calls for metrics and standards. In consultation with the Surface Transportation Board and the operating freight railroads, the Federal Railroad Administration and Amtrak shall jointly develop metrics and standards for measuring the performance and service quality of intercity train operations. They should include cost recovery, ontime performance, ridership per train mile, onboard and station services, the whole package.

It does improve the route methodology. It would provide access to Amtrak equipment and services.

States wishing to use operators other than Amtrak would be able to do so under this legislation. It would improve the Northeast corridor. It would work to improve the long distance routes.

I think we have touched on the very important areas, but the one I think that is going to make the greatest difference is the State Capital Grant Program for intercity passenger rail. When I have talked to Governors and transportation officials, railroad people, they say this is what we need. This could really make a difference. I see the Presiding Officer nodding her head. I suspect her State is one that would have an interest up there in the northwest corner of Washington and Oregon.

So there are significant reforms. This is a good effort. This is the kind of work we ought to do more of in the Senate. We have managed for the last few years to find what we could disagree about, something we could fight about. We haven't taken the time to take up issues that affect real people's lives that we can agree on, that are bipartisan. I appreciate the leader putting this in the agenda. He did it at the request of a number of Senators who care about this. Senator CARPER obviously is one of them, Senator LAUTENBERG, myself, and others. We have been pleading with them. I pleaded with the previous majority leader. Let's get this bill up.

Some people say there are other things more important we could be doing. Why aren't you doing something about health care, more appropriations bills? That is a good question. All I know is, this is an issue that matters. We don't know when we are going to have another incident in America with aviation, or somewhere else, when we need trains. We need good service. I am also working in the Finance Committee to see if we can't get a tax credit so that we can continue to improve the capacity of our freight rail and allow them to build off ramps so the freight trains can get out of the way so Amtrak can run without losing time and money. We are looking at that side of the equation too. I know some of our friends in the freight rail industry are not all that excited about this legislation because we want Amtrak to be on time and to get by the slower moving freight trains. Sometimes that costs them money, and it is an inconvenience for them. After all, Amtrak is running on their tracks. But we will work with the freight lines and make sure their points of view are considered in the process.

I won't go on any longer. I would like for us to get to some amendments that may be available on Amtrak. I know Senator Sununu has some. We will continue tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, once again, it is obvious to all that Senator Lott understands what we have to do to get things done around here, and that it can't be all one way because each of us does represent a different State. We are brought here to bring in the opinions of the people whom we serve, our constituents, so we do get a mix of views. Sometimes I wish we didn't, but for the most part that is life in the real world.

The thing we sometimes fail to see is, when we do something for the infrastructure, when we do something for rail service, it is in the national interest, even though there are currently many more riders in the very densely populated Northeast corridor. The fact is, as I related before, other places around the country are examining rail service as an alternative to their own congestion and pollution problems. When we look at something called essential air service, it is essential. That is why it is done. The Government does subsidize its existence because communities need that. So it is with rail service.

Interestingly enough, only four States have no contact with Amtrak. One of them is Hawaii, which involves a very long train ride. The other is Alaska. We have heard Senator Stevens talk about having a railroad that goes to Alaska. But otherwise we have 46 States that have contact with Amtrak. Some of them are more active than others. But as was said by our colleague, Senator Lott, some of these States don't have the traffic or they are not en route enough. The mission is to get as many States involved with Amtrak, with rail service as we can, national rail passenger service.

We look at ways of improving the management of Amtrak, that which we would with any business. I spent much of my life in business before I came to the Senate. Businesses run differently than government. But there are some principles that are the same; for instance, investments in product. If you don't put the money in, you don't get the money out. What we found here is, since the creation of Amtrak, which goes back to 1971—1971 was the creation of the Amtrak quasi-government corporation. It had been in private hands under different names for many years and never succeeded. Why? The thing that is obvious; that is, with rail passenger rail service, there is going to always be some assistance required from government, just as there is for the aviation system and the highway system. As a matter of fact, we spend more on highways in a year than we have spent on Amtrak since its creation, never having quite put in enough resources to bring the infrastructure up to the level it should be related to the period of time we are talking about.

In Germany, there was a program to establish a rail system that cost about $70 billion in a 10-year period. China now is establishing a passenger rail service which could cost up to $200 billion. And here we are in the most powerful nation in the world playing catch-up. We are not talking about insignificant sums of money, but we are talking about substantial opportunities for us to improve what we are doing with this bill that will run almost $2 billion a year for 6 years, plus some additional funding in another bill raised by bonding authority. Senator Lott has been very helpful in the Finance Committee to get this system up to where it ought to be. Whenever we look for opportunities to improve life in America, certainly this looms high on the horizon.

We have made it clear that we are ready to accept amendments. We would like them brought to the floor this evening or tomorrow. But we will not be able to stay here and not see any response, if there isn't enough interest by fellow Members to come down and bring us their amendments.

I ask unanimous consent that the previously agreed to committee amendments be considered as original text for the purpose of further amendments; that the pending managers' amendment be considered and agreed to and considered as original text for the purpose of further amendments; that the bill, as amended, be considered as original text for the purpose of further amendments; that no points of order be considered waived by virtue of this agreement.

As Senator Lott well knows, this is kind of professional language for the institution.

Mr. LOTT. Madam President, I will not object. I just want to say, we have worked through this, and it is cleared on our side. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3451) was agreed to.

Mr. LOTT. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Madam President, we are moving on into the early hours of the evening, and I appreciate the work that the bill managers, Senator Lautenberg and Senator Lott, have done on this legislation.

I am a member of the Commerce Committee as well, and there is no question that there was strong support for this legislation when we voted on it last year. As Senator Lautenberg indicated, it was a 93-to-6 vote. I am sorry to say, at least from his perspective, I was one of the six who voted "no."

Despite the work that has gone into this legislation, I do think it has some real weaknesses. Both Senators Lott and Lautenberg touched on some of those weaknesses in their opening remarks—that at times Amtrak has not delivered the kind of quality service we would expect; at times they have not delivered, year after year, the kind of financial results we would hope for and expect as taxpayers who are providing the subsidies and the support for Amtrak.

Since its creation well over 25 years ago, the Federal subsidies have amounted to over $20 billion. Amtrak was originally created with the intention of becoming self-sufficient. There was an Amtrak reform bill passed in 1997, recommitting to this goal, and yet it still has not happened.

As a taxpayer and as a Senator, it causes me great concern we have not done better—better both in terms of performance on the service and the quality side—but also on the financial side.

There was discussion of the Northeast Corridor. The Northeast Corridor does provide for a great opportunity to serve millions of people running from my State of New Hampshire all the way down to Washington, DC, and beyond—some of the more densely populated areas where it makes the most sense to have a train service. But even in the Northeast Corridor, the operation is not what we would want.

I think it is fair to expect more; not just in the financial oversight that is in the legislation, not just in some of the new programs that are in the legislation, but, for example, in the long-distance train service. For the long-distance train routes—I think there are 15 or 16 now—they lose $200 per passenger. That is not acceptable.

I have a couple amendments I will be offering. One deals with that huge per-passenger subsidy, to say if we are losing $200 per passenger—every single passenger: a $200 subsidy—on some of those long-distance routes, we should not continue to operate that route.

There are some proposals for allowing route competition. I think that is also a good idea, but one we can build on and expand on, allowing more and different routes to be offered on a competitive basis.

So I think there are ways to improve the bill that we need to take a look at, and that I hope are at least part of the debate.

I do not necessarily expect to win on all of those amendments, but I think it is important we be realistic about some of the weaknesses that are in the system.

I also want to address an issue that was spoken about early this evening by Senator ALEXANDER. He discussed at some length the Internet tax moratorium and what that would mean to American consumers.

Right now, we have a ban on Internet access taxes. You cannot levy an access tax on the Internet for consumers, or for businesses, for that matter. Everyone talks about the importance of broadband to our economy. Without question, the Internet is important to our economy, not just because it gives us information or brings data into our homes, but because it represents a national—in effect, a global—network for communication and for commerce.

That is something that is the responsibility of Congress to protect—to protect from onerous regulation, to protect from taxes that would discourage long-term investment that would raise costs for consumers or businesses.

We have had that ban on Internet taxes in place, and I think it is important we make that tax ban permanent. Unfortunately, after introducing legislation at the beginning of this year, we have not had a single vote on this issue. We have not voted on it in the Commerce Committee or any subcommittee. They have not voted on it in the Finance Committee. We have not had a vote on it on this floor.

Many of us have been trying very hard to get a vote to make this Internet tax moratorium permanent. The moratorium expires on Halloween, of all days. On that day, because the ban will no longer be in effect, States, cities, towns, and counties would be in the position to levy new taxes on Internet access. That is not right. It is not good for consumers. It is not good for the economy. It is not good for the communication system, the data system, and the commerce system we have come to count on with the Internet.

A number of Senators—Senator WYDEN; Senator MCCAIN; Senator MCCONNELL; Senator LOTT and numerous House Members, such as ANNA ESHOO from California—have worked very hard on making this ban permanent. For those who have listened to this debate from around the country, I am sure they wonder why it is we cannot do anything in a consistent way. We have research and development tax credits that lasts only for a year. We have a death tax that is repealed in 2011 and comes back from the dead in 2012. And we have a ban on Internet access taxes that only lasts 4 years. It ought to be made permanent for the sake of consistency.

While I do not want to cause any unnecessary delay in underlying legislation, I think that addressing the Internet tax moratorium is something that is important.

AMENDMENT NO. 3452

For that reason, Madam President, I send an amendment to the desk at this time and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 3452.

Mr. SUNUNU. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce)

At the end of the bill, add the following:

**SECTION ______1. SHORT TITLE.**

This Act may be cited as the "Internet Tax Freedom Act Amendments Act of 2007".

**SEC. ________2. PERMANENT BAN OF INTERNET ACCESS TAXES.**

(a) IN GENERAL.—Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "during the period" through "2007".

(b) GRAND FATHERING OF STATES THAT TAX INTERNET ACCESS.—Section 1104(a)(2) of such Act is amended to read as follows:

"(2) STATE TELECOMMUNICATIONS SERVICE TAX.—

"(A) DATE FOR TERMINATION.—This subsection shall not apply after November 1, 2006, with respect to a State telecommunications service tax described in subparagraph (B).

"(B) DESCRIPTION OF TAX.—A State telecommunications service tax referred to in subparagraph (A) is a State tax—

"(i) enacted by State law on or after October 1, 1991, and imposing a tax on telecommunications service; and

"(ii) applied to Internet access through administrative code or regulation issued on or after December 1, 2002.".

**SEC. _______3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.**

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"(c) APPLICATION OF DEFINITION.—

"(1) IN GENERAL.—Effective as of November 1, 2003—

"(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

"(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108–435).

"(2) EXCEPTIONS.—Paragraph (1) shall not apply until November 1, 2007, to a tax on Internet access that is—

"(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

"(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

"(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to November 1, 2007, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).".

**SEC. ________4. DEFINITIONS.**

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking "services",

(2) by amending paragraph (5) to read as follows:

"(5) INTERNET ACCESS.—The term 'Internet access'—

"(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

"(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

"(i) to provide such service; or

"(ii) to otherwise enable users to access content, information or other services offered over the Internet;

"(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity; and

"(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), or (C)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), or (C).",

(3) by amending paragraph (9) to read as follows:

"(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).", and

(4) in paragraph (10) by adding at the end the following:

"(C) SPECIFIC EXCEPTION.—

"(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

"(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

"(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

"(III) is imposed on a broad range of business activity; and

"(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

"(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

"(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.".

**SEC. __________5. CONFORMING AMENDMENTS.**

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking "telecommunications services" each place it appears and inserting "telecommunications", and

(2) in subsection (b)(2)—

(A) in the heading by striking "SERVICES",

(B) by striking "such services" and inserting "such telecommunications", and

(C) by inserting before the period at the end the following: "or to otherwise enable users to access content, information or other services offered over the Internet".

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

**SEC. __________6. EFFECTIVE DATE.**

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

Mr. SUNUNU. Madam President, this legislation would simply take what has already been done in the House—which is to pass a 4-year extension—and to make it permanent. A lot of good work was done in the House to strengthen the current moratorium and ban on Internet access taxes. Unfortunately, despite the fact there were over 240 Democrats and Republicans who supported this legislation, it did not receive an up-or-down vote to make the ban on Internet taxes permanent.

So what we do is take the House language in this amendment and make it permanent. It provides clarification with regard to services and technologies that are dealt with and not dealt with. If you are an Internet business, you still pay property taxes and payroll taxes. You pay business income taxes. But the Government should not be allowed to levy a tax on access to the Internet for the consumers themselves.

There are certain States that are affected by grandfather clauses that were included in the House language. We maintain that language. All we do is fully extend it permanently so that if you are a consumer you know the Internet will not be taxed. If you are a small business, you know your cost of Internet access will not go up. If you are doing business over the Internet, you know there will continue to be investments in the infrastructure necessary to increase broadband deployment.

I think at the very least we should have an opportunity to vote on making this Internet tax moratorium permanent. I think it is a commonsense approach. We can always come back and look at the technical issues associated with the language if it needs to be modified in 5 years or 10 years or 15 years. That is what Congress does. But we should say, once and for all, we are not going to tax Internet access at the Federal level, at the State level, at the local level.

Madam President, I thank you for the consideration and yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. McCONNELL. Madam President, I thank the Senator from New Hampshire for offering this important amendment. We are running out of time. The Internet tax moratorium does expire in a week. As the Senator from New Hampshire has indicated, State and local governments across our country could impose taxes on Internet access as soon as a week from now.

I think it is important we address this issue—not that the underlying measure is not important as well. I know it is important to many Senators. But the Internet needs to be protected. Here is our chance to go on record: Are we for a tax on Internet access or not?

The Internet has been at the heart of America's economic growth over the past decade—all because Government has not gotten in the way. Those days are over if we open the Internet to new taxes. I think there is bipartisan support for a permanent ban, for continuing the moratorium forever, and I think the Senate ought to have an opportunity to go on record.

CLOTURE MOTION

The only way, Madam President, in the parliamentary situation we find ourselves in, that a vote on a permanent moratorium could be achieved is if I were to offer a motion to invoke cloture, which I send to the desk now, on the Sununu amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 3452 to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

Mitch McConnell, John E. Sununu, John Ensign, Ted Stevens, Kay Bailey Hutchison, John Barrasso, R.F. Bennett, Larry Craig, Lindsey Graham, Wayne Allard, Trent Lott, Jim Bunning, Jim DeMint, Mel Martinez, Richard Burr, David Vitter.

Mr. McCONNELL. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Madam President, I thank the Republican leader for his remarks and for the support he has provided to us. He is not a member of the Commerce Committee. He has a lot of other duties in the Senate, but he has taken a great interest in this issue, as I think most any legislator would, because the Internet is something we all understand, we deal with, we work with at one level or another. Our families, our friends, our neighbors, and businesses we may have worked for before, depend on it in different ways.

Everyone understands when you tax something, you raise its cost; when you tax something, you end up getting less of it—especially in the long run.

Some people stood up and said: Well, there are some States that have some taxes on the Internet, but there has still been broadband deployment in their State. That may well be, but you cannot argue with the economic fact that when you tax something, you raise its cost; and when you raise its cost, you create a barrier to investment. Those are economic facts of life we cannot change, and those are the economic factors that make implementing a permanent ban on Internet taxes so important.

Opponents of making this ban permanent have also suggested it is an unfunded mandate to tell States they cannot tax the Internet, that it is an unfunded mandate because if we allow them to tax, they could raise money, but because we are telling them they cannot tax Internet access, they cannot raise that money, so there is a cost.

I think that is classic Washington-speak, a classic inside-the-beltway mentality, that if we prevent a State from imposing taxes, we have to compensate the State for that. That is plain wrong. If that were true, then we should be compensating every State in the Union because we do not allow them to arbitrarily impose taxes, fees, and tolls on every mile of interstate highway in the country, or because we do not allow every State in the Union to impose unique taxes on any flight or aviation that comes into or leaves their State. We do not allow that because we recognize our aviation system is a national system, because we recognize our interstate highway system is a national system. We do not allow States to tax exports for the same reason. And yet, we do not call those examples unfunded mandates. We do not compensate the States for these activities because the Federal Government has recognized these are important facets to interstate commerce that need to be dealt with in a systematic and uniform way at the Federal level. So I think it is an enormous mistake and very misleading to refer to this as an unfunded mandate.

The second objection that some have made is they recognize: Well, the technologies may change, so defining what is Internet access or data service or voice service—those definitions may have to be modified, as we have modified them over the last 6 or 8 years since the first ban on Internet access taxes was first put in place in 1998.

But if the fact that technology may change is a reason for not legislating or not making something permanent, we could use that as an excuse not to do anything ever or at least to do every bill on a 1- or 2-year basis. Especially in an area where we are dealing with investment and taxation, it is counterproductive at times to do such short-term legislation because those in the economy who are taking risks, making investments, creating jobs and economic opportunity for other people, will not be able to calculate and estimate what long-term returns and benefits might come from a given investment. They do not know what the tax rate will be or they do not know what the regulatory burden will be. As a result, you get fewer investments in that area. So we know that technology, services, and the approach to the Internet that businesses take may change in the future, but Congress can always and should always revisit laws, rules, or regulations, whether it has to do with Internet access or any other area.

So this is a piece of legislation whose time has come. I hope we can get expeditious consideration and approval because I think this is something that has been shown to have bipartisan support in both the House and the Senate.

At this time, I would like to turn my attention to another amendment I mentioned earlier in my remarks, and that has to do with the long-distance train routes. As I said, I think there are 14, 15, or 16 routes in operation now. None of these long-distance train routes make any money. They do not make any operating profit. They all lose money. They all lose money at different levels. Some of the long-distance routes, by GAO accounting estimates, lose as much as $200 per passenger. That means there is a Federal taxpayer subsidy, not of $1, or $10, or $20, or $40, but $200 for every passenger riding that route over the course of a year. That is a level of cost and subsidy which just can't be justified; especially at a time when we are trying to deal with difficult Federal priorities.

Today and throughout this week, there has been a lot of discussion about SCHIP, the State Children's Health Insurance Program, and the fact that SCHIP is an important program. I agree. I supported the legislation here in the Senate. Its goal is to provide coverage for lower income families who aren't covered by Medicaid, but may not be covered at their place of employment by a health care policy. As we are having a debate about providing that funding and targeting it to the most needy, whether it is health care or any other high-priority initiative, it is so hard to justify running trains across the country that have a subsidy of $200 for every passenger riding that train through the year.

So what I would propose is that we set a standard of $200. If your per-passenger subsidy through the course of a year is less than $200, we will allow the train to operate. Now, we hope it improves. We hope the reforms that were described at the beginning of the evening work—improve the management, reduce the costs, improve the efficiency, and improve the performance. But if they do not, and that subsidy level remains above $200 over the course of a year, that route should not remain in operation. Then, in subsequent years, we bring that threshold down, and the second year after this amendment would be in effect, the threshold would be $175. So if you have to subsidize passengers at $170 for every passenger who rides that train in a year, you can remain in operation, but if it is more than $175, that route would have to be closed. So on over the lifetime, until at the end of the authorization period for this bill we would have a cap of $100 subsidy per rider. I think that is still too high, but I certainly don't think it is too much to ask in an authorization bill of this type.

AMENDMENT NO. 3453

Mr. President, at this time I ask unanimous consent to set aside any pending amendment and send this amendment to the desk.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 3453.

Mr. SUNUNU. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3453

(Purpose: To prohibit Federal subsidies in excess of specified amounts on any Amtrak train route)

On page 32, before line 21, insert the following:

(c) LIMIT ON PASSENGER SUBSIDIES.—

(1) IN GENERAL.—The Secretary of Transportation shall prohibit any Federal funds to be used for the operation of an Amtrak train route that has a per passenger subsidy, as determined by the Inspector General under paragraph (2), of not less than—

(A) $200 during the first fiscal year beginning after the date of the enactment of this Act;

(B) $175 during the second fiscal year beginning after the date of the enactment of this Act;

(C) $150 during the third fiscal year beginning after the date of the enactment of this Act;

(D) $125 during the fourth fiscal year beginning after the date of the enactment of this Act; and

(E) $100 during any fiscal year beginning after the time period described in subparagraph (D).

(2) DETERMINATION OF SUBSIDY LEVEL.—The Inspector General of the Department of Transportation, using data provided by Amtrak, shall determine the difference between the average fully allocated operating cost per passenger and the average ticket price collected for each train route operated by Amtrak during the most recent 12-month period for which data is available.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months before the end of each fiscal year, and every 6 months thereafter, the Inspector General shall publish a report that—

(i) lists the subsidy levels determined under paragraph (2); and

(ii) includes a statement that Amtrak will terminate any train route that has a per passenger subsidy in excess of the limits set forth in paragraph (1).

(B) DISTRIBUTION.—The Inspector General shall display the report published under subparagraph (A) on the Internet and submit a copy of such report to—

(i) the President of Amtrak;

(ii) the Secretary of Transportation;

(iii) the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) the Committee on Transportation and Infrastructure of the House of Representatives.

Mr. SUNUNU. Mr. President, I thank you for the time. The amendment I have just submitted is as I have described, and I hope this is an idea and an approach which can be incorporated into the legislation. I think it is common sense. I know a lot of Members of the Senate believe strongly that we should have long-distance trains, with long routes across the country. I would like to see those routes maintained and sustained as well, if it can be done in an economically reasonable way.

But the last years have shown that for some of these routes, the passenger levels are so low, the costs of operating are so high, they just can't compete. They can't compete with buses, they can't compete with automobiles, and they can't compete with airplanes in terms of cost and efficiency. So I think a step like this is long overdue. Again, I thank the bill managers, Senator LAUTENBERG and Senator LOTT, for their time and consideration and for allowing me to offer these amendments this evening.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### 2007 FARM BILL

Mr. BROWN. Mr. President, I appreciate seeing the Senator from Pennsylvania in the chair. We were both in the Agriculture Committee today. I thank him for his leadership for dairy farmers and for nutrition and feeding kids and all that he did that way.

The 2007 farm bill is a chance for Congress to make historic strides in agriculture, alternative energy, and to literally help improve the lives of millions of families across the country—families struggling from Harrisburg to Erie, from Ashtabula to Gallipolis, from Lima to Toledo.

In a State such as Ohio, with a long and rich agricultural history, this means a bright future for our agriculture industry, for our family farmers, and for our families.

I applaud the leadership of Senator HARKIN. I am proud, as Ohio's first Senator to sit on the Agriculture Committee in four decades, to be part of this process.

This bill could mean that low-income families will have more access to better nutrition by increasing Food Stamp Programs and access to affordable healthy foods. That means more fruits and vegetables into the schools in Hamilton, Middletown, and Akron, and more fruits and vegetables available, grown by local farmers, to go into farmers markets in Columbus and Zanesville and all over our State.

Earlier this year, as the occupant of the chair and I and others gathered in the committee, we heard from Rhonda Stewart of Hamilton, OH. Rhonda is perhaps in her early thirties and has, I believe, a 9-year-old son. She is a single mother, struggling and working full-time and making about $8, $9, or $10 an hour, with no health insurance. She was president of the local PTA and her son is involved in the Cub Scouts and she is a food stamp beneficiary. She struggled every month. At the beginning of the month, she told the committee back in February, she would serve her son pork chops that first week, which is his favorite meal. By the middle of the month, they went to McDonald's or another fast-food place maybe twice. But by the end of the month, as times got tough and she struggled financially, she would almost invariably sit at the dinner table, at the kitchen table with her son, he would be eating and she would not. He would say: What's wrong, Mom? Aren't you hungry? She would say: No, I don't feel well. She simply ran out of money at the end of the month.

In the farm bill, we are helping people like her and her family who work hard and play by the rules and do everything in the workplace and in their homes that we ask them to do as citizen of their communities and our country. This bill could mean new investment and a new direction for farmers in Ohio.

The 2007 farm bill reflects the values of farmers across Ohio: forward-thinking, responsible, and working to protect our natural resources and our rural communities.

This bill will help family farmers in my State and in Pennsylvania and across the country by strengthening the farm safety net, one that will provide better protection for farmers against disasters, such as either low yield or low prices. Either one can be obviously devastating to farmers.

The Average Crop Revenue Program, which Senator DURBIN and I introduced a bill to create as part of the farm bill—amended by Chairman HARKIN into the farm bill—offers a much needed choice to farmers. It represents significant reform for farmers and huge savings—literally $3.5 billion—for taxpayers.

Farmers can stay in the current or old program that does little to protect against drops in revenue or, for the first time ever, farmers will be able to switch to a forward-looking policy that better protects against volatile crop prices, natural disasters, and rising production costs. If farmers are doing well and prices and yields are good, farmers would not get tax dollars. If times are bad—the yield is low or there are floods or tornadoes that cause major crop yield drops or if the price is low—then the farmer will get help. That is the way that agriculture should be. That is the way most farmers I find in northwest Ohio and all over my State want to do it too. I traveled throughout Ohio this Spring—to Chillicothe, where we did roundtables with fruit and vegetable farmers, and in Montgomery County, not too far from Troy, and Piqua, near Dayton. We talked to farmers there, and near Wooster, OH. We talked to dairy farmers. In Lake County we talked to specialty farmers, especially those who do landscaping and greenhouses. In northwest Ohio we talked to farmers who grow corn and soybeans.

I met with a corn farmer in Henry County who will be supplying corn to one of the first ethanol plants in Ohio. I met with a hog farmer in Montgomery County who uses wind turbines to provide on-farm energy.

This farm bill makes a commitment to move beyond antiquated energy sources and wean ourselves from Middle Eastern oil and prepare American agriculture to lead the world in renewable energy production.

With the right resources and the right incentives, farmers can help decrease our dependence on foreign oil and produce clean, sustainable, renewable energy.

In a State such as Ohio, with a talented labor force and a proud lead-the-nation manufacturing history, that doesn't just mean stronger farms and more prosperous farmers; it means a stronger economy.

Rural communities across the Nation will benefit from additional Federal assistance in the farm bill and small towns not far from where I grew up in Lexington, OH, places like Butler and Belleville, will benefit from funding for infrastructure and hospitals, while expanding access to broadband for all of my State, especially southeast Ohio, which doesn't have the access it needs.

This bill will also provide more than $4 billion in additional funding for conservation programs to help farmers protect our water quality, expand wildlife habitat, and preserve endangered farmland.

While I am pleased with the bill overall, it can be improved. The public is perfectly willing to help family farmers when they need it, but taxpayers will not support massive payments to farms that have substantial net incomes.

We should not be sending tax dollars to Florida real estate developers, to city farmers who live in New York, to NBA players, or to media personalities. Those are not the people who should benefit from the farm bill.

I regret that we have not funded the McGovern-Dole international feeding program. I hope as this legislation progresses, we will do so.

The agricultural industry in Ohio has experienced unprecedented change in recent years, but the values of Ohio farmers—hard work, stewardship of the land, caring for their families—remains steadfast.

We, too, must be steadfast in our support for farmers, but we must also change how we go about providing that support.

I applaud the proposal put before us in the Agriculture Committee today. I hope we can even improve upon it in the weeks ahead.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Amendment No. 3452 is pending.

AMENDMENT NO. 3454 TO AMENDMENT NO. 3452

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk on behalf of Senator CARPER, which is No. 3452.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. CARPER, proposes an amendment numbered 3454 to Amendment No. 3452.

Mr. LAUTENBERG. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

**1. SHORT TITLE.**

This Act may be cited as the "Internet Tax Freedom Act Amendments Act of 2007".

**SEC. 2. MORATORIUM.**

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in section 1101(a) by striking "2007" and inserting "2011", and

(2) in section 1104(a)(2)(A) by striking "2007" and inserting "2011".

**SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.**

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"(c) APPLICATION OF DEFINITION.—

"(1) IN GENERAL.—Effective as of November 1, 2003—

"(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

"(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108-435).

"(2) EXCEPTIONS.—Paragraph (1) shall not apply until November 1, 2007, to a tax on Internet access that is—

"(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

"(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

"(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to November 1, 2007, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).".

**SEC. 4. DEFINITIONS.**

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking "services",

(2) by amending paragraph (5) to read as follows:

"(5) INTERNET ACCESS.—The term 'Internet access'—

"(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

"(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

"(i) to provide such service; or

"(ii) to otherwise enable users to access content, information or other services offered over the Internet;

"(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity; and

"(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), or (C)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated, with the charge for services described in subparagraph (A), (B), or (C).",

(3) by amending paragraph (9) to read as follows:

"(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).", and

(4) in paragraph (10) by adding at the end the following:

"(C) SPECIFIC EXCEPTION.—

"(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

"(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

"(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

"(III) is imposed on a broad range of business activity; and

"(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

"(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

"(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1. 2007.".

**SEC. 5. CONFORMING AMENDMENTS.**

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking "telecommunications services" each place it appears and inserting "telecommunications", and (2) in subsection (b)(2)—

(A) in the heading by striking "SERVICES",

(B) by striking "such services" and inserting 'such telecommunications', and

(C) by inserting before the period at the end the following: "or to otherwise enable users to access content, information or other services offered over the Internet".

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

**SEC. 6. EFFECTIVE DATE.**

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 294 on Thursday, October 25, there be 2 hours of debate prior to a vote in relation to the SUNUNU amendment No. 3453, with the time equally divided and controlled between Senators LAUTENBERG and SUNUNU or their designees, with no amendment in order to the amendment prior to the vote; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INTERNET TAX MORATORIUM

Mr. ALEXANDER. Mr. President, the House voted recently 405 to 2 to extend the current Internet tax moratorium which expires at the end of this month. They voted to extend it for 4 more years. I believe the Senate should do the same thing and do it before the end of the month rather than enact a permanent moratorium, as some want to do, because permanent action is likely to invoke a far higher law—the law of unintended consequences.

We can't imagine the future impact of the World Wide Web, and a permanent moratorium could produce at least two unintended consequences: No. 1, a big unintended tax increase, or No. 2, a big unintended, unfunded Federal mandate.

Here is an example of how a permanent moratorium could produce an unintended new tax. At the time the original moratorium was enacted in 1998, Internet access meant dial-up. Today, Internet access also includes broadband. Fortunately, Congress updated the moratorium definition in 2004 so that access to broadband is exempt from taxation.

Or, here is an example of how an outdated moratorium could produce an unintended, unfunded Federal mandate on States, cities, and counties. States and local governments collect billions of dollars in sales tax on telephone services to pay for schools, roads, police, and hospital workers. Under the old definition of Internet access, telephone calls made over the Internet might have escaped such taxation. That might sound good to conservatives like me who favor lower taxes, but most members of my Republican Party were elected promising to end the practice of unfunded Federal mandates—that is, those of us in Washington telling Governors, mayors, and county commissioners what services to provide and how to pay for them. In fact, Republican candidates for Congress stood with Newt Gingrich on the Capitol steps in 1994 and said, as part of a Contract With America, "No more unfunded mandates. If we break our promise, throw us out." In 1995, the new Republican Congress enacted a new Federal Unfunded Mandates Reform Act, banning unfunded mandates.

Make no mistake, Mr. President, the permanent extension that is proposed would be an unfunded Federal mandate because it would not allow the grandfathered States—and there are currently nine of them collecting this tax—the ability to continue to make their own decisions about what revenues to collect. It would freeze into place forever an Internet access definition that might not be wise for industry and that might not be wise for State and local governments.

That is why so many people support the idea of a 4-year moratorium on taxation of Internet access. It has the support of the National Governors Association, the National Association of Counties, The U.S. Conference of Mayors, the National League of Cities, the Multistate Tax Commission, and the AFL–CIO.

In addition to that, even though many in the industry would like to have a longer moratorium, the Don't Tax Our Web Coalition has written a letter to JOHN CONYERS, chairman of the House Judiciary Committee, saying that they prefer the permanent extension but that they believe the House-passed bill is a step forward and one they can support.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter from the Don't Tax Our Web Coalition and also a copy of the Congressional Budget Office cost estimate from September 9, 2003, which makes absolutely clear that such a law would be an unfunded Federal mandate under the terms of the 1995 Unfunded Federal Mandate Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DON'T TAX OUR WEB COALITION,
*October 2, 2007.*

Hon. JOHN CONYERS, JR.,
*Chairman, Committee on the Judiciary,*
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN CONYERS: On behalf of the Don't Tax Our Web Coalition ("Coalition"), I am pleased to express the Coalition's support of your effort to extend the Internet tax moratorium. Your continued leadership on these and other important matters affecting our industry is critical to consumers, and to strengthening the economy and job creation.

H.R. 3678, if enacted, would provide a temporary, four-year extension of the moratorium that is set to expire on November 1. Your bill also contains important definitional and statutory changes that improve current law. H.R. 3678 will provide much needed clarity to the communications and internet industries. By helping keep Internet access affordable, the moratorium promotes ubiquitous broadband access.

As you know, the Coalition has long endorsed H.R. 743, the Permanent Internet Tax Freedom Act. While we prefer a permanent extension, we believe that H.R. 3678 is a step forward and thus a bill we can support.

We look forward to continuing to work with you on this most important issue.

Sincerely,

BRODERICK D. JOHNSON.

*S. 150—Internet Tax Nondiscrimination Act*

Summary: S. 150 would permanently extend a moratorium on certain state and local taxation of online services and electronic commerce, and after October 1, 2006, would eliminate an exception to that prohibition for certain states. Under current law, the moratorium is set to expire on November 1, 2003. CBO estimates that enacting S. 150 would have no impact on the federal budget, but beginning in 2007, it would impose significant annual costs on some state and local governments.

By extending and expanding the moratorium on certain types of state and local taxes, S. 150 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the mandate would cause state and local governments to lose revenue beginning in October 2006; those losses would exceed the threshold established in UMRA ($64 million in 2007, adjusted annually for inflation) by 2007. While there is some uncertainty about the number of states affected, CBO estimates that the direct costs to states and local governments would probably total between $80 million and $120 million annually, beginning in 2007. The bill contains no new private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: CBO estimates that enacting S. 150 would have no impact on the federal budget.

Intergovernmental mandates contained in the bill: The Internet Tax Freedom Act (ITFA) currently prohibits state and local governments from imposing taxes on Internet access until November 1, 2003. The ITFA, enacted as Public Law 105-277 on October 21, 1998, also contains an exception to this moratorium, sometimes referred to as the "grandfather clause," which allows certain state and local governments to tax Internet access if such tax was generally imposed and actually enforced prior to October 1, 1998.

S. 150 would make the moratorium permanent and, after October 1, 2006, would eliminate the grandfather clause. The bill also would state that the term "Internet access" or "Internet access services" as defined in ITFA would not include telecommunications services except to the extent that such services are used to provide Internet access (known as "aggregating" or "bundling" of services). These extensions and expansions of the moratorium constitute intergovernmental mandates as defined in UMRA because they would prohibit states from collecting taxes that they otherwise could collect.

Estimated direct costs of mandates to state and local governments: CBO estimates that repealing the grandfather clause would result in revenue losses for as many as 10 states and for several local governments totaling between $80 million and $120 million annually, beginning in 2007. We also estimate that the change in the definition of Internet access could affect tax revenues for many states and local governments, but we cannot estimate the magnitude or the timing of any such additional impacts at this time.

UMRA includes in its definition of the direct costs of a mandate the amounts that state and local governments would be prohibited from raising in revenues to comply with the mandate. The direct costs of eliminating the grandfather clause would be the tax revenues that state and local governments are currently collecting but would be precluded from collecting under S. 150. States also could lose revenues that they currently collect on certain services, if those services are redefined as Internet access under the bill.

Over the next five years there will likely be changes in the technology and the market for Internet access. Such changes are likely to affect, at minimum, the price for access to the Internet as well as the demand for and the methods of such access. How these technological and market changes will ultimately affect state and local tax revenues is unclear, but for the purposes of this estimate, CBO assumes that over the next five years, these effects will largely offset each other, keeping revenues from taxes on Internet access within the current range.

*The grandfather clause*

The primary budget impact of this bill would be the revenue losses starting in October 2006—resulting from eliminating the grandfather clause that currently allows some state and local governments to collect taxes on Internet access. While there is some uncertainty about the number of jurisdictions currently collecting such taxes—and the precise amount of those collections—CBO believes that as many as 10 states (Hawaii, New Hampshire, New Mexico, North Dakota, Ohio, South Dakota, Tennessee, Texas, Washington, Wisconsin) and several local jurisdictions in Colorado, Ohio, South Dakota, Texas, Washington, and Wisconsin are currently collecting such taxes and that these taxes total between $80 million and $120 million annually. This estimate is based on information from the states involved, from industry sources, and from the Department of Commerce. In arriving at this estimate, CBO took into account the fact that some companies are challenging the applicability of the tax to the service they provide and thus may not be collecting or remitting the taxes even though the states feel they are obligated to do so. Such potential liabilities are not included in the estimate.

It is possible that if the moratorium were allowed to expire as scheduled under current law, some state and local governments would enact new taxes or decide to apply existing taxes to Internet access during the next five years. It is also possible that some governments would repeal existing taxes or preclude their application to these services. Because such changes are difficult to predict, for the purposes of estimating the direct costs of the mandate, CBO considered only the revenues from taxes that are currently in place and actually being collected.

*Definition of Internet access*

Depending on how the language altering the definition of what telecommunications services are taxable is interpreted, that language also could result in substantial revenue losses for states and local governments. It is possible that states could lose revenue if services that are currently taxed are redefined as Internet "access" under the definition in S. 150. Revenues could also be lost if Internet access providers choose to bundle products and call the product Internet access. Such changes would reduce state and local revenues from telecommunications taxes and possibly revenues from content currently subject to sales and use taxes. However, CBO cannot estimate the magnitude of these losses.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On July 21, 2003, CBO transmitted a cost estimate for H.R. 49, the Internet Tax Nondiscrimination Act, as ordered reported by the House Committee on the Judiciary on July 16, 2003. Unlike H.R. 49, which would eliminate the grandfather clause upon passage, S. 150 would allow the grandfather clause to remain in effect until October 2006. Thus, while both bills contain an intergovernmental mandate with costs above the threshold, the enactment of S. 150 would not result in revenue losses to states until October 2006.

Estimate prepared by: Impact on State, Local, and Tribal Governments: Sarah Puro; Federal Costs: Melissa Zimmerman; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## HONORING OUR ARMED FORCES

### STAFF SERGEANT JARRED SETH FONTENOT

Mr. SALAZAR. Mr. President, I rise today to honor the memory of SSG Jarred Seth Fontenot of the 2nd Battalion, 12th Infantry Regiment, 2nd Infantry Division, out of Fort Carson, CO. Sergeant Fontenot was killed last Thursday in an engagement with insurgents in Baghdad. He died of injuries from an explosion and small arms fire that rained down on his patrol. Sergeant Fontenot was 35 years old, a loving husband, and a father of four.

Jarred Fontenot grew up in a family steeped in military tradition. His grandfather, who helped raise Jarred after his parents died at an early age, served in the Army. His two great uncles attended West Point, later joining the Navy and Marines. One of his great uncles died in Korea, a place Jarred would later serve.

Jarred's family speaks of him as a man who loved his job and who embraced the virtues of military service. "He loved being a soldier," his grandmother recalls, "and he died doing what he loved."

Sergeant Fontenot was on his second tour in Iraq, on a mission to help bring security and stability to a region torn by violence and tragedy. Every day, he and his unit put themselves in harm's way to give Iraqi citizens a chance at a society governed by the rule of law, free from the threats of sectarian strife, terrorism or autocratic rule. He served bravely and was highly decorated, earning the Overseas Service Ribbon, the Parachute Badge, and the Army Commendation Medal, an honor bestowed upon those who have distinguished themselves by their service and acts of heroism.

Between deployments, Jarred devoted himself to law enforcement in his hometown of Port Barre, LA. On his days off, he would volunteer his expertise and his time to help his fellow peace officers. Needless to say, he earned the respect and appreciation of those with whom he served.

Mr. President, how can we properly honor the deeds of a man such as Jarred Fontenot, so devoted to his country, his family, and to those with whom he served? No words can match the magnitude of his virtue.

Pericles, the great Athenian general, suggested that we honor the sacrifices of soldiers like Jarred Fontenot by reflecting not only on his life and loss, but also on the rewards that he and other soldiers have delivered to the nation for which they fought.

At a funeral oration to honor soldiers who had died in one of the first battles of the Peloponnesian War, Pericles told the crowd that:

> Any one can discourse to you for ever about the advantages of a brave defense, which you know already. But instead of listening to him I would have you day by day fix your eyes upon the greatness of Athens, until you become filled with the love of her; and when you are impressed by the spectacle of her glory, reflect that this empire has been acquired by men who knew their duty and had the courage to do it, who in the hour of conflict had the fear of dishonor always present to them, and who, if ever they failed in an enterprise, would not allow their virtues to be lost to their country, but freely gave their lives to her as the fairest offering which they could present at her feast.

In this Chamber, the greatest deliberative body in the world, I ask that we honor Sergeant Fontenot by fixing our eyes on those freedoms which, for more than two centuries, have endured and prospered in this Chamber and across America. Our freedom of speech, our freedom of assembly, our freedom of self-determination, our freedom from tyranny and violence—these are the rewards that the American soldier has delivered, generation after generation, to a grateful and humble nation. So long as the United States remains a beacon for freedom, democracy, and justice, their sacrifices will never be forgotten.

To the family of SSG Jarred Fontenot—to his wife, Dana, his four children, to his grandparents Charles and Dorthy, and to his sister—I know of no words that can describe or assuage the pain you feel. I pray that in time you can find comfort in the knowledge that Jarred was doing something he truly loved, of which he was extraordinarily proud, and for which his country is eternally grateful.

"For where the rewards of virtue are greatest," Pericles reminded the departing Athenian crowd, "there the noblest citizens are enlisted in the service of the state." Jarred Fontenot was among the noblest of our citizens. May his legacy endure in the strength of our democracy.

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## LABOR-HHS APPROPRIATIONS

Mr. LEVIN. Mr. President, I voted, yesterday, in favor of the Ensign amendment to deny credit toward Social Security benefits claimed in violation of the Social Security Act. This would deny benefits to people, including undocumented workers, who have, in the words of the act, "willfully, knowingly, and with the intent to deceive used false Social Security numbers."

The Ensign amendment was more carefully focused on denying benefits based on illegal use of a fake Social Security number, unlike previous Ensign amendments which I did not support.

Yesterday's Ensign amendment requires the Commissioner of Social Security to deny Social Security benefits for work performed by any individual using a Social Security account number which was not his, in violation of section 208 of the Social Security Act at 42 U.S.C. 408.

The Ensign amendment was adopted yesterday by the Senate.

This amendment differs from a previous amendment offered by Senator ENSIGN in the 109th Congress, which could have harmed senior citizens and other individuals who may have made an honest error.

That amendment was rejected by the Senate.

In July of 2007, Senator ENSIGN proposed an amendment to the College Cost Reduction Act which could have led to a highly unfair loss of benefits to naturalized citizens or others who are legally present. The provisions of that amendment would have posed great problems because it would have denied Social Security benefits to legally naturalized citizens, for instance, unless the Social Security Administration could affirmatively determine that the individual was legally authorized to work. This amendment would have placed an unmanageable burden on the Social Security Administration and seniors who have been legally present for decades, who could have unfairly lost their benefits.

This amendment also failed in the Senate.

Ms. SNOWE. Mr. President, the Social Security Administration, SSA, is currently facing nothing short of a crisis when it comes to processing disability claims. Indeed, SSA Commissioner Michael Astrue has called this issue his agency's most pressing challenge. Currently, there are over 756,000 individuals who are waiting for a hearing to have their claims adjudicated, and the average wait time is a staggering 512 days. That is the longest amount of time in SSA's history. In contrast, in 2001, disability applicants had to wait an average of 308 days for a hearing. While that was still far too long, individuals now have to wait 66 percent longer. Sadly, some people have died waiting for a hearing.

To help the SSA process disability claims more quickly, I was proud that, yesterday, the Senate voted 88 to 6 to approve an amendment to the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act that Senators BINGAMAN, BAUCUS, and I offered to increase funds dedicated to the agency's administrative costs by $150 million. We believe that this added funding will help the SSA reduce its disability backlog and enable individuals to access the benefits to which they are entitled and need for their basic living expenses. Because of the financial strains on applicants and their families, it is simply unconscionable to have individuals waiting for upwards of 2 years before they receive ruling on their disability claims. We can and must do better—it is our moral obligation.

Although I strongly believe that providing the SSA with additional resources is warranted, I would like to thank the two managers of the Labor-HHS bill—Senators HARKIN and SPECTER—for working so hard to increase funding for the SSA and for supporting our amendment. It is notable that the underlying bill they brought to the Senate floor would have provided $9.72 billion for the SSA in fiscal year 2008, an increase of $426.4 million over fiscal year 2007 and $125 million over President Bush's fiscal year 2008 budget.

The fact is that we have underfunded the SSA for years and must begin to reverse this trend. Indeed, according to SSA data, one reason wait times for disability hearings have risen so precipitously is that between fiscal years 2001 and 2007, Congress provided on average $150 million less than President Bush requested for the agency. At the same time, Congress gave SSA more work, including the responsibility to review Medicare beneficiaries' income and determine whether they should be charged higher premiums or if they are eligible for assistance to pay for premiums and fees in the Medicare prescription drug program. I would note that last year, Congress had to include an additional $36.6 million in the fiscal year 2007 continuing resolution just to prevent the agency from furloughing each of its employees for 10 days, as well as close offices around the Nation.

Finally, I would also like to thank the Senate for unanimously adopting a second amendment on Monday that I offered to require the Government Accountability Office, GAO, to evaluate the SSA's plan to both reduce the disability hearing backlog and improve disability benefits processing. Senators HARKIN and SPECTER presciently asked for the SSA to produce this report when the Appropriations Committee approved the underlying Labor-HHS bill. Commissioner Astrue submitted his Agency's plan to Congress on September 13.

I believe it would be extraordinarily useful for GAO to look at the SSA's plan and make recommendations to make it even more effective. The bottom line is that we know that it is crucial that we ensure that the plan to rectify problems of disability processing will be productive. While the SSA has been among our most efficient agencies, this GAO evaluation will help ensure that the plan put in place will best use the funds we are acting to provide.

Mr. President, in closing, I hope that conferees will retain the two SSA administrative costs amendments the Senate adopted so resoundingly this week in the forthcoming Labor-HHS conference report, so that President Bush may sign them into law. This Nation's disabled deserve nothing less.

## DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I rise today to bring the attention of the Senate to a provision of the fiscal year 08 Defense Authorization Act, now in conference. Section 3122 of the bill undermines the Senate's position on the Comprehensive Nuclear Test Ban Treaty, CTBT, without the benefit of neither the historical treaty consideration process nor a senous policy debate.

It has been 9 years since the CTBT was the subject of any deliberation by the Senate, which ultimately concluded that its ratification was not in the Nation's interests. There were numerous objections that proved determinative then and remain true today.

First, the U.S. deterrent cannot be maintained without testing. U.S. nuclear weapons have the highest average age of any in the world. Some, like the B-61 warhead, the backbone of the submarine-based component of our nuclear triad, date back to 1966, making them more than four times as old as the average American car.

Given the high average age, now at its highest point in the six decade history of nuclear weapons, they require substantial, ongoing modification if they are to be maintained as a viable deterrent. As the then-Director of Sandia National Laboratories, Dr. C. Paul Robinson, testified to the Senate, "To forego validation through testing is, in short, to live with uncertainty." We cannot afford uncertainty when it comes to the reliability, safety, and credibility of our most important weaponry.

Some believe that the reliable replacement warhead, RRW, can be developed and introduced without underground testing. Even if that judgment proves correct, it will be many years before we no longer need to rely on the older designs in the current arsenal for deterrence. As the administration noted in a recent statement by Secretaries Bodman, Gates, and Rice, "delays on RRW also raise the prospect of having to return to underground nuclear testing to certify existing weapons." But, underground testing would be an option permanently denied to the United States through ratification of CTBT as section 3122 endorses.

This permanent loss of the testing option would be even more problematic if we need to continue to rely on these aging designs for decades more as we would if current plans, including those passed by the House and proposed in the Senate, that eliminate RRW funding are not rejected.

Further, the cuts proposed to RRW compound the impact of current plans to cut more than $500 million in funding for the nuclear weapons complex that supports, maintains, and refurbishes the weapons currently in the complex. These proposed cuts to RRW and the nuclear weapons complex have been rejected by individuals of great authority, including Secretaries Kissinger and Schultz, and Dr. Sidney Drell.

The second reason the Senate rejected the treaty in 1999, and would do so again today, is that the treaty is not verifiable. Militarily significant covert nuclear testing can—and almost certainly will—be conducted at low yields or in other ways aimed at masking the force of an explosion.

Assistant Secretary Paula DeSutter of the State Department's Bureau of Verification, Compliance, and Implementation recently made this point. She stated that the International Monitoring System set up to monitor compliance with CTBT is "aimed to detect detonations over 1 kiloton; smaller or concealed detonations are less likely to be identified. Evasion techniques can easily reduce the signature of a nuclear explosion by factors of 50 or 100."

Third, CTBT's unverifiability means a ban will not have uniform effects. Our inability under CTBT to monitor the state of foreign nuclear weapons programs effectively means that hostile or potentially hostile countries will be able to modernize their weapons even as the U.S. arsenal steadily degrades. As a result, the long-term effect of CTBT accession would translate into the inevitable, if gradual, unilateral disarmament of our Nation's deterrent.

Fourth, CTBT would damage the struggle against proliferation. On the one hand, the inherent unverifiability of the CTBT can be expected to encourage rogue state regimes to believe they could pursue nuclear weapons programs with impunity. On the other, the attendant erosion of our deterrent would mean that allied countries—notably, Japan, Taiwan and perhaps South Korea—that currently rely on the U.S. deterrent "umbrella" would be more likely to develop their own nuclear weapons.

As Dr. James Schlesinger remarked in testimony before the Armed Services Committee in 1999, "the chief barrier to proliferation in these last 55 years since Hiroshima has been confidence in the protection offered by the American deterrent. It is the reason, quite simply, that nations like [South] Korea or Japan, or more complicated, in the case of Germany, have not sought nuclear weapons. Because of the NATO agreement, because of the Japan Treaty, because of our agreements with the Koreans, they have not felt the necessity of taking that final plunge. As confidence on their part in the U.S. deterrent wanes over a period of . . . years, what is the likelihood that those nations will refrain from seeking nuclear weapons? I think that it is very modest."

Finally, the Senate rejected the CTBT in 1999 because it realized that the Stockpile Stewardship Program, SSP, is a "crap-shoot," as Troy Wade, a retired Department of Energy nuclear scientist, referred to it in his testimony before the Committee on Foreign Relations in 1999. It remains doubtful whether the SSP, supported by CTBT advocates as a substitute for nuclear testing, can adequately meet the maintenance and refurbishment needs of the U.S. nuclear arsenal. As a result, it will become ever more likely that dangerous anomalies in our weapons will pass unnoticed.

Despite these abiding concerns and the Senate vote in 1999, the 2008 Defense authorization bill would put the Senate on record in support of CTBT's ratification without hearings or debate. How can new Senators—37 since 1999—be expected to have reached such a conclusion?

Preordaining the ratification of a treaty, as is done in section 3122 of this bill, does a disservice to the Senate's history of thoughtful consideration of treaties proposed for ratification, especially when the treaties were on issues with the gravity of the Comprehensive Nuclear Test Ban Treaty.

I would be remiss if I didn't reference the comments of Secretary of State Rice in a recent letter. She stated that the administration does not support the Comprehensive Nuclear Test Ban Treaty and "does not intend to seek Senate advice and consent to its ratification."

I also call the attention of the Senate to the Statement of Administration Policy on this bill which states strong opposition to section 3122 due to its dangerous implications for the reliability of our nuclear deterrent.

Mr. President, I note that these are not simply the concerns of this Senator. The letter I will ask to have printed in the CONGRESSIONAL RECORD makes clear that 40 of my fellow Senators share many of these concerns about the CTBT and the unprecedented approach taken by this bill. My colleagues recognize as I do that since the reasons for the rejection of this treaty in 1999 have not changed, neither should the Senate's position.

Mr. President, I ask unanimous consent to have the letter to which I just referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, October 23, 2007.*

Hon. CARL LEVIN,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEVIN: One of the Senate's most important national security debates of the last decade was whether to ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT). In the end, following a rigorous and thorough debate, 51 Senators voted to reject the CTBT, 17 more than necessary to assure its defeat.

The principal reasons the Senate rejected the CTBT were its lack of verifiability, adverse effect on the safety and reliability of our nuclear stockpile, and potential to increase nuclear proliferation.

We are not aware of any congressional hearings on this treaty since its rejection in 1999. The total absence of discussion in the more than eight years since its rejection belies the assertion in section 3122 of S. 1547 that the CTBT now should be ratified. Moreover, the 37 Senators who have joined the Senate since this treaty was rejected deserve to have the benefit of a careful and measured review of this treaty. There is no basis on which they can conclude that CTBT should be ratified.

The Constitution of the United States invests an extraordinary responsibility in the Senate to provide measured and thoughtful review of treaties when submitted by the President for our consideration. The Senate has not had the opportunity for such review since 1999. In a recent letter, Secretary of State Rice stated that the Administration does not support the Comprehensive Nuclear-Test-Ban Treaty and "does not intend to seek Senate advice and consent to its ratification." The Statement of Administration Policy on S. 1547 likewise states strong opposition to section 3122 due to its dangerous implications for the reliability of our nuclear deterrent.

Under all of these circumstances, we believe it denigrates the serious role of the U.S. Senate to claim in section 3122 to express the "sense of the Congress" that the CTBT should be ratified.

Sincerely,

Jon Kyl, John McCain, Johnny Isakson, James Inhofe, Mike Crapo, Wayne Allard, Jeff Sessions, Michael B. Enzi, Sam Brownback, C.S. Bond, Larry E. Craig, Bob Corker, Saxby Chambliss, John Thune, Trent Lott, John Cornyn, Jim DeMint, Jim Bunning, David Vitter, John Ensign, Kay Bailey Hutchison, Ted Stevens, Pete V. Domenici, Olympia Snowe, Mitch McConnell, Elizabeth Dole, John Barrasso, Richard C. Shelby, Thad Cochran, Chuck Grassley, Norm Coleman, Mel Martinez, Tom Coburn, Lindsay Graham, Lisa Murkowski, Richard Burr, John E. Sununu, Judd Gregg, Orin Hatch, Lamar Alexander, Pat Roberts.

## ADDITIONAL STATEMENTS

### CONGRATULATING MOOSEHEAD MANUFACTURING COMPANY

• Ms. SNOWE. Mr. President, I wish to congratulate Moosehead Manufacturing Company, a small firm in Monson, Maine, that will soon be reopening its doors. For 60 years, Moosehead Manufacturing had been a thriving business that exemplified the quality of Maine production. Unfortunately, after facing tough challenges from the global economy earlier this year, Moosehead ceased production. With the help of new investors, the company recently announced that it will recommence production and hire 40 employees in Monson, continuing its legacy of providing quality furniture to the State of Maine and beyond.

Moosehead Manufacturing specializes in producing exceptional Maine-made furniture. The company prides itself on the durable and hand-finished aspects of its products, which it offers to consumers at competitive prices. Not only does Moosehead Manufacturing provide valuable employment opportunities, it procures all of its production resources from within the State, helping Maine's economy. The furniture is built from hardwoods harvested from neighboring forests, cut in Moosehead's own saw mills, and dried in its own kilns. Moosehead has been described as "an amazing corporate citizen" by Tom Lizotte, a Piscataquis county commissioner.

Moosehead Manufacturing was founded in 1947 by the Wentworth family. At its peak of production in the late 1990s, it was the largest privately owned furniture factory in New England, employing about 250 workers. Recently, increasing imports of cheap, foreign-made furniture have threatened Moosehead's business. In 2003, Moosehead Manufacturing joined a group of furniture makers nationwide in petitioning the Government to place duties on some of the furniture that China imports to the United States. I echoed their sentiments in a letter I sent to Secretary of Commerce Evans stating my deep concern with the impact Chinese imports were having on the small and midsized American companies fighting to compete. The problem reached a climax when Moosehead announced its closure in February 2007. The communities of Monson and Dover-Foxcroft, where the company maintained its factories, were dealt great blows with the loss of nearly 130 jobs. And while I was disappointed that Moosehead was forced to shut down its facilities, I fully supported trade adjustment assistance funds to workers who lost their jobs.

However, three new buyers recently stepped forward to save Moosehead Manufacturing: Joshua Tardy, the minority leader of the Maine House of Representatives; Dana Connors, president of the Maine State Chamber of Commerce; and Ed Skovron, a financier from Rhode Island. Under the continued management of John Wentworth, Moosehead will soon resume production in Monson, much to the relief of Piscataquis County, and will return to making longlasting furniture in which Mainers can take pride.

Moosehead Manufacturing's reopening is exciting for the economic prospects of both Monson and Maine. Not only does it provide necessary employment opportunities, but it also sets a precedent for continued, Maine-based manufacturing established on quality and durability in the face of an increasingly competitive global market. I wish the owners and employees of Moosehead Manufacturing Company continued success in the coming years. I look forward to its exciting return to Maine's business scene.●

### TRIBUTE TO DR. EILEEN SCHMITT

• Mr. BIDEN. Mr. President, at the end of this year, Dr. Eileen Schmitt, a friend and fixture in our Wilmington community, is retiring, and I want to share her inspirational story because there is much all of us can learn from her.

As we debate health care, again, and again, and again in this Chamber, Dr. Schmitt has lived the life Mother Teresa called for when she said: Do not wait for leaders; do it alone, person to person.

A talented medical doctor who rose to become president and chief executive officer of St. Francis Hospital, she walked away from her fancy title and big desk in 2001 to do her true calling, healing the poorest in our community. She became the medical director for the St. Clare Medical Van, making her rounds in a mobile van to provide free health care to those who have no insurance.

The van pulls up, and there may be 20 people waiting—some earn minimum wage, some don't have a job, some are homeless, many are children—and she asks for no money, no insurance. She just sees to their medical needs.

As part of her work, she arranges for doctors to donate their time, and launched drives to create a pharmaceutical fund for prescription medicines for her patients. If funds are low or a patient needs something right away, she buys it herself. That is the type of person she is.

And in her spare time, you can find her teaching her patients English, and bringing clothes to the families she visits.

When someone asked her why she does it, she explained:

> When I first went into medicine, I wanted to do missionary work. I think getting back to taking care of people—especially people who don't have the means to get medical care—helps to fulfill my initial calling.

The acts of love and compassion she provides every day may seem small in our prosperous country of 300 million people, but America would be much less of a Nation were it not for Dr. Schmitt.

Her patients call her their angel, and indeed she has been one to them. But she also is an inspiration to all Americans, reminding us that small acts, one person at a time, touch and change our neighborhoods.

I know Senator CARPER, Congressman CASTLE, and all my colleagues thank Dr. Schmitt and wish her happiness and health as she retires.●

### CONGRATULATING GEORGE F. POTARACKE

• Mr. KOHL. Mr. President, I would like to take this time to congratulate Mr. George F. Potaracke on his retirement from the Wisconsin Board on Aging and Long Term Care, where he has served as executive director since 1981.

Mr. Potaracke has been with the Board on Aging and Long Term Care since its inception in the early 1980s and was selected as its first executive director. Under his leadership, the Board on Aging and Long Term Care has grown from an agency of only 3 employees to an agency of 30 employees with offices throughout the State.

Along with his duties as executive director of the Board on Aging and Longterm Care, Mr. Potaracke directs the Wisconsin Medigap hotline, which provides counseling services for Medicare beneficiaries in Wisconsin. He is the treasurer of the National Citizens Coalition for Nursing Home Reform and an adviser to the National Health Policy Council and the Aging Leadership Council. He has served as president of the National Association of State Long Term Care Programs and leads fundraising efforts for this organization.

In addition to his work on behalf of seniors, Mr. Potaracke is actively involved with the national Human Rights Campaign, the AIDS Support Network of Southern Wisconsin, Frontier Men of Dane County, and the New Harvest Foundation, where he chairs fund-raising efforts.

Throughout his career, Mr. Potaracke has dedicated himself to a wide range of aging services. As chair of the Senate Special Committee on Aging, I have had the distinct privilege of working with Mr. Potaracke on a variety of issues and hold his opinion in the highest regard. He is nationally recognized as an advocate for our aging population and has truly made a difference on behalf of all seniors.

On behalf of our State and Nation, I thank Mr. Potaracke for his service and wish him good health, happiness, and prosperity for many years to come.●

### TRIBUTE TO WALGREENS' 6000TH STORE IN NEW ORLEANS

• Ms. LANDRIEU. Mr. President, Walgreens, a leading national drug store chain, is today hosting a celebration for the opening of its 6,000th store, which is located in New Orleans, LA. I am thrilled that for this milestone the company has chosen my hometown, which is enduring a long recovery from Hurricane Katrina.

The greater New Orleans area is one of Walgreens' oldest and most distinct markets. The first store in the region opened in 1938, and the new store in the historic Carrollton neighborhood is the city's 48th. The company currently employs nearly 1,400 people in the area who serve thousands of patients and customers every day. Walgreens will become a wellness resource for Carrollton residents, some of whom have underserved health care needs.

In honor of the grand opening, Walgreens is today offering free blood glucose screenings in every New Orleans store to drive greater awareness of the diabetes epidemic and get more people on the path to prevention or early detection and treatment.

The Walgreens wellness tour bus will also travel to locations throughout the area today to provide a variety of tests, including cholesterol, blood pressure, bone density, and body mass index for individuals who otherwise may not have access to basic health screenings.

Immediately following Katrina, 74 Walgreens stores had to close because of physical damage and loss of power. It was the most significant operational challenge in the company's 106-year history. More than 700 Walgreens employee volunteers traveled from across the country to help with recovery efforts, filling hundreds of thousands of emergency prescriptions and providing vital supplies to evacuees. Walgreens was one of the first retailers to reopen, proving New Orleans was on the road to recovery. I am grateful for their great help to our region during the extremely challenging days following the storm and the flood that followed.

Through its investment, Walgreens is demonstrating its continued commitment to our great city and region. By next summer, Walgreens will have more stores in the New Orleans area than it did prior to the hurricane. I ask the Senate to join me in congratulating Walgreens and New Orleans for this longstanding and growing relationship.•

## IN MEMORY OF DELAWARE STATE SENATOR JAMES T. VAUGHN

• Mr. BIDEN. Mr. President, earlier this month James T. Vaughn, a longtime State Senator who was a legend in Delaware, passed away, and I want to pay tribute to him.

Jim spent a lifetime in public service, enlisting in the Marine Corps during World War II; serving as a Delaware State Police trooper for two decades and as the State Corrections Commissioner; and entering our State Senate 27 years ago.

His seniority put him in powerful positions either as the chairman or member of the committees that oversaw budgets, revenues, taxation, judiciary, and corrections matters. In other words, he had his hand in everything, and most recently that meant establishing a veterans' home at Milford.

Jim had this tough image, always set in his way, and always an honest man, who scrutinized every matter and paid incredible attention to the taxpayers' dollars. Throughout his career no one worked harder for the people of Delaware than Jim Vaughan.

His constituents were his No. 1 priority, and last year when he became ill and was unable to campaign during his re-election, the voters still handily put him in office, recognizing a lifetime of responsiveness to their needs. It set a standard we can all admire.

Like this Senator, Jim was a lifetime Yankees fan. And he had a special place in his heart for Little League baseball. Babe Ruth once said:

> I won't be happy until we have every boy in America between the ages of six and sixteen wearing a glove and swinging a bat.

Babe Ruth would have appreciated Jim. For four decades he volunteered with the Smyrna-Clayton Little League, a group he originally helped organize. He served as its director, treasurer, equipment manager, and grass cutter—in fact, his wife Sylvia would joke that he loved to cut the grass there, but not at the family home in Clayton.

A few times I had the high honor of throwing the first pitch to start the season, and today the Smyrna-Clayton Little League Park is named for Jim.

The people of Delaware will miss Jim, and I extend my prayers and thoughts to his loving family.•

## RETIREMENT OF AIR FORCE MAJOR GENERAL ROGER P. LEMPKE

• Mr. NELSON of Nebraska. Mr. President, I wish to pay tribute to one of America's finest military leaders, Air Force MG Roger P. Lempke, on the occasion of his retirement as adjutant general of the Nebraska National Guard.

The National Guard has been tested by the wars in Iraq and Afghanistan more than any period since World War II. Nationally, it has been a true test of the Guard to maintain strength at home and abroad during a time of lengthy deployments, mounting casualties, declining recruitment, and a shortage of equipment. Yet, in Nebraska during this period, under the competent leadership of General Lempke, the Nebraska National Guard has continued to thrive, pulling in record numbers of recruits, increasing retention, and establishing an active family support program.

General Lempke instills confidence, not only in the troops he commands and their families but in the elected officials he serves. Since the tragic attacks of September 11, 2001, and during the time of war that has followed, we are fortunate to have had his very capable leadership as he oversaw the National Guard's changing role into an active duty combat force. The American people have seen vividly that the National Guard is no longer a supplemental force; it serves in seamless fashion with the active duty.

As past president of the National Association of State Adjutants General, General Lempke has been a vocal advocate for the National Guard, working with the Pentagon to help shape policies on issues ranging from base closures to troop strength. A graduate of the Air Force Academy, this even-tempered Nebraska farm boy and devoted husband and father rose through the ranks to become a respected military leader, not only in Nebraska but among his peers nationally. He and I have worked closely together on many projects which benefited not only Nebraska but helped our Nation's military as a whole.

I will miss that close association with the general as our professional relationship comes to a close, but on a personal level, I will always be proud to call Roger P. Lempke a trusted and respected friend.•

## REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 13413 WITH RESPECT TO BLOCKING THE PROPERTY OF PERSONS CONTRIBUTING TO THE CONFLICT TAKING PLACE IN THE DEMOCRATIC REPUBLIC OF THE CONGO—PM 30

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

The situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability and was addressed by the United Nations Security Council in Resolution 1596 of April 18, 2005, Resolution 1649 of December 21, 2005, and Resolution 1698 of July 31, 2006, continues to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared in Executive Order 13413 of October 27, 2006, and the related measures blocking the property of certain persons contributing to the conflict.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo, and the related measures blocking the property of certain persons contributing to the conflict in that country, must continue in effect beyond October 27, 2007.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 24, 2007.*

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 11:43 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 327. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

H.R. 1284. An act to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 3233. An act to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the "Laurence C. And Grace M. Jones Post Office Building".

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 12:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1011. An act to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes.

H.R. 1680. An act to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes.

H.R. 1808. An act to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

H.R. 1955. An act to prevent homegrown terrorism, and for other purposes.

H.R. 2408. An act to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic".

H.R. 2868. An act to eliminate the exemption from State regulation for certain securities designated by national securities exchanges.

H.R. 3927. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1011. An act to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1680. To authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1808. An act to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

H.R. 1955. An act to prevent homegrown terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2408. An act to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

H.R. 2868. An act to eliminate the exemption from State regulation for certain securities designated by national securities exchanges; to the Committee on Banking, Housing, and Urban Affairs.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2216. A bill to amend the Internal Revenue Code of 1986 to extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation.

S. 2217. A bill to amend the Internal Revenue Code of 1986 to extend the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3564. An act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3729. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revision of Requirements for Authorization of Use of International Standards" (RIN2137-AE01) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3730. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fees for Unified Carrier Registration Plan and Agreement" (RIN2126-AB09) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3731. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Air Tour Safety Standards" ((RIN2120-AF07)(Docket No. FAA-1998-4521)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3732. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Noatak, AK" ((RIN2120-AA66)(Docket No. 07-AAL-08)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3733. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "High-Intensity Radiated Fields Protection for Aircraft Electrical and Electronic Systems" ((RIN2120-AI06)(Docket No. FAA-2206-23657)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3734. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fire Penetration Resistance of Thermal Acoustic Insulation Installed on Transport Category Airplanes" ((RIN2120-AI75)(Docket No. FAA-2006-24277)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3735. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Manhattan, KS" ((RIN2120-AA66)(Docket No. 07-ACE-2)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3736. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marshalltown, IA" ((RIN2120-AA66)(Docket No. 07-ACE-4 page 27420)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3737. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marshalltown, IA" ((RIN2120-AA66)(Docket No. 07-ACE-4 page 27416)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3738. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Monticello, IA" ((RIN2120-AA66)(Docket No. 07-ACE-3)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3739. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Monticello, IA" ((RIN2120-AA66)(Docket No. 07-ACE-3 page 27415)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3740. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Recording of Major Repairs and Major Alterations" ((RIN2120-AJ19)(Docket No. FAA-2007-28631)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3741. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Canby, MN" ((RIN2120-AA66)(Docket No. 07-AGL-2)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3742. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Canby, MN" ((RIN2120-AA66)(Docket No. 07-AGL-2 page 27417)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3743. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Routes, Western United States" ((RIN2120-AA66)(Docket No. 07-ANM-1)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3744. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Manhattan, KS" ((RIN2120-AA66)(Docket No. 07-ACE-2 page 27418)) received on October 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3745. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, "Alaskan Way Viaduct: Emergency Relief Eligibility"; to the Committee on Environment and Public Works.

EC-3746. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to List of User Fee Airports" (CBP Dec. 07-83) received on October 18, 2007; to the Committee on Finance.

EC-3747. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed amendment to a manufacturing agreement for the export of defense services to Japan to support the maintenance of an infrared detecting system; to the Committee on Foreign Relations.

EC-3748. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a proposed re-export of firearms for end-use by the Afghan National Army; to the Committee on Foreign Relations.

EC-3749. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles and services to provide maintenance support for the Iraqi Government's UH-1H helicopters; to the Committee on Foreign Relations.

EC-3750. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of defense services and articles to Germany and the United Kingdom related to the Nemesis Multi-Band Viper Laser Based Directional Infrared Countermeasures System; to the Committee on Foreign Relations.

EC-3751. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles and services to Italy to establish a depot repair facility for night vision equipment; to the Committee on Foreign Relations.

EC-3752. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of defense services and articles to Korea in support of the Multi-Role Electronically Scanned Array Radar; to the Committee on Foreign Relations.

EC-3753. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and services to Spain for the production of select components of the M2HB Machine Gun; to the Committee on Foreign Relations.

EC-3754. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles and services to Canada for the development and manufacture of 45/9mm GI ammunition; to the Committee on Foreign Relations.

EC-3755. A communication from the Secretary of Defense and Acting Secretary of Veterans Affairs, transmitting, the report of a draft bill entitled, "America's Wounded Warriors Act"; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1492. A bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation (Rept. No. 110-204).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 2223. An original bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to promote habitat conservation and restoration, and for other purposes (Rept. No. 110-205).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Henrietta Holsman Fore, of Nevada, to be Administrator of the United States Agency for International Development.

*George E. Pataki, of New York, to be a Representative of the United States of America to the Sixty-second Session of the General Assembly of the United Nations.

*Kelly G. Knight, of Kentucky, to be an Alternate Representative of the United States of America to the Sixty-second Session of the General Assembly of the United Nations.

*Rodger D. Young, of Michigan, to be an Alternate Representative of the United States of America to the Sixty-second Session of the General Assembly of the United Nations.

*William H. Frist, of Tennessee, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

*Kenneth Francis Hackett, of Maryland, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of two years.

*David T. Johnson, of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

*Robin Renee Sanders, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Nominee: Robin R. Sanders.

Post: Nigeria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses, N/A.

4. Parents: Geneva Sanders, none; Robert M. Sanders, none.

5. Grandparents: Lucille Lawrence, none. Robert Saunders, Mary Spear, Major Spear—all deceased.

6. Brothers and Spouses, N/A.

7. Sisters and spouses: Sharon L. Sanders, none; Paula L. Sanders, none.

*Barry Leon Wells, of Ohio, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Nominee: Barry Leon Wells.

Post: U.S. Ambassador, the Gambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Winsome P. Wells, none.

3. Children and spouses: Alicia R and Jon Duleba, none; Trudyann Powell, none.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and spouses: N/A.

7. Sisters and spouses: N/A.

*Mark M. Boulware, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the

United States of America to the Islamic Republic of Mauritania.

Nominee: Mark M. Boulware.

Post: Chief of Mission.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses: Jeremy Boulware, none; Heather Boulware, none; Bartholemew Boulware, none; Alexander Boulware, none.

4. Parents: Everett L Boulware, deceased; Alice W. Boulware, none.

5. Grandparents: William T. Boulware, deceased; Mary C. Boulware, deceased; Clayton H. Chance, deceased; Beulah Chance, deceased.

6. Brothers and spouses: Michael D. Boulware, none; Mitchell D. Boulware, none; Sue Boulware, none.

7. Sisters and spouses: Marsha Yeager, none; William G. Yeager, none; Regina J. Gooden, none; Mark Gooden, none.

*James D. McGee, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Nominee: James David McGee.

Post: Zimbabwe.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Shirley J. McGee, none.

3. Children & Spouses: N/A.

4. Parents: Ruby Mae McGee (nee: West), none; Jewel L. McGee, deceased.

5. Grandparents: James West, Sr., deceased; Malvena West, deceased; David McGee, deceased; Mary McGee, deceased.

6. Brothers and spouses: Ronald N. McGee, none; Kathy McGee, none.

7. Sisters and spouses: Mary Ann Dillahunty, none; Tyrone Dillahunty, none.

*Ronald K. McMullen, of Iowa, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Eritrea.

Nominee: Ronald K. McMullen.

Post: State, Office Director, INL/AP.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Jane E. McMullen, none.

3. Children and spouses: Owen G. and Wyatt K. McMullen, none.

4. Parents: Jack D. and Jane J. McMullen, none.

5. Grandparents: Wayne and Doris Keith, G.H. and Lefle McMullen, all deceased.

6. Brothers and spouses, N/A.

7. Sisters and spouses: Cheryl McMullen Cheng, none.

*P. Robert Fannin, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Nominee: Paul Robert Fannin.

Post: Dominican Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, 10/18/06, $4,200, Jon Kyl; 10/16/06, $1,000, JD Hayworth; 10/6/06, $25,000, Republican National Committee; 9/26/06, $1,100, Rick Renzi; 9/25/06, $1,000, Rick Renzi; 9/5/06, $1,000, John Shadegg; 8/30/06, $1,000, JD Hayworth; 7/17/06, $500.00, Ron Drake; 5/19/06, $1,000, John Shadegg; 4/28/06, $1,000, Straight Talk America; 3/14/06, $10,000, Arizona Republican Party; 3/6/06, $1,000, Mark Kennedy; 1/20/06, $1,000, George Allen; 1/9/06, $2,000, Rick Santorum; 1/4/06, $2,500, Arizona Republican Party; 11/1/05, $1,000, Arizona Republican Party; 6/16/05, $500, Trent Franks; 5/6/05, $2,000, Rick Renzi; 4/14/05, $-500, Jon Kyl; 3/30/05, $-1522.10, Jon Kyl; 3/16/05, $2,500, Arizona Republican Party; 3/14/05, $1,000, Conservative National Committee; 3/12/05, $500, Jon Kyl; 2/15/05, $1,000, Jon Kyl; 2/11/05, $1900, Jon Kyl; 11/22/04, $538, Republican Party of Minnesota; 11/5/04, $1329, Republican Federal Committee of Pennsylvania; 11/5/04, $316, Nevada Republican State Central Committee; 11/4/04, $696, Missouri Republican State Committee-Federal; 11/4/04, $443, Oregon Republican Party; 11/4/04, $379, Arkansas Leadership Committee 2004 FCRC; 11/1/04, $253, Maine Republican Party; 10/30/04, $1,000, John McCain; 10/27/04, $253, New Hampshire Republican Committee; 10/25/04, $443, Republican Party of Iowa; 10/25/04, $1,265, Ohio Republican Party State Central & Executive Committee; 10/21/04, $1,000, John Shadegg; 10/19/04, $1,000, Pete Coors; 10/19/04, $1,076, Michigan Republican Party; 10/19/04, $347, Washington State Republican Committee; 10/19/04, $632, Republican Party of Wisconsin; 10/13/04, $1,000, John McCain; 10/1/04, $10,000, 2004 Joint State Victory Committee; 10/1/04, $1,708, Republican Party of Florida; 8/12/04, $1,200, Arizona Republican Party; 6/30/04, $5,000, Arizona Republican Party; 6/3/04, $300.00, Arizona Republican Party; 5/3/04, $500, Jeff Flake; 4/13/04, $2,000, Jon Kyl; 3/29/04, $3,500, Arizona Republican Party; 3/26/04, $1,000, John Thune; 2/17/04, $1,000, Conservative National Committee; 2/6/2004, $500, John Shadegg; 11/12/03, $5,000, Arizona Republican Party; 10/17/03, $500, Jon Kyl; 10/3/03, $3,500, Arizona Republican Party; 6/30/03, $2,000, George W. Bush; 5/21/03, $1,000, Richard Shelby; 5/19/03, $2,500, Senate Majority Fund; 5/14/03, $1,000, Rick Renzi; 5/7/03, $1,000, Jeff Flake; 4/17/03, $1,000, Conservative National Committee; 4/4/03, $1,500, Arizona Republican Party; 2/20/03, $1,000, Charles Grassley; 2/14/03, $1,000, John McCain; 12/17/02, $250.00, Lisa Atkins; 9/24/02, $1,000, Jim Kolbe; 9/20/02, $2,500, The Leadership Committee; 9/18/02, $2,500, The Leadership Committee; 8/13/02, $250, John Ganske; 7/22/02, $250, John Ganske; 6/12/02, $1500.00, Arizona Republican Party; 3/25/02, $500.00, James Inhofe; 2/26/02, $500, Susan Collins; 1/29/02, $875, Larry Craig.

2. Spouse, none.

3. Children and spouses: Elizabeth "Lisa" Fannin, 10/18/06, $4,200, Jon Kyl; 4/28/06, $1,000, Straight Talk America; 9/5/06, $1,000, John Shadegg; 3/27/06, $5,000, Arizona Republican Party; 3/10/06, $500, American Society of Anesthesiologists PAC; 3/16/05, $2,500, Arizona Republican Party; 3/15/05, $700, Jon Kyl; 3/12/05, $500, Jon Kyl; 2/11/05, $900, Jon Kyl; 10/30/04, $2,000, John McCain; 10/21/04, $1,000, John Shadegg; 8/12/04, $4,700, Arizona Republican Party; 6/30/04, $5,000, Arizona Republican Party; 5/10/04, $300, Arizona Republican Party; 5/3/04, $500, Jeff Flake; 4/13/04, $2,000, Jon Kyl; 3/9/04, $500, American Society of Anesthesiologists PAC; 12/31/03, $2,515, Arizona Republican Party; 11/12/03, $5,000, Arizona Republican Party; 10/13/03, $500, Arizona Republican Party; 6/30/03, $2,000, George W. Bush; 5/17/03, $2,500, Senate Majority Fund; 2/25/03, $500, American Society of Anesthesiologists PAC; 2/14/03, $1,000, John McCain; 12/17/02, $250, Lisa Atkins; 9/20/02, $5,000, The Leadership Committee; 5/17/02, $1,000, John Shade; 4/6/02, $1,000, Jeff Flake; 3/15/02, $500, American Society of Anesthesiologists PAC; 2/26/02, $500, Susan Collins. Paul Robert Fannin, Jr., 1/24/06, $200, Jon Kyl; 11/28/05, $1,900, Jon Kyl; 3/29/05, $1,000, Jon Kyl; 3/12/05, $500, Jon Kyl; 2/11/05, $500, Jon Kyl; 10/30/04, $2,000, John McCain; 10/26/04, $2,000, Arizona Republican Party; 10/21/04, $2,000, John Shadegg; 3/15/04, $270, Arizona Republican Party; 11/28/03, $5,000, Arizona Republican Party; 11/20/03, $2,000, George W. Bush; 10/15/02, $1,500, Rick Renzi; 5/22/02, $300.00, Arizona Republican Party. Sheryl Sue Fannin, 6/14/06, $500.00, Jon Kyl. Joseph William Fannin, none

4. Parents: Paul Jones Fannin, N/A. Elma Jean Fannin, N/A.

5. Grandparents: N/A.

6. Brothers and spouses: William Jones Fannin, none. Thomas Newton Fannin, 1/18/06, $500, Jon Kyl; 2/23/05, $500, Jon Kyl; 10/17/03, $500, Jon Kyl; 10/15/02, $1,000, Rick Renzi. Marianne Fannin, none.

7. Sisters and spouses: Linda Louise Rider, none.

*Christopher Egan, of Massachusetts, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Nominee: Christopher Fitzgerald Egan.

Post: U.S. Ambassador and Permanent Representative to the Organization for Economic Cooperation and Development.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: ($500), 1/22/2003, Republican State Cmte of Massachusetts; $802, 6/30/2003, Bush, George W.; $10,000, 12/31/2003, Republican National Cmte; $2,000, 3/23/2004, Martinez, Mel; $1,000, 3/29/2004, Paterno, Scott; $2,000, 5/14/2004, Ryan, Jack; $1,000, 5/26/2004, Republican State Cmte of Massachusetts; $1,000, 7/1/2004, Crews, Ronald A.; $5,000, 7/15/2004, 2004 Joint State Victory Committee; $5,000, 7/15/2004, 2004 Joint Candidate Committee; $20,000, 7/15/2004, Republican National Cmte; ($2,000), 8/23/2004, Ryan, Jack; $5,000, 10/5/2004, Republican National Cmte; $1,000, 6/22/2005, Hastert, Dennis; $2,000, 6/24/2005, Santorum, Rick; $2,100, 9/20/2005, Taylor, Van; $1,000, 9/30/2005, Talent, James M.; $2,100, 11/1/2005, Ricketts, Pete; $2,100, 11/1/2005, Ricketts, Pete; $2,100, 12/15/2005, Steele, Michael; $1,000, 1/17/2006, Snowe, Olympia J.; $1,100, 3/6/2006, Talent, James M.; $900, 3/6/2006, Talent, James M.; $2,100, 3/31/2006, Lynch, Stephen F.; $2,100, 4/21/2006, Taylor, Van; $1,000, 6/27/2006, Kennedy, Mark; $15,000, 6/28/2006, Republican State Cmte of Massachusetts; ($5,000) 7/11/2006, Republican State Cmte of Massachusetts; $1,500, 8/18/2006, Bradley, Jeb; $25,000, 9/25/2006, Republican National Cmte; $1,000, 10/31/2006, Sweeney, John; $1,000, 10/31/2006, Kuhl, Randy; $1,000,

10/31/2006, Bass, Chalrie;$1,000, 11/1/2006, Schmidt, Jean; $1,000, 11/1/2006, Ryun, Jim; $1,000, 11/2/2006, Gutknecht, Gil; $1,000, 11/4/2006, Lewis, Ron; $1,000, 11/4/2006, Santorum, Rick.

2. Spouse: Jean C. Egan, $10,000, 12/31/2003, Republican National Cmte; $2,000, 4/22/2004, Martinez, Mel; $2,100, 9/20/2005, Taylor, Van; $1,000, 9/30/2005, Talent, James M.; $2,100, 2/6/2006, Taylor, Van; $2,100, 4/3/2006, Lynch, Stephen; $2,000, 8/18/2006, Bradley, Jeb; $15,000, 9/12/2006, Republican State Cmte of Massachusetts; ($5,000), 9/19/2006, Republican State Cmte of Massachusetts; $2,100, 10/23/2006, Lieberman, Joe.

3. Children and spouses: Mary Catherine Egan, none; Christopher C. Egan, none; Michael C. Egan, none.

Parents: Richard J. Egan, $500, 6/9/2003, Federer, Bill; $500, 6/9/2003, Cox, Christopher; $500, 6/9/2003, National Republican Senatorial Cmte; $1,000, 7/14/2003, Bunning, Jim; $1,000, 11/13/2003, Lynch, Stephen F.; $1,000, 12/2/2003, Republicans Abroad; $25,000, 12/22/2003, Republican National Cmte; $2,000, 3/1/2004, Nader, Ralph; $2,000, 3/1/2004, Parke, Greg; $2,000, 3/23/2004, Martinez, Mel; $1,000, 5/27/2004, Ryan, Jack; $250, 6/1/2004, National Republican Congressional Cmte; $250, 6/8/2004, Capuano, Michael E.; $1,000, 6/15/2004, Specter, Arlen; $1,000, 6/24/2004, Crews, Ronald A.; $20,000, 6/24/2004, RNC Presidential Trust; $5,000, 6/30/2004, 2004 Joint State Victory Committee; $5,000, 6/30/2004, 2004 Joint Candidate Committee; $1,000, 7/15/2004, New Hampshire Republican State Cmte; $500, 7/15/2004, Vermont Repub Federal Elections Cmte; $1,000, 8/19/2004, Crews, Ronald A.; $1,000, 8/19/2004, Thune, John; ($1,000), 8/23/2004, Ryan, Jack; $1,000, 9/19/2004, Bermudez, Claudia; $1,000, 9/30/2004, Crews, Ronald A.; $2,000, 10/5/2004, Martinez, Mel; $1,000, 10/5/2004, Bass, Charles; $1,000, 10/5/2004, Federer, Bill; $1,000, 10/5/2004, Bunning, Jim; $2,500, 10/28/2004, RNC Presidential Trust; $1,000, 4/26/2005, NH Republican State Committee; $500, 5/24/2005, Lewis, Hiram; $1,000, 6/6/2005, Hastert, Dennis; $2,000, 6/6/2005, Santorum, Rick; $2,000, 9/15/2005, Talent, James M.; $2,000, 1/5/2006, Bass, Charles; $1,000, 1/31/2006, Harris, Katherine; $2,000, 2/2/2006, Laffey, Stephen; $2,000, 2/25/2006, Shaw, Clay; $500, 2/25/2006, Delay. Tom; $2,100, 3/31/2006, Lynch, Stephen F.; $500, 5/19/2006, Morse, Charles A.; $25,000, 6/20/2006, Republican National Cmte; $1,000, 7/10/2006, Morse, Charles A.; $14,000, 8/29/2006, Republican State Cmte of Massachusetts; ($5,000), 9/19/2006, Republican State Cmte of Massachusetts; $12,500, 10/20/2006, Republican Joint Candidate Committee; $2,000, 10/31/2006, Santorum, Rick. Maureen E. Egan, $1,000, 11/26/2003, Lynch, Stephen F.; $10,000, 12/22/2003, Republican National Cmte; $1,000, 3/12/2004, Paterno, Scott; $2,000, 3/23/2004, Martinez, Mel; $1,000, 5/27/2004, Ryan, Jack; $20,000, 6/24/2004, RNC Presidential Trust; $5,000, 6/30/2004, 2004 Joint State Victory Committee; $5,000, 6/30/2004, 2004, Joint Candidate Committee; $500, 7/15/2004, Vermont RSC Victory 2004; ($1,000), 8/23/2004, Ryan, Jack; $2,000, 9/30/2004, Crews, Ronald A.; $2,000, 10/5/2004, Martinez, Mel; $2,500, 10/21/2004, RNC Presidential Trust; $1,000, 4/26/2005, NH Republican State Committee; $1,000, 6/6/2005, Hastert, Dennis; $2,000, 6/6/2005, Santorum, Rick; $1,000, 9/15/2005, Talent, James M.; $2,000, 2/2/2006, Laffey, Stephen; $15,000, 8/29/2006, Republican State Cmte of Massachusetts; $25,000, 9/11/2006, Republican National Cmte; ($5,000), 9/19/2006, Republican State Cmte of Massachusetts; $12,500, 1020/2006, Republican Joint Candidate Committee; $2,000, 10/31/2006, Santorum, Rick.

5. Grandparents: Kenneth Egan, deceased; Constance Egan, deceased; Patrick Fitzgerald—deceased; Mary Kate Fitzgerald—deceased.

Brothers and spouses: John R. Egan, $10,000, 12/31/2003, Republican National Cmte; $2,000, 3/23/2004, Martinez, Mel; $2,000, 4/26/2004, Nader, Ralph; $1,000, 7/6/2004, Crews, Ronald A.; $5,000, 7/15/2004, 2004 Joint State Victory Committee; $5,000, 7/15/2004, 2004 Joint Candidate Committee; $20,000, 7/15/2004, Republican National Cmte; $1,000, 6/22/2005, Hastert, Dennis; $2,000, 6/24/2005, Santorum, Rick; $15,000, 9/12/2006, Republican State Cmte of Massachusetts; ($5,000), 9/19/2006, Republican State Cmte of Massachusetts; Pamela Egan, $10,000, 12/31/2003, Republican National Cmte; $2,000, 3/23/2004, Martinez, Mel; $2,000, 4/26/2004, Nader, Ralph; $15,000, 9/12/2006, Republican State Cmte of Massachusetts; ($5,000), 9/19/2006, Republican State Cmte of Massachusetts; Michael J. Egan, $2,000, 6/10/2003, Bush, George W.; $5,000, 6/23/2003, Volunteer PAC; $10,000, 12/31/2003, Republican National Cmte; $2,000, 2/11/2004, Obey, David R.; $2,000, 3/23/2004, Martinez, Mel; $1,000, 7/1/2004, Crews, Ronald A.; $5,000, 7/15/2004, 2004 Joint State Victory Committee; $5,000, 7/15/2004, 2004 Joint Candidate Committee; $20,000, 7/15/2004, Republican National Cmte; $5,000, 10/6/2004, Republican National Cmte; $1,000, 6/22/2005, Hastert, Dennis; $2,100, 5/16/2006, Pombo, Richard; $2,100, 5/16/2006, Pombo, Richard; $15,000, 9/7/2006, Republican State Cmte of Massachusetts; ($5,000), 9/19/2006, Republican State Cmte of Massachusetts; Donna Egan, $2,000, 6/10/2003, Bush, George W.; $10,000, 12/31/2003, Republican National Cmte; $2,000, 2/11/2004, Obey, David R.; $2,000, 3/23/2004, Martinez, Mel; $500, 12/20/2006, McCain, John.

7. Sisters and spouses: Maureen Petracca, $2,000, 6/24/2003, Bush, George W.; $10,000, 12/31/2003, Republican National Cmte; $1,000, 6/22/2005, Hastert, Dennis; $2,000, 6/24/2005, Santorum, Rick; $15,000, 9/7/2006, Republican State Cmte of Massachusetts; ($5,000), 9/19/2006, Republican State Cmte of Massachusetts; Paul Petracca, $2,000, 6/24/2003, Bush, George W. $10,000, 12/31/2003, Republican National Cmte; $1,000, 7/1/2004, Crews, Ronald A.; $5,000, 7/15/2004, 2004 Joint State Victory Committee; $5,000, 7/15/2004, 2004 Joint Candidate Committee; $20,000, 7/15/2004, Republican National Cmte; $1,000, 11/1/2004, Crapo, Mike; $15,000, 9/7/2006, Republican State Cmte of Massachusetts; ($5,000), 9/19/2006, Republican State Cmte of Massachusetts; Catherine Walkey, $2,000, 6/27/2003, Bush, George W.; $10,000, 12/31/2003, Republican National Cmte; $2,000, 3/25/2004, Martinez, Mel; $2,000, 4/30/2004, Nader, Ralph; $1,000, 7/1/2004, Crews, Ronald A.; $5,000, 7/15/2004, 2004 Joint State Victory Committee; $5,000, 7/15/2004, 2004 Joint Candidate Committee; $20,000, 7/15/2004, Republican National Cmte; $5,000, 10/5/2004, Republican National Cmte; $15,000, 9/7/2006, Republican State Cmte of Massachusetts; ($5,000), 9/19/2006, Republican State Cmte of Massachusetts; Thomas R. Walkey, $2,000, 6/27/2003, Bush, George W.; $10,000, 12/31/2003, Republican National Cmte; $2,000, 3/25/2004, Martinez, Mel; $2,000, 4/30/2004, Nader, Ralph; $15,000, 10/1/2004, Republican National Cmte; $5,000, 10/6/2004, Republican National Cmte; $1,000, 6/22/2005, Hastert, Dennis; $2,000, 6/24/2005, Santorum, Rick; $15,000, 9/7/2006, Republican State Cmte of Massachusetts; ($5,000), 9/19/2006, Republican State Cmte of Massachusetts.

*Louis John Nigro, Jr., of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Nominee: Louis John Nigro, Jr.

Post: Ambassador, Republic of Chad.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Tarja H. Nigro, none.

3. Children and spouses: N/A.

4. Parents: Louis J. Nigro, Sr., deceased; Marie Nigro, none.

5. Grandparents: Teresa Cavola, deceased; Michael Cavola, deceased; John Zulli, deceased; Catherine Zulli, deceased.

6. Brother and spouse: Robert Nigro, none; Anita Nigro, none.

7. Sisters and spouses: N/A.

*Paul E. Simons, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

Nominee: Paul Simons.

Post: Santiago, Chile.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, jointly w/spouse, $100.00, 5/14/04, Democratic Nat'l Committee.

2. Spouse: see above.

3. Children and spouses: Andrea Simons, none; Camila Simons, none.

4. Parents: Joseph Simons, deceased; Gertrude Simons, none.

5. Grandparents: Oscar Bundschuh, deceased; Caroline Bundschuh, deceased; Edward Simons, deceased; Genevieve Simons, deceased.

6. Brother and spouse: Joseph Simons, none; Janet Simons, none.

7. Sisters and spouses: Mary Beth Ward, none; Timothy Ward, none.

*Gail Dennise Mathieu, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: Gail Dennise Mathieu.

Post: U.S. Ambassador to Namibia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Erick Mathieu, none.

3. Children and spouses: Yuri K. Mathieu, none; Yasmin Mathieu, none.

4. Parents: Herbert D. Thomas, deceased; Mildred Thomas, deceased.

5. Grandparents: Mary Simmons, deceased; Henry Simmons, deceased; John Thomas, deceased; Emma Israel, deceased.

6. Brother and spouse: Nairobi Sailcat, none; Rose Sailcat, none.

7. Sisters and spouses: N/A.

*Dan Mozena, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Nominee: Dan W. Mozena.

Post: Chief of Mission.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: none.

3. Children and spouses: Anne C. Mozena, none; Mark W. Mozena, none.

4. Parents: Kenneth E. Mozena, deceased; Edna C. Mozena, none.

5. Grandparents: Frank Mozena, deceased; Hattie Mozena, deceased; William Gottschalk, deceased; Charlotte Gottschalk deceased.

6. Brothers and spouses: Darryl and Terry Mozena, $250.00, 2003, Charles Grassley for Senate Committee; Jeffery and Janet Mozena, $500.00, 2006, Mike Whalen for Congress; Terry and Angie Mozena, none.

7. Sister and spouse: Kris Ann (Mozena) McNamer, deceased.

*Eunice S. Reddick, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

Nominee: Eunice S. Reddick.

Post: Ambassador to Gabon.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Marc M. Wall, none.

3. Children and spouses: Sarah Wall, none; Gregory Wall, none.

4. Parents: Ellsworth Reddick, deceased; Carrie Reddick, deceased.

5. Grandparents: Sophie Crawford, deceased; Henry Crawford, deceased.

6. Brothers and spouses: N/A.

7. Sisters and spouses: Helen Luchars, none; Robert Luchars, deceased.

*Daniel V. Speckhard, of Wisconsin, a Career Member of the Senior Executive Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Nominee: Daniel Vern Speckhard.

Post: Athens.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Anne Speckhard, none.

3. Children and spouses: Leah Speckhard, none; Jessica Speckhard, none; Daniel T. Speckhard, none.

4. Parents: Thomas T. Speckhard, $35, Fall 2005, Democratic Congressional Campaign Committee; $25, Fall 2006, Democratic Congressional Campaign Committee; $50, 2006, Sen. Feingold; $50, 2004, Congressman David Obey; Carol A. Speckhard, deceased;

5. Grandparents: Walter and Louise Speckhard, deceased; Vern and Lilian Bueror, deceased.

6. Brothers and spouses: Thomas J. Speckhard, none; James W. Speckhard, none.

7. Sisters and spouses: Kathleen Speckhard, deceased.

*Thomas F. Stephenson, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Portuguese Republic.

Nominee: Thomas F. Stephenson.___

Post: Ambassador to Portugal.___

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self, 25,000, 5/12/03, RNC 2,000, 6/15/03, Bush-Cheney '04 Inc; 25,000, 1/14/04, Republican Regents; 2,000, 3/7/04, John Thune for U.S. Senate; 2,000, 4/2/04, John Thune for U.S. Senate; 2,000, 5/10/04, Bill Jones for U.S. Senate; 2,000, 6/6/04, Bill Jones for U.S. Senate; 2,000, 9/9/04, Pete Coors for U.S. Senate; 25,000, 9/9/04, 2004 Joint Candidate Committee 1,000 10/6/04, Martinez for Senate; 25,000, 5/5/05, RNC; 4,200, 6/1/05, Talent for U.S. Senate; 4,200, 6/1/05, Santorum 2006; 1,000, 6/1/05, Ensign for Senate; 4,200, 6/1/05, Friends of George Allen; 5,000, 11/17/05, VOLPAC; 2,100, 1/11/06, Dreier for Congress; 5,000, 3/10/06, VOLPAC; 25,000, 5/15/06, RNC; 4,200, 5/30/06, Friend of Conrad Burns; 4,200, 7/11/06, Steele for Maryland Inc; 2,100, 8/17/06, Hastert for Congress; 2,100, 9/6/06, Mark Kennedy '06; 5,000, 9/15/06, Joint Candidate Committee; 2,100, 9/24/06, Corker for Senate; 2,100, 9/24/06, Tom Kean for U.S. Senate; 1,250, 10/2/06, Friends of Mike McGarvick; 1,250, 10/2/06, Mike DeWine for U.S. Senate; 2,500, 2/24/07, VOLPAC; 2,300, 3/6/07, Romney for President; 25,000, 4/2/07, RNC; 2,300, 5/30/07, Coleman for Senate.

Spouse: Barbara U. Stephenson, 25,000, 5/12/2003, RNC; 2,000, 6/15/2003, Bush-Cheney '04; 25,000, 1/14/2004, RNC; 2,000, 3/7/2004, John Thune for U.S. Senate; 2,000, 4/2/2004, John Thune for U.S. Senate; 2,000, 5/10/2004, Bill Jones for U.S. Senate; 2,000, 6/6/2004, Bill Jones for U.S. Senate; 2,000, 9/9/2004, Pete Coors for U.S. Senate; 25,000, 9/9/2004, 2004 Joint Candidate Committee; 25,000, 5/5/2005, RNC; 4,200, 6/1/2005, Talent for Senate; 4,200, 6/1/2005, Santorum 2006, 4,200, 6/1/2005, Friends of George Allen; 5,000, 11/17/2005, VOLPAC; 5,000, 3/10/2006, VOLPAC; 25,000, 5/15/2006, RNC; 4,200, 5/30/2006, Friends of Conrad Burns; 4,200, 7/11/2006, Steele for Maryland Inc.; 2,100, 8/17/2006, Hastert for Congress; 2,100, 9/6/2006, Mark Kennedy '06; 5,000, 9/15/2006, Joint Candidate Committee; 2,100, 9/24/2006, Corker for Senate; 2,100, 9/24/2006, Tom Kean for U.S. Senate; 2,100, 10/2/2006, Friends of Mike McGarvick; 2,100, 10/2/2006, Mike DeWine for U.S. Senate; 2,500, 2/24/2007, VOLPAC; 2,300, 3/6/2007, Romney for President Inc.; 25,000, 4/2/2007, RNC; 2,300, 5/30/2007, Coleman for Senate.

3. Children and spouses: Anne Stephenson Murphy, none; Taylor Murphy, none; Martin Barthmeir, none; Cameron W. Stephenson, none; Tenley Stephenson Pimentel, none; John Pimentel, $1,000, 10/29/03, Bush-Cheney '04; $1,000, 3/11/04, Bush-Cheney '04; $2,300, 3/27/07, Romney for President.

4. Parents: Thomas W. Stephenson, none; Elizabeth F. Stephenson, deceased.

5. Grandparents: Gilbert Stephenson, deceased; Grace Stephenson, deceased; H. Walter Forster, deceased; Sylvia Forster, deceased.

6. Brothers and spouses: N/A.

7. Sisters and spouses: Nancy Nichols, deceased; Susan Gates, none; John Gates, none.

*Vincent Obsitnik, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Nominee: Vincent Obsitnik

Post: U.S. Ambassador to Slovakia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, 2003—$15000, 3/11/03, RNC—Eagles; $2000, 6/30/03, Bush Cheney 04 Inc.; $1000, 10/23/03, Friends of George Allen—see note below.

2004—$2000, 2/24/04, Natl Republican Senatorial Comm.; $10000, 4/6/04, RNC—T100; $15000, 4/7/04, RNC—T100; $250, 7/13/04, Natl Republican Senatorial Comm.; $50, 7/15/04, John Thune for US Senate; $1000, 8/17/04, Friends of George Allen; $2000, 8/17/04, Friends of George Allen; $250, 9/8/04, Natl Republican Senatorial Comm.; $1000, 12/7/04, Friends of Dick Lugar.

2005—$1000, 3/17/05, Friends of George Allen; $200, 3/29/05, Friends of George Allen; $15000, 8/8/05, RNC–T100; $10000, 8/8/05, RNC–T100. $1000, 12/30/05, Friends of George Allen.

2006—$1000, 2/9/06, Restore America PAC; $500, 6/15/06, Santorum 2006; $15000, 10/3/06, RNC–T100; $10000, 10/4/06, RNC–T100.

2. Spouse: Annemarie Obsitnik, $2000, 6/3/03, Bush Cheney 04 Inc.

3. Children and spouses: Vincent M. Obsitnik, $2000, 12/03, Bush Cheney 04; $ 500, 6/06, Santorum 2006; Suzanna Obsitnik, $2000, 12/03, Bush Cheney 04; Paul E. Obsitnik, $500, 3/00, RNC; $150, 5/02, RNC; $150, 5/04, RNC Mehri A. Mehrabi, none; Stephen A. Obsitnik, none; Suzanne Tager, none; James T. Obsitnik, $500, 10/5/04, Lead 21 (527); $60, 7/7/05, Lead 21 (527); Anne Obsitnik, none;

4. Parents: Michael Obsitnik, deceased; Susan Obsitnik, deceased.

5. Grandparents: Michael and Maria Obsitnik, deceased. Lived in Czechoslovakia; Pavol and Zuzanna Cvercko, deceased. Lived in Czechoslovakia.

6. Brothers and spouses: Michael P. Obsitnik, none; Marilyn Obsitnik, $200, 7/04, RNC; $100, 10/04, RNC; $100 1/05, Inaugural Committee; Thomas F. Obsitnik, none; Mary F. Obsitnik, none.

7. Sisters and spouses: Mary Ann Cizmar, none; Dr. Stephan Cizmar, $25, 1/29/03, RNC; $25, 1/4/05, RNC; $25, 1/6/06, RNC; $30, 12/8/06, RNC.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

**The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:**

By Mrs. CLINTON:

S. 2222. A bill to require the International Trade Commission to report on the specific impact of each free trade agreement in force with respect to the United States on a sector-by-sector basis, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS:

S. 2223. An original bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to promote habitat conservation and restoration, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. 2224. A bill to require a licensee to notify the Nuclear Regulatory Commission, and the State and county in which a facility is located, whenever there is an unplanned release of radioactive substances; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 2225. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the tariff rate for certain mechanics' work gloves; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 2226. A bill to recognize the Navy UDT-SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALS and their predecessors; to the Committee on Armed Services.

By Mr. OBAMA (for himself and Mr. REED):

S. 2227. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WHITEHOUSE, Mr. REED, Mr. HATCH, and Ms. COLLINS):

S. 2228. A bill to extend and improve agricultural programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself and Mr. KENNEDY):

S. Res. 355. A resolution expressing the sense of the Senate regarding Boston's celebration of the Little Rock Nine on the 50th anniversary of their courageous and selfless stand in the face of hatred, violence, and intolerance; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 211

At the request of Mrs. DOLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 388

At the request of Mr. THUNE, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 759

At the request of Mr. WEBB, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 759, a bill to prohibit the use of funds for military operations in Iran.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1359

At the request of Mrs. MURRAY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1512

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1737

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1737, a bill to amend title XVIII of the Social Security Act to provide for a waiver of the 35-mile drive requirement for designations of critical access hospitals.

S. 1809

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1809, a bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, a section 403(b) contract, or a section 457 plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums.

S. 1818

At the request of Mr. OBAMA, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1818, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1852

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1852, a bill to designate the Friday after Thanksgiving of each year as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States.

S. 1911

At the request of Mrs. CLINTON, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1911, a bill to amend the Safe Drinking Water Act to protect the health of susceptible populations, including pregnant women, infants, and children, by requiring a health advisory, drinking water standard, and reference concentration for trichloroethylene vapor intrusion, and for other purposes.

S. 2075

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2075, a bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion.

S. 2139

At the request of Ms. KLOBUCHAR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2139, a bill to amend title 38, United States Code, provide educational assistance under the Montgomery GI Bill for members of the National Guard and Reserve who serve extended period of continuous active duty that include a prolonged period of service in certain theaters of operation, and for other purposes.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. CON. RES. 48

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. OBAMA (for himself and Mr. REED):

S. 2227. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, I introduced the Success in the Middle Act to help raise student achievement, support teachers, and improve schools that serve students in the middle grades.

During these grades, schools begin steering students towards success in the upper grades and adult life, rather than just consolidating elementary learning. It is a time when academic achievement for students falls, especially among minority and low-income students. International math and science comparisons indicate that students in the United States do not start out behind students in other countries, but they do lag by the end of the middle grades.

Recently, I read an article about struggling urban schools and the story of a mother of three who was frustrated with the schools available for her children. When her son started falling behind in the seventh grade, he never got the support he needed, and when she called the school to complain, nothing changed. This mother said that maybe the system is not designed for people like her and her children. It is disheartening for us to hear that, and yet we all know this is true for too many students and for too many families in America.

Our neglect of these students is reflected in a rising dropout rate. In Chicago, of every 100 students who enter the ninth grade, only 54 graduate from high school by the age of 19. The numbers are equally dismal in other large cities and in impoverished rural districts as well. And we know that without a high school diploma, it is hard to get a job and even harder to find one that pays well.

The dropout problem starts well before high school. We now know that troubling indicators can be identified for students in the middle grades. Early adolescence is the age at which our children often begin experimenting with risky behaviors and also a time when the consequences increase for bad choices. Many sixth grade students in urban, high-poverty schools might attend school sporadically, be suspended, or fail classes. Research shows that sixth graders with these indicators can account for 40 to 50 percent of eventual high school dropouts and two-thirds of the students who will be moved out of their homes and into the juvenile justice system. If we can identify these problems, we can address them, and that is what the Success in the Middle Act is designed to do.

The Success in the Middle Act would authorize grants to States and school districts to improve low-performing middle schools. States would use research findings and promising practices and work with community partners, such as universities and non-profits, to develop plans to improve middle school student achievement. Schools would use early identification data systems to focus on those students most at risk and to determine how best to teach and support them. Funds would also be authorized to perform research on effective practices to support student learning and on effective instruction for the middle grades.

This proposal is similar to legislation introduced in the House by Congressman GRIJALVA. I appreciate the support of Senator REED, my colleague on the HELP Committee, and I urge others to join us in this effort.

As the Senate moves to reauthorize the Elementary and Secondary Education Act, I hope we consider the importance of middle schools, recognizing that students in these grades face challenges different from those they faced earlier in elementary school and those they will face later in high school. If we are serious about the issue of high school success, we cannot continue to ignore the challenges students face in those few years before high school.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 355—EXPRESSING THE SENSE OF THE SENATE REGARDING BOSTON'S CELEBRATION OF THE LITTLE ROCK NINE ON THE 50TH ANNIVERSARY OF THEIR COURAGEOUS AND SELFLESS STAND IN THE FACE OF HATRED, VIOLENCE, AND INTOLERANCE

Mr. KERRY (for himself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 355

Whereas, on October 24, 2007, the legacy of the Little Rock Nine will be celebrated in Boston's Faneuil Hall;

Whereas, in Faneuil Hall, abolitionists of the 19th Century publicly attacked the evils of slavery in the United States;

Whereas Massachusetts was the center of the United States abolitionist movement and a national leader in providing public education to all students, regardless of race or ethnicity;

Whereas abolitionist leader and Newburyport, Massachusetts native William Lloyd Garrison fueled the abolitionist movement through his powerful writing in his newspaper, "The Liberator", and fiery public oratory;

Whereas the "Father of American public education", Franklin, Massachusetts native Horace Mann, advocated for the end of slavery and improved access for all students to quality public education;

Whereas, in 1832, Garrison and other abolitionists gathered at the African Meeting House on Boston's Beacon Hill and founded the New England Anti-Slavery Society;

Whereas, in 1855, the Massachusetts legislature outlawed segregation in the State's public schools;

Whereas, on May 17, 1954, the United States Supreme Court issued its ruling in the case of Brown v. Board of Education of Topeka and declared that segregated education was unconstitutional;

Whereas many elementary and high schools and colleges and universities throughout the United States continued to enforce a system of educational inequality in which students of color were denied access to their right to a quality public education;

Whereas, 3 years after the ruling in Brown v. Board of Education of Topeka, the school board of Little Rock, Arkansas, announced it would implement a gradual integration of its school system beginning in September 1957;

Whereas the Little Rock chapter of the National Association for the Advancement of Colored People selected 9 outstanding African-American students to attend previously all-White Little Rock Central High School;

Whereas, on September 4, 1957, those 9 African-American students, Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson Thomas, and Carlotta Walls attempted to enter Central High School;

Whereas, on September 4, 1957, Arkansas Governor Orval Faubus mobilized the Arkansas National Guard and ordered the armed soldiers to block the 9 African-American students from entering Central High School;

Whereas, after a Federal judge ordered Governor Faubus to remove the National Guard, police officers and citizens of Little Rock took up positions at the entrances to Central High School and continued to block the African-American students from entering;

Whereas, on September 23, 1957, after learning that the 9 African-American students had successfully entered the school, a segregationist mob gathered at Central High School and the African-American students had to be escorted from the school for fear that they would be killed;

Whereas, on September 23, 1957, Little Rock Mayor Woodrow Mann, in a telegram to President Dwight D. Eisenhower, appealed to the President to send Federal troops to protect the students and ensure the integration of Central High School;

Whereas on September 24, 1957, President Eisenhower ordered the 101st Airborne Division of the United States Army to Little Rock and federalized the entire Arkansas National Guard;

Whereas, on September 25, 1957, Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson Thomas, and Carlotta Walls walked through the front doors of Central High School, as thousands of White students had done before them;

Whereas despite the constant presence of United States soldiers, the 9 African-American students were physically and verbally harassed throughout the school year;

Whereas Minnijean Brown, after enduring months of physical and verbal harassment and assaults, was expelled from Central High School for a verbal retort aimed at one of her antagonists;

Whereas, at the end of the 1957–1958 school year, Ernest Green became the first African-American graduate in the history of Central High School;

Whereas Minnijean Brown Trickery became a prominent social activist and works as a writer and social worker in Ontario, Canada;

Whereas Ernest Green attended Michigan State University, later served as Assistant Secretary of Housing and Urban Affairs under President Jimmy Carter, and currently is a managing partner and vice president of Lehman Brothers;

Whereas Elizabeth Eckford had a successful career in the same United States Army that protected her at Central High School, raised 2 sons in Little Rock, and now works as a social worker;

Whereas Thelma Mothershed-Wair returned to school as a teacher and now volunteers in a program for abused women;

Whereas Melba Pattillo Beals is an author and journalist for People Magazine and NBC Universal;

Whereas Gloria Ray Karlmark graduated from Illinois Technical College and is a successful computer science writer whose work has been published in 39 countries;

Whereas Terrence Roberts is now Dr. Terrence Roberts and teaches at the University of California, Los Angeles (UCLA) and Antioch College and also works as a clinical psychologist;

Whereas Jefferson Thomas graduated from Central High School in 1960 and works for the Department of Defense as an accountant;

Whereas Carlotta Walls Lanier graduated from Central High School in 1959, attended Michigan State University, and has found success in the field of real estate;

Whereas the Little Rock Nine, in brave defiance of segregation, proved that with access to educational opportunity all students are capable of greatness, regardless of race or ethnicity;

Whereas the courage of the Little Rock Nine, broadcast for the entire world to see, inspired other students of all colors to take a stand on behalf of tolerance, integration, and equality;

Whereas the courage of the Little Rock Nine demonstrated to segregationists throughout the United States that hatred and intolerance were no match for the bravery of 9 high school students; and

Whereas, 50 years after the integration of Central High School, all Americans must remain vigilant in order to ensure that every child has access to quality public education, regardless of race or ethnicity: Now, therefore, be it

*Resolved*, That the Senate—

(1) joins with the people of Massachusetts in honoring the courage of the Little Rock Nine;

(2) pledges to advance the legacy of the Little Rock Nine;

(3) endeavors to ensure that no American is denied access to education because of race or ethnicity; and

(4) encourages the people of the United States to remember—

(A) the courage of the Little Rock Nine; and

(B) the vital importance of equal opportunity in education.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3451. Mr. LAUTENBERG proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes.

SA 3452. Mr. SUNUNU proposed an amendment to the bill S. 294, supra.

SA 3453. Mr. SUNUNU proposed an amendment to the bill S. 294, supra.

SA 3454. Mr. LAUTENBERG (for Mr. CARPER) proposed an amendment to amendment SA 3452 proposed by Mr. SUNUNU to the bill S. 294, supra.

## TEXT OF AMENDMENTS

**SA 3451.** Mr. LAUTENBERG proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

In the table of contents, strike the items relating to title IV.

On page 22, line 2, insert "relevant" after "each".

On page 22, line 4, insert "single, Nationwide" after "implement a".

On page 28, line 12, insert "As part of its investigation, the Board has authority to review the accuracy of the train performance data." after "operator.".

On page 29, line 15, insert "order the host rail carrier to" after "appropriate,".

On page 29, between lines 23 and 24, insert the following:

(b) FEES.—The Surface Transportation Board may establish and collect filing fees from any entity that files a complaint under section 24308(f)(1) of title 49, United States Code, or otherwise requests or requires the Board's services pursuant to this Act. The Board shall establish such fees at levels that will fully or partially, as the Board determines to be appropriate, offset the costs of adjudicating complaints under that section and other requests or requirements for Board action under this Act. The Board may waive any fee established under this subsection for any governmental entity as determined appropriate by the Board.

(c) AUTHORIZATION OF ADDITIONAL STAFF.—The Surface Transportation Board may increase the number of Board employees by up to 15 for the 5 fiscal year period beginning with fiscal year 2008 to carry out its responsibilities under section 24308 of title 49, United States Code, and this Act.

On page 29, line 24, strike "(b)" and insert "(d)".

On page 51, between lines 4 and 5, insert the following:

(d) ACELA SERVICE STUDY.—

(1) IN GENERAL.—Amtrak shall conduct a conduct a study to determine the infrastructure and equipment improvements necessary to provide regular Acela service—

(A) between Washington, D.C. and New York City in 2 hours and 30 minutes; and

(B) between New York City and Boston in 3 hours and 15 minutes.

(2) ISSUES.—The study conducted under paragraph (1) shall include—

(A) an estimated time frame for achieving the trip time described in paragraph (1);

(B) an analysis of any significant obstacles that would hinder such an achievement; and

(C) a detailed description and cost estimate of the specific infrastructure and equipment improvements necessary for such an achievement.

(3) SECONDARY STUDY.—Amtrak shall provide an initial assessment of the infrastructure and equipment improvements, including an order of magnitude cost estimate of such improvements, that would be necessary to provide regular Acela service—

(A) between Washington, D.C. and New York City in 2 hours and 15 minutes; and

(B) between New York City and Boston in 3 hours.

(4) REPORT.—Not later than February 1, 2008, Amtrak shall submit a written report containing the results of the studies required under this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives;

(D) the Committee on Appropriations of the House of Representatives; and

(E) the Federal Railroad Administration.

On page 57, strike lines 3 through 11.

On page 57, line 12, strike "(d)" and insert "(c)".

On page 73, line 1, insert "2003," after "years".

On page 81, line 25, strike "and".

On page 82, line 2, strike "seq.)." and insert "seq.); and".

On page 82, between lines 2 and 3, insert the following:

"(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

On page 144, beginning with line 2, strike through the end of the bill.

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**SA 3452.** Mr. SUNUNU proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

At the end of the bill, add the following:

**SECTION ______ 1. SHORT TITLE.**

This Act may be cited as the "Internet Tax Freedom Act Amendments Act of 2007".

**SEC. ________ 2. PERMANENT BAN OF INTERNET ACCESS TAXES.**

(a) IN GENERAL.—Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "during the period" through "2007".

(b) GRAND FATHERING OF STATES THAT TAX INTERNET ACCESS.—Section 1104(a)(2) of such Act is amended to read as follows:

"(2) STATE TELECOMMUNICATIONS SERVICE TAX.—

"(A) DATE FOR TERMINATION.—This subsection shall not apply after November 1, 2006, with respect to a State telecommunications service tax described in subparagraph (B).

"(B) DESCRIPTION OF TAX.—A State telecommunications service tax referred to in subparagraph (A) is a State tax—

"(i) enacted by State law on or after October 1, 1991, and imposing a tax on telecommunications service; and

"(ii) applied to Internet access through administrative code or regulation issued on or after December 1, 2002.".

**SEC. ________ 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.**

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"(c) APPLICATION OF DEFINITION.—

"(1) IN GENERAL.—Effective as of November 1, 2003—

"(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

"(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108–435).

"(2) EXCEPTIONS.—Paragraph (1) shall not apply until November 1, 2007, to a tax on Internet access that is—

"(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

"(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

"(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to November 1, 2007, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).".

**SEC. ________ 4. DEFINITIONS.**

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking "services",

(2) by amending paragraph (5) to read as follows:

"(5) INTERNET ACCESS.—The term 'Internet access'—

"(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

"(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

"(i) to provide such service; or

"(ii) to otherwise enable users to access content, information or other services offered over the Internet;

"(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity; and

"(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), or (C)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), or (C).",

(3) by amending paragraph (9) to read as follows:

"(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).", and

(4) in paragraph (10) by adding at the end the following:

"(C) SPECIFIC EXCEPTION.—

"(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

"(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

"(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

"(III) is imposed on a broad range of business activity; and

"(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

"(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

"(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.".

**SEC. ________ 5. CONFORMING AMENDMENTS.**

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking "telecommunications services" each place it appears and inserting "telecommunications", and

(2) in subsection (b)(2)—

(A) in the heading by striking "SERVICES",

(B) by striking "such services" and inserting "such telecommunications", and

(C) by inserting before the period at the end the following: "or to otherwise enable users to access content, information or other services offered over the Internet".

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

**SEC. __________ 6. EFFECTIVE DATE.**

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

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**SA 3453.** Mr. SUNUNU proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 32, before line 21, insert the following:

(c) LIMIT ON PASSENGER SUBSIDIES.—

(1) IN GENERAL.—The Secretary of Transportation shall prohibit any Federal funds to be used for the operation of an Amtrak train route that has a per passenger subsidy, as determined by the Inspector General under paragraph (2), of not less than—

(A) $200 during the first fiscal year beginning after the date of the enactment of this Act;

(B) $175 during the second fiscal year beginning after the date of the enactment of this Act;

(C) $150 during the third fiscal year beginning after the date of the enactment of this Act;

(D) $125 during the fourth fiscal year beginning after the date of the enactment of this Act; and

(E) $100 during any fiscal year beginning after the time period described in subparagraph (D).

(2) DETERMINATION OF SUBSIDY LEVEL.—The Inspector General of the Department of Transportation, using data provided by Amtrak, shall determine the difference between the average fully allocated operating cost per passenger and the average ticket price collected for each train route operated by Amtrak during the most recent 12-month period for which data is available.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months before the end of each fiscal year, and every 6 months thereafter, the Inspector General shall publish a report that—

(i) lists the subsidy levels determined under paragraph (2); and

(ii) includes a statement that Amtrak will terminate any train route that has a per passenger subsidy in excess of the limits set forth in paragraph (1).

(B) DISTRIBUTION.—The Inspector General shall display the report published under subparagraph (A) on the Internet and submit a copy of such report to—

(i) the President of Amtrak;

(ii) the Secretary of Transportation;

(iii) the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) the Committee on Transportation and Infrastructure of the House of Representatives.

**SA 3454.** Mr. LAUTENBERG (for Mr. CARPER) proposed an amendment to amendment SA 3452 proposed by Mr. SUNUNU to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

**1. SHORT TITLE.**

This Act may be cited as the "Internet Tax Freedom Act Amendments Act of 2007".

**SEC. 2. MORATORIUM.**

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in section 1101(a) by striking "2007" and inserting "2011", and

(2) in section 1104(a)(2)(A) by striking "2007" and inserting "2011".

**SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.**

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"(c) APPLICATION OF DEFINITION.—

"(1) IN GENERAL.—Effective as of November 1, 2003—

"(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

"(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108–435).

"(2) EXCEPTIONS.—Paragraph (1) shall not apply until November 1, 2007, to a tax on Internet access that is—

"(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

"(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

"(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to November 1, 2007, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).".

**SEC. 4. DEFINITIONS.**

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking "services",

(2) by amending paragraph (5) to read as follows:

"(5) INTERNET ACCESS.—The term 'Internet access'—

"(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

"(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

"(i) to provide such service; or

"(ii) to otherwise enable users to access content, information or other services offered over the Internet;

"(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity; and

"(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), or (C)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated, with the charge for services described in subparagraph (A), (B), or (C).",

(3) by amending paragraph (9) to read as follows:

"(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)),", and

(4) in paragraph (10) by adding at the end the following:

"(C) SPECIFIC EXCEPTION.—

"(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

"(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

"(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

"(III) is imposed on a broad range of business activity; and

"(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

"(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

"(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.".

**SEC. 5. CONFORMING AMENDMENTS.**

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking "telecommunications services" each place it appears and inserting "telecommunications", and

(2) in subsection (b)(2)—

(A) in the heading by striking "SERVICES",

(B) by striking "such services" and inserting "such telecommunications", and

(C) by inserting before the period at the end the following: "or to otherwise enable users to access content, information or other services offered over the Internet".

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

**SEC. 6. EFFECTIVE DATE.**

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to meet in executive session during the session of the Senate on Wednesday, October 24, 2007, at 10 a.m. in SR–328A. The committee will be considering the 2007 farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 24, 2007, at 2 p.m., in order to conduct a hearing entitled "International Accounting Standards: Opportunities, Challenges, and Global Convergence Issues."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, October 24, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

At this hearing, committee members will assess the state of innovation and competition in the radio market.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 24, 2007, at 9:30 a.m., in order to hold a hearing on the Great Lakes region of Africa.

The PRESIDING OFFICER. without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 24, 2007, at 1:45 p.m., in order to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, October 24, 2007, at 10 a.m., in order to conduct a hearing entitled "Watching the Watch List: Building an Effective Terrorist Screening System."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled "Nominations" on Wednesday, October 24, 2007. The meeting will commence at 10 a.m. in room 226 of the Dirksen Senate Office Building.

*Witness list*

Panel I: Ronald Jay Tenpas to be Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice.

Panel II: Joseph N. Laplante to be United States District Judge for the District of New Hampshire; Reed Charles O'Connor to be United States District Judge for the Northern District of Texas, Dallas Division; Thomas D. Schroeder to be United States District Judge for the Middle District of North Carolina; Amul R. Thapar to be United States District Judge for the Eastern District of Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled "The Role of Federally-Funded University Research in the Patent System" on Wednesday, October 24, 2007. The meeting will commence at 1:30 p.m. in room 226 of the Dirksen Senate Office Building.

*Witness list*

Arti K. Rai, Professor of Law, Duke University School of Law, Durham, NC; Elizabeth Hoffman, Executive Vice President and Provost, Iowa State University, Ames, IA; Robert Weissman, Director, Essential Action, Washington, DC; Dr. Charles Louis, Vice Chancellor for Research, University of California, Riverside, Riverside, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, October 24, 2007, in order to conduct a hearing on pending legislation. The committee will meet in room 562 of the Dirksen Senate Office Building, at 9:30 a.m.

THE PRESIDING OFFICER. without objection, it is so ordered.

### SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, October 24, 2007, from 10:30 a.m.–12:30 p.m. in room 628 of the Dirkson Senate Office Building for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON PRIVATE SECTOR AND CONSUMER SOLUTIONS TO GLOBAL WARMING AND WILDLIFE PROTECTION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection, be authorized to meet during the session of the Senate on Wednesday, October 24, 2007, at 2:30 p.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, "A hearing to examine America's Climate Security Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008

On Tuesday, October 23, 2007, the Senate passed H.R. 3043, as amended, as follows:

### H.R. 3043

*Resolved*, That the bill from the House of Representatives (H.R. 3043) entitled "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:*

### *TITLE I*

### *DEPARTMENT OF LABOR*

### *EMPLOYMENT AND TRAINING ADMINISTRATION*

### *TRAINING AND EMPLOYMENT SERVICES*

*(INCLUDING RESCISSION)*

*For necessary expenses of the Workforce Investment Act of 1998 (WIA), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,587,138,000, plus reimbursements, is available. Of the amounts provided:*

*(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:*

*(A) $864,199,000 for adult employment and training activities, of which $152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which $712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;*

*(B) $940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and*

*(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $848,000,000 shall be available for the period October 1, 2008 through June 30, 2009:*

*Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor:*

*(2) for federally administered programs, $481,540,000 as follows:*

*(A) $282,092,000 for the dislocated workers assistance national reserve, of which $3,700,000 shall be available on October 1, 2007, of which $66,392,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: Provided, That up to $150,000,000 may be made available for Community-Based Job Training Grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That $1,500,000 shall be for a non-competitive grant to the AFL–CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That $2,200,000 shall be for a non-competitive grant to the AFL–CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded*

*not later than 30 days after the date of enactment of this Act;*

*(B) $53,696,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;*

*(C) $79,752,000 for migrant and seasonal farmworkers, including $74,302,000 for formula grants, $4,950,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: Provided, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;*

*(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2008 through June 30, 2009; and*

*(E) $65,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;*

*(3) for national activities, $111,088,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:*

*(A) $30,650,000 for Pilots, Demonstrations, and Research, of which $27,650,000 shall be available for noncompetitive grants, with the terms, conditions and amounts specified in the committee report of the Senate accompanying this Act: Provided, That funding provided to carry out projects under section 171 of the WIA that are identified in the committee report accompanying this Act, shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;*

*(B) $13,642,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D);*

*(C) $4,921,000 for Evaluation under section 172 of the WIA; and*

*(D) $6,875,000 for the Denali Commission, which shall be available for the period July 1, 2008 through June 30, 2009.*

*Of the amounts made available under this heading in Public Law 107–116 to carry out the activities of the National Skills Standards Board, $44,063 are hereby rescinded.*

### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

*To carry out title V of the Older Americans Act of 1965, as amended, $483,611,000, which shall be available for the period July 1, 2008 through June 30, 2009.*

### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

*For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter II of the Trade Act of 1974 and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.*

### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

*For authorized administrative expenses, $98,409,000, together with not to exceed $3,248,223,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:*

*(1) $2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;*

*(2) $10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;*

*(3) $693,000,000 from the Trust Fund, together with $22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;*

*(4) $34,000,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;*

*(5) $55,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and*

*(6) $19,541,000 is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:*

*Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.*

*In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: Provided, That not later than 180 days following the end of the current fiscal year, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: Provided further, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.*

### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

*For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2009, $437,000,000.*

*In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.*

### PROGRAM ADMINISTRATION

*For expenses of administering employment and training programs, $91,133,000, together with not to exceed $94,372,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.*

## EMPLOYEE BENEFITS SECURITY ADMINISTRATION

### SALARIES AND EXPENSES

*For necessary expenses for the Employee Benefits Security Administration, $143,262,000.*

## PENSION BENEFIT GUARANTY CORPORATION

### PENSION BENEFIT GUARANTY CORPORATION FUND

*The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000: Provided further, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for* *administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.*

### *EMPLOYMENT STANDARDS ADMINISTRATION*

### *SALARIES AND EXPENSES*

### *(INCLUDING RESCISSION)*

*For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $436,397,000, together with $2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).*

*Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $70,000,000 are hereby rescinded.*

### *SPECIAL BENEFITS*

### *(INCLUDING TRANSFER OF FUNDS)*

*For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,280,000 shall be made available to the Secretary as follows:*

*(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.*

*(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.*

*(3) For periodic roll management and medical review, $14,316,000.*

*(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:*

*Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.*

### *SPECIAL BENEFITS FOR DISABLED COAL MINERS*

*For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275 (the "Act"), $208,221,000, to remain available until expended.*

*For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.*

*For making benefit payments under title IV for the first quarter of fiscal year 2009, $62,000,000, to remain available until expended.*

### *ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND*

### *(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $104,745,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: Provided further, That not later than 30 days after enactment, in addition to other sums transferred by the Secretary of Labor to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICP"), the Secretary of Labor shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under the EEOICP (42 U.S.C. 7384n–q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.*

### *BLACK LUNG DISABILITY TRUST FUND*

### *(INCLUDING TRANSFER OF FUNDS)*

*In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,761,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed $24,785,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $335,000 for transfer to Departmental Management "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.*

### *OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*

### *SALARIES AND EXPENSES*

*For necessary expenses for the Occupational Safety and Health Administration, $498,445,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—*

*(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;*

*(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;*

*(3) to take any action authorized by such Act with respect to imminent dangers;*

*(4) to take any action authorized by such Act with respect to health hazards;*

*(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and*

*(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:*

*Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a* *temporary labor camp and employs 10 or fewer employees: Provided further, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007, to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: Provided further, That such grants shall be awarded not later than 30 days after the date of enactment of this Act.*

### MINE SAFETY AND HEALTH ADMINISTRATION

### SALARIES AND EXPENSES

*For necessary expenses for the Mine Safety and Health Administration, $330,028,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, $2,200,000 for an award to the United Mine Workers Association, for classroom and simulated rescue training for mine rescue teams, and $1,350,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.*

### BUREAU OF LABOR STATISTICS

### SALARIES AND EXPENSES

*For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $482,000,000, together with not to exceed $78,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2): Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.*

### OFFICE OF DISABILITY EMPLOYMENT POLICY

### SALARIES AND EXPENSES

*For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,712,000.*

### DEPARTMENTAL MANAGEMENT

### SALARIES AND EXPENSES

*For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $313,400,000, of which $82,516,000 is for the Bureau of International Labor Affairs, and of which $22,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $318,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.*

### OFFICE OF JOB CORPS

*To carry out subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et. seq.), including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,659,872,000, plus reimbursements, as follows:*

*(1) $1,516,000,000 for Job Corps Operations, of which $925,000,000 is available for obligation for the period July 1, 2008 through June 30, 2009 and of which $591,000,000 is available for obligation for the period October 1, 2008 through June 30, 2009;*

*(2) $115,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $15,000,000 is available for the period July 1, 2008 through June 30, 2009 and $100,000,000 is available for the period October 1, 2008 through June 30, 2011; and*

*(3) $28,872,000 for necessary expenses of the Office of Job Corps is available for obligation for the period October 1, 2007 through September 30, 2008:*

*Provided, That the Office of Job Corps shall have contracting authority: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below 44,791 in program year 2008.*

### VETERANS EMPLOYMENT AND TRAINING

*Not to exceed $197,143,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2008, of which $1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $31,055,000, of which $7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009. Provided, That $3,000,000 shall be transferred from amounts made available in this title for salaries and expenses of the Department of Labor, to carry out Federal management activities relating to veterans employment and training.*

### OFFICE OF INSPECTOR GENERAL

*For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $73,929,000, together with not to exceed $5,729,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.*

### GENERAL PROVISIONS

*SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.*

### (TRANSFER OF FUNDS)

*SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.*

*SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.*

*SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.*

*SEC. 105. The Secretary shall prepare and submit not later than July 1, 2008, to the Committees on Appropriations of the Senate and of the House an operating plan that outlines the planned allocation by major project and activity of fiscal year 2008 funds made available for section 171 of the Workforce Investment Act.*

*SEC. 106. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community College Initiative Grants, Community-Based Job Training Grants, and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.*

*SEC. 107. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.*

*SEC. 108. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as* legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 109. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.

SEC. 110. (a) Not later than June 20, 2008, the Secretary of Labor shall revise regulations prescribed pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 863(y)) to require, in any coal mine, regardless of the date on which it was opened, that belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary of Labor.

(b) Not later than June 15, 2008, the Secretary of Labor shall issue regulations, pursuant to the design criteria recommended by the National Institute of Occupational Safety and Health and section 13 of the MINER Act (Public Law 109–236), requiring installation of rescue chambers in the working areas of underground coal mines.

SEC. 111. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

SEC. 112. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $10,000,000 for necessary expenses for salaries and expenses of the Mine Safety and Health Administration.

(b) Amounts made available under this Act for travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $10,000,000.

SEC. 113. To enable the National Institute for Occupational Safety and Health to carry out the Fire Fighter Fatality Investigation and Prevention Program, $5,000,000, which shall include any other amounts made available under this Act for such Program. Amounts made available under this Act for travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $2,500,000.

This title may be cited as the "Department of Labor Appropriations Act, 2008".

## TITLE II

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### HEALTH RESOURCES AND SERVICES ADMINISTRATION

### HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, $6,843,673,000, of which $191,235,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities as specified in the committee report of the Senate accompanying this Act, and of which $38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act, and of which $250,000 shall be for the Center for Asbestos Related Disease (CARD) Clinic in Libby, Montana: Provided, That of the funds made available under this heading, $220,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That $40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: Provided further, That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: Provided further, That of the funds made available under this heading, $300,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $814,546,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $95,936,920 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,586,238 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: Provided further, That of the funds provided, $39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: Provided further, That of the funds available under this heading, $1,829,511,000 shall remain available to the Secretary until September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; relating to Ryan White Emergency Relief Grants and CARE Grants): Provided further, That of the funds provided, $25,000,000 shall be provided for the Delta Health Initiative as authorized in section 222 of this Act and associated administrative expenses: Provided further, That notwithstanding section 747(e)(2) of the PHS Act, and not less than $5,000,000 shall be for general dentistry programs and not less than $5,000,000 shall be for pediatric dentistry programs and not less than $24,614,000 shall be for family medicine programs: Provided further, That of the funds available under this heading, $12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005 (Public Law 109–129): Provided further, That where prior year funds were disbursed under this appropriation account as Health Care and Other Facilities grants (and were used for the purchase, construction, or major alteration of property; or the purchase of equipment), the Federal interest in such property or equipment shall last for a period of 5 years following the completion of the project and terminate at that time: Provided further, That if the property use changes (or the property is transferred or sold) and the Government is compensated for its proportionate interest in the property, the Federal interest in such property shall be terminated: Provided further, That for projects where 5 years has already elapsed since completion, the Federal interest shall be terminated immediately.

### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,906,000.

### VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,528,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

### CENTERS FOR DISEASE CONTROL AND PREVENTION

### DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, and the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, *and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,157,169,000, of which $220,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $581,335,000 shall remain available until expended for the Strategic National Stockpile; and of which $122,769,000 for international HIV/AIDS shall remain available until September 30, 2009. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $108,585,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $463,000 for Health Marketing evaluations; (5) $31,000,000 to carry out Public Health Research; and (6) $92,071,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $19,035,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: Provided further, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: Provided further, That if States are eligible, up to $30,000,000 shall be used to implement section 2625 of the Public Health Service Act (42 U.S.C. 300ff–33; relating to the Ryan White early diagnosis grant program): Provided further, That $16,890,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.*

## NATIONAL INSTITUTES OF HEALTH

### NATIONAL CANCER INSTITUTE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,910,160,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.*

### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,992,197,000.*

### NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

*For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $398,602,000.*

### NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

*For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,747,784,000.*

### NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,573,268,000.*

### NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

### (INCLUDING TRANSFER OF FUNDS)

*For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,668,472,000: Provided, That $300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.*

### NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

*For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,978,601,000.*

### NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

*For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,282,231,000.*

### NATIONAL EYE INSTITUTE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $681,962,000.*

### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

*For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $656,176,000.*

### NATIONAL INSTITUTE ON AGING

*For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,073,048,000.*

### NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

*For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $519,810,000.*

### NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

*For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $402,680,000.*

### NATIONAL INSTITUTE OF NURSING RESEARCH

*For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $140,456,000.*

### NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

*For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $445,702,000.*

### NATIONAL INSTITUTE ON DRUG ABUSE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,022,594,000.*

### NATIONAL INSTITUTE OF MENTAL HEALTH

*For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,436,001,000.*

### NATIONAL HUMAN GENOME RESEARCH INSTITUTE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $497,031,000.*

### NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

*For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $304,319,000.*

### NATIONAL CENTER FOR RESEARCH RESOURCES

*For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,177,997,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.*

### NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $124,213,000.*

### NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

*For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $203,895,000.*

### JOHN E. FOGARTY INTERNATIONAL CENTER

*For carrying out the activities at the John E. Fogarty International Center, $68,000,000.*

### NATIONAL LIBRARY OF MEDICINE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $327,817,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2008, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.*

### OFFICE OF THE DIRECTOR

### (INCLUDING TRANSFER OF FUNDS)

*For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,145,790,000, of which up to $25,000,000 shall be used to carry out section 217 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the National Institutes of Health is authorized to collect third party payments for the* *cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That $110,900,000 shall be available to carry out the National Children's Study: Provided further, That $531,300,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH: Provided further, That the Office of AIDS Research within the Office of the Director, NIH may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.*

### *BUILDINGS AND FACILITIES*

*For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $121,081,000, to remain available until expended.*

## *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION*

### *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

*For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,278,135,000, of which $10,335,000 shall be available for projects and in the amounts specified in the committee report accompanying this Act: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: Provided further, That of the funds provided to the Child Trauma Stress Network Initiative, priority shall be given to those centers, that previously received grants, that provide mental health services to children affected by Hurricane Katrina and/or Rita: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $21,750,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs: Provided further, That section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008.*

## *AGENCY FOR HEALTHCARE RESEARCH AND QUALITY*

### *HEALTHCARE RESEARCH AND QUALITY*

*For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $329,564,000; and in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That no amount shall be made available pursuant to section 927(c) of the Public Health Service Act for fiscal year 2008: Provided further, That $5,000,000 shall be for activities to reduce infections from methicillin-resistant staphylococcus aureus (MRSA) and related infections.*

## *CENTERS FOR MEDICARE AND MEDICAID SERVICES*

### *GRANTS TO STATES FOR MEDICAID*

*For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $141,628,056,000, to remain available until expended.*

*For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.*

*For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, $67,292,669,000, to remain available until expended.*

*Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.*

### *PAYMENTS TO HEALTH CARE TRUST FUNDS*

*For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $188,828,000,000.*

*In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.*

### *PROGRAM MANAGEMENT*

*For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,248,088,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That $253,775,000, to remain available until September 30, 2009, is for CMS Medicare contracting reform activities: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That in addition, the Secretary may charge a fee for conducting revisit surveys on health care facilities cited for deficiencies during initial certification, recertification, or substantiated complaints surveys: Provided further, That such fees, in an amount not to exceed $35,000,000, shall be credited to this account as offsetting collections, to remain available until expended for the purpose of conducting such revisit surveys: Provided further, That amounts transferred to this account from the Federal Health Insurance and Federal Supplementary Medical Insurance Trust Funds for fiscal year 2008 shall be reduced by the amount credited to this account under this paragraph: Provided further, That $1,625,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.*

### *HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT*

*In addition to amounts otherwise available for program integrity and program management, $383,000,000, to be available until expended, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which $288,480,000 is for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities authorized in title 18 of the Social Security Act, with oversight activities including those activities listed in 18 U.S.C. 1893(b); of which $36,690,000 is for the Department of Health and Human Services Office of Inspector General; of which $21,140,000 is for the Department of Health and Human Services for program integrity activities in title 18, title 19 and title 21 of the Social Security Act; and of which $36,690,000 is for the Department of Justice: Provided, That the report required by 18 U.S.C. 1817(k)(5) for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs for the funds provided by this appropriation.*

## *ADMINISTRATION FOR CHILDREN AND FAMILIES*

### *PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS*

*For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,949,713,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2009, $1,000,000,000, to remain available until expended.*

*For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity*

*Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.*

*For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.*

### *LOW-INCOME HOME ENERGY ASSISTANCE*

*For making payments under section 2604(a)–(d) of the Low Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)), $1,980,000,000.*

*For making payments under section 2604(e) of the Low Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $181,170,000, notwithstanding the designation requirement of section 2602(e) of such Act.*

### *REFUGEE AND ENTRANT ASSISTANCE*

*For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, $654,166,000, of which up to $9,823,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.*

### *PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT*

*For carrying out the Child Care and Development Block Grant Act of 1990, $2,062,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which $982,080 shall be available to the Secretary for discretionary activities to support comprehensive consumer education or parental choice: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.*

### *SOCIAL SERVICES BLOCK GRANT*

*For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000.*

### *CHILDREN AND FAMILIES SERVICES PROGRAMS*

*For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,213,332,000, of which $9,500,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: Provided, That $7,088,571,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: Provided further, That $735,281,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That $16,720,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $11,390,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,330,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That $80,416,000 shall be for making competitive grants to provide abstinence education to adolescents, and for Federal costs of administering the grant: Provided further, That information provided through grants under the immediately preceding proviso shall be scientifically accurate and shall comply with section 317P(c)(2) of the Public Health Service Act: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: Provided further, That $7,425,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.*

### *PROMOTING SAFE AND STABLE FAMILIES*

*For carrying out section 436 of the Social Security Act, $345,000,000 and section 437, $89,100,000.*

### *PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE*

*For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,067,000,000.*

*For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2009, $1,776,000,000.*

*For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.*

## *ADMINISTRATION ON AGING*

### *AGING SERVICES PROGRAMS*

*For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,441,585,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: Provided, That $2,935,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.*

## *OFFICE OF THE SECRETARY*

### *GENERAL DEPARTMENTAL MANAGEMENT*

*For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $399,386,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; and $5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; up to $4,000,000 shall be for the Secretary's discretionary fund and may be used to carry out activities authorized under the Department's statutory authorities; and $9,500,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation, provided directly, through grants, or through contracts: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on* *scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: Provided further, That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4): Provided further, That $2,100,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act: Provided further, That $500,000 shall be available to complete a feasibility study for a National Registry of Substantiated Cases of Child Abuse or Neglect, as described in section 633(g) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248), and the Secretary of Health and Human Services shall submit the report described in section 633(g)(2) of such Act not later than 1 year after date of enactment of this Act: Provided further, That $2,000,000 of the amounts appropriated under this heading shall be made available to carry out dental workforce programs under section 340G of the Public Health Service Act (42 U.S.C. 256g).*

### OFFICE OF MEDICARE HEARINGS AND APPEALS

*For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $70,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.*

### OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

*For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $43,000,000: Provided, That in addition to amounts provided herein, $28,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.*

### OFFICE OF INSPECTOR GENERAL

*For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $45,687,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.*

### OFFICE FOR CIVIL RIGHTS

*For expenses necessary for the Office for Civil Rights, $33,748,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.*

### RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

*For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such amounts as may be required during the current fiscal year.*

### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

### (INCLUDING TRANSFER OF FUNDS)

*For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $786,556,000, of which not to exceed $22,338,000, to remain available until September 30, 2009, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act, and of which $189,000,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.*

*For expenses necessary to prepare for and respond to an influenza pandemic, $888,000,000, of which $652,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That $158,000,000 shall be transferred within 30 days of enactment to the Centers for Disease Control and Prevention for pandemic preparedness activities: Provided further, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.*

*For expenses to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001, terrorist attacks on the World Trade Center, $55,000,000 to be transferred to Centers for Disease Control and Prevention, Disease Control, Research, and Training.*

### GENERAL PROVISIONS

*SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.*

*SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.*

*SEC. 203. None of the funds appropriated in this Act may be used to implement section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.*

*SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.*

*SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.*

*SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.*

*SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.*

### (TRANSFER OF FUNDS)

*SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.*

### (TRANSFER OF FUNDS)

*SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Appropriations Committees of both Houses of Congress are promptly notified of the transfer.*

### (TRANSFER OF FUNDS)

*SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.*

*SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.*

*SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make* *appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.*

*SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.*

*SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.*

*(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.*

*(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.*

*(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.*

*(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.*

*SEC. 215. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad during fiscal year 2008, the Secretary of Health and Human Services—*

*(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State; and*

*(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.*

*SEC. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.*

*SEC. 217. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under sections 402(b)(7) and 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Common Fund.*

*(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).*

*SEC. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.*

*SEC. 219. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.*

*SEC. 220. In addition to any other amounts available for such travel, and notwithstanding any other provision of law, amounts available from this or any other appropriation for the purchase, hire, maintenance, or operation of aircraft by the Centers for Disease Control and Prevention shall be available for travel by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, and employees of the Department of Health and Human Services accompanying the Secretary or the Director during such travel.*

*SEC. 221. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.*

*SEC. 222. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.*

*(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.*

*(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.*

*(d) There are authorized to be appropriated such sums as may be necessary to carry out this section in fiscal year 2008 and in each of the five succeeding fiscal years.*

*SEC. 223. Not to exceed $35,000,000 of funds appropriated by this Act to the Institutes and Centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.*

*(TRANSFER OF FUNDS)*

*SEC. 224. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.*

*SEC. 225. Nothing in this Act shall be construed to effect or otherwise modify provisions of current Federal law with respect to the funding of abortion.*

*SEC. 226. Of the funds made available in this Act for subtitle B of title IV of the Cardiac Arrest Survival Act of 2000 (Public Law 106–505), $200,000 shall be used to carry out section 312(c)(6) of the Public Health Service Act.*

*SEC. 227. (a) In addition to any amounts appropriated or otherwise made available under this Act to the Health Resources and Services Administration to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107–251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c–14), there shall be made available an additional $6,800,000, to (1) expand support for existing and new telehealth resource centers, including at least 1 resource center focusing on telehomecare; (2) support telehealth network grants, telehealth demonstrations, and telehomecare pilot projects; and (3) provide grants to carry out programs under which health licensing boards or various*

*States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.*

*(b) Notwithstanding any other provision of this Act, amounts appropriated or otherwise made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $6,800,000.*

*SEC. 228. (a) Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report concerning State health care reform initiatives.*

*(b) The report required under subsection (a) shall include the following:*

*(1) An assessment of State efforts to reexamine health care delivery and health insurance systems and to expand the access of residents to health insurance and health care services, including the following:*

*(A) An overview of State approaches to reexamining health care delivery and insurance.*

*(B) A description of whether and to what extent State health care initiatives have resulted in improved access to health care and insurance.*

*(C) A description of the extent to which public and private cooperation has occurred in State health care initiatives.*

*(D) A description of the outcomes of State insurance coverage mandates.*

*(E) A description of the effects of increased health care costs on State fiscal choices.*

*(F) A description of the effects of Federal law and funding on State health care initiatives and fiscal choices.*

*(G) A description of outcomes of State efforts to increase health care quality and control costs.*

*(2) Recommendations regarding the potential role of Congress in supporting State-based reform efforts, including the following:*

*(A) Enacting changes in Federal law that would facilitate State-based health reform and expansion efforts.*

*(B) Creating new or realigning existing Federal funding mechanisms to support State-based reform and expansion efforts.*

*(C) Expanding existing Federal health insurance programs and increasing other sources of Federal health care funding to support State-based health reform and expansion efforts.*

*SEC. 229. None of the funds made available in this Act may be used—*

*(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and*

*(2) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.*

*SEC. 230. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $3,000,000 for the Centers for Disease Control and Prevention to make grants under the State Heart Disease and Stroke Prevention Program.*

*(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $3,000,000.*

*SEC. 231. Notwithstanding any other provision of this Act, amounts appropriated in this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced by a pro rata percentage required to reduce the total amount appropriated in this Act by $30,000,000.*

*SEC. 232. (a) In addition to any other amounts appropriated or otherwise made available under this Act, $8,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109–18).*

*(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $8,000,000.*

*SEC. 233. (a) In addition to other amounts made available in this title, $3,000,000 shall be made available for trauma care activities.*

*(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $6,000,000.*

*SEC. 234. (a) In addition to other amounts appropriated in this title to carry out title VII of the Public Health Service Act, $2,000,000 shall be made available to carry out allied health professional programs under section 755 of such title VII, other than the Chiropractic-Medical School Demonstration Grant program, Graduate Psychology training programs, and podiatric physicians programs.*

*(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced further on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $2,000,000.*

*SEC. 235. It is the sense of the Senate that a portion of the funds appropriated under this title be used for frequent hemodialysis clinical trials at the National Institute of Diabetes and Digestive and Kidney Diseases.*

*SEC. 236. SMALL BUSINESS CHILD CARE GRANT PROGRAM. For carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (42 U.S.C. 9858 note) $5,000,000, to remain available until expended. Each amount otherwise appropriated in this Act for administrative expenses for the Department of Labor, Department of Health and Human Services, and Department of Education shall be reduced on a pro rata basis by the amount necessary to provide the amount referred to in the preceding sentence.*

*SEC. 237. Notwithstanding any other provision of law, no funds shall be made available under this Act to modify the HIV/AIDS funding formulas under title XXVI of the Public Health Service Act.*

*SEC. 238. (a) The amount made available under the heading "AGING SERVICES PROGRAMS" under the heading "ADMINISTRATION ON AGING" in this title shall be increased by $10,000,000 of which—*

*(1) $5,000,000 shall be used to carry out part B of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d) for fiscal year 2008 (for supportive services and senior centers to allow area agencies on aging to account for projected growth in the population of older individuals, and inflation);*

*(2) $2,000,000 shall be used to carry out part C of title III of such Act (42 U.S.C. 3030d–21 et seq.) for fiscal year 2008 (for congregate and home-delivered nutrition services to help account for increased gas and food costs); and*

*(3) $3,000,000 shall be used to carry out part E of title III of such Act (42 U.S.C. 3030s et seq.) for fiscal year 2008 (for the National Family Caregiver Support Program to fund the program at the level authorized for that program under that Act (42 U.S.C. 3001 et seq.)).*

*(b)(1) The 3 amounts described in paragraph (2) shall be reduced on a pro rata basis, to achieve a total reduction of $10,000,000.*

*(2) The amounts referred to in paragraph (1) are—*

*(A) the amount made available under the heading "SALARIES AND EXPENSES" under the heading "DEPARTMENTAL MANAGEMENT" in title I, for administration or travel expenses;*

*(B) the amount made available under the heading "GENERAL DEPARTMENTAL MANAGEMENT" under the heading "OFFICE OF THE SECRETARY" in this title, for administration or travel expenses; and*

*(C) the amount made available under the heading "PROGRAM ADMINISTRATION" under the heading "DEPARTMENTAL MANAGEMENT" in title III, for administration or travel expenses.*

*SEC. 239. (a) Notwithstanding any other provision of this Act, there shall be made available under this Act a total of $7,500,000 for the National Violent Death Reporting System within the Centers for Disease Control and Prevention.*

*(b) Amounts made available under this Act for travel and administrative expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $7,500,000.*

*SEC. 240. (a) Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on workers' compensation set-asides under the Medicare secondary payer set-aside provisions under title XVIII of the Social Security Act.*

*(b) The report described in subsection (a) shall contain the following information:*

*(1) The number of workers' compensation set-aside determination requests that have been pending for more than 60 days from the date of the initial submission for a workers' compensation set-aside determination.*

*(2) The average amount of time taken between the date of the initial submission for a workers' compensation set-aside determination request and the date of the final determination by the Centers for Medicare & Medicaid Services.*

*(3) The breakout of conditional payments recovered when workers' compensation is the primary payer separate from the amounts in Workers' Compensation Medicare Set-aside Accounts (in this section referred to as "WCMSAs").*

*(4) The aggregate amounts allocated in WCMSAs and disbursements from WCMSAs for fiscal year 2005 and fiscal year 2006.*

*(5) The number of conditional payment requests pending with regard to WCMSAs after 60 days from the date of the submission of the request.*

*(6) The number of WCMSAs that do not receive a determination based on the initial complete submission.*

*(7) Any other information determined appropriate by the Congressional Budget Office in order to determine the baseline revenue and expenditures associated with such workers' compensation set-asides.*

*SEC. 241. It is the sense of the Senate that the Secretary of Health and Human Services should maintain "deemed status" coverage under the Medicare program for clinical trials that are federally funded or reviewed, as provided for by the Executive Memorandum of June 2000.*

*SEC. 242. (a) The amount appropriated under the heading "DISEASE CONTROL, RESEARCH, AND*

*TRAINING" under the heading "CENTERS FOR DISEASE CONTROL AND PREVENTION" in this title is increased by $1,000,000.*

*(b) The amount appropriated under the heading "GENERAL DEPARTMENTAL MANAGEMENT" under the heading "OFFICE OF THE SECRETARY" in this title is decreased by $1,000,000.*

*(c)(1)(A) The Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) shall conduct, and shall invite the University of Utah and West Virginia University to participate in conducting, a study of the recovery of coal pillars through retreat room and pillar mining practices in underground coal mines at depths greater than 1500 feet.*

*(B) The study shall examine the safety implications of retreat room and pillar mining practices, with emphasis on the impact of full or partial pillar extraction mining.*

*(C) The study shall consider, among other things—*

*(i) the conditions under which retreat mining is used, including conditions relating to—*

*(I) seam thickness;*

*(II) depth of cover;*

*(III) strength of the mine roof, pillars, and floor; and*

*(IV) the susceptibility of the mine to seismic activity; and*

*(ii) the procedures used to ensure miner safety during retreat mining.*

*(2)(A) Not later than 1 year after beginning the study described in paragraph (1), the Secretary shall submit a report containing the results of the study to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.*

*(B) The report shall include recommendations to enhance the safety of miners working in underground coal mines where retreat mining in room and pillar operations is utilized. Among other things, the recommendations shall identify means of adapting any practical technology to the mining environment to improve miner protections during mining at depths greater than 1500 feet, and research needed to develop improved technology to improve miner protections during mining at such depths.*

*(3) Not later than 90 days after the submission of the report described in paragraph (2) to Congress, the Secretary of Health and Human Services shall publish a notice in the Federal Register describing the actions, if any, that the Secretary intends to take based on the report.*

*SEC. 243. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355) and is not—*

*(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or*

*(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).*

*This title may be cited as the "Department of Health and Human Services Appropriations Act, 2008".*

## *TITLE III*

## *DEPARTMENT OF EDUCATION*

### *EDUCATION FOR THE DISADVANTAGED*

*For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $15,867,778,000, of which $6,812,554,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $8,867,301,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That $6,808,407,000 shall be for basic grants under section 1124: Provided further, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be for concentration grants under section 1124A: Provided further, That $2,868,231,000 shall be for targeted grants under section 1125: Provided further, That $2,868,231,000 shall be for education finance incentive grants under section 1125A: Provided further, That $500,000,000 shall be for school improvement grants authorized under section 1003(g) of the ESEA: Provided further, That $9,330,000 shall be to carry out part E of title I: Provided further, That $1,634,000 shall be available for a comprehensive school reform clearinghouse.*

### *IMPACT AID*

*For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,248,453,000, of which $1,111,867,000 shall be for basic support payments under section 8003(b), $49,466,000 shall be for payments for children with disabilities under section 8003(d), $17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, $64,350,000 shall be for Federal property payments under section 8002, and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.*

### *SCHOOL IMPROVEMENT PROGRAMS*

*For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,198,525,000, of which $3,560,485,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which $1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: Provided further, That $60,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $34,376,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That $18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.*

### *INDIAN EDUCATION*

*For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $118,690,000.*

### *INNOVATION AND IMPROVEMENT*

*For carrying out activities authorized by parts G and H of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), $962,889,000: Provided, That $9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: Provided further, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That $317,699,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $64,504,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act: Provided further, That $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That five percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities.*

### SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $697,112,000, of which $300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: Provided, That of the amount available for subpart 2 of part A of title IV of the ESEA, $850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105–244: Provided further, That $300,000,000 shall be available for subpart 1 of part A of title IV and $222,112,000 shall be available for subpart 2 of part A of title IV, of which not less than $1,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That $145,000,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to $12,000,000 may be used to carry out section 2345 and $3,000,000 shall be used to implement a comprehensive program to improve public knowledge, understanding and support of the Congress and the State legislatures.

### ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $670,819,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).

### SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $12,330,374,000, of which $6,192,551,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $5,924,200,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That $13,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: Provided further, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: Provided further, That $3,000,000 shall be available to support the Special Olympics Winter World Games.

### REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, $3,286,942,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That $32,000,000 shall be used for carrying out the AT Act, including $26,377,000 for State grant activities authorized under section 4 of the AT Act, $4,570,000 for State grants for protection and advocacy under section 5 of the AT Act and $1,053,000 shall be for technical assistance activities under section 6 of the AT Act: Provided further, That $2,650,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act: Provided further, That $8,400,000 shall be used to carry out the Traumatic Brain Injury (TBI) Model Systems of Care Program and to sustain at least 16 TBI Model Systems Centers.

### SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

#### AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $22,000,000.

#### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $59,000,000, of which $1,705,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

#### GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $111,000,000, of which $600,000 shall be for the Secretary of Education to carry out section 205 of the Act: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

### CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Amendments of 1998, $1,894,788,000, of which $1,103,788,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: Provided, That of the amount provided for Adult Education State Grants, $67,896,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: Provided further, That $22,770,000 shall be for Youth Offender Grants.

### STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $16,368,883,000, which shall remain available through September 30, 2009.

The maximum Pell Grant for which a student shall be eligible during award year 2008–2009 shall be $4,310.

### STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, $708,216,000, which shall remain available until expended.

### HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,028,302,000: Provided, That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That $970,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: Provided further, That $12,000,000 shall be for grants to institutions of higher education, in partnership with local educational agencies, to establish instructional programs at all educational levels in languages critical to U.S. national security: Provided further, That $59,855,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

### HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

### COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans *pursuant to section 121 of the Higher Education Act of 1965, as amended $481,000.*

### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

*For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $188,000.*

### INSTITUTE OF EDUCATION SCIENCES

*For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $589,826,000, of which $322,020,000 shall be available until September 30, 2009.*

### DEPARTMENTAL MANAGEMENT

### PROGRAM ADMINISTRATION

*For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $432,631,000, of which $3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC: Provided, That the Secretary of Education shall assess the impact on education felt by students in states with a high proportion of federal land compared to students in non-public land states. The study shall consider current student teacher ratios, trends in student teacher ratios, the proportion of property tax dedicated to education in each State, and the impact of these and other factors on education in public land states. The Secretary shall submit the report not later than 1 year after the date of the enactment of this Act.*

### OFFICE FOR CIVIL RIGHTS

*For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $93,771,000.*

### OFFICE OF THE INSPECTOR GENERAL

*For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $54,239,000.*

### GENERAL PROVISIONS

*SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.*

*SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.*

*SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.*

### (TRANSFER OF FUNDS)

*SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.*

*SEC. 305. None of the funds made available in this Act may be used to promulgate, implement, or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.*

*SEC. 306. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)(B)), North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.*

*(b) Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—*

*(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and*

*(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.*

*SEC. 307. Notwithstanding any other provision of this Act, $2,000,000 shall be available for the Underground Railroad Educational and Cultural Program. Amounts appropriated under title III for administrative expenses shall be reduced on a pro rata basis by $2,000,000.*

*SEC. 308. No funds appropriated under this Act may be used by the Secretary of Education to promulgate, implement, or enforce the evaluation for the Upward Bound Program as announced in the Notice of Final Priority published at 71 Fed. Reg. 55447–55450 (Sept. 22, 2006), until after the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives have thoroughly examined such regulation in concert with the reauthorization of the Higher Education Act of 1965.*

*SEC. 309. Notwithstanding any other provision of this Act, the Secretary of Education shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the Internet website of the Department of Education, a report concerning—*

*(1) the total number of Department of Education employees, including employees who salaries are paid by the Department but are employed by contractors or grantees of the Department;*

*(2) the total number, and percentage, of such employees who have previously worked in a classroom as a teacher or a teacher's assistant;*

*(3) of the employees who have worked in a classroom, the average number of years of time spent as an instructor;*

*(4) the total dollar amount, and overall percentage of the Department of Education funding, that is expended—*

*(A) in the classroom;*

*(B) on student tuition assistance;*

*(C) on overhead and administrative costs and expenses; and*

*(D) on Congressionally directed spending items, including the administrative costs of administering such earmarks; and*

*(5) a listing of all of the programs run by the Department of Education and the total budget and most recent evaluation of each such program, and a notation if no such evaluation has been conducted.*

*SEC. 310. SENSE OF THE SENATE REGARDING SCIENCE TEACHING AND ASSESSMENT. (a) FINDINGS.—The Senate finds that there is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that such direct involvement must be included in every science program for every science student in prekindergarten through grade 16.*

*(b) SENSE OF THE SENATE REGARDING THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS 2009 SCIENCE TEST.—It is the sense of the Senate that—*

*(1) the National Assessment of Educational Progress (NAEP) 2009 Science assessment should reflect the findings of the Senate described in subsection (a) and those expressed in section 7026(a) of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act; and*

*(2) the National Assessment Governing Board (NAGB) should certify that the National Assessment of Education Progress 2009 Science framework, specification, and assessment include extensive and explicit attention to inquiry.*

*(c) REPORT.—The National Assessment Governing Board shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate describing whether the certification described in subsection (b)(2) has been made, and if such certification has been made, include in the report the following:*

*(1) A description of the analysis used to arrive at such certification.*

*(2) A list of individuals with experience in inquiry science education making the certification.*

*SEC. 311. (a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—*

*(1) $6,000,000 to carry out the programs for baccalaureate degrees in science, technology, engineering, mathematics, or critical foreign languages, with concurrent teacher certification under section 6113 of the America COMPETES Act (Public Law 110–69); and*

*(2) $4,000,000 to carry out the programs for master's degrees in science, technology, engineering, and mathematics, or critical foreign language education under section 6114 of the America COMPETES Act (Public Law 110–69).*

*(b) Notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management of the Department of Education, shall be reduced by $10,000,000.*

*SEC. 312. (a) The Secretary of Education shall update the 2002 Department of Education and United States Secret Service guidance entitled "Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates" to reflect the recommendations contained in the report entitled*

*"Report to the President On Issues Raised by the Virginia Tech Tragedy", to include the need to provide schools with guidance on how information can be shared legally under the regulations issued under section 264(c) of the Health Insurance Portability and Accountability Act and the Family Educational Rights and Privacy Act.*

*(b) Not later than 3 months after the date of enactment of this Act, the Secretary of Education shall disseminate the updated guidance under subsection (a) to institutions of higher education and to State departments of education for distribution to all local education agencies.*

*SEC. 313. (a) Not later than May 31, 2009, the Comptroller General of the United States shall submit a report to Congress on the strategies utilized to assist students in meeting State student academic achievement standards, including achieving proficiency on State academic assessments.*

*(b) The report required under subsection (a) shall include data collected from a representative sample of schools across the Nation to determine the strategies utilized by schools to prepare students to meet State student academic achievement standards and achieve proficiency on State academic assessments, including the following categories of strategies:*

*(1) Adjusting the structure of the school day, which may include the expansion of the school day, or modifications in the time spent on instruction in core academic subjects.*

*(2) The professional development provided to teachers or additional school personnel to assist low-performing students.*

*(3) Changes in the provision of instruction to students, including targeting low-performing students for specialized instruction or tutoring.*

*(4) Utilizing types of instructional materials to prepare students.*

*(5) Instituting other State or local assessments.*

*(6) Using other strategies to prepare students to meet State student academic achievement standards and achieve proficiency on State academic assessments.*

*(c) The data collected pursuant to this section shall be disaggregated by—*

*(1) schools with a high percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);*

*(2) schools with a low percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);*

*(3) schools with a student enrollment consisting of a majority of racial and ethnic minority students;*

*(4) schools with a student enrollment consisting of a majority of non-minority students;*

*(5) urban schools;*

*(6) suburban schools;*

*(7) rural schools; and*

*(8) schools identified as in need of improvement under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).*

*(d) The representative sample described in subsection (b) shall be designed in such a manner as to provide valid, reliable, and accurate information as well as sufficient sample sizes for each type of school described in subsection (c).*

*(e) The data collected under subsection (b) shall be reported separately for the most common types of strategies, in each of the categories listed in paragraphs (1) through (6) of subsection (b), used by schools to prepare students to meet State student academic achievement standards, including achieving proficiency on State academic assessments.*

*SEC. 314. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C 1078–1) that exists on the date of enactment of this Act. With respect to an entity with which the Secretary of Education has a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C. 1078–1) on the date of enactment of this Act that is not cost neutral, if the Secretary terminates such agreement after January 1, 2008, the Secretary of Education shall, not later than December 31, 2008, negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement.*

*This title may be cited as the "Department of Education Appropriations Act, 2008".*

### *TITLE IV*

### *RELATED AGENCIES*

### *COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED*

#### *SALARIES AND EXPENSES*

*For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,994,000.*

### *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*

#### *NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES*

#### *(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses for the Corporation for National and Community Service to carry out the programs, activities, and initiatives under provisions of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) (the 1973 Act) and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) (the 1990 Act), $804,489,000: Provided, That all prior year unobligated balances from the "Domestic Volunteer Service Programs, Operating Expenses" account shall be transferred to and merged with this appropriation: Provided further, That up to one percent of program grant funds may be used to defray costs of conducting grant application reviews, including the use of outside peer reviewers: Provided further, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to program participants whose incomes exceed 125 percent of the national poverty level: Provided further, That not more than $275,775,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the 1990 Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the 1990 Act: Provided further, That not less than $117,720,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601), of which up to $4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which $7,000,000 shall be held in reserve as defined in Public Law 108–45: Provided further, That in addition to amounts otherwise provided to the National Service Trust under the fifth proviso, the Corporation may transfer funds from the amount provided under the fourth proviso, to the National Service Trust authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: Provided further, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $65,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than $12,516,000 shall be made available to provide assistance to State commissions on national and community service under section 126(a) of the 1990 Act: Provided further, That not more than $10,466,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the 1990 Act (42 U.S.C. 12853 et seq.): Provided further, That notwithstanding subtitle H of title I of the 1990 Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: Provided further, That $31,789,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the 1990 Act (42 U.S.C. 12611 et seq.), of which not less than $5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi.*

#### *SALARIES AND EXPENSES*

*For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $69,520,000.*

#### *OFFICE OF INSPECTOR GENERAL*

*For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,900,000.*

#### *ADMINISTRATIVE PROVISIONS*

#### *(INCLUDING TRANSFER OF FUNDS)*

*Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.*

*Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.*

*The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person* *or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: Provided, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.*

*For fiscal year 2008, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.*

*Except as expressly provided herein, not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Corporation in this Act may be transferred between activities identified under this heading in the committee report accompanying this Act, but no such activity shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.*

### *CORPORATION FOR PUBLIC BROADCASTING*

*For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2008, in addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 shall be for the costs associated with replacement and upgrade of the public radio interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108–199 or Public Law 108–7, shall be used to support the Television Future Fund or any similar purpose.*

### *FEDERAL MEDIATION AND CONCILIATION SERVICE*

#### *SALARIES AND EXPENSES*

*For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $44,450,000, including $400,000, to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.*

### *FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION*

#### *SALARIES AND EXPENSES*

*For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $8,096,000.*

### *INSTITUTE OF MUSEUM AND LIBRARY SERVICES*

#### *OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION*

*For carrying out the Museum and Library Services Act of 1996, $266,680,000: Provided, That $8,680,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act: Provided further, That funds may be made available for grants to Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.*

### *MEDICARE PAYMENT ADVISORY COMMISSION*

#### *SALARIES AND EXPENSES*

*For expenses necessary to carry out section 1805 of the Social Security Act, $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.*

### *NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE*

#### *SALARIES AND EXPENSES*

*For close out activities of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $400,000.*

### *NATIONAL COUNCIL ON DISABILITY*

#### *SALARIES AND EXPENSES*

*For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $3,113,000.*

### *NATIONAL LABOR RELATIONS BOARD*

#### *SALARIES AND EXPENSES*

*For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $256,988,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.*

### *NATIONAL MEDIATION BOARD*

#### *SALARIES AND EXPENSES*

*For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $12,992,000.*

### *OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION*

#### *SALARIES AND EXPENSES*

*For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,696,000.*

### *RAILROAD RETIREMENT BOARD*

#### *DUAL BENEFITS PAYMENTS ACCOUNT*

*For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.*

#### *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS*

*For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.*

#### *LIMITATION ON ADMINISTRATION*

*For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.*

#### *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

*For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $8,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.*

### *SOCIAL SECURITY ADMINISTRATION*

#### *PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

*For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $28,140,000.*

### *SUPPLEMENTAL SECURITY INCOME PROGRAM*

*For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $26,959,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.*

*For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.*

*For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2009, $14,800,000,000, to remain available until expended.*

### *LIMITATION ON ADMINISTRATIVE EXPENSES*

*For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,372,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.*

*From funds provided under the first paragraph, not less than $263,970,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act and for conducting redeterminations of eligibility under title XVI of the Social Security Act.*

*In addition to amounts made available above, and subject to the same terms and conditions, $213,000,000 shall be available for additional continuing disability reviews and redeterminations of eligibility.*

*In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.*

*In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.*

### *OFFICE OF INSPECTOR GENERAL*

### *(INCLUDING TRANSFER OF FUNDS)*

*For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,000,000, together with not to exceed $68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.*

*In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.*

## *TITLE V*

## *GENERAL PROVISIONS*

*SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.*

*SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.*

*SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.*

*(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.*

*SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".*

*SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.*

*SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—*

*(1) the percentage of the total costs of the program or project which will be financed with Federal money;*

*(2) the dollar amount of Federal funds for the project or program; and*

*(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.*

*SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.*

*(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.*

*(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.*

*SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—*

*(1) if the pregnancy is the result of an act of rape or incest; or*

*(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.*

*(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).*

*(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).*

*(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.*

*(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.*

*SEC. 509. (a) None of the funds made available in this Act may be used for—*

*(1) the creation of a human embryo or embryos for research purposes; or*

*(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).*

*(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.*

*SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other* *substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).*

*(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.*

*SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.*

*SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—*

*(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and*

*(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.*

*SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.*

*SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.*

*SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.*

*SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.*

*SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—*

*(1) creates new programs;*

*(2) eliminates a program, project, or activity;*

*(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;*

*(4) relocates an office or employees;*

*(5) reorganizes or renames offices;*

*(6) reorganizes programs or activities; or*

*(7) contracts out or privatizes any functions or activities presently performed by Federal employees;*

*unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.*

*(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—*

*(1) augments existing programs, projects (including construction projects), or activities;*

*(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or*

*(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;*

*unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.*

*SEC. 518. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.*

*(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.*

*SEC. 519. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the Senate and of the House of Representatives a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.*

*SEC. 520. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—*

*(1) a direct link to the Internet websites of their Offices of Inspectors General; and*

*(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.*

*SEC. 521. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.*

*SEC. 522. (a) Notwithstanding any other provision of this Act, none of the funds made available under the heading "OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION" under the heading "INSTITUTE OF MUSEUM AND LIBRARY SERVICES" in title IV may be used for the Bethel Performing Arts Center.*

*(b) The amount made available under the heading "OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION" under the heading "INSTITUTE OF MUSEUM AND LIBRARY SERVICES" in title IV is reduced by $1,000,000, and the amount made available under the heading "HEALTH RESOURCES AND SERVICES" under the heading "HEALTH RESOURCES AND SERVICES ADMINISTRATION" in title II is increased by $336,500, which $336,500 shall be used to carry out title V of the Social Security Act (42 U.S.C. 701 et seq.), in order to provide additional funding for the maternal and child health services program carried out under that title.*

*SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.*

*SEC. 524. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be increased by $150,000,000.*

*(b) Section 1848(l)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)(A)), as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90), is amended by striking "$1,350,000,000" and inserting "$1,200,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed $650,000,000" in the first sentence.*

*SEC. 525. (a) The Comptroller General of the United States shall conduct a study to evaluate the Social Security Administration's plan to reduce the hearing backlog for disability claims at the Social Security Administration and the Social Security Administration's current and planned initiatives to improve the disability process, as contained in the report submitted to the Senate on September 13, 2007, pursuant to Senate Report 110–107.*

*(b) Not later than 5 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Comptroller General determines appropriate.*

*SEC. 526. Not later than 9 months after the date of enactment of this Act, the Government Accountability Office shall submit a report to Congress that contains an assessment of the process for hiring and managing administrative law judges and makes recommendations on ways to improve the hiring and management of administrative law judges.*

*SEC. 527. None of the funds appropriated or otherwise made available in this Act or any other Act making appropriations to the agencies funded by this Act may be used to close or otherwise cease to operate the field office of the Social Security Administration located in Bristol,* Connecticut, before the date on which the Commissioner of Social Security submits to the appropriate committees of Congress a comprehensive and detailed report outlining and justifying the process for selecting field offices to be closed. Such report shall include—

(1) a thorough analysis of the criteria used for selecting field offices for closure and how the Commissioner of Social Security analyzes and considers factors relating to transportation and communication burdens faced by elderly and disabled citizens as a result of field office closures, including the extent to which elderly citizens have access to, and competence with, online services; and

(2) for each field office proposed to be closed during fiscal year 2007 or 2008, including the office located in Bristol, Connecticut, a thorough cost-benefit analysis for each such closure that takes into account—

(A) the savings anticipated as a result of the closure;

(B) the anticipated burdens placed on elderly and disabled citizens; and

(C) any costs associated with replacement services and provisional contact stations.

SEC. 528. Notwithstanding any other provision of this Act, none of the funds appropriated in this Act may be allocated, directed, or otherwise made available to cities that provide safe haven to illegal drug users through the use of illegal drug injection facilities.

SEC. 529. Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed 6 months.

SEC. 530. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 531. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act (42 U.S.C. 408).

SEC. 532. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—(a) SHORT TITLE.—This section may be cited as the "American Competitiveness Scholarship Act of 2007".

(b) ESTABLISHMENT.—The Director of the National Science Foundation (referred to in this section as the "Director") shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, health care, or computer science.

(c) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a scholarship under this section, an individual shall—

(A) be a citizen of the United States, a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1157), or an alien lawfully admitted to the United States for permanent residence;

(B) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(C) certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical medical program, or technology, or science program designated by the Director.

(2) ABILITY.—Awards of scholarships under this section shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants for scholarships are deemed by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.

(d) AMOUNT OF SCHOLARSHIP; RENEWAL.—

(1) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $15,000 per year, except that no scholarship shall be greater than the annual cost of tuition and fees at the institution of higher education in which the scholarship recipient is enrolled or will enroll.

(2) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for not more than 4 years.

(e) FUNDING.—The Director shall carry out this section only with funds made available under section 286(w) of the Immigration and Nationality Act, as added by subsection (g).

(f) FEDERAL REGISTER.—Not later than 60 days after the date of the enactment of this Act, the Director shall publish in the Federal Register a list of eligible programs of study for a scholarship under this section.

(g) SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT; GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(w) SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Supplemental H–1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this Act, there shall be deposited as offsetting receipts into the account 85.75 percent of the fees collected under section 214(c)(15)(B).

"(2) USE OF FEES FOR AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—The amounts deposited into the Supplemental H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in the American Competitiveness Scholarship Act of 2007 for students enrolled in a program of study leading to a degree in mathematics, engineering, health care, or computer science.

"(x) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.25 percent of the fees collected under section 214(c)(15)(B).

"(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).".

(h) SUPPLEMENTAL AND DEFICIT REDUCTION FEES.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(15)(A) Except as provided under subparagraph (D), if the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (11), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee and a deficit reduction fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amounts determined under subparagraph (B).

"(B) The amount of the supplemental fee shall be $3,500, except that the fee shall be ½ that amount for any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).

"(C) Of the amounts collected under subparagraph (B)—

"(i) 85.75 percent shall be deposited in the Treasury in accordance with section 286(w); and

"(ii) 14.25 percent shall be deposited in the Treasury in accordance with section 286(x).

"(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fees imposed under this paragraph.".

SEC. 533. Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1996, 1997," after "available in fiscal year"; and

(B) by inserting "group I," after "schedule A,";

(2) in paragraph (2)(A), by inserting "1996, 1997, and" after "available in fiscal years"; and

(3) by adding at the end the following:

"(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.".

SEC. 534. (a) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by section 521, is further amended by adding at the end the following:

"(5) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa recaptured from fiscal years 1996 and 1997 under this subsection to provide employment for an alien as a professional nurse, provided that—

"(i) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

"(ii) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

"(I) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

"(II) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of

*Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).*

*"(B) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to this paragraph shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.".*

*(b) CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS; DOMESTIC NURSING ENHANCEMENT ACCOUNT.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:*

***"SEC. 832. CAPITATION GRANTS.***

*"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.*

*"(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.*

*"(c) GRANT COMPUTATION.—*

*"(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:*

*"(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—*

*"(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and*

*"(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.*

*"(B) $1,405 for each full-time or part-time student who—*

*"(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and*

*"(ii) has not more than 3 years of academic credits remaining in the program.*

*"(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.*

*"(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—*

*"(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;*

*"(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;*

*"(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or*

*"(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).*

*"(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—*

*"(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;*

*"(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and*

*"(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.*

*"(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:*

*"(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.*

*"(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.*

*"(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.*

*"(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.*

*"(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—*

*"(i) the physical facilities at the school involved limit the school from enrolling additional students; or*

*"(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.*

*"(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:*

*"(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.*

*"(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.*

*"(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.*

*"(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.*

*"(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.*

*"(F) Increasing enrollment of minority and diverse student populations.*

*"(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.*

*"(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.*

*"(I) Increasing integration of geriatric content into the core curriculum.*

*"(J) Partnering with economically disadvantaged communities to provide nursing education.*

*"(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.*

*"(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.*

*"(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.*

*"(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—*

*"(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and*

*"(2) not later than September 30, 2010, a final report on such results.*

*"(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.*

*"(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 833, there are authorized to be appropriated such sums as may be necessary to carry out this section.*

***"SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.***

*"(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Domestic Nursing Enhancement Account.' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.*

*"(b) USE OF FUNDS.—Amounts collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000, and deposited into the account established under subsection (a) shall be used by the Secretary of Health and Human Services to carry out section 832. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.".*

*(c) GLOBAL HEALTH CARE COOPERATION.—*

*(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:*

***"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.***

*"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—*

*"(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and*

*"(2) to meet the continuous residency requirements under section 316(b).*

*"(b) DEFINITIONS.—In this section:*

*"(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—*

*"(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;*

*"(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or*

*"(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.*

*"(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—*

*"(A) has been lawfully admitted to the United States for permanent residence; and*

*"(B) is a physician or other healthcare worker.*

*"(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.*

*"(d) PUBLICATION.—The Secretary of State shall publish—*

*"(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;*

*"(2) an updated version of the list required by paragraph (1) not less often than once each year; and*

*"(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).".*

*(2) RULEMAKING.—*

*(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendments made by this subsection.*

*(B) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—*

*(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;*

*(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and*

*(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.*

*(3) TECHNICAL AND CONFORMING AMENDMENTS.—*

*(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: "except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,".*

*(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting ", including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "101(a)(27)(A),".*

*(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "Act,".*

*(D) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:*

*"Sec. 317A. Temporary absence of aliens providing health care in developing countries.".*

*(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to U.S. Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.*

*(d) ATTESTATION BY HEALTH CARE WORKERS.—*

*(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:*

*"(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—*

*"(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.*

*"(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.*

*"(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—*

*"(I) the obligation was incurred by coercion or other improper means;*

*"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or*

*"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".*

*(2) EFFECTIVE DATE; APPLICATION.—*

*(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.*

*(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.*

*SEC. 535. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301–10.123 and 301–10.124 of title 41 of the Code of Federal Regulations.*

*This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008".*

## ESTABLISHING A DISABLED VETERANS MEMORIAL

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 363, H.R. 995.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 995) to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, as if read, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 995) was ordered to a third reading, was read the third time, and passed.

## MEASURE READ THE FIRST TIME—H.R. 3564

Mr. LAUTENBERG. Mr. President, I understand that H.R. 3564 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 3564) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

Mr. LAUTENBERG. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a second time on the next legislative day.

## ORDERS FOR THURSDAY, OCTOBER 25, 2007

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., on Thursday, October 25; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that the Senate then proceed to a period for the transaction of morning business for 60 minutes, with the time equally divided and controlled between the leaders or their designees, with Senators permitted to speak therein for 10 minutes each, with the majority controlling the first portion and the Republicans controlling the final portion; that at the close of morning business, the Senate resume consideration of S. 294, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LAUTENBERG. Mr. President, if there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:45 p.m., adjourned until Thursday, October 25, 2007, at 9:30 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, October 24, 2007:

### THE JUDICIARY

LESLIE SOUTHWICK, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

# HOUSE OF REPRESENTATIVES—*Wednesday, October 24, 2007*

The House met at 10 a.m.

The Reverend Allen Novotny, Gonzaga College High School, Washington, DC, offered the following prayer:

Lord, we gather here this morning, representatives of millions, to use Your gifts of the power of words, of debate and of laws to serve their needs. Yet, we dare ask for even more, the awesome power of Your Spirit.

And so we pray, rush upon us, O Spirit of God. From this time, rush upon us: like living water, like leaping fire, like fresh wind through an open window.

For this time, rush upon us, O Holy Spirit: with wisdom and knowledge, with understanding and counsel, with wonder and with recognition and awe. Just in time, rush upon us, O Spirit of God: in life-giving words, in songs for the powerless, in a passion for service. At this time, rush upon us, O Holy Spirit: this hopeful time, this planning time, this renewing time, this new time, this full time, all the time. Rush upon us, O Spirit of God.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 1-minute speeches on each side of the aisle.

## THE COST OF THE WAR IN IRAQ

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, the Congressional Budget Office just released an analysis that on top of the half a trillion dollars that we have already spent on the war in Iraq, it will cost us another $2 trillion over the next decade. That includes $564 million of interest, because every dime of this war in Iraq has been borrowed, from our children and from our grandchildren. It will come to a greater cost than the cost of the Korean, the Vietnam War and all 3 theaters of operation in World War II. It boils down to about $7,000 for every man, woman and child.

And here we thought the only real sacrifice was being borne by our soldiers and their families. We are beginning to see the real implications for all of America. In fact, just last week, the President vetoed a bill that would have cost $35 billion but would have provided health care to 10 million children over the next 5 years and at the same time demanded that we instead spend that same amount of money for 3 weeks in Iraq. This is not what America expects from its President or its Congress, Madam Speaker.

## VETERANS AFFAIRS APPROPRIATIONS BILL

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Mr. Speaker, last week on ABC's news program, Charlie Gibson announced the news in Iraq. He said, "The news is, there isn't any news." That's right. Across all of Iraq, there were no fatalities, shootings and bombs going off. As the media has started to recognize that we have turned the corner and are winning the war in Iraq, this pressing question, once again, comes before the House, and that is, what are the Democrats going to do with the bill that we have already passed and that the Senate has already passed to provide money for our veterans?

Eighteen million dollars every day is being wasted for the last 130 days because we won't bring this veterans funding bill back for final approval. It has the votes. What are we waiting for, post-traumatic stress syndrome? Veterans hospitals? Veterans clinics? We have to ask the Democrat leadership why a 130-day wait.

It's time for us to fund our veterans.

## HONORING GALESBURG, ILLINOIS

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, I rise today to pay honor to my hometown, the city of Galesburg, IL, for publicly speaking out against hate crimes. Galesburg has a rich tradition of promoting equality for all of its citizens. It was a stop on the Underground Railroad and home to the first anti-slavery society in the State of Illinois.

Mayor Gary Smith recently declared October Not in Our Town Month, an effort to combat violent, bias-motivated crimes designed to cause fear and intimidation among an entire group of people.

The Not in Our Town Month proclamation states, "Hate groups shall not divide communities." It also urges the residents of Galesburg to "join together to eliminate racism and violence and to declare that respect, equality and freedom for all people be our goal."

Crimes based on prejudice are a poor reflection on our communities, and I congratulate Galesburg for refusing to stand by in silence.

## VETERANS FUNDING

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Good morning, Mr. Speaker.

My colleagues, the House passed the largest increase in veterans funding in the 77-year history of the Veterans Affairs Department. The bill provides more than $37 billion for veterans programs. This is a $4.4 billion increase over last year. As pointed out earlier, it has been over 130 days since the House passed the VA/Military Construction funding. Yet they have refused to appoint conferees like the Senate, their counterparts, have already done. So at this point the bill can't move forward and be signed by the President.

By the Democrats' failure to move forward on this bill, veterans are losing out on $600 million for posttraumatic stress disorder care, traumatic brain injury research and care; $4.1 billion to improve VA facilities, hospitals and clinics; and, lastly, $480 million for prosthetic research to help our wounded veterans retain a positive quality of life.

Mr. Speaker, we urge our Democrat colleagues to move forward on this bill and have it to the President so he can sign it on Veterans Day.

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□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## NATURAL DISASTERS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Our hearts go out to the almost million people forced to flee their homes from wildfires in Southern California. At the same time a drought has gripped North Carolina and Georgia which in the long run may be end up being as devastating.

These disasters are almost unimaginable, except we've been there before, like in Southern California in 2003. And two-thirds of the new development in the last 10 years in Southern California has been in areas we know are subject to wildfire. What are we going to do about it?

The administration's refusal to deal meaningfully with global warming is the most glaring example of behaviors that doom us to reruns for years to come. Georgia has no real plan to deal with its water and doesn't even know what supplies it can count upon. Here in Congress, we fail to prioritize the right infrastructure and give billions of dollars for relief after a disaster and won't spend millions to invest in programs to protect before it happens.

I hope and pray that the message sinks in and that we use this disaster as a wake-up call to get our act together to help people before these things happen to save both lives and money in the future.

## CALIFORNIA WILDFIRES

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise this morning to express on behalf of California's congressional delegation our appreciation to our colleagues here in the House of Representatives and to the administration, President Bush and Secretary Chertoff and Director Paulison and others in the administration who are at this moment on the ground in Southern California, and to the courageous firefighters and Governor Schwarzenegger and his entire team for all that is being done to deal with what has been described by one battalion chief in San Diego, California, as the worst fire that the State has ever faced. Last night, Brian Williams of NBC News said that the fact that nearly a million people have been evacuated from their homes means that this is the largest movement of people since the Civil War.

We are going to go through some very difficult and challenging days ahead, and to the firefighters, to those who have suffered losses, our thoughts and prayers are with you. And again my appreciation to our colleagues who represent States across this country, North Carolina, Wyoming, Arizona, Idaho, States all across this country, Mr. Speaker, that have stepped up to the plate to help us. I also want to express my appreciation to Speaker PELOSI as well.

## CHIP

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, the bipartisan CHIP Reauthorization Act had the support of over two-thirds of the U.S. Senate, nearly every U.S. Governor, and an overwhelming majority of the American people. Unfortunately, it did not have the support of two crucial parties, President Bush who vetoed it and his Republican friends who voted to uphold his veto.

Instead of helping us extend health care to low-income children, the President claims this fully-paid-for bill is excessive spending and instead he proposes to spend just $5 billion more than we do now on the CHIP program. According to the Congressional Budget Office, the President's plan will lead to more than 800,000 children losing their coverage.

Mr. Speaker, I would like to know how the President and his Republican enablers would determine which 800,000 children lose their coverage. And what do they tell the 4 million children who are currently eligible for CHIP, but will have no hope of getting this coverage unless our bipartisan bill passes? It is time for Republicans in this body to reject the President's plan to cut health care for children and stand with us in strengthening the CHIP program.

☐ 1015

## COMBATING THE EMERALD ASH BORER

(Mr. ROSKAM asked and was given permission to address the House for 1 minute.)

Mr. ROSKAM. Mr. Speaker, I rise today and urge my colleagues to join with me and our colleague Mr. KIRK in cosponsoring H.R. 3901, the Emerald Ash Borer Municipality Assistance Act.

What is an emerald ash borer, you may ask. Well, it is a nasty little bug that has found its way on to our shores, which has a very aggressive disposition towards ash trees in particular. It is a native of China, and there are no known natural predators here in the United States.

If you think of the districts that we all represent, many of them have beautiful canopies of trees that line our streets and create wonderful natural ways all throughout our districts. Yet this bug has shown up in Illinois, my State; Indiana; Michigan; Ohio; Pennsylvania; Maryland and West Virginia.

As one researcher of the Morton Arboretum, which I represent, said, "The emerald ash borer doesn't just kill a majority of the ash trees it encounters; it seems to kill them all."

This legislation creates a revolving loan fund whereby municipalities have access to those moneys, and they use it in order to take on this scourge.

## PROVIDING HEALTH CARE FOR MILLIONS OF AMERICAN CHILDREN

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, last week 10 million children were denied health insurance because some of my colleagues on the Republican side of the aisle chose to stand with President Bush over the children.

It is disappointing that some of our colleagues stood with the President and stood with the smoke-and-mirrors campaign to distort what the SCHIP legislation was. But this is not the end; it is only the beginning of the effort of this Congress to stand with American families to protect health care for our children.

Democrats in this body, along with 68 Members of the Senate and 43 of our Nation's Governors and over 80 percent of the American public want this piece of legislation to move. We are committed to ensuring that States have the resources and flexibility necessary to enroll these children.

Mr. Speaker, the American people, Governors and many Members of Congress, both Democrat and Republican, were disappointed that more of our colleagues on the Republican side of the aisle didn't vote to override the veto. However, we will give them the opportunity soon and often to change that vote, stand with America's children, and reject the President's veto.

## DEMAND THAT HOUSE APPOINT CONFEREES ON VA APPROPRIATIONS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Mr. Speaker, more than 4 months ago the House passed an appropriations bill designed to provide benefits for our soldiers and veterans. H.R. 2642 passed the House by an overwhelming 409–2 vote. A similar bill went through the Senate 92–1. But since then, nothing has happened.

It has been 131 days since we passed the legislation, and still nothing has been sent to the President's desk for him to sign. The Senate appointed conferees to hammer out a compromise between the two bills 6 weeks ago. But the House leadership? Nothing has been done.

The question is why. Why would the new majority play politics with the health care of our brave men and women in uniform? There is no reason, a month into this fiscal year, that the bill is unresolved.

I ask all my colleagues, all 408 of them who voted for this bill, to demand that the House appoint conferees. Stop doing nothing. Do what needs to be done to meet the needs of our men and women in uniform.

## CONGRATULATING THE UNITED NATIONS ON UNITED NATIONS DAY

(Mr. FARR asked and was given permission to address the House for 1 minute.)

Mr. FARR. Mr. Speaker, I rise on a happy note. It is a happy birthday today, the birthday of the United Nations. It was 62 years ago when 50 countries gathered in the great City of San Francisco, California, to make the cause of international peace and security a global mantra and launched the United Nations. It was a good idea then, and 62 years later, it is still a good idea.

In a world that is tense with war, the U.N. fights for peace every day. Where hunger plagues the poor, the U.N. provides food aid to more than 80 million people every day, every year. In 166 nations that suffer devastating poverty, the U.N. offers proactive programs to buttress economic development. And, most important of all, the U.N. deploys 100,000 peacekeepers around the world on missions vital to stabilization of regions under threat of conflict.

The answer to global distress is found in solving the problems that are the root causes of poverty, the lack of health care, shelter and legislation. The U.N. is the only organization worldwide dedicated to this grand mission.

I congratulate the United Nations for its hard work, and ask Members of this body to support and invigorate America's commitment to this vital international organization.

## SUPPORT THE SCHIP REAUTHORIZATION

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, I rise today in support of reauthorizing the Children's Health Insurance Program. President Bush, as you know, has callously denied health care for 10 million poor children due to his misplaced priorities.

More than 800,000 children in my home State of California depend on the Healthy Families Program. More than half of those children happen to be Hispanic. The health of millions of children will be endangered and millions more will continue to suffer if we do not reauthorize this program.

We in Congress have an incredible opportunity to do what is right for our children, especially those children who are disadvantaged and come from low-income families. All children, regardless of race, income or geography deserve a healthy start in life.

It is time to end this false allegation that undocumented immigrants are receiving this coverage. Ten million children are counting on us to do the right thing. We have a moral obligation to protect the health and well-being of all of our children.

## IRAQI CONTRACTS WITH IRAN AND CHINA CONCERN UNITED STATES

(Mr. ENGEL asked and was given permission to address the House for 1 minute.)

Mr. ENGEL. Mr. Speaker, a very disturbing report has come out that Iraq has agreed to award $1.1 billion in contracts to Iranian and Chinese companies to build a pair of enormous power plants. That is what the Iraqi Minister of Electricity said on Tuesday. Word of the project prompted serious concerns among American military officials who fear that Iranian commercial investments can mask military activities at a time of our heightened tension with Iran.

Mr. Speaker, at a time when young Americans are dying in Iraq and when the U.S. is spending billions of dollars in Iraq, this makes absolutely no sense at all. The Iraqi Electricity Minister said that the Iranian project would be built in Sadr City, a Shiite enclave in Baghdad that is controlled by followers of the anti-American cleric Moqtada al-Sadr. He added that Iran had also agreed to provide cheap electricity from its own grid to southern Iraq and to build a large power plant, essentially free of charge, in an area between two Shiite holy cities.

The expansion of ties between Iraq and Iran comes as the U.S. and Iran clash on nuclear issues and about what American officials had repeatedly said was Iranian support for armed groups. This is an outrage and should not stand.

## THE PRESIDENT'S MISPLACED PRIORITIES: WHAT WE COULD DO HERE WITH MONEY GOING TO IRAQ

(Mr. ARCURI asked and was given permission to address the House for 1 minute.)

Mr. ARCURI. Mr. Speaker, earlier this week, President Bush proposed that our Nation spend another $196 billion in Iraq next year. Today we will spend $330 million fighting the war in Iraq. Imagine that. Every day, $330 million in taxpayer dollars is going to Iraq.

Just imagine for one moment what we could do here in the United States with that money instead. We could hire an additional 1,700 Border Patrol agents to work our borders for an entire year. We could provide health care to 50,000 more veterans so they receive the essential health care treatment that they need. We could enroll 46,000 more children in Head Start for 1 year, so they can receive early childhood education. If we took 1 day of funding from the Iraq war, we could help nearly 800,000 families keep their heat on this winter through the LIHEAP program. We could provide 270,000 more children health care coverage through the CHIP program.

Mr. Speaker, while President Bush has no problem sending billions of dollars to Iraq, he is neglecting essential needs here in America. The Democratic majority in this Congress refuses to follow that lead.

## BUSH NEGLECTS DOMESTIC PRIORITIES TO CONTINUE TO FOCUS ON WAR IN IRAQ

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, when President Bush vetoed a bill earlier this month that would provide health care coverage to 10 million American children, he said the spending was excessive. The bipartisan bill invested $35 billion more in children's health over a 5-year period. Three weeks later, President Bush announces that he needs $196 billion to fight the war in Iraq over the next year. If $35 billion for children's health is excessive, what exactly is his request for the war?

I know the President believes that Congress is his personal ATM machine, but article I of the Constitution says different, and we will not rubber-stamp his funding request for the war.

As we have in the past, Democrats will continue to exert pressure on the administration to change course in Iraq so that we can begin to bring the troops home. There is no military solution to the war; yet the Bush administration refuses to put pressure on the Iraqi Government to enact the political reforms that are necessary to bring about stability in the country.

While we push the administration to change course in Iraq, we also remain firm in our conviction to pass the children's health care bill that covers 10 million American children.

## CELEBRATING AMERICA'S HERITAGE ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 765, I call up the bill (H.R. 1483) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1483

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSIONS AND TECHNICAL CHANGES.**

(a) IN GENERAL.—Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended—

(1) in each of sections 107, 208, 310, 408, 507, 607, 707, 811, and 910, by striking "September 30, 2012" and inserting "September 30, 2027"; and

(2) in each of sections 108(a), 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 812(a), and 909(c), by striking "$10,000,000" and inserting "$20,000,000".

(b) OHIO & ERIE NATIONAL HERITAGE CANALWAY.—Title VIII of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4267, 114 Stat. 31) is amended—

(1) by striking "Canal National Heritage Corridor" each place it appears and inserting "National Heritage Canalway";

(2) in section 803—

(A) by striking paragraph paragraph (2);

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(C) in paragraph (2) (as redesignated by subparagraph (B)), by striking "808" and inserting "806"; and

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking "807(a)" and inserting "805(a)";

(3) in the second sentence of section 804(b)(1), by striking "808" and inserting "806";

(4) by striking sections 805 and 806;

(5) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(6) in section 805(c)(2) (as redesignated by paragraph (5)), by striking "808" and inserting "806";

(7) in section 806 (as redesignated by paragraph (5))—

(A) in subsection (a)(1), by striking "Committee" and inserting "Secretary";

(B) in subsection (a)(3)—

(i) in subparagraph (A), by striking "from the Committee"; and

(ii) in the first sentence of subparagraph (B), by striking "Committee" and inserting "management entity";

(C) in subsection (e), by striking "807(d)(1)" and inserting "805(d)(1)"; and

(D) in subsection (f), by striking "807(d)(1)" and inserting "805(d)(1)";

(8) in section 808 (as redesignated by paragraph (5))—

(A) in subsection (b), by striking "Committee or"; and

(B) in subsection (c) in the matter before paragraph (1), by striking "Committee" and inserting "management entity".

(c) NATIONAL COAL HERITAGE AREA AMENDMENTS.—Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended as follows:

(1) In section 103(b)—

(A) by striking "comprised of the counties" and inserting "shall be comprised of the following:

"(1) The counties"; and

(B) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraphs:

"(2) Lincoln County, West Virginia.

"(3) Paint Creek and Cabin Creek within Kanawha County, West Virginia.".

(2) In section 104, by striking "Governor" and all that follows through "organizations" and inserting "National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority".

(3) In section 105—

(A) by striking "paragraphs (2) and (5) of"; and

(B) by adding at the end the following: "Resources within Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawha County, West Virginia, shall also be eligible for assistance as determined by the National Coal Heritage Area Authority.".

(4) In section 106—

(A) by striking "Governor" and all that follows through "and Parks" and inserting "National Coal Heritage Area Authority"; and

(B) in subsection (a)(3), by striking "State of West Virginia" and all that follows through "entities" and inserting "National Coal Heritage Area Authority".

(d) CONTINUATION OF AGREEMENT.—The contractual agreement entered into by the Secretary of the Interior and the Governor of West Virginia prior to the date of enactment of this Act pursuant to section 104 of title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 shall be deemed as continuing in effect except that such agreement shall be between the Secretary and the National Coal Heritage Area Authority.

(e) SOUTH CAROLINA HERITAGE AREA AMENDMENT.—Section 604(b)(2) of title VI of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended by adding at the end the following new subparagraph:

"(O) Berkeley County.".

The SPEAKER pro tempore (Mr. PASTOR). Pursuant to House Resolution 765, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–405, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1483

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Celebrating America's Heritage Act".*

***SEC. 2. TABLE OF CONTENTS.***

*The table of contents is as follows:*

*Sec. 1. Short title.*
*Sec. 2. Table of contents.*

*TITLE I—AUTHORIZATION EXTENSIONS AND VIABILITY STUDIES*

*Sec. 1001. Extensions of authorized appropriations.*
*Sec. 1002. Evaluation and report.*

*TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS*

*Subtitle A—Journey Through Hallowed Ground National Heritage Area*

*Sec. 2001. Short title; table of contents.*
*Sec. 2002. Purposes.*
*Sec. 2003. Definitions.*
*Sec. 2004. Designation of the Journey Through Hallowed Ground National Heritage Area.*
*Sec. 2005. Management plan.*
*Sec. 2006. Evaluation; report.*
*Sec. 2007. Local coordinating entity.*
*Sec. 2008. Relationship to other Federal agencies.*
*Sec. 2009. Private property and regulatory protections.*
*Sec. 2010. Authorization of appropriations.*
*Sec. 2011. Use of Federal funds from other sources.*
*Sec. 2012. Sunset for grants and other assistance.*

*Subtitle B—Niagara Falls National Heritage Area*

*Sec. 2021. Short title; table of contents.*
*Sec. 2022. Purposes.*
*Sec. 2023. Definitions.*
*Sec. 2024. Designation of the Niagara Falls National Heritage Area.*
*Sec. 2025. Management plan.*
*Sec. 2026. Evaluation; report.*
*Sec. 2027. Local coordinating entity.*
*Sec. 2028. Niagara Falls Heritage Area Commission.*
*Sec. 2029. Relationship to other Federal agencies.*
*Sec. 2030. Private property and regulatory protections.*
*Sec. 2031. Authorization of appropriations.*
*Sec. 2032. Use of Federal funds from other sources.*
*Sec. 2033. Sunset for grants and other assistance.*

*Subtitle C—Muscle Shoals National Heritage Area*

*Sec. 2041. Short title; table of contents.*
*Sec. 2042. Purposes.*
*Sec. 2043. Definitions.*
*Sec. 2044. Designation of Muscle Shoals National Heritage Area.*
*Sec. 2045. Management plan.*
*Sec. 2046. Evaluation; report.*
*Sec. 2047. Local coordinating entity.*
*Sec. 2048. Relationship to other Federal agencies.*
*Sec. 2049. Private property and regulatory protections.*
*Sec. 2050. Authorization of appropriations.*
*Sec. 2051. Use of Federal funds from other sources.*
*Sec. 2052. Sunset for grants and other assistance.*

*Subtitle D—Freedom's Way National Heritage Area*

*Sec. 2061. Short title; table of contents.*
*Sec. 2062. Purposes.*
*Sec. 2063. Definitions.*
*Sec. 2064. Designation of Freedom's Way National Heritage Area.*
*Sec. 2065. Management plan.*
*Sec. 2066. Evaluation; report.*
*Sec. 2067. Local coordinating entity.*
*Sec. 2068. Relationship to other Federal agencies.*
*Sec. 2069. Private property and regulatory protections.*
*Sec. 2070. Authorization of appropriations.*
*Sec. 2071. Use of Federal funds from other sources.*
*Sec. 2072. Sunset for grants and other assistance.*

*Subtitle E—Abraham Lincoln National Heritage Area*

*Sec. 2081. Short title; table of contents.*
*Sec. 2082. Purposes.*
*Sec. 2083. Definitions.*
*Sec. 2084. Designation of Abraham Lincoln National Heritage Area.*
*Sec. 2085. Management plan.*
*Sec. 2086. Evaluation; report.*
*Sec. 2087. Local coordinating entity.*
*Sec. 2088. Relationship to other Federal agencies.*
*Sec. 2089. Private property and regulatory protections.*

*Sec. 2090. Authorization of appropriations.*
*Sec. 2091. Use of Federal funds from other sources.*
*Sec. 2092. Sunset for grants and other assistance.*

*Subtitle F—Santa Cruz Valley National Heritage Area*

*Sec. 2111. Short title; table of contents.*
*Sec. 2112. Purposes.*
*Sec. 2113. Definitions.*
*Sec. 2114. Designation of Santa Cruz Valley National Heritage Area.*
*Sec. 2115. Management plan.*
*Sec. 2116. Evaluation; report.*
*Sec. 2117. Local coordinating entity.*
*Sec. 2118. Relationship to other Federal agencies.*
*Sec. 2119. Private property and regulatory protections.*
*Sec. 2120. Authorization of appropriations.*
*Sec. 2121. Use of Federal funds from other sources.*
*Sec. 2122. Sunset for grants and other assistance.*

*TITLE III—STUDY*

*Sec. 3001. Study and report of proposed Northern Neck National Heritage Area.*

*TITLE IV—TECHNICAL CORRECTIONS AND ADDITIONS*

*Sec. 4001. National Coal Heritage Area technical corrections.*
*Sec. 4002. Rivers of steel national heritage area addition.*
*Sec. 4003. South Carolina National Heritage Corridor addition.*
*Sec. 4004. Ohio and Erie Canal National Heritage Corridor technical corrections.*
*Sec. 4005. New Jersey Coastal Heritage trail route extension of authorization.*
*Sec. 4006. Erie Canalway National Heritage Corridor technical corrections.*

*TITLE V—SENSE OF CONGRESS REGARDING FUNDING*

*Sec. 5001. Sense of Congress Regarding Funding.*

## ***TITLE I—AUTHORIZATION EXTENSIONS AND VIABILITY STUDIES***

### ***SEC. 1001. EXTENSIONS OF AUTHORIZED APPROPRIATIONS.***

*Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 461 note) is amended in each of sections 108(a), 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 810(a) (as redesignated by this Act), and 909(c), by striking "$10,000,000" and inserting "$15,000,000".*

### ***SEC. 1002. EVALUATION AND REPORT.***

*(a) IN GENERAL.—For the nine National Heritage Areas authorized in Division II of the Omnibus Parks and Public Lands Management Act of 1996, not later than 3 years before the date on which authority for Federal funding terminates for each National Heritage Area, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local management entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the investments of Federal, State, Tribal, and local government and private entities in each National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

## ***TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS***

### ***Subtitle A—Journey Through Hallowed Ground National Heritage Area***

### ***SEC. 2001. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This subtitle may be cited as the "Journey Through Hallowed Ground National Heritage Area Act".*

*(b) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:*

*Sec. 2001. Short title; table of contents.*
*Sec. 2002. Purposes.*
*Sec. 2003. Definitions.*
*Sec. 2004. Designation of the Journey Through Hallowed Ground National Heritage Area.*
*Sec. 2005. Management plan.*
*Sec. 2006. Evaluation; report.*
*Sec. 2007. Local coordinating entity.*
*Sec. 2008. Relationship to other Federal agencies.*
*Sec. 2009. Private property and regulatory protections.*
*Sec. 2010. Authorization of appropriations.*
*Sec. 2011. Use of Federal funds from other sources.*
*Sec. 2012. Sunset for grants and other assistance.*

### ***SEC. 2002. PURPOSES.***

*(a) The purposes of this subtitle include—*

*(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the study entitled "The Journey Through Hallowed Ground National Heritage Area Feasibility Study" dated September 2006;*

*(2) to preserve, support, conserve, and interpret the legacy of the American history created along the National Heritage Area;*

*(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;*

*(4) to recognize and interpret important events and geographic locations representing key developments in the creation of America, including Native American, Colonial American, European American, and African American heritage;*

*(5) to recognize and interpret the effect of the Civil War on the civilian population of the National Heritage Area during the war and postwar reconstruction period;*

*(6) to enhance a cooperative management framework to assist the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the State of West Virginia, and their units of local government, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural and recreational sites in the National Heritage Area; and*

*(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.*

### ***SEC. 2003. DEFINITIONS.***

*In this subtitle—*

*(1) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Journey Through Hallowed Ground National Heritage Area established in this subtitle.*

*(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Journey Through Hallowed Ground Partnership, a Virginia non-profit, which is hereby designated by Congress—*

*(A) to develop, in partnership with others, the management plan for the National Heritage Area; and*

*(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.*

*(3) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.*

*(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

### ***SEC. 2004. DESIGNATION OF THE JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.***

*(a) ESTABLISHMENT.—There is hereby established the Journey Through Hallowed Ground National Heritage Area.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and surrounding areas from Adams County, Pennsylvania, through Frederick County, Maryland, including the Heart of the Civil War Maryland State Heritage Area, looping through Brunswick, Maryland, to Harpers Ferry, West Virginia, back through Loudoun County, Virginia, to the Route 15 corridor and surrounding areas encompassing portions of Loudoun and Prince William Counties, Virginia, then Fauquier County, Virginia, portions of Spotsylvania and Madison Counties, Virginia, and Culpepper, Rappahannock, Orange, and Albemarle Counties, Virginia.*

*(2) MAP.—The boundaries of the National Heritage Area shall include all of those lands and interests as generally depicted on the map titled "Journey Through Hallowed Ground National Heritage Area", numbered P90/80,000, and dated October 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

### ***SEC. 2005. MANAGEMENT PLAN.***

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development*

*of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle.*

**SEC. 2006. EVALUATION; REPORT.**

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

**SEC. 2007. LOCAL COORDINATING ENTITY.**

*(a) DUTIES.—To further the purposes of the National Heritage Area, the Journey Through Hallowed Ground Partnership, as the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.*

*(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

**SEC. 2008. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

*(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use*

*plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

### SEC. 2009. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

*Nothing in this subtitle—*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy or water or water-related infrastructure;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

*(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or*

*(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.*

### SEC. 2010. AUTHORIZATION OF APPROPRIATIONS.

*(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.*

*(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.*

*(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.*

### SEC. 2011. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

*Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.*

### SEC. 2012. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

*The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.*

## Subtitle B—Niagara Falls National Heritage Area

### SEC. 2021. SHORT TITLE; TABLE OF CONTENTS.

*(a) SHORT TITLE.—This subtitle may be cited as the "Niagara Falls National Heritage Area Act".*

*(b) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:*

*Sec. 2021. Short title; table of contents.*
*Sec. 2022. Purposes.*
*Sec. 2023. Definitions.*
*Sec. 2024. Designation of the Niagara Falls National Heritage Area.*
*Sec. 2025. Management plan.*
*Sec. 2026. Evaluation; report.*
*Sec. 2027. Local coordinating entity.*
*Sec. 2028. Niagara Falls Heritage Area Commission.*
*Sec. 2029. Relationship to other Federal agencies.*
*Sec. 2030. Private property and regulatory protections.*
*Sec. 2031. Authorization of appropriations.*
*Sec. 2032. Use of Federal funds from other sources.*
*Sec. 2033. Sunset for grants and other assistance.*

### SEC. 2022. PURPOSES.

*(a) The purposes of this subtitle include—*

*(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the National Park Service study report entitled "Niagara National Heritage Area Study" dated 2005;*

*(2) to preserve, support, conserve, and interpret the natural, scenic, cultural, and historic resources within the National Heritage Area;*

*(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;*

*(4) to recognize and interpret important events and geographic locations representing key developments in American history and culture, including Native American, Colonial American, European American, and African American heritage;*

*(5) to enhance a cooperative management framework to assist State, local, and Tribal governments, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural, and recreational sites in the National Heritage Area;*

*(6) to conserve and interpret the history of the development of hydroelectric power in the United States and its role in developing the American economy; and*

*(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.*

### SEC. 2023. DEFINITIONS.

*In this subtitle—*

*(1) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Niagara Falls National Heritage Area established in this subtitle.*

*(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the National Heritage Area designated pursuant to this subtitle.*

*(3) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.*

*(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(5) COMMISSION.—The term "Commission" means the Niagara Falls National Heritage Area Commission established under this subtitle.*

*(6) GOVERNOR.—The term "Governor" means the Governor of the State of New York.*

### SEC. 2024. DESIGNATION OF THE NIAGARA FALLS NATIONAL HERITAGE AREA.

*(a) ESTABLISHMENT.—There is hereby established the Niagara Falls National Heritage Area.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The National Heritage Area shall consist of the area from the western boundary of the town of Wheatfield, New York, extending to the mouth of the Niagara River on Lake Ontario, including the city of Niagara Falls, New York, the villages of Youngstown and Lewiston, New York, land and water within the boundaries of the Heritage Area in Niagara County, New York, and any additional thematically related sites within Erie and Niagara Counties, New York, that are identified in the management plan developed under this subtitle.*

*(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled "Niagara Falls National Heritage Area," and numbered P76/80,000 and dated July, 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

### SEC. 2025. MANAGEMENT PLAN.

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle*

### *SEC. 2026. EVALUATION; REPORT.*

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

### *SEC. 2027. LOCAL COORDINATING ENTITY.*

*(a) DESIGNATION.—The local coordinating entity for the Heritage Area shall be—*

*(1) for the 5-year period beginning on the date of enactment of this subtitle, the Commission; and*

*(2) on expiration of the 5-year period described in subparagraph (1), a private nonprofit or governmental organization designated by the Commission.*

*(b) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds;*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area; and*

*(5) coordinate projects, activities, and programs with the Erie Canalway National Heritage Corridor.*

*(c) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

### *SEC. 2028. NIAGARA FALLS HERITAGE AREA COMMISSION.*

*(a) ESTABLISHMENT.—There is established within the Department of the Interior the Niagara Falls National Heritage Area Commission.*

*(b) MEMBERSHIP.—The Commission shall be composed of 17 members, of whom—*

*(1) 1 member shall be the Director of the National Park Service (or a designee);*

*(2) 5 members shall be appointed by the Secretary, after consideration of the recommendation of the Governor, from among individuals with knowledge and experience of—*

*(A) the New York State Office of Parks, Recreation and Historic Preservation, the Niagara River Greenway Commission, the New York Power Authority, the USA Niagara Development Corporation, and the Niagara Tourism and Convention Corporation; or*

*(B) any successors of the agencies described in subparagraph (A);*

*(3) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of Niagara Falls, New York;*

*(4) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Youngstown, New York;*

*(5) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Lewiston, New York;*

*(6) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Tuscarora Nation;*

*(7) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Seneca Nation of Indians; and*

*(8) 6 members shall be individuals who have an interest in, support for, and expertise appropriate to tourism, regional planning, history and historic preservation, cultural or natural resource management, conservation, recreation, and education, or museum services, of whom—*

*(A) 4 members shall be appointed by the Secretary, after consideration of the recommendation of the 2 members of the Senate from the State; and*

*(B) 2 members shall be appointed by the Secretary, after consideration of the recommendation of the Member of the House of Representatives whose district encompasses the National Heritage Area.*

*(c) TERMS; VACANCIES.—*

(1) TERM.—A member of the Commission shall be appointed for a term not to exceed 5 years.

(2) VACANCIES.—

(A) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(B) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) VICE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(e) QUORUM.—

(1) IN GENERAL.—A majority of the members of the Commission shall constitute a quorum.

(2) TRANSACTION.—For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at least quarterly at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(2) NOTICE.—Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that are distributed throughout the National Heritage Area.

(3) APPLICABLE LAW.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(g) AUTHORITIES OF THE COMMISSION.—In addition to the authorities otherwise granted in this subtitle, the Commission may—

(1) request and accept from the head of any Federal agency, on a reimbursable or non-reimbursable basis, any personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission;

(2) request and accept from the head of any State agency or any agency of a political subdivision of the State, on a reimbursable or non-reimbursable basis, any personnel of the agency to the Commission to assist in carrying out the duties of the Commission;

(3) seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services; and

(4) use the United States mails in the same manner as other agencies of the Federal Government.

(h) DUTIES OF THE COMMISSION.—To further the purposes of the National Heritage Area, in addition to the duties otherwise listed in this subtitle, the Commission shall assist in the transition of the management of the National Heritage Area from the Commission to the local coordinating entity designated under this subtitle.

(i) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(j) GIFTS.—For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift or charitable contribution to the Commission shall be considered to be a charitable contribution or gift to the United States.

(k) USE OF FEDERAL FUNDS.—Except as provided for the leasing of administrative facilities under subsection (g)(1), the Commission may not use Federal funds made available to the Commission under this subtitle to acquire any real property or interest in real property.

### SEC. 2029. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

### SEC. 2030. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

### SEC. 2031. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

### SEC. 2032. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

### SEC. 2033. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

## Subtitle C—Muscle Shoals National Heritage Area

### SEC. 2041. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the "Muscle Shoals National Heritage Area Act".

(b) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

Sec. 2041. Short title; table of contents.
Sec. 2042. Purposes.
Sec. 2043. Definitions.
Sec. 2044. Designation of Muscle Shoals National Heritage Area.
Sec. 2045. Management plan.
Sec. 2046. Evaluation; report.
Sec. 2047. Local coordinating entity.
Sec. 2048. Relationship to other Federal agencies.
Sec. 2049. Private property and regulatory protections.
Sec. 2050. Authorization of appropriations.
Sec. 2051. Use of Federal funds from other sources.
Sec. 2052. Sunset for grants and other assistance.

### SEC. 2042. PURPOSES.

The purposes of this subtitle include—

(1) to preserve, support conserve and interpret the legacy of the region represented by the National Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of America, including Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret how the distinctive geography of the region shaped the development of settlement, defense, transportation, commerce, and culture there;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the National Heritage Area.

### SEC. 2043. DEFINITIONS.

In this subtitle:

(1) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Muscle Shoals National Heritage Area established in this subtitle.

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Muscle Shoals Regional Center, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(3) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations

*to meet the goals of the National Heritage Area, in accordance with this subtitle.*

*(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

### SEC. 2044. DESIGNATION OF MUSCLE SHOALS NATIONAL HERITAGE AREA.

*(a) ESTABLISHMENT.—There is hereby established the Muscle Shoals National Heritage Area in the State of Alabama.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The National Heritage Area shall be comprised of the counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan; including the Wilson Dam; the Handy Home; and the Helen Keller birthplace.*

*(2) MAP.—The boundary of the National Heritage Area shall be as generally depicted on the map titled "Muscle Shoals National Heritage Area", numbered T08/80,000, and dated October 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

### SEC. 2045. MANAGEMENT PLAN.

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle.*

### SEC. 2046. EVALUATION; REPORT.

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

### SEC. 2047. LOCAL COORDINATING ENTITY.

*(a) DUTIES.—To further the purposes of the National Heritage Area, the Muscle Shoals Regional Center, as the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.*

*(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

### SEC. 2048. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

*(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

### SEC. 2049. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

*Nothing in this subtitle—*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

*(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or*

*(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.*

### SEC. 2050. AUTHORIZATION OF APPROPRIATIONS.

*(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.*

*(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.*

*(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.*

### SEC. 2051. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

*Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.*

### SEC. 2052. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

*The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.*

## Subtitle D—Freedom's Way National Heritage Area

### SEC. 2061. SHORT TITLE; TABLE OF CONTENTS.

*(a) SHORT TITLE.—This subtitle may be cited as the "Freedom's Way National Heritage Area Act".*

*(b) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:*

*Sec. 2061. Short title; table of contents.*
*Sec. 2062. Purposes.*
*Sec. 2063. Definitions.*
*Sec. 2064. Designation of Freedom's Way National Heritage Area.*
*Sec. 2065. Management plan.*
*Sec. 2066. Evaluation; report.*
*Sec. 2067. Local coordinating entity.*
*Sec. 2068. Relationship to other Federal agencies.*
*Sec. 2069. Private property and regulatory protections.*
*Sec. 2070. Authorization of appropriations.*
*Sec. 2071. Use of Federal funds from other sources.*
*Sec. 2072. Sunset for grants and other assistance.*

### SEC. 2062. PURPOSES.

*(a) The purposes of this subtitle include—*

*(1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled "Freedom's Way Heritage Area Feasibility Study" dated July 1997 and the addendum dated March 2003;*

*(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;*

*(3) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the Commonwealth of Massachusetts and the State of New Hampshire in order to preserve the special historic identity of the National Heritage Area;*

*(4) to manage, preserve, protect and interpret the cultural, historical, and natural resources of the National Heritage Area for the educational and inspirational benefit of future generations; and*

*(5) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the National Heritage Area.*

### SEC. 2063. DEFINITIONS.

*In this subtitle:*

*(1) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Freedom's Way National Heritage Area established in this subtitle.*

*(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Freedom's Way Heritage Association, Inc., which is hereby designated by Congress—*

*(A) to develop, in partnership with others, the management plan for the National Heritage Area; and*

*(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.*

*(3) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.*

*(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

### SEC. 2064. DESIGNATION OF FREEDOM'S WAY NATIONAL HERITAGE AREA.

*(a) ESTABLISHMENT.—There is hereby established the Freedom's Way National Heritage Area.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The National Heritage Area shall include the following communities in the Commonwealth of Massachusetts: Winchendon, Ashburnham, Ashby, Gardner, Fitchburg, Westminster, Princeton, Sterling, Leominster, Townsend, Pepperell, Lunenburg, Shirley, Lancaster, Clinton, Bolton, Harvard, Ayer, Groton, Dunstable, Westford, Littleton, Boxborough, Stow, Hudson, Maynard, Sudbury, Concord, Carlisle, Acton, Bedford, Lincoln, Lexington, Woburn, Arlington, Medford, and Malden. Additionally it shall include the following communities in the State of New Hampshire: New Ipswich, Greenville, Mason, Brookline, Milford, Amherst, Hollis, and Nashua.*

*(2) MAP.—The boundaries of the National Heritage area shall be as generally depicted on the map titled "Freedom's Way National Heritage Area", numbered T04/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

### SEC. 2065. MANAGEMENT PLAN.

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor of each State or Commonwealth in which the National Heritage Area is located before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle.*

### *SEC. 2066. EVALUATION; REPORT.*

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

### *SEC. 2067. LOCAL COORDINATING ENTITY.*

*(a) DUTIES.—To further the purposes of the National Heritage Area, the Freedom's Way Heritage Association, Inc., as the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.*

*(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

### *SEC. 2068. RELATIONSHIP TO OTHER FEDERAL AGENCIES.*

*(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

### *SEC. 2069. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.*

*Nothing in this subtitle—*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

*(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or*

*(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.*

### *SEC. 2070. AUTHORIZATION OF APPROPRIATIONS.*

*(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.*

*(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.*

*(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.*

### *SEC. 2071. USE OF FEDERAL FUNDS FROM OTHER SOURCES.*

*Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under Acts other than this subtitle for the purposes for which those funds were authorized.*

### *SEC. 2072. SUNSET FOR GRANTS AND OTHER ASSISTANCE.*

*The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.*

## *Subtitle E—Abraham Lincoln National Heritage Area*

### *SEC. 2081. SHORT TITLE; TABLE OF CONTENTS.*

*(a) SHORT TITLE.—This subtitle may be cited as the "Abraham Lincoln National Heritage Area Act".*

*(b) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:*

*Sec. 2081. Short title; table of contents.*
*Sec. 2082. Purposes.*
*Sec. 2083. Definitions.*
*Sec. 2084. Designation of Abraham Lincoln National Heritage Area.*
*Sec. 2085. Management plan.*
*Sec. 2086. Evaluation; report.*
*Sec. 2087. Local coordinating entity.*
*Sec. 2088. Relationship to other Federal agencies.*
*Sec. 2089. Private property and regulatory protections.*
*Sec. 2090. Authorization of appropriations.*
*Sec. 2091. Use of Federal funds from other sources.*
*Sec. 2092. Sunset for grants and other assistance.*

### *SEC. 2082. PURPOSES.*

*(a) The purposes of this subtitle include—*

*(1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled "Feasibility Study of the Proposed Abraham Lincoln National Heritage Area" prepared for the Looking for Lincoln Heritage Coalition in 2002 and revised in 2007;*

*(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;*

*(3) to recognize and interpret important events and geographic locations representing key periods in the growth of America, including Native American, Colonial American, European American, and African American heritage;*

*(4) to recognize and interpret the distinctive role the region played in shaping the man who would become the 16th President of the United States, and how Abraham Lincoln's life left its traces in the stories, folklore, buildings, streetscapes, and landscapes of the region;*

*(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and*

*(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.*

### *SEC. 2083. DEFINITIONS.*

*In this subtitle:*

*(1) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Abraham Lincoln National Heritage Area established in this subtitle.*

*(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Looking for Lincoln Heritage Coalition, which is hereby designated by Congress—*

*(A) to develop, in partnership with others, the management plan for the National Heritage Area; and*

*(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.*

*(3) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.*

*(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

### *SEC. 2084. DESIGNATION OF ABRAHAM LINCOLN NATIONAL HERITAGE AREA.*

*(a) ESTABLISHMENT.—There is hereby established the Abraham Lincoln National Heritage Area.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The National Heritage Area shall consist of sites as designated by the management plan within a core area located in Central Illinois, consisting of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Fayette, Fulton, Greene, Hancock, Henderson, Jersey, Knox, LaSalle, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazwell, Vermillion, Warren and Woodford counties.*

*(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled "Proposed Abraham Lincoln National Heritage Area", and numbered 338/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

### *SEC. 2085. MANAGEMENT PLAN.*

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle.*

### ***SEC. 2086. EVALUATION; REPORT.***

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

### ***SEC. 2087. LOCAL COORDINATING ENTITY.***

*(a) DUTIES.—To further the purposes of the National Heritage Area, the Looking for Lincoln Heritage Coalition, as the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.*

*(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

### ***SEC. 2088. RELATIONSHIP TO OTHER FEDERAL AGENCIES.***

*(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

### ***SEC. 2089. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.***

*Nothing in this subtitle—*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

*(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or*

*(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.*

### ***SEC. 2000. AUTHORIZATION OF APPROPRIATIONS.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not*

*more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.*

*(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.*

*(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.*

***SEC. 2091. USE OF FEDERAL FUNDS FROM OTHER SOURCES.***

*Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.*

***SEC. 2092. SUNSET FOR GRANTS AND OTHER ASSISTANCE.***

*The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of the enactment of this subtitle.*

### *Subtitle F—Santa Cruz Valley National Heritage Area*

***SEC. 2111. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This subtitle may be cited as the "Santa Cruz Valley National Heritage Area Act".*

*(b) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:*

*Sec. 2111. Short title; table of contents.*
*Sec. 2112. Purposes.*
*Sec. 2113. Definitions.*
*Sec. 2114. Designation of Santa Cruz Valley National Heritage Area.*
*Sec. 2115. Management plan.*
*Sec. 2116. Evaluation; report.*
*Sec. 2117. Local coordinating entity.*
*Sec. 2118. Relationship to other Federal agencies.*
*Sec. 2119. Private property and regulatory protections.*
*Sec. 2120. Authorization of appropriations.*
*Sec. 2121. Use of Federal funds from other sources.*
*Sec. 2122. Sunset for grants and other assistance.*

***SEC. 2112. PURPOSES.***

*The purposes of this subtitle include—*

*(1) to establish the Santa Cruz Valley National Heritage Area in the State of Arizona;*

*(2) to implement the recommendations of the "Alternative Concepts for Commemorating Spanish Colonization" study completed by the National Park Service in 1991, and the "Feasibility Study for the Santa Cruz Valley National Heritage Area" prepared by the Center for Desert Archaeology in July 2005;*

*(3) to provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region and to conserve the region's heritage while continuing to pursue compatible economic opportunities;*

*(4) to assist communities, organizations, and citizens in the State of Arizona in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and*

*(5) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the National Heritage Area.*

***SEC. 2113. DEFINITIONS.***

*In this subtitle:*

*(1) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Santa Cruz Valley National Heritage Area established in this subtitle.*

*(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Santa Cruz Valley Heritage Alliance, Inc., which is hereby designated by Congress—*

*(A) to develop, in partnership with others, the management plan for the National Heritage Area; and*

*(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.*

*(3) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.*

*(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

***SEC. 2114. DESIGNATION OF SANTA CRUZ VALLEY NATIONAL HERITAGE AREA.***

*(a) ESTABLISHMENT.—There is hereby established the Santa Cruz Valley National Heritage Area.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The National Heritage Area shall consist of portions of the counties of Santa Cruz and Pima.*

*(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled "Santa Cruz Valley National Heritage Area", and numbered ____________, and dated ____________. The map be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

***SEC. 2115. MANAGEMENT PLAN.***

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle.*

### *SEC. 2116. EVALUATION; REPORT.*

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

### *SEC. 2117. LOCAL COORDINATING ENTITY.*

*(a) DUTIES.—To further the purposes of the National Heritage Area, the Santa Cruz Valley Heritage Alliance, Inc., as the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.*

*(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

### *SEC. 2118. RELATIONSHIP TO OTHER FEDERAL AGENCIES.*

*(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

### *SEC. 2119. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.*

*Nothing in this subtitle—*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

*(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or*

*(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.*

### *SEC. 2120. AUTHORIZATION OF APPROPRIATIONS.*

*(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.*

*(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.*

*(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.*

### *SEC. 2121. USE OF FEDERAL FUNDS FROM OTHER SOURCES.*

*Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.*

### *SEC. 2122. SUNSET FOR GRANTS AND OTHER ASSISTANCE.*

*The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.*

## *TITLE III—STUDY*

### *SEC. 3001. STUDY AND REPORT OF PROPOSED NORTHERN NECK NATIONAL HERITAGE AREA.*

*(a) The Secretary of the Interior (hereafter referred to as "the Secretary"), in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study of the suitability and feasibility of designating the area described in subsection (d) as the Northern Neck National Heritage Area in the Commonwealth of Virginia.*

*(b) CRITERIA.—In conducting the study, the Secretary shall apply the following criteria to determine the suitability and feasibility of designating the area described in subsection (d) as a National Heritage Area:*

*(1) The area—*

*(A) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;*

*(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;*

*(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;*

*(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;*

*(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;*

*(F) provides outstanding recreational or educational opportunities; and*

(G) has resources and traditional uses that have national importance.

(2) Residents, business interests, nonprofit organizations, and governments (including relevant Federal land management agencies) within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.

(3) The local coordinating entity responsible for preparing and implementing the management plan is identified.

(4) The proposed local coordinating entity and units of government supporting the designation have documented their commitment to work in partnership to protect, enhance, interpret, fund, manage, and develop resources within the National Heritage Area.

(5) The proposed local coordinating entity has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the National Heritage Area.

(6) The proposal is consistent with continued economic activity within the area.

(7) A conceptual boundary map has been developed and is supported by the public and participating Federal agencies.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with the managers of any Federal land within the proposed National Heritage Area and secure the concurrence of the managers with the findings of the study before making a determination for designation.

(d) BOUNDARIES OF THE STUDY AREA.—The study area referred to in subsection (a) shall be comprised of the following:

(1) The part of Virginia between the Potomac and the Rappahannock Rivers in eastern coastal Virginia.

(2) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties, Virginia.

(3) Other areas that have heritage aspects that are similar to those aspects that are in the areas described in paragraphs (1) and (2) and which are adjacent to or in the vicinity of those areas.

(e) REPORT.—The Secretary shall

(1) review, comment on, and determine if the study meets the criteria specified in subsection (b) for designation as a National Heritage Area;

(2) consult with the Governor of the Commonwealth of Virginia; and

(3) not later than 3 fiscal years after the date on which funds are first made available for this section, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions and recommendations of the study, including—

(A) any comments received from the Governor of the Commonwealth of Virginia; and

(B) a finding as to whether the proposed National Heritage Area meets the criteria for designation.

(f) DISAPPROVAL.—If the Secretary determines that the proposed National Heritage Area does not meet the criteria for designation, the Secretary shall include within the study submitted under subsection (e)(3) a description of the reasons for the determination.

## TITLE IV—TECHNICAL CORRECTIONS AND ADDITIONS

### SEC. 4001. NATIONAL COAL HERITAGE AREA TECHNICAL CORRECTIONS.

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333 as amended by Public Law 106–176 and Public Law 109–338) is amended—

(1) by striking section 103(b) and inserting the following:

"(b) BOUNDARIES.—The National Coal Heritage Area shall be comprised of Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawah County, West Virginia, and the counties that are the subject of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.";

(2) by striking section 105 and inserting the following:

**"SEC. 105. ELIGIBLE RESOURCES.**

"(a) IN GENERAL.—The resources eligible for the assistance under section 104 shall include—

"(1) resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawah County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and

"(2) the resources set forth in appendix D of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.

"(b) PRIORITY.—Priority consideration shall be given to those sites listed as 'Conservation Priorities' and 'Important Historic Resources' as depicted on the map entitled 'Study Area: Historic Resources' in such study.";

(3) in section 106(a)—

(A) by striking "Governor" and all that follows through "Parks," and inserting "National Coal Heritage Area Authority"; and

(B) in paragraph (3), by striking "State of West Virginia" and all that follows through "entities, or" and inserting "National Coal Heritage Area Authority or"; and

(4) in section 106(b), by inserting "not" before "meet".

### SEC. 4002. RIVERS OF STEEL NATIONAL HERITAGE AREA ADDITION.

Section 403(b) of title IV of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended by inserting "Butler," after "Beaver,".

### SEC. 4003. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR ADDITION.

Section 604(b)(2) of title VI of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended by adding at the end the following new subparagraphs:

"(O) Berkeley County.

"(P) Saluda County.

"(Q) The portion of Georgetown County that is not part of the Gullah/Geechee Cultural Heritage Corridor.".

### SEC. 4004. OHIO AND ERIE CANAL NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.

Title VIII of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended—

(1) by striking "Canal National Heritage Corridor" each place it appears and inserting "National Heritage Canalway";

(2) by striking "corridor" each place it appears and inserting "canalway", except in references to the feasibility study and management plan;

(3) in the heading of section 808(a)(3), by striking "CORRIDOR" and inserting "CANALWAY";

(4) in the title heading, by striking "**CANAL NATIONAL HERITAGE CORRIDOR**" and inserting "**NATIONAL HERITAGE CANALWAY**";

(5) in section 803—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(C) in paragraph (2) (as redesignated by this Act), by striking "808" and inserting "806"; and

(D) in paragraph (6) (as redesignated by this Act), by striking "807(a)" and inserting "805(a)";

(6) in the heading of section 804, by striking "**CANAL NATIONAL HERITAGE CORRIDOR**" and inserting "**NATIONAL HERITAGE CANALWAY**";

(7) in the second sentence of section 804(b)(1), by striking "808" and inserting "806";

(8) by striking sections 805 and 806;

(9) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(10) in section 805(c)(2) (as redesignated by this Act), by striking "808" and inserting "806";

(11) in section 806 (as redesignated by this Act)—

(A) in subsection (a)(1), by striking "Committee" and inserting "Secretary";

(B) in the heading of subsection (a)(1), by striking "COMMITTEE" and inserting "SECRETARY";

(C) in subsection (a)(3), in the first sentence of subparagraph (B), by striking "Committee" and inserting "management entity";

(D) in subsection (e), by striking "807(d)(1)" and inserting "805(d)(1)"; and

(E) in subsection (f), by striking "807(d)(1)" and inserting "805(d)(1)";

(12) in section 807 (as redesignated by this Act), in subsection (c) by striking "Cayohoga Valley National Recreation Area" and inserting "Cayohoga Valley National Park";

(13) in section 808 (as redesignated by this Act)—

(A) in subsection (b), by striking "Committee or"; and

(B) in subsection (c), in the matter before paragraph (1), by striking "Committee" and inserting "management entity"; and

(14) in section 809 (as redesignated by Act), by striking "assistance" and inserting "financial assistance".

### SEC. 4005. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE EXTENSION OF AUTHORIZATION.

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended as follows:

(1) Strike paragraph (1) of subsection (b) and insert the following new paragraph:

"(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

"(A) technical assistance;

"(B) the design and fabrication of interpretive materials, devices, and signs; and

"(C) the preparation of the strategic plan.".

(2) Paragraph (3) of subsection (b) is amended by inserting after subparagraph (B) a new subparagraph as follows:

"(C) Notwithstanding paragraph (3)(A), funds made available under subsection (a) for the preparation of the strategic plan shall not require a non-Federal match.".

(3) Subsection (c) is amended by striking "2007" and inserting "2011".

### SEC. 4006. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.

The Erie Canalway National Heritage Corridor Act (title VIII of Appendix D of Public Law 106–554, 114 Stat. 2763A–295) is amended—

(1) in section 804(b)—

(A) by striking "27" and inserting "at least 21 members, but not to exceed 27";

(B) in paragraph (2), by striking "Environment" and inserting "Environmental";

(C) in paragraph (3), by striking "19";

(D) in paragraph (3)—

(i) by striking subparagraph (A) and redesignating subsequent subparagraphs accordingly;

(ii) in subparagraph (B) (as redesignated by clause (i)), by striking the second sentence; and

(iii) by adding after subparagraph (B) the following new subparagraph:

"(C) The remaining members shall be based on recommendations from each member of the United States House of Representatives whose district encompasses the Corridor, each of whom shall be a resident of or employed within the *district from which they shall be recommended.'';*

*(2) in section 804(f), by striking ''Fourteen members of the Commission'' and inserting ''A majority of the seated (sworn) Commissioners'';*

*(3) in section 804(g), by striking ''14 of its members.'' and inserting ''a majority of the seated (sworn) Commissioners.'';*

*(4) in section 804(h)(4), by striking ''staff to carry out its duties;'' and inserting ''such staff as may be necessary to carry out its duties. Staff appointed by the Commission—*

*''(A) may be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and*

*''(B) may be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the classification and General Schedule pay rates;'';*

*(5) in section 804(j), by striking ''10 years after the date of enactment of this title'' and inserting ''15 years after the date of the enactment of this title'';*

*(6) in section 807(e), by striking ''duties with regard to the preparation and approval of the Canalway Plan.'' and inserting ''duties.'';*

*(7) in section 807, by adding at the end the following:*

*''(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the Commission, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.''; and*

*(8) in section 810(a)(1), by inserting after the first sentence: ''Such sums shall remain available until expended.''.*

### *TITLE V—SENSE OF CONGRESS REGARDING FUNDING*

### *SEC. 5001. SENSE OF CONGRESS REGARDING FUNDING.*

*It is the sense of Congress that the Federal Government should not fund a national heritage area in perpetuity.*

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 1483.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, as America continues to grapple with the war and citizens throughout these United States deal with their daily struggles, I think it is important for us to harken back to our heritage and to celebrate our culture.

From the coalfields of southern West Virginia to the Land of Lincoln in Illinois; from the awesome beauty of Niagara Falls to the Muscle Shoals of Alabama; from the hallowed ground of the Virginia Piedmont, where battles were fought to unify this Nation, to the Santa Cruz Valley of New Mexico, this is the fabric of America. This is her heartbeat. Let us take time to listen to it and to celebrate it.

The legislation we are considering today was introduced by my friend and colleague, the gentleman from Ohio, Representative RALPH REGULA, who has been a strong and effective advocate for heritage areas, not only in the area he represents but also throughout the country, and I commend and salute him for that leadership.

Heritage areas help to preserve and interpret the geological history, the natural history and the human history of an area in a comprehensive fashion so that we and our children will better understand how our land has shaped our history and how our history has shaped our land.

National heritage areas are local community-driven preservation projects. Most of them arise out of the concerns of a core group of committed, local folks who want to work together to preserve the places and resources that make their country or town or region unique. These citizens bring their proposals to their elected representatives in Congress because they need technical and planning assistance from their government and matching funds to use as seed money to help get their program off the ground.

Now, 23 years after the first national heritage area was designated, the program is at a crossroads. The Congress can either provide the program with the tools and support it needs to continue, maturing into a successful preservation model, or the Congress can turn our backs on heritage areas and leave local communities to fend for themselves as they try to save those things that make them special, that make America special.

We are moving this legislation today because we support national heritage areas and we want to see them succeed. Ever since Congress established the Illinois and Michigan Canal National Heritage Corridor in 1984, heritage tourism has been growing, and today it is a significant economic engine. These areas are worthwhile, not only as a way to help local economies, but also as a crucial tool for preserving our communities' and our people's links to the past.

By providing Federal recognition and financial support, we encourage preservation and interpretation of important periods in our Nation's history in a way that traditional units of the national park system cannot do.

□ 1030

Our initial investment ''primes the pump,'' if you will, and ensures that those areas get a solid start toward financial and operational independence. Given that each Federal dollar is matched by local funds, the Federal investment in the heritage area program is money well spent.

In addressing the Rules Committee Monday, my colleague Mr. REGULA noted that the $8 million made in his heritage area has yielded more than $270 million in non-Federal funding. For affected local communities, heritage areas are a program that works.

H.R. 1483, as amended, would establish six new heritage areas, increase the funding authorization for non-existing areas, and make mostly technical changes in the establishing legislation for several of those areas. The bill also includes a study of the Northern Neck of Virginia, requested by our late colleague, Representative Jo Ann Davis.

Bringing this bill before the House today responds to the frequent and energetic requests of numerous Members on both sides of the aisle, Republicans and Democrats. In total, H.R. 1483 includes bills that are cosponsored by dozens of Members in both parties, including the entire House delegation in Illinois and New Jersey.

We also had very helpful input from the administration on this legislation, including detailed studies of the suitability of each new heritage area. Most of the changes being made to existing heritage areas were added at the request of the National Park Service.

This is a good bill, Mr. Speaker, and I want to commend the gentleman from Ohio (Mr. REGULA) for his commitment and leadership on heritage areas. We support passage of H.R. 1483 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I am actually saddened to rise today on this particular bill. The 16 heritage areas that are either existing or proposed, many of them are very good, things that I would readily support.

Unfortunately, they have been packaged into what the government book my high school students read called ''A Christmas Tree'' in a very real way, in which bad proposals can be packaged around the few good proposals that are in here in hopes that people will tolerate the bad in hopes of getting a favorable recommendation from the good. My State and most State legislatures would never have tolerated this type of bill. This bill would be split up in our State so that each proposal would stand on its own merits and go up or down. Unfortunately, we do not use that procedure here. We ought to, but we do not.

Even in areas where something like an appropriation can be justified by lumping things together, in an authorization, it should not. That is why I rise in opposition to H.R. 1483.

When this bill was originally introduced, it was to reauthorize nine heritage areas, giving each an additional $10 million. Since the reauthorization on these nine original areas doesn't lapse until 2012, 5 years hence, it is interesting why we are taking the time now to revisit these particular areas. Even though some of these areas are simple technical corrections and changes, for most it appears that the reason we're doing it again is because they have gone through their money and they want more.

It is difficult when the process of a heritage area is supposed to become self-sufficient. It is an affront to heritage areas that are trying to become self-sufficient and break themselves from Federal dependence.

In 1994 when these same nine areas were being discussed, the Democrat hero of heritage areas, the advocate, the chairman of the then subcommittee, the late Bruce Vento stated: "There is a limit to the length of time or the amount of money the Federal Government can be in a heritage area." Not totally grammatical, but you get the point of what he was trying to say.

He went on to say: "In 10 years, we are out of there. Then they are on their own and we get the benefit of that conservation."

Thirteen years later, that has not been the case. In fact, it has been said that for every dollar spent on these heritage areas, there is $10 to $20 from the private sector that comes back. It sounds like a great return on our investment if it could be independently verified.

In fact, during the hearings on this bill, the National Park Service testified that no heritage area has become self-sufficient. Unfortunately, it gets worse.

The Heritage Area Alliance, the association which represents all heritage areas, has told us in committee hearing that they should never become self-sufficient and they should always rely on continuous Federal appropriations for every heritage area. In fact, the Heritage Area Alliance has become a cottage industry where groups get grants from the Federal Government to go around telling other people how to get more grants from the Federal Government. And this performance we are now wishing to reward. While a public-private partnership can yield positive results, this program has taken on a life of its own.

In the Resources Committee, the bill was amended to cut back additional funds to existing heritage areas from $10 million to $5 million. I compliment Chairman GRIJALVA for his amendment and the chairman of the full committee for accepting it. It is like taking the balls off the bottom branches of the Christmas tree so the cat won't play with them.

And after taking that positive step, they reverse course and tacked on six new heritage areas. They have had hearings, but in fairness, only one has gone through the regular order that the chairman of the full committee established when we first met this year.

The Democrats also decided to make changes that were never part of the hearing. The new heritage areas will now receive $15 million each, up from the $10 million that they requested. It is great and lucky to receive a 50 percent bonus without asking for it. This gracious move by the Democrats means the total cost of this bill is now $135 million. Some of our committees thought that was a paltry sum. But $135 million is the total annual Federal income tax paid by 33,276 middle-class taxpayers. And this is how we are being responsible for their particular money.

We have some problems concerning some of the subtitles included in this new omnibus Christmas tree bill.

A journey through Hallowed Ground Heritage Area has been diligently sought by my colleague from Virginia (Mr. WOLF). I commend him for his dedication to this cause, and there is much of his proposed area that I like and I applaud. However, one of the problems still is there are issues that still persist. There is both support and opposition within this proposed area. Two of our colleagues have asked their particular congressional districts be removed from this designation. In committee, an amendment was offered to remove their districts, but it was rejected. And because this is a closed rule, our colleagues do not have the opportunity of coming down here and on the floor of the House presenting their reasons why they wish to be withdrawn from this particular district.

We should not take Federal designations lightly. When we create a Federal designation, a Member who is opposed to that should be respected in his particular wishes. We were told this would disrupt the continuity of this heritage area. Well, this heritage area spans four States and it is supposed to still be locally operated. One must ask how a Virginia-based management entity will represent the local interests of 4 States. It is a legitimate question, but the bottom line is we still should respect our colleagues' privilege to represent their constituencies.

There has been criticism that private property protections in this bill are inadequate. The majority claims that the protections in this bill are sufficient because it states that participation is voluntary. Voluntary.

If two of our Members want to voluntarily opt out of this particular bill and are not allowed to do so, how will any property owner sitting in one of these new proposed districts get any kind of confidence that they are safe when it is not voluntary for any Member to remove their districts from these types of recommendations?

In the Resources Committee, I offered an amendment that would have simply provided for the right of private property owners to withdraw their land from a heritage area boundary. This is the exact same provision that has been on the 12 prior heritage areas. This is the same provision that Mr. WOLF added in his bill and was taken out by the committee even though he objected to the removal of that language from his own particular provision. Why are we treating these heritage areas different than the precedent we established for the other heritage areas? It is not an additional burden to the management. It would go a long way to assuring constituents that their rights would be protected. Unfortunately, the amendment was defeated again because the Democrats claim that their language was sufficient, an argument that has proved inaccurate on other occasions. In light of the infamous Kelo decision, we need to be extra cautious in the House when we deliberate on property rights.

The other side will claim that there is no risk to property rights. While I hope that is correct, we need to be very sure because boundaries have a consequence, or why should we have them. Proponents of this bill on the one hand say we need boundaries to protect historical properties, but on the other hand there is no regulatory authority. You can't have it both ways. It is an invitation to lawsuits. We have already seen cases brought forward based on these recommendations. I would point my colleagues to Pogliani v. United States Corps of Engineers. It has already happened that lawsuits have been filed to discontinue actions based on inclusion in a heritage area. The right to opt out of the boundary we proposed would have prevented this type of situation in the future.

In some respects this legislation is simply not ready for prime time. The Muscle Shoals proposal, which is another one I like a lot, I think it is good, but it has not yet completed a feasibility study. In other words, we don't have the assurance this heritage area could get off the ground before we wish to actually make the check for it.

We were promised in this particular bill that there would be a map included. If you see in the self-executing rule of the Rules Committee, they have put a number in place that used to be blank. A small little detail. But we have not been provided with a map of what the boundaries of this new heritage area actually are. So how can we tell people they can be voluntarily in or out of it when we don't even know yet what the boundary levels are? No wonder this has become a closed rule.

There is another area in this bill that was created, a Niagara Falls region, at the behest of the very powerful chairwoman of the Rules Committee, Ms. SLAUGHTER. Proponents claim it is needed to protect the falls. Protect the falls from what? What potential harm to the falls can be protected by the provisions of this particular bill? Remember, proponents say there are no restrictions or regulations imposed. Perhaps the totally unique commission that is established in this portion of the bill that has the Secretary of the Interior creating a new entity and staffing it with Federal employees and paying for it can finally answer that particular question. There is little more in this particular provision than using the National Park Service to conduct economic redevelopment projects. The Park Service does not have the expertise, or the funds, or the desire to be burdened with this subject.

At the center of the economic development plan for Niagara Falls is a new casino. Niagara Falls, honeymoons, gambling, there may be a nexus there somewhere for us. But while the State of New York has the right to pursue casinos and help their development, it is inappropriate to use national heritage areas to promote the casino. An amendment was offered when the Niagara Falls heritage bill originally went through the committee to put a firewall between the Federal funds in this bill and the casino. Committee Democrats rejected again this simple amendment. Whatever my colleagues feel on the issue of gaming is irrelevant. We should all agree, though, that this is not an appropriate use of Federal funds, especially when one area is given an advantage over the other.

Finally, concerns have been raised that these heritage areas and their boundaries may be used to impede the placement of energy transmission lines. While this may not be the full intent of the sponsors, we must proceed cautiously before we further damage our ability to keep up with the demand for energy. The grid is already heavily taxed, and it would be a tragedy to see blackouts as an unintended consequence of these designations.

Mr. Speaker, because we do not have an opportunity to improve this bill via amendment as a result of the closed rule, I have to urge my colleagues to oppose this legislation, unfortunately.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am honored at this point to yield 2 minutes to the gentlelady that the gentleman from Utah has already referenced, the chairlady of our powerful House Rules Committee, the gentlewoman from New York, Representative LOUISE SLAUGHTER, who has been a true fighter for her Niagara Falls National Heritage Area.

Ms. SLAUGHTER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 1483, a bill amending the Omnibus Parks and Public Lands Management Act of 1996.

The bill reauthorizes already existing national heritage areas. Most important to me and my district, and I think to the country, the bill authorizes the creation of the Niagara Falls Heritage Area. This truly is a monumental day for the city of Niagara Falls, the surrounding communities and the millions of people who visit Niagara Falls each year.

Every time I drive across my congressional district, I am reminded how fortunate I am to represent such a beautiful part of the country. From the shores of Lake Ontario to our vineyards and apple orchards, Mother Nature has bestowed some of her finest treasures upon western New York. But none is as widely recognized at home and around the world as Niagara Falls.

Every year more than 15 million people travel to Niagara Falls to take in this awe-inspiring natural phenomenon. It is high time, Mr. Speaker, that the national treasures that are Niagara Falls and the Niagara River be granted the official status they have long deserved, that of a national heritage area.

Niagara Falls has always been a source of energy for our region. I don't need to remind you that it is the foremost source of hydroelectric power in North America as well as the birthplace of modern hydroelectric power.

This bill will help to solidify Niagara Falls' standing as something more, an engine for the revitalization and promotion of our region's natural, historic and scenic resources to residents and visitors alike. We are not ashamed of that.

We have, obviously, one of the areas of the country most devastated economically. As you know, the heritage area designation ties together private and public lands linked by geography and history. With the approval of this designation, the National Park Service will assist our local and State organizations to develop and implement a plan to conserve and promote Niagara's natural attributes. Niagara Falls is one of the seven natural wonders of the world. We should all cherish it. The benefits are obvious for all to see.

□ 1045

Mr. BISHOP of Utah. Mr. Speaker, I am happy to yield 3 minutes to the sponsor of this particular bill, the gentleman from Ohio (Mr. REGULA), at the conclusion of which it would be very nice if the other side would have additional time for him because he's supporting your side.

Mr. RAHALL. Mr. Speaker, I yield the gentleman from Ohio 1 minute, also.

Mr. REGULA. Mr. Speaker, I thank the gentlemen for yielding time. I could spend all day on this. I've had 10 years of experience with this, with the heritage corridor, and it's been such a tremendous asset.

As a matter of fact, our chamber of commerce brought in an expert on economic development as to what we could do to keep young families in our community, and she said your number one asset is the corridor, the trail, because young families want to use it, and they do use it. And putting a human face on it, not only do I see young families all the time out on the towpath with their bicycles, with their family groups, but I see handicapped people who are wheeling their wheelchairs down the trail. So they, too, can benefit from the value of open space, a touch of environment and touch of nature.

It's a terrific asset in our community. Over 3 million people use it. In terms of costs, this is not an appropriation. This is an authorization. So let's not be confused here by what it costs. That will be a decision for the Appropriations Committee to make as to how much they want to commit. All this bill does is authorize this expenditure.

But what we found is that we get a huge outpouring of community support, foundations, village councils, private individuals who support this. For every dollar of Federal support, there's probably been $10 of local community involvement because they appreciate the recreational value. They appreciate the family values that come from using these facilities. They appreciate what it means to have this kind of thing in our community.

The Ohio and Erie Canal Towpath, which was originally there as part of the canal system, had brought prosperity to Ohio many years ago. In fact, we had had a system of canals that were the original expressways of yesteryear, and it started with George Washington and John Quincy Adams who pushed this for people.

Of course, we all know about the granddaddy of all canals, the C&O Canal. That was saved. It was originally designated to be a highway. The highway folks said, yeah, this is wonderful; we've got 160 miles here of corridor where the canal and the towpath run so we'll put a highway on it. And Justice William O. Douglas got the Washington press corps together and said, "Come with me; we'll hike this piece of history." I suppose that was a little strenuous at the time, but they managed it, and they wrote such glowing editorials about it that it was preserved.

And to date, it's the C&O Canal National Parkway, and all you need to do is go out there on a Sunday afternoon or any weekday and you see people, thousands of people, from the City of Washington and the area using the C&O Canal for recreation, for an understanding of environment, for an understanding of history. It's a terrific asset.

And I think what we're saying here is that other communities want to preserve their heritage corridors to tell the story of how their communities were built originally, and this is the case in Ohio. But you get all the additional benefits of health, of walking and bicycling on a towpath, the benefits of being together as a family, the benefits of having a community asset.

It was mentioned about the cost, but I don't think we are ready to charge for Yellowstone or Gettysburg. We preserve these things, and it's part of the national responsibility to preserve these historic artifacts and places that are very much a part of our Nation's history.

So I would urge my colleagues to support this bill. Let the communities raise their money. Let them go to the Appropriations Committee and get whatever they can by way of support.

Mr. RAHALL. Mr. Speaker, continuing with the strong bipartisan support for this bill, I yield 2 minutes to my very good friend and dear colleague, the gentleman from Peoria, Illinois (Mr. LAHOOD), whose bipartisan nature and friendly relations we're going to truly miss in this Congress next year.

Mr. BISHOP of Utah. Mr. Speaker, I'd also like to yield the gentleman 1 minute of our time as well.

Mr. LAHOOD. Mr. Speaker, I thank both gentlemen for the time.

Mr. Speaker, I rise today in strong support of H.R. 1483, legislation to amend the Omnibus Parks and Public Lands Management Act to establish six new national heritage areas, including one running through my own congressional district known as the Abraham Lincoln National Heritage Area.

Mr. Speaker, I believe the establishment of heritage areas provides us with a unique opportunity to take a closer look at some of the most culturally significant areas of our country. As a former school teacher, I believe very strongly in the need to study the past in order to understand how we got to where we are today. Many of the issues that shaped President Lincoln's legacy are still relevant today, and it's worthwhile to continue to explore these issues. The establishment of the Abraham Lincoln National Heritage Area within this bill would accomplish these goals.

The purpose of creating this national heritage area in Illinois is to manage, study and promote Lincoln-related historical sites. Scattered throughout the central Illinois landscape are countless places where Lincoln traveled and lived. As children, we're taught the basic history of our country, including the basic facts of President Lincoln's life and legacy. What the history books usually don't teach are the experiences and events that shaped President Lincoln and made him the man he became. By designating this heritage area, we can tie these many Lincoln sites together in order to create a tapestry that will allow us to better understand the influences that shaped President Lincoln's life.

During my time in Congress, I've had the unique honor of representing all 11 counties that originally formed Abraham Lincoln's congressional district when he served one term in this very House. The year 2009 represents the 200th anniversary of President Lincoln's birth, and as the cochair of the Abraham Lincoln Bicentennial Commission, which is in charge of celebrating this event, what better way to honor one of the most prominent figures in American history who affected millions of lives than preserving and studying further those places where he lived and worked and that had a profound effect on his later life.

I urge my colleagues to support this important legislation, as it will lead to an opportunity for all in Illinois and all in our country to really have a better understanding of President Lincoln.

Mr. Speaker, I rise today in strong support of H.R. 1483, legislation to amend the Omnibus Parks and Public Lands Management Act to establish six new national heritage areas, including one running through my own district known as the Abraham Lincoln National Heritage Area.

I would first like to thank Chairman RAHALL and Ranking Member YOUNG for bringing this important matter to the Floor today. I would also like to thank Chairman GRIJALVA and Ranking Member BISHOP for holding hearings on the Abraham Lincoln National Heritage Area in their Subcommittee.

Mr. Speaker, I believe the establishment of heritage areas provides us with a unique opportunity to take a closer look at some of the most culturally significant areas of our country. As a former school teacher, I believe very strongly in the need to study the past in order to understand how we got to where we are today. Many of the issues that shaped President Lincoln's legacy are still relevant today, and it is worthwhile to continue to explore these issues. The establishment of the Abraham Lincoln National Heritage Area within H.R. 1483 would accomplish these goals.

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During my time in Congress, I have had the unique honor of representing all 11 counties that originally formed Abraham Lincoln's congressional district when he served one term in the House of Representatives. The year 2009 represents the 200th year since Abraham Lincoln's birth. I am a cochair, along with Senator DURBIN, of the Abraham Lincoln Bicentennial Commission, which is in charge of celebrating this event. What better way to honor one of the most prominent figures in American history, who affected millions of lives, than preserving and studying further those places where he lived and worked that had a profound effect on his later life.

I urge my colleagues to support the preservation of Abraham Lincoln's legacy by voting in favor of H.R. 1483.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF), once again speaking in favor, and I would ask maybe perhaps the other side would be a little bit more generous than the last time with their giving him some additional time.

Mr. RAHALL. I beg your pardon, it's your side of the aisle that should be yielding the time totally, but I'll be glad to yield 1 additional minute to the gentleman from Virginia, who has been very instrumental in crafting this legislation, and I appreciate his help.

Mr. WOLF. Mr. Speaker, I thank the gentlemen. I want to thank the chairman very much for his help and his support and your staff. I also want to honor Mr. REGULA, who has probably made such an impact on these issues over the many, many, many years.

I rise in strong support of this. The journey through hallowed grounds is hallowed growth. It begins with Monticello where Jefferson came out and wrote those words "that all men are created equal, endowed by their Creator." Ronald Reagan said those words were a covenant, a covenant with not only Americans but with the entire world.

Then we move up to Antietam, Antietam where President Lincoln took that win, that battle, that victory there of 20,000 deaths and then had the Emancipation Proclamation. That is hallowed ground because when you walk in 1 day, 20,000 people died.

And then we move up to Gettysburg, Gettysburg where President Lincoln, probably the greatest or second greatest President after President Washington, gave that famous speech that made sure the Union came together.

This is hallowed ground. It is areas that we have helped define ourselves and who we are and why we are who we are.

Also in this area is Monroe's house, Oak Hill; Montpelier, President Madison; also Zachary Taylor's home; Eisenhower's farm; Teddy Roosevelt's cabin; Kennedy's house; Marshall's house, who helped devise the Marshall Plan. This will help commemorate, preserve and promote.

Let me read you what David McCullough said. He said, "This is the ground of our Founding Fathers. These are the landscapes that speak volumes, small towns, churches, fields, mountains, creeks and rivers with names such as Bull Run and Rappahannock. They are the real thing, and what shame we will bring upon ourselves if we destroy them."

For those who have objected, this is what the bill says: nothing in the subtitle alters any duly adopted land use regulation, approved land use plan or other regulatory authority of any Federal, State, tribal or local agency.

It goes on to say: nothing in this subtitle conveys any land use or other regulatory authority to any local or coordinating entity.

And the bottom line is, this bill cannot and does not affect the rights of any property owner.

In closing, let me say here's what Lincoln said. When Lincoln was in this area he said, "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have hallowed it far above our poor power to add or detract."

This region, this area is sacred. It is hallow. I strongly urge my colleagues on both sides of the aisle, please pass this bill so we can preserve and protect and promote together, to educate our young people so when they hear the word "Antietam" they understood what took place; when they hear about "Gettysburg" they understood what took place; when they read the Declaration of Independence, they honor the men who said we give our lives, our fortunes and our sacred honor.

I urge an "aye" vote for this and again want to thank Mr. RAHALL very, very much and his staff and Mr. REGULA for his leadership, not only on this but on all of these park issues and all of these important preservation issues over the many, many years.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise today in strong support of today's legislation, amending the Omnibus Parks and Public Lands Management Act of 1996.

I would like to applaud Chairman RAHALL and his commitment to preserving our Nation's heritage. I would also like to thank Subcommittee Chairman GRIJALVA and members of the National Parks, Forest and Public Lands Subcommittee for their consideration of this important legislation.

Also, I would like to congratulate Mr. REGULA for his leadership over many years and offering today's basic underlying bill.

There's been some harsh criticism of this process. My area, the Muscle Shoals National Heritage Area, is one of the six new heritage areas included in this bill. This process has worked the way I would assume a process like this should work.

It has taken us years to bring our counties together, six counties in the northwest corner of Alabama, the birthplace of Helen Keller, the birthplace of W.C. Handy. There's so much rich history there, but we have not had the opportunity to partner with the private sector to develop a management plan, a feasibility study to come up with a management entity that could further the issues that we want to help preserve for our area. This whole process has allowed us to do that, and I think that's the way this process should work.

Look, we will have the public sector much more involved with us. We have a Helen Keller Festival every year at her birthplace, Ivy Green. Her home has deteriorated. It is an embarrassment to the country. It's an embarrassment to our area how much it's deteriorated. But now the public and private sector are coming together to preserve that homeplace and to make sure that the festival that honors her heritage there is one that's carried on in surroundings that it should be carried on.

As I said earlier about the process, a woman there, Nancy Gonce, teamed with the University of Alabama and brought together resources from all over that section of Alabama to make sure that we had the chance to have this national heritage area determined there.

I congratulate this process and urge the passage of this bill.

□ 1100

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Thank you very much for yielding.

Mr. Speaker, I rise in opposition to H.R. 1483 and urge my colleagues to vote "no" on this bill.

The Journey Through Hallowed Ground is not Mr. WOLF's bill. It is a Democrat substitute bill that has been added to a larger bill, H.R. 1483, that is also a Democrat substitute bill. H.R. 1483 reflects a big government, big spending philosophy that tramples over taxpayers' interests and private property rights established and considered fundamental by revered American leaders such as Thomas Jefferson and Abraham Lincoln. What's more, it is being brought up under a closed rule. An amendment I offered to ensure majority voting control by congressional district residents over decisions by management entities affecting sites in their district located within heritage areas was rejected.

I was an enthusiastic supporter of the establishment of the Journey Through Hallowed Ground when it was perceived as a collective marketing effort. I thought, gee, what a great idea to include in one marketing effort all these grand historic sites in these four States, many of which are in the district I have the honor of representing. The Battle of Monocacy, the Battle of South Mountain, the Battle of Antietam, the C&O Canal that was mentioned by my friend, Mr. REGULA, are all in my district. What a grand name for it, the Journey Through Hallowed Ground. In fact, this was such a great idea, it was such a fantastic name, that I was a little embarrassed when I thought to myself, gee, Roscoe, why didn't you think of that, such a great idea. Then, regrettably, it has metamorphosed into this big government, big spending bill. If you read the fine print in this bill, you will see that there is a Virginia-based, Virginia-controlled designated management entity that has an exclusive vision that I don't think is consistent with most of the voters in my district.

I have consistently stated and testified on both September 28, 2006, and March 8, 2007, that any Federal legislation to create the Journey Through Hallowed Ground Heritage Area should retain local control of its management by Marylanders concerning sites in Maryland. I also believe that if the value of land is reduced as a result of actions by the management entity, or local zoning ordinances, for instance, then affected property owners should be compensated at fair market value. I don't only think this, this is a requirement of the fifth amendment of the Constitution. We have taken value from their land, and we need to compensate them for that. We almost never, ever do that. If the fifth amendment of the Constitution were, in fact, honored, most of the governments would be bankrupt because they couldn't pay for the value they had taken from their taxpayers' lands. It is unwarranted to spend $15 million of taxpayers' money to protect and promote the Journey Through Hallowed Ground. This is such a great idea. There is plenty of money out there in the private sector. We don't need Federal money to do this. Supporters of H.R. 1483 have consistently refused to incorporate protections of taxpayers and private property owners. That is why I introduced an alternate bill, H.R. 1270, and approved an amendment to remove the Sixth District of Maryland if we couldn't have majority voting rights. That was defeated in committee on a party-line vote. Actions by management entities and the $135 million in taxpayers' money that will be matched and spent by management entities speak louder than the weak and toothless language in section 2009.

Let me just quote a couple of things from some outside groups that have looked at this. First from Americans for Tax Reform/Property Rights Alliance Vote Alert: "We urge all Members to side with Americans and protect the right of land use by voting 'no' on H.R. 1483."

From the National Taxpayers Union: "NTU urges all Members to vote 'no' on H.R. 1483. NTU testified against H.R. 1483 in committee, and we're dismayed to see that the bill has grown in both cost and potential harm since introduction. Rollcall votes on H.R. 1483 will be significantly weighted in our annual Rating of Congress."

From the Heritage Foundation, in a report that they issued called "National Heritage Areas: Costly Economic Development Schemes that Threaten Property Rights, Backgrounder 2080:"

"In fact, non-National Park Service funds amount to nearly 70 percent of the costs associated with the national heritage areas. If this pattern continues, H.R. 1483 would lead to an additional $270 million in NHA spending by Federal, State, local and not-for-profit entities."

"One of the most controversial aspects of H.R. 1483 is the establishment of the Journey Through Hallowed Ground," which is in my district. "The effort is sponsored and promoted by mainly two factions, Virginia-based environmental groups with a long history of opposition to most residential and commercial development in the region and wealthy estate owners who would benefit from the cachet and exclusivity that the designation might bring. The opposition includes local property owners and a large majority in Congress.

"Other NHAs have used their federally acquired authority to impose restrictive zoning requirements on the region's property owners to limit development and/or to force it into directions agreeable to those who guide the management of the NHA."

Let me review. Members may be concerned that H.R. 1483 would, one, increase Federal funding by 50 percent from $10 million to $15 million per national heritage area, an amount neither requested nor reviewed in hearings, with total additional Federal spending of $135 million.

Two, it would expand the boundaries of 3 existing national heritage areas and, in addition, it would create 6 new national heritage areas, including the Journey Through Hallowed Ground, at a total initial authorization of $90 million.

It would reauthorize, increase and extend Federal funding for 9 existing national heritage areas through 2012 at an additional cost of $45 million.

All of our Nation's founders knew of the intimate connection between personal liberty, taxpayers' interests and property rights. H.R. 1483 tramples over, rather than honors, these hallowed principles.

Mr. RAHALL. Mr. Speaker, may I ask how much time is left on both sides.

The SPEAKER pro tempore. The gentleman from West Virginia has 17½ minutes, and the gentleman from Utah has 8 minutes.

Mr. RAHALL. Mr. Speaker, I am honored to yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER) who has been very instrumental in crafting this legislation.

Mr. OLVER. I thank the gentleman from West Virginia for yielding time and for his dedicated leadership of the Resources Committee.

Mr. Speaker, I rise in strong support of H.R. 1483, but I will address my specific comments to subtitle D of title II which authorizes the Freedom's Way National Heritage Area.

New England provided four of our original 13 States and has been long associated with our Nation's formative years, our major social and intellectual movements and, of course, great natural beauty. The area that comprises the proposed Freedom's Way National Heritage Area, which is included in this bill, has provided the backdrop for many other events and movements that shaped America.

Freedom's Way includes 37 communities in Massachusetts and 8 in New Hampshire that are historically rich. Freedom's Way chronicles and celebrates the Revolutionary War stories of Lexington and Concord. Additionally, the free religious expression and social movements of the Shakers and Transcendentalists had their roots in the region. The area also hosted the social justice and the social criticism development found in the writings of Emerson, Hawthorne, Alcott, Fuller and Thoreau. And finally, the movements for the abolition of slavery, women's rights and environmental conservation all have roots within the boundary of Freedom's Way.

The proposed initiative embodies the National Park Service's criteria for national heritage areas. It will conserve historic, cultural, scenic and natural resources for the benefit of current and future generations. The idea has received widespread support from local residents and has the support from every Member of the House whose district includes a portion of the proposed area.

With this designation, the communities included will benefit from better resources to create a cohesive learning experience, using the natural setting and historical and cultural artifacts to tell the story of American democracy.

I urge all my colleagues to support H.R. 1483.

Mr. BISHOP of Utah. Mr. Speaker, I submit for the RECORD a letter signed by 110 organizations interested in property rights who are opposed to this particular bill, including such groups as the Taxpayers Union, a supervisor in the affected area, Property Rights Foundation of America, Family Research Council and a mayor in my district.

### Coalition Letter Detailing Risks of National Heritage Area Designation

The following letter—signed by a diverse group of more than 110 organizations, elected officials and citizens—was delivered on September 4 to Senate Majority Leader Harry Reid, Senate Minority Leader Mitch McConnell, House Speaker Nancy Pelosi, House Minority Leader John Boehner, Senate Energy and Natural Resources Committee Chairman Jeff Bingaman, Senate Energy and Natural Resources Committee Ranking Member Pete V. Domenici, House Committee on Natural Resources Committee Chairman Nick Rahall, House Committee on Natural Resources Ranking Member Don Young as well as all the members of the House and Senate Natural Resources Committees.

DEAR [ELECTED OFFICIAL]: The U.S. Supreme Court ruling in Kelo v. City of New London ignited a national outcry against government abuse of property rights. The "bridge to nowhere" and other wasteful programs triggered angry protests against the practice of earmarking National heritage areas are the Kelo decision and earmarks rolled into one.

National heritage areas are preservation zones where land use and property rights can be restricted. They give the National Park Service and preservation interest groups (many with histories of hostility toward property rights) substantial influence by giving them the authority to create land use "management plans" and then the authority to disburse federal money to local governments to promote their plans.

As a March 2004 General Accountability Office report on heritage areas states: "[National heritage areas] encourage local governments to implement land use policies that are consistent with the heritage areas' plans, which may allow the heritage areas to indirectly influence zoning and land use planning in ways that could restrict owners' use of their property."

The proposed "Journey Through Hallowed Ground National Heritage Area Act" provides a good case study on how heritage areas can be self-perpetuating federal pork and influence projects. The chief lobbying organization for this heritage area, the Journey Through Hallowed Ground Partnership, received a one million-dollar earmark in the 2005 federal transportation bill at the behest of Members of Congress sponsoring legislation to establish this heritage area—an earmark that was granted before the organization was even incorporated. A million-dollar earmark thus was issued to help create a steady stream of future pork, at the expense of the rights of local landowners.

We believe zoning and land use policies are best left to local officials, who are directly accountable to the citizens they represent. National heritage areas corrupt the principle of representative government and this inherently local function by giving unelected, unaccountable special interests the authority to develop land management plans and federal money with which to finance their efforts.

Once established, National heritage areas become permanent units of the National Park Service, and as such, permanent drains on an agency that currently suffers a multi-billion-dollar maintenance crisis. According to the GAG, "sunset provisions have not been effective in limiting federal funding [for National Heritage Areas]: since 1984, five areas that reached their sunset dates received funding reauthorization from the Congress."

Supporters of new heritage areas have the public will precisely backward: Americans want stronger property rights protections and less pork-barrel spending—not more earmarks to programs that harm property rights.

Please do not support the creation of additional national heritage areas or federal funding for heritage area management entities, support groups, or groups that lobby for or advocate the creation of new heritage areas.

Sincerely,

David Ridenour, Vice President, National Center for Public Policy Research; J. William Lauderback, Executive Vice President, The American Conservative Union; John Berthoud, President, National Taxpayers Union; Paul Poister, Executive Director, Partnership for the West; Larry Pratt, Executive Director, Gun Owners of America; William Niemeyer, Mayor, City of West Alton, MO; Ryan Ellis, Executive Director, American Shareholders Association; Peter Flaherty, President, National Legal and Policy Center; Steve Snow, Supervisor, Loudoun County, VA; Carol W. LaGrasse, President, Property Rights Foundation of America; Paul M. Weyrich, National Chairman, Coalitions for America; Tom McClusky, Vice President of Government Affairs, Family Research Council; Jay Lehr, Science Director, The Heartland Institute; Jim Martin, President, 60 Plus Association; Bill Moshofsky, Vice President, Oregonians In Action; Niger Innis, National Spokesman, Congress of Racial Equality; Gregory Cohen, President and CEO, American Highway Users Alliance.

Richard Falknor, Executive Vice President, Maryland Taxpayers Association, Inc.; Linda C. Runbeck, President, American Property Coalition; Thomas K. Remington, Managing Editor, U.S. Hunting Today; Fred L. Smith, President, Competitive Enterprise Institute; Matt Kibbe, President, Freedom Works; Mychal Massie, Advisory Council Chairman, Project 21; Steve Baldwin, Executive Director, Council for National Policy Action, Inc.; Caren Cowen, Executive Director, New Mexico Cattle Growers' Association; Randy T. Simmons, Mayor, Providence City, UT, Professor, Utah State University; Donald E. Wildmon, Founder and Chairman, American Family Association; Leroy Watson, Legislative Director, National Grange; Kelsey Zahourek, Executive Director, Property Rights Alliance; Roy Cordato, Ph.D., VP for Research and Resident Scholar, John Locke Foundation; Tom DeWeese, President, American Policy Center; Rachel Thomas, Property Rights Advocate, Huachuca City, AZ; Rose Ellen Ray, Treasurer, Citizens for Property Rights Loudoun County, VA.

Paul Driessen, Senior Policy Advisor, Center for the Defense of Free Enterprise; Maxine Korman, Korman Ranch, Hinsdale, Montana; Gerald Hobbs, President, Public Lands for the People; John Grigsby, Vice President, Taxpayers for Accountable Government; Don Parmeter, Executive Director, American Property Coalition; Leo Schwartz, Chairman, Virginia Land Rights Coalition; Pat King, Anvil Ranch, Tucson, AZ; Tom Borelli, Ph.D., Portfolio Manager, Free Enterprise Action Fund; John and Connie Morris, Members, Tongue River Watershed Alliance, and MT and WY Farm Bureaus; Brad VanDyke, Representative, Rural Utahns for Local Solutions; Jerry Hamilton, Environmental Coordinator, Formation Capital Corporation; F. Patricia Callahan, President and General Counsel, American Assoc. of Small Property Owners; Lew Uhler, President, National Tax Limitation Committee; Jon Caldara, President, Independence Institute; Dan Byfield, President, American Land Foundation; John Taylor, President, Tertium Quids.

Susan Carlson, Chairman and CEO, American Civil Rights Union; Gary Palmer, President, Alabama Policy Institute; Lenore Hardy Barrett, State Representative, Idaho; Jonathan DuHamel, President, People for the West-Tucson; Jack and Patricia Shockey, President and Director, Citizens for Property Rights; Fred Grau, Executive Director, Take Back Pennsylvania; Mike Dail, Chairman, American Land Foundation; Chuck Cushman, President, American Land Rights Association; James Stergios, Executive Director, Pioneer Institute; Deneen Borelli, Fellow, Project 21; Marilyn Hayman, Chairman, Citizens for Responsible Zoning and Landowner Rights; C.J. Hadley, Publisher/Editor, Range Magazine; Elizabeth Arnold, Grassroots Consultant, Environmental Community Outreach Services, Juneau, AK; Greg Blankenship, President, Illinois Policy Institute; Bill Wilson, President, Americans for Limited Government; Jane Hogan, Secretary, Ontario Hardwood Company, Inc.

Katherine Lehman, President, People for the USA Grange #835; Howard Hutchinson, Executive Director, Coalition of Arizona/New Mexico Counties; C. Preston Noell III, President, Tradition, Family, Property, Inc.; Dr. William Greene, President, RightMarch.com; Leo T. Bergeron, President, Upper Mid-Klamath Watershed Council; Eugene Delgaudio, President, Public Advocate of the U.S., Inc.; Leri M. Thomas, Ph.D., Charter Member, Virginians for Property Rights; John McClaughry, President, Ethan Allen Institute; Richard O. Rowland, President, Grassroot Institute of Hawaii; James W. Jarrell, Sr., Board Member, Virginia Bear Hunters Association; Erich Veyhl, Publisher, Maine Property Rights News; Dane vonBreichenruchardt, President, U.S. Bill of Rights Foundation; Mark Williamson, Founder and President, Federal Intercessors, New Mexico Federal Lands Council, New Mexico Wool Growers, Inc.; Beth Machens, Board of Aldermen, City of West Alton, MO .

Janet M. Neustadt, Board of Aldermen, City of West Alton, MO; William J. Richter, Board of Aldermen, City of West Alton, MO; Deborah Anderson, Treasurer, City of West Alton, MO; Susan Silk, City Clerk, City of West Alton, MO; Charlotte Meyers, Assistant Administrator, City of West Alton, MO; Ora B. Anderson, Jr., Planning and Zoning Commission, City of West Alton, MO; Ray Ponciroli, Board of Aldermen, City of Portage, MO; Army Ridenour, Director, Americans for the Preservation of Liberty; Bruce Colbert, Executive Director, Property Owners Association of Riverside County, CA; Randall and Ruth Lillard, Farmers and Landowners, Madison County, VA; Joyce Morrison, Farmer and Agricultural Environmentalist, Fieldon, IL; Donald Castellucci, Jr., Councilman, Town of Owego, Tioga County, NY; Milari Madison, Property Owner, Loudoun County, VA; Robert L. Sansom, Farmer and Landowner, Madison County, VA; Mary E. Darling, Sonoita, AZ.

James Vadnais, Port Angeles, WA; Floyd Rathbun, Fallon, Nevada; Steven and Peggy Breen, Boise, Idaho; Peggy Bogart, Access Advocate; Dan Goulet, Portland, OR; Susan Freis Falknor, Bluemont, VA; Harold L. Stephens, Member, Citizens to Protect the Confluence; Jerry Fennell, Chairman, Jicarilla Mining District; Bonner R. Cohen, Ph.D., Senior Fellow, National Center for Public Policy Research; Judy Keeler, Secretary, Bootheel Heritage Assoc. (Animas, NM); Alexandra H. Mulkern, Mechanicsville, MD; Lee Riddle, Brookings, OR; Stephen L. Ralston, Columbia, PA; Mark Pollot, Boise, ID; Billy Jean Redemeyer-Roney; D.J. McCarthy, Civil Engineer; Clifton McDonald, Needles, CA; Kirk and Jeri Hansen, Clayton, ID; Suzanne Volpe, Sterling, VA.

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, with the development of such strong bipartisan legislation of this nature, it obviously takes a lot of work by Members' staffs on both sides of the aisle and by members of the originating committee, our Committee on Natural Resources, as well.

I yield 3 minutes to the distinguished gentleman from Arizona, Mr. RAUL GRIJALVA, one of those gentlemen that has taken the reins of leadership this year as chairman of our Parks Subcommittee and done a tremendous job.

Mr. GRIJALVA. Let me thank the chairman for the time.

Mr. Speaker, I am pleased to be here to support H.R. 1483 as chairman of the subcommittee, but also supporting the larger heritage area bill. One section in particular that applies to my community is the designation of a new heritage area in the Santa Cruz Valley of Arizona.

The Santa Cruz Valley has national significance and deserves the recognition that this designation would bring and highlight what is a shared border with Mexico. The Santa Cruz Valley encompasses many diverse cultures and histories. These include native peoples whose heritage dates back 13,000 years, and the descendants of Spanish, Mexican and American territorial settlers who shaped the region, its land, its customs and its traditions from the 1690s to the present date.

For me it's an important designation. I grew up on a ranch, Canoa Ranch, that is located within the Santa Cruz Valley. It's a historic ranch, been designated as such and presently is being renovated to bring and highlight what that ranch life was in the 1800s and 1900s.

The towns and cities of the Santa Cruz Valley support this. The amount of support that this proposal has is truly outstanding. I want to say something not only about the Santa Cruz Valley and its importance, but I think it transcends the discussion that we are having about heritage areas. Heritage areas, through the designation, is also a recognition of a mosaic, a mosaic of history, people, traditions, the environment, a mosaic that shapes this country. Each one is as different and diverse as our Nation. To get to a designation point takes a great deal of work and cooperation among communities and peoples, and that's what we are acknowledging with heritage areas, the work that went into it, the diversity of this great Nation of ours, and the mosaic that makes this Nation of ours as special and privileged as it is in the world.

I would also like to say that we are going to hear things about taking property rights, the cost. A GAO study was commissioned, and many of the organizations which have been submitted for the record as private property rights advocates were solicited to provide specific examples where heritage areas did indeed interfere with, take or prohibit the use of someone's private property. Not one instance came up in that study. I just want to reaffirm that these projects, these heritage areas are cooperative, bipartisan and truly deserving of the designations. I want to thank the chairman for the entire bill.

Mr. BISHOP of Utah. Mr. Speaker, the GAO report that was just referenced, it is one of those unique things, not wishing to actually criticize the Federal Government for what they do, but in the entire report, not one property owner was interviewed, not a single property attorney was interviewed, nor a Realtor, nor appraiser, nor a local zoning official. Simply put, the report neglected to ask those who actually know what the impact of a heritage area has on the property rights and values of their land.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California, Mr. SAM FARR.

Mr. FARR. Thank you, Mr. Chairman, for yielding.

Mr. Speaker, it's a pleasure to rise as a former member of this committee and to congratulate the chairman and the ranking member and the fellow committee members for bringing this bill to the floor. Much of the committee work in the past, I think, was focused a lot on the Federal lands in the West. This bill, interestingly enough, focuses on land mostly east of the Mississippi.

Congressional authorization is essential to sound management of these important places. But this just isn't about land designation; it's about the beauty and heritage of American spirit, our cultural spirit.

As cochair of the House Tourism Caucus, we have learned that we need to increase travel in this country, particularly outreaching to foreign visitors, because the image of the United States around the world is not that good.

However, visitors coming to this country, seeing this beautiful land, and meeting the people in this country, and looking at our history and our beauty of what I think is the best culture in the world, the American spirit, can only be done by showing them places that we have preserved, so that it's just not all sort of sprawled-out urbanism.

These special places need to be protected, because they need the guidance of a good government structure like the Federal Government along and in partnership with State and local government. I want to associate myself with the words of the other speakers that have long been involved in land-use planning and land use, and there has never been an eminent domain or taking of this land.

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In fact, the prices, if they do buy them, are agreed upon by the landowner, and they're agreed upon without having to have any disputes. So I think it's worked very, very well.

America is a beautiful place, but it's beauty is not just in its scenery. It's also in its people and the people's heritage.

I urge my colleagues to authorize the celebration of America's great assets, this bill, the heritage of our people.

Mr. BISHOP of Utah. Mr. Speaker, I would like to yield an additional 2 minutes to the sponsor of this particular bill, the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding, and I want to commend Chairman RAHALL and the staff for their effective working on this.

This is a people's bill because what it does is allows the local communities to develop their heritage legacy. As Mr. WOLF pointed out, the historic corridors, as was pointed out also by Mr. LAHOOD, would bring these things to life. It would bring these battlefields to life to understand what happened there and how important that is to our Nation's heritage as a people, how important it is in the case of Lincoln, as to what his life has meant to all of us.

And it's no encroachment on local control. In fact, it's the epitome of local control, because the decision to make heritage corridors work is up to the people. In our own experience, as I say, we've raised over 250 million private dollars to match something like 8 or 9 million of Federal dollars.

But putting the Federal imprimatur on this gives it a certain status that allows foundations, that allows private individuals to contribute to making these corridors a success.

And as I said earlier, it enhances family values. It enhances property values. It enhances understanding.

I'll never forget going out, to our corridor, where we had a group of students from the inner city as part of a summer work program, cleaning up the right-of-way where we now have the towpath. And these two young students who for the first time in their life, saw a turtle. It was a whole new experience for them. I said to them, Keep your finger out of that turtle's mouth.

But it illustrates how historic corridors are so much a part of everyone's heritage, to understand environmental values, to understand historical values, to understand what has made this Nation great.

And I would urge all of my colleagues to support this legislation. This is a gift to the people of all local communities that have a corridor.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time, as I understand I have the right to close.

Mr. BISHOP of Utah. Do I understand you have no more speakers?

Mr. RAHALL. That's correct. And I reserve the right to close.

Mr. BISHOP of Utah. Then I'm prepared to close as well, if that's okay.

Mr. Speaker, as I said at the very beginning of this particular debate, on this particular bill there are elements of this bill that I fully support and I think are wise, good moves forward. There are some things in there that simply are not.

We have talked a lot and heard a lot about some of the better parts of this bill. However, we're talking about heritage areas. And I'm sorry, in all due respect, a casino as a heritage area for Niagara Falls? Those are some of the stretches that we have in this particular element.

When we had our committee hearing, there were several people that were talking about the need for these new heritage areas. One particular individual who was testifying told of the importance of having this Federal designation, so I tried to zero in on that and ask what it is specifically about this designation that cannot be done by the local levels, by State government, the local entity. Give me one thing that cannot be done that only the Federal Government can do. There was not one element that was given until somebody behind him simply answered that the correct answer is there are 15 million reasons why you have this designation, and each one has a portrait of George Washington on it.

We have all been lobbied on this bill, even though lobbying is not allowed in this bill. We have tried to put amendments and provisions of these parts that would clarify, clarify that lobbying could not be used by this Federal money going to these entities, and yet the chairman's argument against this, well, it would be making it too difficult for heritage areas to then ask for money. Had we not had a closed rule, some commonsense changes as, for example, where the map actually is, should there be lobbying allowed, should there be real protection for private property owners, should we actually define what these are, they would have been allowed to be discussed and at least voted on this particular bill. Unfortunately, the Rules Committee cut out that opportunity, and now we're here with a closed bill.

Many of my colleagues who do not serve on the Resources Committee may not be aware that the Department does not support these bills. On each and every heritage area that we've had recommended to the committee, the Department has asked the committee to defer action until a criteria for heritage areas is established. And I can see why some deferment makes sense. Perhaps we wouldn't be here debating heritage areas that have not yet finished their feasibility studies or had their maps prepared had we listened to that advice.

A lot of good things, but this is still a classic Christmas tree with a lot of bad things that are hidden by the good ones.

I urge my colleagues not to support this omnibus lands bill, this Christmas tree of lands bill, simply because there are too many bad things that need to be fixed before it moves on.

Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, in summation, these are not good times for the ratings of the United States Congress in the public opinion polls. We all know that in this body; yet I think if the American people would see Congress in action this very moment that those poll ratings might very well go up.

We've seen examples on this legislation of Members on both sides of the aisle in a bipartisan, nonpartisan manner, working to preserve what is the best of America. I look at the gentleman from Ohio (Mr. REGULA), I look at the gentleman from Virginia (Mr. WOLF), I look at the gentleman from Illinois (Mr. LAHOOD) on the other side of the aisle, and I look at the many Members on this side of the aisle from different parts of the country, south, north, west, that have joined together in bringing this legislation to the floor today.

Yes, we have respectful disagreements, and I respect the gentleman from Utah's position, but we also have worked very hard in what I think the American people want to see, and that is a nonpartisan effort to solve this country's problems.

Now, if you looked up the word "red herring" in Webster's Dictionary, the definition would be the property rights arguments that the critics of this bill are using against this legislation.

Heritage areas have no regulatory authority. Over 60 million Americans live in heritage areas. The entire State of Tennessee, for example, the entire State of Tennessee is a heritage area. Almost my entire congressional district is a heritage area. There have been no impacts on private property rights, mining, road building, economic development. I believe we've done quite well in each of those areas in my congressional district, most of which is a heritage area.

And the gentleman from Arizona, the subcommittee chairman, Mr. GRIJALVA, brought out very well where we've seen no instances where there have been private property issues, no instances where such problems have occurred.

Now, those that have expressed concern about property provisions in this bill, let me be clear. In the 20 years plus of this program's existence, opponents have not been able to identify one single instance in which someone has been deprived of the use of their property as a result of such designations as we're considering in this bill.

And nevertheless, as the gentleman from Virginia (Mr. WOLF) has quoted, we do, in this legislation, provide extensive property, private property provisions. These private property protections are the same language approved by the Senate, the same language proposed by the administration in heritage area systems bills under consideration in this Congress, and the same language included in heritage areas bills passed by the previous Congress under the other party's control.

The history of this program, as we have seen in repeated debate on the floor and in committee, not to mention the GAO report which has been referenced, has proven that there are simply no legitimate private property issues here. It's time to move on, stop flogging this dead horse and bringing up this red herring.

Now, the gentleman from Utah mentioned our late colleague, the gentleman that was elected to Congress with me, the late Representative Bruce Vento, the former chairman of the Parks Subcommittee. And the gentleman from Utah mentioned that he did not intend for the Federal heritage areas to last longer than 10 years. I'm reasonably sure, however, that our late colleague did not foresee these areas having to contend with close to $90 a barrel oil and the other increase in costs, I might add, that the numerous heritage areas created under Republican Congresses that were all authorized for 15 years. We have provided an increase in authorized funding for heritage areas to ensure that heritage areas have enough funds to get on their feet.

So the issue here is not private property rights. The issue is not gaming in these areas. The issue is not earmarks. I would say to my colleagues, imagine, for example, if Yellowstone National Park did not exist and Members of Congress introduced legislation to provide for such a crown jewel of our national park system. Would that be called an earmark?

The issue is not lobbying by local people, our local legislators. They have a right to try to secure that additional State and local funding necessary to match Federal funding. We provide protections. Federal law prohibits any other lobbying by local groups.

So the issue, as I conclude, Mr. Speaker, is not about earmarking, not about lobbying, not about private property rights; it's about the American people and protection of what is theirs and providing our American people a place in which they can take their families, can spend quality time of life in these times when it's so hard to spend quantity time together, that they spend quality time together. And that's what we're talking about in this legislation. That's what we're talking about in our heritage areas, in America's heritage.

So I conclude by urging my colleagues on both sides of the aisle to continue the nonpartisan, bipartisan spirit that has brought this bill to the floor and pass this legislation by a tremendous margin.

Mr. BRALEY. Mr. Speaker, I rise today in support of H.R. 1483, the Celebrating America's Heritage Act. As an original co-sponsor of this important legislation, I fully support the reauthorization of the National Heritage Areas.

I am especially pleased that this bill authorizes additional funding for Silos and Smokestacks National Heritage Area in Iowa, and also pleased that the bill establishes 6 new Heritage Areas, because they have so much to offer. My District, the 1st District of Iowa, is home to Silos and Smokestacks, 1 of the 37 current federally designated heritage areas in the Nation. Silos and Smokestacks covers 20,000 square miles, and 37 counties in Iowa, and preserves and tells the story of Iowa and American agriculture, both past and present. Silos and Smokestacks also helps convey the global significance of Iowa and American agriculture through partnerships and activities that celebrate and honor the land, people, and communities of the area. Agriculture in Iowa is as crucial as it ever was, but has evolved significantly. Through museums, farms, schools, and historical societies, Silos and Smokestacks takes visitors on a tour through Iowa's rich agricultural history, shows how Iowa farmers have come to be where they are today, and supports the hope for a strong and prosperous agricultural future. I urge all of my colleagues to support our Nation's National Heritage Areas, and to vote in support of this bill today.

Mr. LOBIONDO. Mr. Speaker, I rise today to urge my colleagues to support H.R. 1483, which includes legislation to extend the authorization of the New Jersey Coastal Heritage Trail Route. I would first like to take this opportunity to thank my colleagues in the New Jersey delegation for their continued support of this extension. I would also like to thank Chairman RAHALL, Ranking Member YOUNG and their staff for their support and guidance.

Established by Congress in 1988, the New Jersey Coastal Heritage Trail incorporates the very best of what the great State of New Jersey has to offer to the rest of the Nation. The Trail unifies New Jersey's many scenic points of interest. These points of interest include a wealth of environmental, historic, maritime and recreational sights found along New Jersey's coastline, stretching 300 miles from Perth Amboy in the north, Cape May in the extreme southern tip of the State and Deepwater to the west.

The Trail's area includes 3 National Wildlife Refuges, four tributaries of a Wild and Scenic River system, a Civil War fort and National cemetery, several lighthouses, historic homes, and other sites tied to southern New Jersey's maritime history. Through a network of themes and destinations, the New Jersey Coastal Heritage Trail connects people with places of historic, recreational, environmental and maritime interest.

One exciting aspect of the Trail is its focus on maritime history. There is a rich story to be told about the industries once sustained by the Delaware Bay, such as whaling, shipbuilding, crabbing and the harvesting of oysters. While we often define our Nation's history through military or political milestones, the Trail will serve to remind visitors that maritime-dependent commerce was a major factor in the growth of the United States.

"Eco-tourism" along the Trail has proven to be a huge success. There is an abundant variety of natural habitats and species to be found on the Trail. Whale and dolphin watching have become extremely popular, and bird lovers from throughout the country, and in fact around the world, are realizing what Southern New Jersey residents have known all along: our region is unmatched for observing migratory birds, ospreys and bald eagles.

The Trail has also helped to foster important partnerships between the Federal government and individuals, groups, corporations, State and local governments. Since the Trail began, these partnerships have resulted in additional funding amounting to almost double the investment of the Federal government.

Legislation reauthorizing the Trail was included in S. 203, the National Heritage Areas Act of 2006, which the President signed into law in October of 2006. S. 203 requires a strategic plan for the Trail to be prepared "Not later than 3 years after the date on which funds are made available." Unfortunately, under S. 203, the Trail is only reauthorized through September 30, 2007.

The language pertaining to the Trail included in H.R. 1483 has the support of the entire New Jersey Congressional delegation. It would extend the authorization of the Coastal Heritage Trail Route in New Jersey until September 30, 2011. This would allow for adequate time to complete the required strategic plan, which will explore opportunities to increase participation by private and public interests, as well as organizational options for sustaining the Trail. S. 1039, a bill containing language very similar to the Trail language in H.R. 1483, was introduced in the Senate in March.

Since its inception, the New Jersey Coastal Heritage Trail has not only helped New Jersey residents develop pride, awareness, experience with, and understanding of our coastal resources and their history, it has encouraged visitors to explore this area, bringing with them much needed tourism dollars. The extension of the authorization contained in H.R. 1483 will allow the Trail to continue and flourish. I urge my colleagues in the House to support this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I have several concerns with H.R. 1483. While I may support several subtitles within this bill, changes have been made that harm the positive intent of the legislation.

An unexpected and unrequested increase, from $10 million to $15 million, in the authorization for new Heritage Areas was inserted by the Majority. No hearings have been held to discuss this change and we do not understand why it is warranted. The cost of this bill has ballooned to over $135 million.

I have further reservations because the closed rule does not provide two Members of the House the opportunity to adequately represent their districts. Mr. BARTLETT and Mr. GOODE have expressed concerns that they do not want to be included in these Heritage Areas and would prefer to be removed. I believe a Member has the right to represent his district and decide which Federal designations will be created over his constituents.

The committee has heard concerns that this bill would exacerbate the problem of Heritage Areas and their inability to operate without Federal funds. Heritage Areas are supposed to become self-sufficient: they were designed with that goal and that intent. This simply delivers more money to those heritage areas that have run through their authorization. The National Park Service testified that no National Heritage Area has succeeded in becoming self-sufficient.

We have seen evidence that the National Park Service and some Heritage Areas are violating public law by using Federal funds for lobbying. They go so far as to instruct other groups on how to start new Heritage Areas and further this problem.

In committee we sought to strengthen the private property rights protections. My Democrat colleagues believe this is the cure to a problem that does not exist. I urge them to reconsider and adopt real property protections that allow owners to withdraw from Heritage Area boundaries. This protection has been given to the last twelve Heritage Areas and should not be denied any new Heritage Areas.

Finally, the committee has learned that Heritage Area boundaries may be used to impede the placement of critical energy transmission lines. At a time when the national grid is already heavily taxed and the threat of blackouts loom, we should not build obstacles to providing Americans with reliable energy.

Mr. SHULER. Mr. Speaker, I rise today in support of H.R. 1483, Celebrating America's Act of 2007, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend authorizations of certain natural heritage areas, including the Blue Ridge Natural Heritage Area, and for other purposes.

The mission of the Blue Ridge National Heritage Area is to protect, preserve, interpret, and develop the unique natural, historical, and cultural resources of western North Carolina for the benefit of present and future generations, and in so doing to stimulate improved economic opportunity in the region.

This bill extends authorization of the existing Blue Ridge National Heritage Area, a landscape full of superlatives: The highest mountain, Mount Mitchell; deepest gorge, Linville Gorge; and highest waterfall, Whitewater Falls in the eastern United States; the oldest river in North America, the New River; and the 2 most visited National Park lands in the country, the Blue Ridge Parkway and the Great Smoky Mountains National Park. The region is home to the Eastern Band of the Cherokee Indians who continue to preserve many facets of traditional Cherokee culture.

I am especially pleased that this legislation extends and increases authorization of funds for the Blue Ridge National Heritage Area and others, and I urge my colleagues to vote in favor of this legislation and support enhancing our natural and cultural heritage for future generations.

Mr. BARTON of Texas. Mr. Speaker, I rise today to comment on one aspect of H.R. 1483: the effect of the designation of National Heritage Areas on the development and siting of needed energy infrastructure. Some of these National Heritage Areas fall within National Interest Electric Transmission Corridors that were recently designated by the Department of Energy. Development and siting of new electric transmission was an important part of the Energy Policy Act of 2005, and the designation of National Interest Electric Transmission Corridors is a critical component in getting that new transmission built.

Originally, there was concern that the designation of National Heritage Areas could impede the development of new energy infrastructure, even if that infrastructure were in a National Interest Electric Transmission Corridor. Bipartisan compromise language that has been added to the bill, along with language in the Committee Report accompanying H.R. 1483, makes it clear that the designation of a National Heritage Area should not impede the development of necessary energy infrastructure. Specifically, I understand that compromise language has been added to clarify that nothing in the bill "alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy or water or water-related infrastructure." I believe that this language and the accompanying report language makes it clear that a State public utility commission or the Federal Energy Regulatory Commission should not consider the fact that an area is a National Heritage Area as a basis to deny siting of energy infrastructure.

I commend the bill's authors for including this important clarification.

Mr. MARKEY. Mr. Speaker, I rise today in strong support of H.R. 1483, the "Celebrating America's Heritage Act," which would, in part, designate the Freedom's Way National Heritage Area in Massachusetts and New Hampshire. The Freedom's Way National Heritage

Area would recognize the important historical contributions made by communities throughout New England to the historic events of the American Revolution.

This new heritage area would include the communities of Arlington, Lexington, Lincoln, Malden, Medford, and Woburn in my district along with 39 other communities throughout Massachusetts and New Hampshire that played a role in the birth of our Nation.

H.R. 1483 would allow for cooperation between the communities in the heritage area and the National Park Service to conserve these special places and develop increased recreational and educational opportunities for these tremendous resources.

I am proud to support the creation of this important new National Heritage Area, which will help preserve the unique history of New England. Sometimes we forget that the small towns and cities where we were born and live are also the birthplace of this great Nation. The Freedom's Way National Heritage Area designation will ensure that future generations will be able to visit, tour and learn about the communities in New England that shaped our young Nation.

This heritage area designation will allow for the commemoration of the important role that these New England communities played in shaping our Nation and I urge passage of the bill.

Mr. LOEBSACK. Mr. Speaker, I rise today in strong support of H.R. 1483, Celebrating America's Heritage Act. I thank Congressman REGULA, Chairman RAHALL, and their staff for their hard work on bringing this deserving and important legislation to the floor for full consideration. This bi-partisan legislation will authorize additional funding to existing National Heritage Areas, ensure adequate management of these areas, and establish 6 new Heritage Areas which enjoy broad community support.

The National Heritage Area program is unique in that it involves whole communities in public/private partnerships to recognize, and appreciate our Nation's shared history for generations to come. I'm so pleased that both sides of the aisle support the goals of the National Heritage Area program. President Herbert Hoover said, "Honor is not the exclusive property of any political party." This bill proves that honoring our past is also not the exclusive property of any political party.

President Hoover, a native Iowan, was born in West Branch, Iowa on August 10, 1874. Thanks in part to the Silos and Smokestacks, or America's Agricultural Heritage Partnership program, President Hoover's birthplace, and other similar historic sites are preserved and included in the 37 county, 20,000 square mile region of Iowa which showcases over 100 farms, agribusiness and heritage sites to a world wide audience.

The Silos and Smokestacks program boasts over $1.2 million in Federal grants awarded with a match from our local Iowa communities of $8.3 million. Of these grants, 27 were awarded to schools allowing 1,619 students to learn about Iowa's heritage.

With the increased funding authorized in this legislation for the existing National Heritage Areas, over 300,000 students in the Silos and Smokestacks area will have a chance to learn about Iowa's agricultural history and heritage. I urge my colleagues to support this culturally important legislation.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 765, the previous question is ordered on the bill, as amended. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of Utah. Yes, in it's current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of Utah moves to recommit the bill, H.R. 1483, to the Committee on Natural Resources with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, add the following new title:

### TITLE VI—APPLICATION OF CERTAIN LAWS

#### SEC. 6001. APPLICATION OF CERTAIN STATE AND LOCAL LAWS.

All designated and future designated lands within any natural heritage area for which funding is provided under this Act shall be exclusively governed by relevant State and local laws regarding hunting, fishing, and the possession or use of a weapon, trap, or net.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah is recognized for 5 minutes in support of his motion to recommit.

□ 1130

Mr. BISHOP of Utah. Thank you, Mr. Speaker.

This particular motion to recommit ensures that the rights of State and local governments within heritage area designations will be able to regulate hunting and that it will be unharmed by this legislation.

This bill currently provides that heritage area designations shall not diminish the right of States to regulate hunting, but it is silent on the issue including the right to carry firearms.

The motion to recommit also clarifies that laws regarding fishing and possession or use of a weapon or trap shall be governed exclusively by States and localities.

The second amendment is a critical right. We want to protect our constituents against consequences of this legislation that could harm that right.

National parks have regulations that limit hunting and the right to carry or possess firearms even in States and localities where it is legally permitted. The text you see to my left is title 36 for the National Park Service Department, and this is the language that would prohibit in heritage areas those rights that even are currently allowed by State and local legislation.

These regulations harm wildlife and the environment because even local wildlife management officials are impeded in their work.

Before any attempt is made to restrict the rights of gun owners and second amendment defenders, this motion to recommit protects their legal existing rights now and in the future. It is important that it be said and be said clearly.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I rise maybe not necessarily in opposition to the motion but, nevertheless, to claim time to speak.

The SPEAKER pro tempore. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. Mr. Speaker, this is an issue, as is typical of a minority of the minority, that has not been mentioned one iota in any of today's debate, in any of the committee debate developed on a bipartisan, nonpartisan nature in bringing this bill to the floor, not in any way brought up in any of the extensive hearings held by our subcommittee chairman, Mr. GRIJALVA, and is brought up at this last second out of the clear blue, which, again, I say should not be surprising because it is typical of a minority of the minority to make such efforts.

But I would ask the gentleman from Utah, is he referring to all Federal lands? Because as I am sure he knows, the heritage areas are not part of the national park system, the chart that he just brought forward, nor are they under the jurisdiction of the National Park Service. The heritage areas are part of a collaborative effort between Federal and State and local people with local governing units with matching dollars, not all Federal dollars, as I am sure the gentleman knows.

So I ask that question. Are you intending this language for all Federal lands?

Mr. BISHOP of Utah. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Utah.

Mr. BISHOP of Utah. As I am sure the distinguished gentleman from West Virginia knows, each and every one of the divisions within the Department of the Interior has different sets of rules and regulations. BIA land would not be a problem. A national park designation would be. So any of these heritage areas that were under the direction of the National Park Service, and there are some within this new bill, would fall under title 36. That's why this legislation desperately needs to be there, the same amendment that we actually did present at another time in one of our committees.

So, yes, it's still significant. It's still important. It needs to be there to clarify specifically. If the intent is not to change what has been happening by the locals, this clearly sets in all these areas what has been local will continue and State and local regulations will have precedence.

Mr. RAHALL. I am not sure we are talking about the same definitions here.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 344, nays 71, not voting 17, as follows:

[Roll No. 995]

YEAS—344

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Inglis (SC)
Inslee
Israel
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watson
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (FL)
Waters
Watt
Waxman
Welch (VT)
Wexler
Woolsey

NAYS—71

Abercrombie
Andrews
Becerra
Berman
Blumenauer
Brown, Corrine
Butterfield
Capuano
Castor
Clarke
Clay
Cleaver
Conyers
Crowley
Davis (IL)
Delahunt
Ellison
Engel
Farr
Frank (MA)
Gonzalez
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Kaptur
Klein (FL)
Kucinich
Langevin
Lee
Lewis (GA)
Lowey
Matsui
McCollum (MN)
McDermott
McGovern
Miller, George
Moran (VA)
Olver
Price (NC)
Rangel
Richardson
Roybal-Allard
Rush
Sánchez, Linda T.
Schakowsky
Serrano
Sherman
Slaughter
Solis
Stark
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Velázquez
Wasserman Schultz

NOT VOTING—17

Bilbray
Carson
Cooper
Culberson
Davis (CA)
Hunter
Issa
Jindal
Johnson, E. B.
Lewis (CA)
Marchant
Reyes
Shea-Porter
Walberg
Wilson (OH)
Wynn
Young (AK)

□ 1200

Messrs. DAVIS of Illinois, CONYERS, CROWLEY, BECERRA, HOLT, RUSH, FARR, INSLEE and CLEAVER, and Ms. HIRONO, Ms. WATERS, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Ms. KAPTUR, Ms. SLAUGHTER, Mrs. TAUSCHER and Ms. WOOLSEY changed their vote from "yea" to "nay."

Messrs. BOEHNER, HARE, NADLER, PITTS, PASTOR, RYAN of Ohio, RUPPERSBERGER, LYNCH, GENE GREEN of Texas, INSLEE, AL GREEN of Texas, HINOJOSA, ISRAEL, and Ms. DEGETTE and Ms. SCHWARTZ changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. WALBERG. Mr. Speaker, I missed the vote on rollcall No. 995 because I was visiting wounded warriors at Walter Reed. As an avid outdoorsman, and conservationist I supported the Motion to Recommit to H.R. 1483.

Had I been present, I would have voted "yea."

Mr. RAHALL. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 1483 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of the bill, add the following new title:

### TITLE VI—APPLICATION OF CERTAIN LAWS

### SEC. 6001. APPLICATION OF CERTAIN STATE AND LOCAL LAWS.

All designated and future designated lands within any natural heritage area for which funding is provided under this Act shall be exclusively governed by relevant State and local laws regarding hunting, fishing, and the possession or use of a weapon, trap, or net.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BISHOP of Utah. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 291, noes 122, not voting 19, as follows:

[Roll No. 996]

AYES—291

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Roskam
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
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Akin
Bachmann
Baker
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Weldon (FL)
Westmoreland
Whitfield
Young (FL)

NOT VOTING—19

Bilbray
Carson
Cooper
Culberson
Davis (CA)
Gingrey
Hunter
Issa
Jindal
Johnson, E. B.
Lewis (CA)
Marchant
Reyes
Ross
Shea-Porter
Snyder
Wilson (OH)
Wynn
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes to record their vote.

□ 1208

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## PROVIDING FOR CONSIDERATION OF H.R. 505, NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 764 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 764

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; (2) the amendment printed in the report of the Committee on Rules, if offered by Representative Flake of Arizona or his designee, which shall be in order without intervention of any point of order (except those arising under clause 9 or 10 of rule XXI) or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 505 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. BLUMENAUER). The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington, my good friend, Representative HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 764 provides a structured rule for consideration of H.R. 505, the Native Hawaiian Government Reorganization Act of 2007. The resolution provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The rule makes in order an amendment offered by Representative FLAKE of Arizona. This was the only amendment submitted to the Rules Committee.

Mr. Speaker, I don't intend to speak for long about this legislation other than to express my sincere hope that this body will move forward expeditiously with its passage. Our Nation is greater because of its vast diversity and the living narrative of all those who contribute to it. However, make no mistake, our government has treated a number of cultural communities in a less than favorable manner.

Mr. Speaker, we are not here to debate the particulars of our Nation's dealings with Native Hawaiians. However, it is only right that all indigenous people should have a right to determine how they should interact with our government.

As my good friend from Hawaii, Representative NEIL ABERCROMBIE, mentioned in the Rules Committee, the current system of land tenure for Native Hawaiians is organized under the Office of Hawaiian Affairs. This State agency does not meet the needs of Native Hawaiians in the most effective manner as it is currently arranged. What the community demands and needs is an entity in which the Native Hawaiians can be effectively engaged. Rightfully, this legislation will give Native Hawaiians an opportunity to create such an entity and empower themselves with self-determination.

I do want to make note of my concern that there are some in this body who are seeking to create controversy where none exists. Contrary to what some say today, this bill does not allow gaming on Native Hawaiian lands, nor does it lay the groundwork for gaming. On the contrary, it takes the necessary steps to put Native Hawaiians on the necessary path to control their destiny.

Additionally, similar legislation has passed the House in the 106th Congress and was reported out of the Natural Resources Committee in both the 107th and 109th Congresses. Unfortunately, the measure was never taken any further until today.

Mr. Speaker, this rule provides the appropriate framework for debate on this bipartisan legislation, which is the culmination of many years of negotiation. I have been in this body, and I have seen NEIL ABERCROMBIE, and now MAZIE HIRONO, and before, Patsy Mink, work actively on this particular legislation.

The lack of amendments submitted to the Rules Committee for this legislation is a testament to years of bipartisan collaboration. It is only right that we bring this legislation to the full floor today in this manner.

I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake from Florida (Mr. HASTINGS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

□ 1215

Mr. Speaker, the underlying legislation, offered in good faith by my friend and colleague from Hawaii (Mr. ABERCROMBIE), would create a process, and I want to emphasize "process," because that is what this is, for establishing and recognizing a Native Hawaiian government entity that would be empowered to act on behalf of its members with the State and Federal Government.

However, Mr. Speaker, as the Wall Street Journal noted in 2005, the practical effect of granting this status to self-identified Native Hawaiians would be to allow this new class of American citizens to declare, and I quote again from the Wall Street Journal, "complete legal and territorial independence from the United States and the establishment of a Hawaiian nation-state."

Mr. Speaker, before this statement is dismissed out of hand as a completely unbelievable statement dreamed up by the editorial board of the Wall Street Journal, I should mention that they were not the ones that were making this claim. They were merely reporting on a statement made by the State Office of Hawaiian Affairs, which first acknowledged this fact.

In addition, a recent statement made by the U.S. Civil Rights Commission raised concerns that this legislation, and, again, I quote from the U.S. Civil Rights Commission, "would discriminate on the basis of race or national origin and further subdivide American people into discrete subgroups according to various degrees of privilege."

Despite the best efforts of this legislation's advocates to compare Native Americans with Native American tribes who govern reservations and often live on them, this legislation would make it possible for our next-door neighbors in Hawaii to suddenly coexist under different legal regimes, a clear violation of the 14th amendment of the Constitution's equal protection clause.

Mr. Speaker, because this legislation would grant broad governmental powers to a racially defined group, to include all living descendants. The new Native Hawaiians created by this bill would need no geographic, political or cultural connection to Hawaii, much less a physical connection to a distinct Native Hawaiian community. As the Federal courts have recently explained, this is problematic. Again, I quote the Federal courts: "The history of the indigenous Hawaiians is fundamentally different from that of indigenous groups in federally recognized Indian tribes in the continental United States."

Finally, Mr. Speaker, this legislation raises significant constitutional concerns, which have been raised on other bills this year, namely, H.R. 8345, the Hawaiian Ownership Act of 2007, which the House considered in March of this year. The Hawaiian Township Act initially failed under suspension of the rules because 162 Members of the House recognized, and in 2000, the Supreme Court ruled in Rice v. Cayetano, that the current configuration of Justices would likely strike down the Federal benefits flowing to Native Americans as an unconstitutional racial set-aside, if given the chance.

Mr. Speaker, I believe that there are legitimate constitutional concerns that must be addressed in the underlying Native Hawaiian Government Reorganization Act. I am pleased, Mr. Speaker, that the rule makes in order an amendment to be offered by Mr. FLAKE of Arizona that would attempt to address the constitutional concerns and ensure the underlying legislation complies with the equal protection clause of the 14th amendment of the United States Constitution.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my friend, the distinguished gentlewoman from Hawaii (Ms. HIRONO), who is an original sponsor of this measure.

Ms. HIRONO. Mr. Speaker, I rise in support of the rule. I thank Chairman SLAUGHTER and Vice Chair MCGOVERN for the rule which fairly gives the only amendment to be filed due consideration pursuant to House rules. I disagree with the amendment because it, if adopted, unnecessarily creates confusion where none exists.

The Native Hawaiian Government Reorganization bill is a good one, the result of over 6 years of fine-tuning and negotiations, including significant compromises with the Department of Justice, Department of the Interior, and the Office of Management and Budget to conceive a law that should be approved by all persons concerned with the welfare of Native Hawaiians.

This bill is supported by the Republican Governor of the State of Hawaii, the Hawaii State legislature, the American Bar Association, the National Congress of American Indians, the National Education Association, the NAACP, League of United Latin American Citizens, and dozens of other civil rights, professional associations and unions.

I will enter into the RECORD a list of all supporters of this measure, as well as letters of support from the Governor of the State of Hawaii, Linda Lingle; the American Bar Association; National Congress of American Indians; and the Japanese American Citizens League, and thank them for their wholehearted support.

Mr. Speaker, let me close by quoting a sentence from the letter from the National Congress of American Indians, which is of particular relevance to the proposed amendment to be offered. "To invoke the equal protection or due process clause of the Constitution in

**this context, as some of the legislation's critics attempt to do, is a perversion of what those clauses were intended to do. Those submitting this argument are using the very cornerstones of justice and fairness in our democracy to deny equal protection to one group of indigenous people."**

**Mr. Speaker, I urge this body to adopt the rule so we may get on to the merits of this important legislation that will at long last afford the Native Hawaiian people self-determination and self-governance long given to other indigenous people of the United States but denied to Native Hawaiians.**

### S. 310/H.R. 505: Native Hawaiian Government Reorganization Act—To Express the Policy of the U.S. Regarding the U.S. Relationship With Native Hawaiians and To Provide a Process for the Recognition by the U.S. of the Native Hawaiian Governing Entity

### STANDING TOGETHER FOR JUSTICE

The following groups, entities and individuals from around the islands and across the Nation have pledged their support for Native Hawaiian self-determination through federal legislation extending a process of official recognition to Native Hawaiians as the indigenous people of Hawaii, similar to the existing federal policy available to American Indians and Alaska Natives:

*Hawai'i organizations & entities*

Alu Like, Inc.; Alan M. Arakawa, Mayor, County of Maui; Association of Hawaiian Civic Clubs; Council for Native Hawaiian Advancement; Daughters and Sons of Hawaiian Warriors—Māmakakaua; Hale O Na Ali'i O Hawaii; Hawaii Carpenters Union; Hawaii Government Employees Association (HGEA); Hawaii State AFL-CIO; Hawaii State Legislature; and Hawaii State Teachers' Association.

Hawaiian Homes Commission; Hui Hānai; Hui Kāko'o 'Āina Ho'opulapula; I Mua Group; International Longshore and Warehouse Union (ILWU); Japanese American Citizens League (Honolulu Chapter); Kamehameha Schools; Kamehameha Schools Alumni Association (KSAA); Ko'olaupoko Hawaiian Civic Club; and Kualoa-Heeia Hawaiian Civic Club.

Linda Lingle, Governor, State of Hawaii; Nānakuli Housing Corporation; National Association of Social Workers (Hawaii Chapter); Native Hawaiian Chamber of Commerce; Native Hawaiian Economic Alliance; Office of Hawaiian Affairs; Royal Order of Kamehameha 1; and State Council of Hawaiian Homestead Associations.

*National, regional & international entities*

Affiliated Tribes of Northwest Indians (ATNI)—Established in 1953, ATNI represents and advocates for regional, national and specific Tribal concerns. It is comprised of 54 Northwest Tribal governments from Oregon, Idaho, Washington, southeast Alaska, northern California and western Montana.

Alaska Federation of Natives (AFN)—AFN is the largest statewide Native organization in Alaska. It represents over 200 Alaska Native villages, corporations, and associations. AFN's mission is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community.

American Bar Association (ABA)—The American Bar Association is the largest voluntary professional association in the world. With more than 400,000 members, the ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal system for the public.

Association of Asian Pacific Community Health Organizations (AAPCHO)—AAPCHO is a national association representing community health organizations dedicated to promoting advocacy, collaboration and leadership that improves the health status and access of Asian Americans, Native Hawaiians and Pacific Islanders within the United States, its territories and freely associated states, primarily through member community health clinics.

Governors' Interstate Indian Council (GIIC)—Represents 21 state Indian Affairs agencies and organizations.

Inter Tribal Council of Arizona (ITCA)—Established in 1952, ITCA is comprised of 19 member tribes and provides a united voice for tribal governments located in the State of Arizona.

Japanese American Citizens League (JACL—National)—JACL is the Nation's oldest and largest Asian Pacific American civil rights organization, with over 24,000 members in 23 states.

Leadership Conference on Civil Rights (LCCR)—LCCR consists of more than 180 national organizations, representing persons of color, women, children, labor unions, individuals with disabilities, older Americans, major religious groups, gays and lesbians and civil liberties and human rights groups.

League of United Latin American Citizens (LULAC—National)—With approximately 115,000 members throughout the United States and Puerto Rico, LULAC is the largest and oldest Hispanic organization in the United States.

League of United Latin American Citizens (LULAC—California).

Mexican American Legal Defense and Educational Fund (MALDEF)—MALDEF is the leading nonprofit Latino litigation, advocacy and educational outreach institution in the U.S.

Asian American Justice Center (AAJC)—AAJC, formerly the National Asian Pacific American Legal Consortium, is one of the Nation's leading experts on issues of importance to the Asian American community including: affirmative action, anti-Asian violence prevention/race relations, census, immigrant rights, language access, and voting rights.

National Association for the Advancement of Colored People (NAACP)—The NAACP is the Nation's oldest and largest civil rights organization. Its half-million adult and youth members throughout the United States and the world are the premier advocates for civil rights in their communities while conducting voter mobilization and monitoring equal opportunity in the public and private sectors.

National Association of Social Workers (NASW)—The National Association of Social Workers represents over 150,000 social workers in the U.S.

National Coalition of Asian Pacific Americans (NCAPA)—NCAPA is a coalition of the Nation's leading Asian Pacific American organizations. It represents the interests of the greater APA community and provides a national voice on APA issues.

National Coalition for Asian Pacific American Community Development (National CAPACD)—National CAPACD's mission is to enhance the capacity and ability of community based organizations to conduct community development activities for the Asian and Pacific Islander American communities.

National Congress of American Indians (NCAI)—NCAI is the Nation's oldest and largest American Indian and Alaska Native organization that represents over 250 member tribes.

National Council of La Raza (NCLR)—NCLR is the largest constituency-based national Hispanic organization, serving all Hispanic nationality groups in all regions of the country. NCLR has over 270 formal affiliates who together serve 40 states, Puerto Rico, and the District of Columbia—and a broader network of more than 30,000 groups and individuals nationwide—reaching more than three and a half million Hispanics annually.

National Indian Education Association (NIEA)—Established in 1969, NIEA is the largest national Indian organization of American Indian, Alaska Native and Native Hawaiian educators, administrators, parents and students in the United States, providing a forum to discuss and act upon issues affecting the education of indigenous people.

National Organization of Pacific Islanders in America (NOPIA)—NOPIA is dedicated to ensuring the protection of rights and fair treatment of all Pacific Islander Americans through legislative and policy initiatives at all levels of government.

Organization of Chinese Americans (OCA)—OCA is dedicated to securing the rights of Chinese American and Asian American citizens and permanent residents through legislative and policy initiatives at all levels of the government. OCA aims to embrace the hopes and aspirations of the nearly 2 million citizens and residents of Chinese ancestry in the United States as well as to better the lives of the 10 million Asian Americans across the country.

Tribal Education Departments National Assembly (TEDNA)—A membership organization for the Education Departments of American Indian and Alaska Native Tribes.

United South and Eastern Tribes (USET)—USET is an inter-tribal organization that collectively represents its 24 federally recognized member Tribes at the regional and national level. USET is dedicated to promoting Indian leadership, improving the quality of life for American Indians, and protecting Indian rights and natural resources on tribal lands.

Virginia Indian Tribal Alliance For Life (VITAL)—An independent public organization, established to support Virginia Indian Initiatives by funding lobbyist and bipartisan political campaigns which support the needs of Virginia Indians in education, healthcare and economic development.

Commonwealth of the Northern Mariana Islands Public Lands Authority—Established by the Constitution of the Commonwealth of the Northern Mariana Islands to manage and dispose of the public lands for the benefit of the people of the Commonwealth who are of Northern Marianas descent.

National Federation of Filipino American Associations—Hawaii Pacific Region 12 (NaFFAA—HPR 12)—NaFFAA was established in 1997 to promote the welfare and well-being of all Filipinos and Filipino Americans throughout the U.S., and Region 12 is Hawai'i, Guam and Commonwealth of Northern Mariana Islands.

Individual Supporters: Joe Shirley, President, Navajo Nation.

Introducers of S. 310 on 1/17/07: Senator Daniel K. Akaka and Senator Daniel K. Inouye.

S. 310 Co-Sponsors: Senator Maria Cantwell on 1/17/07, Senator Norm Coleman on 1/17/07, Senator Byron L. Dorgan on 1/17/07, Senator Lisa Murkowski on 1/17/07, Senator

Gordon H. Smith on 1/17/07, Senator Ted Stevens on 1/17/07, and Senator Christopher J. Dodd on 1/17/07.

Introducers of H.R. 505 on 1/17/07: Representative Neil Abercrombie and Representative Mazie Hirono.

H.R. 505 Co-Sponsors: Delegate Madeleine Z. Bordallo on 2/27/07, Delegate Eni Faleomavaega on 2/27/07, and Representative James P. Moran on 2/27/07.

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NATIONAL CONGRESS OF AMERICAN INDIANS,
*Washington, DC, October 22, 2007.*

Re Support H.R. 505—Native Hawaiian Government Reorganization Act of 2007.

DEAR REPRESENTATIVE: I am writing on behalf of the National Congress of American Indians (NCAI), the nation's oldest and largest organization of tribal governments, to express our strong support of H.R. 505, the Native Hawaiian Government Reorganization Act of 2007. As this matter has made its way through Congress, the NCAI member tribes have consistently passed resolutions supporting the Native Hawaiian right to self-determination (attached). NCAI and the tribal nations we represent continue to support Native Hawaiian people in their efforts towards a path to self-determination, and we urge you to do the same by voting in favor of H.R. 505.

H.R. 505 would reaffirm the Native Hawaiian right to self-governance and enable the creation of a process that will lead to self-determination and economic self-sufficiency for Native Hawaiian people. Like all of the nation's indigenous peoples, Native Hawaiians lived on their homelands and governed their own affairs before the first contact with Europeans until the overthrow of the Native Hawaiian government in 1893. Since that time, Native Hawaiians have continued to suffer more than a century of injustice, including neglect and abuse of Native Hawaiian entitlements and civil rights, by the United States.

Like all of the indigenous peoples of the United States, Native Hawaiians deserve the right to determine their own future. The purpose of self-determination is not simply for its own sake. Rather, it is what enables indigenous people to maintain their culture, language, and identity. This is a purpose that all American citizens can support. Congress has consistently supported Native Hawaiian recognition through numerous programs intended to benefit Native Hawaiians along with the other indigenous peoples of the United States. Furthermore, it is a purpose that was recently affirmed by the United Nations in the Declaration on the Rights of Indigenous Peoples, which passed with overwhelming support.

Some critics have misstated the effect of H.R. 505. Let me be clear that this bill, like all legislation impacting tribal governments, concerns U.S. policy toward and relationship with the nation's sovereign, indigenous peoples and is not race-based legislation. The unique legal and political relationship that indigenous Hawaiians have with the United States is like that of all Native Americans and is based on our status as aboriginal people with pre-existing governments with whom the U.S. entered treaties and other agreements. It is this historical, political reality that provides the foundation for the unique relationship that has always existed—and continues to exist today—between the United States and the indigenous people whose homelands fall within the borders of what is now the United States.

The argument that recognition of a Native Hawaiian governing entity would establish a race-based government is antithetical to the very foundation of the United States government's relationship with the indigenous peoples who have inhabited this land from time immemorial—a relationship that has long been recognized by Congress, the federal courts, and the Executive branch. Those making this argument are suggesting that Native Hawaiians should, and indeed must, be treated differently from the other indigenous peoples residing in what is now the United States.

The Native Hawaiian Government Reorganization Act would establish parity for Native Hawaiians with the other indigenous peoples of America. To invoke the equal protection or due process clauses of the Constitution in this context, as some of the legislation's critics attempt to do, is a perversion of what those clauses were intended to do. Those submitting this argument are using the very cornerstones of justice and fairness in our democracy to deny equal treatment to one group of indigenous people.

The Native Hawaiian Government Reorganization Act is consistent with this country's longstanding commitment to preserving the right of indigenous people to continue to exist as peoples. Passage of the bill is a matter of fundamental fairness and will rectify an injustice that has existed for far too long. Its enactment will set Native Hawaiians on the path toward self-determination and self-governance, as is their inherent right. I urge you to support H.R. 505. Please contact myself or Virginia Davis, vdavis@ncai.org or 202–466–7767 with any questions. As always, I thank you for your leadership on this important issue.

Sincerely,

JOE GARCIA,
*President.*

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THE NATIONAL CONGRESS OF AMERICAN INDIANS: RESOLUTION #PHX–03–004

TITLE: SUPPORT FEDERAL LEGISLATION CALLING FOR RECOGNITION OF THE HAWAIIAN NATION AND RETURN OF LAND TO THE HAWAIIAN NATION

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, the federal policy affords all Native Americans and Alaska Natives the right to be self-governing within a defined land base; and

Whereas, there is a need for self-government; and

Whereas, the NCAI at its 56th annual session adopted Resolution #99–042, at its 57th annual session adopted Resolution #00–032 and at it 58th annual session adopted Resolution #SPO–01–087, all of which support the sovereign rights of native Hawaiians and recognizes the need to develop a true government-to-government relationship with the Hawaiian nation; and

Whereas, NCAI also adopted the same resolution that the Hawaiian Nation's goal is federal recognition as a sovereign indigenous nation with inherent rights to self-determination and self-governance.

Now therefore be it resolved, that the NCAI does hereby support federal legislation calling for recognition of the Hawaiian nation, a self-determined entity created by and for native Hawaiians and their descendants in furtherance of a true government-to-government relationship; and

Be it further resolved, that the NCAI further supports the return of land to the Hawaiian Nation; and

Be it further resolved, that this resolution shall be the policy of the NCAI until it is withdrawn or modified by subsequent resolution; and that a copy of this resolution be transmitted to the Hawaii state legislature, the Governor of the state of Hawaii, the Hawaii congressional delegation, the Congress of the United States of America, the Secretary of the Department of the Interior, the Attorney General of the United States, the Secretary of State, the President of the United States and the Trustees of the Office of Hawaiian Affairs; and

Be it finally resolved, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 2003 Mid-Year Session of the National Congress of American Indians, held at the Sheraton Wild Horse Pass Gila River Indian Community, in Phoenix, Arizona on June 18, 2003 with a quorum present.

TEX HALL,
*President.*

Attest: Juana Majel.

Adopted by the General Assembly during the 2003 Mid-Year Session of the National Congress of American Indians, held at the Sheraton Wild Horse Pass Gila River Indian Community, in Phoenix, Arizona on June 18, 2003.

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EXECUTIVE CHAMBERS,
*Honolulu, Hawaii, October 23, 2007.*

Re H.R. 505—Native Hawaiian Government Reorganization Act of 2007.

Hon. NANCY PELOSI,
*Speaker of the House, Canon House Office Building, Washington DC.*
Hon. JOHN A. BOEHNER,
*House Minority Leader, Longworth House Office Building, Washington, DC.*

DEAR SPEAKER PELOSI AND HOUSE MINORITY LEADER BOEHNER: I am writing to you to express my very strong and unqualified support for the Native Hawaiian Government Reorganization Act of 2007, H.R. 505, often referred to as the "Akaka Bill." Enactment of this important bill is just and fair and will help to preserve the language, identity, and culture of Native Hawaiians.

I am very pleased that the bill will likely be considered this week on the House floor, as this bill has the bipartisan support of almost every elected official in Hawaii, the strong support of Hawaii's business community, and most importantly, the strong support of Hawaii's people.

H.R. 505 would afford Native Hawaiians a long overdue measure of justice by providing them with the means to reorganize a formal self-governing entity. That entity would allow them to regain a portion of the self-determination taken from them over a century ago. This country's other native peoples, including American Indians and Alaska Natives, have been allowed to exercise some form of self-governance for decades. Native Hawaiians, therefore, are not asking for "preferential" status, but rather the same treatment all other of America's native peoples have received.

The bill does not create "racial" distinctions, but rather affords participation in the Native Hawaiian Governing Entity to those who are descendants of the indigenous people of the Hawaiian Islands, a criterion Congress has long characterized as being non-racial. Indeed, Congress has already recognized Native Hawaiians to a large degree, by repeatedly singling out Native Hawaiians for special treatment, by acknowledging a "special relationship" with Native Hawaiians, and by stating that "the political status of Native Hawaiians is comparable to that of American Indians." This bill formalizes that status by providing Native Hawaiians with an actual limited self-governing entity.

H.R. 505 is surely constitutional, as the United States Supreme Court has consistently upheld the special status of indigenous peoples and defers to Congress's near plenary authority to decide which native peoples to recognize.

I began this letter by stating my unqualified support for H.R. 505. I conclude by respectfully asking for you to support this important measure as well. I thank you in advance for your consideration of this request.

Sincerely,

LINDA LINGLE,
*Governor.*

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AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
*Washington, DC, October 23, 2007.*

HOUSE OF REPRESENTATIVES,
*Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the American Bar Association, I urge your support for the Native Hawaiian Government Reorganization Act of 2007, H.R. 505, introduced by Representative Neil Abercrombie (D-HI).

The ABA, as the national voice of the legal profession, has a long standing interest in the legal issues concerning America's native and indigenous peoples. Over the past twenty years, our House of Delegates has adopted numerous policies supporting self-determination and self-governance for American Indians and Alaska Natives. In 2006, we adopted policy supporting the right of Native Hawaiians to seek federal recognition of a native governing entity within the United States similar to that which American Indians and Alaska Natives possess under the Constitution.

The ABA supports H.R. 505. It is a conservative measure drafted to provide an ordered process that would lead to renewed self-determination for the Native Hawaiians. The goal is the creation of a political entity within U.S. borders developed by the indigenous Hawaiian people to serve, maintain and support their unique cultural and civic needs, including advocacy on their behalf on the federal and state level.

This would represent a return to self-determination for the Hawaiian people and a renewal of federal support for their unique history. For 1,000 years prior to the overthrow of the Hawaiian monarchy, the people who we now know as the Native Hawaiians lived under an organized political framework governed by the rule of law. This kingdom had a written constitution and was recognized by the U.S. Government as a sovereign nation. Congress ratified treaty agreements with it and recognized its representatives.

In 1893, U.S. agents acting without official sanction orchestrated a coup against this sovereign state and overthrew Hawaii's last queen. Acknowledging this crime and the continuing effect it had on Queen Liliuokalani's subjects, Congress chose to intercede by taking a managerial posture towards the kingdom's assets and accepting a fiduciary duty to the Native Hawaiians and their progeny. This was the beginning of a unique relationship between Congress and the Hawaiian people. In 1993, the destruction of the Hawaiian nation's last government was acknowledged with regret in U.S. law (Public Law 103-150, also known as the Apology Resolution). H.R. 505 would allow the Hawaiian people the right to govern their own destiny by replacing the Congressional mandate with Native Hawaiian governance within the state of Hawaii.

Opponents of this legislation claim that allowing Native Hawaiians the right to self governance would imperil the constitutional rights of non-Native Hawaiians to equal protection under the law. They point to the former Kingdom's wealth and claim that self-determination will create a system of benefits disadvantaging those who are not of Native Hawaiian heritage. However, Native Hawaiians, in seeking rights and privileges that other indigenous people of the United States enjoy under our system of law, are not compromising the rights of others but exercising their own rights to property, to self-determination and to be recognized as an indigenous people by Congress.

The right of Native Hawaiians to use of the property held in trust for them and the right to govern those assets is not in conflict with the Equal Protection Clause since it rests on independent constitutional authority regarding the rights of native nations contained within the text of Articles I and II of the Constitution. The constitutional framers recognized the existence of native nations within the United States that predated our own democracy and created a system for federal recognition of indigenous nations within our then expanding borders. The framers empowered Congress through the Indian Commerce Clause and the Treaty Clause to maintain relations between the U.S. federal government and the governments of these native nations. Our courts have upheld Congress' power to recognize indigenous nations and have specifically recognized that this power includes the power to re-recognize nations whose recognition has been compromised in the historical past. Thus, the Native Hawaiians have the right to be recognized by this body, this right is not in conflict with the rights of others, and this recognition may be renewed despite historical lapses.

I urge you to support the rights of Native Hawaiians to self-determination by voting for H.R. 505 and against any weakening amendments.

Sincerely,

DENISE A. CARDMAN,
*Acting Director.*

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to my friend, the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in support of this act. Having great familiarity with the peoples of the Hawaiian Islands and with Native Hawaiians, I understand their concerns that we should have codified a stronger statement of what their rights are as indigenous peoples.

This is really about making sure that language and culture and history are preserved. It also is consistent with the law which created the admission of Hawaii to this Union. I think the date, Mr. ABERCROMBIE could correct me if I am wrong, it was August 21, 1959. That was an important date for this Nation, because it is a day that we embraced not only Hawaii but Alaska. It was a day that we embraced the potential of this country to extend its reach and embrace peoples of many different cultures.

This act is an act that needs to be passed so that we can keep unfolding the real purpose and quality of America.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time,

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 6 minutes to the distinguished gentleman from Hawaii (Mr. ABERCROMBIE), the sponsor who has labored with this legislation actively in several Congresses, who is from the Committee on Natural Resources, and the author of this bill.

Mr. ABERCROMBIE. Mr. Speaker, inasmuch as this is a discussion on the rule and not necessarily on the bill itself, I would like to confine my remarks, at least in this initial phase of dealing with the issue, on some of the points raised by my good friend and colleague Mr. HASTINGS. I am appreciative of the points that he raised, because I think they are in need of not so much refutation but perhaps clarification.

It is easy to understand why those who are not necessarily familiar, and I am not speaking about Mr. HASTINGS personally, I am talking about the references that he cited in his commentary, it is easy to understand why people who are not familiar with a little bit of the history of Hawaii could come to some of the conclusions or make some of the observations that they have. Absent the context within which this bill is coming forward, it is understandable. That context then is what I want to establish, so that it becomes clear.

I certainly don't want to get in an argument with the editorial board of the Wall Street Journal either, and they are making some quotations there about complete territorial independence.

Well, I think what is being referred to there, and what the likelihood of the reference is, is that there was in fact not territorial in the sense of annexation of territory, like the Philippines or Hawaii or Puerto Rico or that kind of thing that occurred during the kind of "imperial phase" of the United

States, but there was in fact territorial independence, because Hawaii was a kingdom. It is one of the things that kind of gets lost in the shuffle, and that is one of the reasons we are here today, Mr. Speaker.

The United States of America has in fact had, over a 175-year period leading up to the overthrow of the kingdom in 1893, a series of treaties and conventions; 1826, 1842, 1849, 1875, 1887, dealing with commerce, dealing with trade, dealing with various recognitions. The Kingdom of Hawaii had treaties and conventions with other nations, as well as the United States.

So as a result of that history, we have a succession of land claims and assets that have come from the time of the kingdom to the shotgun republic that occurred after the overthrow of the kingdom and the annexation of the United States into the territory, and into finally becoming a State, as was indicated, in 1959. We are in fact the last State to enter the Union, along with Alaska in 1959.

I bring this up simply to point out that far from subdividing the American people, as was cited by my good friend, quite the contrary; it incorporates the politics as well as the historical reality of this land secession and the assets associated with it, because this land generates income.

Basically what this is about, Mr. Speaker, is land and other assets, including money, and who controls it. When this land came in, it wasn't worth anything. The Wall Street Journal did not comment, I am certain, on the ceded lands. They are called "ceded lands" because they were ceded from the kingdom to the succeeding governmental entities. They could care less, the Wall Street Journal, about these lands when they were worth nothing, when they were not seen to be able to be marketed.

But let me explain now, and I ask my good friend as I look at him now with a smile on my face, we are talking about land in Hawaii? You are talking big bucks. You are talking money here. That is what this is about is land and money and who controls it. And this land has, from the time of the kingdom, resided with the Native Hawaiians. That is who is to be the beneficiary.

That takes me to the point, Mr. Speaker, of the entry into the Union. The Admissions Act requires us, requires us, the Admissions Act of 1959 requires us to utilize those lands and assets for the benefit of Native Hawaiians. That is in the Admissions Act.

☐ 1230

We are not here on the floor today because we didn't have anything better to do in Hawaii than to try to bring this to the Federal Government. On the contrary, the Admissions Act requires us to make certain that these lands are utilized for the benefit of Native Hawaiians. The reason we have the bill here is that in order to accomplish that, we need to get a governing entity that can come to the Department of the Interior for approval in order to be able to conduct the affairs, similarly to, parallel to what now happens with Native Americans in the so-called lower 48 in the mainland of the United States and with various Alaska Natives and corporations and other entities that have been set up in Alaska.

This is a history of indigenous people. They are different from other indigenous people because they were a kingdom, and we would not have the 2 million acres we are talking about had those acres not been associated with an indigenous people. They are not imaginary, they are real.

Finally, let me say with Rice v. Cayetano, Governor Cayetano, the first Filipino American to be elected Governor, that issue was settled on a question of voting procedures and had nothing whatsoever to do with programs for Native Hawaiians.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I appreciate my friend from Hawaii's clarification on this, and I just want to point out a couple of things in my opening remarks.

I emphasized that this is a process which I think acknowledges the fact that there is a history that goes back to when Hawaii was a kingdom, and so I acknowledge that point. But I simply raise those issues because those issues I think are important when we talk about the United States as a whole, as a government under laws and everybody being treated equal, and these are questions that I think need to be addressed.

I appreciate very, very much my friend's clarification on this. The point that this is a process and the point that there is some lineage going back from a State to a territory to a kingdom probably has some viability to it.

But there are always unintended laws when we write national laws that appeal to one State or one set of people. That is what we have to be cautious about. That is why I simply raise these concerns. The issue is before us. We have a rule and we have made in order an amendment that deals with the 14th amendment. I think that is important to be discussed, and I doubt if this issue will be completely decided here today.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. I am the last speaker, and I will reserve my time until the gentleman closes.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to have Speaker PELOSI, in consultation with Republican Leader BOEHNER, immediately appoint conferees to H.R. 2642, the Military Construction and Veterans Affairs Appropriations Act for 2008.

Two days ago a number of news publications, including Roll Call, reported that the Democrat leadership intends to play political games and hold off on sending any appropriations bills to President Bush so that they can use an upcoming anticipated veto of the Labor-HHS appropriations bill to serve as "an extension of their successful public relations campaign on the State Children's Health Insurance Program." Roll Call is the one that made that observation on October 22, 2007.

While the House Democrat leadership plays politics on this issue, however, our Nation's veterans are paying the price. The Senate has already done its work and appointed conferees for this bill. And for every day that House Democrats allow the veterans funding bill to languish without conferees for their only political advantage, our Nation's veterans lose $18.5 million, money that could be used for veterans housing, veterans health care, and other important veterans support activities.

On October 18, American Legion National Commander Marty Conaster, five national vice commanders and all 55 Legion national executive committee members sent Speaker PELOSI a letter pleading with her to put partisanship aside and provide this funding for the troops.

Mr. Speaker, I include a copy of the letter for the CONGRESSIONAL RECORD.

THE AMERICAN LEGION,
*Indianapolis, IN, October 18, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR SPEAKER PELOSI: Today ends the Fall meeting of The American Legion's National Executive Committee, at The American Legion's National Headquarters in Indianapolis, Indiana. The National Executive Committee consists of an elected leader from each of The American Legion's 55 Departments (50 States, the District of Columbia and four foreign countries). In accordance with The American Legion's National Constitution and By-laws, the National Executive Committee serves as The American Legion's governing body.

The National Commander Marty Conatser briefed The National Executive Committee on an array of issues to include the status of the VA budget for FY 2008. The fiscal activities of the 110th Congress—the FY 2007 Continuing Resolution, the Budget Resolution for FY 2008, and the passage of the Military Construction, Veterans' Affairs and Related Agencies Appropriations for FY 2008 were reviewed.

However, in trying to grasp why such a bipartisan bill, which passed overwhelmingly in both chambers, still hasn't moved in over a month is rather difficult, especially since the President has already said he would not veto the bill, even though it exceeds his recommendations. Understanding why the appropriations process has come to a complete halt is difficult. What is preventing the appointment of conferees, the Conference Committee, or passage of a Conference Report?

We are now in the new fiscal year with no idea when the Mil Con-VA appropriations will be passed. If history repeats itself, this standoff may last well into the second quarter of the fiscal year. This uncertainty is disturbing to not only The American Legion and other veterans' and military service organizations, but to every veteran who is dependent on VA for timely access to quality health care, earned benefits, and other services provided by a grateful nation.

Madam Speaker, the newest generation of wartime veterans are reporting to VA medical facilities every day as troops are returning from deployments to Iraq and Afghanistan. Some will be determined to be service-connected disabled because of medical conditions incurred or aggravated while on active-duty. Others may very well have invisible scars that need attention as soon as possible. As VA welcomes new patients, the existing patient population cannot be ignored nor should their health care be rationed due to limited available resources. There are veterans dependent on VA as their life-support system.

The American Legion represents 2.6 million wartime veterans, but also speaks for the 24 million veterans of the United States Armed Forces and their families.

Please continue the appropriations process—name conferees, convene the Conference Committee, and pass the Conference Report.

Sincerely,

Marty Conatser, National Commander; Thomas L. Burns, Jr. (DE), National Vice Commander; Randall A. Fisher (KY), National Vice Commander; David A. Korth (WI), National Vice Commander; James L. Van Horn (AK), National Executive Committeeman; Ross Rogers (AK), National Executive Committeeman; Peggy G. Dettori (AK), National Vice Commander; Donald Hayden (MN), National Vice Commander; Floyd W. Turner (AL), National Executive Committeeman; Julius Maklary (AZ), National Executive Committeeman; James W. Hackney (CA), National Executive Committeeman.

Jeff Luginbuel (CO), National Executive Committeeman; John J. Jackson (DE), National Executive Committeeman; Robert J. Proctor (FL), National Executive Committeeman; Ray Hendrix (GA), National Executive Committeeman; Cleve Rice (ID), National Executive Committeeman; W. Darrell Hansel (IN), National Executive Committeeman; David O. Warnken (KS), National Executive Committeeman; Charles D. Aucoin (LA), National Executive Committeeman; Dr. Gordon B. Browning (MD), National Executive Committeeman; Richard W. Anderson (CT), National Executive Committeeman; Paul H. _____, for Walter W. Norris (DC), National Executive Committeeman; William E. Marshall (France), National Executive Committeeman; Andrew W. Johnson (HI), National Executive Committeeman; Kenneth J. Trumbull (IL), National Executive Committeeman; Michael E. Wanser (IA), National Executive Committeeman; Randall Coffman (KY), National Executive Committeeman; Robert A. Owen (ME), National Executive Committeeman; James F. Army (MA), National Executive Committeeman.

John E. Hayes (Mexico), National Executive Committeeman; Virgil V. Persing (MN), National Executive Committeeman; David N. Voyles (MO), National Executive Committeeman; Michael J. Landkamer (NE), National Executive Committeeman; John E. Neylon (NH), National Executive Committeeman; Bruce Jorgensen (NM), National Executive Committeeman; Jerry L. Hedrick (NC), National Executive Committeeman; Carl W. Swisher (OH), National Executive Committeeman; Charles E. Schmidt (OR), National Executive Committeeman; Gerald N. Dennis (MI), National Executive Committeeman; Charles E. Langley (MS), National Executive Committeeman; Bob O. Beals (MT), National Executive Committeeman; Ron Gutzman (NV), National Executive Committeeman; William A. Rakestraw, Jr. (NJ), National Executive Committeeman; Paul Mitras (NY), National Executive Committeeman; Curtis O. Twete (ND), National Executive Committeeman; Bobby J. Longenbaugh (OK), National Executive Committeeman; Alfred Pirolli (PA), National Executive Committeeman.

William J. Kelly (Philippines), National Executive Committeeman; Ernest Gerundio (RI), National Executive Committeeman; Paul A. Evenson (SD), National Executive Committeeman; Ronald G. Cherry (TX), National Executive Committeeman; Leslie V. Howe (VT), National Executive Committeeman; William F. Schrier (WA), National Executive Committeeman; Arthur D. Herbison (WI), National Executive Committeeman; Carlos Orria-Medina (PR), National Executive Committeeman; Billy W. Bell (SC), National Executive Committeeman; Jennings B. Loring (TN), National Executive Committeeman; William E. Christoffersen (UT), National Executive Committeeman; Rob R. Gordon, Jr. (VA), National Executive Committeeman; William W. Kile (WV), National Executive Committeeman; ————, for Irvin A. Quick (WY), National Executive Committeeman.

Mr. Speaker, on that same day, the commander in chief of the Veterans of Foreign Wars, General Lisicki, also urged Speaker PELOSI and the Democrat leadership to put partisanship aside for the benefit of our Nation's veterans and troops. These pleas from the American Legion and the VFW fall on the heels of multiple requests from Republican Members of this House to both Speaker PELOSI and Democrat Majority Leader Senator REID, urging them to end their PR campaign and begin conference work on the Veterans appropriations bill.

Unfortunately, it appears as though all of these commonsense requests have fallen on deaf ears and our Nation's veterans are being forced to pay the price for continued Democrat partisanship and lack of leadership on this issue.

Mr. Speaker, I include for the CONGRESSIONAL RECORD these two letters so everyone watching today's debate across the country can see the efforts that have been made by the Republican Party to end this impasse on the important issue of providing adequate funding for those who have sacrificed so much on behalf of the country.

CONGRESS OF THE UNITED STATES,
*Washington, DC, September 17, 2007.*

OFFICE OF THE SPEAKER,
*U.S. Capitol,*
*Washington, DC.*

MADAM SPEAKER: We write to urge you in the strongest possible terms to reach a prompt agreement on the conference report on the FY2008 Military Construction and Veterans Affairs Appropriations Act (H.R. 2642). Few issues are more important than adequate funding for our Nation's veterans. The leadership in the House cannot allow this critically important funding to fall victim to the usual partisan wrangling which occurs all too often in Washington.

Veterans should not be used as tools for political bargaining and gamesmanship. Both the House and Senate passed the FY08 MilCon-Veterans appropriations with overwhelming majorities because our commitment to veterans rises above partisan squabbling. Tragedies such as the recent revelations at Walter Reed Army Medical Center must never be repeated. The findings of insufficient care at Walter Reed and other facilities should be seen by Congress as a mandate to finish the work and live up to the promises we have made to our veterans.

After decades of flat funding, total VA budget rose from $48 billion in FY 2001 to approximately $70 billion in FY 2006, a 46 percent increase. This year, the House voted to increase funding by $6 billion over FY07, one of the largest in the 77 year history of the Department of Veterans Affairs. Both the Senate and House versions received overwhelming majority support passing by a vote of 409-2 in the House and 92-1 in the Senate.

Earlier in the year, the new Majority agreed they would continue the trend of significant increases in veterans funding begun by the Republican Congress. We ask you to honor that agreement and see that the commitment we made to our veterans is honored.

We must never forget the sacrifice of our veterans. As members of Congress, we have a solemn obligation to fulfill our promises to them. We ask for you to look past the heightened partisanship of our times and unite us on this issue by making it a first priority to quickly bring a stand alone Veterans appropriations bill through conference so the Congress may present the President with a bill by October 1, 2007.

We stand ready to assist you in reaching this goal.

Sincerely,

Stevan Pearce; Steve Buyer; Don Young; Greg Walden; Marilyn N. Musgrave; Ron Lewis; Jim Saxton; ———; Thomas Price; Tim Walberg; Mary Fallin; John Kline; Ginny Brown-Waite; David Obey; Tom Tancredo; John L. Mica; Mark Souder; Louie Gohmert; Rick Renzi; Mario Diaz-Balart; Jean Schmidt; Gus M. Bilirakis; Adrian Smith; Pete Sessions; Paul Ryan; Dana Rohrabacher; Spencer Bachus; K. Michael Conaway; Tom Feeney; J. Randy Forbes; Jon C. Porter; John Shimkus; Jim Gerlach; Mike Ferguson; Mary Bono; Dean Heller; Jeff Miller; Sue Myrick; Geoff Davis; Thelma Drake; Steve King; Jeb Hensarling; Barbara Cubin; Scott Garrett.

CONGRESS OF THE UNITED STATES,
*Washington, DC, October 4, 2007.*
OFFICE OF THE SENATE MAJORITY LEADER,
*U.S. Capitol,*
*Washington, DC.*

DEAR MAJORITY LEADER REID: We write today to ask you to keep the Senate in session the week of October 8, to help pass this years' veterans appropriations. Now that we are already into the new fiscal year, it is imperative that the House and Senate reach a prompt agreement on the conference report on the FY2008 Military Construction and Veterans Affairs Appropriations Act (H.R. 2642).

It is unfortunate the Senate has been unable to act upon many of its Constitutionally mandated appropriations bills. While the House continues to wait upon the Senate to complete its work, we call upon you to quickly move veterans appropriations through conference so a final version of the bill may be passed and presented to the President. We believe that veterans issues rise above the partisan divisions of Washington which is evident by the passage of the FY08 MilCon-Veterans appropriations with overwhelming majorities in both Houses, 501–3 combined.

The Senate cannot allow this critically important funding to continue to fall victim to the usual partisan wrangling which occurs all too often in Washington. If tragedies such as the recent revelations at Walter Reed Army Medical Center are to be diverted in the future, we must pass veterans funding now. From FY 2001 the total VA budget rose from $48 billion to approximately $70 billion in FY 2006, a 46 percent increase. This year, the House voted to increase funding by $6 billion dollars over FY07, one of the largest in the 77 year history of the Department of Veterans Affairs. Because we have asked so much of our brave men and women in uniform during the War on Terror we must uphold our commitment to veterans upon their return home.

Earlier in the year, the new Majority agreed they would continue the trend of significant increases in veterans funding begun by the Republican Congress. We ask you to honor that agreement and see the commitment we made to our veterans is upheld.

We must never forget the sacrifice of our veterans. As members of Congress, we have a solemn obligation to fulfill our promises to them. We ask you to look past the heightened partisanship of our times and unite us on this issue by making it a first priority to bring a stand-alone veterans appropriations bill through conference so the Congress may present the President with a bill no later than October 12, 2007.

Sincerely,

Stevan Pearce; Duncan Hunter; Don Young; Jim Sensenbrenner; Wally Herger; Jim Saxton; John Kline; Geoff Davis; Tom Tancredo; Louie Gohmert; Ginny Brown-Waite; Doug Lamborn; Darrell Issa; John T. Doolittle; Lincoln Diaz-Balart; Jeff Miller; Scott Garrett; Paul Ryan; Adrian Smith; K. Michael Conaway; Michele Bachmann; Tim Welberg; Jean Schmidt; Dan Burton; Phil English; Randy Kuhl; Greg Walden; Jo Ann Davis; Jim Moran; Thomas Price; John R. Carter; Tom Feeney; Phil Gingrey; Vito Fossella; Gary G. Miller; Jim Gerlach; Jeb Hensarling; Pete Sessions; Mark Souder; Randy Neugebauer; John E. Peterson; Trent Franks; Gus M. Bilirakis; Wayne T. Gilchrest; Timothy H. Bishop; Michael T. McCaul; Thelma Drake.

I ask all of my colleagues to vote against the previous question so we can put partisanship aside and move this important legislation forward.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. With that, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, this bill is about the right to live. It is about empowering Native Hawaiians to own their destiny and choose how to manage their livelihood. This bill is not about gaming. In fact, it expressly is prohibited in this bill.

Instead, the bill is about providing an opportunity to effectively reorganize the Native Hawaiian government to better meet the needs of Native Hawaiians.

The underlying legislation enjoys the support of Hawaii's Republican Governor Linda Lingle, the business community in Hawaii, the National Congress of American Indians, the Alaska Federation of Natives, and Hawaii's entire congressional delegation.

Mr. Speaker, the Native Hawaiian Government Reorganization Act has received immense bipartisan support year after year. It is now time that we fulfill the duty of this Congress and serve Native Hawaiians just as they have served and contributed to the vibrant and diverse culture that is America.

I urge a "yes" vote on the rule, the previous question, and on final passage of the bill.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

### AMENDMENT TO H. RES. 764 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution—[and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 218, nays 175, not voting 39, as follows:

[Roll No. 997]

### YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

### NAYS—175

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

### NOT VOTING—39

Barton (TX)
Bilbray
Blackburn
Bono
Buyer
Carson
Cooper
Culberson
Davis (CA)
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Forbes
Garrett (NJ)
Giffords
Hastert
Holt
Hunter
Issa
Jindal
Johnson, E. B.
Kirk
Lamborn
Lewis (CA)
Mack
Mahoney (FL)
McCotter
Payne
Peterson (PA)
Reyes
Ros-Lehtinen
Roskam
Shea-Porter
Smith (NJ)
Wasserman Schultz
Wilson (OH)
Wynn
Young (AK)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1301

Mr. BUCHANAN changed his vote from "yea" to "nay."

Ms. VELÁZQUEZ changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

### RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 179, not voting 36, as follows:

[Roll No. 998]

### AYES—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman

Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NOES—179

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—36

Barton (TX)
Bilbray
Blackburn
Buyer
Carson
Cooper
Culberson
Davis (CA)
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Forbes
Garrett (NJ)
Giffords
Hastert
Hunter
Issa
Jindal
Johnson, E. B.
Kirk
Lewis (CA)
Mahoney (FL)
McCotter
Payne
Peterson (PA)
Reyes
Ros-Lehtinen
Roskam
Shea-Porter
Slaughter
Smith (NJ)
Wasserman Schultz
Wilson (OH)
Wynn
Young (AK)

☐ 1311

Mr. SHAYS and Mr. HERGER changed their vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1483, CELEBRATING AMERICA'S HERITAGE ACT

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1483, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

## NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2007

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 764, I call up the bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 764, the bill is considered read.

The text of the bill is as follows:

### H.R. 505

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Government Reorganization Act of 2007".

### SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are indigenous, native people of the United States;

(3) the United States has a special political and legal relationship to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty making power of the United States, Congress exercised its constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions with the Kingdom of Hawaii to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian families reside on the Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the "ceded lands trust"), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(12) on November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the "Apology Resolution") was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(13) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(14) the Apology Resolution expresses the commitment of Congress and the President—

(A) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii;

(B) to support reconciliation efforts between the United States and Native Hawaiians; and

(C) to consult with Native Hawaiians on the reconciliation process as called for in the Apology Resolution;

(15) despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a single distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(16) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction; and

(xii) traditional justice programs, and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(18) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a single Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(20) Congress—

(A) has declared that the United States has a special political and legal relationship for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as a distinct group of indigenous, native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(21) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the exclusive right of the United States to consent to any actions affecting the lands included in the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a special political and legal relationship; and

(D) the special relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(23) the State of Hawaii supports the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003, and March 1, 2005.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) ADULT MEMBER.—The term "adult member" means a Native Hawaiian who has attained the age of 18 and who elects to participate in the reorganization of the Native Hawaiian governing entity.

(3) APOLOGY RESOLUTION.—The term "Apology Resolution" means Public Law 103-150 (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893, overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term "commission" means the Commission established under section 7(b) to provide for the certification that those adult members of the Native Hawaiian community listed on the roll meet the definition of Native Hawaiian set forth in paragraph (10).

(5) COUNCIL.—The term "council" means the Native Hawaiian Interim Governing Council established under section 7(c)(2).

(6) INDIAN PROGRAM OR SERVICE.—

(A) IN GENERAL.—The term "Indian program or service" means any federally funded or authorized program or service provided to an Indian tribe (or member of an Indian tribe) because of the status of the members of the Indian tribe as Indians.

(B) INCLUSIONS.—The term "Indian program or service" includes a program or service provided by the Bureau of Indian Affairs, the Indian Health Service, or any other Federal agency.

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) INDIGENOUS, NATIVE PEOPLE.—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(9) INTERAGENCY COORDINATING GROUP.—The term "Interagency Coordinating Group" means the Native Hawaiian Interagency Coordinating Group established under section 6.

(10) NATIVE HAWAIIAN.—

(A) IN GENERAL.—Subject to subparagraph (B), for the purpose of establishing the roll authorized under section 7(c)(1) and before the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the term "Native Hawaiian" means—

(i) an individual who is 1 of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(I) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(II) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(ii) an individual who is 1 of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

(B) NO EFFECT ON OTHER DEFINITIONS.—Nothing in this paragraph affects the definition of the term "Native Hawaiian" under any other Federal or State law (including a regulation).

(11) NATIVE HAWAIIAN GOVERNING ENTITY.—The term "Native Hawaiian Governing Entity" means the governing entity organized by the Native Hawaiian people pursuant to this Act.

(12) NATIVE HAWAIIAN PROGRAM OR SERVICE.—The term "Native Hawaiian program or service" means any program or service provided to Native Hawaiians because of their status as Native Hawaiians.

(13) OFFICE.—The term "Office" means the United States Office for Native Hawaiian Relations established by section 5(a).

(14) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(15) SPECIAL POLITICAL AND LEGAL RELATIONSHIP.—The term "special political and legal relationship" shall refer, except where differences are specifically indicated elsewhere in the Act, to the type of and nature of relationship the United States has with the several federally recognized Indian tribes.

**SEC. 4. UNITED STATES POLICY AND PURPOSE.**

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people which includes promoting the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution, including but not limited to Article I, section 8, clause 3, to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this Act is to provide a process for the reorganization of the single Native Hawaiian governing entity and the reaffirmation of the special political and legal relationship between the United States and that Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

### SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary, the United States Office for Native Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the special political and legal relationship between the single Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, and the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

(c) APPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Office.

### SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) ESTABLISHMENT.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the "Native Hawaiian Interagency Coordinating Group".

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands; and

(2) the Office.

(c) LEAD AGENCY.—

(1) IN GENERAL.—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) consult with the Native Hawaiian governing entity, through the coordination referred to in section 6(d)(1), but the consultation obligation established in this provision shall apply only after the satisfaction of all of the conditions referred to in section 7(c)(6); and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

(e) APPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Interagency Coordinating Group.

### SEC. 7. PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY AND THE REAFFIRMATION OF THE SPECIAL POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVE HAWAIIAN GOVERNING ENTITY.

(a) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the Native Hawaiian people to reorganize the single Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) COMMISSION.—

(1) IN GENERAL.—There is authorized to be established a Commission to be composed of 9 members for the purposes of—

(A) preparing and maintaining a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the single Native Hawaiian governing entity; and

(B) certifying that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 3(10).

(2) MEMBERSHIP.—

(A) APPOINTMENT.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subparagraph (B).

(ii) CONSIDERATION.—In making an appointment under clause (i), the Secretary may take into consideration a recommendation made by any Native Hawaiian organization.

(B) REQUIREMENTS.—Each member of the Commission shall demonstrate, as determined by the Secretary—

(i) not less than 10 years of experience in the study and determination of Native Hawaiian genealogy; and

(ii) an ability to read and translate into English documents written in the Hawaiian language.

(C) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(3) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) DUTIES.—The Commission shall—

(A) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certify that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10).

(5) STAFF.—

(A) IN GENERAL.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section 3(10) by the Commission.

(B) FORMATION OF ROLL.—Each adult member of the Native Hawaiian community who elects to participate in the reorganization of the Native Hawaiian governing entity shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition of Native Hawaiian in section 3(10).

(C) DOCUMENTATION.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of Native Hawaiian in section 3(10);

(ii) establish a standard format for the submission of documentation; and

(iii) publish information related to clauses (i) and (ii) in the Federal Register.

(D) CONSULTATION.—In making determinations that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10), the Commission may consult with Native Hawaiian organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of the adult members of the Native Hawaiian community who meet the definition of Native Hawaiian in section 3(10) to the Secretary within two years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10).

(F) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of Native Hawaiian in section 3(10), the Secretary shall publish the roll in the Federal Register.

(G) APPEAL.—The Secretary may establish a mechanism for an appeal for any person whose name is excluded from the roll who claims to meet the definition of Native Hawaiian in section 3(10) and to be 18 years of age or older.

(H) PUBLICATION; UPDATE.—The Secretary shall—

(i) publish the roll regardless of whether appeals are pending;

(ii) update the roll and the publication of the roll on the final disposition of any appeal; and

(iii) update the roll to include any Native Hawaiian who has attained the age of 18 and who has been certified by the Commission as meeting the definition of Native Hawaiian in section 3(10) after the initial publication of the roll or after any subsequent publications of the roll.

(I) FAILURE TO ACT.—If the Secretary fails to publish the roll, not later than 90 days after the date on which the roll is submitted to the Secretary, the Commission shall publish the roll notwithstanding any order or directive issued by the Secretary or any other official of the Department of the Interior to the contrary.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(A) ORGANIZATION.—The adult members of the Native Hawaiian community listed on the roll published under this section may—

(i) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(ii) determine the structure of the Council; and

(iii) elect members from individuals listed on the roll published under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) may represent those listed on the roll published under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council may conduct a referendum among the adult members of the Native Hawaiian community listed on the roll published under this subsection for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for citizenship of the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council may develop proposed organic governing documents for the Native Hawaiian governing entity.

(III) DISTRIBUTION.—The Council may distribute to all adult members of the Native Hawaiian community listed on the roll published under this subsection—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—The Council may hold elections for the purpose of ratifying the proposed organic governing documents, and on certification of the organic governing documents by the Secretary in accordance with paragraph (4), hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 8(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the 3 governments, not later than 90 days after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the adult members of the Native Hawaiian community whose names are listed on the roll published by the Secretary;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of governmental authorities by the Native Hawaiian governing entity, including any authorities that may be delegated to the Native Hawaiian governing entity by the United States and the State of Hawaii following negotiations authorized in section 8(b)(1) and the enactment of legislation to implement the agreements of the 3 governments;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103-454, 25 U.S.C. 479a, shall not apply.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (A).—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under paragraph (4) shall be deemed to have been made if the Secretary has not acted within 90 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council may hold elections of the officers of the Native Hawaiian governing entity.

(6) REAFFIRMATION.—Notwithstanding any other provision of law, upon the certifications required under paragraph (4) and the election of the officers of the Native Hawaiian governing entity, the special political and legal relationship between the United States and the Native Hawaiian governing entity is hereby reaffirmed and the United States extends Federal recognition to the

Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

### SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS; CLAIMS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86-3, 73 Stat. 4), is reaffirmed.

(b) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as—

(A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the United States and the State of Hawaii;

(E) any residual responsibilities of the United States and the State of Hawaii; and

(F) grievances regarding assertions of historical wrongs committed against Native Hawaiians by the United States or by the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States, the State of Hawaii, and the Native Hawaiian governing entity, the parties are authorized to submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the 3 governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the 3 governments.

(3) GOVERNMENTAL AUTHORITY AND POWER.—Any governmental authority or power to be exercised by the Native Hawaiian governing entity which is currently exercised by the State or Federal Governments shall be exercised by the Native Hawaiian governing entity only as agreed to in negotiations pursuant to section 8(b)(1) of this Act and beginning on the date on which legislation to implement such agreement has been enacted by the United States Congress, when applicable, and by the State of Hawaii, when applicable. This includes any required modifications to the Hawaii State Constitution in accordance with the Hawaii Revised Statutes.

(c) CLAIMS.—

(1) DISCLAIMERS.—Nothing in this Act—

(A) creates a cause of action against the United States or any other entity or person;

(B) alters existing law, including existing case law, regarding obligations on the part of the United States or the State of Hawaii with regard to Native Hawaiians or any Native Hawaiian entity;

(C) creates obligations that did not exist in any source of Federal law prior to the date of enactment of this Act; or

(D) establishes authority for the recognition of Native Hawaiian groups other than the single Native Hawaiian Governing Entity.

(2) FEDERAL SOVEREIGN IMMUNITY.—

(A) SPECIFIC PURPOSE.—Nothing in this Act is intended to create or allow to be maintained in any court any potential breach-of-trust actions, land claims, resource-protection or resource-management claims, or similar types of claims brought by or on behalf of Native Hawaiians or the Native Hawaiian governing entity for equitable, monetary, or Administrative Procedure Act-based relief against the United States or the State of Hawaii, whether or not such claims specifically assert an alleged breach of trust, call for an accounting, seek declaratory relief, or seek the recovery of or compensation for lands once held by Native Hawaiians.

(B) ESTABLISHMENT AND RETENTION OF SOVEREIGN IMMUNITY.—To effectuate the ends expressed in section 8(c)(1) and 8(c)(2)(A), and notwithstanding any other provision of Federal law, the United States retains its sovereign immunity to any claim that existed prior to the enactment of this Act (including, but not limited to, any claim based in whole or in part on past events), and which could be brought by Native Hawaiians or any Native Hawaiian governing entity. Nor shall any preexisting waiver of sovereign immunity (including, but not limited to, waivers set forth in chapter 7 of part I of title 5, United States Code, and sections 1505 and 2409a of title 28, United States Code) be applicable to any such claims. This complete retention or reclaiming of sovereign immunity also applies to every claim that might attempt to rely on this Act for support, without regard to the source of law under which any such claim might be asserted.

(C) EFFECT.—It is the general effect of section 8(c)(2)(B) that any claims that may already have accrued and might be brought against the United States, including any claims of the types specifically referred to in section 8(c)(2)(A), along with both claims of a similar nature and claims arising out of the same nucleus of operative facts as could give rise to claims of the specific types referred to in section 8(c)(2)(A), be rendered nonjusticiable in suits brought by plaintiffs other than the Federal Government.

(3) STATE SOVEREIGNTY IMMUNITY.—

(A) Notwithstanding any other provision of Federal law, the State retains its sovereign immunity, unless waived in accord with State law, to any claim, established under any source of law, regarding Native Hawaiians, that existed prior to the enactment of this Act.

(B) Nothing in this Act shall be construed to constitute an override pursuant to section 5 of the Fourteenth Amendment of State sovereign immunity held under the Eleventh Amendment.

### SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) INDIAN GAMING REGULATORY ACT.—

(1) The Native Hawaiian governing entity and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(2) The foregoing prohibition in section 9(a)(1) on the use of Indian Gaming Regulatory Act and inherent authority to game apply regardless of whether gaming by Native Hawaiians or the Native Hawaiian governing entity would be located on land within the State of Hawaii or within any other State or Territory of the United States.

(b) TAKING LAND INTO TRUST.—Notwithstanding any other provision of law, including but not limited to part 151 of title 25, Code of Federal Regulations, the Secretary shall not take land into trust on behalf of individuals or groups claiming to be Native Hawaiian or on behalf of the native Hawaiian governing entity.

(c) REAL PROPERTY TRANSFERS.—The Indian Trade and Intercourse Act (25 U.S.C. 177), does not, has never, and will not apply after enactment to lands or lands transfers present, past, or future, in the State of Hawaii. If despite the expression of this intent herein, a court were to construe the Trade and Intercourse Act to apply to lands or land transfers in Hawaii before the date of enactment of this Act, then any transfer of land or natural resources located within the State of Hawaii prior to the date of enactment of this Act, by or on behalf of the Native Hawaiian people, or individual Native Hawaiians, shall be deemed to have been made in accordance with the Indian Trade and Intercourse Act and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, Native Hawaiians, or Native Hawaiian entities.

(d) SINGLE GOVERNING ENTITY.—This Act will result in the recognition of the single Native Hawaiian governing entity. Additional Native Hawaiian groups shall not be eligible for acknowledgment pursuant to the Federal Acknowledgment Process set forth in part 83 of title 25 of the Code of Federal Regulations or any other administrative acknowledgment or recognition process.

(e) JURISDICTION.—Nothing in this Act alters the civil or criminal jurisdiction of the United States or the State of Hawaii over lands and persons within the State of Hawaii. The status quo of Federal and State jurisdiction can change only as a result of further legislation, if any, enacted after the conclusion, in relevant part, of the negotiation process established in section 8(b).

(f) INDIAN PROGRAMS AND SERVICES.—Notwithstanding section 7(c)(6), because of the eligibility of the Native Hawaiian governing entity and its citizens for Native Hawaiian programs and services in accordance with subsection (g), nothing in this Act provides an authorization for eligibility to participate in any Indian program or service to any individual or entity not otherwise eligible for the program or service under applicable Federal law.

(g) NATIVE HAWAIIAN PROGRAMS AND SERVICES.—The Native Hawaiian governing entity and its citizens shall be eligible for Native Hawaiian programs and services to the extent and in the manner provided by other applicable laws.

### SEC. 10. SEVERABILITY.

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in House Report 110-404 if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 505.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 505, the Native Hawaiian Government Reorganization Act of 2007. Without the hard work, dogged determination, persistence and leadership of our colleagues from Hawaii, we would not be where we are today on this legislation. Indeed, Mr. NEIL ABERCROMBIE has been at this for many years, and it is because of his dedication to his people that I have also agreed to strongly support this bill. I also want to commend MAZIE HIRONO for her work, and the entire delegation deserves words of praise for their leadership.

This bill has been years in the making and Mr. ABERCROMBIE, in particular, never failed to take every opportunity to educate and encourage the rest of us on the need for this important legislation.

H.R. 505 would establish a process by which the Native Hawaiian governing body would be reorganized and the political and legal relationship with the United States would once again be reaffirmed.

Starting in 1920, Congress began passing legislation specifically for the benefit of Native Hawaiians. To date, over 160 laws have been enacted authorizing Native Hawaiian participation in government programs ranging from housing to the repatriation of Hawaiian bones from our Nation's museums.

Recent court challenges have necessitated the need for this legislation to codify a government-to-government relationship with the indigenous peoples of Hawaii. Simply put, this legislation will finally bring parity to the way the United States relates to Indian tribes, Alaska Natives and Native Hawaiians.

I will tell you a bit about what H.R. 505 does not do:

It does not allow for gaming of any kind. It does not provide for additional land to be transferred to Native Hawaiians. It does not change any current civil or criminal jurisdiction by the State or Federal Government.

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It does not provide for any new eligibility for Native Hawaiians into Indian programs.

Mr. Speaker, Congress's authority to address the conditions of the aboriginal indigenous people, regardless of how organized, stems from our United States Constitution. In recognition of this authority, we passed similar legislation in the House under the suspension of the rules during the 106th Congress. My committee, the Committee on Natural Resources, has passed similar legislation 3 times, each time with overwhelming bipartisan support.

We need to make a clear statement. We need to pass H.R. 505 overwhelmingly, and I would urge all my colleagues to vote "yea" on this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, the gentleman from Alaska (Mr. YOUNG) very much wanted to manage H.R. 505 today, but he is on his way to an annual convention of the Alaska Federation of Natives, something that's very important to him as well as to that particular group. So I have consented to manage this issue, though there are few Members in this House who feel as strongly in favor of H.R. 505 as Mr. YOUNG.

The sponsor of this bill, the gentleman from Hawaii (Mr. ABERCROMBIE) has done something that is very unique in this body. He's written a bill that only affects his own State. Recognizing the Native Hawaiian governing entity does not affect Native American tribes in my State, does not affect the lands or resources in my district. That is something that's becoming very unusual around here. Mr. ABERCROMBIE, you need to be careful, you're almost becoming a Republican.

Congress has already enacted dozens of authorizing laws and appropriations bills for the benefit of Native Hawaiians. This bill does not create a new source of funds, nor does it let Native Hawaiians seek funds through the BIA.

This bill has the support of the Hawaiian delegation, Governor Lingle and the State legislature. Their judgment should be given some respect.

Georgetown Professor Viet Dinh, who was the U.S. Assistant Attorney General for Legal Policy in 2001 to 2003, testified that "Congress has constitutional authority to enact the Native Hawaiian Government Recognition Act, and to recognize a Native Hawaiian governing entity as a dependent sovereign government within the United States or, in other words, to treat Native Hawaiians just as it treats Native Americans and Alaska Natives."

Professor Dinh explained that when Congress recognizes Native people, it does so in a political way, not a racial way, and he established 2 criteria that Congress must deem having met in order to exercise this authority. Basically, 1, that people must have a native ancestry on lands that became part of the United States; 2, they must be members of a distinct native community. H.R. 505 appears to have passed these 2 tests.

This bill deserves a fair and open debate in this body, just as the native people who are seeking formal recognition from the government do.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I'm very happy to yield 6 minutes to the main drive behind this legislation, a valued member of our Committee on Natural Resources, the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I'm very grateful and thank you. I want to thank Mr. BISHOP for his kind remarks. It exemplifies, I think, the kind of relationship we have on the Resources Committee. And I want to repeat that for those who are in their offices, maybe are not here on the floor but in their offices and may be tuning in. I want to emphasize that the tenor of his remarks and the courtesy with which he put it forward, including his sense of humor, which is well recognized in the committee and appreciated, reflects that this legislation is not only bipartisan, it's nonpartisan. That is to say, it's not a Republican issue or a Democratic issue and has never been presented on this floor, through all the different sections of the Congress, from its introduction over the past 7 years and as it has moved through the Congress over past sessions, it has never ever been presented as a partisan issue, Republican or Democrat. And I say "nonpartisan" because the committee reflects the full spectrum of the left of the Democratic Party and the right of the Republican Party. Whether you are characterized as a progressive or a conservative, this issue transcends that precisely for what Mr. BISHOP so rightly pointed out.

This bill directly affects and only affects the ceded lands and the Hawaiian homelands and the assets associated with Native Hawaiians in Hawaii. Everybody who's on the Resources Committee and everybody who has dealt with issues that have come before the body as a whole coming out of the Resources Committee understands that there are particular and peculiar instances associated with each Member's district, whether it's salmon runs in the Northwest or whether it's water issues based on treaty obligations in the Southwest, whether it's indigenous people in Alaska or indigenous people in Hawaii. Each area has particular contexts and situations that need to be addressed legislatively. And so what the committee tries to do in a nonpartisan way is address those issues in a very specific manner so that they can be resolved without impinging on any other aspect of constitutional consideration.

Let me point out practically how that happens. For those of you who have visited Hawaii, when you land at the airport, you're landing on what's called ceded land. That ceded land produces revenue. Now, obviously the airport didn't exist back when the Kingdom of Hawaii was overthrown in 1893, and it didn't exist when the United States annexed the Kingdom of Hawaii as a territory of the United States, and that airport as it is configured today did not exist with the advent of statehood. And so what we have now is very, very valuable land producing revenue. And that's what this is all about, 1.8 million acres of ceded land coming in a continuum from the time of the overthrow of the kingdom down to the State of Hawaii today where the ownership of the land, and the benefit's very clearly recognized, including in the Admissions Act of Hawaii to the State of the Union: Public Law 8–3, March 18, 1959, which specifically requires us to address questions of benefiting Native Hawaiians through the lands that have been ceded to them or which were created for them by the Hawaiian Homes Commission Act of 1920. That's what we're dealing with here today.

So we are asking that deference be given to the committee's work, which has been nonpartisan, which has no ideological difficulties associated with it, that deference be given and understanding to what the Admissions Act requires of us.

And I find it ironic that support comes from Mr. YOUNG, Mr. DON YOUNG, as it came from other Republican chairmen. In fact, this was first introduced under Republican chairmen, passed under Republican chairmen. Mr. Hansen of Utah and Mr. Pombo of California and Mr. YOUNG of Alaska, as well as Mr. MILLER and Mr. RAHALL, all have supported this act, as have the committees. Mr. YOUNG is now in Alaska speaking to the Federation of Natives, of Alaskan Natives, because we recognize that there are indigenous people who were not a party to the Constitution when it was formed and first passed but have activities, and in the contemporary context, their lives' affected by how we deal with them. The Constitution requires us as a Member of Congress to be able to do that.

So what is at stake here very, very simply for the Members is that this is enabling legislation. That's all it is. This creates the opportunity for Native Hawaiians to take responsibility for their own actions with regard to the control and administration of their own assets. That is not in dispute. The land boundaries are there. The amount of money that's coming in is not in dispute. What's in dispute is who's going to control those assets. That's what this is about. This gives the opportunity to Native Hawaiians to organize themselves to come back to the Secretary of the Interior, whoever that may be, and to ask the Secretary of the Interior to recognize that governing entity over these assets. If the Secretary of the Interior disagrees with it, they have to go back to the drawing board. This is enabling legislation, and it's enabling legislation that has been put together responsibly by responsible members of the Resources Committee in consultation with one another and with various administrations, and we would ask for your favorable consideration on the floor today.

Mr. BISHOP of Utah. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Speaker, our decision on Native Hawaiian recognition ought to be governed by two very basic principles: First, the concerns of the people of Hawaii, and second, the established principles of sovereignty of indigenous people under which this Republic has operated for over 200 years.

This bipartisan bill is supported by the Hawaii delegations in both the House and the Senate, which are Democratic, by a Republican Governor for the State of Hawaii, and by the Hawaii State Legislature, which has adopted bipartisan resolutions overwhelmingly in 2000, 2001 and 2005, by the National Congress of American Indians, and by the Alaska Federation of Natives.

Some are concerned that the establishment of a Native Hawaiian governing body is only a Federal issue. I would submit, as has been suggested, it's as much a State question as a national one, and we ought to respect, as conservatives, the wishes of people at the State level.

Despite what some believe or say, this is not about race; this is about the sovereignty of an indigenous people. The Native Hawaiian governing body, having the same characteristics as Native American governments, deserves Federal recognition.

Some sometimes say that Native Hawaiians should not be set apart as a separate category, yet our Congress has passed over 160 statutes addressing the conditions of Native Hawaiians and repeatedly recognizing the United States' political and legal relationship and trust relationship with Native Hawaiians.

Again, despite what some say, this bill will not allow the Native Hawaiian governing body to establish gaming facilities in the State of Hawaii. It will not limit Federal control of Federal military facilities in Hawaii, and the Native Hawaiian governing body will not drain resources currently allocated to Native American tribes, Alaskan Natives, or threaten their interests in any way. Indeed, as I mentioned earlier, the NCAI actually supports this legislation.

I think fundamentally, as conservatives, we ought to allow the people of Hawaii to manage their own affairs as they see fit. We ought to respect the Constitution that we have, which recognizes the sovereignty of indigenous people. And we ought to support the passage of this very important and long-overdue legislation, H.R. 505.

And in closing, let me just add my congratulations to Mr. ABERCROMBIE, who has labored long and hard for this legislation and has garnered significant bipartisan support, and I look forward to your success today.

Mr. RAHALL. Mr. Speaker, I'm very happy to yield to another Representative from Hawaii, the gentlelady, Ms. MAZIE HIRONO, for 5 minutes.

Ms. HIRONO. Mr. Speaker, I rise today in strong support of H.R. 505, the Native Hawaiian Government Reorganization Act, which begins to provide a measure of justice for the indigenous native people of the Hawaiian Islands. I'd like to take a few moments to share some of the history to show why this bill is so important to all the people of Hawaii.

The Kingdom of Hawaii was overthrown in 1893. Hawaii's last Queen, Lili'uokalani, was deposed by an armed group of businessmen and sugar planters who were American by birth or heritage, with the support of U.S. troops. The Queen agreed to relinquish her throne, under protest, to avoid bloodshed. She believed the United States, with which Hawaii had diplomatic relations, would restore her to the throne. As we now know, despite the objections of President Grover Cleveland, the injustice of the overthrow was allowed to stand and the Republic of Hawaii was established.

A few years later, in 1898, the United States annexed Hawaii. Prior to annexation, a petition drive was organized by Native Hawaiians securing signatures of almost two-thirds of the Native Hawaiian population opposing annexation; 29,000 signatures out of an estimated Native Hawaiian population of 40,000 at that time.

□ 1330

These petitions are now in the National Archives.

The Hawaiian culture was under siege. The Republic of Hawaii prohibited the use of the Hawaiian language in Hawaii schools. Everyday use of the Hawaiian language diminished greatly. Hula, which had been suppressed by the missionaries and then restored by King Kalaukaua a few years before the overthrow, survived but did not thrive. Hawaiians were pressured to assimilate and much was lost.

When Prince Jonah Kuhio Kalaniana'ole was elected to serve as Hawaii's Delegate to Congress, he succeeded in passing the Hawaiian Homes Commission Act of 1920, which set aside some 200,000 acres of land for Native Hawaiians. The reason for the legislation was the landless status of so many Native Hawaiians who were displaced by newcomers and became the most impoverished population in their own land. In recognition of its trust responsibility to our Native Hawaiians, Congress passed the Hawaiian Homes Commission Act, which is still in force.

Hawaii became a State in 1959. Beginning in the late 1960s and early 1970s, a Native Hawaiian cultural rediscovery began in music, hula, language, and other aspects of the culture. This cultural renaissance was inspired by hula masters, kumu hula, who helped bring back ancient and traditional hula; musicians and vocalists, who brought back traditional music sung in the Hawaiian language; and political leaders, who sought to protect Hawaii's sacred places and natural beauty.

This flowering of Hawaiian culture was not met with fear in Hawaii but with joy and celebration and an increased connection with each other. People of all ethnicities in Hawaii respect and honor the Native Hawaiian culture.

In 1978, Hawaii convened a constitutional convention that was designed, in part, to right some of the wrongs done to Native Hawaiians. The constitutional convention created the Office of Hawaiian Affairs, or OHA, so that Native Hawaiians would have some ability to manage their own affairs.

The constitutional convention also laid the groundwork for the return of some Federal lands to Native Hawaiians, including the island of Kaho'olawe, which currently is held in trust for a future Native Hawaiian governing entity. The convention also designated the Hawaiian language, along with English, as the official State language of Hawaii for the first time since the overthrow in 1893.

We can trace the genesis of this bill, embodying the hope of an indigenous people to control their own fate, all the way back to the overthrow of 1893. It has been a long road. I believe how we treat our native indigenous people reflects our values and who we are. Clearly, there is much in the history of our interactions with the native people of what is now the United States that makes us less than proud. But one of the great attributes of America has always been our ability to look objectively at our history, learn from it, and where possible make amends.

Native Hawaiians, like American Indians and Alaska Natives, have an inherent sovereignty based on their status as indigenous, native people. They desire the right to exercise management over their own affairs and land.

Our State motto, which is the same as that of the Kingdom of Hawaii, is "Ua mau ke ea o ka aina i ka pono," which means "the life of the land is perpetuated in righteousness." This is an historic vote and one that helps to perpetuate righteousness by righting an historic wrong.

I ask my colleagues to stand with the people of Hawaii and support this bill.

Mahalo nui loa.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend for yielding.

I feel like Bill Murray in "Groundhog Day," the movie. I've only been in Congress for 3 years, but my respect for Mr. ABERCROMBIE has grown. I try to take experiences with people I have differences with and learn. He is one of the most patient people that I have seen up here, and the fact that he took a big problem and has ate it just a little at a time, I admire that. And I want him to know how much respect I do have for him for his tenaciousness, and I hope I can be just as tenacious with things that are important to my constituents as he has been and also the gentlewoman from Hawaii.

Let me say that from what we have heard today, it reminds me of a story of some gentlemen down in the Okefenokee swamp that were going coon hunting. If you're not familiar with coon hunting, you use dogs and you go at night, typically build a campfire, and you all sit around and talk and gossip and share stories and some other activities sometimes while you're waiting for the dog to tree. One night this old World War I veteran was down there in the Okefenokee, and he had a wooden peg leg. It was pretty cold that night, and the dogs were out running; so he laid down and he got a little too close to the campfire and he burned off about 6 inches of that wooden leg. Well, when the dog started barking and they had really treed the coon, he was the first one up. And he got up, and he said, "Come on, boys. Old Sam has treed one." And he started running off across the field with that 1 leg about 6 inches shorter. And after 2 or 3 steps, he turned around and he said, "Watch out, boys. There's a hole every other step."

Well, there are a few holes in this, and I want to try to plug up those holes today as far as what the ability of Congress is able to do and what our Constitution says.

So I rise today to oppose the legislation. I want to try to go into what this bill actually does and how it relates to what I feel like our Constitution says and what the limits of our Congress is.

Every aspect of this bill from its goal to its methods, I think, undermines the idea that we are one that has come from many people. I think the legislation is divisive and will give a group of U.S. citizens special rights over other citizens based solely on race.

Our Constitution seeks to eliminate racial separation, not promote it. How can we promote equality while separating our people?

Some people here today have characterized this legislation as nothing more than a kind gesture to Native Hawaiians. This is not the case. This bill will not only create a new race-based government but it will allow rights and privileges to Native Hawaiian descendants throughout the United States that their neighbors and friends throughout this country do not enjoy.

The Federal Government today will decide what is best for 20 percent of the Hawaiians who have Native Hawaiian ancestry. The Federal Government should not and cannot create a new Indian tribe for ethnic Hawaiians. Congress does not have this power. The Bush administration has rightly promised to veto the bill if it passes because it will "discriminate on the basis of race or national origin and further subdivide the American people."

This attempt to divide America sets a frightening precedent for separating groups of Americans based on racial backgrounds. This bill is irresponsible, I believe, and simply unconstitutional.

My good friend from Oklahoma got up and spoke about that the leaders of the State want this legislation. Well, in 2006 there was a survey done of the Hawaiian people by a nonpartisan grassroots institute of Hawaii that found that 69.89 percent of Hawaii's residents want to vote on a Native Hawaiian government before it is considered at the national level, and 80.16 of Hawaii's residents do not support laws that provide preferences for people groups based on their race; 68.3 percent of residents in the First Congressional District, Mr. ABERCROMBIE's district, want that vote; and 66.95 percent of the entire State opposed the 2006 bill to create a Native Hawaiian government.

### DEFINITION OF NATIVE HAWAIIAN

This bill will grant broad governmental powers to Native Hawaiians including all living descendents of the original inhabitants of Hawaii. Geographic, cultural, and political connections are not required.

This bill does not effectively define what it means to be a member of the new Native Hawaiian government. Anyone with one traceable drop of Native Hawaiian blood could claim the same right to this alternate government, regardless of how far removed they are from their ancestors or even what State they live in.

There is nothing in this bill that prohibits this newly organized government entity from including members with Native Hawaiian backgrounds from Arizona or Connecticut. Furthermore, this new government entity will then have to come up with a system for assessing and cataloguing all the people who claim to have Native Hawaiian heritage. This could be more costly and time consuming than anyone today realizes.

The new government will have authority over more than 20 percent of Hawaii's population, and possibly countless more nationwide. And no where in this legislation is there an opportunity for citizens of the state of Hawaii (Native or not) to vote to accept this newly created government. This is a Federal imposition of the worst kind, one in which the citizens who this bill affects most, have little or no say in acceptance or implementation.

In fact, a 2006 survey of the Hawaiian people done by the non-partisan Grassroot Institute of Hawaii found that:

69.89 percent of Hawaii's residents want to vote on a Native Hawaii government before it is considered at the national level.

80.16 percent of Hawaii's residents do not support laws that provide preferences for people groups based on their race.

68.3 percent of residents in the first Congressional District (Rep Neil ABERCROMBIE) want that vote.

66.95 percent of the entire State opposed the 2006 bill to create a Native Hawaiian government.

77.83 percent of Hawaiians would vote for statehood if the vote was held today. (In 1959, 94 percent voted for statehood.)

### NATIVE HAWAIIANS ARE A RACIAL GROUP, NOT A TRIBE

The Bureau of Indian Affairs has seven mandatory requirements for tribal recognition. Among other things the tribe must have existed as a tribe since 1900 as documented by the state; existed as a community—including 50% of the group residing together; and possessed governing documents and membership criteria

The Supreme Court's definition of a tribe in Montoya v. United States asserts that a 'tribe' must be a united community under one leadership or government, and inhabiting a particular territory. Former Attorney General Ed Meese emphasizes the distinction between racial groups and tribes, "If sharing one drop of aboriginal Hawaiian blood makes a tribe, then Chicanos, Latinos, African Americans, and Mexicans could become a tribe if Congress so decrees".

Meese went on to say that the phrase "Indian Tribe" has a fixed and distinct Constitutional meaning that cannot be changed by a simple act of Congress. This definition limits "tribes" to preexisting tribes within North America, or their offshoots, that were thought to be "dependent nations" at the time of the framing of the Constitution. Such American Indian tribes had to live an independent existence in a separate community, apart from the rest of American society.

By these standards Native Hawaiians would never qualify as a tribe. Hawaii is the most integrated society in the U.S.—there are no Hawaiians living apart from other Americans. All U.S. citizens who reside in Hawaii are equally citizens of Hawaii and the United States and are entitled to enjoy all the privileges and immunities common to other citizens, including protection against discriminatory laws, and racially-discriminatory laws.

Even the U.S. Commission on Civil Rights have objected strongly and consistently to the 'race based' classifications in this legislation. Their report released on May 18, 2006 said that passage of a similar bill would "discriminate on the basis of race or national origin and further subdivide the American people into subgroups accorded varying decrees of privilege."

### CONSERVATIVE CONCERNS; CONGRESS CAN'T CREATE TRIBES

Congress lacks the power to invent Indian tribes. In U.S. v. Sandoval, the Supreme Court reaffirmed that Congress can recognize existing tribes, but does not have the authority to create them. "It is not meant by this that Congress may bring a community or body of people within the range of this power by arbitrarily calling them an Indian tribe."

Congress can only acknowledge groups who have long operated as a tribe with preexisting political structure and who live separately and distinctly from other communities both geographically and culturally. Neither is true of the Native Hawaiians today who live in different States, and under different State laws and systems, and who for years have co-existed in the same communities with non-Native Hawaiians.

### COMMUNITY DISTINCTIONS

The fact that Native Hawaiians have lived and currently live in Hawaii in the same communities as non-native Hawaiians will cause many potential problems should this bill become law—in effect creating one set of laws for Native Hawaiians and a potentially drastic different set of laws for non-native Hawaiians living in the same house.

Different codes of law would apply to people differently based on race, even though all Hawaiians now currently live and function in one community, attend the same churches, shop at the same stores and attend the same schools. One business may be exempt from State taxes, State business regulations, and zoning laws while the other one is not. Because of this, the Native Hawaiian Government Reorganization Act could be found in violation of the 14th amendment equal protection clause.

### BILL PROVISIONS:

Creation of New Federal Offices: This bill will create a Native Hawaiian Relations Office within the Department of Interior and a new interagency coordinating group to coordinate political and legal relationships between the new tribe and all agencies of the U.S. Federal government.

Formal Negotiations—Government to Government: This legislation would allow for negotiations between the three governments, the United States, the State of Hawaii, and the new Native Hawaiian government. The Native Hawaiian people would be able to negotiate with these governments on the transfer of lands, natural resources, and other assets and the authority over these transferred lands.

The Native Hawaiians could renegotiate the exercise of civil and criminal jurisdiction in their government, possibly changing which laws or even Constitutional rights they will adhere to by having the option of redrawing various jurisdictional lines. This new government will also be able to negotiate on the delegation of powers and authorities they have from the Federal and State government and possible reparations or grievances for historical wrongs committed against Native Hawaiians.

### HAWAII CASES—RACE

Rice v. Cayetano—2000: Currently there are more than 150 statutes that confer Federal benefits to the Native Hawaiian people. Rice v. Cayetano put many of these benefits in jeopardy and casts serious doubt on the Constitutionality of this legislation.

The Court hold that the State of Hawaii's limitation on voting for certain posts to only "Native Hawaiians" contradicted the Fifteenth Amendment because it used ancestry as a substitute for race.

Morton v. Mancari—1974: In this 1974 case, the Court noted there was a large distinction between a racial group consisting of "Indians" and a political group, a federally recognized tribe.

The Court asserted that all government programs that extend benefits according to racial classifications must be "strictly scrutinized" and are presumed invalid under the Equal Protection Clause of the Fourteenth Amendment.

The Hawaiians—pushing for the passage of this bill before us today—seek to provide a process for the United States to recognize Native Hawaiians as a governing tribe that is political in nature. The stated goal of this legislation is to ensure that "Native Hawaiians are treated as a unique and distinct, indigenous, native people with whom the U.S. has a special political and legal relationship."

Mr. RAHALL. Mr. Speaker, I am very happy to yield 5 minutes to another distinguished member of our Natural Resources Committee, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H.R. 505.

First, I want to commend the author of this bill, my good friend and colleague, the gentleman from Hawaii, for his leadership and tireless efforts in bringing this legislation to the floor for consideration. I also want to commend my good friend the gentlewoman from Hawaii (Ms. HIRONO) for her co-authorship of this legislation.

Mr. Speaker, I want to commend the chairman of the committee, the gentleman from West Virginia (Mr. RAHALL); and the senior ranking member, Mr. YOUNG, for their support of this legislation.

This bill is important for many reasons but none more critical than to address the serious needs of the indigenous Native Hawaiians who are the indigenous and aboriginal people who not only inhabited these islands way before Europeans ever arrived, but they are still there, I submit, Mr. Speaker.

In 1893 a great injustice took place. The government of the sovereign nation of Hawaii, then ruled by its Queen Liliokalani, was overthrown by U.S. military forces, which later the President of the United States stated that this overthrow of the Queen's government was done without authorization neither from the President nor from the Congress of the United States. It was not until 1993 that Congress passed a joint resolution to acknowledge and apologize on behalf of the United States on the illegal and unlawful overthrow of the Hawaiian Kingdom in 1893 and for the deprivation of the rights of Native Hawaiians to self-determination.

This is not the first time Congress has shown deference towards the status of the indigenous Native Hawaiians. In the Hawaiian Homes Commission Act of 1921, Congress expressed and reaffirmed the "special" and "trust" relationship between the United States and the Native Hawaiians. Moreover, Congress, in passing the Hawaiian Homes Commission Act of 1921, also recognized Native Hawaiians as "a distinct and unique indigenous people."

This bill sets the institutional framework for the establishment of a relationship between the United States and the indigenous Native Hawaiians just as Congress has done for the indigenous American Indians and the indigenous Native Alaskans.

At this point I want to personally commend the gentleman from Oklahoma for his support of this legislation, not only as the cochair of our Native American Congressional Caucus but certainly as a proud member of the Chickasaw Nation from Oklahoma. I cannot think of a better person who understands and appreciates more the plight and sufferings of his own indigenous people, almost an exact replica of the fate of the indigenous people of Hawaii, the Native Hawaiians. I hope my colleagues in their officers have had a chance to listen to Mr. COLE's eloquent statement that he just shared with us.

Mr. Speaker, I also want to note the particularly strong support of this bill from the senior ranking member of our committee, the gentleman from Alaska (Mr. YOUNG). In my opinion, the gentleman from Alaska is probably the most recognized expert in this Chamber who understands historically how Congress has also accepted Native Alaskans as a "trust responsibility" in the same way that American Indians are treated under the U.S. Constitution.

Mr. Speaker, I submit to my colleagues that this should not be a partisan issue. If there are doubts among our colleagues on the other side of the aisle, I would strongly suggest consultations with the gentlemen from Oklahoma and Alaska.

Mr. Speaker, after 114 years our national government, especially this body, the Congress of the United States, which has plenary authority under the Constitution to deal with issues affecting the rights and general welfare of the indigenous population of our Nation, this bill seeks to correct that remaining group, the indigenous people who inhabited the Hawaiian Islands and later established a sovereign nation and later established treaty relations with other countries, even with our own country.

After the unlawful and illegal overthrow of the Hawaiian Kingdom, the status of the indigenous people of the Hawaiian Kingdom was never properly addressed by the Congress of the United States. Mr. Speaker, Congress has properly determined that American Indians of the lower 48 States are an indigenous people. We have also declared Native Alaskans as an indigenous people. The only remaining group to be recognized are the indigenous people of the State of Hawaii, some 400,000 Native Hawaiians.

Mr. Speaker, this bill is not based upon race. It is a bill to establish a reconciliation process by giving the indigenous Native Hawaiians the same status as we have done for the indigenous American Indians and the indigenous Native Alaskans.

I respectfully urge my colleagues to support this bill.

□ 1345

Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. I want to thank my friend, Mr. WESTMORELAND, for his kind compliments that came my way. I knew something would follow on that, and of course it was his reservations about the bill.

But he cited a poll which seemed to indicate, I believe he said, that people were obviously against race-based legislation and so on. I don't blame them; I would think they would be. I'm surprised it wasn't 100 percent. But let me read what the question was. He didn't read us the question. Here's the question: "If 505 would allow Native Hawaiians to create their own government not subject to all the same laws, regulations and taxes that apply to other citizens of Hawaii, do you want Congress to approve this bill?" Well, I'm dumbfounded they couldn't get 100 percent against that question. And, of course, 505 doesn't do any of that; quite the opposite. As Mr. RAHALL indicated, we specifically address those issues, and taxes, of course, are going to be paid.

Let me give you the Ward Research Poll, done this year, that is a real poll, and I will tell you the question: "Have you heard of the bill, the Akaka bill?" Yes, 84 percent. "Do you think Hawaiians should be recognized by the U.S. as an indigenous group similar to recognition given American Indians and Native Alaskans?" Yes, 70 percent. "Do you believe Hawaiians have a right to make these decisions?" Yes, 87 percent. "Do you believe programs that have been passed by the Congress for Native Hawaiians should continue?" Yes, 83 percent. This goes on and on at that kind of level in Hawaii.

So, I appreciate my good friend bringing up the question of polling, but I think it's useful for us to know that when the people of Hawaii are polled on an objective basis, there is overwhelming support, Republican and Democrat and independent, for resolving this issue in the manner in which 505 addresses.

Mr. BISHOP of Utah. Mr. Speaker, I yield as much time as he may consume to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I have an amendment that has been made in order which I plan to offer later.

When I came on the floor yesterday, I was approached by several Members who pointed out that my amendment was, perhaps, overly broad. I went back to the office and took a look, and I happen to agree, it is. And it might confuse people. Because in my original amendment I said nothing in the action will relieve any sovereign entity within the jurisdiction of the United States, including the Native Hawaiian governing authority, from complying with the equal protection clause of the 14th amendment of the United States Constitution.

And so I would like to see if the proponents of the measure would agree to a unanimous consent request to narrow the amendment so that it would simply apply only to the Native Hawaiian governing authority, as opposed to the Native American or any sovereign entity within the United States.

I would yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Well, I regret to say that I don't have the revised language in front of me. And I understand the intent of the first amendment. Mr. FLAKE knows that I supported the opportunity for him to put that forward for discussion before the Rules Committee. But I'm sorry, I can't consent, despite my friendship and respect for Mr. FLAKE, because I'm not sure that the revised language, even if I had it in front of me, which I don't, would not be subject to the same kind of difficulty, perhaps an interpretation that we can't foresee on first glance. So I reluctantly cannot accede unanimous consent.

Mr. FLAKE. I thank the gentleman.

Let me just state what the narrowed one would do: "Nothing in the act shall relieve the Native Hawaiian governing authority from complying with the equal protection clause of the 14th amendment to the United States Constitution."

I'm not trying to play a game of "gotcha" here at all. I have the utmost respect, and that respect has grown over the years, for the gentleman from Hawaii. No Member of Congress works harder for his constituents and is more thoughtful in legislating than Mr. ABERCROMBIE. But for those of us who have some concerns that this goes beyond land disposition or other smaller issues, this is not an idle concern that we have.

The U.S. Civil Rights Commission noted recently that this legislation "would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups according to varying degrees of privilege."

Mr. ABERCROMBIE. Would the gentleman yield?

Mr. FLAKE. I would be glad to yield.

Mr. ABERCROMBIE. Could I then yield to the expert on the civil rights matter? Because you did kindly bring it to my attention yesterday and we did have a discussion, so I deferred my inquiry to the expert in the House of Representatives on civil rights and Native Americans; that's Mr. KILDEE. Would it be all right if I yielded to him to have a dialogue with you on this?

Mr. FLAKE. That would be fine with me.

Mr. KILDEE. I thank the gentleman for yielding.

First of all, no one questions your sincerity on this. I do think that we could really create a legal situation here without knowing the consequences of the amendment.

Now, Congress, back in 1968, recognizing that in certain areas, the 14th amendment, by the way, says "States" shall not do certain things. So they wrote the Indian Civil Rights Act of 1968. That was written very, very carefully by both Houses. The great constitutional attorney Senator Sam Irwin played a major role in that, and they carved out how the basic rights contained within the fifth and the 14th amendment would apply on Indian tribes.

It's a well-done bill. And had we had the chance to discuss this in committee, perhaps we could have reached some agreement; I'm not sure. But I'm very concerned about adopting anything without knowing the consequences when it took them months, in 1968, to craft the Indian Civil Rights Act. It's a two-page bill, and it really enumerates pretty well the fifth amendment and the 14th amendment.

So, at this time, I think that we would be treading on rather dangerous territory to have the courts have to look at, first of all, the Constitution, the treaties, the 14th amendment and the Flake amendment and decide where they conflict, which one to apply.

So, despite your sincerity, I wish we had discussed this in committee, perhaps we could have arrived at some remedy there. But here I think we're going to create a lawyer's delight.

Mr. ABERCROMBIE. If the gentleman would continue to yield for a moment.

Mr. FLAKE. Yes.

Mr. ABERCROMBIE. And I won't take more than a moment or two.

The question, nonetheless, as I indicated when we spoke yesterday and as I indicated to the Rules Committee, is an important one that needs to be addressed. I don't want to run anything by anybody where they might feel even for a moment that they haven't had full consideration of important fundamental issues like civil rights and equality before the law.

If the gentleman would consider the idea of not offering the amendment right now for the reasons that have been stated, we're not quite sure where we're going with it, I can assure the gentleman that, should the bill pass, it has to go to the Senate, it has to come out of the Senate, and we can address those issues, as has been done with other bills with which we are acquainted again and again. You have my word that I will sit down and go over with you in detail and in depth the issues involved here and, should the bill move forward, seek to have those addressed in whatever comes from the other body, if it's able to move forward.

Mr. KILDEE. Will the gentleman yield?

Mr. FLAKE. I would.

Mr. KILDEE. I would take that as a very helpful and constructive suggestion.

First of all, Mr. FLAKE, you and I are friends, and you are a friend of Mr. ABERCROMBIE, also. And I think what he suggests would be a good thing. Perhaps, I'm just saying, I'm not sure, perhaps the 1968 law somehow could be worked into this, but we aren't prepared to do that now without knowing exactly what we're doing. And I think it would be helpful. I would take Mr. ABERCROMBIE's willingness to sit with you. I will be glad to sit with you. We all believe in civil rights, we all believe in the principles of the fifth and the 14th amendment, and I think we could very well work this out in conference.

Mr. FLAKE. I thank the gentleman, and I thank him for providing the text of ICRA yesterday. I did read through it and was convinced and compelled that my original amendment was overly broad, and that's why I sought to restrict it here.

Seeing that we cannot restrict it, I will withdraw the amendment. But I will offer the motion to recommit later. And the motion to recommit is pretty much similar to what the amendment would have been, further restricted.

I take the gentleman's concerns. We don't know what the implications will be with the amendment, but I would submit that we don't really know what the implications might be without the amendment. And what the motion to recommit will do will simply have three sections. It's just one page here. It will say that what will apply is the U.S. Constitution's Bill of Rights, the Federal civil rights laws, and that no racially defined burdens of immunities, so we will make sure that no persons shall, as a result of the operation of this act, be exempted from any Federal or State law, regulation tax or legal burden that is the basis of the law.

I would say that it is true, this needs to go to the Senate and then come back here. And if there are problems in that this is overly broad, the motion to recommit, then that, perhaps, can be fixed as the bill works its way through. But I think that, because we swear an oath to uphold the Constitution, that we should endeavor to make sure that what we pass does not run afoul of, in particular, the 14th amendment.

I understand the gentleman's concerns in talking about ICRA of 1968, but I think we can all agree here that the sovereign nature of Native American tribes in the United States is a little different than what we're talking about here.

So, I think it would behoove us to be careful here and to make sure that we aren't doing anything that might upset the applecart, that we need to make sure that we're not creating something here that might run afoul of the Constitution. I think that's our obligation.

So, that's what the motion to recommit will be. It will be "forthwith," so this will not take any time. It won't have to come back to committee. And I will be glad to give copies across so people can be familiar with it before we're voting on it.

But, again, this is not a game of "gotcha" at all. I have great respect for those on the other side of the aisle who have worked hard on this legislation.

With that, I would yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Rather than having a motion to recommit, because I would ask you not to do that for the reasons already enumerated, this deserves our specific attention. And we both know, I think, what happens on a motion to recommit: People come to the floor; they see superficially what's involved. Who can argue about everybody wanting to have civil rights?

And I don't want to have to get into a debate with you about the question of recommittal. Here is what section 7 says of the bill, if you would allow me: "Prior to conferring Federal recognition on a reorganized governing entity, the Secretary of the Interior must certify that the organic governing documents provide for the protection of the civil rights of the citizens of the entity, as well as all other persons affected by the exercise of the entity's governmental powers and authorities. In addition, the organic governing documents must be consistent with applicable Federal law. If the Secretary finds that the organic governing documents, or any part of these documents, do not meet these requirements, the organic governing documents will not be certified."

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This has to be certified by the Secretary of the Interior as meeting every Federal responsibility. Now, up until this time, and I am sure you agree, if the Speaker will just grant me a little more time and if you will, this bill has never been subject to partisan rhetoric or activity in the committee or elsewhere. From a realistic point of view, motions to recommit really have to do with who is in charge and who is not in charge and that kind of thing. I am not disputing that your question isn't real. But the motion to recommit essentially is repeating, in some fashion, without my quite knowing what the real consequences of that language would be, whereas the language that I am citing to you from section 7 has been vetted again and again and again by minority staff, majority staff, legal staff all over to fit exactly what the gentleman seeks to succeed with.

So I am asking you not to make a motion to recommit on the basis that what I have read to you, in good faith, is language that has been put forward in good faith within the existing bill. And if you conclude that it is not adequate, I pledge to you that I will certainly sit down with you as will Mr. KILDEE and anyone else who is interested in it to try and see what we can do to make the language work as the bill moves along. But I don't want to get trapped in a recommital action which may then put language into the bill, the consequences of which I have no idea. Nor, I think, does the gentleman.

Your intentions are good. I have complete faith and say so publicly in your intentions and your desire to make this a better bill. So I ask you on the basis of a collegial respect for each other and on the basis of our friendship to let the bill go without a recommittal based on section 7 and my promise to you that we will address any and all issues that may still be on the table once you have had a chance to examine the consequences of the language you might otherwise propose.

Mr. FLAKE. I appreciate the gentleman's concern about motions to recommit. They are sometimes by their nature political. I don't always vote for the ones offered by my side because of that. However, I am only going to the motion to recommit now because I can't offer my amendment as modified. I would be glad to forgo offering the motion to recommit if I could get a commitment under unanimous consent to restrict my amendment to what I outlined, and I will be glad to read it again. If it is true that the legislation does address this concern, it would be redundant at best, or at worst, but it would at least give us here, and I think, frankly, there is a pretty safe harbor I would think for those of us who are concerned about the constitutionality in saying that this legislation should have the Bill of Rights apply to it, Federal civil rights laws, and there would be no racially defined burdens or immunities. So that is a pretty safe harbor, and I am not seeing it as political. But I would be glad to withdraw that if we could go back and have my amendment accepted as modified.

Mr. ABERCROMBIE. My difficulty is, and I'll conclude with this. Mr. BISHOP, I am very appreciative of your indulgence in this and the other Members. Obviously it is very, very important to all of us and important on a fundamental constitutional basis as well. The difficulty for me in doing that is that I am seeing it right now for the first time. The language in the bill has been gone over and over and over again with a legal fine tooth comb so that I have confidence in that.

My problem is that your intention and my intention may not be what the consequences legally would be when somebody reads it as written on the paper. My friend and mentor on the Armed Services Committee, the chairman, IKE SKELTON, who usually characterizes himself as a country lawyer, which should put everybody on edge and make them wary when he says it, has a saying that he admonishes us with on the Armed Services Committee all the time: Read it. What he means by that is the words on the paper are what will be referred to when legal recourse is taken. And what my fear is, is that not knowing the consequences of the language, despite the gentleman's intention, if I accepted such a thing, I am doing it on blind faith. Not on blind faith in you. I have faith in your good intentions. But I am doing it on blind faith as to what the safe harbor would be or not be or what the consequences would be. I am sorry I can't accept that and I ask you once again to give us the opportunity to work on this in the quiet and in the contemplative atmosphere outside the volatility of the floor.

Mr. FLAKE. I thank the gentleman.

I think that we can work with this in the quiet if we simply accept the motion to recommit or preferably the actual amendment that simply says, and let me read it again, "Nothing in the act shall relieve the Native Hawaiian governing authority from complying with the equal protection clause of the 14th amendment to the United States Constitution." That's a pretty safe harbor. And I think that if it goes to the Senate and we find there is something in there that needs to be modified or tweaked, we can do that as the bill comes back. But we ought to have at least that, I would submit. And so with the knowledge that we can't modify that, then we will offer the motion to recommit later.

Mr. RAHALL. Mr. Speaker, how much time is left for each side?

The SPEAKER pro tempore (Mr. ROSS). The gentleman from West Virginia has 9 minutes remaining. The gentleman from Utah has 2½ minutes remaining.

Mr. RAHALL. Mr. Speaker, before yielding to my next speaker, I do want to certainly recognize the gentleman from Arizona (Mr. FLAKE) who has, for the first time in quite a few months if not this year, been so gracious and so kind to give us at least 5 minutes' notice of what the minority side's motion to recommit is going to be all about instead of at the last nanosecond receiving such recommittal motions as we have on so many bills before this body in an effort to play gotcha. So I do appreciate knowing what that recommittal motion is going to be ahead of time.

Thank you, Mr. FLAKE.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I rise today as chairman of the Congressional Asian Pacific American Caucus in unconditional support of H.R. 505, the Native Hawaiian Government Reorganization Act of 2007. This bill provides a process for the reorganization of the Native Hawaiian governing entity for the purposes of a federally recognized government-to-government relationship.

Since the annexation of the Territory of Hawaii, Native Hawaiians, Hawaii's indigenous peoples, have been treated by Congress in a manner similar to American Indians and Alaska Natives. Congress has passed over 160 statutes to address the conditions of Native Hawaiians and has repeatedly recognized the United States' political and legal relationship with Native Hawaiians.

H.R. 505 formally extends the Federal policy of self-governance and self-determination to Native Hawaiians, thereby providing parity in Federal policies toward American Indians, Alaska Natives, and Native Hawaiians.

This bill does not grant Federal recognition, but provides a process for Native Hawaiians to be federally recognized. The Secretary of Interior will be required to certify the Native Hawaiian governing entity before it is federally recognized.

This bill will also provide a structured process to address the longstanding issues resulting from the overthrow of the Kingdom of Hawaii. The bill provides for a negotiation process to resolve these issues with the Federal and State governments and will alleviate the growing mistrust, misunderstanding, anger and frustration about these matters.

This measure is supported by Hawaii's Republican Governor, Linda Lingle, Hawaii's congressional delegation, and the Hawaii State legislature. The bill is supported by the National Congress of American Indians and Alaska Federation of Natives as well as numerous other national organizations. In addition, the bill is also supported by a number of organizations in Hawaii who have passed resolutions in support of enacting this bill.

I ask my colleagues to support this measure and advance the reconciliation process for our people.

Mr. BISHOP of Utah. Mr. Speaker, I will continue to reserve.

Mr. RAHALL. Mr. Speaker, I have the right to close and I will reserve the balance of my time.

Mr. BISHOP of Utah. In closing, I will merely state I have appreciated this particular dialogue we have had, without the long colloquy we went through in this particular area. I would humbly submit that at least some of the times in the past when more than adequate time to consider a recommital has been given, the bill tends to disappear from the floor before the vote takes place. So we are happy this may not necessarily be the case today.

With that, I will yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, according to the American Bar Association, "The right of Native Hawaiians to use of property held in trust for them and the right to govern those assets is not in conflict with the equal protection clause since it rests on independent constitutional authority regarding the rights of native nations contained within articles I and II of the Constitution."

The ABA further adds, "Our courts have upheld Congress' power to recognize indigenous nations and has specifically recognized that this power includes the power to re-recognize nations whose recognition has been compromised in the historical past."

Indeed, I would note that this body, the Congress, has recognized 530 of the 561 federally recognized Indian tribes. It is clear that we have this power and this authority and that is simply what we are doing today with respect to Native Hawaiians.

I again want to commend the delegation from Hawaii, Mr. ABERCROMBIE and Ms. HIRONO, for the work that they have put into this legislation. I commend our Committee on Natural Resources and the staff that have worked so hard to, once again, bring this effort to the floor of the House in a nonpartisan, bipartisan piece of legislation. I join my colleague from Hawaii (Mr. ABERCROMBIE) in hoping that the motion to recommit is not offered by the gentleman from Arizona. But should it be offered, then I hope my colleagues will certainly recognize that what we are attempting to prevent by arguing against that motion is a discrimination against Native Hawaiians. And we are asking that we treat them no differently than other Indians.

I would close by again urging my colleagues to join, once again, in supporting this legislation in a strong bipartisan manner and I would urge a "no" on any motion to recommit.

Ms. HIRONO. Mr. Speaker, I rise today in strong support of H.R. 505, the Native Hawaiian Government Reorganization Act, which begins to provide a measure of justice for the indigenous, native people of the Hawaiian islands. I could argue the legal and constitutional arguments on why this bill should be passed, but I want to take a few minutes to share some of the history to show why this bill is so important to all the people of Hawai‘i.

As many of you know, the Kingdom of Hawai‘i was overthrown in 1893. Hawai‘i's last Queen, Lili‘uokalani, was deposed by an armed group of businessmen and sugar planters, who were American by birth or heritage, with the support of U.S. troops. The Queen agreed to relinquish her throne, under protest, to avoid bloodshed. She believed the United States, which with Hawai‘i had diplomatic relations, would restore her to the throne. As we now know, despite the objections of President Grover Cleveland, the injustice of the overthrow was allowed to stand, and the Republic of Hawai‘i was established.

A few years later, in 1898, the United States annexed Hawai‘i. Prior to annexation, a petition drive organized by Native Hawaiians secured signatures of almost two-thirds of the Native Hawaiian population opposing annexation (29,000 signatures out of an estimated Native Hawaiian population of 40,000). These petitions are now in the National Archives.

The Hawaiian culture was under siege. The Republic of Hawai‘i prohibited the use of the Hawaiian language in Hawai‘i schools. Everyday use of the Hawaiian language diminished greatly and it was in danger of dying out. Hula, which had been suppressed by the missionaries and then restored by King Kalaukaua a few years before the overthrow, survived but did not flourish. Hawaiians were pressured to assimilate and much was lost.

When Prince Jonah Kuhio Kalaniana‘ole was elected to serve as Hawai‘i's delegate to Congress, he succeeded in passing the Hawaiian Homes Commission Act of 1920, which set aside some 200,000 acres of land for Native Hawaiians. The reason for the legislation was the landless status of so many Native Hawaiians, who were displaced by newcomers and became the most impoverished population in their native land. In recognition of its trust responsibility toward Native Hawaiians, Congress passed the Hawaiian Homes Commission Act, which is still in force.

Hawai‘i became a state in 1959. Beginning in the late 1960s and early 1970s, a Native Hawaiian cultural rediscovery began in music, hula, language, and other aspects of the culture. This cultural renaissance was inspired by hula masters (kumu hula), who helped bring back ancient and traditional hula; musicians and vocalists, who brought back traditional music and sang in the Hawaiian language; and political leaders, who sought to protect Hawai‘i's sacred places and natural beauty.

This flowering of Hawaiian culture was not met with fear in Hawai‘i, but with joy and celebration and an increased connection with each other. People of all ethnicities in Hawai‘i respect and honor the Native Hawaiian culture. We are not threatened by the idea of self determination by Native Hawaiians.

In 1978, Hawai‘i convened a constitutional convention that was designed, in part, to right some of the wrongs done to Native Hawaiians. The constitutional convention created the Office of Hawaiian Affairs or OHA so that Native Hawaiians would have some ability to manage their own matters. The people of Hawai‘i ratified the creation of OHA and voted to allow the trustees of the Office of Hawaiian Affairs to be elected solely by Native Hawaiians. Although the Supreme Court in Rice v. Cayetano decided that limiting the vote in this manner violated the 15th Amendment, that decision was based on the fact that the State of Hawai‘i ran the elections, not whether or not Native Hawaiians are an indigenous, native group with an inherent sovereignty. In fact, the court expressly avoided the issue of whether or not Native Hawaiians are analogous to an Indian tribe.

The Constitutional Convention also laid the ground work for the return of some federal lands to Native Hawaiians, including the island of Kaho‘olawe, which is currently held in trust for a future Native Hawaiian governing entity. The ConCon, as it is known in Hawai‘i, also designated the Hawaiian language (along with English) as the official state language of Hawai‘i for the first time since the overthrow in 1893.

I was in the Hawai‘i State Legislature when we approved creation of Hawaiian language immersion schools, recognizing that language is an integral part of a culture and people. The Hawaiian language was in danger of disappearing. Public Hawaiian language preschools, called Punana Leo, were started in 1984. We now have Hawaiian language elementary, middle, and high schools in Hawai‘i, and a new generation of fluent Hawaiian language speakers are helping to keep this beautiful and culturally important language alive. Other native peoples are looking to the Hawai‘i model as a means of preserving and perpetuating their native languages.

Mr. Speaker, I rise to thank the 261 Members who supported H.R. 505, the Native Hawaiian Government Reorganization Act of 2007. I also want to encourage my colleagues who did not support the bill to talk to me and Congressman ABERCROMBIE to learn more about the merits of the legislation. The passage of the bill has been celebrated by the people of Hawaii—Native Hawaiians and non-Native Hawaiian alike. I thank all the members of this body for the respectful and deliberate manner in which the debate was conducted.

During the course of my remarks on the bill, I was privileged to place into the record several recent letters of support for H.R. 505, including letters from the Governor of the State of Hawaii, as well as the National Congress of American Indians and the American Bar Association, two of more than 50 national and state organizations that worked hard on behalf of the bill.

After the vote on the bill, I received another letter of support from the Japanese American Citizens League, one of many civil rights organizations championing the efforts of Native Hawaiians to regain their right of self-governance and self-determination.

Americans of Japanese ancestry fought their own battles against discrimination and subjugation, although for a shorter duration, when they were sent to relocation camps during World War II. They understand all too well the deprivation suffered by the Native Hawaiians, since their sovereign government was overthrown, and have lent their full support to the Native Hawaiian cause, which I deeply appreciate.

It is therefore important that this letter from the Japanese American Citizens League be inserted into the CONGRESSIONAL RECORD to reflect the support of the JACL for this historic vote to recognize the inherent sovereignty of the indigenous, native people of Hawaii. I thank the members of JACL for their valuable support.

JAPANESE AMERICAN
CITIZENS LEAGUE,
*Washington, DC, Oct. 23, 2007.*

Hon. MAZIE K. HIRONO,
*1229 Longworth House Office Building, U.S. House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE HIRONO: The Japanese American Citizens League (JACL), the nation's oldest and largest Asian American civil rights organization, fully supports the passage of H.R. 505, The Native Hawaiian Government Reorganization Act of 2007 (NHGRA), introduced by the Members of the Hawai'i Congressional Delegation. The bill is scheduled for a vote before the House on Wednesday, October 24th and I ask that you vote in favor of the bill and against any motion to recommit H.R. 505.

A process of U.S. recognition is already available to American Indians and Alaska Natives, and enactment of NHGRA extends a similar process to Native Hawaiians. There are over 560 federally recognized Native governing entities functioning in the U.S, along side local, state and federal governing entities. Native Hawaiians are the indigenous people of Hawai'i, whose ancestors practiced sovereignty in their ancestral lands that later became part of the United States. The establishment of a process of federal recognition for Native Hawaiians moves us toward fairness in federal policy toward American Indians, Alaska Natives and Native Hawaiians.

Protection of Native Hawaiian culture, as well as existing Native Hawaiian programs is critical for future generations. Perpetuation of distinct, living cultures requires self-determination, and that is necessary for the Native Hawaiian culture as well. Enactment of NHGRA protects this greater self-determination, and thus the distinct culture. It protects existing programs because it establishes a single U.S. policy reaffirming that as the indigenous people of Hawai'i, Native Hawaiian people have a special political and legal relationship with the U.S., consistent with the Hawai'i Constitution, over 150 existing Federal laws addressing Native Hawaiians and the U.S. Constitution regarding Native people of the lands of the 50 states.

Sincerely,

FLOYD MORI,
*National Director.*

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support H.R. 505, and I do so in recognition of the long-standing ties between Native Hawaiians and Alaska Natives, who themselves underwent a struggle to be recognized for the purpose of settling their aboriginal land claims. H.R. 505 concerns a struggle involving Native Hawaiians, who are seeking to formalize a kind of relationship among the Federal government, the State of Hawaii, and Hawaii's aboriginal peoples based on the powers of the Congress to regulate Indian affairs. I have been proud to work with my good friend, the Gentleman from Hawaii (Mr. ABERCROMBIE), to work on passing this bill for all the years we have served together. I want to recognize and congratulate the Gentleman for his iron commitment to this legislation and to the well-being of Hawaii and the nation.

This Congress has passed several laws of unique application to Native Hawaiians, invoking the authority of the so-called Indian Commerce Clause of Article I, Section 8 of the Constitution. An important example of these laws is when Congress conveyed lands in Hawaii for the purpose of benefiting the Natives. This has been supplemented with additional benefits and services exclusively for Natives based on their status as Natives.

But there is a shortcoming in these laws: Congress has not yet authorized the Natives to organize a governing entity. At some point, we the Congress have to provide a means for the Native Hawaiians to administer these benefits in accordance with our current policy of promoting self-determination among Native American people in general. Native Hawaiians have largely stayed intact as a distinct community and we would be doing a great disservice to them if we did not set up a process for their recognition as a governing entity. The governing entity will be the vehicle they use to advance their economies, and preserve and pass on their special heritage and language to future generations.

I understand that some Members have a problem with this bill. It has been said many times already but it's worth emphasizing again: H.R. 505 has the endorsement of the Governor, the Congressional Delegation and the State Legislature of Hawaii. It does not cut into programs for American Indians and Alaska Natives. Enrollment to the governing entity is elective.

We can trace the genesis of this bill, embodying the hope of an indigenous people to control their own fate, all the way back to the overthrow of 1893. It has been a long road. I believe how we treat our native indigenous people reflects our values and who we are. Clearly, there is much in the history of our interactions with the native people of what is now the United States that makes us less than proud. But one of the great attributes of America has always been the ability to look objectively at our history, learn from it, and where possible make amends.

Native Hawaiians, like American Indians and Alaska Natives, have an inherent sovereignty based on their status as indigenous, native people. They desire the right to exercise management over their own affairs and land. By law, a portion of income from the former crown lands of the Kingdom of Hawai'i (also called ceded lands) is allocated to benefit the native Hawaiian people. At present, that income is managed by the Office of Hawaiian Affairs, a state agency. Management of this income and Hawaiian lands should be done by a Native Hawaiian governing entity now that the trustees of the Office of Hawaiian Affairs are elected by all the residents of the State of Hawai'i and not just Native Hawaiians.

As has already been mentioned today, this legislation is supported by the great majority of Hawai'i's people, by its Republican governor, by our State Legislature, and by dozens of organizations, including the Congress of American Indians and the Alaska Federation of Natives.

This legislation primarily affects the State of Hawai'i. Our state motto, which is the same as that of the Kingdom of Hawai'i, is "Ua man ke ea o ka aina i ka pono," which means "the life of the land is perpetuated in righteousness." This is a historic vote and one that helps to perpetuate righteousness by righting a historic wrong. I ask that you stand with the people of Hawai'i and oppose the Flake amendment, oppose the motion to recommit, and support passage of the bill.

Mahalo nui loa (thank you very much).

For these reasons, we owe a great deal of deference to the judgment of the elected representatives of the State of Hawaii. They are the ones who are accountable for this legislation on their islands. The Delegation of Hawaii understands best that Native Hawaiians have struggled for decades to achieve a status that adequately promotes their self-determination.

Let's keep in mind that Congress has recognized Native Americans for various purposes over the years. We are not limited by a strict set of criteria such as those set forth in the Interior Department's Federal acknowledgment regulations. While these criteria are sensible to apply in some cases, a quick look at some of the Indian statutes passed in the early days of our republic make it clear that Congress viewed its powers to deal with Indians in a very broad sense.

Opponents often say that Native Hawaiians are not a tribe and that Article I, Section 8 of the Constitution limits Congress to recognize only tribes in the contiguous 48 States.

The meaning of "tribes" in Article I, Section 8—commonly called the Indian Commerce Clause—is broad in scope. There is nothing that limits Congress to recognizing only the aboriginal people of the Lower 48 States. In fact, Congress was recognizing Indians for special reasons when they were in lands that were not part of the United States. And Congress has authorized the reorganization of reservations that were broken up and tribes that were terminated. Again, Congress has broad, plenary authority to recognize Native peoples.

H.R. 505 is a good bill and it is a first, critical step for Native Hawaiians to deal with Hawaii and the Federal government in a fashion befitting their special status as a distinct Native community. In their wisdom, the Representatives from Hawaii have left issues regarding benefits, services, and lands to future negotiations with the newly organized governing entity. We can deal with these issues in a deliberative, careful fashion with the Native governing entity when it is organized.

I'm pleased to support H.R. 505 and to advance a process for recognizing a Native Hawaiian entity.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 764, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FLAKE. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Flake moves to recommit the bill H.R. 505 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Page 44, after line 22, insert the following:

(h) APPLICABILITY OF THE UNITED STATES CONSTITUTION'S BILL OF RIGHTS.—The Native Hawaiian governing entity shall be subject to the United States Constitution's Bill of Rights and other protections in the same manner and to the same extent as a State or local government of the United States.

(i) APPLICABILITY OF FEDERAL CIVIL RIGHTS LAWS.—The Native Hawaiian governing entity shall be subject to Federal civil rights and antidiscrimination laws in the same manner and to the same extent as a State or local government of the United States.

(j) NO RACIALLY DEFINED BURDENS OR IMMUNITIES.—No persons shall, as a result of the operation of this Act, be exempted from any Federal or State law, regulation, tax, or other legal burden on the basis of that person's race or ancestry or on the basis of any classification that is defined by race or ancestry.

Mr. FLAKE (during the reading). I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona is recognized for 5 minutes in support of his motion.

Mr. FLAKE. Mr. Speaker, as I mentioned before, I originally had an amendment that I would have liked to have offered which would simply say that we would add the following: "Nothing in this act shall relieve a Native Hawaiian governing authority from complying with the equal protection clause of the 14th amendment to the United States Constitution."

This motion to recommit is very similar to that.

As I mentioned before, the U.S. Civil Rights Commission has concerns about the legislation. They said, "This would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups accorded varying degrees of privilege."

I think there is sufficient concern that we should find the safe harbor here of making sure that the 14th amendment applies. This motion to recommit, I will read the entire thing, it is not long. So I will read all of it.

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It simply says: "Page 44, after line 22, insert the following: Applicability of the United States Constitution's Bill of Rights. The Native Hawaiian governing entity shall be subject to United States Constitution's Bill of Rights and other protections in the same manner and to the same extent as a State or local government of the United States.

"Section (i). Applicability of Federal civil rights laws. Shall be subject to civil rights and antidiscrimination laws in the same manner and to the same extent as a State or local government of the United States. Section (j). No racially defined burdens or immunities. No person shall, as a result of the operation of this Act, be exempted from any Federal or State law, regulation, tax, or other legal burden on the basis of that person's race or ancestry or on the basis of any classification that is defined by race or ancestry."

This is a pretty good default, a default back to the Constitution, and says that nothing in this act has to be compatible, has to fit within the Constitution. That is all that this motion to recommit does. Some will raise the concern that this might apply to Native American groups here on the mainland. It does not. This only applies to this act, to the Native Hawaiian governing entity.

Mr. Speaker, this is a very narrowly drafted motion to recommit. It is drafted "forthwith" so it will come immediately back so it won't spend any more time in committee. Then, if there are issues unforeseen, when it goes to the Senate and comes back, we can work on them. But in the meantime, I think it is a much better option to actually have this default and to go back to the U.S. Constitution.

The gentleman mentioned earlier that the act provides that the Secretary of the Interior has to certify that we are in compliance with the U.S. Constitution. I would just state for the record that we haven't had the best record relying on the Secretary of the Interior to manage trust accounts or other things. We shouldn't delegate that authority here. We shouldn't delegate our responsibility to uphold the Constitution to an official in the executive. That is our purpose here. We make the laws. We should ensure that they are given the guidelines and given the protections here that the Constitution affords.

So I would urge adoption of the motion to recommit. As I mentioned, I offered it reluctantly. I would have rather, because motions to recommit sometimes become political, and this is not, so I would have preferred to offer this as a straight amendment narrowed to this specific act, but wasn't afforded that opportunity.

Mr. Speaker, I also want to say again that I want to commend those on the other side of the aisle for working so hard on this legislation and for their diligence in working to make sure that this is a good bill. This will improve it. This will simply say that those under this act are afforded the guarantees and the protections of the U.S. Constitution and the Bill of Rights.

Mr. Speaker, I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, this bill before us is the result of years of bipartisan and nonpartisan work, which has been mentioned. I take second to none my regard for Mr. FLAKE and recitation once again of our personal regard for one another; however, I am afraid that the reason I have to oppose this motion to recommit is for precisely the reasons I mentioned during our previous dialog.

I am pleased that he actually read what the motion to recommit says because the part here, and you may recall in my previous commentary where I said we can't be sure what the consequences might be unless we have had a chance to vet them. The bill itself has been vetted again and again by counsel on both sides of the aisle and by groups that have an interest in the bill. This is the consensus that this meets all relevant legal technicalities.

Here, look what it says: "The Native Hawaiian governing entity shall be subject to the United States Constitution's Bill of Rights and other protections in the same manner and to the same extent as a State or local government of the United States." That is an invitation to an avalanche of litigation. How are you going to define "same manner" and "same extent" of a State or local government?

The indigenous people, whether they are Native Americans in tribes, whether they are Alaska Natives in corporations, Native Hawaiians trying to put together a government, and they are not a State, they are not a local government, and to say in a motion to recommit that we are going to require them to exactly replicate State and local governments, which is subject to litigation all the time, you would have to have a trust fund set up to handle the litigation, I think, that would result from that.

Mr. Speaker, I don't think that that is Mr. FLAKE's intent. In fact, I would stipulate that that is not his intent. Our problem is we haven't had a chance to sit down and go over this to see whether we can cover any of these contingencies. I wish he had accepted my plea, my offer, and I wish he would stand up now and say, I have seen the light and I am going to withdraw my motion to recommit. Because if you go to number (i), applicability of Federal civil rights laws, it says the same thing with respect to civil rights and antidiscrimination laws in the same manner and to the same extent as a State or local government of the United States.

My friends, my colleagues, I agree that Mr. FLAKE has brought this not for political reasons but because of his sincere belief that this needs to be addressed. I can assure you that if anything is political, this is political by default. Far from saying simply that it is a simple explication of his point of view, it is an absolute wellspring of complication to try and figure out what the same extent of State and local government laws are with regard to civil rights, antidiscrimination or Bill of Rights and other protections. "Other protections," what does that mean? That will be litigated to death.

So, Mr. Speaker, I ask Mr. FLAKE, now that I have analyzed his simple language for him, if he would reconsider withdrawing the motion to recommit. If he does not, I pledge to him now that if we are able to defeat the motion to recommit, which I think should be defeated by anybody who's worked on this bill. I make this final plea in all seriousness, Mr. Speaker. We have worked too hard, come too far on a nonpartisan basis, Republican and Democrat alike, to come to this conclusion and throw ourselves into the briar patch of State and government applicability of laws as recommended in the recommittal. The bill itself deals with all these issues on civil rights.

Mr. Speaker, I ask that the motion to recommit be defeated and that we move to a vote, an overwhelming vote on the underlying bill, H.R. 505, which is an exemplary product, a singular stalwart example of what bipartisan work can do in this House of Representatives.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 178, nays 235, not voting 19, as follows:

[Roll No. 999]

YEAS—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—235

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reynolds
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—19

Bilbray
Buyer
Carson
Davis (CA)
Davis (KY)
Hinojosa
Hunter
Issa
Jindal
Johnson, E. B.
Knollenberg
Lewis (CA)
Reyes
Ros-Lehtinen
Shea-Porter
Walberg
Wilson (OH)
Wynn
Young (AK)

□ 1450

Messrs. EDWARDS, STUPAK, MITCHELL, CARNEY, Mrs. McCARTHY of New York, Messrs. COSTELLO, LYNCH, HALL of Texas, Ms. BERKLEY, Messrs. SCOTT of Georgia, ENGLISH of Pennsylvania, TIERNEY, DONNELLY and LOBIONDO changed their vote from "yea" to "nay."

Messrs. CARTER, SMITH of New Jersey, TERRY, WELDON of Florida, SHADEGG, CHABOT, and PICKERING changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. KNOLLENBERG. Mr. Speaker, on rollcall No. 999, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. WALBERG. Mr. Speaker, on rollcall No. 999, I was unable to vote. Had I been present, I would have voted "yea."

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 999, had I been present, I would have voted "nay."

(By unanimous consent, Mr. SHULER was allowed to speak out of order.)

### LONGEST YARD CLASSIC CONGRESSIONAL FOOTBALL GAME

Mr. SHULER. Mr. Speaker, I would like to congratulate everyone and thank everyone who took part in this year's Longest Yard Classic; although the game didn't quite go like we had expected it to go. It was 28–0. Zero is something I've come to know pretty well during my Washington days with the Redskins. We knew quite well about that zero.

Quarterback rating did not go up during that game. I will say that we had some great wide receivers. Every one offensively who got in the game got a chance to catch the football, which was great.

I do want to say and congratulate the Capitol Hill Police, not only for their great win over the Members of Congress, but for what they do when they sacrifice their lives every single day of their lives.

We were able to see firsthand how actually across the aisle we can work together, Democrats and Republicans, 7 a.m. practices. No one showed up late, almost never.

Ken Harvey and John Booty from the NFL came down and helped coach us, and we have special thanks to them and to all the participants, all the Members who played and to the Members who came out to watch us.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. SHULER. I yield to the gentleman from Pennsylvania, my friend.

Mr. SHUSTER. Mr. Speaker, I want to thank the gentleman, and I just want to echo what he said about the Capitol Hill Police and what they do every day, protecting us, making sure the grounds are safe, not only for us but the people who do business here, the visitors here. So we owe them a great debt of gratitude.

I would urge all of you, while not all of you were able to get out to the game and not all of you were able to play in the game, but I would urge all of you, when you see a Capitol Hill Police officer out there, thank them. Thank them for what they do for you, for your family and for, as I said, everybody that uses this great Capitol Hill complex.

The game, as HEATH pointed out, didn't end up the way we thought it would. Some thought we gave better than we took. Some thought that the Capitol Hill Police could have scored 56 on us. That will remain to be seen, but nobody was hurt during the game. Everybody played. We all had a lot of fun, and we raised some money for the benevolent fund that goes to the kids of the Capitol Hill Police. So it was a great success.

I appreciate all those that participated. Practices were early. HEATH and John Booty and Ken Harvey, who really ran the show, did a great job of getting us out there in the morning.

I also want to thank the Members that showed up to the game. Some of you came out: HENRY BROWN, MIKE CONAWAY, STEPHANIE TUBBS JONES, JESSE JACKSON, GREGORY MEEKS and LINCOLN DAVIS. Thank you guys for coming out there to the game. I think that's extremely important that when you are out there, we're out there, leaving a little skin on the field, a little blood, but all of it's for a great cause to the Capitol Hill Police.

Sergeant at Arms, Bill Livingood, thank you. The Chief of Police, Philip Morse, thank you for all your help. And also a special thanks to Vardell Williams, who's now become the voice of the Longest Yard Classic. Thank you. He works here for the superintendent, but he volunteered to be out there to be the voice of the Longest Yard Classic.

So again I thank everybody, and congratulations to the Capitol Hill Police.

The following is our team roster.

| Member name | State | Jersey number |
|---|---|---|
| Kendrick Meek | Florida | 0 |
| Zach Wamp | Tennessee | 1 |
| Pat Murphy | Pennsylvania | 3 |
| Jim Jordan | Ohio | 4 |
| Joe Donnelly | Indiana | 7 |
| Anthony Weiner | New York | 9 |
| Charlie Dent | Pennsylvania | 15 |
| Brad Ellsworth | Indiana | 18 |
| Heath Shuler | North Carolina | 21 |
| Jason Altmire | Pennsylvania | 24 |
| Sam Graves | Missouri | 27 |
| Jack Kingston | Georgia | 28 |
| Jim Gerlach | Pennsylvania | 30 |
| John Sullivan | Oklahoma | 39 |
| Dean Heller | Nevada | 42 |
| Jeff Flake | Arizona | 44 |
| Todd Tiahrt | Kansas | 45 |
| Michael Arcuri | New York | 58 |
| Thaddeus McCotter | Michigan | 65 |
| Rick Renzi | Arizona | 67 |
| Gresham Barrett | South Carolina | 76 |
| Paul Ryan | Wisconsin | 80 |
| Bill Shuster | Pennsylvania | 00 |
| Kevin McCarthy | California | 11* |

*Might change.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 261, nays 153, not voting 18, as follows:

[Roll No. 1000]

YEAS—261

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Cannon
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—153

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston

Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Latham
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walsh (NY)
Wamp
Waters
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOT VOTING—18

Bilbray
Buyer
Carson
Davis (CA)
Dicks
Feeney
Hunter
Issa
Jindal
Johnson, E. B.
Lewis (CA)
Reyes
Ros-Lehtinen
Rush
Shea-Porter
Wilson (OH)
Wynn
Young (AK)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1504

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FLY OUR FRIENDLY AND SAFE SKIES?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, "Fly the friendly and safe American skies." That's what Americans are being told by our government. But not so fast.

NASA just completed a 4-year survey of thousands of pilots on the issue of air safety. The results have been compiled, but NASA not only won't release the results, they have ordered the survey to be deleted from official computers.

NASA officials have said if the results are public, the airline customers' confidence in air safety will be jeopardized. The taxpayers paid $8 million for this survey, and the results should be open and not held hostage just because the results may reveal bad news.

The American public and the airline industry should know what the pilots say about air safety. If it wasn't for the press, the mere knowledge of this survey would not have been exposed, but would have remained a dark secret behind the Moon. Our "Challenge" is to continue to "Endeavor" to "Discover" the truth.

NASA should not be in the business of hiding the truth. Americans can deal with the truth, even if NASA cannot.

And that's just the way it is.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SARBANES). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## HONORING DEVEN AMIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, I rise today to recognize the achievements of one of my constituents, Mr. Deven Amin of Easton, Pennsylvania. Deven, a senior at the Blair Academy in Blairstown, New Jersey, recently raised $7,500 in local contributions for the Nyumbani Village Project in Kenya.

Nyumbani Village, located a short distance from Kenya's capital, Nairobi, is a settlement where HIV/AIDS affected orphans are placed under the stewardship of elderly Kenyans in mutually beneficial family settings. Founded in 1992, the village today provides shelter, nutrition and education for roughly 160 orphans, over 100 of which are infected with HIV/AIDS, and 63 elderly adults. From infants to teenagers, these orphans represent nearly every tribe and ethnicity in Kenya.

In the past 2 years, Deven has twice traveled to Kenya to volunteer at Nyumbani, where he helped cultivate the village's farm, organize children's activities and assist families with various household duties. After witnessing firsthand the impact of this unique project on its many participants, Deven returned to Easton eager to share his experiences, enhance awareness of the global HIV/AIDS epidemic and generate local support for the continued development of the Nyumbani Village.

This year, Deven raised an astonishing $7,500 for the project through an ambitious letter-writing campaign that targeted local businesses and health care professionals. The funds gathered by Deven will be used to help construct a critical multipurpose hall in Nyumbani. This structure will provide necessary recreation space for children during times of inclement weather and serve as a gathering place for the entire Nyumbani community. Construction of the facility has been identified as a top priority by the program's directors, who envision the settlement housing between 1,200 and 1,600 individuals in the future.

While raising money, Deven also educated residents of the Lehigh Valley about the devastating impact of HIV/AIDS in Africa through various speaking engagements at local organizations. Recently, Deven spoke at the Palmer Township Kiwanis Clubs, and he will address an audience at a local Rotary International chapter in the near future. He also plans to host a chapel service at his high school in late November. Deven's desire to enhance local awareness of global HIV/AIDS through firsthand accounts of his experience in Kenya is truly commendable.

Mr. Speaker, I ask that my colleagues today join me in recognizing the achievements of Deven Amin, whose selfless efforts will undoubtedly improve the lives of hundreds of Kenyan orphans impacted by HIV/AIDS. We are all extraordinarily proud of Deven. On behalf of myself and the people of the 15th Congressional District, I congratulate him and thank him once again for what he has done to help make this world a better place.

## IRAQ AND AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, when General Petraeus testified before Congress last month, there was a lot of happy talk from the administration about how much improved things had gotten in Iraq. From the way they talked, you would have thought that Iraq had become a sort of paradise, a middle eastern Shangri-La.

But now it's back to harsh reality, and yesterday the administration handed us yet another bill for their senseless occupation of Iraq. This time, the tab is $46 billion in supplemental funding. And this is for Iraq as well as Afghanistan. That's on top of the nearly half trillion dollars we have already spent in Iraq. And make no mistake, this isn't the last bill for Iraq that we will be getting. The administration has no exit strategy. Instead, it has a strategy to keep the occupation going for decades. So the bill will keep piling up until our credit cards are absolutely maxed out. To make matters worse, the administration had the gall to hand us this enormous bill just a few weeks after vetoing the SCHIP bill, which they said was too expensive.

Let's examine the White House's logic. Our policy in Iraq is a failure while the SCHIP program is a big success. So you would think the administration would want to cut our losses in Iraq and increase our investment in SCHIP. But, no, it's the other way around. The White House has turned into Superman's bizarro world, where everything is the opposite of what it should be.

Yesterday, when the administration announced its funding request, the President said, and I quote, "I often hear that war critics oppose my decisions, but still support the troops. Well, I'll take them at their word, and this is the chance to show that they support the troops."

Well, a few weeks ago, the administration had a chance to show that it supported the troops, and it blew it. The SCHIP bill that was vetoed included the bill that I sponsored, H.R. 3481, the Support for Injured Servicemembers Act. This bill amends the Family Medical Leave Act to allow family members of a soldier wounded in Iraq or Afghanistan or any other conflict to take up to 6 months leave from work to care for that soldier.

This change in the Family Medical Leave Act is desperately needed by the families of our brave troops. The Dole-Shalala Commission reported that 21 percent of active duty soldiers, 15 percent of reservists and 24 percent of retired or separated soldiers have had family members or friends give up their jobs to care for them while they recovered from their wounds. And 33 percent of active duty soldiers, 22 percent of reservists and 37 percent of retired or separated soldiers have had a family member or close friend relocate, relocate for extended periods of time to care for them while they were in the hospital. So extending the Family Medical Leave Act benefits would help many military families when they actually need the help the most. That's why my bill has been endorsed by the Military Officers Association of America, the Enlisted Association of the National Guard of the United States, the National Military Family Association, and the National Partnership for Women and Families.

The administration's veto of SCHIP was a slap in the face, not only to the children that will not be covered, but to all of these fine organizations.

Let's support our wounded troops and their families and let's support our courageous troops in the field in Iraq by rejecting this administration's request for supplemental funding, but, instead, fully funding the safe, orderly and timely redeployment of all of our troops and of all of our military contractors. That way we will be supporting the troops in Iraq.

This is what Congress must do. This is what the American people want. And if we fail to do it, we will have failed the American people and our troops.

☐ 1515

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3867, SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–407) on the resolution (H. Res. 773) providing for consideration of the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## MUHAMMAD A. NASSARDEEN, FOUNDER OF RECYCLING BLACK DOLLARS IN LOS ANGELES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it was with great sorrow that I learned of the loss of a stalwart champion of political and business empowerment within the Los Angeles community. I'm speaking of Mr. Muhammad A. Nassardeen, a pioneering entrepreneur and a staunch promoter of "economic activism."

Muhammad Nassardeen founded Recycling Black Dollars in 1988 as a way to encourage African Americans and others to patronize African American-owned businesses and promote the practice as a much needed strategy for revitalizing the community and addressing problems such as unemployment.

Muhammad Nassardeen never saw the City of Los Angeles as it is, but he envisioned what it could be. He was "connector" extraordinaire. He connected black consumers with black businesses, and black business owners with one another. It is estimated that some 2,000 to 3,000 businesses benefited from the work of Recycling Black Dollars.

Muhammad Nassardeen's vision and focus on the economic empowerment and advancement of ethnic minorities in Los Angeles will be sorely missed. He was a beacon of light out of economic darkness for many.

The City of Los Angeles, colleagues, family and friends all mourn the loss of Muhammad A. Nassardeen, and I extend my most heartfelt condolences to his family, his colleagues, his many close friends in the Los Angeles business community and here on Capitol Hill.

## STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2007 AND FY 2008 AND THE 5-YEAR PERIOD FY 2007 THROUGH FY 2008

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2007 and 2008 and for the 5-year period of fiscal years 2008 through 2012. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 204, 206 and 207 of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 21. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels.

The second table compares the current levels of discretionary appropriations for fiscal years 2007 and 2008 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act because the point of order under that section applies to measures that would breach the applicable section 302(b) suballocation.

The third table compares the current levels of budget authority and outlays for each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 21 for fiscal years 2007 and 2008 and fiscal years 2008 through 2012. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) allocation of new budget authority for the committee that reported the measure.

The fourth table gives the current level for fiscal years 2009 and 2010 for accounts identified for advance appropriations under section 206 of S. Con. Res. 21. This list is needed to enforce section 206 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that: (i) are not identified in the statement of managers; or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2008 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 21

[Reflecting Action Completed as of October 19, 2007—On-budget amounts, in millions of dollars]

| | Fiscal year— | | |
|---|---|---|---|
| | 2007 | 2008[1] | 2008–2012 |
| Appropriate Level: | | | |
| Budget Authority | 2,250,680 | 2,350,996 | ([2]) |
| Outlays | 2,263,759 | 2,353,954 | ([2]) |
| Revenues | 1,900,340 | 2,015,841 | 11,137,671 |
| Current Level: | | | |
| Budget Authority | 2,250,680 | 2,346,297 | ([2]) |
| Outlays | 2,263,759 | 2,352,281 | ([2]) |
| Revenues | 1,904,516 | 2,050,418 | 11,313,688 |
| Current Level over (+) / under (−) | | | |
| Appropriate Level: | | | |
| Budget Authority | 0 | −4,699 | ([2]) |
| Outlays | 0 | −1,673 | ([2]) |
| Revenues | 4,176 | 34,577 | 176,017 |

[1] Discretionary levels based on annualization of continuing resolution. Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the appropriate level.

[2] Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

### BUDGET AUTHORITY

For purposes of section 311 of the Congressional Budget Act, appropriations bills will generally be scored without regard to levels in the continuing resolution that expire on November 16, 2007. The continuing resolution provides $923,554 million in budget authority on an annualized basis. Thus enactment of measures that provide new budget authority for FY 2008 in excess of $928,523 million (if not already included in the current level estimate) would cause FY 2008 budget authority to exceed the appropriate level set by S. Con. Res. 21.

OUTLAYS

For purposes of section 311 of the Congressional Budget Act, appropriations bills will generally be scored without regard to levels in the continuing resolution that expire on November 16, 2007. The continuing resolution results in $585,600 million in outlays on an annualized basis. Thus enactment of measures providing new outlays for FY 2008 in excess of $587,273 million if not already included in the current level estimate) would cause FY 2008 outlays to exceed the appropriate level set by S. Con. Res. 21.

REVENUES

Enactment of measures resulting in revenue reduction for FY 2008 in excess of $34,577 million (if not already included in the current estimate) would cause FY 2008 revenue to fall below the appropriate level set by S. Con. Res. 21.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2008 through 2012 in excess of $176,017 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 21.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2007—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

| Appropriations Subcommittee | 302(b) suballocations as of Oct. 1, 2007 (H. Rpt. 110–182) | | Current level reflecting action completed as of Oct. 1, 2007 | | Current level minus suballocations | |
|---|---|---|---|---|---|---|
| | BA | OT | BA | OT | BA | OT |
| Agriculture, Rural Development, FDA | 18,569 | 19,356 | 18,569 | 19,356 | 0 | 0 |
| Commerce, Justice, Science | 51,950 | 52,236 | 51,950 | 52,236 | 0 | 0 |
| Defense | 489,519 | 499,510 | 489,519 | 499,510 | 0 | 0 |
| Energy and Water Development | 30,296 | 29,882 | 30,296 | 29,882 | 0 | 0 |
| Financial Services and General Government | 19,488 | 20,360 | 19,488 | 20,360 | 0 | 0 |
| Homeland Security | 33,962 | 41,195 | 33,962 | 41,195 | 0 | 0 |
| Interior, Environment | 26,411 | 27,569 | 26,411 | 27,569 | 0 | 0 |
| Labor, Health and Human Services, Education | 144,766 | 145,567 | 144,766 | 145,567 | 0 | 0 |
| Legislative Branch | 3,774 | 3,950 | 3,774 | 3,950 | 0 | 0 |
| Military Construction, Veterans Affairs | 49,752 | 46,889 | 49,752 | 46,889 | 0 | 0 |
| State, Foreign Operations | 31,358 | 35,186 | 31,358 | 35,186 | 0 | 0 |
| Transportation, HUD | 50,471 | 107,765 | 50,471 | 107,765 | 0 | 0 |
| Unassigned (full committee allowance) | 0 | 0 | 0 | 0 | 0 | 0 |
| Total (Section 302(a) Allocation) | 950,316 | 1,029,465 | 950,316 | 1,029,465 | 0 | 0 |

NOTE: Allocations and current level include off-budget amounts.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2008—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

| Appropriations Subcommittee | 302(b) suballocations as of Oct. 19, 2007 (H. Rpt. 110–236) | | Current level reflecting action completed as of Oct. 19, 2007[1] | | Current level minus suballocations | |
|---|---|---|---|---|---|---|
| | BA | OT | BA | OT | BA | OT |
| Agriculture, Rural Development, FDA | 18,817 | 20,027 | 18,088 | 19,162 | –729 | –865 |
| Commerce, Justice, Science | 53,551 | 55,318 | 50,260 | 52,162 | –3,291 | –3,156 |
| Defense | 459,332 | 475,980 | 489,614 | 495,379 | 30,282 | 19,399 |
| Energy and Water Development | 31,603 | 32,774 | 30,428 | 32,061 | –1,175 | –713 |
| Financial Services and General Government | 21,434 | 21,665 | 19,731 | 20,475 | –1,703 | –1,190 |
| Homeland Security | 36,262 | 38,247 | 33,972 | 36,876 | –2,290 | –1,371 |
| Interior, Environment | 27,598 | 28,513 | 26,409 | 27,535 | –1,189 | –978 |
| Labor, Health and Human Services, Education | 151,748 | 148,174 | 144,706 | 145,187 | –7,042 | –2,987 |
| Legislative Branch | 4,024 | 4,042 | 3,834 | 3,870 | –190 | –172 |
| Military Construction, Veterans' Affairs | 64,745 | 54,832 | 52,883 | 49,882 | –11,862 | –4,950 |
| State, Foreign Operations | 34,243 | 33,351 | 31,335 | 32,242 | –2,908 | –1,109 |
| Transportation, HUD | 50,738 | 114,528 | 48,139 | 112,905 | –2,599 | –1,623 |
| Unassigned (full committee allowance) | 0 | 1,646 | 0 | 0 | 0 | –1,646 |
| TOTAL (Section 302(a) Allocation) | 954,095 | 1,029,097 | 949,399 | 1,027,736 | –4,696 | –1,361 |

[1] Includes continuing resolution on an annualized basis. Scoring for individual appropriations bills will generally ignore scoring for the continuing resolution.

NOTE: Allocations and current level include off-budget amounts.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Reflecting Action Completed as of October 19, 2007—Fiscal Years, in millions of dollars]

| House Committee | 2007 | | 2008 | | 2008–2012 total | |
|---|---|---|---|---|---|---|
| | BA | Outlays | BA | Outlays | BA | Outlays |
| Agriculture: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Armed Services: | | | | | | |
| Allocation | 0 | 0 | −50 | −50 | −410 | −410 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 50 | 50 | 410 | 410 |
| Education and Labor: | | | | | | |
| Allocation | −4,877 | −4,886 | −313 | −983 | 5,017 | 4,157 |
| Current Level | −4,877 | −4,886 | −313 | −983 | 5,017 | 4,157 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Energy and Commerce: | | | | | | |
| Allocation | −1 | −1 | 366 | 362 | −59 | −63 |
| Current Level | −1 | −1 | 363 | 359 | −139 | −143 |
| Difference | 0 | 0 | −3 | −3 | −80 | −80 |
| Financial Services: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Foreign Affairs: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Homeland Security: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | −425 | 0 | −500 |
| Difference | 0 | 0 | 0 | −425 | 0 | −500 |
| House Administration: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES—Continued

[Reflecting Action Completed as of October 19, 2007—Fiscal Years, in millions of dollars]

| House Committee | 2007 | | 2008 | | 2008–2012 total | |
|---|---|---|---|---|---|---|
| | BA | Outlays | BA | Outlays | BA | Outlays |
| Judiciary: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Natural Resources: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Oversight and Government Reform: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Science and Technology: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Small Business: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Transportation and Infrastructure: | | | | | | |
| Allocation | 0 | 0 | 125 | 0 | 1,525 | 0 |
| Current Level | 0 | 0 | −1 | −1 | −6 | −6 |
| Difference | 0 | 0 | −126 | −1 | −1,531 | −6 |
| Veterans' Affairs: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Ways and Means: | | | | | | |
| Allocation | 0 | 0 | 532 | 532 | 37 | 37 |
| Current Level | 0 | 0 | 541 | 541 | 46 | 46 |
| Difference | 0 | 0 | 9 | 9 | 9 | 9 |

FY 2009 AND 2010 ADVANCE APPROPRIATIONS UNDER SECTION 206 OF S. CON. RES. 21

[Budget Authority in Millions of Dollars]

| | 2009 | 2010 |
|---|---|---|
| Appropriate Level | 25,558 | 25,558 |
| Accounts Identified for Advances: | | |
| Corporation for Public Broadcasting | 400 | 0 |
| Employment and Training Administration | 0 | 0 |
| Education for the Disadvantaged | 0 | 0 |
| School Improvement | 0 | 0 |
| Children and Family Services (Head Start) | 0 | 0 |
| Special Education | 0 | 0 |
| Vocational and Adult Education | 0 | 0 |
| Payment to Postal Service | 0 | 0 |
| Section 8 Renewals | 0 | 0 |

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
*Washington, DC, October 24, 2007.*
Hon. JOHN M. SPRATT Jr.,
*Chairman, Committee on the Budget, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through October 1, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(b) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of the report).

Since my last letter to you, dated September 6, 2007, the Congress has cleared and the President has signed the College Cost Reduction and Access Act (Public Law 110–84), which affects budget authority and outlays for fiscal year 2007. (That act also affects spending in subsequent years.)

Sincerely,
ROBERT A. SUNSHINE
(For Peter Orszag, Director).

Enclosure.

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS OF OCTOBER 1, 2007

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Enacted in previous session: | | | |
| Revenues | n.a. | n.a. | 1,904,706 |
| Permanents and other spending legislation | 1,354,965 | 1,304,022 | n.a. |
| Appropriation legislation | 1,472,924 | 1,536,122 | n.a. |
| Offsetting receipts | −571,507 | −571,507 | n.a. |
| Total, enacted in previous session | 2,256,382 | 2,268,637 | 1,904,706 |
| Enacted this session: | | | |
| U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)[1] | −794 | 9 | −166 |
| An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42) | 0 | 0 | −24 |
| A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of 12 fiscal year 2007, and for other purposes (P.L. 110–48) | 12 | 3 | 0 |
| College Cost Reduction and Access Act (P.L. 110–84) | −4,890 | −4,890 | 0 |
| Total, enacted this session | −5,672 | −4,878 | −190 |
| Entitlements and mandatories: | | | |
| Budget resolution estimates of appropriated entitlements and other mandatory programs | −30 | 0 | 0 |
| Total Current Level[1] [2] | 2,250,680 | 2,263,759 | 1,904,516 |
| Total Budget Resolution[3] | 2,375,469 | 2,295,685 | 1,900,340 |
| Adjustment to the budget resolution for emergency requirements[4] | −124,789 | −31,926 | 0 |
| Adjusted Budget Resolution | 2,250,680 | 2,263,759 | 1,900,340 |
| Current Level Over Adjusted Budget Resolution | 0 | 0 | 4,176 |
| Current Level Under Adjusted Budget Resolution | 0 | 0 | n.a. |

[1] Pursuant to section 204(b) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2007, which are not included in the current level totals, are as follows:

| | | | |
|---|---|---|---|
| U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) | 120,803 | 31,116 | n.a. |

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[3] Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 21, pursuant to various provisions of the resolution:

| | | | |
|---|---|---|---|
| Original Budget Resolution | 2,380,535 | 2,300,572 | 1,900,340 |
| Revisions: | | | |
| To reflect the difference between the assumed and actual nonemergency supplemental appropriations for fiscal year 2007 (section 207(f)) | −188 | 0 | 0 |
| For extension of the Transitional Medical Assistance (TMA) program (section 320(c)) | 12 | 3 | 0 |

| | | | |
|---|---|---|---|
| For the College Cost Reduction and Access Act (section 306(b)) | −4,890 | −4,890 | 0 |
| Revised Budget Resolution | 2,375,469 | 2,295,685 | 1,900,340 |

[4] S. Con. Res. 21 assumed $124,789 million in budget authority and $31,926 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 above), budget authority and outlay totals specified in the budget resolution also have been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Note.—n.a.=not applicable; P.L.=Public Law.

Source: Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, October 24, 2007.*

Hon. JOHN M. SPRATT Jr.,
*Chairman, Committee on the Budget,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through October 19, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(b) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of the report).

Since my last letter to you, dated September 6, 2007, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2008: College Cost Reduction and Access Act (Public Law 110-84); Food and Drug Administration Amendments Act of 2007 (Public Law 110-85); an act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months (Public Law 110-89); TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110-90); and an act making continuing appropriations for the fiscal year 2008, and for other purposes (Public Law 110-92).

In addition, the Congress has cleared the Water Resources Development Act of 2007 (H.R. 1495) for the President's signature.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF OCTOBER 19, 2007

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Enacted in previous session: | | | |
| Revenues | n.a. | n.a. | 2,050,796 |
| Permanents and other spending legislation | 1,450,532 | 1,390,611 | n.a. |
| Appropriation legislation | 0 | 419,269 | n.a. |
| Offsetting receipts | −575,635 | −575,635 | n.a. |
| Total, enacted in previous session | 874,897 | 1,234,245 | 2,050,796 |
| Enacted this session: | | | |
| U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) [1] | 1 | 42 | −335 |
| An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42) | 0 | 0 | −41 |
| A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110–48) | 96 | 99 | 0 |
| A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (P.L. 110–52) | 0 | 0 | −2 |
| Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53) | 0 | −425 | 0 |
| College Cost Reduction and Access Act (P.L. 110–84) | −326 | −992 | 0 |
| Food and Drug Administration Amendments Act of 2007 (P.L. 110–85) | −3 | −3 | 0 |
| An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months (P.L. 110–89) | 9 | 9 | 0 |
| TMA, Abstinence Education, and QI Programs Extension Act of 2007 (P.L. 110–90) | 815 | 804 | 0 |
| Total, enacted this session | 592 | −466 | −378 |
| Passed, pending signature: | | | |
| Water Resources Development Act of 2007 (H.R. 1495) | −1 | −1 | 0 |
| Continuing Resolution Authority: | | | |
| An act making continuing appropriations for the fiscal year 2008, and for other purposes (P.L. 110–92) [1] | 923,554 | 585,600 | 0 |
| Entitlements and mandatories: | | | |
| Budget resolution estimates of appropriated entitlements and other mandatory programs | 547,255 | 532,903 | 0 |
| Total Current Level [1] [2] | 2,346,297 | 2,352,281 | 2,050,418 |
| Total Budget Resolution [3] | 2,496,764 | 2,469,698 | 2,015,841 |
| Adjustment to the budget resolution for emergency requirements [4] | −606 | −49,990 | n.a. |
| Adjustment to the budget resolution pursuant to section 207(d)(1)(E) [5] | −145,162 | −65,754 | n.a. |
| Adjusted Budget Resolution | 2,350,996 | 2,353,954 | 2,015,841 |
| Current Level Over Adjusted Budget Resolution | n.a. | n.a. | 34,577 |
| Current Level Under Adjusted Budget Resolution | 4,699 | 1,673 | n.a. |
| Memorandum: | | | |
| Revenues, 2008–2012: | | | |
| House Current Level | n.a. | n.a. | 11,313,688 |
| House Budget Resolution | n.a. | n.a. | 11,137,671 |
| Adjusted Budget Resolution | n.a. | n.a. | 11,137,671 |
| Current Level Over Adjusted Budget Resolution | n.a. | n.a. | 176,017 |
| Current Level Under Adjusted Budget Resolution | n.a. | n.a. | n.a. |

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[1] Pursuant to section 204(b) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level totals, are as follows:

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) | 605 | 48,639 | n.a. |
| An act making continuing appropriations for the fiscal year 2008, and for other purposes (P.L. 110–92) | 5,178 | 1,024 | n.a. |

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[3] Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 21, pursuant to various provisions of the resolution:

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Original Budget Resolution | 2,496,028 | 2,469,636 | 2,015,858 |
| Revisions: | | | |
| To reflect the difference between the assumed and actual nonemergency supplemental appropriations for fiscal year 2007 (section 207(f)) | 1 | 1 | −17 |
| For extension of the Transitional Medical Assistance (TMA) program (section 320(c)) | 96 | 99 | 0 |
| For the College Cost Reduction and Access Act (section 306(b)) | −176 | −842 | 0 |
| Extension of the Transitional Medical Assistance (TMA) program (section 320(c)) (updated to reflect final scoring) | 815 | 804 | 0 |
| Revised Budget Resolution | 2,496,764 | 2,469,698 | 2,015,841 |

[4] S. Con. Res. 21 assumed $606 million in budget authority and $49,990 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 above), budget authority and outlay totals specified in the budget resolution also have been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[5] Section 207(d)(1)(E) of S. Con. Res. 21 assumed $145,162 million in budget authority and $65,754 million in outlays for overseas deployment and related activities. Pending action by the House Committee an Appropriations, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

Source: Congressional Budget Office.

Note.—n.a. = not applicable; P.L. = Public Law.

## THE COST OF SCHIP AND THE COST OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I customarily do not find myself on the floor after the close of business, but I am here today because I genuinely find myself in the position of concern that I believe a significant number of Americans share.

We have passed, out of the House of Representatives and the U.S. Senate, a measure that will provide health care to many of this Nation's children who presently are uninsured. The President, exercising his prerogative, vetoed that measure, and as a result of that, further discussions are ongoing, and the need, again, is to put forward a measure that will provide health care for 10 million children in this country that find themselves and their families without the necessary assistance for medical care.

Mr. Speaker, the President, on the day before yesterday, proposed that there be an additional $49 billion spent in Iraq and Afghanistan.

There's no one in the House of Representatives who does not support the military efforts of the United States military. There's no one in the House of Representatives who is not exceedingly proud of the extraordinary work that the military has done. The military has done what the Commander-in-Chief required of them, and for those of us, as policymakers, expect that they would be able to do.

And quite frankly, one of my colleagues is preparing legislation that talks about the benchmarks that we had originally set for the military and the fact that the military, the U.S. military and the coalition forces have achieved all of those benchmarks. And, in short, we could not arguably say, with the removal of Saddam Hussein or with other temporizing measures that have been brought to various provinces in Iraq, that the military has not been successful. They have been. And when they come home we want them to receive the proud accolades of the American citizenry, and that's every Member of the United States House of Representatives.

But let's compare the cost in that particular effort with the cost for our children's health. Forty-one days in Iraq would provide health insurance for 10 million children.

Now, I don't know all of the nuances of the defense budget, but I have reason to believe that if we did not give all of the money as requested by the President that this particular effort could be run for a substantial period of time.

I might add, all of us are mindful of how stretched the United States military is. But you know something? Without knowing, I would venture a guess that some soldier's child may not be properly insured in this country. Some soldier's child. To my way of thinking, that is absurd. For us to be in the position, a Nation as resourceful as our Nation, a Nation as accomplished as our Nation, a Nation with genuinely the best physicians and nurses and hospitals in the world would find ourselves in this position.

We must pass SCHIP, and we must do so immediately.

☐ 1530

## HONORING THE LIFE OF SENATOR PAUL WELLSTONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Mr. Speaker, I would like to call to the House's attention that it was on October 25 a few years ago, not long it seems, only days ago, in 2002 that our State of Minnesota lost Senator Paul Wellstone.

Paul Wellstone, Mr. Speaker, was a United States Senator, was a professor of politics, political science, at Carleton College. Paul Wellstone was an organizer of average citizens in Minnesota and helped them to discover their own power and their ability to maneuver the instrumentality of government to work for the benefit of the average citizen. Paul Wellstone was actually the State Chair of the Jackson for President campaign in 1988.

Paul Wellstone was truly a friend of all working people everywhere on the globe. And I just wanted to let you know, Mr. Speaker, that as we approach October 25, and I reflect back upon my own personal exposure and friendship with Paul Wellstone, whose picture hangs in my office right now, that I just wanted this day to go by with us in contemplation of what a true servant leader represents.

Paul Wellstone was a friend of mine. I'm proud to say that he was a political hero of mine as well. I had the awesome benefit of knowing him, and I'll never forget some of the things he said to me. But, among those things was to make sure that you never ever stop listening to the people.

Paul Wellstone was comfortable anywhere he went. He was comfortable in the hair shops, the beauty salons and the laundromats. Paul Wellstone obviously was comfortable in the halls of power in Congress.

Paul Wellstone, wherever he went, was a person who understood that he carried a sacred trust, that government service was a trust that the people of the State of Minnesota entrusted in him, that it was not a privilege, but it was an awesome responsibility, and he never forgot it.

Paul Wellstone was a leader in many ways and was an example to young people like myself. And as I think what his life means to me, means to the people of Minnesota, I have to consider that it is also that awesome responsibility that he laid out there. A servant leader, Mr. Speaker. Not just somebody who was looking to be served but a person who was looking to serve.

Paul Wellstone's favorite color was green, that was the color of his campaign literature, because it symbolized life. And I shamelessly copied it, Mr. Speaker, because I wanted to carry on that spirit of service, of being evergreen, of being ever new, and being committed to the idea that we have to constantly and continuously renew ourselves, our values, our faith, and our consistency when it comes to serving people all over the world.

So, Mr. Speaker, I want to say that whether it was veterans, of whom Paul Wellstone was a tireless advocate, or whether it was students or whether it was the poor in our country, and I will never forget the tour he took around this country to highlight poverty in America, Paul Wellstone could always be found serving people. His loss was a tragic loss.

Only the day before we lost him, he was scheduled to come to my office, and we were going to do some campaigning together. It was a long night, Mr. Speaker, when we heard back the reports as the news reports said that a plane has gone down in Ely, Minnesota, and it was thought to be containing Paul Wellstone and his partner, Sheila Wellstone, and their daughter and several other campaigners. We hoped all night that what we thought might have happened didn't happen, but at the end of the evening, we learned that that tragedy, in fact, did occur. Our worst fears were confirmed when we learned that we lost him, but it was a long several hours before we realized that that tragedy had actually occurred, and we had hoped against hope. I will never forget that night.

Mr. Speaker, as I wind down my remarks, I just want to say that in many ways I have dedicated my service and take great inspiration from Senator Wellstone. I will never forget him, and I hope that this House and Senate never do, either.

## 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. SARBANES). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again.

I share the sentiment of my colleague in recognizing Senator Wellstone. He was definitely a cornerstone here in this building for public service and really was a student of many of our great leaders of the past and gave voice to health care in a way that no other can do it.

As you know, in the 30-Something working group, we come to the floor every day, or just about every day we are in session, to share with the Members the things that we have to continue to work on here in the House in a bipartisan way and also share with the Members the importance of making sure that we stand up on behalf of those Americans that need our assistance.

At this time, Mr. Speaker, I would like to yield to my colleague to address the House for as long as he would wish to do so.

Mr. LAMPSON. I thank the gentleman for yielding to me and for allowing me to take a minute or two to talk of a person who has done something significant for our country.

Mr. Speaker, it is a distinct honor and a privilege to be a Member of this House and to be from the great State of Texas and to have in my district the home of American manned spaceflight, the Lyndon B. Johnson Space Center, or JSC as it's called. The largest industry contractor at JSC is a company called United Space Alliance, or USA, and it operates the space shuttle for NASA and helps train our astronauts, who also call JSC home.

For more than a decade, the head of USA has been a gentleman whose name is Michael J. McCulley. The company's president and CEO, Mike has led his company through some of the most difficult, and some of the most exciting, days in the history of the space shuttle. In just a few short weeks, he will step down from USA to begin a well-deserved retirement. He probably won't go far away. I rise today to salute this good man and his leadership.

Mike came to his duties at USA from the front lines of space exploration. As a shuttle pilot, he has flown *Atlantis* into Earth's orbit and seen firsthand the majesty of this planet from space. But even before that, Mike was a naval aviator and test pilot, having operated more than 50 different types of aircraft, flown from the U.S.S. *Nimitz* and the U.S.S. *Saratoga*, and at the beginning of his naval career even served aboard atomic submarines in the depths of the oceans. That, my friends, is a true explorer of both inner and outer space.

People like Mike McCulley show that in some of our most challenging times, there will be those ready and willing to serve the American people, placing their lives at risk for exploration, discovery, and achievement. Only through that kind of courage, that kind of selfless service, will our Nation's scientific advancement in space be assured and be continued.

On behalf of this Congress of the United States of America, I hope that Mike and his wife, Jane, and their family will accept our thanks and our best wishes on his well-deserved next phase of an exciting, all-American life. Congratulations, Mike.

Mr. Speaker, if I may continue while our colleague who has control of the time has gone to make a critical vote in the Ways and Means Committee, in speaking about Michael McCulley, there are two other things I would like very much to raise as an issue. I started speaking about space because Mr. McCulley is one of the great Americans who has played a significant role in moving us forward technologically in this world, and I am concerned right now that we are not moving ourselves, as a Nation, forward in science and technology, engineering and math studies for our youth. We are not challenged, it seems, to have the same kind of commitment for research and development, for exploration as we once had. And, unfortunately, other nations are stepping up to the plate to take our place. So it is my hope that we will find a new and renewed interest in funding space exploration and making sure that NASA has the moneys necessary to perform the tasks that it is required to do as a science organization for our Nation.

I find it fascinating that in the early 1960s, when we were having difficulties as a Nation, when our Nation happened to be at war and we were having civil strife and were having financial problems in the 1960s; yet John Kennedy, a new, young, enthusiastic President, stepped up to the plate and challenged us to go to the Moon, doing something that not many people thought was possible. And at the same time many of the naysayers and doubters were saying, how can we possibly do that financially? But we made the commitment. We put the money where it was necessary. And our young people learned how to do it and made an unbelievable success for us and changed the world, created new industries.

The information technology industry has grown from our need to be able to communicate with people in space. We have seen medical advances to the extent that lives are now being extended. People are living a higher quality of life because of what we have learned, what the technological advancements have been because of our involvement in space. All of these things changed America and, to a large extent, changed the world.

But in the last several years, we seem to have had a continuous slackening of the support and the commitment that we made or we saw in earlier years in space. For example, during those Apollo years in the 1960s, when we were going back and forth to the Moon, and in the early 1970s, 6 percent of the Nation's budget was committed to NASA. Today, that number is around six-tenths of 1 percent, 10 times less. So we have expected a major science agency of this government to do more but to do it with significantly less, and we can't continue to do that.

Now we are starting to see the impact of other programs that we have learned along the way. We have critical satellite systems that fly overhead in space that give us information about weather and about Earth science, about the environment of the Earth. Those satellites in many instances are getting old. As they get old and cease to operate, we must have something to take their place, and that something must be in place before these existing satellites die or else there will be a gap in knowledge and information. And a gap in information, for example, on the gulf coast, where I live and where Mr. MEEK lives, would put people in harm's way. They will not have the advance warning of an approaching storm and be able to prepare their property or prepare their families to get out of harm's way. Those critical areas are important for us to acknowledge, to commit to, to believe in, and to fund. A gap in that knowledge means that our families will not be as safe as they were with the knowledge.

As we weaken our commitment to science and to NASA and we lose some of the hope that these systems will continue to operate, and just think if our information technology satellites went out of service, what would we do without our PDAs? What would we do without our Blackberrys and our cell phones? If they stop working, then we stop communicating, and we communicate with the world.

So it is my hope that we will find a renewed commitment and fund NASA to a greater extent than what we have been doing so. It is my hope that the billion dollars that the Senate has found to put into the Commerce, Justice, and State portion of our budget, which we will be taking to conference very soon, will find the same kind of support in the House of Representatives that it has found in the Senate and that we will support this commitment so that, instead of having to choose between doing the work for space exploration or science, we can do both because it is the commitment that the people want us to make to give them the hope for a better tomorrow, to keep us growing with our quality of life, to keep us having hope that our children will go and get the education necessary to do the things that will give us the kind of lives that we have strived for for such a long period of time.

Mr. MEEK, I appreciate your yielding to me. I got to talk about Michael McCulley, who is a friend of mine, who has led a major space effort for this country for a long period of time and also to just sort of put forth some of my passion, which is to make sure that we get NASA funded properly out here on the table so that we can continue that dialogue.

I don't know what your topic was, but thank you for letting me butt in, and I would be happy to answer any questions, if you have them.

Mr. MEEK of Florida. I am just very pleased that you came down at the time that you did come down and share with us about how important the NASA program is, especially to not only the development of the country but to our young people and those that have contributed and dedicated their lives to helping us along the way in the sciences, not to compete against States but to compete against other countries as it relates to the forward lean that we have to have.

We are going to talk about children's health care and a number of other issues, but we are glad that we kicked off with the NASA program.

Mr. LAMPSON. The Children's Health Insurance Program is critically important. It's critically important to giving children the opportunity to grow up healthy enough to want to do well enough in their early years in school so that they will have an opportunity to go off and study math and science and engineering later on. It's a big deal for all of us.

☐ 1545

Mr. MEEK of Florida. You're 110 percent right. And being from Florida, as you know, we have a number of NASA assets in Florida. And even when I was in the Florida legislature, we were very supportive of programs that gave kids a jump start in the math and sciences to be eligible for NASA programs and other private programs that are out there as it relates to innovation and space.

Mr. LAMPSON. Well, I thank you for your commitment. I thank you for all the work that you have done to further the Children's Health Insurance Program. This body has come very close to making it law, and it's my hope that we will succeed very quickly to make sure that the 10 million children in this country who do not have access to this health care are covered.

So thank you for your good work, and I look forward to continuing to work with you to make it a success.

Mr. MEEK of Florida. Thank you so very much. And as we speak, there are those in the Capitol dome trying to make sure that children's health care gets its fair share from this country of ours.

I would just like to share with the Members some of the good things that are happening under the Capitol dome.

We have passed, Mr. Speaker, a number of measures that have been bipartisan and major as it relates to legislation. The 9/11 Commission recommendations are something that the House and Senate both passed, and that was signed into law. The largest college aid expansion since the 1944 GI Bill saved, on average for every student, I would say almost every American because, as it relates to college loans and student loans, the responsibility for paying many of those loans back fall back on parents and grandparents. So that's $4,400 in interest that the American people don't have to pay.

The first minimum wage increase in a very long time, double-digit years, was passed by this Congress. And it was because of the Democratic leadership and some of our friends on the Republican side that voted for the passage of that bill that we now have an increase in the minimum wage.

Innovation Agenda to promote 21st century jobs, passed by this House, signed into law. The Reconstruction Assistance Program for gulf coast disasters and hurricanes was passed and signed into law. The largest veterans health care increase in the 77-year history of the VA passed off of this floor and is still in a holding pattern as it relates to that becoming law or empowered by not only the President but the legislative process. Also, the landmark Energy Independence and Global Warming Initiative that was passed by this Congress.

Now, I think it's important that we look at the record-breaking roll call votes that have been taken thus far by this Congress and the work philosophy that we have in the 110th Congress versus previous Congresses. And you know that two of the initiatives that have passed on a bipartisan vote that I did not mention that the President has vetoed was the expansion of the lifesaving medical research on stem cells that passed in a bipartisan way by this House and by the Senate and was vetoed by the President. And the most recent veto is the one that's dealing with health care for 10 million children and working families that passed off this floor on a bipartisan vote, came 13 votes shy last week of overriding the President's bad veto, had the votes in the Senate to do so, but it's something that we're working on right now, Mr. Speaker. And that's one of the reasons why I came to the floor today, and my other colleagues that will be joining me a little later on, to talk about the SCHIP plan.

I can tell you, as we stand here, Mr. Speaker, to address these issues dealing with children's health care, one said, when I was on the floor last week, well, the Congressman is talking about health care. The CHAMP, or SCHIP, bill is dealing with insurance. Well, I can tell you, when you're talking about insurance, you're talking about health care. If you don't have insurance, you're not going to be able to afford health care, especially the preventive care that the CHAMP bill or the SCHIP bill calls for. So, if you take the opportunity to go meet the average American that has a child that is not covered under health insurance, you're going to find an individual who will share with you that, without it, they can't go to many of the doctors offices where they can at least pay a small fraction or at least afford preventive care and the annual checkups that children need.

We're in a situation right now, Mr. Speaker, that we have children, if this SCHIP bill or CHAMP bill is not reauthorized, we're going to have children without health care, without health insurance. Whichever way you cut the cookie, they're going to need a way to pay for health care or you might as well look forward to parents going down the drugstore aisle trying to correct the sniffles and trying to head off fever and trying to head off other situations that young children run into. But those are just the minor issues. What about the bigger issues that, if detected early, can be prevented if we have the kind of health insurance that would be helpful for children?

As we start to look at a re-approach on this bill after the President's veto, I know that the Speaker and others, and in reading through not only the newspapers but also in meetings that have taken place, we are still holding hard on the 10 million children insured. Now, I think that's very, very important that we head in that direction and that we stand firm on the 10 million.

Last week, I was sharing with many of my Republican colleagues on the other side of the aisle, those of whom were in the 13, because there are some that are saying that they are with the American people, they don't necessarily have to be with the Democratic Caucus because this is not about the Republican Conference or the Democratic Caucus, this is about children having an opportunity to have health insurance to be able to have quality health care, and that's what it's about. And I want to commend my colleagues that are on the other side that have voted on behalf of not only their districts but young people in America and their families.

So, now we're down to correcting a wrong. Last week, I talked about the story, Mr. Speaker. In all great pieces of legislation and every initiative there is always a story before you get to the glory, and we're still writing the story. And I think, as we go into the final chapters of this SCHIP debate here in the House of Representatives and the Senate and we deliver another product to the President of the United States, I think it's important for those who voted against overriding the President on this issue, think about what you have done. You might not have felt the full brunt of the displeasure of the American people for the Congress, where many of our children are insured because we have health insurance and we have the kind of insurance that will cover our children, and that there are families that don't celebrate the same thing that we do, that there is going to be a great level of displeasure out there. And I want to say that out loud because I want to make sure that Members understand exactly what they're doing.

No one came to Congress to vote against health care for children. I don't think anyone jumped up and said at any political forum or debate, when they were debating, need it be a Republican primary or a Democratic primary, to say, "You know, one of my goals when I get to Congress is that I'm going to vote against children's health care." I think they wouldn't have even made it to the Halls of Congress. I'm speaking to that individual Member that decided not to, whatever the situation may be.

I haven't seen, in my 14 years of public service, Mr. Speaker, a bill that I am 110 percent in support of and agree with every section in that bill. When we put together legislation, there is always something in the bill that you wish you could have more of or not have at all in the bill. And it's very unfortunate, especially when we're in a body of compromise, when we're talking about children that will become uninsured if we don't pass this bill, I think it's important for us to realize our place in this debate. I commend those that voted. You were supposed to vote for that. I'm glad you did. I'm glad you voted for the SCHIP program.

Let me just run some numbers. One may say, well, we're concerned about cost as it relates to providing insurance for children to have health care. Well, one day we're going to compare this as it relates to war, because a lot of folks get into the chest-beating posture or session when it comes down to the war in Iraq. And we're concerned about what happens with children tens of thousands of miles from the United States of America. I'm concerned, also. But I'm really concerned about what is happening with children here in the United States. And I think it's something that we all should pay very, very close attention to.

One day in Iraq costs $330 million. That will cover 270,000 kids. One week in Iraq costs $2.3 billion. That's 1.8 million kids who can be covered under the children's health care bill. One month in Iraq is $10 billion. That's one month that can cover 8.1 million children as it relates to health care. And the cost of 40 days in Iraq is $12.2 billion. That will cover 10 million kids' health care. I think it's important to look at just over one month that will cover a full year of health care for 10 million children. Just a couple of days over the average month will cover 10 million children.

So, when we start lining our priorities up of where we stand as a Congress, and I'm talking to the real minority here because there are very few Members of this House that are voting opposite of where the American people want us to be, and that's providing health care. Polls have shown here in the United States over 80 percent of Americans are saying that it's important for us to have children's health care. So, you have a very small percentage saying that they don't agree with this, and maybe they need more information.

But when you have Members of Congress, and we're talking about lights on, lights off, health care for 10 million children or not, that's a simple decision for one to make. If you have issues with the application of it, it has to be better than what we will not have if we don't reauthorize it and reauthorize it for 10 million children.

I think it's important that you understand a number of the coalitions that are here. And I'm spending the time on the floor, Mr. Speaker, to share this with the Members because this is, A, what do we look for in legislation? We look for bipartisanship. That's what the American people always say. They would love for Democrats and Republicans to work together. You have that in this bill. I mean, for this to be a partisan body, you have to look at the significance of having a bipartisan piece of legislation with major Democrats and major Republicans that are on board on the legislation.

You also have to look at the second issue that I think is very, very important; the fact that it passed both House and Senate overwhelmingly. And you have to look at that as a component and a proof to the leadership and the reason why we have to insure children, 10 million children in the United States of America. That's very, very significant. Don't let anyone belittle the work that has happened on both sides of the aisle with Democrats and Republicans sending a bill to the President.

I would also add on to that point the fact that the President vetoed the bill. And you had a commitment from the Senate, the United States Senate, that they would override the President of the United States on this issue because he's wrong. That's what is so good about our democracy. That goes back, not just a bill on Capitol Hill, it goes back to those days that used to come on Saturday morning to let young Americans know how this process worked. And then in the House we took the vote and we fell 13 votes short of overriding the President. That's very, very significant.

I came last week and commended those groups, those nonpartisan, volunteer groups that are dealing with children's diabetes, that are dealing with a number of issues, polio, the doctors that came to Capitol Hill, the March of Dimes, all the different foundations that are out there doing good things and passing good information out and encouraging Members to sign on and get that vote. We couldn't have had the kind of vote that we had last week if it wasn't for those outside organizations and Americans and parents and grandparents and children saying we should have health care.

□ 1600

When they see the kind of numbers that I am reading off, spending $330 million in Iraq in 1 day, that's just 1 day. I can get down to $3,300 and change every second that we are spending in Iraq. And you have folks here that are mumbling and grumbling about the cost of an insurance bill that will provide health care to 10 million children, we have 40 plus Governors out there in the 50 States that are out there saying that we need this bill. I want to break this down because I want to make sure that the Members, I don't want to use a lot of acronyms, I don't want to get into a lot of programs and all of that because I'm on the Ways and Means Committee and there's enough acronyms there to talk about health care. I'm on the Armed Services Committee and there is a plethora of acronyms that we could use there and all kind of big words. I want to make sure that everyone understands what it comes down to. You are either with insuring 10 million children or you're not. Period. Dot. There is no in between. There is no "maybe I need to take more consideration" or "maybe I need to look at this a little further." We have already taken 1 vote that has passed the House overwhelmingly. We have already taken a second vote that fell 13 votes short of a two-thirds vote to override the President of the United States. And now we're about to take another vote. So it's almost like three strikes and you're out.

Mr. Speaker, I have been on this floor now coming on 5 years, speaking not only to the Members but also making sure that staff and everyone else understands the significance of every vote that we take. And if this was about politics, I always say it, look in the CONGRESSIONAL RECORD time after time again, if it was about politics, I could just sit in my office and let just the electoral process take its course.

I do believe that Members who are not voting for children's health care are making a career decision. That's what they're doing. Now, if this is the last day of school for Members and they're retiring after this term that is a whole other thing. But for those who want to continue to serve not only their districts and the American people, they have to pay very close attention to the vote that they are taking here on this floor. Insuring 10 million kids is bigger, in my opinion, than winning some sort of, you know, one or two political races. I am not into that. I was sent here to Congress, and many of us were sent, all of us were sent here to represent the folks back home. And I guarantee you, the folks back home are not saying, "Please don't insure children. Whatever you do, Congressman, make sure you don't insure 10 million children or 5 million children. Just make sure you don't do that, and you have my vote." There is not anyone back there saying that. And so I think it's important for us, when we get into this process, I think it's important for us to share with Members what we are here for. Like I said, once again, there are some things in the bill that I don't agree with, but when you start talking about the insurance for children that my children celebrate, I wasn't elected for me to have my children to have health care and I look at my constituents and say, "Run for Congress one day and you can be like me." That's not what it's about. It's about us being able to stand for them.

I think it's also important to look at even with some of the media accounts about some of the things that are going on here in Washington that we are working hard on, the Democratic side of the aisle, because Americans voted for change, Mr. Speaker. They didn't vote for the status quo. Republicans had the majority last time. There were Democrats and Republicans and independents who said, You know something, we gave you an opportunity. My kids and my grandkids and the fiscal situation this country is in is more important than my party affiliation. And we have seen throughout the country, Republicans say, "I'm going to vote for the Democrat this time because I want to see change." Now that change is here and I read off a list of bills that were passed in a bipartisan way. These are not just Democratic bills, we beat our chests and say, "Not one Republican voted for it." Yes, there are one or two there. But the majority of the major bills that have passed have passed with some Republican votes, and that is important to the process.

USA Today, War Costs May Total $2.4 trillion. When you look at the cost of the war in Iraq and Afghanistan, it could cost $2.4 trillion the next decade or nearly $8,000 per man, woman and child in this country according to the Congressional Budget Office that is scheduled for release and that took place here today earlier. A previous Congressional Budget Office estimate put the war cost at more than $1.6 trillion. This one adds to the $705 in interest. And if you take into account, Mr. Speaker, as we continue to go on as it relates to the war in Iraq, as we look at the borrowing from foreign nations and then we turn around and we also bring a bill, I'm going to add to those points, we bring a bill that we show how we are going to pay for the bill so that we don't have to continue to borrow from foreign nations, so that we don't have to continue to see our kids having to pay some $8,000 per man, woman and child because of the decisions that were made here on this floor in previous Congresses.

So how do we have a paradigm shift? Well, we come about bringing about that paradigm shift through good policy and bipartisanship. So I am speaking to the 13 that voted against, helped us fall short of that, of overriding the President. It could have been a different day the following day after that vote, but it wasn't because we had some of our Republican friends not voting with us.

I am going to put a pin there, and I am going to allow my good friend from Ohio (Mr. RYAN). First of all, I just want to say, sir, that I'm sorry about your Indians. I'm really sorry. As you know, I e-mailed you and told you that I was with you. Being a Dolphins fan, I'm switching sports now, but I'm having a rough year, and I wanted someone to have some joy that I knew. And I know you, sir, and I know you're excited about your Cleveland Indians. And they fought hard. But I'm sorry, sir, that they didn't make it through the process.

Mr. RYAN of Ohio. We're still struggling. There are a lot of emotional issues that Cleveland Indians fans have had for a long time. And then you factor in the Cleveland Browns and the drive and the fumble and Michael Jordan singlehandedly beating us a couple of times in the playoffs and you add this to the mix, we have some psychological issues we need to deal with, Mr. Speaker, and hopefully we will be able to work through them.

But today is the day that we are talking about the excess in spending on the war. We hear a lot back in our districts, I'm sure you do in the Seventeenth District in Miami, and I hear in the Seventeenth District of Ohio, we hear about the rising cost of health care. We hear about the rising cost of education. We hear the problems that we have incurred in this country because we haven't invested into developing alternative energy sources in the United States of America, and we haven't developed them fast enough.

We have all these issues that local communities deal with, Community Development Block Grant money that they get from the Federal Government that local communities can build sidewalks and roads and sewer lines and they can use all this money. That is Federal money that works its way down to local communities. And when we look at the needs of local communities, every single day in the paper in Ohio, it is water lines, it is sewer lines. In the summer it is what sports do we have to ask the kids and the parents to pay for this year? Why are we cutting the art programs? Why don't we have enough money to handle the septic and the sewer systems in our local community? For years, the Federal Government continued to make those investments. And what we hear now coming out of the executive branch, Mr. MEEK, is that we don't have the money to do it.

Now, we are talking about providing health care for 10 million kids, poor kids, who live within 200 percent of poverty, a family of four making maybe $40,000 a year. What we are arguing on our side is that we think it is in the best interests of this country, all of us together, not one family or this family, all of us, is that if we provide and pay for health care for these 10 million kids and their families, because we believe on this side and our friends on the other side who voted with us, not the President, we believe that if we make this very small investment of $35 billion over 5 years, that we are going to have a healthier country, that we are going to have kids who aren't sitting in the classroom getting other children sick, that they are going to be able to concentrate and focus.

We sit here and we say, "We need more people to major in math. We need more people to major in science. We need to compete with the Chinese. They graduated thousands and thousands of more engineers than we did in the United States of America." Part of that is we need our kids to be healthy. We need them to be able to concentrate in school, not sneezing and getting colds and pneumonia and not missing classes. We need them to be healthy. And that is the basic concept behind the State Children's Health Insurance Program.

To have the President, after he began a war that is going to cost us $2.4 trillion, with a T, tell us that we don't have enough money to provide health care for these 10 million kids is a complete outrage and doesn't really make any sense. Now, I think it is important, Mr. Speaker, for the Congress to know and to be reminded that over the past 6 years, with a Republican President, a Republican House and a Republican Senate, that this President and that Congress, those Congresses have borrowed more money from foreign interests than every President and Congress before them combined. Over $1 trillion in foreign money. Now, the same Congress and the same President asked to raise the debt limit, meaning we can go out and borrow, as a country, more money, five times he asked to raise the debt limit. Then, on top of that, the final number is the increase of the debt under this President is $3 trillion. So he raised the debt by $3 trillion, raised the debt limit five times. Now we have a war that is going to cost us $2.4 trillion, with a T, and he says, "We don't have enough money, Mr. Speaker, to provide health care for 10 million kids at $35 billion, with a B, over 5 years."

For 40 days in Iraq, we could pay for 10 million kids to get health care for a whole year. Forty days in Iraq. And what is the investment going to get us? It is going to get us healthier kids. It is going to get us kids who can concentrate and pay attention in school. It is going to save us money in the long run because we are not going to cart these kids off to the emergency room 2 weeks later with pneumonia when we could have taken care of them with maybe a small prescription. Those are the kind of prudent investments that we want to make in this country. Those are the kind of investments that we should be making in this country.

We talk a lot in this country about what are we going to do in the next century? We lost manufacturing, and we are not sure what the new economy is going to look like. But there are some things we know about, Mr. Speaker. We know that our kids in Niles, Ohio, or Youngstown, Ohio, or, Miami, Florida or wherever you are from, are competing more directly with the students in China. We know that our kids are now competing. The old steel belt and the old rust belt in Ohio is Cleveland and Youngstown and Akron and Pittsburgh. For the longest time, those cities used to compete with each other and those businesses used to compete with each other. Now this whole region is competing with Shanghai. And our kids are competing more directly with those kids in China, India and all over the world, 1.3 billion people in China, 1.2 billion people in India. We only have 300 million people in the United States of America. We are at a real disadvantage when it comes to just mass numbers. And democracy is not always easy, either. If you want to open up a factory in China or you just clear a neighborhood out, you give everybody 25 bucks, they give you a week to get out. There are no environmental laws. There are no worker rights. It just happens. The government comes in and moves everything along. Democracy is sometimes a little more difficult, in a good way. We have rights; property rights, human rights and all kinds of different things that citizens in China don't have.

But my point here is this, we only have 300 million people. So if you look at what the Democratic agenda, the 6 in '06 and what my friend from Florida has been stating, what we have been trying to do is very, very simple. We're trying to invest into those 300 million people so that they're healthier, so that they're more educated, so that they are able to live the American dream. Now, no one here is saying that everyone needs to be a winner. We understand that life is life. There are winners and there are losers. But as a country, we want to make these investments because we all benefit from it. We all benefit from that.

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The investments we are making now, just look at our agenda now. One of the first things we did, we raised the minimum wage for the first time since 1997 so that we are lifting people up. One of the second things we did is we reduced the cost of college education, or tried to. We cut student loan interest rates in half. So when you go out and borrow for your kids to go to school or a student borrows next year to go to school, the interest rate will be 3.4 percent, as opposed to last year when it was 6.8 percent and that money was going to the banks. They were making a heck of a lot of money off of it.

Mr. Speaker, we are saying keep those rates low; let's improve access so that everyone can go to a community college and get a skill or they can go off to college and get an associate's degree or a master's degree or Ph.D. so that they are educated to compete. What we also did was increased the Pell Grant by $1,000 over the course of the next 5 years. Is that as much as we want? No. Absolutely not. We are not even close. But we are moving in that direction. It's tough, when you have a war that is costing you $2.4 trillion, to come up with any money to make these kinds of investments. But that is what we wanted to do, and we have changed the direction in regard to college education.

Now, if you're a kid going to school in Ohio, where we had the new Governor come in and he froze college tuition for 2 years so there will be a zero increase next year and a zero percent increase the following year, if you add that to what we have done with the student loans and the Pell Grants, you're talking about saving average families thousands and thousands and thousands of dollars. An average student loan, because of the interest change we made, an average family will save $4,400 over the course of the loan.

Now, we are not coming out here beating a drum, saying we have got to cut taxes, we have got to cut taxes for millionaires. We are saying if you send your kid to school and you take out a loan, we just saved you $4,400. If you have someone in your family, or one of your students, kids that are going to school that are working for minimum wage, they got a pay increase. If you're utilizing the Pell Grant, you're going to get more of that. These are good, solid investments we've made. In addition to this, we have the State Children's Health Insurance Program. So these kids have opportunity.

Now one of the other things that really isn't on the agenda to talk about, but the Senate just passed it last night, we are trying to pass it again through the conference committee and hopefully get the President to sign it, but the President said he was going to veto it, is the Health and Education bill, where we are making investments to build community health clinics so that people who don't have health insurance now can at least go to a health care clinic and get some preventive care.

Mr. Speaker, I just found it stunning, and I think a lot of other citizens of this country did as well, and I know many Members of Congress have found it stunning too, when we were having this big debate about children's health and the President said, Well, they have health insurance. They can go to the emergency room.

I found that absolutely stunning that the President of the United States, in 2007, his solution or lack of solution is to say that these kids could just go to the emergency room. Now, I am sorry, but that is unacceptable. Not only is it bad economics, it is unacceptable from a moral position.

It has been frustrating, but I want the American people, Mr. Speaker, to understand what we have done through the House is passed legislation. And my friend with the great reform of the Small Business Administration, our friend from Pennsylvania, creating an angel investor fund and basically retooling the SBA for the 21st century in a high-tech economy, the things that we have done have been investments into our country and into our people.

Now, I'm sorry. Giving $100,000 tax break to someone who makes millions of dollars a year is not benefiting anybody because they are not even taking that money and investing it back into our country. They are investing it probably in China and India. What we are saying is we are going to make these investments.

Mr. ALTMIRE. Mr. Speaker, I wanted to follow up on a couple of points that the gentleman from Ohio mentioned, one of which was this idea that, well, these kids who don't have insurance can just show up at the emergency room. What I hear people who are of that mindset say is this SCHIP program is too expensive, there's not enough money to cover these kids and, therefore, I don't want to pay for them; somebody else can worry about that, send them to the emergency room.

But here's the problem with that way of thinking. We do pay for it when they show up at the emergency room. They show up there, they get covered, and, as the gentleman indicated, an earache that could have been knocked out with antibiotics turns into something more serious, a cold turns into pneumonia. Other situations that could be easily treatable, they instead turn into bigger health problems. We all pay for that because, in this country, when a hospital has uncompensated care or debt based on the fact that people don't have insurance but still show up for treatment, we are the ones that pay for that.

The reason that when you go to a hospital an aspirin will cost $15 is because of the cost shift that takes place when somebody, one of these children without health insurance shows up at the hospital, usually in the least cost effective way possible in the emergency room. So that is what happens when the President or someone else says, Well, let's just send them to the emergency room and everything will be fine. We are paying for that. That is why health insurance premiums go up, that is why costs are skyrocketing, and that is the cost shift that takes place.

On another point, I wanted to mention, and we are talking about our successes, some of the things that have happened in this Congress, I wanted to relay a story that took place over the weekend. I was holding a town hall meeting in my district and we were taking questions and someone asks the question, Well, when are you guys going to do something about the cost of college? I have got a kid in college. When are you going to lower the cost of higher education?

I said, That is a great question and I want to apologize to you because you should be aware of the fact that we have done something about that. This is not something that is on the drawing board or just passed the House or is awaiting signature. This has been signed and enacted, $20 billion of relief for parents and students for higher education. The largest expansion of higher education funding since the GI bill in 1944 passed this House, passed the Senate, and has been signed into law by the President.

Maybe we haven't done as good a job as we should be doing in getting the message out. This is a major legislative victory for this Congress and for this country. We cut in half the interest rate on student loans, from 6.8 percent to 3.4 percent, which, by itself, if we did nothing else, would save the average student borrower in this country $4,400 by itself.

But that is not all we did. We increased Pell Grant funding to $5,400, the largest increase and the highest amount available in history, in the history of the Pell Grant program. We increased funding for Perkins loans. We increased the availability and the types of students and the types of schools that can qualify for Perkins loans. Just as important, we capped at 15 percent of discretionary income the amount that the student borrower will be required to pay in paying back their loans.

So they will not be forced into debt over their heads, and they will be able to have a more manageable debt burden when they graduate and when they start in the workforce and their income is not that high. These are good achievements. That was all in that bill.

So what I said to the person who asked this question was, this was something you took the time to show up at the town meeting to ask this question. This was the number one issue of concern to you, and that is why you asked me this question. And we did something about it. This Congress has helped you on the issue that is of the greatest concern to you. It is going to help millions of Americans, parents and students around this country, afford higher education, afford the cost of college.

We have had tremendous legislative success. As you have talked about, more days in session, more rollcall votes, more legislation passed, than any Congress in recent history, maybe in the history of the country to this date. So we have legislative success.

I wanted to not let the time go by without talking about that College Cost Reduction Act, because that is going to affect people's lives.

So I yield back now to the gentleman from Florida, Mr. MEEK.

Mr. MEEK of Florida. Thank you, Mr. ALTMIRE. The good thing about it, and Mr. RYAN and I were in a meeting the other day, and I think it is important, very important, and I was sharing a little earlier today about giving thanks to those out in the field. And when I say "those out in the field," those Americans out there, because the President said he wasn't going to sign the College Interest Rate Reduction Act or what have you, the $4,400 that Mr. RYAN alluded to.

If it wasn't for the American people pushing for that, it wouldn't have happened. If it wasn't for the American people saying that we wanted a minimum wage after double-digit years of no minimum wage, it would not have happened. If it wasn't for the American people stepping up at the last given Tuesday when we had the election for this House saying that we wanted to move in a new direction, it would not have happened.

I think it is important for us to look at this American spirit rising up again on the children's health bill. When we look at health insurance and we look at health care for children, the American people are going to make that happen, because hopefully we will have an opportunity to vote on that bill again. Hopefully after taking the number one vote that was a bipartisan vote, sending a bill to the Senate, the Senate sent a bill to us, and we voted out the bill and sent it to the President, and the President, two votes that took place, overwhelmingly bipartisan, the President vetoes the bill, okay? And now you are going to have a real third opportunity to vote again.

I don't know if those that have voted against the previous bills, if they want to continue to do it, because their excuse is to say, Well, you know, there was something I didn't understand on that first vote. Congressman, you mean on the second vote you still didn't understand? And then on the third vote? Well, maybe you are not in the business of making sure that children have health insurance so they can have health care.

So I am hoping that we can come together in even a greater way in passing a children's health care bill that covers 10 million children. I think it is important. I agree with the Speaker. I am glad she has put her foot down and this Congress has put our foot down and said we are going to do this. Because at the end of the 110th Congress, there is not going to be a short list of accomplishments; there is going to be a long list, because there has been a drought for a very long time to bring the issues and concerns back to those who attended your town hall meeting.

Congressman, what are you doing for the district? What are you doing for us? Yes, it is wonderful about the war. We know that is going on. All of us share in making sure our men and women have what they need to have and all of those different things, but what are you doing domestically? How does this affect my children?

Mr. RYAN talked about someone is going to sit next to a child that doesn't have health care, and if that child is sick, you can have all the health care in the world. Your child is coming home and they are going to bring whatever that other child has into the household and then everyone is sick, and now we have employers without employees, and we can go on and on and on. It is a domino effect. I think it is important that we continue to highlight that.

But I appreciate the fact you all have brought light to all of this. Even Mr. RYAN was talking about a democracy. I think a democracy is a good thing. I think it is playing out well. Even though we fell on the short end, 13 votes short of overriding the President, a major accomplishment with having the Senate vote in an overwhelming way and having the votes to override the President, and having a supermajority vote here in this House based on the strong Democratic leadership of even bringing the issue to the floor in the first place.

So I am excited about it. I do have faith in the American spirit. I know it will rise up. Those that have sent us here, those that do not work in the Capitol, those counting on us to do the right thing.

Mr. RYAN of Ohio. I think it is important, too, to recognize we are just beginning. I think we have moved into a new direction. We are clearly not done. We are clearly not close to being done. No one here is satisfied. No one here will say, This is great; we have really accomplished everything we wanted to. We can go out and turn out the lights and let someone else finish the business.

We have got a lot more to do, if you look at what we want to do with alternative energy, if you look at what we want to do as far as continuing to try to reduce the cost of education, K–12 and whatnot.

Mr. MEEK of Florida. We are out of time, Mr. RYAN. I want to thank Mr. ALTMIRE and yourself.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

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## MANAGING PUBLIC LANDS

The SPEAKER pro tempore (Mr. MCNERNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the opportunity you have given us to speak for awhile about public lands and about how the public lands are treated and how the future will and will not deal with those public lands.

One of the facts that we have to deal with is how a government deals with property, whether personal property or public property, is a window to the soul of that government. Personal property is tangible and civil liberties are intangible, but both of them are at the center of the historic purpose of this American government, and the preservation of one is indeed the precondition for the preservation of the other.

Sir Henry Maine once wrote a book called "The Village Communities" in which he said: Nobody is at liberty to attack several property and to say at the same time he values civilization. The history of the 2 cannot be disentangled. The desire, the use of property, whether it is on land or whether it is the use of public property, that desire is what raises mankind from political slavery.

One of the things that we do not often enough around this place is to consider why we are doing what we are doing. Indeed, one of the concepts that is there is that we do what we do because we have done what we always did; and sometimes when you take a moment to look back and reflect on that, in this particular Congress we have been inundated with laws and proposals which have huge and significant impact on personal and public property in the United States.

Mr. Speaker, one of the things I would like to do is try to go through with several Members who are in the West, public land States who understand firsthand the responsibility and relationship of this, specifically what we are doing in these particular areas.

One of the people I would like to address some of these issues deals with the public property in our forests. As you know, we are having major fires in this country, and the Speaker on this floor said now is the time we need to do what is right.

I would like to yield some time to the gentleman from Oregon (Mr. WALDEN) and simply ask him to address that, of what can this Congress do to make it right, especially when we deal with our forests and our processes for the future of our forests to make them healthier or better.

Mr. WALDEN of Oregon. Thank you, Mr. BISHOP. I appreciate your work on the issues we have worked on in the past.

The California fires are tragic in what is happening to the people who live there, the loss of life, the loss of habitat, the pollution that is going into the air. I have been told that the California wildfires have burned the equivalent of 10 times the square mileage of the District of Columbia. Ten times the size of the District of Columbia has gone up in smoke in California so far.

In my district in Oregon this year, 11 times the size of the District of Columbia has gone up in fire. Now fortunately we have not seen the loss of life and we haven't seen the loss of homes. But what we have seen is the loss of land for grazing and habitat and clean water as our watersheds have gone up in smoke.

This picture here I brought down to the floor for my colleagues to see. It is of two young children who are from Harney County, Oregon. This is the Egley fire which burned in my district 140,000 acres; 140,000 acres, the Egley fire burned in Harney County. America's forest lands going up in smoke.

There are 192 million acres of national forest system lands. According to the Forest Service, 52 million of those acres are at high risk to catastrophic wildfires. Twelve million acres in Oregon are considered high risk; 26 million acres, or just under the size of the State of Kentucky, are at risk to insect infestation.

You have to understand that our forests are not static. They continue to grow and suffer bug infestation, drought devastation, and ultimately fire. The total net national forest growth in the United States is currently about 20 billion board feet a year. Total mortality is about 10 billion board feet. So our forests are expanding at 20 billion board feet a year, America's federally owned forests, and 10 billion board feet die. We harvest less than 2 billion board feet.

That is part of our topic today, the lack of active management in our Federal forests. I want to show you what happens on a watershed. This is up in northeastern Oregon. In 1989, the Tanner Gulch fire wiped out the spring Chinook salmon run in Oregon's Upper Grande Ronde River. This used to be habitat for salmon. There was a creek that ran along here. Unfortunately, it is just mud and sludge and debris and blackened trees and ashen slopes.

Now in an extreme fire, scientists tell us that the most catastrophic fire that occurs in our forests emits about 100 tons of carbon and greenhouse gases. For those concerned about trying to do something about carbon emissions in our atmosphere and trying to reduce other pollutants in our atmosphere, we need to do something to manage our forests better to prevent these catastrophic fires. That is on the extreme, the 100 tons per acre.

A healthy green forest will sequester between 4 and 6 tons of carbon per acre. So these are the choices we are facing: How do you manage the forests for better forest health, for reduced fire and reduced fire intensity, and get them back into balance with nature. My colleague from Utah said what do you do about that.

Well, a few years ago we passed the Healthy Forest Restoration Act. It was bipartisan in its nature and scope. It was designed to allow Federal agencies, the Forest Service, and the Bureau of Land Management, to more rapidly, while still involving the public, go in and do the kind of thinning and debris removal to address this issue of the overgrown forests you heard me mention, the 20 billion board feet a year that grows in our forests and the 10 billion that dies, so we can go in, especially in the wildland-urban interface, near communities where homes are, the kind of homes we see burning today, although they are not necessarily in a Federal forest, but it is a similar concept. So to be able to go in quickly and have scientifically proven plans, based on community wildfire plans, in many cases, to go in and remove that debris and reduce that fire hazard.

That legislation which I coauthored with former Representative Scott McInnis from Colorado and Senator FEINSTEIN and Senator WYDEN were both very much involved, has worked in many cases, especially the community wildfire planning piece because that piece brought diverse groups together, environmentalists, community leaders, firefighters. We have a group here from Bend who have been on the forefront of this very effort, firefighters from my own district. They came together and developed plans on how do we safeguard the communities and the things we really want to protect, our watersheds and habitat. They came together, and now they can even more quickly implement those community wildfire plans.

The problem we face in this Congress is virtually every Member of the leadership of this Congress voted "no" on the final conference report that passed the Senate unanimously, and that includes the Speaker, majority leader, the caucus chairman, the Resources Committee chairman, the subcommittee chairman, and the Rules Committee chairwoman all voted against the Healthy Forest Restoration Act conference report. This is what we worked out with the Senate. It passed and became law. We now have these community wildfire plans in place. We need to continue to work and expand them elsewhere. It is so important.

So far this year in America's forests and grasslands on Federal land, more than 8 million acres have burned. We are setting records. This is down a little bit from last year, but over the last few years, we are at record levels. American taxpayers have spent $1.22 billion fighting fires, and that is before these awful fires in California have broken out. So it is very expensive when we don't manage properly and have fires break out.

Let me tell you what has happened. In my district, it is 70,000 square miles of eastern Oregon. It is beautiful. We have nine national forests there. We have national grasslands. We have wilderness areas. We have Crater Lake National Park and high desert plateaus, wheat land, and we have had all these fires. They have destroyed communities and many homes in the past. They have inflicted death. They have burned, and it takes years to recover. In fact, we have cattle ranchers in central and eastern Oregon who may be off their allotments for 2 years because it will take that long for the range to recover from fires that, frankly, shouldn't have gotten so out of hand if we had done the right management to begin with.

In the meantime, the infrastructure that needs to be there for our scientists and professional forest managers to conduct this forest thinning is going away because, you see, the allowable harvest of timber off Federal land has declined in my part of the world by 80 percent, 80 percent reduction. And with it, the timber receipts to these communities.

So this chart going back to 1976 shows the various timber receipt levels. And you get out here, and you see there is virtually no revenue coming off our Federal land, revenue that used to help pay for restoration work, that used to help pay for conservation efforts, that used to help pay for parks and other things, the activities people like to do when they recreate. And, most importantly, revenues that used to be shared with the local counties to fund their schools and their roads.

In the largest county in my district, Jackson County, this year because timber receipts are virtually eliminated, and because the county replacement program was stalled in its reauthorization, which is fundamentally flawed in my opinion, they had to close all the libraries. This is not some thousand-person county. This is largest populated county in my district. Every library had to close.

Another county down on the south Oregon coast, they were looking at declaring bankruptcy. Another was going to have to lay off all their sheriff's deputies except those mandated by State law to run the jail to provide security because this Congress hasn't passed the Secure Rural Schools Reauthorization. I would hope that could be brought to the floor and passed so that those of us in the West, and the gentleman from Utah (Mr. BISHOP) has a wonderful map showing Federal land ownership, but where most of the Federal lands are in the West, my district is over half Federal land. And it is important.

When Teddy Roosevelt created the national forest reserves in 1905, he said it needs to be a partnership with the communities in the management of these lands and in the revenues that are shared, and these lands need to be properly managed. I think he would roll over in his grave today if he knew what had happened in terms of the disassociation with the communities, in terms of the bug-infested nature of our forests, the droughts that have occurred that have left them distressed, and the disease that has come in, and then how they burn. And then we leave them.

In the last Congress, I wrote, and many of my colleagues on both sides of the aisle, including the gentleman from Washington (Mr. BAIRD), a Democrat, former Sierra Club chapter president, helped me write the Forest Emergency Recovery and Research Act.

□ 1645

So we, like private forest landowners and State forest landowners and county forest landowners and others, could get in right after a fire, take out where appropriate, where environmentally appropriate, in sensitive ways the dead trees that still have value, create the jobs, recover the wood, and replant sooner. We passed it in this House, big bipartisan margin to pass it. It went up on the rocks in the great graveyard we call the Senate, where all good ideas go to founder and die, and it did.

The fires in California, fires in my district, the fact that forests continue to grow exponentially, global climate change means they're going to be more under threat from higher temperature and, therefore, more drought and more bug infestation, more disease and more fire. This Congress, this country needs to adopt new policies.

Mr. BISHOP of Utah. I appreciate the gentleman from Oregon who's been a leader in trying to make sure that we have a healthy forest environment, and it means that we have to change some of the policies that we've had in the past, and I appreciate his leadership in those areas. I would like him to address just maybe one element.

Because of mistakes, I think, that we have made in the past on how we have decided to handle the forests in the future, those counties, those areas where citizens live next to the forest and where the forest becomes an integral part of their lifestyle, are facing a huge and significant problem, and especially their kids in secure rural schools. I wonder if the gentleman for just one second would take a moment to explain what we should be doing right now with relationship to secure rural schools, forest area schools.

Mr. WALDEN of Oregon. Well, we need to pass the legislation that's just come out of the Natural Resources Committee that would reauthorize the program that shared receipts or made up for the receipts that no longer are being generated with the county roads and schools. That legislation, and you are the ranking member on the subcommittee, worked very hard to make sure it's properly crafted, would provide for replacement revenue because, you see, that partnership shouldn't be broken, that promise shouldn't be shattered.

Communities where there are Federal lands, especially timbered communities, that have no real other ability to have an economic base in some cases, and yet, and I diverge a little here, but yet are still responsible when somebody's lost. Who's out there doing the recovery? The sheriff, out of the county. We've seen that tragically in my district, in my State, with the Kim family that was lost in southern Oregon. Family went out for a drive, got snowed in on a road, and the father died, and I believe the child and mother survived after several days. A number of climbers on Mt. Hood fell to their death. Their bodies have yet to be recovered from last year.

I was down in central Oregon and southern Oregon where sheriffs are out in the forests dealing with organized crime elements that have moved in to grow marijuana in highly sophisticated, generally Mexican, drug trafficking organizations, highly armed, very sophisticated. It's our sheriffs that are going in and trying and their deputies to deal with these issues.

So these costs of recovery, of rescue, of dealing with law enforcement issues on Federal ground are borne in large measure by the counties. And yet when you stop doing productive work on our national forests and they continue to grow and die at the same time, you don't have the revenue; yet, you still have greater and greater demand, people moving in to the wild land urban interface.

So this Congress gave us a 1-year reprieve in the emergency supplemental this spring. We need to reauthorize the county payments program for another 5 years, at a minimum, and we need to keep the Federal Government's commitment. If we're not going to do that, then we need to. And we probably need to do this anyway, frankly, get in with a new strategy on how to manage forests.

Now, I'm told in Canada where bugs have wiped out the lodgepole pine, the Canadian Government has come in and said actively get in there, take out the dead trees and let's get new forests going quickly. And they are rapidly clearing out the dead trees and starting new forests.

Our alternative here appears to be let it burn, let it rot, and 100 years from now we'll come back and take a look. I don't think that's the kind of stewardship Teddy Roosevelt had in mind when he talked about the great forest reserves and their use for water, for agriculture, and wood for home building. If you go back and read his speeches when he was creating these reserves; he wanted this long-term look at management of this wonderful resource we have.

Mr. BISHOP of Utah. You have long been involved in bipartisan efforts to solve this problem for your constituents, especially with their schools. I wonder if you would just take a couple more minutes before we segue into the next speaker, next area, simply talking about what we practically can do for secure rural schools right now, as well as what we should probably ask our leadership to do that we should be practically doing right now in the long term for healthy forests in the future.

Mr. WALDEN of Oregon. Well, there are two things. One on the forest side. Let me take that first, and then I'll talk about county payments.

You're right. I always figured people sent us back here not because of our party label and we're only supposed to use that; they sent us back here to solve problems. And that's how I've tried to approach this, and that's why on the Healthy Forest Restoration Act, it was bipartisan when it passed this House, although the leadership in place today, from the Speaker all the way to the subcommittee chairman, opposed that bill, the bill that passed bipartisanly, unanimously in the Senate in its final form. They voted against it. But that's law and that's worked.

We need to pass a version similar to the Forest Emergency Recovery and Research Act so that we can go in and clean up after these fires and use the burned, dead trees while they still have value; create jobs in our community. Then we won't need these Federal payments after all if we better manage the forests. We need to increase the allowable cut in our forests so that we can generate jobs and so that we can harvest wood here legally for our uses rather than buy our wood products manufactured overseas from illegally logged forests that are being wiped out in places like Burma and Malaysia and Indonesia and Russia and China where they may have laws on the books and they're completely unenforced.

So, as a result, we all gleefully go to the local furniture store and buy this furniture that's made from wood that was illegally harvested, while our forests burned, and we don't even recover the burned, dead trees. So we need to deal with that issue.

And we need to take into account some terrific research out of the forest service about the change in temperature that's occurring and how the forests are going to move north, but it will take them 10,000 years to catch up with the temperature that should change in about 100 years, if all their data is correct, and I know some of that still needs to be worked out.

So, finally, on the issue of county payments, first I think the first day of this session my colleague PETER DEFAZIO, a Democrat from Oregon, and I, as we did the prior session, introduced legislation with you and others to reauthorize the county payments law. That partnership needs to be kept. That promise needs to be kept, regardless of who carries the gavels around here. And it's taken until just a week or so ago to get it out of the first committee. It still has an Ag Committee referral on it, and it's yet to come to this floor. We should be bringing that to the floor and voting it up and down and moving it to the Senate or they should be sending us a bill. But right now, it appears to be, I don't know, held up, and that's not good for our children. It's not good for our libraries, not good for our first responders. It's not good for our county roads.

These school districts in some States have to send their layout notices out in March to tell teachers whether or not they're going to have the money for the following year. As you know, this year that happened in some school districts.

Mr. BISHOP of Utah. I appreciate the comments from the gentleman from Oregon. I especially appreciate his comments about our bipartisan bill that has been referred out of Resources. The Speaker of the House does have the ability of helping to move that bill along and can change the referral process to bring this one to the floor. And how significant this is, with these particular counties for the so-called secure rural schools, schools that are impacted by our policies in the passed-over forestlands. We need to have that on the floor now, and it has a funding source. It can be moved right now. I think I would probably join you in asking the Speaker publicly to bring that bill to the floor, let us vote on it, let us move the process forward, get it over to the Senate so we can solve that problem.

Mr. WALDEN of Oregon. As the gentleman knows, the clock is running. Time is running out, not just on our Special Order tonight but on the school kids and the counties and the services that our citizens rely upon in these forested areas, because that funding stream we got that 1-year extension on is running out, as is the time in this Congress running out.

We'll be off 2 weeks after Thanksgiving, a week. We're going to be in for a day and a half or 2 days, couple of weeks in December. Then we're into January and maybe in 1 week there. You know, it's the way Congress works, but we're running out of time, and we shouldn't run out on the promise that this Congress should uphold to the school kids and the communities in America's rural counties.

Mr. BISHOP of Utah. I appreciate the gentleman from Oregon for specifically and very eloquently stating what the problems are in our national forests.

He, as well as I and many of those who will be speaking this evening, come from what are called public lands States. You see the map that I have to my left. Everything that is blue in those States is the amount of that State which is owned and controlled by the National Government, and you can obviously see that there's a unique difference between the States in the West and the States in the East.

Now, a big chunk of this blue in the West is national forests, which Representative WALDEN understands very definitely, very clearly, and needs to deal with that particular issue. And he's given us some directions on what we need to do to do it right.

The other part of this blue deals with land that's owned by the Bureau of Land Management, BLM land, and all of these lands, whether they be forestlands or BLM lands or parklands, have an impact on the States in which we find this particular land.

I'd ask my colleague from Utah, Mr. CANNON, if you'd maybe take a moment and talk about how we try to help these Western States that don't have control over their lands but still have the responsibility of providing services not just for the westerners but also the easterners that are coming directly on these lands with a program known as PILT, payment in lieu of taxes.

I yield to Mr. CANNON.

Mr. CANNON. I thank the gentleman from Utah, my colleague, for recognizing me and organizing this event, and you've seen his blue chart. I grew up thinking that blue meant Republicans. We had this anomaly here recently, because red normally meant the Soviets. I have here a map of the United States, and when Ronald Reagan saw this map it was in red, that is, the public lands that you see mostly in the western part of the United States were in red. He looked at that and he compared that to a Soviet state, and he said he'd never seen so much government domination as is expressed by that since the Soviet Union.

So, not being partisan about these issues, which are really in fact not partisan, let me just suggest that there is something terrifically wrong with the Federal Government owning so much of these States. You can see that in Nevada, 93 percent of the State is owned by the Federal Government. In Utah, it's over 70 percent. In California, it's about 50 percent. This is a huge amount of public ownership of our lands.

As a result, you can see also that the ownership by the Federal Government is spread around the whole United States. In fact, there are about 19,000 counties in the United States that have public lands of some sort in them, and in those counties the Federal Government pays to those counties money that substitutes for the taxes that those counties would otherwise receive. We call this payment in lieu of taxes, and it's fair.

It's fair in the East where we have small amounts of land and the payments are substantial, but it's not fair in the West where we've taken a vast amount of public lands out of the system, and therefore, States can't actually have any kind of revenue stream from those public lands.

Now, the blue map that you saw that represented how much of the Western States is owned by the Federal Government is interesting, and Mr. BISHOP I think is going to come back and talk about this startling fact, but it is clear that all of the people in the Western part of the country pay more in the way of taxes per family, per capita and otherwise, than in the eastern part of the country.

It's also clear that in the western part of the country, where we have this domination of Federal lands, that we pay less per pupil for schools than people in the East do. So we tax more and we pay less, and the reason we do that is because of the ownership of public lands by the Federal Government.

This leaves us in a difficult circumstance where it's just plain harder to grow in the West. Now, I've got to count my State, which is by many measures the best place in the country to do business, and I don't want to suggest there's a problem there. In fact, we love our public lands because people can go out and recreate, and that's why people who are high-tech and others want to come to Utah. It's a great place to live and to work and be. But you have to buy into the fact that if the Federal Government owns that property, you have to pay more in the way of taxes.

I have many friends who live in the Northeast who have said to me over time, these are America's lands. And if you look at the map, you have got a little bit of New Hampshire and Maine and there's a sprinkling around here in the eastern part of the country. But when they talk about America's lands, they're talking about the public lands in the West.

I spent some time at Disneyland one day with my wife and kids, and that can be very long and painful. We finally got into the "Honey, I Shrunk the Kids" exhibit, and I thought as we got to the door that we were almost ready to get on the ride, but then we got through the door and we had a long, long, half-an-hour-long line to wait through to get into the exhibit.

□ 1700

I was uptight, irritated. They had to pass by people like me. They had pictures of America flashing on the walls, and I noticed a picture from my district. I thought, well, that's nice. Two pictures later there is another picture from my district. Three pictures later there was another. The fact is, we have beautiful, beautiful lands in the West, and we welcome everyone to come out and join us on those lands.

But if they are America's lands, then we have a responsibility as Americans to pay the costs of those lands. If we are not going to use them productively, if we are not going to tax them for productive use, then we have an obligation in America to pay for those lands.

Mr. BISHOP of Utah. One of the things I have been hearing so many times, you may have said this already earlier, that PILT, payment for all these lands, is nothing more than a handout for the poor western counties.

Is this a handout or is this a responsibility that we have for these lands?

Mr. CANNON. Is that a handout or a hand in our pockets by the Federal Government? This is, in fact, not a handout at all.

Every county in the country taxes its public lands. Every county does. Every State has a regime for taxing public lands. But we can't, because the Federal Government is sovereign, we can't tax lands that are owned by the Federal Government.

So if you want people to be there for search-and-rescue when you get lost in some of the beautiful parts of my county or my State, we expect to be paid for that. It's not an expectation that's vacuous or whiny, it's an expectation based upon what we are giving up in these western States and in Utah, in particular.

Mr. BISHOP of Utah. We are talking about what these lands can do and how we can benefit the constituents that are out there in these western lands as well. One of it deals with the bounties that have been placed in there in these western lands, what we can do if we actually bring them about.

I am often amazed how we sit under this quotation from Daniel Webster saying that in actuality if we want this country to move, we need to take the resources that are here and develop them. That's where progress comes.

The gentleman represents a State in an area that has a significant amount of natural resources that have yet to be developed, and I am talking specifically about oil shale. I notice that he has been joined here on the floor by Representative PETERSON of Pennsylvania, two people who understand our energy policy specifically and who realize some of the energy policies that we have been talking about passing on this floor are going to have a negative effect on people, on real people.

I wonder if he could spend some time talking about the potential of oil shale and what it can do. I guess the basic question is, is it really possible to remove ourselves from a dependency on foreign sources of energy?

Mr. CANNON. I thank the gentleman. In fact, I paid, I think, $3.09 the last time I bought gas. When I took my daughter, one of my daughters up to school about 5 years ago, there was a gas war. We had low prices. It may have been 6 years ago. I paid 75 cents a gallon for gas and of that 75 cents, 42 cents was tax. We are not paying 42 cents on a gallon of gas that is over $3.

These are amazing numbers. Why we are there? Well, we are there because we have had policies that have restricted the development of oil and gas. There are two things I want to comment on just quickly in response to that question.

The first is that we have 250 billion tons of coal in America representing about 6 or 800 billion barrels of gasoline if we did coal-to-liquids. A lot of people know that we are the Saudi Arabia of the world for coal, but very few people understand that we have more oil in our shale that's easily recoverable in Colorado, Wyoming and Utah than exists in all of Saudi Arabia.

If you look at the more difficult or more expensive to recover from shale, it's two or three times everything that you have in the Middle East. If we could just develop the oil that's in our shale, we would do remarkably well for America.

Let me just give you a sense of this. In other words, think of all the oil that comes out of Saudi Arabia, all the oil that comes out of Venezuela, all the oil that comes out of Mexico. We could easily replace that at a teeny fraction of the oil we have available in shale in this country. By the way, you asked the question, Mr. BISHOP, is it possible to actually get the oil out of that shale?

Well, the Estonians have been doing it for 60 years. They have been producing oil out of shale for 60 years. The shale that we have in Utah is better, has much more oil, and, in fact, in 60 years, we have made massive progress technologically. The answer is unequivocal. We can do it.

The Federal Government owns the bulk of this shale. We need to assure that we can do it quickly without the kind of burdens. Let me just take a moment to tell you, we have a mine in Utah, it cost $330 million to develop that mine in 1977. The first thing I did when I came to Congress was to stop the BLM from spending $50 million to shut that mine up so it would be, as they said, safe.

We have now released that mine, but it has taken almost 2 years in a mine that's already developed to get to the point of licensing that so the people that lease the mine can produce. Their production is based on a very narrow, limited set of circumstances. We are in the way. The Federal Government is in the way of energy self-sufficiency for the United States. The people of America ought to say we want to get out of the way.

By the way, for the people of America, this body is actually an interesting place. People do what Americans want us to do. If you want cheaper oil, tell your Congressman to get with it and help us change the policies so we can develop our oil, particularly the oil and gas in the shale in the United States.

I know that Mr. PETERSON is going to talk about oil and gas.

Mr. BISHOP of Utah. I appreciate it. I hope Mr. CANNON may have a chance to join us a little bit later.

We are talking about energy policies. It has an impact on people. We all like alternative forms of energy. That's important. But for the short term, we have to make life bearable for people. We have some options without having to rely simply on foreign sources.

Mr. CANNON understands oil shale very well, and he explained how that is one of our options. Another option we have is natural gas, which is a forte of Mr. PETERSON at the same time. I guess the question has to be, we understand how high natural gas prices terribly impact citizens trying to live their lives, heat their homes. They impact the job market as well. They impact farmers when it comes time for fertilizer. I guess the question is, can we make domestic natural gas reserves available so it improves the lives of people?

If I could ask Mr. PETERSON to spend a few minutes, 5 minutes or so, maybe explaining how that part of the energy puzzle can be dealt.

Mr. PETERSON of Pennsylvania. Yes. Natural gas, I call it America's clean, green energy, no $NO_X$, no $SO_X$, a third of the $CO_2$. It's almost the perfect fuel. Now, a lot of people don't realize what all we do with natural gas, but natural gas is the basic ingredient of many of our products, polymers, plastics, petrochemical. Everything we manufacture has some form of natural gas in it or we have used natural gas to do it.

Natural gas is America's hope for the future. I call it the bridge fuel.

Now, just a few years ago, in fact, 6 years ago, we had $2 natural gas, and we had $16 oil. Just 6 years later we now have $7 natural gas, but we haven't had a storm in the gulf yet, we haven't started our winter heating yet. We know those prices will skyrocket much higher.

Well, it amazes me. I am going to speak a little bit about oil. $87.50 was the price of oil, that it just closed at. Not a crisis in this Congress. I haven't heard any rustling of activity. We have a Senate bill and a House bill not conferenced on yet. I haven't seen where the House and the Senate have agreed to have their conference committee and move forward with their bill.

Now, maybe it's a good thing they don't, because let's just look at it. With the natural gas prices we have today, highest in the world, here is what their bill does. Their bill locks up 9 trillion feet of natural gas in the Roan Plateau. The Roan Plateau is a huge, clean natural gas field in Colorado that was once set aside as the Naval Oil Shale Reserve in 1912 because of its rich energy resources. That means that 9 trillion cubic feet of natural gas, more than all the natural gas from the OCS bill that passed last Congress in the gulf, will be put off-limits.

The Roan Plateau is ready to go. It has already gone through NEPA. It's ready for lease sale. This provision was not in the original Resources Committee bill and was added without any hearings in the 11th hour. That's the kind of legislation this Congress is putting forth to cause natural gas prices to continue to increase, locks up 18 percent more by policy changes.

I had some amendments in the energy bill in 2005. This guts the categoric exclusions if we stop allowing redundant NEPAs to stop the process. We had leases in the West where they had leased the land for oil and gas production, and 5, 6 and 7 years later, they are doing redundant NEPAs.

They had to do a NEPA for the whole layout. Then they had to do a NEPA for the road construction. Then they had to do a NEPA for every location. A NEPA study takes about a year. There is no reason that an overall NEPA on the project couldn't cover all those aspects in a year's time and make sure we do it right. No, we are going to take away that, and that will lock up more natural gas. Of course, we just heard from our friend about the 2 trillion barrels of oil from western oil shale.

Well, it's similar to tar sands in Canada. Everybody thought that wasn't a good thing. Well, they are now producing 1.5 million barrels a day. Their goal is 4 million a day. They are increasing every month, because they figured out how to release the tar sand oil, and we need to be working at releasing the oil shale oil because we have trillions of barrels there.

Should we have policy? Should we have legislation going that's going to take oil and gas? Then we go on down here a little further, we are going to have a $15 billion tax increase on the production of energy and the processing of it. Does that make sense? That means it is going to cost American taxpayers $15 billion more for energy somewhere down the road. Should we be taxing the production of oil and gas? I don't think so.

There is nothing in the bills before us about coal-to-liquids. We are the Saudi Arabia of coal. It's a tragedy in America that we are not moving forward with coal-to-liquid and coal-to-gas, because, you know, today we are 66 percent dependent on foreign oil, and we are growing 2 percent a year, and we have $87.50, today's closing price. We hit $90 a few days ago. And just 6 years ago, it was $16. How much can the American economy absorb without a recession?

I was told by someone from the Department of State that they thought $75 oil for any length of time would put America in a recession. It didn't. What some figure is a figure that the American economy can no longer absorb. Now we are approaching the heating season. Sixty-two percent of Americans heat their homes with natural gas.

What do we have? We have it locked up. These are all areas that are locked up. Clean, green natural gas. A natural gas well has never contaminated a beach. It has never really done major environmental harm. But, no, America has a policy that we are not going to use the cleanest, greenest fossil fuel there is, natural gas. We're just not going to produce it.

I don't understand that, but that's where we are, folks. High gas and high oil prices are because this Congress, not just this current Congress, but historically, 26 years ago Presidents and Congress locked up the outer continental shelf. We are the only country in the world not to produce it, the only country in the world not to produce.

This is the greatest energy reserves we have. Eleven miles offshore you don't even know they are there. You don't see it. I have legislation that says the first 25 miles will not even be open for drilling. The second 25 miles would be controlled by the State. The second 50 miles would be open, but States would still have the right to pass a bill to not produce if they don't want to. That gives States rights. Then the second 100 miles would be open.

Folks, when we make these decisions to open these up, when we make the decisions to make any major coal-to-liquid, coal-to-gas, when we make decisions to reopen nuclear and get it moving again, you are talking 8 to 10 years before you have any energy.

America is in a crisis today. I think $87.50 oil is a crisis. We have $7 gas, and we know it's going to spike as soon as we start using our winter supply. When American homeowners find out the price of home heating oil, they are going to be pretty angry at Congress, and they ought to be.

Now, the gas prices that are out today, I heard the gentleman say $3.09. In my State it's $2.89. But gasoline prices have not caught up with $80 oil. $80 oil means $3.29, $3.39 gasoline. There is still a glut of gasoline in the marketplace. This spring we had $3 something gasoline with $60 oil because there was a shortage of gasoline in the world.

We buy 20 percent of our gasoline now from Europe. We don't produce enough in this country. Europe didn't have any to sell us because they were using more than normal. There was a world shortage and so our price was much higher than it ought to have been, because it's a separate marketplace.

Now, just wait till gasoline catches up, the summer fuel burns off. Our refineries are now making home heating oil, and those on home heating oil are going to pay a tremendous price because there is none of that in the system. Those heating with propane are going to pay a much higher price. Those heating with natural gas are going to pay 10 to 15 percent more. Home heating this winter is going to be very expensive.

Do you know who even feels the pain worse, small businesses who use a lot of energy. There are no programs to help them. There is no LIHEAP funding to help them.

☐ 1715

Small businesses in America are going to struggle to make a profit because of energy prices. And natural gas, being one of the highest prices in the world, and we have lots of countries with very cheap natural gas, we're going to continue to export petrochemical jobs, polymer and plastic jobs, fertilizer. You know, here we're using ethanol now, it's big. We have to grow a lot of corn to make ethanol. We have to use a lot of fertilizer. Seventy percent of the cost of fertilizer is natural gas. If we make a hydrogen car, it's going to use natural gas. Natural gas is the feedstock for most of our manufacturing. It's what we heat our homes with.

We need energy policy here in Congress. We don't want a bill that takes energy away from Americans. This bill takes energy away from Americans. This bill makes energy more expensive. The bill before us does nothing to produce energy and to bring down gasoline prices, to bring down home heating prices and to keep American jobs here. And there's no reason that America cannot be in charge of its future destiny with natural gas.

We can't control the oil market. We can control our natural gas market. We can be self-dependent. We now import 17 percent of our natural gas. We wouldn't have to import any of it. America is rich in natural gas, the clean, green fuel.

And I impose this Congress, natural gas could actually fuel a third of the auto fleet. It would save a lot more than CAFE standards. And I'm for better CAFE standards. But it would immediately take all construction vehicles, school buses, taxicabs could all be on natural gas. That's a known technology. It's just a conversion.

Folks, clean natural gas is what America needs to be about as we build our renewable future. All the renewables are built off of natural gas. Natural gas is the feedstock. Folks, we need clean, natural gas so Americans can afford to heat their homes and can afford to drive their cars.

Mr. BISHOP of Utah. I appreciate the gentleman from Pennsylvania, who understands this issue.

Let me see if I can borrow that one you have in your left hand. I'm not all that hot on a lot of the details of energy and mining, but I am a school teacher, and I just noticed on the back of this chart is a chart which goes through the salaries of teachers comparing Wyoming and Montana. And you find that a step one teacher in Wyoming is significantly higher than a step four teacher in Montana. And I want to tell you, there's only one reason for that disparity. Wyoming does more with their resources to develop them and use them to help fund their education system. It has all sorts of spin-off effects.

I appreciate the gentleman from Pennsylvania who understands this concept so significantly and has spoken so eloquently about it.

I'd also like to welcome the gentleman from New Mexico who is here, who clearly understands the issue of energy significantly.

We will have a potential energy bill before us. We will have next week a potential mining bill before us, both of which could have some difficult situations especially as they deal with Americans. So I'd like to yield to the gentleman from New Mexico to have a chance to talk for a moment especially on what we are doing, once again, as to our constituents.

Mr. PEARCE. I thank the gentleman for yielding and appreciate his leadership on this.

We are discussing extremely important things. For instance, in the mining bill, which will be coming to the floor, a heated debate really arises about what does it matter. What does it matter if we add an 8 percent royalty on to the price of minerals?

At one point yesterday in the debate, the chairman of our Resources Committee, Mr. RAHALL of West Virginia, said, I see no reason, no reason whatsoever why good public land law should be linked to the gross national product. Now that is, to me, a stunning statement because I think policy should always consider the jobs in America. It should consider our standard of living, and it should consider the ramifications for our communities.

Communities in the West, where mining occurs on public lands, will be affected most by this new royalty that is being suggested by the majority party.

Now, we had comments at a field hearing, and we find the comments are very similar from the Democratic witnesses to the Republican; in other words, both sides agree. There's a James Otto, "8 percent is excessive," he says.

"I'm only aware of a single royalty that is as high as the royalty proposed in the bill, just one in my 20 years of practice. An 8 percent royalty would really be ruinous," says James Cress of Washington on 10/2/07.

"I am particularly concerned about the potential impacts of the 8 percent net smelter return royalty called for in the last legislation. All the royalty costs will be absorbed by the mining companies, and this will be a direct adverse impact on the amount of mining tax revenues that flows into the State and to the counties."

We had testimony from one country, and I think it was British Columbia, that increased their royalties and saw a tremendous decrease in their net tax revenues because companies simply moved out.

Today, companies can move their mining assets; they can move their mining investments by simply a flick of the computer. If it's that easy, then we should be very cautious. We should be concerned about the gross domestic product before we jump into these very significant arguments.

One of the letters that I have, and I would like, Mr. Speaker, to submit this as a part of the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
*Washington, DC, October 16, 2007.*

Hon. NICK J. RAHALL, II,
*Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.*

DEAR CHAIRMAN RAHALL: This is to request that the Committee hold additional hearings regarding our country's mineral policy as it relates to military and economic security before we convene a mark-up of H.R. 2262. Notwithstanding the amendment in the nature of a substitute discussion draft circulated late last week, we are very concerned that H.R. 2262 moves our country's mineral policy in the very opposite direction of recommendations outlined in the two recent National Research Council ("NRC") reports:

(1) Managing Materials for a 21st Century Military and

(2) Minerals, Critical Minerals and the US. Economy.

We are entering a challenging time for our nation which is only now beginning to become clear. China and India are consuming huge amounts of energy and minerals which they are willing to secure from parts around the globe and with which they are fueling unprecedented economic growth. At current rates of relative economic growth, one or both of them will surpass the United States in economic output within two decades. We are in a race. Now is not the time to rest. We must examine closely the consequences. . . . intended and unintended . . . of our actions. We owe nothing less to our children's future.

### I. MINERAL POLICY AND AMERICA'S MILITARY SECURITY

One of the most fundamental functions of the Federal government is to provide for the common defense and our national minerals policy is inextricably linked to providing for that defense. It was America's natural resources—and the ingenuity and strong backs of American workers—that made us “The Arsenal of Democracy” that supplied the tools of victory in World War II. In many ways, minerals are the foundation to a strong modern military.

Requiring our military to import the strategic and critical minerals it needs from hostile foreign nations puts our military on its knees before the battle begins. It will make the United States military the “paper tiger” China's Mao Zedong wished for in 1956 when he coined the phrase. Attachment 1 provides examples of strategic and critical military materials upon which our military already relies on foreign sources for. If we rush to create a minerals policy that further discourages a domestic minerals industry that is already shrinking because of the existing regulatory constraints, we will have left a grave legacy that is threatening to our long term stability.

As discussed in the NRC's report, restarting or jump-starting a U.S. mining operation in response to supply interruptions would be very time consuming, expensive and in all probability, impossible. Consequently, the mineral policy moved by this Committee must take into account military needs. To this end, we request joint hearings with the House Armed Services Committee so that this issue can be fully understood by the Committee.

II. MINERAL POLICY AND AMERICA'S ECONOMIC SECURITY

Mineral availability is a cornerstone to robust economic activity because minerals support the broadest range of manufacturing and industrial businesses, including transportation, defense, aerospace, electronics, energy, agriculture, communication, construction, and health care. According to the NRC's report, “current lifestyles in the United States require per capita annual consumption of over 25,000 pounds . . . of new minerals . . . to make the items that we use every day.”

While our reliance on foreign sources of minerals may be less visible than petroleum, Attachment 2 illuminates the gravity of America's exposure in this regard. Our country is rich with minerals; however, the “political availability” compromises our independence on foreign sources of minerals. The NRC's report describes “political availability” as a significant part of mineral availability. The concept of “political availability” encompasses (a) legislation, rules and regulations that influence investment in mineral exploration and development and (b) the risks and results of change in these policies. While God has blessed our Nation with a rich natural resource base, it appears that the common sense with which He endowed our policy makers has not been used by its recipients.

We are concerned that H.R. 2262 will adversely affect both of these “political availability” components. We are unaware of any witness in the three legislative hearings held by Subcommittee on Energy and Mineral Resources thus far who testified that H.R. 2262 will increase domestic mining activity. Rather, several witnesses testified that H.R. 2262, as drafted, will be devastating to our domestic production of minerals, will be crippling our economy and will send more jobs overseas. We believe that moving H.R. 2262 out of this Committee in advance of an analysis of its impact on the overall U.S. economy is premature.

ATTACHMENT 1.—EXAMPLE STRATEGIC AND CRITICAL MILITARY MATERIALS AND FOREIGN IMPORT RELIANCE

| Material metal | Uses | Import (percent) |
|---|---|---|
| Aluminum | Aluminum alloys in airplanes, aerospace, marine applications, food cans | 44 |
| Arsenic | Semiconductors, pyrotechnics, insecticides | 100 |
| Bismuth | Magnets, nuclear reactors, thermoelectrics, ceramic glazes | 96 |
| Chromium | Steels, catalyst, magnetic tape, plating | 75 |
| Cobalt | Specialty steels; medium or high temperature fuel cells | 81 |
| Columbium | Specialty steels | 100 |
| Copper | Wire, electromagnets, circuit boards, switches, magnetrons | 40 |
| Gallium | Optoelectronics, integrated circuits, dopant, photovoltaics | 99 |
| Indium | Semiconductors, metalorganics, light-emitting diodes | 100 |
| Lithium | Batteries | >50 |
| Magnesium | Airplanes, missiles, autos, photography, pharmaceuticals | 54 |
| Manganese | Specialty steels | 100 |
| Nickel | Specialty steels; superalloys for jet engine parts | 60 |
| Platinum | Catalytic converters | 80 |
| Quartz Crystals | Electronic and photonic devices (high purity) | 100 |
| Rhenium | Specialty steels; high temperature alloys & coatings | 87 |
| Scandium | Refractory ceramics, aluminum alloys | 100 |
| Silicon | Photovoltaics, semiconductors, microprocessors, alloys, electronic and photonic devices | <50 |
| Strontium | Medium or high temperature fuel cells | 100 |
| Tantalum | Specialty steels; electronic capacitors | 87 |
| Tin | Superconducting magnets, solder, alloys, electronic circuits | 79 |
| Tungsten | Specialty steels | 71 |
| Yttrium | Laser rods, superalloys | 100 |
| Zinc | Batteries, galvanizing, paints, metalorganics, pharmaceuticals | 63 |

[1] National Research Council, Managing Material for a 21st Century Military and Minerals, Table 4–3.

On page 1 we're referring to two recent National Research Council, NRC, reports. And one quote is, “We are entering a challenging time for our Nation which is only now beginning to become clear. China and India are consuming huge amounts of energy and minerals which they are willing to secure from parts around the globe and with which they are fueling unprecedented economic growth. At current rates of relative economic growth, one or both of them will surpass the United States in economic output within 2 decades. We are in a race. Now is not the time to rest. We must examine closely the consequences, intended and unintended, of our actions. We owe nothing less to our children's future.”

In light of this worry by the National Research Council, yesterday I had an amendment which would have simply required that if we ever are passed by any country and become the second largest economy in the world, that the implications of this bill simply be done away with; that is, that we would begin to do the things that would heal our economy.

I accept the fact that we could be overestimating the impacts of this bill that is coming to the floor, the mining legislation. But what I will not accept is that we have consequences in our economy without having some way to reverse those impacts.

The Chinese economy doubled gross domestic product in 5 short years. The combined economies of China and India have tripled in size over the last decade, and some predict that, at the current rate, the U.S. could very well become the second largest economy in the world. That's what I mentioned when we very first started, that the consequences of too hasty an action here could place our children into a position where they no longer have the standard of living to where we, as Americans, begin in a steep decline economically, so that we do not have the hope and the opportunity for the future which we currently have.

The National Research Council pointed out three ways in which they are very concerned about the potential ruinous effects. They're concerned about how much of the minerals that we are going to import. And again, I would show a chart to my left, that all of these elements in this picture get minerals that are currently mined in the U.S. Some are strategic, some are not, but our daily life revolves around minerals that we get from deep inside the ground. When we acknowledge that and when we understand where these minerals come from, we might have a different opinion than just trying to regulate the companies out of existence. We're going to use these elements whether or not they come from U.S. mines or not.

My recommendation is that we continue to mine these minerals inside the United States. Don't transport our jobs. Don't transport our national security to firms outside. Don't make us subject to another country to get the minerals which are required for national security considerations. Please, let's take time before we pass this legislation. Let's send it back to committee. Let's contemplate the effects of it.

And I would yield back to the gentleman and thank him greatly.

Mr. BISHOP of Utah. I appreciate the gentleman from New Mexico coming and talking about these issues, and I think people can realize we feel very strong and deeply about these particular issues. This is what happens in our States. We live with this issue all together.

You've heard today about the nature of our forests and what we must do to have healthy forests in the future. You heard about the impact it has on school children in those forest counties. But there is a proposal; it needs to come to the floor that we can debate about that as well.

You've heard about the significance of payment in lieu of taxes and what it means to Western States, about oil shale development, natural gas development, mining development, all of these which have an impact.

Now, I said earlier on, but once again I'm just an old school teacher. And it does have impacts beyond what we naturally think about. And I'm thinking specifically about my kids, about my salary, my retirement as a school teacher and what we do in the future in our Western States.

We noticed before, this is the chart, the amount of blue is how many, how much land is owned by the Federal Government in each State. I'd like you to contrast that, if you would, with this chart. The States in red are the States that have the most difficult time increasing the amount of money and paying for their education. The States that are red have the growth in education but they also have the most difficult time in adjusting for that growth. And if you look at that and then compare it once again with the public land States, you'll find an amazing correlation. The public land States are having the most difficult time funding their education, and I think there is a relationship to it which we have yet to fully investigate, and we ought to. It's a subject for a future time, but it's also one of those things that are important because there are collateral impacts that are extremely important on how we actually follow the advice of Daniel Webster up there, which told us to develop our resources so that we can move this Nation forward. And this is the time we have to do it. And there are right ways of doing it and there are probably imprudent ways of doing it. It's important that we do it the right ways, and we in the West clearly understand the significance of that.

With that, Mr. Speaker, I appreciate your patience.

## CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE SITUATION IN OR IN RELATION TO THE DEMOCRATIC REPUBLIC OF THE CONGO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–69)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

The situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability and was addressed by the United Nations Security Council in Resolution 1596 of April 18, 2005, Resolution 1649 of December 21, 2005, and Resolution 1698 of July 31, 2006, continues to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared in Executive Order 13413 of October 27, 2006, and the related measures blocking the property of certain persons contributing to the conflict.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo, and the related measures blocking the property of certain persons contributing to the conflict in that country, must continue in effect beyond October 27, 2007.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 24, 2007.*

## CONSTITUTIONAL CHECKS AND BALANCES

The SPEAKER pro tempore (Mr. MCNERNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. WALZ) is recognized for 60 minutes.

Mr. WALZ of Minnesota. Mr. Speaker, it is a pleasure to be here with my colleagues, the members of the class of 2006, and I'm going to defer to my colleague from Kentucky who brought an initiative forward and one that we are excited about talking about. It's something that the American people should be excited about talking about. It's a refresher course and, I guess, to bring to the forefront again the most important document in this country, the Constitution.

□ 1730

With that, I yield to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, I thank my colleague from Minnesota, the distinguished president of our class, for yielding and thank him for the superb job he has done in leading us through this wonderful year that we are spending as new Members of Congress.

I want to start this segment by actually reading the first few words of the Constitution of the United States because too often I find that, as I go around the country and go around my district, the people have lost sight and I think many Members of Congress have lost sight of exactly what the Founding Fathers did 220 years ago. I think we are all familiar with the preamble of the Constitution, and it starts with those wonderful words "We the people," those incredible words that actually go to the heart of what we are about as a democracy:

"We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Now, following those words, following that brief preamble, it says in article I, section 1: "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

I think it's amazing to think back to what was going on in those formative years of our Republic in 1787. The country had just rebelled against a monarch in England, and when they were establishing a government that would reflect the hopes and dreams of the people who had gone through that incredible war of revolution against England, they decided to create a government in which the ultimate power would rest in the people. That's why they said at beginning of the preamble, "We the people." They created in article I the representative body of government that we sit in today. They did that because they didn't want one person being the decider of everything that affected their lives. They wanted to vest the power to govern in themselves through their representatives in Congress.

And so we sit here as successors to that incredible legacy. And it is not only our power to do that vested by the Constitution in article I; it is our responsibility. We have an obligation to govern on behalf of our citizens, "we the people," as reflected in our representation here.

I think those of us who were elected for the first time last November know that, yes, we were elected partially because of the war in Iraq, but we were also elected because the people of the country decided that they really wanted to make sure their voice was heard in Washington. They thought their voice was being ignored. They said this is our government. We are going to change it by sending people there who will listen to us and will put our desires into action through the legislative process.

So I thought it would be wonderful to call attention to the fact that article I does impose, again, not just these powers, but it also imposes responsibilities. And that's what we came here to do, and we recognize that. We want everyone in Congress, both parties, to share in this acknowledgment of what our responsibilities are under the Constitution. I am so proud to have with me tonight and so proud to serve with wonderful people who are committed to the same ideals.

I would like to recognize BETTY SUTTON from Ohio, one of our wonderful new Members, to elaborate on article I and what we are doing to realize and to fulfill our responsibilities under article I.

Ms. SUTTON. I thank the gentleman for his introduction here and I thank you for your leadership. The gentleman from Kentucky is taking us, hopefully, on what will be a bipartisan effort to restore the responsibilities of this Congress has under article I and just sort of bring that back to the forefront because checks and balances are very important in this government. I also want to commend the leadership of our president, TIM WALZ, the gentleman from Minnesota, who is an outspoken advocate for the people that he represents, and, frankly, that's what article I is all about.

As you point out, when we were elected to Congress, we were elected to represent the people of our districts. Not lobbyists on K Street and not operatives at the White House or even the President himself. Our responsibility and our loyalty are to the Americans, the people, first and foremost, who sent us here. That means we have to do the job that they asked us to do. And that job is important, and we know exactly what that job is because article I in some ways is a job description. As you point out, it's not about really just authority; it's about responsibilities. Nowhere in that job description in article I does it say we have to protect egos or political interests of the executive branch. Nowhere does it say that we have to do only things that the President tells us to do. And nowhere in that job description does it say that Congress answers to anyone but the American people.

There has sort of been a slope here where past Congresses have ceded legislative power to the executive branch, and, frankly, I believe that when that happens, Congress is falling down on their job. I am really glad that we are here tonight to reinvigorate and rededicate ourselves to make sure that we are fulfilling our obligations and our function under article I because it is vitally important to so many issues, from the war in Iraq to all these judiciary issues.

Mr. YARMUTH. I thank my colleague. She has expressed it very well, and that is exactly what I know she has done in our 10 months here.

It also gives me great pleasure to recognize our colleague, another new Member from the great State of Florida, Congressman KLEIN, and I know he has some thoughts on this issue as well.

Mr. KLEIN of Florida. I would like to thank the gentleman from Kentucky and all of my colleagues here in our freshman class. We all ran in these difficult elections almost a year ago, but I think the very strong message that came out of all of us coming to Washington was a very strong message from back home, and that is the responsibilities, as was suggested by our colleagues, that we all know, from our civics classes back in high school and elementary school, that the beauty and the strength of the United States and our democracy is all about checks and balances. It's what makes our system a democracy. We can look at other models in Europe and Asia and around the world and dictatorships and things like that, but the strength of what works in this country is checks and balances.

What we believe is going on and the reason this emphasis on article I is so important and for our public and the people in this country to jump on this and work with us and recognize this and talk about it is because there has been a falling down of one side. We're out of balance. There are three legs to the stool. Each one has a specific set of authority. The judges, the judiciary, interpret. The legislature, that is, the Congress, has the authority to make the laws. And the executive has certain authority into executing and following and, through the agencies, doing certain things. But when one branch gets out of whack, it means the power is coming from another branch. This isn't about personal power. This is about the strength of our democracy. That is the exciting piece here.

So this check and balance is not about President Bush, or any President. It's not about anybody in particular because there are future and past leaders that have all tried to exercise in certain ways. This is about where we are going in the future. I think as the gentlewoman from Ohio has already correctly mentioned, there has been a failure over the last number of years in the legislative branch, the Congress, in fighting back and asserting itself in terms of oversight and accountability and follow-through to make sure that the executive branch, the President and the executive branch, are doing what they are supposed to do, whether it is executing the war in Iraq and making sure that billions of dollars are not flowing out without any follow-up, whether it is an Attorney General that may not have necessarily been following some of the laws as we understand them or at least having the opportunity to ask the questions and not be stonewalled by the executive branch. This is what it's all about. It is a balance. It's a beautiful thing, truly, but it has got to work.

As the gentleman from Kentucky has correctly stated, and I thank him for bringing up in our discussion article I, this conversation that is going to happen throughout our country for the next couple of months is, let's make sure Congress does its job, let's limit the executive branch to do what it has to do, and make sure that our system works in its form of accountability that we have.

Mr. YARMUTH. I thank the gentleman.

I would now like to recognize another colleague, another member of the freshman class and the first president of our class and also a member with me on the Oversight and Government Reform Committee, where I think we perform one of the major powers and responsibilities that article I vests in the Congress: the function of oversight.

Mr. HODES. I thank the gentleman for yielding.

Mr. YARMUTH, let me start by saying how proud I am to stand with my colleagues, other new Members of the class of 2006, to talk about an initiative which you began, the article I initiative, to talk about reasserting the constitutional balance of power in Washington.

For me, in coming to Congress as a new Member of this House from New Hampshire, it was absolutely fundamental to what I talked about in my campaign that the people of New Hampshire sent me to Congress to restore accountability, integrity, and oversight to government. They sent me here because what I said to them and what we now see is that Congress was a broken branch. Congress had not been exercising its oversight and accountability functions. And when Congress does not exercise its important power, its important right, its important obligation to the people to exercise oversight and accountability over the executive branch and other branches of government, things get unbalanced. It was that sense of checks and balances that our Founding Fathers put into the Constitution, and they put it in there for a reason.

They won a Revolutionary War against an empire, the British empire, with an imperial ruler at the top, the King of England. We wanted to make sure that we had a different form of government; that we had a form of government where the people were the top dog in the fight; that the ruler would never become imperial. That is why we have a President, we have a Congress which is divided between the House and the Senate.

In article I, section 1, our founders were very clear. They said, "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." What I saw and many of us saw when we ran was a President who was abusing presidential power in an unprecedented way. This wasn't a matter of parties. It was this President abusing power in an unprecedented way, and it could have happened whatever party that President was in, but this is what we saw, and we ran.

The article I initiative, which you began, which we have joined, and which we are spreading, seeks to heighten the public consciousness of the importance of checks and balances in our system. As newly elected Democratic Members of Congress, we feel with particular importance the obligation we have to reassert the power that the Founding Fathers wisely gave to Congress. When we came, we took an oath of office to protect and defend and uphold the Constitution. Article I is the first article, and it is the first article for a reason. And we are well on our way as we have begun to exercise oversight throughout Congress with hundreds of hearings held in this 110th Congress on many issues and especially the war in Iraq and what has happened with this President and this administration. In the Oversight and Government Reform Committee, we have held oversight hearings about administration interference with the work of GSA, the folks who deal with Federal buildings, turning it into an arm of politics; administration interference with science at NASA; administration incompetence with FEMA, delivering formaldehyde-filled trailers to the victims of Katrina; incompetence and mismanagement by the State Department, failing to exercise oversight over contractors in Iraq, the Blackwater scandal that is beginning to emerge now. We have been holding the hearings that constitute the function of Congress not just to make the law but to exercise the oversight that keeps things in checks and balances.

I am delighted to be with you tonight. We are going to talk about numbers of ways in which we are reasserting Congress' power and taking steps to bring the people back to the People's House and serve the interests of the American people.

Mr. YARMUTH. I thank the gentleman from New Hampshire (Mr. HODES).

And now, Mr. Speaker, it gives me great pleasure to introduce one of our more illustrious new Members, Mr. HALL from New York, who has done a great deal in his term of office to uphold article I.

Mr. HALL of New York. Thank you so much, Congressman, for yielding.

I am proud to join my fellow new Members of the class of 2006. Freshmen, new Members, whatever you want to call us, I am really honored to be here with all of you and to tell you, speaking of oversight, about my trip this last weekend to Iraq. I think it's one of the most important functions the Constitution gives to Congress, the power, the sole power, to make war and to fund that war should it decide that it needs to happen.

☐ 1745

I flew out on a congressional delegation that was led by our fellow classmate, DAVE LOEBSACK, Congressman of Iowa. And after a few hours of sleep in Kuwait, we were flown in by a C–130 to Balad Airbase in Iraq. On the way in, the plane's crew deployed flares against a perceived threat from the ground. I never found out exactly what they saw, but they fired flares for protection.

We got a tour of the base and the Air Force Theater Hospital there. We spent a night in the Green Zone. I slept in a guest room in 1 of the pool houses by 1 of Saddam's palaces, with a big Olympic swimming pool and gold fixtures and a marble bathroom that the guesthouse had. And I understand this is a subject of some friction with the Iraqis who feel that after 4 years we should have handed over the national palaces to the Iraqi people rather than inhabiting them ourselves, but that's another subject.

I have good news and I have not so good news. The good news that I first perceived on my trip is that, first of all, I cannot state strongly enough my admiration and respect for our Army, Navy, Air Force and Marine personnel. Officers, medical teams, enlisted men and women, all are displaying creativity, commitment and a work ethic that should make all of us proud, even when they're carrying out duties other than they were trained for, such as an artillery officer doing civil affairs or training Iraqi police. They are more than up to the mission.

The other good news is the money that we and our fellows here in Congress voted for MRAPs was definitely money well spent. We saw a picture of a Cougar MRAP that was hit by such a powerful explosive that it blew it up 25 feet or so into the air, hooked the utility lines, and brought them down with it as it landed upside down. Four soldiers inside that MRAP, 2 of them walked away; the other 2 spent a night in the hospital with relatively minor injuries and returned to their units. Their commander told us that in any other vehicle all 4 would have been fatalities.

Now for the bad news. We have a lot of other vehicles. We were shown a huge parking lot. Imagine the biggest used car lot that you ever saw full of Humvees, Bradley vehicles, tanks, trucks, all kinds of vehicles that had been hit by IEDs. Some, including Abrams tanks, looked like they had been opened up by a can opener and had metal inside that had melted and resolidified. Tires, treads, electronics, and other useable parts were being salvaged, and the twisted steel that was left sold for scrap to Kuwait.

Some vehicles were deemed fit for repair, but most of what we saw was clearly far beyond repair. The lot we looked at represented thousands of American casualties and billions of taxpayer dollars. We were not, by the way, allowed to take photographs of it.

In the Green Zone, the most heavily guarded part of Baghdad, 1 of the safest, supposedly, parts of Baghdad, we were shown the concrete shelters every couple of hundred feet and warned to duck inside 1 of these shelters if an alarm sounded, because just the week before, 2 American troops were killed by mortar fire in the Green Zone. Even sleeping in a guest room in Saddam's pool house, with the Olympic swimming pool and gold fixtures, we had to be ready to duck and cover.

We had meetings with Ambassador Ryan Crocker, General Petraeus, briefings by the intelligence staff. And my synopsis of the conversations goes like this: Ambassador Crocker said, "the Maliki government is somewhere between challenged and dysfunctional."

I asked repeatedly about what progress is being made toward restoration of clean drinking water, sewer service, and uninterrupted electrical supply. The answers from all of our briefers were vague. And current estimates are that electricity is only on 2 to 3 hours in Baghdad, maybe 12 hours a day in Ramadi or the Shia-controlled south.

The next day we got to go to what they called the safest part of the country, which is Ramadi in Anbar province. Surprise; the last couple of months there has been a decrease in violence there as what they call the Anbar awakening happens with the sheiks deciding they're going to side with us rather than siding with the terrorists.

Nonetheless, as we rode in the helicopter to the safe part of the country, we flew low and fast, close to the deck, with 2 .50 caliber machine guns out each of the front doors, and a couple of times they fired bursts of automatic weapons fire. And afterwards I asked what it was for, and the gunners said they were clearing intersections. I presume that means firing in front of the lines of vehicles to make them stop and not drive directly underneath us.

When we entered the marketplace to see the new, safe Ramadi market and the new business center, the small business center that had opened, we were driven there in a Cougar MRAP and told to wear our body armor and our helmets while we were inside the MRAP. And when we took them off and walked around the marketplace, we were surrounded at all times by a ring of dozens of soldiers carrying automatic weapons, and they were wearing their helmets and their body armor. So, if that's the safe part of Iraq, I wonder what the dangerous part is.

On the way home we stopped in Ramstein, Germany, launched to a medical center, visited some of our troops. I saw 1 of my constituents there and had my picture taken with him, and interrupted his lunch to shake his hand and thank him for his service.

There were several Romanians there who were injured, a number of Americans, all of whom from Iraq were hurt in Baghdad, attacked in Baghdad, and then there was 1 attacked or wounded in Afghanistan.

Their spirits, in general, were great, and the medical staff was terrific. I can't say enough about our medical core either. And they really appreciate the visits. They really appreciate the donations from home that are coming from individuals, from school kids, from veterans groups and from corporations of everything from fleece and coats and underwear and toothbrushes, anything you might need, duffel bags, because these are soldiers evacuated from the point where they were wounded in the field by helicopter to Balad and then stabilized and sent off to Germany.

So, there are good things, but there are also enough negative things going on there so that I returned with the same conclusion that I went there suspecting, which is that the $200 billion more that we're being asked for by President Bush for Iraq, based on the presumption that the Maliki government, which our own ambassador describes is dysfunctional, will be up to the task of resolving and reconciling the differences between the different sects is wishful thinking; and that after a year and another $200 billion, where will we be? What kind of guarantee, what kind of even probability do we have of a stable country to leave behind? If the sheiks in Anbar can get together, if the mullahs in the south, the Shia south can get together, if the Kurds in the north can get together and stop attacking Turkey long enough to have the country that they've always wanted, then perhaps we can bring our troops home and get to business spending that money here on things that Americans, at least in my district, are telling me they need built, infrastructure they need repaired, schools that they need to be improved, and other things that constitute Nation building here at home.

That is the short version of my report. I thank you so much for letting me share that with you.

Mr. YARMUTH. I want to thank my colleague.

Before I introduce another one of our esteemed colleagues from the class of 2006, when you talk about your observations after having gone to Iraq, and many of our colleagues have gone, sometimes I think people get the impression that we're just acting like any other pundit talking on television. But, in fact, what you're doing and what the other Members of our body have done when they go to Iraq is to fulfill their responsibilities under article I. Because article I says that Congress shall have the power to provide for the common defense, it says to raise and support armies, to provide and maintain a Navy, to make rules for the government and regulation of the land and naval forces, and so forth, to provide for organizing, arming and disciplining, this is the militia. But all of these powers and responsibilities are given to the Congress not just to say okay to the President, the Commander in Chief, but to make the decisions as to what the appropriate levels of support for those various responsibilities are.

So when we talk about going to Iraq to assess the situation there, to talk to our troops, that is not just to go for a matter of curiosity or journalistic curiosity, it's actually to fulfill our responsibilities because we are responsible to make decisions as to what appropriate levels of support are.

And with that, I would like to call on my distinguished colleague from Minnesota (Mr. ELLISON).

Mr. ELLISON. Well, my colleagues, let me thank you again for this excellent dialogue.

We have to, as the difference makers in this 110th Congress, tell the people what's going on, what we're here for, and to reclaim the Congress as a coequal branch of government articulated in article I, a co-equal branch of government that resides and has all legislative powers herein granted shall be vested in the Congress of the United States and shall consist of the Senate and the House of Representatives.

And so as I heard my colleague, Mr. JOHN HALL, articulate his trip to Iraq, I was forced to reflect upon my own. And I didn't go there out of an idle curiosity seeker, a person trying to go on an interesting trip, but as somebody who is going to be called upon to execute a vote, to push a button, red or green or otherwise, as to monies that will be sent forth and as to other business that will be happening in Iraq. That's our job, we claim it, we do not abdicate it, and it would be wrong and a dereliction of our duty to do otherwise.

So, let me commend you and everybody who has gone to that place where our constituents, some of them have spent up to 18 months at a time as they face extended deployments.

And I also want you to know that I sat down at a table with young people from my district in Minnesota where we ate lunch. I was struck by the fact that wherever they go, they've got these big old guns that they carry with them, everybody. It's like a wallet, but it probably weighs quite a bit more than that. And that's just the lives that they lead. But they distinguish themselves and make us proud by their courage. And it is political authority, politicians like us that make decisions whether they stay or whether they go. So we had better at least spend a little bit of time there with them, and we had better at least try to get in their shoes and identify with what they're going through just a little bit and feel that 130-degree heat that they're in every single day and feel the dust and sand under their feet and the hum of those helicopters. I'm sure you were humming around in those Black Hawks with the windows out and the machine guns on either side, strapped in in four places and feeling the heat of those propellers as the air hits against your helmet. It's the kind of experience that we go through so that we can have some real sympathy and empathy with the people who we are charged to represent. So, hats off to you, Congressman. I appreciate it.

I'm not going to talk long because I love the switching around that we do. But I just want to make one other point as we look at article I and we reclaim and assert our responsibility under the Constitution as Congress. It is also important to understand that we have asserted our authority in the area of promoting working-class prosperity for people.

I am so proud that one of the things we did for the first time in 9 years is raised the minimum wage, Mr. Speaker. The hardest working people in America getting paid the least got a raise under this Congress. And I don't want people to make that into any kind of a small matter. Thousands and thousands of Americans benefited by raising the minimum wage for the first time in 9 years. I'm talking about the folks that clean the bedpans, mop the floors, sit in those cold or hot parking booths all across this country and really do the tough, tough work, getting paid not much of nothing. And you know that if you make minimum wage, basically, if your employer can pay you less, they probably would. So what we did is we raised that minimum wage so people can have a little bit better of a life. So now instead of moms having to tell kids, "Honey, you can't go on that class trip," "Honey, you're going to have to wear those sneakers a few months longer," now, instead of dad saying, "No, son, you can't sign up for baseball," or, "Yes, we're having macaroni and cheese again," now they can say, "No, we're going to do a little better this time. We're going to make your life a little better. We're going to make your quality of life a little better."

So I just want to say, Mr. Speaker, that I'm so proud of my colleagues and this whole 110th Congress to be able to do a little bit better for the hardest working Americans in our country.

Mr. YARMUTH. I thank the gentleman. And it's interesting because, again, you can find a foundation for all these things we're doing in these very words in article I, because one of our responsibilities is to provide for the general welfare. And when we're talking about the minimum wage, we're talking about the general welfare of the people.

I would like to return to our distinguished president, who has a distinguished military record of his own, since we've been talking about our efforts with regard to Iraq and the military.

Mr. WALZ of Minnesota. Well, I thank the gentleman. And I thank the gentleman from New York for his clear testimony and for fulfilling his obligation, not only as a Congressman, but as a citizen, to ask the hard questions. When we send our soldiers and our warriors into harm's way, it's all of our responsibility to ask, is this the right mission? Are they being provided for with the right equipment? Are we doing everything necessary to ensure that that's happening?

And quite honestly, the problem around here up until January of this year was that people were being told that it was unpatriotic, it wasn't right to question those things because the President, under his administration, was determining that he was the unitary executive, he was the decider. Now, that's the President's right, that's this President's right or any right, I guess, to determine how they're going to look at that.

The foundational principles, though, of this country don't let us just get to pick and choose. We go back to the document that the gentleman from Kentucky keeps referring to. The Constitution of the United States clearly lays out for us, and I think it's kind of interesting and maybe even critical for us, it might be the teacher in me that goes back to this, I have been rereading a book on the Constitutional Convention by two professors from Georgia that take James Madison's notes about what was happening at that time and that summer when they were thinking how they were going to form this government.

☐ 1800

When the President talks about he doesn't need 435 commanders in the field or whatever, what he does need to understand is that these 435 Members were the very first piece of decisionmaking that went into that convention.

I would like to quote a little bit if I could from this, to my colleagues and to you, Mr. Speaker, about what was going through their minds as they were formulating this and what our responsibilities as article 1 is. Keep in mind that they met on May 30, and on June 1, the first piece of legislation once they got a quorum and they decided they were going to go with a Federal or national government, here are some of the notes that were compiled. Here is Mr. Mason.

Mr. Mason argued strongly for an election of the larger branch by the people. It was going to be the grand depository of the democratic principles of the people. It was, so to speak, to be our House of Commons. It ought to know and sympathize with every part of the people. It ought to therefore not only be taken from different parts of the whole, but also from different districts of the larger members, which had several instances, particularly in Virginia, different interests of views arising from differences of produce, differences of habit, all kinds of differences.

Mr. Madison considered the popular election of one branch of the national legislature as essential to a free government. He thought, too, that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves and their elected representatives as the pillars. They went on to formulate how they were going to do that and have the debate of who should elect the Senate and how those things should happen. But there was no doubt in anyone's mind by the framers of this government about where the pillar and where that foundation should lay.

I think it is interesting, then, to take a look at this of when they talked about the next branch, when they started talking about the executive branch. On June 1, the delegates began considering the structure of the executive. They were not sure yet what duties would fall to the executive or even whether a single person would hold that position. The major issue that faced them was one of balance. If the executive branch was too strong and independent, many delegates feared it might result in another monarchy like the ones they had recently revolted from. But if the executive was too weak and depended solely on the legislature, it might be ineffective. Thus, checks and balances were key to this.

In going through and looking at these, the different issues that are coming up or the clauses that went into this, it was apparent from the very beginning that the Founders of this Nation clearly understood that. As we said earlier, and my colleagues each said, this isn't about a piece of legislation. This is a platform or a framework to get back to where this country came from. This isn't about President Bush. This is about all subsequent Presidents. And so be it, be that Democratic, Republican or whatever it would be, that those individuals still must fall within this framework.

I believe, and I think my colleagues that are here tonight believe, that that was one of the motivating factors for sending many of us here almost a year ago to the day. It wasn't just ideology. It was about the framework of the genius that went into the Constitution and the thought processes that formed that.

So in listening to this and listening to Mr. HALL describe his trip to Iraq, he is fulfilling his constitutional duties as an elected official and fulfilling the things that we know are necessary. I would go back to talking about this MRAP. If you remember, without the oversight, it was the administration that sent our soldiers with the army that we had, not the one that we would want. No one asked about body armor. No one asked about up-armored Humvees. Those were the questions that should have been asked in this chamber. But they were told, no, go along with the executive.

Well, article I is about saying, we will never just go along because that is not our duty. I am pleased to see each of my colleagues here. I know the passion that each of them feel for this issue is a passion for this great Nation. It is a passion for the founding principles. It is not a revisionist history. It is not a power grab. It is functional government that delivers for its people. That is what we need to get back to.

With that, I would like to, if I could, yield to the gentlewoman from Ohio.

Ms. SUTTON. I thank the gentleman. What great points, and thank you for reading that because we can all use sort of that reminder that the Founding Fathers recognized the dangers of an imperial Presidency where edicts from the White House might carry more weight than laws passed in Congress or rulings handed down by the court. And that is what we are here to do, to get things back in balance.

Unfortunately, as we have sort of expressed earlier, some of us, that the White House at present has routinely refused to provide information to the Congress. As the gentleman from Minnesota points out, that is not what was envisioned when our Founding Fathers put together the fantastic, amazing, living document that we are here today to reclaim.

Earlier this month, I heard testimony from executive branch witnesses that they were refusing to answer questions before Congress on whether or not there is corruption in the Iraqi Government. We hear this right after we hear our distinguished colleague from New York talking so eloquently about what he saw and what he witnessed. And we hear about our responsibility to come forth with the knowledge that we gain when we go to Iraq and I, too, have visited Iraq. We hear witnesses come in, though, from the administration when you start to ask questions about corruption that may be going on in that country, where we have paid, those of us here, the American soldiers, the troops, the price that they have paid. You speak so eloquently of them, Congressman HALL, and their dedication and their heart. I have to tell you, they are breathtaking to watch in action. But we have to question if money is missing. We have to question when equipment is missing because the troops pay a price. The American people are paying a price for what we are doing in Iraq.

At any rate, the reality of an administration that instead of providing information so that we can investigate, they stonewalled providing information and in that case and in so many other cases, and I am sure others are going to mention them, it is our responsibility to ask the questions, to get the information and make sure that we make policies that are worthy of those soldiers and are worthy of the American people.

I am so proud to be here with you all tonight, the members of the freshman class as we begin this campaign to reclaim our responsibility. Before I yield back, I just want to mention one thing that was striking. The gentleman from Minnesota mentioned that the President has rights under article II. But I think that we would all be better served that rather than thinking of the President having rights, he should think of them as responsibilities, because they are not personal rights. It is a job description for him, too, in article II.

Mr. YARMUTH. I thank my distinguished colleague from Ohio. It is kind of interesting, because since we are going back to the kind of legislative history of the Constitution, in the Federalist Papers which do constitute, I guess, whatever official legislative history there was, one of the things that James Madison wrote in article number 51 was, he said, "But the great security against a gradual concentration of the several powers in the same department" which would be the executive or the Congress "consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others."

So when you talk about the efforts of the White House, in this particular case, to withhold information that the Senate requires, and we issued subpoenas, which would be our constitutional means of requiring the information to resist the encroachments of the other branch of government, we have been stonewalled on a number of occasions. And this is the type of activity that the Founding Fathers anticipated. They gave us the constitutional means to resist those encroachments. We need to continue to recognize those and to use them whenever we have to.

Now, my colleague from Florida has been standing there for quite a while.

Mr. KLEIN of Florida. Thank you, the gentleman from Kentucky and the gentleman from Minnesota. It was great. It reminded me of being back in school of reading the Federalist Papers and those kind of things. But for those folks listening in this room and around the country, I think we all understand very clearly this is a living, breathing document, the Constitution. It has changed over the years, not the language, but the belief, but the fundamental goals and the values behind it are all the same. I think when I speak to people back in Florida, and they say to me, "Get control over the problems in Iraq," whether that is changing the policy or making sure that the armor is there and that our military is properly supplied. "What happened in Katrina? How could our government, when we saw those pictures on TV, how would could this be the United States?" We look at third-world countries around the world and surely we go and support them, and yet in our own cities we saw the failure of the government. And unfortunately, at that time, very little "buck stops here" kind of response. People died unfortunately, billions of dollars in property loss, and just the bruising of the American psyche, not to mention the loss of personal lives in New Orleans and other places. It was so wrong on so many levels. I think that hurt America. But the key in what our responsibility is, Members of Congress and Americans together, is to say, let's learn from the errors. Let's learn from our mistakes. That is where the accountability, the balance of power, asking the questions, getting the answers, learning from those mistakes, whether it is in Iraq and finding out where those billions of dollars of cash have gone so it doesn't happen again, whether it is foreign policy or whether it is policy that affects everything in this country. We saw a bridge collapse. Are we looking at all the bridges in the United States to make sure that our infrastructure is safe?

Mr. ELLISON obviously is deeply involved and truly has been a great leader and hero to your community because you obviously knew exactly what needed to be done there. But these are the questions. Where is America today? And the only way we are going to continue to be this great country, this beacon around the world, is to be able to have a thriving democracy that doesn't let one end of the spectrum, in this case the executive branch, run over and not allow the Members of Congress and the American people to ask the questions, get the answers, learn and move forward in a very, very positive way, which is the American value that we all have.

Americans can do anything they want. We know that. But you can't have Washington stopping it. Unfortunately, until this most recent Congress of which we are all privileged to be a part, we had year after year after year where Congress unfortunately didn't do its job in many of our opinions. I am very proud to say that we are making many of the right moves here. We have a lot more work to do. Let's make no mistake about it. Americans demand and expect us to do our job, to do it with fervor and excitement and make sure we correct some of these mistakes and move forward.

But we need help from the executive branch. They have to realize there are limits to those responsibilities. There are no personal issues here, but responsibilities of moving this country ahead. If everyone will get out of their corner a little bit and come together, I think we can solve all these problems and do it in a very positive way.

Mr. YARMUTH. I would like to recognize my colleague from New Hampshire with a question. And that is, we are about to engage in a fairly contentious series of votes concerning appropriations measures. According to article I, section 8, one of the most important powers that this Congress has is the power of the purse. As a matter of fact, in another Federalist Paper, number 58, James Madison said that, "This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress from every grievance, and from carrying into effect every just and salutary measure."

As we look forward to our deliberations and our discussions of the appropriations process, I would like the gentleman from New Hampshire to discuss our responsibilities in that regard.

Mr. HODES. Thank you. As I have listened to the colloquy we have had here on the floor today in this Chamber where such important issues of war and peace, spending, raising revenue are debated on a daily basis now and thinking about the beginnings of the country, and you have asked about the questions coming up about appropriations, and we have had passed numerous appropriations bills. I think we have passed 12 here in the House of Representatives. The Senate has not yet acted on all of them, because, of course, once we pass the appropriations bills, and they must originate under the Constitution here in the House of Representatives, they go to the Senate. The Senate has to pass them. They come back and forth and they go up to the President. Of course the President has now threatened a veto on the spending necessary to run the Federal Government, to run the program for health and human services, to educate our kids, to heal the sick, all the programs that we have in the Federal Government, he has threatened to veto. And then if he vetoes a bill as we saw with the SCHIP bill, it will come back here where Congress will have the power to vote to override that veto and put it into law despite what the President says. All those powers and all the debates arise out of what my colleague from Florida noted was a living, breathing document. This great democracy of ours comes down to the words and the spirit that are embodied in the Constitution of the United States

Many Americans around the country really have lost sight of the humble beginnings of the country and the need for the powers in article I.

□ 1815

We were a ragtag country, mostly woodsmen and woodswomen that were fighting against this imperial monarchy. We won a revolution and were then immediately faced with terrible challenges. We had no Navy. We had no commerce. Our Army was weak because we had just been through a revolution. We didn't have much money. We had no trade. We had few ambassadors. We had very few friends. It was the Constitution that had to lay out all the powers that would serve as the basis for what is now a $1 trillion a year appropriation in terms of what the Federal Government raises and spends, or borrows and spends in past Congresses.

The challenges we faced coming in here, we are faced with fiscal irresponsibility, in which Congress was borrowing and spending. In fact, the war in Iraq is a perfect example. That war, which is now suggested will cost $2.4 trillion when all is said and done and all is added up, has been done with borrowing. It has been done by putting it on the backs of our children and our grandchildren. Fiscal irresponsibility. Just waste of taxpayer money, which we were sent here to deal with.

The Constitution lays out clearly that it is Congress's duty to lay and collect taxes, duties, imposts and excises, words these days that don't mean very much. They are fancy, old-fashioned words. We have got to pay the debts and provide for the common defense and general welfare. We are allowed in Congress to borrow money on the credit of the United States because it was very important at the very beginning of the Nation that this government be given the power to deal commercially and get the money it needed in a responsible way to run the affairs of the country. But it was up to Congress to appropriate the money to run the programs, provide for the common defense and general welfare.

Today, we are faced with a tough situation and it will probably take us all through the fall as we deal with the President, who has threatened to veto the responsible measures that we, in Congress, coming together as voices of the people, have decided are necessary to run this country. It is up to Congress, really, to say what those programs should be because that is the power the Constitution gives us.

Mr. Speaker, I heard with great interest the quotes from Madison, the quotes in the book. There is another quote from Madison that really talks about why Congress is the place that provides for the welfare and defense of the country. Madison wrote in Federalist Papers No. 52, and the words, it's a little old-fashioned, but folks will get it, "As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration," the Congress, "should have an immediate dependence on, and an intimate sympathy with, the people". In other words, it was clear from the founding of this Nation that this body, this hall, this place where we stand before there was C–SPAN, before there was television, this place is the place of the people.

The 435 people who gather here, each representing 650,000 or so people of the United States, are the folks who, in what I have described to my constituents as the hurly-burly of democracy, come together to decide how things should be governed, what kind of money do we need, and how are we going to spend it.

So that is what we are going to be seeing this fall play out. We don't know how it will end, where it is going to go. The Senate will have a role, certainly the President has a role. But so far it appears that with this President, the role now, unlike the past 6 years of the 109th, 108th, 107th, which, with all due respect for my colleagues on the other side of the aisle, the Republicans, were Republican-dominated Congresses where the veto word was never mentioned, all of the sudden the President has now decided that it is time to veto almost everything that is coming out of Congress. He vetoed SCHIP, a bill to ensure 10 million of our neediest children for health care. Vetoed. We are going to send it back. Threatened vetoes for our appropriations bills to run the Federal Government. He is going to send them back.

This is a new light, apparently, that has dawned on this President, that suddenly a Democratic Congress sending him legislation is all of a sudden going to be subject to vetoes. With this initiative, we are here to reassert the importance, the power, the responsibility of this Congress to act for the people who sent us here.

Mr. YARMUTH. I thank the gentleman from New Hampshire. I would like to yield to the gentleman from New York, with this segue; that we all come from different parts of the country. Isn't it amazing that the Constitutional Convention in its wisdom, the Founding Fathers, I think recognized that even if you had an all-powerful executive, that person, that man or woman could never know the needs and the priorities of every nook and cranny of the country and that you coming from New York or from New Hampshire or Ohio or Florida would all assimilate all of our needs and priorities into a budget and a priority list for the Nation. That is why he vested this type of power in the Congress and not in the executive branch.

Mr. HALL of New York. Mr. Speaker, I thank the gentleman. It is true that all of our areas and our districts around the country are different in many ways, but it is also true that they are the same, and our people have the same needs in many ways.

The gentleman from Florida talked about Hurricane Katrina. The gentleman from Minnesota mentioned the trailers that FEMA didn't know were contaminated with formaldehyde. Two weeks ago, in my district, the town of Deer Park discovered they had lead contamination in their highway department building and their town hall that was measured at 5,000-plus parts per million of indoor air contamination of lead.

My office called and we got FEMA to send a trailer over 2 days later so they could set up some computers and telephones and at least have a rudimentary office in the parking lot next to their closed-down office being remediated for lead contamination.

Three days later, the following Monday, I found that FEMA had come and towed the trailer away because it was contaminated with formaldehyde. Two-plus years after Hurricane Katrina, they still don't know which of their trailers have formaldehyde in them and which ones don't.

That is why oversight is needed. Whether it is the Veterans' Affairs Committee, which has performed significant oversight, whether it is the Transportation and Infrastructure Committee looking at Coast Guard sweetheart deals with military contractors that resulted in eight vessels being lengthened by 13 feet and rendered unseaworthy, the 123s, as they call them, so they are now being scrapped in Baltimore Harbor, or whether it is oversight of the conduct of the war in Iraq, this body needs to perform oversight, and I am glad after the last 6 years, it is finally doing so.

Mr. YARMUTH. Mr. Speaker, we have just about 5 minutes left, so I thought all my colleagues would like a last chance to talk about what article I means to them and where they think we in this Congress can do our best work in furtherance of the goals of article I.

Mr. ELLISON. Mr. Speaker, when I think about article I, I think this passage in the Federalist Papers where it says that we are to be in intimate sympathy with the people, I got to tell you, that when I sat down along with my colleague Congressman HODES and Congressman KLEIN with the Financial Services Committee to listen to people who had faced foreclosure in their homes because of the subprime lending crisis, I thought about article I.

Mr. Speaker, I thought about article I because article I is that provision that empowers me as an individual Member of Congress to want to listen to people who are facing foreclosure; listen to the mortgage originators who say, yes, we do need to have some regulation of what we are doing, there are some cowboys out there; to listen to these community bankers; and to listen to people who say, look, I made all my mortgage payments, but there is a foreclosure on the left and a boarded building on the right, and my house where I paid every payment is now suffering loss in the value of it because of this foreclosure crisis.

I was in intimate contact with article I as I sat there in earnest and sincere humility listening to people and what they were going through, when I was so proud to sit there on that committee to be able to respond to the people. Because we have to go back there every 2 years. We can't take a vacation from the people in the House. We got to listen every week. Week in, week out, we are in touch with our folks.

So Mr. Speaker, Mr. YARMUTH, I just wanted to say that article I, what it means to me is sympathy with the people and action on their behalf.

Mr. HODES. Mr. Speaker, I can't help but think about the importance of the power of the purse. James Madison said, "The House of Representatives can not only refuse, but they alone can propose the supplies requisite for the support of government."

The power over the purse is our weapon to use, and I am hoping that this Congress will no longer be the President's enabler when it comes to his misguided policy in Iraq. Earlier this week, he asked for an additional $46 billion for the wars in Iraq and Afghanistan, bringing the total request this year to almost $200 billion. By the time we are done, we are going to be at $2.4 trillion in Iraq. That is enough to provide college educations for every student who wants to go to a 4-year college for free at a private college or university. We could provide health care for every American for a year for the money we are spending.

It is going to be up to Congress to make tough decisions on whether or not we are going to use the power of the purse to take charge of this President's misguided policy.

So I am in contact and intimate sympathy with my constituents in New Hampshire who have said to me loud and clear, "Do something to stop this President's policies in Iraq."

Ms. SUTTON. Mr. Speaker, just briefly, I thank the gentleman for the time. As we began, the 2006 election was not simply a change of course, but a return to checks and balances. Members were elected, as my colleague over here says, to hear from their constituents. We were also elected to speak for our constituents, and we have to be their voice. That is what article I is all about.

So I am glad that this is probably the beginning of many hours to come, where we are going to come to this House floor and we are going to talk about article I and reclaim that responsibility.

Mr. YARMUTH. I thank the gentlewoman. Finally, our president.

Mr. WALZ of Minnesota. Mr. Speaker, I thank my colleagues for being here. It couldn't have been put better. We represent the entire bread of this country, from New York to New Hampshire out to Minnesota, Kentucky down to Florida. And there is more to come and there will be more to talk about this.

I am just reminded, remember how the Constitutional Convention ended? All of us remember this story from school, where Benjamin Franklin was asked what he was thinking about, and he said, I remember looking at that sun sitting behind General Washington and thinking during the time that this was crafted, is that a rising or a setting sun? And he said when they had ended, I could say with happiness, it is a rising sun.

This country's democracy is still healthy, it is still moving forward, the checks and balances are still here, and this country knows that it is the true secret credit of where our greatness lies.

Mr. YARMUTH. Mr. Speaker, I thank the gentleman and I thank all my colleagues. It has been a wonderful hour. I think the dialogue we have had tonight not only discusses an important issue, but also reflects the greatness of the Founding Fathers because it created this body in which we can have this type of discussion. So I thank my colleagues once again. We will have many more discussions like this.

Mr. WALZ of Minnesota. Mr. Speaker, I yield back the balance of my time.

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## VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute special order of the gentleman from Texas (Mr. POE) is vacated.

There was no objection.

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## CRUEL AND UNUSUAL PUNISHMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE. Mr. Speaker, I will address this house tonight on a very special issue. It is good to hear that the speakers prior to me used as the basis of their dialogue the Constitution.

Far too often it seems to me that in this House we talk and pontificate about all kinds of things, but sometimes we forget the basis for all legislation, the basis for what we do, the basis for the oath that we took as Members of Congress, was to support the Constitution of the United States.

□ 1830

Like many Members of Congress, I carry a pocket Constitution with me to refer to from time to time. I want to read just one portion of the U.S. Constitution. It is the eighth amendment to the Constitution. We call the first 10 amendments to our Constitution the Bill of Rights.

It says in the eighth amendment that excessive bail should not be required, nor excessive fines imposed. It also says nor cruel and unusual punishments inflicted. You notice the phrase is "cruel and unusual punishment." Far too often some quote this phrase in the Constitution as cruel or unusual. That is not the law and it has never been the law. The law is punishment should not be cruel and unusual.

A little history is in order. Our forefathers that wrote this Constitution did not come up with that phrase. It goes all of the way back to the English Bill of Rights from 1689. Most of the colonists had English heritage, and when they formed their federations and the States and colonies, they enacted certain laws. In those laws and later their State constitutions, they included the phrase that punishment should not be cruel and unusual.

Then when our forefathers wrote this Constitution and made it the law, this eighth amendment was added to make sure that punishment was not cruel and unusual. So that is a little basis for where we came up with this phrase. There have been many debates over the years as to what does that mean, cruel and unusual punishment. Not many Supreme Court cases are involved in what the definition is. But there is one. In 1878, the Supreme Court of the United States in a case called Wilkerson v. Utah tried to define what the phrase "cruel and unusual" meant. Here is what they said: It is safe to affirm that punishments of torture, such as drawing and quartering, emboweling alive, such as took place in the movie Braveheart with William Wallace, beheading, public dissecting, and burning alive, and all others in the same line of unnecessary cruelty, are forbidden by the eighth amendment to the Constitution. I doubt there are many Americans who would disagree with that interpretation of what "cruel and unusual" means.

But we have a new issue before us today, and this issue is coming before the United States Supreme Court which meets right down the street from us. Those nine members of the Supreme Court have decided to take two cases from Kentucky that deal with the issue of cruel and unusual punishment.

Two men in Kentucky received the death penalty for crimes against the citizens of Kentucky. And they argue now, years later, that the means by which they are executed is cruel and unusual. That means, Mr. Speaker, is by lethal injection. Kentucky's lethal injection procedures are the same as many States, including my home State of Texas. Just to be clear, three chemicals are used for lethal injection. The first is sodium thiopentothal which renders a person unconscious, and pavulon which paralyzes the muscles, including those which control breathing, and then potassium chloride which causes cardiac arrest. Those are the three chemicals that most States use and are administered to the person who has received the death penalty and is to be executed for their crimes.

The Supreme Court will consider one of these cases, it is called Baze v. Rees, the way that lethal injection is actually administered by the administrating process, whether it causes severe pain such that it is a violation of the cruel and unusual punishment provision of the eighth amendment. Baze was scheduled to die on September 25, 2007, for the 1992, that's right, 15 years ago he murdered a sheriff and deputy sheriff who were trying to serve him with a warrant. The Kentucky Supreme Court stayed his execution pending the outcome of the Supreme Court decision.

The second case involves the execution of a Thomas Bowling, also from Kentucky. In 1990, that is 17 years ago, he killed Tina and Edward Early outside their Lexington dry cleaning business. He also shot the Early's then 2-year-old son, but the son did not die. He was able to survive. Bowling was supposed to be executed 3 years ago, in 2004, but his execution was halted in part because of a challenge on how the State of Kentucky executes prisoners.

Both of these offenders, Baze and Bowling, sued the Commonwealth of Kentucky in 2004 claiming lethal injection amounts to cruel and unusual punishment and violates the eighth amendment to the Constitution. The State Supreme Court of Kentucky ruled against both of these men, but the U.S. Supreme Court now will hear their case. This marks the first time that the United States Supreme Court will address the merits of lethal injection without also a request for a stay of execution.

The Supreme Court's precedent is that the death penalty and the method of execution must not be "contrary to evolving standards of decency" and may not inflict "unnecessary pain." Let me say that again. The Supreme Court says that the method of execution must not be contrary to evolving standards of decency and may not inflict unnecessary pain.

Our Supreme Court really has only ruled on a direct method of execution once, and that was in 1878 when it upheld the use of a firing squad for execution. But since that time, the Supreme Court in 1972 stopped all death penalty cases because of a different legal issue. The issue was that juries that decided whether a person should get the death penalty or not had too much discretion in making that decision. So the Supreme Court struck down death cases in the United States until State law conformed with the Supreme Court ruling, and then jurors were given a more exact way of determining whether the person should live or die. I am not going to go into those issues at this time, but basically the jury is asked a series of questions, and based upon the way they answer the questions, the person would receive the death penalty or a life sentence. In 1976, juries once again started hearing death penalty cases and making that decision.

Mr. Speaker, as you know, prior to coming to this House, I served in Texas first as a prosecutor in the district attorney's office in Houston for 8 years, and I also served on the bench trying felony cases after that for 22 years. During those 8 years when I served as a prosecutor, I tried death penalty cases. And those people that I tried when I was a prosecutor have all been executed.

When I served on the bench, most of those individuals who were tried and juries heard those cases, those people who received the death penalty have also been executed. But there are still some even now who are on death row.

I want to make it clear that judges do not determine the death penalty in this country. We do not give that power to 1 person. We want and make juries determine whether a person should live or die for the crimes they have committed. It is a mistaken belief among a lot of Americans that judges assess the death penalty. We just sentence the person to the death penalty if the jury has ordered the death penalty in that particular case.

So it is 12 people from the community who set the community standard on the conduct on the individual who appears in court. I am a great believer in that. I believe juries should be the ones and it should be a unanimous decision before we take a person's life for the crimes they have committed.

And guilt should never be an issue. What I mean by that, juries must be absolutely convinced beyond all doubt that a person committed this crime before they assess the death penalty. I was very careful as a trial judge over those 22 years on the numerous death penalty cases I tried to make sure that the rule of law was enforced in every situation because of the fact that the person that is on trial receives the ultimate punishment.

I am actually one who believes in numerous appeals on death penalty cases, to have it reviewed by other courts. I just wish courts, including our Supreme Court, would not take so long to make those decisions, that they should review those questions of guilt and the constitutional rights of the offender, make sure that those are reviewed quickly and not take years and years. That does not promote any form of justice either for the offender or for the victim in the case.

The State of Texas, as many know, has executed more folks than any other State. Let me just mention a little history here. Before it was even a part of the United States and before it was even a country, Texas was a country for 9 years from 1836 to 1845. But even before that time, Texas assessed the death penalty and death penalty cases were assessed by hanging. That was done until 1923, and then the State of Texas moved to the electric chair until the Supreme Court stayed all executions. And then lethal injection has been used ever since 1976. Texas was the first State to use lethal injection in 1982 as the means of punishing a person who received the death penalty.

There are 38 States now that assess the death penalty or have death penalty statutes on their books; 37 of those use lethal injection. Nebraska still uses electrocution. So 38 States, most of the States make that decision that some cases are so bad that the death penalty should be a form of punishment in those cases.

Now, I say all of that to address just 1 case. There are many cases that I could mention here. It would fill more than my allotted 60 minutes, but I want to talk of 1 case that occurred in my district back in Texas in Port Arthur. It involves a person by the name of Elroy Chester. He was born in Port Arthur in 1969. His criminal record begins in 1987 when he turned 18 years of age. I have before me here, Mr. Speaker, the 4-page resume of Elroy Chester. I don't have time to read all of the life and times of Elroy Chester, but I would like to put his rap sheet, as we call it in the vernacular, into the RECORD.

### STATE OF TEXAS VS. ELROY CHESTER

### CHRONOLOGY OF EVENTS

6/14/69—Elroy Chester born in Port Arthur, TX.

2/20/87—Burglary of a habitation, docket #48529.

2/25/87—Chester arrested for above burglary.

4/08/87—Chester released from jail via pretrial bond.

5/87—Chester graduated from Abraham Lincoln H.S. in Port Arthur.

5/09/87—Burglary of a habitation, docket #48794.

5/17/87—Chester arrested for above burglary.

8/03/87—Chester convicted on both cases, 10 years probation on both #48529 & #48794.

8/07/87—Chester transferred to TDC (shock probation).

11/04/87—Chester returned to Jefferson County Jail from TDC.

11/09/87—Chester released per order of the court.

3/28/88—Chester arrested on MTRP warrants on both probation cases.

3/29/88—Chester released per order of the court.

5/11/88—Burglary of a habitation docket #50635.

5/25/88—Burglary of a habitation, docket #50633.

6/09/88—Chester arrested for both above burglaries.

7/28/88—MTRP's filed on both probation cases.

12/19/88—Chester convicted on #50635, sentenced to 13 years TDC, revoked probations.

4/07/89—Chester transferred to TDC.

2/13/90—Chester paroled from TDC.

3/16/90—Chester arrested for evading arrest, theft and possession of criminal instrument.

3/19/90—Chester released, accusation up.

4/01/90—Burglary of a habitation, 2 counts aggravated assault reported, case against Chester refused by DA 1/08/91.

5/31/90—Chester appeared in court on evading case, convicted, 3 days in jail.

5/31/90—Chester released, time served.

8/19/91—Chester arrested for UCW (misd).

8/19/91—Chester released via PR bond.

10/15/91—Chester arrested for parole warrant.

11/18/91—Chester transferred from Jefferson County Jail to Bexar County.

9/01/92—Chester arrested for possession of marijuana (misd).

9/04/92—Chester released, accusation up.

9/27/92—Aggravated sexual assault/Burglary.

10/20/92—Chester arrested on warrant for above marijuana case.

10/21/92—Chester released via PR bond.

2/01/92—Chester arrested on parole warrant.

1/11/94—Chester transferred to TDC.

3/21/97—Chester paroled from TDC.

8/03/97—Burglary of a habitation (Lorcin .380 pistol stolen). Victim: Kenneth Risinger.

8/09/97—Aggravated sexual assault. Victim: A minor.

8/14/97—Attempted aggravated robbery. Victim: Candice Tucker.

8/15/97—Aggravated robbery. Victim: Dolly DeLeon.

8/16/97—Burglary of a habitation, Victim: Nancy Morales.

8/16/97—Attempted capital murder. Victim: Oscar Morales.

8/16/97—Attempted capital murder. Victim: Matthew Horvatich.

9/20/97—John.Henry Sepeda murdered.

10/25/97—Burglary of a habitation. Victim: James Haney.

11/08/97—Burglary of a habitation. Victim: Marlene King.

11/08/97—Burglary of a habitation. Victim: Kay Barnes.

11/15/97—Etta Mae Stallings murdered. (.22 pistol stolen).

11/15/97—Attempted capital murder/2 counts. Victims: Peggy Johnson and Debra Ferguson.

11/20/97—Cheryl DeLeon murdered.

11/21/97—Four suspected gang members arrested and charged in Sepeda's death: Michael Lieby; David Lieby, Joseph Garcia and Bryan Garsee.

11/25/97—Arthur Jupiter also arrested and charged in the Sepeda murder.

12/07/97—Attempted capital murder. Victim: Lorenzo Coronado.

12/21/97—Albert Bolden, Jr. found murdered.

1/22/98—Grand jury indicts the Lieby's and Jupiter for capital murder (Sepeda), Garsee for burglary of Sepeda home but no-bills Garcia in the murder.

2/06/98—Willie Ryman, III murdered.

2/08/98—Chester arrested for violation of city ordinance, other charges added.

2/09/98—Chester directs investigators to Lorcin .380. Chester gives investigators sworn statement (confession) #1.

2/10/98—Chester gives investigators sworn statement #2. Chester directs investigators to jewelry.

2/11/98—Chester gives investigators sworn statements #3, #4, and #5.

2/12/98—Chester indicted Jefferson County Grand Jury: 2 counts capital murder (Ryman and Stallings), 2 counts murder (DeLeon and Bolden).

2/26/98—Chester indicted for capital murder of Sepeda.

2/26/98—Attorneys Douglas Barlow and Layne Walker appointed to defend Chester.

2/26/98—Capital murder charges against David Lieby, Michael Lieby and Arthur Jupiter are dismissed by DA (regarding the Sepeda murder).

8/03/98—Jury selection begins in capital murder trial of Chester (Ryman).

8/13/98—Jury selection completed, Chester enters a guilty plea.

8/17/98—Punishment phase of the trial begins.

8/24/98—Following closing arguments the jury begins deliberations.

8/24/98—After jurors deliberated for 12 minutes, Chester was sentenced to death.

Mr. Speaker, Chester's crime spree started when he was young with burglaries, and it ends up with capital murder in 2004. I want to tell you something about this case as to just tell you the type of people that live among the rest of us and what they do and how eventually they are caught.

In September of 1997, John Henry Sepeda, and the people I mention tonight are or were real people. He was an elderly man in southeast Texas and he was bedridden and he was shot to death in his home in his bed. Four local gang members were first arrested and later released. And Chester, when he was finally released, confessed to this murder.

Three months later in November of 1997, Etta Stallings, 86 years of age, was gunned down in her home where she happened to be caring for her invalid husband. A 22-caliber revolver was stolen from her home, and nearby during the same evening, 2 women were shot with a 22-caliber handgun as they lay in their bed. Shots came through an open window. Both women suffered multiple gunshot wounds, but miraculously they lived. The dog that was shot did not live.

Chester later when he was arrested confessed to all of these crimes.

Five days later Cheryl Deleon, an employee at a cafeteria in Port Arthur, Texas, was found shot to death outside her front door. Robbery was the apparent motive, and there weren't any witnesses.

The next month, in December 1997, Lorenzo Coronado was shot in the head as he lay in his bed after someone broke in. He miraculously also survived even though he was shot in the head.

Two weeks later, Albert Bolden, another real person, was found dead in his residence in Port Arthur. He had been shot in the head, but he had been dead for some time before his body was found.

☐ 1845

Then finally, just a few months later in February of 1998, Port Arthur's reign of terror ended with the murder of Willie Ryman, III.

Mr. Speaker, Willie Ryman was a firefighter at Port Arthur Fire Department. He was twice named Firefighter of the Year, and in February of 1998 he decided he would stop by his sister's home to check on his 2 teenage nieces who were there alone. His sister was also a firefighter, and he wanted to make sure that they were okay because his sister was working as well.

Ryman was concerned about the nieces' welfare. It's interesting he was very concerned because he had heard of this crime spree that was going on in Port Arthur. Unbeknownst to him, it was all Chester's doing, this crime spree.

Be that as it may, he comes into the house, and he found that it was dark. He turned on the light, and he confronted a masked intruder who pointed a .380 revolver pistol at him and shot him in the chest. He fell right there in this room, and he died in his own blood.

Ryman never knew that the intruder had already been in the house and sexually assaulted both of the teenage girls. Not only had they been sexually assaulted, they'd been tied up and duct-taped, as well as 1 of their friends.

Chester left the house and saw Ryman's fiancee in his truck parked in the driveway. In other words, the fiancee had come to the house looking for Ryman, wanting to know why he hadn't returned. Chester tried to gain entry into this truck, but she locked the doors. Chester fired several shots into the vehicle but missed Ryman's fiancee, and then he takes off in the darkness of the night running.

He was later arrested for a minor city ordinance violation in Port Arthur, and while he was in custody, he was charged with several offenses, including burglary of the home where Ryman was killed.

The next day, Chester agreed to speak with the investigators, and they obtained a search warrant ordering a sample of Chester's blood and hair to be taken for comparison with evidence from the sexual assault victims.

He was taken to the district attorney's office to execute the warrant and obtain the samples, but before the blood samples could be taken and the hair samples could be taken, he blurted out that he killed "the fireman."

During the course of the search, the police found the jewelry that belonged to Kim DeLeon, that was Willie Ryman's sister and mother of the 2 girls that Chester sexually assaulted. This was the same property that had been taken at the time of the murder and the sexual assault.

Chester was in recent, unexplained possession of stolen property, which had been missing for only 30 hours. Police informed Chester that they'd found and recovered the stolen jewelry, found the masks that were used in the rapes in his residence, and so Chester volunteered to show the police where his gun was.

He had hidden the pistol over at his father's house, and here's what happened when they go to Chester's father's house. As Elroy Chester informed the police where he hid the gun, he also tried to reach for a gun he had hidden in that residence and pull it on the police, but the police forcefully and adequately and successfully took that gun away from him as well.

He later confessed to stealing Etta Stallings' jewelry. That's the 86-year-old woman that I mentioned some minutes ago that took care of her invalid husband and murdering her. He confessed to killing her. He confessed to killing John Sepeda, and he later confessed to the murders of DeLeon and Albert Bolden. Then he also confessed to other attempted capital murders of 3 other victims.

Now, his case has already worked its way to the Supreme Court once on a different issue, but yet, as he was tried in 1998, he has still not received his appropriate sentence.

And what was his sentence from the jury in 1998 after they heard about the death, murder, and pillaging that he committed in Port Arthur, the 5 murders, the numerous burglaries, the numerous sexual assaults, the attempted murders? The jury, Mr. Speaker, in 12 minutes, 12 minutes, assessed the death penalty for Elroy Chester.

Now, as I mentioned, both as a prosecutor and as a judge, I have heard several, many death penalty cases, but I've never heard a case where a jury only took 12 minutes to all agree on what should happen to this person who did these dastardly acts against other people in his community. It's a remarkable time frame. DWI cases take longer than 12 minutes for a jury normally to reach a verdict. That's how overwhelming his guilt was in this case, Mr. Speaker. So guilt is not an issue in this case. The 12-minute verdict is certainly remarkable, but guilt is not an issue.

But he also faces execution by lethal injection. So one issue is now before the Supreme Court, throughout the fruited plain in all States, whether or not lethal injection violates the eighth amendment prohibition against cruel and unusual punishment. That is one of the issues in his case, and he is avoiding his day with his Maker because of this issue.

But I think it goes further than that, Mr. Speaker. I don't think it's just an issue that the Supreme Court is going to decide whether or not lethal injection violates the eighth amendment provision, but whether the death penalty itself is a violation of the eighth amendment prohibition against cruel and unusual punishment.

Based upon prior rulings of the Supreme Court, it seems to me that there are at least 3 members of the Supreme Court that are always opposed to the death penalty as a form of punishment. Sometimes there's a fourth member opposed to the death penalty, and they find ways to prevent the death penalty. No matter what the circumstances are, even though State law, written by State legislators and the will of the people and the will of a jury of the community says otherwise, some of those members of the Supreme Court continue to look for ways to avoid assessing or allowing the death penalty, even though we had in this country the death penalty that goes all the way back to colonial days.

Going to the first issue, whether or not lethal injection is a violation of the eighth amendment, cruel and unusual punishment provision, my question is, if we don't use lethal injection, what do we use? All of these other forms of execution are basically no longer used, whether it's hanging, the firing squad, the gas chamber. So I ask the question, what would those who oppose lethal injection have the system, society, justice, the juries, the courts use as an alternative to lethal injection? I don't know the answer to that question.

Is the Supreme Court going to rule that the pain inflicted by the administration of lethal injection in itself is cruel or unusual? It will be interesting to see if they draw that fine line to say that since it is painful or could be painful, that violates the prohibition.

The real issue, though, is whether or not the death penalty will remain on the statutes of 38 States. Most countries don't have the death penalty. Our European friends don't use the death penalty. They criticize us a lot for the death penalty. Even Third World countries like Mexico, where crime is rampant, don't use the death penalty, and they do everything they can to prevent execution in this country of their nationals.

Some say that the death penalty is immoral, but let me ask you, what is moral about taking people like Elroy Chester and taking care of them for the rest of their natural life? What is moral about that? I don't think that that is very moral. Incarcerating a person for the rest of their lives where they have no responsibility, that the society takes care of them for the rest of their life and gives them, really, a place to live out forever, I do not think that that is a moral thing, in my opinion.

But be that as it may, we use the term "justice" quite frequently in courts of law. We use it in this Chamber, "justice." What is justice? Well, justice to me seems to be the right decision for the right reason, but sometimes we compare justice to the scales of justice, where Lady Justice is holding the scales, and justice occurs when the scales are balanced, that they are not overweighted for one side or the other.

And what do we put on those scales? Well, maybe we put the concerns and the rights of the offender. But also, on the other side, what do we put? Maybe the rights of the community, of the public and of victims.

But be that as it may, justice only occurs when the scales of justice are balanced, and when either side is out of sync, we have injustice in our courts of law.

The defendants that are on death row, who hope that the death penalty may be thrown out, hope that the lethal injection system is thrown out have their concerns, but those people who have been murdered also have their day and rights in court.

You know, Mr. Speaker, the silent graves of the murdered cry out for justice in these types of cases for several reasons; not just the fact that the delays and the delays for execution of these sentences take so long, but by the method or, rather, by the total result of whether or not a person should receive the death penalty or not. If justice is delayed, it's denied.

So I would hope that the Supreme Court would review this law based upon American law, and I say that because our Supreme Court, Mr. Speaker, from time to time goes and uses international law and international court decisions to make determinations and interpret our United States Constitution. They've done that in the phrase "cruel and unusual punishment" in the past. They did that when they have said that 17-year-olds can't be executed. They made that decision even though it was the State law in several States, including the State of Texas. So my question is, why do we go to Europe to make our decisions about our Constitution? After all, didn't we leave Europe and England because we didn't like the way they were doing things?

Some say that the death penalty doesn't deter, and we've heard all those arguments. Of course, it does deter one person from ever committing those crimes again. But my own concern is that justice demands that in some cases, like Elroy Chester, that the ultimate price for the crimes that they have committed should be given, and that is a person's forfeiture of their right to live.

Some people actually earn the death penalty on their own by their conduct, and I am one of those that believes that that is just in appropriate cases. An injustice would occur if he were allowed to have some other sentence other than what the jury verdict so imposed in his particular case.

So, Mr. Speaker, this whole issue of cruel and unusual punishment, the eighth amendment, the history of the eighth amendment, what the Supreme Court now interprets that to mean, the method of execution, execution in any form, all of those issues now once again will be before the nine black-robed Justices down the street, and it would seem to me that they should follow the Constitution to the letter, the historical content of the eighth amendment and where it came from and the history of it and uphold the right of States and, in some cases, appropriate cases, to let juries make a determination that a person should pay the ultimate price for the crimes they have committed against society.

They should make it very clear what method should be used in all cases for the execution of those like Elroy Chester who have earned the right to be executed for the crimes that they have committed, because you see, Mr. Speaker, justice is the one thing that we should always find in every case. Although the death penalty is a very serious punishment for crime, in cases of overwhelming guilt and overwhelming evidence and overwhelming cruelty and criminal conduct and a slew of murders, a person has earned the punishment that juries impose.

And that's just the way it is.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2352

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Florida) at 11 o'clock and 52 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3963, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–408) on the resolution (H. Res. 774) providing for consideration of the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 24, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 24, 2007, at 7:49 p.m.:

That the Senate passed without amendment H.R. 995.

That the Senate passed with an amendment and requests a conference with the House, appoints conferees H.R. 3043.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. DAVIS of California (at the request of Mr. HOYER) for today on account of the San Diego wild fires.

Mr. REYES (at the request of Mr. HOYER) for today on account of a death in the family.

Ms. SHEA-PORTER (at the request of Mr. HOYER) for today and October 25 on account of family medical reasons.

Mr. BUYER (at the request of Mr. BOEHNER) for today from noon and for the balance of the week on account of family illness.

Mr. LEWIS of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of the ongoing fire disaster in his district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. DENT) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 31.

Mr. JONES of North Carolina, for 5 minutes, October 31.

Mr. WOLF, for 5 minutes, today.

Mr. DENT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HASTINGS of Florida, for 5 minutes, today.

## ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the followings titles, which were thereupon signed by the Speaker:

H.R. 327. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

H.R. 1284. An act to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 3233. An act to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the "Laurence C. and Grace M. Jones Post Office Building."

## ADJOURNMENT

Mr. CARDOZA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, October 25, 2007, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3861. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerance [EPA-HQ-OPP-2007-0471; FRL-8151-5] received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3862. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenamidone; Pesticide Tolerance [EPA-HQ-OPP-2006-0848; FRL-8152-9] received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3863. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Pesticide Data Requirements; Technical Amendments [EPA-HQ-OPP-2004-0387;FRL-8114-1] received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3864. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides: Redesignation of part 158; Technical Amendments [EPA-HQ-OPP-2004-0387; FRL-8116-2] received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3865. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Data Requirements for Biochemical and Microbial Pesticides [EPA-HQ-OPP-2004-0415; FRL-8109-8] (RIN: 2070-AD51) received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3866. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Revisions to the Single Family Mortgage Insurance Program [Docket No. FR-4831-F-02] (RIN: 2502-AI03) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3867. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Program Evaluation Activities of the Department of Health and Human Services—Performance Improvement 2007," pursuant to Section 241(b) of the Public Health Service (PHS) Act, as amended by the Preventive Health Amendments of 1993, summarizing the findings of the evaluations of PHS programs authorized under Section 241(a); to the Committee on Energy and Commerce.

3868. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Federal Implementation Plans for the Clean Air Interstate Rule: Automatic Withdrawal provisions [EPA-HQ-OAR-2007-0510; FRL-8485-7] received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3869. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements (RIN: 3150-AH41) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3870. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226-6322-02] (RIN: 0648-AW07) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3871. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Framework Adjustment 7 [Docket No. 070706268-7513-02] (RIN: 0648-AV21) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3872. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery [Docket No. 0612243160-7448-02; I.D. 112505A] (RIN: 0648-AU07) received October 17, 2007. pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3873. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting a report entitled, "Federal Assistance for Interjurisdictional and Anadromous Fisheries, Program Report 2005-2006"; to the Committee on Natural Resources.

3874. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the National Marine Fisheries Service Strategic Plan for Fisheries Research, as required by Section 404 (a) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

3875. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "National Water Quality Inventory: 2002 Report to Congress," pursuant to 33 U.S.C. 1315(b)(2); to the Committee on Transportation and Infrastructure.

3876. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the biennial report entitled, "Report on the Montgomery G.I. Bill for Members of the Selected Reserve" for Fiscal Year 2006, pursuant to 10 U.S.C. 16137 Public Law 106-65, section 546; jointly to the Committees on Armed Services and Veterans' Affairs.

3877. A letter from the General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104-1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Oversight and Government Reform.

3878. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting the Department's report on the impacts of the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands for Fiscal Year 2006, pursuant to Public Law 108-188, section 104(h); jointly to the Committees on Natural Resources and Foreign Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. CARDOZA: Committee on Rules. House Resolution 773. Resolution providing for consideration of the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes (Rept. 110-407). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 774. Resolution providing for consideration of the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes (Rept. 110-408). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Mr. BECERRA (for himself and Mr. NUNES):

H.R. 3951. A bill to amend the Internal Revenue Code of 1986 to modify and make permanent the election to treat certain costs of qualified film and television productions as expenses; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Ms. TSONGAS, Mr. CAPUANO, Mr. LYNCH, Mr. MARKEY, Mr. OLVER, Mr. DELAHUNT, and Mr. TIERNEY):

H.R. 3952. A bill to designate the facility of the United States Postal Service located at 901 Pleasant Street in Attleboro, Massachusetts, as the "Max Volterra Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MAHONEY of Florida (for himself, Ms. GIFFORDS, Mr. HIGGINS, Mrs. BOYDA of Kansas, Mr. KAGEN, Mr. BISHOP of New York, Mr. ISRAEL, Mr. GORDON, Mr. PATRICK MURPHY of Pennsylvania, Ms. CASTOR, Mr. BOYD of Florida, Mr. HILL, Mr. WALZ of Minnesota, Mr. COSTA, Mr. CARDOZA, Mr. WEXLER, Ms. HIRONO, Mr. PETERSON of Minnesota, Mr. ROSKAM, and Mr. WALBERG):

H.R. 3953. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for property taxes in determining the amount of the alternative minimum taxable income of any taxpayer (other than a corporation); to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3954. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to reimburse certain volunteers who provide funeral honors details at the funerals of veterans; to the Committee on Veterans' Affairs.

By Mr. LIPINSKI (for himself, Mrs. BIGGERT, Mr. JACKSON of Illinois, Mr. KIRK, Mr. COSTELLO, and Mr. HASTERT):

H.R. 3955. A bill to provide for educational partnerships between science museums and National Laboratories; to the Committee on Science and Technology.

By Mr. SPACE (for himself, Mr. GUTIERREZ, and Mr. FRANK of Massachusetts):

H.R. 3956. A bill to authorize the Secretary of the Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes; to the Committee on Financial Services.

By Mr. MATHESON:

H.R. 3957. A bill to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency; to the Committee on Science and Technology.

By Mrs. BACHMANN (for herself, Mr. RYAN of Wisconsin, Mr. KIRK, Mr. FEENEY, Mr. HERGER, Mrs. BLACKBURN, Mrs. BONO, Mr. ROHRABACHER, Mr. MILLER of Florida, Mr. SOUDER, Mr. FLAKE, Mr. HOEKSTRA, Mr. SHADEGG, Mr. GOODE, Mr. DOOLITTLE, Mr. FORTUÑO, Mrs. MYRICK, Mr. WELDON of Florida, Ms. FOXX, Mr. CARTER, Mr. DANIEL E. LUNGREN of California, Mr. COOPER, Mr. HENSARLING, Mr. GARRETT of New

Jersey, Mr. CAMPBELL of California, Mr. CULBERSON, Mr. SENSENBRENNER, Mr. BURTON of Indiana, Mr. DAVIS of Kentucky, Mr. BARTLETT of Maryland, Mr. CONAWAY, Mr. PITTS, Mr. LUCAS, Mr. CANTOR, Mr. DAVID DAVIS of Tennessee, Mr. WALBERG, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. BARRETT of South Carolina, and Mr. PAUL):

H.R. 3958. A bill to amend title 31, United States Code, to require certain additional calculations to be included in the annual financial statement submitted under section 331(e) of that title, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey (for himself and Mr. FRANK of Massachusetts):

H.R. 3959. A bill to amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties; to the Committee on Financial Services.

By Mr. KIND (for himself and Mr. CAMP of Michigan):

H.R. 3960. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan repayments made under the Indian Health Service Loan Repayment Program in return for service as a dentist; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 3961. A bill to amend the Internal Revenue Code of 1986 to provide relief with respect to the children of members of the Armed Forces of the United States who die as a result of service in a combat zone; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 3962. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. RANGEL):

H.R. 3963. A bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, House Administration, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE:

H.J. Res. 60. A joint resolution proposing an amendment to the Constitution of the United States providing for Representatives to be chosen every four years, and to limit the number of times Senators and Representatives may be elected; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. ORTIZ, Mr. WALZ of Minnesota, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, and Ms. BORDALLO):

H. Con. Res. 240. Concurrent resolution commending the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. DEFAZIO, and Mr. DUNCAN):

H. Res. 772. A resolution recognizing the American Highway Users Alliance on the occasion of its 75th anniversary, and for other purposes; to the Committee on Transportation and Infrastructure.

## MEMORIALS

Under clause 3 of rule XII,

209. The SPEAKER presented a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 7 urging the California Congressional delegation to support H. Con. Res. 25; jointly to the Committees on Agriculture, Energy and Commerce, and Natural Resources.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. SUTTON.

H.R. 840: Mr. BERRY and Mr. MOORE of Kansas.

H.R. 927: Ms. GRANGER and Mr. TERRY.

H.R. 1000: Mr. TOM DAVIS of Virginia.

H.R. 1076: Mr. CARTER.

H.R. 1222: Mrs. WILSON of New Mexico.

H.R. 1223: Mrs. WILSON of New Mexico.

H.R. 1225: Mr. KUCINICH.

H.R. 1295: Mr. JONES of North Carolina.

H.R. 1321: Mr. SOUDER and Mrs. CHRISTENSEN.

H.R. 1328: Mr. MATHESON.

H.R. 1390: Mr. TOWNS.

H.R. 1420: Mr. GENE GREEN of Texas.

H.R. 1553: Mr. MURTHA.

H.R. 1809: Ms. MCCOLLUM of Minnesota.

H.R. 1845: Mr. CAPUANO, Mr. MARSHALL, Mr. CUMMINGS, and Mr. HODES.

H.R. 1881: Mr. MILLER of North Carolina and Mr. OBERSTAR.

H.R. 1927: Mr. ABERCROMBIE.

H.R. 2017: Mr. WEXLER.

H.R. 2023: Mr. CAPUANO.

H.R. 2032: Mr. WYNN.

H.R. 2040: Mr. KUCINICH.

H.R. 2188: Ms. WOOLSEY.

H.R. 2234: Mr. BLUMENAUER, Mr. DOYLE, and Mr. ENGEL.

H.R. 2266: Mr. HOLT.

H.R. 2405: Mrs. MALONEY of New York and Mr. BILBRAY.

H.R. 2406: Mr. TOWNS.

H.R. 2452: Mr. SHAYS.

H.R. 2508: Mr. CALVERT.

H.R. 2510: Mr. TIAHRT.

H.R. 2549: Ms. WASSERMAN SCHULTZ.

H.R. 2606: Mr. RUPPERSBERGER.

H.R. 2705: Mr. SHERMAN.

H.R. 2758: Mr. WU.

H.R. 2762: Ms. CARSON, Mr. HALL of New York, Mr. ENGLISH of Pennsylvania, Mr. SARBANES, Mrs. CAPPS, Ms. BALDWIN, Mr. BOOZMAN, Mr. MEEKS of New York, Mr. DEFAZIO, Mrs. SCHMIDT, Mr. PORTER, Mr. ALTMIRE, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Ms. HOOLEY, Mr. TIM MURPHY of Pennsylvania, Mr. ANDREWS, and Mr. RUPPERSBERGER.

H.R. 2802: Ms. HOOLEY.

H.R. 2833: Mr. SESTAK.

H.R. 2864: Mr. LOEBSACK.

H.R. 2933: Mr. SERRANO, Mr. COBLE, and Ms. CORRINE BROWN of Florida.

H.R. 3010: Mr. STARK, Ms. JACKSON-LEE of Texas, Mr. LATOURETTE, and Mr. LYNCH.

H.R. 3151: Mr. POE.

H.R. 3191: Mr. HILL and Mr. PETERSON of Minnesota.

H.R. 3223: Mr. PALLONE.

H.R. 3251: Mr. CASTLE.

H.R. 3314: Mr. MCDERMOTT and Mr. EMANUEL.

H.R. 3389: Mr. DREIER.

H.R. 3406: Ms. CLARKE.

H.R. 3429: Ms. WOOLSEY.

H.R. 3457: Ms. BERKLEY, Mr. LINCOLN DAVIS of Tennessee, Mr. REHBERG, and Mr. MCNERNEY.

H.R. 3477: Mrs. BLACKBURN.

H.R. 3486: Mr. ALTMIRE, Mr. SPACE, and Mr. RYAN of Ohio.

H.R. 3496: Mr. BILBRAY.

H.R. 3498: Mr. DAVIS of Illinois.

H.R. 3499: Mr. MICHAUD, Ms. CASTOR, Mr. DELAHUNT, Mr. CAPUANO, and Ms. WATSON.

H.R. 3541: Mr. KIRK, Mr. ALLEN, and Mr. KILDEE.

H.R. 3543: Mr. BISHOP of Georgia.

H.R. 3546: Mr. KIND, Mr. SIRES, and Mr. CARNAHAN.

H.R. 3548: Mr. KAGEN and Ms. SHEA-PORTER.

H.R. 3585: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3610: Mr. GEORGE MILLER of California.

H.R. 3622: Mr. ELLISON, Mr. DOYLE, Mr. MILLER of North Carolina, Mrs. MYRICK, and Mr. SMITH of Washington.

H.R. 3627: Mr. KAGEN.

H.R. 3630: Mr. MCNERNEY.

H.R. 3635: Mr. SKELTON and Ms. ROS-LEHTINEN.

H.R. 3670: Ms. LORETTA SANCHEZ of California, Mr. FILNER, Ms. LINDA T. SÁNCHEZ of California, Ms. MATSUI, Ms. SOLIS, Mr. HONDA, and Mrs. CHRISTENSEN.

H.R. 3684: Mr. ARCURI and Mrs. MALONEY of New York.

H.R. 3691: Mr. ARCURI, Mr. BOSWELL, Ms. CLARKE, Mrs. GILLIBRAND, Mr. HONDA, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Mr. COHEN, Mr. CUMMINGS, Mr. INSLEE, Mr. COOPER, Ms. LORETTA SANCHEZ of California, Mr. CUELLAR, Mr. BAIRD, and Mr. EDWARDS.

H.R. 3737: Ms. SOLIS.

H.R. 3793: Mrs. EMERSON, Mr. TERRY, Mrs. GILLIBRAND, Mr. TIERNEY, Mr. FORBES, Mr. BOUCHER, and Mr. PETERSON of Minnesota.

H.R. 3801: Ms. HARMAN.

H.R. 3828: Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, and Ms. KILPATRICK.

H.R. 3842: Mr. AL GREEN of Texas.

H.R. 3846: Mr. SARBANES, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Mr. RUSH, Mr. COHEN, Mr. CLAY, Mr. SERRANO, and Mr. KUCINICH.

H.R. 3861: Mr. KENNEDY, Mr. HONDA, Ms. ZOE LOFGREN of California, and Ms. ESHOO.

H.R. 3865: Mr. ALLEN.

H.R. 3882: Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mr. LUCAS, Mr. DOOLITTLE, Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. GINGREY, Mr. Fortuño, Mr. WILSON of South Carolina, Mr. MANZULLO, Mr. JORDAN, Mrs. MCMORRIS RODGERS, Mr. NEUGEBAUER, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. AKIN, Mr. DAVID DAVIS of Tennessee, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mr. FEENEY, Mr. MARCHANT, Mr. FORTENBERRY, Mr. WAMP, Mr. SHADEGG, Mr. PRICE of Georgia, Mr. ROSKAM, Mr. CAMPBELL of California, Mr. GOODE, Mr. KUHL of New York, Mr. WALBERG, Mrs. BLACKBURN, and Ms. FOXX.

H.R. 3887: Mr. SHERMAN.

H.R. 3890: Mr. SHERMAN, Ms. DELAURO, Mr. WOLF, Mrs. TAUSCHER, Mr. HOLT, Mr. MCGOVERN, Mr. BURTON of Indiana, Mr. ACKERMAN, Mr. GRIJALVA, Mr. ENGEL, Mr. CROWLEY, Mr. OLVER, Mr. WU, and Ms. JACKSON-LEE of Texas.

H.R. 3908: Mr. BONNER.

H.R. 3918: Ms. CLARKE and Mr. WYNN.

H.R. 3921: Mrs. MCCARTHY of New York.

H.R. 3928: Ms. HIRONO, Ms. WOOLSEY, and Ms. SHEA-PORTER.

H.R. 3950: Mr. SESSIONS and Mr. MILLER of Florida.

H.J. Res. 48: Mr. DAVIS of Illinois.

H.J. Res. 54: Ms. HOOLEY, Mr. MANZULLO, and Mr. MCINTYRE.

H. Con. Res. 40: Mr. LUCAS.

H. Con. Res. 163: Mr. STARK.

H. Con. Res. 198: Ms. SHEA-PORTER and Mr. WELCH of Vermont.

H. Con. Res. 223: Mr. MORAN of Virginia.

H. Con. Res. 224: Mr. BLUMENAUER.

H. Con. Res. 230: Mr. TERRY.

H. Con. Res. 235: Mr. SHERMAN.

H. Res. 169: Mr. BOOZMAN and Mr. TERRY.

H. Res. 245: Mr. MARKEY.

H. Res. 542: Mr. FORBES.

H. Res. 550: Mr. SHERMAN.

H. Res. 556: Mr. AKIN.

H. Res. 695: Mr. ISSA, Mr. ROHRABACHER, Mrs. Boyda of Kansas, Ms. CARSON, Mr. BROWN of South Carolina, Mr. FERGUSON, Mr. SESTAK, Mr. BARTLETT of Maryland, Mr. FEENEY, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. MORAN of Kansas, Mr. PORTER, Mr. WOLF, Mr. CONAWAY, Mr. GALLEGLY, and Mr. MOORE of Kansas.

H. Res. 705: Mr. KING of Iowa, Mr. JORDAN, Mr. LAMBORN, Mr. HENSARLING, Mr. MILLER of Florida, Mr. PENCE, Mr. ROHRABACHER, and Mr. DAVID DAVIS of Tennessee.

H. Res. 709: Mr. DOGGETT and Ms. GRANGER.

H. Res. 715: Mr. SAM JOHNSON of Texas and Mr. DAVIS of Illinois.

H. Res. 740: Mr. ENGEL, Mr. SHERMAN, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. NADLER, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, and Mr. HASTINGS of Florida.

H. Res. 747: Mr. MARKEY.

H. Res. 759: Mr. GEORGE MILLER of California, Mrs. LOWEY, and Mr. RANGEL.

H. Res. 760: Ms. LEE, Mr. SCOTT of Georgia, Mr. MAHONEY of Florida, Mr. ELLISON, Mrs. NAPOLITANO, Ms. NORTON, Mr. RODRIGUEZ, Ms. SUTTON, and Ms. MCCOLLUM of Minnesota.

H. Res. 769: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURTON of Indiana, Mr. WEXLER, Mr. BARRETT of South Carolina, Mr. HOEKSTRA, Ms. ROS-LEHTINEN, Mrs. MUSGRAVE, Mr. CHABOT, Mr. BLUNT, Ms. JACKSON-LEE of Texas, Mr. FLAKE, Mr. FORTENBERRY, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. FORTUÑO, and Mr. FALEOMAVAEGA.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

**Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:**

### OFFERED BY MR. JOHN D. DINGELL

Among the provisions that warranted a referral to the Committee on Energy and Commerce, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

### OFFERED BY MR. CHARLES B. RANGEL

Among the provisions that warranted a referral to the Committee on Ways and Means, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

### OFFERED BY MR. ROBERT A. BRADY

Among the provisions that warranted a referral to the Committee on House Administration, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

### OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Among the provisions that warranted a referral to the Committee on Education and Labor, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

### OFFERED BY MR. HENRY A. WAXMAN

Among the provisions that warranted a referral to the Committee on Oversight and Government Reform, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

## PETITIONS, ETC.

**Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:**

180. The SPEAKER presented a petition of the California State Lands Commission, relative to a Resolution supporting S. 1499 and H.R. 2548, which would reduce pollution from marine vessels that use out Nation's ports; to the Committee on Energy and Commerce.

181. Also, a petition of the Broward County Board of County Commissioners, Florida, relative to Resolution No. 2007-529 encouraging the Congress of the United States to take necessary action to bring the Herbert Hoover Dike into compliance with levee protection safety standards; to the Committee on Transportation and Infrastructure.

182. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-1007-07 commending the Governor of Florida, members of the Florida Legislature, the Florida Department of Transportation, and the Miami-Dade Expressway Authority for providing for the installation of guardrails along bodies of water and in roadway medians in Miami-Dade County, Florida; to the Committee on Transportation and Infrastructure.

183. Also, a petition of the National Center for Public Policy Research, relative to a Coalition Letter on the Clean Water Restoration Act; to the Committee on Transportation and Infrastructure.

# EXTENSIONS OF REMARKS

## IN HONOR OF CARNE C. CUNNINGHAM, UNITED STATES NAVY

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. SESSIONS. Madam Speaker, I rise today in honor of Carne C. Cunningham, a World War II veteran. He received his ensign commission in September 1943.

His military service began with his assignment to LST–291, a landing ship for tanks, where he served as the officer in charge of supplies in addition to his watch officer duties. On September 10, 1944, Carne was assigned as a division officer to a cargo personnel ship, the Auriga, where he served for the remainder of the war. He was involved in the invasion of Leyte, Lingayen Gulf, Luzon Island, the Philippine Islands, and Okinawa, where he witnessed the death and destruction of war.

World War II is known as the deadliest conflict in human history, taking the lives of over 70 million people. During this difficult time, our country stood united behind our brave servicemen and women who so willingly took to the battlefields to defend freedom and democracy. It is veterans like Carne that helped us emerge victorious from World War II and restore hope and humanity in a world that was shattered by the darkness of hatred and violence.

His patriotism, courage, and selflessness are an example of what make America great. Madam Speaker, I ask my esteemed colleagues to join me in expressing our deepest gratitude for his service to this great Nation. May God bless all those he loved, and may I convey to them my sincerest condolences and the gratitude of the American people.

## RECOGNIZING THE UNVEILING OF A MONUMENT HONORING HAITIAN SOLDIERS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. RANGEL. Madam Speaker, I rise today to recognize the erection of a monument in Savannah, Georgia honoring the more than 500 Haitian soldiers who fought there during the Revolutionary War, and to introduce the accompanying New York CARIB News article, "Haitians in U.S. Revolution Get Monument," published on Oct. 16, 2007. This monument serves as a bronze testament to the oft-forgotten contributions Haitians made in that war.

Around 150 people attended the unveiling of the monument, which depicts four soldiers from that 545-man unit. Theirs was the largest unit in that Savannah battle and believed to be the largest grouping of black soldiers in the war. Soon after returning home, those Haitian veterans channeled that same spirit of rebellion to gain independence from the French in 1804.

In tribute to that integral thread in our American history, and in memory of their sacrifices to the cause of liberty, I submit news of this important symbol into the RECORD.

HAITIANS IN U.S. REVOLUTION GET MONUMENT

SAVANNAH, GA.—After 228 years as largely unsung contributors to American independence, Haitian soldiers who fought in the Revolution War's bloody siege of Savannah had a monument dedicated in their honor last Monday.

About 150 people, many of them Haitian-Americans who came to Savannah for the event, gathered in Franklin Square where life-size bronze statues of four soldiers now stand atop a granite pillar 6 feet tall and 16 feet in diameter.

This is a testimony to tell people we Haitians didn't come from the boat, said Daniel Fils-Aime, chairman of the Miami-based Haitian American Historical Society. We were here in 1779 to help America win independence. That recognition is overdue.

In October 1779, a force of more than 500 Haitian free Blacks joined American colonists and French troops in an unsuccessful push to drive the British from Savannah in coastal Georgia.

More than 300 allied soldiers were gunned down charging British fortifications Oct. 9, making the siege the second-most lopsided British victory of the war after Bunker Hill.

Though not well known in the U.S., Haiti's role in the American Revolution is a point of national pride for Haitians.

After returning home from the war, Haitian veterans soon led their own rebellion that won Haiti's independence from France in 1804.

Fils-Aime's group has spent the past seven years lobbying Savannah leaders to support the monument, which the city approved in 2005, and raising more than $400,000 in private donations to pay for it. Fils-Aime said the historical society still needs $250,000 more to finish two additional soldier statues.

As it stands now, the monument features life-size bronze statues of 4 soldiers and standing atop a granite pillar 6 feet tall and 16 feet in diameter.

The fourth statue, a drummer boy, depicts a young Henri Christophe, who served in Savannah as an adolescent and went to become Haiti's first president—and ultimately king—after it won independence.

Records show that 545 Haitian soldiers sailed to Savannah in 1779, making them the largest military unit of the Savannah battle. The Haitians are also believed to have been the largest black unit to serve in the American Revolution.

This is a testimony to tell people we Haitians didn't come from the boat, said Daniel Fils-Aime, chairman of the Miami-based Haitian American Historical Society, 1 of the many Haitian Americans who came to Savannah for the dedication.

We were here in 1779 to help American win independence. That recognition is overdue.

## RECOGNIZING THE 62ND ANNIVERSARY OF THE UNITED NATIONS

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. POE. Madam Speaker, today we recognize the 62nd anniversary of the United Nations. The United Nations was founded in the aftermath of the Second World War. Leaders across the world came together to form this international organization with the hope that nations united in purpose might never again have to face the devastating consequences of a third World War. Since its inception, the mission of the United Nations has been focused on advancing the cause of fundamental human rights around the world. It is a noble cause.

Unfortunately, the lofty goals of this institution have been blemished by a record of past actions which challenge the U.N.'s very existence.

This year, Madam Speaker, I am serving as one of two Congressional Delegates to the United Nations. As a representative of the people I would be remiss, on this United Nations Day, if I did not address some of the concerns that Americans have with the United Nations. In a poll conducted last year by political consultant and pollster, Frank Luntz, 71 percent of Americans agreed that the U.N. is no longer effective and need to be reformed. In addition, the poll found that 75 percent of the participants agreed that the United Nations is no longer effective and needs to be held accountable. Most telling, for the first time since the U.N. was founded, a majority of Americans, 57 percent, believe that if the U.N. cannot be reformed it needs to be gotten rid of all together and replaced.

Like most Americans, Madam Speaker, I'm concerned with the ineffectiveness of the United Nations. I'm concerned with the anti-Semitic factions that exist within the U.N. I'm concerned with its hypocritical human rights record—claiming to preserve human rights, while not holding some of the world's worst human rights violators responsible. I'm concerned with the corruption of U.N. officials and mismanagement of U.N. programs. And I'm concerned with the United Nations inability to actually take a lead in fighting the threat of global terrorism.

If the United Nations expects the United States to support its mission, it had better take the concerns of the American people seriously and implement the reforms that are necessary to gain the trust of the American public.

And that's just the way it is.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## TRIBUTE TO SHIRLEY L. JOHNSON

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. VAN HOLLEN. Madam Speaker, I rise to pay tribute to Shirley L. Johnson, a remarkable woman who has distinguished herself with a long and impressive record of dedicated public service and advocacy for human rights and social justice.

A resident of Rockville, Maryland, Shirley worked for the U.S. Public Health Service where, for many years, she served as Deputy Director of the Department of Medicine. At the time of her retirement, she was Director of the Office of Program Development, Bureau of Health Professions. Her tenure at the government health agency spanned 37 years and was highlighted by numerous awards, including the Public Health Service Superior Service Award, the highest public service level award to be granted to a civilian.

Since her retirement, Shirley has worn many hats and taken volunteerism to new heights. An outspoken champion of health care for the disenfranchised, Shirley was appointed to the Montgomery County Commission on Health and served as its Commissioner from 1995–2000. She also served on the Board of the Primary Care Coalition of Montgomery County, a charitable organization committed to bringing high quality, accessible, and efficient health care services to low-income, uninsured county residents.

Combining her concern for public health with her knowledge of the governmental process, Shirley testified frequently before the Montgomery County Council and the Maryland General Assembly, urging lawmakers to pass legislation to ban smoking in public places. From 1997–98, she served on the board of directors of Smoke Free Maryland and as co-chair of the Montgomery County Smoke Free Coalition.

In the civil rights arena, Shirley challenged local officials to eliminate prejudice and injustice and lobbied persistently for fair housing to correct the discriminatory practices of landlords in Montgomery County.

Education always has been high on Shirley's agenda. This cum laude graduate of Howard University has worked tirelessly for scholarships for minority students and has spent countless hours teaching and promoting economic empowerment concepts to at-risk students in public schools.

An active Democrat, Shirley has been president of the Montgomery County District 19 Democratic Club for the past 5 years and serves as chair of Precinct 8–03 in Rockville. She counts as 1 of her proudest achievements her efforts to establish the African American Democratic Club of Montgomery County, where she served as first vice president.

Shirley is a 1996 graduate of Leadership Montgomery, a program designed to train individuals to be effective leaders in the Montgomery County community. From 2000–06, she served on the Montgomery County Commission for Women, a resource and an important voice for women throughout the Washington metropolitan area.

In 2002, Shirley was inducted into the Montgomery County Human Rights Hall of Fame. Two years later, she was selected as the Volunteer of the Year by the Montgomery County Democratic Central Committee. In 2005, she was named a "Woman of Achievement" by the Montgomery County Business & Professional Women and received the "Community Services Award" from the Black Business and Professional Women's Clubs, Inc., the "Civil Rights Award" from the Montgomery County, Maryland Branch of the NAACP, and the "Distinguished Leadership Award" from the Community Leadership Association.

Madam Speaker, Shirley L. Johnson exemplifies community service. She is an individualist and an idealist who believes in equal opportunity for all men and women. She cares deeply about the quality of life in her community and is a model to others of what one person can accomplish through commitment, hard work and perseverance.

On Sunday, October 28, 2007, Shirley Johnson will be honored at an event at the Bauer Drive Community Center in Rockville, Maryland. Referred to by her friends as "One Classy Lady," Shirley will be "roasted, toasted, and appreciated." I am proud that she is my constituent and am pleased to add my praises to the chorus of family, colleagues and friends who will gather to salute her.

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## TRIBUTE TO ALABAMA POLITICAL JOURNALIST BOB INGRAM, 1926–2007

### HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. EVERETT. Madam Speaker, I rise in tribute to a man who for a generation symbolized great class and professionalism in Alabama political journalism, Bob Ingram.

Alabamians statewide, and, in particular, in the political and journalism communities, were saddened to learn of the passing of Bob Ingram on October 18 at the age of 81. To all those who knew him, Bob was an unquestioned authority on State politics. He possessed a comfortable familiarity with the historical and personal side of Alabama government and the key players who shaped it going back some 6 decades. He was unequalled in his political wisdom because he was a witness to and participant in government. He covered our State through both tough and brighter times but he never lost his love for Alabama and its often colorful political figures.

Bob began his career as a reporter for the Cherokee Herald in his hometown of Centre. His mother, the town librarian, instilled in him a passion for writing which not only pointed him on his way to a remarkable journalism career, but also to authoring several insightful books on the Alabama political scene.

A World War II Marine Corps veteran, reporter for the Montgomery Advertiser, writer of a statewide political column for nearly 50 years, State Finance Director for Governor Albert Brewer, and respected television political commentator in central and southeast Alabama—Bob Ingram was a man of many talents, unified by his love of politics.

There were no sacred cows with Bob's political commentary. That's why we trusted him. You knew his opinions were well-researched and from the heart.

From Big Jim Folsom to Gordon Persons, Patterson, Wallace, Brewer, James, Hunt, Baxley, Siegelman, Riley—he knew them all. Whatever occurred in Alabama politics, you wanted to get Bob's thoughts. He also brought touches of grace, humor, and humility to his commentary—always realizing the pressures and vicissitudes of human nature in the political arena.

Thank you, Bob, for your love of Alabama and her political institutions. Your indelible mark will be felt as strongly as any public servant. And that's the way we see it.

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## RECOGNIZING NANCY BERRY FOR BEING NAMED TO USA TODAY'S 2007 ALL-USA TEACHER TEAM

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Nancy Berry for being named to the USA Today's 2007 All-USA Teacher Team.

Nancy Berry is a first grade teacher at Liza Jackson Preparatory School, a charter school in Fort Walton Beach, Florida. She has been an educator for 34 years, which includes five years as a principal.

As the USA Today panel sifted through hundreds of nominations, they judged the teachers on how well they identify and address their students' needs and the impact they have on students and learning. A parent of a former student, Dawn Fisher, was so impressed with Mrs. Berry that she nominated her for this prestigious distinction. Only 20 teachers nationwide were chosen.

Each year Mrs. Berry welcomes her students to "Berryland USA: A Place Where Children Love to Learn." She is known for her gentle encouragement, individualized attention and a plastic, heat-reactive fish to make learning a "self-fulfilling prophecy" for her first-graders. On the first day of class she brings out the fish and tells the children that if the fish curls up in their hand then they are smart, worthy and good. "Children have to have concrete ways of seeing that they are smart or are able to be successful," she says.

Through her hard work and dedication in the field of education, the impact she has had on her students and the difference she has made in their lives has proven her to be among the great teachers of the nation. We are honored and proud to have her as one of our own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Nancy Berry on this outstanding achievement for her exemplary contribution to the education of our children.

## EXPLANATION OF MISSED ROLL CALL VOTE NO. 995

### HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. WALBERG. Madam Speaker, I rise today in order to offer an explanation of having missed rollcall vote number 995 earlier today. I missed this vote because I was visiting wounded warriors at Walter Reed Army Medical Center. I enjoy the opportunity to visit with soldiers from my district, today visiting soldiers from Adrian and Jackson. I believe it is our duty as elected representatives to see to it our soldiers are receiving the proper care and resources needed for their recovery.

Madam Speaker, whereas I missed this vote today, I wish for my constituents to know I did not miss this vote in haste. Rather, I was seeing to the needs of these brave soldiers who represent the best America has to offer. As an avid outdoorsman and conservation I supported the Motion to Recommit H.R. 1483 and, had I been present, I would have voted "aye."

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## TRIBUTE TO THE AUDUBON OHIO URBAN CONSERVATION CREW SUMMER CAMP AT THE ROCKEFELLER PARK GREENHOUSE IN CLEVELAND

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mrs. JONES of Ohio. Madam Speaker, I rise today to recognize the Audubon Ohio Urban Conservation Crew Summer Camp at the Rockefeller Park Greenhouse in Cleveland. The Ohio program of the National Audubon Society is working hard to ensure that children in the central city have the opportunity to connect with nature and, in doing so, improve both their educational achievement and their sense of community and self-esteem.

During the recent August recess I had the good fortune to visit the Ohio program of the National Audubon society which is also a program in my own district. The program, a free summer camp for neighborhood children ages 8 to 11, is known as the Urban Conservation Crew. Through this program, Audubon Ohio, in less than five weeks, has succeeded in developing a group of budding scientists who have mastered the fine points of bird identification and behavior, focusing on the birds and plants of their own neighborhood.

Audubon Ohio chose as its location for the camp the Rockefeller Park Greenhouse. The Greenhouse is located in the heart of Cleveland's historic Glenville neighborhood. Owned and operated by the City of Cleveland, the Greenhouse's official function is to develop plants for indoor and outdoor use at other city properties. But the facility includes classroom space, extensive gardens (including a community garden), and a large meadow ringed with mature trees that makes an excellent habitat for birds.

I grew up near the Greenhouse, yet during my visit I learned a lot of new things about it. Chief among these was the fact that the Greenhouse property immediately adjoins an "Important Bird Area," or "IBA." IBAs are part of an international network of areas that are important to the survival of migratory birds. This network was created by a European-based organization, Birdlife International. Audubon is the Birdlife partner responsible for designating and protecting IBAs in the United States.

The Greenhouse sits next to one of 63 IBAs that Audubon has designated in Ohio. Specifically, it is next to the "Doan Brook/Dike 14 IBA," a key migratory corridor that connects the coast of Lake Erie with the upland Shaker Lakes on the western edge of the Appalachian Plateau. In practical terms this means that a lot of interesting birds pass through the area, with many species nesting in it. This in turn creates an opportunity for children in Glenville to explore an important natural area right near where they live.

From what I saw of the camp, Audubon Ohio is taking full advantage of the location of the Greenhouse and the convergence of a central city neighborhood with an interesting natural area. During the first four weeks of the camp, children walked the Greenhouse grounds and the surrounding neighborhood with Audubon instructors who taught them how to identify birds both by sight and by sound. Audubon also took advantage of the plant life inside and outside of the Greenhouse to teach the children about what plants they could grow in their neighborhood and how the birds of the neighborhood would both help the plants survive by eating pests and, in turn, benefit themselves from the seeds and berries produced by the plants.

During my visit the children showed off the knowledge that they had picked up in only a few weeks. They explained to me the concept of "field marks" of birds and how I could use field marks to distinguish different species. They identified the various body parts of birds and explained how I could distinguish the sexes of different species, such as the Northern Cardinal. They told me what kind of food birds could find around the neighborhood and how people could help birds by supplying this food. And they explained how to protect birds from man-made threats, such as plastic "six pack" holders that, they said, I needed to cut up so that birds would not get their necks stuck in them and choke.

Beyond the knowledge and conservation values that the children were displaying, I was impressed by the passion with which the children were discussing the birds and plants of their neighborhood. I kept having to remind myself that these children were all less than 12 years old, some as young as eight had no previous interest in birds, let alone experience in identifying them. These children were learning complex fundamental scientific techniques, including observation, distinction, grouping by similarities, understanding food chains and identifying threats and barriers. Introducing children to birds and plants was a great way of teaching them science by drawing on children's inherent desire to explore and understand the natural world around them.

Cleveland is blessed with a number of outstanding institutions that have offered nature-based education to children over the years. These include our fabulous Metro Parks network as well as stand-alone institutions such as The Nature Center at Shaker Lakes, the Lake Erie Nature and Science Center and the Cuyahoga Valley National Park Education Center. These institutions have gone to great lengths to reach out to the central city by bringing children out to their suburban and exurban facilities. I appreciate all of the efforts they have made over the years, and I hope they continue.

What distinguishes Audubon Ohio's Urban Conservation Crew is that it is being conducted right in the neighborhood where the children live. Given the enthusiasm I saw in the children during their visit, I am confident that they will continue to explore Rockefeller Park, looking for birds, plants and other animals, long after the camp is over.

After my visit I learned that Cleveland is not the only location where Audubon has been offering programs like the Urban Conservation Crew to central city children. In Columbus, Audubon is developing the Grange Insurance Audubon Center, a nature-based education center slated to open in 2009 in a central city neighborhood just a mile south of downtown. Audubon already has similar facilities at Prospect Park in Brooklyn and in Debs Park in East Los Angeles. Another urban center, known as "the Rio Salado Center," is under development in the heart of Phoenix.

It is notable that Audubon Ohio produced the Urban Conservation Crew program almost entirely with private funds. Support came from the Cleveland Foundation, the Kent H. Smith Charitable Trust, and the Shaker Lakes Garden Club. Audubon Ohio did, however, receive a small amount of federal money, specifically a $5,000 grant from the U.S.D.A. Natural Resources Conservation Service. It goes to show how a relatively small amount of federal dollars can be leveraged to produce great results.

I commend Audubon, Ohio for helping to reconnect children with nature, particularly in the central city. Audubon and its Ohio program deserve high marks for their creativity and skill in doing so at the Rockefeller Park Greenhouse in Cleveland and elsewhere. They provide great hope for the future.

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## WELCOMING HIS HOLINESS KAREKIN II, SUPREME PATRIARCH AND CATHOLICOS OF ALL ARMENIANS TO THE 10TH CONGRESSIONAL DISTRICT OF ILLINOIS

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. KIRK. Madam Speaker, I am honored to welcome His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, to the 10th Congressional District of Illinois. His Holiness Karekin II was a pivotal figure in rebuilding the Armenian Church in the aftermath of the Soviet period and providing spiritual leadership for 7 million Armenian Apostolic Christians around the world. He has undertaken extensive philanthropic and humanitarian work, including opening orphanages, hospitals, soup kitchens for the elderly, and cultural centers for the youth of Armenia. We would like to honor His Holiness Karekin II for his dedication to the people of Armenia and thank him for visiting the 10th District of Illinois.

I hope this trip to the United States compels my colleagues to bring the Armenian Genocide resolution, H. Res. 106, to a vote before the full House of Representatives. For more than 90 years, Armenians were denied recognition for the Genocide of 1915.

We promised in 1945 to never forget the Holocaust, to never again let such atrocities be committed. But the world could forget the first genocide of the 20th Century. In fact Hitler used the world's denial of the Armenian Genocide as justification for his invasion into Poland and the ensuing ethnic cleansing of Europe's Jewry. In a speech he gave in late August of 1939, Hitler stated, "I have placed my death-head formation in readiness . . . with orders to send to death mercilessly and without compassion, men, women, and children of Polish derivation and language . . . Who, after all, speaks today of the annihilation of the Armenians?"

As a defender of human rights, America must formally recognize the genocide Hitler once dismissed so easily. From 1915 to 1923, the Ottoman Turks systematically annihilated more than 1.5 million ethnic Armenians. There is no other way to describe this organized campaign of murder than as genocide.

I encourage my fellow Congressmen to support the Armenian Genocide resolution so that we may finally provide the Armenian community with the recognition and justice they deserve.

## IN HONOR OF JAMES R. CLARK, UNITED STATES ARMY AIR CORPS

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. SESSIONS. Madam Speaker, I rise today to honor James R. Clark, a World War II veteran. World War II was in progress when James decided to leave his position as the high school principal of Star City ISD in Arkansas. He realized his country needed him and enlisted with the Army Air Corps on November 3, 1942.

During his tenure at Aloe Army Base in Victoria, Texas, he taught cadets how to disassemble and reassemble machineguns while blindfolded and navigation before being relocated to headquarters. At headquarters, James was the only public relations writer and news photographer on base. After spending over 2 years at Aloe, he was relocated to California and was at Fort Ord when he was notified that would be going to Japan. Fortunately, the war ended before he was deployed for Japan and James was discharged on November 22, 1945.

World War II is known as the deadliest conflict in human history, taking the lives of over 70 million people. During this difficult time, our country stood united behind our brave servicemen and women who so willingly took to the battlefields to defend freedom and democracy. It is veterans like James that helped us emerge victorious from World War II and restore hope and humanity in a world that was shattered by the darkness of hatred and violence.

His patriotism, courage, and selflessness should be commended and his dedication to public service deserves our highest regard. Madam Speaker, I ask my esteemed colleagues to join me in expressing our deepest gratitude for his service to this great Nation.

## IN MEMORIAM OF ROGER LEE GORE

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. RANGEL. Madam Speaker, I rise today in celebration of a dear friend's life, that of Roger Lee Gore—a man of limitless smiles, generous laughter, and amiable spirit. He toiled in the New York hospitality business for years, serving a 30-year stint as waiter, maitre d', and banquet captain for Hilton Hotel. An ardent voice in his community, he remained a lifelong member of the National Association for the Advancement of Colored People and contributed his time and talents to the Civil Rights Movement. A lover of people with an effortless sunny disposition, he asked that no tears be shed over his blessed life.

Roger was born on August 30, 1944 in Myrtle Beach, South Carolina to the late Harold Gore and Sadie Gore Graham. Nicknamed "Ducky," he was an early-age churchgoer and hard worker, moonlighting as a caddy and waiter to financially help out the family. In high school, he participated in team football, basketball, and glee club, earning his diploma in 1963.

He travelled the country after school, but settled in New York by the late 1960s as a waiter and bartender at Henry Stampler's Steakhouse. He was a union man, a member of Local Six, Unite, and HERE Hotel unions and chairman of the Elections and Objection Committee. In 1993, he married Lena McPhatter, who later passed in 1998. He then married Noveria Epps in March of 2007. Roger passed away September 30, 2007 and was memorialized in his funeral held October 19, 2007.

Today, we are moved, stirred, sobered by this loss, but we are more so grateful and joyful by the legacy he's left behind.

## FOREIGN GANGS OPERATING IN THE UNITED STATES

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. POE. Madam Speaker, since June, national law enforcement agencies have teamed up with their state and local counterparts. The result? The arrest of more than 1,300 violent street gang members, associates, and illegal aliens in 19 states.

In 2005, the Department of Homeland Security's U.S. Immigration and Customs Enforcement launched a national effort called Operation Community Shield. This effort has already led to the arrests of over 7,600 gang members from 700 different gangs; 107 were gang leaders. ICE agents also seized 340 grams of cocaine and over 1 lb. of marijuana and crack cocaine.

Operation Community Shield focuses on keeping criminal gangs off our streets. ICE agents investigate the crimes and the immigration status of the criminals. Since 2005, ICE charged 5200 gang members with immigration violations and processed them for deportation.

This is a great example of successful law enforcement partnerships. Local, state, and federal anti-gang efforts are leading the fight against street gangs. These partnerships allow law enforcement agents to share resources and leadership and to arrest, prosecute, imprison, and deport criminal and illegal alien gang members. And that's just the way it is.

## TRIBUTE TO DAVID B. HUMPTON

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize Mr. David B. Humpton for his twenty-two years of service to the City of Gaithersburg, Maryland.

Mr. Humpton began his career with the City of Gaithersburg in 1986 as an intern and quickly rose to the position of Deputy City Manager. Having proven himself as a dynamic and capable leader, Mr. Humpton was appointed City Manager in 1995. During his 17-year tenure, Mr. Humpton has guided the city through significant change and growth with dedication and commitment.

As City Manager, Mr. Humpton has had numerous significant accomplishments. Among other successes, he developed a strategic planning process, implemented new procedures to streamline the budget process, and served as an effective advocate for inter-governmental collaboration. Mr. Humpton's management has been instrumental in the completion of several notable development projects, including the Washingtonian Center and the Kentlands. Under his leadership, Gaithersburg has been recognized for its "livability," economic development initiatives, budgeting and accounting, communications and recreation services.

Mr. Humpton's "retirement" will be short-lived as he will soon join Montgomery Village, Maryland as its top administrator. His experience as an effective administrator will serve him well as he meets the challenges of his new position.

Madam Speaker, I am pleased to honor Mr. David Humpton for his outstanding service.

## TRIBUTE TO THE LIFE OF OFFICER SERGIO CARRERA, JR.

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. BACA. Madam Speaker, I stand here today in remembrance of a distinguished member of the Rialto community, Officer Sergio Carrera, Jr.

While serving his community, Sergio Carrera, Jr., 29, a 4-year veteran of the force and a member of the SWAT team, lost his life in the line of duty. Despite efforts by doctors at Arrowhead Regional Medical Center in Colton, Officer Carrera passed away leaving his wife, Louise Andrea Carrera, 2-year-old son, Sergio Carrera III, and 1-year-old daughter, Izabella.

A dedicated member of the Rialto community, Officer Carrera was hired by the Rialto Police Department in June 2003 and loyally served 4 years of his life to ensure the safety of the citizens of Rialto. Along with Carrera's, wife and children, his father, Sergio Carrera caring mother. Aurora Carrera, and siblings, Shirley Magana and Susan Colao, mourn the sudden loss of their dear son and brother.

While it is with sadness that we mourn the unexpected death of this valiant officer, we think of him with joy and fondness as we recognize his devotion to family, friends, and the city of Rialto. The use of his life to protect and ensure the safety of our community is unquestionable. Although now gone, in his absence we will remember the significance of selfless servitude that so many of our public officers show for our citizens on a daily basis.

I thank Officer Sergio Carrera, Jr., for dedicating his life to the city and people of Rialto, CA. I am honored to consider him a hero and I truly appreciate all he gave to our community and our country.

Barbara, my family, and I extend our deepest condolences to Officer Carrera's family during this difficult time. May God bestow his comfort upon them as they grieve the loss of their loved one.

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## SUPPORTING OUR TROOPS

### HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. KLEIN of Florida. Madam Speaker, yesterday, I voted to table H. Res. 767, a motion that would have delayed the business of the day in order to censure Congressman STARK. I felt that Congress should spend its time prudently, on important issues that matter to the American people, not on issues that divide us.

With that said, I do not condone or support Congressman STARK's statements of October 18, 2007. I believe that he was right to apologize on the House floor. Our brave men and women fight wars because they believe in protecting American citizens and their freedoms.

Just a few days after Mr. STARK made his comments, I visited our wounded soldiers at Walter Reed Army Medical Center, and I saw their determination and patriotism. I could not be more proud of our troops serving around the world, and I will continue to work hard to provide them with the best supplies and protection when they are in battle, and then, the best care when they return home.

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## HONORING THE 130TH ANNIVERSARY OF THE BAKERSFIELD FIRE DEPARTMENT

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. COSTA. Madam Speaker, I rise today, along with my colleague Congressman MCCARTHY, to congratulate the Bakersfield Fire Department on the celebration of their 130th anniversary.

The Bakersfield Fire Department dates back to 1877, when community members recognized a need for a well-organized, professional fire department and held local fundraisers to buy equipment. Since those early days, the department has expanded and now serves the public with 13 engines, 3 ladder trucks and over 180 firefighters.

For over a century, the Bakersfield Fire Department has served the Bakersfield community, and their deep and longstanding commitment to public safety is evident by the many public education programs they conduct every year. Throughout the year, the department hosts many informational sessions such as: fire safety and home evacuation, the installation and maintenance of smoke detectors, earthquake preparedness and chemical safety. Bakersfield's firefighters also deliver presentations in local classrooms, educating our children on helping to make their communities a safe place to live.

Through the efforts of their public education and fire prevention services division, the firefighters are working hard to ensure fire disasters never occur in the first place. However, should the worst occur, the operations, training and arson divisions stand ready to assist our citizens at a second's notice.

The Bakersfield Firefighters have always prided themselves on serving the community not only through first-rate emergency services while on-the-job, but also a commitment to volunteerism that extends beyond their job responsibilities. As active members of the community, the firefighters are involved in a wide range of volunteer activities, from serving on local boards of community organizations to helping disadvantaged children get school supplies for the upcoming school year.

The 130th anniversary of the Bakersfield Fire Department is a perfect opportunity to pay tribute to the men and women who risk their lives every day for the safety of our community. Often, when people are running out of buildings, away from the danger, these brave men and women are the ones running towards the flames. They are our everyday heroes and both my community and myself are eternally grateful for their service.

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## IN HONOR OF DR. ELAINE MAIMON

### HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. JACKSON of Illinois. Madam Speaker, I rise today to recognize Dr. Elaine Maimon as Governors State University's fifth president.

I am proud to represent Governors State University, the only public university in the Chicago's south suburbs. Established in 1969, GSU's student body currently numbers 6,000 students, consisting primarily of young adults transferring from community colleges as well as older working adults returning to complete their education and advance their lives.

On November 3, GSU will formally install Dr. Elaine Maimon as its fifth president.

Dr. Maimon will lead a university committed to the principles of diversity. Forty-five percent of GSU's students are minority. Thirty-one percent of its faculty is minority—double the national average.

Dr. Maimon will lead a university that is accessible. A study conducted by the Lumina Foundation has recognized GSU as the most accessible university in the region.

Dr. Maimon will lead a university that meets the highest standards of demonstrable academic quality. Eighty percent of its faculty hold doctoral degrees or the highest degree in their field. The university itself is fully accredited, as is each program with an associated national accrediting body.

Dr. Maimon will lead a university connected with its community. Approximately 25,000 elementary, middle-school, and high school students visit Governors State each year for educational and cultural experiences. GSU faculty members work closely with local governments, school districts, and law enforcement agencies to help meet the needs of the region. The university's business development center has helped secure nearly $55 million in financing since 2000 and has created and retained more than 1,100 jobs in the region.

More than 30,000 men and women have graduated from GSU since its founding. Most graduates still reside in the region, where they serve as teachers, healthcare professionals, executives, entrepreneurs, and municipal leaders. Their lives have been transformed and their communities enriched because they had access to a quality university education.

GSU is a model for the kind of university Dr. Maimon has advocated, developed, and enriched throughout her academic career. Over the years, she has invested her considerable talents to provide access and opportunity, to encourage dreamers to help dreams come true, and to help meet the needs of the underrepresented and underserved.

She has demonstrated the integrity, vision, and commitment required to take GSU to new levels of excellence and service.

Welcome, Dr. Elaine Maimon, and congratulations, Governors State University.

## RECOGNIZING THE 35TH ANNIVERSARY OF THE SKYLINE HIGH SCHOOL CLASS OF 1972

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to commemorate the 35th anniversary of the 1972 graduating class from Skyline High School in Dallas, TX. Located in my Congressional District, Skyline High School has the distinction being the first high school to offer a magnet school curriculum in the United States. As the first graduating class of our Nation's first magnet school, I am pleased to honor them today as they celebrate this important milestone in their education.

Apart of the Dallas Independent School system, Skyline's construction and development was guided by J. Stamps, the first high school principal, and Gene Davenport, the first Career Development Center Principal. Their vision for the school has helped shape it into the institution it is today, offering 22 career development clusters under the magnet school program. These exemplary cluster programs have directly yielded the creation of additional DISD magnet school. Graduates of the magnet school include authors, politicians, athletes, and scholars.

Skyline High School aims to instill upon their graduates and students integrity, knowledge and ethics to prepare them for their future pursuits in life. The class of 1972 truly embodies these attributes, and is a shining example of our Dallas citizenry. Again, I am honored to congratulate them on the occasion of their 35th graduation anniversary.

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## HONORING JAMES ROWLAND

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Mr. James Rowland for his years of service to the criminal justice system in California, and upon the dedication of the James Rowland Crime Victim Assistance Center in Fresno, CA.

James Rowland, now retired, has provided over 30 years of service to all aspects of the criminal justice system in California. In October 1972 he began his career as a Fresno County chief probation officer, where he worked hard to give victims the consideration, fairness, and support that he felt was lacking in the system. With these efforts he was instrumental in adapting the way the justice system handles crime victims. In 1975, as a result of Mr. Rowland's efforts, Fresno County Probation Department became the first probation department to open a unit specifically designed to provide services to crime victims; including victims of homicide, domestic violence, and crimes against children. Mr. Rowland developed the first victim impact statement, to provide the judiciary with an objective currently part of the law.

After his time with the Fresno County Probation Office, Mr. Rowland served as the director of the California Youth Authority and the director of the California Department of Corrections. He established the Office of Victims of Crimes in both agencies. While working with the state, he instituted classes within the prisons for inmates to attend. In these classes they learned about the impact of their crime on their victim. Mr. Rowland has also taken the initiative to change the justice system within California by developing a system that is more accommodating, appreciative, and responsive to the suffering of those that are victims of a crime.

Mr. Rowland's work within California has extended nationwide and even worldwide. He has been the recipient of many prestigious awards from Peppardine University and Harvard University, as well as various criminal justice and private agencies, for his contributions to the field of corrections. Mr. Rowland has become internationally known as a crime victims advocate, and he has changed the way people perceive the victim. In his retirement Mr. Rowland continues to provide direction and assistance to persons and agencies that work within the justice system.

Madam Speaker, I rise today to commend and congratulate Mr. James Rowland for his work toward crime victims assistance and the dedication of the James Rowland Crime Victims Assistance Center. I invite my colleagues to join me in wishing Mr. Rowland many years of continued success.

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## PERSONAL EXPLANATION

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. PUTNAM. Madam Speaker, on October 22, 2007 I was unavoidably detained and missed rollcall votes 983, 984 and 985. Had I been present, I would have voted: rollcall vote 983, "no", rollcall vote 984, "aye", rollcall vote 985, "aye".

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## IN MEMORY OF DR. PARMER RICHARDSON, UNITED STATES NAVY

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. SESSIONS. Madam Speaker, I rise today in memory of Dr. Parmer Richardson, a World War II veteran, and in honor of his patriotism and a life dedicated to service. He joined the United States Navy in the summer of 1941.

Though he spent most of his service as a radioman specializing in communications technology, he originally joined with the intent to become a pilot and was persuaded by a Navy recruiter who promised him flight training. He was sent to various areas in the United States as well as Canada and Mendora in the Philippines. After being discharged, Parmer began his 55-year dental practice.

World War II is known as the deadliest conflict in human history, taking the lives of over 70 million people. During this difficult time, our country stood united behind our brave service men and women who so willingly took to the battlefields to defend freedom and democracy. It is veterans like Parmer that helped us emerge victorious from World War II and restore hope and humanity in a world that was shattered by the darkness of hatred and violence.

He is survived by his wife, Jane Richardson, of Duncanville, TX. He will be remembered as a devoted family man, a lover of flying, and a proud veteran and American. His patriotism, courage, and selflessness are example of what make America great. Madam Speaker, I ask my esteemed colleagues to join me in expressing our deepest gratitude for his service to this great Nation. May God bless all those he loved, and may I convey to them my sincerest condolences and the gratitude of the American people.

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## SPEAK ENGLISH

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. POE. Madam Speaker, walk into any public school, police station, or hospital and you will surely hear public officials speaking in another language than English. We are using taxes from hardworking Americans to hire employees for the sole purpose of being able to communicate with people who refuse to learn English. These people are making the choice not to assimilate as Americans and learn English, but keeping their allegiance to Mexico or whichever country they immigrated from. The United States has had a long history of immigrants, but all of the different cultures desired to become one unified America. The English language was the common bridge to which these cultures could relate, and the same can still hold true today. That is why I passionately encourage the passing of H.R. 997, the English Language Unity Act of 2007.

This bill will require official functions of the United States to be conducted in English only. In addition, it declares that the English language requirements and workplace policies, whether in the public or private sector, shall be presumptively consistent with the laws of the United States.

I believe Teddy Roosevelt had it right when he said: "There can be no divided allegiance here. Any man who says he is an American, but is something else also, isn't an American at all. We have room for but one flag, the American flag. We have room for but one language here, and that is the English language . . . and we have room for but one sole loyalty and that is a loyalty to the American people."

And that's just the way it is.

## TRIBUTE TO MOBILEMED OF MONTGOMERY COUNTY, MARYLAND

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. VAN HOLLEN. Madam Speaker, I rise today to express my appreciation and gratitude to Mobile Medical Care, Inc. for its 40 years of service to the medically disadvantaged of Montgomery County, Maryland.

MobileMed was founded in 1967 by the late Dr. Herman Meyersburg and Dr. George Cohen. While serving as a volunteer tutor in a home-study program in the Kensington community, Dr. Meyersburg noticed that many program participants were without health insurance or access to medical care. In its early years, MobileMed was funded largely through the contributions of its own volunteer physicians. Its first clinic was located in the basement of a Kensington church.

Today, 27 staff members and over 200 volunteer medical professionals provide health care services to approximately 5,000 Montgomery County residents each year, including 1,500 Head Start children. Through increased funding and volunteer participation, MobileMed seeks to expand its ability to serve more of the estimated 100,000 Montgomery County residents who cannot afford health care.

Throughout the last 40 years, MobileMed has fulfilled its mission of providing low-cost medical care to our community's homeless, low income, uninsured, and working poor in a respectful, competent, and compassionate manner. We in Montgomery County, Maryland are grateful for the dedication and efforts of MobileMed and its volunteers.

Madam Speaker, please join me in recognizing and honoring 40 years of dedicated and outstanding service by MobileMed.

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## PERSONAL EXPLANATION

### HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. KING of New York. Madam Speaker, due to the recent passing of my mother, I did not return to Washington until yesterday afternoon. However, if I had been present yesterday morning, this is how I would have voted on the rollcall vote I missed: rollcall No. 986—on motion to table the resolution, "no."

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## TRIBUTE TO MICHAEL HEIERMANN

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. SHIMKUS. Madam Speaker, I rise today to honor the patriotism of Michael Heiermann.

Michael is a High School Junior from Mt. Vernon, Illinois. For several years now, he has put out small American flags throughout his neighborhood to mark special national holidays.

President Kennedy said, "A nation reveals itself not only by the men it produces but also by the men it honors." Today, America is a better place because of young men and women like Michael. And America is a better place because of good parents like Edward and Dorothy Heiermann.

Small acts of great love are the unremitting actions that make America great. It is my honor today to recognize the service of this young man as an example of a true patriot—a testament to which we should all aspire.

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## PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Ms. WOOLSEY. Madam Speaker, on October 23, I was unavoidably detained and was not able to record my votes for rollcall No. 993 and No. 994.

Had I been present I would have voted: rollcall No. 993—"yea", rollcall No. 994—"no."

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## PERSONAL EXPLANATION

### HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. ROTHMAN. Madam Speaker, I would like to state for the record my position on the following votes I missed on October 22nd and 23rd.

On Monday, October 22, and Tuesday, October 23, 2007, I was unable to be present in the Capitol due to prior commitments and thus missed rollcall votes Nos. 983, 984, 985, 986, and 987. Had I been present, I would have voted "aye" on all votes.

In particular, I want to note my strong support for H.R. 189, the Paterson Great Falls National Historical Park Act of 2007, which was introduced by my colleague from New Jersey, Congressman BILL PASCRELL, JR., and which was considered as rollcall No. 983. This legislation establishes the Paterson Great Falls National Historical Park as a unit of the National Park System, thereby enshrining a truly unique national historic district in New Jersey. Had I been present during the consideration of this bill, I would have voted "aye" with great pleasure and pride.

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## IN RECOGNITION OF THE 50TH WEDDING ANNIVERSARY OF CONRAD AND FRANCES C. GASKIN, PHD

### HON. DONNA M. CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mrs. CHRISTENSEN. Madam Speaker, I rise to introduce you and my colleagues to a very special couple who happen to be my cousins.

Conrad and Frances are first generation African Caribbean Americans who were born in New York State. The parents and grandparents of Conrad Hail from Guyana, South America, continental United States and Jamaica, West Indies. Frances is rooted in 5 generations of the Christian and Farrelly clans on St. Croix, United States Virgin Islands and Guyana and Nigeria, by enslavement, and also West Meath, Ireland, respectively. The two met while attending St. Augustine's Elementary School in the Bronx, New York.

After elementary school Conrad and Frances went on to Bishop Dubois High School for Boys and Blessed Sacrament High School for Girls. Upon graduation he enlisted in the United States Air Force and was honorably discharged 4 years later. He followed in his parent's footsteps. His father, Lionel Gaskin was a Merchant Seaman and prolific mathematician and Lillian his mother, a health care companion and a storytelling humorist.

Frances went on to City College of the City University of New York (CUNY), where her father, Clement Christian had graduated several years before, and Fordham Hospital for Registered Professional Nursing, initiated by her mother, Therese, who was a Licensed Practical Nurse and an omniscient resource person.

Frances is a second generation graduate from the CUNY system. They were married by Monsignor Cornelius Drew on September 14, 1957 at St. Augustine Roman Catholic Church in the Bronx, New York. Three children were born from this union: Conrad II (1995), Trace, and Troy.

Being Catholics, the children received the sacraments at St. Augustine and Most Holy Trinity in Brooklyn, New York. The family continued its affiliation with St. Augustine until immigrating to Brooklyn, New York where Our Lady of Charity became their new Church home under the pastorship of Reverend Doctor James E. Goode, OFM. During the marriage Conrad and Frances reared their children, along with the "village"; for it takes a Village to raise even 1 child. Their children learned the Montessori Method of Education at the United Nations Church Center, New York and continued their basic education at Most Holy Trinity Elementary School.

During the marriage, Conrad and Frances attained undergraduate and graduate degrees. He is an alumnus of Brooklyn College (CUNY) and Antioch University and she earned degrees from Hunter College (CUNY), Adelphi University and Fordham University. Their children were educated at Fordham Prep, New York Brooklyn Technical High School and Cascadilla Prep School in Ithaca, New York and Stuyvesant High School, New York. Conrad II, Trace and Troy went on to graduate from Bates College in Lewiston, Maine; Fordham University and Long Island University, New York, and Xavier University in New Orleans, Louisiana, respectively. A Fordham family tradition was upheld: Trace completed her undergraduate degree, Conrad graduated from Fordham Prep and Troy completed coursework at the University. Trace is a second generation graduate of Fordham. Some overlapping occurred in the family's quest for education: Four family members were in college at 1 time. The children went on to become responsible citizens in banking, education and brokering real estate.

Of the marriages, Conrad II; Trace, and Troy united in matrimony with Adrianne; Mario, and Angela who brought forth five grandchildren: Conrad III and Kayla; Soleil Mustafa, and Briana and Troy Ashly II. Briana attends Hunter College High School and is the third generation in the CUNY system.

For a career change, Conrad and Frances emigrated from Brooklyn to Albany, New York and helped found an additional Church home in the Faith Community of the Black Apostolate, which later expanded to include St. Joan of Arc and Sacred Heart Churches of the Roman Catholic Diocese of Albany, New York. Father Kofi Ntsiful-Amissah serves as Pastor.

The family demonstrated entrepreneurial strengths by starting a skin and hair care business called Frances Christian Gaskin, Inc. Four patents were awarded in the United States for dissolving melanin and placing it into the MELANIN PLUS products.

The family enjoys interstate and international travel, exposing their children and grandchildren to strong family values, and other places and cultures in the United States, the Caribbean, and their own children, to Europe.

Conrad is retired from The New York State Teachers' Retirement System; Frances is a former College Professor in Nursing and is pursuing her studies in Medicine.

Conrad and Frances, recognizing that "giving back" is the highest form of service, continue to advise the youth in academics and sports. Conrad coached basketball and swimming. Frances has also worked with the American Red Cross and is a Staff Officer with the United States Coast Guard Auxiliary. Both are Ministers of the Eucharist.

They love participating in Church activities and sports, particularly swimming and SCUBA diving. They are also communicants and members of Our Lady Star of the Sea Church and the Polar Bears on Martha's Vineyard, and also members of the Holy Cross Church and the Lil' Bay Posse morning swim on St. Croix.

The theme song on their 50th Wedding Anniversary was "I Believe." They are indeed people of faith!

We thank God for this special couple and their family and we thank Him for the 50 wonderful years He has given them.

I ask the entire Congress of the United States to join me in wishing them many more loving years together and His continued blessings.

## IN HONOR OF ROBERT M. ALLEN, UNITED STATES NAVY

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. SESSIONS. Madam Speaker, I rise today to honor Robert M. Allen, a World War II veteran. He joined the United States Navy on December 7, 1940 and was assigned to a small seaplane protector, the U.S.S. Avocet (AVP–4).

Upon completion of signalman school, he returned to the Avocet in February 1942 and received orders to transfer to the Convoy Control Center in Algiers, Louisiana. For the next two years, Robert plied the Gulf, Caribbean, and the Atlantic, which were teeming with German U-boats. Fortunately, none of his ships or convoys were attacked. After devoting 5 years of dedicated service to the Navy, Robert was discharged on January 14, 1946.

World War II is known as the deadliest conflict in human history, taking the lives of over 70 million people. During this difficult time, our country stood united behind our brave servicemen and women who so willingly took to the battlefields to defend freedom and democracy. It is veterans like Robert that helped us emerge victorious from World War II and restore hope and humanity in a world that was shattered by the darkness of hatred and violence.

His patriotism, courage, and selflessness should be commended and his dedication to public service deserves our highest regard. Madam Speaker, I ask my esteemed colleagues to join me in expressing our deepest gratitude for his service to this great Nation.

## RECOGNIZING VERNA RUTHERFORD OF PORT ARTHUR, TEXAS

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. POE. Madam Speaker, today I am proud to recognize a distinguished Texan and long time community leader in Southeast Texas. After nearly a decade of service Mrs. Verna Rutherford is stepping down as Port Arthur Chamber of Commerce President. As Chamber President Mrs. Rutherford has worked tirelessly for the economic expansion of Port Arthur and all of Southeast Texas.

Mrs. Rutherford has always been a dynamic leader in her community. She is past president and 1981 Quota Club member of the year, 1984 Port Arthur Noon Business and Professional Woman of the Year, 1993 Chamber Athena Award recipient, a member of the Port Arthur NAACP, Rotary Club, and Aurora Sertoma Club.

Mrs. Rutherford's level of commitment goes far beyond the organizations she is a member of and this commitment was on full display after Hurricane Rita ripped through the Texas Gulf Coast. Hurricane Rita has often been forgotten by all but those who have lived through it on the Texas Coast. After Rita, the role of Chamber President grew much broader; instead of business development, Mrs. Rutherford was concerned about getting the citizens of Port Arthur food, water, and housing—there was no task too large or small. Though hurricane Rita slammed into the Texas coast almost 2 years ago Verna is still helping those who cannot find help elsewhere.

On behalf of the Second Congressional District of Texas, I want to congratulate Mrs. Rutherford on a job well done and wish her the best as she moves forward with her career. Through her diligent efforts and dedication she has made Southeast Texas a better place to live.

And that's just the way it is.

## IN HONOR OF JAMES ROWLAND AND THE DESIGNATION OF THE JAMES ROWLAND ASSISTANCE CENTER IN FRESNO

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. COSTA. Madam Speaker, I rise today to congratulate James Rowland of Fresno, California. A great honor is being bestowed upon James, as the new Fresno County Probation Department Crime Victim Assistance Facility will be officially named the James Rowland Crime Victim Assistance Center.

James Rowland began his career as the Fresno County chief probation officer on October 2, 1972. His efforts to give crime victims the consideration, fairness, and support they so desperately deserve has been instrumental in changing the way the justice system perceives and treats crime victims. In 1976 James Rowland created the first victim impact statement to provide the judiciary with an objective inventory of victim injuries and losses at sentencing. The victim impact statement has brought not only nationwide but worldwide recognition that crime victims need additional assistance. This happened through James Rowland's resolve and fierce determination to provide appropriate and comprehensive services to Fresno County crime victims.

After 10 years of service as Fresno County's chief probation officer, James Rowland went on to serve as the director of the California Youth Authority and the director of the California Department of Corrections. He also established the Office of Victims of Crimes in both State agencies. Furthermore, he instituted classes in State prisons where inmates learned firsthand the impact of their crimes on their victims.

James Rowland took responsibility for changing the justice system to accommodate and respond to the suffering and trauma of those victimized by crime. He has received prestigious awards from both Pepperdine and Harvard Universities, as well as various criminal justice and private agencies for contributions to the field of corrections worldwide. He is now known internationally as a crime cictim advocate.

Although James Rowland is now retired after 40 years of public service, he continues to provide direction and assistance to persons and agencies that change the justice system. It is with great pride that I congratulate him for receiving this distinguished honor and for all that he has done on behalf of the county of Fresno.

## TRIBUTE TO RON PRESCOTT

### HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Ms. WATSON. Madam Speaker, it was with great sorrow that I learned of the loss of my dear friend and colleague who was a real trailblazer in the field of education in Los Angeles. I am speaking of Mr. Ron Prescott, retired Deputy Superintendent of the Los Angeles Unified School District.

Ron was more than a trailblazer, he was a man with a vision for all students in the Los Angeles Unified School District. Although he had retired from everyday active duty in the day to day running of the Nation's second largest school district, he felt strongly about the importance of getting appropriate funding for students who had to be removed from regular schools that operated year round due to overcrowding.

Ron was an imposing figure during his tenure with the school district and later on, as a retiree, when he launched a second career as an influential and respected education lobbyist.

One of his most important achievements as a lobbyist was leading a way for new dollars to pay for integration programs. His efforts led to funding that became the genesis of L.A. Unified's popular program that created magnet schools to promote voluntary integration.

As Ron stepped into the role of the first teacher hired for a 1960's program that paired white and minority students in district schools, he also found time to found the District's Office of Multicultural Education. He was a frontrunner in leading early voluntary integration efforts before the era of court ordered forced busing.

Ron's vision and focus on the education of students in the Los Angeles Unified District will be sorely missed. He stands as an icon of effective, ethical advocacy for the rights of students.

The students of Los Angeles, colleagues and friends, all mourn the loss of Ron Prescott. I extend my most heartfelt condolences to his family, his students, his many close friends in the Los Angeles Unified District, and here on Capitol Hill.

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## INTRODUCTION OF THE TRUTH IN ACCOUNTING ACT OF 2007

### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. RYAN of Wisconsin. Madam Speaker, I rise in support of the Truth in Accounting Act of 2007, which I am introducing today along with Ms. BACHMANN, Mr. KIRK, and Mr. COOPER. I am hopeful that this bipartisan legislation will shed greater light on the long-term fiscal challenges facing our Nation and will encourage Members to take a greater interest in addressing our out-of-control entitlement spending. At the same time, I am also hopeful our approach illustrates a potential way forward for the Federal Accounting Standards Advisory Board (FASAB) as they continue to discuss different options on how to account for our social insurance programs in the Financial Report of the U.S. Government.

This legislation, which is similar to a bill introduced last session by Mr. KIRK, Mr. COOPER, and Mr. Chocola, consists of three main components. First, it requires the Financial Report to include an audited calculation of the net present value of our primary social insurance programs, such as Medicare and Social Security, among others. Second, it requires the President consider this value when making a budget proposal to Congress and fully reveal the impact of his proposal on our long-term fiscal situation. Finally, it also requires the Secretary of Treasury and the Comptroller General of GAO to testify before Congress and provide their assessment of our Nation's long-term fiscal exposures on an annual basis. I would like to briefly discuss each of these components in greater detail.

The proposal to include the net present value of the Federal government's fiscal exposures comes from last year's Truth in Accounting bill. This provision would give the American public a clearer picture of the dire fiscal situation that we are facing, and it would require the Federal government to take responsibility for addressing this issue. According to the latest reports of the Medicare and Social Security trustees, we are staring at 75-year fiscal exposures of $32 trillion and $4.7 trillion for each of these programs, respectively. This means that the current level of projected revenues for these two programs is nearly $40 trillion less than is needed to pay for our projected spending on them over the next 75 years. If you include the other obligations of our government, our overall fiscal exposures are greater than $46 trillion over this time period, or about $375,000 for every full-time worker in the U.S.

We cannot leave this problem unaddressed. The long-term health of our economy is at severe risk, as are the benefits that have been promised to our constituents. Including this figure in the Financial Report will finally force the federal government to level with its citizens and admit the daunting fiscal challenges we face. Furthermore, highlighting this problem will help encourage Members of Congress to take it more seriously, and to work on a bipartisan basis to address it.

I am also hopeful that this aspect of our proposal can help FASAB find a compromise solution to its current impasse over a new set of accounting standards for our social insurance programs. Earlier this year, FASAB released a proposal that would recognize a liability for Social Security and Medicare once a beneficiary had completed 40 quarters of work in covered employment, the period of time required to qualify for these benefits. The liability would show up on the audited Statement of Net Cost and Balance Sheet contained within the Financial Report. This view was met with substantial controversy and FASAB is not expected to move forward with it.

While I believe that FASAB's primary approach has a great deal of merit, I understand the critiques made against it. Opponents justifiably pointed out that this proposal fails to credit the government for the revenues that these programs are projected to receive over the same time period and perhaps inappropriately calls these commitments "liabilities" even though they do not represent contractual obligations. In addition, the primary proposal could make the current measure of accrual liabilities unusable since the size of the Social Security and Medicare components would dwarf the liabilities of other programs and possibly hide their own set of problems and concerns.

Our proposal addresses all of these concerns. It would fully account for projected revenues, would use the terminology "fiscal exposures" instead of "liabilities" to reflect the true nature of the obligation, and would leave the current accrual measures untouched so they could still be used by policymakers. At the same time, it would ensure that a measure of our fiscal exposures is on the audited portion of the Financial Report for the first time ever. I am hopeful that this is the type of compromise that FASAB could accept. While it may not go as far as some of the board members and some Members of Congress may hope, I believe that it makes real, although admittedly incremental, progress at uncovering the true nature of our long-term obligations.

The second component of this bill comes from an amendment Mr. COOPER offered during consideration of the House Budget Resolution in 2006, which passed the Budget Committee in a bipartisan manner. I strongly support this proposal and commend Mr. COOPER for his leadership on the matter. I am hopeful that the Budget Committee, of which I am the Ranking Member, will seek to permanently enact this provision. I look forward to working with Mr. SPRATT and other distinguished Members of the Committee to accomplish this.

Finally, this proposal would require the Secretary of the Treasury and the Comptroller General of the GAO to testify before Congress on our fiscal exposures. The Secretary of the Treasury would have to testify on the Financial Report, which is a document that far too few Members of Congress, let alone the public, are aware of. While Members such as Mr. COOPER and Mr. KIRK have done a great job in recent years in starting to build awareness of this document, this proposal would take the next important step.

The Comptroller General would also have to report to Congress on the full extent of our fiscal exposures on an annual basis. This would go a long way toward ensuring that Members of Congress and the public start paying attention to these daunting figures. Our current Comptroller General, Mr. Walker, has fought vigorously on this matter and has done an excellent job of alerting people to the challenges we face. This would give him a regular forum in which to do so and allow him to continue performing an excellent service to the Nation.

Before I close, I would like to thank the other lead cosponsors for allowing me to join their effort. This issue is something that Mr. COOPER and Mr. KIRK have worked diligently on for years and I am glad to be a part of the latest version of their bill. Ms. BACHMANN also deserves immense credit for drawing on her financial background and striving to become a leader in Congress in this area. She was instrumental in putting together this legislation and ensuring the participation of such a strong bipartisan coalition.

I am truly hopeful that our fiscal exposures will not continue to go unnoticed and that we can help build congressional support for entitlement reform. The challenges we face are too big to ignore. If we do not level with the American people about the true nature of this problem and seek to address it, we will be jeopardizing the economy and standard of living of future generations.

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## MILITARY HONORS FOR VETERANS' FUNERALS

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. FILNER. Madam Speaker, and colleagues, I rise today to speak about a bill that I have just introduced, "Providing Military Honors For Our Nation's Heroes Act" (H.R. 3954), to reimburse expenses of volunteers who provide military funeral honors at veterans' funerals.

Because thousands of servicemembers are deployed in Iraq and Afghanistan while thousands of World War II and Korean War veterans die each day, there is simply not enough military to provide a proper 7-person honors detail for these funerals. Some families of veterans have had to "make do" with a CD playing taps. I am saddened by this outrageous situation and determined to provide proper military funeral honors for all families who request them.

This bill will allow reimbursement to volunteers from members of veterans' service organizations (VSOs) and other organizations approved by the Secretary of the Department of Veterans' Affairs (VA). Transportation costs and other expenses, such as cleaning uniforms, incurred in providing funeral honors details will be reimbursed. A second change will allow reimbursement to details that are requested by funeral homes and the VA, as well as the Department of Defense, the current practice.

Currently, members of VSOs and other volunteers can assist the military by providing a color guard, pallbearers, a bugler or firing party, but the law does not address ceremonies in which VSOs render honors without military representation. My bill will allow volunteers to be reimbursed even when no military person is a part of the honor guard. This change will increase the number of honors details available to families. I urge my colleagues to support this bill.

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## INTRODUCTION OF A BILL PROVIDING TAX RELIEF WITH RESPECT TO THE CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DIE AS A RESULT OF SERVICE IN A COMBAT ZONE

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. MEEK of Florida. Madam Speaker, I am pleased to introduce H.R. 3961, which would increase from $1,000 to $5,000 the maximum amount of the child tax credit allowed under section 24 of the Internal Revenue Code for those widows and widowers with children of the members of our Armed Forces who have been killed in combat in Iraq and in and around Afghanistan. The bill would also eliminate the income limits for our soldiers' families that have paid this ultimate sacrifice.

Madam Speaker, we can and should do everything we can to help out those families of our brave men and women who have made the ultimate sacrifice for our country. Those families have borne the brunt of this war—and all of us owe them a debt of our gratitude. Mothers are being forced to have tough conversations with their sons on why daddy is not coming home. Fathers are being forced to have tough conversations with their daughters on what happened to mommy. Families are being put in position where they have to struggle both emotionally and economically because of the stress a loss of a loved one places on them. Congress has a duty to do what we can to help these families in their time of need.

While nothing can make up for the loss of these precious lives, at least we can provide some tax relief for these families. These families now have a financial burden to face from the loss of a spouse's income. In many instances, the spouse that was killed in combat was the main breadwinner for the family. Increasing the child tax credit and eliminating the income limits will at least provide some tax relief.

This will provide real relief for almost 2,000 families. Of the troops killed in Iraq and in and around Afghanistan, many were married with children. According to a report from the Military Homefront for the Department of Defense, 37.8 percent of active duty troops are married with children. The Department of Defense reports that as of October 22, 2007, the total number of military fatalities in Iraq and in and around Afghanistan totaled 4,273 for both conflicts. Based on this data, the Congressional Research Service has estimated that 1,615 troops who were married and had children have died.

Single parents have also been killed in defending our country. The Military Homefront states that 5.4 percent of active duty American troops are single parents. Using this data, CRS has estimated that 231 troops who were single parents have died.

Madam Speaker, we need to provide all of the help we can to these families of our fallen military. H.R. 3961 is a small way to assist those families who have lost a spouse and a parent to their children.

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## HONORING THE AMERICAN HUNGARIAN FEDERATION ON ITS 100TH ANNIVERSARY

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. LIPINSKI. Madam Speaker, I rise today to honor the American Hungarian Federation on their 100th anniversary. This group, formed in 1906 as a vehicle to advance and protect the interests of Hungarian-Americans, is one of the oldest ethnic organizations in the United States.

Hungarians have been outstanding contributors to our republic since the days of its inception, when Col. Commandant Mihaly Kovats, the Hungarian officer who led the first American cavalry into battle, died fighting the British at Charleston, S.C. in 1779. Their exceptional service and patriotism were again exemplified in 1906 when Hungarian-Americans raised funds for the erection of a statue of George Washington in Budapest, one of the first acts of the newly-formed American Hungarian Federation.

Since its creation, the Federation's noble mission has expanded greatly to assist Hungarians on both sides of the Atlantic as well as advance worldwide the causes of freedom and democracy. They have worked tirelessly to unite those of Hungarian descent, celebrate their shared culture, assist the needy members of their community, and provide relief and shelter to victims of Communist oppression.

In a powerful expression of solidarity with those all over the world who have suffered under Stalinist regimes, the American Hungarian Federation played a pivotal role in the creation of the Victims of Communism Memorial. This monument was dedicated on June 12th by the President of the United States and it honors the more than 100 million people killed worldwide by totalitarian communist regimes.

It is my privilege to honor the American Hungarian Federation on their 100th anniversary and extraordinary contributions to America. Their efforts and labors ensure a brighter future for Hungarians, at home and abroad, as well as for all those who yearn for freedom in our world.

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## RECOGNIZING THE AMERICAN HIGHWAY USERS ALLIANCE ON THE OCCASION OF ITS 75TH ANNIVERSARY

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H. Res 772, to recognize the American Highway Users Alliance on the occasion of its 75th anniversary.

Our Nation's roadways truly are the lifeblood of our economy and an integral part of our everyday lives. Our highway system unites Americans from every state and allows us to explore the diverse culture, geography, and attractions that America has to offer. Highways are critical to the mobility of our Nation by enabling the extensive movement of goods and people. Our highways make it possible for Americans to take more than 660 million trips to visit friends and family every year, and more than 110 million Americans use the highways to commute to and from work. People will travel three trillion miles on our Nation's roads this year. Without our national highway system, America would be a far different place.

The need to connect America with a system of interstate highways was obvious to President George Washington in the first year after our Nation was founded. While traveling to the Ohio country on horseback, Washington observed the isolation and vulnerability caused by a lack of interstate mobility. He also saw the economic impact that an interstate road would have for the viability and survival of the new Nation, and called for the development of a trans-Appalachian road to unify the young Nation. That route was authorized by Congress in 1806, and the "National Road" (later known as U.S. Route 40) became the first federally funded road in U.S. history.

A young Dwight Eisenhower came to a similar conclusion while accompanying an Army convoy from Washington, DC, to San Francisco in 1919. Eisenhower found that the state of America's transportation system was deficient. Years later, as the Supreme Allied Commander in the Second World War, Eisenhower was impressed by the ability of the autobahns to move military material rapidly across Germany. As President, Eisenhower would sign into law the Federal-Aid Highway Act of 1956 which authorized the Interstate Highway System and established the Highway Trust Fund. The American Highway Users Alliance was instrumental to the passage of this landmark transportation legislation.

Founded in 1932, the American Highway Users Alliance has been a persistent and outspoken proponent for our Nation's highway. Known as the "Highway Users", the alliance has voiced the interests of motorists and businesses on major national highway and traffic safety legislation over the past 75 years. The Highway Users has worked tirelessly to protect the integrity of the Highway Trust Fund and State highway trust funds.

Madam Speaker, the Highway Users has been a consistent advocate in favor of strengthening the national highway network by promoting a strong Federal role in mobility and safety and by advocating policies that benefit all highway users.

For these and other contributions to the daily lives, the economic well-being, and the health and safety of the traveling public, I rise to recognize the outstanding achievements of the American Highway Users Alliance and its sustained contribution in service to our Nation, and to recognize the Alliance's 75th anniversary.

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## HONORING DR. LUIS LEAL

### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mrs. CAPPS. Madam Speaker, today I rise to honor Professor Luis Leal on the occasion of his 100th birthday. Professor Leal is a distinguished member of the Santa Barbara community. He is a man who has devoted his life to scholarship and education, a man dedicated to expressing and revealing the richness of Mexican, Latin American and Chicano literature and culture.

Luis Leal was born in 1907 and grew up in Mexico City during the Mexican Revolution. He came to the United States seeking a college education and earned a bachelor's degree at Northwestern University. After a hiatus to serve in World War II, Leal earned his doctorate from the University of Chicago.

After a career teaching at the University of Mississippi, Emory University, and the University of Illinois, Leal "retired" to the Santa Barbara area at the age of 69, only to be invited to join the faculty at UC Santa Barbara as a scholar and teacher, first in the Spanish and Portuguese Department and then in the newly established Center for Chicano Studies.

Leal has enjoyed a distinguished career as one of the most highly regarded scholars of Mexican and Latin American literature, and was one of the first to draw attention to this relatively new field of study. He is the author of over 30 books and 300 articles. In 1988, he received the Distinguished Scholar Award from the National Association for Chicana and Chicano Studies in recognition of his lifetime achievement. In 1995, UCSB created the Luis Leal Endowed Chair in Chicano Studies in recognition of his accomplishments.

Leal has also received renowned cultural honors from the Mexican and American governments. In 1992, Mexican President Salinas awarded Leal the Mexican Order of the Aztec Eagle, the highest award granted to foreign citizens. It was President Bill Clinton who presented Leal with the National Humanities Medal in 1997.

As a man who has devoted his life to education and to advancing the study of Mexican, Latin American and Chicano Literature, I today recognize Luis Leal as a distinguished scholar and professor, and as a man dedicated to making our community and this Nation a richer, more vibrant place.

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## PERSONAL EXPLANATION

### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. BISHOP of New York. Madam Speaker, I was speaking at the U.S. Navy Memorial ceremony in honor of my constituent, Lt. Michael Murphy, who was posthumously awarded the Medal of Honor this week and I was not present in the House chamber to vote on rollcall 994.

I would have voted "yea" on rollcall 994 had I been present.

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## IN PRAISE OF THE TRANSATLANTIC LEGISLATORS' DIALOGUE MEETINGS HELD EARLIER THIS MONTH IN LAS VEGAS, NEVADA

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. LANTOS. Madam Speaker, I would like to call the attention of my colleagues in the Congress to a highly successful meeting of the Transatlantic Legislators' Dialogue (TLD) that was held in Las Vegas from October 5–8, 2007. The United States delegation is currently benefiting from the excellent leadership of Chairwoman SHELLEY BERKLEY, the gentlelady from Nevada. She worked tirelessly to make this meeting a great success and introduced her European guests to the fine city of Las Vegas that she represents.

Chairwoman BERKLEY first became a member of the TLD in April 2006, served as its vice-chair in December 2006, and took the reins during the new Congress in 2007. She has long been an advocate for transatlantic relations. She is ably joined by her Republican vice-chairman, Representative CLIFF STEARNS from Florida, who also has a history of European engagement.

The TLD constitutes the formal response of the European Parliament and the U.S. Congress to the commitment in the New Transatlantic Agenda (NTA) of 1995 to enhance parliamentary ties between the European Union and the United States. Building on the existing interparliamentary relationship, the TLD includes bi-annual meetings between American and European legislators that address topics of mutual interest with a view to fostering an ongoing dialogue and enhancing the level of transatlantic discourse.

The most recent session in Nevada focused on a wide range of foreign policy challenges, including the Middle East, Kosovo, Russia, and China. Another session focused on regulatory initiatives being addressed under the auspices of the newly established Transatlantic Economic Council in which legislators are involved for the first time in administration discussions regarding more effective regulation.

I particularly welcomed Representative BERKLEY's initiative to place anti-Semitism on the TLD agenda for the first time ever, as this issue must be seriously addressed by legislators on both sides of the Atlantic. The delegates also discussed the growing challenge of climate change. In addition, Representative BERKLEY showed her European counterparts a wide range of issues facing her constituency, bringing the delegation to Nellis Air Force Base to view military training facilities and arranging a briefing on Department of Energy plans to establish a safe repository for nuclear waste at Yucca Mountain.

I commend Chairwoman BERKLEY for the energy that she has brought to the Transatlantic Legislators' Dialogue, as well as the outstanding job she did organizing a productive and informative session in Nevada. Her attention to detail was remarkable as were her efforts to be a hospitable and thoughtful hostess, including inviting European consuls to attend evening events and renowned speakers to make opening remarks during meeting sessions. Chairwoman BERKLEY is an excellent ambassador of American goodwill towards the European Union, and I am deeply grateful for the outstanding work she has done as leader of the American delegation of the TLD.

Madam Speaker, I would like to enter into the CONGRESSIONAL RECORD the joint statement that was agreed upon by American and European legislators at the 63rd meeting of the TLD in Las Vegas. It highlights the rich agenda of this meeting, as well as the numerous areas in which there was strong agreement across the Atlantic.

### Transatlantic Legislators' Dialogue 63rd Meeting of Delegations From the United States and the European Parliament—Joint Statement

We, Members of the European Parliament and the United States House of Representatives, held our 63rd interparliamentary meeting (Transatlantic Legislators' Dialogue) in Las Vegas, Nevada on 5–8 October 2007.

Building on the joint statement issued following our last meeting in Charleston on 1–3 December 2006, we stressed the importance of regular dialogue on a range of political, social and economic issues that affect all of our citizens. We agreed to report back to our parent bodies on the content and outcome of our discussions, particularly in the areas where joint efforts are likely to result in positive outcomes.

We agreed that legislators on both sides of the Atlantic should increase dialogue and consultation amongst themselves in order to prevent possible conflicts of legislation. Direct and timely contacts between specialist committees from Congress and the European Parliament—such as those that have occurred in recent months within the TLD framework—have been valuable means of enhancing cooperation; the exchange of information should be continued and enhanced. The European delegation welcomed the invitation from the U.S. House Subcommittee on Horticulture and Organic Agriculture to discuss agricultural issues and organic farming in greater detail.

We examined a wide array of foreign policy issues, agreeing that joint action by the United States and the European Union is the most effective way to approach problems that affect both sides ofthe Atlantic. We had a stimulating discussion led by Ambassador Dennis Ross on the myriad of challenges in the Middle East, particularly regarding the nuclear threat posed by Iran and efforts to further the peace process in the region. We discussed the future status of Kosovo, including the importance of maintaining peace and stability in the Balkans. We expressed concerns about worrying developments in Russia's domestic and foreign policies and agreed to discuss these issues in greater detail at our next session.

We assessed our economic and political relations with China, emphasizing the importance of toy and product safety as well as the need for transparency in China's financial and business practices. In particular, we called on China to play a greater role in promoting a peaceful resolution to the ongoing conflict and particularly to the current violent crackdown in Burma. We also called upon China to assist in solving the horrific humanitarian crisis in Darfur.

During the dialogue we explored the current status of anti-Semitism, anti-discrimination, race hate and civil liberties in the United States and Europe. Abe Foxman of the Anti-Defamation League provided an overview of the current situation. We agreed to continue our open discussion about these issues at future meetings as well as to address them within the United States and EU Member States.

We discussed climate change following an informative presentation by Michael Totten of Conservation International. We agreed to continue exchanging strategies for combating the environmental challenges confronting our planet.

We also: 1. had a briefing at Nellis Air Force Base and visited the facility designated for training American and coalition military personnel; we also saw a presentation about the Thunderbird pilots and viewed the F–22 fighter plane.

2. heard a briefing by the United States Department of Energy regarding its plans to establish a safe repository for nuclear waste at Yucca Mountain as well as concerns summarized by the Nevada Agency for Nuclear Projects.

We welcomed the establishment of a Transatlantic Economic Council (TEC) at the April 2007 EU–US Summit. We agreed that the TEC initiative should be characterized by transparency and consultation of stakeholders: legislators, consumers, and producers should be informed in a comprehensive and timely manner by the EU and US executive bodies on the advancement of activities as well as the definition of priorities for future work. The establishment of the 'advisory group' to the TEC, which includes the leaders of the three dialogues constituted under the New Transatlantic Agenda, is an important step in this direction. Furthermore, we believe that awareness of the transatlantic impact of proposed legislation and regulation should be developed in the relevant legislative and regulatory bodies.

Our discussions focused on a range of regulatory issues that will affect legislators in the United States and the European Union. With regard to priorities for future activities within the TEC, the TLD welcomed progress on items contained in the list of 'lighthouse projects' and related initiatives included in the 2007 Summit declaration. In particular, we developed a series of recommendations that we agreed should be taken into account during the TEC's first meeting on 9 November 2007:

With regard to accounting standards, efforts should be made to reach agreement on the equivalence of US GAAP and IFRS (as implemented by the EU) in order to avoid requirements for reconciliation. Important progress registered in recent discussions between regulators needs to be finalized as soon as possible.

With regard to trade and cargo security, achieving reciprocity and mutual recognition of security standards is of the utmost importance. We recognized concerns about the recently-passed U.S. legislation requiring 100 per cent cargo scanning.

With regard to intellectual property, a commitment is needed to harmonize the different patent regimes on the basis of the 'first-to-file' system.

With regard to investment, obstacles to bilateral investment should be addressed via an operative dialogue.

With regard to biofuels, developing compatible specifications between the EU and U.S. is a clear priority, particularly in view of achieving wider international harmonization at International Standards Organization (ISO) level.

With regard to the safety of toys and other products, recognizing that it represents a major concern to consumers on both sides of the Atlantic, improvements should be discussed between regulators and complementary standards should be developed.

Both sides renewed their commitment to make the TLD's work more relevant to the United States House of Representatives and to the European Parliament. In so doing, we resolved to provide the TLD with the required resources to improve the effectiveness of our dialogue and realize the full potential of our interparliamentary relationship.

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## HONORING THE TOWN OF BARNSTABLE

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## HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing the Town of Barnstable, Massachusetts for its distinguished achievement in being named one of 2007's "All-America Cities."

For 58 years, the National Civic League's "All-America City" Awards have been presented to localities that demonstrate an exceptional ability to rise to the challenges involved in building and sustaining safe, healthy communities. Toward this end, the Town of Barnstable continues to be a model for civic engagement, excelling in its efforts to involve the business community, nonprofit organizations, and citizens in developing ingenious solutions to local problems.

While the Town of Barnstable has applied the same cooperative approach in tackling a wide array of challenges, 3 in particular merit its designation as 1 of this year's 10 "All-America Cities." Under its visionary "economic development stimulus plan," the Town of Barnstable breathed new life into the Main Street and waterfront areas of downtown Hyannis. This initiative helped to promote growth in an environmentally and socially responsible way, while boosting the area's cultural richness and scenic beauty.

Thanks to the Town's multi-pronged Affordable Housing Plan—an ambitious project that aims to secure 1,000 units of housing over a 10-year period—residents making below 80 percent of the area's median income will have expanded opportunities to make home ownership a reality.

Finally, the Town's creation of a Youth Commission has ensured the area's young people have a strong voice in the democratic process, advising the Town Council on the legislation and issues that matter most to Barnstable's youth and families.

It gives me pride to see the Town of Barnstable receive national attention for all the hard work and dedication that I have long admired. As we pause to reflect on this prestigious honor, I want to commend all the residents of Barnstable for their collective efforts to make the community a better place to live and work.

I particularly want to thank Town Manager John Klimm for his admirable leadership, and for seeing through the initiatives that have made Barnstable an "All-America City." Congratulations on an award well-deserved. For today, tomorrow, and long into the future, I have great confidence that the Town of Barnstable will continue to serve as a model for communities all across the country.

## CONGRATULATING LA VEGA HIGH SCHOOL CLASS OF 1957 ON IT'S 50TH REUNION

### HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. EDWARDS. Madam Speaker, I rise today to congratulate the members of the La Vega High School Class of 1957 on their 50th reunion. It is a privilege to represent La Vega High School, located in Bellmead in my district.

The members of the La Vega High School Class of 1957 have made great contributions to our Nation, State, and Central Texas community. They have served us as soldiers, teachers, doctors, clergy, leaders in Federal, State, and local government, captains of business and industry, and all facets of American life. In short, the diverse lives and accomplishments of the La Vega High School Class of 1957 have contributed significantly to the social fabric of our State and Nation and their ongoing contributions to our American way of life will be felt for years to come.

I congratulate them on this special occasion and wish them all the best in the years ahead.

Members of the La Vega High School Class of 1957: Joe Aleman, Annette Brown, Mildred Andrle, Leo Bales, Elden Barrett, Billy Beechly, David Bounds, Stanley Boyd, Keith Branch, Juanita Kellough, Judy Braswell, Virginia Brink, Karen Bruner, Edie Bridges, Sarah Burch, Quincy Butler, Jo Campbell, Curtis Carpenter, Ken Christensen, Wanda Christopherson, Anita Colunga, Dan Crum, Jack Culverhouse, Charles Cooper, Jerry Davis, Wendell Davis, Kay DeArmon, Carrol Deaton, Margaret DeLoach, Carl Diver, Garland Dorsey, Juanita Embry, Suzanne Francis, Mildred Fridel, Bobbie Gill, Beth Goodman, William Glaser, Thomas Guinn, Jerry Haak, Wayne Harris, Robert Hawkins, Harold Hern, Darlene Hite, Dean Hord, Anita Ibsen, Karen Johnson, Albert Kilgo, Judie King, Lou Lee, Barbara Lemonski, Betty Love, Linda Loveless, Bonnie Lundy, Barbara Mabry, Kenneth Makowski, Thomas Matthys, Nancy McDaniel, James McKee, James McKinney, Joe Moody, Barbara Moore, Janell Morris, Francis Nivers, Norma Parker, Mary Pickens, Henry Plemons, Barbara Phillips, Beverly Poston, Carol Allen, Daniel Ramos, Irene Rinehart, Albert Roberts, Lida Rush, Shirley Scott, Patricia Shaver, Donald Scruggs, Dorothy Sharp, Emily Spurlock, John Spurlock, Martha Staley, William Strahl, Patty Sutton, Evelyn Sykora, James Saul, Bobby Tacker, Dixie Taylor, Bobby Thompson, Melvin Thompson, Shirley Toon, Robert Turk, Bille Usher, Sarah Webb, Glenn Whatley, Rita White, Robert White, Martha Wilkerson, Bobby Williams, Wilburn Willis, Bonita Wood.

## IN HONOR OF DR. WILLIAM J. LAWHORN, UNITED STATES ARMY AIR CORPS

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. SESSIONS. Madam Speaker, I rise today in honor of Dr. William J. Lawhorn, a World War II veteran. In 1944, he enlisted in the Army Air Corps at the young age of 18.

His original intention was to become a pilot, but two weeks before he was due to enter flight school, it was shut down. Out of his squadron of 125, only 8 were selected to remain in the Air Corps while the others were sent to the infantry. He went on to attend radio school and was assigned Kitchen Police duties.

World War II is known as the deadliest conflict in human history, taking the lives of over 70 million people. During this difficult time, our country stood united behind our brave servicemen and women who so willingly took to the battlefields to defend freedom and democracy. It is veterans like William that helped us emerge victorious from World War II and restore hope and humanity in a world that was shattered by the darkness of hatred and violence.

His patriotism, courage, and selflessness are examples of what make America great. Madam Speaker, I ask my esteemed colleagues to join me in expressing our deepest gratitude for his service to this great Nation. May God bless all those he loved, and may I convey to them my sincerest condolences and the gratitude of the American people.

## BURMA

### HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. PITTS. Madam Speaker, due to the current crisis in Burma, it is vital that even while media coverage of the situation in Burma has decreased we still maintain a constant watch over Burma. The regime's human rights violations are horrific. I have stacks of reports in my office detailing the dictatorship's use of rape as a weapon of terror, the use of ethnic minorities as human landmine sweepers, and many other abuses.

On September 18, 1988, the military forced its rule on the people of Burma, a rule that has been dominated by severe violence and oppression. Ever since, the people of Burma have struggled to survive under this brutal regime.

While the Buddhist monks and democracy leaders have received much deserved attention recently, the struggle of the ethnic minorities remains difficult and also must receive the spotlight of international attention'. Article 2 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group." Reports make clear that the ironically-named State Peace and Development Council (SPDC) of Burma, the ruling military junta, has engaged in a deliberate policy to eliminate the ethnic minorities. The regime engages in a scorched earth policy, destroying entire villages along with food storage and production sources; use systematic rape as a weapon of terror; uses ethnic minorities, including women and children, as human landmine sweepers; engages in forced labor, also known as slavery; has the highest number of child soldiers in the world; and refuses to allow the duly elected leader of the country to take office.

While there is extensive photograph evidence of more recent massacres, I want to draw attention to a massacre that took place in Burma's Dooplaya district on April 28th, 2002. The regime targeted children. These photos, which show the bodies of the victims stacked neatly, are incontrovertible evidence of the regime's crimes against humanity and the increasingly horrific human rights situation in the country. The regime's soldiers shot and killed the Karen villagers in their quest to completely subjugate the entire country. The dozen who were killed include Naw Pi Lay, who was just a baby, Naw Daw Bah, a 2-year-old girl, and Naw Play and Naw Ble Po, 2 5 year old girls. Nine others were shot and lucky enough to escape, including a 6-year-old boy who played dead until the regime's troops left. What possible threat could these babies and young girls have presented to Burma's military regime?

The various ethnic minorities of Burma, which comprise approximately 60 percent of the population, are not of the Burman ethnic group. The desire of the junta, composed of members of the Burman ethnicity, is to ensure that it remains the "master race," or maha bama. In 1988, the regime issued a blood assimilation order which stated, "With a view to attain success in accordance with our basic aspiration, which holds that our one race, the Burmans alone must inherit prosperity with an achievement of a long standing dominion. The easiest way to realize our above aim, we, the superior sons of the mainland of Burma are to employ the strategy of 'Blood Assimilation' against the female members of other non-Burman ethnic races. Our objective is to take marital possession of their women." Soldiers are instructed to dilute the bloodlines of the ethnic minorities in order to "purify" them and make them more Burman. While some might dispute the use of genocide in relation to this situation, it is clearly, at the very least, ethnic cleansing.

Astonishingly, other nations are enabling the dictators to continue their attacks against the ethnic minorities, democracy activists, protestors, and Buddhist monks. Reports suggest that since 1989, the Chinese government has provided the dictators in Burma with over $2 billion worth of weapons and military equipment. This Chinese weaponry has allowed the regime to quadruple the size of its forces to 450,000.

Russia also is supporting the dictatorship by helping build a nuclear reactor in Rangoon. The regime says the reactor is for peaceful purposes for medical research. However, Burma is ranked second from the bottom by the World Health Organization in terms of national health care, thus begging the question why they need nuclear medical research when there are barely even provisions for basic medical needs.

European Union non-governmental organizations recently released a report entitled Indian Helicopters for Burma: Making a mockery of embargoes? The report provided details on India's negotiations with Burma's military junta since late 2006 and focused on the transfer of Advanced Light Helicopters (ALH) to Burma's military. India, the world's largest democracy, has increasingly spurned democracy supporters in Burma in favor of increased cooperation with Burma's military regime, even providing Burma's ruling generals with tanks, aircraft, artillery guns, radar, small arms, and the ALH. Absent any external enemy, Burma's military rulers have employed these arms and military equipment against its ethnic minority civilian population, resulting in the destruction of more than 3,000 villages, the use of forced labor, and the rape and murder of thousands of ethnic minority civilians.

Even more appalling than the increased military cooperation and sales between the Government of India and Burma's military regime is evidence that the transfer of military hardware risks violating both European Union and U.S. arms restrictions in place against Burma's military regime. Parts and technologies vital to the manufacture of the ALH were provided by several European companies and two American companies, Aitech Systems, Ltd. and Lord Corporation. It is essential that our government immediately investigate whether or not the inclusion of American parts and technologies in the production of India's ALHs and the potential impending transfer of the ALHs from the Government of India to Burma's brutal military generals violate U.S. export control regulations and the U.S. arms embargo on Burma.

Sadly, until recently, the international community generally has turned a deaf ear to the cries of the ethnic minorities, the refugees, the IDPs, and the democracy activists. While a number of states and international organizations currently have made helpful statements condemning the dictatorship for its actions, they long ago should have been helping the people of Burma. Action is what will bring change to the situation in Burma.

The SPDC regime deceives the international community again and again by saying one thing and then doing another. The international community, on behalf of the people of Burma, should make it clear that the oppressive dictators of Burma will no longer be tolerated—we do not want to remember another anniversary of the human rights violations against Burma's people. Instead, next year, we should be celebrating the return of democracy and freedom to the people of Burma.

I strongly commend the EU for increasing sanctions against the brutal regime and I applaud the government of Japan for cutting its aid to the dictatorship.

I also commend recent steps against the dictatorship by our Administration. However, I urge our Administration and my colleagues in Congress to act to support democracy in Burma and provide increased aid to the suffering ethnic minorities. We should exponentially increase the U.S. aid program to Burma by increasing aid to IDP, refugee, and democracy organizations, as well as by providing funding to help rehabilitate child soldiers, establish health programs addressing malaria, TB, and HIV/AIDS, support education programs, increase human rights documentation capabilities, and assist with protection capabilities. The U.S. government spent approximately 100 million trying to help the people of Serbia against Milosevic—the people of Burma are as important as the populations of Southeast Europe and we need to put our money where our mouth is.

Further, the U.S. government must take immediate steps to implement the recommendations outlined in the report on Indian helicopters and other weapons by commencing negotiations with the Government of India to cease the transfer of Advanced Light Helicopters to Burma's military regime; discontinuing all future defense production cooperation with India that might lead to transfers of embargoed controlled equipment to Burma; attaching to all future licenses for transfers of controlled goods and technology to India a strict and enforceable condition, with penalty clauses prohibiting re-export to states under an embargo to which the original exporting state is party without express governmental permission; and drawing attention to the high likelihood of that military equipment being used by Burma's military to commit ethnic cleansing and crimes against humanity in violation of international law including international human rights and humanitarian law.

The U.S. government and the international community together must press China and Russia to immediately cease their cooperation with and support for the brutal dictators in Burma. In addition, I urge the international community to press Burma's regime to cease the violence and murder perpetrated against the people, to immediately and unconditionally release all political prisoners, and to allow the legitimately elected leaders of the country to govern. Further, the government of Singapore should freeze the bank accounts of the dictators.

Madam Speaker, it is time for the world to act to stop the honors taking place in Burma. While the military regime woos diplomats and guests in downtown Rangoon, Burma's people outside the realm of international scrutiny endure intensifying and acute repression. I demand that Burma's military regime immediately stop its campaign of terror against the Burmese people, and urge my colleagues to raise their voices for freedom.

I reiterate, public statements in support of the people of Burma are helpful, but only issuing statements is like putting a tiny band aid over a gaping, infected wound—it will not help where massive surgery is needed. The only thing that will solve the problem of the brutal dictatorship in Burma is to get rid of the SPDC.

I look forward to working with my colleagues in the House, the Senate and the Administration, and the international community to see that Burma's military regime soon joins the Soviet Union, Ceausescu's Romania, Milosevic's Yugoslavia and other regimes and dictatorships that now reside in the ashbin of world history.

Finally, I say to the people of Burma: You are not forgotten. We stand with you and will continue to work with you for as long as it takes to ensure that the people of your nation are able to live in peace and freedom.

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## IN RECOGNITION OF JACKSONVILLE ELKS LODGE #221

### HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. CRENSHAW. Madam Speaker, I would like to recognize the admirable efforts of the Jacksonville Elks Lodge #221 for the outstanding service they have provided our nation's veterans. In these uncertain times where foreign radicals continue to pose a threat to our Nation and our troops continue to fight this threat overseas, their contributions are made even more significant.

Over the past 3 years, the 352 members of Jacksonville Elks Lodge #221 have raised almost $42,000 and donated much needed supplies for our veterans. They have traveled almost 39,000 miles to veterans hospitals, nursing homes and private homes of veterans and have invested almost 2,500 hours of service to our veterans population.

Every month members of Jacksonville Elks Lodge #221 visit the Veterans Administration Medical Center in Lake City to volunteer their time for our veterans and have supported more than 100 homeless veterans each year through donations and goods to the City of Jacksonville's Homeless Veterans Stand-Down. Currently they have adopted 4 veterans whom they are assisting with shopping, groceries, transportation to and from medical appointments, and other day-to-day activities. They have held luncheons and provided support for spouses and families of deployed service men and women and adopted units deployed to Iraq and Afghanistan, sending them supplies and recreational equipment.

Taking into account their service for our veterans community, it is no surprise that at least three of the recent past State Veterans Chairpersons of the Florida State Elks Association Veterans Service Committee have come from this Lodge and their current Chairperson was selected as the Female Veterans Services Volunteer of the Year for the State of Florida in an award presented at the Florida State Elks Convention in June 2005.

It is my distinct honor to call the members of the Jacksonville Elks Lodge #221 my friends and neighbors and I am proud to represent them as their Member of Congress. On behalf of Jacksonville and our entire Nation, I would like to express my utmost appreciation and offer them our thanks for their service to our community.

## HONORING THE MINISTRY OF CARING OCTOBER 24, 2007

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. CASTLE. Madam Speaker, it is my great pleasure to rise today and recognize the Ministry of Caring on its 30th anniversary. Over the past 3 decades this remarkable charity has done extensive work with underprivileged populations in my home state of Delaware. This important milestone is cause for much celebration.

The Ministry of Caring began when its founder, Brother Ronald Giannone, set out on a mission to provide the poor with hospitality, friendship, and basic needs in such a way that would enable them to become independent and self-sufficient. Brother Ronald was unaware of his impact at the time, but he was actually setting out on a mission that would later become Wilmington's largest charity for the poor. Brother Ronald's vision first took shape in 1977 with the creation of the Mary Mother of Hope House, a shelter for homeless and destitute women. From there, the ministry's vision spread throughout our community at staggering speeds. The Ministry of Caring now operates nearly 30 facilities throughout the greater Wilmington area. Through these facilities, the Ministry runs over a dozen programs geared toward providing the poor with food, shelter, clothes, healthcare, and other essentials. Furthermore, the organization provides tools of empowerment such as job training and placement; resources that address root causes of poverty.

Though the ministry remains focused on helping disadvantaged populations, I can say from personal experience that the Delaware community as a whole is positively impacted by this organization. For many years now, my wife and I have had the privilege of volunteering our Thanksgivings at the Emmanuel Dining Room, serving meals to Delawareans in need. I cherish these opportunities because they allow me, and others just like me, to help less fortunate community members, while also spending quality time with family, friends, and fellow volunteers.

Recently the Ministry of Caring was given the highest possible score from the largest evaluator of charitable organizations in the world. While news of this accomplishment is certainly exciting, it is not at all surprising. The score affirms what many of us knew already: the ministry efficiently manages its finances, is worthy of the public's trust, and is highly regarded within its field.

On this 30th anniversary, I would like to recognize the many accomplishments of the Ministry of Caring. The hard work and dedication of its founder, Brother Ronald Giannone, along with its many employees and volunteers, have made these past 30 years a tremendous success. I highly commend this great organization for their immeasurable contributions to the state of Delaware and wish them all the best on this momentous anniversary.

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## IN RECOGNITION OF THE 125TH ANNIVERSARY OF THE ESTABLISHMENT OF CROOK COUNTY, OREGON

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. WALDEN of Oregon. Madam Speaker, I rise today to pay special tribute to the citizens of Crook County, Oregon who are celebrating the 125th anniversary of the establishment of their county this month.

The Enabling Act, creating Crook County from the southern portions of Wasco County, was approved and signed by the Governor of Oregon on October 24, 1882. He appointed 10 officials to govern the county: County Judge; 2 Commissioners; Assessor; County Clerk; Coroner; School Superintendent; Sheriff; Surveyor; and Treasurer.

Prineville, the county seat, is the oldest community in Central Oregon. In 1868 Barney Prine came to the Crooked River Valley and set up a blacksmith shop, saloon, and primitive country store along the banks of the Crooked River, A Post Office was established in 1871 and was named Prine in Barney's honor. The name of the Post Office was changed to Prineville in 1872.

The county is named after Major General George Crook, U.S. Army. General Crook was an 1852 graduate of the United States Military Academy at West Point, a hero of the Snake Indian Wars, and, at the time of his death in 1890, was Commander of the Army's Department of the West.

When it was founded in 1882, Crook County encompassed an area of 8,600 square miles and had a population of only 2,500. In 1914 and 1916 Jefferson and Deschutes counties were carved out of Crook County leaving it at just under 3,000 square miles today, with a population of approximately 23,000.

Some of the more noteworthy events in the county's early history include: The building of the first county courthouse in the county seat of Prineville at a cost of $5,474 in 1886; the first electrical service in Prineville in 1890; the first telephone service in the county in 1899; the opening of the first high school in 1905; and the first movie theater in 1909.

Between 1930 and 1940 Prineville became the nation's largest shipping point of pine lumber; in 1934 the Prineville Airport was dedicated; in 1940 the first dial telephones were installed in the county; and in 1952 the late Les Schwab opened his first tire store in Prineville, the very beginning of what is now one of the leading independent tire dealerships in the country with more that 7,000 employees and 400 stores throughout the western United States.

Today, Madam Speaker, the citizens of Crook County celebrate 125 years of rich pioneer heritage in their Central Oregon home, and look forward to an increasingly bright future in a growing and revitalized county. I am proud to represent the citizens of Crook County in the U.S. House of Representatives, and look forward to county's continued success.

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## HONORING TONYA G. JONES

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Tonya Jones, a small business leader and president of Mark IV Enterprises, Inc. in Nashville, as she is inducted into the 2007 Building Industry of Tennessee Hall of Fame.

Tonya Jones has been a trailblazer in the building industry throughout her career. She became involved in construction in Nashville in 1980, started her own business in 1985, and in 1986 was the first woman elected to serve on the Builders Board for the Home Builders Association of Middle Tennessee.

Tonya Jones was instrumental in the establishment of the Home Builders Association of Middle Tennessee's Legal Defense Fund, and was the first to urge that HBAMT move forward with litigation against a county for unfair housing policies. Additionally, she was highly influential in cementing the success of the Self-Insured Worker's Compensation Trust Fund as one of its founding Trustees.

Tonya Jones has been named a Life Director for the National Association of Homebuilders, and in 1995, she earned the Home Builders Association of Tennessee's highest honor, Builder of the Year. The Better Business Bureau recognized her integrity and ethics in business by naming her Ambassador of the Year in 2006.

In addition to these accomplishments, Tonya Jones has served on boards of directors for numerous organizations, including Habitat for Humanity, the Better Business Bureau, TRICOR, Nashville Metropolitan Planning Commission, U.S. Bank Regional Board, and Nashville's Metropolitan Board for Parks and Recreation.

Madam Speaker, please join me in honoring Tonya Jones for her exemplary contributions in business and in our community, and in congratulating her on this well-deserved award.

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## INTRODUCTION OF RESOLUTION ON COMMENDING THE ALASKA ARMY NATIONAL GUARD FOR ITS SERVICE TO THE STATE OF ALASKA AND THE CITIZENS OF THE UNITED STATES

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. YOUNG of Alaska. Madam Speaker, I rise today to honor 586 members of the Alaska Army National Guard's 3rd Battalion, 297th Infantry who recently returned from their yearlong deployment to southern Iraq and Kuwait. The guardsmen have been successfully serving as security forces in northern Kuwait and southern Iraq since October 2006, guarding camps and convoys heading into Iraq. The guardsmen come from all over my State, with members of the unit hailing from 80 different communities across Alaska including Anchorage, Fairbanks, Kodiak, Soldotna, Kenai, Nome, and many native villages. The unit also included National Guardsmen from New York, Mississippi, Illinois, Georgia, and Puerto Rico.

This was the largest deployment of the Alaska National Guard since World War II and thankfully all 586 guardsmen who were deployed overseas returned home safely. Many of these guardsmen had never left Alaska prior to joining the National Guard, but none hesitated to serve their country.

As I told the National Guardsmen at their welcome home ceremony at Camp Shelby, Mississippi, "You can't support the troops unless you respect them. And I humbly respect you because you have done your job as you were charged to do so, and as volunteers. You left your families and you went forth and accomplished what you were taught to do."

I truly believe that the importance of the National Guard to our country cannot be overstated, which is why it is important that we honor these citizen-soldiers. For this reason I am introducing the following resolution to honor these Guardsmen for their outstanding service to our country.

H. CON. RES. 240

Whereas the 3rd Battalion, 297th Infantry of the Alaska Army National Guard deployment of almost 600 Alaskans was the largest deployment of the Alaska National Guard since World War II;

Whereas the Alaskans of the 3rd Battalion, 297th Infantry came from 80 different communities across Alaska;

Whereas the 3rd Battalion, 297th Infantry included 75 soldiers from New York, Mississippi, Illinois, Georgia and Puerto Rico;

Whereas the 586 soldiers of the 3rd Battalion, 297th Infantry were mobilized in July of 2006 and deployed to Camp Shelby, Mississippi;

Whereas the 3rd Battalion, 297th Infantry was deployed to Camp Navstar and Camp Buehring in Northern Kuwait;

Whereas the 3rd Battalion, 297th Infantry courageously performed route and perimeter security missions, mounted combat patrols and inspections and searches of vehicles going into Iraq from Kuwait, among other assignments;

Whereas the 3rd Battalion, 297th Infantry, over the course of 15 months in Kuwait and Iraq, inspected and searched over 30,000 semitrucks;

Whereas the 3rd Battalion, 297th Infantry designed all force protection plans in northern Kuwait;

Whereas the families of the members of the 3rd Battalion, 297th Infantry have provided unwavering support while waiting patiently for their loved ones to return;

Whereas the employers of members and family members of the 3rd Battalion, 297th Infantry have displayed patriotism over profit, by keeping positions saved for the returning soldiers and supporting the families during the difficult days of this long deployment, and these employers are great corporate citizens through their support of members of the Armed Forces and their family members;

Whereas the 3rd Battalion, 297th Infantry has performed admirably and courageously; gaining the gratitude and respect of Alaskans and all Americans; and

Whereas members of the 3rd Battalion, 297th Infantry received 7 Bronze Stars, 23 Meritorious Service Medals, 142 Army Commendations and more than 200 Army Achievement Medals for their outstanding service: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That Congress—

(1) commends the 3rd Battalion, 297th Infantry of the Alaska Army National Guard upon its completion of deployment and brave service to the Commonwealth of Alaska and the citizens of the United States; and

(2) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Adjutant General of the Alaska National Guard for appropriate display.

## HONORING FORMER CONGRESSMAN CHARLES VANIK

### HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Ms. SUTTON. Madam Speaker, I rise today with a heavy heart to pay tribute to former Congressman Charles Vanik, who served his constituents with honor and integrity in this body for 26 years.

On behalf of the people of Ohio's 13th District, I want to express my deepest sympathies to his wife of 62 years, Betty Best Vanik, their 2 children, John Vanik and Phyllis Vanik, his 2 grandchildren and the rest of the Vanik family.

We have lost a man who dedicated his life to serving our great State and this great country. Prior to being elected to Congress in 1954, Congressman Vanik served on the Cleveland City Council, in the Ohio State Senate and as a Cleveland municipal judge. He also served in the Navy during World War II.

In Congress, he earned a reputation as savvy legislator and a tireless advocate for the people of northeast Ohio. His 1974 amendment to the Trade Reform Bill is widely remembered for forcing the Soviet Union to allow fair treatment and increased emigration of Soviet Jews. This accomplishment had a significant impact on American-Soviet relations.

And Congressman Vanik was ahead of his times on civil rights, sacrificing his own congressional seat in 1968 so that Louis Stokes could become Ohio's first African American Congressman.

But Charles Vanik was so well-regarded in northeast Ohio that voters from the neighboring district would not stand for him leaving this House, and they chose to send him to Congress instead of the Representative who had served for nearly 30 years. Congressman Vanik returned to Congress and continued to work with Congressman Stokes and others to advocate for the people of Ohio.

Although I did not have the privilege of serving in the House with Congressman Vanik, I am honored to follow in his footsteps as a public servant and a voice for the people of Ohio.

It is truly an honor to stand on the Floor of the House of Representatives, where Charles Vanik stood for so many years fighting for northeast Ohio, to celebrate his life and his accomplishments.

And it is wonderful to hear so many touching stories about the memories my colleagues have of him and the influence he had on this House and its Members.

Although Congress, the United States, and the State of Ohio have lost a great statesman, he has been outlived by his legacy, and I am confident that we will continue to fondly recall Charles Vanik and the great work he did for years to come.

Again, I want to express my condolences to the Vanik family.

## HONORING FORMER CONGRESSMAN CHARLES VANIK

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Ms. KAPTUR. Madam Speaker, it is my honor to pay tribute to a fellow Ohioan, Charlie Vanik, who served honorably for 26 years in this House.

Charlie passed away last month at the age of 94, and I thank the gentlewoman from Cleveland for organizing this special order in his memory.

Charlie Vanik was a beautiful person. In many ways, he was the quintessential Clevelander—born of Czechoslovakian ancestry, he represented Cleveland's east side and eastern suburbs and did so with distinction and with class. He was learned and determined. As Dick Feigler, the well-known journalist in Cleveland said of Charlie, "It was all about hard work and humility." Charlie Vanik was a showman, but he wasn't a showoff. He was charming and he was humble.

He threw himself into public service with a style and gusto that his constituents enjoyed and appreciated. He took his responsibilities seriously, but he didn't take himself seriously. He rose to a position of prominence on the Ways and Means Committee. In fact, he became chairman of the trade subcommittee.

But make no mistake: Charlie Vanik never sold out. He never succumbed to the seduction of what the pundits call "Gucci Gulch." Charlie never forgot where he came from: 55th and Broadway had a different values set than Gucci Gulch. Still does.

So Charlie Vanik fought tooth and nail against tax loopholes for big business. He never forgot where he came from. Charlie Vanik may have retired from Congress, but his heart and mind kept working for America everyday.

On a regular basis, I would get phone calls from Charlie, just to say hello. He was never representing a client for monetary compensation—he always just kept working for America, and wanted to share his great ideas. He gave away his ideas—MARCY, he would say, Congress needs more strong voices to protect consumers in our nation, or on another occasion he would call to remind me to replace the sand on the public beaches of the Great Lakes that had either washed away or been used by construction companies over the years. Early on in my career, he advised me to visit many of the foreign embassies located in Washington to link to diplomats and scholars. He shared his love of life, and always called with an enthusiasm that revealed his joyful, encouraging and caring nature. His humanity was underscored by the manner in which he watched over his wife as she became ill. He never lost his way.

His name was attached to 1 of the landmark pieces of legislation from the Cold War era: The Jackson-Vanik Amendment. In truth, Senator Henry Jackson and Representative Charlie Vanik were actually ahead of their time. In an era that predated Bill Clinton's decoupling of human rights and trade, Scoop Jackson and Charlie Vanik insisted that the Soviet Union respect human rights before it could receive most favored nation trading status. Because of Scoop Jackson's and Charlie Vanik's courage and commitment, hundreds of thousands of oppressed people—mainly Soviet Jews—were able to leave tyranny behind and start new lives as free people.

Madam Speaker, it is no longer fashionable to talk about the linkage between human rights and trading privileges. But, if anything, the issue is even more relevant today than when Charlie Vanik stood up for oppressed people. That's why I say Charlie Vanik was ahead of his time.

Just ask Wei Jing Sheng, who continues to fight for human rights for the millions of oppressed people in China. Ask the family and friends of Santiago Rafael Cruz, who was murdered earlier this year in Monterrey, Mexico, where he fought hard to get human rights for peasant workers.

We see the trafficking in human beings from Mexico to the United States. But the proponents of free trade fundamentalism still deny any linkage between trade and human rights. We see the gross human rights abuses in China and the growing unrest among rural people there. Yet we're told there's no connection between trade and human rights.

Despite all the abuses that perpetrated against poor people around the world in the name of globalization, the free trade crowd refuses to acknowledge any connection between trade and human rights.

We see all these things and we can't help but wish for more Charlie Vaniks—for more Members like him—genial, compassionate and humble public servants who have the eyes to see injustice and the heart to do something about it.

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## HONORING FORMER CONGRESSMAN CHARLES VANIK

### HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. HOBSON. Madam Speaker, I rise today to join my colleagues in paying tribute to former Congressman Charles Vanik, a longtime representative of northeast Ohio and a strong human rights advocate.

While I did not serve with Congressman Vanik in Congress, his work to improve the quality of life for others is well-known. Throughout his 26-year career in Congress, he worked tirelessly on behalf of his constituents and on the issues that he cared about, including: Social Security, Medicare, the environment and trade.

As many of my colleagues have mentioned, Congressman Vanik is most widely known for co-authoring an amendment to the 1974 Trade Reform Bill with the late Senator Henry "Scoop" Jackson that linked a country's favored trade status to its record on human rights. Specifically, their Jackson-Vanik amendment tied the former Soviet Union's trade status to its willingness in allowing freer Jewish emigration. As a result, an estimated 2 million Jewish citizens were permitted to immigrate to other countries.

Congressman Vanik also worked with Congressman Ralph Regula to create the Cuyahoga Valley National Park, and was involved with the important work of cleaning up of the Great Lakes.

Madam Speaker, Ohio, our Nation and the international community have lost a true public servant with the passing of Congressman Vanik. I join my colleagues in honoring him and in expressing our condolences to his family.

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## HONORING FORMER CONGRESSMAN CHARLES VANIK

### HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. JORDAN of Ohio. Madam Speaker, I am honored today to join in the tributes to the life and career of former Ohio Congressman Charles Vanik, who passed away in August at age 94.

Born in Cleveland in 1913, Charles Vanik recognized the call to service long before his 26-year House career began. After earning his law degree, he was elected to the Cleveland City Council and the Ohio State Senate—all before the age of 30. His career in elective office was interrupted by World War II, where he served in both the Atlantic and Pacific theatres as a member of the Naval Reserve. Following the war, he held a judgeship in Cleveland prior to his election to Congress in 1954.

As my colleagues have noted in prior Floor tributes to Congressman Vanik, his congressional legacy was defined by his many contributions to human rights around the world—especially through what came to be known as the Jackson-Vanik Amendment. This measure, which passed with broad bipartisan support, requires the United States to gauge the human rights records of foreign nations when assessing potential trade deals. As a result of Jackson-Vanik, the Soviet Union was compelled to allow more than 2 million people of faith to escape the religious persecution they faced under this cruel regime. The Amendment made Charles Vanik a target of scorn from the Soviet-controlled media—something he wore as a badge of honor.

Throughout his career, Congressman Vanik well served the people of his district and fought for freedom around the world. I offer his family and loved ones my condolences at their loss.

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## HONORING FORMER CONGRESSMAN CHARLES VANIK

### HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. BOEHNER. Madam Speaker, I rise today to honor former Congressman Charles Vanik, who passed away earlier this year. There are two things we do in Washington—politics and policy. Congressman Vanik excelled at policy and understood politics well enough to make a difference with the policies that he fought to see enacted. A champion of the underdog and an unfailing advocate for the poor, Congressman Vanik's legacy was solidified in 1974 by the Jackson-Vanik Amendment to the Trade Reform Bill linking the former Soviet Union's trade status with the ability of Russian Jews to emigrate freely.

Congressman Vanik served in the House from 1955 to 1981, representing his Cleveland-area constituents well. A 13-term veteran of the U.S. House, Congressman Vanik graciously stepped aside from his original district in 1968 to make way for Louis Stokes, who became the first African-American Congressman from Ohio. He also had his own particular style, and those privileged to have served with Congressman Vanik remember his black suits and bow ties in addition to his utter disdain to having to raise re-election funds. His constituents responded to his hard work and his commitment to them by continuing to re-elect him, proving that a hard-charging public servant who's in Congress for the right reasons will be returned to continue his work.

Congressman Vanik's public service began after graduating from Western Reserve University and Law School when he entered the Navy during World War II. Following the war, he served as a municipal judge and in the Ohio Senate before first running for Congress in 1954.

My thoughts and prayers continue to be with Congressman Vanik's family and friends, and we are grateful for his dedicated public service.

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## TRIBUTE TO FORMER CONGRESSMAN CHARLES VANIK

### HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. RYAN of Ohio. Madam Speaker, I rise today to pay respect and tribute to former Rep. Charles Vanik of Ohio, who died Wednesday August 31 at his home in Jupiter, Florida at age 94.

Looking back at the career and mission of Representative Vanik, it is an utterly refreshing example of a legislator who didn't let politics get in the way of his goals and vision for his constituents and people all over the world. Many of my colleagues have already mentioned the historic Jackson-Vanik amendment to the Trade Reform Act of 1974. This critical human rights legislation was the mark on the map for Charles Vanik with regards to those outside the state of Ohio, but for us Ohioans, we know Congressman Vanik as a lifelong stalwart for all of those who are socially and economically oppressed.

Charles Vanik led a life of complete selflessness. After receiving his law degree he was on the City Council and in the Ohio legislature where he was valued for his consistent effort and achievements. He then joined the Navy during World War II. After his time in the service, Charles Vanik became a municipal judge until 1954 when he first ran for Congress. As a member of the Ways and Means Committee with jurisdiction over tax law, Congressman Vanik was known for his fights against big business tax breaks in the halls and corridors of Congress as he was known for his signature bow ties.

Congressman Vanik served honorably and long as a dedicated public servant. Mr. Vanik, who had rarely spent little more than $3,000 for any of his re-election bids, became increasingly discouraged with the changing political world and the need to siphon time and resources away from addressing the concerns of his constituents. He chose not to run for reelection in 1980.

Charles Vanik's life and his commitment to principle are truly remarkable. I believe one of the most important things we should learn from the actions and words of Charles Vanik is to constantly hold ourselves to the highest possible standards, no matter what the political environment or what criticism you might face. The United States Congress and the state of Ohio will miss one of its greatest public officials, Congressman Charles Vanik.

## REMEMBERING FORMER REPRESENTATIVE CHARLES VANIK OF OHIO

### HON. CHARLES A. WILSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. WILSON of Ohio. Madam Speaker, it is important to commend the service of one of Ohio's distinguished public servants. Charles Vanik served for 26 years in the U.S. House of Representatives, and we are better for his service. He died at the age of 94 in September.

Representative Vanik is best remembered for his work that allowed more Russian Jews to immigrate to this country. During his tenure in the House, Representative Vanik of Cleveland also fought tirelessly for Social Security and Medicare.

Nearly all of Representative Vanik's life was devoted to public service. In the Navy, as a Cleveland Municipal Judge, in the Ohio Senate and through 26 years here in the House he worked tirelessly for the public. The great State of Ohio and this country mourn his passing.

Our thoughts and prayers go out to his wife, Betty, their children and grandchildren.

## IN REMEMBRANCE OF CHARLES VANIK

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. KUCINICH. Madam Speaker, I rise today to honor the memory of one of our former colleagues, Congressman Charlie Vanik. For 26 years, he was an admirable spokesman not only for the people of his district, but for the nation.

During his time in office, Congressman Vanik was one of Congress's most vocal advocates for human rights. In 1974, he co-authored an amendment to a trade law that required the United States to assess the human rights records of foreign countries before granting them special privileges. This law put pressure on the Soviet Union to allow freer emigration, and as a result, more than 2 million people were able to leave the Soviet Union in search of a better life.

While he was a member of Congress, he never forgot where he came from or the people he represented. During his time in office he helped to pass several federal programs, including the federal school lunch program, that would help the people in his district and throughout the country improve their livelihoods. In addition, he is remembered by his former colleagues as a savvy, gifted speaker who had the ability to make every person in a room smile.

Madam Speaker and colleagues, please join me in remembering the life of Congressman Charlie Vanik. May he rest in peace, and may his service to his country and to this body always be remembered honorably. He is survived by his wife, Betty; his son, Jon; his daughter, Phyllis; and 2 grandchildren.

## PASSING OF REPRESENTATIVE CHARLES VANIK

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mrs. JONES of Ohio. Madam Speaker, I rise today to pay tribute to a remarkable man, a 26-year veteran of this distinguished body and an outstanding American.

The Honorable Charles Albert Vanik worked tirelessly to promote the civil rights of all people. His dedication to this cause extended further than the boundaries of our country and touched countless lives. The Congressman felt it necessary that every individual throughout the globe should fully enjoy the natural rights of mankind.

This commitment was most evident in his decision in 1968 to shift to the 22nd Congressional District following redistricting to allow a then up and coming African American politician by the name of Louis Stokes to run for and ultimately win the 21st Congressional District seat.

Charles Vanik was a native of Cleveland, Ohio. He represented my city and my extended community in a distinguished fashion. Serving as a councilman, a judge and a member of the state legislature before joining the United States Congress, he developed a reputation as a caring individual.

Congressman Vanik was wholeheartedly a representative of the people. As a member of the House Ways and Means Committee, he felt that both individuals and enterprises alike should equally contribute to society. The respect that his friends and fellow Members of Congress held for him, presented several opportunities for his policy objectives to be adopted in statutes relating to both taxes and trade.

Most importantly, this son of immigrants personified all that is great about our Nation and our people. He cared for his neighbors, he was passionate about freedom and he wanted to help those in need.

I had many opportunities to personally speak with Representative Vanik. The most memorable of these meetings was when the National Institutes of Health dedicated their new laboratory facility in honor of my predecessor Congressman Louis Stokes.

It is with great respect and admiration that I ask this esteemed body to keep his wife, Betty, and children, John and Phyllis, in our hearts and prayers. May we all rejoice in having known such a great man and cherish both our memories and his legacy.

## ON THE PASSING OF FORMER CONGRESSMAN CHARLES VANIK

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. SPACE. Madam Speaker, the news of the passing of Charles Vanik was truly a sad event for Ohio. We lost a genuine statesman who always worked for the betterment of his country, state, and community.

While I was not privileged to have met him personally, his reputation, legislative accomplishments, and dedication to making life better for those less fortunate were well known throughout the state.

Congressman Vanik was best known for the Jackson-Vanik amendment to the Trade Reform Bill in 1974, which forced the Soviet Union to open up its borders. Arguably one of the most successful pieces of legislation in forcing foreign policy changes, this provision was highly successful in opening up the USSR. This was just one of the many principled stands he took to stand up for his beliefs in defense of those who needed the most help.

My heart and prayers go out to his family. Ohio and the rest of the country join in mourning this great loss.

## HONORING FORMER CONGRESSMAN CHARLIE VANIK

### HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Mr. CHABOT. Madam Speaker, I rise today to recognize the passing of a former member of this body from my home state of Ohio—Mr. Charles Vanik—who represented Ohio's 21st Congressional district, the east side of Cleveland, which later became the 22nd District.

After serving on the Cleveland City Council and in the Ohio State Senate, Charlie Vanik enlisted in the Naval Reserves during World War II and fought in both the Atlantic and the Pacific. He later went on to serve as a local judge before being elected to the United States House of Representatives in 1954.

Known for his black suits and bow ties, Charlie was a champion of working class families and was most famous for his strong stance against nations that denied freedom to its citizens—particularly the Soviet Union.

In 1974 he partnered with then-Senator Henry "Scoop" Jackson to craft what became known as the Jackson-Vanik Amendment, which denied normal trade relations to certain countries that oppressed its people and restricted the freedom of emigration. That amendment was offered to a trade reform bill and was intended to allow Jewish refugees to escape from the Soviet Union. The Jackson-Vanik Amendment is still on the books today.

Charlie Vanik is survived by his wife, 2 children and 2 grandchildren. I ask my colleagues to keep his family and friends in their thoughts and prayers in the coming months.

## IN HONOR OF THE 40TH ANNIVERSARY OF THE SACRAMENTO INTERNATIONAL AIRPORT

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 24, 2007*

Ms. MATSUI. Madam Speaker, I rise in honor of the Sacramento International Airport and their 40 year anniversary. In 1967, the first flight was flown out of the Sacramento Metropolitan Airport and since that time the Airport has become a gateway to Northern California destinations and major cities across the United States. I ask all of my colleagues to join with me in saluting the 40 years of service provided by the Sacramento International Airport.

Located just northwest of downtown Sacramento, the Sacramento International Airport is situated on 6,000 acres of former farmland. The Airport was constructed when the region's aviation needs outgrew the Sacramento Executive Airport. The $17.8 million dollar project was completed in 1967 and in the following year the nearly a million people flew on the airport's 5 initial carriers; Delta, Pacific, United, West Coast and Western. Since that time airlines have come and gone at the airport, but the high level of customer satisfaction remains.

Over the last 40 years the Sacramento International Airport has made great strides to improve its facilities. Nine years ago, the Sacramento Metropolitan Airport was officially renamed the Sacramento International Airport when it started hosting nonstop flights to Mexico and Canada. These international flights were made possible by the completion of an International Terminal and Terminal A, which represented a stark contrast to the older and outdated Terminal B.

In 2006, Airport officials announced they would be replacing the aging Terminal B with a brand new terminal. Under the leadership of Sacramento County Airport System Director Hardy Acree and the Sacramento County Board of Supervisors, this modernization of the Airport will be complete in 2012. The state-of-the-art facility will be equipped with 23 new gates, a 2-level access roadway designed to reduce traffic congestion and additional taxiways that will allow aircrafts to reach terminals more promptly. All of these features will improve the overall efficiency and enjoyment of the traveling experience.

Forty years after being built, the Airport welcomes more than 10 million passengers each year and has 2 fully operational runways. It is estimated that by 2020, the Airport will serve over 17.7 million passengers as a growing regional hub and international transit point. With flights to New York City, Washington D.C., Atlanta, Chicago, Guadalajara, Mexico City, Vancouver, Ontario, Honolulu, all of California's major cities and many more, the airport is an attractive option for all Northern California travelers. Thanks to the construction of a new 6-story parking garage 3 years ago, the Airport now accommodates over 16,000 cars, making the traveling experience more enjoyable.

Madam Speaker, I am honored to recognize the 40 years of growth and prosperity at the Sacramento International Airport. In the coming years the Sacramento International Airport will continue to expand as an international airport and gateway for our region. As the Airport's supporters gather to celebrate their 40 anniversary, I ask all my colleagues to join me in honoring their storied past and vision for the future.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 25, 2007 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### OCTOBER 29

4 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the Organization for Security and Co-operation in Europe (OSCE) and simmering tensions with Russia before parliamentary and presidential elections.

1539-LHOB

#### OCTOBER 30

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine ways to protect the United States from drug-resistant tuberculosis, focusing on reinvesting in control and new tools research.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine the role of local law enforcement in countering violent Islamist extremism.

SD-342

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Sean R. Mulvaney, of Illinois, to be an Assistant Administrator of the United States Agency for International Development, and Daniel D. Heath, of New Hampshire, to be United States Alternate Executive Director of the International Monetary Fund.

SD-419

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

#### OCTOBER 31

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the Uniformed Services Employment and Reemployment Rights Act (USERRA).

SD-562

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine universal telephone service.

SR-253

Environment and Public Works

To hold hearings to examine the licensing process for the Yucca Mountain Repository.

SD-406

Judiciary

To hold hearings to examine Foreign Intelligence Surveillance Act (FISA) amendments, focusing on ways to protect Americans' security and privacy while preserving the rule of law and government accountability.

SD-226

2:30 p.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine post-catastrophe crisis, focusing on addressing the dramatic need and scant availability of mental health care in the Gulf Coast.

SD-342

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine climate disclosure, focusing on measuring financial risks and opportunities.

SD-538

NOVEMBER 1

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the nominations of Gregory F. Jacob, of New Jersey, to be Solicitor, and Howard Radzely, of Maryland, to be Deputy Secretary, both of the Department of Labor.

SD–430

Intelligence

Meeting of conferees on proposed legislation authorizing funds for fiscal year 2008 for the intelligence community.

S–407, Capitol

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

NOVEMBER 7

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the performance and structure of the United States Court of Appeals for Veterans.

SD–562

10 a.m.

Rules and Administration

To hold hearings to examine the Government Accountability Office report focusing on funding challenges and facilities maintenance at the Smithsonian Institution.

SR–301

1:30 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine sovereign wealth fund acquisitions and other foreign government investments in the United States, focusing on economic and national security implications.

SD–538

# HOUSE OF REPRESENTATIVES—*Thursday, October 25, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SERRANO).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 25, 2007.*

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of the heavens and the Earth, the skies over California are red and black. We beg You to drown the fires that beset thousands with Your compassionate love.

You, O Lord, with gentle winds of mercy and the mighty force of nature, combined with the bravery and ingenuity of firefighters from across this Nation, can put an end to this hellfire.

Then, may this crucible of the Golden State become the ultimate sign of commitment by this Nation. Lead us through global warming to become a leader in the world community clearing the heavens and providing hopeful vision for all Your people to praise You for Your creative glory both now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FLAKE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona (Mr. FLAKE) come forward and lead the House in the Pledge of Allegiance.

Mr. FLAKE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

## RECOGNIZING THE SKILL, DEDICATION AND SACRIFICE OF OUR NATION'S FIRST RESPONDERS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize the skill, the dedication and the sacrifice of our Nation's first responders. In particular, I would like to honor and thank all of the first responders who are on the front line perilously right now fighting the fires in Southern California.

We rely on our first responders to help us survive the most difficult and the most challenging experiences that we face. I am proud that when we passed H.R. 1 this year, Congress took critical steps to provide Federal support for our Nation's first responders. These steps included increasing the amounts of funding available to States and localities for hazardous preparedness funding, what we are facing in California right now, and establishing a stand-alone communications interoperability grant program so that our first responders could speak to each other as they were on the front line in these emergencies.

The Federal Government must continue to provide States and localities with all the resources that they need to effectively respond to these emergencies. Please keep all of our first responders and the residents who have been affected by the Southern California fires in your thoughts and prayers.

## PUTTING SUPERBUGS ON THE DEFENSIVE

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. This Tuesday, a Wall Street Journal article written by Theo Francis started off by saying, "Hospitals are prime breeding grounds for antibiotic-resistant 'superbugs' that kill tens of thousands of Americans each year. But most people have had no way of knowing how well their hospital keeps these bacteria—and infections in general—under control."

Nineteen States have some version of requiring reporting of infection rates in hospitals, but there is no overall plan for this, and thus there is a great deal of confusion. That is why I introduced H.R. 1174, the Healthy Hospitals Act, to help our Nation's citizens understand the infection rates in hospitals and get these under control.

Here are today's sad statistics. So far this year 1.6 million people have developed an infection in a hospital. There have been 73,000 deaths and a cost of over $40 billion. It is time we get these under control, and I ask my colleagues to help support by signing on as cosponsors of H.R. 1174. Let's stop these deadly diseases that are killing so many in our hospitals.

## SCHIP

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great privilege to be able to rise on the floor of the House today to challenge all of our colleagues to stand for our children. We are going to do it again, and that is to put on the floor of the House the Children's Health Insurance Program, $35 billion for 10 million children.

Forty days in Iraq will equal insuring 10 million children in giving them and providing uninsured low-income children with health care, insuring the lowest income children, pregnant women will be covered. Parents will not be covered. Mental health will be covered. Preventative care, saving the lives of our children, giving them the opportunity for a vigorous and prosperous future. Protecting our soldiers on the front lines when they can't pay for their children's health insurance. This has to be the road we take, the journey to help our children. Let us do it in a bipartisan manner, joining with two Houses, putting it on the desk of the President of the United States.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

What will this Nation do for her most precious resource? I hope we will pass the SCHIP bill together, united for all of our children.

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## SCHIP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, it seems like we have a fact and fiction problem that is taking place right here in the body of the House. It is about SCHIP 2.0 that is coming before us today. Well, here are the facts. SCHIP 2.0 will not prevent illegal immigrants from receiving children's health care benefits. It will not prevent adults from receiving children's health care funding, and it will not prevent the government from crowding out 2 million people from the private health care market.

The bill actually covers 400,000 fewer children than SCHIP 1, and it spends 500 million, yes, a half billion dollars more and still leaves out 800,000 eligible children. Yet under SCHIP 2, adults will constitute 10 percent of all SCHIP enrollees in fiscal year 2012 when the program has a major funding problem. Under SCHIP 2.0, 2 million people would lose their health care coverage, according to the Congressional Budget Office.

Let's get straight on the facts. Let's vote against SCHIP 2.0 and make certain we put the children of the working poor first.

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## THE CITY OF SCHERTZ, TEXAS

(Mr. CUELLAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUELLAR. Mr. Speaker, I rise today to honor the City of Schertz for being named one of the top 100 best places to live by Money Magazine. The city of Schertz was founded in 1843. It is the largest city in Guadalupe County, which encompasses part of my 28th Congressional District. Schertz is located between the areas of San Antonio and Austin but has retained its small town community feel, which was noted by Money Magazine.

Schertz is the home to over 34,000 Texans. Part of the growth we have seen in this city is attributed to the city's vibrant economy, its schools, and the quality of life enjoyed by the residents and its leadership. It is clear why Schertz was named 40th in the top 100 best places to live by Money Magazine, and the State of Texas is ranked number 1 as the place to live.

Mr. Speaker, I am honored to recognize the city of Schertz for being named one of the top 100 best places to live by Money Magazine.

## MOTION TO ADJOURN

Mrs. BLACKBURN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 158, nays 220, not voting 54, as follows:

[Roll No. 1001]

### YEAS—158

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul (TX)
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf

### NAYS—220

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Fattah
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Whitfield
Woolsey
Wu
Wynn

### NOT VOTING—54

Abercrombie
Bilbray
Boren
Boucher
Buyer
Calvert
Carson
Cubin
Culberson
Cummings
Davis (CA)
Davis, Tom
Doyle
Dreier
Engel
Farr
Filner
Fossella
Franks (AZ)
Gallegly
Hayes
Hinchey
Hunter
Issa
Jefferson
Jindal
Johnson, E. B.
Lewis (CA)
Manzullo
Marchant
McCollum (MN)
McCrery
Moran (VA)
Musgrave
Obey
Peterson (PA)
Renzi
Sali
Sanchez, Loretta
Shays
Shea-Porter
Souder
Stark
Tancredo
Tierney
Turner
Waxman
Welch (VT)
Westmoreland
Wexler
Wilson (OH)
Yarmuth
Young (AK)
Young (FL)

☐ 1039

Ms. TSONGAS, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Mr. CAPUANO, Mrs. CAPPS, Mr. ROTHMAN, and Mrs. MALONEY of New York changed their vote from "yea" to "nay."

Messrs. NEUGEBAUER, INGLIS of South Carolina, MCHUGH, ROHRABACHER, HALL of Texas, and PICKERING changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER, Mr. Speaker, on rollcall No. 1001, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA.

Had I been present, I would have voted "nay."

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, it is Thursday and it is a getaway day. I know everybody is concerned, because you talk to me from both sides of the aisle all the time about it, so I am well aware that people want to get out.

I will be asking, and that is why I want to say this now, I will be asking the presiding officers to keep our votes to no more than 2 minutes after the votes are to close, whether it is a 15-minute vote or a 5-minute vote. I think that will facilitate, hopefully, getting our work done.

The reason I say it now, I want everybody to be on notice that we intend to do that so we don't catch you. What the pattern has been increasingly is that when we get to "zero," there are almost invariably 175 Members who have not voted. I do it and I am sure everybody else does it. You look at the screen and you see 170 Members haven't voted, and you have plenty of time. I understand that. I understand it because that is what I do.

The only way for us to overcome that is that 2 minutes after the vote, 17 minutes, we will close the vote. That will mean some of you may miss the votes and you will be angry with me. I want you to know ahead of time that I understand you will be angry with me, but at least I am telling you that is what our intention is to do.

Mr. SESSIONS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Leader, as you are aware, many Members of the California delegation are in California today as a result of the wildfires.

Mr. HOYER. Yes, I am aware of that.

Mr. SESSIONS. It was very important for them to go back home and be with their constituents. Over 1 million people have been left homeless and have been evacuated. There was a request made of the Speaker and of the majority leader to please postpone votes and not to have the vote today. Those requests have been made directly to the leadership, and I would like it if you could please address that issue at this time.

Mr. HOYER. Scheduling the House, as my good friend, ROY BLUNT, and I have discussed, is very difficult. It is very difficult because we have 435 Members. Obviously, all of us have responsibilities. We have families and we have issues that happen within our districts that require us from time to time to be in our districts.

All of the California Members who talked to me, and some on the Republican side talked to me and some on the Democratic side talked to me, I urged them to be in California. That's where I would be. If I had a wildfire, a flood or a tornado in my district, I would be in my district.

Today's vote on SCHIP, which is the only vote we will have when we get to it, is not in my opinion in doubt and would not be affected by the absences we may have.

On this vote there were 55 people not voting. Obviously, there are not 55 people in California. We have a number of the Californians here. There are representations on your side of the aisle that there are 5 or 6 Californians who might be there, and there are some on our side from Southern California who will also be there. Now, on the average day, we have 10 Members who are not here, give or take. Some for illness reasons and others for good reasons where they have determined they need to be someplace else. It is obvious we cannot cancel votes on those days.

I will tell my friend that everybody knows we are not here tomorrow, and we are going to be hopefully through relatively early today. I don't know that there is something happening today that won't be true tomorrow. I do know that there is concern about proceeding on the SCHIP bill. I have made it clear, in August I made it clear that we have an agenda to accomplish. If we were meeting Friday, that might be a different story, but we are not meeting Friday. So tomorrow is available, Saturday is available, Sunday, Monday is available. I believe that Members ought to be with their constituents.

□ 1045

I don't believe they're going out there to fight the fire. They're going out to be with their constituents. That is appropriate. My point I think is clear. My point is clear.

The objectives of the Members who are not here are understandable and appropriate, but what is not appropriate is for me to be put in the position or anybody who schedules on either side of the aisle to be put in the position of having our legislative process stopped when we essentially have only a few hours left to go and important legislation to consider.

Mr. SESSIONS. I thank the gentleman. I would like to resubmit a request to the gentleman now. I believe that this body is aware that last night we received a 293-page document that has not one cosponsor, is described as being the Senate's bill, not the House bill. We have not had an opportunity to go through the bill. The 24-hour rule evidently last night in Rules Committee was just completely obliterated.

You have a request, a collegial request, from the Republicans who are in this body who recognize and understand the importance of SCHIP. We also recognize we have until November 16 before that deadline approaches. Both you and I and every Member of this body understands that this body would never allow SCHIP to collapse.

I am respectfully asking on behalf of the minority and the collegiality of this body for you to please reconsider allowing us to end our business today and to come back and retake up this business on Tuesday, with not only a renewed spirit from the people who have gone to support the firefighters. You're right, they're not fighting the fire, but they do have a strong belief that what they have done is the right thing; and they would wish to participate fully in their constitutional duties. And I will re-ask the majority leader at this time from a collegial aspect.

Mrs. WILSON of New Mexico. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from New Mexico.

Mrs. WILSON of New Mexico. I thank the majority leader.

I would also ask, we have had 55 Members who weren't here for the vote that we just had. This issue we're about to debate and vote on is one that's important to people on both sides of the aisle. This is an important vote and important debate, and I think people should have an opportunity to participate in that.

All of us have had circumstances where there are disasters in our district and there are times when the leadership determines that the votes that are scheduled are of such sufficient gravity and importance that it makes sense to delay that.

As the gentleman from Maryland knows, I supported the SCHIP bill. I think we need to reauthorize the SCHIP program, but I am reluctant to do that with so many Members gone and also with our Californians dealing with critical problems in their district.

I would echo my colleague from Texas' sentiments and ask that the leadership consider delaying this vote and this debate until early next week.

Mr. HOYER. I yield to the gentleman from Mississippi.

Mr. TAYLOR. I thank the gentleman for yielding.

I guess of all the Members, I have been the closest to this situation with what happened in the aftermath of Hurricane Katrina. As you know, Katrina struck during the August recess, and shortly after the recess one of the first votes that was scheduled was the GO Zone legislation which was a very substantial piece of legislation on the part of our Nation to help the affected area.

Given the severity of what happened in Mississippi, I made a conscious decision to stay in my district. I felt like that was the best thing to do. This body overwhelmingly passed the GO Zone legislation without me.

To the gentleman's point, I have not had one complaint about staying in Mississippi, and I think your colleagues that you are concerned about will not get one complaint about missing a vote on something that is going to pass anyway. I did not ask to shut down the Congress because I needed to be in Mississippi; and, quite frankly, I don't think our California colleagues are really asking to shut down the Congress because they needed to be there. Their constituents will understand, just as my constituents understood.

Mr. HOYER. I yield to the gentleman from Texas.

Mr. SESSIONS. I thank the distinguished majority leader.

In no way am I asking or are we seeking to shut down Congress. What we're attempting to do is to ask if the majority leader, from a collegial standpoint of understanding, that just as I came back to Texas to work to make sure that some 50,000 people from Katrina and that effort were taken care of in Dallas, Texas, where I literally helped spearhead our efforts, today there are approximately twice as many people who are displaced in California as there were by Katrina. And I believe it's honorable and respectful to ask that on behalf of my colleagues that we not take up this important legislation today, that we allow ourselves respectfully to adjourn and then come back on Tuesday, as we normally might, to handle this piece of legislation.

And I will respectfully ask that on behalf of the minority at this time to the gentleman.

Mr. HOYER. I want everybody to know that we're coming back on Monday. I don't want anybody to be confused that we're coming back on Monday at 6:30; and we will not be here, I will be announcing later today, the next Friday, a week from tomorrow.

Let me say to my friend that, as I said, I discussed with your leadership the difficulty of scheduling, not this particular item, although this was discussed, and the request was made.

Every Member of this body knows that 435 people, as I said, everybody has very important things they have to do from time to time and that are appropriate to do on behalf of their constituents on behalf of fulfilling their duties. We missed unavoidably 2 legislative days as a result of the tragic deaths of 2 of our Members, which was inevitable, and we obviously appropriately canceled sessions on those days.

This bill that we are considering is a very important bill. It needs to pass the House. It needs to pass the Senate. It needs to go to the President, and it needs to come back here. We have 3 weeks left to go between now and the 16th of November, to which the gentleman referred.

The gentleman is well aware, I know my Republican colleagues in leadership are well aware, of how long it takes to get things through the Senate, for reasons that we all understand in terms of their necessity to get the appropriate votes.

As a result, the time left to us is very short, and to not proceed today and to push this off till next week then pushes off to the week following when the Senate can consider this legislation, which then pushes it off to the last week that we'll be here for Presidential action. All of that is a constraint on the flexibility of scheduling.

And again I will say that I understand absolutely the desire of the Californians to be where they are. I think it's appropriate to be where they are. My only point is that we're not meeting all week. There is some flexibility. They chose to go today. I do not criticize that decision on either side of the aisle. I simply say that it was not in consideration of, obviously, the business that we have to get done.

And again I reiterate, in a collegial body, if I thought that the absence of your Members or our Members would make a difference on the outcome, but this bill had an overwhelming vote when it initially passed, an overwhelming vote, not the two-thirds, but an overwhelming vote. So I do not believe the absences of either party's Members will impact on the outcome of this vote. So I don't think we're prejudicing the outcome of the vote in any way.

I yield to the gentleman from Washington State.

Mr. HASTINGS of Washington. I thank the majority leader for yielding.

Talking about procedure today, I think probably the easiest way to resolve this is we're going to be debating the rule, and of course, if the rule goes down, then that would end the business of the day, and that would be the preferred option from this Member's point of view.

In the event that doesn't happen, and we in fact then debate the SCHIP bill that we saw last night in Rules for the first time, I think it was filed at 7:17, but my point is that we could debate that, and we have 50 Members that are missing. There is a potential for you to roll the vote, not have the vote today but, in fact, roll the vote until next week. That way the debate will have been done. As my friend from Texas said, the issue does not expire until November 16.

So that is an option, it seems to me, to ensure that everybody would have an option to at least vote on this issue.

Mr. HOYER. Reclaiming my time, there are 13 Californians as I understand it who are not here, and that's a significant number, so I do not diminish the number; but I don't want anybody to belabor the 55 to which I referred who did not vote. I don't know where the other 35 Members were or are. I know there's a very important hearing going on, I haven't looked at the list expansively, a very important hearing going on that people don't want to have go on. I understand that.

But if we delay the vote, then we might as well delay the bill because we will not get it moving towards the Senate and allow the Senate to act in a timely fashion. That's the problem.

Mr. HASTINGS of Washington. Obviously that's an option. We are going to have debate on this, and this should be an option that I hope that the majority leader looks at.

Mr. HOYER. I appreciate that, and we will take it under consideration. I know the spirit in which it's meant. I talked to the gentleman about trying to facilitate scheduling, and I think the gentleman is going to be pleased with what we're going to try to do next year to facilitate Members' ability to get back to their districts.

## MOTION TO ADJOURN

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

### RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 222, not voting 40, as follows:

[Roll No. 1002]

AYES—170

Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Foxx
Frelinghuysen
Gerlach
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson, Sam
Jordan
Kanjorski
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder

Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

### NOES—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Fossella
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Weiner
Welch (VT)
Weller
Wexler
Woolsey
Wu
Wynn
Yarmuth

### NOT VOTING—40

Aderholt
Bilbray
Boren
Braley (IA)
Burgess
Buyer
Calvert
Carson
Cubin
Davis (CA)
Davis (IL)
Dreier
Engel
Filner
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Hoyer
Hunter
Issa
Jindal
Johnson (GA)
Johnson, E. B.
Keller
Larson (CT)
Lewis (CA)
McIntyre
Moran (VA)
Neugebauer
Shea-Porter
Sires
Spratt
Thornberry
Watson
Waxman
Westmoreland
Wilson (OH)
Young (AK)

□ 1119

Mr. PATRICK J. MURPHY of Pennsylvania, Ms. WOOLSEY and Mr. RUPPERSBERGER changed their vote from "aye" to "no."

Mr. GRAVES changed his vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 1002, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA..

Had I been present, I would have voted "no."

## PROVIDING FOR CONSIDERATION OF H.R. 3963, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 774 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 774

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 3963 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

### POINT OF ORDER

Mr. SESSIONS. Mr. Speaker, I raise a point of order against consideration of the rule because the rule contains a waiver of all points of order against the bill and its consideration and, therefore, is in violation of section 426 of the Congressional Budget Act.

The SPEAKER pro tempore. The gentleman from Texas makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentleman from Texas and the gentlewoman from New York each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after the debate the Chair will put the question of consideration, to wit: "Will the House now consider the resolution?"

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, we make a point of order with great respect to this body. We're here to do business today. We've asked this body to please consider an adjournment because we have a lot of Members who are in California. We were denied that request.

We also believe this point of order should be heard because it's important that last night a 293-page bill was brought forth to the Rules Committee, which we received only 25 to 30 minutes before that meeting took place, I believe, in violation of the regular order for legislation that Speaker PELOSI has outlined for all Members of Congress, as well as the American people, a Congress working for all Americans.

And under regular order for legislation, it states: "Members should have at least 24 hours to examine bill and conference report text prior to floor consideration." Mr. Speaker, that has not happened again today. Again today we find that the legislation not following regular order is presented to this House.

Last night, as we began the discussion in the Rules Committee, we found out this is not even a House bill. No one took responsibility for the bill that was coming to the Rules Committee last night. Every person there said this is a Senate bill; this isn't a House bill.

And then we tried to discuss what was in that bill. I don't know what's in that bill. Sure, we've had some time today, but we have not digested all 293 pages. And, Mr. Speaker, we believe that what is happening here today is not only in violation of what we have seen, a Congress working for all Americans, but also the establishment of the way this House would run itself under regular order and for the best interest of all Members of Congress.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of his point of order.

I see that the distinguished Speaker of the House is on the floor, was on the floor; and although I don't have the quote in front of me, I know, as she took the gavel to become Speaker of the House, that she said that this would be something along the lines of the fairest and most democratically run House in the history of our country. I'm trying to see where the fairness, I'm trying to see where the democracy comes in, where most of us, most of us didn't even know of the existence of this almost-300-page bill until we arrived this morning. And so I'm having a little trouble seeing exactly where we're having fairness and democracy.

Specifically, Mr. Speaker, I think Speaker PELOSI said bills should generally come to the floor under procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.

Members should have at least 24 hours to examine the bill. That is certainly not true for this Member. I don't think it's true for the vast majority of Members here.

So the Speaker may say one thing, and I respect her words, but the actions are speaking far more loudly than the words are.

And I would think, with the great human tragedy that is taking place in California unfolding upon the television screens of almost everyone in America, I would think that if any Speaker would be sensitive to that human tragedy it would be this Speaker since she hails from the State of California.

Yet we have countless Members who need to return home to be about the business of their constituents, and they're not here. They're not present for a very, very important vote and a vote that could have obviously taken place months ago, a vote that could have taken place weeks ago, and a vote that can take place early next week when these people will return.

And yet, I fear, I'm not questioning the motives or the heart of any one Member, but the actions are such that people could be led to believe that this is simply a move to manipulate the outcome of a vote. And I'm not sure that's the appearance that we want to give the American people.

And, again, Republicans, Members on this side of the aisle, have stood ready for weeks and for months to reauthorize an SCHIP program. The vast majority will vote to support funding for every eligible child. But a program that was designed and passed by a Republican House to ensure health insurance benefits for uninsured low-income American children, that's been hijacked.

And again, yet again, the Democrat Congress will try to transform that program into something else; instead to give additional benefits to adults while we still have children that are not served, to give benefits to illegal immigrants while we still have Americans unserved, to give benefits to the uninsured while we have those who are insured and, finally, to give benefits to higher-income Americans before we serve lower-income Americans. That is not right. This is not fair. This is not democratic. It's not what the Speaker committed to. And this point of order should be sustained.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve.

Mr. SESSIONS. Mr. Speaker, last Congress the distinguished chairwoman of the Committee on Rules thought it was so important to require at least 24 hours before voting on any rule that she authored a rules change, H. Res. 686, cosponsored by the gentleman from Florida (Mr. HASTINGS), the gentleman from Massachusetts (Mr. MCGOVERN), and the gentlewoman from California (Ms. MATSUI), senior members of the Rules Committee. The proposed change would have prohibited calling up a report by the Committee on Rules within 24 hours of presentation to the House.

Mr. Speaker, I would refer my colleagues to H. Res. 686 of the 109th Congress.

Mr. Speaker, I wasn't really surprised when the new Democrat majority didn't actually follow through on their commitments on the opening-day package. However, I just wonder what happened to the dedication of Democratic Members who once showed the rights of preserving those things which they think are good for Members to have time to know what the heck they're voting on.

☐ 1130

And I believe today a 293-page bill with zero cosponsors, and even the gentleman who brought the bill to the Rules Committee last night said "not my bill, it's the Senate's bill," I believe we should be careful what we are doing and allow 24 hours and follow the rules of the House.

Mr. Speaker, at this time I would like to yield the balance of my time to the gentleman from California (Mr. DANIEL E. LUNGREN).

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from California is recognized for 2½ minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of this point of order that goes essentially to the question of unfunded mandates contained in this bill. It is very difficult to determine exactly what this bill is since it is nearly 300 pages and we received it last night.

Why is the question of unfunded mandates so important? Well, a great example would be exactly what is happening in my home State of California right now; the tremendous, tremendous pressure that my home State is under at the current time as a result of an unprecedented series of fires raging at the same time.

And that brings into question of those Members of Congress from my home State who are traveling today back home with the President of the United States in order to assess the damage, to show that the Federal Government is fully involved in concert with State and local governments. And we would ask that the consideration of this rule and this bill be postponed not only on this point of order but because of the circumstances that are occurring in our State at this time.

The majority leader said a little bit earlier that, well, things happen all the time and Members miss the opportunity to be here on the floor because they are back home, as if this is an everyday occurrence.

My home State has lost almost 1,500 residences, 1,500 destroyed. We have somewhere between half a million and a million people evacuated. That is not an everyday occurrence. That is an exceptional circumstance. And it just is beyond the sense of the cordial nature of the collegiality of this House that ought to prevail for us to be considering this.

Nearly 9,000 firefighters from all agencies on the fire lines of California over the last number of days. At least 1 confirmed death, 18 fires in 7 counties, almost a half a million acres destroyed, 104 commercial structures destroyed.

The fact is that we ought to come together and work together on issues as important as responding to the natural disaster that is occurring in California just as we should be coming together, working together to try to solve the problem of the unmet needs of poor children and their health in this country.

Mr. Speaker, we have not been invited to the table to be able to present this. This point of order ought to be sustained technically on the question of unfunded mandates but really, philosophically on the fact that this is not the time for consideration of this particular rule or this bill.

Ms. SLAUGHTER. Mr. Speaker, I feel compelled to point out this is not about a point of order or unfunded mandates, but it is because this administration and many of the people in this House do not want to give health care to 10 million children.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired. The question is: Shall the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 181, not voting 35, as follows:

[Roll No. 1003]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (GA)
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—35

Bilbray
Boren
Boucher
Buyer
Calvert
Cannon
Carson
Clay
Cubin
Davis (CA)
Dreier
Emanuel
Engel
Filner
Franks (AZ)
Gallegly
Gonzalez
Hinchey
Hunter
Issa
Jindal
Johnson, E. B.
Lewis (CA)
Lucas
McHenry
Mollohan
Ryan (WI)
Shea-Porter
Tierney
Visclosky
Watson
Waxman
Westmoreland
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1154

Messrs. LEWIS of Kentucky, KING of Iowa, TIBERI and DAVIS of Kentucky changed their vote from "yea" to "nay."

Messrs. BLUMENAUER, CLEAVER, DAVIS of Alabama and PRICE of Georgia changed their vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 1003, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA.

Had I been present, I would have voted "yea."

Mr. SESSIONS. Mr. Speaker, I'm sorry, I did not hear you, but I object to the ruling on laying on the table the motion to recommit. I did not hear your words in that regard; and I object, Mr. Speaker.

The SPEAKER pro tempore. The motion has yet to be addressed.

Mr. PRICE of Georgia. Mr. Speaker, has the Speaker determined the vote on the previous motion?

The SPEAKER pro tempore. Is the gentleman asking to reconsider the vote by which the question of consideration was decided in the affirmative?

Mr. PRICE of Georgia. I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on tabling the motion offered by the gentleman from Georgia.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 183, not voting 31, as follows:

[Roll No. 1004]

AYES—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley

Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

### NOES—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

### NOT VOTING—31

Bilbray
Boren
Boucher
Braley (IA)
Brown, Corrine
Buyer
Calvert
Carson
Conyers
Cubin
Davis (CA)
Davis (IL)
Dreier
Filner
Gallegly
Hastert
Hunter
Issa
Jindal
Johnson, E. B.
Larson (CT)
Lewis (CA)
Maloney (NY)
Shea-Porter
Tancredo
Watson
Waxman
Welch (VT)
Wilson (OH)
Yarmuth
Young (AK)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1214

Mr. REYNOLDS and Mr. BOEHNER changed their vote from "aye" to "no."

Mr. ELLISON and Mr. PATRICK J. MURPHY of Pennsylvania changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 1004, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA.

Had I been present, I would have voted "aye."

---

## MOTION TO ADJOURN

Mr. CAMPBELL of California. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

### RECORDED VOTE

Mr. CAMPBELL of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 224, not voting 43, as follows:

[Roll No. 1005]

### AYES—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goodlatte
Gordon
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

### NOES—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Oberstar

Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Reichert
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Woolsey
Wu
Wynn

NOT VOTING—43

Baird
Bilbray
Blunt
Boren
Buyer
Calvert
Carson
Cubin
Davis (CA)
Davis (KY)
Dreier
Emanuel
Filner
Flake
Gallegly
Gohmert
Granger
Hastert
Hayes
Hunter
Issa
Jindal
Johnson, E. B.
Johnson, Sam
Lewis (CA)
Maloney (NY)
Marshall
McCollum (MN)
Meek (FL)
Moran (VA)
Napolitano
Rangel
Renzi
Reyes
Sarbanes
Shays
Shea-Porter
Tancredo
Waxman
Weldon (FL)
Wilson (OH)
Yarmuth
Young (AK)

☐ 1232

Ms. KAPTUR changed her vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 1005, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA. Had I been present, I would have voted "no."

## PROVIDING FOR CONSIDERATION OF H.R. 3963, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

The SPEAKER pro tempore (Mr. HOLDEN). The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

### GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H. Res. 774, and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 774 provides a closed rule for consideration of H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007. The rule provides 1 hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and the chairman and ranking minority member of the Committee on Ways and Means.

Mr. Speaker, I stand before you on the floor this afternoon with mixed emotions. I along with a majority of Members of the House are disappointed that we have to reintroduce a bill, passed by enormous bipartisan support, which would have provided millions of children across the Nation with access to health care.

The memory of what took place here on the House floor a week ago today will not soon be forgotten. On that day, we saw a few Members stand in lockstep with the President and with that deny health care coverage for millions of our children.

However, coupled with my disappointment, Mr. Speaker, is the consuming feeling of promise. I have hope for those children, along with a belief that those Members who were unable to break away from the President's mistaken rhetoric will stand for what is right today and vote to overwhelmingly pass this vital legislation.

I feel strongly that what motivated me and so many of my colleagues to come to Washington in the first place was the thought that on any day a vote could be held that would improve the lives of millions of people throughout our country. And that is exactly the chance that we have been given here today.

We are again granted the chance to vote for a bill that will advance medical care in this country, improve the health of our youngest and neediest citizens, and offer new hope for literally millions of children who would otherwise be left without either.

I think everyone listening today recognizes the reality of the situation we face. Should we not act, the health care of millions of children will be yanked away on November 16. Not providing health care to millions of children when given the opportunity to do so is appalling, but to strip away benefits from those who currently have them is simply indefensible.

Mr. Speaker, in our vote to expand SCHIP last month, we made a genuine dent in one of the most shameful inadequacies of our health care system: the lack of coverage for millions of America's children.

Congress created the State Child Health Insurance Program in 1997 with broad bipartisan support, including some of my colleagues who now oppose it. As a result, over 6 million children currently have health care coverage that otherwise would not. In my home State of New York, over 400,000 children are enrolled, the second highest in the Nation.

The SCHIP reauthorization bill would preserve access to health care for 6 million children already enrolled in the program, while bringing desperately needed health care coverage to almost 4 million more children. As a result, in my home State of New York, an additional 268,000 children who need it will have health care coverage. That means they will be able to get their immunizations before starting school, or see the dentist when they have a toothache.

This new bill also makes changes by phasing out childless adults after 1 year, and also puts in a cap on children whose parents' income are over 300 percent above the poverty level. The bill also requires States to develop plans and implement recommended best practices for addressing crowd-out.

Make no mistake, 43 Governors from red States and blue, 69 Members of the United States Senate, Democrats and Republicans, 273 of my colleagues from both sides of the aisle in the House, and 81 percent of the American public, including a large majority of Republicans, support our bipartisan expansion of SCHIP.

Yet, presented with this overwhelming support from all sides, the President decided to dust off his veto pen and with it deny millions of children access to health care. In spite of the unquestionable benefits and in spite of the overwhelming popularity and accomplishments of this program, SCHIP is under attack.

We saw reprehensible smear attacks on families who were brought into the public eye to showcase the benefits of the program. In the face of the lifesaving chance that was bestowed on the family due to this program, the harshest rhetoric was not cast against the bill, but against this family, including the children.

We saw persons go to the home of one of the families and harass them in public, talk radio and blogs made wild and audacious accusations, and we even saw staffers on Capitol Hill who clearly intended to assist this fabricated, coldhearted smear campaign.

It is simply beyond comprehension to me that many are willing to score political points by denigrating our Nation's children, particularly those who owe their very lives to this program.

But the American people saw through the attacks. They understood that the health of our Nation's children is simply not worth scoring a few political points.

Mr. Speaker, the President chastises the $35 billion bill, which is fully paid for, as "too expensive." And with the same breath, he seeks an additional $190 billion for the Iraq war, all of which is at the expense of the taxpayer.

This is simply unconscionable when you realize the amount of money it takes to provide the health care for 10 million children for an entire year is what we spend in Iraq in just 41 days. We need to get our priorities straight.

I am enormously proud of the accomplishments we have done this year, from education to health care, but nothing means more to us than SCHIP. The American people expect us to tackle this health challenge before us. Last week we fell short of overturning the veto by just 13 votes. To those Members who know that providing health care to vulnerable children is the right thing to do, I say to you: Join with Democrats and Republicans and with the American people in passing the bill today.

Healthy children make a healthy Nation, Mr. Speaker. I hope every Member takes a long and hard look at the bill that we are presenting today and sees not just the words and the numbers, but the faces of 10 million children whose fate they hold in their very hands.

It is time to put principles before politics. It is time to stand in defiance of misplaced priorities. And it is time to vote with our Nation's children and provide them with the health care they need and deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise today in strong opposition to this 40th completely closed rule to be reported by the Rules Committee in the first session of the 110th Congress, a rule that fails even to provide the minority with a substitute amendment and to the underlying legislation that the minority did not receive until 7:30 p.m. last night.

Might I also add, perhaps the American public is sold on this, but there is not one cosponsor of this bill in this body. And when the bill was presented to the Rules Committee last night, no one even took credit for it. Those that brought the bill forward said, "Not my bill, this is the Senate bill." An interesting twist of fate.

Mr. Speaker, once again, for the third time in as many months, I oppose the way this legislation has been brought to the floor without a single legislative markup. I oppose the fact that despite Speaker PELOSI's promise to run the most honest, open and transparent House in history, today we are being provided with a process and a product that is none of the above.

Mr. Speaker, what we do have is a bill that neither the Republican leadership nor the Republican members on the Energy and Commerce Committee nor the administration had any opportunity to participate in crafting.

What we do have is a process that has been politicized and mischaracterized over and over again by the new Democrat majority in the hopes if the same skewed numbers and faulty facts are repeated enough times, then somehow they must be true.

Last night in the Rules Committee, we learned that when it comes to playing by their own PAYGO rules, the Democrat majority wants to have things both ways. We learned that this majority only agrees with the facts presented by the Congressional Budget Office when it suits their needs. When the CBO estimates that the bill raises taxes enough to pay for the additional $35 billion in spending that it creates, they would be for it. However, when confronted by the fact that CBO estimates that this legislation falls 26 percent short of the often-repeated claim of covering 10 million children, all of a sudden the CBO's calculator is broken and their ability to estimate anything accurately is certainly put at dispute.

The CBO also estimates, as my good friend and colleague from Texas, Dr. MICHAEL BURGESS, points out in his testimony late last night in the Rules Committee, this legislation will move 2 million children who are already being covered by private health insurance into a Washington-based system that deliberately undercompensates physicians for their services by approximately 40 percent, creating a net loss for the overall quality of patient care.

What we do have is a process that for the third consecutive time still increases government spending and dislocates the private marketplace, diverting much-needed funds away from helping our Nation's poorest children.

One new bit of information which has been represented about this legislation is that it finally prevents undocumented workers and adults from receiving those funds intended to pay for the medical cost of children of the working poor.

□ 1245

Since we got this 293-page bill just a few hours ago, I will have to take the Democrats at their word. But if this is the case, it means that despite all of their protests to the contrary, and consistent with now-vindicated Republican criticisms, the first 2 SCHIP bills passed by the House did cover undocumented workers and adults.

I would like to congratulate Speaker PELOSI and the rest of the new Democrat leadership team for finally agreeing with what Republicans have been saying all along, because we all began at the same point, and that is, you can't have a fix if there's no problem to begin with. We knew there was a problem, and they finally admitted it in this new bill.

Mr. Speaker, I'm not here to oppose the idea of SCHIP. It was a Republican-controlled Congress that created SCHIP; and I support its original, true mission statement. But H.R. 3963 is yet another thinly camouflaged attempt at slowly siphoning Americans from insurance plans in the private market into a Washington-based, government-run, single-payer health care system.

Mr. Speaker, today we have failed to address one of the most serious issues facing our Nation, how to make the health insurance system more affordable and accessible for all Americans. So, most of all, I rise to oppose the Democrat leadership playing political games with children's health in order to score electoral points.

It is a well-known and often-cited axiom that "success has a thousand fathers, but failure is an orphan." That statement is no more true than in Washington, DC today, where everyone clamors to be associated with success but sets new land-speed records in distancing themselves from responsibility.

You see, last night in the Rules Committee, we were told time and time again that the bill being brought forward by this rule is not a House product; it is a Senate compromise that we all just have to support. The chairman of the Energy and Commerce Committee, my good friend Mr. DINGELL, reiterated the point over and over again to the committee in his testimony.

In fact, despite asking for one, I'm still unable to find 1 House Democrat willing to take responsibility for all the shortcomings of this bill. And if we can't find 1 Member of the House, much less a thousand, willing to take credit for this bill, then I guess if we're simply judging the bill a success or a failure, it's pretty obvious which category this falls into.

Mr. Speaker, I ask all of my colleagues to oppose this completely closed rule that breaks every promise made in Speaker PELOSI's "New Direction for America," and this politically motivated and ill-conceived legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California, the Speaker of the House, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentlelady for yielding, the distinguished Chair of the Rules Committee, and I thank you for bringing this opportunity to the floor where Congress again will have to make a decision about our priorities. The Congress will, I know, in a very strong bipartisan vote, support the children of America because this has always been, as the gentlewoman indicated, a bipartisan initiative.

I first want to acknowledge the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, for his work over the years. I believe his committee had seven hearings on the legislation regarding SCHIP. And the distinguished Chair of the Health Subcommittee, Mr. PALLONE, is with us here.

I also want to acknowledge the great work of CHARLIE RANGEL, the Chair of the Ways and Means Committee, who has been such a strong advocate for America's children in every way and, in particular, in this. He, too, had his markups on the bill, which improved the bill; and I want to acknowledge him and his distinguished Chair of the subcommittee, Mr. STARK.

But my highest praise goes to Republicans. Without the Republicans we wouldn't even have SCHIP. Senator ORRIN HATCH of Utah really is the father of this initiative. As he tells us, two families in Provo, Utah, visited him in his office. Both of these families have 2 wage-earners, both of them making minimum wage, trying to support their families of four each. They pled with him that they could not provide health insurance for their children. Because they were working and they were above the poverty line, they did not qualify for Medicaid, and so their hard work was rewarded, not so, by not having health insurance for their children and that was where this all began.

Ten years ago, under a Democratic President, President Clinton, and a Republican Congress, this initiative, SCHIP, State Children's Health Insurance Program, became the law of the land; and God bless that bipartisan effort for making that possible for the health of our children.

So Senator HATCH was very much a part of putting this legislation together, and the gentlemen are right, this is largely a Senate initiative. Senator GRASSLEY, the former Chair of the Finance Committee from Iowa, also a distinguished Republican Member of the United States Senate, has worked harder than anyone to make this the law of the land again, to reauthorize this SCHIP, this children's health initiative, by his intellect, and helped shaping the bill, by his persuasion in talking to Members, including his persuasion of many of us who had a far different bill in mind but agreed to the compromises that he has put forth for the good of the children.

That bill was vetoed. The original bill was vetoed by the President, as we all know. The veto was not overridden. So here we are again with another SCHIP in the image of the bill that received all of the attention before, but improved upon by suggestions made by our colleagues in the minority, our Republican colleagues.

It wasn't that these issues weren't covered in the bill; but the clarity sought by the Republicans, and agreed to by all of us, I think are a definite improvement on the bill, and these fall into 3 areas.

First, there was the question of the now-famous unlimited amount of wealth that a person could have in order to be able to avail themselves of SCHIP. I hesitate to even repeat the charge because it was so untrue and was known to be untrue, because none of the waivers for such action were ever given by President Bush.

So that factual statement did not exist, but in any event, the fact is now and I thank our Republican colleagues for insisting upon the clarity that says no one making over 300 percent of poverty, no State can allow people to receive the benefits of SCHIP. So there's a cap, a 300 percent of poverty, as to who may receive the benefit.

Secondly, the question of undocumented, those people who are in our country but have not been here that length of time that would qualify. So the undocumented are one category, and the undocumented are not allowed to receive benefits from this initiative. It was clear in the first bill. It's even clearer in the second bill.

So the cap on who can receive it, stronger language as to undocumented, and, third, the issue of adults. Adults were in the program because people thought as a lure to families they could get children in the program. Republicans objected to that. There was an exaggeration of the number of adults who are in the program; but, nonetheless, in the interests of the children the new legislation contains a provision that adults, under one circumstance, will be phased out in 2 years and, in another circumstance, in 1 year, so that it's a faster, faster removal of adults from the system.

As a mother of 5, though, I have to insist that Governors still be allowed to provide health care to pregnant women because we cannot talk about the health of our children, especially getting one out to the earliest, healthiest start, unless we talk about the health of pregnant women.

So, again, 3 areas: the cap, 300 percent; no illegal aliens, to use your term, I prefer undocumented, are able to get benefits; and adults are phased out of the program. The adults were only in the program because the Bush administration gave the waiver to enable them to be in the program; but, nonetheless, that is now out of the question.

So we have this opportunity, once again, for this Congress to speak and vote in support of children. This is so important. It's a very positive day for me because when people ask me what are the 3 most important issues facing the Congress, I always say the same thing—our children, our children, our children: their health, the education, the economic security of their families, a safe and healthy environment in which they can thrive, and a world at peace in which they can reach their fulfillment.

And on every one of those scores, this Congress has acted in a strong bipartisan way on behalf of the children. The health, we're talking about today. The education, this Congress in a strong bipartisan way passed the biggest package for college affordability since the GI Bill of Rights was signed by Franklin Roosevelt in 1944, over 60 years ago, and this Congress said we are standing with the children in terms of expanding their opportunity.

The health today, the education and many other educational initiatives. I point that one out because it's a start. The economic security of their families, this Congress voted in a very strong bipartisan way to raise the minimum wage, the first time it was raised in 10 years, and with a strong bipartisan vote.

Also, in a very strong bipartisan vote, we voted for the Innovation Agenda, the COMPETES Act, our commitment to competitiveness to keep America number one, keep good-paying jobs and businesses in the United States, helping the economic security of our families.

And then the environment in which they live, again in a strong bipartisan way, we passed legislation to make the air they breathe, the water they drink cleaner. All of this was done, again strong bipartisan votes, highest ethical standard, no new deficit spending, all of it so that none of the advantages that we were conveying to children would be accompanied with a bill heaping mountains of debt onto them into the future.

Part of that also was to operate in the most honest and open way. In a strong bipartisan way, we passed our ethics reform bill so that we are here for the children's interest and not special interests.

So this Congress this year has had a strong bipartisan record in support of our children, and I thank both the Republicans and the Democrats for supporting those initiatives. Almost all of that except this SCHIP has been signed into law by the President of the United States.

Some mention has been made about the fact that there is a fire in California, and as one who has had the privilege of representing the great Golden State of California for 20 years in the Congress, one who understands we had an earthquake in San Francisco, an earthquake in Los Angeles and now these disastrous fires, we all understand how important it is for Members to be at home with their constituents at a time of a natural disaster, a time of tragedy. But that doesn't mean we don't continue with the work of government.

As Mr. TAYLOR so eloquently said earlier, he was with his constituents in Mississippi while we passed legislation that affected those people here in the Congress, and that was the appropriate way to go. It was then; it is now.

As a matter of fact, I spoke to Governor Schwarzenegger the other day and acknowledged his leadership and the rapid response of the California emergency services team, which is the gold standard, a model for the country. I wanted to find out from him what needs he had from the Federal Government. At the time we had emergency designation. Now we have a major disaster designation by the President, and I salute the President for making that designation, and I thank him for visiting California today.

According to Governor Schwarzenegger, all of the Federal resources that are available to those affected by the disaster, those resources are accessible to those who can help people with that, but we will be taking a bipartisan delegation of appropriators and others who can help meet their needs and get a better picture of what's on the ground there after the fire subsides.

So this is something that is a very high priority for this Speaker of the House, the first Californian to ever serve as Speaker, with great love for our great State.

□ 1300

The Governor in that conversation then said, How are we doing on SCHIP? He told me of the calls that he had made, and how important it was to pass this legislation. That's why we are here today.

This is important not only to California's children, but children across the country. The Governor knows a million people have been displaced in California in this natural disaster, and 1.2 million in California will benefit from this SCHIP bill that we are passing in the Congress today. The Governor understands that. He has been a strong supporter of it, and he is helping us to pass this legislation, recognizing that we have to get the job done. Again, I salute him for his leadership, and I thank him for his support on SCHIP.

Earlier this year under the chairmanship of GEORGE MILLER, Congressman CHAKA FATTAH and Congresswoman ROSA DELAURO we had a summit, a children's summit, where we had hundreds of scientists from all over the country who came and spoke about our children again, their health, their education, housing, really, every aspect of their lives. One of the people who spoke there was Dr. James Heckman, who is a Nobel laureate, received the Nobel Prize for his work on economics. He is the Director of the Center for Social Program Evaluation, Harris School of Public Policy at the University of Chicago.

What he said that day was that the accident of birth is the greatest source of inequality in American society. He said, a good public policy for our children makes good economic sense. That is from an economist.

I know, as a mom and a grandmother that it makes good sense to care for the health of our children. Our Members, I am sure, across the aisle and all of us here know how important the health of our children is. People across America have understood it.

Easter Seals was here last week to advocate for this legislation. The March of Dimes was here on the day of the vote last week to advocate for this SCHIP legislation. Every organization from AARP and the AMA, the American Medical Association, to YWCA and everything in between alphabetically, Catholic Hospitals Association, Families USA, are out there beating the drum for the passage of this legislation.

Imagine Easter Seals and March of Dimes, within 1 week, both sending hundreds of people to Capitol Hill to lobby for this legislation. It was astounding.

I hope today, when our colleagues have to make a decision about this vote, that they will be thinking about the record of bipartisanship on behalf of America's children and families that this Congress already has. Sometimes it is eclipsed by the disagreement that we have on the war, but it is a fine record, and it is stronger because it is bipartisan.

I hope that our colleagues will be thinking about the children. Some of these little children, one of them, Zeke Taylor, he wasn't a beneficiary of SCHIP. March of Dimes helped him through his early years when he needed health care. But he wanted other children to have that, because he, at age 8 years old, as the ambassador for the March of Dimes, knew that it was important to him and, therefore, it was important to other children as well.

As my colleagues, we are pretty blessed, when you think of it. Think of those of us who will be voting today. We all have health insurance for our children. In my case, it's grandchildren. My children are grown, so it's not a question of that. But you who have children who are still, God bless you, I am so jealous, have your children home, you have health insurance for your children.

The people we are trying to reach with this health insurance can't afford it. By the way, nearly, over 90 percent of them make one-fifth of what a Member of Congress makes, one-fifth of what a Member of Congress makes. So we are talking about people who are playing by the rules who are working to lift themselves into the middle class or to sustain their place in the middle class.

We are talking about a country who has not as an issue, not as a piece of legislation, but a deeply held value, an ethic, that to be a great Nation we have to take care of the health of our children. It should almost go without saying, but it doesn't, and we need the public policy, as Dr. Heckman said, good public policy for our children. We say it is necessary for their health and well-being. He also says that it is essential to our economy.

So there is every compassionate, humanitarian, motherly, fatherly, family reason to be for this legislation, but it also makes good economic sense. By the way, it also makes good national security sense.

Again, we have had our moment. We are like a family here. We have had our moments. It's time to put the children first.

I urge all of you to support this legislation that is before us for America's children, for all of America's children, to take our country in a new direction for them.

Mr. SESSIONS. Mr. Speaker, the Republican Party does support SCHIP. We do not support taking 2 million children that today are in private health insurance programs and moving them to the government, Washington-based/run health care program. That is where we offer our differences today on the bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I want to thank my friend and colleague on the Rules Committee from Dallas for yielding me the time.

Mr. Speaker, this is the third time the House has considered legislation to renew the State Children's Health Insurance Program. It is the third time that it is being considered under a closed rule that denies each and every Member of this House an opportunity to offer an amendment to improve it. It's the third time that we Republicans first saw the text the night before it comes up for debate. It is the third time that the Rules Committee has met at all hours of the night on these suddenly appearing bills.

Last night, it was almost until midnight. The second time we met, it wasn't until almost 10 p.m. And the first time we met on this bill, it was from 1 a.m. to 3 a.m. in the morning. It is the third time the Democrat bill allows thousands of adults to sign up for children's health care. It's the third time it moves those with private insurance into a government-run program. And it's the third time it doesn't focus on caring for thousands of the poorest kids in our country who are eligible for coverage today but who haven't been signed up by the individual States.

Last night, from 9 p.m. until nearly midnight, the Democrats claimed this bill was really different, that they had changed it to address the problems. But the nonpartisan analysis by the Congressional Budget Office says that they are flat wrong.

Under this bill, we would have more adults on children's health insurance than we do today. SCHIP would actually cost more than the previous bills while covering less kids, and that several million enrollees in the program today would leave their private insurance for tax-funded programs. This bill isn't a true effort to reach a new accord to renew SCHIP. It is a political game being played out at its political worst.

Speaker PELOSI, who just spoke very eloquently on the floor, her Web site still has a statement on it, and I quote from that statement, "Under Democratic leadership, this Congress is changing the way we do business in Washington—restoring accountability and working together to get the job done." I wish this promise wasn't being broken every time the SCHIP bill is brought to the floor of the House, but it is a promise that is being broken.

I want to go on, since the Speaker spoke so eloquently. In her "New Direction for America," she states, "Regular meetings between Chairs and ranking members of committees and staff should be held." That didn't happen on this bill. That's another promise that was broken.

Further, in her "New Direction for America," she states, and I quote, "Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute." That's another promise that was broken.

To my Democrat friends, I must say that you can't reach an agreement by only talking to yourselves. You don't work together by ignoring Republicans, hiding the text of the bill from the Republicans until the night before the debate, shutting down any opportunity for amendments to be made in order to improve the legislation on the floor.

In 1997, a Republican Congress and a Democrat President actually held discussions on creating SCHIP. They talked together, worked together and reached an agreement to provide health insurance to the poorest kids in our country. That approach was successful, and it created this program. That is the right approach to reach agreement to renew SCHIP and to keep the focus on caring for kids that are most in need.

The tactics last night and today by Democrat leaders aren't about bipartisan talks; they are about partisan posturing. To me, it's terribly disappointing. SCHIP should be renewed, and it will be renewed as soon as an honest effort is made on a bipartisan agreement.

I urge my colleagues to vote against this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentlelady for yielding.

Mr. Speaker, I rise today in strong support of SCHIP and the millions of children from poor families who would be covered by this bill. It is critical that we take action immediately to save this important program. I wholeheartedly supported earlier versions of the SCHIP reauthorization, which would have enhanced and preserved a successful program that has made health insurance a reality for over 6 million children from low-income families.

I was tremendously disappointed that the President did not agree that strengthening SCHIP was a national priority. I could not disagree more with him.

But in response to his opposition, the House leadership has put forth the compromise version of this bill, one that addresses lingering concerns while retaining the core principles of this important program. This bill will protect the existing coverage for children and ensure that the lowest income children who are currently eligible but not enrolled would gain coverage, an additional 4 million children on top of the 6 million who are already covered.

It is the right thing to do. It is the moral and compassionate thing to do, and I urge my colleagues to vote in favor of this rule and the accompanying legislation.

Mr. SESSIONS. Mr. Speaker, I am pleased to yield 3 minutes to the ranking member of the Energy and Commerce Committee, the distinguished gentleman from Ennis, Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, we are here once again on an issue that should have been solved, like, March of this year.

An emergency meeting of the Rules Committee was noticed at 7:30 last evening to be commenced at 8:30. That meeting lasted until midnight.

Dr. MICHAEL BURGESS, a member of the Energy and Commerce Committee, attended with me to represent the Energy and Commerce Committee in the negotiations before the Rules Committee. He offered an amendment to this bill and was told it was not in order because he didn't get it in time. Didn't get it in time. An emergency meeting that is noticed at 7:30, that starts at 8:30, that lasts till midnight, Dr. BURGESS shows up with his amendment and is told, I am sorry, we can't have your amendment in order because it wasn't in time. We didn't even know there was going to be a meeting until 7:30.

Once again, we have a closed rule, which means there are no amendments made in order. Once again, we have a bill that was not seen, at least by those of us on the minority side, until approximately 7 to 7:15 last evening. Once again, we have a bill where there have been really no bipartisan negotiations. There have been some consultations with certain members of the minority party, I have to admit that.

I don't know what the distance is from here to there, but I am going to guess it's about 12 feet. Let's see. It's 18 feet. Now, if I really wanted to negotiate, and I was in the majority, I would say, let's get together and talk. I would reach out to my left and I would reach out to my right, each of us come about 9 feet, we could negotiate.

But here is how the Democrats do it. They haven't even said we wanted you to negotiate, but if they did, they head out the door. They are going around the world to meet us halfway when they could just do it 9 feet apart. I don't understand that.

Let's vote the rule down. Then let's get together and really negotiate.

Now, I want to give Ms. SLAUGHTER some credit. She was born in Texas. Her instincts are right. We did get a motion to recommit today, for the first time. When we get to the motion to recommit, we are going to have an opportunity to put forward a proposal that is positive for SCHIP that has been put together by the Republicans.

I will tell my friends on the majority side, it's not going to be a gimmick. I think it will say "forthwith," which means if we adopt it, we vote on it.

☐ 1315

So I look forward to the debate, and I look forward to the motion to recommit. If we really want a bill the President would sign, I would say vote for the motion to recommit. But right now, vote against the rule so we can get some amendments made in order and have a real debate.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, if I could ask how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from Texas has 16 minutes remaining. The gentlewoman from New York has 20½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 4 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I think we need to sometimes look back and see how we got to where we are.

On March 13, 1996, I was in the Florida Senate. I pulled up an old newspaper article that talked about "the million-dollar team of tobacco lobbyists figured they had their votes yesterday to override the Governor of Florida. Then Senator Ginny Brown-Waite of rural Hernando County stood to address the chamber. Her vote was crucial to the tobacco companies who wanted to scuttle Florida's tough anti-tobacco law. They thought they had her. But they didn't know that in the last 26 years she had lost her mother, father and sister, all smokers, to cancer."

I stood up and said, and it's quoted in here:

"'I can't sit here any longer and play the tobacco game,' Brown-Waite said in a hushed emotional voice. 'I was awake all last night laboring over this.'"

"Minutes later, pro-tobacco forces withdrew their motion."

Ladies and gentlemen, the reason I am bringing this up is this is where the money came from for the original SCHIP bill. It was because of overturning that vote and other States then followed to go after the tobacco companies for funds for third-party reimbursement. That's where the money came from for the SCHIP program. I was proud of that vote. I was very, very proud of that vote. I think the tobacco companies, for a long time, lied to the American public.

So after that, that was in 1996, after that, in 1997 Congress created the SCHIP bill. Great use of the tobacco litigation third-party reimbursement money. Great, great use for it. In Florida we created our own program from it.

But what we have here today is kind of what a farmer in my district once told me. He said, You can take horse manure and roll it in powdered sugar and it doesn't make it a doughnut. That, ladies and gentlemen, I think is kind of what we have here today.

It's a magnet for illegal aliens. We have income disregards in here that will encourage States to disregard anything at all. There are no guidelines. They can disregard any form of income, child support, child care costs, anything that they want to get to that 300 percent of poverty level.

This is not about supporting the President and the override. Lord only knows, this President knows he can not rely on my vote because I have stood in this Chamber and voted to override his veto of the stem cell bill. I disagreed with him on many, many issues.

Madam Speaker is absolutely right. This is about the children. Like her, I'm a mother and a grandmother. Wasn't it interesting that she couldn't use the word illegal. It was undocumented. Whether she prefers to call them undocumented or illegal, this is a magnet which will draw even more people illegally, I don't have a problem using that word, illegally into our country.

If children really are what my friends on the other side of the aisle care about, then why did they hold up this vote for 2 weeks? Now kids, on November 16, unless we can really, really compromise, they will be without health care. I think that is cruel. I think we need to get serious.

I told Majority Leader HOYER this morning that this bill is just so outrageous. I almost wish I could turn back the clock and change my vote. I never thought I would say that. I absolutely, Mr. Speaker, never thought I would say that. I was very proud of that vote. We need to make sure that we do cover kids and that we get serious about seriously negotiating a good bill, not a bill called a doughnut.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SPACE).

Mr. SPACE. Mr. Speaker, I rise in support of the SCHIP bill that we will, again, today, be passing with bipartisan support. This is a bill which is not intended to be a handout. This is not a form of welfare. This is legislation that will provide assistance to working families, specifically 10 million children of working families who have had a very difficult time in today's economy, a difficult time with high gas prices, high prices of natural gas, electricity, struggling to make ends meet.

In Ohio we lead the Nation in foreclosures or are near the top. We're near the top in bankruptcy. In Ohio's 18th district there's an air of desperation, given the loss of manufacturing jobs.

The working families of this country need help. And this is a chance to give it to them. To call this a magnet for illegal immigration, to classify this legislation as Washington, D.C.-based health care is a gross misstatement of the facts, and nothing more than a red herring.

The truth is this legislation will enhance the lives, the quality of lives of 10 million young Americans. We have an obligation as a government to do that.

I thank those Republicans with the courage to vote to override the almost certain looming dark cloud of a Presidential veto and urge those with the foresight and courage to do so again as we proceed on this important legislation.

Mr. SESSIONS. Mr. Speaker, I would remind my wonderful friends on the other side that if they are serious about this bill maybe they would start by trying to negotiate with the administration, or by reaching across just 9 feet, as the gentleman from Texas said, Mr. BARTON. Why not try? It's amazing what you would maybe get, maybe some bipartisan help.

Mr. Speaker, at this time I would like to yield 3½ minutes to the distinguished gentleman from the Intelligence and Energy and Commerce Committees, the gentleman, Mr. ROGERS.

Mr. ROGERS of Michigan. Mr. Speaker, I can't tell you how disappointed I am in my colleagues across the aisle. Many of us reached out and said we'd like to help craft the language that solves the problems that we all agree are problems.

Even the Speaker of the House acknowledged that illegals in that other bill was a problem; that adults on the bill was a problem; that people collecting over 300 percent, in some cases $83,000 or up to $100,000, that was a problem. The fact that we're taking millions of children and forcing them off of their private insurance and onto a government program was a problem.

All was acknowledged. But not one constructive meeting happened where we actually sat down and said, we all agree that those are problems. You agree and we agree. Let's work out the language so that we can get a bill that takes care of poor children. That's what we believe.

But, Madam Speaker, I would encourage you to read the bill. As a matter of fact, she was proud to say that they capped it at 300 percent. We got the bill last night. We're still finding some real gems in here.

Denial of payments for expenditures for children health care assistance for children whose effective family income extends 300 percent of the poverty line. Basically, they said, we capped it, see?

And then you read down a little bit, under rule of construction: "Nothing in these amendments made by this section shall be construed as changing any income eligibility level for children under this section."

You didn't change anything. As a matter of fact, you made it worse, actually made it worse. So you know that same $83,000 family that we all agreed and the Speaker stood right on this floor and said is a problem is still a problem in this bill.

I encourage all of you to read the bill. The rhetoric is great. Who's against poor kids? Nobody. But if you want to do something that has meaning, if you want to say that everybody's vote counts, that everybody should participate in this process, and you want to stand for kids and not behind them, then we need to reject this rule and come back and write a bill that doesn't allow illegals to have welfare benefits, that doesn't take these 2 million kids and throw them off their private health care, that doesn't have families making $83,000 subsidized by hardworking middle-class families. We can do it if you just try. You didn't even try.

The only people that are welcome now on that side of the aisle's leadership offices are pollsters, focus groups, people who are running TV ads. Last night we had Members getting calls on the bill that we didn't see, advocating for the bill. Oops.

To say that this has been honest and fair and open is a disgrace to this institution, and it is a great institution.

There's lot of people over there I have just so much respect for, and so many of them were trying to reach out and do this; but they were completely cut off from anything that resembled reasonableness.

I just want to cover quickly, Mr. Speaker, the things that the Speaker said again. No illegals. CBO says that, in fact, is not true, and you confirmed in a meeting earlier with your leadership that no proof of citizenship is needed in this bill. Reason enough.

Adults, you said we took care of the adults issue. CBO scores 10 percent of all the participants by 2012 will be adults.

Nothing over 300 percent. You heard the language in there that actually obliterates that. We don't take these working-class families off of their private health care insurance. CBO says 2 million will lose it.

If you honestly believe by your words in this well that these were problems before that you tried to fix, we need to reject this bill, start talking, cooperating and negotiating; and we're going to have a bill that truly helps poor children.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS), a member of the Energy and Commerce Committee.

Ms. SOLIS. I thank the gentlewoman for yielding time to me. And I ask my colleagues to please rise with us today on behalf of the many, many children, 10 million children, that will benefit from the reauthorization and on this rule so that we can hear the discussion and the debate on the Children's Health Insurance Program Reauthorization Act of 2007.

We can't afford not to help those 10 million children. These families here will be the ones that benefit, and future generations, Americans, citizens, will benefit. The SCHIP Reauthorization Act will help reduce what we call health care disparities that currently exist in our communities and in this country.

And although programs such as SCHIP and Medicaid have decreased the number of uninsured children over the last few years, there still has been a lack of funding and outreach efforts that have left millions of eligible children just like these without any form of health care coverage. In fact, 70 percent of Latino children are eligible for health care coverage through public programs, but remain uninsured.

This bill that we are going to debate will reduce the number of uninsured children of color by supporting community health care workers who are better known to give advice to many in our community. These are people that they can trust. These are people that can help inform them on how to go through the process of receiving this type of aid and assistance through the SCHIP program.

While we're doing that, we're going to reach millions of people who have otherwise not been enrolled in the program, particularly those communities that speak other languages, not just bilingual, but also people from different ethnic background like Armenians, Russians, Pacific Islanders and, yes, of course, Latinos.

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The compromise legislation, as I see it, before us today is a step in the right direction, and we have an opportunity and a moral obligation to do what is right for our children and our families. These are the most vulnerable communities in the United States. Children of all ages and of all communities of color are counting on us to do the right thing.

I urge my colleagues to vote in support of this rule for the sake of the 10 million children and their families that will benefit from the increase in funding for health care coverage for the most vulnerable populations in our society.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 3963.

This bill is not about politics. It is about hardworking families, the poorest amongst us. It's about 10 million children who will benefit, 10 million children that we have to put a face on. Our children.

As Christians, as humanitarians, we must think of the individuals who need help, children like Kristofer and Felecity Famutimi from San Bernardino County who were hospitalized because they needed sickle cell anemia care. Their families were financially strapped. SCHIP is the only reason that they were able to pull through.

For a month now, SCHIP has been under attack in the news. Enough is enough. Our children must come first. Our children must come first.

We have worked hard on a bipartisan basis to include provisions by the other side. We have included language to minimize substitution of employer-sponsored coverage with SCHIP and phase out childless adults after 1 year and even clarify that CHIP is only for U.S. citizens. Only for U.S. citizens. They are trying to use scare tactics by saying that undocumented children will be able to receive it. It is only for U.S. citizens.

This bill is not perfect, but we have done our part to work out the differences. Let's get our priorities straight. We spent a lot of money on the war, a war we should have never been in. Now we are talking about our children right here in the United States who need help. It is our responsibility. Our children deserve it. We must do better.

I ask my colleagues to support this bill. It is important for the poorest children. Support H.R. 3963.

Mr. SESSIONS. Mr. Speaker, just so that the Members of Congress that are around understand this, that 10 million figure cannot be substantiated. As a matter of fact, the last bill had 7-some million. This new bill, 7.4. So for the Members that want to talk about 10 million, that's not truthful. That is just not true. CBO says it will serve 7.4 million people; about 10 percent will be adults, and 2 million children will go from private insurance into government-run Washington, DC-based health care.

Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from Florida, Dr. WELDON.

Mr. WELDON of Florida. I thank the gentleman for yielding.

As a physician who practiced medicine for many years prior to coming to the House, I dealt with the issue of the uninsured on a daily basis. Indeed, I used to see it regularly, up close and personal. And certainly I think it is a noble endeavor for this body to try to address this issue.

But I would have to say I think it is really shameful and disgraceful the way the majority has proceeded in this whole process. The first time they brought the bill forward they gave it to us at the 11th hour with no opportunity to amend it. They did it the second time. They did it the third time now. Never, as I understand it, sitting down and seriously trying to discuss this issue with the President. The President needs to sign it.

And people keep coming to the floor and saying we need to do this for the children. What about the children who have to pay for this? I mean, let's talk about all of the children. The way this bill is crafted, the nonpartisan CBO has estimated it will migrate 2 million kids in middle-class families who currently have insurance onto the government payroll. And, jeepers, we can't afford Social Security. We are told that that is going to be insolvent. We can't afford Medicare. Under the current Medicare formula, doctors in this country are supposed to get a 10 percent cut in reimbursement. And now we are going to expand this program.

And the other thing I just want to point out, we are really creating a new entitlement. And one of the very reasons I came here is that this body year after year was creating entitlements that it didn't have the ability to pay for. And all I can say is here we go again. We are expanding this program, we are making it like an entitlement, and we are saying over and over again we are doing it for the children.

What about the tens of millions of children, the hundreds of millions who are going to have to clean up this mess?

I am against this rule. I am against this bill. I'm going to vote against it again.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished chairwoman for her leadership, along with Chairman DINGELL and Chairman RANGEL.

You know, as I listen on the floor, it is so curious to hear us quarreling over helping children, falling down on incorrect facts, details, while our country is facing tragedy. Our friends in California are suffering because of a natural disaster, and here we are on the floor trying to help our children, many of them who live in a suffering State because they have no health insurance.

Today I will vote in a bipartisan manner with my colleagues to support this bill, and I will again hope the President will sign it. But I will join my bipartisan colleagues, 72 percent of the American public who support it, two-thirds of the Senate, the majority of the House. We will stand for the children.

And in particular, as I come from the State of Texas, this is a bill that we need. This bill will provide and is capped at 300 percent of poverty. This bill is standard law. We will cover legal immigrants, and the law already indicates that those who are undocumented will not be covered.

In my own particular community of Harris County, we started in September of 2006 being able to do 56,000. This is a county of 4 million people, and now in the metroplex we are up to 62,000. Do you think that is enough? Absolutely not. In our own State, the Center for Public Policy Priorities Associate Director says Texas will need additional Federal funds in coming years if the State wants to cover the 300,000 children eligible. We are a State that is 20 million plus, but not enrolled in the program today is a mere 300,000. The State is 20 million plus, but we have 300,000 that can't get health insurance, as well as pregnant women. We need this bill. The Texas version of SCHIP covers children and families with incomes at or below 200 percent of the Federal poverty level.

Our State representative, Representative Coleman, has said this veto handcuffs Texas' ability to continue to reduce the number of uninsured children in our State.

You can bet your bottom dollar I'm going to stand with the majority of this Congress in a bipartisan way, not quarrelling over serving our children.

Vote for the SCHIP bill. This is the best way to save our children here in America.

Mr. Speaker, as the Chair of the Congressional Children's Caucus, I rise to announce that I will proudly cast my vote in support of H.R. 3963, the "Children's Health Insurance Program (CHIP) Reauthorization Act of 2007." I rise in strong support of this legislation because I am listening, and responding to the will of the American people. Last November 2006, Americans went to polls by the millions united in their resolve to vote for change. They voted for a new direction and a change in the Bush Administration's disastrous neglect of the real needs of the American people, particularly children who lack health insurance through no fault of their own. The new Democratic majority heard them and responded by passing H.R. 976, "State Children's Health Insurance Program (SCHIP) Reauthorization Act of 2007." The President vetoed the bill, basing his decision on the absurd and laughable claim that the program was thinly-disguised "socialized medicine" and that it was too costly to provide health insurance for America's needy children.

The President's senseless veto of the SCHIP bill suggests that this Administration is operating under the misimpression that it is entitled to a continuation of the ancient régime under which the Republican-led Congress look askance and gave the President a blank check to mismanage the affairs of our nation.

Those days are over. No matter how many veto threats the President issues, this Congress is not going to give him a blank check to escalate and continue the war in Iraq or to ignore the pressing domestic needs of the American people. It is long past time for change in Iraq and in the direction of the United States. Just as the people and government of Iraq must responsibility for their own country, the people's representatives in Congress must take the lead in addressing the real problems of real Americans living in the real world.

H.R. 3963 is a necessary step in the right direction because it provides dependable and stable funding for children's health insurance under titles XXI and XIX of the Social Security Act in order to enroll all six million uninsured children who are eligible for coverage today, but not enrolled. That is why I strongly support this legislation.

Mr. Speaker, next to the Iraq War, there is no more important issue facing the Congress, the President, and the American people than the availability of affordable health care for all Americans, especially children.

By vetoing the bipartisan SCHIP Authorization Act, the President vetoed the will of the American people. By vetoing that legislation, the President turned a deaf ear and a blind eye to the loud message sent by the American people last November.

I voted to override the President's veto because I can think of few goals more important than ensuring that our children have access to health coverage. I voted to override the President's veto because I put the needs of America's children first.

TEXAS CHILDREN

I am extremely pleased to know that the children in the State of Texas stand to benefit tremendously from the SCHIP Reauthorization Act. Texas has the highest rate of uninsured children in the nation, and Harris County the highest in the state. The bill goes a long way to provide coverage for the 585,500 children enrolled in Texas's CHIP program; and to reach the 998,000 children in families with incomes under the 200 percent Federal Poverty Level (FPL) who remain uninsured.

Mr. Speaker, this important legislation commits $50 billion to reauthorize and improve the Children's Health Insurance Program (CHIP) and cover the six million children who meet its eligibility criteria.

Mr. Speaker, SCHIP was created in 1997, with broad bipartisan support, to address the critical issue of the large numbers of children in our country without access to healthcare. It serves the children of working families who earn too much money to qualify for Medicaid, but who either are not able to afford health insurance or whose parents hold jobs without healthcare benefits.

Children without health insurance often forgo crucial preventative treatment. They cannot go to the doctor for annual checkups or to receive treatment for relatively minor illnesses, allowing easily treatable ailments to become serious medical emergencies. They must instead rely on costly emergency care. This has serious health implications for these children, and it creates additional financial burdens on their families, communities, and the entire nation.

This year alone, 6 million children are receiving healthcare as a result of CHIP. However, stopgap funding for this visionary program expires November 16. Congress must act now to ensure that these millions of children can continue to receive quality, affordable health insurance.

As Chair of the Congressional Children's Caucus, I can think of few goals more important than ensuring that our children have access to health coverage. It costs us less than $3.50 a day to cover a child through CHIP. For this small sum, we can ensure that a child from a working family can receive crucial preventative care, allowing them to be more successful in school and in life. Without this program, millions of children will lose health coverage, further straining our already tenuous healthcare safety net.

Additionally, through this legislation, we have an opportunity to make health care even more available to America's children. The majority of uninsured children are currently eligible for coverage, either through CHIP or through Medicaid. We must demonstrate our commitment to identifying and enrolling these children, through both increased funding and a campaign of concerted outreach. This legislation provides States with the tools and incentives they need to reach these unenrolled children without expanding the program to make more children eligible.

In my home state of Texas, as of June 2006, SCHIP was benefiting 293,000 children. This is a decline of over 33,000 children from the previous year. We must continue to work to ensure that all eligible children can participate in this important program. To this end, Texas Governor Rick Perry signed legislation in June which, among other things, creates a community outreach campaign for SCHIP.

In addition to reauthorizing and improving the SCHIP program, this legislation also protects and improves Medicare. Due to a broken payment formula, access to medical services for senior citizens and people with disabilities is currently in jeopardy. Physicians who provide healthcare to Medicare beneficiaries face a 10 percent cut in their reimbursement rates next year, with the prospect of further reductions in years to come looming on the horizon. The budget proposed by the Bush administration does not help these doctors, or the patients that they serve.

This is extremely important legislation providing for the health coverage of six million low-income children, as well as protecting the health services available to senior citizens and persons with disabilities. President Bush was wrong to veto this legislation. I stand strong with the children of America in voting to reauthorize this program. I urge all members to join so that we pass the bill with a veto-proof majority.

Thank you, Mr. Speaker. I yield back the balance of my time.

According to Center for Public Policy Priorities Associate Director Anne Dunkelberg, Texas will need additional federal funds in coming years if the state wants to cover the 300,000 children eligible but not enrolled in the program, as well as pregnant women. Texas' version of SCHIP covers children in families with incomes at or below 200 percent of the federal poverty level.

TEXAS CHIP ENROLLMENT COUNTY/MONTH FISCAL YR 2007

| County Name | Sep–06 | Oct–06 | Nov–06 | Dec–06 | Jan–07 | Feb–07 | Mar–07 | Apr–07 | May–07 | Jun–07 | Jul–07 | Aug–07 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Fisher | 32 | 29 | 29 | 30 | 30 | 34 | 33 | 31 | 28 | 30 | 29 | 29 |
| Floyd | 105 | 107 | 122 | 126 | 130 | 130 | 124 | 122 | 113 | 121 | 128 | 129 |
| Foard | 24 | 30 | 32 | 33 | 37 | 39 | 39 | 38 | 36 | 36 | 33 | 31 |
| Fort Bend | 5,009 | 5,144 | 5,662 | 5,728 | 5,726 | 5,840 | 5,843 | 5,855 | 5,604 | 5,573 | 5,660 | 5,625 |
| Franklin | 156 | 168 | 170 | 169 | 170 | 176 | 179 | 174 | 166 | 161 | 149 | 121 |
| Freestone | 164 | 173 | 165 | 174 | 170 | 170 | 171 | 161 | 148 | 138 | 143 | 148 |
| Frio | 276 | 284 | [illegible] | 296 | 284 | 286 | 283 | 275 | 268 | 269 | 271 | 263 |
| Gaines | 471 | 505 | 511 | 506 | 481 | 472 | 455 | 437 | 446 | 453 | 436 | 424 |
| Galveston | 2,379 | 2,435 | 2,731 | 2,763 | 2,845 | 2,922 | 2,889 | 2,839 | 2,545 | 2,448 | 2,473 | 2,427 |
| Garza | 74 | 78 | 88 | 84 | 77 | 85 | 85 | 95 | 93 | 86 | 91 | 90 |
| Gillespie | 333 | 351 | 351 | 360 | 354 | 353 | 354 | 363 | 355 | 348 | 343 | 325 |
| Glasscock | 24 | 25 | 22 | 21 | 25 | 25 | 22 | 23 | 17 | 15 | 15 | 18 |
| Goliad | 55 | 67 | 70 | 71 | 69 | 74 | 75 | 72 | 70 | 69 | 70 | 60 |
| Gonzales | 299 | 297 | 301 | 273 | 270 | 262 | 252 | 222 | 224 | 235 | 222 | 211 |
| Gray | 157 | 151 | 163 | 175 | 173 | 185 | 186 | 200 | 179 | 171 | 191 | 178 |
| Grayson | 1,156 | 1,175 | 1,191 | 1,216 | 1,196 | 1,193 | 1,193 | 1,188 | 1,144 | 1,119 | 1,098 | 1,081 |
| Gregg | 1,856 | 1,917 | 1,872 | 1,820 | 1,713 | 1,668 | 1,654 | 1,631 | 1,573 | 1,560 | 1,614 | 1,552 |
| Grimes | 260 | 277 | 270 | 256 | 249 | 249 | 268 | 248 | 239 | 229 | 226 | 218 |
| Guadalupe | 925 | 964 | 1,062 | 1,107 | 1,101 | 1,133 | 1,112 | 1,085 | 1,033 | 1,014 | 1,022 | 997 |
| Hale | 364 | 364 | 450 | 459 | 462 | 472 | 478 | 479 | 437 | 428 | 458 | 454 |
| Hall | 43 | 42 | 46 | 50 | 56 | 56 | 56 | 57 | 48 | 51 | 36 | 39 |
| Hamilton | 147 | 147 | 138 | 141 | 143 | 148 | 138 | 132 | 127 | 118 | 117 | 100 |
| Hansford | 54 | 59 | 70 | 66 | 69 | 71 | 73 | 72 | 74 | 82 | 84 | 83 |
| Hardeman | 48 | 48 | 44 | 43 | 45 | 42 | 40 | 33 | 38 | 34 | 31 | 36 |
| Hardin | 719 | 731 | 779 | 763 | 754 | 735 | 740 | 741 | 692 | 650 | 647 | 651 |
| Harris | 56,211 | 58,711 | 65,292 | 66,989 | 66,696 | 67,701 | 67,712 | 67,044 | 62,581 | 61,344 | 62,184 | 62,390 |
| Harrison | 751 | 755 | 756 | 751 | 715 | 719 | 733 | 738 | 701 | 706 | 717 | 707 |
| Hartley | 20 | 24 | 23 | 26 | 30 | 32 | 36 | 35 | 34 | 35 | 22 | 30 |
| Haskell | 83 | 108 | 105 | 105 | 99 | 103 | 108 | 91 | 91 | 103 | 97 | 89 |
| Hays | 1,342 | 1,371 | 1,460 | 1,456 | 1,489 | 1,480 | 1,455 | 1,460 | 1,358 | 1,266 | 1,336 | 1,330 |
| Hemphill | 39 | 35 | 40 | 45 | 45 | 40 | 47 | 46 | 39 | 30 | 30 | 30 |
| Henderson | 1,064 | 1,147 | 1,135 | 1,123 | 1,065 | 1,049 | 1,064 | 996 | 979 | 997 | 918 | 932 |
| Hidalgo | 16,082 | 16,874 | 16,580 | 16,681 | 16,124 | 16,237 | 16,054 | 15,835 | 15,724 | 15,546 | 15,367 | 15,539 |
| Hill | 534 | 557 | 568 | 580 | 568 | 559 | 556 | 539 | 498 | 487 | 493 | 476 |
| Hockley | 253 | 246 | 289 | 258 | 267 | 271 | 286 | 304 | 297 | 310 | 293 | 297 |
| Hood | 568 | 577 | 570 | 579 | 578 | 560 | 542 | 566 | 541 | 549 | 545 | 546 |
| Hopkins | 488 | 485 | 493 | 486 | 493 | 494 | 488 | 477 | 490 | 484 | 467 | 478 |
| Houston | 194 | 202 | 196 | 199 | 202 | 198 | 189 | 213 | 216 | 208 | 199 | 198 |
| Howard | 422 | 426 | 418 | 409 | 400 | 430 | 433 | 426 | 423 | 410 | 385 | 361 |

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2 minutes to the former member of the Rules Committee, the distinguished gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Children's Health Insurance Program, but not this program and not this rule.

Mr. Speaker, I have spent 26 years of my life as an OB–GYN physician delivering over 5,000 babies. I have a number of reasons to be in opposition to this bill and this rule, but not the least of which is the way the Democratic majority pays for this, how they raise the $71 billion that they are required to in their PAYGO rules. And, Mr. Speaker, that is this cigarette tax of 61 cents a pack. If you crunch those numbers to raise $71 billion to pay for this massive expansion so that Democrats can now cover an additional 4 million children under this program when there are only about 750,000 out there in the 100–200 percent Federal poverty level of not being covered, it makes really no sense. And to pay for it, they would have to have 22 million additional men, women, and, yes, maybe even some of those children I delivered take up the smoking habit. So what kind of sense does that make here? We are trying to provide health insurance for children, but we can only do it if we can encourage 22 million of their grandparents, parents, and, indeed, yes, some of these very children I delivered to take up the smoking habit.

It's like the Pied Piper, maybe being Ms. PELOSI, walking along heading for a cliff smoking cigarettes and all these adults right behind her smoking cigarettes and behind them these little children, and they are headed for that cliff, Mr. Speaker.

This is a terrible bill. I am totally opposed to it. I am not opposed to expanding the program to cover the uninsured that are eligible or even increasing a bit, as the President has said he is willing to increase maybe $10 billion for this program, but I am opposed to the bill. It's wrong.

Let's vote against the rule and against the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, I rise in support of this bill. I rise in support of it because this is the sole reason I ran for Congress. I owe this Congress. I owe this Nation for what it did for me. A lot of people think because I spent 31 years in the military that I got in because of Iraq. I did not. It was this bill.

In my last year in the military, my 4-year-old daughter was diagnosed with a malignant brain tumor, my sole daughter. She was given 3 to 9 months to live, and my entitlement from the Federal Government gave her an opportunity to be here today.

But during that period of time, there was a young boy, Lance, 2½ years old, who was, as she began her chemotherapy, my daughter's roommate. And that first day he was there, we listened as the parents of that child sat with social workers for 6 hours who came and went to see if that young boy would be given the same opportunity, the same entitlement as an American citizen, my daughter, had. It is for Lance that I got in this race.

I owe you because my daughter is here today because of the medicine that you voted for as a military member. I would like to see every young child in America have that one opportunity my daughter did, to have the opportunity to be a productive, healthy child and contribute to this Nation.

So thank you for the opportunity to speak today and thank you, both sides, for giving me the chance for my daughter and, hopefully, Lance in the future to be all they can be. I appreciate it.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

I rise in opposition to this rule and this bill. Mr. Speaker, I believe that SCHIP should ensure that poor kids are covered first before providing massive tax increases and coverage for adults and illegal immigrants.

The Democrats' SCHIP bill before us today has a 5,900 percent tax increase. It provides coverage to 500,000 adults. And it costs Federal taxpayers $3.7 billion because of illegal immigration.

Let me be specific. With respect to the 5,900 percent tax increase, it takes the tax on cigars from a nickel to $3. With respect to the adults, 500,000 adults whose children are in SCHIP will still be covered.

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With respect to illegal immigration, $3.7 billion was provided by CBO.

Since I'm against that, let me tell you what I'm for. I'm for H.R. 3888, which provides the coverage to kids first without having tax increases or coverage for adults and illegal immigrants. That's what we need. I urge my colleagues to support that legislation, and not the bill before us today.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. I thank my friend for yielding.

As a physician for over 25 years, we've got a diagnosis for what's going on here today. It's called "a crying shame." Crying shame.

You hear from our friends on the other side of the aisle that there are multiple improvements that are made in this bill. Well, they didn't improve the portion of the bill that said we ought to take care of poor kids first. What they did was weaken the requirements for making certain that you were providing benefits to legal residents in both SCHIP and in Medicaid, and they did all that with a massive tax increase. It doesn't sound like improvements to me, Mr. Speaker.

But there is an alternative. It's H.R. 3888. It provides insurance for the same number of kids that this bill does. It does so in a way that didn't move kids from personal private insurance to government-run bureaucratic health care; and it does all of that without a tax increase, all of it without a tax increase.

So why proceed today? Because, as the majority party knows, this is about all politics, all the time.

So the diagnosis, Mr. Speaker, "a crying shame."

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Mr. Speaker, I rise today in strong support of the Children's Health Insurance Program Reauthorization Act. This bill will ensure that 10 million of America's children will finally get the health care they deserve, preventive health care, not expensive emergency room health care or poor choices.

Recently, my son, Gus, celebrated his first birthday. My whole family joined in celebrating this occasion. Shortly after I returned to Washington, my wife noticed that Gus wasn't feeling well; he was fussing and not sleeping. She was able to take him to the family doctor, who diagnosed a double ear infection, prescribed antibiotics, and Gus is a healthy 1-year-old back on the mend. The thought that any child would suffer through something so preventable in this richest Nation the world has ever seen and a parent would have to make that decision is unacceptable.

Budgets are far more than fiscal documents. They are a moral document that reflects the values of this Nation. Every Member of this House of Representatives speaking against this bill receives taxpayer-funded health care, and their children don't have to make these choices that 10 million do.

I ask that my colleagues join me in doing the right thing, reauthorize with an overwhelming bipartisan majority.

Mr. SESSIONS. Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to have Speaker PELOSI, in consultation, that's called bipartisanship, with Republican Leader BOEHNER immediately appoint conferees to H.R. 2642, the Military Construction and Veterans Affairs appropriations bill for 2008.

The American Legion and the VFW already have, along with multiple requests from Republican Members, including this Member of the House, urged both Speaker PELOSI and Democrat Senate Majority Leader REID to end their PR campaign and begin conference work on the Veterans appropriations bill. Unfortunately, it appears as though all these commonsense requests have fallen on deaf ears, and our Nation's veterans are being forced to pay the price for continued Democrat partisanship and lack of leadership on this issue.

I ask all of my colleagues to support this motion to defeat the previous question so that we can put the partisanship aside and move this very important legislation forward.

I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I rise to defend this bill and the children of America.

It has been painful for me to hear the mischaracterizations again of this bill. In the first place, adults will have 1 more year on this bill. And let me remind everybody listening that the only reason adults are on there is because the Bush administration gave States the right to do it. They will all be gone within 1 year. Nobody will be moved off of private insurance onto the Federal insurance. The bill even allows States to give money to private insurance companies to keep the children on those rolls.

I've never heard so much obfuscation, even praising tobacco for medical people to try to stop taking care of America's children. A healthy group of children growing up in this country will absolutely redound on every one of us by the benefits that we will get from it.

It is a tragedy to me, it is something that none of us should be able to even tolerate the thought of, that there are children in this country that don't have the vaccinations, that don't have the health care they need, that they are prevented from getting doctors appointments because they have no way to pay for them.

It is an obligation if ever there was one. We have an opportunity to do it. It is paid for. We're not asking to increase the debt or anything else. It is a bill that deserves the vote of every Member of the Congress, and the President's signature, if ever there was one.

The material previously referred to by Mr. SESSIONS is as follows:

### AMENDMENT TO H. RES. 774 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution—[and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the previous question will be followed by 5-minute votes on adoption of House Resolution 774, if ordered; and approval of the Journal.

The vote was taken by electronic device, and there were—yeas 221, nays 188, not voting 23, as follows:

[Roll No. 1006]

### YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

### NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (FL)

### NOT VOTING—23

Bilbray
Boren
Buyer
Calvert
Carson
Davis (CA)
Dreier
Feeney
Filner
Gallegly
Hastert
Hunter
Issa
Jindal
Johnson, E. B.
Lewis (CA)
McHenry
Moran (VA)
Shea-Porter
Tancredo
Wilson (OH)
Wilson (SC)
Young (AK)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 1412

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 1006, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA.

Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 187, not voting 30, as follows:

[Roll No. 1007]

### YEAS—215

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

### NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

### NOT VOTING—30

Bilbray
Boren
Brown, Corrine
Buyer
Calvert
Carson
Cuellar
Davis (CA)
Dreier
Filner
Gallegly
Gohmert
Hastert
Hinojosa
Hunter
Israel
Issa
Jefferson
Jindal
Johnson, E. B.
Lewis (CA)
McCarthy (CA)
McHenry
Miller, George
Moran (VA)
Saxton
Shea-Porter
Tancredo
Wilson (OH)
Young (AK)

☐ 1420

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 1007, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA. Had I been present, I would have voted "yea."

Stated against:

Mr. McCARTHY of California. Madam Speaker, on rollcall No. 1007, I was unavoidably detained. Had I been present, I would have voted "nay."

## THE JOURNAL

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays on approval of the Journal be vacated to the end that the Journal stand approved by the earlier voice vote.

The SPEAKER pro tempore (Mrs. TAUSCHER). Without objection, the Journal stands approved.

There was no objection.

## CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. DINGELL. Madam Speaker, pursuant to House Resolution 774, I call up the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 3963

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as "Children's Health Insurance Program Reauthorization Act of 2007".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO CHIP; MEDICAID; SECRETARY.—In this Act:

(1) CHIP.—The term "CHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term "Medicaid" means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.
Sec. 2. Purpose.
Sec. 3. General effective date; exception for State legislation; contingent effective date; reliance on law.

TITLE I—FINANCING

Subtitle A—Funding

Sec. 101. Extension of CHIP.
Sec. 102. Allotments for States and territories for fiscal years 2008 through 2012.
Sec. 103. Child Enrollment Contingency Fund.
Sec. 104. CHIP performance bonus payment to offset additional enrollment costs resulting from enrollment and retention efforts.
Sec. 105. 2-year initial availability of CHIP allotments.
Sec. 106. Making permanent redistribution of unused fiscal year 2005 allotments to address State funding shortfalls; conforming extension of qualifying State authority; redistribution of unused allotments for subsequent fiscal years.

Sec. 107. Option for qualifying States to receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children.
Sec. 108. One-time appropriation.
Sec. 109. Improving funding for the territories under CHIP and Medicaid.

Subtitle B—Focus on Low-Income Children and Pregnant Women

Sec. 111. State option to cover low-income pregnant women under CHIP through a State plan amendment.
Sec. 112. Phase-out of coverage for nonpregnant childless adults under CHIP; conditions for coverage of parents.
Sec. 113. Elimination of counting Medicaid child presumptive eligibility costs against title XXI allotment.
Sec. 114. Denial of payments for coverage of children with effective family income that exceeds 300 percent of the poverty line.
Sec. 115. State authority under Medicaid.
Sec. 116. Preventing substitution of CHIP coverage for private coverage.

TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

Sec. 201. Grants and enhanced administrative funding for outreach and enrollment.
Sec. 202. Increased outreach and enrollment of Indians.
Sec. 203. State option to rely on findings from an Express Lane agency to conduct simplified eligibility determinations.

Subtitle B—Reducing Barriers to Enrollment

Sec. 211. Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP.
Sec. 212. Reducing administrative barriers to enrollment.
Sec. 213. Model of Interstate coordinated enrollment and coverage process.

TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

Sec. 301. Additional State option for providing premium assistance.
Sec. 302. Outreach, education, and enrollment assistance.

Subtitle B—Coordinating Premium Assistance With Private Coverage

Sec. 311. Special enrollment period under group health plans in case of termination of Medicaid or CHIP coverage or eligibility for assistance in purchase of employment-based coverage; coordination of coverage.

TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

Sec. 401. Child health quality improvement activities for children enrolled in Medicaid or CHIP.
Sec. 402. Improved availability of public information regarding enrollment of children in CHIP and Medicaid.
Sec. 403. Application of certain managed care quality safeguards to CHIP.

TITLE V—IMPROVING ACCESS TO BENEFITS

Sec. 501. Dental benefits.
Sec. 502. Mental health parity in CHIP plans.
Sec. 503. Application of prospective payment system for services provided by Federally-qualified health centers and rural health clinics.
Sec. 504. Premium grace period.
Sec. 505. Demonstration projects relating to diabetes prevention.
Sec. 506. Clarification of coverage of services provided through school-based health centers.

TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

Sec. 601. Payment error rate measurement ("PERM").
Sec. 602. Improving data collection.
Sec. 603. Updated Federal evaluation of CHIP.
Sec. 604. Access to records for IG and GAO audits and evaluations.
Sec. 605. No Federal funding for illegal aliens; disallowance for unauthorized expenditures.

Subtitle B—Miscellaneous Health Provisions

Sec. 611. Deficit Reduction Act technical corrections.
Sec. 612. References to title XXI.
Sec. 613. Prohibiting initiation of new health opportunity account demonstration programs.
Sec. 614. County Medicaid health insuring organizations; GAO report on Medicaid managed care payment rates.
Sec. 615. Adjustment in computation of Medicaid FMAP to disregard an extraordinary employer pension contribution.
Sec. 616. Moratorium on certain payment restrictions.
Sec. 617. Medicaid DSH allotments for Tennessee and Hawaii.
Sec. 618. Clarification treatment of regional medical center.
Sec. 619. Extension of SSI web-based asset demonstration project to the Medicaid program.

Subtitle C—Other Provisions

Sec. 621. Support for injured servicemembers.
Sec. 622. Outreach regarding health insurance options available to children.
Sec. 623. Sense of Senate regarding access to affordable and meaningful health insurance coverage.

TITLE VII—REVENUE PROVISIONS

Sec. 701. Increase in excise tax rate on tobacco products.
Sec. 702. Administrative improvements.
Sec. 703. Time for payment of corporate estimated taxes.

**SEC. 2. PURPOSE.**

It is the purpose of this Act to provide dependable and stable funding for children's health insurance under titles XXI and XIX of the Social Security Act in order to enroll all six million uninsured children who are eligible, but not enrolled, for coverage today through such titles.

**SEC. 3. GENERAL EFFECTIVE DATE; EXCEPTION FOR STATE LEGISLATION; CONTINGENT EFFECTIVE DATE; RELIANCE ON LAW.**

(a) GENERAL EFFECTIVE DATE.—Unless otherwise provided in this Act, subject to subsections (b) through (d), this Act (and the amendments made by this Act) shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or State child health plan under XXI of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet one or more additional requirements imposed by amendments made by this Act, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(c) CONTINGENT EFFECTIVE DATE FOR CHIP FUNDING FOR FISCAL YEAR 2008.—Notwithstanding any other provision of law, if funds are appropriated under any law (other than this Act) to provide allotments to States under CHIP for all (or any portion) of fiscal year 2008—

(1) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act are rescinded; and

(2) any amount provided for CHIP allotments to a State under this Act (and the amendments made by this Act) for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

(d) RELIANCE ON LAW.—With respect to amendments made by this Act (other than title VII) that become effective as of a date—

(1) such amendments are effective as of such date whether or not regulations implementing such amendments have been issued; and

(2) Federal financial participation for medical assistance or child health assistance furnished under title XIX or XXI, respectively, of the Social Security Act on or after such date by a State in good faith reliance on such amendments before the date of promulgation of final regulations, if any, to carry out such amendments (or before the date of guidance, if any, regarding the implementation of such amendments) shall not be denied on the basis of the State's failure to comply with such regulations or guidance.

## TITLE I—FINANCING

### Subtitle A—Funding

**SEC. 101. EXTENSION OF CHIP.**

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(11) for fiscal year 2008, $9,125,000,000;

"(12) for fiscal year 2009, $10,675,000,000;

"(13) for fiscal year 2010, $11,850,000,000;

"(14) for fiscal year 2011, $13,750,000,000; and

"(15) for fiscal year 2012, for purposes of making 2 semi-annual allotments—

"(A) $1,150,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012, and

"(B) $1,150,000,000 for the period beginning on April 1, 2012, and ending on September 30, 2012.".

### SEC. 102. ALLOTMENTS FOR STATES AND TERRITORIES FOR FISCAL YEARS 2008 THROUGH 2012.

Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (b)(1), by striking "subsection (d)" and inserting "subsections (d) and (i)";

(2) in subsection (c)(1), by striking "subsection (d)" and inserting "subsections (d) and (i)(4)"; and

(3) by adding at the end the following new subsection:

"(i) ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

"(1) FOR FISCAL YEAR 2008.—

"(A) FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2008 from the amount made available under subsection (a)(11), to each of the 50 States and the District of Columbia 110 percent of the highest of the following amounts for such State or District:

"(i) The total Federal payments to the State under this title for fiscal year 2007, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

"(ii) The Federal share of the amount allotted to the State for fiscal year 2007 under subsection (b), multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

"(iii) Only in the case of—

"(I) a State that received a payment, redistribution, or allotment under paragraph (1), (2), or (4) of subsection (h), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary;

"(II) a State whose projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the May 2006 estimates certified by the State to the Secretary, were at least $95,000,000 but not more than $96,000,000 higher than the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the November 2006 estimates, the amount of the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the May 2006 estimates; or

"(III) a State whose projected total Federal payments under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary, exceeded all amounts available to the State for expenditure for fiscal year 2007 (including any amounts paid, allotted, or redistributed to the State in prior fiscal years), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary,

multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

"(iv) The projected total Federal payments to the State under this title for fiscal year 2008, as determined on the basis of the August 2007 projections certified by the State to the Secretary by not later than September 30, 2007.

"(B) FOR THE COMMONWEALTHS AND TERRITORIES.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2008 from the amount made available under subsection (a)(11) to each of the commonwealths and territories described in subsection (c)(3) an amount equal to the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1998 through 2007, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008, except that subparagraph (B) thereof shall be applied by substituting 'the United States' for 'the State'.

"(C) DEADLINE AND DATA FOR DETERMINING FISCAL YEAR 2008 ALLOTMENTS.—In computing the amounts under subparagraphs (A) and (B) that determine the allotments to States for fiscal year 2008, the Secretary shall use the most recent data available to the Secretary before the start of that fiscal year. The Secretary may adjust such amounts and allotments, as necessary, on the basis of the expenditure data for the prior year reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2007, but in no case shall the Secretary adjust the allotments provided under subparagraph (A) or (B) for fiscal year 2008 after December 31, 2007.

"(D) ADJUSTMENT FOR QUALIFYING STATES.—In the case of a qualifying State described in paragraph (2) of section 2105(g), the Secretary shall permit the State to submit revised projection described in subparagraph (A)(iv) in order to take into account changes in such projections attributable to the application of paragraph (4) of such section.

"(2) FOR FISCAL YEARS 2009 THROUGH 2011.—

"(A) IN GENERAL.—Subject to paragraphs (4) and (6), from the amount made available under paragraphs (12) through (14) of subsection (a) for each of fiscal years 2009 through 2011, respectively, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for each such fiscal year as follows:

"(i) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2009.—For fiscal year 2009, the allotment of the State is equal to the sum of—

"(I) the amount of the State allotment under paragraph (1) for fiscal year 2008; and

"(II) the amount of any payments made to the State under subsection (j) for fiscal year 2008,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2009.

"(ii) REBASING IN FISCAL YEAR 2010.—For fiscal year 2010, the allotment of the State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2009 (including payments made to the State under subsection (j) for fiscal year 2009 as well as amounts redistributed to the State in fiscal year 2009), multiplied by the allotment increase factor under paragraph (5) for fiscal year 2010.

"(iii) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2011.—For fiscal year 2011, the allotment of the State is equal to the sum of—

"(I) the amount of the State allotment under clause (ii) for fiscal year 2010; and

"(II) the amount of any payments made to the State under subsection (j) for fiscal year 2010,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2011.

"(3) FOR FISCAL YEAR 2012.—

"(A) FIRST HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (A) of paragraph (15) of subsection (a) for the semi-annual period described in such paragraph, increased by the amount of the appropriation for such period under section 108 of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

"(B) SECOND HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (B) of paragraph (15) of subsection (a) for the semi-annual period described in such paragraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the amount made available under such subparagraph, multiplied by the ratio of—

"(i) the amount of the allotment to such State under subparagraph (A); to

"(ii) the total of the amount of all of the allotments made available under such subparagraph.

"(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2011 (including payments made to the State under subsection (j) for fiscal year 2011 as well as amounts redistributed to the State in fiscal year 2011), multiplied by the allotment increase factor under paragraph (5) for fiscal year 2012.

"(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

"(i) the sum of—

"(I) the amount made available under subsection (a)(15)(A); and

"(II) the amount of the appropriation for such period under section 108 of the Children's Health Insurance Program Reauthorization Act of 2007; to

"(ii) the sum of the—

"(I) amount described in clause (i); and

"(II) the amount made available under subsection (a)(15)(B).

"(4) PRORATION RULE.—If, after the application of this subsection without regard to this paragraph, the sum of the allotments determined under paragraph (1), (2), or (3) for a fiscal year (or, in the case of fiscal year 2012, for a semi-annual period in such fiscal year) exceeds the amount available under subsection (a) for such fiscal year or period, the Secretary shall reduce each allotment for any State under such paragraph for such fiscal year or period on a proportional basis.

"(5) ALLOTMENT INCREASE FACTOR.—The allotment increase factor under this paragraph for a fiscal year is equal to the product of the following:

"(A) PER CAPITA HEALTH CARE GROWTH FACTOR.—1 plus the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.

"(B) CHILD POPULATION GROWTH FACTOR.—1 plus the percentage increase (if any) in the population of children in the State from July 1 in the previous fiscal year to July 1 in the fiscal year involved, as determined by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved, plus 1 percentage point.

“(6) INCREASE IN ALLOTMENT TO ACCOUNT FOR APPROVED PROGRAM EXPANSIONS.—In the case of one of the 50 States or the District of Columbia that—

“(A) has submitted to the Secretary, and has approved by the Secretary, a State plan amendment or waiver request relating to an expansion of eligibility for children or benefits under this title that becomes effective for a fiscal year (beginning with fiscal year 2009 and ending with fiscal year 2012); and

“(B) has submitted to the Secretary, before the August 31 preceding the beginning of the fiscal year, a request for an expansion allotment adjustment under this paragraph for such fiscal year that specifies—

“(i) the additional expenditures that are attributable to the eligibility or benefit expansion provided under the amendment or waiver described in subparagraph (A), as certified by the State and submitted to the Secretary by not later than August 31 preceding the beginning of the fiscal year; and

“(ii) the extent to which such additional expenditures are projected to exceed the allotment of the State or District for the year, subject to paragraph (4), the amount of the allotment of the State or District under this subsection for such fiscal year shall be increased by the excess amount described in subparagraph (B)(i). A State or District may only obtain an increase under this paragraph for an allotment for fiscal year 2009 or fiscal year 2011.

“(7) AVAILABILITY OF AMOUNTS FOR SEMI-ANNUAL PERIODS IN FISCAL YEAR 2012.—Each semi-annual allotment made under paragraph (3) for a period in fiscal year 2012 shall remain available for expenditure under this title for periods after the end of such fiscal year in the same manner as if the allotment had been made available for the entire fiscal year.”.

### SEC. 103. CHILD ENROLLMENT CONTINGENCY FUND.

Section 2104 (42 U.S.C. 1397dd), as amended by section 102, is amended by adding at the end the following new subsection:

“(j) CHILD ENROLLMENT CONTINGENCY FUND.—

“(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund which shall be known as the ‘Child Enrollment Contingency Fund’ (in this subsection referred to as the ‘Fund’). Amounts in the Fund shall be available without further appropriations for payments under this subsection.

“(2) DEPOSITS INTO FUND.—

“(A) INITIAL AND SUBSEQUENT APPROPRIATIONS.—Subject to subparagraphs (B) and (D), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Fund—

“(i) for fiscal year 2008, an amount equal to 20 percent of the amount made available under paragraph (11) of subsection (a) for the fiscal year; and

“(ii) for each of fiscal years 2009 through 2011 (and for each of the semi-annual allotment periods for fiscal year 2012), such sums as are necessary for making payments to eligible States for such fiscal year or period, but not in excess of the aggregate cap described in subparagraph (B).

“(B) AGGREGATE CAP.—The total amount available for payment from the Fund for each of fiscal years 2009 through 2011 (and for each of the semi-annual allotment periods for fiscal year 2012), taking into account deposits made under subparagraph (C), shall not exceed 20 percent of the amount made available under subsection (a) for the fiscal year or period.

“(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

“(D) AVAILABILITY OF EXCESS FUNDS FOR PERFORMANCE BONUSES.—Any amounts in excess of the aggregate cap described in subparagraph (B) for a fiscal year or period shall be made available for purposes of carrying out section 2105(a)(3) for any succeeding fiscal year and the Secretary of the Treasury shall reduce the amount in the Fund by the amount so made available.

“(3) CHILD ENROLLMENT CONTINGENCY FUND PAYMENTS.—

“(A) IN GENERAL.—If a State's expenditures under this title in fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, or a semi-annual allotment period for fiscal year 2012, exceed the total amount of allotments available under this section to the State in the fiscal year or period (determined without regard to any redistribution it receives under subsection (f) that is available for expenditure during such fiscal year or period, but including any carryover from a previous fiscal year) and if the average monthly unduplicated number of children enrolled under the State plan under this title (including children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during such fiscal year or period exceeds its target average number of such enrollees (as determined under subparagraph (B)) for that fiscal year or period, subject to subparagraph (D), the Secretary shall pay to the State from the Fund an amount equal to the product of—

“(i) the amount by which such average monthly caseload exceeds such target number of enrollees; and

“(ii) the projected per capita expenditures under the State child health plan (as determined under subparagraph (C) for the fiscal year), multiplied by the enhanced FMAP (as defined in section 2105(b)) for the State and fiscal year involved (or in which the period occurs).

“(B) TARGET AVERAGE NUMBER OF CHILD ENROLLEES.—In this paragraph, the target average number of child enrollees for a State—

“(i) for fiscal year 2008 is equal to the monthly average unduplicated number of children enrolled in the State child health plan under this title (including such children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

“(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the target average number of child enrollees for the State for the previous fiscal year increased by the child population growth factor described in subsection (i)(5)(B) for the State for the prior fiscal year.

“(C) PROJECTED PER CAPITA EXPENDITURES.—For purposes of subparagraph (A)(ii), the projected per capita expenditures under a State child health plan—

“(i) for fiscal year 2008 is equal to the average per capita expenditures (including both State and Federal financial participation) under such plan for the targeted low-income children counted in the average monthly caseload for purposes of this paragraph during fiscal year 2007, increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for 2008; or

“(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the projected per capita expenditures under such plan for the previous fiscal year (as determined under clause (i) or this clause) increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for the year in which such subsequent fiscal year ends.

“(D) PRORATION RULE.—If the amounts available for payment from the Fund for a fiscal year or period are less than the total amount of payments determined under subparagraph (A) for the fiscal year or period, the amount to be paid under such subparagraph to each eligible State shall be reduced proportionally.

“(E) TIMELY PAYMENT; RECONCILIATION.—Payment under this paragraph for a fiscal year or period shall be made before the end of the fiscal year or period based upon the most recent data for expenditures and enrollment and the provisions of subsection (e) of section 2105 shall apply to payments under this subsection in the same manner as they apply to payments under such section.

“(F) CONTINUED REPORTING.—For purposes of this paragraph and subsection (f), the State shall submit to the Secretary the State's projected Federal expenditures, even if the amount of such expenditures exceeds the total amount of allotments available to the State in such fiscal year or period.

“(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—No payment shall be made under this paragraph to a commonwealth or territory described in subsection (c)(3) until such time as the Secretary determines that there are in effect methods, satisfactory to the Secretary, for the collection and reporting of reliable data regarding the enrollment of children described in subparagraphs (A) and (B) in order to accurately determine the commonwealth's or territory's eligibility for, and amount of payment, under this paragraph.”.

### SEC. 104. CHIP PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.

Section 2105(a) (42 U.S.C. 1397ee(a)) is amended by adding at the end the following new paragraphs:

“(3) PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL MEDICAID AND CHIP CHILD ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.—

“(A) IN GENERAL.—In addition to the payments made under paragraph (1), for each fiscal year (beginning with fiscal year 2008 and ending with fiscal year 2012), the Secretary shall pay from amounts made available under subparagraph (E), to each State that meets the condition under paragraph (4) for the fiscal year, an amount equal to the amount described in subparagraph (B) for the State and fiscal year. The payment under this paragraph shall be made, to a State for a fiscal year, as a single payment not later than the last day of the first calendar quarter of the following fiscal year. Payments made under this paragraph may only be used to reduce the number of low-income children who do not have health insurance coverage in the State.

“(B) AMOUNT FOR ABOVE BASELINE MEDICAID CHILD ENROLLMENT COSTS.—Subject to subparagraph (E), the amount described in this subparagraph for a State for a fiscal year is equal to the sum of the following amounts:

"(i) FIRST TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees (as determined under subparagraph (C)(i)) under title XIX for the State and fiscal year, multiplied by 15 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)) for the State and fiscal year under title XIX.

"(ii) SECOND TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees (as determined under subparagraph (C)(ii)) under title XIX for the State and fiscal year, multiplied by 62.5 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)) for the State and fiscal year under title XIX.

"(C) NUMBER OF FIRST AND SECOND TIER ABOVE BASELINE CHILD ENROLLEES; BASELINE NUMBER OF CHILD ENROLLEES.—For purposes of this paragraph:

"(i) FIRST TIER ABOVE BASELINE CHILD ENROLLEES.—The number of first tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under the State plan under title XIX; exceeds

"(II) the baseline number of enrollees described in clause (iii) for the State and fiscal year under title XIX;

but not to exceed 3 percent of the baseline number of enrollees described in subclause (II).

"(ii) SECOND TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under title XIX as described in clause (i)(I); exceeds

"(II) the sum of the baseline number of child enrollees described in clause (iii) for the State and fiscal year title XIX, as described in clause (i)(II), and the maximum number of first tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (i).

"(iii) BASELINE NUMBER OF CHILD ENROLLEES.—Subject to subparagraph (H), the baseline number of child enrollees for a State under title XIX—

"(I) for fiscal year 2008 is equal to the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

"(II) for a subsequent fiscal year is equal to the baseline number of child enrollees for the State for the previous fiscal year under title XIX, increased by the population growth for children in that State for the year ending on June 30 before the beginning of the fiscal year (as estimated by the Bureau of the Census) plus 1 percentage point.

"(D) PROJECTED PER CAPITA STATE MEDICAID EXPENDITURES.—For purposes of subparagraph (B), the projected per capita State Medicaid expenditures for a State and fiscal year under title XIX is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State plan under such title, including under waivers but not including such children eligible for assistance by virtue of the receipt of benefits under title XVI, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the Federal medical assistance percentage (as defined in section 1905(b)) for the fiscal year involved.

"(E) AMOUNTS AVAILABLE FOR PAYMENTS.—

"(i) INITIAL APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated $3,000,000,000 for fiscal year 2008 for making payments under this paragraph, to be available until expended.

"(ii) TRANSFERS.—Notwithstanding any other provision of this title, the following amounts shall also be available, without fiscal year limitation, for making payments under this paragraph:

"(I) UNOBLIGATED NATIONAL ALLOTMENT.—

"(aa) FISCAL YEARS 2008 THROUGH 2011.—As of December 31 of fiscal year 2008, and as of December 31 of each succeeding fiscal year through fiscal year 2011, the portion, if any, of the amount appropriated under subsection (a) for such fiscal year that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (a)(3) or (b)(2) of section 2111 for such fiscal year.

"(bb) FIRST HALF OF FISCAL YEAR 2012.—As of December 31 of fiscal year 2012, the portion, if any, of the sum of the amounts appropriated under subsection (a)(15)(A) and under section 108 of the Children's Health Insurance Reauthorization Act of 2007 for the period beginning on October 1, 2011, and ending on March 31, 2012, that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

"(cc) SECOND HALF OF FISCAL YEAR 2012.—As of June 30 of fiscal year 2012, the portion, if any, of the amount appropriated under subsection (a)(15)(B) for the period beginning on April 1, 2012, and ending on September 30, 2012, that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

"(II) UNEXPENDED ALLOTMENTS NOT USED FOR REDISTRIBUTION.—As of November 15 of each of fiscal years 2009 through 2012, the total amount of allotments made to States under section 2104 for the second preceding fiscal year (third preceding fiscal year in the case of the fiscal year 2006 and 2007 allotments) that is not expended or redistributed under section 2104(f) during the period in which such allotments are available for obligation.

"(III) EXCESS CHILD ENROLLMENT CONTINGENCY FUNDS.—As of October 1 of each of fiscal years 2009 through 2012, any amount in excess of the aggregate cap applicable to the Child Enrollment Contingency Fund for the fiscal year under section 2104(j).

"(iii) PROPORTIONAL REDUCTION.—If the sum of the amounts otherwise payable under this paragraph for a fiscal year exceeds the amount available for the fiscal year under this subparagraph, the amount to be paid under this paragraph to each State shall be reduced proportionally.

"(F) QUALIFYING CHILDREN DEFINED.—For purposes of this subsection, the term 'qualifying children' means children who meet the eligibility criteria (including income, categorical eligibility, age, and immigration status criteria) in effect as of July 1, 2007, for enrollment under title XIX, taking into account criteria applied as of such date under title XIX pursuant to a waiver under section 1115.

"(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—The provisions of subparagraph (G) of section 2104(j)(3) shall apply with respect to payment under this paragraph in the same manner as such provisions apply to payment under such section.

"(H) APPLICATION TO STATES THAT IMPLEMENT A MEDICAID EXPANSION FOR CHILDREN AFTER FISCAL YEAR 2007.—In the case of a State that provides coverage under paragraph (1) or (2) of section 115(b) of the Children's Health Insurance Program Reauthorization Act of 2007 for any fiscal year after fiscal year 2007—

"(i) any child enrolled in the State plan under title XIX through the application of such an election shall be disregarded from the determination for the State of the monthly average unduplicated number of qualifying children enrolled in such plan during the first 3 fiscal years in which such an election is in effect; and

"(ii) in determining the baseline number of child enrollees for the State for any fiscal year subsequent to such first 3 fiscal years, the baseline number of child enrollees for the State under title XIX for the third of such fiscal years shall be the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX for such third fiscal year.

"(4) ENROLLMENT AND RETENTION PROVISIONS FOR CHILDREN.—For purposes of paragraph (3)(A), a State meets the condition of this paragraph for a fiscal year if it is implementing at least 5 of the following enrollment and retention provisions (treating each subparagraph as a separate enrollment and retention provision) throughout the entire fiscal year:

"(A) CONTINUOUS ELIGIBILITY.—The State has elected the option of continuous eligibility for a full 12 months for all children described in section 1902(e)(12) under title XIX under 19 years of age, as well as applying such policy under its State child health plan under this title.

"(B) LIBERALIZATION OF ASSET REQUIREMENTS.—The State meets the requirement specified in either of the following clauses:

"(i) ELIMINATION OF ASSET TEST.—The State does not apply any asset or resource test for eligibility for children under title XIX or this title.

"(ii) ADMINISTRATIVE VERIFICATION OF ASSETS.—The State—

"(I) permits a parent or caretaker relative who is applying on behalf of a child for medical assistance under title XIX or child health assistance under this title to declare and certify by signature under penalty of perjury information relating to family assets for purposes of determining and redetermining financial eligibility; and

"(II) takes steps to verify assets through means other than by requiring documentation from parents and applicants except in individual cases of discrepancies or where otherwise justified.

"(C) ELIMINATION OF IN-PERSON INTERVIEW REQUIREMENT.—The State does not require an application of a child for medical assistance under title XIX (or for child health assistance under this title), including an application for renewal of such assistance, to be made in person nor does the State require a face-to-face interview, unless there are discrepancies or individual circumstances justifying an in-person application or face-to-face interview.

"(D) USE OF JOINT APPLICATION FOR MEDICAID AND CHIP.—The application form and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children for medical assistance under title XIX and child health assistance under this title.

"(E) AUTOMATIC RENEWAL (USE OF ADMINISTRATIVE RENEWAL).—

"(i) IN GENERAL.—The State provides, in the case of renewal of a child's eligibility for medical assistance under title XIX or child health assistance under this title, a preprinted form completed by the State based on the information available to the State and notice to the parent or caretaker relative of the child that eligibility of the child will be renewed and continued based on such information unless the State is provided other information. Nothing in this clause shall be construed as preventing a State from verifying, through electronic and other means, the information so provided.

"(ii) SATISFACTION THROUGH DEMONSTRATED USE OF EX PARTE PROCESS.—A State shall be treated as satisfying the requirement of clause (i) if renewal of eligibility of children under title XIX or this title is determined without any requirement for an in-person interview, unless sufficient information is not in the State's possession and cannot be acquired from other sources (including other State agencies) without the participation of the applicant or the applicant's parent or caretaker relative.

"(F) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State is implementing section 1920A under title XIX as well as, pursuant to section 2107(e)(1), under this title.

"(G) EXPRESS LANE.—The State is implementing the option described in section 1902(e)(13) under title XIX as well as, pursuant to section 2107(e)(1), under this title.

"(H) PREMIUM ASSISTANCE SUBSIDIES.—The State is implementing the option of providing premium assistance subsidies under section 2105(c)(11) or section 1906A.".

### SEC. 105. 2-YEAR INITIAL AVAILABILITY OF CHIP ALLOTMENTS.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for fiscal year 2008 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.

"(2) AVAILABILITY OF AMOUNTS REDISTRIBUTED.—Amounts redistributed to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are redistributed.".

### SEC. 106. MAKING PERMANENT REDISTRIBUTION OF UNUSED FISCAL YEAR 2005 ALLOTMENTS TO ADDRESS STATE FUNDING SHORTFALLS; CONFORMING EXTENSION OF QUALIFYING STATE AUTHORITY; REDISTRIBUTION OF UNUSED ALLOTMENTS FOR SUBSEQUENT FISCAL YEARS.

(a) REDISTRIBUTION OF UNUSED FISCAL YEAR 2005 ALLOTMENTS; EXTENSION OF QUALIFYING STATE AUTHORITY.—Section 136(e) of Public Law 110-92 is amended to read as follows:

"(e) APPLICABILITY.—

"(1) REDISTRIBUTION OF UNUSED FISCAL YEAR 2005 ALLOTMENTS.—The amendment made by subsection (c) shall apply without regard to any limitation under section 106.

"(2) EXTENSION OF QUALIFYING STATE AUTHORITY.—The amendment made by subsection (d) shall be in effect through the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007.".

(b) REDISTRIBUTIONS OF UNUSED ALLOTMENTS FOR FISCAL YEARS AFTER FISCAL YEAR 2005.—Section 2104(f) (42 U.S.C. 1397dd(f)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) by striking "States that have fully expended the amount of their allotments under this section." and inserting "States that the Secretary determines with respect to the fiscal year for which unused allotments are available for redistribution under this subsection, are shortfall States described in paragraph (2) for such fiscal year, but not to exceed the amount of the shortfall described in paragraph (2)(A) for each such State (as may be adjusted under paragraph (2)(C)).''; and

(3) by adding at the end the following new paragraph:

"(2) SHORTFALL STATES DESCRIBED.—

"(A) IN GENERAL.—For purposes of paragraph (1), with respect to a fiscal year, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates on the basis of the most recent data available to the Secretary, that the projected expenditures under such plan for the State for the fiscal year will exceed the sum of—

"(i) the amount of the State's allotments for any preceding fiscal years that remains available for expenditure and that will not be expended by the end of the immediately preceding fiscal year;

"(ii) the amount (if any) of the child enrollment contingency fund payment under subsection (j); and

"(iii) the amount of the State's allotment for the fiscal year.

"(B) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be redistributed under such paragraph for each shortfall State shall be reduced proportionally.

"(C) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made under paragraph (1) and this paragraph with respect to a fiscal year as necessary on the basis of the amounts reported by States not later than November 30 of the succeeding fiscal year, as approved by the Secretary.".

### SEC. 107. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

Section 2105(g) (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), as amended by section 136(d) of Public Law 110-92—

(A) by inserting "subject to paragraph (4)," after "Notwithstanding any other provision of law,"; and

(B) by striking "2007, or 2008" and inserting "or 2007"; and

(2) by adding at the end the following new paragraph:

"(4) OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

"(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State's allotment made under section 2104 for any of fiscal years 2008 through 2012 (insofar as the allotment is available to the State under subsections (e) and (i) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

"(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19 (or, if a State has so elected under the State plan under title XIX, age 20 or 21), and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.".

### SEC. 108. ONE-TIME APPROPRIATION.

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $13,700,000,000 to accompany the allotment made for the period beginning on October 1, 2011, and ending on March 31, 2012, under section 2104(a)(15)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(15)(A)) (as added by section 101), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (3) of section 2104(i) of the Social Security Act (42 U.S.C. 1397dd(i)), as added by section 102, for the first 6 months of fiscal year 2012 in the same manner as allotments are provided under subsection (a)(15)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(15)(A).

### SEC. 109. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

(a) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal years beginning with fiscal year 2008, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American

Samoa qualify for a payment under subparagraph (A)(i), (B), or (F) of section 1903(a)(3) for a calendar quarter of such fiscal year, the payment shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), and (3) of this subsection) to such commonwealth or territory for such fiscal year.".

(b) GAO STUDY AND REPORT.—Not later than September 30, 2009, the Comptroller General of the United States shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding Federal funding under Medicaid and CHIP for Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The report shall include the following:

(1) An analysis of all relevant factors with respect to—

(A) eligible Medicaid and CHIP populations in such commonwealths and territories;

(B) historical and projected spending needs of such commonwealths and territories and the ability of capped funding streams to respond to those spending needs;

(C) the extent to which Federal poverty guidelines are used by such commonwealths and territories to determine Medicaid and CHIP eligibility; and

(D) the extent to which such commonwealths and territories participate in data collection and reporting related to Medicaid and CHIP, including an analysis of territory participation in the Current Population Survey versus the American Community Survey.

(2) Recommendations regarding methods for the collection and reporting of reliable data regarding the enrollment under Medicaid and CHIP of children in such commonwealths and territories.

(3) Recommendations for improving Federal funding under Medicaid and CHIP for such commonwealths and territories.

## Subtitle B—Focus on Low-Income Children and Pregnant Women

### SEC. 111. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 112(a), is amended by adding at the end the following new section:

### "SEC. 2112. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN THROUGH A STATE PLAN AMENDMENT.

"(a) IN GENERAL.—Subject to the succeeding provisions of this section, a State may elect through an amendment to its State child health plan under section 2102 to provide pregnancy-related assistance under such plan for targeted low-income pregnant women.

"(b) CONDITIONS.—A State may only elect the option under subsection (a) if the following conditions are satisfied:

"(1) MINIMUM INCOME ELIGIBILITY LEVELS FOR PREGNANT WOMEN AND CHILDREN.—The State has established an income eligibility level—

"(A) for pregnant women under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902 that is at least 185 percent (or such higher percent as the State has in effect with regard to pregnant women under this title) of the poverty line applicable to a family of the size involved, but in no case lower than the percent in effect under any such subsection as of July 1, 2007; and

"(B) for children under 19 years of age under this title (or title XIX) that is at least 200 percent of the poverty line applicable to a family of the size involved.

"(2) NO CHIP INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN LOWER THAN THE STATE'S MEDICAID LEVEL.—The State does not apply an effective income level for pregnant women under the State plan amendment that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

"(3) NO COVERAGE FOR HIGHER INCOME PREGNANT WOMEN WITHOUT COVERING LOWER INCOME PREGNANT WOMEN.—The State does not provide coverage for pregnant women with higher family income without covering pregnant women with a lower family income.

"(4) APPLICATION OF REQUIREMENTS FOR COVERAGE OF TARGETED LOW-INCOME CHILDREN.—The State provides pregnancy-related assistance for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the State provides child health assistance for targeted low-income children under the State child health plan, and in addition to providing child health assistance for such women.

"(5) NO PREEXISTING CONDITION EXCLUSION OR WAITING PERIOD.—The State does not apply any exclusion of benefits for pregnancy-related assistance based on any preexisting condition or any waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) for receipt of such assistance.

"(6) APPLICATION OF COST-SHARING PROTECTION.—The State provides pregnancy-related assistance to a targeted low-income woman consistent with the cost-sharing protections under section 2103(e) and applies the limitation on total annual aggregate cost sharing imposed under paragraph (3)(B) of such section to the family of such a woman.

"(7) NO WAITING LIST FOR CHILDREN.—The State does not impose, with respect to the enrollment under the State child health plan of targeted low-income children during the quarter, any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment.

"(c) OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—A State that elects the option under subsection (a) and satisfies the conditions described in subsection (b) may elect to apply section 1920 (relating to presumptive eligibility for pregnant women) to the State child health plan in the same manner as such section applies to the State plan under title XIX.

"(d) DEFINITIONS.—For purposes of this section:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term 'child health assistance' in section 2110(a) with respect to an individual during the period described in paragraph (2)(A).

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means an individual—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income exceeds 185 percent (or, if higher, the percent applied under subsection (b)(1)(A)) of the poverty line applicable to a family of the size involved, but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

"(e) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).

"(f) STATES PROVIDING ASSISTANCE THROUGH OTHER OPTIONS.—

"(1) CONTINUATION OF OTHER OPTIONS FOR PROVIDING ASSISTANCE.—The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide—

"(A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect after the final rule adopted by the Secretary and set forth at 67 Fed. Reg. 61956-61974 (October 2, 2002)), or

"(B) pregnancy-related services through the application of any waiver authority (as in effect on June 1, 2007).

"(2) CLARIFICATION OF AUTHORITY TO PROVIDE POSTPARTUM SERVICES.—Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

"(3) NO INFERENCE.—Nothing in this subsection shall be construed—

"(A) to infer congressional intent regarding the legality or illegality of the content of the sections specified in paragraph (1)(A); or

"(B) to modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).".

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting "**OR PREGNANCY-RELATED ASSISTANCE**" after "**PREVENTIVE SERVICES**"; and

(B) by inserting before the period at the end the following: "or for pregnancy-related assistance".

(2) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (i), by striking ", and" at the end and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman provided pregnancy-related assistance under section 2112.".

### SEC. 112. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.

(a) PHASE-OUT RULES.—

(1) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

### "SEC. 2111. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS; CONDITIONS FOR COVERAGE OF PARENTS.

"(a) TERMINATION OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH 2008.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

"(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraph (2) shall apply for purposes of any period beginning on or after January 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF 2008.—

"(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after December 31, 2008.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before January 1, 2009, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only through December 31, 2008.

"(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during the period beginning on the date of the enactment of this subsection and ending on December 31, 2008.

"(3) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than September 30, 2008, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a 'Medicaid nonpregnant childless adults waiver').

"(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of December 31, 2008, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by September 30, 2008, the application shall be deemed approved.

"(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

"(i) in the case of 2009, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for 2008, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for 2009 over 2008, as most recently published by the Secretary; and

"(ii) in the case of any succeeding year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the year involved over the preceding year, as most recently published by the Secretary.

"(b) RULES AND CONDITIONS FOR COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.—

"(1) TWO-YEAR TRANSITION PERIOD; AUTOMATIC EXTENSION AT STATE OPTION THROUGH FISCAL YEAR 2009.—

"(A) NO NEW CHIP WAIVERS.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(i) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007 approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a parent of a targeted low-income child; and

"(ii) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2009, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only, subject to paragraph (2)(A), through September 30, 2009.

"(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a parent of a targeted low-income child during fiscal years 2008 and 2009.

"(2) RULES FOR FISCAL YEARS 2010 THROUGH 2012.—

"(A) PAYMENTS FOR COVERAGE LIMITED TO BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Any State that provides child health assistance or health benefits coverage under an applicable existing waiver for a parent of a targeted low-income child may elect to continue to provide such assistance or coverage through fiscal year 2010, 2011, or 2012, subject to the same terms and conditions that applied under the applicable existing waiver, unless otherwise modified in subparagraph (B).

"(B) TERMS AND CONDITIONS.—

"(i) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—If the State makes an election under subparagraph (A), the Secretary shall set aside for the State for each such fiscal year an amount equal to the Federal share of 110 percent of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all parents of targeted low-income children enrolled under such waiver for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year). In the case of fiscal year 2012, the set aside for any State shall be computed separately for each period described in subparagraphs (A) and (B) of section 2104(a)(15) and any reduction in the allotment for either such period under section 2104(i)(4) shall be allocated on a pro rata basis to such set aside.

"(ii) PAYMENTS FROM BLOCK GRANT.—The Secretary shall pay the State from the amount set aside under clause (i) for the fiscal year, an amount for each quarter of such fiscal year equal to the applicable percentage determined under clause (iii) or (iv) for expenditures in the quarter for providing child health assistance or other health benefits coverage to a parent of a targeted low-income child.

"(iii) ENHANCED FMAP ONLY IN FISCAL YEAR 2010 FOR STATES WITH SIGNIFICANT CHILD OUTREACH OR THAT ACHIEVE CHILD COVERAGE BENCHMARKS; FMAP FOR ANY OTHER STATES.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2010 is equal to—

"(I) the enhanced FMAP determined under section 2105(b) in the case of a State that meets the outreach or coverage benchmarks described in any of subparagraph (A), (B), or (C) of paragraph (3) for fiscal year 2009; or

"(II) the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) in the case of any other State.

"(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

"(I) the REMAP percentage if—

"(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

"(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

"(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply. For purposes of subclause (I), the REMAP percentage is the percentage which is the sum of such Federal medical assistance percentage and a number of percentage points equal to one-half of the difference between such Federal medical assistance percentage and such enhanced FMAP.

"(v) NO FEDERAL PAYMENTS OTHER THAN FROM BLOCK GRANT SET ASIDE.—No payments shall be made to a State for expenditures described in clause (ii) after the total amount set aside under clause (i) for a fiscal year has been paid to the State.

"(vi) NO INCREASE IN INCOME ELIGIBILITY LEVEL FOR PARENTS.—No payments shall be made to a State from the amount set aside under clause (i) for a fiscal year for expenditures for providing child health assistance or health benefits coverage to a parent of a targeted low-income child whose family income exceeds the income eligibility level applied under the applicable existing waiver to parents of targeted low-income children on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(3) OUTREACH OR COVERAGE BENCHMARKS.—For purposes of paragraph (2), the outreach or coverage benchmarks described in this paragraph are as follows:

"(A) SIGNIFICANT CHILD OUTREACH CAMPAIGN.—The State—

"(i) was awarded a grant under section 2113 for fiscal year 2009;

"(ii) implemented 1 or more of the enrollment and retention provisions described in section 2105(a)(4) for such fiscal year; or

"(iii) has submitted a specific plan for outreach for such fiscal year.

"(B) HIGH-PERFORMING STATE.—The State, on the basis of the most timely and accurate published estimates of the Bureau of the Census, ranks in the lowest ⅓ of States in terms of the State's percentage of low-income children without health insurance.

"(C) STATE INCREASING ENROLLMENT OF LOW-INCOME CHILDREN.—The State qualified for a performance bonus payment under section 2105(a)(3)(B) for the most recent fiscal year applicable under such section.

"(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from submitting an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a parent of a targeted low-income child that was provided child health assistance or health benefits coverage under an applicable existing waiver.

"(c) APPLICABLE EXISTING WAIVER.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable existing waiver' means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

"(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

"(i) a parent of a targeted low-income child;

"(ii) a nonpregnant childless adult; or

"(iii) individuals described in both clauses (i) and (ii); and

"(B) was in effect on October 1, 2007.

"(2) DEFINITIONS.—

"(A) PARENT.—The term 'parent' includes a caretaker relative (as such term is used in carrying out section 1931) and a legal guardian.

"(B) NONPREGNANT CHILDLESS ADULT.—The term 'nonpregnant childless adult' has the meaning given such term by section 2107(f).".

(2) CONFORMING AMENDMENTS.—

(A) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(i) by striking ", the Secretary" and inserting ":

"(1) The Secretary";

(ii) in the first sentence, by inserting "or a parent (as defined in section 2111(c)(2)(A)), who is not pregnant, of a targeted low-income child" before the period;

(iii) by striking the second sentence; and

(iv) by adding at the end the following new paragraph:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.".

(B) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 131) is amended by striking "Nothing" and inserting "Subject to section 2111 of the Social Security Act, as added by section 112 of the Children's Health Insurance Program Reauthorization Act of 2007, nothing".

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether—

(A) the coverage of a parent, a caretaker relative (as such term is used in carrying out section 1931), or a legal guardian of a targeted low-income child under a State health plan under title XXI of the Social Security Act increases the enrollment of, or the quality of care for, children, and

(B) such parents, relatives, and legal guardians who enroll in such a plan are more likely to enroll their children in such a plan or in a State plan under title XIX of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall report the results of the study to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives, including recommendations (if any) for changes in legislation.

### SEC. 113. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

(a) IN GENERAL.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))"; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) [reserved]".

(b) AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking "so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance".

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following flush sentence:

"The term 'qualified provider' also includes a qualified entity, as defined in section 1920A(b)(3).".

### SEC. 114. DENIAL OF PAYMENTS FOR COVERAGE OF CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) DENIAL OF PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE FOR CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for child health assistance furnished after the date of the enactment of this paragraph, no payment shall be made under this section for any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, has an approved State plan amendment or waiver to provide expenditures described in such subparagraph under the State child health plan.".

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as—

(1) changing any income eligibility level for children under title XXI of the Social Security Act; or

(2) changing the flexibility provided States under such title to establish the income eligibility level for targeted low-income children under a State child health plan and the methodologies used by the State to determine income or assets under such plan.

### SEC. 115. STATE AUTHORITY UNDER MEDICAID.

(a) STATE AUTHORITY TO EXPAND INCOME OR RESOURCE ELIGIBILITY LEVELS FOR CHILDREN.—Nothing in this Act, the amendments made by this Act, or title XIX of the Social Security Act, including paragraph (2)(B) of section 1905(u) of such Act, shall be construed as limiting the flexibility afforded States under such title to increase the income or resource eligibility levels for children under a State plan or waiver under such title.

(b) STATE AUTHORITY TO RECEIVE PAYMENTS UNDER MEDICAID FOR PROVIDING MEDICAL ASSISTANCE TO CHILDREN ELIGIBLE AS A RESULT OF AN INCOME OR RESOURCE ELIGIBILITY LEVEL EXPANSION.—A State may, notwithstanding the fourth sentence of subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d) or subsection (u) of such section—

(1) cover individuals described in section 1902(a)(10)(A)(ii)(IX) of the Social Security Act and thereby receive Federal financial participation for medical assistance for such individuals under title XIX of the Social Security Act; or

(2) receive Federal financial participation for expenditures for medical assistance under Medicaid for children described in paragraph (2)(B) or (3) of section 1905(u) of such Act based on the Federal medical assistance percentage, as otherwise determined based on the first and third sentences of subsection (b) of section 1905 of the Social Security Act, rather than on the basis of an enhanced FMAP (as defined in section 2105(b) of such Act).

### SEC. 116. PREVENTING SUBSTITUTION OF CHIP COVERAGE FOR PRIVATE COVERAGE.

(a) FINDINGS.—

(1) Congress agrees with the President that low-income children should be the first priority of all States in providing child health assistance under CHIP.

(2) Congress agrees with the President and the Congressional Budget Office that the substitution of CHIP coverage for private coverage occurs more frequently for children in families at higher income levels.

(3) Congress agrees with the President that it is appropriate that States that expand CHIP eligibility to children at higher income levels should have achieved a high level of health benefits coverage for low-income children and should implement strategies to address such substitution.

(4) Congress concludes that the policies specified in this section (and the amendments made by this section) are the appropriate policies to address these issues.

(b) ANALYSES OF BEST PRACTICES AND METHODOLOGY IN ADDRESSING CROWD-OUT.—

(1) GAO REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives and the Secretary a report describing the best practices by States in addressing the issue of CHIP crowd-out. Such report shall include analyses of—

(A) the impact of different geographic areas, including urban and rural areas, on CHIP crowd-out;

(B) the impact of different State labor markets on CHIP crowd-out;

(C) the impact of different strategies for addressing CHIP crowd-out;

(D) the incidence of crowd-out for children with different levels of family income; and

(E) the relationship (if any) between changes in the availability and affordability of dependent coverage under employer-sponsored health insurance and CHIP crowd-out.

(2) IOM REPORT ON METHODOLOGY.—The Secretary shall enter into an arrangement with the Institute of Medicine under which the Institute submits to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives and the Secretary, not later than 18 months after the date of the enactment of this Act, a report on—

(A) the most accurate, reliable, and timely way to measure—

(i) on a State-by-State basis, the rate of public and private health benefits coverage among low-income children with family income that does not exceed 200 percent of the poverty line; and

(ii) CHIP crowd-out, including in the case of children with family income that exceeds 200 percent of the poverty line; and

(B) the least burdensome way to gather the necessary data to conduct the measurements described in subparagraph (A).

Out of any money in the Treasury not otherwise appropriated, there are hereby appropriated $2,000,000 to carry out this paragraph for the period ending September 30, 2009.

(3) INCORPORATION OF DEFINITIONS.—In this section, the terms "CHIP crowd-out", "children", "poverty line", and "State" have the meanings given such terms for purposes of CHIP.

(4) DEFINITION OF CHIP CROWD-OUT.—Section 2110(c) (42 U.S.C. 1397jj(c)) is amended by adding at the end the following:

"(9) CHIP CROWD-OUT.—The term 'CHIP crowd-out' means the substitution of—

"(A) health benefits coverage for a child under this title, for

"(B) health benefits coverage for the child other than under this title or title XIX.".

(c) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Section 2107 (42 U.S.C. 1397gg) is amended by adding at the end the following:

"(g) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Within 6 months after the date of receipt of the reports under subsections (a) and (b) of section 116 of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, including Medicaid and CHIP directors in States, shall publish in the Federal Register, and post on the public website for the Department of Health and Human Services—

"(1) recommendations regarding best practices for States to use to address CHIP crowd-out; and

"(2) uniform standards for data collection by States to measure and report—

"(A) health benefits coverage for children with family income below 200 percent of the poverty line; and

"(B) on CHIP crowd-out, including for children with family income that exceeds 200 percent of the poverty line.

The Secretary, in consultation with States, including Medicaid and CHIP directors in States, may from time to time update the best practice recommendations and uniform standards set published under paragraphs (1) and (2) and shall provide for publication and posting of such updated recommendations and standards.".

(d) REQUIREMENT TO ADDRESS CHIP CROWD-OUT; SECRETARIAL REVIEW.—Section 2106 (42 U.S.C. 1397ff) is amended by adding at the end the following:

"(f) REQUIREMENT TO ADDRESS CHIP CROWD-OUT; SECRETARIAL REVIEW.—

"(1) IN GENERAL.—Not later than 6 months after the best practice application date described in paragraph (2), each State that has a State child health plan shall submit to the Secretary a State plan amendment describing how the State—

"(A) will address CHIP crowd-out; and

"(B) will incorporate recommended best practices referred to in such paragraph.

"(2) BEST PRACTICE APPLICATION DATE.—The best practice application date described in this paragraph is the date that is 6 months after the date of publication of recommendations regarding best practices under section 2107(g)(1).

"(3) SECRETARIAL REVIEW.—The Secretary shall—

"(A) review each State plan amendment submitted under paragraph (1);

"(B) determine whether the amendment incorporates recommended best practices referred to in paragraph (2);

"(C) in the case of a higher income eligibility State (as defined in section 2105(c)(9)(B)), determine whether the State meets the enrollment targets required under reference section 2105(c)(9)(C); and

"(D) notify the State of such determinations.".

(e) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 114(a), is amended by adding at the end the following new subsection:

"(9) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

"(A) DETERMINATIONS.—

"(i) IN GENERAL.—The Secretary shall determine, for each State that is a higher income eligibility State as of April 1 of 2010 and each subsequent year, whether the State meets the target rate of coverage of low-income children required under subparagraph (C) and shall notify the State in that month of such determination.

"(ii) DETERMINATION OF FAILURE.—If the Secretary determines in such month that a higher income eligibility State does not meet such target rate of coverage, subject to subparagraph (E), no payment shall be made as of October 1 of such year on or after October 1, 2010, under this section for child health assistance provided for higher-income children (as defined in subparagraph (D)) under the State child health plan unless and until the State establishes it is in compliance with such requirement.

"(B) HIGHER INCOME ELIGIBILITY STATE.—A higher income eligibility State described in this clause is a State that—

"(i) applies under its State child health plan an eligibility income standard for targeted low-income children that exceeds 300 percent of the poverty line; or

"(ii) because of the application of a general exclusion of a block of income that is not determined by type of expense or type of income, applies an effective income standard under the State child health plan for such children that exceeds 300 percent of the poverty line.

"(C) REQUIREMENT FOR TARGET RATE OF COVERAGE OF LOW-INCOME CHILDREN.—

"(i) IN GENERAL.—The requirement of this subparagraph for a State is that the rate of health benefits coverage (both private and public) for low-income children in the State is not statistically significantly (at a p=0.05 level) less than the target rate of coverage specified in clause (ii).

"(ii) TARGET RATE.—The target rate of coverage specified in this clause is the average rate (determined by the Secretary) of health benefits coverage (both private and public) as of January 1, 2010, among the 10 of the 50 States and the District of Columbia with the highest percentage of health benefits coverage (both private and public) for low-income children.

"(iii) STANDARDS FOR DATA.—In applying this subparagraph, rates of health benefits coverage for States shall be determined using the uniform standards identified by the Secretary under section 2107(g)(2).

"(D) HIGHER-INCOME CHILD.—For purposes of this paragraph, the term 'higher income child' means, with respect to a State child health plan, a targeted low-income child whose family income—

"(i) exceeds 300 percent of the poverty line; or

"(ii) would exceed 300 percent of the poverty line if there were not taken into account any general exclusion described in subparagraph (B)(ii).

"(E) NOTICE AND OPPORTUNITY TO COMPLY WITH TARGET RATE.—If the Secretary makes a determination described in subparagraph (A)(ii) in April of a year, the Secretary—

"(i) shall provide the State with the opportunity to submit and implement a corrective action plan for the State to come into compliance with the requirement of subparagraph (C) before October 1 of such year;

"(ii) shall not effect a denial of payment under subparagraph (A) on the basis of such determination before October 1 of such year; and

"(iii) shall not effect such a denial if the Secretary determines that there is a reasonable likelihood that the implementation of such a correction action plan will bring the State into compliance with the requirement of subparagraph (C).".

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) or this section

this shall be construed as authorizing the Secretary of Health and Human Services to limit payments under title XXI of the Social Security Act in the case of a State that is not a higher income eligibility State (as defined in section 2105(c)(9)(B) of such Act, as added by paragraph (1)).

(f) TREATMENT OF MEDICAL SUPPORT ORDERS.—Section 2102(b) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following:

"(5) TREATMENT OF MEDICAL SUPPORT ORDERS.—

"(A) IN GENERAL.—Nothing in this title shall be construed to allow the Secretary to require that a State deny eligibility for child health assistance to a child who is otherwise eligible on the basis of the existence of a valid medical support order being in effect.

"(B) STATE ELECTION.—A State may elect to limit eligibility for child health assistance to a targeted low-income child on the basis of the existence of a valid medical support order on the child's behalf, but only if the State does not deny such eligibility for a child on such basis if the child asserts that the order is not being complied with for any of the reasons described in subparagraph (C) unless the State demonstrates that none of such reasons applies in the case involved.

"(C) REASONS FOR NONCOMPLIANCE.—The reasons described in this subparagraph for noncompliance with a medical support order with respect to a child are that the child is not being provided health benefits coverage pursuant to such order because—

"(i) of failure of the noncustodial parent to comply with the order;

"(ii) of the failure of an employer, group health plan or health insurance issuer to comply with such order; or

"(iii) the child resides in a geographic area in which benefits under the health benefits coverage are generally unavailable.".

(g) EFFECTIVE DATE OF AMENDMENTS; CONSISTENCY OF POLICIES.—The amendments made by this section shall take effect as if enacted on August 16, 2007. The Secretary may not impose (or continue in effect) any requirement, prevent the implementation of any provision, or condition the approval of any provision under any State child health plan, State plan amendment, or waiver request on the basis of any policy or interpretation relating to CHIP crowd-out, coordination with other sources of coverage, target rate of coverage, or medical support order other than under the amendments made by this section. In the case of a State plan amendment which was denied on or after August 16, 2007, on the basis of any such policy or interpretation in effect before the date of the enactment of this Act, if the State submits a modification of such State plan amendment that complies with title XXI of the Social Security Act as amended by this Act, such submitted State plan amendment, as so modified, shall be considered as if it had been submitted (as so modified) as of the date of its original submission, but such State plan amendment shall not be effective before the date of the enactment of this Act and the exception described in subparagraph (B) of section 2105(c)(8) of the Social Security Act, as added by section 114(a), shall not apply to such State plan amendment.

## TITLE II—OUTREACH AND ENROLLMENT

### Subtitle A—Outreach and Enrollment Activities

### SEC. 201. GRANTS AND ENHANCED ADMINISTRATIVE FUNDING FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 111, is amended by adding at the end the following:

### "SEC. 2113. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

"(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

"(1) IN GENERAL.—From the amounts appropriated under subsection (g), subject to paragraph (2), the Secretary shall award grants to eligible entities during the period of fiscal years 2008 through 2012 to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

"(2) TEN PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts shall be used by the Secretary for expenditures during such period to carry out a national enrollment campaign in accordance with subsection (h).

"(b) PRIORITY FOR AWARD OF GRANTS.—

"(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

"(A) propose to target geographic areas with high rates of—

"(i) eligible but unenrolled children, including such children who reside in rural areas; or

"(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(B) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

"(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

"(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

"(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

"(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

"(4) an assurance that the eligible entity shall—

"(A) conduct an assessment of the effectiveness of such activities against the performance measures;

"(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments; and

"(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

"(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

"(1) make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(4)(B); and

"(2) submit an annual report to Congress on the outreach and enrollment activities conducted with funds appropriated under this section.

"(e) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

"(1) the State share of funds expended for outreach and enrollment activities under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

"(2) no State matching funds shall be required for the State to receive a grant under this section.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) A State with an approved child health plan under this title.

"(B) A local government.

"(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

"(D) A Federal health safety net organization.

"(E) A national, State, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

"(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x-65) relating to a grant award to nongovernmental entities.

"(G) An elementary or secondary school.

"(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

"(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

"(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

"(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

"(D) any other entity or consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

"(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

"(A) by serving as a liaison between communities and health care agencies;

"(B) by providing guidance and social assistance to community residents;

"(C) by enhancing community residents' ability to effectively communicate with health care providers;

"(D) by providing culturally and linguistically appropriate health or nutrition education;

"(E) by advocating for individual and community health or nutrition needs; and

"(F) by providing referral and followup services.

"(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 for the period of fiscal years 2008 through 2012, for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

"(h) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2), the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

"(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

"(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

"(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

"(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

"(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

"(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.".

(b) ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES UNDER CHIP AND MEDICAID.—

(1) CHIP.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 113, is amended—

(A) in the matter preceding subparagraph (A), by inserting "(or, in the case of expenditures described in subparagraph (D)(iv), the higher of 75 percent or the sum of the enhanced FMAP plus 5 percentage points)" after "enhanced FMAP"; and

(B) in subparagraph (D)—

(i) in clause (iii), by striking "and" at the end;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

"(iv) for translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, individuals for whom English is not their primary language (as found necessary by the Secretary for the proper and efficient administration of the State plan); and".

(2) MEDICAID.—

(A) USE OF MEDICAID FUNDS.—Section 1903(a)(2) (42 U.S.C. 1396b(a)(2)) is amended by adding at the end the following new subparagraph:

"(E) an amount equal to 75 percent of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, children of families for whom English is not the primary language; plus".

(B) USE OF COMMUNITY HEALTH WORKERS FOR OUTREACH ACTIVITIES.—

(i) IN GENERAL.—Section 2102(c)(1) of such Act (42 U.S.C. 1397bb(c)(1)) is amended by inserting "(through community health workers and others)" after "Outreach".

(ii) IN FEDERAL EVALUATION.—Section 2108(c)(3)(B) of such Act (42 U.S.C. 1397hh(c)(3)(B)) is amended by inserting "(such as through community health workers and others)" after "including practices".

### SEC. 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS.

(a) IN GENERAL.—Section 1139 (42 U.S.C. 1320b-9) is amended to read as follows:

### "SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XIX AND XXI.

"(a) AGREEMENTS WITH STATES FOR MEDICAID AND CHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

"(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

"(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

"(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XIX or XXI.

"(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

"(C) NONAPPLICATION TO CERTAIN EXPENDITURES.—The limitation under subparagraph (A) shall not apply with respect to the following expenditures:

"(i) EXPENDITURES TO INCREASE OUTREACH TO, AND THE ENROLLMENT OF, INDIAN CHILDREN UNDER THIS TITLE AND TITLE xix.—Expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).".

### SEC. 203. STATE OPTION TO RELY ON FINDINGS FROM AN EXPRESS LANE AGENCY TO CONDUCT SIMPLIFIED ELIGIBILITY DETERMINATIONS.

(a) APPLICATION UNDER MEDICAID AND CHIP PROGRAMS.—

(1) MEDICAID.—Section 1902(e) (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

"(13) EXPRESS LANE OPTION.—

"(A) IN GENERAL.—

"(i) OPTION TO USE A FINDING FROM AN EXPRESS LANE AGENCY.—At the option of the State, the State plan may provide that in determining eligibility under this title for a child (as defined in subparagraph (G)), the State may rely on a finding made within a reasonable period (as determined by the State) from an Express Lane agency (as defined in subparagraph (F)) when it determines whether a child satisfies one or more components of eligibility for medical assistance under this title. The State may rely on a finding from an Express Lane agency notwithstanding sections 1902(a)(46)(B) and 1137(d) and any differences in budget unit, disregard, deeming or other methodology, if the following requirements are met:

"(I) PROHIBITION ON DETERMINING CHILDREN INELIGIBLE FOR COVERAGE.—If a finding from an Express Lane agency would result in a determination that a child does not satisfy an eligibility requirement for medical assistance under this title and for child health assistance under title XXI, the State shall determine eligibility for assistance using its regular procedures.

"(II) NOTICE REQUIREMENT.—For any child who is found eligible for medical assistance under the State plan under this title or child health assistance under title XXI and who is subject to premiums based on an Express Lane agency's finding of such child's income level, the State shall provide notice that the child may qualify for lower premium payments if evaluated by the State using its regular policies and of the procedures for requesting such an evaluation.

"(III) COMPLIANCE WITH SCREEN AND ENROLL REQUIREMENT.—The State shall satisfy the requirements under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) before enrolling a child in child health assistance under title XXI. At its option, the State may fulfill such requirements in accordance with either option provided under subparagraph (C) of this paragraph.

"(IV) VERIFICATION OF CITIZENSHIP OR NATIONALITY STATUS.—The State shall satisfy the requirements of section 1902(a)(46)(B) or 2105(c)(10), as applicable for verifications of citizenship or nationality status.

"(V) CODING.—The State meets the requirements of subparagraph (E).

"(ii) OPTION TO APPLY TO RENEWALS AND REDETERMINATIONS.—The State may apply the provisions of this paragraph when conducting initial determinations of eligibility, redeterminations of eligibility, or both, as described in the State plan.

"(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

"(i) to limit or prohibit a State from taking any actions otherwise permitted under this title or title XXI in determining eligibility for or enrolling children into medical assistance under this title or child health assistance under title XXI; or

"(ii) to modify the limitations in section 1902(a)(5) concerning the agencies that may make a determination of eligibility for medical assistance under this title.

"(C) OPTIONS FOR SATISFYING THE SCREEN AND ENROLL REQUIREMENT.—

"(i) IN GENERAL.—With respect to a child whose eligibility for medical assistance under this title or for child health assistance under title XXI has been evaluated by a State agency using an income finding from an Express Lane agency, a State may carry out its duties under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) in accordance with either clause (ii) or clause (iii).

"(ii) ESTABLISHING A SCREENING THRESHOLD.—

"(I) IN GENERAL.—Under this clause, the State establishes a screening threshold set as a percentage of the Federal poverty level that exceeds the highest income threshold applicable under this title to the child by a minimum of 30 percentage points or, at State option, a higher number of percentage points that reflects the value (as determined by the State and described in the State plan) of any differences between income methodologies used by the program administered by the Express Lane agency and the methodologies used by the State in determining eligibility for medical assistance under this title.

"(II) CHILDREN WITH INCOME NOT ABOVE THRESHOLD.—If the income of a child does not exceed the screening threshold, the child is deemed to satisfy the income eligibility criteria for medical assistance under this title regardless of whether such child would otherwise satisfy such criteria.

"(III) CHILDREN WITH INCOME ABOVE THRESHOLD.—If the income of a child exceeds the screening threshold, the child shall be considered to have an income above the Medicaid applicable income level described in section 2110(b)(4) and to satisfy the requirement under section 2110(b)(1)(C) (relating to the requirement that CHIP matching funds be used only for children not eligible for Medicaid). If such a child is enrolled in child health assistance under title XXI, the State shall provide the parent, guardian, or custodial relative with the following:

"(aa) Notice that the child may be eligible to receive medical assistance under the State plan under this title if evaluated for such assistance under the State's regular procedures and notice of the process through which a parent, guardian, or custodial relative can request that the State evaluate the child's eligibility for medical assistance under this title using such regular procedures.

"(bb) A description of differences between the medical assistance provided under this title and child health assistance under title XXI, including differences in cost-sharing requirements and covered benefits.

"(iii) TEMPORARY ENROLLMENT IN CHIP PENDING SCREEN AND ENROLL.—

"(I) IN GENERAL.—Under this clause, a State enrolls a child in child health assistance under title XXI for a temporary period if the child appears eligible for such assistance based on an income finding by an Express Lane agency.

"(II) DETERMINATION OF ELIGIBILITY.—During such temporary enrollment period, the State shall determine the child's eligibility for child health assistance under title XXI or for medical assistance under this title in accordance with this clause.

"(III) PROMPT FOLLOW UP.—In making such a determination, the State shall take prompt action to determine whether the child should be enrolled in medical assistance under this title or child health assistance under title XXI pursuant to subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll).

"(IV) REQUIREMENT FOR SIMPLIFIED DETERMINATION.—In making such a determination, the State shall use procedures that, to the maximum feasible extent, reduce the burden imposed on the individual of such determination. Such procedures may not require the child's parent, guardian, or custodial relative to provide or verify information that already has been provided to the State agency by an Express Lane agency or another source of information unless the State agency has reason to believe the information is erroneous.

"(V) AVAILABILITY OF CHIP MATCHING FUNDS DURING TEMPORARY ENROLLMENT PERIOD.—Medical assistance for items and services that are provided to a child enrolled in title XXI during a temporary enrollment period under this clause shall be treated as child health assistance under such title.

"(D) OPTION FOR AUTOMATIC ENROLLMENT.—

"(i) IN GENERAL.—The State may initiate and determine eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan without a program application from, or on behalf of, the child based on data obtained from sources other than the child (or the child's family), but a child can only be automatically enrolled in the State Medicaid plan or the State CHIP plan if the child or the family affirmatively consents to being enrolled through affirmation and signature on an Express Lane agency application, if the requirement of clause (ii) is met.

"(ii) INFORMATION REQUIREMENT.—The requirement of this clause is that the State informs the parent, guardian, or custodial relative of the child of the services that will be covered, appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations (under section 1912(a)) created by enrollment (if applicable), and the actions the parent, guardian, or relative must take to maintain enrollment and renew coverage.

"(E) CODING; APPLICATION TO ENROLLMENT ERROR RATES.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(iv), the requirement of this subparagraph for a State is that the State agrees to—

"(I) assign such codes as the Secretary shall require to the children who are enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency for the duration of the State's election under this paragraph;

"(II) annually provide the Secretary with a statistically valid sample (that is approved by Secretary) of the children enrolled in such plans through reliance on such a finding by conducting a full Medicaid eligibility review of the children identified for such sample for purposes of determining an eligibility error rate (as described in clause (iv)) with respect to the enrollment of such children (and shall not include such children in any data or samples used for purposes of complying with a Medicaid Eligibility Quality Control (MEQC) review or a payment error rate measurement (PERM) requirement);

"(III) submit the error rate determined under subclause (II) to the Secretary;

"(IV) if such error rate exceeds 3 percent for either of the first 2 fiscal years in which the State elects to apply this paragraph, demonstrate to the satisfaction of the Secretary the specific corrective actions implemented by the State to improve upon such error rate; and

"(V) if such error rate exceeds 3 percent for any fiscal year in which the State elects to apply this paragraph, a reduction in the amount otherwise payable to the State under section 1903(a) for quarters for that fiscal year, equal to the total amount of erroneous excess payments determined for the fiscal year only with respect to the children included in the sample for the fiscal year that are in excess of a 3 percent error rate with respect to such children.

"(ii) NO PUNITIVE ACTION BASED ON ERROR RATE.—The Secretary shall not apply the error rate derived from the sample under clause (i) to the entire population of children enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency, or to the population of children enrolled in such plans on the basis of the State's regular procedures for determining eligibility, or penalize the State on the basis of such error rate in any manner other than the reduction of payments provided for under clause (i)(V).

"(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as relieving a State that elects to apply this paragraph from being subject to a penalty under section 1903(u), for payments made under the State Medicaid plan with respect to ineligible individuals and families that are determined to exceed the error rate permitted under that section (as determined without regard to the error rate determined under clause (i)(II)).

"(iv) ERROR RATE DEFINED.—In this subparagraph, the term 'error rate' means the rate of erroneous excess payments for medical assistance (as defined in section 1903(u)(1)(D)) for the period involved, except that such payments shall be limited to individuals for which eligibility determinations are made under this paragraph and except that in applying this paragraph under title XXI, there shall be substituted for references to provisions of this title corresponding provisions within title XXI.

"(F) EXPRESS LANE AGENCY.—

"(i) IN GENERAL.—In this paragraph, the term 'Express Lane agency' means a public agency that—

"(I) is determined by the State Medicaid agency or the State CHIP agency (as applicable) to be capable of making the determinations of one or more eligibility requirements described in subparagraph (A)(i);

"(II) is identified in the State Medicaid plan or the State CHIP plan; and

"(III) notifies the child's family—

"(aa) of the information which shall be disclosed in accordance with this paragraph;

"(bb) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan; and

"(cc) that the family may elect to not have the information disclosed for such purposes; and

"(IV) enters into, or is subject to, an interagency agreement to limit the disclosure and use of the information disclosed.

"(ii) INCLUSION OF SPECIFIC PUBLIC AGENCIES.—Such term includes the following:

"(I) A public agency that determines eligibility for assistance under any of the following:

"(aa) The temporary assistance for needy families program funded under part A of title IV.

"(bb) A State program funded under part D of title IV.

"(cc) The State Medicaid plan.

"(dd) The State CHIP plan.

"(ee) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(ff) The Head Start Act (42 U.S.C. 9801 et seq.).

"(gg) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(hh) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(ii) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

"(jj) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

"(kk) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

"(ll) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

"(II) A State-specified governmental agency that has fiscal liability or legal responsibility for the accuracy of the eligibility determination findings relied on by the State.

"(III) A public agency that is subject to an interagency agreement limiting the disclosure and use of the information disclosed for purposes of determining eligibility under the State Medicaid plan or the State CHIP plan.

"(iii) EXCLUSIONS.—Such term does not include an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX or a private, for-profit organization.

"(iv) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

"(I) exempting a State Medicaid agency from complying with the requirements of section 1902(a)(4) relating to merit-based personnel standards for employees of the State Medicaid agency and safeguards against conflicts of interest); or

"(II) authorizing a State Medicaid agency that elects to use Express Lane agencies under this subparagraph to use the Express Lane option to avoid complying with such requirements for purposes of making eligibility determinations under the State Medicaid plan.

"(v) ADDITIONAL DEFINITIONS.—In this paragraph:

"(I) STATE.—The term 'State' means 1 of the 50 States or the District of Columbia.

"(II) STATE CHIP AGENCY.—The term 'State CHIP agency' means the State agency responsible for administering the State CHIP plan.

"(III) STATE CHIP PLAN.—The term 'State CHIP plan' means the State child health plan established under title XXI and includes any waiver of such plan.

"(IV) STATE MEDICAID AGENCY.—The term 'State Medicaid agency' means the State agency responsible for administering the State Medicaid plan.

"(V) STATE MEDICAID PLAN.—The term 'State Medicaid plan' means the State plan established under title XIX and includes any waiver of such plan.

"(G) CHILD DEFINED.—For purposes of this paragraph, the term 'child' means an individual under 19 years of age, or, at the option of a State, such higher age, not to exceed 21 years of age, as the State may elect.

"(H) APPLICATION.—This paragraph shall not apply to with respect to eligibility determinations made after September 30, 2012.".

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) Section 1902(e)(13) (relating to the State option to rely on findings from an Express Lane agency to help evaluate a child's eligibility for medical assistance).".

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, by grant, contract, or interagency agreement, a comprehensive, independent evaluation of the option provided under the amendments made by subsection (a). Such evaluation shall include an analysis of the effectiveness of the option, and shall include—

(A) obtaining a statistically valid sample of the children who were enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency and determining the percentage of children who were erroneously enrolled in such plans;

(B) determining whether enrolling children in such plans through reliance on a finding made by an Express Lane agency improves the ability of a State to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans;

(C) evaluating the administrative costs or savings related to identifying and enrolling children in such plans through reliance on such findings, and the extent to which such costs differ from the costs that the State otherwise would have incurred to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans; and

(D) any recommendations for legislative or administrative changes that would improve the effectiveness of enrolling children in such plans through reliance on such findings.

(2) REPORT TO CONGRESS.—Not later than September 30, 2011, the Secretary shall submit a report to Congress on the results of the evaluation under paragraph (1).

(3) FUNDING.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out the evaluation under this subsection $5,000,000 for the period of fiscal years 2008 through 2011.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of such amount to conduct the evaluation under this subsection.

(c) ELECTRONIC TRANSMISSION OF INFORMATION.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(dd) ELECTRONIC TRANSMISSION OF INFORMATION.—If the State agency determining eligibility for medical assistance under this title or child health assistance under title XXI verifies an element of eligibility based on information from an Express Lane Agency (as defined in subsection (e)(13)(F)), or from another public agency, then the applicant's signature under penalty of perjury shall not be required as to such element. Any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note). The requirements of subparagraphs (A) and (B) of section 1137(d)(2) may be met through evidence in digital or electronic form.".

(d) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following new section:

**"SEC. 1939. AUTHORIZATION TO RECEIVE RELEVANT INFORMATION.**

"(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligibility determinations under this title (including eligibility files maintained by Express Lane agencies described in section 1902(e)(13)(F), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, to the extent such conveyance meets the requirements of subsection (b).

"(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to subsection (a) only if the following requirements are met:

"(1) The individual whose circumstances are described in the data or information (or such individual's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

"(2) Such data or information are used solely for the purposes of—

"(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling or attempting to enroll such individuals in the State plan; and

"(B) verifying the eligibility of individuals for medical assistance under the State plan.

"(3) An interagency or other agreement, consistent with standards developed by the Secretary—

"(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

"(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll individuals in the plan.

"(c) PENALTIES FOR IMPROPER DISCLOSURE.—

"(1) CIVIL MONEY PENALTY.—A private entity described in the subsection (a) that publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section is subject to a civil money penalty in an amount equal to $10,000 for each such unauthorized publication or disclosure. The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(2) CRIMINAL PENALTY.—A private entity described in the subsection (a) that willfully publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than $10,000 or imprisoned not more than 1 year, or both, for each such unauthorized publication or disclosure.

"(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).".

(2) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by subsection (a)(2), is amended by adding at the end the following new subparagraph:

"(F) Section 1939 (relating to authorization to receive data directly relevant to eligibility determinations).".

(3) CONFORMING AMENDMENT TO PROVIDE ACCESS TO DATA ABOUT ENROLLMENT IN INSURANCE FOR PURPOSES OF EVALUATING APPLICATIONS AND FOR CHIP.—Section 1902(a)(25)(I)(i) (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting "(and, at State option, individuals who apply or whose eligibility for medical assistance is being evaluated in accordance with section 1902(e)(13)(D))" after "with respect to individuals who are eligible"; and

(B) by inserting "under this title (and, at State option, child health assistance under title XXI)" after "the State plan".

(e) AUTHORIZATION FOR STATES ELECTING EXPRESS LANE OPTION TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—The Secretary shall enter into such agreements as are necessary to permit a State that elects the Express Lane option under section 1902(e)(13) of the Social Security Act to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under a State child health plan under CHIP or a State plan under Medicaid from the following:

(1) The National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) Data regarding enrollment in insurance that may help to facilitate outreach and enrollment under the State Medicaid plan, the State CHIP plan, and such other programs as the Secretary may specify.

(f) EFFECTIVE DATE.—The amendments made by this section are effective on January 1, 2008.

## Subtitle B—Reducing Barriers to Enrollment

### SEC. 211. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP.

(a) ALTERNATIVE STATE PROCESS FOR VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.—

(1) ALTERNATIVE TO DOCUMENTATION REQUIREMENT.—

(A) IN GENERAL.—Section 1902 (42 U.S.C. 1396a), as amended by section 203(c), is amended—

(i) in subsection (a)(46)—

(I) by inserting "(A)" after "(46)";

(II) by adding "and" after the semicolon; and

(III) by adding at the end the following new subparagraph:

"(B) provide, with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, that the State shall satisfy the requirements of—

"(i) section 1903(x); or

"(ii) subsection (ee);"; and

(ii) by adding at the end the following new subsection:

"(ee)(1) For purposes of subsection (a)(46)(B)(ii), the requirements of this subsection with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, are, in lieu of requiring the individual to present satisfactory documentary evidence of citizenship or nationality under section 1903(x) (if the individual is not described in paragraph (2) of that section), as follows:

"(A) The State submits the name and social security number of the individual to the Commissioner of Social Security as part of the program established under paragraph (2).

"(B) If the State receives notice from the Commissioner of Social Security that the name or social security number, or the declaration of citizenship or nationality, of the individual is inconsistent with information in the records maintained by the Commissioner—

"(i) the State makes a reasonable effort to identify and address the causes of such inconsistency, including through typographical or other clerical errors, by contacting the individual to confirm the accuracy of the name or social security number submitted or declaration of citizenship or nationality and by taking such additional actions as the Secretary, through regulation or other guidance, or the State may identify, and continues to provide the individual with medical assistance while making such effort; and

"(ii) in the case such inconsistency is not resolved under clause (i), the State—

"(I) notifies the individual of such fact;

"(II) provides the individual with a period of 90 days from the date on which the notice required under subclause (I) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or resolve the inconsistency with the Commissioner of Social Security (and continues to provide the individual with medical assistance during such 90-day period); and

"(III) disenrolls the individual from the State plan under this title within 30 days after the end of such 90-day period if no such documentary evidence is presented or if such inconsistency is not resolved.

"(2)(A) Each State electing to satisfy the requirements of this subsection for purposes of section 1902(a)(46)(B) shall establish a program under which the State submits at least monthly to the Commissioner of Social Security for comparison of the name and social security number, of each individual newly enrolled in the State plan under this title that month who is not described in section 1903(x)(2) and who declares to be a United States citizen or national, with information in records maintained by the Commissioner.

"(B) In establishing the State program under this paragraph, the State may enter into an agreement with the Commissioner of Social Security—

"(i) to provide, through an on-line system or otherwise, for the electronic submission of, and response to, the information submitted under subparagraph (A) for an individual enrolled in the State plan under this title who declares to be citizen or national on at least a monthly basis; or

"(ii) to provide for a determination of the consistency of the information submitted with the information maintainted in the records of the Commissioner through such other method as agreed to by the State and the Commissioner and approved by the Secretary, provided that such method is no more burdensome for individuals to comply with than any burdens that may apply under a method described in clause (i).

"(C) The program established under this paragraph shall provide that, in the case of any individual who is required to submit a social security number to the State under subparagraph (A) and who is unable to provide the State with such number, shall be provided with at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.

"(3)(A) The State agency implementing the plan approved under this title shall, at such times and in such form as the Secretary may specify, provide information on the percentage each month that the inconsistent submissions bears to the total submissions made for comparison for such month. For purposes of this subparagraph, a name, social security number, or declaration of citizenship or nationality of an individual shall be treated as inconsistent and included in the determination of such percentage only if—

"(i) the information submitted by the individual is not consistent with information in records maintained by the Commissioner of Social Security;

"(ii) the inconsistency is not resolved by the State;

"(iii) the individual was provided with a reasonable period of time to resolve the inconsistency with the Commissioner of Social Security or provide satisfactory documentation of citizenship status and did not successfully resolve such inconsistency; and

"(iv) payment has been made for an item or service furnished to the individual under this title.

"(B) If, for any fiscal year, the average monthly percentage determined under subparagraph (A) is greater than 3 percent—

"(i) the State shall develop and adopt a corrective plan to review its procedures for verifying the identities of individuals seeking to enroll in the State plan under this title and to identify and implement changes in such procedures to improve their accuracy; and

"(ii) pay to the Secretary an amount equal to the amount which bears the same ratio to the total payments under the State plan for the fiscal year for providing medical assistance to individuals who provided inconsistent information as the number of individuals with inconsistent information in excess of 3 percent of such total submitted bears to the total number of individuals with inconsistent information.

"(C) The Secretary may waive, in certain limited cases, all or part of the payment under subparagraph (B)(ii) if the State is unable to reach the allowable error rate despite a good faith effort by such State.

"(D) Subparagraph (A) and (B) shall not apply to a State for a fiscal year if there is an agreement described in paragraph (2)(B) in effect as of the close of the fiscal year that provides for the submission on a real-time basis of the information described in such paragraph.

"(4) Nothing in this subsection shall affect the rights of any individual under this title to appeal any disenrollment from a State plan.".

(B) COSTS OF IMPLEMENTING AND MAINTAINING SYSTEM.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(i) by striking "plus" at the end of subparagraph (E) and inserting "and", and

(ii) by adding at the end the following new subparagraph:

"(F)(i) 90 percent of the sums expended during the quarter as are attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement section 1902(ee) (including a system described in paragraph (2)(B) thereof), and

"(ii) 75 percent of the sums expended during the quarter as are attributable to the operation of systems to which clause (i) applies, plus".

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(22), by striking "subsection (x)" and inserting "section 1902(a)(46)(B)"; and

(B) in subsection (x)(1), by striking "subsection (i)(22)" and inserting "section 1902(a)(46)(B)(i)".

(4) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Commissioner of Social Security $5,000,000 to remain available until expended to carry out the Commissioner's responsibilities under section 1902(ee) of the Social Security Act, as added by subsection (a).

(b) CLARIFICATION OF REQUIREMENTS RELATING TO PRESENTATION OF SATISFACTORY DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—

(1) ACCEPTANCE OF DOCUMENTARY EVIDENCE ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.—Section 1903(x)(3)(B) (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

"(v)(I) Except as provided in subclause (II), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

"(II) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.".

(2) REQUIREMENT TO PROVIDE REASONABLE OPPORTUNITY TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE.—Section 1903(x) (42 U.S.C. 1396b(x)) is amended by adding at the end the following new paragraph:

"(4) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B)(i), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.".

(3) CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—

(A) CLARIFICATION OF RULES.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by paragraph (2), is amended—

(i) in paragraph (2)—

(I) in subparagraph (C), by striking "or" at the end;

(II) by redesignating subparagraph (D) as subparagraph (E); and

(III) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or"; and

(ii) by adding at the end the following new paragraph:

"(5) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.".

(B) STATE REQUIREMENT TO ISSUE SEPARATE IDENTIFICATION NUMBER.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, in the case of a child who is born in the United States to an alien mother for whom medical assistance for the delivery of the child is made available pursuant to section 1903(v), the State immediately shall issue a separate identification number for the child upon notification by the facility at which such delivery occurred of the child's birth.".

(4) TECHNICAL AMENDMENTS.—Section 1903(x)(2) (42 U.S.C. 1396b(x)) is amended—

(A) in subparagraph (B)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left; and

(B) in subparagraph (C)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left.

(c) APPLICATION OF DOCUMENTATION SYSTEM TO CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by sections 114(a) and 116(c), is amended by adding at the end the following new paragraph:

"(10) CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

"(A) IN GENERAL.—No payment may be made under this section with respect to an individual who has, or is, declared to be a citizen or national of the United States for purposes of establishing eligibility under this title unless the State meets the requirements of section 1902(a)(46)(B) with respect to the individual.

"(B) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures described in clause (i) or (ii) of section 1903(a)(3)(F) necessary to comply with subparagraph (A) shall in no event be less than 90 percent and 75 percent, respectively.".

(2) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 202(b), is amended by adding at the end the following:

"(ii) EXPENDITURES TO COMPLY WITH CITIZENSHIP OR NATIONALITY VERIFICATION REQUIREMENTS.—Expenditures necessary for the State to comply with paragraph (9)(A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 2996).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on October 1, 2008, was determined to be ineligible for medical assistance under a State Medicaid plan, including any waiver of such plan, solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsection (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

(3) SPECIAL TRANSITION RULE FOR INDIANS.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by subsection (b)(1)(B)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

### SEC. 212. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT.

Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) REDUCTION OF ADMINISTRATIVE BARRIERS TO ENROLLMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the plan shall include a description of the procedures used to reduce administrative barriers to the enrollment of children and pregnant women who are eligible for medical assistance under title XIX or for child health assistance or health benefits coverage under this title. Such procedures shall be established and revised as often as the State determines appropriate to take into account the most recent information available to the State identifying such barriers.

"(B) DEEMED COMPLIANCE IF JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.—A State shall be deemed to comply with subparagraph (A) if the State's application and renewal forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children and pregnant women for medical assistance under title XIX and child health assistance under this title, and such process does not require an application to be made in person or a face-to-face interview.".

### SEC. 213. MODEL OF INTERSTATE COORDINATED ENROLLMENT AND COVERAGE PROCESS.

(a) IN GENERAL.—In order to assure continuity of coverage of low-income children under the Medicaid program and the State Children's Health Insurance Program (CHIP), not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with State Medicaid and CHIP directors and organizations representing program beneficiaries, shall develop a model process for the coordination of the enrollment, retention, and coverage under such programs of children who, because of migration of families, emergency evacuations, natural or other disasters, public health emergencies, educational needs, or otherwise, frequently change their State of residency or otherwise are temporarily located outside of the State of their residency.

(b) REPORT TO CONGRESS.—After development of such model process, the Secretary of Health and Human Services shall submit to Congress a report describing additional steps or authority needed to make further improvements to coordinate the enrollment, retention, and coverage under CHIP and Medicaid of children described in subsection (a).

## TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

## Subtitle A—Additional State Option for Providing Premium Assistance

### SEC. 301. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.

(a) CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by sections 114(a), 116(c), and 211(c), is amended by adding at the end the following:

"(11) STATE OPTION TO OFFER PREMIUM ASSISTANCE.—

"(A) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer-sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph. No subsidy shall be provided to a targeted low-income child under this paragraph unless the child (or the child's parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of child health assistance.

"(B) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

"(i) IN GENERAL.—Subject to clause (ii), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

"(I) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

"(II) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

"(III) that is offered to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

"(ii) EXCEPTION.—Such term does not include coverage consisting of—

"(I) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

"(II) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer-sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan (subject to the limitations imposed under section 2103(e), including the requirement to count the total amount of the employee contribution required for enrollment of the employee and the child in such coverage toward the annual aggregate cost-sharing limit applied under paragraph (3)(B) of such section).

"(ii) STATE PAYMENT OPTION.—A State may provide a premium assistance subsidy either as reimbursement to an employee for out-of-pocket expenditures or, subject to clause (iii), directly to the employee's employer.

"(iii) EMPLOYER OPT-OUT.—An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such a notification, an employer shall withhold the total amount of the employee contribution required for enrollment of the employee and the child in the qualified employer-sponsored coverage and the State shall pay the premium assistance subsidy directly to the employee.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(D) APPLICATION OF SECONDARY PAYOR RULES.—The State shall be a secondary payor for any items or services provided under the qualified employer-sponsored coverage for which the State provides child health assistance under the State child health plan.

"(E) REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—Notwithstanding section 2110(b)(1)(C), the State shall provide for each targeted low-income child enrolled in qualified employer-sponsored coverage, supplemental coverage consisting of—

"(I) items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage; and

"(II) cost-sharing protection consistent with section 2103(e).

"(ii) RECORD KEEPING REQUIREMENTS.—For purposes of carrying out clause (i), a State may elect to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified employer-sponsored coverage and collect or not collect all or any portion of such expenditures from the parent of the child.

"(F) APPLICATION OF WAITING PERIOD IMPOSED UNDER THE STATE.—Any waiting period imposed under the State child health plan prior to the provision of child health assistance to a targeted low-income child under the State plan shall apply to the same extent to the provision of a premium assistance subsidy for the child under this paragraph.

"(G) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of a targeted low-income child receiving a premium assistance subsidy to disenroll the child from the qualified employer-sponsored coverage and enroll the child in, and receive child health assistance under, the State child health plan, effective on the first day of any month for which the child is eligible for such assistance and in a manner that ensures continuity of coverage for the child.

"(H) APPLICATION TO PARENTS.—If a State provides child health assistance or health benefits coverage to parents of a targeted low-income child in accordance with section 2111(b), the State may elect to offer a premium assistance subsidy to a parent of a targeted low-income child who is eligible for such a subsidy under this paragraph in the same manner as the State offers such a subsidy for the enrollment of the child in qualified employer-sponsored coverage, except that—

"(i) the amount of the premium assistance subsidy shall be increased to take into account the cost of the enrollment of the parent in the qualified employer-sponsored coverage or, at the option of the State if the State determines it cost-effective, the cost of the enrollment of the child's family in such coverage; and

"(ii) any reference in this paragraph to a child is deemed to include a reference to the parent or, if applicable under clause (i), the family of the child.

"(I) ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.—

"(i) IN GENERAL.—A State may establish an employer-family premium assistance purchasing pool for employers with less than 250 employees who have at least 1 employee who is a pregnant woman eligible for assistance under the State child health plan (including through the application of an option described in section 2112(f)) or a member of a family with at least 1 targeted low-income child and to provide a premium assistance subsidy under this paragraph for enrollment in coverage made available through such pool.

"(ii) ACCESS TO CHOICE OF COVERAGE.—A State that elects the option under clause (i) shall identify and offer access to not less than 2 private health plans that are health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2) for employees described in clause (i).

"(iii) CLARIFICATION OF PAYMENT FOR ADMINISTRATIVE EXPENDITURES.—Nothing in this subparagraph shall be construed as permitting payment under this section for administrative expenditures attributable to the establishment or operation of such pool, except to the extent that such payment would otherwise be permitted under this title.

"(J) NO EFFECT ON PREMIUM ASSISTANCE WAIVER PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906 or 1906A, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(K) NOTICE OF AVAILABILITY.—If a State elects to provide premium assistance subsidies in accordance with this paragraph, the State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are fully informed of the choices for receiving child health assistance under the State child health plan or through the receipt of premium assistance subsidies.

"(L) APPLICATION TO QUALIFIED EMPLOYER-SPONSORED BENCHMARK COVERAGE.—If a group health plan or health insurance coverage offered through an employer is certified by an actuary as health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2), the State may provide premium assistance subsidies for enrollment of targeted low-income children in such group health plan or health insurance coverage in the same manner as such subsidies are provided under this paragraph for enrollment in qualified employer-sponsored coverage, but without regard to the requirement to provide supplemental coverage for benefits and cost-sharing protection provided under the State child health plan under subparagraph (E).

"(M) SATISFACTION OF COST-EFFECTIVENESS TEST.—Premium assistance subsidies for qualified employer-sponsored coverage offered under this paragraph shall be deemed to meet the requirement of subparagraph (A) of paragraph (3).

"(N) COORDINATION WITH MEDICAID.—In the case of a targeted low-income child who receives child health assistance through a State plan under title XIX and who voluntarily elects to receive a premium assistance subsidy under this section, the provisions of section 1906A shall apply and shall supersede any other provisions of this paragraph that are inconsistent with such section.".

(2) DETERMINATION OF COST-EFFECTIVENESS FOR PREMIUM ASSISTANCE OR PURCHASE OF FAMILY COVERAGE.—

(A) IN GENERAL.—Section 2105(c)(3)(A) (42 U.S.C. 1397ee(c)(3)(A)) is amended by striking "relative to" and all that follows through the comma and inserting "relative to

"(i) the amount of expenditures under the State child health plan, including administrative expenditures, that the State would have made to provide comparable coverage of the targeted low-income child involved or the family involved (as applicable); or

"(ii) the aggregate amount of expenditures that the State would have made under the State child health plan, including administrative expenditures, for providing coverage under such plan for all such children or families.".

(B) NONAPPLICATION TO PREVIOUSLY APPROVED COVERAGE.—The amendment made by subparagraph (A) shall not apply to coverage the purchase of which has been approved by the Secretary under section 2105(c)(3) of the Social Security Act prior to the date of enactment of this Act.

(b) MEDICAID.—Title XIX is amended by inserting after section 1906 the following new section:

"PREMIUM ASSISTANCE OPTION FOR CHILDREN

"SEC. 1906A. (a) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subsection (c)) for qualified employer-sponsored coverage (as defined in subsection (b)) to all individuals under age 19 who are entitled to medical assistance under this title (and to the parent of such an individual) who have access to such coverage if the State meets the requirements of this section.

"(b) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

"(1) IN GENERAL.—Subject to paragraph (2)), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

"(A) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

"(B) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

"(C) that is offered to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

"(2) EXCEPTION.—Such term does not include coverage consisting of—

"(A) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

"(B) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

"(3) TREATMENT AS THIRD PARTY LIABILITY.—The State shall treat the coverage provided under qualified employer-sponsored coverage as a third party liability under section 1902(a)(25).

"(c) PREMIUM ASSISTANCE SUBSIDY.—In this section, the term 'premium assistance subsidy' means the amount of the employee contribution for enrollment in the qualified employer-sponsored coverage by the individual under age 19 or by the individual's family. Premium assistance subsidies under this section shall be considered, for purposes of section 1903(a), to be a payment for medical assistance.

"(d) VOLUNTARY PARTICIPATION.—

"(1) EMPLOYERS.—Participation by an employer in a premium assistance subsidy offered by a State under this section shall be voluntary. An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee.

"(2) BENEFICIARIES.—No subsidy shall be provided to an individual under age 19 under this section unless the individual (or the individual's parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of medical assistance. State may not require, as a condition of an individual under age 19 (or the individual's parent) being or remaining eligible for medical assistance under this title, apply for enrollment in qualified employer-sponsored coverage under this section.

"(3) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of an individual under age 19 receiving a premium assistance subsidy to disenroll the individual from the qualified employer-sponsored coverage.

"(e) REQUIREMENT TO PAY PREMIUMS AND COST-SHARING AND PROVIDE SUPPLEMENTAL COVERAGE.—In the case of the participation of an individual under age 19 (or the individual's parent) in a premium assistance subsidy under this section for qualified employer-sponsored coverage, the State shall provide for payment of all enrollee premiums for enrollment in such coverage and all deductibles, coinsurance, and other cost-sharing obligations for items and services otherwise covered under the State plan under this title (exceeding the amount otherwise permitted under section 1916 or, if applicable, section 1916A). The fact that an individual under age 19 (or a parent) elects to enroll in qualified employer-sponsored coverage under this section shall not change the individual's (or parent's) eligibility for medical assistance under the State plan, except insofar as section 1902(a)(25) provides that payments for such assistance shall first be made under such coverage.".

(c) GAO STUDY AND REPORT.—Not later than January 1, 2009, the Comptroller General of the United States shall study cost and coverage issues relating to any State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act, including under waiver authority, and shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the results of such study.

### SEC. 302. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE.

(a) REQUIREMENT TO INCLUDE DESCRIPTION OF OUTREACH, EDUCATION, AND ENROLLMENT EFFORTS RELATED TO PREMIUM ASSISTANCE SUBSIDIES IN STATE CHILD HEALTH PLAN.—Section 2102(c) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following new paragraph:

"(3) PREMIUM ASSISTANCE SUBSIDIES.—In the case of a State that provides for premium assistance subsidies under the State child health plan in accordance with paragraph (2)(B), (3), or (10) of section 2105(c), or a waiver approved under section 1115, outreach, education, and enrollment assistance for families of children likely to be eligible for such subsidies, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and for employers likely to provide coverage that is eligible for such subsidies, including the specific, significant resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the State child health plan.".

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 301(c)(2), is amended by adding at the end the following new clause:

"(iv) EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF CHILDREN UNDER THIS TITLE AND TITLE xix THROUGH PREMIUM ASSISTANCE SUBSIDIES.—Expenditures for outreach activities to families of children likely to be eligible for premium assistance subsidies in accordance with paragraph (2)(B), (3), or (10), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and to employers likely to provide qualified employer-sponsored coverage (as defined in subparagraph (B) of such paragraph), but not to exceed an amount equal to 1.25 percent of the maximum amount permitted to be expended under subparagraph (A) for items described in subsection (a)(1)(D).".

## Subtitle B—Coordinating Premium Assistance With Private Coverage

### SEC. 311. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE; COORDINATION OF COVERAGE.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 9801(f) of the Internal Revenue Code of 1986 (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES RELATING TO MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) EMPLOYEE OUTREACH AND DISCLOSURE.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this clause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(A) IN GENERAL.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents.

"(II) MODEL NOTICE.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary and the Secretary of Health and Human Services, in consultation with Directors of State Medicaid agencies under title XIX of the Social Security Act and Directors of State CHIP agencies under title XXI of such Act, shall jointly develop national and State-specific model notices for purposes of subparagraph (A). The Secretary shall provide employers with such model notices so as to enable employers to timely comply with the requirements of subparagraph (A). Such model notices shall include information regarding how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for such premium assistance, including how to apply for such assistance.

"(III) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

(B) CONFORMING AMENDMENT.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022(b)) is amended—

(i) by striking "and the remedies" and inserting ", the remedies"; and

(ii) by inserting before the period the following: ", and if the employer so elects for purposes of complying with section 701(f)(3)(B)(i), the model notice applicable to the State in which the participants and beneficiaries reside".

(C) WORKING GROUP TO DEVELOP MODEL COVERAGE COORDINATION DISCLOSURE FORM.—

(i) MEDICAID, CHIP, AND EMPLOYER-SPONSORED COVERAGE COORDINATION WORKING GROUP.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group (in this subparagraph referred to as the "Working Group"). The purpose of the Working Group shall be to develop the model coverage coordination disclosure form described in subclause (II) and to identify the impediments to the effective coordination of coverage available to families that include employees of employers that maintain group health plans and members who are eligible for medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(II) MODEL COVERAGE COORDINATION DISCLOSURE FORM DESCRIBED.—The model form described in this subclause is a form for plan administrators of group health plans to complete for purposes of permitting a State to determine the availability and cost-effectiveness of the coverage available under such plans to employees who have family members who are eligible for premium assistance offered under a State plan under title XIX or XXI of such Act and to allow for coordination of coverage for enrollees of such plans. Such form shall provide the following information in addition to such other information as the Working Group determines appropriate:

(aa) A determination of whether the employee is eligible for coverage under the group health plan.

(bb) The name and contract information of the plan administrator of the group health plan.

(cc) The benefits offered under the plan.

(dd) The premiums and cost-sharing required under the plan.

(ee) Any other information relevant to coverage under the plan.

(ii) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(I) the Department of Labor;

(II) the Department of Health and Human Services;

(III) State directors of the Medicaid program under title XIX of the Social Security Act;

(IV) State directors of the State Children's Health Insurance Program under title XXI of the Social Security Act;

(V) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974);

(VII) health insurance issuers; and

(VIII) children and other beneficiaries of medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(iii) COMPENSATION.—The members of the Working Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(v) REPORT.—

(I) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services the model form described in clause (i)(II) along with a report containing recommendations for appropriate measures to address the impediments to the effective coordination of coverage between group health plans and the State plans under titles XIX and XXI of the Social Security Act.

(II) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subclause (I), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under such subclause.

(vi) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under clause (v).

(D) EFFECTIVE DATES.—The Secretary of Labor and the Secretary of Health and Human Services shall develop the initial model notices under section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974, and the Secretary of Labor shall provide such notices to employers, not later than the date that is 1 year after the date of enactment of this Act, and each employer shall provide the initial annual notices to such employer's employees beginning with the first plan year that begins after the date on which such initial model notices are first issued. The model coverage coordination disclosure form developed under subparagraph (C) shall apply with respect to requests made by States beginning with the first plan year that begins after the date on which such model coverage coordination disclosure form is first issued.

(E) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(i) in subsection (a)(6), by striking "or (8)" and inserting "(8), or (9)"; and

(ii) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following:

"(9)(A) The Secretary may assess a civil penalty against any employer of up to $100 a day from the date of the employer's failure to meet the notice requirement of section 701(f)(3)(B)(i)(I). For purposes of this subparagraph, each violation with respect to any single employee shall be treated as a separate violation.

"(B) The Secretary may assess a civil penalty against any plan administrator of up to $100 a day from the date of the plan administrator's failure to timely provide to any State the information required to be disclosed under section 701(f)(3)(B)(ii). For purposes of this subparagraph, each violation with respect to any single participant or beneficiary shall be treated as a separate violation.".

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any

State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

## TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

### SEC. 401. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.

(a) DEVELOPMENT OF CHILD HEALTH QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139 the following new section:

**"SEC. 1139A. CHILD HEALTH QUALITY MEASURES.**

"(a) DEVELOPMENT OF AN INITIAL CORE SET OF HEALTH CARE QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall identify and publish for general comment an initial, recommended core set of child health quality measures for use by State programs administered under titles XIX and XXI, health insurance issuers and managed care entities that enter into contracts with such programs, and providers of items and services under such programs.

"(2) IDENTIFICATION OF INITIAL CORE MEASURES.—In consultation with the individuals and entities described in subsection (b)(3), the Secretary shall identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time.

"(3) RECOMMENDATIONS AND DISSEMINATION.—Based on such existing and identified measures, the Secretary shall publish an initial core set of child health quality measures that includes (but is not limited to) the following:

"(A) The duration of children's health insurance coverage over a 12-month time period.

"(B) The availability and effectiveness of a full range of—

"(i) preventive services, treatments, and services for acute conditions, including services to promote healthy birth, prevent and treat premature birth, and detect the presence or risk of physical or mental conditions that could adversely affect growth and development; and

"(ii) treatments to correct or ameliorate the effects of physical and mental conditions, including chronic conditions, in infants, young children, school-age children, and adolescents.

"(C) The availability of care in a range of ambulatory and inpatient health care settings in which such care is furnished.

"(D) The types of measures that, taken together, can be used to estimate the overall national quality of health care for children, including children with special needs, and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

"(4) ENCOURAGE VOLUNTARY AND STANDARDIZED REPORTING.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, shall develop a standardized format for reporting information and procedures and approaches that encourage States to use the initial core measurement set to voluntarily report information regarding the quality of pediatric health care under titles XIX and XXI.

"(5) ADOPTION OF BEST PRACTICES IN IMPLEMENTING QUALITY PROGRAMS.—The Secretary shall disseminate information to States regarding best practices among States with respect to measuring and reporting on the quality of health care for children, and shall facilitate the adoption of such best practices. In developing best practices approaches, the Secretary shall give particular attention to State measurement techniques that ensure the timeliness and accuracy of provider reporting, encourage provider reporting compliance, encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

"(6) REPORTS TO CONGRESS.—Not later than January 1, 2010, and every 3 years thereafter, the Secretary shall report to Congress on—

"(A) the status of the Secretary's efforts to improve—

"(i) quality related to the duration and stability of health insurance coverage for children under titles XIX and XXI;

"(ii) the quality of children's health care under such titles, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions and to aid in growth and development of infants, young children, school-age children, and adolescents with special health care needs; and

"(iii) the quality of children's health care under such titles across the domains of quality, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care;

"(B) the status of voluntary reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set; and

"(C) any recommendations for legislative changes needed to improve the quality of care provided to children under titles XIX and XXI, including recommendations for quality reporting by States.

"(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in adopting and utilizing core child health quality measures in administering the State plans under titles XIX and XXI.

"(8) DEFINITION OF CORE SET.—In this section, the term 'core set' means a group of valid, reliable, and evidence-based quality measures that, taken together—

"(A) provide information regarding the quality of health coverage and health care for children;

"(B) address the needs of children throughout the developmental age span; and

"(C) allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services whose purpose is to correct or ameliorate physical, mental, or developmental conditions that could, if untreated or poorly treated, become chronic.

"(b) ADVANCING AND IMPROVING PEDIATRIC QUALITY MEASURES.—

"(1) ESTABLISHMENT OF PEDIATRIC QUALITY MEASURES PROGRAM.—Not later than January 1, 2010, the Secretary shall establish a pediatric quality measures program to—

"(A) improve and strengthen the initial core child health care quality measures established by the Secretary under subsection (a);

"(B) expand on existing pediatric quality measures used by public and private health care purchasers and advance the development of such new and emerging quality measures; and

"(C) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

"(2) EVIDENCE-BASED MEASURES.—The measures developed under the pediatric quality measures program shall, at a minimum, be—

"(A) evidence-based and, where appropriate, risk adjusted;

"(B) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

"(C) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level;

"(D) periodically updated; and

"(E) responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

"(3) PROCESS FOR PEDIATRIC QUALITY MEASURES PROGRAM.—In identifying gaps in existing pediatric quality measures and establishing priorities for development and advancement of such measures, the Secretary shall consult with—

"(A) States;

"(B) pediatricians, children's hospitals, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

"(C) dental professionals, including pediatric dental professionals;

"(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

"(E) national organizations representing children, including children with disabilities and children with chronic conditions;

"(F) national organizations representing consumers and purchasers of children's health care;

"(G) national organizations and individuals with expertise in pediatric health quality measurement; and

"(H) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

"(4) DEVELOPING, VALIDATING, AND TESTING A PORTFOLIO OF PEDIATRIC QUALITY MEASURES.—As part of the program to advance pediatric quality measures, the Secretary shall—

"(A) award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A); and

"(B) award grants and contracts for—

"(i) the development of consensus on evidence-based measures for children's health care services;

"(ii) the dissemination of such measures to public and private purchasers of health care for children; and

"(iii) the updating of such measures as necessary.

"(5) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning no later than January 1, 2012, and annually thereafter, the Secretary shall publish recommended changes to the core measures described in subsection (a) that shall reflect the testing, validation, and consensus process for the development of pediatric quality measures described in subsection paragraphs (1) through (4).

"(6) DEFINITION OF PEDIATRIC QUALITY MEASURE.—In this subsection, the term 'pediatric quality measure' means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess 1 or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

"(7) CONSTRUCTION.—Nothing in this section shall be construed as supporting the restriction of coverage, under title XIX or XXI or otherwise, to only those services that are evidence-based.

"(c) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID OR CHIP.—

"(1) ANNUAL STATE REPORTS.—Each State with a State plan approved under title XIX or a State child health plan approved under title XXI shall annually report to the Secretary on the—

"(A) State-specific child health quality measures applied by the States under such plans, including measures described in subparagraphs (A) and (B) of subsection (a)(6); and

"(B) State-specific information on the quality of health care furnished to children under such plans, including information collected through external quality reviews of managed care organizations under section 1932 of the Social Security Act (42 U.S.C. 1396u-4) and benchmark plans under sections 1937 and 2103 of such Act (42 U.S.C. 1396u-7, 1397cc).

"(2) PUBLICATION.—Not later than September 30, 2009, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

"(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN'S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

"(1) IN GENERAL.—During the period of fiscal years 2008 through 2012, the Secretary shall award not more than 10 grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care provided under title XIX or XXI, including projects to—

"(A) experiment with, and evaluate the use of, new measures of the quality of children's health care under such titles (including testing the validity and suitability for reporting of such measures);

"(B) promote the use of health information technology in care delivery for children under such titles;

"(C) evaluate provider-based models which improve the delivery of children's health care services under such titles, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety, and efficiency of health care services for children; or

"(D) demonstrate the impact of the model electronic health record format for children developed and disseminated under subsection (f) on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

"(2) REQUIREMENTS.—In awarding grants under this subsection, the Secretary shall ensure that—

"(A) only 1 demonstration project funded under a grant awarded under this subsection shall be conducted in a State; and

"(B) demonstration projects funded under grants awarded under this subsection shall be conducted evenly between States with large urban areas and States with large rural areas.

"(3) AUTHORITY FOR MULTISTATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multistate basis, as needed.

"(4) FUNDING.—$20,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(e) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—

"(1) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

"(A) identify, through self-assessment, behavioral risk factors for obesity among children;

"(B) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

"(C) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

"(D) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX or child health assistance is available under title XXI among such target individuals.

"(2) ELIGIBILITY ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

"(A) A city, county, or Indian tribe.

"(B) A local or tribal educational agency.

"(C) An accredited university, college, or community college.

"(D) A Federally-qualified health center.

"(E) A local health department.

"(F) A health care provider.

"(G) A community-based organization.

"(H) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of subparagraphs (A) through (G).

"(3) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the funds made available under the grant to—

"(A) carry out community-based activities related to reducing childhood obesity, including by—

"(i) forming partnerships with entities, including schools and other facilities providing recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

"(ii) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

"(iii) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

"(B) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

"(i) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

"(I) after hours physical activity programs; and

"(II) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problemsolving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

"(ii) providing education and training to educational professionals regarding how to promote a healthy lifestyle and a healthy school environment for children;

"(iii) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

"(iv) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

"(C) carry out educational, counseling, promotional, and training activities through the local health care delivery systems including by—

"(i) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

"(ii) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

"(iii) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

"(iv) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

"(D) provide, through qualified health professionals, training and supervision for community health workers to—

"(i) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

"(ii) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

"(iii) educate and guide parents regarding the ability to model and communicate positive health behaviors.

"(4) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to awarding grants to eligible entities—

"(A) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;

"(B) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

"(C) that provide non-Federal contributions, either in cash or in-kind, to the costs of funding activities under the grants;

"(D) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this subsection;

"(E) located in communities that are medically underserved, as determined by the Secretary;

"(F) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

"(G) that submit plans that exhibit multisectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

"(i) community-based organizations;

"(ii) local governments;

"(iii) local educational agencies;

"(iv) the private sector;

"(v) State or local departments of health;

"(vi) accredited colleges, universities, and community colleges;

"(vii) health care providers;

"(viii) State and local departments of transportation and city planning; and

"(ix) other entities determined appropriate by the Secretary.

"(5) PROGRAM DESIGN.—

"(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

"(B) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this subsection should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI in order to reduce the incidence of childhood obesity among such population.

"(6) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

"(7) DEFINITIONS.—In this subsection:

"(A) FEDERALLY-QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given that term in section 1905(l)(2)(B).

"(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(C) SELF-ASSESSMENT.—The term 'self-assessment' means a form that—

"(i) includes questions regarding—

"(I) behavioral risk factors;

"(II) needed preventive and screening services; and

"(III) target individuals' preferences for receiving follow-up information;

"(ii) is assessed using such computer generated assessment programs; and

"(iii) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

"(D) ONGOING SUPPORT.—The term 'ongoing support' means—

"(i) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

"(I) the results of a self-assessment given to the individual;

"(II) behavior modification based on the self-assessment; and

"(III) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

"(ii) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

"(iii) to provide the information described in clause (i) to a health care provider, if designated by the target individual to receive such information.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for the period of fiscal years 2008 through 2012.

"(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FORMAT FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled in the State plan under title XIX or the State child health plan under title XXI that is—

"(A) subject to State laws, accessible to parents, caregivers, and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals;

"(B) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements;

"(C) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality; and

"(D) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records.

"(2) FUNDING.—$5,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(g) STUDY OF PEDIATRIC HEALTH AND HEALTH CARE QUALITY MEASURES.—

"(1) IN GENERAL.—Not later than July 1, 2009, the Institute of Medicine shall study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments aimed at ameliorating or correcting physical, mental, and developmental conditions in children. In conducting such study and preparing such report, the Institute of Medicine shall—

"(A) consider all of the major national population-based reporting systems sponsored by the Federal Government that are currently in place, including reporting requirements under Federal grant programs and national population surveys and estimates conducted directly by the Federal Government;

"(B) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information so generated is made widely available through publication;

"(C) identify gaps in knowledge related to children's health status, health disparities among subgroups of children, the effects of social conditions on children's health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children's school readiness and educational achievement and attainment; and

"(D) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality.

"(2) FUNDING.—Up to $1,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(h) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no evidence based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving medical assistance under title XIX or child health assistance under title XXI.

"(i) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2008 through 2012, $45,000,000 for the purpose of carrying out this section (other than subsection (e)). Funds appropriated under this subsection shall remain available until expended.".

(b) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), is amended—

(1) by striking "and" at the end of clause (i); and

(2) by adding at the end the following new clause:

"(iii) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and".

### SEC. 402. IMPROVED AVAILABILITY OF PUBLIC INFORMATION REGARDING ENROLLMENT OF CHILDREN IN CHIP AND MEDICAID.

(a) INCLUSION OF PROCESS AND ACCESS MEASURES IN ANNUAL STATE REPORTS.—Section 2108 (42 U.S.C. 1397hh) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "The State" and inserting "Subject to subsection (e), the State"; and

(2) by adding at the end the following new subsection:

"(e) INFORMATION REQUIRED FOR INCLUSION IN STATE ANNUAL REPORT.—The State shall include the following information in the annual report required under subsection (a):

"(1) Eligibility criteria, enrollment, and retention data (including data with respect to continuity of coverage or duration of benefits).

"(2) Data regarding the extent to which the State uses process measures with respect to determining the eligibility of children under the State child health plan, including measures such as 12-month continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility.

"(3) Data regarding denials of eligibility and redeterminations of eligibility.

"(4) Data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the State child health plan, using quality care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey.

"(5) If the State provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for child health assistance under the State child health plan, the range of the monthly amount of such assistance provided on behalf of a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the State child health plan to supplement the coverage purchased with such premium assistance, the effective strategies the State engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage provided under the State child health plan from substituting for coverage provided under employer-sponsored health insurance offered in the State.

"(6) To the extent applicable, a description of any State activities that are designed to reduce the number of uncovered children in the State, including through a State health insurance connector program or support for innovative private health coverage initiatives.".

(b) STANDARDIZED REPORTING FORMAT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall specify a standardized format for States to use for reporting the information required under section 2108(e) of the Social Security Act, as added by subsection (a)(2).

(2) TRANSITION PERIOD FOR STATES.—Each State that is required to submit a report under subsection (a) of section 2108 of the Social Security Act that includes the information required under subsection (e) of such section may use up to 3 reporting periods to transition to the reporting of such information in accordance with the standardized format specified by the Secretary under paragraph (1).

(c) ADDITIONAL FUNDING FOR THE SECRETARY TO IMPROVE TIMELINESS OF DATA REPORTING AND ANALYSIS FOR PURPOSES OF DETERMINING ENROLLMENT INCREASES UNDER MEDICAID AND CHIP.—

(1) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to the Secretary for fiscal year 2008 for the purpose of improving the timeliness of the data reported and analyzed from the Medicaid Statistical Information System (MSIS) for purposes of providing more timely data on enrollment and eligibility of children under Medicaid and CHIP and to provide guidance to States with respect to any new reporting requirements related to such improvements. Amounts appropriated under this paragraph shall remain available until expended.

(2) REQUIREMENTS.—The improvements made by the Secretary under paragraph (1) shall be designed and implemented (including with respect to any necessary guidance for States to report such information in a complete and expeditious manner) so that, beginning no later than October 1, 2008, data regarding the enrollment of low-income children (as defined in section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397jj(c)(4)) of a State enrolled in the State plan under Medicaid or the State child health plan under CHIP with respect to a fiscal year shall be collected and analyzed by the Secretary within 6 months of submission.

(d) GAO STUDY AND REPORT ON ACCESS TO PRIMARY AND SPECIALITY SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of primary and specialty services under such programs;

(D) the extent to which care coordination is provided for children's care under Medicaid and CHIP; and

(E) as appropriate, information on the degree of availability of services for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

### SEC. 403. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

(a) IN GENERAL.—Section 2103(f) of Social Security Act (42 U.S.C. 1397bb(f)) is amended by adding at the end the following new paragraph:

"(3) COMPLIANCE WITH MANAGED CARE REQUIREMENTS.—The State child health plan shall provide for the application of subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care) to coverage, State agencies, enrollment brokers, managed care entities, and managed care organizations under this title in the same manner as such subsections apply to coverage and such entities and organizations under title XIX.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years for health plans beginning on or after July 1, 2008.

## TITLE V—IMPROVING ACCESS TO BENEFITS

### SEC. 501. DENTAL BENEFITS.

(a) COVERAGE.—

(1) IN GENERAL.—Section 2103 (42 U.S.C. 1397cc) is amended—

(A) in subsection (a)—

(i) in the matter before paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (7) of subsection (c)"; and

(ii) in paragraph (1), by inserting "at least" after "that is"; and

(B) in subsection (c)—

(i) by redesignating paragraph (5) as paragraph (7); and

(ii) by inserting after paragraph (4), the following:

"(5) DENTAL BENEFITS.—

"(A) IN GENERAL.—The child health assistance provided to a targeted low-income child shall include coverage of dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions.

"(B) PERMITTING USE OF DENTAL BENCHMARK PLANS BY CERTAIN STATES.—A State may elect to meet the requirement of subparagraph (A) through dental coverage that is equivalent to a benchmark dental benefit package described in subparagraph (C).

"(C) BENCHMARK DENTAL BENEFIT PACKAGES.—The benchmark dental benefit packages are as follows:

"(i) FEHBP CHILDREN'S DENTAL COVERAGE.—A dental benefits plan under chapter 89A of title 5, United States Code, that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

"(ii) STATE EMPLOYEE DEPENDENT DENTAL COVERAGE.—A dental benefits plan that is offered and generally available to State employees in the State involved and that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

"(iii) COVERAGE OFFERED THROUGH COMMERCIAL DENTAL PLAN.—A dental benefits plan that has the largest insured commercial, non-medicaid enrollment of dependent covered lives of such plans that is offered in the State involved.".

(2) ASSURING ACCESS TO CARE.—Section 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended by inserting "and services described in section 2103(c)(5)" after "emergency services".

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to coverage of items and services furnished on or after October 1, 2008.

(b) DENTAL EDUCATION FOR PARENTS OF NEWBORNS.—The Secretary shall develop and implement, through entities that fund or provide perinatal care services to targeted low-income children under a State child health plan under title XXI of the Social Security Act, a program to deliver oral health educational materials that inform new parents about risks for, and prevention of, early childhood caries and the need for a dental visit within their newborn's first year of life.

(c) PROVISION OF DENTAL SERVICES THROUGH FQHCS.—

(1) MEDICAID.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(A) by striking "and" at the end of paragraph (69);

(B) by striking the period at the end of paragraph (70) and inserting "; and"; and

(C) by inserting after paragraph (70) the following new paragraph:

"(71) provide that the State will not prevent a Federally-qualified health center from entering into contractual relationships with private practice dental providers in the provision of Federally-qualified health center services.".

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397g(e)(1)), as amended by subsections (a)(2) and (d)(2) of section 203, is amended by inserting after subparagraph (B) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

"(C) Section 1902(a)(71) (relating to limiting FQHC contracting for provision of dental services).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(d) REPORTING INFORMATION ON DENTAL HEALTH.—

(1) MEDICAID.—Section 1902(a)(43)(D)(iii) (42 U.S.C. 1396a(a)(43)(D)(iii)) is amended by inserting "and other information relating to the provision of dental services to such children described in section 2108(e)" after "receiving dental services,".

(2) CHIP.—Section 2108 (42 U.S.C. 1397hh) is amended by adding at the end the following new subsection:

"(e) INFORMATION ON DENTAL CARE FOR CHILDREN.—

"(1) IN GENERAL.—Each annual report under subsection (a) shall include the following information with respect to care and services described in section 1905(r)(3) provided to targeted low-income children enrolled in the State child health plan under this title at any time during the year involved:

"(A) The number of enrolled children by age grouping used for reporting purposes under section 1902(a)(43).

"(B) For children within each such age grouping, information of the type contained in questions 12(a)–(c) of CMS Form 416 (that consists of the number of enrolled targeted low income children who receive any, preventive, or restorative dental care under the State plan).

"(C) For the age grouping that includes children 8 years of age, the number of such children who have received a protective sealant on at least one permanent molar tooth.

"(2) INCLUSION OF INFORMATION ON ENROLLEES IN MANAGED CARE PLANS.—The information under paragraph (1) shall include information on children who are enrolled in managed care plans and other private health plans and contracts with such plans under this title shall provide for the reporting of such information by such plans to the State.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective for annual reports submitted for years beginning after date of enactment.

(e) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers (including providers that are, or are affiliated with, a school of dentistry) to include, not later than 6 months after the date of the enactment of this Act, on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1–877–KIDS–NOW) (or on any successor websites or hotlines) a current and accurate list of all such dentists and providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include, not later than 6 months after the date of the enactment of this Act, a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website, and shall ensure that such list is updated at least annually.

(f) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a), as added by section 401(a), is amended—

(1) in paragraph (3)(B)(ii), by inserting "and, with respect to dental care, conditions requiring the restoration of teeth, relief of pain and infection, and maintenance of dental health" after "chronic conditions"; and

(2) in paragraph (6)(A)(ii), by inserting "dental care," after "preventive health services,".

(g) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall provide for a study that examines—

(A) access to dental services by children in underserved areas;

(B) children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(i) the extent to which dental providers are willing to treat children eligible for such programs;

(ii) information on such children's access to networks of care, including such networks that serve special needs children; and

(iii) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(C) the feasibility and appropriateness of using qualified mid-level dental health providers, in coordination with dentists, to improve access for children to oral health services and public health overall.

(2) REPORT.—Not later than 18 months year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

### SEC. 502. MENTAL HEALTH PARITY IN CHIP PLANS.

(a) ASSURANCE OF PARITY.—Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by inserting after paragraph (5), the following:

"(6) MENTAL HEALTH SERVICES PARITY.—

"(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

"(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).".

(b) CONFORMING AMENDMENTS.—Section 2103 (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), as amended by section 501(a)(1)(A)(i), in the matter preceding paragraph (1), by inserting ", (6)," after "(5)"; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

### SEC. 503. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) APPLICATION OF PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 501(c)(2) is amended by inserting after subparagraph (C) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

"(D) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services provided on or after October 1, 2008.

(b) TRANSITION GRANTS.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for fiscal year 2008, $5,000,000, to remain available until expended, for the purpose of awarding grants to States with State child health plans under CHIP that are operated separately from the State Medicaid plan under

title XIX of the Social Security Act (including any waiver of such plan), or in combination with the State Medicaid plan, for expenditures related to transitioning to compliance with the requirement of section 2107(e)(1)(D) of the Social Security Act (as added by subsection (a)) to apply the prospective payment system established under section 1902(bb) of the such Act (42 U.S.C. 1396a(bb)) to services provided by Federally-qualified health centers and rural health clinics.

(2) MONITORING AND REPORT.—The Secretary shall monitor the impact of the application of such prospective payment system on the States described in paragraph (1) and, not later than October 1, 2010, shall report to Congress on any effect on access to benefits, provider payment rates, or scope of benefits offered by such States as a result of the application of such payment system.

### SEC. 504. PREMIUM GRACE PERIOD.

(a) IN GENERAL.—Section 2103(e)(3) (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

"(C) PREMIUM GRACE PERIOD.—The State child health plan—

"(i) shall afford individuals enrolled under the plan a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before the individual's coverage under the plan may be terminated; and

"(ii) shall provide to such an individual, not later than 7 days after the first day of such grace period, notice—

"(I) that failure to make a premium payment within the grace period will result in termination of coverage under the State child health plan; and

"(II) of the individual's right to challenge the proposed termination pursuant to the applicable Federal regulations.

For purposes of clause (i), the term 'new coverage period' means the month immediately following the last month for which the premium has been paid.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to new coverage periods beginning on or after January 1, 2009.

### SEC. 505. DEMONSTRATION PROJECTS RELATING TO DIABETES PREVENTION.

There is authorized to be appropriated $15,000,000 during the period of fiscal years 2008 through 2012 to fund demonstration projects in up to 10 States over 3 years for voluntary incentive programs to promote children's receipt of relevant screenings and improvements in healthy eating and physical activity with the aim of reducing the incidence of type 2 diabetes. Such programs may involve reductions in cost-sharing or premiums when children receive regular screening and reach certain benchmarks in healthy eating and physical activity. Under such programs, a State may also provide financial bonuses for partnerships with entities, such as schools, which increase their education and efforts with respect to reducing the incidence of type 2 diabetes and may also devise incentives for providers serving children covered under this title and title XIX to perform relevant screening and counseling regarding healthy eating and physical activity. Upon completion of these demonstrations, the Secretary shall provide a report to Congress on the results of the State demonstration projects and the degree to which they helped improve health outcomes related to type 2 diabetes in children in those States.

### SEC. 506. CLARIFICATION OF COVERAGE OF SERVICES PROVIDED THROUGH SCHOOL-BASED HEALTH CENTERS.

Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by adding at the end the following new paragraph:

"(8) AVAILABILITY OF COVERAGE FOR ITEMS AND SERVICES FURNISHED THROUGH SCHOOL-BASED HEALTH CENTERS.—Nothing in this title shall be construed as limiting a State's ability to provide child health assistance for covered items and services that are furnished through school-based health centers.".

## TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

## Subtitle A—Program Integrity and Data Collection

### SEC. 601. PAYMENT ERROR RATE MEASUREMENT ("PERM").

(a) EXPENDITURES RELATED TO COMPLIANCE WITH REQUIREMENTS.—

(1) ENHANCED PAYMENTS.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(a), is amended by adding at the end the following new paragraph:

"(12) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations) shall in no event be less than 90 percent.".

(2) EXCLUSION OF FROM CAP ON ADMINISTRATIVE EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)C)), as amended by section 302(b)), is amended by adding at the end the following:

"(iv) PAYMENT ERROR RATE MEASUREMENT (PERM) EXPENDITURES.—Expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations).".

(b) FINAL RULE REQUIRED TO BE IN EFFECT FOR ALL STATES.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), the Secretary shall not calculate or publish any national or State-specific error rate based on the application of the payment error rate measurement (in this section referred to as "PERM") requirements to CHIP until after the date that is 6 months after the date on which a final rule implementing such requirements in accordance with the requirements of subsection (c) is in effect for all States. Any calculation of a national error rate or a State specific error rate after such final rule in effect for all States may only be inclusive of errors, as defined in such final rule or in guidance issued within a reasonable time frame after the effective date for such final rule that includes detailed guidance for the specific methodology for error determinations.

(c) REQUIREMENTS FOR FINAL RULE.—For purposes of subsection (b), the requirements of this subsection are that the final rule implementing the PERM requirements shall—

(1) include—

(A) clearly defined criteria for errors for both States and providers;

(B) a clearly defined process for appealing error determinations by—

(i) review contractors; or

(ii) the agency and personnel described in section 431.974(a)(2) of title 42, Code of Federal Regulations, as in effect on September 1, 2007, responsible for the development, direction, implementation, and evaluation of eligibility reviews and associated activities; and

(C) clearly defined responsibilities and deadlines for States in implementing any corrective action plans; and

(2) provide that the payment error rate determined for a State shall not take into account payment errors resulting from the State's verification of an applicant's self-declaration or self-certification of eligibility for, and the correct amount of, medical assistance or child health assistance, if the State process for verifying an applicant's self-declaration or self-certification satisfies the requirements for such process applicable under regulations promulgated by the Secretary or otherwise approved by the Secretary.

(d) OPTION FOR APPLICATION OF DATA FOR STATES IN FIRST APPLICATION CYCLE UNDER THE INTERIM FINAL RULE.—After the final rule implementing the PERM requirements in accordance with the requirements of subsection (c) is in effect for all States, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2007 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2010 were the first fiscal year for which the PERM requirements apply to the State.

(e) HARMONIZATION OF MEQC AND PERM.—

(1) REDUCTION OF REDUNDANCIES.—The Secretary shall review the Medicaid Eligibility Quality Control (in this subsection referred to as the "MEQC") requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies.

(2) STATE OPTION TO APPLY PERM DATA.—A State may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the State for a fiscal year under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) to substitute data resulting from the application of the PERM requirements to the State after the final rule implementing such requirements is in effect for all States for data obtained from the application of the MEQC requirements to the State with respect to a fiscal year.

(3) STATE OPTION TO APPLY MEQC DATA.—For purposes of satisfying the requirements of subpart Q of part 431 of title 42, Code of Federal Regulations, as in effect on September 1, 2007, relating to Medicaid eligibility reviews, a State may elect to substitute data obtained through MEQC reviews conducted in accordance with section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) for data required for purposes of PERM requirements, but only if the State MEQC reviews are based on a broad, representative sample of Medicaid applicants or enrollees in the States.

(f) IDENTIFICATION OF IMPROVED STATE-SPECIFIC SAMPLE SIZES.—The Secretary shall establish State-specific sample sizes for application of the PERM requirements with respect to State child health plans for fiscal years beginning with fiscal year 2009, on the basis of such information as the Secretary determines appropriate. In establishing such sample sizes, the Secretary shall, to the greatest extent practicable—

(1) minimize the administrative cost burden on States under Medicaid and CHIP; and

(2) maintain State flexibility to manage such programs.

### SEC. 602. IMPROVING DATA COLLECTION.

(a) INCREASED APPROPRIATION.—Section 2109(b)(2) (42 U.S.C. 1397ii(b)(2)) is amended by striking "$10,000,000 for fiscal year 2000" and inserting "$20,000,000 for fiscal year 2008".

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397ii(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1), the following new paragraphs:

"(2) ADDITIONAL REQUIREMENTS.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2008, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

"(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

"(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to determine the child population growth factor under section 2104(i)(5)(B) and any other data necessary for carrying out this title.

"(C) Include health insurance survey information in the American Community Survey related to children.

"(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey with respect to the purposes described in subparagraph (B).

"(E) On the basis of the assessment required under subparagraph (D), recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in subparagraph (B).

"(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

"(3) AUTHORITY FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSITION TO THE USE OF ALL, OR SOME COMBINATION OF, ACS ESTIMATES UPON RECOMMENDATION OF THE SECRETARY OF COMMERCE.—If, on the basis of the assessment required under paragraph (2)(D), the Secretary of Commerce recommends to the Secretary of Health and Human Services that American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in paragraph (2)(B), the Secretary of Health and Human Services, in consultation with the States, may provide for a period during which the Secretary may transition from carrying out such purposes through the use of Current Population Survey estimates to the use of American Community Survey estimates (in lieu of, or in combination with the Current Population Survey estimates, as recommended), provided that any such transition is implemented in a manner that is designed to avoid adverse impacts upon States with approved State child health plans under this title.".

### SEC. 603. UPDATED FEDERAL EVALUATION OF CHIP.

Section 2108(c) (42 U.S.C. 1397hh(c)) is amended by striking paragraph (5) and inserting the following:

"(5) SUBSEQUENT EVALUATION USING UPDATED INFORMATION.—

"(A) IN GENERAL.—The Secretary, directly or through contracts or interagency agreements, shall conduct an independent subsequent evaluation of 10 States with approved child health plans.

"(B) SELECTION OF STATES AND MATTERS INCLUDED.—Paragraphs (2) and (3) shall apply to such subsequent evaluation in the same manner as such provisions apply to the evaluation conducted under paragraph (1).

"(C) SUBMISSION TO CONGRESS.—Not later than December 31, 2010, the Secretary shall submit to Congress the results of the evaluation conducted under this paragraph.

"(D) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $10,000,000 for fiscal year 2009 for the purpose of conducting the evaluation authorized under this paragraph. Amounts appropriated under this subparagraph shall remain available for expenditure through fiscal year 2011.".

### SEC. 604. ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.

Section 2108(d) (42 U.S.C. 1397hh(d)) is amended to read as follows:

"(d) ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.—For the purpose of evaluating and auditing the program established under this title, or title XIX, the Secretary, the Office of Inspector General, and the Comptroller General shall have access to any books, accounts, records, correspondence, and other documents that are related to the expenditure of Federal funds under this title and that are in the possession, custody, or control of States receiving Federal funds under this title or political subdivisions thereof, or any grantee or contractor of such States or political subdivisions.".

### SEC. 605. NO FEDERAL FUNDING FOR ILLEGAL ALIENS; DISALLOWANCE FOR UNAUTHORIZED EXPENDITURES.

Nothing in this Act allows Federal payment for individuals who are not legal residents. Titles XI, XIX, and XXI of the Social Security Act provide for the disallowance of Federal financial participation for erroneous expenditures under Medicaid and under CHIP, respectively.

## Subtitle B—Miscellaneous Health Provisions

### SEC. 611. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS.

(a) CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES UNDER MEDICAID.—Section 1937(a)(1) (42 U.S.C. 1396u–7(a)(1)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005 (Public Law 109–171, 120 Stat. 88), is amended—

(1) in subparagraph (A)—

(A) in the matter before clause (i)—

(i) by striking "Notwithstanding any other provision of this title" and inserting "Notwithstanding section 1902(a)(1) (relating to statewideness), section 1902(a)(10)(B) (relating to comparability) and any other provision of this title which would be directly contrary to the authority under this section and subject to subsection (E)"; and

(ii) by striking "enrollment in coverage that provides" and inserting "coverage that";

(B) in clause (i), by inserting "provides" after "(i)"; and

(C) by striking clause (ii) and inserting the following:

"(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).";

(2) in subparagraph (C)—

(A) in the heading, by striking "**WRAP-AROUND**" and inserting "**ADDITIONAL**"; and

(B) by striking "wrap-around or"; and

(3) by adding at the end the following new subparagraph:

"(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

"(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2);

"(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

"(iii) affecting a child's entitlement to care and services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1902(a)(43) whether provided through benchmark coverage, benchmark equivalent coverage, or otherwise.".

(b) CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.—Section 1937(a)(2)(B)(viii) (42 U.S.C. 1396u–7(a)(2)(B)(viii), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking "aid or assistance is made available under part B of title IV to children in foster care and individuals" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care or".

(c) TRANSPARENCY.—Section 1937 (42 U.S.C. 1396u–7), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

"(c) PUBLICATION OF PROVISIONS AFFECTED.—With respect to a State plan amendment to provide benchmark benefits in accordance with subsections (a) and (b) that is approved by the Secretary, the Secretary shall publish on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to carry out the plan amendment and the reason for each such determination on the date such approval is made, and shall publish such list in the Federal Register and not later than 30 days after such date of approval.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) of this section shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

### SEC. 612. REFERENCES TO TITLE XXI.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106-113 (113 Stat. 1501A–402) is repealed.

### SEC. 613. PROHIBITING INITIATION OF NEW HEALTH OPPORTUNITY ACCOUNT DEMONSTRATION PROGRAMS.

After the date of the enactment of this Act, the Secretary of Health and Human Services may not approve any new demonstration programs under section 1938 of the Social Security Act (42 U.S.C. 1396u-8).

### SEC. 614. COUNTY MEDICAID HEALTH INSURING ORGANIZATIONS; GAO REPORT ON MEDICAID MANAGED CARE PAYMENT RATES.

(a) IN GENERAL.—Section 9517(c)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1396b note), as added by section 4734 of the Omnibus Budget Reconciliation Act of 1990 and as amended by section 704 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, is amended—

(1) in subparagraph (A), by inserting ", in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Ventura County, and in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Merced County" after "described in subparagraph (B)"; and

(2) in subparagraph (C), by striking "14 percent" and inserting "16 percent".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(c) GAO REPORT ON ACTUARIAL SOUNDNESS OF MEDICAID MANAGED CARE PAYMENT RATES.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives analyzing the extent to which State payment rates for medicaid managed care organizations under title XIX of the Social Security Act are actuarially sound.

### SEC. 615. ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION.

(a) IN GENERAL.—Only for purposes of computing the FMAP (as defined in subsection (e)) for a State for a fiscal year (beginning with fiscal year 2006) and applying the FMAP under title XIX of the Social Security Act, any significantly disproportionate employer pension or insurance fund contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) SIGNIFICANTLY DISPROPORTIONATE EMPLOYER PENSION AND INSURANCE FUND CONTRIBUTION.—

(1) IN GENERAL.—For purposes of this section, a significantly disproportionate employer pension and insurance fund contribution described in this subsection with respect to a State is any identifiable employer contribution towards pension or other employee insurance funds that is estimated to accrue to residents of such State for a calendar year (beginning with calendar year 2003) if the increase in the amount so estimated exceeds 25 percent of the total increase in personal income in that State for the year involved.

(2) DATA TO BE USED.—For estimating and adjustment a FMAP already calculated as of the date of the enactment of this Act for a State with a significantly disproportionate employer pension and insurance fund contribution, the Secretary shall use the personal income data set originally used in calculating such FMAP.

(3) SPECIAL ADJUSTMENT FOR NEGATIVE GROWTH.—If in any calendar year the total personal income growth in a State is negative, an employer pension and insurance fund contribution for the purposes of calculating the State's FMAP for a calendar year shall not exceed 125 percent of the amount of such contribution for the previous calendar year for the State.

(c) HOLD HARMLESS.—No State shall have its FMAP for a fiscal year reduced as a result of the application of this section.

(d) REPORT.—Not later than May 15, 2008, the Secretary shall submit to the Congress a report on the problems presented by the current treatment of pension and insurance fund contributions in the use of Bureau of Economic Affairs calculations for the FMAP and for Medicaid and on possible alternative methodologies to mitigate such problems.

(e) FMAP DEFINED.—For purposes of this section, the term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396(d)).

### SEC. 616. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to January 1, 2010, take any action (through promulgation of regulation, issuance of regulatory guidance, use of federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for rehabilitation services, or school-based administration, transportation, or medical services if such restrictions are more restrictive in any aspect than those applied to such coverage or payment as of July 1, 2007.

### SEC. 617. MEDICAID DSH ALLOTMENTS FOR TENNESSEE AND HAWAII.

(a) TENNESSEE.—The DSH allotments for Tennessee for each fiscal year beginning with fiscal year 2008 under subsection (f)(3) of section 1923 of the Social Security Act (42 U.S.C. 1396r-4) are deemed to be $30,000,000. The Secretary of Health and Human Services may impose a limitation on the total amount of payments made to hospitals under the TennCare Section 1115 waiver only to the extent that such limitation is necessary to ensure that a hospital does not receive payment in excess of the amounts described in subsection (f) of such section or as necessary to ensure that the waiver remains budget neutral.

(b) HAWAII.—Section 1923(f)(6) (42 U.S.C. 1396r-4(f)(6)) is amended—

(1) in the paragraph heading, by striking "FOR FISCAL YEAR 2007"; and

(2) in subparagraph (B)—

(A) in clause (i), by striking "Only with respect to fiscal year 2007" and inserting "With respect to each of fiscal years 2007 and 2008";

(B) by redesignating clause (ii) as clause (iv); and

(C) by inserting after clause (i), the following new clauses:

"(ii) TREATMENT AS A LOW-DSH STATE.—With respect to fiscal year 2009 and each fiscal year thereafter, notwithstanding the table set forth in paragraph (2), the DSH allotment for Hawaii shall be increased in the same manner as allotments for low DSH States are increased for such fiscal year under clauses (ii) and (iii) of paragraph (5)(B).

"(iii) CERTAIN HOSPITAL PAYMENTS.—The Secretary may not impose a limitation on the total amount of payments made to hospitals under the QUEST section 1115 Demonstration Project except to the extent that such limitation is necessary to ensure that a hospital does not receive payments in excess of the amounts described in subsection (g), or as necessary to ensure that such payments under the waiver and such payments pursuant to the allotment provided in this section do not, in the aggregate in any year, exceed the amount that the Secretary determines is equal to the Federal medical assistance percentage component attributable to disproportionate share hospital payment adjustments for such year that is reflected in the budget neutrality provision of the QUEST Demonstration Project.".

### SEC. 618. CLARIFICATION TREATMENT OF REGIONAL MEDICAL CENTER.

(a) IN GENERAL.—Nothing in section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall be construed by the Secretary of Health and Human Services as prohibiting a State's use of funds as the non-Federal share of expenditures under title XIX of such Act where such funds are transferred from or certified by a publicly-owned regional medical center located in another State and described in subsection (b), so long as the Secretary determines that such use of funds is proper and in the interest of the program under title XIX.

(b) CENTER DESCRIBED.—A center described in this subsection is a publicly-owned regional medical center that—

(1) provides level 1 trauma and burn care services;

(2) provides level 3 neonatal care services;

(3) is obligated to serve all patients, regardless of ability to pay;

(4) is located within a Standard Metropolitan Statistical Area (SMSA) that includes at least 3 States;

(5) provides services as a tertiary care provider for patients residing within a 125-mile radius; and

(6) meets the criteria for a disproportionate share hospital under section 1923 of such Act (42 U.S.C. 1396r-4) in at least one State other than the State in which the center is located.

### SEC. 619. EXTENSION OF SSI WEB-BASED ASSET DEMONSTRATION PROJECT TO THE MEDICAID PROGRAM.

(a) IN GENERAL.—Beginning on October 1, 2012, the Secretary of Health and Human Services shall provide for the application to asset eligibility determinations under the Medicaid program under title XIX of the Social Security Act of the automated, secure, web-based asset verification request and response process being applied for determining eligibility for benefits under the Supplemental Security Income (SSI) program under title XVI of such Act under a demonstration project conducted under the authority of section 1631(e)(1)(B)(ii) of such Act (42 U.S.C. 1383(e)(1)(B)(ii)).

(b) LIMITATION.—Such application shall only extend to those States in which such demonstration project is operating and only for the period in which such project is otherwise provided.

(c) RULES OF APPLICATION.—For purposes of carrying out subsection (a), notwithstanding any other provision of law, information obtained from a financial institution that is used for purposes of eligibility determinations under such demonstration project with respect to the Secretary of Health and Human Services under the SSI program may also be shared and used by States for purposes of eligibility determinations under the Medicaid program. In applying section 1631(e)(1)(B)(ii) of the Social Security Act under this subsection, references to the Commissioner of Social Security and benefits under title XVI of such Act shall be treated as including a reference to a State described in subsection (b) and medical assistance under title XIX of such Act provided by such a State.

### Subtitle C—Other Provisions

### SEC. 621. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the "Support for Injured Servicemembers Act".

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

"(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

"(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

"(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

"(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 103(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 103"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting "(or 26 workweeks in the case of leave provided under subsection (a)(3))" after "12 workweeks" the first place it appears; and

(II) by inserting "(or 26 workweeks, as appropriate)" after "12 workweeks" the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: "An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.".

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking "In any" and inserting the following:

"(1) IN GENERAL.—In any"; and

(iii) by adding at the end the following:

"(2) SERVICEMEMBER FAMILY LEAVE.—

"(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

"(i) leave under subsection (a)(3); or

"(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

"(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).".

(E) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting "or under section 102(a)(3)" before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking "or" at the end;

(II) in clause (ii), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).".

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting "(or 26 weeks, in a case involving leave under section 102(a)(3))" after "12 weeks".

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting "or under section 102(a)(3)" after "section 102(a)(1)".

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

"(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

"(9) the term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

"(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

"(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

"(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 6383(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 6383"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: "An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.".

(C) NOTICE.—Section 6382(e) of such title is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

### SEC. 622. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" means the Small Business Administration and the Administrator thereof, respectively;

(2) the term "certified development company" means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term "Medicaid program" means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term "State" has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term "State Children's Health Insurance Program" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term "task force" means the task force established under subsection (b)(1); and

(10) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

### SEC. 623. SENSE OF SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

## TITLE VII—REVENUE PROVISIONS

### SEC. 701. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS.

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$1.828 cents per thousand ($1.594 cents per thousand on cigars removed during 2000 or 2001)" in paragraph (1) and inserting "$50.00 per thousand",

(2) by striking "20.719 percent (18.063 percent on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "52.988 percent", and

(3) by striking "$48.75 per thousand ($42.50 per thousand on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "$3.00 per cigar".

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking "$19.50 per thousand ($17 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (1) and inserting "$50.00 per thousand", and

(2) by striking "$40.95 per thousand ($35.70 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (2) and inserting "$105.00 per thousand".

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking "1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)" and inserting "3.13 cents".

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking "2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)" and inserting "6.26 cents".

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking "58.5 cents (51 cents on snuff removed during 2000 or 2001)" in paragraph (1) and inserting "$1.50", and

(2) by striking "19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)" in paragraph (2) and inserting "50 cents".

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking "$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)" and inserting "$2.8126 cents".

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking "$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)" and inserting "$8.8889 cents".

(h) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products (other than cigars described in section 5701(a)(2) of the Internal Revenue Code of 1986) and cigarette papers and tubes manufactured in or imported into the United States which are removed before January 1, 2008, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of such Code on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on January 1, 2008, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products, cigarette papers, or cigarette tubes on January 1, 2008, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 2008.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on January 1, 2008, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

### SEC. 702. ADMINISTRATIVE IMPROVEMENTS.

(a) PERMIT, REPORT, AND RECORD REQUIREMENTS FOR MANUFACTURERS AND IMPORTERS OF PROCESSED TOBACCO.—

(1) PERMITS.—

(A) APPLICATION.—Section 5712 of the Internal Revenue Code of 1986 is amended by inserting "or processed tobacco" after "tobacco products".

(B) ISSUANCE.—Section 5713(a) of such Code is amended by inserting "or processed tobacco" after "tobacco products".

(2) INVENTORIES AND REPORTS.—

(A) INVENTORIES.—Section 5721 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(B) REPORTS.—Section 5722 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(3) RECORDS.—Section 5741 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(4) MANUFACTURER OF PROCESSED TOBACCO.—Section 5702 of such Code is amended by adding at the end the following new subsection:

"(p) MANUFACTURER OF PROCESSED TOBACCO.—

"(1) IN GENERAL.—The term 'manufacturer of processed tobacco' means any person who processes any tobacco other than tobacco products.

"(2) PROCESSED TOBACCO.—The processing of tobacco shall not include the farming or growing of tobacco or the handling of tobacco solely for sale, shipment, or delivery to a manufacturer of tobacco products or processed tobacco.".

(5) CONFORMING AMENDMENT.—Section 5702(k) of such Code is amended by inserting ", or any processed tobacco," after "nontaxpaid tobacco products or cigarette papers or tubes".

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(b) BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMITS.—

(1) DENIAL.—Paragraph (3) of section 5712 of such Code is amended to read as follows:

"(3) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

"(A) is, by reason of his business experience, financial standing, or trade connections or by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter,

"(B) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes, or

"(C) has failed to disclose any material information required or made any material false statement in the application therefor.".

(2) SUSPENSION OR REVOCATION.—Subsection (b) of section 5713 of such Code is amended to read as follows:

"(b) SUSPENSION OR REVOCATION.—

"(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit—

"(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

"(B) has violated the conditions of such permit,

"(C) has failed to disclose any material information required or made any material false statement in the application for such permit,

"(D) has failed to maintain his premises in such manner as to protect the revenue,

"(E) is, by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter, or

"(F) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes,

the Secretary shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked.

"(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why his permit should not be suspended or revoked, such permit shall be suspended for such period as the Secretary deems proper or shall be revoked.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) APPLICATION OF INTERNAL REVENUE CODE STATUTE OF LIMITATIONS FOR ALCOHOL AND TOBACCO EXCISE TAXES.—

(1) IN GENERAL.—Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking "and section 520 (relating to refunds)" and inserting "section 520 (relating to refunds), and section 6501 of the Internal Revenue Code of 1986 (but only with respect to taxes imposed under chapters 51 and 52 of such Code)".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles imported after the date of the enactment of this Act.

(d) EXPANSION OF DEFINITION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5702(o) of the Internal Revenue Code of 1986 is amended by inserting "or cigars, or for use as wrappers thereof" before the period at the end.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

(e) TIME OF TAX FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—

(1) IN GENERAL.—Section 5703(b)(2) of such Code is amended by adding at the end the following new subparagraph:

"(F) SPECIAL RULE FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—In the case of any tobacco products, cigarette paper, or cigarette tubes produced in the United States at any place other than the premises of a manufacturer of tobacco products, cigarette paper, or cigarette tubes that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon manufacture.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

### SEC. 703. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "114.75 percent" and inserting "113.75 percent".

The SPEAKER pro tempore. Pursuant to House Resolution 774, the gentleman from Michigan (Mr. DINGELL), the gentleman from Texas (Mr. BARTON), the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I rise in support of H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007.

Madam Speaker, this is not a perfect bill, but it is an excellent bipartisan compromise. I would observe that it meets the concerns expressed both in the President's veto message and also in the comments raised by our Republican colleagues as we debated the bill at earlier times.

I will note that the bill protects health insurance coverage for some 6 million children who now depend on CHIP. I will observe that it provides health coverage for 3.9 million children who are eligible, yet remain uninsured. Together, this is a total of better than 10 million young Americans who, without this legislation, would not have health insurance, and it is to be noted that those same young people will be losing their health insurance shortly if we do not act expeditiously on this matter.

☐ 1430

As mentioned, the bill makes changes to accommodate the President's stated concerns.

First, it terminates the coverage of childless adults in 1 year.

Second, it targets bonus payments only to States that increase enrollments of the poorest uninsured children, and it prohibits States from covering children in families with incomes above $51,000.

Third, it contains adequate enforcement to ensure that only U.S. citizens are covered.

Fourth, it encourages States to help low-income families to secure health insurance provided through their private employer.

The bill is focused on the private marketplace. The evidence of that is the bill has strong support from the private health insurance industry. It is supported by the medical community, AMA, children's advocates, educators, advocates for people with disabilities, health professionals, hospitals, the AARP and others.

It is solid, bipartisan legislation worked out in careful meetings with Members from both parties, including Senator HATCH and others on the Senate side who have done such important work on this matter in times past, and that includes also our dear friend, Senator GRASSLEY.

It is solid, bipartisan legislation that addresses the concerns expressed by the President and by our colleagues in the House on the Republican side. I urge an "aye" vote on H.R. 3963.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. DEAL), ranking member of the Subcommittee on Health, and I ask unanimous consent that he control the minority time for the Committee on Energy and Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DEAL of Georgia. Madam Speaker, today we are dealing with a bill that supposedly is a fix of the previous legislation that has been vetoed. We are all entitled to our opinion, but we should rely on a body that gives us the facts, and that is the Congressional Budget Office. I would like to look at some of those facts.

First of all, there is supposed to have been a fix on the issue of illegal immigration. CBO still estimates that there will be $3.7 billion of increased Federal spending and complementary State spending that will total some $6.5 billion of additional spending because of this change as it relates to the immigration issue over the next 10 years, and an additional 100,000 adults will gain eligibility because of this section.

The questions that ought to be asked are the two questions that were put to the staff of the Social Security Administration, because if we are going to allow Social Security numbers to be used as identification, these ought to be the questions. They were said to the staff. And the question is: Would the name and Social Security number verification system in this bill verify that the person submitting the name and the Social Security number is who they say they are?

The answer: No.

Second question: Would the name and Social Security verification system in this bill prevent an illegal alien from fraudulently using another person's valid name and matching Social Security number to obtain Medicaid and SCHIP benefits?

The answer: No.

The authors of this bill also claim there is a fix on the issue of adults in SCHIP. The fact that CBO still projects that up to 10 percent of the enrollees in SCHIP will be adults, not children, in the next 5 years, and money for poor children shouldn't, in my opinion, go to cover adults.

The fix on the issue of crowd-out. The CBO still estimates there will be some 2 million people who will lose their private health insurance coverage and become enrolled in a government-run program.

Then the fix relating to the enrollment of higher income children. CBO estimates there will only be some 800,000 who are currently eligible for SCHIP who will be enrolled in the next 5 years, but an additional 1.1 million people with incomes that are not currently eligible for SCHIP will be enrolled in the program.

I urge a "no" vote.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield myself 3 minutes.

Madam Speaker and my colleagues, now that the dust has settled and the parliamentary games have been played and some of the facts that have been distorted have been corrected, we reach the point that at the end of the line the question is going to be: Did you vote for health care for 10 million children and did you vote to support the $35 billion that is necessary to do it?

I don't think that any of the families of the children or the Governors or the agencies that are just waiting to see what is going to happen are very interested in the distortions continuing. It is going to be very, very simple. Which way do you vote, and if you did not vote for the bill, why didn't you?

Now there may be some particular loyalty to the President, but you have to remember that when these voters and people come to you, the President's veto message will not be stapled to you and you will have to, on your own, be able to explain why you thought what he said was true. That's why we rely heavily on some of the President's strongest supporters, Senator ORRIN HATCH and Senator CHUCK GRASSLEY, because as a Democrat, I am kind of used to Republicans beating up on me, but I am not used to them beating up on the Republican leaders in the Senate such as ORRIN HATCH and CHUCK GRASSLEY. This is particularly so since the Senate has assumed so much responsibility in putting together this bill which neither you nor I like, but what the heck, we have to play the hand that is dealt.

So remember that just by attacking personalities, it may be like getting into a firing squad that is in a circle and we find everybody shooting at each other. But really, the winners and losers are going to be those children without health coverage and their families who are struggling hard. And ultimately, these kids are really America. It takes so much to take care of some of the illnesses that could be detected.

And as sensitive as the President is to the poor that are smoking and having the tobacco tax increase, tobacco smoking is dangerous for America and for our health system. It is very expensive, and it is a deterrent to children smoking.

So when all of this is done, I don't know how many people are going to ask you why did you vote no. But please remember that many of the reasons that are stated today, the truth will be caught up to the allegations and you will have to have a better answer.

Madam Speaker, I reserve the balance of my time.

Mr. MCCRERY. Madam Speaker, I yield myself 2 minutes.

First, I want to thank the distinguished gentleman from Michigan, the chairman of the Energy and Commerce

Committee, Mr. DINGELL, for requesting unanimous consent that every Member may have 5 days to revise and extend his remarks. The reason I say that is we on the minority side just got this bill at 8 p.m. last night, so it is going to take a few days to understand the changes that have been made, and so we may want to revise and extend our remarks when this debate is over today.

This is the third time we have debated a measure like this along these lines. I am probably going to repeat some of the things I have said earlier because, in our cursory examination of the bill at least, it doesn't appear to have changed very much.

The bill does nothing, for example, to address the cliff in the funding of SCHIP, so a future Congress will still face a choice of throwing off the SCHIP rolls 6.5 million kids or raising taxes by about $40 billion.

It still relies on a declining revenue source, tobacco taxes, to fund a growing program which is likely to exacerbate the funding cliff issue. In short, the legislation remains fiscally irresponsible.

Further, despite some window dressing on this, it appears illegal immigrants will be able to use fraudulent Social Security numbers and still be able to get SCHIP and Medicaid benefits.

It still allows States to enroll higher income children at least through 2010 and continues to allow States to use a system of so-called income disregards to set just about any income limit they please.

I support SCHIP. I want SCHIP to be extended, but this so-called new legislation seems to do absolutely nothing to address the serious flaws in the previous proposals.

Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan yields his time to the gentleman from New Jersey.

There was no objection.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I rise in strong support of the SCHIP program. The bottom line, my friends, is do we want to fund children's health care for poor children in this country or do we not?

The arguments against it from fiscal conservatives, and I always have to question that a bit because our Republican friends have driven up the deficit to the greatest in American history, and now they want to tell us this program is too expensive.

One of the reasons the American people are so disenchanted with Congress is because the Republicans are blocking a bill that is very, very supportive of what American people want. We see here that 72 percent of the American public, two-thirds of the Senate, the majority of the House, 43 State Governors and more than 300 organizations support this legislation; and our friends on the other side of the aisle are blocking the will of the American people.

Let's fund this bill. Let's help poor children. Stop with the nonsense, stop with the nonsense about New York. We try to help as much as we can. Congress ought to help our poor kids. That's the question. Do you want to help poor kids, or don't you?

Mr. DEAL of Georgia. Madam Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Speaker, I don't think anyone opposes providing health care for poor children and children of the working poor. That is not what our argument is about today.

What we do oppose is having a bill before us that covers 400,000 less kids in SCHIP than previously. We do oppose having a bill that has a funding cliff in 2012 where you just plan to run out of money. Now the question is: Why would you vote for a bill where you plan on having a program fail?

Another thing we see in this bill before us, it is going to spend a half billion dollars more than SCHIP version one, and it is going to cover less kids. So there are plenty of reasons to oppose this bill.

In addition, you have the issue with illegal immigration. CBO, the Congressional Budget Office, projects that section 211 of this bill will result in spending $3.7 billion in increased spending on health care for this population over the next 10 years.

And then you get to the issue of adults. Well, what you are talking about is getting childless adults off the program, not all adults, just childless adults.

Madam Speaker, I think we as parents expect our children to grow up and expect them to take responsibility. This is not Never Never Land, and all adults need to be removed from this program.

SCHIP, as it was put in place in 1997, is there for poor children, children of the working poor. The list could go on and on. We also know there is a massive redistribution of taxes within this bill. We have all seen those figures.

On top of that, you look at what goes to the east coast and it is harming those children in the middle of the country. I oppose the bill.

Mr. RANGEL. Madam Speaker, at this time I recognize the chairman of the Health Subcommittee who has worked very hard on the Medicare part and transferred that knowledge to help perfect the SCHIP bill, Chairman STARK, for 2 minutes.

Mr. STARK. Madam Speaker, I thank the distinguished chairman for yielding, and I rise in strong support of this third version of legislation to improve and extend the Children's Health Insurance Program, and I hope the third time will be a charm.

Eighty percent of Americans, 72 percent perhaps, a strong bipartisan majority in the Senate, nearly every House Democrat, and at last count 45 House Republicans, all supported this version of SCHIP. President Bush and many of my Republican colleagues, however, opposed the previous version of this legislation. Supposedly you opposed it because, one, it might have enabled the States to provide health care to adults.

☐ 1445

Two, children in the middle-income families might get health care. And, three, worst of all, undocumented immigrant children might have gotten health care. Also, there was a concern by some that we'd run out of money. I haven't heard that concern of where we're going to get $1.7 trillion for a war that we're fighting, but at least you're worried about bringing that money to health care.

The bill before us today answers those criticisms. It should be more acceptable to a few more of my Republican colleagues, perhaps even to the President. The previous version concerns have been met, rectified, and so those who vote against today's legislation can only be voting against the government providing health care to poor children who have no other means of obtaining medical care. That's the only reason left to vote against this. No other way to account for a "no" vote.

But I'm most proud of what this bill does not do. It doesn't compromise in covering children. It adds $35 billion in new funding to the SCHIP program, and it provides coverage to 10 million additional children.

I urge my colleagues to join with me, making the third time a charm, not a strike out, for America's children. With even stronger bipartisan support, we may convince President Bush to do right by America's children. Let's provide him that opportunity and guide him down the path to compassion and humane treatment for all our children.

Mr. MCCRERY. Madam Speaker, at this time I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to simply state that facts are funny things. No matter what's said on the floor of this House or how many times it's said, facts are facts.

And the real fact is, this compromise bill is nothing less than a bunch of baloney. This bill covers fewer kids, costs more than last week's bogus SCHIP bill, and you know, we have a saying in Texas, if you put lipstick on a pig, it will still be a pig.

My biggest concern with this bill is it doesn't fix the illegal immigration loophole. The Congressional Budget Office projects that the Federal Government will spend almost $4 billion to pay for health insurance benefits for illegal immigrants. That doesn't sound like much of a solution to me.

And this bill diverts resources away from kids who need the resources most. In fact, in 5 years, 10 percent of the enrollees in the Children's Health Insurance Program will not be children but adults. If we're going to reauthorize a Children's Health Insurance Program, we ought to be sure American kids have access to health insurance, not adults, not illegal immigrants.

I say support poor kids first. The American taxpayer wants, needs, and deserves a bill that does just that.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. DINGELL) reclaims control of his time.

There was no objection.

Mr. DINGELL. Madam Speaker, at this time, it is a privilege for me to yield 3 minutes to the distinguished chairman of the subcommittee, my good friend from New Jersey (Mr. PALLONE) who has been a great leader in these matters.

Mr. PALLONE. Madam Speaker, I thank Chairman DINGELL.

I'm really pained when I listen to the last speaker and some of the comments that have been made on the other side, you know, calling this sincere effort by the Democrats, on a bipartisan basis with the Senate, to try to come up with something that we can get you on the other side of the aisle to support. You know, I heard words like "baloney" and "bogus," and almost I think actual laughter. And it's a sad day when we laugh at this issue which is an issue of whether we're going to cover kids so that they don't have to go to an emergency room and can actually go to a doctor and get proper health care.

The Democrats, and this is again bipartisan where some Republicans and the Senate Republicans have gone out of their way to try to address the concerns that some of the Republicans have expressed, but the bottom line is that we can't change the fact that we want to cover additional kids, 10 million in total.

And when we know that the American people support this effort, what they support is covering more kids, those that are already eligible and not enrolled up to the tune of 10 million kids. Now, that's going to take $35 billion over 5 years. You can't get away from it.

And the President is saying, well, I can't support any new tobacco tax to pay for it; I'm going to pay for it out of the existing budget. Well, that's simply not possible. If you look at the budget, he's actually cutting Medicaid, and one of the things that this bill does is to stop those cuts in Medicaid so we can cover the kids that we have.

Now, we have tried very hard to address each of the three issues that the Republicans have raised, and the first one I'd like to talk about today is the issue of illegal aliens. There was never anything in this provision that allowed illegal aliens to be covered. We have made it absolutely clear in this new bill that that is the case and that they will not be covered. Anyone who suggests otherwise is just not being honest about this.

The second thing that we did, we tried to address the issue of adults. Single adults who are phased out after 2 years now under this bill will be phased out after 1 year, and even the parents, yes, they're also phased out I think over two or three years. So we're addressing that issue.

And then the third issue that was raised was the issue with regard to the income eligibility; and here, again, what we're saying is that if you go over 300 percent, okay, other than those that are already grandfathered into the program, you're no longer going to be able to cover those kids at that $82,000 or the other levels that they suggested.

Now, we've made an honest effort here to accomplish this, and all we're asking is that a few more of you come over to our side and join the Republicans in the Senate to vote for this legislation. This is an honest way to try to achieve a compromise that will allow us to cover these 10 million children.

Now, take this seriously. One of my colleagues said, well, this is Never, Neverland. This isn't Never, Neverland. We've had discussions with the Republicans. We've talked to you. Give us those votes so we can cover the kids.

Mr. DEAL of Georgia. Madam Speaker, I understand why my colleague from New Jersey might like the bill, because his State, that's at 350 percent of poverty, gets grandfathered in and gives special treatment over the majority of States in this country.

Madam Speaker, I'm pleased to yield 1 minute to a member of the Energy and Commerce Committee, Mr. SHADEGG from Arizona.

Mr. SHADEGG. Madam Speaker, I thank the gentleman for yielding.

It really is a sad day here in the United States Congress. This is an effort in pure politics. If this was an honest effort at compromise, how come nobody ever sat down with the President? How come nobody ever sat down with our leaders?

The gentleman just said that they tried to address the issues. Everybody here on the floor knows they didn't address the issues.

Adults remain covered under this legislation, though Republicans said adults shouldn't be covered in the child health care program.

And crowd-out, the issue of people losing their private health insurance, causing the private health insurance to go up in cost, was not addressed. The CBO, a nonpartisan body, says 2 million people will lose their private coverage by crowd-out under this legislation.

The sad thing is, this is pure politics, and it was demonstrated the day that the override attempt failed. Because, on that day, the Republicans had an opportunity to celebrate, having sustained the President's position. But we weren't proud of that moment or of that day because we'd like to deal with the Nation's problems.

You know who applauded on that day? Democrats applauded when the override failed. Why? For political gain, not because they care about insurance or kids or kids' health, but because they want political gain. That's sad; this is a sad day for this Congress.

Mr. RANGEL. Madam Speaker, it is my pleasure to yield 1 minute to Mr. LEWIS, an outstanding member of the committee, the conscience of the House of Representatives from the sovereign State of Georgia.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my friend, my colleague, my chairman for yielding.

Madam Speaker, I rise today in the spirit of bipartisanship to thank all of our colleagues, both Democrats and Republicans, for working together to bring forth this important piece of legislation.

Now is the time, not tomorrow or next week, now is the time to reauthorize and expand SCHIP, because there's nothing, but nothing, more important than the health of our little children. All of our children, all of the poor children are in the same boat, whether black or white, Hispanic, Asian American or Native American. They need health care to grow strong and survive.

We, in Congress, have the best possible health care, and now is the time to deliver that same promise of health to our Nation's children. Suffer the little children. Suffer the little children, all of the children.

The time is always right to do right. We must pass the bill today for the children of America.

Mr. MCCRERY. Madam Speaker, it is a pleasure to at this time yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the committee.

Mr. BRADY of Texas. Madam Speaker, I voted to create the children's health care program, and I believe in it. But let's be honest. These changes are more cosmetic than Dr. 90210. This bill still isn't paid for. It still doesn't cover poor kids first, and it still allows abuses like subsidizing adults to continue.

And what's especially sad is that today, while the California tragedy unfolds, most Americans see homes in flames, lives lost, and families huddling in football stadiums as their life's possessions go up in flames, the Washington Democrats see political opportunity.

While dedicated California lawmakers rush home to their communities, Democrats rush their bill to the floor.

It seems like none of us in Congress, either party, ought to look like vultures circling above the burned out homes of California families gleefully eyeing a cynical chance to try to pass their partisan legislation.

This proves what we said all along. This isn't about the children. It's about defeating George Bush. Some hate him so badly they will sacrifice whatever morals and integrity to win at all costs.

Democrats promised to change Washington, but it's business as usual up here; and it's the children who lose.

As parents we teach our kids to sit down and work out their differences, that fighting doesn't accomplish anything, that big boys and girls find a way to work together. When this political trick fails, and it will, why don't we apply the same lessons up here and work together to find a reasonable, fiscally responsible way to help cover our kids who need our help?

Mr. DINGELL. Madam Speaker, at this time, I yield 1 minute to the distinguished gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Speaker, I thank my Chair of the Energy and Commerce Committee.

The legislation before us today is not about politics. It's about providing children's health care coverage to 10 million low-income American children.

This bill is paid for. It's paid for more than the $190 billion the President's asking for a supplemental to support the war in Iraq and Afghanistan. This is for the ten million children and parents who are hardworking Americans but cannot afford private health insurance.

The bill is clear on undocumented children. No Federal funding will be spent on undocumented immigrants.

The bill is clear on childless adults. For 1 year they get coverage, and these adults actually got a waiver, these States got a waiver to cover these adults. So they're going to have 1 year, and then they're off of it.

The bill is clear on family income. Only the lowest-income children are covered with a prohibition on coverage of children above 300 percent. You can't go above 300 percent. Most are at 200 percent, but some are at 300.

Madam Speaker, 4 months of spending in Iraq is enough to provide SCHIP to 10 million children for 5 years. More than 80 percent of the American people support it, and I urge my colleagues to support it.

We've prioritized it to the low-income.

We've prioritized it to citizens.

We've prioritized children.

It's about priorities, not politics, and the Congress should be able to put aside politics and unite behind these priorities for our children.

Mr. DEAL of Georgia. Madam Speaker, I am pleased to yield 2½ minutes to another member of the Energy and Commerce Committee, Mr. BURGESS from Texas.

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Mr. BURGESS. I appreciate the gentleman yielding.

Madam Speaker, I wonder if I might ask if I could engage the highly regarded chairman of the Energy and Commerce Committee for purposes of a colloquy.

Mr. DINGELL. I would be happy to oblige my good friend.

Mr. BURGESS. I thank the chairman.

As the chairman knows we, of course, worked on this together last night on the Rules Committee until late into the night, so I know the chairman and I are both a little under the weather today.

Mr. Chairman, under the changes that have been made in regards to the income disregards in the bill, could a State in its current practice still allow a family to exclude from income $500 a year for child care expenses?

Mr. DINGELL. The answer to the question is yes.

Mr. BURGESS. I thank the chairman.

Could a State allow a family to exclude from income $20,000 a year for housing expenses?

Mr. DINGELL. That would be a matter to be determined by the State in which the transaction and the events occurred.

Mr. BURGESS. I am not a lawyer, but if I were a lawyer and ask for a "yes" or "no" answer, I would assume that's a yes.

Mr. DINGELL. Well, it's a "yes" if the State so decides. It's a "no" if they decide not.

Mr. BURGESS. Further, then, if the Chair will indulge me, could a State allow for a family to exclude from income $10,000 per year for transportation expenses?

Mr. DINGELL. Again, the response is that that is up to the State, and there is nothing in the legislation to preclude that.

Mr. BURGESS. So the answer would be a "yes" if to transportation expenses.

If the chairman would, then, could a State allow a family to exclude from income $10,000 a year for clothing expenses?

Mr. DINGELL. Again, the answer is if that is so determined by the States, the answer is yes.

Mr. BURGESS. So State income disregards, now, are up to $40,500, if I am doing my math correctly? Or if I could then just ask one last question, several people have alluded on this floor today that 6.6 million children will lose their health insurance if the House does not act.

Mr. Chairman, you know and I know that this Congress, this Speaker, is not so insensitive as to allow this health insurance to expire for these children. We will do an extension. We will do what is required to continue to allow coverage for the children until Congress passes the bill; is that not correct?

Mr. DINGELL. Well, I would certainly hope so, but I can't guarantee.

Mr. BURGESS. Again, reclaiming my time, I cannot think that any Speaker of the House would be so insensitive as to allow this program to expire.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia (Mr. LEWIS) will control the time for the gentleman from New York (Mr. RANGEL).

Mr. LEWIS of Georgia. Madam Speaker, I am pleased to yield 1 minute to a member of the Ways and Means Committee, the gentlewoman from the State of Ohio (Mrs. JONES).

Mrs. JONES of Ohio. There is a piece of poetry that starts like this, "I'd rather see a sermon than to hear one any day, I'd rather one should walk with me than just to show the way.

"The eye is a better pupil and more willing than the ear; Advice may be misleading, but examples are always clear. And the very best of teachers are the ones who live their creeds."

It goes on to talk about how you can deliver lectures, but I would rather get a lesson by observing what you do.

I am saying to my colleagues, Democrat and Republican, the children of America are listening to us gibe at one another about whether they deserve health care. They deserve health care, and we could give it to them today.

They deserve health care because many of them are spending so many hours in an emergency room, costly, many of them are spending times at home when they could be educated. Many parents are not at work because they are staying home with their children. Health care should be a right in America, and our children are saying they would rather see a sermon than to hear one. They want us to walk and give them health care and stop talking about it.

Mr. McCRERY. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Ways and Means Committee.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

As we look at this bill, which we received this morning, it still has the same policy, just a little different cosmetics. I don't think our constituents want us to vote for a bill that makes it easier for illegal immigrants to get tax-paid health care. This bill does that.

I don't think our constituents want us to vote for a bill where we spend our constituents's tax dollars to pay for insurance that people already have. This bill does that.

I don't think our constituents want us to vote to create a new middle-class entitlement. This does that.

This bill also is only one-half paid for. That's right, they only pay for half of this law, and they have an enormous budget gimmick that when you add it all together doubles the cost of this bill.

So if the goal here is ultimately to get universal health care so that everybody has insurance, which I think most of us all share, this is not the pathway to do it.

If you take a look at what it costs to fund 3.9 million people who are uninsured, that leaves us another 43 million people uninsured. At the spend rate, at the cost of that, if we want to fund everybody, it's another $400 billion. That would add $8 trillion to the debt we have for our kids and our grandkids.

By doing it this way, by creating an enormous new entitlement, you are making matters worse for the baby boomers. You are making this enormous cliff we have of entitlement spending that much deeper.

Madam Speaker, there is a better way to getting universal access to affordable health insurance. This is not the way. We believe in patient-centered health care, not government-centered health care. We don't think bureaucrats should be running health care, whether they are an insurance bureaucrat or a government bureaucrat.

We think patients and their doctors should be running and making health care decisions. Unfortunately, this bill does not do that. This bill puts the government squarely in the middle and says if you want health care, you got to get it from the government. That's not what we believe in. That's not what we should be doing. That's why we should be voting against this bill.

Mr. DINGELL. Madam Speaker, I submit for the RECORD the disregards for children's coverage that have been submitted to us by the Congressional Research Service.

The point here is that the money needs to continue to flow to working families so that we can keep them working rather than staying on welfare.

Within the Medicaid and SCHIP programs, states are permitted to disregard or not count certain types of amounts of family income as decided by the State in determining eligibility for the program.

This bill maintains this long-standing flexibility to allow States to disregard certain legitimate costs like child care and child support costs, recognizing that this income is not available for a family to spend on health coverage.

Allowing States to disregard these costs ensures that working families have the money they need to pay for work-related expenses to ensure that low-income families can keep their jobs. This is important to keep families from having to go on welfare to get health coverage for their children.

The following are the monthly disregards applied by States in 2006.

The state of Alabama disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Alaska disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Arizona disregards $90 of earnings, $200 or $175 of childcare expenses, and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Arkansas disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $50 of child support received for a family in its ARKids B Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of California disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Colorado disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards all childcare and medical expenses, including health insurance premiums paid in the last 90 days for a family in its SCHIP program when determining eligibility for an individual in SCHIP. Note: Child support received is not counted as income in SCHIP.

The state of Connecticut disregards $90 of earnings, $200 or $175 of childcare expenses and $100 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Delaware disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The District of Columbia disregards Under poverty-level, the full amount of child care expenses may be disregarded for families under the federal poverty level, and disregards $100 in earnings and the full amount of child care expenses for those under the SCHIP-funded expansion when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Florida disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards either Medicaid disregards or gross income (whichever is more beneficial to the family) when determining eligibility for an individual in SCHIP.

The state of Georgia disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Hawaii disregards $90 of earnings for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Idaho does not disregard income for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Illinois disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Indiana disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Iowa disregards 20 percent of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards 20 percent of earnings and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Kansas has a standard disregard of $200 per worker in its Medicaid program when determining eligibility for an individual for Medicaid. It has a standard disregard of $200 per worker in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Kentucky disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Louisiana disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Maine disregards $90 of earnings, $200 or $175 of childcare expenses and the full amount of child support paid. There is an income exclusion of $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Maryland disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the actual amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the actual amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Massachusetts does not disregard income when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Michigan disregards $90 of earnings, a standard $200 of childcare expenses, $50 of child support received, the full amount of child support paid and a $60 deduction for legal guardians (if a guardianship arrangement is in place) for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, a standard $200 of childcare expenses, $50 of child support received, the full amount of child support paid and a $60 deduction for legal guardians (if a guardianship arrangement is in place) for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Minnesota disregards $90 of work expenses, $200/$175 for childcare and child support paid for its Medical Assistance for children ages 2–19. MinnesotaCare (waiver coverage) is based on gross family income. A gross income test is used for SCHIP-funded Medicaid for infants, with some protections so that no child could be adversely affected by the gross income test. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Mississippi disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Missouri disregards $90 of earnings and $200 or $175 of childcare expenses for a family in its Medicaid program when determining eligibility for an individual for Medicaid. Its Medicaid expansion program is based on gross income. It does not disregard when determining eligibility for an individual in SCHIP.

The state of Montana disregards $120 of work expenses and up to $200 of childcare expenses for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $120 of work expenses and up to $200 of childcare expenses for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Nebraska disregards $100 of earnings plus all childcare expenses for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Nevada disregards 20 percent or $90 of earnings (whichever is greater) and the full amount of childcare expenses for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of New Hampshire disregards $90 of earnings, $200 or $175 of childcare expenses and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and the full amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of New Jersey disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of New Mexico disregards income based on a child's age for its Medicaid program when determining eligibility for an individual for Medicaid: children age six and older get $90 of earnings, $175 of childcare expenses and $50 of child support received. Children under age six get earnings disregard of $750 per assistance unit, $375 or actual child care expenses and $50 of child support received. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of New York disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of North Carolina disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of North Dakota disregards $90 of actual work expenses (in the form of payroll taxes) or $30 work training expenses, all reasonable childcare expenses, $50 of child support received and the full amount of child support paid, and premiums paid for other health insurance for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of actual work expenses (in the form of payroll taxes), all reasonable childcare expenses, and the full amount child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Ohio disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Oklahoma disregards $120 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Oregon does not disregard income when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Pennsylvania disregards $120 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $120 of earnings and $200 or $175 of childcare expenses for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Rhode Island disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of South Carolina disregards $100 of earnings, up to $200 for actual childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of South Dakota disregards 20 percent of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards all childcare expenses ($500 family maximum), $50 of child support received and the full amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Tennessee disregards $50 of child support received for a family in its "regular" Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $20 of unearned income, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid expansion program when determining eligibility for an individual for Medicaid. It does not disregard income for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Texas disregards $120 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Utah disregards $90 of earnings, $200 or $175 of childcare expenses and

$50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income for a family in its SCHIP program when determining eligibility for an individual in SCHIP. No income of a child under the age of 19 is considered unless they are a head of household.

The state of Vermont disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. The state also disregards earned income of anyone under 18 and earned income of anyone under 22 who is a full-time student when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP, except for earned income of anyone under 18 and earned income of anyone under 22 who is a full-time student when determining eligibility for an individual for SCHIP.

The state of Virginia disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Washington disregards $90 of earnings, all reasonable work-related childcare expenses and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings and all reasonable work-related childcare expenses for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of West Virginia disregards $90 of work expenses, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of work expenses, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Wisconsin disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Wyoming disregards income based on marital status for a family in its Medicaid program when determining eligibility for an individual for Medicaid. Married couples automatically get a standard $400 deduction. If not married and both parents are working they get the $400 deduction. If unmarried with one parent working, there is $200 deduction. There is also a $50 deduction for child support received. It does not disregard income when determining eligibility for an individual in SCHIP.

Madam Speaker, I yield to the distinguished gentlewoman from Oregon (Ms. HOOLEY) for 1 minute.

Ms. HOOLEY. I thank my good friend from Michigan for yielding.

Madam Speaker, this vote today is about what kind of a country are we. This vote today is about what our priorities are. This vote today is about what our values are. Just the interest rate on funds to pay for the Iraq war are $25 billion a year; yet our President believes that spending $12 billion a year on children's health care is too much. I strongly reject the argument that we are spending too much on our children. Our children deserve better. Our children deserve a healthy start.

I have heard over and over from my constituents about the vital importance of the State Children's Health Insurance Program. Nearly 60,000 children in Oregon currently receive health care through SCHIP, and the legislation before the House today will provide for an additional 36,000 children. I know hardworking parents who can't afford health insurance for their children. They don't know what to do. How am I going to cover my kids?

Thankfully, today, we are taking strong action to ensure that thousands of fewer working families in Oregon will have to endure the agony of having a sick child for whom they cannot afford medical care.

I urge my colleagues to vote for this bill.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. BARTON) reclaims control of the time.

There was no objection.

Mr. BARTON of Texas. Madam Speaker, could I ask the amount of time remaining on all sides.

The SPEAKER pro tempore. The gentleman from Texas has 7½ minutes. The gentleman from Michigan has 6 minutes. The gentleman from Georgia has 8 minutes. The gentleman from Louisiana has 8 minutes.

Mr. BARTON of Texas. Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that Mrs. JONES control the time until Mr. RANGEL returns.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mrs. JONES of Ohio. Madam Speaker, I yield 1 minute to my colleague and good friend from the Ways and Means Committee, ALLYSON SCHWARTZ, from the great State of Pennsylvania.

Ms. SCHWARTZ. Madam Speaker, the American people are clear, they want this Congress and the President to ensure that America's children have access to health coverage. American parents on behalf of the children who get health care coverage under the CHIP program are clear: CHIP is working. Health care under CHIP is affordable and is accessible.

We have compromised, but we are determined. We are determined to continue and to extend CHIP for America's children, 10 million American children of working families. This bill before us is reasonable, it is smart, and it is responsible. A majority of Congress agrees; yet the President and some in Congress are still unsure.

The choice is clear: Vote for health care for America's children or stand in the way. The American people are watching, they are waiting, and maybe, most importantly, they are hoping we will do the right thing and 10 million American children will have access to health coverage.

Let's make it happen. It's time to make this vote work. Today is the day for a majority of Republicans to join us.

Mr. McCRERY. Madam Speaker, I request unanimous consent to allow Mr. CAMP of Michigan, ranking member of the Health Subcommittee of the Ways and Means Committee, to allocate the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. CAMP of Michigan. Madam Speaker, I yield 1½ minutes to the gentleman from Louisiana.

Mr. BOUSTANY. I thank my colleague for yielding time.

Madam Speaker, our Democratic friends claim that they won't consider covering anything less than 10 million children, and yet the Congressional Budget Office shows that their own bill falls short yet again. It also fails to give real priority to poor children. It imposes billions of dollars in new taxes on poor families, and we know that this tax revenue stream won't even cover the expense of the bill in the outyears, and it causes millions to lose private coverage.

Finally, despite warnings from GAO, it also ignores provider access, something that's critical for our children in the SCHIP programs throughout the country. I know in my State of Louisiana we have a serious access problem, despite the fact that we have 106,000 children in the State covered by SCHIP, 6,000 who should be on it not covered, and yet all of them have significant access problems.

I ask the question, why did our Democratic friends block debate on any amendments that would have addressed these and other concerns? We really shouldn't be playing political games with this. We shouldn't be playing games with children's medical care.

I urge my colleagues to oppose this bill, and let's work together in good faith to improve coverage and access for children.

Mr. DINGELL. Madam Speaker, I yield to a Member for whom I have great personal affection and respect, Mr. ANDREWS of New Jersey, for 1 minute.

Mr. ANDREWS. I thank my dear friend for yielding.

Madam Speaker, why would someone not vote for health insurance for 10 million American children? There is the excuse that the bill covers illegal aliens.

Read section 605 of the bill; it doesn't. There is the excuse that it covers adults, not children. Read section

112 of the bill, which is called termination of coverage of nonpregnant childless adults. There is the excuse that it covers a lot of wealthy kids, but there is the fact that 91.3 percent of the children covered come from families that make less than $40,000 a year, and the rest live in States that are very, very expensive to live in, like mine in New Jersey.

Then there is the excuse that, well, it's bad for the budget somehow, unlike the $109 billion they want to send to Iraq. But the Congressional Budget Office, the nonpartisan Congressional Budget Office says that over 10 years this bill saves $200 million for the Federal Treasury.

Ladies and gentlemen, no more excuses, vote "yes".

Mr. BARTON of Texas. Madam Speaker, I yield myself 1½ minutes.

I want to talk about enforcement of this 300 percent above the poverty line. The people that wrote the bill claimed that we have got this hard cap above 300 percent in terms of family income.

But if you look on page 76 of the bill, the first part of it, starting with line 5, says, "no payment shall be made under this section for any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line."

That sounds okay, but then here is the gotcha, beginning on line 13, "but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income."

So you leave it up to the States to say you can't have an income level over 300 percent, but you can deduct $20,000 for a housing allowance or you can deduct $15,000 for shelter or whatever.

☐ 1515

So what you've got here is the classic bait and switch. I would say that the majority has listened to some of the concerns of the minority, but you're not really ready to address them substantively. You put the right verbiage in the first paragraph and then you take it away in the second. At some point in time we need to sit down together and really work these things out to make sure that you not only have the verbiage, you also have the enforcement. Now when that day comes, we will have a bipartisan bill. But that day is not today.

Mrs. JONES of Ohio. Madam Speaker, it gives me great pleasure to yield 1 minute to one of our new Members from the great State of Florida, Mr. TIM MAHONEY.

Mr. MAHONEY of Florida. Madam Speaker, as a father, it is unfathomable to me why the President chose to deny health care coverage to children. It's incomprehensible to me that some of my colleagues would play politics with a child's health.

I always tell my daughter that in life you don't get do-overs. Well, apparently here in Congress you do.

The President and my colleagues across the aisle have the opportunity that is very rare, and that is to have a second chance to do it right.

Last week I met with pediatricians at a hospital in Port St. Lucie where doctors painted a stark picture of the challenges faced by children without insurance.

I then went across the street to a daycare center and visited children who rely on Florida's CHIP program, KidCare, for the health care needs, kids like 4-year-old Samantha, and 2-year-old Hannah, 4-year-old Rafael and 2-year-old Julian.

The President opposes SCHIP because he thinks that children from working families that go to work, pay their taxes but can't afford health insurance shouldn't go to the doctor. He says it's too many kids and too expensive, even though the bill is paid for without putting our country further into debt.

Madam Speaker, I would ask the President, which child would you deny health care coverage to, Julian or Hannah? Which child is one too many?

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Speaker, I want to say to my friend from Michigan, the chairman of the committee, that he says that this bill is coming to the floor today because all of the concerns in a letter that were about this bill have been addressed.

Well, as a physician and a coauthor of that letter, I respectfully disagree. The letter said that SCHIP ought to be reserved for low-income kids first. In fact, what this bill does is provide incentives to ensure higher-income kids before poor kids.

The letter said that SCHIP ought to be for children only. In fact, CBO estimates that over 700,000 adults will be on the program in 2012, not in 1 year, in 2012.

The letter said that SCHIP ought to cover low-income American children. In fact, the bill weakens both Medicaid and SCHIP citizenship verification, and all with a huge tax increase.

Madam Speaker, Members ought to know that there's an alternative. There are multiple alternatives. One of them is H.R. 3888. It would provide insurance for the same number of kids. It would not move any kids from private personal insurance to government-run insurance. It would make certain that personal choices were respected, and it would not increase taxes.

So why proceed today? Why is the majority party proceeding today? Because it's all about politics. In fact, they've already had their cronies purchase TV and radio ads in the districts of folks that they believe aren't going to support this for political gain. It's all about politics. Not about policy and it certainly isn't about the kids.

As a physician, there's a specific diagnosis for that. It's called "a crying shame."

Mr. DINGELL. Madam Speaker, it's a privilege for me to yield at this time 1 minute to a very valuable Member of this body, our friend and colleague, Mr. ALTMIRE of Pennsylvania.

Mr. ALTMIRE. Madam Speaker, I want to thank my colleagues on the other side for their weeks of expressing to us what their concerns were about the SCHIP bills that we've passed. And I'm happy to say that we've heard those concerns, and in this bill that we're voting on today we address those concerns.

They were concerned, as am I, about coverage for illegal immigrants. And this bill expressly prohibits coverage of illegal immigrants.

They were concerned about the coverage of adults, including adults who are currently covered in the SCHIP program. This bill eliminates coverage for those adults and all childless adults.

And they were concerned about income levels. They wanted to keep this program for low-income children, and this bill today caps at 300 percent of poverty the qualification level for families to get into the SCHIP program. So there should be no reason for any of my colleagues on the other side to vote against this bill.

Let's vote to ensure 10 million children receive the health care that they deserve.

Mr. BARTON of Texas. Madam Speaker, I'd like to yield 2 minutes to the distinguished policy chairman of the Republican Conference, Congressman MCCOTTER.

Mr. MCCOTTER. Madam Speaker, as a husband, as a father, as a former child, I respect very much what we are endeavoring to accomplish today. But we always have to remember that it is not simply enough to do the right thing; we must do the right thing the right way. And again, that is the purpose of this debate.

Much of what we hear outside of these walls tends to mute the serious discussion that we have. I know that following this debate there will be those ads or others that will say that Republicans do not like kids. I assure you, Republicans like kids, and not just medium rare with a side of fries. We do care about the future of children. But it is the comprehensive holistic approach to the care of children which we discuss too little in this body.

It is my belief that what we should have done, to truly put poor kids first, was that from the first moments of the first 100 hours this should have been the first bill we could have done. Instead, other bills were passed and billions were spent.

We have seen appropriation bills come through this Chamber repeatedly where billions are spent, and there was no talk of putting kids first and helping poor kids have health insurance.

And now today we reach the point where the only way we can help poor children is to raise taxes on the American people. This is not a prioritization of children and their health care.

I am prepared to accept the majority when they say that they have, the second time around is the charm and they have fixed access of illegals to this program. I am prepared to be concerned about poor kids and kids who are in the margins. But I do ask them to reconsider raising taxes, because we do not want to see one day where our children grow up to be the healthiest people in the unemployment line.

Mrs. JONES of Ohio. I reserve the balance of my time.

Mr. CAMP of Michigan. Madam Speaker, at this time I yield 2 minutes to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, here we are again. It seems to be just the same act in the same play, the same time.

Why are we having this vote today? I really don't know. Many of our Members believe it's because the TV ads, the radio ads have already been bought in their districts, and if they didn't have this vote today somehow that money might be wasted. I don't know that I believe that.

Many of our Members believe we're having the vote on a day when seven Republicans from California can't be here to make our "no" votes on this bill appear to be less than they really are. In fact, I asked that this bill not be voted on today for that reason.

What I wonder is why we weren't allowed to see the bill. If this bill is such a great bill, if this bill solved these problems, what would have been the harm of seeing the bill? In fact, a lot of the debate today would have been a different debate if the bill would have been laid down last night and we'd have had the vote next Wednesday or next Thursday.

This idea that somehow we have to get it done before November 16 because that's the day that this extension ends doesn't make any sense to anybody. We're going to be here well beyond that.

Once again we go through this process where we're told we've checked the boxes, but then when you look at where the boxes have been checked, they really don't do the job.

We ought to get to poor kids first. When we get to kids at 300 percent of the level of poverty, that's 54 percent of all the families in America would have their kids have insurance through the government.

I've talked to several people in my district that say, I don't mind helping poor kids, but I'm really offended when I'm helping kids whose families make more than I do. I'm really offended as someone who has raised their family when I'm paying taxes to provide insurance for families who make $20,000 more than I do.

And the Congressional Budget Office believes that the verification standards aren't right yet. I think this is a step in that direction.

Let's get this bill right. Let's see the bill. Let's vote "no" today and get to work on a serious proposal.

Mr. DINGELL. Madam Speaker, at this time I reserve.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, we're not having a debate today on whether or not to reauthorize SCHIP. What we're really having a debate about is a tale of two SCHIPs, because it was 10 years ago that Republicans created SCHIP to provide health insurance benefits to uninsured low-income American children. And every Republican stands ready today to reauthorize that program and fund that program.

But yet, again, Democrats are coming with their tale of SCHIP, an SCHIP that instead is transforming this program to give additional benefits to adults before children, illegal immigrants before Americans, the insured before the uninsured, and, finally, the higher-income before lower-income.

These are the facts. The program was designed for those up to 200 percent of the Federal poverty level. The Democrats will increase it explicitly up to 300 percent; but with all their loopholes, even wealthier families will qualify, shortchanging low-income, uninsured American children to subsidize higher-income families.

Although the program was designed for children, 13 States insure adults. Three cover more adults than children. Democrats continue this practice, shortchanging low-income, uninsured American children in order to subsidize adults.

Although the program was designed for the Americans, the Democrats still strip out proof of citizenship measures. Democrats shortchange low-income, uninsured American children in order to subsidize illegal immigrants.

Although the program was designed to help the uninsured, CBO reports that the plan will, in effect, take 2 million off of private health insurance. Democrats shortchange low-income, uninsured American children in order to subsidize the already insured.

Let's put the children first and the politics second. Let's reject this bill, and let's reauthorize the real SCHIP program for our children.

Mrs. JONES of Ohio. Madam Speaker, we continue to reserve our time.

Mr. CAMP of Michigan. Madam Speaker, at this time I yield myself 2 minutes.

This bill, both in terms of its scope, expanding a low-income children's program to cover adults and middle-class families, and cost, $35 billion in new taxes and spending, remains unacceptable. And it's truly unfortunate.

This House, this Congress, and this President support SCHIP. The failure to form a bipartisan compromise to provide low-income American children with health insurance is nothing short of a failure of the majority's leadership. The minor changes, tinkering, clarifications we see today do not a compromise make.

Compromise, by definition, is a settlement of differences in which each side makes concessions. The previous bill doubled the cost of this program, and this bill costs a half billion more beyond that than the last one. The majority has not made one concession in this cosmetic re-draft. It's the same bill with the same objections, and we should not compromise our principles to satisfy their political aims.

What we have before us is a bill that continues to allow Federal resources, 10 percent or more, to be diverted away from low-income children and given to adults, a bill that provides a back door to illegal immigrants to get Federal benefits to the tune of $3.7 billion, and a bill that continues to force at least 2 million families out of their current plan and into a government program.

☐ 1530

While Southern California has burned, the Speaker has this House fiddling and posturing. Worse yet, the majority is manipulating that tragedy and is tying this vote to ensure our votes are reduced. It's as crass a tactic as I have seen in my time in Congress.

It is past time for the game to end, and it is past time for the majority to engage in a serious negotiation with us on how to renew and improve this program.

I urge my colleagues to again vote "no" and again send a message that low-income children's health insurance is not an issue to be politicized. We can do better than this.

Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, at this time I yield 1 minute to the very distinguished gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Madam Speaker, I want to thank the gentleman for yielding this time to me and also thank him for his leadership as the chairman of the Energy and Commerce Committee.

I also want to thank the Democratic leadership for bringing this bold and visionary legislation to the House floor today. I also want to thank my Republican friends who are willing to vote with us on this important measure.

Madam Speaker, I represent the 15th poorest district in the United States of America. Thirty percent of the children in my congressional district live below the poverty level. So this is not an academic discussion; that is real serious business for the people of my district in North Carolina.

So I ask my friends and colleagues today to listen to this debate. Don't let it just go over your head. But if you would please listen to this debate, listen to the plea of the children of America, and please consider voting for this very important legislation. The children of my district, the children of America need you.

Mr. BARTON of Texas. Madam Speaker, I think I only have 2 minutes left.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman is correct.

Mr. BARTON of Texas. I reserve that time.

Mrs. JONES of Ohio. Madam Speaker, I yield myself such time as I may consume. I wish to submit a letter from the Congressional Budget Office, dated October 25, 2007, to Speaker PELOSI. And it specifically says under current law individuals who apply for Medicaid and claim to be U.S. citizens are required to provide certain documents, passport or birth certificate, in order to receive any such health care.

"Section 211 would allow States the option to either use the requirements created in the DRA for citizenship documentation under Medicaid or instead verify an individual's name and Social Security number with the Social Security Administration. Some States have reported a drop in enrollment since implementation of the DRA because some Medicaid applicants have had difficulty satisfying the documentation requirement. Available evidence, based on State reports and other information provided by State officials, suggests that virtually all of those who have been unable to provide the required documentation are U.S. citizens."

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC., October 25, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC, October 25, 2007.*

DEAR MADAM SPEAKER: As you requested, I am providing additional information on CBO's estimate of the budgetary impact of section 211 of H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, as introduced on October 24, 2007.

Under current law, individuals who apply for Medicaid and claim to be U.S. citizens are required to provide certain documents (such as a passport or birth certificate, and, in certain circumstances, a driver's license or other documentation that establishes identity) to demonstrate that they are citizens. That provision was enacted in the Deficit Reduction Act of 2005 (DRA, Public Law 109-171), and has been effective since July 1, 2006. (Before the DRA provision took effect, those individuals were permitted to attest to their citizenship, under penalty of perjury.)

Section 211 would allow states the option to either use the requirements created in the DRA for citizenship documentation under Medicaid or instead verify an individual's name and Social Security number with the Social Security Administration. Some states have reported a drop in enrollment since implementation of the DRA because some Medicaid applicants have had difficulty satisfying the documentation requirement. Available evidence, based on state reports and other information provided by state officials, suggests that virtually all of those who have been unable to provide the required documentation are U.S. citizens.

Under H.R. 3963, CBO expects that most states would use the option to rely on the Social Security Administration to verify eligibility. CBO estimates that change would result in an additional 500,000 enrollees in Medicaid in fiscal year 2008 and an additional 200,000 enrollees in subsequent years.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Matt Kapuscinski and Eric Rollins.

Sincerely,

PETER R. ORSZAG,
*Director.*

Madam Speaker, I reserve the balance of my time.

Mr. CAMP of Michigan. I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, at this time I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, may I inquire as to the order of close.

The SPEAKER pro tempore. The Chair will recognize Members for closing speeches in reverse order of opening: Mr. CAMP, Mrs. TUBBS JONES, Mr. BARTON and Mr. DINGELL.

Mr. CAMP of Michigan. At this time I ask unanimous consent to have the gentleman from Texas (Mr. BARTON) control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mrs. JONES of Ohio. Madam Speaker, at this time I seek unanimous consent to have the gentleman from California (Mr. STARK), the Chair of the Health Subcommittee of the Ways and Means Committee, manage the balance of the time on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. STARK. Madam Speaker, at this time I am honored to yield 3 minutes to the distinguished gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Madam Speaker, I got to be a father late in life so that now I have got an 11-year-old and a 14-year-old at home.

And last winter I had a real long, miserable, anxious weekend, one that any parent probably has experienced. I had a sick kid and I didn't know what to do. A fever higher than I was comfortable with. The disposition of my little fellow, very different than usual. And in the end, we sought some medical care.

I have spent a lot of time thinking about that weekend as we have thought about this SCHIP because there are families with sick young'uns and they don't know what to do, but they cannot afford medical care. They don't have coverage. They don't have Medicaid for the poorest of the poor. But by virtue of working in a place that doesn't provide employer-provided health insurance, by virtue of earning an income that doesn't let them afford it, they're uncovered.

What do you do? The cost of one trip to an emergency room is a month's rent. What do you do? You pray and you hope that the little one gets better. And, fortunately, they often do. But, tragically, they sometimes don't. So when that long-delayed trip to the doctor or the hospital occurs, we have got a runaway health issue that the parent has had to sit and watch develop, all the while trying to figure out how to handle this situation.

We can make this problem go away for 10 million children by moving this legislation forward. To me, this isn't a Democrat, this isn't a Republican matter. This is a matter of basic morality. Are we going to help families get access to medical care by getting insurance coverage for their kids so they don't have to pick between bankruptcy and trying to address their kids' medical problem in a more timely way? It's as simple as that.

Gosh, the rhetoric has gotten so heated, this and that, one charge or another. But what we have tried to do is take many of the issues that were offered in support of sustaining the veto of the President stopping this insurance coverage for children from taking place. We tried to address it in this bill.

They said families earning $83,000 can get this kind of coverage. It wasn't true, but we have taken steps in this bill to make absolutely certain it couldn't happen under any circumstances.

They said parents are getting coverage. Well, there are a few isolated examples of where grandfathered programs allowed that, but we have phased that out.

We have listened and we have responded, and it's time for this side to take "yes" for an answer because there is something that has got to rise above the daily squabbling in this place, and that is responding to the needs of families to get their kids the health care they need. Vote "yes" on this bill.

Mr. BARTON of Texas. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I'm reminded of a homeowner who is getting ready to sell their home. It's a little older shop and it's shopworn and has not seen its best day. So they have a building inspector come out to inspect the home before they put it up for market. And the inspector gives the report, and the inspector says, "You've got some major termite damage in the walls, and I think you need to really rebuild the walls."

And the homeowner says, "We'll paint over it."

He says, "Your plumbing is all rusted out. I think you really need to replace the plumbing."

And the homeowner says, "We'll paint over it."

Then he says, "I think your insulation and your electrical system's very frayed and you need to replace it."

And the homeowner says, "Well, we'll paint over it."

What we have here today is basically the same bill that we had last week where we sustained the President's veto. Our friends on the majority side of the aisle have just painted over it.

Now, they are saying the right rhetorical things. They're saying that nobody above 300 percent of poverty is going to get a benefit, but they then disregard the enforcement mechanisms that would enforce that.

They say in section 605 that no illegal alien is going to get a benefit, but then they change the enforcement mechanisms so that if somebody has a Social Security card and a name to it, that's all they have to do to prove citizenship, and the Social Security Administration, rightfully so, says that is really not a proof of citizenship if you are able to get a Social Security card.

And they claim that they're going to take the adults off the program within a year, but according to the CBO, at least a half million adults are still going to be on the program in 5 years.

So it's the same bill with a little bit different paint. In Texas we have a saying, "You can put lipstick on a pig, but it's still a pig."

This bill is a pig. It may be a good pig. It may be a nice pig. It may be intended to be the right kind of pig. But it's still a pig.

Vote "no" on the bill.

Mr. DINGELL. Madam Speaker, at this time I yield 2 minutes to the distinguished gentleman from New Jersey, the chairman of the Subcommittee on Health, my friend (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I continue to be upset by the Republican characterizations of this bill as a "pig" or the effort to trivialize what we do here today. I think it's very unfortunate we have gotten to that point.

There have been a lot of distortions on the other side from the Republicans. But the one that I have to correct today is the continued mention of the fact that this bill is not going to cover 10 million children or that somehow the CBO has said it's not 10 million but it's 7.4 million.

What they have neglected to point out is that the difference are the kids that we are going to enroll under Medicaid, and CBO has emphasized that over and over again. There are 7.4 million covered by SCHIP, but the addition up to the 10 is essentially covered by Medicaid. And those are the lowest income kids of all. This bill does the best job of making sure that those low-income children who are eligible for Medicaid and not enrolled would, in fact, get insurance.

The Republicans continue to forget and eliminate the fact that this bill also addresses the Medicaid program. There are a lot of kids at the very lowest end, less than 100 percent of poverty, who are not enrolled in Medicaid because there hasn't been the proper outreach to get them enrolled. So what we are doing here is providing for that outreach.

So don't tell me we're not covering 10 million children. We are. And the ones you are not mentioning are the lowest income of all.

And then I heard my colleagues talk about the illegal aliens again. Once again, we have put in provisions here that you have to verify whether it's through the Social Security Administration or it's through documentation. Now, there is probably some person to come and misrepresent who they are. But the fact of the matter is that the CBO says in that letter that was introduced by the gentlewoman from Ohio into the RECORD that virtually no one that's on this program is an illegal alien.

The fact of the matter is that the Republicans continue these distortions. There are no illegal aliens. There are 10 million children covered.

□ 1545

Mr. BARTON of Texas. Madam Speaker, to close the debate on the minority side, I'm very pleased to yield 1 minute to the distinguished minority leader from the great State of Ohio (Mr. BOEHNER).

Mr. BOEHNER. I want to thank my colleague for yielding.

Madam Speaker and my colleagues, if you feel as though we've been here before, it's because we have.

Last week, we had a vote to override the President's veto. The votes were here to sustain the President's veto. I said during that debate that Republicans and Democrats had created this program together; Republicans and Democrats want to reauthorize this program together. The issues that separate us are not that great; we can sit down and resolve those issues. That has not happened.

As has been pointed out during this debate today, there are differences. There were some attempts to address those differences; but by and large most of them, as my colleague from Texas pointed out, were just painted over, little tweaks with words here and little tweaks with words there. And you've already heard about the deficiencies in this bill.

But that's not why I rise. Why I rise is because this doesn't have to be this way. There is no reason why we, on both sides of the aisle, can't come together and resolve the few differences we have in this bill that are well known now.

This bill is not being brought up today in a rush, delivered by 7:30 last night, a 293-page bill with all kinds of changes in it. We're not debating this bill today to pass it. We're debating this bill again today to play another political game. You know it; I know it. I sat with the majority leader yesterday, along with the minority whip, to say, Mr. Majority Leader, we can resolve these differences. We can fix this and we can reauthorize this program. We were turned down.

The chairman of the Democrat Caucus stopped my staffer and said, We don't care whether you'll give us the votes to pass this or not because if you don't, we'll just pull this bill and we'll wrap it around your necks in the next election. Political games, political games, political games. Exactly what the American public are sick of, and you all know it. Everyone knows this is nothing more than a political game, trying to score political points, getting ready for the next legislation. I thought the American people sent us here to deal with their problems. I think they sent us here to work together to deal with their problems in a way that we can be proud of.

Nothing has happened this year in this Congress. You think about it. Step back over the course of this year, nothing has happened yet. And let me tell you, we've got another 14 months left in this Congress and nothing is going to happen. Why? Because all the majority wants to do is play political games and not reach across the aisle and get things done.

My promised accomplishments over the 17 years that I've been here, three big legislative projects that I've worked on, were all done in a bipartisan manner. Members from both sides of the aisle that played a significant role in coming together, dealing with issues like education reform, dealing with issues like financial services modernization, dealing with issues like the Pension Protection Act that we did last year, we did it together.

And when you think about the little bit of differences in this bill, you begin to wonder once again why Congress' approval rating is at a dismal 10 or 15 percent. Why? Because people are tired of watching this process not work.

This bill is not going to become law. The votes are there to sustain the President's veto; the President has made it clear he is going to veto it. How long are we going to play the games before we get serious about resolving our differences?

This is a sad day. And I think a lot of my friends on both sides of the aisle realize this is a sad day when we can't come together and deal with the issues the American people want us to deal with and deal with them like adults, adults that are willing to sit down and work together and to resolve those differences.

So I say to my colleagues, even those of my colleagues who voted for this, if you're tired of the political games, if you're tired of Congress' approval rating being at these ridiculous levels, let's all just vote "no." Let's vote "no" and stop this bill. And then we can sit down and resolve the differences we have, and we can do it in a bipartisan manner and show the American people that we can, in fact, work together on their behalf.

Mr. RANGEL. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Illinois, an outstanding member of the Ways and Means Committee, Mr. RAHM EMANUEL.

Mr. EMANUEL. Madam Speaker, I helped negotiate the original SCHIP when I worked for President Clinton. It was President Clinton who proposed the SCHIP bill, not the Republicans; in fact, they opposed it. Then they agreed, after the Balanced Budget Agreement, that we would have pediatric care, eye and dental; but it was President Clinton that demanded it and made it a precondition before any agreement on the Balanced Budget Agreement.

Now, I believe the sincerity that my colleagues support this, and I believe the sincerity of what they said in their letter, which is why we answered every one of those questions, both the sincerity in supporting it, and the sincerity of those remarks. At some point, you have to understand that you can take yes for an answer, and that is, we have provided that answer.

Second is, Dolores Sweeney lives in my district. She works for an insurance company. Dolores Sweeney has 3 kids. Her insurance company does not provide her or her kids health care. She does right by her kids; she earns a paycheck, not a welfare check. If her kids got sick, she would go to Medicaid and go to welfare, but she's doing right by her children because she's working and teaching them right from wrong. Her kids are in SCHIP. And without this program, her kids will live 1 illness away from Medicaid. Medicaid is for them, for the poor. SCHIP is for parents who work full time earning a paycheck, not a welfare check. They're doing right by their children.

Now, I believe in the sincerity of your position, which is why we answered that in the last two weeks. This vote is to say whether 10 million children will get the health care they deserve, whose parents work full-time. These are parents who are doing right.

Now, the President at one time referred to SCHIP, the Children's Health Insurance Program, as excessive spending; yet this week he submitted a request for $200 billion more for Iraq. These kids are our future. Iraq is stealing our future from America.

Mr. DINGELL. Madam Speaker, I yield to my distinguished friend, the majority leader, the balance of my time for purposes of closing.

Mr. HOYER. I thank my friend for yielding.

This is a good day. This is a good day because we have another opportunity to extend to children, 4 million of whom are not covered by health insurance, coverage.

I don't know how many families that is, but it's obviously millions of families who will have the confidence that if their child gets sick, they will have insurance. They can access health care. They can try to make their children well.

I want to refer briefly to my friend Mr. BOEHNER'S comments because I agree with him that the American public expected us to come here and work together. But let us review this legislative process.

First of all, we had committee hearings. I want to tell my friend from Texas, those committee hearings were difficult. We didn't really get to the committee hearings and committee markups that we wanted to have. I think that's unfortunate. That was not our fault, I suggest to you.

Secondly, let me say that we passed a major bill through this House, approximately $90 billion. It dealt with a number of subjects, including doctor reimbursements so that they would continue to serve those who are poor under Medicaid and, indeed, under Medicare, so the reimbursement levels under Medicare would be appropriate.

We dealt with rural hospitals so that they would be reimbursed at levels that allowed them to continue to serve our rural communities. We dealt with some other issues. And, yes, we dealt with children's health insurance.

That bill went to the Senate. And there were a lot of Members of your party who didn't like the expansive bill. But before it got there, you offered a motion to recommit on our bill. You cut our spending cuts, you did not agree with those, but you adopted the revenues from the tax increase in cigarettes in your motion to recommit. Most of you, perhaps not all, but most of you voted for that motion to recommit. So this funding source is one that we have agreed to and everybody has voted for.

When it got to the Senate, we made a tremendous compromise. And we went from a $90 billion bill covering rural hospitals and doctors' reimbursement and poor people who would have been marginalized, perhaps, by the cuts to Medicare Advantage. And we made a compromise, mainly with Republicans in the Senate who felt that they wanted a more restricted bill. So that bill that is confronting us now is now a $35 billion bill, a very substantial compromise, I will suggest to you.

That bill then passed the Senate, went to the President, he vetoed it, it came back here, and you made a determination, some of you, not to vote to override the President's veto. So those 4 million children don't yet have a health insurance bill.

Then 38 of you wrote to the Speaker and said that you wanted to see certain changes. We addressed that. We addressed it very substantively, we addressed it very carefully, and we addressed it in a bipartisan way. And because this bill has to go through the Senate, we then engaged Senator HATCH and Senator GRASSLEY so that it would not be simply Democrats saying, well, we'll take this and not that. And it was a very considered judgment applied, and almost all of the points raised in that letter were addressed.

Now, I had the opportunity this morning to meet with, not all 38, but the majority of those 38. Obviously they were correct that there was not more time to discuss this. I think that was a fair analysis. But the fact of the matter is that careful attention and compromise was taken.

Mr. BOEHNER is correct, I met with Mr. BOEHNER and Mr. BLUNT. We have a good relationship; we have the ability to talk. But I will tell you that one of the indications I had was that those changes would not affect at least one of those votes because, philosophically, that leader is not for this bill. I understand that, that's a fair position to take. We're for this bill. We want to see this bill go forward.

But I will say to my friends on this side of the aisle, on the Republican side of the aisle, I want to continue to work with those who really want to see, as that letter of 38 said, reauthorization effected because that's what we want to see. And we will continue to work with you. This bill will go to the Senate; it will be considered there in the Senate.

We have significant, concrete changes to the legislation vetoed by President Bush, changes that are designed to address the concerns expressed by the President and by a number of Republican Members. We listened carefully to the criticisms of the vetoed bill. We reviewed the letter, as I've said, that the 38 Republicans sent to the President, as well as other letters that were distributed. I misspoke, I said it was sent to the Speaker. I observe only that apparently you wanted to negotiate with the President.

We also worked closely with Senators GRASSLEY and HATCH, who met extensively with House Republicans. The bottom line is this: We have taken a bipartisan compromise that was strongly supported by the American people and by the overwhelming Members of both Houses of the Congress of the United States and worked to make it an even stronger bipartisan compromise.

Specifically, this legislation clarifies that it targets low-income children.

That was one of the concerns. The compromises we have reached in the legislative language appended to the legislation today do, in fact, accomplish that objective. Prohibiting CHIP coverage above 300 percent of the Federal poverty level that the President talked a lot about, talked about the 83,000, we have prevented that. We said that is not going to happen.

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It clarifies that illegal immigrants are not eligible for coverage under CHIP. I have not reviewed the prescription drug bill that you passed, but the legislation, I think, in this bill is stronger on that issue.

It clarifies that this bill is focused on children. That was a legitimate objection raised on your side of the aisle. We took that into consideration because we believed it was something we should respond to because that was our intent, to focus on children. As a result, we have phased out coverage for childless adults over 1 year, not 2. Some said that this is just tweaking. To have the time of phaseout, it seems to me, is a very significant change.

And, it clarifies that this bill seeks to minimize the number of children moving from private insurance to CHIP, "crowd-out," requiring all States to develop plans and implement recommended best practices for minimizing so-called "crowd-out."

We think we tried to respond, and we did respond, we believe, to the concerns you raised. These are significant, concrete changes, changes that neither affect nor undermine our principal objective and commitment: to ensure that 10 million American children from low-income working families who are eligible for coverage under CHIP guidelines today can participate in this successful program.

I, again, remind my colleagues that this indeed was the stated objective of the President of the United States, when, at the Republican National Convention in 2004, he promised, in seeking reelection by the American public, he promised this: "In a new term, we will lead an aggressive effort to enroll millions," with an S, "millions of children who are eligible but not signed up for government health insurance programs." He went on to say this: "We will not allow a lack of attention, or information, to stand between these children and the health care they need."

Unfortunately, what stands between the children and the health care they need is the President's veto. We continue to try to achieve the President's expressed objective. I urge my colleagues, I urge my colleagues on both sides of the aisle. Mr. BOEHNER is correct. This is not a partisan issue. There is not a Member on your side of the aisle that doesn't care about our children. There is not a Member on our side of the aisle that doesn't care about our children. We have an opportunity to add 4 million children to the health coverage of our country, just as the President said he wanted to do.

I urge you to stand with the bipartisan majorities in Congress, including 45 House Republicans and 18 Senate Republicans who voted for the first CHIP bill. This bill, in some ways, in my opinion, is a better bill for the suggestions made from your side of the aisle.

Stand with the States' Governors, the American Medical Association, the Association of Health Insurance Plans, the pharmaceutical companies, nurses, children's advocates and others who support this bill. Stand with the American people, 81 percent of whom support this legislation. Stand with the 10 million American children who will receive the health coverage they need and deserve under this legislation.

This bipartisan compromise addresses your concerns.

Let us give "yes" for an answer to America's children. Vote for this bill. It is good for America. It is good for our children.

Ms. KILPATRICK. Madam Speaker, today, Congress, once again, wrote a prescription to the President for American children and their families that needs to be filled immediately. I am proud of the fact that Congress has sent to the Senate, and will soon send to the President, an insurance remedy for so many working families. I strongly support H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, the modified bill to reauthorize and expand the State Children's Health Insurance Program or SCHIP. Working with the Minority, we were able to quickly craft a bill that addresses the concerns of most, if not all, Members of Congress.

In the wealthiest country in the world, far too many children are without health insurance. We can afford to spend $10 billion per month in a war in Iraq, but we cannot spend $35 billion over 5 years to protect our children? We cannot support those working families who cannot afford or do not have access to affordable health insurance? Over 81 percent of Americans, when asked this very question, agree with the Democratic Party that we need to take care of our children, and we need to take care of them now. Since the inception of SCHIP, the number of uninsured children has been reduced by one third. However, millions of children still remain uninsured or underinsured.

The revised bill before Congress today still would expand SCHIP to cover 10 million children and increase spending on the program to $35 billion over 5 years, funded with a 61 cent per pack increase in the federal cigarette tax. The bill would limit coverage to children in families with annual incomes below 300 percent of the federal poverty level, and performance bonuses would be offered to states that enroll greater numbers of children in Medicaid. The bill also would offer performance bonuses to states that provide subsidies to employed parents to offset the cost of enrolling their children in a private health insurance plan.

Passing this legislation should be a bipartisan issue. SCHIP was created to address the growing problem of children in the United States without health insurance. SCHIP assists children whose family's income falls above the threshold for Medicaid, but who still cannot afford to purchase medical insurance coverage. More than two thirds of the children who will be covered under this bill are ethnic minorities.

A lack of medical insurance not only harms children, but their families and the community as a whole. Reauthorizing this bill is so important because children without health insurance do not receive regular checkups and doctor visits that every child needs. May I remind my colleagues that less than 10 miles from where we vote, a little boy died from the lack of getting a simple dental examination. Furthermore, millions of children won't get the preventive care they need and will likely receive care in emergency rooms if this bill is not reauthorized. This only drives up the cost of medical care for everyone.

SCHIP gives working families the peace of mind that their children will have accessible and affordable health care. Healthy children do not get unnecessary diseases and go to school ready to learn. Healthy children become healthy teenagers, who ultimately will become healthy adults. Although children are about 30 percent of our population, they are 100 percent of our future. This $35 billion is a wise investment in the future of America.

In the Bible, in the chapter of Isaiah, it says that "the wolf shall dwell with the lamb, and the leopard shall lie down with the kid, and the calf and the young lion and the fatted domestic animal together; and a little child shall lead them." Today, Congress worked together to stand up for the children of our Nation. The President, and Congress, ignored the wisdom in protecting our children one time too many; it is now time to erase that mistake. We have that opportunity now.

SCHIP is a smart investment in our Nation's children and working families. Congress has changed the course of the discussion of health care for our children and working families; we have confronted the crises of the lack of health insurance; we will continue the legacy of caring for some of the least of our brothers and sisters. I look forward to quick passage of this bill in the Senate, and the President's enacting this bill into law. Our children deserve no less.

Mr. SALI. Madam Speaker, for the third time this Congress, the House of Representatives is again addressing the reauthorization of the State Children's Health Insurance Program, or SCHIP. For the third time, this House is considering a bill that would move millions of children away from private health insurance into government-run health care, substantially raise taxes, and dramatically increase federal spending.

Recently the President vetoed an SCHIP bill precisely because of these concerns. Yet here we are today with a bill that is remarkably similar. I am afraid that this Congress is not serious in addressing America's health care challenges, particularly health care for America's children. The majority purports that this bill is "for the children." That phrase—"for the children"—is used like a club by our friends across the aisle whenever they want to pass bad bills. If we really care about children, we won't pass legislation that takes a giant step toward government-run health care.

That said, Madam Speaker, I am interested in more than this bill's title or good intentions. The success or failure of all legislation must be judged not by its intentions, but how it will affect real people, real families.

Madam Speaker, this bill is not the right policy for our children. Government health care is the most expensive and least efficient health care you can get. And that's exactly what this bill will produce. The Congressional Budget Office states that 2 million people actually will lose their private health insurance coverage and become enrolled in a government-run program.

This bill explodes funding for SCHIP above current law by $35.4 billion over 5 years and $71.5 billion over 10 years. The majority claims to fund this by raising taxes on tobacco products, yet the irony is that 22 million more smokers will be needed in just the next 5 years to fund the SCHIP bill we're considering.

Let me get this straight: We want healthy children and cancerous adults. I'm pretty new here in Congress, but even for a new kid on the Congressional block that doesn't seem to add up.

This bill is not about poor children. The bill defines the poverty level to qualify for SCHIP at 300 percent, which is around $62,000 for a family of four. That's $16,000 more than the median income in my home state.

Additionally, loopholes will allow states to define this poverty level and employ "income disregards," thereby allowing families with even higher incomes to qualify for this expensive program.

Ostensibly "for the children," this bill actually would increase the number of adults on SCHIP. The CBO projects that over 700,000 adults may be enrolled in SCHIP in FY2012. Shouldn't we be working to move people off of government health care and into private-sector care that works much better? We say we're for personal responsibility, free markets and red tape, yet this bill would create dependency, bigger government and more bureaucracy.

Finally, this bill substantially weakens the citizenship requirements to qualify for SCHIP, inviting fraud and abuse of this program by illegal aliens. The CBO projects that this fiscal disaster could cost the taxpayer around $3.7 billion in increased federal spending over the next 10 years.

This bill also changes the period of time a state has to spend its SCHIP allotment from 3 years to 2 years. This will significantly increase the strain on state budgets.

This proposal is not about good intentions, soothing sentiments, or warm feelings. It's about real people, real taxpayers, and real, quality, affordable and accessible health care. It fails miserably in every category.

I urge my colleagues to vote "no" on this fatally flawed bill.

Mr. CONYERS. Madam Speaker, today the House votes yet again on legislation that never should have been a subject of controversy: a bill that provides health care for our Nation's children. When we debated overriding the President's veto of the original SCHIP bill last week, most House Republicans offered excuses for denying children health care based on a series of misrepresentations and distortions of the facts. Today the bill's opponents have no more excuses to hide behind. We have consulted with Republicans who want to support this bill and have amended it to address their concerns. It should now be clear to all that the real reason some continue to oppose SCHIP is because they oppose universal health care for all Americans.

Republicans voting no on last week's veto override offered four reasons for their unwillingness to support health coverage for America's children. These concerns had, in fact, already been addressed in the original bill, but now we have dealt with them even more explicitly.

Republicans argued that the bill did not focus enough on covering poor children. I find this particular objection rather ironic, since the same Republicans who used this argument rarely support legislation designed to help the poor. But, it is not surprising that they would use disingenuous tactics to block health care for children. For them, anything goes when it comes to stopping Americans from getting the radical idea that the government should guarantee this basic human right. This revised bill addresses those arguments by mandating that SCHIP eligibility will be capped at families earning 300 percent of the federal poverty level, around $60,000 for a family of four, and by offering bonus payments to States for enrolling the lowest income children into Medicaid.

Opponents of health care for children contended that the original bill provided coverage to illegal immigrants. In reality, this bill denied coverage to all immigrants, even legal ones, explicitly stating that illegal immigrants were ineligible. But these facts did not hinder the Republicans from making their false claim. We have now clarified our intent that illegal immigrants will not be covered by requiring that applicants for SCHIP provide their Social Security number, which must be verified by the Social Security Administration.

Republicans opposed the original bill because it allowed States to use the funding to cover adults. For them, a person's right to health care ends at age 18. I would disagree, but in any case this bill now phases out any adults covered under SCHIP over a 1-year period, instead of the 2-year period under the original bill.

Finally, further changes have been made to clarify that this legislation is designed to minimize children moving from private insurance to SCHIP, also known as "crowd-out." I am a critic of private health insurance, with its costly and unnecessary administrative, waste, advertising and profits, but this bill should allay any concern that a government health plan, with its much lower overhead costs and more comprehensive coverage, would diminish the role of private insurance companies. We will actually allow States to subsidize people to buy private coverage under this bill to prevent them from moving to government coverage.

The President and his supporters are now left with only one argument for opposing this bill: that it costs too much. The original House-passed version authorized an additional $50 billion for SCHIP over 5 years; our compromise with the Senate brought the total down to $35 billion. This additional funding will ensure that SCHIP will cover 10 million children who otherwise would not have access to health care. The President began this debate by offering to add only $5 billion, which would have resulted in 800,000 children currently covered by SCHIP losing their coverage. He is now saying that he's willing to go to up to $20 billion, but no more. I would like the President to explain to the American people how he can afford $12 billion for a single month in Iraq but can't seem to find $35 billion over 5 years to give our children health care. Supporters of the contention that we can't afford this bill either care more about war than children, or are simply not serious.

Now that the Republicans' stated reasons for opposing this legislation have been addressed, one wonders what is actually motivating those who will continue to vote no. I believe that the President and his supporters continue to oppose this legislation because they are afraid. They are afraid of SCHIP because it demonstrates that health care guaranteed by the government is workable, it is affordable, and it is popular. They worry that if SCHIP is expanded, even more Americans will begin to demand that the government guarantee health care to all our citizens, not just to poor children. After all, every other industrialized nation does so, while spending less than we do and while achieving better health outcomes for its citizens. These Republicans apparently intend to use every means at their disposal to ensure that health care in this country remains a privilege for those who can afford it, rather than a right guaranteed to all.

Madam Speaker, today's vote raises a moral question. Simply put: Will we, as a nation, take responsibility for ensuring that our children have the health care they need? Any other issue raised in this debate, particularly given the revisions to the bill, is an obfuscation meant to hide the fact that the party claiming the mantle of "family values" is in fact unwilling to back that slogan with substance. There is only one vote today that truly supports America's families. It is a vote in favor of this legislation.

Mrs. CHRISTENSEN. Madam Speaker, I rise in strong support of the bill to continue and expand the Children's Health Insurance Program that is on the floor today and to urge every member of this body to vote for it.

Certainly there is no better investment that we can make than in our children, and this bill does so by ensuring that an additional almost 4 million children will have access to comprehensive health care—care that includes dental care and other important services.

And while many of us would have wished to cover every single child who currently lives without health insurance without regard to legality of their presence in this country, we are happy that at least all who are legally here have the opportunity for coverage. I am also disappointed that the Territories will not get full state-like treatment, but there are improvements for us as well.

This is a big step forward for our country, which continues to lag behind every other industrialized country in the quality of its people's health.

And every penny that is spent on increasing access to care when needed, on providing preventive care and early care will save this country many more billions, and has the potential to help reduce health care costs and save Medicare into the future.

Madam Speaker, as we move to keep our promise to America's children, I only hope that we can continue on this road to invest in the health and health care of minority and rural populations. I only hope that we stand together to close the gaps in our health care system and reduce the racial and ethnic, as well as geographic and gender differences in health status because certainly providing preventive, early and culturally competent care to these will pay further dividends, further reduce the cost of health care and make this a better and stronger country.

I urge all of my colleagues to vote in favor of our Nation's children's health and health care; I urge my colleagues to vote in favor of expanding and strengthening the Children's Health Insurance Program. Today is the day for us to stop talking about doing better; today is the day to actually start doing better, and, the children shall lead the way.

Ms. ESHOO. Madam Speaker, I rise in strong support of this children's health insurance bill, and I'm proud to be a cosponsor of it.

This bill is the result of a great deal of work to meet concerns of colleagues in the minority. We want them to join us in voting for it in order to override a presidential veto and finally enroll 10 million children in the State Children's Health Insurance Program.

The bill makes it legislatively clear that no adults will be covered—only children are.

The bill makes it legislatively clear that noncitizens will not be covered.

The bill makes it legislatively clear that only low-income children will be covered.

The bill makes it legislatively clear that no one earning $83,000 a year will receive coverage under this bill.

While we've addressed every significant objection to this bill, we have not compromised on the number of children covered. Our goal has been to cover ten million low-income, uninsured children and we do.

Virtually everyone with a stake in public health and healthcare is calling for this bill to be passed. There are 270 groups supporting this bill: 43 Republican and Democratic governors; the American Medical Association; AARP; America's Health Insurance Plans (AHIP); the Healthcare Leadership Council; and Catholic Charities, among others.

This is an extraordinary investment in our children and our collective future. I urge every Member of the House to vote for it, and when we do it, it will be a major victory for the little ones in our country.

Mr. HINOJOSA. Madam Speaker, I rise today in strong support of the reauthorization of the State Children Health Insurance Program. In the decade since its enactment, the SCHIP block grant program has exceeded expectations by providing quality health care to millions of American children.

In my state of Texas, over 20 percent of all children—that's approximately 1.4 million kids—are not covered by health insurance today. This means that 1.4 million young Texans have no access to adequate medical care and are not receiving the preventive or primary care they need to lead productive lives. This is a moral travesty and an unacceptable failure of our Nation's leadership.

The SCHIP program invests in our children and our future. Without adequate health care, our efforts to improve our educational and child care systems are less effective. Should our children not begin their lives in good health, they will surely be hampered by increasing medical problems as they reach adulthood.

The President has already demonstrated his unwillingness to make this commitment to America's children once. No one should withhold healthcare from children in order to score cheap political points or to make divisive partisan attacks. I urge my colleagues in Congress and President Bush to join together in support of American families and children by voting for the reauthorization of SCHIP.

Mr. ORTIZ. Madam Speaker, this is the second time in so many weeks we are standing up for America's children. After the President vetoed the State Children's Health Insurance bill, he has still not seen the light . . . but he has felt the heat.

Since that veto, and a flurry of negotiations to tweak the bill to engage the President to sign it, the American people have spoken out with gusto: they believe this is a commonsense bill that will serve our children.

And so this bill is before us again.

I urge Members of the House and the President to stand this time with working families and children . . . not with insurance companies. The President's veto cut off health care for over 120,000 kids in Texas.

Congress created SCHIP in 1997 with broad bipartisan support. This year, 6 million children have health care because of SCHIP. The program has worked well in Texas. This has been an excellent investment for our nation, given that health care costs without insurance would be much more expensive.

The President highlighted his support for SCHIP while running for re-election in 2004. Today we are giving him—and those who stood with him in sustaining his veto—one more chance to do the right thing for America's children.

This children's healthcare program was never intended to replace Medicaid. It only covers the children of parents who earn too much to qualify for Medicaid, but earn too little to purchase private health insurance. For the President to continue to misrepresent this fact shows a tremendous lack of sensitivity for working Americans who often take on two jobs to simply feed and clothe their children.

It is these families who need to know we are on their side, and I urge the President this time around to join us in taking care of "the least of these."

I urge my colleagues to support this bill. We are the last hope of children and families all over this country.

Mr. UDALL of Colorado. Madam Speaker, I rise in strong support of this bill.

Dr. Martin Luther King, Jr. said "of all the forms of inequality, injustice in health care is the most shocking and inhumane." H.R. 3963 does not end health care inequality, but it would PROVIDE continued coverage for children not covered by Medicaid, whose parents cannot afford to buy insurance and whose employers do not provide it.

These children—currently 6 million of them—are now eligible for coverage under the Children's Health Insurance Program (CHIP)—but that program is set to expire and the President should have accepted this compromise legislation. Because the President would not accept the bi-partisan compromise bill we passed earlier, these six million children will go without health insurance unless Congress acts.

This legislation would assure continued coverage for those now enrolled and would ALSO provide coverage for an additional four million children who currently qualify, but who are not yet enrolled under CHIP.

The past concerns raised against SCHIP reauthorization by some have been addressed. The language concerning coverage levels and citizenship have been clarified and strengthened to remove any doubt that illegal immigrants are not covered under SCHIP.

The majority of uninsured children are currently eligible for coverage—but better outreach and adequate funding are needed to identify and enroll them. This bill gives States the tools and incentives necessary to reach millions of uninsured children who are eligible for, but not enrolled in, the program.

Earlier this year, I voted for the "CHAMP" bill to extend CHIP. The House of Representatives passed that bill, and I had hoped the Senate would follow suit. It would have increased funding for the CHIP program to $50 million, instead of the lesser amount provided by this bill. The CHAMP bill would have also addressed major health care issues, first by protecting traditional Medicare and second by addressing the catastrophic 10 percent payment cuts to physicians who serve Medicare patients.

However, in a compromise with the Senate, Congress did not send the CHAMP bill to the president. Instead, we passed a more limited, bipartisan compromise. Regrettably, the president chose to veto it and his veto was sustained.

So here we are again, the bill in front of us today deserves our strong support. It will pay for continued CHIP coverage by raising the federal tax by $0.61 per pack of cigarettes and similar amounts on other tobacco products. According to the American Cancer society, this means that youth smoking will be reduced by seven percent while overall smoking will be reduced by four percent, with the potential that 900,000 lives will be saved.

H.R. 3963 has the support of the American Medical Association, American Association of Retired Persons, Catholic Health Association, Healthcare Leadership Council, National Associations of Children's Hospitals, American Nurses Association, U.S. Conference of Mayors, NAACP, American Cancer Society Cancer Action Network, and United Way of America.

It is imperative that we pass this legislation in order to protect those that are most vulnerable in our society by increasing health insurance coverage for low-income children. I hope that we have the opportunity to take up the other important Medicare issues addressed in the CHAMP bill soon.

Mr. STEARNS. Madam Speaker, today we will again vote on a Government-run health insurance program for children: one that only a handful of people in the Democrat leadership have crafted, and one which only a handful of people received before it was introduced under the cover of night. The Democrat leadership, in the 110th Congress, has continually attempted to ram through legislation that has completely ignored the legislative process, and time after time nothing has been accomplished. This behavior is why this Democrat-led Congress has an abysmal 11 percent approval rate.

The facts provided by the Congressional Budget Office, CBO, state that the bill before us today will provide free Government-run health care to a family, including adults, earning more than $60,000 a year. This bill will also increase taxes on tobacco, the revenue of which will not be set aside for this program, but rather will be put into the Treasury for general use. In addition, this bill allows over 10 percent of the funds allotted to provide health care for low-income children to be used by adults, therefore limiting the amount of money available for needy children. Finally, this legislation fails to ensure that illegal aliens, both children and adults, will not take money away from low-income American children. CBO estimates that under current documentation requirements, 3.7 billion taxpayer dollars will be spent on providing health care to people who have broken our laws and come to our country illegally.

The flaws in this legislation are evident and, in my opinion, correctable. Yet, the Democrat leadership refuses to allow this bill to go through the legislative process, a process that has worked in this Chamber for centuries. It is my hope that the Democrat leadership will release their grip on power and allow the legislative process to create a true bipartisan bill so that our Nation's low-income children may receive quality, efficient, and responsible health care.

Mr. McGOVERN. Madam Speaker, I rise in strong support of the Children's Health Insurance Program Reauthorization Act. I thank and commend the distinguished Chair of the Energy and Commerce Committee, Mr. DINGELL, and the chair of the Ways and Means Committee, Mr. RANGEL, as well as the subcommittee chairs, Mr. PALLONE and Mr. STARK, for their hard work and dedication in bringing this bill to the floor today. I also want to commend the Speaker of the House, NANCY PELOSI, for her dedication to the children of America and her steadfast support for a strong, inclusive S–CHIP bill.

The issue before us is simple. Either you believe that 10 million low-income kids deserve health care or you don't.

I know the President and some of my Republican colleagues don't want to have this debate. They don't want another vote on the S–CHIP bill. They want this issue to just go away.

Well, I have some news.

This isn't going away. We're going to keep fighting until 10 million kids get the health care they so desperately need.

It is astounding to me—it literally takes my breath away—to watch President Bush fight to deny health care to children. It is shameful.

From day one, President Bush and the Republican leadership in the House trashed Democratic proposals to insure children who—at no fault of their own—are falling through the cracks of the health care system.

It's clear that America's health care system is broken. Too many are uninsured. Too many rely on emergency rooms for their health care. And, at the same time, health care costs continue to rise—making it harder for businesses to provide their workers with the health care they need and making it too expensive for individual families to buy on their own. And God forbid if you have a pre-existing condition—you can forget it.

All of us here in Congress have world-class health care, and so do our kids. Maybe the problem is that not enough members of Congress understand what it's like to struggle, to spend sleepless nights worrying about a sick child, wondering how you're going to pay for their doctor's visits.

Today, the Democratic majority—with the help of some brave Republican Members—will once again approve an S–CHIP bill that provides health care to 10 million children.

This is what we were sent to Congress to do.

The only logical conclusion we can take from President Bush's veto, from the partisan political attacks on a 12-year-old boy and his family, and from the continued stonewalling of this bill, is that the majority of Republicans don't want to provide health care to children.

It's that simple. Republican leaders tried to block this bill in the Energy and Commerce Committee. Then they stretched the truth about who would be covered.

Let's be honest here—the House and the Senate will approve this bill and President Bush—the former compassionate conservative candidate—will veto it. The question is, how many Republicans will continue to vote to deny health care to 10 million children and how many will—for the well-being of these children—decide to stop playing politics and vote to override the veto?

Madam Speaker, House Democrats have come more than halfway. This bill doesn't go as far as I would like, but it's a good, bipartisan effort. It addresses the issues raised by some on the other side of the aisle. The bill President Bush vetoed never provided health care to illegal immigrants—despite the incorrect claims coming from the other side. This bill makes that even clearer. The bill President Bush vetoed never provided health care to families making $83,000 a year and neither does this bill. The bill President Bush vetoed took 2 years to phase out adults currently on the S–CHIP program and this bill speeds that timeline up to 1 year.

Let me be clear—under this bill, families who can afford health care will not be eligible for S–CHIP. Under this bill, illegal immigrants will not be eligible for S-CHIP. Under this bill, adults will not be eligible for S–CHIP.

But 10 million American children who don't have health care will get the help they so desperately need. The time has come for the members of this body to make a choice—will they stand with the children of America, or will they stand with President Bush?

I know where I stand, Madam Speaker.

It's time to stop playing games with the lives of children. It's time to pass this bill.

Mr. MORAN of Virginia. Madam Speaker, I rise today in strong support of the Children's Health Insurance Program Reauthorization Act of 2007. Truly, we face a health care crisis in this country—in the richest country on Earth, 46 million Americans do not have health insurance, including 9 million children. Today's bipartisan, bicameral compromise is not a perfect solution to that problem but is a decisive, strong step towards covering uninsured kids and fulfilling our moral obligation to our children.

In my home state of Virginia, the CHIP program currently provides coverage to 137,642 low-income children each year; 171,642 children in Virginia remain uninsured, and the CHIP Reauthorization Act will help us cover 74,200 of these children. The CHIP Reauthorization Act will ensure that these children have access to high quality health care, including the preventative services that children need to be healthy and successful in school and later in life. This bill will provide dental and mental health benefits on par with medical and surgical services—truly ensuring that the whole child's health is provided for.

The CHIP Reauthorization Act does this without increasing the deficit, by increasing the Federal excise tax on cigarettes. In my view as chairman of the Congressional Prevention Caucus, an increase in the Federal tobacco tax is sound public health policy. It provides a reliable revenue source to offset the costs of expanding coverage to low-income children and it will reduce health care costs in this country by reducing the prevalence of chronic disease.

This bill also addresses a serious problem arising from the implementation of the Deficit Reduction Act of 2005. Opponents of this responsible, common-sense, humane adjustment claim that language in the 2005 Deficit Reduction Act, DRA, that imposed harsher citizenship verification requirements on state Medicaid programs, is the only barrier protecting taxpayer dollars from being spent on healthcare for illegal immigrants. Madam Speaker, nothing could be further from the truth.

First and foremost, existing Federal law and provisions in the CHIP Reauthorization Act prevent Federal funds from being spent to provide benefits for illegal immigrants. Section 605 specifically states that "nothing in this act allows Federal payment for individuals who are not legal immigrants." Illegal immigrants have never been eligible for Medicaid, and nothing in the CHIP Reauthorization Act would change that fact.

Secondly, the DRA requirements have overwhelmingly failed to save taxpayer dollars. Instead, they have imposed substantial additional costs on taxpayers while reducing health care benefits available to poor children. Wait times have skyrocketed, and measures to streamline the application process have been rendered impossible.

Third, these draconian requirements, which are far stricter than those employed by other government programs, have caused tens of thousands of U.S. citizen children to lose health insurance coverage. In Virginia, there was a net decline of more than 11,000 children enrolled in Medicaid during the first 9 months of implementation. Kansas has seen a net decline of 14,000 children. The Virginia State Medicaid Office has identified a total of two undocumented immigrants during this period.

The debate about reauthorizing SCHIP should be about the public health and improving the health of our children. In a recent survey, 90 percent of parents applying for Medicaid for their children indicated that they have no other health coverage available. Allowing State flexibility in citizenship verification is sound public health policy that would enable thousands of American children access to vital health services to help them live better, healthier, and more productive lives. Twenty-four Senators, twelve Governors, and fifty-one other House Members joined me in requesting that this important provision be included. I thank the Committees for including this provision, and for working with our Republican colleagues to improve the provision and ensure that SCHIP and Medicaid serve the low-income American children they were aimed at.

Reauthorizing SCHIP is sound public health policy—research shows that children who have access to health insurance are substantially more likely to access key preventative services, miss fewer days of school due to illness, get better grades, and continue to have superior outcomes later in life. Moreover, the financial benefits of covering children vastly outweigh the costs—one need only compare the cost of a visit to a primary care provider to the cost of a night spent in the emergency room to see this. But above all, covering all our children is a moral imperative—it is the only possible humane, responsible course of action. I urge a yes vote on the underlying bill, and furthermore, would urge the President, in the strongest possible terms, not to veto this vitally needed, responsible legislation to cover the most vulnerable members of our society: our children.

Mrs. MALONEY of New York. Madam Speaker, I rise today in strong support of H.R. 3963, a revised version of the Children's Health Insurance bill which the President vetoed on October 3 despite strong bipartisan support. Like the original, this bill ensures health care coverage for 10 million children.

This bill will preserve coverage for all 6.6 million children currently covered and will reach millions more children who are currently eligible but not yet enrolled. It is vital that we pass this important legislation to ensure that our nation's children receive the health care they deserve.

We cannot allow our children to slip through the cracks.

An overwhelming majority of the American people and Governors of both parties support our efforts to provide health insurance for our children.

Democrats have reached out to Republicans to craft this revised bill to address concerns that were raised with the original bill.

Today's vote will give the American people the opportunity to see whether these were legitimate concerns or merely political excuses.

This revised bill gives the President another opportunity to protect America's most vulnerable children. Let's send the President this bill giving him the chance to finally get this right.

I encourage my colleagues to join me in fulfilling our moral obligation to our nation's children by supporting this bill and giving them the health care they need and deserve.

Mr. REYES. Madam Speaker, I rise in strong support of H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007.

For the past several months, Congress has debated an issue that should not be considered controversial—the healthcare of our Nation's most vulnerable children. The reauthorization of the State Children's Health Insurance Program, SCHIP, is vitally important for the Nation and particularly my district of El Paso, Texas, where currently, over 14,000 children in El Paso County are enrolled in the program.

In El Paso, with thousands of children who rely on SCHIP for a scheduled checkup or to receive items like eyeglasses and prescription drugs, this program is critically important. Health care is extremely expensive, and SCHIP is not only vital to children and families, but is important to our health care infrastructure overall. Our health care delivery system in the border region and across the country is already challenged as it is. Cutting SCHIP funding would only result in a greater burden on our hospitals. Without access to doctors for regular checkups and routine appointments, families would potentially wait until health problems reach catastrophic level and then seek care at the local emergency room. This is dangerous for children and families, and would also result in a much more expensive form of health care delivery.

Today's bill reauthorizes SCHIP for 5 years while providing health care coverage for 10 million of our Nation's children. The bill does not expand coverage; rather it allows those currently eligible, but uninsured, the opportunity to enroll. Two-thirds of uninsured children are currently eligible for coverage through SCHIP or Medicaid, and today's bill provides the funding necessary to administer proper outreach to those qualified for the program.

I applaud Mr. DINGELL and Mr. RANGEL for their leadership in reaching an agreement that included some of the concerns voiced by Republicans who originally voted against the legislation.

The health and quality of life of our children must be a priority, and I firmly believe that this bill addresses the need to provide quality healthcare to our Nation's uninsured children. This legislation received strong bipartisan support in the House, and I call on President Bush to stop playing political games with our children's healthcare.

I urge my colleagues to vote in favor of this bill.

Mr. KUCINICH. Madam Speaker, today, I voted for H.R. 3963, which authorizes the State Children's Health Insurance Program, SCHIP. The provisions in the bill would make substantial progress in providing health care for children. It would provide coverage for 3.8 million more children than are covered now and preserve coverage for 6.6 million more. It would help ensure Ohio can expand its program to include an additional 20,000 children. It targets the lowest-income uninsured children for outreach and enrollment, ensures dental coverage and mental health parity.

I voted against a previous version of this bill because it excluded about 600,000 legal immigrants. I voted to raise the issue and show Congress they were wrong to do so. I voted for the veto override to show the President that his objections to government health insurance for low income children were outrageous. Today I voted to make the same statement. I urge him to do the right thing and sign this bill.

I believe all children deserve health care. Unfortunately, today's bill does not do that. It does not even come close. It continues to shun immigrant children in the U.S. who are in full compliance with the law by denying States the option to cover them. It also drastically reduces support for coverage of parents, even though decades of evidence have shown that kids are far more likely to get the care they need if their parents are covered. It bars coverage of illegal immigrants, even if a State determines that it is cheaper and more humane for them to provide routine care than emergency care, which is frequently the case. In short, it sacrifices each of these groups of people as a bargaining chip.

This Congress is spending time and energy arguing over narrowly defined bills that treat a few of the symptoms but fail to address the problems that plague our health care system. Instead, this Congress should deliver the reform America is calling for. We should be moving ahead with H.R. 676, the Expanded and Improved Medicare for All Act, which would lower health care costs, provide coverage for everyone for all medically necessary services, and create a single best standard quality of care. America deserves—and wants—nothing less.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 774, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARTON of Texas. In its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Barton of Texas moves to recommit the bill H.R. 3963 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendments:

Strike section 104 (relating to CHIP performance bonus payments) (page 28, line 1, through page 42, line 20).

After section 109 (page 51, after line 9), insert the following:

**SEC. 110. REQUIRING OUTREACH AND COVERAGE BEFORE EXPANSION OF ELIGIBILITY.**

(a) STATE PLAN REQUIRED TO SPECIFY HOW IT WILL ACHIEVE COVERAGE FOR 90 PERCENT OF TARGETED LOW-INCOME CHILDREN.—

(1) IN GENERAL.—Section 2102(a) (42 U.S.C. 1397bb(a)) is amended—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(8) how the eligibility and benefits provided for under the plan for each fiscal year (beginning with fiscal year 2009) will allow for the State's annual funding allotment to cover at least 90 percent of the eligible targeted low-income children in the State.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to State child health plans for fiscal years beginning with fiscal year 2009.

(b) LIMITATION ON PROGRAM EXPANSIONS UNTIL LOWEST INCOME ELIGIBLE INDIVIDUALS ENROLLED.—Section 2105(c) (42 U.S.C. 1397dd(c)), as amended in this Act, is amended by adding at the end the following new paragraph:

"(13) LIMITATION ON INCREASED COVERAGE OF HIGHER INCOME CHILDREN.—For child health assistance furnished in a fiscal year beginning with fiscal year 2008:

"(A) SPECIAL RULES FOR PAYMENT FOR CHILDREN WITH FAMILY INCOME ABOVE 200 PERCENT OF POVERTY LINE.—In the case of child health assistance for a targeted low-income child in a family the income of which exceeds 200 percent (but does not exceed 300 percent) of the poverty line applicable to a family of the size involved no payment shall be made under this section for such assistance unless the State demonstrates to the satisfaction of the Secretary that—

"(i) the State has met the 90 percent retrospective coverage test specified in subparagraph (B)(i) for the previous fiscal year; and

"(ii) the State will meet the 90 percent prospective coverage test specified in subparagraph (B)(ii) for the fiscal year.

"(B) 90 PERCENT COVERAGE TESTS.—

"(i) RETROSPECTIVE TEST.—The 90 percent retrospective coverage test specified in this clause is, for a State for a fiscal year, that on average during the fiscal year, the State has enrolled under this title or title XIX at least 90 percent of the individuals residing in the State who—

"(I) are children under 19 years of age (or are pregnant women) and are eligible for medical assistance under title XIX; or

"(II) are targeted low-income children whose family income does not exceed 200 percent of the poverty line and who are eligible for child health assistance under this title.

"(ii) PROSPECTIVE TEST.—The 90 percent prospective test specified in this clause is, for a State for a fiscal year, that on average during the fiscal year, the State will enroll under this title or title XIX at least 90 percent of the individuals residing in the State who—

"(I) are children under 19 years of age (or are pregnant women) and are eligible for medical assistance under title XIX; or

"(II) are targeted low-income children whose family income does not exceed such percent of the poverty line (in excess of 200 percent) as the State elects consistent with this paragraph and who are eligible for child health assistance under this title.

"(C) GRANDFATHER.—Subparagraphs (A) and (B) shall not apply to the provision of child health assistance—

"(i) to a targeted low-income child who is enrolled for child health assistance under this title as of September 30, 2007;

"(ii) to a pregnant woman who is enrolled for assistance under this title as of September 30, 2007, through the completion of the post-partum period following completion of her pregnancy; and

"(iii) for items and services furnished before October 1, 2008, to an individual who is not a targeted low-income child and who is enrolled for assistance under this title as of September 30, 2007.".

(c) STANDARDIZATION OF INCOME DETERMINATIONS.—

(1) IN GENERAL.—Section 2110 (42 U.S.C. 1397jj) is amended by adding at the end the following new subsection:

"(d) STANDARDIZATION OF INCOME DETERMINATIONS.—In determining family income under this title (including in the case of a State child health plan that provides health benefits coverage in the manner described in section 2101(a)(2)), a State shall base such determination on gross income (including amounts that would be included in gross income if they were not exempt from income taxation).".

(2) EFFECTIVE DATE.—the amendment made by paragraph (1) shall apply to determinations (and redeterminations) of income made on or after October 1, 2008.

Amend section 112 (page 59, line 13, through page 74, line 15) to read as follows:

**SEC. 112. PHASE-OUT OF COVERAGE FOR NONPREGNANT ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.**

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

**"SEC. 2111. PHASE-OUT OF COVERAGE FOR NONPREGNANT ADULTS.**

"(a) TERMINATION OF COVERAGE FOR NONPREGNANT ADULTS.—

"(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH 2008.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant adult; and

"(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraph (2) shall apply for purposes of any period beginning on or after January 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF 2008.—

"(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant adult under an applicable existing waiver after December 31, 2008.

"(B) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during the period beginning on the date of the enactment of this subsection and ending on December 31, 2008.

"(3) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT ADULTS.—

"(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than September 30, 2008, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a 'Medicaid nonpregnant childless adults waiver').

"(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of December 31, 2008, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by September 30, 2008, the application shall be deemed approved.

"(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

"(i) in the case of 2009, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for 2008, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for 2009 over 2008, as most recently published by the Secretary; and

"(ii) in the case of any succeeding year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the year involved over the preceding year, as most recently published by the Secretary.

"(b) APPLICABLE EXISTING WAIVER.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable existing waiver' means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

"(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

"(i) a parent of a targeted low-income child;

"(ii) a nonpregnant childless adult; or

"(iii) individuals described in both clauses (i) and (ii); and

"(B) was in effect on October 1, 2007.

"(2) DEFINITIONS.—The term 'nonpregnant adult' means any individual who is not a targeted low-income pregnant woman (as defined in section 2112(d)(2)) or a targeted low-income child.".

(b) CONFORMING AMENDMENTS.—

(1) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(A) by striking ", the Secretary" and inserting ":

"(1) The Secretary";

(B) in the first sentence, by striking "childless";

(C) by striking the second sentence; and

(D) by adding at the end the following new paragraph:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.".

(2) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 131)

is amended by striking "Nothing" and inserting "Subject to section 2111 of the Social Security Act, as added by section 112 of the Children's Health Insurance Program Reauthorization Act of 2007, nothing".

In the paragraph (8)(A) added by section 114(a), strike (on page 76, line 12)"would exceed 300 percent of the poverty line" and all that follows through "type of expense or type of income" (on line 16) and insert "will exceed 300 percent of the poverty line.".

Amend the paragraph (9)(B) added by section 116(e) (page 85, beginning on line 21) to read as follows:

"(B) HIGHER INCOME ELIGIBILITY STATE.—A higher income eligibility State described in this clause is a State that applies under its State child health plan an eligibility income standard for targeted low-income children that exceeds 300 percent of the poverty line.".

Amend section 211 (page 130, line 9, through page 146, line 11) to read as follows:

**SEC. 211. APPLICATION OF CITIZENSHIP DOCUMENTATION REQUIREMENTS.**

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397dd(c)), as amended by sections 114(a) and 116(c), is amended by adding at the end the following new paragraph:

"(10) APPLICATION OF CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), no payment may be made under this section to a State with respect to amounts expended for child health assistance for an individual who declares under section 1137(d)(1)(A) to be a citizen or national of the United States for purposes of establishing eligibility for benefits under this title, unless the requirement of section 1903(x) is met.

"(B) TREATMENT OF PREGNANT WOMEN.—For purposes of applying subparagraph (A) in the case of a pregnant woman who qualifies for child health assistance by virtue of the application of section 457.10 of title 42, Code of Federal Regulations, the requirement of such section shall be deemed to be satisfied by the presentation of documentation of personal identity described in section 274A(b)(1)(D) of the Immigration and Nationality Act or any other documentation of personal identity of such other type as the Secretary finds, by regulation, provides a reliable means of identification.".

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to eligibility determinations and redeterminations made after March 31, 2008.

In the paragraph (11) added by section 301(a), add at the end the following (page 160, after line 13):

"(O) REQUIREMENT FOR CERTAIN STATES.—Effective October 1, 2009, any State that provides for child health assistance under this title for children in families with income that exceeds 200 percent of the poverty line shall elect and implement the option under this paragraph.".

In section 605 (on page 251, beginning on line 8), strike "Nothing in this Act allows Federal payment for individuals who are not legal residents." and insert "Notwithstanding any other provision of law, no Federal payment shall be made under title XXI of the Social Security Act for any individual who is not a legal resident of the United States.".

Strike section 613 (page 255, lines 14 through 20).

Mr. BARTON of Texas (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DINGELL. I object. I reserve a point of order.

he SPEAKER pro tempore. Objection is heard.

The point of order is reserved.

The Clerk will continue to read.

☐ 1615

Mr. DINGELL. Madam Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. BARTON of Texas. Madam Speaker, I appreciate my good friend, Mr. DINGELL, asking that the motion to recommit be read. I did the same thing in committee on the 593-page bill, so I think payback is fair. So I don't have a problem with that. I hope that the Members in the Chamber actually listened to the reading of the Clerk, because those that did will agree with me on the following things.

First of all, we have taken the 293-page bill that we got at approximately 7 p.m. last evening and left most of it untouched. We have changed approximately 15 pages of a 293-page bill. We have listened carefully to our friends on the majority side at what they say they want, and we have tried to implement those changes in this motion to recommit.

We start out with the fact that our friends on the majority side agree with us that SCHIP should be for the poor and the near-poor in American society. This motion to recommit eliminates the loophole for income-disregards that would allow States to actually cover children and families in all probability well above 300 percent. So we have an elimination action in this motion to recommit that would eliminate that loophole.

We also believe that before you go above 200 percent of poverty, you should cover the children below 200 percent of poverty, so we have a requirement in the motion to recommit that States cannot go above 200 percent of poverty until they have covered at least 90 percent of the eligible SCHIP and Medicare children below 200 percent of the poverty line.

We take statements like Chairman RANGEL of the Ways and Means Committee and Chairman DINGELL of the Energy and Commerce Committee at face value when they say they don't want illegal aliens to be covered in the bill. We put a requirement in the motion to recommit that applies the same citizenship documentation requirements for SCHIP as we have for Medicaid in the Deficit Reduction Act and applies those to the 16 States that it does not currently apply to.

We also take the majority at their word when they say that they really want SCHIP to be for children. The motion to recommit would take all adults off the program within 1 year except for pregnant women. We would continue to cover pregnant women under the SCHIP program.

We have a concern about when you begin to go above 200 percent of poverty that you actually begin to crowd out the private insurance market, so we do have a requirement in the motion to recommit that if a State wants to go above 200 percent of poverty, they have to have, they must have, a premium support assistance program that would give those families that have private insurance the option to continue to receive the private insurance, and they get premium assistance from that State government.

Finally, the motion to recommit has been scored by the CBO as saving at least $10 billion from the pending bill.

Also, in full disclosure, I need to point out we do not change in the motion to recommit the pay-for, so the portion of the underlying bill that does have a tobacco tax, we do not touch that. We don't try to move it up, we don't try to move it down, we don't try to substitute for it. The motion to recommit that we offered in August had that same provision, but I think in the interests of full disclosure, we need to put that on the table.

Madam Speaker, I yield back the balance of my time.

Mr. DINGELL. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. Madam Speaker, I begin with an expression of my affection and respect for my good friend from Texas (Mr. BARTON). In most matters he is an extraordinarily fine legislator, except on occasions when he offers these motions to recommit.

I begin by pointing out that my good friend's motion to recommit is the same tax about which there have been such prodigious complaints by my Republican colleagues, but that fewer kids are covered, and that there are many impediments inserted into the bill by the motion to recommit to covering the number of kids.

Having said that, my colleagues on the other side say they want to ensure that lowest-income States are covered, but they strike the bonus payments that CBO says will get 1.9 million of the lowest-income children covered who would not otherwise be covered.

☐ 1630

Second, they say they are for working families. But it is interesting to note that they are forcing, by this, many of the working families who would receive coverage under the bill before us are forced to go onto welfare in order to get health care because they strike the provisions which would discourage that kind of unfortunate event. My colleagues, I would observe, still have the wrong medicine for the problem.

Now, in addition to this, the recommit would prohibit States looking to expand coverage to a family of three at $52,000 from doing so unless they meet arbitrary enrollment targets. The result of that is, of course, again harder for people who deserve and need this kind of relief to get this kind of benefit.

The last point I want to make here is their proposal does not remedy the current problem that has caused thousands of children to lose health coverage due to Republican bureaucratic requirements. I would point out something else, and that is my good friends have essentially in this, as near as I can figure, reenacted the President's proposal, which would set forth a directive to the States as to how they will administer this, something that has caused a huge outrage amongst the States, amongst persons affected and amongst advocates for the poor and the unfortunate. This is perhaps the worst part of what the proposal to recommit does.

Let's look at what the bill does. The bill increases the number of children who are eligible for coverage, for health insurance, from 6.6 to 10 million young Americans. It must be observed that we are doing this amidst a circumstance where we have seen significant increases in the number of our children joining the ranks of the uninsured.

The bill does more. It sees to it that we take care of the problem. Nearly 70 percent of all uninsured children are from families below $41,300 for a family of four. Of the 9 million uninsured children, nearly two-thirds are either preschool or elementary school age. This is the time when health care becomes singularly precious and important to them.

I would remind my colleagues that a Nation is judged by how it treats and cares for those who are most vulnerable and least able to help themselves. The bill sees to it that we amplify and include greater numbers of those who are most dependent upon others for their survival.

But in addition to that, I would remind my colleagues that this legislation is something which is of great importance because we are talking about the future of the kids. Giving them health care now when they have need of it is something that ensures that Americans in the future will be the kind of productive, valuable citizens who are able to carry forward the competition of this Nation in some of its most difficult, competitive times.

Now, this bill would significantly increase and improve access for needed health care to children. The proposal in the motion to recommit significantly cuts back on that.

I urge my colleagues to vote "no" on the motion to recommit and vote for the bill.

The SPEAKER pro tempore (Mrs. TAUSCHER). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BARTON of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 164, nays 242, not voting 26, as follows:

[Roll No. 1008]

YEAS—164

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NAYS—242

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—26

Bilbray
Boren
Buyer
Calvert
Carson
Davis (CA)
DeFazio
Dreier
Filner
Gallegly
Hastert
Hastings (WA)
Hunter
Issa
Jindal
Johnson, E. B.
Kilpatrick
Lewis (CA)
McHenry
McIntyre
Miller, Gary
Shea-Porter
Shuster
Tancredo
Wilson (OH)
Young (AK)

□ 1657

Ms. TSONGAS, Mr. GORDON of Tennessee, Mr. TOWNS and Mrs. CAPITO changed their vote from "yea" to "nay."

Mr. SHIMKUS changed his vote from "nay" to "yea."

Mr. COSTA changed his vote from "present" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCHENRY. Madam Speaker, on rollcall No. 1008 I am not recorded because I was unavoidably detained on my return to the Capitol. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Madam Speaker, on rollcall No. 1008, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BARTON of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 142, not voting 26, as follows:

[Roll No. 1009]

YEAS—265

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
Davis, Tom
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—142

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McKeon
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOT VOTING—26

Bilbray
Boren
Buyer
Calvert
Carson
Davis (CA)
DeFazio
DeGette
Dreier
Filner
Gallegly
Hastert
Hastings (WA)
Hunter
Issa
Jindal
Johnson, E. B.
Kilpatrick
Lewis (CA)
McHenry
Miller, Gary
Shea-Porter
Shuster
Tancredo
Wilson (OH)
Young (AK)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1706

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 1009, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA. Had I been present, I would have voted "yea."

Mr. MCHENRY. Mr. Speaker, on rollcall No. 1009 I am not recorded because I was unavoidably detained on my return to the Capitol. Had I been present, I would have voted "nay."

## PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, due to official business in the 13th Congressional District of Michigan, I unavoidably missed two votes. If I had been present, I would have voted "nay" on rollcall No. 1008, the motion to recommit H.R. 3963, and "yea" on rollcall No. 1009, final passage of H.R. 3963, the Children's Health Insurance Program Reauthorization Act.

## PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I erroneously cast my vote against H.R. 505, the Native Hawaiian Government Reorganization Act. Please let the written record show that I intended to vote "aye" on roll call vote number 1000.

## LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, for information about the schedule next week.

Mr. HOYER. I thank my friend for yielding.

On Monday, the House will meet at 12:30 p.m. for morning-hour business and 2 p.m. for legislative business, with votes rolled until 6:30 p.m. We will consider several bills under suspension of the rules. A list of those bills will be announced by the end of business tomorrow.

On Tuesday, the House will meet at 9 a.m. for morning-hour business and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. We expect to consider H.R. 3867, the Small Business Contracting Improvements Act; H.R. 2262, the Hardrock Mining and Reclamation Act; and H.R. 3920, the Trade and Globalization Assistance Act. On Friday, there will be no votes, as I announced earlier today.

Mr. BLUNT. I thank the gentleman for the information. Two bills we thought we might deal with this week I notice are still not on the schedule: the Employment Non-Discrimination Act and the Foreign Intelligence Surveillance Act. I wonder if my friend has any information about either of those bills?

Mr. HOYER. I thank the gentleman for the question, and I will tell him that both of those bills are under consideration for addition to the calendar. They have not been added at this point in time, but they are both possibilities.

Mr. BLUNT. I thank you for that. On the question I have asked now for the last few weeks about conferences on appropriations bills, I believe 1987 was the last year that the Congress hadn't passed a single appropriations bill by this time in October 1987, particularly on the Military Quality of Life bill that has been ready for some time. I am wondering if there is any chance that we could go to conference on that bill or any other appropriations bill in the near future.

Mr. HOYER. We passed the Military Construction bill here handily through the House. It has passed the Senate. We want to get a conference finished. We know the staff is working on that. We hope to go to conference very soon. We certainly want to pass that bill in the near term, and other appropriations bills are being preconferenced as well as getting ready to go to conference.

I say to the gentleman, as you know, we passed bills here in a relatively timely fashion, all by August, and I want to see those bills moved and sent to the President. We hope to do that as soon as we can. We are working on it.

Mr. BLUNT. I am pretty familiar with that equation, where the House passes its bills and then we don't have the bills done. I don't recall ever getting a lot of credit for that, but I will suggest I appreciate the gentleman's position, and I appreciate the fact the House got its bills done.

It still has been 20 years since we failed to get any bills done by October 25. Of these bills that are ready, I do hope we can figure out a way to move them, again, particularly on the Military Quality of Life bill for veterans and for the families of people serving today, and for military retirees, I think it's about $18.5 million a day of additional benefits that could have been going as of October 1, and I know I brought this up before, I don't mean to be offensive about it, but I really strongly feel that this is a bill that we could get on the President's desk and get started quickly.

Mr. HOYER. We want to pass that bill. The bill that passed out of the House is the best bill that's passed out of the House for veterans since 77 years ago when the Veterans' Administration was formed. We are very proud of that bill. It had overwhelming bipartisan support. We think it is an excellent bill. We want to see it signed by the President.

I will observe, though, Mr. BLUNT, that I can't remember a time that I have served here over the last 26 years where a President said, if you are not exactly at my number, I will veto all of your bills. That has put a real crimp in the appropriations process of trying to figure out how to get this process done on bills that, for the most part, have been very strongly supported.

In the Senate, there hasn't been under, I think, 71 votes or 72 votes for any of the appropriations bills they have passed. We have had an average of 285 votes for the bills we have passed, some less, some more, so that the Congress has passed its bills and with relative ease that it's considered on the floor, but the President continues to say he is going to veto bills if we go anything over what he has told us to do.

Very frankly, we think under article I of the Constitution, it's our prerogative to fund the priorities that we believe are important for our country. We have done that, and we are hopeful. I have had discussions with the White House about the possibility of compromise. Mr. OBEY has had conversations, and we do not have compromise yet on that position. So I tell my friend that that has made it somewhat more difficult for us to do.

If it's unprecedented that we haven't passed one before October, I tell the gentleman, without having checked the records, I can't remember a President, certainly not this President, ever saying that to previous Congresses, which, by the way, as you know, for at least 4 years cut defense spending below what the President asked for and increased domestic spending above what he asked for. We have not done that. As a matter of fact, we have enhanced the President's request on the Defense appropriation bill, as you know, for MRAPs and for Afghanistan and for other items that we thought were necessary. So we are over the President's number.

□ 1715

But we're working on it. We hope to get those to the President as soon as possible, and we're certainly hopeful that he will sign the bills that we send him.

Thank you for yielding.

Mr. BLUNT. I thank the gentleman for that. Again, I'd suggest on the Military Quality of Life bill, I think the President said he's ready to sign that bill, even though it exceeds his request. And of course it would drive the average up dramatically of the passage of the other bill, since every Member of the House voted for it. But the other bills did get bipartisan support at some level. I do understand that.

I also understand that I think all the other bills, but one, probably had enough people voting against them to sustain a veto. But as the actions today would have been evidence of, the very fact the President says he's going to veto is not the ultimate impediment to us getting our work done and challenging him with that.

One of the announcements you made today was on the Trade Adjustment Assistance Act. I wonder, could we begin to expect a vote then on the Peru Free Trade Agreement after Trade Adjustment Assistance is on the floor next week?

Mr. HOYER. It is my hope and expectation that we will schedule Peru for the week of the 5th, the vote on the Peru Trade Agreement the week of the 5th, which would be not next week, but the week after.

Mr. BLUNT. But the following week, the week after we do Trade Adjustment Assistance is what the gentleman is saying.

Mr. HOYER. Yes.

Mr. BLUNT. I appreciate that.

On the calendar generally, I actually received a document this week that one of your chairmen had sent around town that suggested, actually it didn't suggest, it said here's going to be the schedule for December. I wonder if that's accurate, or if the gentleman could share his plans for December, if we are in, this would be assuming, my friend, that we haven't finished our work yet on November 16, we'll be working in December. Are we to the point yet, as this chairman suggested we were, that there is a rough Members' outline of how you could schedule other activities if we're still working in December?

Mr. HOYER. I don't know the paper to which you refer. However, I know what I've told the chairmen so I would be glad to relate it to our Members for their planning purposes.

The Senate decided to be out the last 2 weeks of November, obviously the last week being Thanksgiving or I guess it's the next to last week being Thanksgiving, and we will be out that week because the Senate won't be in. And frankly, after the 16th, what I've told the committee chairmen is that the only business that I will schedule time for will be the finishing of business that we've already initiated and that we are getting back from the Senate, whether it's appropriations bills or other conference reports on authorization bills, Energy being one. We might be able to do that prior to the 16th. But if not, Energy would certainly be one of those bills. There would be others that would fall in that category, but there would be no initiated legislation out of the House after the 16th of November.

I have then told Members, as you refer to, and the chairman has referred to, that it will be my intention in December to schedule us the first Tuesday, Wednesday and Thursday, that's the 4th, 5th and 6th of December. And then, if necessary, Members ought to keep their calendars flexible for the Tuesday, Wednesday and Thursday of the next week.

Now, the Speaker and I both have talked to the leader in the Senate, hopeful that by the 6th of December we can finish our business. But, as you well know, and I'm more empathetic with your pain every day that you experienced, we need to make plans for contingencies because we meet contingencies on a regular basis. So that's the second week.

But the point, for planning, is that I do not intend to schedule Mondays or Fridays in December.

Mr. BLUNT. Okay. That's very helpful.

I know our planned adjournment day was tomorrow, and we've known for some time we wouldn't make that; but I believe your information here is very helpful, that Members, if we are working in December, those first two weeks, would anticipate that Monday and Friday of those two weeks would not likely be scheduled work days, and they could schedule other things in their districts.

Mr. HOYER. The gentleman is correct. Obviously, there are contingencies on which, particularly I think a Friday, not so much on a Monday, on a Friday. We have not yet decided when, for instance, if we need a CR, as is quite likely, when that CR will end. And, obviously, we're not going to, we have no intention, and I know I talked to the President, the President has no intention of shutting down the government. So we need some flexibility for those days for that contingency. We have no intention of being certainly at home and having the government shut down. We need to reach accommodation on that.

But, generally speaking, those would be the six days that I want to have us try to be available. The first three I'm sure we're going to be here. The second three I hope we're not here, but I don't want Members to schedule themselves.

I might make one additional announcement that might be helpful to Members. We have decided that we will be coming back after the Christmas/New Year's break on the 15th of January; that's a Tuesday at 6:30 p.m. on the 15th.

Mr. BLUNT. I thank the gentleman. That's very helpful information for our Members on the time we will be working and the information for next week.

And I yield back.

## ADJOURNMENT TO MONDAY, OCTOBER 29, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. MITCHELL). Is there objection to the request of the gentleman from Maryland?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## THIS IS DAY 25

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, this is day 25. That is 25 days, so far, that our veterans have not had the use of the increased funding for their benefits and health care. That is $18.5 million a day not able to be used. And why? Because the Democratic leadership has decided to not complete this bill and send it to the President, who has agreed to sign it.

In June this House passed this appropriation bill with a $6 billion increase in a bipartisan manner. We were proud of our work and grateful to our veterans.

On September 6, the Senate completed their bill.

This work is done. Our veterans are not pawns in a political game. They are heroes.

America expects us to get the job done. America expects us to provide the best care to our veterans.

Please join me in calling upon the Democratic leadership to put our veterans first and send this bill to the President now.

## PERSECUTION OF JOURNALISTS IN MEXICO

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the people in Mexico are expected to remain silent to the corruption and despicable acts among the rich and powerful. Sort of the philosophy: Sin ain't sin as long as good folk do it.

Lydia Cacho refused to remain silent, and for that she fears for her life, has been arrested, verbally abused, imprisoned, and sued.

Lydia Cacho, founder and director of a shelter for sexual assault victims in Cancun, wrote a book, "The Demons of Eden." In it, she exposed and named the rich and powerful who lured poor young girls to millionaire Cancun businessman Jean Succar Kuri's home so he and his friends could have sex with them.

Powerful politicians and businessmen had Cacho jailed for her work. Without explanation, state police whisked her away in the darkness of the night to a prison 900 miles away. So much for freedom of the press in Mexico.

Lydia Cacho is one of several journalists that have been persecuted for articles about corruption in high places in Mexico. Lydia Cacho became a political prisoner of the rich, famous, and powerful of Mexico. Accusations against her should be dismissed, and the child sex offenders should go to jail.

And that's just the way it is.

## IT CAME TO PASS

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, there's a phrase that's used in the Bible a number of times: "It came to pass." That really struck me this weekend.

You know, the Republican majority, it came and it passed. The Democratic majority, it came and it will pass. So that needs to be thought about in these unprecedented procedural rules that shut out so much of America from having representation.

You have a Rules Committee that says, we'll not allow any amendments. Now put on your evidence about your amendments.

We have a majority leader that came to the floor and said, we reached out to the other side. I had a meeting this morning about SCHIP.

The bill was put on display at 7:30; we didn't even get a copy. You have to come and look at the copy.

It came to pass. I don't know how long the majority of the Democrats will last, but it came and it will pass. And people need to remember they're setting very, very dangerous precedents.

It came and it will pass.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## PROTECTING CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, most of my adult life has been related to children's issues. Before I came to Congress, I had the privilege of serving in the Arizona House of Representatives as chairman of the Subcommittee on Child Protection and Family Preservation.

Later, I was director of the Arizona Governor's Office for Children, which had oversight of all of the State's programs for children in Arizona.

I was also chairman of both the Arizona State Children's Cabinet and the Interagency Study Committee on Children and AIDS.

And for another 4½ years, Mr. Speaker, I had the privilege of being the executive director of the Arizona Family Research Institute.

I later wrote the Arizona scholarship tax credit legislation, a version of which has now gone through five States and serves to scholarship more than 100,000 low-income children who go to a school of their parents' choice.

I also wrote Arizona's child obscenity and pornography bill, which became a national precedent and protects children from the insidious harm of both adult and child pornography.

Mr. Speaker, the reason I say those things is that there is one critical component of protecting innocent children I have learned over and over again; and that is if you desire to protect children, you must protect the family. Because either families, or government bureaucrats, will ultimately make the decisions about nearly all aspects of our children's lives.

The proposed SCHIP legislation funds and empowers government bureaucracies and not families. It is a quintessential example of a misguided and overreaching program that is an entitlement program and affixes itself to a funding mechanism that is a declining revenue source. Not only does it place this generation of children into a Hillary-care, government-run health care system, but it also places the burden of cost on the next generation of children, Mr. Speaker, and those many times who will be forced to pay for it will be those making less money than those benefiting from the program.

Mr. Speaker, Americans care desperately about their children. And, unfortunately, in this SCHIP debate, liberal Democrats are exploiting America's love for children for temporary political gain. The majority has cast this entire debate in terms of Republicans being against children and Democrats being for them. For a Republican like myself who has spent their entire life dedicated to children's issues, it is an equation that I have to reject in the strongest possible terms.

And it is especially difficult for me, Mr. Speaker, in light of the fact that the same party who says they advocate for poor children leaves the very poorest children of all out of the equation.

It is the Democrat Party, Mr. Speaker, that has for decades fought for an abortion-on-demand policy that has allowed thousands of unborn children to be killed in America every day.

At the beginning of this Congress, newly elected Democrat Speaker NANCY PELOSI said, "We are here for the children." And she called the House to order for "all of America's children."

But she didn't mean all of them, Mr. Speaker. In fact, most Democrat Members of this body, including Speaker PELOSI, voted against, in the last Congress, allowing unborn children to even receive anesthetic when undergoing abortion procedures so torturous that they would be a felony if performed on an animal.

Mr. Speaker, behind me this picture is a little baby who deserves to be protected like every other child in this country, and yet before the sun sets in America today, 4,000 unborn children will be killed through abortion on demand, and, Mr. Speaker, their mothers will never be the same.

The Democrat Speaker and the majority of this Congress have to somehow understand that there are better ways to help mothers than killing their children for them. And they must also realize that they can never have credibility as advocates for children while they still support an abortion-on-demand policy that has killed nearly 50 million innocent children.

Mr. Speaker, it is time for Members of this body to come together and to truly do the right thing for all of America's children, even those yet unborn.

☐ 1730

## H.R. 3963, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007: PART II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, for the second time we have overwhelmingly and on a bipartisan basis passed a bill to provide health insurance for 10 million American children by reauthorizing the State Children's Health Insurance Program.

This legislation presents another opportunity for President Bush to show the American people that he values the well-being of our Nation's children. After all, the President has often said that he is a "compassionate conservative."

Well, he failed the first time, and I was hopeful that the House could override his ill-advised veto. But, unfortunately, we came up 13 votes short.

So we are here again today passing a revised bill that sufficiently addresses the stated concerns of those who opposed the earlier bill. Those concerns really amount to little more than empty rhetoric.

Rather than complain, House leadership compromised on phasing out health care insurance for childless adults from 2 years to 1 year. The bill we passed today clarified that CHIP will focus first on enrolling low-income children by capping the enrollment level at 300 percent of the poverty level, or $62,000 for a family of four.

We also added language to clarify that CHIP does not cover illegal immigrants by requiring States to obtain further documentation of citizenship that cannot be confirmed by the Social Security Administration. And in addition to doing those things, creating new options for States to develop and expand premium assistance programs designed to keep children and their parents in an employer-sponsored plan, the new bill contains a provision adding premium assistance programs to the list of things a State can do to receive bonuses. It will also now require all States to develop plans and implement recommended best practices for minimizing crowd-out.

Let me be clear, Mr. Speaker. None of these fixes were necessary under the original CHIP bill, which already contained provisions addressing these very issues. But these were concerns raised by some Members and the President; so we clarified the language for them. There can now be no question as to whether this bill should be supported.

In addition to addressing the concerns that have been raised, it contains several excellent provisions for our children. It insures dental coverage and mental health parity, including guaranteed dental benefits that I offered in response to the death of Deamonte Driver, a 12-year-old Maryland boy who died when a tooth infection spread to his brain.

It also provides $100 million in grants for new outreach activities to States, local governments, schools, community-based organizations, safety-net providers, and others. And it improves a new quality child health initiative to develop and implement quality measures and improve State reporting of quality data.

A recent national poll from CBS News finds that 81 percent of the American people support this bipartisan legislation, including large majorities of Democrats, Independents, and Republicans.

I have heard many of my colleagues say that they wanted more time to review the bill, but we have already debated the issue more than was necessary. We are acting expeditiously because the short-term fix CHIP expires on November 16 and we cannot allow the 6 million children who are currently enrolled in the program to lose their coverage because we cannot make up our minds.

When it comes to health of our children, there is no time for uncertainty. That is why I am glad that we were able to pass the legislation a few minutes ago. And I strongly urge the Senate and President to follow suit with a great sense of urgency. This urgency is needed because there are 10 million very good reasons why we should support this legislation. As I have often said, our children are the living messages we send to a future we will never see. I think we ought to be about the business of urgently making sure that we send children into the future who are healthy.

## CALLING FOR REDEPLOYMENT OF OUR TROOPS OUT OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, before the invasion of Iraq, Secretary of Defense Donald Rumsfeld was interviewed on television by George Stephanopoulos. Mr. Stephanopoulos asked Secretary Rumsfeld what invading Iraq would cost. Rumsfeld answered, "Under $50 billion."

Mr. Stephanopoulos then replied that outside estimates say it would be up to $300 billion, to which Rumsfeld replied, "Baloney."

Well, it may have been baloney to Rumsfeld then, but he must eat his words now because the cost of the occupation has climbed to over $400 billion so far. And it's going to go up, up, and up because our leaders in the White House seem simply not to care how much this occupation costs. It's like that old joke: We could say they are spending like drunken sailors, but we wouldn't say that because that would be an insult to the sailors.

The nonpartisan Congressional Budget Office estimated yesterday that the occupation of Iraq could cost the taxpayers $1.9 trillion by the year 2017. Of that amount with over $500 billion going to just pay off the interest on the debt we're piling up, it is going to cost $500 billion. That's $500 billion that would fly out of our treasury and land in Japan and in China and the other countries that are lending us the money for the occupation. That is far more than what the SCHIP bill would cost us.

It is incredible to me and to most of my colleagues on this side of the aisle that the administration would rather give our country's money to foreign governments and investors than invest it in the health care of America's poor children. And it is incredible to me that my colleagues on the other side of the aisle, who lecture us daily about fiscal constraints, did not make a peep about this fiscal catastrophe.

The next question is, what are we getting for this money? The answer is, we are getting a slap in the face from the Iraqi leadership.

Thomas Friedman, the New York Times columnist who has won three Pulitzer Prizes, reported yesterday that the Iraqi leaders who are supposed to be working on the political reconciliation needed to end the conflict have been more asleep at the switch than ever. Mr. Friedman writes: "Study the travel itineraries of Iraq's principal factional leaders. Did they all rush to Baghdad to try to work out their differences" after General Petraeus testified before the Congress? "No. Many of them took off for abroad. As one U.S. official in Baghdad pointed out to me," and this is Mr. Friedman speaking, "at no point since the testimony by General Petraeus . . . have you had the four key Iraqi leaders in the same country at the same time. They saw the hearings as buying them more time, and so they took it."

With American troops and innocent civilians continuing to die in Iraq, you would think our leaders in the White House would be on the phone ten times a day with the Iraqi leaders demanding that they get out of their La-Z-Boy recliners and get to work. But the White House shows no desire to knock heads together. What does the White House do instead? It sends us a request for another $46 billion for this occupation.

We must tell the White House, "Sorry, we've run out of blank checks." Then we must use our power of the purse to defund the occupation. Instead, we must fully fund the safe, orderly, and responsible redeployment of our troops out of Iraq, and that includes the withdrawal of all military contractors, including those trigger-happy Blackwater boys who have given our country a black eye.

Mr. Speaker, from now on every time the administration tells us it needs more money for its senseless occupation of Iraq, we have the perfect one-word answer, and that word is "baloney."

□ 1745

## EARLY EDUCATION WORKFORCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Ms. HIRONO) is recognized for 5 minutes.

Ms. HIRONO. Mr. Speaker, I rise today to introduce the Early Education Workforce Act.

Our youngest children are our most precious resources. Research shows that a child surrounded by a safe, stimulating and caring environment will literally develop a stronger brain. That child enters kindergarten ready to succeed and is more likely to graduate from high school, hold a steady job, and avoid prison.

Early education not only benefits the child and the adult he or she will become; it also helps to ensure that America has the educated workforce we will need to address challenges as a Nation in the future.

I believe in research-based policy. If we don't know something is going to work, I hesitate to invest Federal dollars. Unfortunately, in many cases research is ambiguous at best, but high-quality early education is a great exception.

We know it works. The research continues to mount as experts from all fields, economists, neurologists, police officers and teachers, come to a consensus that it pays to invest early in our children.

Our States are making great progress in ensuring that every family has the option of sending their children to high-quality child care and preschool. However, in Hawaii and around the country, we are facing a major roadblock. We simply do not have a stable, adequate supply of qualified early education childhood professionals. If we don't have the teachers, we don't have quality programs; and this is a major problem because quality is a key ingredient in early education.

A poorly designed program or an understaffed one is not going to produce the results we owe our kids, so we must address this problem. We must recruit and retain early educators. And how do we do that? We can start by passing this authorization bill to streamline professional development opportunities, open doors to early education degree programs, and begin to address the woefully inadequate compensation our preschool teachers and child care workers receive.

I urge my colleagues to support this bill on behalf of our children and to honor and encourage the people who dedicate their lives to preparing our youngest children for success.

## BE PREPARED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, "Be prepared" is the motto of the Boy Scouts of America. Unfortunately, for those Californians now in harm's way, the leadership of the U.S. Forest Service doesn't have the same commitment. Three years ago, the fleet of airplanes with firefighting capabilities available to the Forest Service declined dramatically, due to both attrition and accidents. I contacted the head of the Forest Service and aggressively suggested that steps be taken to ensure a surge capability in firefighting aircraft should a major conflagration erupt.

Much to my chagrin, the leadership at the National Forest Service was not responsive and our fire fighting aviation assets were permitted to dwindle. I continued to push the case for preparedness, focusing on the certification of specially designed Russian firefighting airplanes, so that water bombers would be available if our own depleted air assets were insufficient to handle an emergency. The availability of large American aircraft, like the DC-10, converted for firefighting purposes, was also suggested as a possible backup should the current number of firefighting aircraft prove inadequate.

The bureaucratic response from the U.S. Forest Service was disheartening, which is an understatement. The leadership did everything they could not to do anything. They bent over backwards to justify not taking steps to be prepared for the worst scenario. It appeared to be "good ol' boyism" and bureaucratic obstructionism with a vengeance. After all my pleas and demands, the Forest Service refused to take the steps necessary to be prepared for the worst. That intransigence was the order of the day at the Forest Service as late as December of last year, 2006.

The people of California are now suffering. It was only the intervention of Gov. Schwarzenegger that kept the privately developed fire fighting DC–10 available for the awe-inspiring part it is now playing in the current battle against the flames that have engulfed huge chunks of California. That DC–10, however, as well as the Russian waterbombers, is still not permitted to fight fires on the Federal lands in California, or elsewhere.

When the fire is extinguished and an evaluation is done, one thing that must be determined is whether or not a lack of aviation firefighting capacity undercut the courageous efforts of those confronting this enormous blazing inferno. Did people lose their homes because the waterbombers weren't there to save the day? One way or the other, those who made the decision to do nothing at the U.S. Forest Service will be held accountable.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 29, 2005.*

Mr. DALE BOSWORTH,
*Chief, Department of Agriculture, Forest Service, Washington, DC.*

DEAR CHIEF BOSWORTH: I write once again regarding the issue of the availability, in case of emergency, of the Russian fleet of firefighting aircraft as addressed in your letter of August 25, 2005.

Your letter represents an unacceptable and unwarranted change from what you stated in a meeting in my office on July 1, 2005. At the conclusion of that meeting it was my clear understanding that the United States Forest Service (USFS) would undertake specific steps to see that Russian air-tankers would be available to use in an emergency, should enough American firefighting assets not be available to respond to an extraordinary challenge.

In your most recent correspondence of August 25, you once again assert that Federal Aviation Administration certification is a prerequisite for any action to be taken by the USFS to ensure Russian firefighting planes could be used if necessary. However, as you expressed to me in our meeting, this is an USFS internal rule, not required by any statute. Such a policy, I believe, and you agreed, can and should be put aside if it could endanger life and property in this extremely volatile fire season. If another significant fire explodes in addition to the wildfires now raging in Southern California, USFS assets may be stretched dangerously thin. I think that we can agree that bureaucratic procedures and regulatory impediments not required by law should not get in the way of these Russian planes being made available and used if life and property is otherwise in danger. If steps must be taken to ensure the interoperability of these Russian assets with our existing fleet in case of such an emergency, then why not take those steps? You seemed to agree with that logic at our July meeting.

Your letter, however, represents a reversal of what I believed was agreed upon in our conversation. That is no small matter. After Hurricane Katrina, the American public will not stand for decisions, in the face of an impending calamity, made with more mind to political turf protection than helping people. Steps must be taken to ensure that all options are available in case we face massive wildfires in the West. If the worst case scenario occurs and all options that could have been available are not, there will be a severe accounting. In the meantime, I find the USFS's inaction to be deplorable.

I look forward to your prompt response and, above all, action in response to this matter.

Sincerely,

DANA ROHRABACHER,
*Member of Congress.*

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, December 8, 2006.*

Mr. MARK REY,
*Under Secretary for Natural Resources and Environment, Department of Agriculture, Forest Service and Natural Resources Conservation Service, Washington, DC.*

DEAR MR. REY: Let me first express my regret about the death of your firefighters, especially Pablo Cerda, in the Esperanza fire. Pablo was one of my constituents, a Fountain Valley High School graduate. His tragic death is one of the primary reasons for this letter.

Your June 21, 2006 response to my April 5, 2006 letter was not responsive to the specifics that I requested. Your letter contained the same information that has been relayed to me in the past by your agency. There has been a disconnect between presentation information and the written responses, as indicated in my September 29, 2005 letter to Mr. Bosworth. For example, your second and third paragraphs which mention an initial attack response rate of 98.5 for the 2005 fire season are misleading. Initial attack rates have nothing to do with the availability of aircraft to support the firefighters on the ground. Initial attack concerns the use of resources nearest to the fire, not the availability and position of the federally funded aircraft to attack the fire.

I am still concerned that we have neither the correct tools nor the operational plans that are required to reduce the fire risk to California. Your response did not specifically answer my questions regarding the operations, logistics, and communications compatibility plans that must be in place if we are to use foreign assets to support firefighting in the U.S. In addition to my concerns about the availability of the Russian fleet of firefighting aircraft in case of emergency, I now have concerns about the overall management of our fire tanker fleet. The newest large tanker aircraft that is available, a DC–10 tanker, was created with private financing. This aircraft was not used until the day after the fire crew was overwhelmed in the Esperanza fire when the DC–10 tanker was used for six drops. The request and funding for the operations of this aircraft was done by the state of California, not the federal government. This incident calls into question your written response that the firefighting forces are adequate to address the fire suppression needs in the western United States. It appears that the 16 large air tankers were not adequate since the use of the DC–10 had to be funded by the state of California.

The responsibility for airworthiness and safety of aircraft over the United States is the responsibility of the Federal Aviation Administration, not the Forest Service. The FAA has the category of Public Use Aircraft for aircraft used to fight fires, if aircraft wish to be used to save lives and property. For example, the National Guard C–130's are public use aircraft and do not have to pass the additional requirements of the Forest Service. We allowed the IL–76 flights into Little Rock Air Force Base after Katrina when they brought supplies to our citizens. Not to consider new or foreign aircraft under the excuse of interagency safety and airworthiness standards is a red herring which has cost the country both in funds, in property and in lives destroyed and at risk. Your unwillingness to take the necessary steps to ensure the availability of large aircraft in situations in which the current assets are not sufficient is unconscionable.

To summarize, your response was again filled with the bland generalities on this issue and it continues to leave me with no confidence. The failure during the Esperanza fire validates my lack of confidence in your organization and decisions. Since we are at the end of the 2006 fire season, I want to be ensured that we are better prepared for the 2007 fire season than we were for this season. To this end I am talking to Senator Feinstein and others to ensure that this issue is not ignored until more firefighters lose their lives and property and homes are destroyed. I am also involved in a private evaluation of this issue. Unless I receive satisfactory explanations, there will be a painfully harsh critique of your decision making on this issue. I expect to hear from you in detail before the first of the year.

Sincerely,

DANA ROHRABACHER,
*Member of Congress.*

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## REVISIONS TO ALLOCATION FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, Under sections 211, 301(b), and 320(a), of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2007, 2008, and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the bill H.R. 3963 made in order by the Committee on

Rules (Children's Health Insurance Program Reauthorization Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

Any questions may be directed to Ellen Balis or Gail Millar.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

| | Fiscal year 2007 | Fiscal year 2008[1] | Fiscal years 2008–2012 |
|---|---|---|---|
| Current Aggregates:[2] | | | |
| Budget Authority | 2,250,680 | 2,350,996 | n.a. |
| Outlays | 2,263,759 | 2,353,954 | n.a. |
| Revenues | 1,900,340 | 2,015,841 | 11,137,671 |
| Change in Children's Health Insurance Program Reauthorization Act (H.R. 3963): | | | |
| Budget Authority | 0 | 9,332 | n.a. |
| Outlays | 0 | 2,386 | n.a. |
| Revenues | 0 | 6,210 | 35,510 |
| Revised Aggregates: | | | |
| Budget Authority | 2,250,680 | 2,360,328 | n.a. |
| Outlays | 2,263,759 | 2,356,340 | n.a. |
| Revenues | 1,900,340 | 2,022,051 | 11,173,181 |

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTION CHANGES

(Fiscal Years, in millions of dollars)

| House Committee | 2007 | | 2008 | | 2008–2012 Total | |
|---|---|---|---|---|---|---|
| | BA | Outlays | BA | Outlays | BA | Outlays |
| Current allocation: | | | | | | |
| Energy and Commerce | −1 | −1 | 366 | 362 | −59 | −63 |
| Change in Children's Health Insurance Program Reauthorization Act (H.R. 3963): | | | | | | |
| Energy and Commerce | 0 | 0 | 9,332 | 2,386 | 49,711 | 35,384 |
| Revised allocation: | | | | | | |
| Energy and Commerce | −1 | −1 | 9,698 | 2,748 | 49,652 | 35,321 |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Wednesday, October 24, 2007:

H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

## COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, October 25, 2007.*

Hon. NANCY PELOSI
*Speaker, U.S. House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DANIEL P. BEARD,
*Chief Administrative Officer.*

## ENERGY CRISIS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to address the House on an issue that I think should be a very high priority in this Congress.

On October 25, 2007, our world oil prices hit $92 a barrel and closed at $90. This is our chart from 1986. These are annual average prices. I can't analyze this year's price; we don't show the little spikes that happen throughout the year. But folks, we're clear up here, off the chart.

Two weeks ago, I stood at this microphone with shock and dismay that we had over $80 oil, had set record prices 2 weeks ago. Now, this would be understandable if we had had a storm in the gulf as we normally do every summer, but we have been protected for the last 2 years. We have not had a storm in the gulf that disrupted supply. We get 40 percent of our energy from the gulf. So whenever we have problems in the gulf we have oil spikes because oil and gas are deprived from the system for weeks, months at a time until all repairs are made, and so we lose a lot of our energy.

But this year and last year, we've had no disruptive storms in the gulf. We've not had a terrorist act that has blown up a refinery, a pipeline, or somehow impeded supply. We have not had a dictatorship. I don't think a lot of people realize that the vast majority of oil produced today, in fact 90 percent of the oil in the world, is produced by government-run dictatorships who own the oil, produce the oil, market the oil, skim off the profits for their social programs, and actually run their own oil companies.

It's kind of surprising to the world, but Exxon is now the 14th largest oil company in the world, our largest. But they are only 14th in the world. The other 13 are countries, dictatorships, some of them very unstable ones. Now, we haven't had one of them tip over, but here we are at $90 oil.

Six years ago, we got as low as $16, just 6 years ago. Now, it doesn't show it on here because these are average prices, but it got as low as $16. And we had $2 natural gas.

The question I have is, When will the House of Representatives of this Congress think that energy should be a priority issue for Americans?

What's really concerning is, as we look at $90 oil, we have somewhere slightly under $3 gasoline at the pump today. Now, that's not going to last because there is a lot of gasoline, there is a little extra gasoline in the market place, and this is the slowest time of year for gasoline usage, so the price is below the normal trend.

I talked to a refinery in Warren, Pennsylvania, today in my district and

I said, where would, normally, gasoline prices be with $90 oil? If it stays there, now it has to stay there a while until the system becomes $90 oil because it's not $90 oil yet in the system. He said it will be about $3.29 or $3.30 gasoline. What does that do to the American homeowner, the American family trying to raise their children and go to work, go to school and travel, $3.29 to $3.30 gasoline?

We're going to have record-setting home heating oil prices this year for both natural gas, and particularly home heating oil. We already have record-setting prices for fuel oil for trucks, record-setting prices.

Now, the Senate passed a bill some months ago and the House passed a bill some months ago. And we heard a lot of chatter here a few moments ago about conferencing on the appropriations bill; and that's appropriate, but this week, last week, the week before, I have not heard any mention of conferencing on an energy bill for America. I don't know why they're not getting together. I guess it's just not a priority.

You now, why do we have record-setting oil prices? Because for three administrations in a row and 26 years of congressional rule we have locked up America's best oil and gas reserves. Then we can go up here to Alaska, and there are even larger spots up there locked up.

Now, I remember the arguments decades ago when gas was $2 a thousand and oil was $10 a barrel. People said, yes, we should use their cheaper energy and we should save ours. Should we be saving ours when it's $90 a barrel?

I don't know if you watched "60 Minutes" 2 weeks ago and watched Dubai build cities, build islands, build immense properties with our cash. That part of the world is enriched. They're buying our debt, they're buying our facilities, they're buying our buildings, they're buying our infrastructure because they have so much cash because $90 oil will enrich them far greater than they were enriched at $50 and $60 oil.

When is America going to realize, when is this Congress going to realize that high energy prices, the only way to fight them is to increase supply of all of our energy sources. They are market driven on Wall Street. Every day they're trading them on Wall Street. And when there's a shortage in the world, the prices go up. When there's a storm in the gulf, prices go up. When something happens in a country that produces 2 or 3 million barrels a day, prices go up because there is going to be a shortage.

Now, these are not caused by weather. These are caused by congressional action, not inaction, action. We have locked this up. This outer area is known as the Outer Continental Shelf. Should we produce there? It appears Congress thinks we shouldn't. Does Canada produce there? Yes. Does Norway produce there? Yes. Does Sweden produce there? Yes. Does Australia and New Zealand? Yes. Does Denmark? Yes. Do South American countries produce there? Yes. Is there another country in the world that doesn't produce on the Outer Continental Shelf? No.

America is the only Nation who has decided to lock up its energy resources. And maybe they were right when it was $2 for gas and $10 for oil, and we'll use theirs while it's cheap; but it's not cheap anymore.

I met recently with someone from the Department of State on energy, and they shared with me their concern that $75 oil would put this country, and maybe the world, into a recession. It didn't. But energy is such a part of our overall economy, overall lives, that when it reaches a certain point, it will put us into a recession. Every recession we've had goes to energy spikes, in the seventies, in the eighties and in the nineties. Energy prices have an immense impact on the economic future of our country, yet we sat here today, a body that's not even talking, Congress is not even talking about the energy crisis.

In fact, I guess they don't think it's a crisis. I thought it was a crisis for a number of years and I've been speaking out for a number of years, and I'm going to keep speaking out until this body decides that energy is something we need to deal with.

Now, why is energy so high? Well, what people don't realize, I was talking to a gentleman today from a world oil company, Statoil in Norway, stopped into my office just to talk. And he said the world is astounded by the amount of energy being used by China and India, the two largest populations in the world, as their economies are almost exploding with their population. Those two countries are moving forward with tremendous growth in their economies. Their energy use is growing between 15 and 20 percent per year. And their thirst for oil and gas and all other energy sources are causing the world's shortage.

We've never had competitors before. America has always been the big dog in the world marketplace. We've always been the big dog in the energy market. China will soon pass us in energy usage, and India is climbing fast.

And then you have all of developing South America. The developing world starts to use energy when they go from life on a desert, or nomad on a desert, to where they're living a life like we live. They use energy. They use electricity. They use heat. They use fuel in a vehicle. That's happening all over the world. So the demand for energy continues.

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It is interesting. China has just made a deal with Cuba. They are going to be drilling 45 miles off the Florida coast and we can't drill within 200 miles. Does that make sense? Cuba and China will be producing oil 45 miles. Cuba is cutting deals with Canada, with Norway, and a number of other countries, I think maybe Russia, I am not sure on that one, but I know with China, where they are going to be producing oil actually within our 200-mile limit. They are going to be producing oil where we can be producing oil, but we have chosen not to. We have chosen.

What does America want Congress to do? I think Americans want us to deal with the energy issue. They want available, affordable energy so they can heat their homes, they can drive to work and school, and they can live a decent life.

What does this Congress have on the table to deal with energy? Let's take a look.

These are some of the things that are in the energy bills that will be looked at in the House and the Senate. Does it produce more energy? No. We call it the "no energy bill." It locks up 9 trillion cubic feet of American natural gas. The Roan Plateau. Why? I don't know. It is prepared. It is ready to be produced. It is ready to take to market. But, no, this Congress is going to say, "That is off limits, too." This bill cuts off production from the Roan Plateau, a huge, clean natural gas field in Colorado that was set aside as a naval oil shale reserve in 1912 because of its rich energy resource. This means that 9 trillion cubic feet of natural gas, more than all the natural gas from the bill passed last year in the Gulf, off limits. It has already gone through the NEPA process. That is the Environmental Impact Statement, and they passed them. It is ready for lease sale. This provision was not in the original Natural Resources Committee bill but was added without hearings, without any input, any debate and very little discussion in Congress.

The next one, this one requires the redundant environmental studies to place a second well on existing oil and gas drilling pads. It really locks up 18 percent of the Federal onshore production of American natural gas. It guts the category exclusion provision from the Energy Policy Act of 2005, a provision I authored and I understand it. What it did was, NEPA is an act we have that you have to go through an environmental assessment to do anything. It takes almost a year to do this environmental assessment. I had people tell me in the West who had leased land, 5, 6 and 7 years ago and hadn't drilled a well yet because they were doing their fifth, sixth, and seventh NEPA. They had to do a NEPA on the original plan. Then they had to do a NEPA where they were going to build the roads. Then they had to do a NEPA on every well site. Every time they turned a corner they had to do another

NEPA, and they hadn't gotten a well drilled. It was being utilized to thwart energy production because they believed we shouldn't produce energy. So we took away the redundant NEPAs, and now they want to put them back.

Now, this one is really interesting. It locks up 2 trillion barrels of American oil from the western oil shale. What is western oil shale? This is an oil shale reserve in the West that some say has enough oil to supply us for several hundred years. We have to refine the process of removing it from the shale rock that it is in. It is somewhat similar to what the Canadians have done with tar sands. They have been talking about tar sands in Canada since I was a kid as being a great oil reserve. They have worked at it to where now they are getting about 1½ million barrels a day. Their goal is soon to have, in some period of time, to have 4 million barrels a day. We are going to be the benefactor because we buy most of it, because we import a lot of oil. Thankfully, Canada produces a lot more than we do. They have worked at the tar sands with process to release that oil from those tar sands. It takes a lot of energy to do it. It takes a lot of natural gas to do it. They are fortunate. They have a lot of natural gas there, too, and they produce theirs. We don't produce ours. But we are going to lock up the shale oil. We are going to stop the production of it. We are going to stop the experiments of trying to get that shale oil so Americans can have some of their own oil and not have to pay foreign countries $90 a barrel for it.

Do you know what is scary about $90 oil? That is without a storm in the Gulf. It is without a dictatorship tipping over. It is without terrorist attacks. If any one of those happened tomorrow, if we have a storm in the Gulf, I had two energy experts tell me this morning, I said, "What will oil be?" They said, "$120 a barrel if a major storm hits the Gulf that disrupts our refineries and disrupts our oil supply."

Folks, we are already in trouble. We better pray that we don't have a storm. We better pray that dictatorships stay stable. I don't know about you, but I am not comfortable with that. I am not comfortable with this process we are in. It also locks up 10 billion barrels of oil from the National Petroleum Reserve in Alaska. Why? Many of those oil reserves up there are tundra. They are frozen ground. There is little life. But we are saying we are not going to produce it. They want to produce it. The Alaskans beg to produce it. But Congress says "no." Legal offshore contracts are being thwarted. We have legislation moving because of contracts that had royalty incentives in them that they think are too low. Now, whether they are or not, Congress doesn't have the right to change legal contracts. The Clinton administration signed them. They are law. They are a contract. But that is part of our legislation.

This one is really crazy. There are a lot of Members of Congress that hate the oil companies. I won't say that I am in love with them. But a $15 billion tax increase on the American oil and gas industry. When we tax the production of energy on our shores, that means we are less competitive and we are more likely to buy energy offshore.

And we will get to that chart in a minute. We are tremendously dependent on foreign energy. For us to tax, what they are doing was when we had the corporate tax cut for employers to grow in this country, we had a 4 percent cut. They are taking that away. The manufacturer right down the street will pay 4 percent less tax than the guy who produces energy right up the street. I don't think that makes sense, because when you increase the taxation on energy, the users pay it. The gasoline price goes up. The fuel oil price goes up. The natural gas price goes up. We are taxing ourselves. And it seems to me $90 oil is enough. Why do we want to tax it?

While they are trying to get at big oil, I have American Refinery, a little 10,000-barrel refinery in Bradford. It used to be Kendall Refining. They now pay the higher priced taxes. That was a company that we put together a few years ago. The State government helped them. When Kendall left us and we had a refinery and the Kendall brand got sold off to another company, and American Refinery, a smaller company came in and bought it, I used to say it was put together with chewing gum and rubber bands. But it worked. We now have 400, 500 employees there. They are a growing company. They have developed another brand. They are entrepreneurs. They are doing good. And we are going to make them pay higher taxes.

United Refinery in Warren, not big oil. But they provided the gasoline for most of New York State and Pennsylvania. They are going to pay 4 percent more now in income taxes. And who pays it? We do by raising the cost of energy.

Now this one down here I find frightening. There is nothing in the Democrats' bill about coal to liquid or coal to gas. It would seem like when we had 70 and $80 oil, that was enough incentive that we ought to start figuring out how we make liquid energy out of coal. Not burn it; turn it into gas. There are processes to do that. In World War II, Germany fought us because we barricaded them. We didn't allow them to have oil shipments. They had to make their own energy. The Germans are pretty smart people. They figured out how to make it out of coal, the Fischer-Tropsch method and several other methods. Penn State has just developed a process to make jet fuel out of coal. Instead of us incentivizing and promoting energy from coal and liquids and gas so we learn how to do it so we get it streamlined, so we make it compete with oil, so we would be less dependent on 90 or $100 oil. No, we are not going to do that because coal has $CO_2$. We can't do anything that puts carbon in the air.

I said to some I was arguing with recently, well, let's start eight plants, and we will give them a dual role. We will say, "We want you to streamline the Fischer-Tropsch process and you streamline this process, and let's get it going. Your secondary mission will be to sequester the carbon and figure out how to deal with it. Let's practice. Let's get to work at it." No, we can't do that. Coal is out.

I see coal electric plants all over this country being turned down for permits. That is going to have a huge impact on electric prices because nuclear and coal are the cheapest electric prices we have. Coal to liquid should be something, and coal to gas should be things that we are incentivizing.

Now, the interesting one down here at the bottom, raises false expectations by mandating unrealistic 15 percent RPS. Now, what is RPS? It is renewable portfolio. It says that companies making electricity in America have to use 15 percent, they have to produce 15 percent of it from renewables. I am for that. But when you mandate it by law, and it is not achievable, what happens? They are going to pay penalties. Who is going to pay the penalties? The electric users. Or they are going to cheat. Currently we make 3 percent of our electricity from renewables, 3 percent. And we are going to mandate 15 percent.

Now, Pennsylvania has a mandate. But they were smart. They have waste coal. They use the cleanest process they know. But that is being included in their standards, renewable standards, using the waste coal where we clean up the environment when we get rid of that runoff from the coal piles. So Pennsylvania was smart. They are using it. Now, some States will be able to do it more so than others. But some States, if you have a lot of wind farms, the only States that come to mind with real sizable wind farms that produce any amount of wind energy is north Texas and North Dakota. They will be able to do some wind. Solar is still on the margins everywhere. We are hoping and praying solar becomes a bigger factor. But we are going to say that we have to produce 15 percent of electricity from renewables. I wish that was simple. But it is not.

Let's look for a moment at where our energy use is. Currently, 40 percent of our energy is petroleum. And 66 percent of that comes from foreign countries. A lot of them unstable dictatorships. Natural gas is now 23 percent and fast growing. Coal is 23 percent, and I say will soon be shrinking because Federal policies, Federal regulators and EPA are making it very difficult to permit a new coal plant. There are many Members of Congress who don't want new coal plants, even though they are using the newest, cleanest methods.

Nuclear is at 8 percent and shrinking because the amount of electricity is growing, but nuclear has been studied. Now, there are 35 plants starting the process of permitting. The 2005 act speeded up the process.

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It used to take 10 years to get a permit. They have told them they have to do that in 4 years, then it takes another 4 to 5 years to build the plant. For a new nuclear plant to begin producing electricity, you're probably going to be looking at a minimum of 10 years. There's one, I think, that has a complete application in; the rest are in the process. Now there are 35 that are in the process, and we need them all permitted by 2030 and built and producing electricity to keep nuclear at 8 percent of our grid, just to keep status quo. That means we are going to have to have more of something else. And if we don't meet that goal, we are going to have to have more of something else to replace nuclear.

Hydroelectric is 2.7 percent of our overall energy power. Nuclear is actually 20 percent of the grid, but 8 percent of overall. Hydroelectric is 2.7 percent. Again, a figure that is dropping because as energy use rises and it remains static, and there are many Members of Congress who want most of our dams in place torn down. When they tear a dam out, we lose hydroelectric power because they don't believe we should have ever built dams.

Now, the only energy field portfolio that is showing pretty steady growth is biomass. That surprises a lot of people. That is wood waste. This year more and more Americans will heat their homes with pellet stoves. Pellet stoves are saw dust, wood waste pressed into a pellet, put in a nice heating unit in your home. They can be put in fireplaces. More and more Americans, many use wood stoves, but they are now using pellet stoves. People who can't cut wood or don't have access to wood, and that is biomass, wood waste.

There are many companies in the wooded areas where there's a timber industry that heats their factories with wood waste because they have it. They take the old trash wood and they grind it up and they burn it. We have dry kilns in the timber industry. We used to run them all with natural gas. Now they can't afford to. They are putting in wood waste boilers.

In fact, I had a friend a couple of years ago when I saw gas prices rising, I said to him, How do you dry your wood? I knew they had two plants. They said, Well, we use natural gas. I said, Had you ever thought of putting wood waste? He said, No, why would we do that? I said, Well, natural gas is going to get pretty expensive.

Well, they had a little meeting about it and decided not to do it. A couple of months later they called me and said, How did you know gas prices were going up? I said, Well, I just knew it. They said, We got our new contract and our prices quadrupled and we can't afford to dry wood with gas anymore. But it took them a year to buy the equipment to put in a biomass burner.

There are many coal power plants who are topping off their load with wood waste so they get under the EPA standards, because wood burns a lot cleaner than many fuels. So the new hope for biomass is cellulosic ethanol. Now, that is still in the test tube. This administration is pushing six new plants. Even though it's still in the test tube, there are those who think they are close to the process.

Now, geothermal is one that we have high hopes for. That is where you use groundwater temperature. You either pump water out of an aquifer and put it back after you take heat out of it, or take coal out of it; or you put in a big loop system and fill it with water and use the ground to cool and warm the water after you have used it.

Now, wind and solar are the ones we have tremendous hope for. Windmills are being talked about everywhere. Solar. What a lot of Americans don't realize is they are not ready to take over. We have a growth curve in the use of energy.

These renewables at the bottom people think can supply our future needs, and we don't need to drill and we don't need to use gas and we don't need to use coal. And most of them don't want nuclear either. This is what we have to use. I wish it was growing at the rate that it would fill the bill. I wish it was ready to take over. It's not. We are incentivizing, we are supporting, we are subsidizing; but it has to become where it will pay for itself somewhere down the road. Though it's growing, when you multiply wind by two, it takes years to double it; solar by two, it's still a very small part.

Let's just talk about where we get our oil, once again. We are actually higher than 60. We are up here at 66, because this is a 2-year-old chart. We are up here at 66. We are increasing dependence on foreign oil 2 percent a year. Now, if we pass the Democrat plan, I predict our only option, if we pass this plan and take gas off the table and oil off the table, we will increase 3 percent a year in the future.

Foreign dependence, unstable dictatorships: 90 percent of the world's oil is owned, produced and marketed by a government-owned oil company, a dictator. Our best friend ought to be Canada. We buy more oil from Canada than anybody, and we buy most of the 17 percent of our natural gas. We import I think about 15 percent of it comes from Canada. So we should be saying: Thank you, Canada.

But when it comes to oil dependence, and I hear people on the House floor talk all the time oil independence, we have got to be independent, there is no way in the next decade America could even conceive of being oil independent. Anybody who says that doesn't know the numbers, doesn't know the facts. At the same time, they say you can't drill out here and drill off the coast and you can't drill in the Midwest and Alaska, but we want to be energy independent, wind, solar and geothermal.. I wish they were right, but they are not.

These are just the facts, folk. These aren't opinions; these are just the facts. Here's the supply of natural gas. Natural gas is becoming the choice fuel because we use it to make ethanol, we use it to make fertilizer to grow the corn to make ethanol, we use it to make hydrogen, we use it to make most of our products. I will show you that chart in a minute.

Natural gas is the one that is going to have tremendous pressure upon it. It's the one that heats 58 percent of our homes. It's the fuel we ought to be the most concerned about. Why? It's not as bad price-wise today as oil. But when oil is $90 a barrel, the whole world pays that, and so all our competitors that we compete with in the global marketplace pay that. But we have one of the highest prices for natural gas of anyplace in the world.

On this chart, there is $1.85, $4.90, $1.65, and $7.20 is about our price. Russia, $1.50. But Trinidad is the one I am worried about. They are building every kind of manufacturing plant known to man in Trinidad. That is a very short shipping distance from the United States. If we think China is tough competition, wait until Trinidad starts making our bricks and our glass and our bulk commodities, because their natural gas prices are a fraction.

You know, I want the American working people to have a job. When we look at the next chart, we will see why natural gas is the one we should be most concerned about. Most people don't realize that natural gas is the feedstock for all these products. I don't mean that it is just the energy we use to make them. It is part of the ingredient.

I mentioned fertilizer a little bit ago. The fertilizer we grow corn with, one part of it is 70 percent natural gas. There is another one, I can't remember the name, some sort of ammonia, it is 90 percent natural gas. Natural gas is what we make it out of. So farmers are paying huge prices for energy, and in the last 2 years, 50 percent of our fertilizer business has gone offshore, and I find that very troubling. Whether it is household products, skin softeners are a derivative of natural gas, shampoos, pipe, clothing, plastic products, plastic bottles. All these products. Tires have natural gas to make them and natural gas as an ingredient.

It is the mother's milk of manufacturing in the world, and we are paying the highest prices for it of anybody in the world, and that puts American manufacturers and processors at a disadvantage. When oil is $90, the whole world pays, unless they have their own. If they are buying oil, they pay it. But natural gas, there is not a world marketplace because you can't just ship it around.

We buy about 2 percent of our natural gas, liquefied natural gas, called LNG, that comes in large tankers. Unfortunately, it comes from the same parts of the world where we buy our oil: foreign, unstable dictatorships.

Folks, energy for America, affordable energy for America should be the number one issue in this Congress. It should be the number one issue on the White House's agenda. It should be the number one issue in the Senate's agenda. Affordable energy for America.

Why should it be in crisis mode? Any of the things we have talked about, whether we are opening up the Continental Shelf, whether we are opening up land in the Midwest, wherever we are going to produce energy, whether we are going to do coal to liquids, whether we are going to do nuclear, all of those initiatives take 8 to 10 years before we have the energy to run America.

The longer we wait, the more trouble we are going to be in, because what is going to happen, it is my opinion, that Congress thinks little about America as a country that has to learn how to compete in the new global economy. The debate on being in the global economy is over. We are a global economy. We trade with everybody. We have to compete. There are developing countries everywhere, and we have to sharpen our tools, we have to sharpen our competitiveness, we have to help our manufacturers stay alive in this country.

The first thing we ought to do is give them decent energy prices, less litigation, better tax laws. You tax jobs because that is what you tax when you tax business. A lot of people say, we are just taxing business. Well, businesses are jobs. I was talking to a gentleman, a Member of the House the other day, I was talking about a cost to business we were debating about, and he said, they have got lots of money; they can pay for that.

I said, sir, they have choices. Do they grow this plant here, or do they grow this plant over here where costs are less?

They are going to grow that plant and their production where costs are less. It is a competitive world. They have to compete with competitors. And Congress needs to make priority number one helping American job makers, help American businesses compete. And that means affordable energy, legal reforms, tax cuts for business, regulatory reform to be fair to business, help our companies make sure they have the skilled workers they need with technology education, which we are terrible at in this country. We are a failure. We are one of the worst, teaching the working people the new skills they need.

It used to be 50 percent of Americans had to show up at a plant and within 6 weeks they knew their job and had a good job for the rest of their life. Not true today. Today you need to have skills, a set of skills that are certified with some sort of a 1-year or 2-year certificate that says, yes, he or she has this ability and she can provide this company with the skills they need to compete in the global marketplace.

America is being challenged, my friends. We are being challenged by fast-growing nations who have plans on action. On the energy side, China is opening a coal plant every 5 days. They are opening a new nuclear plant every month. They are building the biggest hydro-dams in the world. They are locking up oil and gas supplies all around the world. And we sit here and do not have a plan of action.

The 2005 energy bill had a lot of good pieces in it, and I want to congratulate all of those that created it and got it passed. It took like 4 years to pass it because this Congress didn't want to deal with energy. But, folks, it is not enough. It was just the starter. It was just the primer.

We are now challenged with a world shortage of energy. America must figure out how to have their own. Now, I agree, we have to conserve more. We have to use it more wisely. We have to teach Americans how to be careful and not waste energy. And we need to help small businesses be energy efficient, like big businesses.

Big businesses are cutting their energy bills. I have been told by many of them, they say we cut our energy bills 20 percent the last 4 years. But you know what? Energy costs us more, because energy prices are going up faster now.

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And they were discouraged because they had worked so hard. Big business has the ability to figure out the cheapest way to do it, but many Americans don't understand and we need as a government to provide the technology and the education so that people know how to use energy wisely and purchase energy-efficient appliances and energy-efficient cars. We need to conserve.

But folks, we also need to have affordable energy to run this country. Folks, America is at the crossroads. Today it is $90 oil. Two weeks ago I was here, it was $80 oil. I didn't expect this. I predicted that energy prices would rise steadily this fall. I didn't think they would spike. We haven't had a storm in the Gulf which we were afraid of, we haven't had a country topple, which can cause 2 or 3 million barrels a day to come out of the system. We haven't had a terrorist attack which interrupted oil supply.

But in spite of that, we have fast-rising oil prices. If we couple that with any of the three I just mentioned, we have $100-$120 oil. I can guarantee you this country cannot afford $100 a barrel for oil and stay competitive and have a thriving economic base. We will go into the tank. We will be in a recession, and this Congress needs to take this issue seriously.

You know what bothers me in the Presidential debate, and I listened to two Presidential debates. The press asks the questions, and so I blame the press. The press doesn't take this issue seriously. The press doesn't understand this issue very well. If they did, they would be asking every Presidential candidate in every forum: What is your energy policy for affordable, available energy for America?

I haven't committed to a Presidential candidate yet because I don't see a candidate that has a good, well thought-out energy policy for America. That will be the issue the next President has to deal with because the Congress in the last decade, we have not adequately dealt with energy's availability and affordability for America.

Without a crisis, without a storm in the Gulf, we have $90 a barrel oil, and it hit $92 today. I am going to conclude my comments this evening with America needs a bona fide energy plan. We need to open up the Outer Continental Shelf where we are energy rich.

My legislation opens it up for natural gas, and I hope we can get it considered. I will conclude with that chart. Our bill says that the first 25 miles remain locked up, and you can only see for 11 to 12 miles, so nobody will even see it. It will not hurt the shoreline. It won't be unsightly. The second 25 miles are options of the State. If they want to open it, they can. The second 50 miles are open automatically for natural gas, but the States still have the right to close it if they choose to. By passing a law with the Governor's signature, they can keep it closed for the first 100 miles. The second 100 miles it is open. That is a pretty soft bill. That is not what I would like to do, but that is what I hope to coax this Congress into doing so we do something for natural gas.

We will give $150 billion in royalties to the States, $100 billion for the treasury, $32 billion for renewable energy. That's real money to help renewables; not promises, real money; $32 billion for carbon capture sequestration research, and that can come from the payments of royalties; $20 billion to clean up the Chesapeake Bay, exactly what they have been needing; $20 billion to clean up the Great Lakes restoration, exactly what they have been needing; $12 billion for the Everglades; $12 billion for the Colorado River basin; $12 billion for the San Francisco Bay restoration; and $10 billion to help the poorest of Americans winterize their homes and pay their heating bills in the wintertime.

Folks, the NEED Act is the act Congress needs to pass. We have 160-some cosponsors. It is bipartisan. The gentleman from Hawaii (Mr. ABERCROMBIE) is my co-partner on this bill. It is the bill that America needs to have in its energy package, but neither the House nor Senate are talking about it.

On top of natural gas and offshore, we need to have a plan for nuclear, the expansion of nuclear in America. We need to have a plan where we are moving forward with coal to liquids and coal to gas. We need to have a plan where we push wind and solar and all renewables. And yes, we should look at many dams we have that are not harnessed, harnessing them for hydro. There are many dams in America that could be harnessed for hydro.

And yes, we need to do ethanol and biodiesel and cellulosic ethanol. Landfill gas should never be flared. It should all be plugged into the energy pipeline. We need to get serious about not wasting energy in America, conserving energy in America, and producing energy for Americans that is affordable and available so this winter they can afford to heat their homes, they can afford to run their businesses, and the jobs will not be pushed offshore.

High energy prices have pushed more jobs offshore than any other fact that this Congress talks about. And energy has the potential of pushing almost every manufacturing and processing job that is left in America offshore if we don't deal with the energy issue. Energy is a crisis for the future economic viability of America.

I challenge this Congress, both bodies and the White House, to get serious about it. Affordable, available energy for America, we could do no more. That's the least we can do to make sure Americans have the quality of life that they should have, they have a right to, and they deserve.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. DAVIS of California (at the request of Mr. HOYER) for today on account of San Diego wildfires.

Mr. DEFAZIO (at the request of Mr. HOYER) for today after 3:45 p.m.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today on account of a death in the family.

Ms. KILPATRICK (at the request of Mr. HOYER) for today after 2 p.m.

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of inspecting wildfire damage in California with the President.

Mr. MCHENRY (at the request of Mr. BOEHNER) for today after 1 p.m. on account of personal reasons.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today after 3 p.m. on account of personal reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. HIRONO, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, November 1.

Mr. DENT, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, November 1.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. HASTINGS of Washington, for 5 minutes, October 30.

## ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 995. An act to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

## ADJOURNMENT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, October 29, 2007, at 12:30 p.m., for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3879. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7989] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3880. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's "Major" final rule — Energy Conservation Program for Commercial Equipment: Distribution Transformers Energy Conservation Standards; Final Rule [Docket No. EE-RM/STD-00-550] (RIN: 1904-AB08) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3881. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No. 2000n-1596] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3882. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Polydextrose [Docket No. 2006F-0059] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3883. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committee; Risk Communication Advisory Committee; Establishment — received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3884. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Designation of Oripavine as a Basic Controlled Substance [Docket No. DEA-309F] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3885. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Insurer Reporting Requirements; List of Insurers Required to File Reports [Docket No. NHTSA-2006-27240] (RIN: 2127-AJ98) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3886. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Protection in Interior Impact; Side Impact Protection; Fuel System Integrity; Spillage and Electrical Shock Protection; Side-Impact Phase-In Reporting Requirements [Docket No. NHTSA-29134] (RIN: 2127-AJ10) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3887. A letter from the Associate Division Chief, PCOOD, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Review of Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief [EB Docket No. 04-296] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3888. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Cable Television Consumer Protection and Competition Act of 1992 [MB Docket No. 07-29] Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements [MB Docket No. 07-198] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3889. A letter from the Deputy Division Chief, Comp. Policy. Div., Federal Communications Commission, transmitting the Commission's final rule — Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements [WC Docket No. 02-112] 2000 Biennial Regulatory Review Separate Affiliate Requirements of Section 64.1903 of the Commission's Rules [CC Docket No. 00-175] Petition of AT&T Inc. for Forbearance Under 47 U.S.C. 160(c) with Regard to Certain Dominant Carrier Regulations for In-Region, Interexchange Services [WC Docket No. 06-120] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3890. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 101 of the Commission's Rules to Modify Antenna Requirements for the 10.7 — 11.7 GHz Band [WT Docket No. 07-54, RM-11043] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3891. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Corona de Tucson, Sierra Vista, Tanque Verde, and Vail, Arizona, Animas, Lordsburg and Virden, New Mexico) [MB Docket No. 05-245; RM-11264; RM-11357] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3892. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — the Establishment of Policies and Service Rules for the Broadcasting-Satellite Service and the 17.3-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band [IB Docket No. 06-123] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3893. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Limited Work Authorizations for Nuclear Power Plants (RIN: 3150-AI05) received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3894. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Authorization Validated End-User: Addition of India as an Eligible Destination [Docket No. 070824480-7482-01] (RIN: 0694-AE13) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3895. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone: HOVENSA Refinery, St. Croix, United States Virgin Islands [Docket No. COTP San Juan 05-007] (RIN: 1625-AA87) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3896. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Port of Tampa, Rattlesnake, Big Bend, Florida [COTP Sector St. Petersburg, FL. 07-47] (RIN: 1625-AA87) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3897. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue — Section 965 Foreign Earnings Repatriation Directive #1 [LMSB Control No: LMSB-04-0907-063] received October 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3898. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties [Notice 2007-80] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3899. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.204: Changes in accounting periods and in methods of accounting. (Also Part 1, 442, 898, 1.442-1) (Rev. Proc. 2007-64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3900. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Transportation Fringes [Notice 2007-76] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3901. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 482 CSA Buy-in Adjustments [LMSB-04-0907-062] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1236. A bill to make permanent the authority of the United States Postal Service to issue a special postage stamp to support breast cancer research, with amendments (Rept. 110-409 Pt. 1). Ordered to be printed.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3796. A bill to amend the Worker Adjustment and Retraining Notification Act to minimum the adverse effects of employment dislocation, and for other purposes; with an amendment (Rept. 110-410). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CANTOR:

H.R. 3964. A bill to amend the Public Health Service Act to address the incidence of staph infections in elementary and secondary schools; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Ms. PRYCE of Ohio):

H.R. 3965. A bill to extend the Mark-to-Market program of the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Ms. HIRONO:

H.R. 3966. A bill to provide for a statewide early childhood education professional development and career system, and for other purposes; to the Committee on Education and Labor.

By Mr. BURGESS:

H.R. 3967. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROSS:

H.R. 3968. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself and Mr. ROSS):

H.R. 3969. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to dispose of excess materials, supplies, and equipment acquired pursuant to that Act to assist victims of major disasters, emergencies, and incidents, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 3970. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to low and moderate income individuals, to repeal the individual alternative minimum tax, to reform the corporate income tax, and for other purposes; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia (for himself and Mr. FORBES):

H.R. 3971. A bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. JEFFERSON, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. GILCHREST, Ms. HOOLEY, Mr. FARR, Mr. DUNCAN, Ms. FOXX, Mr. GORDON, Mr. TIERNEY, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. ANDREWS, Mr. FATTAH, Mr. BUTTERFIELD, Ms. HARMAN, Mr. RUSH, Mr. HARE, Mr. COSTELLO, Mr. EHLERS, Mr. MICHAUD, Mr. JONES of North Carolina, Mr. HONDA, and Ms. SHEA-PORTER):

H.R. 3972. A bill to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; to the Committee on the Judiciary.

By Mr. BERMAN (for himself and Mr. THOMPSON of California):

H.R. 3973. A bill to suspend temporarily the duty on certain reusable grocery bags; to the Committee on Ways and Means.

By Mr. CARTER (for himself, Mr. HINOJOSA, Mr. RODRIGUEZ, Mr. CULBERSON, Mr. SESSIONS, Mr. ORTIZ, Mr. DOGGETT, Mr. BURGESS, Mr. HALL of Texas, Mr. SMITH of Texas, Mr. REYES, Mr. HENSARLING, Mr. GENE GREEN of Texas, Mr. POE, Mr. EDWARDS, Mr. CONAWAY, Mr. GOHMERT, Ms. GRANGER, Mr. CUELLAR, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. MCCAUL of Texas, Mr. BARTON of Texas, Mr. MARCHANT, Ms. JACKSON-LEE of Texas, Mr. NEUGEBAUER, Mr. AL GREEN of Texas, Mr. PAUL, Mr. LAMPSON, Mr. GONZALEZ, Mr. THORNBERRY, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3974. A bill to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the "Marine Corps Corporal Steven P. Gill Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CHABOT:

H.R. 3975. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. MCDERMOTT, Mr. RAMSTAD, and Mr. CROWLEY):

H.R. 3976. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for contributions of food inventory by all corporations; to the Committee on Ways and Means.

By Mr. MCKEON:

H.R. 3977. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the tariff rate for certain mechanics' work gloves; to the Committee on Ways and Means.

By Ms. MOORE of Wisconsin (for herself, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. WYNN, Mr. LEWIS of Georgia, Ms. WATSON, Ms. LEE, Mr. VAN HOLLEN, Mr. KIND, Ms. SCHAKOWSKY, and Ms. SHEA-PORTER):

H.R. 3978. A bill to amend the Elementary and Secondary Education Act to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Education and Labor.

By Mr. PETRI (for himself and Mr. WU):

H.R. 3979. A bill to increase assessment accuracy to better measure student achievement and provide States with greater flexibility on assessment design; to the Committee on Education and Labor.

By Ms. SOLIS:

H.R. 3980. A bill to provide for safe and humane policies and procedures pertaining to the arrest, detention, and processing of aliens in immigration enforcement operations; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland (for himself and Mr. ABERCROMBIE):

H. Con. Res. 241. Concurrent resolution expressing the support for the enacting of joint custody laws for fit parents, so that more children are raised with the benefits of having a father and a mother in their lives; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. BURTON of Indiana, Mr. PASCRELL, Mr. MCGOVERN, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Con. Res. 242. Concurrent resolution recognizing the two year anniversary of the earthquake that occurred in northern Pakistan in 2005 and urging the United States to continue to support rebuilding efforts in Pakistan in response to the conditions caused by that earthquake; to the Committee on Foreign Affairs.

By Mr. ENGLISH of Pennsylvania:

H. Res. 775. A resolution providing for consideration of the bill (H.R. 1366) to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals; to the Committee on Rules.

By Mr. KING of Iowa (for himself, Mr. AKIN, Mr. TERRY, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. GOHMERT, Mr. GOODE, Ms. FOXX, Mr. SENSENBRENNER, Mr. HENSARLING, Mr. CAMPBELL of California, Mr. GARY G. MILLER of California, Mr. PAUL, Mr. MILLER of Florida, Mr. WESTMORELAND, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mrs. MUSGRAVE, Mr. PITTS, Mr. ROHRABACHER, Mr. MARCHANT, Ms. FALLIN, Mr. BROUN of Georgia, Mr. GARRETT of New Jersey, Mr. KLINE of Minnesota, Mrs. MYRICK, Mr. GINGREY, Mr. PEARCE, Mr. DUNCAN, Mr. FLAKE, Mr. CHABOT, and Mrs. CUBIN):

H. Res. 776. A resolution amending the Rules of the House of Representatives to require that rescission bills always be considered under open rules every year, and for other purposes; to the Committee on Rules.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 135: Mr. KINGSTON.

H.R. 158: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 368: Mr. GOHMERT.

H.R. 406: Mrs. CHRISTENSEN.

H.R. 415: Ms. TSONGAS.

H.R. 619: Mr. FARR, Mr. VAN HOLLEN, and Mr. HALL of New York.

H.R. 690: Mr. PALLONE.

H.R. 715: Ms. MATSUI, Mr. DOGGETT, and Ms. SCHAKOWSKY.

H.R. 719: Mr. ISSA.

H.R. 748: Mr. SIRES, Mr. WELCH of Vermont, Mrs. DRAKE, Mr. KUHL of New York, Mr. MEEK of Florida, Mr. TIERNEY, Mr. KLEIN of Florida, Mr. CARTER, Mr. CAPUANO, and Mr. DAVIS of Kentucky.

H.R. 818: Mr. HASTINGS of Florida, Mr. FILNER, and Mr. KUCINICH.

H.R. 864: Mr. MICHAUD.

H.R. 882: Mr. FEENEY, Mr. FATTAH, and Mr. COURTNEY.

H.R. 887: Mrs. LOWEY.

H.R. 897: Mr. FARR and Mr. MURPHY of Connecticut.

H.R. 1022: Mr. KUCINICH.

H.R. 1064: Ms. SHEA-PORTER.

H.R. 1102: Mr. PEARCE.

H. R.. 1108: Mr. JEFFERSON and Mr. MEEK of Florida.

H.R. 1125: Mr. LIPINSKI, Mr. PRICE of North Carolina, and Mr. NADLER.

H.R. 1134: Mr. WELCH of Vermont.

H.R. 1157: Ms. CLARKE and Mr. RUSH.

H.R. 1174: Mr. RYAN of Wisconsin, Mr. WOLF, Mr. VAN HOLLEN, Mr. THORNBERRY, Mr. MILLER of Florida, Mr. GERLACH, Mr. HOLDEN, and Mrs. CAPITO.

H.R. 1237: Mr. TIBERI, Mr. BARROW, Mr. PASCRELL, Mr. CASTLE, and Mr. UPTON.

H.R. 1275: Mr. CAPUANO.

H.R. 1293: Mr. MURPHY of Connecticut and Mrs. TAUSCHER.

H.R. 1336: Mr. REICHERT.

H.R. 1359: Mr. PITTS.

H.R. 1363: Mr. JEFFERSON, Ms. HIRONO, Mrs. TAUSCHER, and Ms. WASSERMAN SCHULTZ.

H.R. 1419: Mr. WAMP.

H.R. 1420: Mr. JEFFERSON.

H.R. 1422: Mr. INSLEE.

H.R. 1464: Mr. BROWN of South Carolina.

H.R. 1474: Mr. JOHNSON of Georgia.

H.R. 1497: Mr. BARRETT of South Carolina and Mr. GERLACH.

H.R. 1514: Mrs. MCMORRIS RODGERS.

H.R. 1537: Mr. FATTAH.

H.R. 1553: Mrs. MCCARTHY of New York.

H.R. 1589: Mr. LOBIONDO, Mr. FORBES, and Mr. ELLSWORTH.

H.R. 1609: Mr. LEWIS of Georgia, Mrs. CUBIN, and Mr. GORDON.

H.R. 1610: Mr. SULLIVAN and Mr. GARRETT of New Jersey.

H.R. 1621: Mr. RANGEL.

H.R. 1665: Mr. WALBERG.

H.R. 1687: Mrs. CUBIN and Mr. SHERMAN.

H.R. 1755: Mr. BLUMENAUER.

H.R. 1767: Mr. WICKER.

H.R. 1843: Mr. ISRAEL.

H.R. 1869: Mr. UDALL of Colorado.

H.R. 1884: Mr. REHBERG, Mr. DOYLE, Mr. MCNERNEY, Mr. SHIMKUS, Mr. THOMPSON of Mississippi, Mr. UDALL of Colorado, Mr. COURTNEY, and Mr. LARSEN of Washington.

H.R. 1927: Mr. ELLSWORTH and Mr. PALLONE.

H.R. 1937: Mr. BOSWELL.

H.R. 1947: Mrs. TAUSCHER, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia.

H.R. 1983: Mr. THOMPSON of Mississippi.

H.R. 2016: Mr. OLVER, Ms. SUTTON, and Mr. WYNN.

H.R. 2046: Mr. MORAN of Virginia.

H.R. 2053: Mr. DUNCAN, Mr. RYAN of Ohio, Mr. BACHUS, Mr. PATRICK MURPHY of Pennsylvania, and Mr. CAPUANO.

H.R. 2063: Mr. RUPPERSBERGER.

H.R. 2064: Ms. WASSERMAN SCHULTZ, Mr. GUTIERREZ, Mr. PALLONE, Mr. OLVER, and Mr. BOSWELL.

H.R. 2066: Mr. SPACE.

H.R. 2073: Mr. GORDON.

H.R. 2091: Mr. MEEK of Florida, Mr. TIM MURPHY of Pennsylvania, Mr. DENT, and Mr. LEWIS of Georgia.

H.R. 2092: Mr. VAN HOLLEN.

H.R. 2188: Mr. SPACE.

H.R. 2231: Mr. GRAVES and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2303: Mr. PETERSON of Minnesota.

H.R. 2329: Mr. BOUCHER.

H.R. 2332: Mr. INGLIS of South Carolina, Mr. BARRETT of South Carolina, Mr. LOBIONDO, and Mr. SOUDER.

H.R. 2370: Mrs. NAPOLITANO and Ms. NORTON.

H.R. 2373: Ms. WASSERMAN SCHULTZ.

H.R. 2412: Mr. MOORE of Kansas and Ms. SCHAKOWSKY.

H.R. 2417: Mr. PALLONE.

H.R. 2421: Mr. BRALEY of Iowa.

H.R. 2452: Mr. SERRANO.

H.R. 2472: Mr. LINDER and Mr. SOUDER.

H.R. 2511: Mr. SESTAK and Mr. HASTINGS of Florida.

H.R. 2517: Mr. WALDEN of Oregon.

H.R. 2550: Mr. BROWN of South Carolina and Mr. REICHERT.

H.R. 2634: Ms. ESHOO, Mr. ENGEL, Mr. MEEK of Florida, Mr. DELAHUNT, and Mr. BISHOP of New York.

H.R. 2668: Ms. WASSERMAN SCHULTZ.

H.R. 2686: Mr. COSTA.

H.R. 2702: Mr. DONNELLY and Mr. PALLONE.

H.R. 2744: Mr. LIPINSKI, Mr. PALLONE, Mr. INSLEE, and Ms. DEGETTE.

H.R. 2805: Mr. SESTAK, Mr. HINCHEY, and Ms. SCHWARTZ.

H.R. 2820: Mr. ELLSWORTH.

H.R. 2911: Mr. KUCINICH.

H.R. 2927: Mr. BILIRAKIS and Mrs. CUBIN.

H.R. 2933: Mr. BONNER, Mr. ANDREWS, and Mr. ROGERS of Kentucky.

H.R. 2965: Mr. SERRANO, Mr. SHAYS, Mr. KLEIN of Florida, Mr. WEXLER, and Mrs. MCMORRIS RODGERS.

H.R. 2990: Mr. COLE of Oklahoma and Mr. MARKEY.

H.R. 3001: Mr. FRANK of Massachusetts.

H.R. 3016: Mrs. CUBIN.

H.R. 3054: Mr. KUCINICH.

H.R. 3098: Mr. DAVIS of Alabama.

H.R. 3119: Mr. PAYNE.

H.R. 3132: Mr. HASTINGS of Florida.

H.R. 3140: Mr. UPTON, Mr. MCGOVERN, Mr. HINCHEY, Mr. LARSEN of Washington, Mr. MILLER of North Carolina, and Mr. PASTOR.

H.R. 3148: Mr. FRANKS of Arizona, and Mr. DAVID DAVIS of Tennessee.

H.R. 3175: Mr. CROWLEY and Ms. SLAUGHTER.

H.R. 3191: Mr. KUHL of New York.

H.R. 3212: Mr. PALLONE.

H.R. 3256: Ms. SHEA-PORTER.

H.R. 3298: Mr. MURPHY of Connecticut.

H.R. 3326: Mr. NADLER, Mr. COHEN, Mr. LEWIS of Georgia, Mr. SERRANO, and Mr. MCGOVERN.

H.R. 3334: Mr. WESTMORELAND.

H.R. 3357: Mr. LATHAM, Ms. GIFFORDS, Mr. SNYDER, and Mr. MCNERNEY.

H.R. 3380: Mr. HAYES and Mr. BURTON of Indiana.

H.R. 3385: Mr. RUSH and Mr. BISHOP of Georgia.

H.R. 3439: Mr. HASTINGS of Florida.

H.R. 3453: Ms. HIRONO.

H.R. 3461: Mr. LAMPSON, Mr. ARCURI, Mr. BRALEY of Iowa, Mr. BARROW, and Mrs. GILLIBRAND.

H.R. 3466: Mr. SPACE.

H.R. 3481: Mr. PETERSON of Minnesota, Mr. JOHNSON of Georgia, Mr. COURTNEY, Mr. SESTAK, and Mr. TIERNEY.

H.R. 3495: Mr. COHEN.

H.R. 3508: Mr. SHUSTER, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. CAMP of Michigan, Mr. ROSKAM, Mr. MANZULLO, Mr. RYAN of Wisconsin, Mr. PENCE, Mrs. MUSGRAVE, MR. AKIN, Mr. FORBES, Mr. BROUN of Georgia, Mr. GOHMERT, Mr. PRICE of Georgia, Mr. JORDAN, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mrs. BACHMANN, Mr. FLAKE, Mr. BARTLETT of Maryland, Mr. WESTMORELAND, Mr. FEENEY, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. LUCAS, Mr. LINDER, Mr. SHADEGG, Mr. GOODE, Ms. FALLIN, Mr. PITTS, Mr. GARRETT of New Jersey, Mr. FORTUÑO, Mr. BROWN of South Carolina, Mrs. BLACKBURN, and Mr. CAMPBELL of California.

H.R. 3526: Mr. DINGELL.

H.R. 3533: Mr. HONDA and Mr. BACHUS.

H.R. 3545: Ms. HERSETH SANDLIN.

H.R. 3547: Mr. WYNN and Mr. BISHOP of Georgia.

H.R. 3558: Mr. CAPUANO.

H.R. 3577: Mr. BOOZMAN.

H.R. 3578: Mr. BARROW and Mr. BOSWELL.

H.R. 3609: Mr. HARE and Mr. ACKERMAN.

H.R. 3631: Mr. SHAYS.

H.R. 3652: Mr. KILDEE.

H.R. 3654: Mr. MATHESON, Mr. JEFFERSON, Mr. CONAWAY, and Mr. GOODLATTE.

H.R. 3660: Mr. MURPHY of Connecticut.

H.R. 3681: Mr. SPACE and Mr. CARNEY.

H.R. 3689: Mr. BOUCHER, Ms. SUTTON, and Mr. BACHUS.

H.R. 3691: Mr. NADLER and Mr. PRICE of North Carolina.

H.R. 3700: Mr. GENE GREEN of Texas, and Ms. HERSETH SANDLIN.

H.R. 3707: Mrs. MALONEY of New York and Mr. KING of New York.

H.R. 3717: Mr. HARE.

H.R. 3737: Mr. BECERRA.

H.R. 3779: Mr. SALI.

H.R. 3781: Mr. SOUDER.

H.R. 3782: Mr. DAVIS of Illinois.

H.R. 3793: Mr. SMITH of Washington, Ms. WASSERMAN SCHULTZ, and Mr. MURPHY of Connecticut.

H.R. 3797: Ms. ESHOO, Mr. MCGOVERN, and Mr. MILLER of North Carolina.

H.R. 3815: Mr. SMITH of Washington.

H.R. 3818: Mr. PETERSON of Pennsylvania, Mrs. BONO, Mr. WAMP, Mr. POE, Mrs. CUBIN, Mr. MACK, and Mr. GARY G. MILLER of California.

H.R. 3845: Mr. LEWIS of Georgia, Ms. BORDALLO, Mr. DUNCAN, Ms. BERKLEY, Mr. VAN HOLLEN, and Mr. HILL.

H.R. 3846: Mr. JEFFERSON, Mr. HARE, and Mr. NADLER.

H.R. 3857: Mrs. MCMORRIS RODGERS, Mr. MANZULLO, Mr. WILSON of South Carolina, Mr. FORTUÑO, Mr. GINGREY, Mr. KINGSTON, Mr. PITTS, Mr. KLINE of Minnesota, Ms. FOXX, Mr. WALBERG, Mr. KUHL of New York, Mr. GOODE, Mr. CAMPBELL of California, Mr. PENCE, Mr. CANTOR, Mr. ROSKAM, Mr. PRICE of Georgia, Mr. SHADEGG, Mr. SALI, and Mr. HENSARLING.

H.R. 3865: Mr. HASTINGS of Florida, Ms. SHEA-PORTER, Mr. MICHAUD, and Mr. PETERSON of Pennsylvania.

H.R. 3874: Mr. MILLER of Florida, Mr. CONAWAY, and Mr. COHEN.

H.R. 3877: Mr. UDALL of Colorado.

H.R. 3882: Mr. COURTNEY, Mr. CONAWAY, Mr. SESTAK, Mr. PATRICK MURPHY of Pennsylvania, Ms. SUTTON, Mr. MICHAUD, Mr. VISCLOSKY, Ms. BERKLEY, Mr. YARMUTH, Mr. ALTMIRE, Ms. CARSON, Mr. SIRES, Mr. MORAN of Kansas, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3888: Mr. SHUSTER, Mr. LINDER, and Mr. SOUDER.

H.R. 3915: Ms. KAPTUR and Ms. SUTTON.

H.R. 3920: Mr. SARBANES, Mr. HINOJOSA, and Mr. DONNELLY.

H.R. 3932: Mr. HARE and Mr. ALLEN.

H.R. 3947: Mrs. TAUSCHER.

H.R. 3950: Mr. GOODE.

H.R. 3963: Mr. PALLONE, Mrs. CAPPS, Mr. GENE GREEN of Texas, Mrs. WILSON of New Mexico, Mr. WYNN, Mr. DOYLE, Ms. BALDWIN, Mr. ENGEL, Ms. ESHOO, Mr. BOUCHER, Ms. HOOLEY, Mr. TOWNS, Mr. MATHESON, Mr. WAXMAN, Ms. SOLIS, Ms. HARMAN, Mr. INSLEE, Mr. MARKEY, Mr. ALLEN, Mr. BARROW, Mr. STUPAK, and Mr. ROSS.

H. Con. Res. 70: Mr. CALVERT.

H. Con. Res. 81: Mr. GRIJALVA, Mr. HINCHEY, and Ms. MATSUI.

H. Con. Res. 215: Mr. GARRETT of New Jersey, Mr. PORTER, Mr. ALEXANDER, Mr. BARRETT of South Carolina, Mr. TERRY, Ms. FOXX, Mr. DOOLITTLE, Mr. HERGER, Mr. REICHERT, Mrs. DRAKE, Mr. REHBERG, Mr. BONNER, Mr. BAKER, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. MCHUGH, Mr. CONAWAY, Mr. WALBERG, Mr. KLINE of Minnesota, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. KINGSTON, Mr. GINGREY, Mr. FORTUÑO, MR. WILSON of South Carolina, Mr. MANZULLO, Mr. NEUGEBAUER, Mrs. MUSGRAVE, Mr. AKIN, Mr. DAVID DAVIS of Tennessee, Mr. FORTENBERRY, Mr. WAMP, Mr. PRICE of Georgia, Mr. SHADEGG, and Mr. SPACE.

H. Con. Res. 235: Mr. KUHL of New York and Mr. TOWNS.

H. Con. Res. 239: Mr. WHITFIELD.

H. Res. 71: Mr. HIGGINS.

H. Res. 111: Ms. BERKLEY, Mr. JEFFERSON, Mr. LATOURETTE, Mr. CHANDLER, and Mr. KILDEE.

H. Res. 163: Mr. FRANK of Massachusetts, Mr. ELLISON, and Mr. RANGEL.

H. Res. 525: Mr. JACKSON of Illinois.

H. Res. 578: Mr. MARSHALL, Mr. GILCHREST, Mr. MAHONEY of Florida, Mrs. EMERSON, and Mr. BISHOP of Georgia.

H. Res. 661: Mr. MCGOVERN.

H. Res. 695: Mr. BAKER, Mr. CALVERT, Mr. KING of New York, Mr. SHUSTER, and Mr. WALBERG.

H. Res. 705: Mr. LINCOLN DAVIS of Tennessee, Mr. BOOZMAN, and Mr. MACK.

H. Res. 713: Mr. SESTAK, Mr. ENGEL, Ms. WATSON, and Mr. ACKERMAN.

H. Res. 715: Mr. GARY G. MILLER of California.

H. Res. 743: Mr. PALLONE, Mr. PASCRELL, and Mr. MCGOVERN.

H. Res. 747: Mr. SHERMAN.

H. Res. 748: Mr. CHABOT and Mr. COLE of Oklahoma.

H. Res. 760: Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mrs. TAUSCHER, Mr. AL GREEN of Texas, Mr. BUCHANAN, Mrs. MCCARTHY of New York, Mr. GILCHREST, Mr. RUPPERSBERGER, Ms. JACKSON-LEE of Texas, Mr. FARR, Mr. KIND, Mr. MCDERMOTT, Ms. SOLIS, Mr. HOLT, Mr. KAGEN, Ms. RICHARDSON, and Mr. COOPER.

H. Res. 769: Mr. TAYLOR, Mr. SHAYS, Mr. COBLE, and Mr. SKELTON.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 3, by Mr. PENCE on House Resolution 664: Joe Barton, Paul Ryan, Frank R. Wolf, Deborah Pryce, Steve Chabot, John Sullivan, John Linder, Roscoe G. Bartlett, Thomas G. Tancredo, George Radanovich, Rodney P. Frelinghuysen, Mike Rogers, Thomas E. Petri, Richard H. Baker, Jerry Lewis, Howard Coble, Peter Hoekstra, Michael N. Castle, Wayne T. Gilchrest, Elton Gallegly, Jerry Weller, C. W. Bill Young, John Boozman, John L. Mica, Devin Nunes, Jim Saxton, Tom Davis, Ron Paul, Jack Kingston, Kenny C. Hulshof, Vernon J. Ehlers, Ed Whitfield, Randy J. Forbes, Rick Renzi, Peter T. King, Walter B. Jones, Jim McCrery, David L. Hobson, John E. Peterson, Mark E. Souder, Tim Murphy, Vern Buchanan, and Joe Knollenberg.

# SENATE—*Thursday, October 25, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable KEN SALAZAR, a Senator from the State of Colorado.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Almighty God, the fountain of wisdom and strength, thank You for the beauty and glory of this day. With Your life, You have provided us with a model of excellence. With Your sacrifice, You have infused us with victory for yesterday, strength for today, and bright hope for tomorrow. Lord, with Your presence, You have imparted a love that never fades, and with Your guidance, we have found dreams that lead to abundance. Lead on, Great King Eternal, for we follow not in fear.

Guide the Members of this body to new levels of excellence. Give them robust health, faith for their perplexities, wisdom for their decisions, and light for the path ahead. Make them willing to be instruments of Your providence.

We pray in Your marvelous Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable KEN SALAZAR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 25, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KEN SALAZAR, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. SALAZAR thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, we are going to have an hour of morning business. The time is controlled by the two leaders. The Republicans control the first half, the Democrats the second half.

Following morning business, the Senate will resume consideration of Amtrak. Last night, an agreement was entered into regarding consideration of the pending Sununu amendment relating to rail subsidies. There will be 2 hours of debate on that amendment. Votes are expected sometime around 11:30 or 11:40 today.

I would say that the Republican leader and I just had a conversation. We have to check with a couple of Senators on each side. What we might try to do to get out of the procedural problem we have now—because we do have one with this—is we may try to set up a couple of competing votes. We will try to do that. We know the issue is pretty well formed. We know what one side wants, and we know what the other side wants. So it is probably appropriate that we set something up so that we can vote on both of them. What has been suggested is that we have a 60-vote margin on both of them, which, of course, is certainly done on occasion around here.

So as soon as I finish here, I am going to go make a couple of calls to my Senators and see if we can have Senator McCONNELL—if he has any problems on his side, he will do the same, and maybe we can enter into some kind of an agreement and vote at 11:30, maybe two votes. We are on top of that. I think it would be a way to move into this bill so that we are actually debating the railroad Amtrak issues rather than this Internet issue, which is important, and it has to be decided within the next few days one way or the other because otherwise it expires. So that is where we are.

There should be amendments throughout the day. I know I have had one Senator who asked me if there will be votes tonight, and I think it is very likely there will be votes tonight. So I think anyone considering going to Boston to watch the World Series might not be able to do that.

## MEASURE PLACED ON THE CALENDAR—H.R. 3564

Mr. REID. Mr. President, H.R. 3564 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the title of the bill for the second time.

The legislative clerk read as follows:

> A bill (H.R. 3564) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

Mr. REID. I now object to any further proceedings.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

## ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that any time Senator McCONNELL and I use not be charged against the time for the two sides on morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## REMEMBERING SENATOR PAUL WELLSTONE

Mr. REID. Mr. President, 5 years ago today, the Senate lost one of its hardest working, most respected Members: Senator Paul Wellstone. I can still remember very clearly the phone call I received from Pete Rouse, who was the chief of staff for Senator Daschle, and he said: I have some terrible news. There was an airplane crash, and we think Paul Wellstone was on that plane.

Well, hope springs eternal, and I was hoping that was wrong, but it wasn't. He was in a plane crash. Sheila, who was his partner—she was with him everyplace—was killed in that plane crash. One of his three children, Marcia, was also killed, and three campaign aides.

Typical for Paul Wellstone, he had made a commitment to be someplace, and he wanted to go. The weather was bad. The pilot said everything would be OK. The pilot wasn't telling him the way it really was. I am not going to get into how the accident happened or why it happened, but certainly it was nothing that Paul Wellstone did wrong. Paul Wellstone wanted to fulfill a commitment. He shouldn't have been up in that airplane. The pilot shouldn't have taken that airplane into the areas that he did, but he did.

In his life, Paul Wellstone earned the titles of doctor, professor, Senator, but he liked to be called Paul. That is what I am going to call him today.

Paul loved to talk. He stood back there, and he was a good speaker. I can remember the first time I heard him speak. There were some new Senators

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

who had been elected, and we had an event in the Rotunda for the new Senators. I had never heard him speak before. He was dynamic, what he said. He was talking about why he had gotten involved in politics.

Paul came here in 1991. He was a crusader. That is what he was. He was a crusader. He was always out charging ahead on some issue he believed in. Mostly, the issues were those where people needed help. The poor, the left behind, veterans, the environment, and those with mental illness were always a special concern to him. He took pride in championing the fight for people needing a helping hand.

He knew a lot about growing up with adversity. He had a brother he loved who suffered from mental illness, and that is why he joined with Senator DOMENICI to work on mental health parity. His parents worked hard. They didn't have much. But Paul told me how his father would sit at the table in the evening and talk to him about what was important in life.

He was a remarkable man. He was very small in stature physically, but in that big facility across Constitution Avenue, the police headquarters, where hundreds and hundreds of police officers come and go out of that facility every day over the years, Paul Wellstone still holds the record of being able to do the most chin-ups and the most pushups in a given period of time. He was a powerful little man physically.

Most of what he accomplished, as indicated with the chin-ups and pushups, was with sheer grit and determination. He earned a wrestling scholarship from the University of North Carolina, Chapel Hill. He married his high school sweetheart. He earned an Atlantic Coast Wrestling Championship and managed to graduate in just 3 years. After college, he earned a Ph.D. in political science and became a college professor at the age of 24 at a very academically known school, Carleton College in Minnesota.

But even then, in his years before the Senate, he was a true believer and an impassioned fighter for justice, and that is an understatement. One may not have agreed with what his definition of justice was, but his definition was worth fighting for, and he fought hard.

While teaching at Carleton College, he led the charge to divest the university from apartheid in South Africa. He helped local farmers when banks came to foreclose on their farms. That is Paul Wellstone. He fostered a new generation of active, civic-minded students by teaching specialized courses with names like "Social Movements" and "Grassroots Organizing." These were courses he invented. There were no textbooks for them.

There were some who said that for an untenured professor, teaching activism and leading campus protests wasn't the smartest career move a person could make. In fact, when Paul came up for tenure, he was initially denied. In effect, he was in the process of being fired. It took a groundswell of student support. Thousands and thousands of students, most of whom didn't even go to that university, rallied on his behalf. He kept his job. He got tenure. At 28, he was the youngest tenured professor in the history of Carleton College. It was done because the students wanted him more than did the administration, because he was a great teacher.

So when he came to the Senate, it was no surprise he brought a fearless progressive spirit with him. I recall observers comparing him to Jimmy Smith's character in "Mr. Smith Goes to Washington." He was idealistic, he was determined, and he was very effective.

He came here refusing to be phased by the politics of division, refusing to be phased by business as usual. I don't think the phrase "status quo" was in his vocabulary. Wherever he saw injustice, intolerance, or simply ineffectiveness, one would understand that Paul Wellstone would be around. When he found injustice in the treatment of the mentally ill, he stepped forward to ensure parity for sufferers of what were known as unspoken illnesses when it comes to insurance caps. When he found injustice in the treatment of our veterans, he stepped forward to help them, especially those who were homeless. When he found injustice in the way our Earth was treated, he stepped forward to protect the Alaska National Wildlife Refuge from drilling, among other things. He never hesitated, paused, or pondered. He stepped forward. He was really a leader.

Now, in his leading, that didn't mean everybody agreed with him because much of the time—in fact, most of the time—he was in the minority. He didn't care if he had two people supporting him or one or if he was alone. He never hesitated—I repeat, he never paused or pondered.

Many wondered how this fire-breathing progressive was able to accomplish so much in his time. The answer is that he believed in bipartisanship and he actively embraced it. It was never a surprise to see Paul team up with one or more of the Senate's most conservative Members to get something done for the people of the State of Minnesota or our country. During his time here in Washington, it never changed him. It really didn't. He left this Earth with the same idealisms and passion he always had.

He once said:

> Never separate the life you live from the words you speak.

He lived by that rule.

I recall that when he first arrived in the Senate, he kept wondering—he would leave his office all messed up, and he would come back and it was clean. He asked: Who does that? He was told: People come in late at night and clean your office—the janitors. So Paul Wellstone, after learning that, stayed that night. They came after midnight. He waited for them so he could tell them how much he appreciated them cleaning his office. That is the kind of guy he was. True to form, he did that, as he did many unusual things, in the minds of many.

There is a man who still works here; his name is Gary. I don't know Gary's last name. He is a big man. He helps us here. We have all seen him. Gary said people refer to him as "Tiny." Paul told me: I would appreciate it if you wouldn't refer to him as "Tiny." His name is Gary. I have never referred to him as anything other than Gary. He thought that was a pejorative statement. Tiny, as many people refer to him, is a huge man, and Paul somehow thought that was not the right thing to do.

He was really my friend. I counseled with him. I went to the doctor with him. Right before he was killed, he had a terribly bad back. Oh, it was bad. He refused to go to the doctor. He refused to go to the hospital, which is where he should have gone. We took him to the doctor down here. The sweat, because of the pain, was pouring off his face.

He was a very tough man. I will always remember that phone call I got from Pete Rouse. I will always remember Paul Wellstone. The loss of his presence has been felt and missed every day. He added a new dimension to the Senate. You don't always have to win to be a winner. So I say to his sons, David and Mark, and the entire Wellstone family, Paul Wellstone will always be in my heart and in the hearts of anyone who knew him.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I, too, today wish to comment on the remarkable life of Paul Wellstone. Elaine and I got to knew Paul for 2 reasons. No. 1, they lived right near us on Capitol Hill and we would frequently see them coming and going. No. 2, Sheila was from eastern Kentucky, and we had an opportunity to share observations about those good people in eastern Kentucky from whom she sprang.

Today is indeed a sad anniversary. I join the Senate family in honoring the memory of Senator Paul Wellstone and celebrating his distinguished Senate career.

He was the most unlikely Senator. His election in 1990 was widely considered kind of a fluke, an accident. But he was neither. He was the genuine article, an extraordinary man who came to work every day with enthusiasm. He had a very upbeat outlook on life. Sometimes people who are either on the very left or the very right have a kind of grim view of things. Paul would, by his own admission, say he was on the very far left of things, but he didn't have a grim nature about him at all. He was upbeat and optimistic, and he came to work every day ready to fight for what he believed in.

Paul was a champion of mental health and other causes. With Paul, you never had any uncertainty about where he stood. It was absolutely clear. I am having a hard time recalling a single matter upon which he and I agreed, but Paul was what I would call a conviction-based politician, a public servant who never wavered from his beliefs, even when the political winds shifted against him.

He and Sheila—that eastern Kentuckian I talked about—were absolutely inseparable. High school sweethearts, they had been married for 39 years when, regretfully, the plane carrying them, their daughter Marcia, 3 staff members, and 2 pilots went down in Eveleth, MN, on the way to a debate in Duluth.

The entire Nation grieved that day for this former wrestling champ, an unlikely and, as I indicated, unforgettable Senator. We grieve on this anniversary with Paul's 2 surviving sons, David and Mark, and the many former Wellstone staffers, the Wellstone people who worked so hard to carry on his legacy. As the majority leader indicated, he had a distinguished academic career, earned his bachelor's degree in 1965 and his doctorate 3 years later. He plowed right through college at the University of North Carolina, both his undergraduate degree and his doctorate. He was a Phi Beta Kappa. That is about as good as it gets for a student at college. He actually attended on a wrestling scholarship.

Paul was not very tall. He was 5 feet 5 inches or 5 feet 6 inches but a strong guy. He was a champion Atlantic Coast Conference wrestler. He was named to the all-ACC wrestling team.

As the majority leader outlined, Paul was a great professor, widely loved and admired by his students, and I think it is safe to say he was widely admired and loved by his colleagues in the Senate.

We will always remember Paul Wellstone.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. TESTER). Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first portion and the Republicans controlling the final portion.

The Senator from Minnesota is recognized.

## REMEMBERING PAUL AND SHEILA WELLSTONE

Ms. KLOBUCHAR. Mr. President, I wish to speak this morning to honor the memory of Paul and Sheila Wellstone. Today, it is exactly 5 years ago that they died in a plane crash outside Eveleth, MN, a beautiful area of our State called the Iron Range, where, in some ways, Paul Wellstone got his political start. Part of it was the farms of southern Minnesota, when he stood up for farmers when the farms were being foreclosed on. But part of it was the work he did with those iron ore miners. My grandfather was an iron ore miner who worked 1,500 feet underground in the mines of Ely, MN, about a half hour away from where Paul died.

Paul Wellstone's daughter Marcia was also killed in the crash—his longtime staff members, Mary McEvoy, Tom Lapik, and Will McLaughlin, as well as the pilot and copilot of the plane. On this day, 5 years later, the people of Minnesota are remembering that crash and remembering Paul and Sheila. It is so hard to believe it has been 5 years since we have lost them. It feels both so long ago and not so long ago at all. Part of why it doesn't seem so long ago to me is because everywhere I go in this Capitol, people remind me of Paul. When I say I am a Senator from Minnesota, they remember Paul—people such as TED KENNEDY, who worked with him on mental health issues, to the tram drivers, who for years and years have driven that tram from the Capitol to the Senate office buildings. When I said I was this new Senator from Minnesota, the driver said, "Paul Wellstone was a Senator from Minnesota."

The cops who guard at the Capitol remember Paul. The secretaries in the offices remember Paul. That is because he treated everybody with such dignity in this Capitol and with such dignity in our State. That was Paul Wellstone.

For me, as for so many other Minnesotans, it is impossible to forget the moment we first heard about the plane going down and then the wait to get the final news that there were no survivors.

Paul and Sheila would be the first to tell us we should not look back on what they accomplished and stood for. They would be the first to insist our responsibility is to look ahead to the work that still must be done to carry their legacy forward.

Although Paul and Sheila are no longer with us, we know their dreams and passions remain very much alive. I get my own special reminder every day, not just with the employees in the Capitol but because the flag from Paul's Senate office hangs in our Senate office. It is a powerful reminder to me of Paul and all he tried to do in Washington.

During his lifetime as an educator, as an activist, and as a Senator, Paul inspired people throughout Minnesota and throughout America.

Even now, his work and his spirit continue to inspire people of all ages, from all walks of life, all across our country, who remember Paul for the fundamental values he fought and struggled for.

He was a voice for the voiceless. He and Sheila stood for victims of domestic violence who were afraid to talk about it, afraid to go to court. They stood for them and made this their life's passion.

He brought power to the powerless—people such as the iron miners in Minnesota, people such as those farmers whose homes and farms were foreclosed on.

He brought justice to those who suffered injustice.

He brought opportunity to those who didn't have opportunity. When going to any small community event in our State or to events with large immigrant populations, they all remember Paul coming to their marketplaces or how he would meet with the women. Some of them—the elders—can hardly speak English, but they can say "Wellstone."

I know I will forever be humbled by the oath I took to be a Senator from Minnesota. I know that not I nor anyone else can truly follow in Paul's footsteps. But he is an inspiration for us all.

Paul was my friend and mentor. He taught me how to campaign on a city bus. When I first ran for office, for county attorney, we would get on a city bus and work the entire bus. We would meet everybody on the bus. When we would get to the end of 8 blocks, we would say we are at our stop and get off. Then we would get back on a bus going the other way. We would go around for hours until we met everybody on those buses in Minneapolis that afternoon. He worked bus by bus, block by block, precinct by precinct to touch people in a way that made people believe, made people know that involvement in politics could make a real difference in their lives. That is what he told those new immigrants, new citizens. He told them that involvement in politics could make a difference in their lives. He did it not only by his words but by how much he went out and touched them and were a part of their life.

Paul was a crusader and a man with many passions. Anyone who ever met or talked with him quickly found out he had a special passion for helping those with mental illness. That was shaped by the suffering of a member of his own family. Many of you may know Paul's story about his brother Stephen.

As a young child, Paul watched his brother's traumatic descent into mental illness. When Stephen was a freshman in college, he suffered a severe mental breakdown and ended up spending the next 2 years in mental hospitals. Eventually, he recovered and graduated from college with honors. But it took his immigrant parents years to pay off the hospital bills.

Writing about this, Paul recalled the years that his brother was hospitalized. "For two years," he wrote, "the house always seemed dark to me—even when the lights were on. It was such a sad home."

Decades later, Paul knew there were still far too many sad homes in our great Nation—too many families devastated by the physical and financial consequences of mental illness.

Paul knew we could and we should do better. For years, he fought to allocate funding for better care, better services, and better representation for the mentally ill. For years, he fought for mental health parity in health insurance coverage.

Finally, this year, at last, it looks as if Paul's dream may finally come true. Last month, the Senate unanimously voted in support of legislation that will guarantee equity for mental health insurance coverage.

This will be a victory—if we can get this passed and work with the House and get as strong a bill as possible—for millions of Americans living with these mental illnesses who have faced unfair discrimination in their access to affordable, appropriate health care and treatment.

For Paul, this was always a matter of civil rights, of justice, and of basic human decency.

Of course, on this issue—as every other issue—Sheila and Paul were together and they moved quickly. Paul and Sheila had so much energy, and they were always on the move. They brought such enthusiasm and joy to their work. They were animated, tireless, and persistent in their fight against injustice.

Sheila Wellstone was a leader in her own right. I had the opportunity to work closely with her when I was the chief prosecutor for Hennepin County. They focused on domestic violence. She was instrumental in creating the Hennepin County Domestic Abuse Service Center, which I supervised during my 8 years as county attorney. That center is a national, an international, model for serving the victims of domestic violence by bringing together a full range of services and resources in one central, convenient location. Victims of domestic violence don't have to go through the redtape that would even be hard for a lawyer to figure out. There is a center where children can come and play, for prosecutors and police, and a shelter, all located under one roof.

Sheila knew the statistics on domestic violence. She knew these kids are six times more likely to commit suicide if they grew up in a home with domestic violence. They are 24 times more likely to commit sexual assaults. They are 60 times more likely to exhibit delinquent behavior. Most chilling of all, little boys who would witness domestic violence are 100 times more likely to become abusers themselves.

Sheila knew these numbers, but even more, she knew the names and the faces of the victims of domestic violence. She knew their children. It made her all the more determined to do something about it because, in America, of all places, kids should be free to grow up with safety and security and peace of mind.

I remember the last time I saw Sheila and Paul. It was a few weeks before the tragic crash. Sheila and I had been asked to speak to a group of new citizens, immigrants from Russia. It was a very small group. There were about 50 people there. We talked about our own immigrant experiences. She talked about her parents and growing up in Appalachia, and I talked about my Slovenian relatives coming over and making their way, saving money in a coffee can in the basement so they could send my dad to college.

We were in the middle of these stories in this very small room. All of a sudden in walked Paul. He wasn't supposed to be there. He had gotten an early flight home from Washington. He wasn't supposed to be there because he was about a month out on one of the biggest elections for the Senate in the country. He had voted, had taken a brave vote, a courageous vote against the resolution on Iraq. He knew he was up for reelection. He knew it might cost him the election, but he did the right thing.

He came into that room where there was no press, no reporters, and a few weeks before this election. At the time I thought: Why did he do this when he has to be out there campaigning? I knew then that there were two reasons he did it. First is that he loved Sheila and he wanted to surprise her, and he wanted to be there by her side while she gave her speech and gave her remarks. But he was also there because he embraced the immigrant experience. He liked nothing more than talking about how you can come to this country with nothing and pull yourself up by your bootstraps. You can be a guy working 1,500 feet underground in the mines in Ely, MN, and your granddaughter can be a Senator. You can be someone with mental illness, such as Paul's brother, and grow up to get a college degree and be a teacher. You can be a victim of domestic violence and get your life back together and have a home for your kids. That is what Paul and Sheila stood for. That was their legacy.

Today in our State of Minnesota and throughout this country and this Capitol, we think of them and what they stood for, and we pledge to work again to fill their legacy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, it is my understanding we are still in the majority's time period. I ask unanimous consent that it be set aside and reserved and that I be allowed to address the Senate in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPROPRIATIONS PROCESS

Mr. ISAKSON. Mr. President, I am delighted to come to the floor today. I heard this morning the announcement by the Democratic leader, Mr. REID, that we probably will not bring the remaining five appropriations bills to the floor of the Senate before the year is out. Quite frankly, when the Republicans or Democrats have been in charge lately, it seems we have gotten into this situation going well past the fiscal year without acting on all the appropriations acts.

It seems to me as if, my ninth year in the Congress and my third year in the Senate, more often than not we end up with minibuses or omnibuses. We roll tremendous appropriations bills one into the other, pass them at the end of the night, and find out weeks later what is in them. That is not good regardless of your party, and it is certainly not good for the United States of America.

I come to the floor this morning to talk about some suggestions that have been made by some very distinguished and learned Members of this body on both sides of the aisle about opening our appropriations process, diagnosing the problems with it, and fixing it statutorily.

I particularly call the attention of the body to Senator DOMENICI from New Mexico, one of the longest serving Members of the Senate. He will be retiring at the end of next year. He has introduced consistently every year a biennial budget. The idea is that we appropriate in 2-year bites rather than a 1-year bite, and we do oversight in the second year.

Think about this for a second. What if the Congress did appropriations bills in odd-numbered years, meaning we spent the money in odd-numbered years and in even-numbered years, the same year we are up for reelection, we do oversight. So all of a sudden our debate and races are not about what we are going to spend but how our money is being spent. That is responsible, it is smart, and it makes sense.

Those who object will jump up and say: Oh, well, then we will just have a lot of emergency appropriations bills. Give me a break. Have you seen how many emergencies we have done in the last 2 years? We have emergencies come up all the time. Of course, you are going to have those. The emergency that exists is not the fear of having an emergency but the fact that once again this year we have gone past the end of the fiscal year, and we are operating under a continuing resolution. The United States has an untold number of issues that must be dealt with, and we are on cruise control in terms of the appropriations of our country. It is not right.

Now, I have voted for some appropriations bills, and I have voted against some appropriations bills. I am glad we have gotten seven done. But we have five out there that all of a sudden are probably going to get rolled in with about three or four others, get vetoed, and then get rolled into an omnibus. We will fly in here in the dead of night, have a document on our desk that is probably as thick as five or six concrete blocks stacked on top of one another, in very fine print, and we will be asked to cast a vote on how we are going to spend the money of the taxpayers of the United States. It is not right.

We need to look at new and creative ways to run the Government of the United States and its fiscal affairs. I commend Senator DOMENICI's appropriations recommendation and the idea of the biannual budget, and I encourage this body to start looking at a constructive solution like that. Senator VOINOVICH, who ran the State of Ohio—he has been a Governor—and is as sound a fiscal person as you want to find in this Senate, pointed out as well yesterday that the whole situation is just broken. We have entitlements on cruise control, discretionary spending in a continuing resolution, and we in the Congress fight over little tiny parts of the appropriations process when we ought to be considering it in its totality. We should take each of the 12 budget units, bring them to the floor, debate them, pass them, and send them to the President. Do them responsibly, as we are expected to do.

When the announcement was made that we are not going to get to five appropriations bills this year, there was also an announcement that we are going to have an Omnibus appropriations bill. We are going to roll all the bills into one, not debate them, not make decisions based on their soundness, and not even, for most of us, have a say in it; certainly not have a say during prime time or a say on the floor of the Senate.

Mr. President, I come today to talk about responsibility on behalf of our body and responsibility on behalf of the people of the United States, and I urge the majority to join with us to seek out recommendations such as those of Senator DOMENICI, seek out the sound advice of Senator VOINOVICH, and let's get our fiscal affairs in order. If we don't, we are going to waste more and more tax dollars and we are going to have more and more programs that go without oversight and we are going to spend dollar after dollar after dollar on old problems while our new problems and new challenges go unmet. It is not right for me, it is not right for you, Mr. President, and, most importantly, it is not right for the people of the United States.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, how much time remains on our side of the aisle on morning business?

The PRESIDING OFFICER. There are 14½ minutes remaining.

Mr. BROWNBACK. I yield myself such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REMEMBERING SENATOR PAUL WELLSTONE

Mr. BROWNBACK. Mr. President, I want to speak from the heart on two matters: one on my good friend, Paul Wellstone, who died in a plane crash 5 years ago. Several speakers have spoken already, very eloquently, about Paul Wellstone, a wonderful man.

He and I disagreed on many issues in this body, and yet we had a wonderful relationship because of the nature of the person he was. He practiced the art of disagreeing without being disagreeable. It is a tough art to do, particularly in legislative bodies it can be very difficult. But he did it, and he did it very well. And he had a number of friends on both sides of the aisle from wide across the political spectrum.

Because of that attitude—and here is something I really want to say to my colleagues—Paul and I could get together on what I deemed to be the most important piece of legislation that I have been a part of here, as far as a primary sponsor, and that is the human trafficking work that he and I started—actually, his wife got him focused on it, and she was killed in the same plane crash—where we started seeing people trafficked into the United States and different places around the world, and we wondered what is going on with this dark underside of the globalization that is taking place. The way they saw it was his wife first started to see Ukrainian women trafficked into Minnesota and showing up at battered women shelters. They had been trafficked into prostitution in the United States and then had shown up at battered women shelters. And they said, how did you get here? Then they started backtracking the trail through gang activities, criminal activities, organized crime activities, that moved them from the Ukraine into the United States, into brothels, and then they were battered.

As they started to piece this together, they were seeing organized crime which now we know is in many cases involved in human trafficking around the world and is the third leading source of income for organized crime now—trafficking. Much of it is women or young girls, in many cases if not most, that they are trafficking and trafficking into prostitution.

Paul's wife first observed this. Paul got involved in it. I got involved in it, seeing it from another angle, and we were able to put together a coalition around that issue of human trafficking at an early phase, before we noticed that much. That included people from across the political spectrum. Paul and myself—he a dedicated liberal, myself a conservative—we had Gloria Steinem and Chuck Colson in this coalition, pushing for a bill against human trafficking, the first legislation we did here on that topic.

Because we were able to work together and reach out across the aisle and disagree about a lot of things but not be disagreeable and find common cause, we were able to deal with something that is a scourge on this planet. As we globalize, walls come down, people are moved, many times illicitly, in many cases brutally, and in a lot of cases are killed in the process, or seen as disposable people—which is a term of art used by one of the authors, experts on this topic, who has written a book called "Disposable People." These are people who have been trafficked. Then after they get diseased or run down, they are thrown out on the street as a disposable person. It is a very ugly thing.

Paul, with his heart of gold, saw this. I remember him complaining to me one day as I was coming out on the Senate floor. He came charging up to me and he said: You do this to me.

I said: What?

He was showing me the rankings and he was only the second most liberal in the Senate. In the prior years he was the most liberal. He said: You did that to me. If I hadn't been working with you, I would be the most liberal still. He had that kind of sense of humor about him that he would blame me.

He came up to me one day, where I was talking about life being sacred and precious, and I was saying I believe all life is sacred, it is precious, a child of a loving God, and that includes Paul Wellstone and Ted Kennedy too. He came out and said I like your line on this, even if I don't agree with your position on life. He enjoyed life. He lived it well. I think he has also taught a good lesson for the rest of us about core convictions. There is no problem with having core convictions. It is a good thing to have core convictions and to stand by those. It is also a good thing to recognize when it is that the topics you are talking about are not your core convictions, so you can reach out across the aisle. I think maybe 30 percent of the topics around Washington, maybe more, could be less, are divisive ones, where there are divisions on both sides. But there is 70 percent we can work on. The country is desperate to see us make Washington work, to see us reach across the aisle, to see us make it work on core topics.

Joe Biden and I held a press conference in Iowa about a political solution in Iraq, and people were stunned, saying this is what we want to see; we want to see our country work on tough topics. We can do that on issues such as cancer, the war on cancer—there is no division between the parties on that—and reaching across the aisle we can show the American people a government that works. That is something we need to do. That is something I think would be in Paul Wellstone and his wife's legacy.

I remember them today and I hope all of us will remember them in our prayers, about what they gave to us. I often say you can't measure a tree very well until it is on the ground. Unfortunately, that is the case with Paul, a wonderful guy with a wonderful heart. I disagreed with him on a number of political issues, but I loved his style and loved the way he lived life.

## SUDAN

Mr. BROWNBACK. Mr. President, I wish to talk about the situation in Sudan. The situation in Darfur has been widely noted and known. It is deteriorating. It is deteriorating slowly. We want to get the factions back together to try to talk about what it is we can do to bring some stability.

Something that is not widely followed right now is the deteriorating situation between the north and south. We have had a long-term peace agreement in place now for a couple of years between the north and south that ended the longest running civil war in Africa. It had been going on for 20 years. Two million people were killed. Now the south has backed away somewhat from the government. The north government is not complying with the peace agreement. I will be bringing out a more full statement to my colleagues. This is very dangerous, as far as the situation that now we could get back into a problem between the north and the south again, and have two fronts going.

In the south, long term, there was a genocide going on there before it took place in Darfur. We have to be vigilant toward the Sudanese Government, which is the problem. This is a genocidal government in Khartoum. We have to get on top of that situation and make sure it doesn't deteriorate between the north along with what is taking place in the west and Darfur. It could well be that Sudan in the future is a country that breaks up into three or four different countries because of the way the Khartoum government is trying to force people into their ideological box. It is a militant Islamist government started by Osama bin Laden, this iteration. It is the problem, but we have to deal with it, where it is in this situation. I don't want us to take our eyes off the ball.

In the south, where there has been a lot of work over a long period of time to get that peace, I hope that we not lose that peace in the overall situation.

Finally, the President of Congo is in Washington now. I met with him yesterday, along with a number of my colleagues. One of the issues I want to bring up here, and I will be developing some legislation, is that a number of radical militant groups are raiding in the eastern part of the Congo. They are dislocating nearly 450,000 people now. In these guerrilla movements, what they do is get control of an area and then they get mineral rights for individuals or to groups to come in and mine things, such as coaltan. It is a particular metal used in making cell phones. That is how they finance their rebel movement. We saw this in the blood diamond issue in western Africa. What we did then was put a certification process together, that you had to certify that the diamonds came from legitimate means, and that shut the financing down.

My hope is we can do something similar in the Congo, where we can have a certification on minerals like the coaltan and then shut the financing down for these groups that run civilian populations out of an area. I think that is something we can do credibly. Our markets and our economy are our key foreign policy tools. Here is a place where we can use the U.S. market to try to help bring stability to a region that is key for stability throughout Africa. If we get stability in the Congo it might bring stability throughout the region. I hope we can do those things.

I appreciate my colleagues' time and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

## REMEMBERING SENATOR PAUL WELLSTONE

Mr. DURBIN. Mr. President, someone asked me once how I would describe my politics. I told them: I believe in the Gospels of Saint Paul. Paul Douglas. Paul Simon. And Paul Wellstone.

They were, in my opinion, three of the best public servants I have known. I had the privilege to know each of them and be inspired by them. Not a week goes by that I do not draw on some lesson or some truth they taught me.

Today, I find myself thinking especially of Paul Wellstone. It was 5 years ago today that Paul and his wife Sheila died in a plane crash in heavy fog in the Iron Range of northern Minnesota. The information reached us in Chicago a few hours later. I was asked to comment on local television station. I am sure that the emotion in my voice betrayed my real feelings about this great man, and Sheila.

Also lost in the crash were Paul and Sheila's daughter Marcia; their friends and campaign workers, Will McLaughlin, Tom Lapic and Mary McEvoy; and the plane's pilots, Richard Conroy and Michael Guess.

To understand who Paul Wellstone was and what he meant to so many people, listen to this story from John Nichols, the Washington correspondent for "The Nation."

Two hours after the plane crash, he had just finished delivering a keynote speech to about 150 family farm activists in a small town in Wisconsin when the conference organizer whispered the news to him. These were people who knew Paul Wellstone as the college professor who was willing to march with them—and even to be arrested with them—to protest family farm foreclosures. When he was elected to the Senate, they thought of Paul Wellstone as their Senator, whether or not they lived in Minnesota.

When they learned that he had died, John Nichols wrote: "Cries of "No!" and "My God! My God!" filled the room, as grown men felt for tables to keep their balance, husbands and wives hugged one another and everyone began an unsuccessful struggle to choke back tears. The group gathered in a large circle. People wept in silence until, finally, a woman began to recite the Lord's Prayer for the son of Russian Jewish immigrants who had touched the lives and the hearts of solid Midwestern Catholic and Lutheran farmers who do not think of themselves as having many friends in Congress.

"He was our flagbearer," one woman said. "There are plenty of people in Congress who vote right, but Paul did everything right. We didn't have to ask him, we didn't have to lobby him, he understood. It was like having one of us in Congress."

That was how Paul Wellstone wanted it. He once said: People have to believe you are on their side, that someone in the Senate is listening. If there is someone in Congress, maybe just one person, it gives them a sense that change is possible.

Paul Wellstone was, by some standards, one of the unlikeliest Senators ever. His first election, in 1990, remains one of the great upset victories in Minnesota history. He was a college professor taking on an incumbent Senator. His campaign had very little money.

He bought his first three suits—for $100 apiece—during that campaign, and crisscrossed Minnesota in an old green school bus that always seemed to be breaking down.

No matter. What he lacked in money and consultants, he more than made up for in ideas and passion and hustle. "Politics," he said, "is what we create by what we do, what we hope for, and what we dare to imagine."

Minnesotans believed him, and sent him to the U.S. Senate—the only challenger to defeat an incumbent Senator that year.

Even with his new suits, Paul Wellstone stood out in the Senate. During his first weeks here, one reporter wrote that he "projects an image of barely in-control energy and enthusiasm." Another reporter described how "he has a habit of going pie-eyed with excitement and pumping the air with his hands."

I remember him in the back row here. He used to like to get a long cord on his microphone and range all over that area, just walking and talking and waving his arms with that kind of stumbling gait that was part of the back injury that had haunted him most of his adult life. When he got going, people were listening, always.

When Paul Wellstone was in junior high, his mother—a Ukrainian immigrant—worked in the cafeteria of his school—a fact that embarrassed her son greatly. Later in life, whenever he visited a school, he always introduced himself to the cafeteria workers.

He did the same thing in the Senate. He seemed to know every security guard, kitchen worker, and elevator operator in this Capitol Building by name.

But this is what was different about Paul Wellstone: He didn't just talk to cafeteria workers; he voted as a Senator with them in mind. As he said, "Some people are here to fight for the Rockefellers. I'm here to fight for the little fellers." I am sure Jay Rockefeller didn't take offense.

Paul Wellstone fought for family farmers on the edge of foreclosure, for workers facing layoffs, for older people trying to decide which prescription to fill this month. He and Sheila—his indispensable partner for 39 years—fought for women and children threatened by violence.

He fought for teachers and coal miners. For veterans. For people suffering the sting of discrimination and denial because of race, gender, sexual orientation, or physical or mental disability.

He fought for immigrant parents who work at less-than-minimum-wage jobs. He listened to them, and looked them in the eye. And when he did, he used to say, he saw his own parents.

He fought for "good education, good health care, and good jobs." He demanded fairness for those to whom life had been unfair. He gave people hope and courage.

It didn't matter to him if he was on the wrong end of a 99-to-1 vote. He voted his conscience. I was in the Senate one day when we had a vote on a defense-related issue. I had decided that I was going to vote against an amendment about to be called by one of the Senators on the other side of the aisle. As is custom in the Senate, they roll through the rollcall and recount who voted how. When they listed the names in the negative, mine was the only name they mentioned and I realized I was by myself, and I said, "Where's Wellstone?" And darned if he didn't walk through the door and vote "no" with me. That's the kind of person he was. He wasn't afraid to be the only one or the only one of two Senators voting on an issue.

Now, Paul Wellstone was a wrestler not just with issues but literally—he was a champion wrestler in high school. In the Senate—even with that bad back and hobbled by M.S.—he remained incredibly strong. He held the push-up record at the Capitol police gym: 91 in 1 minute. But it was his strength of character, even more than his strength of body, that was truly extraordinary.

I remember the night the Senate voted on the Iraq war resolution. Mr. President, there were 23 of us who voted against the Iraq war resolution. Three of us remained on the floor afterwards—three of us who had voted no. The Chamber was clear; it was late at night. I recall walking up to Paul Wellstone, who was in a tight election contest back in Minnesota, and saying to him: Paul, I hope this doesn't cost you the election. And he said to me: It's OK if it does. This is what I believe and this is who I am. The people of Minnesota would not expect anything less.

That was it. A handful of words, summarizing who he was and what he believed in and what he thought politics was all about. That was the last conversation that I had with Paul Wellstone before he lost his life in that plane crash 5 years ago today.

Much was lost in that crash. But much survives. To keep their parents' work alive, Paul and Sheila's sons, Mark and David, have started a progressive advocacy organization called Wellstone Action. Perfect. In the last 4 years, more than 14,300 people have attended "Camp Wellstone" workshops in nearly every state, where they have learned to how to make politics relevant and effective. And here I am going to give a plug: if you want to know more about their good work, go to their Web site: www.wellstone.org. Take a look.

The Senate is fortunate to still have the service of talented, passionate men and women who learned from Paul Wellstone himself. I count myself lucky as one of those lucky ones.

One thing I will close with: One of Paul Wellstone's real passions was this issue of discrimination against the mentally ill. It touched his life and his family and he knew it personally and was determined to make sure those suffering from mental illness had a fair shake for health insurance and medical services. He did not get the job done by the time he left us in the Senate, but that battle was carried on valiantly by Senator TED KENNEDY and Senator PETE DOMENICI, who passed the legislation. I hope that the House will pass a similar bill soon so we can honor Paul Wellstone and do something important.

Paul Wellstone was full of hope. A reporter who knew him well recalled a conversation they had after the 1994 elections, when Democrats lost control of both Houses of Congress for the first time in decades.

This is what he wrote:

> Wellstone was upset but not down. "We don't have time for despair," he said. "The fight doesn't change. It just gets harder. But it's the same fight."

I wish Paul Wellstone were here today. Of all of the thousands of men and women I have served with in the House and Senate he and Congressman Mike Synar of Oklahoma are two that I always wish were around for a phone call, for a word of advice—just to sit with for a few moments and hear their brand of politics.

If Paul Wellstone were here today I know what he would tell us: Don't give up. Don't despair. There are so many people counting on you. You've got to keep fighting. So let's do more than just honor and miss our friend today. Let's vow to stick together, pick up the fallen standard and continue his work.

Mr. COLEMAN. Mr. President, I want to rise to take the floor for a few moments to reflect and to pause to think about the life and legacy of former Senator Paul Wellstone and his wife Sheila.

It was 5 years ago today that we suffered the terrible tragedy of Senator Wellstone's death, tragedy for my State, for the entire Nation.

Senator Wellstone and I had been engaged in a very hard-fought and vigorous election contest. We were about

10 days from the election. I think everybody in our State reflects on where they were at the moment they heard the news. We were both, Senator Wellstone and myself, on the way to a debate in Duluth, MN. I was up in Grand Rapids flying in on a King Air plane, the same type of plane Senator Wellstone was flying when it went down and caused his death and the death of his wife Sheila, their daughter Marcia, and five others.

We were about to get in our plane, probably about 25 miles, somewhere in the same area as the Senator. We heard the news with a great sense of disbelief, we knelt down and said our prayers for the Senator, for his wife, for the others who died.

The news was met by disbelief, shock, and sadness. In the hours that followed, it was as if the entire State of Minnesota had stopped. For so many Minnesotans, regardless of where you stood politically or whether you agreed with Senator Wellstone's politics, you admired him and his unwavering commitment to the things he cared about most. He was so passionate about what he believed.

That admiration is evidenced in folks such as Mary Oberg, who lives not far from me in St. Paul. I was looking at a piece on Public Radio today. She was not far from being in St. Paul. In a news story I read, she said she did not necessarily support all of Paul's views, but she liked the fact that there is still a memorial bench in her neighborhood, in my neighborhood, that honors Senator Wellstone to this day.

It shows respect, Mary said. And that is what is lacking in the world today, is a lack of respect for others. This is a magnificent institution. I see my colleague from West Virginia is here. He has been here a long time, has a great sense of history—I try to visit with him as often as I can—a great sense of collegiality.

In a world that has become so divisive and so partisan, so angry, whether in this Chamber or in the House Chamber, Senator Wellstone reflected in the passion for his belief that politics was not a death sport, it was something which you could agree to disagree and still shake a hand and ask: How are you doing? And move on. The kind of respect that Mary Oberg reflected on was that hallmark of Senator Wellstone himself.

His passion, enthusiasm, and energy for public service is something that inspires me, as it inspired so many folks that have followed his footsteps into public service. Nowhere was that passion more clear than in his unyielding support for those individuals who suffered the ravages of mental illness. Since he arrived in the Senate, he worked day in and day out to pass mental health parity legislation; put an end to the discrimination against people with mental illness and chemical addiction.

Paul was also willing to put aside politics on this important issue. He worked hand in hand with another champion for mental health issues, Senator PETE DOMENICI, another individual who has been around here for many years and was and is so passionate about that issue.

Working together, Senators DOMENICI and Wellstone helped millions of Americans overcome the stigma surrounding mental health disorders. Millions of Americans were able to seek treatment and gain hope through their powerful commitment to this issue.

I cannot imagine a better way to honor Paul's legacy than sending a strong mental health parity bill to the President of the United States and have him sign it into law.

I also want to comment about a unique living memorial to the Wellstones, and that is the Paul and Sheila Wellstone Center for Community which opened its doors a year ago. It is truly a Paul and Sheila Wellstone kind of place. It stands literally where the East meets the West. Since Paul came from the East, as I did, he probably felt very much at home in our ethnic neighborhoods, filled with middle-class working families.

It was constructed, in large measure, with $10 million generously provided by this Chamber. The Paul and Sheila Wellstone Center is a 100,000 square foot facility with meeting places for a variety of cultural, social, and civic activities for people of all backgrounds. It also serves as an education and training center.

The west side is kind of like our Ellis Island. It is the place where, in the Midwest, immigrant groups came in in the old days. It was the Jews and Lebanese; today it is the Hmong and the Somalis.

A community center is a poor substitute for the real thing, Paul and Sheila themselves, but it is worth doing, providing a safe place where kids can learn and play, families can receive training and support, community members can be organized to fight injustice and partake in the American dream.

These and so many other issues that Paul cared about transcended partisan politics and ideology. The greatest legacy to Senator Wellstone is to stay rooted in his belief that Government has an obligation to do what it can do, which is to help those who need help the most.

Five years later, I certainly have a greater understanding and appreciation for the challenges that Senator Wellstone faced and others that came before him of serving in a Congress that is too often governed by partisanship rather than a culture and a commitment to getting things done.

I have made a commitment to follow in that tradition of working hard and being a vocal advocate for our great State. This anniversary should be an occasion to celebrate the Wellstones' lives and to remember the commitment Paul and his family made and continue to make using public service to improve the lives of all people.

On this anniversary of their death, I hope everyone can continue to hold Paul, Sheila, their family, and the others who died in their terrible crash, hold them close in your hearts, hold them in your prayers, as my family and I will.

Mr. BAUCUS. Mr. President, it is hard to believe that it was 5 years ago today we lost our dear friend and colleague—Paul Wellstone.

On a cold Minnesota morning, his life, along with his wife, daughter, three staff members, and two pilots, was cut tragically short. It was a day that is burned into our memories, a day we will never forget.

Paul was a good man. He was a man who truly loved being a Senator. It wasn't the power and prestige that he loved, it was his ability to serve the people, to help those in need—especially those who otherwise wouldn't have had a voice.

He was a fighter. He fought for the underprivileged. For the downtrodden. For those who otherwise had been forgotten. He fought for the underdog—the little guy. And most of all he fought for what he believed in to be right and true.

Paul loved life and lived each day to the fullest. He always had a kind word and a smile to whom ever he came across. And he came to work determined to make our country and world a better place.

The Senate has changed a lot since Paul's death. The halls are a little quieter. There is a little less fire and brimstone on the Senate floor. Paul was known for going to the floor and giving an impassioned speech about how we had to provide better health care coverage for the mentally ill, assistance for domestic violence victims, better benefits for our veterans, or education for our children.

While Paul was a hard-working, dedicated public servant, he was also a family man who loved his wife, children, and grandchildren very much. His best friend and companion in his life was his wife Sheila. She inspired him, was his constant companion, and she calmed him. Their love was one of a kind. In many ways it is fitting they left this Earth together.

While Paul is not here, his spirit lives on. He inspired all of us to be better people. And his memory lives on. Paul's work is continued through his two sons Mark and David, Wellstone Action, and through his staff—many of whom can still be seen in the halls today.

Like many of my colleagues in Congress, I miss my Paul. So let us remember him today and honor all of the work he did to make this country a better place for all of us.

Mr. KERRY. Mr. President, it is hard to believe that today marks 5 years since an extraordinarily frigid and raining, tough day in October when we were stunned to hear the reports of the missing plane and then reports that it carried our friend, Senator Wellstone, his wife Sheila, and his daughter Marcia. I had just been with him in Minnesota hours earlier where his wife and he campaigned.

It was one of the moments you never forget. I remember feeling the awful, vivid contrasts of a world transformed. October 25, our friend and colleague was gone—but October 24 he had been right there with us full of life. I was in the Twin Cities at Sam Kaplan's house at a Wellstone campaign event with Paul's wife, Sheila. Paul was campaigning on the other side of the State, but he called into the event, and I will never forget what it was like to hear that voice over the speaker phone—loud, clear, strong—Paul Wellstone, that voice full of passion and commitment.

It was a sad and sickening feeling to hear the next day that both of them were gone.

In the last 5 years, I can't tell you how many times how many of us, in tough fights and lonely stands, have wished we had Paul Wellstone in our corner here on the floor of the Senate.

Paul and Sheila Wellstone were an extraordinary couple. They were the best people in politics and in life—the most caring, the most giving, the most sincere and genuine people I have ever met or will ever meet.

Paul was the Pied Piper of modern politics—so many people heard him and wanted to follow him in his fight. Joyful, rumpled, the genuine article—we all admired Paul for his energy and his independence, his spirit and his zest for making people's lives better and inspiring others to do the same.

It is impossible to measure the number of lives Paul touched. So many people who never even knew him are better off because of him. When I ran for President in 2004, at rope lines around the country, people would come up to me after rallies—people in wheelchairs, people with cancer, veterans, senior citizens, farmers—and they would place in my palm that familiar, cherished Wellstone button, or one of those green ribbons lovingly created after Paul passed away. These were talismans. Words didn't need to be spoken—you could see it in their eyes, you could see how much he meant—even 2 years later, he was still their champion, he was still their voice.

Right in front of my eyes, in their faces, I could see the legacy of a man who lived Hubert Humphrey's credo: "The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped." Paul's politics was a moral politics.

To all the people who worked for him, who loved him, he was never Senator Wellstone, or "the Senator"—he was just Paul, and Paul Wellstone wouldn't have had it any other way. He was the champion in the Senate for issues that some people didn't think were politically popular—the Hmong in Minnesota, Native Americans on the reservations, the poor, children, stopping drilling in the Arctic National Wildlife Reserve thousands of miles from his home. I still remember after our victory on that filibuster, the image of Paul walking into the rally—limping—his back hurting from a condition that caused him pain right to the end, absolutely unbowed, the look on his face was pure joy—the exuberance of having succeeded at doing something because it was the right thing to do.

He understood that values had to be not just spoken but actually lived. As he said: Politics is what we do. Politics is what we do, politics is what we create, by what we work for, by what we hope for and what we dare to imagine.

I will never forget, 3 years ago, standing next to Bruce Springsteen, at rallies of 50,000, 60,000, 80,000 people—in Madison, WI, and Cleveland, OH—people standing in the chill and the rain and the wind—people who were there because, just like Paul, they loved their country so much they wanted to change it,—and I still remember the response—the tears and the joy and, above all, the hope—when Bruce Springsteen would quote words from Paul that ought to ring true for all of us:

The future will not belong to those who sit on the sidelines. The future will not belong to the cynics. The future belongs to those who believe in the beauty of their dreams.

Paul and Sheila Wellstone aren't here with us in Washington, but they continue to remind us what we can have if we believe once again in our highest hopes and our strongest ideals. They continue to remind us of what is important—and what is worth fighting for.

I want to say for the record today that Paul Wellstone and his politics are much missed.

Mr. REED. Mr. President, 5 years ago today, Senator Paul Wellstone, his wife Sheila, his daughter Marcia, and three of his staff perished in a plane crash.

This was a tragic loss to the Wellstone family, including his two surviving sons, David and Mark, his State, our Nation, and this body.

His passion, energy, and commitment on behalf of the "little guys"—all those without a voice, including children, the poor, the homeless, victims of domestic violence, the mentally ill—serves as an example to us all.

He was a champion for all those who needed one, and for doing what is right. This was well-illustrated in his unwavering devotion to the fight for mental health parity, robust education funding, and affordable housing.

Senator Wellstone worked tirelessly to achieve fairness in the treatment of mental illness. On September 18, the Senate unanimously passed mental health parity. In the other body, the Paul Wellstone Mental Health and Addiction Equity Act recently moved through committee.

We must continue the fight toward final passage of mental health parity. I look forward to that day, which will be a historic achievement, and an enduring memorial to the life of this great man.

I was honored to serve with Senator Wellstone for over 4 years on the Health, Education, Labor, and Pensions Committee. He was a consistent and powerful advocate for increased education funding and ensuring our children possess the necessary skills and tools to compete in an ever-expanding global economy.

During the debates on the No Child Left Behind Act in 2001, he would say, "We cannot realize the goal of leaving no child behind on a tin cup budget." Unfortunately, today we are still struggling to provide more than that "tin cup" budget as the President has cumulatively underfunded title I of the No Child Left Behind Act, the Federal Government's most significant commitment to K–12 education, by over $43 billion since its enactment. As such, his words seem more appropriate than ever.

Senator Wellstone worked on a multitude of issues, but I want to touch on just one other today, and that is affordable housing. At Senator Wellstone's suggestion, on April 15, 2002, I flew out to Minnesota to hold a Banking Committee Subcommittee on Housing and Transportation field hearing on "Affordable Housing and Working Families."

At the time, Minnesota had one of the Nation's highest rates of homeownership, yet one of the worst affordable rental housing shortages in the country. It was our hope that we could learn more about the affordable housing crisis impacting working families, and how government could best work with the private sector to address the problem.

Paul's passion for this issue and his special connection to his constituents was apparent throughout this hearing. He was intent on figuring out what obstacles stood in the way of creating more affordable housing, and what the Federal Government could do to help. Paul believed in democracy with a small "d," and he allowed anyone in the audience who had something to say to come up to the microphone and tell the U.S. Senate what it might do to help.

Paul's untimely death was a huge blow to many of us. He inspired us every day to focus on those who were less fortunate, and that legacy must continue to live on.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. CLINTON. Mr. President, today, as we mark the fifth anniversary of the death of Senator Paul Wellstone, I am reminded of what Hubert Humphrey—another great Minnesotan that served in the Senate—once said:

> The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.

This quote always reminds me of the way Paul lived his life and the legacy he has left behind.

Five years ago on this day, we lost a colleague, a progressive advocate, and a Senator who devoted every fiber of his being to building a better, fairer America. Many of us also lost a close friend who we admired and looked to for advice and support. Paul always stood up for what he believed in and gave a voice to those who were not given a seat at the table. He was the People's Senator through and through.

In the Senate, Paul championed mental health parity legislation to help end discrimination against people living with mental illness. It was a personal struggle for him, as he came to understand the issue through the experiences of his brother. I had the privilege of working with Paul as First Lady and as a member of the Senate's Heath, Education, Labor, and Pensions committee, where no issue was too difficult or challenging, large or small, for Paul to tackle if he thought it would make a positive difference in someone's life.

I remember when I heard that the plane carrying Paul, his wife Sheila, their daughter Marcia, and three of his campaign aides had crashed. Many of us did not want to believe it. No longer would our friend and Senator—indefatigable—come . bursting through the doors of the Senate floor, ready to speak out, ready to right a wrong, or address a problem that had to be solved. No longer would Sheila, a dynamic presence in her own right, travel across Minnesota and the country and spread the word about domestic violence and so many other worthy causes.

To ensure that their legacy lived on, more than three years ago, an organization called Wellston Action was established to honor both Paul and his wife Sheila. Through hard work and dedication, Wellstone Action has been able to grow tremendously and preserve the Wellstone way for future generations.

We have a duty in the Senate to never let Paul's legacy fade. I said it 5 years ago and today I reiterate it again, we must work towards the goals and ideals Paul fought for day in and day out: to strengthen our education system, our health care system, our economy, civil and human rights, our Nation. We still feel in our hearts and in our lives this grievous, tragic loss. Today, we not only look back on the life of a Senator who stood up for what he believed in, we look forward to carrying on what he taught us.•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise to honor the life of one of the finest men I have known in this body: Senator Paul Wellstone of Minnesota. Paul—along with his wife Sheila and his daughter Marcia; his staff members Will McLaughlin, Tom Lapic, and Mary McEvoy; and pilots Richard Conry and Michael Guess—died in a plane crash 5 years ago to the day. Five years, half a decade already: The time has passed so quickly that it comes as a shock to stop and recall just how long Paul has been gone. In marking his death, we remember that the years are passing just as fast for each of us, and that they can take us, as they took our friend Paul, when we are least ready to go. What a privilege we have to serve here—what a short time we are given! Paul's death and Paul's life remind us to fill that short time with all the best we can bring. Paul Wellstone did: He lived just 58 years, and yet it seems that in that time, he lived enough to fill two or three or four lives.

Paul was a champion wrestler who became a champion scholar; a tireless activist and organizer who became a beloved professor; everywhere and always a fighter, full of energy and zeal and real love for the people he spoke for in this Chamber. He was, in the proud tradition of his State, one of the happiest warriors I have ever known. He was an intellectual, a Ph.D., but never abstract; all the theories in the world meant nothing to Paul if they couldn't lift up the single mother struggling to support a family or the torture victim seeking refuge in America or the sufferer of mental illness marked with an unjust stigma.

Paul suffered with each of them. In fact, the pain that Paul felt in his life—the ache of his multiple sclerosis, the challenges of growing up the son of immigrants, the pain of his brother's mental illness—became his most powerful political weapon. Pain cuts some of us off, but not Paul Wellstone: He found the greatest salve in reaching out, in traveling up and down Minnesota in the dead of winter in his rickety green campaign bus; in taking time to thank the cooks, waiters, and janitors who served at so many of Paul's events; in stretching out an appearance to two or three times its planned length because he was so caught up in a conversation, until his staff were forced to grab him by the arm and literally drag him out of the room.

He was given 12 years to make his mark in the Senate. And in that time, he helped ensure that toddlers all through this country would have a head start in life. He ensured that his State would be a refuge for victims of torture who came here from the dungeons of Central America or Asia. He fought hard against sex trafficking and against domestic violence with Sheila Wellstone, herself a leading advocate for battered women. He helped make sure that families stayed warm in the winter, because the government gave them the heating assistance they needed. And inspired by the struggles of his brother, he struggled to end the discrimination against the mentally ill by insurers. In that last cause, I was particularly proud to stand beside Paul; and finally enacting mental health parity legislation would be a fitting honor to his memory.

Paul did so much more than ever could be expected with the short time he was given; he was driven by an untiring spirit. But he also understood that legislation, as much good as it has the power to do, is something of a symptom, an outward phenomenon; the deeper causes of what we accomplish in this Chamber are the movements and forces that put us in office, that make one cause prosper and another weaken—Paul's ear was to the ground and his eyes were on the roots. He was a Senator-organizer: and as much energy as he put into legislating, he put more into building a movement that would outlast him.

So I wish that Paul were still at his desk in this room today; maybe grayer and a little more stooped, but still giving his all to the fight to end a misguided war, one he opposed since the outset, or pouring out all his passion against torture and lawlessness in our own government. I wish we still had his voice.

But on another level, I know that it doesn't matter. The activists and candidates and grassroots organizers trained by Wellstone Action, a nonprofit set up in Paul's name, still memorize a phrase he used to remind us all that politics is first and foremost about those we serve: "It's not about me, it's not about me, it's not about me." Paul knew that the name at the top of the bill, the politician at the top of a ballot, the voice speaking the words matters little. The citizens whom we serve are the ones who matter most, and Paul's commitment was, first and foremost, to those of our citizens whose lives are spent at the margins of our society.

"Some people," Paul's home newspaper wrote today, "live lives so large that they never really die." It was true of Paul Wellstone, and his wife Sheila, and his daughter Marcia. May we live in their example, so that those words will one day be true of each of us.●

Mr. DORGAN. Mr. President, 5 years ago today, our colleague Paul Wellstone and his wife Sheila Wellstone were killed in a plane crash in northern Minnesota. It hardly seems like 5 years.

I remember that morning I was on the road driving in a van to Grand Forks, ND, going to a meeting when I received a call that an airplane had gone down in northern Minnesota and it was the plane that Paul and his wife Sheila and some staff were on. They feared that the crash had taken their lives.

I was thinking as I was coming over here today that the day Paul and Sheila were killed was very much like today—a gray day with rain and moisture. Paul and his wife were on a plane flying to a funeral in northern Minnesota. They lost their lives. They were in the final stages of a very aggressive Senate campaign, one I believe Paul would have won. I believe he would have retained his seat in the Senate. He cared deeply about his opportunities, his privilege, and his obligation as a Senator.

A couple weeks ago, I was on the campus of the University of North Carolina at Chapel Hill, and I was walking across the commons of the campus and looked to my left and I saw a small memorial garden to Paul and Sheila Wellstone. I didn't know it, but I asked someone why that garden existed on the campus of the University of North Carolina. They said because it was where Paul Wellstone earned his PhD, where Paul Wellstone had been a college wrestler and, I believe, a college champion wrestler. I had not known that previously. Nonetheless, there is a tribute to Paul and Sheila Wellstone on the campus of the University of North Carolina at Chapel Hill.

Last week, I was visited in my office by about eight people to present me with a framed plaque of sorts because of Paul Wellstone. I was thinking of that as I came to the floor as well. This was a group of people who represented the major automobile industry in this country, the large auto producers, and the independent shops around the country that do automobile repair. I had nearly forgotten about what had gone on as a result of this, but they asked to come and see me and they came in and said: You and Senator Paul Wellstone 6 years ago did something that made a big difference, and we wanted to recognize that work. I said: I am happy about that, but let me make sure you recognize and let me accept it for Paul Wellstone in his memory.

Paul sat in that desk right back there on the end. It was on the floor of the Senate that he came to me breathless—and he was usually breathless because he had so much energy and passion about things—and he said: I went to an automobile repair shop in Minnesota, a small family-owned auto repair shop. They told me they cannot get the codes for the new automobiles in order to be able to repair them because the automobile manufacturers have these codes in their computers and they won't provide them to the independent auto repair shops, which means when you buy a car at a dealership, you have to go back to the dealership to get it fixed. In order to get a diagnostic, you have to have the codes and they won't give the independents these codes.

He said: BYRON, that is an outrage. I want you to hold a hearing on that.

I chaired the appropriate subcommittee in the Commerce Committee, and I said I would be glad to do that. Why don't you come and be a part of the hearing and sit on the dais. He was not on the Commerce Committee. I invited him to make a statement and ask questions. So we held a hearing in the Commerce Committee. The room was full of people representing the independent auto repair shops around the country. We had a lot of them travel to Washington, DC.

There was testimony by the automobile manufacturers and the folks running these little auto repair shops around the country. They had a big disagreement. I felt and Paul felt it was unfair to the independent auto repair dealers, the small shops, not to be able to get the codes so they could fix these automobiles that were in disrepair.

I remember Paul's statement at the hearing sticking up for the little guy, saying these folks running these automobile independent repair stations should not be disadvantaged like this; they ought to have an opportunity to do this as well.

As a result of that hearing, the automobile manufacturers and the independent repair shops decided they would work together and find a way to solve the problem. Last week, a group of them came to my office and presented me with something that said what you and Senator Wellstone did required us to sit down and negotiate, and we negotiated and solved the problem, and now we provide the codes to the independent auto repair shops. The folks from the independent shops were there and said we now have a good relationship with the auto manufacturers.

That issue got solved because Paul Wellstone was standing up for the little guy. He went to a repair shop in Minnesota and found out the independent owner of that shop was not being treated fairly, in his mind, and in my judgment. So he brought it to the Congress. We got together and held a hearing, and the result is this was solved. It was negotiated in a way that was good for the consumer, good for the folks who owned the automobile repair businesses and, frankly, good for the automobile manufacturers. They have admitted that as well. I thank all of them for negotiating that in the right way.

Mostly, I thank Paul Wellstone for the energy he had in the Senate to always stand up for the little guy. The interesting thing about Senator Wellstone, however, is that as he stood over by that back seat over there, on every single issue Paul Wellstone stood up and wanted to know how it would affect kids—especially poor children in this country, many of whom feel hopeless and helpless, many of whom feel they do not have the same opportunities. He was unrelenting in trying to make certain we pass legislation that gave America's kids a good opportunity to be successful.

The other issue for which all of us remember Paul Wellstone—and my colleague, Senator DOMENICI, surely will because he was Senator DOMENICI's partner—is parity for mental health care because mental health care has not been treated the same way in most insurance policies, and still is not in many insurance policies, as other health care one might get. If one breaks an arm or a leg or has a disease, one gets health care treatment, and it gets covered by their insurance policy. But mental health has been treated differently.

Paul devoted much of his time in the Senate saying we ought to be fair and have parity as to how mental health is treated in health insurance policies in this country.

I came to the floor to observe, as others have today, that it is 5 years to the day we lost a good friend. He was one of those who said: Here is what I am; here is who I am. I am not trimming my sails to make things sound better for anybody. I am just going to fight as hard as I can fight for issues I care about and issues I believe are right for Minnesota and our country. I have always admired that spirit.

Those of us who were privileged to be Paul's friend also know Paul Wellstone was a team. It was Paul and Sheila Wellstone. Most of us in the Senate who had the privilege of serving with Paul and knowing Sheila and Paul as a team continue to miss them a great deal.

I wanted simply today to celebrate the memory of Paul Wellstone and Sheila Wellstone and talk about the contributions they made in this country and the contributions through public service to their country.

Mr. SANDERS. Mr. President, this is the fifth anniversary of the death of Paul and Sheila Wellstone. I wished to say a few words on that. I was a friend of Paul's when I was in the House, and on some of the important social and economic issues that I worked on there, he was the person to whom I went, to work with a Member of the Senate.

I think history will remember Paul Wellstone as one of the great Senators of our time, not just because of his accomplishments but, more importantly, because of the extraordinary vision that he had.

Paul believed very much that we could create a very different kind of world than the world that we are living in right now. He was prepared and did stand up day after day on the floor of this Senate, taking on virtually every powerful special interest that exploited working people and low-income people and who led us to wars we should not be fighting.

He was a man who believed passionately in a world of peace, in a world of economic and social justice. That vision he brought forth is the vision I hope nobody in the Senate, nobody in this country, ever forgets.

One of the major characteristics of Paul Wellstone is he understood that the way we succeed politically is not simply by going out to the wealthy and the powerful begging for more and more campaign contributions, which is what happens so often. He understood that the way to win elections is by rallying ordinary people at the grassroots level, and perhaps it is that achievement, from a political perspective, for which he will most be remembered. I know in Minnesota he organized at the grassroots and brought thousands and thousands of people who had not been involved in the political process together to stand up under a progressive program for economic justice and a world of peace. He understood profoundly something many here do not address: Real change takes place from the bottom, not from the top, and when millions of people stand up and say it is imperative that we have economic justice, that we have a livable wage, that we have a health care program which guarantees health care to all of our people, that we protect our environment, when that comes from the grassroots, then we will succeed. He was a tireless advocate of grassroots politics.

As someone who worked with Paul, who was very fond of both him and Sheila, the vision they brought forth is something for which I will do my best to continue advocating. His loss was a loss for the working people, for the vast majority of the people of this country, and for the Senate.

I will not forget what Paul Wellstone stood for.

Mrs. MURRAY. Mr. President, I come to the floor to pay special tribute to a very special individual who is no longer with us in the Senate. He was a friend to me, a tremendous U.S. Senator, and he was an advocate for thousands and thousands of human beings across this country who may never have met him but for whom he spoke so eloquently. That was Senator Paul Wellstone.

Five years ago today, we lost that friend, that Senator, that passionate advocate. Still every day I come to this floor, I can see him here, raising his voice, throwing his arms out, speaking to everyone as if they were right in front of him about the issues he cared about.

Every one of us has special memories of Senator Wellstone, whether it was his speeches on the floor of the Senate as he wandered back and forth and put his tremendous voice to such great use. For me personally, it was listening to him talk about the issue of mental health. It was standing beside him when he introduced the bill to ban asbestos 6 years ago. We looked around, and we were a pretty lonely crowd trying to make that happen. I know he would be so proud, wherever he is up there today, looking down and knowing that this Senate 6 years later passed a ban on asbestos.

It was such issues as the war where Senator Wellstone, even though he was in a very tight election race at the time, stood his ground and said what he felt so strongly, that he could not vote for this country to go to war in Iraq. He feared no one in making that decision, even with the election he was facing.

He was a friend and partner, someone I knew so well. My best memory of him was going to his State. He invited me there, as we all do with our other colleagues when we are out campaigning and ask them to help us. Senator Wellstone didn't ask me to come and do a fundraiser for him. He didn't ask me to do a speech to some dignified crowd in some ballroom. He didn't ask me to come and wear a suit. He asked me to come to his State the week before his election and do what he called "a people raiser." He did it in a gymnasium. He invited people to come and donate their time because of what he cared about, the issue he fought for, to bring people into politics. He did it that day in such a tremendous way. All of us who knew him knew he was never comfortable talking to a crowd that was sitting down. He had to inspire them and have them all standing in front of him and applauding. He did it every time he spoke.

I miss him so much in the Senate. It is hard to believe it was 5 years ago that we lost such a tremendous advocate. I think he would be proud of the legacy he left in his own family, in the issues he left for many of us, and the passion as we move forward. I know if he were here today he would be saying: Don't talk about me. He would be in a back room someplace making sure we never forgot the people who sent us here and the tremendous issues they face at home. He would be inspiring somebody to stand up and speak out.

I hope we continue to do that in his memory for many years to come.

Mr. LAUTENBERG. Mr. President, for those who served with him, the death of Paul Wellstone 5 years ago was such a shock because not only did Paul represent intellect and vigor, he also, because of his enthusiasm and high energy level, represented a youthful picture. He looked like a young guy, college-age person. When he spoke, he did it with such energy that everybody would hear him or listen to him. If you didn't hear him, he would make sure you heard him because he was never bashful about sticking up, about talking about things he believed in. There was very little he did not believe in that would engage him so—I will use the term—furiously in his presentation.

So it is appropriate we remember a distinguished Member of the Senate, who served only a short time, and was on his way for another term. But his impact was enormous. I think in many ways he created a picture of courage and right that serves as a model for things we generally do here.

I, as so many here did, regarded him as a friend. I did not see him unable to talk to people on the Republican side of the aisle or otherwise. No matter how vigorous his arguments were, no matter how energetic his presentation was, the fact is, he would dismiss any difference as a part of a normal process. He would continue on with his insistence that what he did was right, but he was never righteous about it.

We will always think of him when we think of what is right to do in the Senate.

Mr. BYRD. Mr. President, 5 years ago today, our country lost a good man. Now, I am mindful of what the Scriptures say in that there is no man who is good. I am mindful of that. But this is a statement I am making, and in the context of the thoughts I wish to express, I am going to say: Five years ago today, our country lost a good man. It lost an outstanding Senator. It was 5 years ago today that Senator Paul Wellstone and his wife Sheila and their daughter Marcia perished in a tragic plane crash.

Paul Wellstone died tragically, but he lived heroically. Paul Wellstone was unique. I knew him. Paul Wellstone was priceless. Paul Wellstone was irreplaceable. Paul Wellstone was a Senator of remarkable integrity and remarkable courage.

Only a few days before his tragic death, I witnessed firsthand the integrity and the courage of that Senator, Mr. Paul Wellstone.

Paul Wellstone was in the late stages of a close campaign for reelection. Paul Wellstone had been targeted for defeat by the George Bush-Karl Rove political machine. And this Senate was about to vote on the Iraq war resolution. I was here.

At that time, granting President Bush the authority for an invasion of Iraq was the political thing to do. The White House had convinced most of the country that Iraq possessed weapons of mass destruction and that Saddam Hussein was poised to use those weapons.

Many Americans had been frightened by a steady drumbeat of White House rhetoric about mushroom clouds and weapons of mass destruction. Many Americans had been convinced that the war would be brief and that our troops in Iraq would be welcomed with open arms.

Despite the then-prevailing view that voting against the Iraq war was political suicide, Senator Paul Wellstone—God rest his soul—Senator Paul Wellstone proudly and defiantly—do you hear that word "defiantly"—announced he would vote against it. I will never forget his words.

Seldom have I been so impressed with the courage of a colleague. Senator Paul Wellstone took a principled stand, a stand that would undoubtedly cost him votes, and maybe his reelection.

Did Paul Wellstone flinch? No. He did not let that sway him. He stood against the White House. Paul Wellstone stood against the easy, popular winds of the time. Paul Wellstone stood against the rush to war.

Senator Paul Wellstone placed the good of our country and the lives of young Americans far above his own reelection. That was Paul Wellstone.

We needed more Senators like Paul Wellstone.

Paul Wellstone exemplified the courage of his convictions. Senator Paul Wellstone stood proudly against the rush—the rush—to war. Senator Paul Wellstone was brave. He was passionate. He was ever true to his conscience and to the people he represented. Despite the pain and the difficulty of multiple sclerosis, Paul Wellstone carried on and made us all feel humbled and proud by his bravery.

When the Senate lost Senator Paul Wellstone 5 years ago today, the Senate and the country lost a man of remarkable integrity. How I wish our country had more men like him—Paul Wellstone.

I close this statement with a poem, a remarkable poem—a remarkable poem for a remarkable man.

God, give us men!
A time like this demands strong minds, great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.
Men who can stand before a demagogue and brave his treacherous flatteries without winking.
Tall men, sun-crowned;
Who live above the fog,
In public duty and in private thinking.
For while the rabble with its thumbworn creeds,
its large professions and its little deeds,
mingles in selfish strife, Lo! Freedom weeps!
Wrong rules the land and waiting justice sleeps.
God give us men!
Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character; men of sterling worth;
then wrongs will be redressed, and right will rule the Earth.
God give us men!

Thank You, almighty God, for this remarkable man, this man of great honor, this remarkable man, Paul Wellstone. Whence cometh another?

Mr. FEINSTEIN. Mr. Presdient, 5 years have passed since we lost our distinguished colleague, Senator Paul Wellstone, in a tragic plane crash. That crash also took the lives of his wife Sheila, their daughter, Marcia, three loyal staffers, and two pilots.

That sad day the Senate lost a passionate, gifted, and respected colleague and friend.

Paul was a political science professor, with a sharply honed intellect. But his heart was as big as his mind, and he was a committed advocate for the less fortunate.

He was elected in 1990 and quickly became a strong, crusading voice in the Senate.

Paul fought for increased education funding, for improvements in the minimum wage, for affordable, accessible health care, for campaign finance reform, for legislation to protect small farmers, and for legislation to expand insurance coverage for the mentally ill.

Paul helped lead the successful opposition to an energy bill in 1991 that would have opened the Arctic National Wildlife Refuge to oil exploration.

Paul was a champion of the dispossessed around the world—in Latin America, in Africa, and in Asia.

In 1996, when I voiced concern over the treatment of women and girls by the Taliban, Paul was one of the few open to the idea that the United States should do something.

In 1999, Paul and I introduced the International Trafficking of Women and Children Victims Protection Act to address these heinous crimes and to hold to account nations that fail to meet minimum international standards.

Paul cared deeply about Tibetan autonomy. The last time we worked together was to cosponsor legislation to encourage dialogue between the Dalai Lama and the Chinese Government—and to protect the identity of the people of Tibet.

He would have been pleased to see the Congressional Gold Medal—the Nation's highest civilian honor—awarded to the Dalai Lama earlier this month.

Paul was eloquent. He was compassionate. And he is missed. I feel honored to have been his friend and colleague. I will never forget him, and the Senate is better for his service.

Mrs. BOXER. Mr. President, I can hardly believe it has been 5 years since we lost Paul and Sheila Wellstone. It still seems like only yesterday that I would see Paul pacing up and down the aisles on the Senate floor, speaking out for Minnesota and what he so affectionately called the "little fellers" in the world.

There isn't a day that goes by that I don't miss him and beloved wife and soul mate, Sheila, but the loss is especially poignant in these tough times our country faces.

I remember during the Iraq war debate, Paul spoke out passionately against the resolution authorizing the go-it-alone military approach in Iraq. He spoke, almost prophetically, about the possible consequences of our actions—how it would impact the continuing war on terrorism and efforts to rebuild Afghanistan. He said that the gravest concerns were those raised about the possible loss of life—to our soldiers and innocent Iraqis. I can hardly imagine what he would think of the mess we are in today.

That day, Paul was strong and unafraid, as he always was, even though he knew his "no" vote could cost him his Senate seat. He said then that the "only way to do it, is to do what you honestly think is right, and then whatever happens, happens."

I think history has shown that Paul was absolutely right. And my only regret is that he is not here today to continue speaking out against the war in Iraq.

There are times when it is positively exhausting to keep fighting for just causes, especially against this administration. But then I look at the wall in my office and I see a beautiful picture of Paul and me together, and I think of what he would say if he was still here, and I am sure he would tell me to stand up and keep fighting.

We all lost so much 5 years ago on that tragic day—Paul, a fighter, a hero, a friend, a father, a grandfather. And of course we lost Shelia, Paul's partner in life, their daughter Marcia, and three devoted staffers. My heart still aches.

But what we gained, from Paul's life and legacy, cannot be erased by time. His passion and life's work is being carried on by his friends and colleagues, and by the good people of Minnesota, who I know miss him dearly.

And I know that if he could, Paul would tell us that there is no time for tears, and as he said many years ago, this is no time for timidity.

Mr. LEVIN. Mr. President, today we mark the anniversary of a sad event. The tragic deaths 5 years ago of my friends, Paul and Sheila Wellstone. Yet I know that I join today the people of Minnesota and my colleagues here in the Senate in celebrating the lives they lived and the legacy they left behind.

Paul was a remarkable man who stood up in the Senate for those most in need of representation, the underpriviledged, the oppressed, and the mentally ill. He stood up and he never backed down.

Paul Wellstone was a man of great energy and passion, seemingly always in motion, but never too busy to have a word with people he would come across in the corridors or in the elevators, never too busy to take a moment to talk with the tourists in the Capitol, Senate workers, or the constituents of other Senators. For this, he was beloved by the many people who serve us here in the Senate and the many others he touched. We all miss his eloquence, and his humor, but, most of all, we miss this man of warmth and caring.

When that plane crashed in northern Minnesota 5 years ago, his beloved State, the Senate, and the Nation were deprived of a wise and thoughtful leader. When I stood on the Senate floor to pay tribute to Paul Wellstone shortly after the accident, I pointed out that one of his last acts in the Senate was a vote against the war in Iraq. I recalled his speech then. But now, 5 years later, after the painful course which that war has taken, his words ring even more true. He saw and understood the first of the series of mistakes made in Iraq. He said, "Acting now on our own might be a sign of our power. Acting sensibly and in a measured way, in concert with our allies with bipartisan congressional support, would be a sign of our strength."

Paul never feared to fight for what he believed, even when in a small minority like his vote against the welfare reform bill in 1996, and his battles against the bankruptcy bill, and on behalf of more equitable funding for the victims of mental illness.

My wife Barbara and I often think of our friends, Paul and Sheila Wellstone, and the good times we shared. Because of those enduring memories, we celebrate their lives on this anniversary, in much the spirit that they lived, with a smile in our hearts.

Mr. NELSON of Florida. Mr. President, it is 5 years ago today that we lost one of the most articulate, most energetic, and brightest lights of this Senate when our colleague from Minnesota, Senator Paul Wellstone, and his family were killed in an airplane crash as he was campaigning in Minnesota for reelection.

Paul sat at that desk right there, and from that desk he would pace back and forth with his speeches, like a caged lion, because the energy was bursting from him as he would speak with such passion about the poor and the downtrodden and the dispossessed. It was such a voice that was snuffed out that when they had the memorial service for him, it is amazing the number of Senators who went to Minneapolis for that memorial service; Senators from both sides of the aisle, who had tremendous respect for this Senator who spoke with such passion.

I wanted to add my voice to those who have recalled the life of Senator Paul Wellstone and what he meant to America and to the Senate.

Mr. BROWN. Mr. President, today we remember Paul Wellstone, his wife Sheila, and his daughter Marcia. Today my wife Connie and I send our thoughts and prayers to the Wellstone sons, Mark and David.

Paul, so many of our colleagues noted earlier today, was more than a Senator, more than a professor. He was, of course, first and foremost a loving husband and a proud father. But for millions of Americans, Paul Wellstone was a hero.

Paul was an unparalleled champion for social and economic justice. He led by example, fighting for the weakest among us, those whose voices are too often drowned out or altogether ignored.

In the Senate, Paul Wellstone was their voice. He may have had the title "Senator," but he proudly, perhaps more proudly, wore the moniker "activist." From this Chamber, he fought for the poor, for the veterans, the environment, and working men and women not just in Minnesota but across the land and across the world. He led by example, an example we in this Chamber are well served to follow.

Five years after his death, he remains sorely missed.

Mr. HARKIN. Mr. President, today marks 5 years since the tragic death of our friend and colleague, Paul Wellstone of Minnesota.

You know, I look around the Chamber, I see men and women of remarkable talents and abilities. But I have also had a strong sense that over the last 5 years there has sort of been a void in our midst; a very special Senator, a Member who played a unique role within this body, has been missing.

It is as though we are suffering from "phantom limb syndrome"; you know, where a person loses a limb but still feels its presence. Whenever an issue of moral urgency, an issue of conscience comes to the Senate floor, I still expect to look back over here in the back row and see Paul Wellstone over there, chopping his hands in the air, speaking with his passion, urging us to do the right thing. On that score, I remind my colleagues that one of the last major votes cast by Senator Wellstone was his vote against a resolution later used by President Bush as an authority to launch an invasion of Iraq.

I remember it well because Paul and I were very close friends, and we debated this between us. I said: Paul, no, Bush is not going to use this as any kind of authorization to go to Iraq. This is only meant to give him the authority to go to the U.N., to get the U.N., which is what we want to do, is to get the U.N. inspectors back there.

Well, I think Paul was a little more prescient than I was. So we did not vote the same way on that. I will forever rue the day I voted to give President Bush that authority. Quite frankly, Senator Wellstone was in the midst of a very difficult reelection campaign when he cast that vote. So I think it is a measure of his political courage that he cast that vote without thinking about any political consequences.

Five years later, with our Armed Forces bogged down in a civil war in Iraq, it is painfully clear Senator Wellstone's vote was not only a courageous vote, it was the right vote.

I think Paul truly was, as I have said before, kind of the soul of the Senate. I have said before that no one ever wore the title "Senator" better or used it less. He loved it when ordinary folks came up to him and called him Paul. Some Senators might not be so approachable. Paul Wellstone was. He took that as a sign that ordinary people knew he was one of them. He was approachable and he cared.

Paul Wellstone was truly my best friend in the Senate. But he is one of those rare souls who so many saw as their best friend. He had a powerful authenticity about him that made a miner up in the Iron Range know he was as important to Paul Wellstone as the President of the United States. That was a very unique ability he had.

He never had to proclaim his decency. It shone forth in great acts of political courage and small acts of human kindness. He never had to say he cared. He never had to proclaim his compassion. You just knew it was there. The hard-working folks he cared about most didn't have lobbyists of influence, but they had Paul Wellstone. He truly was their best friend.

So 5 years later we remember the political science professor whose measure of truth was never in political theory but in the impact of our decisions on real people. We remember the community organizer who understood how to bring people together, rural and urban, environmentalists and labor, Republicans and Democrats and, as I have often joked, he even brought Minnesotans and Iowans together. We remember a leader, a proud Democratic Farmer Labor Party liberal who constantly reminded those of us who are Democrats that the purpose of our party is to offer hope and opportunity to all Americans, including the neediest among us.

I still remember the first time I ever met Paul Wellstone. It was in 1988. I was a freshman Senator. We were in the midst of one of the deepest recessions—depressions, almost—in farm country that we had had since the Great Depression. Farmers were losing their farms all over the Midwest. Suicides were up. Families were breaking up. There were bankruptcies. It was not a very good time in farm country. I remember I went out to speak to a large group right outside of Austin, MN, at a big farm gathering. I know there were well over 1,000 farmers. It was a big gathering. I think the Minnesota Farmers Union or maybe the National Farmers Union had pulled them together.

So they asked me to come speak because I had been, at that time, trying to get through a bill called the Harkin-Gephardt farm bill to respond to the crisis.

So I went there to speak and, of course, as any big gathering like that on the stage, you have a lot of different speakers. I was supposed to be the final speaker. I was the Senator. So I get there. We had one farmer speak, then the head of the Farmers Union speak and then somebody else spoke and then somebody else spoke. Right before me, they had this guy, this Professor Wellstone. I had never met this guy, and I am on the stage with him. I am preparing my remarks, thinking how I am going to get the crowd up and excited, get them stimulated. And so this Wellstone guy gets up to speak. He has long curly hair. He has a T-shirt on, kind of rolled up. He was muscular, a wrestler.

How can I say it? After he spoke, I didn't quite know what to do. He had everybody up. He was so enthusiastic. He had everybody pumped up. He had everybody enthused. I thought, how can I follow this? Well, I tried my best. It wasn't very good. I came back to my staff. I said: I don't know who that guy is, but don't you ever put me on after him again.

That was my first introduction to Paul Wellstone. Then after that we became friends. After that, through mutual friends in Minnesota, I found out that he was thinking of running for the Senate. Of course, he had a big primary. He won it. Of course, I couldn't do much to help him because I was fighting for survival myself in 1990. I had a Congressman running against me. I was a first-term Senator. But I couldn't have been more happy, after my own reelection, than the fact that Paul Wellstone won that race in Minnesota in 1990. So we joined forces in the Senate.

In 1996, running for reelection, that was a tough year. Quite frankly, both of us nearly lost. We were very close. I remember talking to him on the phone.

I said: Paul, I don't know if I am going to survive. He said:

Yes, we are going to survive.

Then 2002 came. I remember a dinner with another colleague. I won't mention the name. It is a personal thing. But we were thinking maybe of not running again. Paul Wellstone had said he was only going to serve two terms, and he was afraid of breaking that commitment. So we discussed this over dinner. Our wives were with us. We discussed the issue of running or not. I thought, well, I have been here for a couple terms myself. I didn't know if I wanted to do it anymore. That would have been my third term, his second. Then one by one we decided we were going to run again, and we talked Paul into it.

We said: Paul, you have to be here. You have to do it. And don't worry about that. Your people will understand. You have things to do. You haven't finished your job.

So we all decided, yes, we would seek another term in office.

Paul once said:

> Politics is about what we create by what we do, what we hope for, and what we dare to imagine.

Paul was a hopeful man. I always remember that green was his color. He had that bus painted green. When I say "painted green," I mean with a paint brush. It was an awful paint job they did on that bus of his. He climbed aboard that bus in 1990 and set out to build a better America. But Paul never meant for it to be a solo voyage. He wanted us all aboard.

Though Paul is no longer with us, his journey for justice continues. Near the site of the tragic plane crash is a beautiful physical memorial for Paul and the seven others who died there: his wife Sheila, daughter Marcia, two pilots, campaign staffers Will McLaughlin, Tom Lapic, and Mary McEvoy. That is the physical monument.

I would like to think there are also living memorials that Paul would have been truly passionate about. One of those is the nonpartisan, nonprofit Wellstone Action organization founded by his sons, Mark and David, which trains citizens in civic activism and grassroots, people-to-people politics, the kind of politics he loved and excelled at like no one else.

I think there is one more Paul Wellstone legacy. It is not tangible, but it may be the most powerful legacy of all. That is our memory of his passion, his convictions, and his incredible capacity for bringing people together to accomplish important things.

Before closing, I must mention one of those important things he fought so hard for and was so passionate about that still remains unaccomplished. He fought hard all the time I knew him to end the neglect and denial surrounding issues of mental health, access to mental health services. Over 41 million persons suffer from a moderate or serious mental disorder each year. Less than half receive the treatment they need, and 80 to 90 percent of all mental disorders are treatable by therapy and medication. Paul fought very passionately for the Mental Health Parity Act to end the absurd practice of treating mental and physical illnesses as two different kinds of things under health insurance.

In late 2001, the Senate passed the Mental Health Equitable Treatment Act, sponsored by Paul Wellstone and Senator DOMENICI of New Mexico—that was when I happened to be chairman. We had a brief interim where we had the Senate, at that time, 2001–2002—as an amendment to the 2002 Labor-Health and Human Services-Education appropriations bill. It passed the Senate. Then we went to conference. In conference it was argued that this was not the right place for it, that it should be on an authorization bill, not on an appropriations bill. I don't have the words right here, but I have them, when people committed that we would take care of mental health parity the next year on an authorization bill. So it was dropped in conference. Then 2002, 2003, 2004, 2005, 2006, 2007, and we still don't have mental health parity. The Senate passed it. A strong majority of Members in the other body supported a similar bill entitled the Paul Wellstone Mental Health and Addiction Equity Act of 2007. But we still don't have it done.

I can't think of a better living legacy to Senator Paul Wellstone than for this Congress, the 110th Congress, to pass the strongest possible mental health parity bill and send it to the President to become law. I hope we can get that job done before we go home whenever that may be.

In closing, for those of us who had the privilege of serving with Paul Wellstone, his spirit is still very much with us. He still inspires us. He still calls us to conscience. He still makes us smile when we think of his puckish humor. He was the finest of men. We miss him greatly.

Mr. CARPER. Mr. President, having had the privilege of serving with Paul Wellstone for a couple of years after arriving as a Senator, not knowing him as well as Senator HARKIN knew him, I say amen to all the Senator from Iowa said and thank him for reminding us.

Mr. President, I yield the floor.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 294, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 294) to reauthorize Amtrak, and for other purposes.

Pending:

Sununu amendment No. 3452, to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce.

Sununu amendment No. 3453, to prohibit Federal subsidies in excess of specified amounts on any Amtrak train route.

Lautenberg (for Carper) amendment No. 3454 (to amendment No. 3452), of a perfecting nature.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

### AMENDMENT NO. 3453

Mrs. HUTCHISON. Mr. President, I thank the Senator from New Jersey for giving me this time and for being a longtime advocate of Amtrak but not only the eastern corridor Amtrak. The Senator from New Jersey has worked diligently for a national system. The reason we have a need for a national system is because it is national. The national system connects other routes to each other. If we had funded Amtrak in the same way we funded and helped other modes of transportation, we would have a bigger ridership because we would have better on-time delivery. The bad on-time delivery has caused a drop-off in ridership. This does not mean we should abandon the national system.

I am pleased to be a cosponsor of this bill. Senator LOTT has been another longtime champion of a national system. There are 41 cosponsors of this bill. We have worked together to make sure we don't only subsidize the eastern corridor. I have said all along, it is national or nothing for me. I believe in a national passenger rail system, one that connects our country from coast to coast. My vision is that we have a track going across the northern part of the country from the Atlantic to the Pacific, the southern part from the Atlantic to the Pacific, and then from the top to the bottom of our country, from the northernmost point down to the tip of Florida and the tip of California. That is a national system. It would have a track that also splits the middle of the country from Chicago down to Texas. From there, we have the capability to have State systems that would emanate from that skeleton.

It is important that we stay together. It would be easy to say: Well, the northeastern corridor does own its own tracks, and therefore it is more efficient, and why don't we just cut off the rest of the country and subsidize that? That is not a national system. I could not in good conscience support only a northeastern line. My constituents would be robbed of the Texas Eagle and the Sunset Limited lines, and there are other States that have legitimate needs as well. If we actually had done better by Amtrak all these years, we would require fewer subsidies.

I am pleased to support the bill, but I do not support the Sununu amendment. It isn't that I don't think his heart is in the right place. He is trying to save money because Amtrak is subsidized. We don't deny needed highways in the rural parts of our States. All of our Federal highway money is divided. It goes into rural areas. Why would we deny Amtrak service to other parts of the country that don't have the ridership mainly because of the on-time service not being dependable?

In 2003, a public opinion poll showed an overwhelming 85 percent of participants supported Amtrak, $2 billion worth of funding for Amtrak. We need a better system. We are working for a better system.

The bill before us is a well-debated, well-adjusted bill that isn't everything the Senator from New Jersey wants. It is not everything the Senator from Mississippi wants. It is not everything this Senator from Texas wants. But I know that if we have a national system, it is an important alternative mode of transportation for our country. We need highways. That is the bread-and-butter transportation system for the country. We need air transportation, and we do provide an air traffic control system to support that. A national rail passenger train is another mode that, in the event of an emergency, is a very helpful mode of transportation. After 9/11, when our air traffic system was shut down, people went to Amtrak. We needed that for the emergency. I believe we would be able to have much more in Amtrak if we funded it at a level where it would have better service and if we could get freight rail to work with us to actually help us alleviate some of the congestion they cause on their freight lines. We could work this out if we had rail support for Amtrak. It is important that we do that.

In 2005, SAFETEA-LU authorized more than $40 billion on our highways for fiscal year 2009. The Senate will take up an FAA bill later this year that will invest $17 billion in aviation annually. We just sent the President a water resources bill authorizing $23 billion over the next 2 years. There is always a different standard for Amtrak. Amtrak is asking for, in this bill, $2.1 billion a year. I don't know why Amtrak is a stepchild. If we have the resources necessary to make it a system that serves the whole country, it would be an environmentally effective, efficient system that would operate to not only provide transportation needs in rural parts of the country, where you can have buses that go into very small communities and feed into an Amtrak station, but the service would improve. The on-time delivery would improve. For the kinds of subsidies we need, that we are authorizing in this bill, it should be a national system, not a northeastern corridor system. That is what is fair for the country. It is right for the country.

Always in the Senate since I have been here, our Amtrak supporters have been national-or-nothing Amtrak supporters. I have supported the northeastern corridor. My friends on the northeastern corridor have supported a national system. Even in the hardest times, we have kept the system together. If we do that, we will see that the States will step in and do more, as California and some of the Western States have done, to their credit. We will have more private lines, more mass-transit lines, such as we have coming into Dallas, feeding into the Amtrak station, making it more used. In Texas, 250,000 passengers used the Texas Eagle and the Sunset Limited last year. It is a very important mode of transportation. The more we can do to make it efficient and effective, the better off we will be.

The Sununu amendment would wreck the national system. I hope we will reject that, even though I respect my colleague from New Hampshire. I know his heart is in the right place. I want to work with him to make Amtrak more efficient, but dropping national lines is not going to make it more efficient.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the distinguished Senator from Texas. She has always been a supporter of a national passenger rail service. We appreciate the fact that we can work together on this project.

Among the routes that would be eliminated under a proposal that is in front of us would be the Crescent in the first year. The ridership there is not quite what it used to be because it originates in New Orleans and New Orleans is not a place where there is a lot of traffic. The Sunset Limited is the one—I am sorry—originates in New Orleans. In the third year, the Texas Eagle would be eliminated. Each one of them by themselves is not massive, but they are all part of a national network. When 9/11 came along and the aviation system was closed down, in many cases the only way to get more people to their destinations, home or otherwise, was through rail service. This would be a national security breach if we permitted this to be discontinued. There is no country in the world where there is rail service that doesn't have some subsidy contribution. We have to adjust ourselves to that. Neither would our aviation system work if we didn't make contributions to that; neither would our highway system be operating if we didn't, and we are deficient there.

We have to make sure that a national transportation infrastructure is in place. An integral part of that is national passenger rail service.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. LAUTENBERG. Surely.

Mrs. HUTCHISON. I was so pleased the Senator from New Jersey talked about the Sunset Limited because the Sunset Limited, which is the first line that would be eliminated under the Sununu amendment, connects California all the way through the southern part of the country, all the way through Texas. It goes through San Antonio and Houston, then over to New Orleans, through Mississippi, Alabama, and it ends in Florida. In Florida, you connect to go all the way up the northeastern corridor. If you take out the Sunset Limited—that is our intercontinental rail line all the way across the country on the southern side—you are taking out a major part of the connection to our national system. I hope the Senator from New Jersey is correct that we will not have a national system, if you take out the whole intercontinental southern half of it. I applaud him for bringing that out.

Does he think if we took out that whole southern system, the Sunset Limited, that it would enhance Amtrak? Would it enhance the eastern seaboard? Would it enhance all the investment California has made all the way up to California and into the States of Oregon and Washington? Would that be something that would help the system?

Mr. LAUTENBERG. In response, Mr. President, it would probably destroy the system. We can't escape the fact that the equipment is often moved around in different areas. We have to have this as a backup, as I said earlier, for security alone, but also, as we join the fight against pollution and greenhouse gases, the railroads are the best, most efficient use for transportation in those cases.

So I think the wholeness of Amtrak's system is essential. We want to work together and make sure we include this as one of the targets for improving our transportation efficiency in the country. We are, unfortunately, way behind—whether it is in aviation or on the highways; and, certainly, Amtrak has not gotten its share of support. So we are looking forward to doing that.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I do not want us to have only those speaking who are opposed to the amendment. I know the sponsor, Senator SUNUNU, is here and will probably want to speak momentarily in support of his amendment.

Let me say, to his credit, unlike some of our colleagues, he has been involved in this issue for years. As a member of the Commerce Committee, and when we were trying to get it up for consideration last year, he did not just try to block it from coming to the floor, he had some amendments, and we agreed those amendments should be considered. That is the way to do this.

One of the things I said last night, and I want to expand on a little bit, is this bill may not be perfect, that we can perhaps have more improvements. But here is a case where the people I hear from say this is not a good bill because it does not do enough—not that they are opposed to most of what is in it, or what is in it; they just want to do more. But then you say: "All right, what do you want?" and they go silent.

So I think it is a major step in the right direction. If we can find more things that would improve the service, more reforms that would be helpful, I think we ought to consider that.

Mr. President, I ask Senator SUNUNU, would you like to speak now? I would be glad to defer and let you explain more about your amendment, and then I would follow you, if you prefer, or I can go ahead.

Mr. SUNUNU. Without objection, Mr. President, if I can respond to Senator LOTT, I am happy to speak whenever the Senator feels he has made all the points he needs to make, at least in the current time frame. I wish to speak for 10 or 15 minutes or so on the amendment, and we can move from there. I know we have been allotted 2 hours, but I hope and I think we will not have to take all the time.

Mr. LOTT. Mr. President, in the interest of fairness, usually we go back and forth. We have had a couple people speaking against the amendment—Senator HUTCHISON a few moments ago. I say to the Senator, if you wish to speak now, I encourage you to do so, and then we will have speakers on the other side after that.

Mr. SUNUNU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I rise to speak on the amendment I offered last night. This is an amendment that addresses the most basic question of fiscal responsibility. "Fiscal responsibility," "fiscal responsibility"—we hear this phrase all the time from politicians, whether you are inside the beltway from Washington or outside the beltway. I am sure at times people listening to the debate turn the other way because they hear everyone using this particular phrase as it seams to mean something different to everyone. But I say it is a most basic question of responsibility. Because we are not talking about how high the tax burden should be, or even how much or how large the Federal budget should be; we are not talking about whether we should spend money in a particular area so much as we are asking how much we should subsidize a money-losing proposition; how much money should the taxpayers be asked to spend on a business that is losing money.

Amtrak is a business, and Amtrak is losing money. We are in a position to be able to look at different parts of that business and try to identify exactly how much money they are losing in particular areas, and ask that simple question: What is fair? What is right? How much Federal funding should be used to subsidize a passenger on a particular train in the Amtrak system?

I would like to think my colleagues are willing to stand up and say the amount of money we should subsidize a passenger on a long-distance train is less than $1 billion per passenger. I think we can get agreement on that. Sometimes I am not sure if we could get agreement on that, but I think we could get agreement we should not provide a subsidy of $1 billion per passenger on every long-distance train Amtrak runs. That is a good starting point.

I would like to think we could get agreement the subsidy for every passenger on every long-distance train Amtrak runs should not be $1 million per passenger. In fact, let's say for the sake of reasonable discussion we can at least—at least—agree the maximum subsidy should not be $1,000 for every single passenger.

This is a basic question of fiscal responsibility. How big should that subsidy be?

Well, let's look at, first, how big the subsidy is today. There are 15 long-distance routes. Mr. President, 15 percent of Amtrak ridership consumes 43 percent of the total Amtrak budget. That is well in excess of $1 billion. The revenue generated? Less than $400 million. By the Commerce Committee estimates, that means there is as much as $900 million in losses—losses—for these 15 routes. The average per-passenger subsidy is in excess of $200 for everyone riding these trains. Now, I say "as much as $900 million" because no one knows how much is being lost today.

We have heard about all the fiscal reforms in this package, and we hope they better enable us to understand how much money Amtrak is losing, but the last time any clear audit was done on these long-distance trains was in 2004 by the Inspector General. Let's look at what the Inspector General audit found in 2004.

At that time, the losses were $475 million. They have only gone up since then. On the 15 routes, of course, the losses vary. On some routes they are higher than others. I think the lowest was for the Auto Train that runs from Orlando to Washington, DC. The subsidy per passenger was about $26. Given the importance many place on having a national system, and recognizing we provide different types of subsidies to aviation service, and even to our highways in different ways—mass transit as well—a subsidy level of $15 or $20 or $25 may well be justified. But that is the lowest subsidy level on any of the routes. The highest subsidy levels? In some cases, the Sunset Limited, at $286 per passenger; the Southwest Chief, at $198 for every passenger running on that train; the California Zephyr, at $140 per passenger.

Where are we going to draw the line? Perhaps those who will support any of these long-distance trains no matter how much they are losing can stand up and say: Well, look, the good news is it is not $1 million per passenger. That is not good enough. It certainly is not good enough when we are taxing working families across America to provide these subsidies.

It begs the question whether you could buy airline tickets for the amount that gets lost on any one of these routes. I think in many cases you could pay the airfare. I had my staff look today at what they might pay for an air ticket for the route of the California Zephyr. It certainly is lower than the cost of the train ticket. It is even lower than the cost of the subsidy. As compared to the Southwest Chief, the air ticket is lower than the cost of the train service and even lower than the subsidy—the cost to taxpayers for every passenger running on this system—and so on down the line.

Now, I understand Amtrak has improvements they wish to make, that this bill has budget reforms and auditing reforms and costs management reforms that hopefully will improve these numbers. But we have to draw the line somewhere. All my amendment says is: draw the line at $200—$200 per passenger—on any given train route. Next year, we lower that to $175; in the third year of the bill, $150. I think if you ask any American: "Should we provide a subsidy of $150 per passenger," they would say: Of course not. That is ridiculous.

We all feel there is some real value in train service, that Amtrak has great potential—a potential to be more successful, more financially successful, and to attract a different ridership. This amendment would not affect any of the corridor routes that serve the southern part of the country, the central part of the country, the west coast of the country, the Northeast part of the country. It would not affect any of those corridor routes. The corridor service is 46 percent of the ridership in the country. This amendment would not affect the Northeast corridor. That is nearly 40 percent of the ridership in the country.

So the vast majority of people who enjoy or depend on service through Amtrak would not be affected. In fact, the vast majority of the riders on the long-distance routes would not be affected because today, at least according to the Inspector General's audit, there is only one route that is in excess of the $200 subsidy level. There are only two that are in excess of the $175 level.

So if there is a real belief this bill is going to address these concerns and this problem, even the strongest supporters of long-distance service should be willing to support this amendment because, if nothing else, it will provide a real incentive, an honest incentive, to improve the performance of these routes.

You would like to think it can be done. I would like to think it is not impossible to run these routes without losing $150 and $200 per passenger. Maybe it is not. But if it is not possible, the American people should be told it is not possible today—not in 3 years or 5 years or 10 years.

All the amendment would do is ask for some basic level of fiscal responsibility, to set some threshold as to the amount we are not willing to spend on these per-passenger subsidies. I hope those who feel most strongly about this legislation and about Amtrak can recognize this can only provide incentives for their performance, improvements they argue they want so very much. I encourage my colleagues to vote for the amendment, for no other reason than because I think it is pretty hard to defend a vote against it when we have families across America who are working hard, paying taxes every day, who could certainly use the $200 in subsidy per passenger, or the $150, or the $100, to spend themselves. Those are taxes we don't need to collect if we are not running these routes at such incredible losses.

Thank you very much.

Mr. President, I reserve the remainder of the time we control.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, would the Senator yield 3 minutes to me?

Mr. LAUTENBERG. I am pleased to yield 3 minutes to the Senator from North Dakota.

Mr. DORGAN. I appreciate the courtesy.

Mr. President, how could something so wrong sound so good? Well, the answer is the label doesn't describe the problem. This label says it is going to be fine, but the product says: Let's get rid of rail passenger service in this country, except for Boston to Florida, the eastern corridor.

Let me describe it in the context of the Empire Builder, a wonderful train that goes up through my part of the country. One hundred thousand North Dakotans rode the Empire Builder last year. That train has a great history, it has a past, and it also has a great future in my judgment.

But there are those who come to this Chamber time after time after time and want to get rid of long-distance train service in this country. Why? Because they believe the country is crowded on the east coast and they ought to have good train service on the east coast and the rest of it doesn't quite match up. Look: Every country in the world virtually that has rail service, rail passenger service, has some subsidy for it. We subsidize most transportation services in this country. I don't have a problem with doing that.

I think a national rail passenger system contributes to this country in a very significant way. Somehow, to suggest that our rail passenger system in the future should look like this: You have rail passenger opportunities from Boston down to Florida on the east coast, and the rest of it, you know, you don't need it—to suggest that is to ignore a significant part of this country.

I support Amtrak. Can it work better? Sure. My colleagues, Senator LAUTENBERG and Senator LOTT, have been great stewards in trying to put together legislation that accomplishes that. But I would say this: I think this country is strengthened and is a better country and has a transportation system that is a better system because we have a national rail passenger system.

This is not a new amendment, I say to my colleagues. We have had this amendment around before. It has had different titles, but it is an amendment that says: Let's get rid of long-distance train service because there are people who have never liked Amtrak very much. Well, people probably will want to have train service, passenger rail service from Boston to Florida forever because that income stream of the large population center sustains it. The question is: should we have a national rail passenger system? Our country long ago answered that question and said: Yes, we should. That is why we have a national system.

My colleague says: Well, there wouldn't be much consequence if we pass this amendment. Oh, yes, there would. Most of the long-distance rail system would cease to exist. That is what this product is. It doesn't say that on the label, but that is what the product is. I don't disparage my colleague for suggesting it. We come from different parts of the country. He apparently believes that only the eastern corridor should end up with a rail passenger system. I think it enriches our country, across the country from East to West to have a national rail passenger system that works well. It works well for my State. One hundred thousand people a year board that Amtrak system. They like that service. I hope the Senate will decide to weigh in, in opposition to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, do I control the time on our side, or do I need to request the time to be yielded?

The PRESIDING OFFICER. The Senator controls the time on his side.

Mr. SUNUNU. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 46½ minutes.

Mr. SUNUNU. Thank you, Mr. President.

First, for any Senator who stands up and states that I believe there should only be service in the Northeast is wrong. It is wrong in substance, and I think it is wrong in the spirit of the debate on this floor because I certainly never suggested that. In fact, I suggested the opposite: No. 1, that this amendment doesn't affect the corridor services on the gulf coast, on the west coast, in the Northwestern part of the United States in any way, shape, or form; No. 2, that this only affects long-distance lines that lose more than $200 per passenger; and No. 3, that the goal of having a national service is a good one, provided that the level of cost and subsidy can be maintained.

The suggestion was made earlier that I want to get rid of long-distance trains. Again, no—only those losing more than $200 per passenger. In fact, to the point of the line that was mentioned previously in debate, the Empire Builder; according to the statistics of the Inspector General's review in 2004, it wouldn't be affected by this amendment either. The Empire Builder lost $94 per passenger in 2004. I hope the performance has been improved a little bit since then, but even if it hasn't, even if this is one part of our economy that has seen no improvements in productivity since 2004, no reduction in costs since 2004, no improvements in marketing and ridership since 2004, the Empire Builder wouldn't be affected because it lost less than $200 per passenger. In fact, the Empire Builder wouldn't be affected in the year 2009, when that subsidy threshold drops to $175. It wouldn't be affected in 2010, 2011 or 2012, because over the 5-year period, we only bring the cap down to $100, and the Empire Builder would still be below that figure in what it loses per passenger. In fact, in addition to the Auto Train, which I mentioned earlier, the Coast Starlite, the City of New Orleans, the Silver Service, all of those cost taxpayers less than $100 per passenger.

Now, is a subsidy of $80 or $90 per passenger; a loss of $80 or $90 per passenger; good? Is it that easy to justify to a family as they pay their taxes on April 15? I would be hard-pressed to justify that to people in my State of New Hampshire. But regardless, those routes are unaffected by this amendment. In fact, there are many others—several others—whose cost per passenger is in the range of $100 to $125, according to the Inspector General's report in 2004. I would hope and I would think they can improve performance by the 10 percent or 12 percent or 15 percent necessary to get below that $100 cost per passenger as well. Maybe they can't. We can't forecast the future. But I think we can set an honest and a reasonable limit on what subsidies we are willing to provide.

Again, I can't state it plainly enough. This amendment doesn't affect 85 percent of the routes and ridership of Amtrak, the people who ride from all over the country—North, South, East, and West. It doesn't affect any of those long-distance routes, and there are probably close to half of them that have a subsidy level of less than $100 today. For any of those that meet the performance benchmarks, they would be unaffected as well. I hope my colleagues can support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I would be interested in speaking on behalf of the Sununu amendment. I don't know what the alternating agreement is.

Mr. SUNUNU. Mr. President, I yield time to the Senator from Alabama, whatever time he needs to consume.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will be brief. Amtrak does go through my home State, and I have been interested in the impact of not having support for that periodic travel through our State that the system does and how much it costs and what the right public policy should be and how we should think about it. I would note Amtrak operates 44 routes over 220,000 miles of track, and 97 percent of those tracks are freight company tracks. But it runs a deficit each year, and we have to have Federal subsidies for it.

The crux of the public policy issue that all of us, I think, should think about for the overall public policy—not for one or two little—not for a few people in a vision for what we ought to do for the future but what is the truthful situation we are in.

Kenneth Mead, the Department of Transportation inspector general, succinctly stated the situation this way:

> The mismatch between the public resources made available to fund inner city passenger rail service, the total cost to maintain the system that Amtrak continues to operate, and the proposals to restructure the system comprise dysfunction that must be resolved in the reauthorization process of the Nation's inner city rail system.

This proposed reauthorization would entail about a $2 billion-a-year subsidy for the next 6 years. Remember, the bill that was enacted in 1997 to reform and have accountability for Amtrak contemplated there would be no more subsidies in 2002.

Now, Senator SUNUNU has studied this issue, and I believe we can rely on the things he is saying, fundamentally. It is important, and I am glad somebody has committed the time and effort to point out some of the problems with going forward with business as usual.

I am going to take a couple of minutes and share some thoughts. The train that goes through Alabama, Mobile, AL, east and west, it comes up—I am not sure exactly what the situation is this year, but when I checked last year, the train went through 2 or 3 days a week going east at 2 a.m. in the morning, and when it goes west, 2 or 3 days a week, it was 3 a.m. in the morning. Now, that is not likely to attract a lot of customers.

Let me show this chart and go through it. I believe we will come to understand that what we are talking about, I say to Senator SUNUNU, is trying to do something that is basically impossible to do. It is not going to work. I wish we could. As we used to say in the country—I grew up on the railroad tracks. My daddy had a country store. There were three country stores and a railroad depot in our little community. The train went by, we had a passenger—I remember when we had a passenger train down there. There hasn't been a passenger train on that road in 40 years. There is only one store left and no railroad depot. Times change. Things happen.

Let's look at this chart on what it would take from Birmingham to Washington, DC. Well, what are your options? If you go on a commercial airline—the one we checked here was a direct flight from USAir last October—to Birmingham, there were 7 direct flights to Washington, DC, from Birmingham, AL, a day. If you take your personal vehicle, you can leave anytime you want to leave. If you take the train, there is only one a day. That limits your options. People, when they are deciding how to make a trip, think about these things.

What about how long does it take? The air time is 3 hours 12 minutes, the personal vehicle is 11 hours, approximately, and the train time is 18 hours.

What about how many stops do you make? If you take an airline, it is one stop. It is a direct flight.

What about your personal vehicles? Let's assume you make 4 stops. But Amtrak is making 18 stops. It is not taking the shortest route.

What about our cost? I was surprised at this when we looked at the numbers. The primary cost for a round trip airline ticket, as I said, as of last October, was about $328. We now think it is $350 or $360, something around that price. That is what the commercial airline fare is. If you took your personal vehicle, the cost for gasoline is $87. Gas is about $2.97 a gallon today. The Amtrak ticket is $206 round trip.

I don't know that this is an accurate figure for the food and board, but in the air you have no cost of food and a room is not needed. In a personal vehicle, you can estimate 1 meal or 2 meals at $20. On Amtrak, the high cost of food and a sleeper car can put you well over $100—maybe even $200—as our figures show. On the commercial airline, the total cost for one way would be $160 to $175. A personal vehicle is less than that while the train is more than that. The train is going to be much more than that one way.

So this is why people are not traveling long distances on trains. It is not because they are not there. They are there. But you say: Well, what we need is Amtrak coming through Mobile at 5 a.m., 7 a.m, or 8 a.m. Well, you cannot make that happen. To do that, we would have to double the number of trains or triple or quadruple them, and they will lose even more money. I wish it weren't so. I wish we could make this system work, but certain long routes are not feasible. However, Congress, being what it is, mandates it. We say you have to run these routes, and Amtrak runs up billions of dollars in debt trying to comply. If I could see us moving to a time when we would come close to making this feasible, I would be supportive.

Mr. LAUTENBERG. Mr. President, can I ask a moment of the Senator's time without him losing his right to the floor? I have a unanimous consent request.

Mr. SESSIONS. I am pleased to yield for that purpose.

Mr. LAUTENBERG. Mr. President, we are planning to hold the vote at 12:15. I want other Members who are interested to know that.

I ask unanimous consent that at 12:15 today the Senate proceed to vote in relation to the Sununu amendment and the time until 12:15 be equally divided and all provisions under the previous order remain in effect. I assume Senator SUNUNU has agreed to this.

Mr. SUNUNU. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, while I am not opposed and don't think the proponents of the legislation have a bad intent, they have a vision for a national rail system, and they are willing to put billions of dollars into it. But I have never been able to lay my hand on a study that shows that a national rail system mandated by the government is feasible over long distances. Yet there was a study that showed, even in Europe, that train routes within certain ranges will work. I think the distance was approximately 200 to 300 miles. If it is much longer than that, people almost always choose to fly. If it is much shorter than that, they almost always choose to drive. Americans, more than anyone else in the world, have automobiles, and we choose to drive frequently. It allows you to arrive when you want, carry things you want to carry, drive straight to where you intend to go, and not have to wait in a station. And you don't have this on time problem. Commercial airlines are on time about 80 percent of the time. Amtrak was only on time 66 percent of the time. That is another factor you have to think about if you are going to regularly use a long-distance train.

In certain corridors, where the traffic is heavy, it works, and I am not disputing that. I am not for shutting down a profitable route or even routes that are close to profitable, which we can justify subsidizing. But I think, in all honesty, that Senator SUNUNU has raised a legitimate point. How much can we support these routes that are losing money, are unlikely to ever make money, and are driving up a heavy cost that the whole Amtrak system must carry in its effort to comply with congressional mandates?

So if you could reduce some of these losses that are draining Amtrak's ability to be effective and gave them some freedom to make business decisions rather than having their operations determined by political decisions made by Congress, I think we would be better off. So after much thought and review, I have concluded that this is a rational amendment. It is hard for me to see how it can be opposed. Therefore, I will support it. I thank the Senator for offering it.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. LAUTENBERG. I yield 7 minutes to the Senator from Delaware.

Mr. CARPER. Mr. President, I used to serve on the Amtrak board of directors. We have a lot of trains running up and down the Northeast corridor. I have ridden on them since I was a little boy. The trains run about every hour. You can catch a train in Boston to come to DC pretty much every hour; between New York and DC, the frequency is even more. They run from 5 in the morning and go well into the night.

The reason a lot of people don't ride trains across the country is there are 15 different long-distance trains, which only run 2 or 3 days in a lot of cases. It may come in at 1, 2 or 3 a.m. in the morning, and it is not very convenient. It is hard to build ridership. I agree with Senator SUNUNU. I am not interested in spending $200 or $150 per passenger to subsidize long-distance trains. We don't do it in the Northeast corridor.

We have addressed this in a more thoughtful way, and I want to share that. I commend Senator LAUTENBERG and Senator LOTT and our staffs for working on it for years. The legislation calls for the Federal Railroad Administration to actually study every year, for the next 3 years, 5 long-distance train routes to figure out why they lose money and what can we do to reduce the cost of the train routes. I think they will find this in places in the Midwest. These numbers are out of the Midwest. There is a lot of investment, particularly in the Illinois area. Ridership is up on the Chicago-St Louis corridor in the last year. Ridership between Chicago and Carbondale is up 46 percent. For the Chicago-Galesburg-Quincy route, ridership has increased 33 percent. They have actually added frequency and provided better service and more on-time service, and they have worked with the freight railroads that control the tracks to get better support so that they let the passenger trains run on time.

I think there is a better way to skin this cat than our friend, Senator SUNUNU, has proposed. I believe the answer is in the legislation. If you look at the country as a whole, today we have probably over 50 percent of the population living within 50 miles of one of our coasts. Think about that. What that means is we have these densely populated corridors up and down the east coast, the gulf coast, and on the west coast. They are perfectly suited for high-passenger corridor rail service.

Think about the other places around the country, and there is an example of the St. Louis-to-Chicago route. That part of America is where densely populated corridors also exist. My suspicion is if we provide them the kind of service we are providing on these coastal corridors, we would see the increase in ridership that we are seeing in Illinois and also in Missouri.

Again, to my friends who want to make sure we take some affirmative action to provide better train service but reduce the kind of subsidies now being paid for folks riding trains that run every 2 or 3 days, coming through communities at all hours of the night, as well as the day, there is a smarter way to do this, and it is in the legislation.

I encourage my colleagues to oppose this particular amendment, however well intended it is. I think there is a better way to get to the legitimate issue raised. It is the language Senators LOTT and LAUTENBERG and our staffs and I have crafted and included. The first year, we would take five long-distance train routes and scrub their performance and find out a smarter way to provide the service. The second year, we would do five more, and the third year, five more. So over 3 years we would scrub 15 of these.

A lot of people are starting to ride trains who would not have thought about it before. That is because of congestion on the roads and highways, in airports, bad pollution in the air, and our dependence on foreign oil. The passenger rail service can address all those issues. Amtrak is not the whole answer, but it begins to get at the answer.

The language in the underlying bill answers the question Senator SUNUNU raises. I urge a "no" vote on the amendment and support for the underlying legislation.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, we understand that Senator SUNUNU comes with a background in business and comprehension of what balance sheets and financial statements are like. We recognize that the State of New Hampshire does have some Amtrak service. But the State of New Hampshire is also one of the beneficiaries of something called Essential Air Service, where the country takes great pains to make certain that communities are not so isolated that you have difficulty in traveling from there and to there. It costs the Federal Government about $50 million a year for Essential Air Service. We are all in the same boat. It is our country, these are our communities, and they have to be part of the functioning of our society.

So when I look at the amendment proposed by the Senator from New Hampshire, this amendment would destroy our national passenger rail system. Based on 2007 data, the Sununu amendment would immediately cut passenger rail service to the entire Southwestern United States. Four of Amtrak's longest train routes would be gone. It is easy to see on this chart the lines that crisscross our country. You are saying that almost everything, in about a 5-year period, would be pretty much not in existence. We start off with four of Amtrak's longest train routes, most of them in the Southwest. Next year, five more trains would be eliminated, including the Silver Star, which is New York to Miami; Silver Meteor; the Cardinal; the Coast Starlight, Seattle, WA, to L.A., CA; and the Lakeshore Limited, Chicago to New York. These comprise something over a million travelers a year. Within 5 years—likely sooner—the entire national network of long-distance trains would be gone because corporate overhead costs would be shared among the remaining routes, increasing their costs.

These long-distance trains provide essential transportation services to millions of Americans, and their ridership and revenue has been growing.

Last year, ridership increased on Amtrak's long-distance trains 2.5 percent and revenue went up 5 percent. For instance, if we look at Amtrak's Palmetto train, which is New York to Miami, its route extends south from the Northeast corridor and serves South Carolina, Georgia, Florida, North Carolina, and Virginia. It had 7.5 percent more riders than the year before, a total of 157,000 riders.

The States want Amtrak service, and they want to expand it as well.

One Governor—I have a letter written in 1996—wrote to Amtrak claiming:

> Many of us believe that Amtrak finances and operations are a matter for the Federal Government. The Federal Government created Amtrak.

This is the letter from the then-Governor of Texas, George W. Bush, in 1996. He attributes responsibility to the Federal Government.

To connect our rural areas with our urban commercial centers, the Federal Government subsidizes all modes of transportation. We have essential air service, which I mentioned. We have Federal subsidies for intercity bus transportation. And since the Federal Government took over passenger rail service, we have funded it as well.

I wish to make note of the fact that despite the fact that our airlines are for-profit companies, we insist that we have to help them function and we give them about $3 billion a year in subsidies. These are for-profit companies. We want them to keep flying. There has been about $20 billion put into the aviation system since 9/11.

I remind our colleagues, there is no passenger rail service in the world that earns a profit. Countries pay for rail service because of the benefits, and if you eliminate these trains, it would mean millions of additional cars on the highways and even longer lines at the airport, adding to our country's congestion problems.

In addition, terminating these routes destroys Amtrak's interconnected system, isolating different parts of the country from one another and reducing the utility and the value of all of Amtrak's services.

This bill, our bill, already cuts Amtrak's operating subsidy by 40 percent. And rather than micromanaging Amtrak, our bill mandates that this performance standard is the one the company must meet. We also require Amtrak to tell us how they plan to meet this standard. They need to set up specific improvement goals and plans for each individual train route. If the plans are not followed or if they don't work, funding for that train route can then be terminated.

Senator LOTT and I, along with Senator CARPER and others, put a lot of thought into this bill. It will make major improvements to rail service in our country. The Sununu amendment does exactly the opposite. It will destroy America's national passenger rail network. Ironically, it won't even save money because a sudden and massive reduction of trains that this amendment would force would leave Amtrak with huge labor costs for displaced employees.

This is not a new subject we are airing today. In some ways, it would be nice to be able to agree with Senator SUNUNU on this issue and say, OK, it would be nice if they could pay their own way, but they can't do it. When you are operating on schedules that, in many cases, pay lots of attention to the key peak work hours and then don't have the traffic after that——

The PRESIDING OFFICER (Mr. TESTER). The Senator's time has expired.

Mr. LAUTENBERG. How much time do we have left?

The PRESIDING OFFICER. None.

Mr. LAUTENBERG. That is good. We have no time left. We had, I thought, a minute or two before the vote.

Mr. SUNUNU. Mr. President, is it true that I have plenty of time left?

The PRESIDING OFFICER. It depends on the Senator's definition of "plenty." The Senator from New Hampshire has 11 minutes remaining.

Mr. SUNUNU. In New Hampshire, 11 minutes is plenty of time. I yield 2 minutes to the Senator from New Jersey to finish his remarks.

Mr. LAUTENBERG. I thank the Senator. May I take that at the end of the Senator's presentation?

Mr. SUNUNU. Mr. President, I wasn't aware this was a negotiation as opposed to an act of solidarity with my colleague on the other side of the aisle. I will be happy to reserve Senator LAUTENBERG's two minutes for the end.

Mr. LAUTENBERG. I am touched by the generosity of the Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent that we reserve two minutes on each side for the end of this debate. I have a couple of minutes of comments, and then if there are speakers on the other side, we may still have another couple of minutes to yield to them as well.

Mr. LAUTENBERG. I am concerned, Senator LOTT wanted to say a couple of words.

Mr. SUNUNU. Excellent. I will be happy to reserve those two minutes for the other side.

Mr. LAUTENBERG. That is a satisfactory arrangement, and I consider it to be very fair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, let me use my portion of time to conclude my remarks. I wish to address some of the points Senator LAUTENBERG made in his presentation.

First, it was suggested that under 2007 data, four routes would have to be shut down if my amendment were made the law of the land. I find that surprising and maybe a little problematic for a couple of reasons. First, I am not aware of any Inspector General audit that was done for 2007, which would be required under the amendment. The only IG audit of which I am aware, the most recent one, was in 2004, and that indicated only one route did not meet this threshold. So, first, I don't think there is any data to make that assertion that four routes would be closed.

Second, if that were the fact today, that means the situation has gotten worse over the last three years; that it has gotten worse and that the costs are trending in the wrong direction, and that is something about which we should all be concerned and, in fact, alarmed.

Third, it was suggested that closing four routes, if that were the case, would be a sudden and massive reduction in the capacity of the system. In fact, even if four routes were affected, we are talking about 1 to 2 percent of ridership.

The phrase "making people pay their own way" was also used. It does nothing of the sort. As I indicated, I think there is an opportunity for providing some support or subsidy level, certainly in the medium term. This would by no means require anyone to pay their own way because it would still allow in the first year subsidies up to $200 per passenger and in the second year subsidies up to $175 per passenger. Only in Washington would a $200 subsidy be called "paying your own way." That is just not right.

Finally, it was suggested that closing one of these routes would isolate parts of America. I think the idea that eliminating a long-distance train would isolate people in America in this day and age, given all the ways we have to travel, to communicate, and to reach out to one another, is ridiculous.

This is a common-sense amendment. This is not the grim reaper for national train service. This amendment only says if a route is losing more than $200 per passenger, we should not continue to operate that service. I suppose it is a little bit like hitting yourself in the head with a hammer: Maybe once you really get going, you are reluctant to stop because you think the next time you hit yourself in the head it might not feel quite as bad. At a certain point, we need to draw the line. I think $200 per passenger is a pretty reasonable line to draw. I encourage my colleagues to support the amendment.

I reserve the remainder of my time. I am happy to yield Senator LOTT 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, the Senator from New Hampshire is yielding me 2 minutes out of the time of the proponents of the amendment? I don't want to mislead anybody here.

Mr. SUNUNU. As the Senator may not be aware, we have a unanimous consent agreement, and having consumed all the time on the opponents' side, I offered to share an additional 2 minutes so that Senator LOTT can conclude his remarks.

Mr. LOTT. Mr. President, that is typical generosity of the Senator from New Hampshire. He is engaged, thinking about this issue and trying to do the right thing.

I also think this is a classic chicken-and-egg deal. We tell Amtrak we want them to do better, but yet we don't offer any reforms, challenges, responsibilities to do better. We throw rocks and say: Why aren't you providing better service at cheaper rates?

I think you need a plan to move toward actually what the Senator from New Hampshire is trying to achieve. The bill before us, S. 294, already requires Amtrak to reduce its total Federal operating subsidy by 40 percent over the life of the bill. The bill gives Amtrak management the flexibility to achieve this goal through cost savings, route changes, revenue growth, or expanded service rather than through mandated route cuts. Additionally, the bill requires improvement plans for each long-distance route that will focus on strategies to increase revenues, ridership, efficiencies, and service quality. These plans must be implemented and achieved in order for them to continue to get Federal routes.

I think some of these routes are going to eventually need to be terminated, but if we do what this amendment would do, it would basically, cold turkey, start eliminating routes very soon, including, to be perfectly honest, the Crescent, which is the train that comes down through the heart of the South, through Meridian, MS, Hattiesburg, down to New Orleans. We need that service.

Also, this would force cuts at a time when we need more rail service, not less. We have ever-increasing air and highway congestion and environmental concerns. The Federal Government provides operating subsidies in all these other areas, but we are saying we want to terminate these long-distance routes. If we want a national rail passenger system, we are going to have to keep some of these routes going at least until we make an effort to make them more cost efficient.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, we are approaching 12:15, which is the time for the vote. I wish to conclude first by responding to some of the remarks and the observations made by the Senator from Mississippi.

First, there was mention of the Crescent, which is one of the 15 long-distance trains. Under the 2004 Inspector General's audit, the Crescent lost $114 per passenger in coach class. At that rate, they would not be affected in 2008 by this amendment. They would not be affected in 2009 by this amendment, or 2010 or 2011. They might be affected in 2012 if they have failed to improve any performance on the basis of cost over a 4-year period. I don't think that is Draconian. I don't think that is too much to ask. I hope the Senator from Mississippi and others will support that kind of improvement in performance, and I think it can be achieved.

To that point, the Senator from Mississippi said: We need to do better; we need to have a plan for doing better. From what I have heard, he and many others believe this bill is the plan to do better, and I think in many parts it is a plan to do better. I support that concept. I support a blueprint for improving financial reporting, standards of accounting, and cost performance.

What my amendment simply does is tell people honestly and directly: How much better do we expect you to do? What is the minimum we expect you to do? We expect ridership or routes not to lose $1 million per passenger, or $500,000, or $1,000, or $500 per passenger, and I think it is reasonable to say we expect you not to lose $200 per passenger. That is what we are asking. That is how much better we expect you to be for only those routes which are not meeting that standard today.

It is a reasonable standard. It is an understandable standard. Under the 2004 data, it would affect one of the 15 routes. It might affect more than one. It might affect 2 or 3 more routes 2 or 3 years from now if they have failed to improve. But when we are asking families across America to fill out their tax forms every April 15 to provide resources to our country to fulfill important obligations, I don't think we should be asking those families to subsidize passengers on Amtrak at $200 per person.

It is reasonable, and I hope my colleagues will support a commonsense amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Sununu amendment, No. 3453.

Mr. SUNUNU. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 66, as follows:

[Rollcall Vote No. 395 Leg.]

YEAS—28

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Inhofe
Isakson
Kyl
Martinez
McConnell
Roberts
Sessions
Shelby
Sununu
Thune
Vitter
Voinovich

NAYS—66

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Domenici
Dorgan
Durbin
Feingold
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Warner
Webb
Whitehouse
Wyden

NOT VOTING—6

Clinton
Dodd
Feinstein
Kennedy
McCain
Obama

The amendment (No. 3453) was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I recognize I did not prevail in that amendment, but I appreciate that debate and the managers allowing me time on the debate. I do have another amendment. I told them I would try to move my amendments, so I have another amendment I wish to offer.

Mr. President, what is the pending business?

### AMENDMENT NO. 3454

The PRESIDING OFFICER. The pending business is the Lautenberg for Carper second-degree amendment.

Mr. SUNUNU. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. LAUTENBERG. Objection.

The PRESIDING OFFICER. At this moment there is not a sufficient second.

Mr. SUNUNU. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. We object.

The PRESIDING OFFICER. Objection is heard.

Mr. President, I think the bill manager does not have a copy. It was such a short amendment, I sort of assumed that multiple copies were made. If I can ask unanimous consent to speak on the topic of the amendment, to provide a little background.

Mr. BYRD. Would the Senator inform the Senate as to what the subject of his amendment is?

Mr. SUNUNU. I would be pleased to describe the amendment prior to it being offered.

Mr. President, this is one of the two amendments I filed in committee, but did not offer on the bill, because I wanted to allow a vote and debate on the floor rather than delay us unnecessarily in committee.

This is an amendment that addresses the question of competing on different routes within the Amtrak system. Under this legislation that is before us today, there is an allowance to have two routes competitively bid each year.

The managers think that is a good idea. I think that is a good idea. But I do not see why there needs to be a legal restriction on the number of routes that could be bid or sent out to bid under competition. This does not mandate that bids be put out to competition, but it certainly would allow that.

That is what my amendment is intended to do. At this time, I yield to wait for the copies to be distributed in a timely way.

Mr. President, at this time I believe copies have been distributed.

### AMENDMENT NO. 3456

(Purpose: To remove the limitation on the number of Amtrak routes available for competitive bid)

Mr. President, I send an amendment to the desk, ask unanimous consent that any pending amendment be set aside, and ask for the immediate consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 3456.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, the Senator has an amendment?

Mr. SUNUNU. I do.

Mr. BYRD. Does he wish to have it read?

Mr. SUNUNU. I have submitted the amendment to the bill manager and to the clerk and asked that it be considered.

The PRESIDING OFFICER. The clerk has reported the amendment by number.

Mr. BYRD. Will the clerk read the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

On page 35, strike line 1 and all that follows through "(A)" on line 4 and insert the following:

"(b) IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 35, strike 11 through 16.

Mr. SUNUNU. Mr. President, I apologize again to the bill manager for not having a copy for him.

As was clear from the reading of the amendment, if nothing else was clear, it is a brief amendment. It strikes the line of the bill that would have placed a limit on the number of routes that could be allowed for a competitive bid.

That means it allows for an operator to offer to run that route at an effective cost with particular service goals in mind in order to provide service at or above the current quality of service at a lower cost. I think it would be a mistake to place an arbitrary restriction on the number of routes that could be competitively bid.

Certainly decisions about putting routes out to bid, or which routes are put out to bid, how they are done, would still be in the hands of the management team at Amtrak. I think that is as it should be. I appreciate the opportunity to offer the amendment. I ask that my colleagues support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we look forward to a full discussion of this amendment. We do provide in the bill an opportunity for a competitive review on two lines.

Whether it should be expanded is something we will want to talk about. We think that two lines each and every year can be competed for and reviewed by Amtrak. We have to examine it here. But our inclination is to oppose this. But we will have a discussion about it at such a time as we go to a vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Sununu amendment No. 3456.

### AMENDMENT NO. 3455

Mr. ALLARD. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment 3455, the Allard amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 3455.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To strike the provisions repealing Amtrak's self-sufficiency requirements)
>
> Strike subsection (a) of section 219.

Mr. ALLARD. My amendment is very straightforward. Right now there is a provision in law saying that Amtrak is supposed to be financially self-sufficient. To be clear, the provision does not even apply to Amtrak as a whole. It only requires Amtrak to be operationally self-sufficient, presuming, of course, that the Federal Government will continue to provide capital subsidies.

I was surprised and even disheartened to learn that S. 294 would repeal this provision in law requiring Amtrak to become operationally self-sufficient. I strongly believe that this goal should be maintained.

My amendment would strike the provision in the bill that repeals the self-sufficiency goal.

I am quite puzzled that the Commerce Committee report noted:

> This repeal is technical in nature and not meant to indicate that Amtrak should not strive to reduce its dependency on Federal funds or improve the efficiency of how it spends Federal funds as elaborated through this bill.

This statement makes no sense. If we repeal a provision calling on Amtrak to become self-sufficient, we are saying they have no need to reduce their dependency on the taxpayers. There is no other way to interpret it. We need to be crystal clear that we expect them to reduce their dependency on Federal funds, and the only way to do it is to maintain this provision in current law.

To be clear, even with the provision in law, Amtrak has made little progress toward becoming operationally self-sufficient. According to the Department of Transportation Office of Inspector General, Amtrak continues to incur substantial operating losses, and over the last 5 years, annual cash losses, excluding interest and depreciation, have fallen only modestly, a little more than 3 percent a year. But modest progress is not a reason to eliminate the operational self-sufficiency provisions. Failure to meet a goal is not reason to lower the bar sufficiently to redefine success. Rather, it simply means that more work must go toward meeting their original goal.

The Office of Inspector General went on to say:

> The problem with the current model exists beyond funding. There are inadequate incentives for Amtrak to provide cost-effective service. Amtrak, as the sole provider of intercity passenger rail service, has few incentives, other than the threat of budget cuts or elimination, for cost control or delivery of service in a cost-effective way. Amtrak has not achieved significant cost savings since its last reauthorization.

That is what the Inspector General had to say in his report. The question I have is, given that we have so few incentives for cost controls, why would we eliminate one of the few provisions in law calling on Amtrak to control their costs? While passenger rail has a role in an efficient, modern transportation infrastructure, I am concerned about how Amtrak has performed in providing that service. As my colleagues may know, I am a strong proponent of results and outcomes. Amtrak and other government-funded entities should not be judged based on how much they receive in Federal funding but the results they can demonstrate with those taxpayer dollars or the fees they charge passengers who ride their trains. In the case of Amtrak, I am afraid these results are not very impressive. In the administration's PART assessment, their tool for evaluating the effectiveness of programs, Amtrak was rated as ineffective. In fact, it was the only program in the entire Department of Transportation to receive an "ineffective" rating.

I want to be clear on what this rating means. From the administration's description ineffective, programs receiving this rating are not using taxpayer dollars effectively or the fees they are charging the passengers to use their services. That seems pretty clear to me, and I hope Members of this body will agree with me on that fact. If Amtrak is not being effective with the money they spend, it would make sense to reduce the money we spend there. Instead, we are talking about increasing their subsidies and eliminating provisions calling on Amtrak to be more careful in how they spend tax dollars. Again, that makes no sense. Right now Amtrak's Federal subsidy is nearly equal to its total ticket revenue per year. To put it a different way, for every dollar spent on a ticket, the rail passenger receives another dollar from the taxpayers.

Given the subsidies on some routes, taxpayers would save money by actually paying passengers to take another mode of transportation such as flying. Calling on Amtrak to become operationally self-sufficient is not about being antirail. It is about being for taxpayers and for those riders who use that service to hold down their costs. It is for efficiency and for common sense.

Even if Amtrak were to become operationally self-sufficient, it would continue to receive sufficient Federal subsidies under my amendment. According to the U.S. Department of Transportation, Amtrak is by far the most heavily subsidized mode of travel in the United States, even though it carries less than 1 percent of the intercity passenger market. Amtrak costs $210.31 per passenger, per thousand miles, compared to $4.66 for intercity buses and $6.18 for commercial airlines. Because motorists pay far more in Federal user fees than they get back in Federal transportation spending, the U.S. Department of Transportation estimates that the Federal Government earns a profit of $1.79 per passenger, per thousand miles from automobiles.

This bill proposes to spend $11.3 billion on Amtrak. It is entirely reasonable for Congress and the American taxpayer and their passengers to tell Amtrak that they should work to reduce those subsidies. If we are too timid to even tell Amtrak to reduce their need for operational subsidies—remember, this is operational subsidies, not capital investment—how can we expect that they will ever do it? Many of us are parents and have worked to raise our children to become independent, self-sufficient people. When my daughters graduated from college, my wife and I expected them to get jobs to support themselves. If we had simply paid their rent, bought their groceries, paid their utilities, and given them spending money without any conditions or expectations of independence, why would they want to work and make the tough choices necessary for change? It is the same with Amtrak. Unless we are clear that we expect them to change and become operationally independent of the Federal Government, things will never change.

It is critical that we keep this goal in place for Amtrak. They must hear loudly and clearly from Congress and from America that they need to make the tough choices necessary to get out on their own. My amendment will ensure they hear this message.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from West Virginia.

Mr. BYRD. Madam President, would the Senator read his amendment again, please, for the edification of the Senate.

Mr. ALLARD. My amendment is actually very simple. I will ask the clerk to read the amendment, if she will.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

> Strike subsection (a) section 219.

Mr. ALLARD. If I may address the Senator through the Chair.

Mr. BYRD. Yes, please.

Mr. ALLARD. The section I am repealing puts in some guidelines, and it is not date specific but it says that the goal of Amtrak should be to become self-sufficient; in other words, work toward less subsidies from the Federal Government. For some reason or other that was taken out by the committee staff. It is appropriate we continue to keep that in law instead of repealing it. Since they are not driven by competitiveness within the fixed rail system, I encourage them to note that the Congress expects them to work for efficiency and to repeal it. I recall in Boston, for example, we had a situation where Amtrak runs through Boston and is part of their mass transit system. So a committee chair looked at a contract they let out for the Boston fixed rail. It was the most expensive contract, providing the least service to the passengers. This kind of provision is an incentive. It gives Members of Congress a way of expressing to Amtrak that we hope that they work for an efficient, effective system. I don't think it is particularly Draconian; at least I do not view it that way.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I have listened with interest to our colleague from Colorado. Since I have a son and two grandchildren who live in Colorado, they talk about how nice it would be for train service to run from Denver to Glenwood Springs and provide that kind of service. It would ease up the traffic on the highways in Colorado, Route 70, and others.

It would be nice if it was possible to reduce the subsidies, but the problem is, the world has proven in country after country that you cannot operate passenger rail service at a profit. You cannot carry the obligations that are required with a passenger rail system. My colleague will excuse me when I say this: It is kind of fallacious to even believe that it is possible. We tried it.

In 1997, our reauthorization bill said we should try to eliminate subsidies. We couldn't eliminate them. But I will tell my colleagues what did happen. Ridership has gone way up. That proves one thing; that is, that the railroads have to be there. We just had a vote on an amendment calling for the elimination of routes across the country which lost substantially. The fact is, the country desperately needs rail service. Our airlines are busy beyond capacity. Highways are busy beyond capacity. We are stuck in traffic all over. The railroad is finally beginning to find its way out.

What we have in our bill, for the edification of our friend from Colorado, is a goal to reduce operating subsidies by 40 percent in 6 years. That is a start.

I urge my colleague to let this take place. Let it happen. Let's see what goes on there. We have made all kinds of conditions of reform for the railroad, not ignoring the fact that there have been large subsidies but also recognizing that passenger rail service requires subsidy.

In the UK, for example, the Government decided to go private with its rail system. They found out that things deteriorated rapidly. They weren't safe, and they weren't efficient. We are now beginning to see that Amtrak is attracting ridership as we have not seen it before, as 26 million people rode Amtrak last year. But so many burdens were placed on Amtrak: Insufficient funding for capital in the first place, substantial outstanding indebtedness.

How did Amtrak get to be a national corporation? It got there in the early 1970s because the private sector couldn't handle it. There is no money to be made there, when you consider that freight railroads are making money and freight railroads often are an impediment to passenger rail service operating efficiently.

We are going through a review of what Amtrak ought to be. We know our equipment is not up to date. We know our trackage is not up to date. We know our signage is not up to date.

I had the opportunity to ride in the engine of a train from Paris to Brussels going to a NATO meeting. We cruised along at 300 kilometers, 180 miles an hour, and rode 200 miles in an hour and 20 minutes. It is that kind of service that could be offered if we could invest in bringing Amtrak up to date, and perhaps we could begin to see the results that would attract that kind of support.

Revenue increases have been taking place, so we are on a good track to make Amtrak more efficient, less costly, and more conscious of their operating expenses. But we have to be able to continue in that vein. If we said we demand there be a point in time when there are no more subsidies, we would not be being realistic. It can happen.

I hope if this comes to a vote, we will defeat it soundly. I think we have the votes to do that. I hope we can put this aside for now and give us a chance to go further on the debate and the review of the Amtrak bill as it is.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I wish to respond for a moment, if I might, to clarify. No. 1, I am a strong proponent of fixed rail. As chairman of the Housing and Transportation Subcommittee in Banking, I worked hard for mass transit and, obviously, fixed rail. So I agree that rail needs to be a vital part of our transportation system.

All this amendment does is put in law a goal we want self-sufficiency for—not capital investments. So as to the signage the Senator talks about, the rails on the ground that need to be laid, buying the new transportation, it does not apply to that. It applies to operational costs. It is not a hard line. We have been going for several years without meeting this goal.

I think we have done some work in that direction, but as far as I am concerned, the amount of efficiency has been pretty minimal. I think we can do more. Even if it is minimal, at least we can keep it in there so it continues to encourage them to be more efficient and review processes and procedures they use in the operation of Amtrak. That is not capital investment. That is operational, things they can do to bring efficiency to their services, which I think is to the advantage of the rider, as well as to the taxpayers of this country.

I wanted to clarify that for the Senator from New Jersey.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 2229 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BARRASSO. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### INTERNET TAX MORATORIUM

Mr. WYDEN. Mr. President, a large number of Senators of both parties are working in good faith to try to address this question of the Internet tax moratorium. I simply want to take a few minutes this afternoon to bring to light a new development in the discussion that I hope all Senators will keep in mind.

The Congressional Research Service—our independent group that analyzes policy matters—informed me this morning that because the other body, the House of Representatives, changed the definitions in the current Internet tax moratorium, it would be possible, under the language that was adopted by the other body, to tax various Web services, such as e-mail. I know no Member of the Senate who wishes to see that happen.

Mr. President, I ask unanimous consent at this time to have printed in the Record the memorandum the lawyers at the Congressional Research Service sent me about the Internet tax moratorium.

There being no objection, the material was ordered to be printed in the Record, as follows:

Congressional Research Service,
*Washington, DC, October 24, 2007.*

MEMORANDUM

To: The Honorable Ron Wyden, Attention: Joshua Sheinkman.

From: John R. Luckey, Legislative Attorney, American Law Division.

Subject: Internet Tax Moratorium.

This memorandum is furnished in response to your request for an analysis of whether the definition of "internet access" in the Internet Tax Freedom Act Amendments (H.R. 3678) as passed by the House is more restrictive (would permit more activities to be taxed by the states) than that of the Internet Tax Moratorium which is set to expire on November 1, 2007.

The expiring moratorium defines "Internet access" to mean:

a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users. The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.

Exemption is provided for voice services over the Internet.

H.R. 3678 would define "Internet access" as follows:

The term "Internet Access"—

(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold (i) to provide such service; or (ii) to otherwise enable users to access content, information or other services offered over the Internet;

(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity; and

(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), or (C)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), or (C).

The language of H.R. 3678 would be more restrictive in at least two ways. First, the "enables users to connect" language of paragraph (A) would limit the moratorium to taxes upon the connection provider and services they provide under (B) and (C). Thus, if an Internet user utilized one provider to connect to the internet and another paid provider of, for instance, email services, the connection provider would be covered by the moratorium but not the paid email provider. Under the current moratorium, each would be covered.

Second, the exemption of paragraph (D) would allow the taxation of many more products and services than the existing exemption under the current §1108.

We hope this information is responsive to your request. If you have further questions, please call.

Mr. WYDEN. Mr. President, in reference to the language that came from the other body, which I am concerned about, the Congressional Research Service said:

> . . . if an Internet user utilized one provider to connect to the internet and another paid provider of, for instance, email services, the connection provider would be covered by the moratorium but not the paid email provider. Under the current moratorium, each would be covered.

What that means is, if you are an American, for example, who gets your Internet access from Verizon, under the House language that would continue to be protected. But if you get your e-mail from, say, another provider—perhaps EarthLink or Google or Yahoo—under the language that was passed by the other body, that could be taxed, according to the Congressional Research Service. I do not think any Member of this body wants that to happen.

Also, reading further from the Congressional Research Service memorandum, they say it would also allow the taxation "of many more products and services than the existing exemption under the current moratorium."

The reason I wanted to bring this to light this afternoon is I know various proposals will be voted on next week. I will not be able to be here next week because of some very exciting news in our household, but I do want all Senators to be aware of what the Congressional Research Service has said. We have had the Internet tax moratorium now for a decade. I wrote the original law with now-SEC Chairman Christopher Cox, and it has worked well. The Internet has thrived and prospered. It is, of course, a technology treasure trove that we use for business, health opportunities, education, and a vast array of services.

We were told when the original proposal came out that it would, for example, be harmful to States, that they would lose revenue. That hasn't been the case. The States have gained in revenue for something like 16 straight quarters.

We heard it would be harmful to Main Street, to small businesses. That hasn't been the case either. In fact, most small businesses now look to something called "Bricks and Clicks" where they have a physical presence and an Internet presence.

We were also told it would be harmful to malls, as if our original proposal would empty the malls. That hasn't happened either. The moratorium has worked well, and I wish to make it permanent.

Frankly, the thing I am most concerned about this afternoon is the change in these definitions. The change in the definitions from the original moratorium, as outlined in this memo by the Congressional Research Service, ought to trouble every Senator as this body considers the various alternatives that will be presented this upcoming week. I think the current definitions have served us well. They have allowed the net to thrive and prosper and they haven't caused damage to the States or to small businesses on Main Street or to the shopping malls. I see no reason for changing those current definitions.

I hope Senators will reflect on this language. Certainly it is going to be hard to explain to folks at home making changes that would open up the prospect, as the Congressional Research Service has said, for taxing e-mail. But an awful lot of Americans get their Internet access from one provider and they get their e-mail from somebody else. Given that, I wanted to make sure the Senate was aware of this, and that as the Senate considers this legislation, the issue of whether the moratorium should be made permanent is important, but even more important is getting this question of the definitions of what is covered in the moratorium right, because I don't believe any Senator wants to see happen what the Congressional Research Service has indicated this morning could happen under the bill that was passed by the other body.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, we need to invest in America's infrastructure. Today, America invests only three-tenths of 1 percent of our gross domestic product in public buildings and roads and bridges, ports and railroads. This abysmal figure is the lowest rate in the recent history of public investments dating back to at least the 1960s, and maybe before that. In Minnesota earlier this year, we saw some of the tragic consequences of the failure to invest in America.

I am glad to see the Sununu amendment was not agreed to. That amendment would have put a cap on our subsidies that Amtrak can utilize on its routes. In truth, however, such an amendment would put an end to all of Amtrak's long-distance trains within 5 years. By eliminating all of these essential rail services, the amendment would also lead to the slow but certain death of America's regional service as well.

The Nation receives extraordinary public benefits from mass transportation systems. They take thousands of cars off of our congested highways. They take tons of pollutants out of the air we breathe. They move people more efficiently into and out of our most congested areas. Such an amendment and the veto threat issued by the White House both are based on wrong assumptions—that we should be taking management flexibility and financial resources away from Amtrak. We should be doing exactly the opposite. We need to invest in Amtrak, just as we need to invest in our bridges, buildings, ports, and other transit systems.

Amtrak operates approximately 90 trains daily in Maryland, mostly on the Amtrak-owned Northeast corridor, through Baltimore, Penn Station, and New Carrollton. In addition to the Northeast corridor service, including the Acela Express, Regional, and Metroliner trains, Amtrak operates five long-distance trains through Maryland, as well as two regional trains. More than 1.7 million passengers board and disembark in Maryland's Amtrak stations every year. Those numbers are increasing. Amtrak's fiscal 2007 ridership topped 25.8 million. That is the fifth year in a row that Amtrak has seen a growth in passenger service.

So our constituents want this service. They need this service. It is in our national interest to promote a more efficient passenger rail system. It also set a record for the highest ridership that Amtrak has seen since the National Railroad Passenger Corporation was enacted in 1971.

Amtrak employs more than 2,500 Marylanders, brings good jobs that range from corporate executives and accountants to trainmen and the men and women who operate and maintain the tracks. Amtrak operates weekday MARC commuter rail service on the Northeast corridor, including Washington, Baltimore, and Perryville, under a contract with the Maryland Transit Administration. It has a shared capital agreement with the State. Both Amtrak and the State of Maryland invest jointly in the improvements. The joint benefit program included the investment of $28 million by the State in 2006.

Amtrak is part of the infrastructure backbone of Maryland. It carries millions of passengers, employs thousands of workers, and benefits all of us, both economically and environmentally. Let me underscore that.

Transit service is important for quality of life, so people can get from one place to another. It is certainly a lot easier if you are trying to get from Baltimore to New York to get on a train. It takes you right to downtown New York. You don't have to worry about going through the security of an airport. It is easier for people to use the rail service. But you are also helping our environment. It is a friendlier way for our energy and dealing with the environmental risks of transportation today to our environment. I was at a hearing yesterday regarding global climate change. Rail service will help us in dealing with the challenges of our environment. So it is in our environmental interest.

It is also in our economic interest. It helps us to become more energy efficient. We import too much oil. We are dependent upon countries with policies with which we disagree. Amtrak is part of the solution by improving rail service in this country. So we will be helping the security of America, the economy of America, and certainly the environmental issues as well.

Mr. President, we need to rethink our approach to America's critical infrastructure. We need to reinvest in Amtrak. It is an investment in America that is long overdue. I urge my colleagues to support the legislation.

I thank the leadership in the Senate for bringing this issue forward. It will have my support.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise in strong support of the Passenger Rail Improvement and Investment Act of 2007. I thank my distinguished senior colleague from New Jersey, Senator LAUTENBERG, who, not only in this legislation but for some time, has been probably Amtrak's strongest advocate. Beyond being an advocate for Amtrak, which certainly is worthy of it, it is the advocacy over the course of the years of millions of riders who depend upon Amtrak to send their sales force to work, to promote their products along Amtrak's routes; those Americans who use Amtrak to get to some of the Nation's leading hospitals and research centers to try to be cured; those individuals who come to visit, for example, the Nation's Capital and do so through Amtrak and the tourism that is spread throughout that process; those who do financial transactions in commerce and lawyers—a whole host and universe of America's economy and people who use Amtrak to ultimately achieve the Nation's economic wellbeing. Senator LAUTENBERG has been at the forefront of that. I thank him and Senator LOTT for their efforts in guiding this important legislation to the floor.

Every year since 2002, Amtrak has had to continue operations on a yearly basis without adequate funds to maintain the rail system over the long term. It is almost like a starvation diet—keeping it up just enough to be temporarily alive but working it in such a way and cutting its funds in such a way that it can neither be successful nor fully survive. Right now, the system is at a breaking point. Amtrak's equipment is aging, and no amount of maintenance can keep cars built in the 1950s on the tracks.

Amtrak is not just a passenger rail system that serves 25 million people each year; Amtrak is also a program that reduces our greenhouse gas emissions, reduces congestion on our roadways, fights sprawl, creates jobs, and it fosters economic activity. I know firsthand the benefits of Amtrak because over 100,000 New Jersey commuters depend on Amtrak's infrastructure every day. There are many other commuter rail systems in States that depend upon Amtrak's infrastructure as well to move very large amounts of their State's residents over the Amtrak lines.

Some critics want Amtrak to be the only major transportation system in the world that operates without Government subsidy. This standard is simply impossible to meet and a standard to which we do not hold any other mode of transportation. Over the past 35 years, we have spent less money on Amtrak than we will on highways in this year alone. So over the last three and a half decades, we have spent less money on Amtrak than we will spend on highways just in this year alone. When you factor in State and local subsidies for infrastructure and parking, some studies suggest that up to 8 percent of our gross national product is spent on subsidies for automobile use.

We have never committed the same support behind Amtrak as we have for other modes of transportation. This bill will finally give Amtrak a stable amount of authorized funds it needs over the next 6 years to adequately fund its operation and finance capital improvements.

At the same time, these funds aren't free. To get these funds, Amtrak will be forced to tighten its belt, while simultaneously improving service. The bill reduces Amtrak's annual appropriations need by requiring reforms that will reduce Amtrak's operating costs by 40 percent over the life of the bill.

In addition, the bill provides for $1.4 billion for States to provide new passenger rail service between cities. In some instances, these State operations will likely provide service that complements existing Amtrak service just as the recent light rail projects we have seen in New Jersey have done. In other cases, these funds may actually create competition for Amtrak for service between some cities.

The bill will also require Amtrak to use a new financial accounting system so that regulators and legislators can better monitor how Amtrak uses its resources. This bill would also require Amtrak to use its resources to provide a new level of service by improving ontime performance, upgrading onboard services, and providing easier access to other transportation systems.

Finally, the bill will also require a systemwide security review to ensure that rail remains a safe transportation alternative. With record-high gasoline prices, congested highways, and airports that are experiencing record delays, we need all the alternative forms of transportation we can provide to a frustrated American traveler.

Mr. President, as someone who represents a State that saw the consequences of what happened on September 11, 2001, that fateful day, since then we have come to fully appreciate the importance of multiple modes of transportation in a security context.

We have always talked about transportation in the context of getting people to work and jobs and economic opportunity. We have talked about sending sales forces of small and midsize businesses, using rail services to go to different cities, for intercity travel, so they can promote their products and services. We have talked about people who might get on a rail line to go to Johns Hopkins University Hospital or some of the great hospitals in New Jersey, such as Robert Wood Johnson or Hackensack University Medical Center, or the great hospitals in New York, to name one of the many route lines that give people access to such opportunities. We have talked about tourism and people being able to take Amtrak to go to different parts of the country to see the greatness of America. That has always been the focus we have had as it relates to rail passenger service or, for that fact, really transportation modes in general. But on September 11, and therefrom, we learned that multiple modes of transportation are critical to the Nation's security and well-being.

On that fateful day, when we had the attacks in New York and the plane that crashed in Pennsylvania and the incident that took place in Washington at the Pentagon—on that fateful day, when in the metropolitan region where there are millions of Americans living, where the tunnels were closed down, where the bridges were closed down, where the subway systems were closed down, it was a different mode of transportation that got people out of downtown Manhattan from the World Trade Center site and to hospitals to be triaged in my State of New Jersey. That particular mode of transportation happened to be ferries. The only way to get into intercity travel, when all of the airlines were shut down for that period of time, was Amtrak.

So we have learned a lesson that this is beyond economics. We have learned a lesson that this is beyond tourism and this is beyond getting people to great centers of research and medicine to be cured; it is also about security. If we do away with Amtrak, we do away with the ability to have another mode of transportation that is critical to our security blanket. We have to think about Amtrak in that way as well.

Finally, there are small communities in rural America in which the only entity that stops at their doorstep is Amtrak—the only entity that stops at their doorstep. Imagine being cut off from the rest of America, other than through a car, because no entity serves the opportunity to make your community the destination. Amtrak, as part of a national rail system, creates opportunities for many parts of America to finally realize that they, too, will have access to the rest of the country.

Mr. President, for all of these reasons, I urge my colleagues to recognize that a strong, well-funded Amtrak is an essential resource for our country in all of these dimensions. I urge my colleagues to give us a strong vote for the Passenger Rail Improvement and Investment Act of 2007 and make sure that we reject amendments that would seek to undermine this critical asset for our economy, for our environment, for our health care and, yes, in a post–September 11 world, for our security. Let's make sure we send a strong message from the Senate that we will take second place to no one in the world in terms of having a strong passenger rail system and will unite our country by giving that opportunity for Amtrak to travel across the landscape of America and be able to meet all of these challenges.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### AMENDMENT NO. 3456

Mr. SUNUNU. Mr. President, I ask for the regular order regarding my amendment No. 3456.

The ACTING PRESIDENT pro tempore. That amendment is pending.

### AMENDMENT NO. 3456, AS MODIFIED

Mr. SUNUNU. Mr. President, I send a modification of my amendment to the desk.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment, as modified, is as follows:

On page 35, strike line 20 and all that follows through "(A)" on line 23 and insert the following:

"(b)" IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 36, strike lines 6 through 11.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, have I been recognized?

The ACTING PRESIDENT pro tempore. Yes.

Mr. SUNUNU. Mr. President, I submitted to the desk a small technical modification of the amendment I offered that would strike the prohibition on allowing multiple routes to be competitively bid under the Amtrak system. In the legislation, there is competitive bidding allowed but for only two routes. I don't think we need to have such an arbitrary restriction. The technical modification makes sure the right portions of the bill, the right lines of the bill are referenced in the amendment. It is not a substantive change.

### AMENDMENT NO. 3452

Mr. President, I also wish to address my amendment that deals with Internet taxes. I offered this amendment last night, and I offered it on this legislation because we have been unable to get a vote anywhere in the Senate on Internet tax moratorium.

What an Internet tax moratorium does is prevents States, cities, and towns from placing taxes on the cost of Internet access, whether it is for consumers, small businesses, large businesses—it doesn't matter. The Internet is a national and global system for communications. It is a national system for commerce and for business, and it should be protected from multiple taxation, from local taxation for a number of reasons.

First, it is interstate commerce and, frankly, if there are going to be taxes levied, that interstate commerce and interstate communication should be the responsibility of Congress.

Second, because those taxes would only discourage broadband deployment, it would raise costs for consumers and certainly have an impact on businesses that rely on Internet access as part of doing business.

We were supposed to have a markup in the Commerce Committee. The bill was pulled from the markup. This is not something that just came up. We implemented a ban on Internet taxes in 1998 that lasted for 5 years. We extended it in 2003 for another 4 years. This is something that has received bipartisan support in the House and the Senate. Over 240 Members of the House of Representatives, Democrats and Republicans, support making this ban on Internet access taxes permanent.

Given that we have seen no action and that the prohibition expires on November 1, less than a week from today, I am sure a lot of people across the country are wondering why is Congress so dysfunctional. Why has Congress not acted on something that has such broad bipartisan support that is going to expire in less than a week?

I cannot answer that question, but I can try to do something about it, and that is why I offered an amendment to this bill that would make that ban on Internet access taxes permanent. The way it does that is by taking legislation that passed the House by a very strong bipartisan vote, 405 to 2, and making that 4-year proposal a permanent proposal. We take the same approach to technical definitions, the same approach to grandfathering that existed for some States that taxed the Internet in the past, and simply make that legislation permanent.

There is also a second-degree amendment that was offered to my amendment—an amendment to my amendment—that would say we should not make this ban permanent; we should only make it 4 years. I think that is a mistake. Given that we have already extended the ban on Internet access twice, given that it has bipartisan support, given that we have been able to see how this law works and has worked effectively over the last 9 years, I don't think we need to keep passing short-term extensions. And, frankly, short-term extensions, whether they are 1 year, 2 years, or 4 years, is something the American public looks at, and it is baffling why we cannot find it within ourselves the discipline, the will—whatever it takes—to make a good idea the permanent law of the land. It is high time we do that when it comes to banning Internet access taxes.

Senator WYDEN spoke earlier about this issue and suggested that the technical language in the bill passed by the other body was not perfect. That should come as a surprise to no one. There is no such thing as absolutely perfect legislation. But it was certainly good enough to get all but 2 Members of 435, all but 2 Members to vote for the legislation. It was certainly good enough to offer the same language as an amendment to my bill.

To suggest that this language is fatally flawed is very much mistaken. But even if it were an issue that needed to be addressed, it will have to be addressed whether we pass a 4-year extension or a permanent extension. So to use that as an excuse to oppose making the Internet tax ban permanent, I think, is a mistake. It simply is wrong.

I would like to see the clearest possible language when it comes to service providers that are providing different kinds of Internet services but might not be providing Internet access as well. I even had an amendment ready to offer in committee to improve this language. As I indicated, Mr. President, we didn't have any amendments in committee because we didn't have any votes in committee because we didn't have any bill offered before the committee for a markup.

So that is where we find ourselves. We have a proposal in front of us in the way of an amendment to make permanent the ban on Internet access taxes using language that has been supported in a very strong bipartisan way in the House of Representatives, and we have an amendment to my proposal that would say: No, let's not make it permanent; let's do another short-term extension.

We have filed a cloture petition to bring debate on this particular issue to a close. That vote will happen tomorrow. And if cloture is invoked, we will have a vote on both amendments.

I have no problem voting on alternatives. And I have said this in different situations on different legislation in the past. What is most frustrating, as a Member of the Senate, is when there are procedural maneuverings used to prevent us from offering an amendment, having a vote on any given alternative. I do not mind voting on bills or legislation that I don't support. If you don't support something, you vote no and explain to people why you don't support it.

So we have both of these amendments before us, a cloture vote that will occur to bring debate to a close, and have the votes. And I certainly hope we vote cloture so we can have the votes and move forward on this very important issue.

I thank the Chair, and I yield the floor.

Mr. CARPER. Will the Senator yield?

Mr. SUNUNU. I yield to the Senator.

Mr. CARPER. I would invite the Senator from New Hampshire to engage in a brief colloquy. I have been listening to his comments. I think we have a couple of options, and there may be a better path for it than the one we are assuming today. We are talking about an amendment that the Senator had offered to the Amtrak bill, bringing the Internet tax issues to the reauthorization of Amtrak, and others of us would offer a second-degree amendment to that. There will be a cloture vote that will proceed either of those two amendments.

I think there is another alternative that I would ask my friend to consider, and that would be the chance—I think all along the Senator from New Hampshire has wanted an up-or-down vote on his proposal, which is fair game. I think our own leadership, and I think in consultation with your leadership, including with Senator LOTT, has suggested maybe one day next week we have an up-or-down vote—your proposal and the alternative of our proposal that Senator ALEXANDER and I and others would offer, which would provide for a 6-year extension for a moratorium on Internet taxation. For another 6 years we would provide for a 6-year extension of the grandfather—

Mr. SUNUNU. Mr. President, reclaiming my time, and I am happy to view the statement that was made in the form of a question so I can respond. That is what we will have if we invoke cloture tomorrow. We will have a vote on a 4-year extension and a vote on making the ban permanent. We can certainly have further discussions about the procedures and proposals off the Senate floor rather than negotiate a process or a procedure in a colloquy format, but I am sure the Senator from Delaware can appreciate the frustration that has put us in this position, given that no bill was offered in committee, no bill was offered in the Finance Committee, and in fact the legislation was pulled.

So I am pleased we are in a position now where tomorrow we will have exactly what the Senator from Delaware prescribes, and if there are other alternatives or proposals, I am certainly happy to listen to them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, while Senator SUNUNU is still on the floor, if I could add one other comment. Senator LOTT said at the beginning of the debate on this bill that folks are welcome, Democrats and Republicans, to come and offer their amendments, nongermane, if they are. But when we get to conference, he said: I will warn you right from the get-go, nongermane amendments that are offered to this bill might be attached to this bill when we get to conference, but they will not be in this bill when we come out.

So I would suggest to Senator SUNUNU that we consider the approach I just outlined; that next week, maybe in the middle of next week, he would have the opportunity, with time for debate, to offer his proposal to make permanent the moratorium on taxing Internet access, and we would have the opportunity to offer an alternative, which would be a 6-year extension of the moratorium.

I will tell you why we think it is important. Five years ago, I never heard of VOIP, voice over Internet protocol. I had no idea what it was. I don't think anybody around here did. That is the ability to send telecommunications, telephone messages, over the Internet. It is a major change in the way we communicate on the telephone. The problem with making permanent this legislation is we assume there are not going to be any more technological changes. We are learning how to send cable TV, movies, and all kinds of stuff over the Internet. Traditionally, State and local governments have had the right to raise revenues as they see fit. In fact, we have an unfunded mandates law that says State and local governments have protection from us in Congress telling them how to spend their money or telling them how to raise their money. We passed a law that says we can't do that. I was Governor, actually, in 1995. I was Governor when we pushed for that sort of protection. Who are we in the Federal Government to tell States how they have to spend their money or how they can raise it? That is what was adopted in the unfunded mandates legislation in 1995.

We turned around in Congress 3 years later and said: By the way, we don't want folks to tax access to the Internet, and if you are already doing that in the United States, we are going to grandfather you in for a while, but we put in place, starting in 1998, this 3-year moratorium on other States beginning to tax access to the Internet—really trying to tax people's AOL bills.

The concern as we go forward, as we learn to do other things over the Internet other than sending e-mails and instant messaging and stuff, if we allow the bundling of services, including telephone services, including cable services, television services, the sort of thing that State and local governments have traditionally used to pay for education, pay for schools, pay for fire, pay for police, or pay for paramedics, if we aren't careful, we are going to basically preclude or reduce their ability to raise the revenue they need for the problems in their States.

So we are not smart enough—I am not smart enough, and I don't think any of us here are smart enough—to know for certainty what the technology is going to be in 5 years, 4 years, or 10 years. That is why we want the extension of the moratorium, to make sure people's access to the Internet is not going to be taxed, but what we don't want to do is to do something permanently because of the changing nature of technology.

So I think it makes sense next week for us to have the opportunity for Senator SUNUNU to come to the floor, offer his permanent moratorium amendment, and have the same opportunity for Senator ALEXANDER and myself, and Senator DORGAN, Senator FEINSTEIN, Senator ROCKEFELLER, Senator ENZI, and Senator VOINOVICH, and others who believe that a 6-year moratorium may be the better alternative for now. I hope we will have that opportunity.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I appreciate the interest of the Senator from Delaware in the issue, and I want to take the opportunity to respond to a couple of issues.

First, on the substantive issues: The Congress—the Federal Government—tells the States what they can or can't do on taxes all the time; not in every area, to be sure, and we shouldn't in every area. And if this permanent ban on Internet taxes passes, Internet-related businesses will still pay property taxes, payroll taxes, and business income taxes, but the network itself, access to the global network itself, will not be subject to taxes.

This is not that dissimilar from the fact that we prevent States from levying their own export taxes because it affects international trade and global commerce, and even interstate commerce. We don't allow States to arbitrarily tax flights from their State to other States or across the country for the same reason—because we view that as interstate commerce and an interstate transportation system. We even have restrictions on States' ability to impose tolls on interstate highways, all for the same reason.

So to suggest that we should never tell States how to handle matters of taxation is incorrect. We do it all the time. And we should do it on matters of interstate commerce, which is the responsibility—the constitutional responsibility—of the Congress.

Second, back to the issue of technology changing. Well, of course, technology changes things. And we may and do have to modify legislation from time to time with regard to evolving technology. Regulations or laws affecting the Federal Communications Commission—the FCC—laws regarding regulations of video, phone, Internet protocol services, we want to make sure they keep pace. But that doesn't mean every law we pass in these areas should be temporary, especially in matters of taxation, because the way we tax goods and services affects our entire economy.

Anyone who has worked in the area of technology is familiar with the R&D tax credit. The Congress continually passes 1- and 2-year extensions of the research and development tax credit, even though it passes almost unanimously in both Chambers every time. The American public looks at that and they wonder if our goal is to just make a little bit of extra work for lobbyists. It is wrong to deal with our Tax Code on such a short-term basis, whether it is the research and development tax credit or Internet access taxes.

Finally, a couple of points about process. How easy it is to stand up on the Senate floor and say: Well, let's do the collegial thing and just take care of this next week. We had the Internet tax moratorium on the floor a few years ago. It made the moratorium permanent. The opponents of making the Internet moratorium permanent said: We are not quite ready. Could we take care of this next week or maybe the week after? And in good faith that bill was taken from the floor. Then the opponents of making the ban permanent prevented us from bringing the bill to the floor for another 9 months. Maybe it was even longer.

So it is easy to come and say we should take care of this next week, but the fact is that next week the moratorium expires. On November 1, the moratorium expires. Why can't we take care of it this week, with the votes that are currently pending, currently before us—not just for my amendment but for an alternative, an amendment to my proposal? I think that is more than fair.

Again, I will be happy to talk about alternatives. And since we were first scheduled to have a debate and markup on this legislation in the Commerce Committee, no one has come to me and proposed specific alternatives other than the amendment that has been offered to my proposal. And just now Senator CARPER said: Well, maybe not 4 years, maybe 6 years. And I know he means that in good faith, but there are other leaders, on the Commerce Committee and others, who have an important role to play that will also have to be part of those discussions, and none of them have approached me directly with an alternative.

So I hope we can resolve this. I hope my colleagues will support making the Internet tax moratorium permanent and support me in voting for cloture tomorrow morning so we can have those votes.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### GLOBAL WARMING

Ms. KLOBUCHAR. Mr. President, I come to the floor today to talk about the scientific truth. Once again, the administration has kept all the facts from getting to the American people. On Tuesday, the Director of the Centers for Disease Control and Prevention, Dr. Julie Gerberding, testified before the Environment and Public Works Committee on the health impacts of global warming. The purpose of this hearing was to get all the facts about the health threats global warming poses to our communities and our families. I thank Senator BOXER for her leadership of that committee, for her leadership on climate change. I am proud to be a member of the Environment and Public Works Committee, and we are doing some very good work in the climate change area. We actually have some legislation that we are considering in the next few weeks that I believe is good legislation. I don't believe we can wait to act.

I went to Greenland this summer and saw firsthand the water coming off these humongous glaciers like spigots. They have lost the size of Greenland and Arizona combined off the Greenland ice sheet. It is the canary in the coal mine for climate change.

There was a hearing this week. Unfortunately, the Director's initial testimony was not the testimony that was presented to the committee because her initial testimony did present the facts. As the Centers for Disease Control Director, she appears if you look at her initial testimony, to have taken seriously the mission of Centers for Disease Control which pledges to:

> . . . base all public health decisions on the highest quality scientific data, openly and objectively derived.

But the testimony she gave at the committee fell short of that pledge because, as has been reported in the press, the administration eliminated much of Dr. Gerberding's draft testimony which highlighted the threats to public health posed by global warming.

It is only the latest incident in what has been a pattern of this administration in attempting to suppress science. Specifically, this administration deleted her testimony on the views of the Centers for Disease Control on several health impacts of global warming, including explanations and descriptions of the links to heat stroke, weather disasters, worsening air pollution and allergies, food- and water-borne infectious diseases, mosquito- and tick-borne infectious diseases, food and water scarcity, mental health problems, and even chronic disease.

The Centers for Disease Control is an important agency that the American people trust to protect their health and safety and provide reliable health information. Let me reiterate one of the central tenets of the mission of the Centers for Disease Control, to:

> . . . base all public health decisions on the highest quality scientific data, openly and objectively derived.

Dr. Gerberding's original testimony included the following statement:

> The United States is expected to see an increase in the severity, duration and frequency of extreme heat waves. This, coupled with an aging population, increases the likelihood of higher mortality as the elderly are more vulnerable to dying from exposure from excessive heat.

The President's spokesman claims they edited the testimony because:

> there were broad characterizations about climate change science that didn't align with the U.N. Intergovernmental Panel on Climate Change Report.

What did the Intergovernmental Panel on Climate Change Report state about the prospects of heat waves? It is important to remember that the IPCC is a very cautious group of scientists with a very conservative process for meticulously reviewing their conclusions through consensus. Their reports are produced by some 600 authors from 40 countries. Over 620 expert reviewers and a large number of Government reviewers also participated.

The IPCC stated:

> Severe heat waves will intensify in magnitude and duration over the portions of the U.S. where they already occur . . .

and:

> Local factors, such as the proportion of elderly people, are important in determining the underlying temperature-mortality relationship in a population.

I ask you, how does this align? How does eliminating this from the Nation's leading public health official's testimony benefit Americans?

Let me cite another example that was deleted from her testimony. Dr. Gerberding's original testimony stated:

> The west coast of the United States is expected to experience significant strains on water supplies as regional precipitation declines and mountain snowpacks are depleted. Forest fires are expected to increase in frequency, severity, distribution and duration.

So as the wildfires rage out West, the President, his administration, is censoring testimony in the East.

Global warming does not cause these fires, but they certainly intensify the three main causes of wildfires: high temperature, summer dryness, and long-term drought. Southern California has experienced all three and is now suffering the consequences.

Again, we go back to what the President's spokesperson said yesterday when asked about this. She said they had to look at that testimony and make sure it was consistent with what the IPCC had said. In fact, that was the reason she gave for why they had censored it. Let's see what the IPCC said about forest fires. They, the IPCC, in their fourth assessment report, found that:

> . . . warm spells and heat waves will very likely increase the danger of wildfire.

That is what they said, the IPCC, that it would increase the danger of wildfire.

Then you have the head health official for our Government, the Centers for Disease Control, in her original testimony, saying it would increase the danger of forest fires. Pretty similar.

As these fires are raging in southern California and as we are seeing all across the country record high temperatures, record summer dryness, and long-term drought, the administration chose to redact, to delete portions of the testimony of their Director of Disease Control, which in fact predicted this would happen. We have not just seen large forest fires in California this year. We saw them in northern Minnesota. I was there shortly after these fires in the Ham Lake area in northern Minnesota devastated areas, burned down homes, and went way up to Canada. I was meeting up there with resort owners, with residents, and we were talking about the disaster relief, we were talking about when they are going to get their phone lines, we were talking about the effects on their business up there. Do you know what some of them wanted to talk about in the midst of all this disaster and burned trees? They wanted to talk about climate change because they had seen what was happening. There was a 30-percent reduction in profits at the ski resorts; forest fires raging—they knew something was wrong. Yet the administration is deleting the scientific prediction that is saying that exactly this will happen.

This is not the time for this administration to be censoring information. It is the time, instead, to look seriously at the health and other impacts of global warming and to take the steps we need to address them. I am proud to be part of a committee, under the leadership of Senator BOXER, that is no longer talking about whether climate change exists but talking about how to solve it.

We will continue to investigate the reasons this was deleted. We will continue to request information and get to the truth. But the main thing I would like to say today to my colleagues is that the American people know that something is wrong. They want us to solve it. You can't hide the facts anymore. You can't bury them as forest fires are raging and sea levels are rising and temperatures are rising. You can't bury the facts. You have to get to the solution.

Mr. CARDIN. Mr. President, 2 days ago the Environment and Public Works Committee held a hearing on the Health Impacts of Global Warming. Our lead witness was Dr. Julie L. Gerberding, the Director of the Centers for Disease Control and Prevention and the Administrator for the Agency for Toxic Substances and Disease Registry within the Department of Health and Human Services.

Dr. Gerberding was invited to testify by Chairman BOXER because the Director is a highly respected leader in the public health arena. The committee wanted to have the benefit of her expertise as we grapple with one of the most important issues of our time, global climate change.

As everyone now knows, Dr. Gerberding's written testimony for the hearing was severely edited, with whole pages deleted. The White House says that some of her written comments did not represent the consensus view of the scientific community.

The very first line that the White House censored in Dr. Gerberding's testimony was this: "Scientific evidence supports the view that the earth's climate is changing."

If that statement doesn't represent the overwhelming sentiment of the world's scientific community, I don't know what does. I find it astounding that this simple, sober statement of scientific fact would be censored.

These continuing efforts to silence the scientific community would be laughable if the stakes weren't so high. In the censored portions of her testimony, Dr. Gerberding lists them for us: Direct effects of heat; health effects related to extreme weather events; air pollution-related health effects; allergic diseases; water- and food-borne infectious diseases; vector-borne and zoonotic diseases; food and water scarcity, at least for some populations; mental health problems; and long-term impacts of chronic diseases and other health effects.

**Mr. President, I found Dr. Gerberding's oral testimony to be excellent. She answered my questions directly and without qualifications. Her responses to the other Senators on the panel appeared to be equally candid.**

**Oral testimony is always limited by time, and committees rely heavily on the written comments of witnesses to provide a more complete perspective. Because of votes on the Senate floor on Tuesday morning, we were especially constrained for time.**

**I regret that we did not have the benefit of Dr. Gerberding's full statement prior to the hearing. Certainly, they would have added a more complete picture of the human health impacts associated with global warming than she was able to convey in the highly censored version that was transmitted to the committee.**

**The American people and the U.S. Senate have a right to know what our top health officials have to say on this critical issue. Today I will be submitting to the RECORD a full copy of the testimony that Dr. Gerberding had intended to offer. Her views are critical to this debate.**

**Science shouldn't be silenced. And today we will make sure Dr. Gerberding's words are heard.**

**I ask unanimous consent that the full text of her draft testimony be printed into today's RECORD. The American people can read for themselves what the Director of the Centers for Disease Control and Prevention had to say before the White House censors tried to silence her.**

**There being no objection, the material was ordered to be printed in the RECORD, as follows:**

## CLIMATE CHANGE AND PUBLIC HEALTH

### INTRODUCTION

Good morning Madam Chairwoman, Senator Inhofe, and other distinguished members of the Committee. It is a pleasure to appear before you as Director of the Centers for Disease Control and Prevention (CDC), the Nation's leading public health protection agency located within the Department of Health and Human Services. Thank you for the opportunity to present testimony on climate change and human health and to highlight the role of CDC in preparing for and responding to the health effects of climate change.

### BACKGROUND

The health of all individuals is influenced by the health of people, animals, and the environment around us. Many trends within this larger, interdependent ecologic system influence public health on a global scale, including climate change. The public health response to such trends requires a holistic understanding of disease and the various external factors influencing public health. It is within this larger context where the greatest challenges and opportunities for protecting and promoting public health occur.

Scientific evidence supports the view that the earth's climate is changing. A broad array of organizations (federal, state, local, multilateral, faith-based, private and nongovernmental) is working to address climate change. Despite this extensive activity, the public health effects of climate change remain largely unaddressed. CDC considers climate change a serious public health concern.

### CLIMATE CHANGE IS A PUBLIC HEALTH CONCERN

In the United States, climate change is likely to have a significant impact on health, through links with the following outcomes: Direct effects of heat, health effects related to extreme weather events, air pollution-related health effects, allergic diseases, water- and food-borne infectious diseases, vector-borne and zoonotic diseases, food and water scarcity, at least for some populations, mental health problems, and long-term impacts of chronic diseases and other health effects.

The United States is a developed country with a variety of climates. Because of its well developed health infrastructure, and the greater involvement of government and nongovernmental agencies in disaster planning and response, the health effects from climate change are expected to be less significant than in the developing world. Nevertheless, many Americans will likely experience difficult challenges. Catastrophic weather events such as heat waves and hurricanes are expected to become more frequent, severe, and costly; the U.S. population is anticipated to continue to age and move to vulnerable locations such as coastal areas, increasing exposures to specific risks; and concurrent challenges such as water scarcity in certain regions could limit our resilience. In addition, climate change is likely to alter the current geographic distribution of some vector-borne and zoonotic diseases; some may become more frequent, widespread, and outbreaks could last longer, while others could be reduced in incidence.

#### *Heat stress and direct thermal injury*

One of the most likely climate change projections is an increase in frequency of hot days, hot nights, and heat waves. The United States is expected to see an increase in the severity, duration, and frequency of extreme heat waves. This, coupled with an aging population, increases the likelihood of higher mortality as the elderly are more vulnerable to dying from exposure to excessive heat. Midwestern and northeastern cities are at greatest risk, as heat-related illness and death appear to be related to exposure to temperatures much hotter than those to which the population is accustomed.

#### *Extreme weather events*

Climate change is anticipated to alter the frequency, timing, intensity, and duration of extreme weather events, such as hurricanes and floods. The health effects of these extreme weather events range from loss of life and acute trauma, to indirect effects such as loss of home, large-scale population displacement, damage to sanitation infrastructure (drinking water and sewage systems), interruption of food production, damage to the health-care infrastructure, and psychological problems such as post traumatic stress disorder. Displacement of individuals often results in disruption of health care, of particular concern for those with underlying chronic diseases. Future climate projections also show likely increases in the frequency of heavy rainfall events, posing an increased risk of flooding events and overwhelming of sanitation infrastructure.

#### *Air pollution-related health effects*

Climate change can affect air quality by modifying local weather patterns and pollutant concentrations, affecting natural sources of air pollution, and promoting the formation of secondary pollutants. Of particular concern is the impact of increased temperature and UV radiation on ozone formation. Some studies have shown that higher surface temperatures, especially in urban areas, encourage the formation of ground-level ozone. As a primary ingredient of smog, ground-level ozone is a public health concern. Ozone can irritate the respiratory system, reduce lung function, aggravate asthma, and inflame and damage cells that line the lungs. In addition, it may cause permanent lung damage and aggravate chronic lung diseases.

#### *Allergic diseases*

Studies have shown that some plants, such as ragweed and poison ivy, grow faster and produce more allergens under conditions of high carbon dioxide and warm weather. As a result, allergic diseases and symptoms could worsen with climate change.

#### *Water- and food-borne infectious diseases*

Altered weather patterns resulting from climate change are likely to affect the distribution and incidence of food- and water-borne diseases. Changes in precipitation, temperature, humidity, and water salinity have been shown to affect the quality of water used for drinking, recreation, and commercial use. For example, outbreaks of Vibrio bacteria infections following the consumption of seafood and shellfish have been associated with increases in temperatures. Heavy rainfall has also been implicated as a contributing factor in the overloading and contamination of drinking water treatment systems, leading to illness from organisms such as Cryptosporidium and Giardia. Storm water runoff from heavy precipitation events can also increase fecal bacterial counts in coastal waters as well as nutrient load, which, coupled with increased sea-surface temperature, can lead to increases in the frequency and range of harmful algal blooms (red tides) and potent marine biotoxins such as ciguatera fish poisoning.

#### *Vector-borne and zoonotic diseases*

Vector-borne and zoonotic diseases, such as plague, Lyme disease, West Nile virus, malaria, hantavirus pulmonary syndrome, and dengue fever have been shown to have a distinct seasonal pattern, suggesting that they are weather sensitive. Climate change-driven ecological changes, such as variations in rainfall and temperature, could significantly alter the range, seasonality, and human incidence of many zoonotic and vector-borne diseases. More study is required to fully understand all the implications of ecological variables necessary to predict climate change effects on vector-borne and zoonotic diseases. Moderating factors such as housing quality, land-use patterns, and vector control programs make it unlikely that these climate changes will have a major impact on tropical diseases such as malaria and dengue fever spreading into the United States. However, climate change could aid in the establishment of exotic vector-borne diseases imported into the United States.

#### *Food scarcity*

Climate change is predicted to alter agricultural production, both directly and indirectly. This may lead to scarcity of some foods, increase food prices, and threaten access to food for Americans who experience food insecurity.

#### *Mental health problems*

Some Americans may suffer anxiety, depression, and similar symptoms in anticipating climate change and/or in coping with its effects. Moreover, the aftermath of severe events may include post-traumatic stress and related problems, as was seen after Hurricane Katrina. These conditions are difficult to quantify but may have significant effects of health and well-being.

### CLIMATE CHANGE VULNERABILITY

The effects of climate change will likely vary regionally and by population. The northern latitudes of the United States are expected to experience the largest increases in average temperatures; these areas also will likely bear the brunt of increases in ground-level ozone and associated airborne pollutants. Populations in mid-western and northeastern cities are expected to experience more heat-related illnesses as heat waves increase in frequency, severity, and duration. Coastal regions will likely experience essentially uniform risk of sea level rise, but different rates of coastal erosion, wetlands destruction, and topography are expected to result in dramatically different regional effects of sea level rise. Distribution of animal hosts and vectors may change; in many cases, ranges could extend northward and increase in elevation. For some pathogens associated with wild animals, such as rodents and hantavirus, ranges will change based on precipitation changes. The west coast of the United States is expected to experience significant strains on water supplies as regional precipitation declines and mountain snowpacks are depleted. Forest fires are expected to increase in frequency, severity, distribution, and duration.

The health effects of climate change on a given community will depend not only on the particular exposures it faces, but also on the underlying health status, age distribution, health care access, and socioeconomic status of its residents. Local response capacity will also be important. As with other environmental hazards, members of certain ethnic and racial minority groups will likely be disproportionately affected. For example, in low-lying coastal communities facing increasingly frequent and severe extreme precipitation events, there could be increased injuries, outbreaks of diarrheal disease, and harmful algal blooms; saltwater may intrude into freshwater tables and infrastructure is likely to be damaged by severe storms, hampering economic recovery. In certain Southern coastal communities with little economic reserve, declining industry, difficulty accessing health care, and a greater underlying burden of disease, these stressors could be overwhelming. Similarly, in an urban area with increasingly frequent and severe heat waves, certain groups are expected to be more affected: The home-bound, elderly, poor, athletes, and minority and migrant populations, and populations that live in areas with less green space and with fewer centrally air-conditioned buildings are all more vulnerable to heat stress.

Some populations of Americans are more vulnerable to the health effects of climate change than others. Children are at greater risk of worsening asthma, allergies, and certain infectious diseases, and the elderly are at higher risk for health effects due to heat waves, extreme weather events, and exacerbations of chronic disease. In addition, people of lower socioeconomic status are particularly vulnerable to extreme weather events. Members of racial and ethnic minority groups suffer particularly from air pollution as well as inadequate health care access, while athletes and those who work outdoors are more at risk from air pollution, heat, and certain infectious diseases.

Given the differential burden of climate change's health effects on certain populations, public health preparedness for climate change must include vulnerability assessments that identify the most vulnerable populations with the most significant health disparities and anticipate their risks for particular exposures. At the same time, health communication targeting these vulnerable populations must be devised and tested, and early warning systems focused on vulnerable communities should be developed. With adequate notice and a vigorous response, the ill health effects of many exposures from climate change can be dampened.

### PUBLIC HEALTH PREPAREDNESS FOR CLIMATE CHANGE

Climate change is anticipated to have a broad range of impacts on the health of Americans and the nation's public health infrastructure. As the nation's public health agency, CDC is uniquely poised to lead efforts to anticipate and respond to the health effects of climate change. Preparedness for the health consequences of climate change aligns with traditional public health contributions, and—like preparedness for terrorism and pandemic influenza—reinforces the importance of a strong public health infrastructure. CDC's expertise and programs in the following areas provide the strong platform needed:

Environmental Public Health Tracking: CDC has a long history of tracking occurrence and trends in diseases and health outcomes. CDC is pioneering new ways to understand the impacts of environmental hazards on people's health. For example, CDC's Environmental Public Health Tracking Program has funded several states to build a health surveillance system that integrates environmental exposures and human health outcomes. This system, the Tracking Network, will go live in 2008, providing information on how health is affected by environmental hazards. The Tracking Network will contain critical data on the incidence, trends, and potential outbreaks of diseases, including those affected by climate change.

Surveillance of Water-borne, Food-borne, Vector-borne, and Zoonotic Diseases: CDC also has a long history of surveillance of infectious, zoonotic, and vector-borne diseases. Preparing for climate change will involve working closely with state and local partners to document whether potential changes in climate have an impact on infectious and other diseases and to use this information to help protect Americans from the potential change in of a variety of dangerous waterborne, food-borne, vector-borne, and zoonotic diseases. CDC has developed ArboNet, the national arthropod-borne viral disease tracking system. Currently, this system supports the nationwide West Nile virus surveillance system that links all 50 states and four large metropolitan areas to a central database that records and maps cases in humans and animals and would detect changes in realtime in the distribution and prevalence of cases of arthropod-borne viral diseases. CDC also supports the major foodborne surveillance and investigative networks of FoodNet and PulseNet which rapidly identify and provide detailed data on cases of foodborne illnesses, on the organisms that cause them, and on the foods that are the sources of infection. Altered weather patterns resulting from climate change are likely to affect the distribution and incidence of food- and waterborne diseases, and these changes can be identified and tracked through PulseNet.

Geographic Information System (GIS): At the CDC, GIS technology has been applied in unique and powerful ways to a variety of public health issues. It has been used in data collection, mapping, and communication to respond to issues as wide-ranging and varied as the World Trade Center collapse, avian flu, SARS, and Rift Valley fever. In addition, GIS technology was used to map issues of importance during the CDC response to Hurricane Katrina. This technology represents an additional tool for the public health response to climate change.

Modeling: Currently sophisticated models to predict climate and heat exist. For example, CDC has conducted heat stroke modeling for the city of Philadelphia to predict the most vulnerable populations at risk for hyperthermia. Modeling and forecasting represent an important preparedness strategy, in that it can help predict and respond to the most pressing health vulnerabilities at the state and local level. Armed with modeling data, we can target response plans for heat and other extreme weather events to the most vulnerable communities and populations.

Preparedness Planning: Just as we prepare for terrorism and pandemic influenza, we should use these principles and prepare for health impacts from climate change. For example, to respond to the multiple threats posed by heat waves, the urban environment, and climate change, CDC scientists have focused prevention efforts on developing tools that local emergency planners and decisionmakers can use to prepare for and respond to heat waves. In collaboration with other Federal partners, CDC participated in the development of an Excessive Heat Events Guidebook, which provides a comprehensive set of guiding principle and a menu of options for cities and localities to use in the development of Heat Response Plans. These plans clearly define specific roles and responsibilities of government and nongovernmental organizations during heat waves. They identify local populations at increased high risk for heat-related illness and death and determine which strategies will be used to reach them during heat emergencies.

Training and Education of Public Health Professionals—Preparing for the health consequences of climate change requires that professionals have the skills required to conceptualize the impending threats, integrate a wide variety of public health and other data in surveillance activities, work closely with other agencies and sectors, and provide effective health communication for vulnerable populations regarding the evolving threat of climate change. CDC is holding a series of five workshops to further explore key dimensions of climate change and public health, including drinking water, heat waves, health communication, vector-borne illness, and vulnerable populations.

Health Protection Research: CDC can promote research to further elucidate the specific relationships between climate change and various health outcomes, including predictive models and evaluations of interventions. Research efforts can also identify the magnitude of health effects and populations at greatest risk. For example, CDC has conducted research on the relationship between hantavirus pulmonary syndrome and rainfall, as well as research assessing the impact of climate variability and climate change on temperature-related morbidity and mortality. This information will help enable public health action to be targeted and will help determine the best methods of communicating risk. CDC can serve as a credible source of information on health risks and actions that individuals can take to reduce their risk. In addition, CDC has several state-of-the-art laboratories conducting research on such issues as chemicals and human exposure, radiological testing, and infectious diseases. This research capacity is an asset in working to more fully understand the health consequences of climate change.

Communication: CDC has expertise in health and risk communication, and has deployed this expertise in areas as diverse as smoking, HIV infection, and cancer screening. Effective communication can alert the public to health risks associated with climate change, avoid inappropriate responses, and encourage constructive protective behaviors.

While CDC can offer technical support and expertise in these and other activities, much of this work needs to be carried out at the state and local level. For example, CDC can support climate change preparedness activities in public health agencies, and climate change and health research in universities, as is currently practiced for a variety of other health challenges.

### CONCLUSION

An effective public health response to climate change can prevent injuries, illnesses, and death and enhance overall public health preparedness. Protecting Americans from the health effects of climate change directly correlates to CDC's four overarching Health Protection Goals of Healthy People in Every Stage of Life, Healthy People in Healthy Places, People Prepared for Emerging Health Threats, and Healthy People in a Healthy World.

While we still need more focus and emphasis on public health preparedness for climate change, many of our existing programs and scientific expertise provide a solid foundation to move forward. Many of the activities needed to protect Americans from the health effects of climate change are mutually beneficial for overall public health. In addition, health and the environment are closely linked, as strongly demonstrated by the issue of climate change. Because of this linkage it is also important that potential health effects of environmental solutions be fully considered.

Thank you again for the opportunity to provide this testimony on the potential health effects of global climate change and for your continued support of CDC's essential public health work.

**Mr. CARDIN.** I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

**Mrs. MURRAY.** Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ADMINISTRATION SPENDING PRIORITIES

**Mrs. MURRAY.** Mr. President, over the past few months we have sent the President critical legislation that invests in our country's transportation, economy, health and safety needs. Funding these priorities will make our country safer, our communities healthier, and our economy stronger. Unfortunately, it seems the President doesn't share these priorities. He has proposed to this Congress harmful budget cuts, and now he says he is going to veto several of these vital bills because we are asking for $22 billion more than he requested. He says our domestic spending is "irresponsible and excessive."

I personally find that hard to understand when, at the same time as he is saying that, he wants $196 billion in emergency spending for the wars in Iraq and Afghanistan. By the way, that does not include any money for our veterans. In fact, the $22 billion we want to invest at home represents less than what the President spends in Iraq in 3 months. That, not these bills, is what I think is irresponsible and excessive. We have to make sure we are not ignoring our needs here at home. The appropriations bills have the support of both parties. They ensure that our roads and our bridges, our airports, our railways are in good condition. They assure that our workers and families are healthy and our children have a chance to succeed. They assure that we have enough law enforcement officers to keep our communities safe. These bills simply restore some of the money the President cut and take a modest step forward after years of going in the wrong direction.

A healthy transportation system is vital to a healthy community. We need to ensure that our families can get to school or get to work and that goods move from place to place. But when he says no to our bill that provides money for transportation and housing and urban development, what the President is saying no to is the investments that ensure that our communities are strong, that prevent disasters—such as the bridge collapse in Minneapolis—from happening in this country again.

I am baffled, frankly, that the President's request for the war includes about $200 million for the construction of secondary roads in Afghanistan. He wants to spend $200 million on roads in Afghanistan but he is upset about our amendment to fix bridges in the United States.

Clearly, this administration thinks these projects are a priority for Iraq and a priority for Afghanistan; otherwise, the President would not have included them in his emergency spending bill for the war. So I ask, why doesn't the President think the roads and bridges are a priority in our country, in the United States?

At the same time the President is waging war overseas, we are here trying to make sure our employers have workers, that our families have access to health care, that our children get a good education. Tuesday night an overwhelming majority of this Senate voted to spend $11 billion over the President's request on Labor, Health and Human Services and Education programs so we could do that. That bill we passed would invest in cutting-edge medical research for diseases such as Alzheimer's and diabetes and cancer, research that brings hope to millions of Americans. In taking that vote the other evening, a bipartisan group of Senators agreed to restore funds for education, for jobs training, for health systems, when President Bush would have left them to cope with yet another year of unfunded mandates and empty promises.

The children's health insurance bill that we approved earlier this year also is intended to help millions of our children. That bill, too, achieved a majority of support in the House and in the Senate but not from the President. Those bills would make Americans healthier and the economy more competitive. But the President disagrees. He says these programs are "irresponsible and excessive."

But guess what he proposes in his $196 billion request for Iraq and Afghanistan. He asks for $25 million for economic development projects to foster job creation—in Iraq. And $60 million to fund economic projects to sustain development in the tribal areas of Pakistan.

Let me say it another way. He plans to veto job creation and economic development right here at home, but he is asking us to spend millions of dollars in emergency funding on similar programs in Iraq and Afghanistan.

The President says $196 billion that he is requesting for the war is necessary to make our world safer. We believe we also need to invest more in safety here at home. Our bill funding Commerce, Justice and Science programs works hard to ensure that our communities have enough FBI agents and police on our streets here at home. Like the other programs we want to fund, that bill restores the cuts that the President had proposed. Few bills are as important to the safety of our communities as that one.

I am especially concerned that the President is threatening to veto that bill because of how it affects my home State and the Nation. Six years after 9/11, the administration still has not replaced 2,400 law enforcement agents across the country that it reassigned to counterterrorism after 9/11.

In my home State of Washington, we were hit very hard by that. According to an investigation by the Seattle Post-Intelligencer, our Seattle newspaper, we have a critical shortage of FBI agents: 2.1 agents for every 100,000 residents or about half the national average.

The shift to counterterrorism has left our law enforcement shorthanded. Local police and sheriffs told me that the FBI has "virtually disappeared" from white-collar crime investigations. They told me the FBI does not have the resources today to adequately staff antigang task forces.

Criminals have not stopped robbing our banks or dealing drugs or stealing identities. An amendment I included in that bill would take steps to get more FBI agents into my community and wherever they are needed.

But the President said he is going to veto that bill. In so doing, he is going to veto our amendment. If we can spend $10 billion a month for the war in Iraq, we should be willing to spend a fraction of that to ensure the security of our citizens at home.

Clearly, the President is the one who is being "excessive" and "irresponsible." This might be an abstract debate about Federal funding for the President, but I think all of us know here it is about real people; it is about hard-working parents who are searching for a way to get health care for their own families when it has not been provided by their employers. It is about citizens out of traffic jams, and ensuring that our roads and bridges are safe to drive on. It is about making sure the people we represent can trust that enough law enforcement officers will be there to fight crime in their neighborhoods.

When I travel around Washington State, people tell me they want hope and they want change. Whether it is the war in Iraq or gas prices or access to health insurance, people today feel a real weight on their shoulders. They are looking for a light at the end of the tunnel. By vetoing those important bills, and failing to invest in the safety, health, and economic future of all Americans, the President keeps putting out that light. We are investing $22 billion over last year in the future of our country.

I urge all of my colleagues to support these bills as we move forward on behalf of the millions of American children and families who would benefit. I hope the President is listening.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

### IRAN

Mr. DURBIN. Mr. President, the bill before us is a very important bill for our country. It is the reauthorization of the Amtrak operation which serves Illinois and most of our Nation very well. It is one of the most successful modes of transportation in terms of growth in our country.

In the last year the ridership on Amtrak in Illinois has doubled. Doubled. That is an indication of a commitment, not only from the State of Illinois to make that happen, but also with the price of gasoline a lot of people are discovering the train again. They are back on those trains traveling between St. Louis and Chicago, Quincy and Chicago, Carbondale and Chicago, students, families, business people. That is a good thing.

I salute Senators Lautenberg and Lott for bringing this authorization bill to the floor. I definitely want it to pass as quickly as possible. I hope we will show the support for Amtrak which has been lacking for some time in the past but in the future needs to be there.

I want to discuss an amendment which I am going to offer which has nothing to do with Amtrak, and perhaps it will not be allowed at this moment in time in the debate. But I will offer it because I think it is timely, and I offer it because if it is not allowed on this bill at this time, I hope we will have a chance to bring it up in the very near future.

I can recall a little over 5 years ago, on the floor of the Senate, when we debated the invasion of Iraq. Those votes are historic and very personal. Members who were called on to make those decisions will never forget the anguish they face when they have to decide whether to send our Nation to war. We know it is the most important vote that can be cast. We know even under the best of circumstances Americans will die if we go to war. We hope our enemy will be vanquished, but we know that innocent people will also die.

A little over 5 years ago, that decision was made on the floor of the Senate to go forward with the invasion of Iraq. There were many of us who had serious misgivings about that decision. I was one of 23 Senators, 22 on the Democratic side, 1 on the Republican side, who voted against the authorization of military force.

I felt the President had not made a strong case for that invasion. I felt he did not have a sound plan for an invasion and a victory. I felt the American people had been misled; misled about Saddam Hussein, misled about weapons of mass destruction, misled about the impact of this almost unilateral invasion by the United States into Iraq.

Well, here we are in the fifth year of the war, over 3,800 Americans have been killed, 30,000 injured, more than 10,000 seriously injured, with amputations and serious burns, traumatic brain injury. With the President's latest request, the spending on the war in Iraq will reach three-quarters of a trillion dollars. In 5 years, three-quarters of a trillion dollars, $750 billion; money, which if spent in the United States on Amtrak, on medical research, on health care, on education, would have had a dramatic, historic impact, a positive impact on America.

But, no, it was spent in the course of a war that has no end in sight. Our men and women in uniform have shown extraordinary bravery and courage under amazing, trying circumstances in the civil war we never bargained for.

When we went to war in Iraq, the President said the reasons were clear: first, depose Saddam Hussein; second, to rid our world of his weapons of mass destruction; and, third, to protect threats against America's security.

Here we are almost 5 years later with Saddam Hussein gone, no weapons of mass destruction, and the only threat to America's security being the threat to our own soldiers and occupational forces in Iraq.

The debate seems to have moved from Iraq to another neighboring country, at least in the eyes of the White House, that is, the country of Iran. We continue to hear the most bellicose, warlike statements coming from the President and Vice President about the potential for the invasion of Iran.

Make no mistake, Iran cannot be ignored. It has fostered a foreign policy that supports some of the worst actors in the Middle East, from Hezbollah to Hamas. It is pursuing a nuclear program despite international condemnation. It has threatened to wipe our strong ally Israel off the map. There is plenty of evidence to suggest Iran is complicit in supplying training and materials for attacks against our soldiers in Iraq.

Senator GORDON SMITH of Oregon and I have introduced bipartisan legislation, the Iran Counterproliferation Act of 2007. It would tighten sanctions against Iran if it does not halt its nuclear programs. It stops short, clearly stops short, of calling for military action. That is the reason I come today.

I continue to be concerned that this administration is going to move too far, too fast, toward military action against Iran. The positioning of some of our battle forces, the statements from Vice President CHENEY and President Bush trouble me. They trouble me because in August the McClatchy Newspapers reported that the Vice President proposed U.S. air strikes inside Iran. Earlier this month, President Bush said if we were interested in avoiding World War III—these are his words, World War III—we ought to be concerned about preventing Iran from gaining the knowledge needed to produce nuclear weapons.

This week, Vice President CHENEY said, during an event in Lynchburg, Virginia, that the United States and others are "prepared to impose serious consequences" on Iran. This troubles me. If this administration believes it has some authority from Congress for the invasion of Iran, I challenge them to show me what that authority is. They certainly did not receive that authority with their authorization to use military force in Iraq. That was never even considered. There has been no action I am aware of since which would given them that authority.

If they think they have some inherent power to launch an invasion of another country such as Iran, they are clearly wrong, wrong because of this document, our Constitution. The Constitution makes clear in article I, section 8, that the power to declare war is vested in the American people through their elected representatives in Congress, in the House and in the Senate.

I come to the floor today to remind not only my colleagues but the administration that they have solemn constitutional responsibilities. Before they initiate any offensive action in Iran, they have to come to the Congress for the authority to do so. To do otherwise is, in my mind, not only reckless but clearly unconstitutional.

I want to take a moment to read this resolution I have proposed because it is very short. It is two sentences:

> The Senate hereby affirms that Article I, Section 8 of the Constitution of the United States vests in Congress all power to declare war.

And, paragraph 2:

> Any offensive military action taken by the United States against Iran must be explicitly approved by Congress before such action may be initiated.

The wording is concise and limited, and I hope makes a clear point. That point is, the Constitution counts. This President, no President, has the authority for unilateral invasion of a country. Every President has the power to defend America and Americans. But to initiate an invasion of Iran at this point in our history would be not only a terrible foreign policy mistake, but violate the constitutional processes we have set in place, a Constitution we have all sworn to uphold.

I understand that this bill, this Amtrak authorization bill, is hardly a bill to debate the constitutional authority to go to war or foreign policy on Iran, but I continue to be troubled day in and day out with statements by the President and Vice President to suggest that we are somehow preparing in any way, shape, or form for offensive military action in Iran.

I know my time is limited. I thank the sponsor of the legislation that is now pending, and the Republican minority leader on this committee.

I ask unanimous consent that the pending amendments be set aside so this amendment be might be called up, with the understanding that it is not likely to be allowed, but to let my colleagues know I am going to introduce this as separate legislation. I hope they will join me in cosponsoring it and join me as well in finding the first available venue and forum to raise this important constitutional issue.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, first, I thank the Senator for his comments about our efforts on the Amtrak legislation. This is the Amtrak legislation, and I do not think it is the place to have this debate he is proposing. He acknowledges such. In view of that, I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that at 3:15 today, the Senate proceed to vote in relation to the Sununu amendment No. 3446, with no amendment in order to the amendment prior to the vote; and that the 4 minutes immediately prior to the vote be divided as follows: 1 minute each for Senator LAUTENBERG, myself, and Senator LOTT, or our designees, and 2 minutes for Senator SUNUNU.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. LOTT. Madam President, first, if I could clarify the agreement that was just enumerated here, at 3:15 then we will move to a vote on the pending Sununu amendment, and prior to that, it will give us a chance on both sides of the issue to make some brief remarks, and Senator SUNUNU will be back momentarily to make some comments and an explanation of his amendment.

The amendment would modify the bill's competition pilot program to allow an unlimited number of existing Amtrak routes to be open to competition from freight rails that seek to operate passenger trains in exchange for Amtrak's current subsidy.

We have worked on this issue before. Senator SUNUNU had this amendment the last time this bill came up. We worked out a compromise that is in the bill which is to have a pilot program. Philosophically, I am attracted to this amendment. I do think we ought to have competition. I think it makes sense maybe for the freight lines to provide this passenger service. But this is a major change in what is currently done. So rather than just leaping into this in an uncertain and an unknown way in terms of its impact, results, what would happen to Amtrak, how it would impact the service, the alternative is to go with what we worked out a couple years ago, and that is a competitive pilot program that would allow two routes a year—not two total; it is two a year—to get into this competitive pilot program area, see how it works, find out the details, assess the good and the bad and the costly which could come out of it. That is the preferred way to go. We do say we will have this for the life of the bill, which is a number of years, so it could be up to 10 or 12 routes that may be involved eventually.

This is a new concept, and we believe what we have outlined in the provisions of S. 294 will prescribe it in such a way that it won't cause problems and we can see if it works. It may work. I emphasize, this is something I may want to move toward in the future. But I want us to have a national rail passenger system, No. 1. I want us to quit starving Amtrak and then blasting them because they don't do better even though we know they don't have the money to do the job. I want us to give them clear instructions for reform and to evaluate routes and have better governance. We have put this in the bill. This will be a major plus for Amtrak, to give them more authority.

Some of these routes could be shut down. We had the earlier Sununu amendment that we think could have led to a pretty precipitous shutting down of six or eight of these long-distance routes in other parts of the country. That would have been a mistake. But I do think that, more than likely, over a period of 2 or 3 years, you can't defend an individual subsidy per passenger of $500 or $600.

More and more, as we make this a more attractive entity, deal with the capital needs, improve the trackage that is available for them to use, get better governance, then it will be more attractive for competition to come into play. Maybe States will have more operations, as well as the freight lines.

I understand the goal of Senator SUNUNU. I appreciate the fact that he is not one who has just been critical. He is engaged. He is thinking about it. He has some ideas. But I urge defeat of this amendment. Let's see how the pilot program works and then, in 4 or 5 years, evaluate what we have seen and perhaps do something more.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Madam President, we are examining an amendment offered by Senator SUNUNU. As we have just heard, we have been through this somewhat before. The amendment would open to privatization all of Amtrak's long-distance and corridor train routes and give Federal funding to private companies to do what Amtrak does with no additional contract oversight. We saw something with the British experience—that there is potential for disaster when you fully privatize a national railroad. In the UK, wholesale privatization of their rail line did not work. In the end, safety was compromised for profits, and several died in horrific train derailments.

Our bill does not allow a complete selloff of our entire national railroad. It does, however, provide a controlled procedure for competitive bidding on a limited number of routes. This competition will be allowed only under strong supervision by Federal regulators. The Federal Railroad Administration, which also overseas rail safety, will start by accepting bids from other railroads interested in running passenger trains for one to two train routes. This is an experiment to see if the Government can save any money by letting someone other than Amtrak try to run passenger train service.

Railroading in America is a complex operation. Most railroads currently in service can trace their roots back 150 years. There are comprehensive safety standards that must be met. There are laws that apply only to the railroad industry. You have to share limited infrastructure with other railroads. Wholesale privatization of Amtrak is not in our country's best interest. The traveling public relies on the expertise of American railroads for safe and efficient service.

Under our bill, a limited experiment can be attempted for competitive bidding with proper oversight. Expanding it by including the Sununu amendment, frankly, could be disastrous. It is hard to imagine that we would permit residents in a hospital or medical learning experience to go ahead and start doing surgery. Say take a couple of cases, we will examine them, and then we will go on to full-time operation with your skills. Meanwhile, you don't just throw the whole thing together and take a chance that you are right. We have included an opportunity for two of these competitive bids to take place in a year and see what the results are and then decide whether we go further, instead of throwing the whole works in there at one time.

For obvious reasons, I oppose this amendment. I urge my colleagues to vote against it. We are just now doing a whole reform of Amtrak. We are reducing operating costs as a requisite and doing much more to improve rail service. It is obvious that rail service is and has to be an essential part of our transportation infrastructure.

I oppose this amendment. I hope my colleagues will stand up and say: No, we are going to give Amtrak a chance to operate because we desperately need it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SUNUNU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Madam President, we will have a vote shortly on the second amendment I have offered. Senator LAUTENBERG just spoke a little bit about the amendment. I certainly want to clarify for the record what the intention of the amendment is and what its practical impact would be.

This is not a wholesale privatization of Amtrak—far from it. The provision in the legislation allows two routes under supervision, oversight as described by Senator LAUTENBERG, to be put out for competitive bid to see if there is another service provider that can run the trains on those routes, delivering better service at a better cost. That makes good sense—good sense for riders and taxpayers. It is not a wholesale privatization by any stretch, especially considering the supervision and oversight that would have to be in place for this competitive bidding process.

Senator LAUTENBERG used the phrase or description about this being a learning experience and you don't want to have people in a medical environment in a learning experience then suddenly asked to do major surgery. I think I understand what he was trying to suggest, but I listened to that phrase and it implies to a certain degree that the management team at Amtrak is a bunch of amateurs that can't be trusted. That is not the case at all. They understand these routes, the operation, the nature of the service they are providing. They are in the best position to help determine how routes should be put out for competitive bid. My amendment simply says there is no reason to limit the number to two. Why would we do that? Because we don't trust them? We don't think they will do a good job? We don't think they want to deliver good service at a competitive cost? Why would we limit them to two? My amendment would allow competition in more than two routes. It would not mandate it or require it. It wouldn't force anyone's hand. It simply would remove a very arbitrary limit on the number of routes that can be put out in a competitive bid to companies run more effectively and efficiently for riders and taxpayers. That is about as simple as you can get. It does make good sense. It doesn't destroy the system. It doesn't throw anyone out of work. It doesn't undermine the integrity of the reforms that are already in the bill by any stretch. I think it simply allows us to get an even better idea of whether those reforms have an impact.

Senator LAUTENBERG described a process where up to two routes, as allowed for in the bill, would be competitively bid. Then the managers at Amtrak would look to see how successful it was and be able to go from there. That isn't true. In fact, that is just what I am trying to deal with. They wouldn't be able to go from there because there is a limitation that they could only do two. So if they decided that this was very effective, they wouldn't be empowered to use this tool to even greater advantage without Congress coming back and changing the law and changing the statute. That is not going to happen anytime soon.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SUNUNU. We have already seen how difficult it is to pass this bill as written. I encourage support for my amendment.

I yield back my time.

Mr. LAUTENBERG. Madam President, we ought to crawl before we walk, to use the old adage. We have to learn it firsthand without putting the whole thing at risk.

Mr. LOTT. Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No, they have not.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. LOTT. Madam President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

Mr. LOTT. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 64, as follows:

[Rollcall Vote No. 396 Leg.]

YEAS—27

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cornyn
DeMint
Ensign
Enzi
Graham
Grassley
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Sessions
Shelby
Sununu
Thune
Vitter

NAYS—64

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Feingold
Hagel
Harkin
Hatch
Hutchison
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—9

Biden
Clinton
Dodd
Feinstein
Gregg
Kennedy
Lieberman
McCain
Obama

The amendment (No. 3456), as modified, was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. LOTT. Mr. President, Senator LAUTENBERG is here, chairman of the subcommittee. He is working with Senator MURRAY on a couple amendments. We have a couple amendments by Senator DEMINT that we have cleared. We are hoping we will have a chance to visit with Senator DEMINT or some of his representatives momentarily and maybe clear some other amendments. I thank Senator DEMINT for coming over. He actually came over with a block of nine amendments, and we are working through those. Some of them we can certainly accept. We will work through the rest.

Senator REID was very generous yesterday in agreeing that we wouldn't complete this bill until Senators had a chance to review it and come up with amendments, even as late as Tuesday morning, provided they were germane; otherwise, we could finish this bill this evening.

We have another issue that has been interjected; that is, the Internet tax issue. I know Members on both sides and the leadership are working out when and how we would get to vote on that important issue because next Thursday, if we don't come up with something, the Internet moratorium on taxes will expire November 1. We have to deal with the issue.

I call on my colleagues, if you have amendments of any kind on the Amtrak legislation, come over and offer them. We will work through them this afternoon. I don't know what the leadership is going to decide with regard to votes later on this evening or tomorrow, but there will not be any votes on Monday, as previously announced by the leadership. So we will have to either deal with these amendments that might come up this afternoon or tomorrow or Tuesday.

After we dispose of the Internet tax, everybody needs to know that this bill can and should and will be finished before sundown Tuesday. That is what the leader, Senator REID, wants. That is what Senator MCCONNELL wishes to accommodate. It is my intent to work with Senator LAUTENBERG to drive this bill to conclusion. It is not controversial. What is in here is broadly supported. We had 93 votes last time. We may get more this time. Of the amendments that have been offered, the most an amendment has received was 27 votes. We are going to continue to look for ways to do even more that is positive for Amtrak. But we need to go ahead and be done with this next Tuesday.

I yield the floor to hear any remarks the chairman has.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Very briefly, I join Senator LOTT in telling our colleagues to come on down if they have something they want to put into this bill. We are on the edge of progress, and we ought to move ahead.

### AMENDMENTS NOS. 3457, AS MODIFIED, AND 3459, AS MODIFIED

Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up en bloc the Murray amendments Nos. 3457 and 3459 and ask unanimous consent that the amendments be modified with the changes at the desk; that the amendments, as modified, be considered and agreed to and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 3457 and 3459), as modified, were agreed to, as follows:

### AMENDMENT NO. 3457, AS MODIFIED

On page 189, after line 25, add the following:

### TITLE V—MISCELLANEOUS

**SEC. 501. STRATEGIC PLAN ON EXPANDED CROSS-BORDER PASSENGER RAIL SERVICE DURING THE 2010 OLYMPIC GAMES.**

Not later than one year after the date of the enactment of this Act, Amtrak shall, in consultation with the Secretary of Transportation, the Secretary of Homeland Security, the Washington State Department of Transportation, and the owners of the relevant railroad infrastructure—

(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as "Amtrak Cascades");

(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

### AMENDMENT NO. 3459, AS MODIFIED

On page 33, between lines 10 and 11, insert the following:

**SEC. 210A. REPORT ON SERVICE DELAYS ON CERTAIN PASSENGER RAIL ROUTES.**

Not later than 6 months after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall submit to Congress a report that—

(1) describes service delays and the sources of such delays on—

(A) the Amtrak passenger rail route between Seattle, Washington, and Los Angeles, California (commonly known as the "Coast Starlight"); and

(B) the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as "Amtrak Cascades"); and

(2) contains recommendations for improving the on-time performance of such routes.

The PRESIDING OFFICER. The Senator from Mississippi.

### AMENDMENTS NOS. 3460 AND 3461

Mr. LOTT. Mr. President, on behalf of Senator DEMINT, I ask unanimous consent that the pending amendment be set aside, and I call up amendments Nos. 3460 and 3461.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report en bloc.

The bill clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. DEMINT, proposes en bloc amendments numbered 3460 and 3461.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

### AMENDMENT NO. 3460

(Purpose: To ensure that capital investment grants authorized under section 24402 of title 49, United States Code, may be used for passenger rail infrastructure)

On page 63, line 9, insert ", infrastructure," after "facilities".

### AMENDMENT NO. 3461

(Purpose: To direct the Government Accountability Office to conduct a study that compares passenger rail systems in certain developed countries)

At the end of title III, add the following:

**SEC. 306. PASSENGER RAIL SYSTEM COMPARISON STUDY.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, and Japan.

(b) ISSUES TO BE STUDIED.—The study conducted under subsection (a) shall include a country-by-country comparison of—

(1) the development of high speed rail;

(2) passenger rail operating costs;

(3) the amount and payment source of rail line construction and maintenance costs;

(4) the amount and payment source of station construction and maintenance costs;

(5) passenger rail debt service costs;

(6) passenger rail labor agreements and associated costs;

(7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;

(8) the percentage of the passenger rail system's costs that are paid from general government revenues; and

(9) the method used by the government to provide the subsidies described in paragraph (8).

(c) REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

Mr. LOTT. Mr. President, these amendments have been cleared on both sides. I, therefore, ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 3460 and 3461) were agreed to.

Mr. LOTT. Mr. President, we do have two more amendments by Senator DEMINT that I think have been cleared, but we are waiting to have a chance to discuss with Senator DEMINT some of the other amendments. We are trying to get sort of an equal amount agreed to as we go forward. But we are trying to clear the deck of some of these amendments, and we are going to continue to work on that. Hopefully, we can dispose of another 4 or 5 amendments this afternoon even.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 2241 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBPRIME FORECLOSURES

Mr. BROWN. Mr. President, today the Joint Economic Committee released a report highlighting the impact of subprime foreclosures on local economies. It confirmed what many of us know: When homes go into foreclosure, it is not just the homeowner and the tragedy to that family; whole communities suffer. When entire neighborhoods fall victim to foreclosures, communities are often devastated.

Today's report shows that in Ohio, there are more than 293,000 outstanding sub-prime loans—293,000 in a State of 11 million people, perhaps 3 million-plus households; 293,000 outstanding subprime loans. Every outstanding loan represents a family, an Ohio family, that is so close to losing their home.

The estimated loss of property value this year in Ohio is more than $3.7 billion. The estimated local tax loss, that is local government revenue all over the State, this year is more than $31 million. That is lost revenue needed to pay for firefighters, for schoolteachers, for police officers, and for rescue squad vehicles and their workers. That lost revenue means poorer service and less service for those communities already suffering from poverty and suffering from the foreclosures themselves.

Two years ago, when Hurricane Katrina's storm surge left thousands homeless, Congress and the American people leapt to respond. We were moved and ashamed by the images we saw in our newspapers and on television. We were moved by the images, and ashamed, frankly, by our Government's lack of response. Most of us could not believe this could happen in our country. Today, we are witnessing the economic equivalent of Katrina in the housing market—a slow moving storm surge that is leaving hundreds of thousands, perhaps millions, of people in this country without a home. They have lost their homes, they have lost their American dream. It started on Lake Erie rather than on Lake Pontchartrain, but it has spread to all corners of our country—from New York to the Presiding Officer's Florida, from California to Minnesota. As today's report shows, subprime lending doesn't just hurt families, it hurts entire communities.

Unfortunately, the response to date in some ways has been worse than Katrina. Regulators have been slow to use their authority to act, Congress has done next to nothing, and the President, as before with Katrina, made a speech and then moved on. The Treasury Department sprang into action when Wall Street was looking at losses, but it has not applied the same energy or commitment to the thousands upon thousands of families in Slavic Village, near Cleveland, in Columbus and Lima, in Mansfield and Marion, or Zanesville. Thousands and thousands of families in those communities are losing their homes.

Whole neighborhoods in Cleveland and Dayton and cities throughout the State are drowning in foreclosures. Things are going to get worse before they get better. We know that, because the adjustable rate mortgages are about to reset day after day, week after week, month after month in our communities. Almost every day the news brings more evidence of how widespread this problem has become for banks—losses in Merrill Lynch, layoffs at Bank of America, and huge layoffs at National City Bank in my State.

Even as National City announces the layoff of 1,000 people in Ohio, in the first 9 months of this year, since January, 100,000 foreclosure filings have already stacked up, with every county in our State contributing to that stack.

Home sales are down, prices are down, and problems are showing up in prime markets. But we have yet to see the worst of it. Resets of subprime adjustable rate mortgages will peak this fall, ease up a bit, and then skyrocket next fall. Throughout the time these mortgages were being made, underwriting standards fell further and further. So on top of the enormous volume of loans resetting over the next 12 to 15 months, the likelihood of all those 2–28 loans made in 2006 defaulting in 2008 is likely to get worse.

We are already in record territory when it comes to this year's loans, but we have made a start in addressing this crisis. The $200 million contained in the housing appropriations bill passed by the Senate must be maintained or increased in the bill sent to the President. And he must sign it. He must do something about this. That would be a major first step to helping those neighborhood organizations, those not-for-profits. There is a terrific one in Toledo, and several in my State and in the State of Florida too. It will matter to those people who are about to lose their homes. They are delinquent in their payments, perhaps because of the reset and a higher mortgage, or because their taxes and insurance were added when they didn't know they weren't included, or when they were simply deceived or betrayed by fraudulent mortgage brokers.

This $200 million is not a bailout. It is only to help them renegotiate their loans so their delinquencies won't turn into foreclosures. And the President, as I said, must sign this bill.

The regulators need to act and act quickly with strong protections for consumers, and Congress must act to codify and build on those protections. Mortgage bankers must be held accountable for their actions. They can no longer sell loans without regard to whether a borrower can afford to pay them back. And banks have to be responsible as well. Underwriting standards have to ensure that borrowers qualify at the real rate rather than the teaser rate. No more of that. Escrows have to be set up for subprime loans, as they are for prime loans, and put money aside for insurance and for taxes. No-document loans need to become a thing of the past.

Just because the subprime crisis is less visible than the destruction of a hurricane, it is no less damaging. All of us need to respond. Our response must be comprehensive and our response needs to happen now.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida.) Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### MAYTAG PLANT CLOSING

Mr. HARKIN. Mr. President, tomorrow with the closing of the Maytag manufacturing plant in Newton, IA, a beloved Iowa institution and an icon in the history of industrial America will be gone forever.

The Maytag brand, synonymous with product quality and reliability, will still be attached to rebranded Whirlpool Corporation appliances, but do not be fooled, those products will no longer be made by loyal, skilled, experienced, Iowa workers. They will be made elsewhere.

This is a heartbreaking loss to the Newton community, Newton, IA, and a loss felt by people across my State of Iowa. Maytag was founded in Newton by Fredrick Louis Maytag, in 1893, as a manufacturer of farm equipment. Fourteen years later, the company introduced its first washing machine, which it produced during seasonal downturns in the farm implement business.

Newton soon became known as the washing machine capital of the world. By the time it was acquired by Whirlpool in 2006, Maytag Corporation was a $4.7 billion company with 18,000 employees worldwide.

But the center of its operations, the heart of its operations, was Newton, IA, with 2,800 employees. Now, it is all gone. Thousands of good-paying jobs and the economic foundation of an entire community.

For generations, Iowans eagerly went to work at Maytag, and Maytag was an integral part of the Newton community. Maytag workers helped to build a thriving local economy. The children of Maytag assembly line workers and the children of the Maytag executives all went to the same high-quality schools.

When children graduated from high school or from college, many came home to Newton to work at Maytag, either on the line or as executives. Together, workers and management at Maytag built a wonderful community and a wonderful business. Now, in what seems like the blinking of an eye, Maytag is gone.

Why? Well, because it is cheaper to make appliances in foreign countries that pay their workers a pittance; that lack labor standards and environmental protections. Maytag management was seduced by the lure of lower wages; sent jobs from some of their plants to Mexico.

This, combined with unwise decisions by management to buy a variety of companies, significantly weakened Maytag's finances and their ability to invest in improvements to their own product lines. That made the company a takeover target.

It is a personal tragedy for the workers of Maytag and elsewhere who have lost good-paying jobs, but it is something else; it is a threat to the middle-class standard of living in this country, as displaced workers are obligated to accept lower paying jobs, often without health insurance or pension benefits.

According to a study by economists at Iowa State University, the average income in Jasper County, that is the home of Newton, the average income in Jasper County in 2005 was $34,400 a year, again, because of Maytag.

Without the Maytag jobs, the average income will drop by nearly $5,000. Let's be clear. As I said, washing machines made elsewhere will probably still carry the Maytag brand, but I will always say that the heart and soul of Maytag was the Newton community.

Richard Doak, a Des Moines Register columnist, was intervening a Maytag worker years ago when the company was hinting it might close the Newton plant. The worker stated:

> If that ever happens, it will be the end of Maytag, because the people of Newton are the essence of the company. We pump blue blood [said the worker, referring to the color of the Maytag logo.]

Daniel Krumm, the chief executive officer who transformed Maytag into a global company said that what he called the Newton ethic, was the key to the company's success. By the Newton ethic, he meant an entire community that was loyal to the company and took great pride in making products of the highest quality.

Unfortunately, some of Daniel Krumm's successors chose to betray the Newton ethic. Some of them chose to cash it in for cheaper products, and higher profits made outside the United States.

This story is all too familiar to skilled workers in the manufacturing sector in this country. You might wonder why I am on the floor talking about this on this Thursday, October 25. Because tomorrow, on Friday, Maytag will shutter its last plant and cease operations in Newton, IA. I worked as hard as I could to prevent the Whirlpool takeover of Maytag. I worked with State and local officials to prevent the closing of the plant in Newton. But in the end, regrettably, our efforts were unsuccessful.

Particularly, I wish to salute the tremendous effort of the officers, the plant committee, the department of stewards of United Auto Workers Local 997. Under the outstanding leadership of Ted Johnson, the local president, they have been on the frontlines throughout the crisis of Maytag, fighting to prevent the plant closure; when that failed, doing everything possible to help the displaced workers.

Tomorrow, Friday, will be a sad day in Newton, IA. But there is rebirth. Not all of the news from Newton is bad. The Newton ethic survives, and the Newton community is resilient. Two companies, Iowa Telecom and Caleris, plan to add more than 200 jobs in Newton by the end of the year.

Other businesses are expanding. Community leaders are coming together to develop a strategy to rebound from the loss of Maytag. I wish them every success, and I will stand ready to continue to assist in any way I can.

Another sad chapter in the continuing decline of our manufacturing base in America. Maytag. Who has not seen the ad about the Maytag repairman who has nothing to do because Maytag was such a good product?

Whether it is refrigerators or washing machines, home appliances, Maytag always stood for the best in quality. It was the best in quality because it was made by dedicated workers, skilled workers who took pride in their work. They made good livings. They were middle-class families. I said it was always a joy to go to Newton. It was wonderful to see the sons and daughters of assembly line workers going to the same school as the executives' kids, all working together, going to the same churches, belonging to the same clubs, going to the same bowling alleys, having this wonderful picnic every year, where the executives and their families and the workers and their families all were enjoying their annual picnic with their kids.

They took pride in the products they built. I do not think the people in some of these other countries will have that same kind of commitment. They are lower paid, they did not have the benefits. At some point, we have to take stock of what is happening to our manufacturing base in this country and what is happening to us in terms of a community and a business that can grow and evolve.

I know things change, and they have to change, but still, there is no reason, there is no reason why Maytag had to leave Newton. There were some bad business decisions made. But, again, it is chasing higher profits in the short term by shipping our jobs out overseas or to Mexico or to other countries.

And those short-term profits lead to long-term losses for the workers and their families and everyone else. So it is a sad day tomorrow in Newton and a sad day for all of us trying to work so hard to keep Maytag alive.

The PRESIDING OFFICER. The majority leader is recognized.

## INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 429, H.R. 3678.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, reserving the right to object—and I certainly will not object—I just want to take a brief moment to say how pleased I am we are able to reach this bipartisan compromise. This package will extend the current Internet tax moratorium for 7 years—nearly twice as long as the bill passed over in the House of Representatives. This is a positive step in protecting American consumers from taxes on Internet access, taxes that strike at the heart of innovation and economic growth in America.

I particularly thank the distinguished Senator from New Hampshire for his skillful role in bringing this issue before the Senate, for pushing it aggressively, and getting, in my judgment, a much better solution to this problem than was achieved in the House of Representatives. I know he shares my view, and I assume the view of everyone in the Senate, that the House will simply take up the Sununu measure and pass it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3466) was agreed to, as follows:

(Purpose: To amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce)

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Freedom Act Amendments Act of 2007".

### SEC. 2. MORATORIUM.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in section 1101(a) by striking "2007" and inserting "2014", and

(2) in section 1104(a)(2)(A) by striking "2007" and inserting "2014".

### SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"(c) APPLICATION OF DEFINITION.—

"(1) IN GENERAL.—Effective as of November 1, 2003—

"(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

"(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108–435).

"(2) EXCEPTIONS.—Paragraph (1) shall not apply until June 30, 2008, to a tax on Internet access that is—

"(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

"(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

"(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to June 30, 2008, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).".

### SEC. 4. DEFINITIONS.

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking "services",

(2) by amending paragraph (5) to read as follows:

"(5) INTERNET ACCESS.—The term 'Internet access'—

"(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

"(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

"(i) to provide such service; or

"(ii) to otherwise enable users to access content, information or other services offered over the Internet;

"(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity;

"(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), (C), or (E)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), (C), or (E); and

"(E) includes a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity, that are provided independently or not packaged with Internet access.",

(3) by amending paragraph (9) to read as follows:

"(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).", and

(4) in paragraph (10) by adding at the end the following:

"(C) SPECIFIC EXCEPTION.—

"(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

"(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

"(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

"(III) is imposed on a broad range of business activity; and

"(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

"(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

"(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.".

### SEC. 5. CONFORMING AMENDMENTS.

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking "telecommunications services" each place it appears and inserting "telecommunications", and

(2) in subsection (b)(2)—

(A) in the heading by striking "SERVICES",

(B) by striking "such services" and inserting "such telecommunications", and

(C) by inserting before the period at the end the following: "or to otherwise enable users to access content, information or other services offered over the Internet".

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

### SEC. 6. SUNSET OF GRANDFATHER PROVISIONS.

Section 1104(a) of the Internet Tax Freedom Act is amended by adding at the end thereof the following:

"(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any State that has, more than 24 months prior to the date of enactment of this paragraph, enacted legislation to repeal the State's taxes on Internet access or issued a rule or other proclamation made by the appropriate agency of the State that such State agency has decided to no longer apply such tax to Internet access.".

### SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 3678), as amended, was passed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I also want to express my appreciation for the diligent work of my friend from Delaware. Senator CARPER has worked on this issue for years. We have had a number of others who have been involved in this issue. Of course, the chairman of the committee, Senator INOUYE, has been very helpful during the day. We have had assistance from Senator ROCKEFELLER and Senator WYDEN, but I and the Senate owe a debt of gratitude for the work done by my friend from Delaware, working with our friend from New Hampshire.

## PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007—Continued

### AMENDMENT NO. 3452 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the Sununu amendment No. 3452 be withdrawn and the cloture motion be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

## A PRODUCTIVE WEEK

Mr. REID. Mr. President, there will be no votes tomorrow. We have announced long since that we would have no votes Monday. We have a lot we are going to do Tuesday, the first of which is to complete the work on the important Amtrak legislation. There has been great progress made on that today.

I think we have had an interesting week. We may not be happy with the results—I say that because some are happy, some are not—but it has been a productive week. It has been a week in which, in spite of the divisiveness of the issues before us, they have been handled in a very collegial way. There have been strong feelings expressed on both sides, but it has been done, I think, in a way that brings credit to the Senate.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, just briefly, a couple of other observations, I would say that I know it is the position of the Senator from New Hampshire—of course, he can speak for himself, but it is the position of the Senator from New Hampshire, myself, and many others that we make this moratorium permanent. I think that still ought to be our goal in the future.

With regard to the week that is now coming to a conclusion, I would have to state it has been quite a good week, with a number of achievements that are important for the Senate and, in particular, the confirmation of Judge Southwick, which was not only important to the State of Mississippi but important to this institution, the Senate, in terms of how we are going to treat nominees in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, let me add a couple comments with respect to the legislation we just passed by unanimous consent.

The adoption of this legislation comes after a very tough negotiation that goes back not just a couple days or a couple weeks or a couple months but literally years, almost a decade. In tough negotiations, not everyone is happy. But I think the American people basically want us to figure out how to get work done. The American people look for us to set aside partisan differences, and they want to see some results.

My hope is, for the most part, they come to understand what we have done here tonight and realize the House still has to speak on this matter. The American people will, if not applaud the actual results, some of which are not easily understood, at least say: Well, on this matter, at least, the U.S. Senate figured out how to work together. A couple guys from small States got together, along with the help of a bunch of others, including Senators ALEXANDER and ENZI and VOINOVICH. I am grateful to them for all their good work on this too.

I think among the most important results that flow from the adoption of this legislation are, No. 1, we preserve the intent in the 1998 initial Internet moratorium legislation. What we wanted to do in 1998 was not to allow additional States and additional local governments to place a tax on access to the Internet, if you will, a tax on our AOL bills. That was part of the 1998 legislation that said for a handful of States—nine or so—that were already doing that, they were allowed to continue to do so but nobody else could pile on.

This legislation today makes sure we are not going to be allowing additional access taxes or additional taxes by State and local governments for access to the Internet. That protects the consumers, but it also does it in a way that I think is fair to the States. Because 3 years before the 1998 legislation was passed—3 years prior—in 1995, this same Congress passed legislation saying that the unfunded mandates were a bad idea, and that the Federal Government was not going to tell State and local governments how to spend their money without providing that money, the Federal Government was not going to take away the ability of State and local governments to raise money without providing for funds to make up for the shortfall.

What we have done is we have protected the States that are already deriving revenues from access taxes on the Internet. We said we are not going to allow, as we go forward with new innovations—for, if you will, telecom companies, telephone companies—we are not going to allow them to bundle services and begin to offer those bundled services—traditionally taxed by State and local governments, in some cases—and ship them over on the Internet to avoid all State and local taxes. So the States have spoken loudly: Do not take away our revenue base. We have been responsive to that.

As a Governor for 8 years in my State, and as, at one time, the chairman of the National Governors Association, I never liked it when the Federal Government came in and said: Spend your money this way or that way, without giving us the money. I never liked it when the Federal Government came in and said: We are going to take your ability to raise money away without providing for the shortfall. I think we are consistent here and true to the concerns that have been raised by State and local governments on that score.

The third thing we have done—I sort of alluded to it—the technology in this area continues to change dramatically. I like to kid, but I say 5 years ago I could not even spell VOIP, Voice Over Internet Protocol, which basically means sending telephone services over the Internet.

Actually, 5 years ago, the idea of being able to do that was, I think, a gleam in somebody's eye. Today it is common practice. Not only that, we have the ability to send something called IPTV, Internet Protocol TV, to send television signals over the Internet. In my State, we do not necessarily raise our revenues this way. But some places do. They raise some of the revenues for educational purposes, for paramedics, for fire services, for police services. They raise their revenues by taxing telephone services and cable services. It is inappropriate for us to come and say: You cannot do that, even as those services are somehow transferred and transmitted over the Internet.

So what we have done, by not making the moratorium permanent, is we have made sure we are going to come back and revisit this issue somewhere down the line. We say 7 years. The House says 4 years. We will have the opportunity and the requirement to come back and revisit this issue. If the technology changes—and it will. I can tell you one thing for sure, the technology that is in place today is not going to be same in 4, 5, 6, 7 years, just as it was not 4 or 5 or 6 or 7 years ago. It has continued to change. By virtue of this legislation, we will be better prepared for that change.

Again, I close with this: When I talk to people in our State, and in other States as well, when I hear about the low regard people have for the Congress and, frankly, for the administration—but we will stick with us right now—one of the things that people are most unhappy about is our seeming inability to work together, to hang in there, until we have been able to carve out, find a middle ground that is responsive to the concerns of most people. We have done that. It has not been easy, but we have been persistent, and I think ultimately—at least tonight, today—successful.

I am pleased to have been a part of this effort and to have had a chance to work with our Senators ALEXANDER, STEVENS, INOUYE, McCAIN, and Senator SUNUNU.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I am pleased to be able to stand up tonight, after Senator CARPER, which is very appropriate, to talk about this success. The Senator from Delaware has described, I think very clearly, the strength of this legislation, the value of the legislation, and the importance of the legislation.

We really do have a responsibility to act in our role as a Congress to prevent Internet access taxes. Because this is a national—and, in fact, global—communications network. It is a national and global network for commerce and business as well. That is our responsibility under the Constitution to make sure there are not unnecessary, undue burdens on interstate commerce and trade.

So what we have done tonight is to take legislation that was passed in the House and really improve it dramatically. Senator McCONNELL indicated we have nearly doubled the length. We added clarification language as to what could and could not be taxed, and how the grandfathered States that were taxing prior to 1998 would be treated.

We also added explicit language to make sure that Internet services, such as e-mail and instant messaging, could not be taxed. This is an important issue for me and many others, particularly Senator WYDEN from Oregon, who spoke about it today on the floor of the Senate.

It is important that consumers know that Internet access is not going to be taxed, first and foremost, because taxes raise the price of something. I do not think Congress wants to be in the position of allowing the price and the cost of Internet access for every consumer in America to go up. We do not want to be in the position of raising the cost of Internet access as well because it would affect the pace of investments and the incentives to make investments.

Anytime you tax something, you are going to get less of it. This ban on Internet taxes is extremely important. I would like to make the ban permanent. I think the time has come to make it permanent. After passing it in 1998, and extending it in 2001 and 2004, to look at yet another short-term extension does not seem to make as much sense to me as making the ban on access taxes permanent. But at the same time, we need to recognize that a 7-year extension is the longest extension we have ever had, and that alone I think should make us very proud of the work that was done, and it was bipartisan.

A lot of members of the Commerce Committee worked very hard on this issue. Senator CARPER certainly spent a lot of time on this issue. We haven't always agreed on every aspect of the legislation, but we can agree, and we have agreed, on this 7-year extension tonight.

I do want to make special mention of Senator INOUYE, one of the Senators who was mentioned earlier as well. He is the chairman of the Commerce Committee. It was very frustrating to me that we never had a chance to vote on this legislation in the Commerce Committee, but he and his staff didn't stop working on the issue, and they put in a tremendous effort today to work through all of the details that are required. Even if it only takes the Senate 32 seconds to make a unanimous consent request to pass the final product, that 32 seconds has behind it hours and hours of work by many Members of the Senate and many more staff members. So I appreciate Senator INOUYE's work and the work of the staff as well.

I am pleased we are sending this to the House tonight, but also pleased to note that we are doing it before the expiration of the current moratorium. The last extension was passed in 2004 and expires on November 1, or next Thursday. It is not that often, unfortunately, that Congress does something in a fairly timely way. So to pass this legislation tonight in advance of that expiration date adds a little bit more satisfaction, knowing we did the right thing, and that we did it on time. I am pleased to support the legislation.

I yield the floor.

Mr. CARPER. Mr. President, let me take one more minute on this subject to also extend my thanks and compliments to our staffs. On my staff, Bill Ghent and Chris Prendergast worked long and hard for many hours. Our Commerce Committee staff, both Democrat and Republican, did a terrific job under the leadership of Senator INOUYE, and we are deeply grateful to him and to Senator STEVENS' staff for the wonderful work they did. The Commerce staff works in a way I wish every committee staff and subcommittee staff would—Democrat, Republican, majority, minority—it is almost seamless the way they approach almost every issue, including this one. I think one of the things that happens when you work like that is you get something done. While it is not unanimous acclaim for what we have done here, I think for the most part it is good work.

If we live to see what happens over in the House, hopefully we will be able to resolve our differences with them.

## PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007—Continued

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Delaware.

Mr. CARPER. Mr. President, the bill before us is the Amtrak reauthorization bill. Each year it seems we find ourselves fighting increasing gridlock on our highways, whether it is Iowa, Delaware, New Hampshire, or Vermont. We face growing threats of smog in our skies, polluted air, crowded conditions at our Nation's airports, and financial challenges facing our aviation industry. If we don't broaden our investment in transportation infrastructure across our Nation, we are headed for a crisis.

Each year an outfit called the Texas Transportation Institute releases something they call the Urban Mobility Report. It continues to show traffic congestion growing across our Nation in cities of all sizes, consuming more hours of the day and affecting more travelers and shipments of goods than ever before. The annual financial cost of traffic congestion has ballooned. In 1982 it was about $14 billion; today, $78 billion. There is a personal cost as well—the time lost to traffic.

The same Urban Mobility Report quantifies this loss at 4.2 billion lost hours. That is not commuting time. This is just sitting in traffic not going anywhere, 4.2 billion lost hours and almost 3 billion gallons of wasted fuel. That is the equivalent on the one hand of 105 million weeks of people's lives and 58 fully loaded supertankers.

Rail remains the most underdeveloped opportunity to reshape our national transportation network. Rail can efficiently move large numbers of people over moderate distances, anywhere from 100 to 400 miles, and requires a smaller right-of-way than highways.

I would also point out that to move a ton of freight from Boston, Massachusetts, to Washington, DC, takes about 1 gallon of diesel fuel. So in a time and age when we are worried about the amount of oil we are importing, 1 gallon of diesel fuel can move a ton of freight from Boston to Washington.

But with respect to corridors, this is important in densely populated areas where there is not much land available to support new infrastructure, and the land that is available is mighty expensive.

States are starting to put their own funding toward rail corridor development as well. Several are using rail to relieve congestion at airports by investing in rail service in connection with their airports, much like we have at BWI, just north of here near Baltimore, much like we have at Newark, NJ, and other places. But what they are doing is using rail service to make a connection with airports as a substitute for the spoke portion of a hub-and-spoke air journey.

Early success stories include rail service between Boston Airport and Portland, ME, as well as increased service from the Milwaukee Airport to the Chicago region.

More and more people are taking the train in our country, and there are a variety of reasons for that. Trains are convenient, they are comfortable, they are reliable. When you ride the train, you have bigger seats, you have more leg room. You can also use the phone and access the Internet. If you want a place that is quiet, you can go to the quiet car. If you want to eat, you can go to the dining car.

Amtrak used to have an ad campaign that said: "Amtrak: The Civilized Way to Travel." Compared to some of the adventures I have had in airplanes in the last year, it surely is the civilized way to travel.

When you arrive at your destination, in many cases the train station is in the center of town as it is here; as it is in Wilmington and Philadelphia, and as it is in New York City and a lot of other places as well. On-time performance is not great, but it is on par with the airlines nationwide. But in the Northeast corridor where some of us live, the train is even more reliable. The Acela Express has an on-time performance of almost 90 percent—not 100 percent but pretty darn good.

As a result, Amtrak ridership is starting to break records. In fiscal year 2007, a record-breaking 25.8 million people rode Amtrak. Total ticket revenues increased about 11 percent over fiscal year 2006 to some $1.4 billion; still less than the cost of running the train, but still a hefty increase.

Ridership has increased across the Nation. The Acela Express has seen a 20-percent increase over last year and the Northeast corridor's regional trains are up as well. Outside of the Northeast corridor, interestingly, the Keystone Service train, the train between Harrisburg, PA, and Philadelphia and New York, experienced about a 21-percent increase in ridership; the Chicago-St. Louis corridor, 42 percent. California's Capitol Corridor, which is a train that runs from Auburn to San Jose, is up 15 percent, and the San Diego-San Luis Obispo Pacific Surfliner is up about 9 percent. I think what we need to do is to look at those corridors to see what is working and try to apply that to a whole lot of other Amtrak lines. What we do in this bill is just that.

The Passenger Rail Investment Improvement Act would require the Federal Railroad Administration to develop performance standards to evaluate the financial performance, on-time performance, and customer satisfaction of each Amtrak train.

Amtrak is then required to establish performance improvement plans for the five long-distance routes with their worst performance, including the worst financial performance. A year later, Amtrak must implement the plans and the Federal Railroad Administration may withhold funds for a route plan if the plan is not implemented. In future years, the remaining 10 long-distance routes would undergo the same restructuring process.

Additionally, the Passenger Rail Investment and Improvement Act would require the Federal Railroad Administration to analyze Amtrak's routes and consider changes that would require cost recovery and on-time performance as well as address the transportation needs of communities that are not served by any other form of public transportation.

I expect when we analyze these long-distance train routes, we will find the factors that make a train—or any form of travel—appealing to travelers is the frequency, the reliability, and the travel time of that service. In the case of many of these long-distance trains, the train may only run a few days a week or at odd hours. I remember the first time my family and I—my mom, my sister, and I ever caught a train, we lived in Beckley, WV. We caught a train in a little nearby town called Prince where the train stopped. We caught the train about 3 o'clock in the morning. I was about 5 or 6 years old. We caught it at 3 o'clock in the morning. In a lot of places around the country, we have trains that are stopping at 3 o'clock in the morning, 2 o'clock in the morning, 1 o'clock in the morning, 4 or 5 o'clock in the morning. No wonder people don't want to ride those trains, especially when they show up about every 2 or 3 days. But on-time performance can be an issue because the tracks outside the Northeast corridor are not owned by Amtrak, they are owned by the railroad companies, and capacity on the freight rail lines is constrained by increasing demand to move more freight by rail. The freight is on the track. Amtrak sometimes gets in the way. The freight railroads want to move freight, not necessarily passengers. What this does is it indicates, to me at least, the need for additional investment in rail infrastructure—something we also address in this bill that is before us.

I think it is particularly remarkable how many States are investing in rail today when you consider the fact that the Federal Government provides no support. I learned when I served as Governor of Delaware that if we wanted to build in my State or to expand an airport, the Federal Government put up 80 percent of the funds—80 percent. The State would do 20. Building or expanding a highway or bridge in my State would also yield that same 80 percent support from the Federal Government. If we wanted to invest in transit, as we do, those funds were more competitive and hard to come by. The Federal Government would still pony up about 50 percent of the expense and the State would do the rest. But we wanted in my State to invest, and we do it smart, to invest in passenger rail, but that was the wisest investment for the dollar, for the buck. We got nothing from the Federal Government. The State had to put up 100 percent. Think about it. If you are the Governor of a State or you are running a State and you can get matching funds for highways, you can get 80 percent on transit projects, 80 percent from the Federal Government for money on airports, but you can get zero for a city passenger rail service, which one would you vote for or choose? The answer I think is pretty obvious—not necessarily the right decision, the smartest decision, but oftentimes that is the decision that is made. It makes no sense.

So the Passenger Rail Investment Improvement Act bill changes that. It authorizes some $1.7 billion over the life of this bill for a new State and capital grant program to support States that wish to provide new or improved inner city passenger rail. The Federal match is 80 percent—the same as highways, same as roads, same as airports. I believe this step will create a long-term, sustainable Federal funding mechanism for States investing in inner city passenger rail capacity, with the same kind of capital support we currently provide again for airports, highways, and transit.

Last Congress, the Senate passed the bill we have before us by a vote of 93 to 6. It was added as an amendment to an appropriations bill and passed 93 to 6. It died in conference. It was taken out, dropped. The Senate then overwhelmingly recognized the wisdom of our approach in bringing the Northeast corridor to a state of good repair, requiring reforms to the long-distance lines, allowing freight railroads to compete with Amtrak on their rail lines, the rail lines and the freights, and providing Federal support for capital rail investment, much as we do for highways, airports, and transit.

I urge my colleagues to show the same strong support for this bill when we reconvene next week so we can respond to our constituents' calls for more rail investment and more transportation options, especially where that makes sense.

Let me close, if I can, with this. Having served for 4 years on the Amtrak board, as Congressman, Senator, and Governor, being very much involved in the passenger rail service in my State and across the country, I am not interested in running trains for people who don't want to ride them. I don't think any of us are. I am not interested in the Federal Government providing inordinate subsidies for trains for folks who don't want to ride or for people who have other perfectly good options. If you think about it, in this country of ours, over half the people live within 50 miles of one of our coasts, over 50 percent of the people live 50 miles from one of our corridors. We have these densely populated corridors up and down the east coast, the gulf coast, the west coast. They were made to order for trains. Some of those long-distance trains make a lot of sense too.

A lot of businesses will pay good money, premium money for those trains. Folks will take a train south of here and go down to Orlando, put their car behind them on the train or minivan or whatever, and they pay good money for those trains. They actually make money. What we have to do is to figure out how to work differently, to meet the need that is out there, to work smarter. The legislation that is before us will do that.

I know the hour is late and you have places to go and so do I. Let me yield back the floor and I thank you all for your patience.

Mr. SPECTER. Mr. President, I seek recognition to offer my support for the Passenger Rail Investment and Improvement Act of 2007. This legislation authorizes Federal funds for Amtrak's capital and operating needs to maintain current operations, upgrade equipment, and return the Northeast corridor to a state of good repair.

Passenger rail is indispensable to our Nation's economy and quality of life. As our Nation's aviation and highway transportation systems become increasingly more unreliable or cost prohibitive due to flight delays, congestion, and rising fuel costs, a viable passenger rail alternative has become a vital component of the national transportation network. More travelers rely on Amtrak now than at any other point in the company's 36-year history. Not only is Amtrak an important option for travelers, but increased reliance on passenger rail has the potential to reduce our Nation's dependence on foreign oil and curb automobile emissions by attracting more would-be drivers into train cars.

This legislation would ensure the stability and solvency of our Nation's passenger rail transportation system, without which I believe we would be severely disadvantaged. In addition to authorizing a reliable stream of funding for Amtrak, the bill restructures Amtrak's debt to achieve savings, creates a new grant program for States to support rail improvement projects, and creates a new, bipartisan, nine-member Amtrak board of directors whose members must have either rail, transportation, or business background.

Additionally, I am pleased that the managers' package of amendments includes language which I sponsored requiring Amtrak to study and report to Congress on the infrastructure and equipment improvements necessary to achieve 2 hour and 30 minute Acela service from Washington, DC, to New York City and 3 hour and 15 minute Acela Service between New York City and Boston. The current trip times are 2 hours 45 minutes from New York City to Washington, DC, and 3 hours 30 minutes from New York City to Boston. I believe this study will provide a blueprint for the future of the Northeast corridor and will assist Amtrak in providing faster, more reliable service along this route.

Accordingly, as a longstanding supporter of Amtrak and a frequent passenger, I urge my colleagues to support this legislation.

Mr. INOUYE. Mr. President, I fully support S. 294, a bill that will finally reauthorize Amtrak and make important changes to secure a prosperous future for intercity passenger rail in the United States. In a year when Amtrak faces yet another crisis, in part due to the administration's proposal to severely reduce Amtrak funding in an effort to restructure the railroad through bankruptcy, this bill is all the more necessary. Additionally, congestion delays at our airports and on our roads are making more and more travelers dependent on passenger rail. We need to ensure that our national passenger rail system is adequately prepared to accommodate this increased ridership.

I congratulate Senator LAUTENBERG and Senator LOTT for crafting this important bill, of which I am a cosponsor. This bill encourages the development of new rail corridors, provides incentives for Amtrak to operate more efficiently, and strengthens the relationship between Amtrak and the States in which it operates. This bill will also provide more transparency into Amtrak's operations and help Amtrak better control its costs. I believe that it will further fortify Amtrak as an important, necessary, and viable option in the United States' transportation landscape.

## MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LABOR-HHS APPROPRIATIONS

Mr. MENENDEZ. Mr. President, I am in strong support of the fiscal year 2008 Labor, Health and Human Services appropriations bill. I thank the chairman of the Labor-HHS-Education Appropriations Subcommittee, Senator HARKIN, and the ranking member, Senator SPECTER, for their leadership in crafting this bill and ensuring some of our Nation's most critical priorities are adequately funded. I am proud that we have been able to negotiate a bipartisan appropriations bill that passed the Senate.

This bill is one of the most important funding bills that comes before us. It fulfills our responsibilities in key priorities, such as health care and education. With the passage of this legislation, we will be striking a significant departure from the administration's damaging trend of shortchanging our children, our schools, our workers, and our health. Instead of undermining education, abdicating our responsibilities on health care, weakening the rights of our workers, this bill will restore a commonsense balance to our values that we should expect from the greatest Nation in the world.

I would like to highlight a few areas in which this bill is especially successful and contrast them to the administration's misguided priorities.

While the President's budget zeroed out funding for mentoring programs under the Safe and Drug Free Schools Act—a program that is critical to keeping our children safe and off the streets—I am proud that this bill not only restores that funding, but increases it by more than $30 million.

As someone whose dreams of college could not have been realized without Pell grants and other Federal financial aid, I am pleased this bill follows through on the promise to increase Pell grants and restores funding for Perkins loans. These increases will mean that today's young people who come from families that cannot afford college on their own can still achieve their dreams. I know the power of this assistance. Without these programs, I would not have been the first in my family to graduate from college and law school. There are millions of students nationwide who are in the shoes I once was. They are waiting, hoping that there will be adequate financial aid to help them access college. And as tuition continues to increase, as grant aid under this president has shrunk, that challenge is getting anything but easier. In my home state of New Jersey, where the average tuition rose 7 percent since last year, 4-year public colleges are the second most expensive in the Nation. Our students need more, not less, grant aid if they are going to achieve their dreams. This bill sets us in the right direction.

Another program that is vital to students in New Jersey is vocational education. The vocational State grants are critical for the institutions in our state that are working to develop a workforce that is able to compete in today's global economy. New Jersey has some of the best vocational and technical education programs in the country.

And while this President continually speaks about an educated and competitive workforce in the science, technology and math fields, he does not put his money where his mouth is. His budget would have cut vocational funding in half. Our bill restores those cuts.

This bill also restores cuts to education technology grants, which the President called for eliminating. These grants help ensure that our children have access to technology in the classroom. New Jersey alone would have lost $5 million next year under the President's cuts. In the global race to have the most trained, highly skilled, best prepared workforce, we are losing ground. The earlier we can introduce our young people to technology, to help them gain fluency in areas that involve technology, the better off they will be in an evolving and increasing technological world.

I am also pleased this bill increases funding for special education by more than $500 million. This funding is critical to ensuring children with disabilities have an equal opportunity to receive a good public education, just as other children.

And ensuring all children begin on an equal playing field means adequately funding Head Start, which this bill does. This legislation provides a $200 million increase for Head Start, which will help improve the school readiness of our young children to ensure they can get the skills necessary to succeed. Head Start provides child development, education, health care, nutrition, and socialization skills, all essential services that benefit more than nearly 1 million low-income children in this country.

This bill also helps our young people by expanding opportunities for them to learn trade skills. It provides a $15 million increase for YouthBuild, which helps young people learn constructing and housing skills and prepare for postsecondary training. This legislation also provides an increase of almost $82 million for Job Corps to help strengthen these centers that provide key job skills to young people.

In addition, this bill will help veterans transition to civilian life by providing a $5 million increase for employment and training services.

In terms of health care, this bill makes significant changes to the President's budget proposal and redefines our priorities as a Nation. Overall, the bill provides $68.1 billion in discretionary appropriations for Health and Human Services Department programs. This amount is $5 billion more than last year's level and $5.4 billion more that the administration's budget request.

The bill provides $250 million more for Community Health Centers and over $200 million for the National Center of Minority Health and Health Disparities to address the health care needs of our Nation's minority and underserved communities.

This bill will also provide almost $29.9 billion in funding for the National Institutes of Health, $1.3 billion more that the Bush administration's budget request. The Centers for Disease Control would also receive $6.4 billion under this bill which is $444 million more than the administration's request. It is imperative that we continue to invest in our Nation's health and research facilities as their work will save and improve the lives of millions of Americans.

I am proud that this bill also provides $8 million for the initial implementation of the Patient Navigator, Outreach, and Chronic Disease Prevention Act of 2005, which President Bush signed into law in 2005. I sponsored this legislation when I was in the House of Representatives in order to improve health outcomes by helping patients, including patients in underserved communities, to overcome barriers they face in getting early screening and appropriate followup treatment. This funding will help get people in to see a doctor before symptoms develop, so we can catch diseases such as cancer or diabetes early. Then we can get patients in to treatment early, which means they'll have a better chance of survival and the health care costs will be lower. I know that this funding, and the health provisions in this Labor, Health and Human Services appropriations bill, will truly help to save lives.

This legislation is critical and makes a strong commitment to our Nation's future. This legislation will bolster our commitment to the education, health and well-being of our Nation's workforce.

## TRIBUTE TO DIANE BAHRENBURG

Mr. LEAHY. Mr. President, I would like to pay tribute to one of Vermont's outstanding teachers, Diane Bahrenburg, who last month was named the 2008 Vermont Teacher of the Year. Diane is an English teacher at Colchester High School in Vermont, where she has taught since 1979. I recently had the opportunity to meet Diane in my Washington office, and I was impressed with her intellect, her passion for teaching, and her commitment to the students of Colchester High School. As we talked about her classes and students, it was evident how much Diane cares about teaching.

In being chosen as Vermont's Teacher of the Year, Diane will have the opportunity to visit schools throughout our State and others around the country. Her travels will allow her to work with other teachers, sharing and discussing the methods that have helped her become so successful. Hopefully she will share with all of us how she has been able to balance the everyday demands of teaching in the classroom, with the work she has done as an adjunct instructor at Johnson State College and UVM, acting as the Vermont debate-forensics lead coach at Colchester High School, and being a parent.

We all know that teaching is a hard job. And it is a crucial job an indispensable link between our young people and their futures, as well as our Nation's future. The opportunities for recognition of teachers' accomplishments are too few and too far between. So I am so pleased that Diane is being recognized for all she has done over three decades, day in and day out, to educate our children and to make a constructive difference, one child at a time. Teachers are the instrument by which we measure the success of our schools. The knowledge, skill, and experience of teachers like Diane are exactly what we need in each and every one of our classrooms.

We are fortunate in Vermont. I continue to be impressed by the high level of achievement of Vermont's students and the academic gains that have been made because of the strong and committed efforts of teachers like Diane. In spite of the countless hours spent sorting through the maze of No Child Left Behind requirements, our teachers are able to inspire students to look beyond tests and find the true lessons of the classroom.

As an alumnus of St. Michael's College in Vermont, I would be remiss if I failed to note that Diane received her master's in education degree from St. Michael's College in 2000. I believe that she embodies the core principles of the college's education programs with her skill in maintaining an inclusive classroom, while keeping a balance between challenge and support and between individual and community. Diane is a model teacher, and after decades of teaching, she is incredibly worthy of this recognition. Diane, again I say thank you for all that you do, and on behalf of the Senate, we say congratulations.

## ADDITIONAL STATEMENTS

## TRIBUTE TO DAVID TAWEI LEE

• Mr. BAUCUS. Mr. President, I would like to acknowledge the service of Representative David Tawei Lee, who has given nearly 3 years of exceptional service as Taiwan's principal representative to the United States. Representative Lee recently departed Washington, DC, to take on his next assignment as Taiwan's Representative to Canada. He leaves behind a legacy of friendship, prosperity, and understanding.

When Representative Lee arrived in Washington, he came equipped with a wealth of experience and insight. A foremost expert on U.S.-Taiwan relations, Mr. Lee has studied, written, and published on U.S.-Taiwan political and economic ties, including the development of the Taiwan Relations Act. I believe Representative Lee will be remembered not only for his excellent knowledge of history but also for his accomplishments.

While serving in Washington, Representative Lee dedicated his energy, intelligence, and spirit to expanding Taiwan-American ties. He raised the cultural and political profile of Taiwan and its people with cultural and education programs. To enhance our economic ties, Representative Lee oversaw the successful acceleration of our bilateral Trade and Investment Agreement talks. And he worked tirelessly to raise awareness of the benefits of a potential U.S.-Taiwan Free Trade Agreement. In these areas alone, he has left a legacy of which he should take pride.

Representative Lee's dedication and efforts were also felt far beyond our Nation's Capital. Three years ago, I was delighted to personally welcome Mr. Lee to my home State of Montana. There he witnessed Big Sky Country in all of its glory, making friends with hospitable and generous Montanans. But together we also saw the deep and healthy roots of the Montana-Taiwan economic relationship. At its core are Montana's finest agricultural products, which have long found their way to Taiwanese dinner tables and bakeries. Today, Taiwan purchases over 30 million bushels of Montana wheat annually. Our fine Montana beef is also in demand. This relationship benefits families in both Montana and Taiwan. And I hope it will continue to grow stronger.

It has truly been a pleasure to work with Representative Lee. His personal touch to everything he did will not be forgotten. And the value of his contributions will be remembered for many years to come. I wish him luck in all of his future endeavors.●

## TRIBUTE TO LOUISIANA WWII VETERANS

● Ms. LANDRIEU. Mr. President, I would like to take a moment to pay tribute to a group of 94 World War II veterans from Louisiana that is making its way to Washington this weekend. Here the veterans will visit the World War II, Korea, Vietnam and Iwo Jima memorials as well as Arlington National Cemetery to lay a wreath at the Tomb of the Unknowns.

The trip to the Nation's Capital this Saturday is being sponsored by a group in Lafayette, LA, called Louisiana HonorAir. The organization is honoring each surviving World War II Louisiana veteran by giving them a chance to see the memorials dedicated to their service. So far this year, there have been three trips to these Washington memorials and two more are planned, including this one.

World War II was the deadliest conflict in our history. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American service members were slain during the long war.

In Louisiana, there remain today about 44,000 living World War II veterans, and every one of them has their own heroic tale of their experience in achieving the noble victory of freedom over tyranny.

One of our veterans traveling for his first time to Washington is Frank Menard from Lafayette. Originally from Youngsville, he was drafted into the Army in 1942 at 21 years old and trained at Camp Claiborne in Rapides Parish. In 1943, he was sent to England as part of the Army's 101st Airborne Division, serving as a driver and a mechanic. He participated in many battles with the Nazis during his 3 years in Europe, including the Battle of Normandy, where an enemy artillery shell struck his truck, and the Battle of the Bulge, which severely crippled German forces. His French and German language skills helped him gather intelligence about enemy plans. During the Battle of the Bulge, he took a pregnant Belgian woman whose toes had been shot off by the Germans to an American hospital, saving her life. When he returned to Louisiana after the war, Frank used his mechanics skills to become a union electrician in Lake Charles and Lafayette, where he settled.

I ask the Senate to join me in honoring Frank Menard, the other 93 Louisiana heroes we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.●

## IN HONOR OF REVEREND WALLACE S. HARTSFIELD

● Mrs. McCASKILL. Mr. President, I ask the Senate to join me today in honoring Rev. Dr. Wallace S. Hartsfield, a much-loved member of the Kansas City community. Reverend Hartsfield will soon retire after 40 years as the senior pastor of Metropolitan Missionary Baptist Church. He has served as Metropolitan's pastor since 1972 with the support of his wife Matilda and their four children. Prior to that, he held pastoral positions in South Carolina, Georgia, Florida, and Kansas.

Reverend Hartsfield's distinguished career in the ministry has touched thousands in Missouri. As the ambassador for his church, he has graced pulpits across the country bringing words of hope to the masses. He is a respected servant-leader of many organizations including the National Baptist Convention of America, Inc.; National Baptist Convention, USA; Congress of National Black Churches and the General Baptist State Convention of Missouri, Kansas, and Nebraska.

He has expanded his ministry as a community advocate. Reverend Hartsfield has spent much of his life speaking up for those whose voices are ignored on the subjects of civil rights, health care, education, crime and safety, and economic development. One of his bravest acts occurred in 1964 when five department stores in downtown Kansas City refused to allow African Americans to try on clothes, use the restrooms, drink at the water fountains, or eat at the lunch counters. Reverend Hartsfield organized a boycott and marched on the stores. Eventually African Americans were allowed to patronize these stores but it was not without the personal intervention of this inspirational leader.

His service has afforded him a seat at many tables where he has proven to be a skillful diplomat and a cunning negotiator. Reverend Hartsfield has worked on countless boards including those of the Jazz District Redevelopment Corporation, Greater Kansas City Community Foundation, Missouri Highway and Transportation Commission, and Kansas City Interfaith Council.

Reverend Hartsfield has a bachelor's degree in elementary education and minor degrees in religion and psychology from Clark College in Atlanta, GA. He also holds a bachelor and master of divinity from Gammon Theological Seminary in Atlanta. Dr. Hartsfield has served as an adjunct professor and guest lecturer at numerous colleges and universities across the Nation.

Reverend Hartsfield has been a mentor to many, from pastors to politicians. He continues to provide wise counsel to those who want to make a difference in the world. He also has the ability to identify hidden treasures in those who have not been afforded an opportunity to thrive. This precious gift has been the catalyst for many to realize their dreams.

For 40 years, the members of Metropolitan have been blessed to have this powerful leader at the helm. Reverend Hartsfield has worked hard and he has earned the opportunity to step back. However, we know his work is not yet done. He will continue shaping lives, communities and destinies for years to come.

During one of the many times he was honored for his good works it was said:

> Wallace Hartsfield does battle with all the dark forces that would keep us from knowing and loving one another. With his Bible and his passion for justice and his rock-ribbed integrity, Reverend Wallace Hartsfield leads us to the high moral ground where all God's children sit down together as family at the table of peace and delight.

No truer words could be spoken.●

## REMEMBERING WYNN SPEECE

● Mr. THUNE. Mr. President, today I recognize the passing of Wynn Speece.

Wynn passed away on October 22, at Avera Sacred Heart Hospital in Yankton, SD, at the age of 90.

Many will remember Wynn as the "Neighbor Lady" from her WNAX talk radio show. For 64 years her voice came into the homes of countless Midwestern families. Her household tips, recipes, and personal anecdotes will be missed not only by South Dakotans but also by her many listeners throughout the Midwestern region.

Wynn grew up in Marshalltown, IA, where she took a special interest in home economics and theater. Upon her graduation from high school, she continued her education at Drake University where she majored in speech with a broadcasting emphasis. After her graduation in 1939, she took a job writing commercials for WNAX in Yankton, SD. It took 2 years of writing before WNAX gave Wynn her very own show. From the first show she was an instant success, and that success would follow the "Neighbor Lady" for the next 64 years.

Wynn won several awards for outstanding radio work. She was presented with the prestigious Marconi Award for "Best Small-Market Radio Personality" and was named one of the top 10 Yankton citizens of the 20th century by the Yankton Press and Dakotan. Not only was Wynn a celebrated radio host, but she also worked hard to make a positive impact on the community of Yankton. Her local involvement and selfless giving earned Wynn the 1991 Yankton Community Citizen of the Year Award.

Wynn Speece was an extraordinary woman and a great South Dakotan who will be greatly missed by all who knew her.●

## REMEMBERING CAROLE HILLARD

● Mr. THUNE. Mr. President, today I recognize the passing of Carole Hillard, former Lieutenant Governor of South Dakota. Carole Hillard was a gracious woman with an authentic and deeply held passion for public service.

Ms. Hillard was born August 14, 1936, in Deadwood, SD. She attended the University of Arizona and received a degree in education in 1957. She received a master's degree in education from South Dakota State University in 1982 and a master's degree in political science from the University of South Dakota in 1984.

As the mother of five children, David, Sue Ellen, Todd, Eddie, and Lornell, she possessed the practical knowledge to connect with the needs of South Dakotans as she served on the South Dakota Board of Charities and Corrections, the Rapid City United Way Campaign, the South Dakota Children's Home Society, and as the first woman president of the Rapid City Council.

She was elected to the South Dakota House of Representatives in 1991 and served until 1994, at which point she became the first female Lieutenant Governor in South Dakota. From 1995 until 2003, Ms. Hillard graciously presided over the Senate and memorably seemed initially surprised when State Senators on the Senate floor formally referred to her as "Madam President." Her career in public service and the impact she had did not go unnoticed, as she won many awards in her lifetime, including the 1987 Public Service Award, the 1988 Governor's Outstanding Citizen Award, the 1993 South Dakota Outstanding Women Award, and induction into the South Dakota Hall of Fame in 2007.

Not only has she accomplished much for the State of South Dakota but she has also accomplished much on the international level. In recent years, Carole Hillard was an international consultant traveling on behalf of the U.S. Department of State. Ms. Hillard completed assignments to 67 countries such as Panama, the Czech Republic, San Salvador, Bosnia, and Africa. Recently, she also helped bring to life a skill-building workshop for residents of Kabul, Afghanistan, and supervised the January 2007 elections in the West Bank.

Carole Hillard's life accomplishments are truly remarkable. Her positive outlook on life, her integrity, and her warm personality truly embodied a woman whose passion was the betterment of humankind. While Ms. Hillard is no longer with us, her legacy of service to the people of South Dakota and her diligent work on the promotion of democracy and economic development will not be forgotten.●

## MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on October 24, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 995. An act to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bill was signed on October 24, 2007, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

## MESSAGES FROM THE HOUSE

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 505. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

H.R. 1483. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

At 5:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3963. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1483. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; to the Committee on Energy and Natural Resources.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3564. An act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 505. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

H.R. 3963. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

S. 2233. A bill to provide a permanent deduction for States and local general sales taxes.

S. 2234. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 2242. An original bill to amend the Trade Act of 1974 to establish supplemental agricultural disaster assistance and to amend the

Internal Revenue Code of 1986 to provide tax incentives for conservation and alternative energy sources and to provide tax relief for farmers, and for other purposes (Rept. No. 110–206).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment and with an amended preamble:

S. Res. 346. A resolution expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 347. A resolution designating May 2008 as "National Be Bear Aware and Wildlife Stewardship Month".

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

**The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:**

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2229. A bill to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 2230. A bill to amend title VIII of the Public Health Service Act to expand the nurse student loan program, to establish grant programs to address the nursing shortage, to amend title VII of the Higher Education Act of 1965 to provide for a nurse faculty pilot project, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (by request):

S. 2231. A bill to authorize the Secretary of the Interior to strengthen cooperative conservation efforts and to reduce barriers to the use of partnerships to enable Federal natural resource managers to meet their obligations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. MURKOWSKI, and Mr. AKAKA):

S. 2232. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes; to the Committee on Indian Affairs.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. ALEXANDER, and Mr. CORKER):

S. 2233. A bill to provide a permanent deduction for States and local general sales taxes; read the first time.

By Mr. CORNYN (for himself and Mr. ROBERTS):

S. 2234. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses; read the first time.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2235. A bill to designate the facility under development by the Stanislaus Ag Center Foundation, in Stanislaus County, California, as the National Ag Science Center; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER:

S. 2236. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to provide additional limitations on preexisting condition exclusions in group health plans and health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 2237. A bill to fight crime; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. SCHUMER, Mr. INOUYE, and Mr. SPECTER):

S. 2238. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 2239. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 2240. A bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2241. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public land under the jurisdiction of those agencies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2242. An original bill to amend the Trade Act of 1974 to establish supplemental agricultural disaster assistance and to amend the Internal Revenue Code of 1986 to provide tax incentives for conservation and alternative energy sources and to provide tax relief for farmers, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. SPECTER (for himself and Mr. WYDEN):

S. 2243. A bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes; to the Committee on Foreign Relations.

By Mr. REID (for Mrs. CLINTON):

S. 2244. A bill to require the Secretary of Health and Human Services to carry out demonstration projects and outreach programs for the identification and abatement of lead hazards, to establish the Joint Task Force on Lead-Based Hazards and the Task Force on Children's Environmental Health and Safety, to strengthen the authority of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Finance .

By Mr. DURBIN:

S. 2245. A bill to establish a commission to ensure food safety in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

**The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:**

By Mr. DURBIN (for himself and Mr. SANDERS):

S. Res. 356. A resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

### S. 367

**At the request of Mr. DORGAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.**

### S. 450

**At the request of Mr. LEAHY, his name was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.**

### S. 591

**At the request of Mr. CHAMBLISS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 591, a bill to amend the Food Stamp Act of 1977 to adjust for inflation the allowable amounts of financial resources of eligible households and to exclude from countable financial resources certain retirement and education accounts.**

### S. 627

**At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.**

### S. 805

**At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health**

professionals in sub-Saharan Africa, and for other purposes.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 906

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 906, a bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1161

At the request of Mr. CRAIG, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1275

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1382

At the request of Mr. REID, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1843

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1843, supra.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1946

At the request of Mr. LEAHY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1946, a bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 2033

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2033, a bill to provide for greater disclosure to, and empowerment of, consumers who have entered into a contract for cellular telephone service.

S. 2054

At the request of Mr. BROWN, his name was added as a cosponsor of S. 2054, a bill to authorize the Secretary of Housing and Urban Development to make grants to assist cities with a vacant housing problem, and for other purposes.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2070

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2070, a bill to prevent Government shutdowns.

S. 2099

At the request of Mr. SALAZAR, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2172

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S. 2187

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2187, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care workforce development initiatives, and for other purposes.

S. 2228

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2228, a bill to extend and improve agricultural programs, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S.J. Res. 22, supra.

S. CON. RES. 51

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Con. Res. 51, a concurrent resolution supporting "Lights On Afterschool!", a national celebration of after school programs.

S. RES. 346

At the request of Mr. INHOFE, his name was added as a cosponsor of S. Res. 346, a resolution expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes.

AMENDMENT NO. 2631

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 2631 proposed to H.R. 976, an act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2229. A bill to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range; to the Committee on Energy and Natural Resources.

Mr. BARRASSO. Mr. President, I rise because today is Wyoming's day, literally. It is a long awaited day, a day that is special, a day that is as special as the mountain range that this day centers on, and as special as the State for which this mountain range is named.

This is a day of which I am proud to be a part, joining with the strong majority of Wyoming people who want the legislation I am introducing. It is the Wyoming Range Legacy Act of 2007.

Energy development is a proud part of Wyoming, and it is an important part of our Nation. But equal to that energy heritage is tourism and recreation—also a proud part of Wyoming and an important part of this Nation.

Wyoming is special. Reflecting both aspects of our economy, our people want a special balance between 2 of our top industries: Energy and tourism and recreation.

Some of Wyoming's significant and important energy contributions to this great Nation encompass thousands of acres for our natural gas and energy fields. Meanwhile, independent and strong stands an isolated mountain range 100 miles long and 12,000 feet high. This range is named for our great State. It is that independent and wild mountain range—the Wyoming Range—that I want to focus on today, and well into the future, for the best future for Wyoming and for our people.

As leaders, there are things we do, defining actions, actions that go well beyond everyday issues. They surmount the daily noise and the disagreements, and they rise to the level of something else: It is to doing the right thing.

Today goes beyond the average day for Wyoming. As I said, today is Wyoming's day. It is a great day because it is today that a bill is introduced that will keep this special place on the map for tourism, for recreation, and for sportsmen forever.

We, as a State—the Governor and I—come together, cooperatively, to join in the memory of our dear friend Craig Thomas to finish his work, to keep and enhance the tourism, recreation, hunting, and sportsmen economy of the Wyoming Range, to preserve a key part of Wyoming's heritage.

This legislation, this initiative Craig Thomas was ready to introduce the week he passed goes to the very heart and soul of the great State of Wyoming. Indeed, this is a place where the heart and the soul of Wyoming run free and run wild.

This is 1.2 million acres for Wyoming tourism, sportsmen, and recreationists. This will mean that new, future leasing for oil and gas will be welcomed elsewhere in the State, and the Wyoming Range will remain in the recreational-based economy that now exists.

For those leases that have already been issued, this legislation provides a process for groups or individuals who are focused on conservation to buy back the value of those leases under voluntary purchase, and then retire them forever.

We all must recognize that the issued leases do have a value because they are now legal property. At the same time, we can encourage all at the table—leaders, conservationists, and the private sector—to work toward doing the right thing. That process is now appropriately outside of the legislation and is ongoing.

For the recently issued leases that amount to some 44,000 acres, I have great confidence we will be able to work out creative solutions with respect on all sides.

But let us look at the bigger picture in this bill, with emphasis on an important, central point: What was the last bold move for Wyoming tourism? I proudly say, 1.2 million acres for Wyoming tourism, for Wyoming sportsmen, and for Wyoming outfitters and guides—all of whom contribute millions to our economy.

This is not a bill that "locks up" land. To the contrary, it is a bill for economic prosperity, for recreation, and for tourism. What we do in this important piece of legislation is to recognize an economic base and then enhance it. Let me repeat—because this is a very important point—we are taking the existing economic base and enhancing it in the Wyoming Range.

The Wyoming Range is a recreational-based economic zone. Yes, there are symbolic reasons for this initiative. It is the Wyoming Range, after all. But there is hard math at the core of this legislation. Tourism and recreation in our Wyoming economy matters. And doing the right thing matters. It matters for future generations of Wyoming people who will someday hunt and fish and hike in these mountains. It is also a place where Wyoming's agricultural industry has thrived for years. With this legislation, grazing and Wyoming's cowboy heritage will continue to thrive.

I want to read you something from 1961 that still applies very much today. It goes to the heart of maintaining proper balance and multiple use of our land:

> Another factor in maintaining balance involves the element of time. As we peer into society's future, we—you and I, and our government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without asking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.

Those words were spoken by President Dwight Eisenhower in his final address as he left the Presidency. The children who were listening to his words back then are now grown and have grandchildren of their own.

The Wyoming Range—the range named for our beloved State—has symbolic meaning, inherent values. It is the heart and the soul of a great State, a spiritual heritage, now a physical reality.

Mr. President, today is Wyoming's day, for the Wyoming range, and for the people who love it.

By Mr. BIDEN:

S. 2230. A bill to amend title VIII of the Public Health Service Act to expand the nurse student loan program, to establish grant programs to address the nursing shortage, to amend title VII of the Higher Education Act of 1965 to provide for a nurse faculty pilot project, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, today I am honored to introduce the Nursing Education Opportunities Act. This bill seeks to help alleviate both the nursing shortage faced in hospitals and clinics throughout the country, as well as the faculty shortage in nursing schools that constrains the number of new nurses who can be trained to fill the vacancies in our health facilities.

As most people who have heard me talk about health care know, nurses have a soft spot in my heart. In 1987, I was stricken with a brain aneurysm and spent months recovering at Walter Reed Hospital. The surgeons who operated on me were spectacular and I can never thank them enough. But the nurses who took care of me during my stay at Walter Reed were the embodiment of absolute comfort and unquestioning kindness. Along with the top notch medical care they provided me, the nurses at Walter Reed literally breathed life back into my lungs, washed me, brushed my teeth and went on search missions for the most comfortable pillows available. As I often say, if there are any angels in heaven, they must be nurses.

Unfortunately, right now our country is facing a nursing shortage. The American Hospital Association reported in July 2007 that United States hospitals had an estimated 116,000 registered nurse vacancies as of December 2006. Despite the nurse shortage and efforts to increase the pool of qualified nurses, schools of nursing struggle to increase student capacity. According to the American Association of Colleges of Nursing, AACN, the U.S. nursing schools turned away nearly 43,000 qualified applicants in 2006 primarily due to an insufficient number of faculty.

AACN reported in July 2006, a total of 637 faculty vacancies at 329 nursing schools with baccalaureate or graduate programs, or both, across the Nation. Besides the vacancies, schools cited the need to create an additional 55 faculty positions to accommodate student demand. Most of the vacancies, approximately 53.7 percent, were faculty positions requiring a doctoral degree.

The average ages of doctorally prepared nurse faculty holding the ranks of professor, associate professor and assistant professor are 58.6, 55.8, and 51.6 years, respectively. Considering the average age of nurse faculty at retirement is 62.5 years, a wave of nurse faculty retirements is expected in the next decade. In fact, in 2007 the Association of Academic Health Centers surveyed chief executive officers from academic health centers regarding faculty shortages across various health professions. The CEOs rated the nursing faculty shortage as the most severe of all health professions with 81 percent noting the nursing faculty shortage as a problem.

To address this nurse faculty shortage and to get more nurses trained, this bill provides three mechanisms to increase the number of and access to nurse faculty.

First, the bill establishes a grant program to help schools establish doctoral nursing programs. Right now, there are 8 States, including my home State of Delaware, which do not have a doctoral nursing program in their State. This bill allows eligible schools to receive a grant up to $2,000,000 to be used to establish a doctoral degree program. The funds can be used to hire administrators, faculty and staff; retain current faculty; develop doctoral curriculum; repair and expand infrastructures; purchase additional equipment; develop and enhance clinical laboratories; recruit students; establish technology infrastructures; and other investments deemed necessary.

Second, this bill establishes a doctoral nursing consortia pilot project to provide grants to partnerships of schools to allow them to share doctoral faculty and programmatic resources. This would allow schools with a shortage of faculty at the doctoral level to partner with other schools to provide proper education for their students. These grants can be awarded up to $500,000 and can be used to establish technology infrastructures; develop shared doctoral curriculum; hire faculty and staff; retain current faculty; provide travel stipends for nursing faculty who agree to teach nursing courses at consortium schools; provide scholarships for post-doctoral fellows who agree to teach a nursing course within the nursing doctoral curriculum; provide collaborative networks for nursing research; and other investments determined necessary.

Third, I am pleased to include a nurse faculty pilot project that was part of the Nurse Faculty Higher Education Act introduced in the House of Representatives by Representative CAROLYN MCCARTHY. This pilot project would provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to fund release time for qualified nurse employees so they can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty. In short, this will make it easier for nurses to pursue an advanced degree by allowing them to work part time and retain some of their salary. Many nurses currently cannot afford to leave their jobs to go back to school because they would lose their salaries.

In addition to these three provisions, the bill also amends the Public Health Service Act to provide that, in the case of a nurse faculty shortage, the Secretary of Health and Human Services may obligate more than 10 percent of traineeships through the Advanced Education Nursing Grants for individuals in doctoral degree nursing programs. This is important to help advance nursing education and allow greater funding opportunities for doctoral students.

But while this bill focuses heavily on increasing the number of nurse faculty to allow nursing schools to train more nurses, it also seeks to help nursing students as well.

First, the bill explicitly includes accelerated degree nursing students as eligible for financial assistance through nursing programs in the Public Health Service Act, including the Nursing Student Loan Program. To address the shortage of qualified nurses, schools of nursing have developed accelerated, second-baccalaureate degree programs in nursing. Students in accelerated degree programs are those with a baccalaureate degree in another field who have decided to return to school to get a degree in nursing. The students in these programs have difficulty securing federal funding as this program category is not easily defined. Accelerated nursing degree programs are not typical 4-year baccalaureate degree programs, as they take between 1 and 2 years to complete. However, they are becoming increasingly popular. In 2005, these programs graduated 3,769 students. In 2006 they graduated 5,236—an additional 1,467 nursing graduates in a single year. Hospitals and other health facilities like hiring graduates from accelerated nursing degree programs because they often have demonstrated a record of success and work-ethic that facilitates a more rapid and smooth transition in to the highly complex health care environment. Accelerated nursing degree students are a critical element to meeting this country's nursing needs.

Additionally, it is time to raise the yearly loan amounts available to all nursing students through the Nursing Student Loan Program. This important program, which provides long-term, low interest-rate loans to full-time and half-time financially needy students pursuing a course of study leading to a diploma, associate, baccalaureate or graduate degree in nursing, has not adjusted the maximum yearly loan amounts available for over a decade. Currently, a student can receive a maximum yearly loan of $2,500 for their first 2 years in a nursing school and $4,000 per year during their second 2 years. This bill would adjust these totals to $4,400 in the first 2 years and $7,000 in the second 2 years, respectively. It is time to raise the yearly loan amounts, as the cost of tuition at nursing schools has increased substantially over the past decade.

It is imperative that we in Congress act to help alleviate the nursing shortage and the nurse faculty shortage in this country. Nurses comprise the largest segment of health care providers in this country and they are crucial in ensuring the quality of care that Americans receive. I believe the initiatives contained in the Nursing Education Opportunities Act can help reduce these shortages. The American Academy of Nursing, American Association of Colleges of Nursing, American Nephrology Nurses' Association, American Nurses Association, American Organization of Nurse Executives, Association of Women's Health, Obstetric and Neonatal Nurses and the National League for Nursing all support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2230

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing Education Opportunities Act".

### SEC. 2. FINDINGS.

Congress finds the following:

(1) The American Hospital Association reported in July 2007 that United States hospitals need approximately 116,000 registered nurses to fill vacant positions nationwide.

(2) To address the shortage of qualified nurses, schools of nursing have developed accelerated, second-baccalaureate degree programs in nursing. In 2005, these programs graduated 3,769 students. The number of accelerated degree graduates in 2006 was 5,236. This is an additional 1,467 nursing graduates in 1 year.

(3) Despite the nurse shortage and efforts to increase the pool of qualified nurses, schools of nursing struggle to increase student capacity. According to the American Association of Colleges of Nursing (referred to in this Act as the "AACN"), United States nursing schools turned away nearly 43,000 qualified applicants in 2006 primarily due to an insufficient number of faculty.

(4) The AACN reported in July 2006, a total of 637 faculty vacancies at 329 nursing schools with baccalaureate or graduate programs, or both, across the Nation. Besides the vacancies, schools cited the need to create an additional 55 faculty positions to accommodate student demand. Most of the vacancies (53.7 percent) were faculty positions requiring a doctoral degree.

(5) In 2007, the Association of Academic Health Centers surveyed chief executive officers (CEOs) from academic health centers regarding faculty shortages across various health professions. The CEOs rated the nursing faculty shortage as the most severe of all health professions with 81 percent noting the nursing faculty shortage as a problem.

(6) The average ages of doctorally-prepared nurse faculty holding the ranks of professor, associate professor, and assistant professor are 58.6, 55.8, and 51.6 years, respectively. Considering the average age of nurse faculty at retirement is 62.5 years, a wave of nurse faculty retirements is expected in the next decade.

(7) Master's and doctoral programs in nursing are not producing a large enough pool of potential nurse educators to meet the demand. In 2006, the AACN found that graduations from doctoral nursing programs were up by only 1.4 percent from the previous academic year.

(8) Nurses are vital to the Nation's health care delivery system. Due to the nurse shortage, patient safety and quality of care are at risk. Given the findings described in paragraphs (1) through (7), measures must be taken to address the nurse shortage and nursing faculty shortage.

### SEC. 3. NURSING STUDENT LOAN PROGRAM.

Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

(1) in section 835(b)(4), by inserting "(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree or a master's degree as an entry level nursing degree)" after "graduate degree in nursing"; and

(2) in section 836—

(A) in subsection (a)—

(i) by striking "$2,500" and inserting "$4,400";

(ii) by striking "$4,000" and inserting "$7,000"; and

(iii) by striking "$13,000" and inserting "$22,900"; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting "(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree or a master's degree as an entry level nursing degree)" after "graduate degree in nursing"; and

(ii) in paragraph (2), by inserting "(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree)" after "equivalent degree".

### SEC. 4. ACCELERATED NURSING DEGREE PROGRAMS.

Section 801(3) of the Public Health Service Act (42 U.S.C. 296(3)) is amended by inserting "(including an accelerated nursing degree program)" before "and including".

### SEC. 5. ADVANCED EDUCATION NURSING GRANTS.

Section 811(f)(2) of the Public Health Service Act (42 U.S.C. 296j(f)(2)) is amended by striking the period at the end and inserting ", except in the case of a nurse faculty shortage, the Secretary may, in the Secretary's discretion, obligate more than 10 percent of such traineeships for individuals in doctoral degree programs.".

### SEC. 6. GRANT PROGRAM FOR DOCTORAL NURSING PROGRAMS.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

### "SEC. 832. GRANT PROGRAM FOR DOCTORAL NURSING PROGRAMS.

"(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enable the eligible entities to establish doctoral nursing degree programs.

"(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity that is 1 of the 'eligible entities' as such term is defined in section 801.

"(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(d) SELECTION OF GRANT RECIPIENTS.—Not later than 6 months after the date of enactment of the Nursing Education Opportunities Act, the Secretary shall establish requirements and procedures for the administration of grants under this section and procedures for selecting grant recipients. In awarding grants under this section, the Secretary shall consider the following:

"(1) DOCTORAL NURSING PROGRAM DISTRIBUTION.—Providing priority to eligible entities located in States in which there are no doctoral nursing degree programs.

"(2) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

"(3) RURAL AND URBAN AREAS.—Distributing such grants to rural and urban areas.

"(4) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Whether the eligible entity has demonstrated—

"(A) prior experience in, or exceptional programs for, the preparation of baccalaureate prepared nurses or master's prepared nurses; and

"(B) an interest in establishing a doctoral nursing degree program.

"(e) GRANT AMOUNT.—Each grant awarded under this section shall be equal to not more than $2,000,000.

"(f) GRANT DURATION.—A grant awarded under this section shall be for a period of not more than 5 years.

"(g) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant funds to establish a doctoral nursing degree program, including—

"(1) hiring administrators, faculty, and staff;

"(2) retaining current faculty;

"(3) developing doctoral curriculum;

"(4) repairing and expanding infrastructures;

"(5) purchasing educational equipment;

"(6) developing and enhancing clinical laboratories;

"(7) recruiting students;

"(8) establishing technology infrastructures; and

"(9) other investments determined necessary by the eligible entity for the development of a doctoral nursing degree program.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $40,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

### SEC. 7. DOCTORAL NURSING CONSORTIA PILOT PROJECT.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.), as amended by section 6, is further amended by adding at the end the following:

### "SEC. 833. DOCTORAL NURSING CONSORTIA PILOT PROJECT.

"(a) PURPOSE.—The purpose of the pilot project under this section is to provide grants to partnerships of eligible entities to establish consortia to enhance and expand the availability of doctoral nurse faculty and education by enabling the partners involved to share doctoral faculty and programmatic resources so that the nursing faculty shortage does not further inhibit the preparation of future nurses or nurse faculty.

"(b) IN GENERAL.—The Secretary shall award grants to partnerships of eligible entities to enable the partnerships to establish doctoral nursing consortia.

"(c) DEFINITIONS.—In this section:

"(1) DOCTORAL NURSING CONSORTIUM.—The term 'doctoral nursing consortium' means a partnership that includes 2 or more of—

"(A) eligible entities within the same State;

“(B) eligible entities within different States; or

“(C) eligible entities establishing a doctoral nursing program.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ has the meaning given the term in section 832(b).

“(d) APPLICATION.—A partnership of eligible entities that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such partnership may apply for a grant under this section each year of the pilot project.

“(e) SELECTION.—Not later than 6 months after the date of enactment of the Nursing Education Opportunities Act, the Secretary shall establish requirements and procedures for the administration of grants under this section and procedures for selecting grant recipients.

“(f) CONSIDERATION IN MAKING AWARDS.—In awarding grants under this section, the Secretary shall consider the following:

“(1) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Eligible entities that have demonstrated prior experience in, or exceptional programs for, the preparation of—

“(A) doctorally prepared nursing faculty and nursing researchers; and

“(B) baccalaureate prepared nurses or master's prepared nurses.

“(2) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

“(3) RURAL AND URBAN AREAS.—Distributing such grants to rural and urban areas.

“(4) NEW GRANTEES.—Awarding grants to eligible entities that have not previously received a grant under this section.

“(g) GRANT AMOUNT.—The Secretary shall determine the amount of each grant awarded under this section based on the purpose of this section, which amount shall not be more than $500,000.

“(h) USE OF FUNDS.—A partnership of eligible entities that receives a grant under this section shall use the grant funds to establish a doctoral nursing consortium that shall share doctoral faculty and programmatic resources, such as—

“(1) establishing technology infrastructures;

“(2) developing shared doctoral curriculum;

“(3) hiring faculty and staff;

“(4) retaining current faculty;

“(5) providing travel stipends for nursing faculty who agree to teach nursing courses at another eligible entity within the doctoral nursing consortium;

“(6) providing scholarships for post-doctoral fellows who agree to teach a nursing course within the nursing doctoral consortium;

“(7) providing collaborative networks for nursing research; and

“(8) other investments determined necessary by the eligible entities for use within the doctoral nursing consortium.

“(i) GRANT DURATION.—The pilot project under this section shall be for a period of not more than 5 years.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $10,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

### SEC. 8. NURSE FACULTY PILOT PROJECT.

Title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.) is amended by adding at the end the following:

## “PART F—NURSE FACULTY PILOT PROJECT

### “SEC. 781. PURPOSES.

“The purposes of this part are to create a pilot program—

“(1) to provide scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program; and

“(2) to provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to fund release time for qualified nurse employees, so that those employees can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty.

### “SEC. 782. ASSISTANCE AUTHORIZED.

“(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may, on a competitive basis, award grants to, and enter into contracts and cooperative agreements with, partnerships composed of an accredited school of nursing at an institution of higher education and a hospital or health facility to establish not more than 5 pilot projects to enable such hospital or health facility to retain its staff of experienced nurses while providing a mechanism to have these individuals become, through an accelerated nursing education program, faculty members of an accredited school of nursing.

“(b) DURATION; EVALUATION AND DISSEMINATION.—

“(1) DURATION.—Grants under this part shall be awarded for a period of 3 to 5 years.

“(2) MANDATORY EVALUATION AND DISSEMINATION.—Grants under this part shall be primarily used for evaluation, and dissemination to other institutions of higher education, of the information obtained through the activities described in section 781(2).

“(c) CONSIDERATIONS IN MAKING AWARDS.—In awarding grants and entering into contracts and cooperative agreements under this section, the Secretary shall consider the following:

“(1) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

“(2) RURAL AND URBAN AREAS.—Distributing such grants to urban and rural areas.

“(3) RANGE AND TYPE OF INSTITUTION.—Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education.

“(4) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Institutions of higher education with demonstrated prior experience in providing advanced nursing education programs to prepare nurses interested in pursuing a faculty role.

“(d) USES OF FUNDS.—Funds made available by grant, contract, or cooperative agreement under this part may be used—

“(1) to develop a new national demonstration initiative to align nursing education with the emerging challenges of healthcare delivery; and

“(2) for any 1 or more of the following innovations in educational programs:

“(A) To develop a clinical simulation laboratory in a hospital, health facility, or accredited school of nursing.

“(B) To purchase distance learning technologies.

“(C) To fund release time for qualified nurses enrolled in the graduate nursing program.

“(D) To provide for faculty salaries.

“(E) To collect and analyze data on educational outcomes.

### “SEC. 783. APPLICATIONS.

“Each partnership desiring to receive a grant, contract, or cooperative agreement under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include assurances that—

“(1) the individuals enrolled in the program will be qualified nurses in pursuit of a master's or doctoral degree in nursing and have a contractual obligation with the hospital or health facility that is in partnership with the institution of higher education;

“(2) the hospital or health facility of employment would be the clinical site for the accredited school of nursing program;

“(3) individuals will also maintain their employment on a part time basis to the hospital or health facility that allowed them to participate in the program, and will receive an income from the hospital or health facility, as a part time employee, and release times or flexible schedules to accommodate the individuals' class schedules; and

“(4) upon completion of the program, an individual agrees to teach for 2 years in an accredited school of nursing for each year of support the individual received under this program.

### “SEC. 784. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated for this part not more than $10,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.

### “SEC. 785. DEFINITION.

“For purposes of this part, the term ‘health facility’ means an Indian Health Service health service center, a Native Hawaiian health center, a hospital, a Federally qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, or ambulatory surgical center.”.

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By Mr. BINGAMAN (by request):

S. 2231. A bill to authorize the Secretary of the Interior to strengthen cooperative conservation efforts and to reduce barriers to the use of partnerships to enable Federal natural resource managers to meet their obligations, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on June 19, 2007, the administration transmitted draft legislation entitled the Cooperative Conservation Enhancement Act, which was referred to the Committee on Energy and Natural Resources.

I am pleased today to introduce the Cooperative Conservation Enhancement Act, by request, as a courtesy to the administration. This bill would clarify the responsibilities and authorities of the Secretary of the Interior to enter into cooperative conservation partnerships.

I ask unanimous consent that the text of the bill, a letter of support, and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2231

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Cooperative Conservation Enhancement Act".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) fostering innovation, emphasizing partnerships, creating incentives for stewardship, drawing on information from local citizens, and providing integrated decision-making frameworks that involve States and localities in Federal decision-making are successful cooperative conservation strategies that help conserve our Nation's natural resources and protect our environment;

(2) Americans favor environmental protection and natural resource management achieved through cooperation over conflict, which is the goal of cooperative conservation;

(3) successful conservation policies reside in the efforts of citizens to maintain healthy land and waters and the wildlife that depend on them, in particular, in the actions of citizens in their own backyards, at their places of recreation and work, on farms and ranches, and in communities across the Nation;

(4) to ensure long-term benefits and to meet program goals, it is important for Federal, State, and local officials to tap the ingenuity, imagination, and innovative spirit of citizens at the local level, which is where the resolution to many conservation challenges lies;

(5) cooperative conservation represents a proven and necessary approach to achieving conservation goals, and includes the people who engage in activities on public and private land and established measures by which to judge whether actions have truly improved the environment, enhanced natural resources, maintained healthy local communities, and fostered dynamic economies;

(6) through cooperative conservation, benefits to the environment and natural resources are measured by results on the ground, in the water, and in the air;

(7) cooperative conservation emphasizes cooperative problem solving, incentives, and cooperation over prescriptive rules;

(8) cooperative conservation respects property rights, contracts, and compacts;

(9) actions taken by the Executive Branch to further cooperative conservation have begun to show tangible results in addressing the challenges that citizens and Federal land managers are facing as they work to improve land, waters, and wildlife habitat through partnered problem solving;

(10) it is the intent of Congress to recognize the importance of enhancing means available to landowners, States, Indian tribes, and Federal land managers to achieve improvements to the environment and natural resources through cooperative conservation; and

(11) the Secretary of the Interior is generally authorized to undertake many activities with partners to conserve natural resources and protect the environment, but that specific authorization to accomplish these goals through cooperative conservation would reinforce the importance of these goals.

(b) PURPOSES.—The purposes of this Act are—

(1) to strengthen and advance the Department of the Interior's commitment to the improvement of the environment and enhancement of natural resources through cooperative conservation efforts;

(2) to advance successful models of cooperative conservation by ensuring clear, but flexible, authority for programs currently carried out by the Department through its bureaus under many disparate authorities;

(3) to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities to better promote conservation partnerships with private individuals, organizations, and government entities;

(4) to further the use of partnerships to help the Department's land and natural resource managers better meet their obligations;

(5) to promote conservation partnership capacity building; and

(6) to authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) COOPERATIVE CONSERVATION.—The term "cooperative conservation" means actions that relate to the use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among Federal, State, local, and tribal governments, private for-profit and nonprofit institutions, other nongovernmental entities, or individuals.

(2) DEPARTMENT.—The term "Department" means the Department of the Interior.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

## TITLE I—WORKING LANDSCAPE PROJECTS

**SEC. 101. SHORT TITLE.**

This title may be cited as the "Working Landscape Projects Act of 2007."

**SEC. 102. DEFINITIONS.**

In this title:

(1) ADMINISTRATIVE SERVICES.—The term "administrative services" includes services and costs associated with the operations of activities authorized under this title. These services and costs shall include meeting announcements, copying, and personnel and reasonable rental costs for facilities necessary for implementing this title. Such services and costs shall be consistent with applicable federal rules, regulations, and guidance.

(2) GOVERNANCE ACTIVITIES.—The term "governance activities" means those activities required to ensure the operation and implementation of projects described under this title, including hiring personnel to coordinate project implementation, providing oversight and monitoring of projects and project goals, performing adaptive management techniques on projects, coordinating activities with various partners, performing scientific oversight of projects, including commissioning scientific studies, and requesting data from Federal, State, and local government officials, nonprofit organizations, and private individuals.

(3) INFORMATION DISSEMINATION ACTIVITIES.—The term "information dissemination activities" includes broadcasting the announcement of meetings and the distribution of reports, memos, and other relevant information necessary for carrying out the authorities under this title.

(4) LANDSCAPE PROJECT PARTNER.—The term "landscape project partner" means a representative of Federal, State, or tribal governments, private landowners or corporations, or nonprofit organizations.

**SEC. 103. AUTHORIZATION FOR ADMINISTRATIVE, GOVERNANCE, AND INFORMATION DISSEMINATION PURPOSES.**

(a) IN GENERAL.—(1) The Secretary is authorized, through a competitive process, to directly fund or reimburse landscape project partners for the development or maintenance of necessary administrative services, governance activities, and information dissemination activities necessary for the implementation of a landscape project.

(2) The funding under paragraph (1) shall not exceed 3 years for a particular project.

(3) In order to qualify for administrative funding, a project shall—

(A) include participation by representatives from a diversity of individuals and organizations, including government;

(B) affect several jurisdictions or land ownerships; and

(C) have the potential for advancing cooperative conservation across a geographical area.

(b) ELIGIBLE PROJECTS.—Such projects may include—

(1) established cooperative projects that have a documented record of success and demonstrated leadership and organizational capacity;

(2) existing conservation projects that are at the stage of forming partnerships and require sustained capacity building; or

(3) new or proposed projects that have a plan for establishing partnerships and developing landscape-based projects.

(c) CRITERIA.—Eligible applications shall—

(1) exhibit a clear purpose;

(2) demonstrate, or have a plan for establishing, partnerships which include representation of key interests through multiple partners;

(3) use, or plan to use in the future, coordinated management with Federal and other partners;

(4) have developed performance goals and objectives consistent, where appropriate, with departmental goals;

(5) have developed a plan for implementing, monitoring, and evaluating achievement of project performance goals and objectives;

(6) include non-Federal partners who commit resources to the project such as technical resources or other funds, in-kind services, contributions of individuals' time, or meeting support;

(7) demonstrate processes, practices, and outcomes that can have general application by Federal agencies and other non-Federal entities;

(8) receive Federal funding through a competitive process established by the Secretary; and

(9) have or expect to develop a plan for phasing to an alternative non-Federal source of funds to sustain the partnership at the conclusion of the Federal partnership period.

(d) CONSERVATION PROJECT COORDINATOR.—(1) Within 3 months after the date of enactment of this Act, the Secretary may designate a Department employee as a Conservation Project Coordinator (referred to in this subsection as the "Coordinator"), who shall—

(A) serve as the primary Federal coordinator of the projects that receive funding under this section; and

(B) oversee and encourage the expedited review and execution of any and all Federal decisions associated with such projects, including the issuance of necessary guidance, decision memoranda, regulations, and other activities, as necessary.

(2) The Coordinator may also carry out such other related cooperative conservation related activities and projects as the Secretary deems appropriate.

(3) All actions carried out by the Coordinator shall be related to the authorized programs and activities of the Department.

### SEC. 104. FUNDING.

For the purpose of implementing section 103 and from amounts available for programs identified in the President's annual budget submission as Cooperative Conservation Programs, the Secretary is authorized to use—

(1) up to 5 percent of the funds made available for fiscal year 2008;

(2) up to 6 percent of the funds made available for fiscal year 2009; and

(3) up to 7 percent of the funds made available for fiscal year 2010.

## TITLE II—LANDOWNER CONSERVATION ASSISTANCE MEASURES

### SEC. 201. SHORT TITLE.

This title may be cited as the "Conservation Bank Program Act".

### SEC. 202. DEFINITIONS.

In this title:

(1) BANK OPERATOR.—The term "bank operator" means any public or private entity responsible for operating or managing a conservation bank under an agreement with a bank sponsor.

(2) BANK SPONSOR.—The term "bank sponsor" means any public or private entity responsible for establishing and, in most circumstances, operating or managing a conservation bank and for ensuring that the conservation bank complies with all applicable laws.

(3) CONSERVATION BANK.—The term "conservation bank" means a parcel of land that—

(A) contains natural resource values that are ecologically suitable with regard to topographic features, habitat quality, compatibility of existing and future land use activities surrounding the bank, species use of the area, or any other factors determined to be relevant by the Secretary for achieving mitigation of specified species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or candidates for listing under that Act;

(B) is conserved and operated or managed in perpetuity through a conservation easement held by a bank sponsor which is responsible for enforcing the terms of the easement for specified species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or which are candidates for listing under that Act; and

(C) is used to offset impacts occurring elsewhere to the same resource values on non-conservation bank land.

(4) CONSERVATION BANK AGREEMENT.—The term "conservation bank agreement" means a legally enforceable written agreement between the conservation bank sponsor and, if applicable, operator, and the Secretary that identifies the conditions and criteria under which the conservation bank will be established and operated or managed.

(5) CONSERVATION BANK REVIEW TEAM.—The term "Conservation Bank Review Team" means the interagency group that can include Federal, State, tribal, and local regulatory and resource agency representatives that are signatories to a conservation bank agreement and which oversee the establishment, use, and operation of a conservation bank.

(6) CREDIT.—The term "credit" means a unit of measure representing the quantification of species or habitat conservation values within a conservation bank.

### SEC. 203. ESTABLISHMENT, USE, AND OPERATION OF CONSERVATION BANKS.

(a) CONSERVATION BANKING.—(1) The Secretary, acting through the United States Fish and Wildlife Service, shall select the members of and convene a Conservation Bank Review Team to evaluate for acceptance proposals received from bank sponsors to establish conservation banks according to criteria that the Secretary shall establish in accordance with subsection (b).

(2) If the Conservation Bank Review Team recommends a proposal, it shall present the proposal to the Secretary, who may modify or accept the proposal.

(3) If the Secretary accepts the proposal, the Secretary may enter into a conservation bank agreement and is responsible for establishing the terms under which the conservation bank will operate.

(4) Representatives on the Conservation Bank Review Team must unanimously agree in order for an acceptance to be transmitted to the Secretary.

(b) CRITERIA FOR CONSERVATION BANKS.—In determining whether to approve a conservation bank proposal, a Conservation Bank Review Team shall consider such factors as the Secretary determines are appropriate, including whether the conservation bank would—

(1) provide an economically effective process that provides options to landowners to offset the adverse effects of proposed projects to species covered by the conservation bank;

(2) provide adequate mitigation for the species through such strategies as preservation, management, restoration of degraded habitat, connecting of separated habitats, buffering of already protected areas, creation of habitat, and other appropriate actions;

(3) be of sufficient size to ensure the maintenance of ecological integrity in perpetuity; and

(4) provide funding assurances to provide for the conservation bank's perpetual operation, management, monitoring, and documentation costs.

(c) CONSERVATION BANK AGREEMENT REQUIREMENTS.—The bank agreement shall—

(1) include a requirement for adequate funding, as determined by the Secretary, to provide for the conservation bank's perpetual operation, management, monitoring, and documentation costs;

(2) specify the exact legal location of the conservation bank and its service area;

(3) specify how credits will be established and managed;

(4) include a requirement that the bank sponsor submit, at the Secretary's request, periodic statements detailing the finances of the conservation bank; and

(5) require submission to the Secretary of periodic monitoring reports on implementation of the conservation bank agreement and such other matters as the Secretary may prescribe.

(d) JUDICIAL REVIEW.—Any party to an agreement entered into under this section may bring an action for violation of that agreement in the United States District Court for the District of Columbia.

(e) EFFECT ON EXISTING CONSERVATION BANKS.—Conservation banks established before the date of enactment of this Act are not required to comply with the criteria in this Act, except where such conservation banks create new conservation banks that are separate from the existing bank.

## TITLE III—PROMOTING PARTNERSHIPS

### SEC. 301. COOPERATION WITH OUTSIDE ENTITIES.

Except as otherwise provided, in carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to—

(1) provide assistance to, and cooperate with, Federal, State, local, public or private agencies, organizations, or individuals or Indian tribes for purposes of carrying out any measures that clearly and directly contribute to achieving conservation or natural resource management-related mission and performance goals of the Department or its bureaus; and

(2) accept donations of land and or interests in land in furtherance of the purposes of this section.

### SEC. 302. ABILITY TO EXPEND FUNDS TO BENEFIT DEPARTMENT LAND.

(a) AUTHORIZATION OF ACTIVITIES.—In carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to carry out activities on nonfederally owned land provided those activities directly benefit the resource values and management of Federal land, including—

(1) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(2) the prevention, control, or eradication of invasive exotic species that occupy adjacent non-Federal land; or

(3) the restoration of natural resources, including native wildlife habitat.

(b) LIMITATIONS.—Such activities may only be conducted with the written permission of the landowner, and must clearly and directly benefit the specific Department land management unit by directly contributing to the programmatic and performance goals of that unit.

(c) INELIGIBLE ACTIVITIES.—Eligible activities shall not include the construction of permanent capital improvements or acquisition of land.

(d) RELATIONSHIP TO EXISTING PROGRAMS.—Nothing in this section supersedes or otherwise affects or alters the authority provided in title V.

### SEC. 303. PUBLICIZING AND PROVIDING NON-FINANCIAL ASSISTANCE TO PARTNERSHIPS.

(a) IN GENERAL.—In carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to—

(1) publicize partnership programs and opportunities through publication of announcements in newspapers of general circulation, in the Federal Register, or such other methods as the Secretary determines are appropriate; and

(2) provide nonfinancial assistance to private individuals who are establishing nonprofit groups that are intended to support the mission of a bureau or of a particular management unit of a bureau, such as a park or refuge.

(b) CLARIFICATIONS.—(1) Nothing in this section shall authorize a Department employee to establish a nonprofit entity or other corporate entity to support the Department's mission, including by acting as an incorporator, founding board member, or by assuming any management or fiduciary responsibilities with respect to any such nonprofit or corporate entity.

(2) Nothing in this section shall waive the application of the provisions of section 1913 of title 18, United States Code.

### SEC. 304. CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.

(a) DEFINITION OF CENTER OF EXCELLENCE FOR PARTNERSHIP LEARNING.—In this section, the term "Center of Excellence for Partnership Learning" or "Center" means a Federal facility that is identified by the appropriate Secretary as meeting criteria established under this section and which provides Federal employees and their partners the opportunity to learn cooperative conservation-related best practices.

(b) IN GENERAL.—(1) In carrying out existing programs within the sums appropriated for such purposes, the Secretary and the Secretary of Agriculture may identify as Centers of Excellence for Partnership Learning sites under their jurisdiction that meet the criteria in subsection (c) with the purpose of providing Federal employees and partners, including State and local government employees, nonprofit employees, private sector employees, and employees of Indian tribes, the opportunity to learn the best practices involved in creating successful partnerships and a culture of collaboration.

(2) Each Center identified under this section may develop and host a schedule of activities including—

(A) visits;

(B) seminars and other educational courses; and

(C) opportunities for details or job swaps.

(3) To the maximum extent practicable, each Center shall develop and accept applications for participation in Center activities from employees of the Department or the Department of Agriculture or of their partnering entities on a first-come, first-served basis.

(c) CRITERIA FOR IDENTIFYING CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.—Each Center shall be identified based on the following criteria:

(1) Partnership culture has been successfully integrated into the organization, and is not dependent on any particular individual.

(2) The organization has demonstrated partnership success stories that relate to identified partnership competencies.

(3) The organization has the capacity to host and teach others from the participating agencies.

(4) The organization agrees to a schedule of hosting activities.

(5) The organization is willing to host follow-up activities with participating individuals.

(d) INCENTIVES FOR PARTICIPATION.—(1) The respective Secretary for each Center identified in this section is authorized to accept and use reimbursement from the participating agencies and partnering entities for the cost of operating the program.

(2) The respective Secretary for each Center is authorized to provide reimbursement of travel and per diem expenses to federal employees who participate in Center activities.

### SEC. 305. PARTNERSHIP ROSTER.

(a) IN GENERAL.—The Secretary and the Secretary of Agriculture may establish and make available to the public a multiagency roster with the goal of enhancing capacity for partnerships and collaborative actions.

(b) AUTHORIZED ACTIVITIES.—The partnership roster authorized under this section shall provide nonfinancial assistance and information to government agencies, private sector organizations, and the public in a variety of areas, including—

(1) identification and understanding of statutory and regulatory authorities;

(2) development and implementation of agreements and contracts used in Department and Department of Agriculture programs;

(3) creation and management of nonprofit support groups;

(4) diversification and strengthening of agency funding through the use of partnerships, matching funds, and other devices;

(5) allowable avenues for and uses of private philanthropy;

(6) development of a partnership-focused workplace;

(7) building of community connections and fostering of citizen engagement through the use of partnerships;

(8) allowable avenues for donor recognition;

(9) development of communication skills; and

(10) conflict management and collaborative management.

## TITLE IV—COOPERATION AMONG FEDERAL AGENCIES

### SEC. 401. SERVICE FIRST AUTHORITY.

(a) IN GENERAL.—The Secretary, through the Directors of the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the National Park Service, and the Secretary of Agriculture, through the Chief of the U.S. Forest Service, may—

(1) conduct projects, planning, permitting, leasing, including leasing of real property and office space, contracting and other activities, either jointly or on behalf of one another;

(2) co-locate in Federal offices and facilities leased or owned by an agency of either Department;

(3) promulgate special rules for issuance of unified permits, applications, and leases; and

(4) share or transfer equipment, vehicles, or other personal property.

(b) DELEGATION OF AUTHORITY.—Consistent with section 403, the Secretary and the Secretary of Agriculture may make reciprocal delegations of their respective authorities, duties, and responsibilities in support of the activities authorized in this title to promote customer service and efficiency.

### SEC. 402. USE OF FUNDS.

(a) IN GENERAL.—In carrying out the provisions of this title, the Secretary and the Secretary of Agriculture may make transfers of funds available and reimbursement of funds on an annual basis among the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, and the U.S. Forest Service, including transfers and reimbursements for multiyear projects that involve 1 or more of those agencies.

(b) LIMITATION.—The authority provided in this title may not be used to circumvent requirements and limitations imposed on the use of funds.

### SEC. 403. CONSTRUCTION.

Nothing in this title shall alter, expand, or limit the applicability of any public law or regulation to land administered by the participating agencies of either Department.

## TITLE V—COOPERATIVE ASSISTANCE

### SEC. 501. FISH AND WILDLIFE SERVICE COASTAL PROGRAM.

(a) DEFINITIONS.—In this section—

(1) COASTAL PROGRAM PARTNERS.—The term "coastal program partners" means individuals, groups, or agencies, such as land conservancies, community organizations, businesses, conservation organizations, private landowners, State or local governments, and Federal agencies, including any partnerships or consortia of these individuals, groups, or agencies, who agree to work on habitat restoration or protection strategies under this program.

(2) HABITAT RESTORATION.—The term "habitat restoration" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural functions to the lost or degraded native habitat.

(3) IMPORTANT COASTAL HABITAT.—

(A) IN GENERAL.—The term "Important Coastal Habitat" means habitat in coastal ecosystems that supports or will support after protection or restoration threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

(B) INCLUSIONS.—The term "Important Coastal Habitat" includes the Great Lakes, Pacific Islands, and the Caribbean, and bays, estuaries, coastal streams, and wetlands, shore, and terrestrial habitats within coastal areas.

(4) PRIORITY SPECIES.—The term "priority species" means threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

(5) PROJECT.—The term "project" means a project carried out under the authority of this section in cooperation with coastal program partners and which has the primary purpose of conserving important coastal habitat, and which may include habitat restoration and other technical assistance.

(6) TECHNICAL ASSISTANCE.—The term "technical assistance" means biological and habitat assessments, inventories, project coordination, monitoring, mapping, grant writing, and habitat restoration expertise.

(b) COASTAL PROGRAM.—The Secretary is authorized to carry out the Coastal Program within the United States Fish and Wildlife Service to assess, conserve, and restore important coastal habitats for the benefit of priority species. Projects carried out under this authority may include activities to identify, evaluate, and map important coastal habitat, to assist community efforts by providing assessment and planning tools to identify important coastal habitats that are a priority for protection and restoration, and to provide both technical assistance and financial assistance, primarily through cooperative agreements, to coastal program partners to plan and implement projects that benefit coastal wetland, estuaries, upland, and stream habitats important to priority species.

(c) COORDINATION.—The Secretary shall, where appropriate, coordinate with interested Federal agencies on the program authorized under this section.

### SEC. 502. COOPERATIVE CONSERVATION CHALLENGE COST-SHARE.

(a) DEFINITIONS.—In this section:

(1) HABITAT ENHANCEMENT.—

(A) IN GENERAL.—The term "habitat enhancement" means the manipulation of the physical, chemical, or biological characteristics of a native habitat to change, so as to heighten, intensify, or improve, a specific function or seral stage of the native habitat.

(B) EXCLUSIONS.—The term "habitat enhancement" does not include regularly scheduled and routine maintenance and management activities.

(2) HABITAT ESTABLISHMENT.—The term "habitat establishment" means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site.

(3) HABITAT IMPROVEMENT.—The term "habitat improvement" includes restoring or artificially providing physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

(4) HABITAT RESTORATION.—The term "habitat restoration" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural functions to the lost or degraded native habitat.

(b) CHALLENGE COST SHARE AGREEMENT AUTHORITY.—

(1) IN GENERAL.—The Secretary, acting through the United States Fish and Wildlife Service, the National Park Service, or the Bureau of Land Management, is authorized to negotiate and enter into cooperative arrangements with any State or local government, Indian tribe, public or private agency, organization, institution, corporation, individual, or other entity to carry out on a public-private cost sharing basis on-the-ground conservation activities, including functions and responsibilities relating to habitat improvement, habitat restoration, habitat enhancement, and habitat establishment on public or private land.

(2) PRIVATE LAND.—Projects carried out on private land require—

(A) express permission from landowners;

(B) a clear and direct benefit to the specific Departmental land management unit entering into the arrangement through the direct contribution to the programmatic and performance goals of that unit; and

(C) that the project be adjacent to, or in close proximity to, land administered by the Department.

(3) EFFECT ON EXISTING LAWS.—Nothing in this section shall be construed to supersede, modify, or repeal existing laws providing additional cost-share authorities.

(4) COST-SHARING.—(A) The Federal share for a project authorized under this section may not exceed 50 percent and shall be provided on a matching basis.

(B) The non-Federal share for a project authorized under this section may be satisfied by the provision of cash, services, or in-kind contributions.

### SEC. 503. WATER MANAGEMENT IMPROVEMENT ACT.

(a) SHORT TITLE.—This section may be cited as the "Bureau of Reclamation Water Management Improvement Act".

(b) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into grants and cooperative agreements with States, Indian tribes, irrigation districts, water districts, or other organizations with water delivery authority to fund up to 50 percent of the cost of planning, designing, or constructing improvements that will conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions to prevent water-related crises or conflicts in watersheds that have a nexus to Federal water projects within the States identified in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388, chapter 1093) as amended and supplemented (43 U.S.C. 371 et seq.).

(2) CRITERIA.—Grants and cooperative agreements entered into pursuant to this authority shall meet the following criteria:

(A) When such improvements are to federally-owned facilities, funds provided under any such grant or cooperative agreement may be provided on a nonreimbursable basis to an entity operating affected transferred works or may be deemed nonreimbursable for nontransferred works.

(B) Title to improvements made to federally-owned facilities shall be held by the United States.

(C) The calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions which the Secretary determines materially contribute to the completion of the proposed action, but shall not include funds received from other Federal agencies.

(D) The cost of operating and maintaining improvements for which funding is provided shall be the responsibility of the non-Federal entity.

(E) The United States shall not be held liable by any court for monetary damages of any kind arising out of any act, omission, or occurrence relating to non-federally owned facilities created or improved under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the "Federal Tort Claims Act").

(c) RELATIONSHIP TO PROJECT SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(d) RESEARCH AGREEMENTS.—The Secretary is also authorized to enter into cooperative agreements with universities, nonprofit research institutions, or organizations with water or power delivery authority to fund research to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary deems appropriate.

(e) MUTUAL BENEFIT.—Grants or cooperative agreements made pursuant to this section may be for the mutual benefit of the United States and the other party.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 to carry out the purposes of this section, to remain available until expended.

(g) RECLAMATION LAW.—This section shall amend and supplement the Act of June 17, 1902 (32 Stat. 388, chapter 1093) and Acts supplementary thereto and amendatory thereof (43 U.S.C. 371 et seq.).

### SEC. 504. CONSULTATION WITH STATE PLANS.

In evaluating proposals for wildlife conservation grants under programs administered by the Department, including grants and financial assistance authorized under this title, the Secretary shall, where appropriate, consult the State Comprehensive Conservation Plans required under the State and Tribal Wildlife Grant Program and coordinate with State fish and wildlife agencies in the planning and implementation of the actions identified in those Plans.

## TITLE VI—CONFLICT RESOLUTION

### SEC. 601. ALTERNATIVE DISPUTE RESOLUTION OFFICE.

(a) IN GENERAL.—(1) The Secretary shall establish within the Department an Office of Collaborative Action and Dispute Resolution to promote and advance the appropriate use of collaborative problem solving and alternative dispute resolution processes in all bureaus and offices.

(2) The Office established under paragraph (1) shall coordinate efforts of the Department to increase the use of early consensus-building, alternative dispute resolution processes, and negotiated rulemaking consistent with existing laws, regulations, and policies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the program described in this section.

## TITLE VII—MISCELLANEOUS PROVISIONS

### SEC. 701. SAVINGS PROVISION.

Nothing contained in this Act shall be construed or applied to supersede any other provision of Federal or State law.

### SEC. 702. SEVERABILITY PROVISION.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid by a court of competent jurisdiction, the application of such provision to other persons or circumstances, and the remainder of this Act shall not be affected thereby.

### SEC. 703. REGULATIONS.

The Secretary is authorized to prescribe such regulations as are necessary to carry out this Act.

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THE DEPUTY SECRETARY
OF THE INTERIOR,
*Washington, DC, June 19, 2007.*

Hon. RICHARD CHENEY,
*President of the Senate, U.S. Senate, Washington, DC.*

DEAR MR. PRESIDENT: The Administration is pleased to forward the enclosed draft legislation, titled the "Cooperative Conservation Enhancement Act," for your consideration. The draft legislation is intended to advance the Department of the Interior's successful model of cooperative conservation in several ways. First, it will ensure clear, but flexible statutory authority for programs that are currently carried out by the Department but are generally authorized under many disparate authorities. Second, the bill seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, companies, and organizations and government entities; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

This draft legislation represents a major step forward for the Department's cooperative conservation efforts. If enacted, this new authority will reduce barriers to the use of partnerships in meeting our resource management obligations, and will enhance our collaborative efforts to conserve and protect natural resources and the environment for which the Department is responsible.

To assist you in your review of the draft legislation, we have enclosed a section-by-section analysis for the proposed bill. The Administration recommends that the draft bill be sent to the appropriate committee for consideration and that it be enacted.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

P. LYNN SCARLETT.

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### SECTIONAL ANALYSIS

The purposes of this bill are to authorize programs and activities that will strengthen and advance the Department of the Interior's cooperative conservation efforts and reduce barriers to the use of partnerships in meeting resource management obligations.

Generally, the proposal seeks to strengthen and advance the Department's successful model of cooperative conservation by ensuring clear, but flexible statutory authority for programs that are currently carried out by the Department but generally authorized under many disparate authorities. The bill also seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, government entities, and organizations; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

SECTION 1. SHORT TITLE

This section states that the short title for the bill is the "Cooperative Conservation Enhancement Act."

SECTION 2. FINDINGS AND PURPOSES

This section sets forth congressional findings and purposes.

SECTION 3. DEFINITIONS

Section 3 sets out several definitions for terms that are used throughout the bill. The term "cooperative conservation" is defined as actions that relate to the use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among federal, state, local, and tribal governments, private for-profit and non-profit institutions, other non-governmental entities, or individuals. The term "Department" is used throughout the bill to reference the Department of the Interior. Finally, the term "Secretary" means the Secretary of the Interior.

TITLE I—WORKING LANDSCAPE PROJECTS

According to the Department's partners, one of the difficult hurdles for cooperative conservation projects that involve multiple partners or which require coordination across jurisdictions is securing funding for administrative-type costs. These costs might include costs associated with governance, such as the hiring of an executive director, or costs of support services or dissemination of information.

Title I of the bill would provide the Secretary with authority, for a three-year period, to establish a consistent stream of such funding, to be awarded competitively and for a period of up to three years for any given project, for projects authorized under existing authorities that support innovative approaches to cooperative conservation.

SECTION 101. SHORT TITLE

The short title of this provision is the "Working Landscape Projects Act of 2007."

SECTION 102. DEFINITIONS

Section 102 provides definitions for certain terms used throughout this title. The term 'administrative services' is defined to include services and costs associated with the operations of activities authorized under this title. It is intended that such services and costs include, but not be limited to, things like meeting announcements, copying, personnel costs and reasonable rental costs for facilities necessary for implementing this title. It is also intended that services and costs under this title shall be consistent with any applicable federal rules, regulations, and guidance. The term 'information dissemination activities' is defined to include broadcasting the announcement of meetings and the distribution of reports, memos, and other relevant information necessary for carrying out the authorities under this title.

'Governance activities' are defined as those activities required to ensure the operation and implementation of projects including, but not limited to, hiring personnel to coordinate project implementation; providing oversight and monitoring of projects and project goals; performing adaptive management techniques on projects; coordinating activities with various partners; performing scientific oversight of projects, including commissioning scientific studies; and requesting data from federal, state, and local government officials, non-profit organizations, and private individuals. Finally, the term 'landscape project partner' is a representative of federal, state, or tribal governments, private landowners or corporations, or those of non-profit organizations.

SEC. 103. AUTHORIZATION FOR ADMINISTRATIVE, GOVERNANCE, AND INFORMATION DISSEMINATION PURPOSES

Section 103 would authorize the Secretary of the Interior to provide funds through a competitive process for the development or maintenance of necessary administrative requirements, including, but not limited to, costs associated with governance, support services, and dissemination of information associated with projects that feature innovative approaches to cooperative conservation.

Funding for any particular project would be limited to three years, and to qualify for such administrative funding, a project must include participation by a diverse group of partners, including government entities, must affect several jurisdictions or land ownerships, and must have the potential to advance cooperative conservation across a geographical area.

Projects that receive funding under this provision may include established projects with a record of success; existing projects that are in their early stages and require sustained capacity building; or new or proposed projects that have developed a plan for establishing partnerships and developing landscape-based projects. Section 103 also enumerates certain listed criteria that the projects must meet, and would establish the position of Conservation Project Coordinator, who would serve as the primary federal coordinator of projects that receive funding under this section and whose responsibility it would be to oversee and encourage such projects such that they are reviewed and executed expeditiously. The Coordinator would also be authorized to carry out such other cooperative conservation related activities and projects as the Secretary deems appropriate. All actions undertaken by the Coordinator must be related to the authorized programs and activities of the Department of the Interior.

SECTION 104. FUNDING

Section 104 sets out the mechanism by which the administrative costs awarded under this title would be funded. The Secretary would be authorized to use funds identified in the President's annual budget submission as Cooperative Conservation Programs. Examples of such programs that have been so identified in past budgets include the Department's Challenge Cost Share Program, authorized by section 502 of this legislation, or the U.S. Fish and Wildlife Service's Coastal Program, authorized by section 501 of this legislation. These funds would, in turn, be made available to the Secretary in amounts of up to 5 percent of those total funds for FY 2008; up to 6 percent in FY 2009; and up to 7 percent in FY 2010, and will be used, for example, for the costs associated with governance, such as the hiring of an executive director, or costs of support services or dissemination of information.

TITLE II—LANDOWNER CONSERVATION ASSISTANCE MATTERS

In order to encourage landowners to participate as citizen stewards in protecting endangered and threatened species, species proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and candidate species, this proposal would authorize a conservation banking program within the Department of the Interior.

SECTION 201. ESTABLISHMENT, USE, AND OPERATION OF CONSERVATION BANKS

In May 2003, the FWS administratively issued its "Guidance on the Establishment, Use, and Operation of Conservation Banks." That document recognized that conservation banks can benefit the Service—by reducing a piecemeal approach to conservation by promoting the establishment of larger reserves and habitat connectivity—as well as landowners—who benefit from its relative ease of use, flexibility, and opportunity to generate income from what may previously have been considered a liability. Banking also allows a public/private collaboration to maintain lands as open space, providing for the conservation of listed and candidate species.

Section 201 would establish within the FWS a conservation banking program. It defines certain important terms, including "bank operator," "bank sponsor," "conservation bank," "conservation bank agreement," "conservation bank review team," and "credit." The proposal would authorize the Secretary to select and convene a "Conservation Bank Review Team," an interagency group that may include federal, state, tribal and local regulatory and resource agency representatives, to evaluate for acceptance proposals received from bank sponsors. Section 201 provides that if the Conservation Bank Review Team recommends a proposal, it shall present the proposal to the Secretary, who may modify or accept the proposal. Once it has been accepted, the Secretary may enter into a conservation bank agreement and is responsible for establishing the terms under which the conservation bank will operate.

This section also contains criteria to be used in determining whether to approve a conservation bank proposal, including whether the bank would provide an economically effective process providing options to landowners to offset the adverse effects of projects to species covered by the bank; whether it would provide adequate mitigation for species through appropriate actions; and whether it would be of sufficient size to ensure the maintenance of ecological integrity in perpetuity. The proposal includes requirements that must be contained in bank proposals that have been accepted.

Finally, in order to ensure the enforceability of agreements entered into under this section, the proposal contains a provision authorizing any party to an agreement to bring an action for violation of an agreement in the U.S. District Court for the District of Columbia.

TITLE III—PROMOTING PARTNERSHIPS

Title III of the proposal would provide mechanisms for increasing the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, government entities, and organizations, and provide the Department increased flexibility in working with partners and the ability to publicize partnership programs using appropriated funds.

In some cases, the provisions in Title III are intended to clarify areas of law where general authority is believed to exist within a particular bureau, but which would benefit from clarification. In other cases, the provisions of this title are intended to provide application of a particular provision uniformly across the Department's land managing bureaus.

SECTION 301. COOPERATION WITH OUTSIDE ENTITIES

Section 301 would authorize the Secretary or designated bureau official to provide assistance to and cooperate with any agency, organization, or private individual in order to carry out measures that clearly and directly contribute to achieving conservation or natural resource management-related mission and performance goals of the Department and its bureaus. The section would also authorize Departmental bureaus to accept donations of land and interests in land that further the purposes of this section. This language is intended to provide to bureaus across the Department authority similar to that provided to the Secretary in the Fish and Wildlife Coordination Act.

### SECTION 302. ABILITY TO EXPEND FUNDS TO BENEFIT DEPARTMENT LANDS.

Because it is not clear that all of the Department's bureaus enjoy this authority, section 302 would authorize the Secretary or his designee to carry out activities on non-federal lands that directly benefit the resource values and management of federal lands, such as the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands; the prevention, control, or eradication of invasive species that occupy adjacent non-federal lands; or the restoration of natural resources, including native wildlife habitat.

Activities authorized by this section could only be conducted with the written consent of the landowner, and must clearly and directly benefit the specific Departmental land management unit by directly contributing to the programmatic and performance goals of that unit. Eligible activities would not include the construction of permanent capital improvements or the acquisition of land.

Finally, in order to ensure that the specific language of section 302 does not limit the application of the Department's other grant-making and other landowner assistance provisions authorized in title V of this Act, the language of section 302 makes clear that nothing in this section supersedes or otherwise affects or alters the authority provided in that title.

### SECTION 303. PUBLICIZING AND PROVIDING NON-FINANCIAL ASSISTANCE TO PARTNERSHIPS.

In order to assist our partners and to provide clarity to an issue that has caused confusion within the Department's bureaus, section 303 would authorize the Secretary or his designee to use appropriated funds to publicize partnership programs and opportunities through publication of announcements in newspapers of general circulation, in the Federal Register, or such other appropriate methods. It would also allow the Department to provide non-financial assistance to private individuals who are establishing non-profit groups that are intended to support the mission of a Departmental bureau or management unit of a bureau, such as a particular park or refuge. For example, this provision would make it clear that the National Park Service may provide meeting space to individuals interested in establishing a "friends of the park" group for a particular park unit.

The provision specifically would not allow a Department employee to establish a not-for-profit or other entity to support the Department's mission, and nothing in this section would waive the application of the provision of the Anti-Lobbying Act (18 U.S.C. 1913).

### SECTION 304. CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.

Cooperative Conservation is critical to the Department's ability to achieve its conservation goals on a landscape scale and resolve environmental and natural resources disputes. Consistent with President Bush's 2004 Executive Order titled "Facilitation of Cooperative Conservation," which directs federal agencies to implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, section 304 authorizes a number of sites where federal employees and their partners, including state and local government employees, non-profit employees, private sector employees, and employees of Indian tribes, could experience and learn from resident experts the best practices involved in creating successful partnerships and fostering collaboration.

For clarity, section 304 contains a definition of "Center of Excellence for Partnership Learning" or "Center," which means a federal facility that is identified by the appropriate Secretary as meeting criteria established under this section and which provides federal employees and their partners the opportunity to learn cooperative conservation-related best practices.

Each site is authorized to develop a schedule of hosting activities, which could include some combination of visits, formal courses, detail opportunities, or job swaps at various times throughout the year. To the maximum extent practicable, spaces in the program would be filled on a first-come, first-served basis. Section 304 includes criteria for identifying sites that would serve as Centers of Excellence for Partnership Learning, and allows each Center to receive funding reimbursement for the cost of running the program. Each Center would be authorized to cover travel and other incidental expenses of federal employee participants.

### SECTION 305. PARTNERSHIP ROSTER.

Section 305 authorizes the Secretaries of the Interior and Agriculture to establish a multi-agency roster to enhance capacity for partnership and collaborative action. The goal of the Roster is to provide non-financial assistance and information to government agencies, private sector organizations, and the public on a variety of issues, including authorities, agreements and contracts, creating and managing non-profit support groups, diversifying and strengthening agency funding, developing a partnership workplace, building community connections, citizen engagement, allowable avenues for donor recognition, communications, conflict management, and collaborative management.

## TITLE IV—COOPERATION AMONG FEDERAL AGENCIES

### SECTION 401. SERVICE FIRST AUTHORITY.

Section 401 provides permanent authorization for the Service First Initiative, a multi-agency program jointly implemented by the Departments of the Interior and the Department of Agriculture's Forest Service. That program was last authorized in the Department's FY 2006 Appropriations legislation. Under this provision, the Secretary of the Interior, acting through the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service, and the Secretary of Agriculture, acting through the U.S. Forest Service, are authorized to conduct projects, planning, permitting, leasing, contracting and other activities, either jointly or on behalf of one another; co-locate in federal offices and facilities owned or leased by an agency of either Department; promulgate special rules for issuance of unified permits, applications, and leases; and share or transfer equipment, vehicles, or other personal property.

The Secretaries may also make reciprocal delegations of their respective authorities, duties and responsibilities in support of the activities authorized in this section in order to promote customer service and efficiency.

### SEC. 402. USE OF FUNDS.

Section 402 provides a mechanism by which the Secretaries may, in carrying out the provisions of this title, make transfers of funds available and reimbursement of funds on an annual basis among the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service, including transfers and reimbursements for multi-year projects that involve one or more of those agencies. In so doing, however, the Secretaries may not circumvent other requirements and limitations imposed on the use of funds.

### SEC. 403. CONSTRUCTION.

Section 403 clarifies that nothing in title IV is intended to alter, expand or limit the applicability of any public law or regulation to lands administered by the participating agencies of either Department.

## TITLE V—COOPERATIVE ASSISTANCE

### SECTION 501. FISH AND WILDLIFE SERVICE COASTAL PROGRAM.

The FWS's Coastal Program was created by administrative action, rather than by statute, relying on a number of authorities, including the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), and the Coastal Barriers Resources Act (16 U.S.C. 3501 et seq.).

Section 501 would provide specific statutory authorization for the Secretary of the Interior to carry out the Fish and Wildlife Service Coastal Program within the FWS. Assistance would be used by coastal program partners for, among other things, conservation and restoration of important coastal habitat that supports "priority" species, including threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

To ensure that the programs carried out under this authority are coordinated with other programs within the Administration that benefit coastal areas, the section contains a provision requiring that the Secretary, where appropriate, coordinate with other interested federal agencies on the program authorized under this section.

### SECTION 502. COOPERATIVE CONSERVATION CHALLENGE COST-SHARE.

Section 502 authorizes the Secretary, through the U.S. Fish and Wildlife Service, the Bureau of Land Management, or the National Park Service, to negotiate and enter into cooperative arrangements—partnerships—with state or local governments, Indian tribes, public or private agencies, organizations, institutions, corporations, individuals, or other entities to carry out on a public-private cost sharing basis on-the-ground conservation activities on public or private lands. The language contains certain requirements for projects carried out on private lands, and specifies that the federal share for a project may not exceed 50 percent and shall be provided on a matching basis. The non-federal share for a project may be in the form of cash, services, or in-kind contributions.

Finally, the language makes clear that nothing in this section is intended to supersede, modify, or repeal existing laws providing additional cost-share authorities to Department bureaus.

### SECTION 503. WATER MANAGEMENT IMPROVEMENT ACT.

Section 503 authorizes the Secretary to enter into grants and cooperative agreements with states, tribes, irrigation districts, water districts, or other organizations with water delivery authority to fund up to 50 percent of the cost of planning, designing, constructing, or otherwise implementing improvements that will conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions to prevent water-related crises or conflicts in watersheds that have a nexus to federal water projects within the states identified in the Reclamation Act of 1902.

The purpose of this section is to give Reclamation permanent authority for the competitive grants program that is a central element of Reclamation's "Water 2025" program. The program is intended to apply to watersheds containing or receiving water from, or hydrologically impacted by, not only Bureau of Reclamation projects, but other federal projects as well, including but not limited to those of the U.S. Army Corps of Engineers, the Environmental Protection Agency, and the Department of Agriculture's Natural Resources Conservation Service.

The authority may be used to promote partnership on any action that would achieve the Water 2025 program goal of preventing water-related crisis and conflict. Illustrative examples include actions to enhance water management, such as canal lining and piping, installation of measuring devices to control water or water management technology such as automation, or actions that improve riparian habitat. The program aims to promote cooperation between the different interests within a watershed. Recipients of Water 2025 awards are encouraged to enter into partnerships with other entities, including governmental entities or community organizations without water delivery authority, so long as the recipient of the grant or cooperative agreement is a state, tribe, irrigation district, water district, or other organization with water delivery authority. In instances where grant partners are states, funds will be disbursed in conformance with the Cash Management Improvement Act (P.L. 101-453 as amended by P.L. 102-589).

Agreements entered into pursuant to this authority must comply with the following criteria:

(1) Funding for improvements to federally-owned facilities may be provided on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works. Language regarding reimbursability is necessary to distinguish this authority from some other Bureau of Reclamation authorities, which often require that project beneficiaries reimburse the federal government for its investment.

(2) Title to improvements made to federally-owned facilities shall be held by the United States. This does not preclude title to an entire project being transferred to non-federal entities at a later date.

(3) Non-federal cost-share contributions can include the value of any in-kind contributions, but may not include funds from other federal agencies. In-kind contributions should materially contribute to the completion of the proposed action, and should be in compliance with Reclamation standards regarding allowable contributions.

(4) The cost of operating and maintaining such improvements shall be the responsibility of the non-federal entity. This is consistent with existing practice for most Reclamation facilities, where local project partners are responsible for either reimbursing Reclamation for operating and maintaining the facilities, or directly financing those activities themselves.

(5) The United States shall not be held liable for monetary damages arising out of any occurrence relating to non-federally owned facilities created or improved under this section, except for damages caused by acts of negligence.

It is intended that these provisions shall not supersede any existing project-specific funding authority.

The Secretary is also authorized to enter into cooperative agreements with universities, non-profit research institutions, or organizations with water or power delivery authority to fund research on ways to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary deems appropriate. This provision is intended to provide Reclamation broader authority to enter into cooperative agreements on research that advances achievement of Reclamation's core mission areas, and which is consistent with the Administration's Research and Development criteria. It is not intended to apply only to Reclamation's Water 2025 program,· but to apply to all of Reclamation's research and development efforts.

Grants or cooperative agreements made pursuant to this section may be for the mutual benefit of the United States and the other party, in contrast to agreements entered into under provisions of the Federal Grant and Cooperative Agreement Act of 1977, 31 U.S.C. §§6304-6305, which restrict the use of grant or cooperative agreements to relationships in which the principal purpose is to benefit the non-federal party.

The legislation provides for a $100 million authorization of appropriations to carry out the section, to remain available until expended.

Finally, the language makes clear that this section would amend and supplement the Act of June 17, 1902, as amended and supplemented.

### SECTION 504. CONSULTATION WITH STATE PLANS.

Section 504 would require the Secretary, where appropriate, to consult the State Comprehensive Conservation Plans required under the State and Tribal Wildlife Grant Program and coordinate with state fish and wildlife agencies in the planning and implementation of the actions identified in those plans in evaluating proposals for wildlife conservation grants under programs administered by the Department.

## TITLE VI—CONFLICT RESOLUTION

### SECTION 601. ALTERNATIVE DISPUTE RESOLUTION OFFICE.

Section 601 would establish in the Department the Office of Collaborative Action and Dispute Resolution, which would be responsible for promoting and advancing the use of collaborative problem-solving and alternative dispute resolution activities in all Departmental bureaus and offices. The Office would be tasked with increasing the use of early consensus building, alternative dispute resolution, and negotiated rulemakings. The section authorizes such sums as are necessary to carry out the program.

## TITLE VII—MISCELLANEOUS PROVISIONS

In order to ensure clarity and flexibility in implementing this Act, the bill contains a savings provision, which makes clear that the provisions contained in this bill are not intended to supersede any provision of state or federal law; a severability provision, which will ensure the operation of the Act if a particular provision is successfully challenged; and a general authorization to promulgate any regulations necessary to carry out the terms of the Act.

THE DEPUTY SECRETARY
OF THE INTERIOR,
*Washington, DC, June 19, 2007.*

Hon. RICHARD CHENEY,
*President of the Senate,*
*U.S. Senate,*
*Washington, DC.*

DEAR MR. PRESIDENT: The Administration is pleased to forward the enclosed draft legislation, title the "Cooperative Conservation Enhancement Act," for your consideration. The draft legislation is intended to advance the Department of the Interior's successful model of cooperative conservation in several ways. First, it will ensure clear, but flexible statutory authority for programs that are currently carried out by the Department but are generally authorized under many disparate authorities. Second, the bill seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, companies, and organizations and government entities; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

This draft legislation represents a major step forward for the Department's cooperative conservation efforts. If enacted, this new authority will reduce barriers to the use of partnerships in meeting our resource management obligations, and will enhance our collaborative efforts to conserve and protect natural resources and the environment for which the Department is responsible.

To assist you in your review of the draft legislation, we have enclosed a section-by-section analysis for the proposed bill. The Administration recommends that the draft bill be sent to the appropriate committee for consideration and that it be enacted.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

P. LYNN SCARLETT.

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By Mr. STEVENS (for himself, Mr. INOUYE, Ms. MURKOWSKI, and Mr. AKAKA):

S. 2232. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes; to the Committee on Indian Affairs.

Mr. STEVENS. Mr. President, I am pleased to introduce the Foreign Aid Lessons for Domestic Economic Assistance Act of 2007 to bring a fresh approach to the vexing problem of stimulating Alaska Native, Native Hawaiian and Lower-48 Indian Tribe economies to bring jobs, hope and investment to these impoverished peoples.

Despite modest improvements in the economic and social well-being of Alaska's native people, they continue to have extremely high rates of unemployment and poverty, poor health, substandard housing, and the related ills of alcohol and drug abuse.

Only 11 percent of American Indians and Alaska Natives hold a bachelor's degree compared to 24 percent of the total population. The poverty rate in 1999 was 25.7 percent for the American Indian and Alaska Native population, compared to 12.4 percent of the total population.

Weak economies also contribute to poor health in native communities: American Indian and Alaska Natives suffer from significantly higher mortality rates compared to the general population. The death rate for American Indians and Alaska Natives for tuberculosis is 600 percent higher, 510 percent higher for alcoholism, 229 percent higher for motor vehicle crashes, 189 percent higher for diabetes, 61 percent higher for homicide and 62 percent higher for suicide. American Indian and Alaska Native infants die at a rate of 8.5 per every 1,000 live births, compared to 6.8 per 1,000 for all U.S. races.

Housing statistics are no better—12 percent of American Indian and Alaska Native homes lack safe and adequate water supply and waste disposal facilities compared to one percent of the U.S. general population.

This is the profile of native communities in Alaska, and in the lower-48 states as well, despite a vibrant cultural legacy and abundant natural resources on and under their lands and in their waters. Many native communities have marketable timber, huge reserves of coal, natural gas, oil, fish and shellfish and other natural amenities.

At the same time, native economies are hobbled by geographic remoteness, distance from markets and population centers, poor physical infrastructure, and a lack of governmental transparency, contributing to stagnating Native American economies.

Because native economies are often plagued by the same challenges as the economies of the developing world, native economies are likely to benefit from the application of proven models employed in international development efforts, most notably the Millenium Challenge Act of 2003. This initiative aims to foster those policies that are known to be effective and in the process, reduce poverty and promote sustainable economic growth in the host country. Typically, the activities that are assisted are related to agriculture, irrigation, and related land practices; physical infrastructure development to facilitate marketing of goods and services; and a variety of health care programs.

Similarly, the objectives of the legislation I am introducing today are just as straightforward: enhancing the long-term job creation and revenue generation potential of Native economies by creating investment-favorable climates and increasing Native productivity.

The Foreign Aid Lessons for Domestic Economic Assistance Act would also authorize administering federal economic development assistance in a novel manner to promote economic growth, eliminate poverty, and strengthen good governance, entrepreneurship, and investment in native communities.

A corollary, but equally important, objective is to improve the effectiveness of existing Federal economic development assistance by encouraging the integration and coordination of such assistance to benefit Native economies. Accordingly, this legislation requires that any assistance provided must be coordinated with other Federal economic development assistance programs for Native Americans.

A critical component of the Foreign Aid Lessons for Domestic Economic Assistance Demonstration is in its demand for accountability in the performance of the Compact terms and use of financial resources. This legislation requires that eligible entities submit to the Secretary of Commerce written reports on an annual basis detailing activities undertaken and progress made through assistance from this program.

Mr. President, I hope my colleagues will join me in supporting this legislation.

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By Mr. ROCKEFELLER:

S. 2236. A bill to title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to provide additional limitations on preexisting condition exclusions in group health plans and health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Pre-existing Condition Exclusion Patient Protection Act of 2007. This is a critical bill for the tens of millions of individuals who suffer from chronic, disabling, and life-threatening conditions, as it will ensure that they have access to affordable, comprehensive, and meaningful health insurance coverage despite "pre-existing conditions."

The Centers for Disease Control & Prevention estimates that fully one-third of all Americans will have a chronic, disabling, and life-threatening condition at some time during their lifetimes. In West Virginia, that translates to approximately 600,000 of our neighbors who will face these serious health problems. Far too often these are the very people who find their health insurance coverage interrupted, cancelled, or denied because of pre-existing condition limitations in their health insurance policies.

That is why, over 10 years ago, Congress passed the Health Insurance Portability and Accountability Act of 1996, HIPAA, P.L. 104-191, with the objective of protecting Americans from interruptions in health insurance coverage resulting from job changes or other life transitions. HIPAA provides this protection by restricting when private insurers can use pre-existing conditions to limit health care coverage. HIPAA has been successful, and many individuals have come to rely on its protections. However, after more than a decade, certain gaps in HIPAA's protection have become apparent that hamper individuals' access to care for which they could be covered, but for their pre-existing conditions.

First, individuals who have been without health insurance coverage for 63 days or more, risk becoming permanently uninsurable. This is particularly true of individuals with pre-existing conditions, because a 63-day gap in coverage eliminates any prior creditable coverage. If an employee cannot demonstrate that he or she had prior creditable and continuous coverage, an employer can exclude coverage for pre-existing conditions for up to 12 months.

Second, employers can restrict coverage for pre-existing conditions to otherwise qualified employees based on a 6-month "look-back" period. This means that an employer may use medical recommendations, diagnoses, and treatments within the most recent 6 months to exclude coverage as a "pre-existing condition." This "look-back" period is sufficiently long that it likely impacts all Americans with at least one chronic illness, a category that includes a staggering one out of every three Americans, according to the Centers for Disease Control.

Third, the protections offered to individuals moving into a group health plan, or moving into the individual insurance market from a group plan, are not available to individuals attempting to shop around for policies within the individual market. As a result, individuals who purchase policies in the non-group market and never have a gap in coverage still have no protection against the pre-existing condition exclusions that insurers may choose to impose.

The Pre-existing Condition Exclusion Patient Protection Act of 2007 takes significant steps to improve these weaknesses in the law, thereby protecting patients who are currently at risk of being denied health insurance coverage. To close the first gap in the law, the bill reduces the timeframe during which an employer can exclude coverage for pre-existing conditions from 12 months to three months. This would ensure that more Americans have access to health insurance coverage; furthermore, it is consistent with the requirements for "state-qualified plans" under the Trade Adjustment Assistance Reform Act of 2002.

To close the second HIPAA gap, this legislation shrinks the permitted "look-back" period from 6 months to 30 days, which would result in a decrease in the number of Americans who are unfairly denied health coverage due to pre-existing conditions. Finally, the bill closes the third gap by applying the same pre-existing condition protections afforded to individuals in the group health insurance market under HIPAA to individuals moving to, and within, the individual health insurance market.

Passing this legislation would increase access to private health insurance for the almost 94 million Americans who suffer from at least one chronic illness. It also would ensure that the 158 million individuals who are insured through employer-based private plans and the more than 14 million individuals who are covered by non-group, private plans would have far better protection when changing jobs or their health care plans.

I am confident that with these actions, we can achieve a significant improvement in the access of Americans to health insurance coverage. For this reason, I urge my colleagues to advance progress toward this important goal by supporting the Pre-existing Condition Exclusion Patient Protection Act of 2007.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2236

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Preexisting Condition Exclusion Patient Protection Act of 2007".

**SEC. 2. AMENDMENTS RELATING TO PREEXISTING CONDITION EXCLUSIONS UNDER GROUP HEALTH PLANS.**

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Section 701(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(a)(1)) is amended by striking "6-month period" and inserting "30-day period".

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Section 701(a)(2) of such Act (29 U.S.C. 1181(a)(2)) is amended by striking "12 months" and inserting "3 months", and by striking "18 months" and inserting "9 months".

(b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Section 2701(a)(1) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)) is amended by striking "6-month period" and inserting "30-day period".

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Section 2701(a)(2) of such Act (42 U.S.C. 300gg(a)(2)) is amended by striking "12 months" and inserting "3 months", and by striking "18 months" and inserting "9 months".

(c) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Paragraph (1) of section 9801(a) of the Internal Revenue Code of 1986 (relating to limitation on preexisting condition exclusion period and crediting for periods of previous coverage) is amended by striking "6-month period" and inserting "30-day period".

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Paragraph (2) of section 9801(a) of such Code is amended by striking "12 months" and inserting "3 months", and by striking "18 months" and inserting "9 months".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to group health plans for plan years beginning after the end of the 12th calendar month following the date of the enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the earlier of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) 3 years after the date of the enactment of this Act.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

**SEC. 3. AMENDMENTS RELATING TO PREEXISTING CONDITION EXCLUSIONS IN HEALTH INSURANCE COVERAGE IN THE INDIVIDUAL MARKET.**

(a) APPLICABILITY OF GROUP HEALTH INSURANCE LIMITATIONS ON IMPOSITION OF PREEXISTING CONDITION EXCLUSIONS.—

(1) IN GENERAL.—Section 2741 of the Public Health Service Act (42 U.S.C. 300gg–41) is amended—

(A) by redesignating the second subsection (e) (relating to market requirements) and subsection (f) as subsections (f) and (g), respectively; and

(B) by adding at the end the following new subsection:

"(h) APPLICATION OF GROUP HEALTH INSURANCE LIMITATIONS ON IMPOSITION OF PREEXISTING CONDITION EXCLUSIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), a health insurance issuer that provides individual health insurance coverage may not impose a preexisting condition exclusion (as defined in subsection (b)(1)(A) of section 2701) with respect to such coverage except to the extent that such exclusion could be imposed consistent with such section if such coverage were group health insurance coverage.

"(2) LIMITATION.—In the case of an individual who—

"(A) is enrolled in individual health insurance coverage;

"(B) during the period of such enrollment has a condition for which no medical advice, diagnosis, care, or treatment had been recommended or received as of the enrollment date; and

"(C) seeks to enroll under other individual health insurance coverage which provides benefits different from those provided under the coverage referred to in subparagraph (A) with respect to such condition,

the issuer of the individual health insurance coverage described in subparagraph (C) may impose a preexisting condition exclusion with respect to such condition and any benefits in addition to those provided under the coverage referred to in subparagraph (A), but such exclusion may not extend for a period of more than 3 months.".

(2) ELIMINATION OF COBRA REQUIREMENT.—Subsection (b) of such section is amended—

(A) by adding "and" at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4) and (5).

(3) CONFORMING AMENDMENT.—Section 2744(a)(1) of such Act (42 U.S.C. 300gg–44(a)(1)) is amended by inserting "(other than subsection (h))" after "section 2741".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the end of the 12th calendar month following the date of the enactment of this Act.

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By Mr. BIDEN:

S. 2237. A bill to fight crime; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President. I rise to mark the introduction of the 2007 Biden Crime Bill because a perfect storm is gathering with respect to crime in America, and we need bold action to get us back on track.

Before I discuss the specifics of my legislation, I want to talk to you about what is feeding this perfect storm. Since 2001, Federal funding for local law enforcement has been slashed by billions of dollars—from about $2,1 billion per year in the nineties to a proposed level of $32 million in 2007. The COPS hiring program has been eliminated completely.

At the same time, President Bush has reassigned more than 1,000 FBI agents from fighting crime to combating terrorism. Certainly, this was necessary, but he has not replaced them. A bitter irony results—we have improved our ability to fight international terrorism, but left our communities here at home less safe from the threat of murderers, rapists, and drug kingpins.

This is the perfect storm: Asking local law enforcement to do much more for a growing population while giving them much less—less Federal funding and fewer Federal agents with whom to partner. As a result, local law enforcement has had to give up crime prevention practices, like community policing, in order to stay on top of rising demand. They are doing their level best, but they need more help.

Early stages of the storm are upon us. The FBI's Uniform Crime Reports show a rise in violent crime and murder for the second straight year. This hasn't happened since 1994. Last year, crime rose at the highest rate it had in 15 years and this year we add another 1.9 percent increase.

The Police Executive Research Forum reports that the homicide rate rose more than 10 percent in metropolitan areas around the country, like Baltimore, Boston, Charlotte, Cincinnati, Kansas City, and Philadphia. Don't believe the statistics? Just ask your local cops. They will tell you they are seeing more crimes with a higher level of violence.

Back in the nineties we faced a similar crime crisis. In 1994, Congress passed the Crime Bill, and it transformed the Federal approach to fighting crime. It used a three-part system: invest in prevention programs, dedicate Federal support to community-oriented policing, and ensure that offenders serve tough-but-fair prison sentences. It worked. Crime dropped for eight consecutive years. Violent crime and murder rates dropped more than 30 percent

The bill I introduced today is the most comprehensive crime bill in more than a decade and it builds on the successful approach of the 1994 Crime Bill. It invests more than $6 billion in tried and true prevention programs that recognize that the first step to fighting crime is protecting kids from neglect and abuse and providing them with a stable family, positive early education, and someplace safe and constructive to spend the critical after-school hours.

My bill reauthorizes the COPS program and provides $1.15 billion per year to hire, equip, and train 50,000 new police officers, and hire additional local prosecutors. Study after study has demonstrated the effectiveness of the COPS program, and every major law enforcement agency in the country supports it. It is high time we started funding it again.

In addition, the bill provides funds to hire an additional 1,000 FBI agents dedicated to fighting crime and an additional 500 DEA agents dedicated to dismantling drug trafficking organizations. The Federal Government cannot make the trade-off between fighting crime and terrorism—we owe it to our citizens to do both.

The bill invests more than $1 billion in preventing recidivism by ensuring that when prisoners are released into society, they have the vocational training, the drug treatment, and the housing they need to reintegrate as law-abiding, productive members. Currently, over 650,000 ex-offenders are released from Federal and State prisons each year. Within 3 years of release, two-thirds will commit another crime. That is hundreds of thousands of crimes each year, and we need to bring that number down.

Finally, the bill addresses developments in crime fighting and in criminal trade craft. Mr. President, 13 years ago, online sexual predators, Internet copyright infringement, and computer hacking were virtually unknown. Today they are common crimes with real victims. This bill ensures that law enforcement has the resources and legal tools it needs to prevent, investigate, and prosecute such crimes.

The bottom line is that fighting crime is like cutting grass—you stop mowing the lawn and one day you'll look outside and see a real mess. We can't ignore crime and hope it goes away. We've made that mistake over the last 6 years, and our communities are paying the price.

We have to get back to cutting the grass. This legislation takes a comprehensive approach once again to fighting crime. It renews our financial commitment to rebuilding law enforcement capabilities at the Federal, State, and local level. It is a significant step toward making good on one of Congress's most sacred duties to our citizens protecting them from crime and fostering safe communities. I urge my colleagues to support this bill.

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By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 2239. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today I, along with Senator HATCH, am re-introducing the Equity for Our Nation's Self-Employed Act of 2007. This important legislation corrects an inequity that currently exists in our tax code that forces the self-employed to pay payroll taxes on the funds used to pay for their health insurance while larger businesses do not. Because of this inequity, health insurance is more expensive for the self-employed. At a time when the number of people uninsured is growing at an alarming rate, we need to find ways to reduce the cost of health insurance. This legislation is a first logical step.

Under current law, corporations and other business entities are able to deduct health insurance premiums as a business expense and to forego payroll taxes on these costs. However, sole-proprietors are not allowed this same deduction and thus, are required to pay self-employment tax, their payroll tax, on health insurance premiums. The self-employed are the only segment of the business population that are additionally taxed on health insurance. The legislation we are introducing today would stop this inequitable tax treatment and allow sole proprietors to deduct the amount they pay for health insurance from their calculation of payroll taxes, leveling the playing field for the over 20 million self-employed in our Nation.

This problem affects all self-employed who provide health insurance to their families. According to the IRS, there are almost 130,000 sole-proprietors in New Mexico. While we do not know how many of these people in New Mexico have health insurance, we do know that roughly 3.8 million working families in the U.S. paid self-employment tax on their health insurance premiums. Estimates indicate that roughly 60 percent of our Nation's uninsured are either self-employed or work for a small business. According to the Kaiser Family Foundation, self-employed workers spent upwards of $12,000 per year in 2006 to provide health insurance for their family. Because they cannot deduct this as an ordinary business expense, those that spend this amount will pay a 15.3 percent payroll tax on their premiums, resulting in over $1,800 of taxes annually.

This problem was identified by the National Taxpayer Advocate in several of her annual reports to Congress and our legislation to correct it is supported by over 40 national and State organizations including the National Association for the Self-Employed, the National Small Business Association, the National Federation of Independent Business, National Association of Realtors, the U.S. Chamber of Commerce, and the U.S. Hispanic Chamber of Commerce.

I look forward to working with my colleagues to get this important legislation passed.

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By Mr. CARPER (for himself and Ms. COLLINS):

S. 2240. A bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CARPER. Mr. President, I rise today with my mend from Maine to introduce the Volunteer Firefighter and EMS Personnel Job Protection Act.

Current law offers volunteer firefighters and emergency medical services personnel no protection against punishment by their employers should they miss work when called on to respond to a national emergency. This means that firefighters or EMS personnel volunteering their time, even during major disasters like 9/11, Hurricane Katrina, or even the current wildfires in California, can be disciplined or even fired for putting their lives at risk to save others.

We put forward this legislation today out of concern that volunteers faced with the prospect of losing their jobs and not responding to a call will choose the latter. Its passage would protect volunteers from having to make that choice when the call is to a Presidentially-declared disaster or emergency.

In order to receive the protections offered under the bill, a first responder would need to provide reasonable notice to their employer before missing time and would need to provide regular updates during the course of their absence. The bill also allows volunteer firefighters or EMS personnel to take legal action against businesses that fire or discipline an individual who gives appropriate notice before missing work due to a legitimate emergency situation.

In order to prevent abuse, the bill places a 14-day limit on the amount of time volunteer firefighters or EMS workers could take off from their jobs before being subject to disciplinary action. The bill also does not require employers to compensate volunteers for time away from work.

Communities across the country depend on volunteer firefighters and EMS personnel to respond to major disasters. My State is among them. In fact, most communities in Delaware rely almost exclusively on the work and sacrifice of volunteers to protect their citizens from fires to major disasters. This bill seeks to ensure that Delawareans can continue to rely on them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2240

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Volunteer Firefighter and EMS Personnel Job Protection Act".

**SEC. 2. DEFINITIONS.**

In this Act:

(1) EMERGENCY.—The term "emergency" has the meaning given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(2) MAJOR DISASTER.—The term "major disaster" has the meanings given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) QUALIFIED VOLUNTEER FIRE DEPARTMENT.—The term "qualified volunteer fire department" has the meaning given such term in section 150(e) of the Internal Revenue Code of 1986.

(4) VOLUNTEER EMERGENCY MEDICAL SERVICES.—The term "volunteer emergency medical services" means emergency medical services performed on a voluntary basis for a fire department or other emergency organization.

(5) VOLUNTEER FIREFIGHTER.—The term "volunteer firefighter" means an individual who is a member in good standing of a qualified volunteer fire department.

**SEC. 3. TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL PROHIBITED.**

(a) TERMINATION PROHIBITED.—No employee may be terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because such employee is absent from or late to the employee's employment for the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of a response to an emergency or major disaster.

(b) DEPLOYMENT.—The prohibition in subsection (a) shall apply to an employee serving as a volunteer firefighter or providing volunteer emergency medical services if such employee—

(1) is specifically deployed to respond to the emergency or major disaster in accordance with a coordinated national deployment system such as the Emergency Management Assistance Compact or a pre-existing mutual aid agreement; or

(2) is a volunteer firefighter who—

(A) is a member of a qualified volunteer fire department that is located in the State in which the emergency or major disaster occurred;

(B) is not a member of a qualified fire department that has a mutual aid agreement with a community affected by such emergency or major disaster; and

(C) has been deployed by the emergency management agency of such State to respond to such emergency or major disaster.

(c) LIMITATIONS.—The prohibition in subsection (a) shall not apply to an employee who—

(1) is absent from the employee's employment for the purpose described in subsection (a) for more than 14 days per calendar year;

(2) responds on the emergency or major disaster without being officially deployed as described in subsection (b); or

(3) fails to provide the written verification described in subsection (e) within a reasonable period of time.

(d) WITHHOLDING OF PAY.—An employer may reduce an employee's regular pay for any time that the employee is absent from the employee's employment for the purpose described in subsection (a).

(e) VERIFICATION.—An employer may require an employee to provide a written verification from the official of the Federal Emergency Management Agency supervising the Federal response to the emergency or major disaster or a local or State official managing the local or State response to the emergency or major disaster that states—

(1) the employee responded to the emergency or major disaster in an official capacity; and

(2) the schedule and dates of the employee's participation in such response.

(f) REASONABLE NOTICE REQUIRED.—An employee who may be absent from or late to the employee's employment for the purpose described in subsection (a) shall—

(1) make a reasonable effort to notify the employee's employer of such absence; and

(2) continue to provide reasonable notifications over the course of such absence.

**SEC. 4. RIGHT OF ACTION.**

(a) RIGHT OF ACTION.—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in section 3 may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—

(1) reinstatement of the individual's former employment;

(2) payment of back wages;

(3) reinstatement of fringe benefits; and

(4) if the employment granted seniority rights, reinstatement of seniority rights.

(b) LIMITATION.—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in section 3.

**SEC. 5. STUDY AND REPORT.**

(a) STUDY.—The Secretary of Labor shall conduct a study on the impact that this Act could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit to the appropriate congressional committees a report on the study conducted under subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.

Ms. COLLINS. Mr. President. I rise to offer my wholehearted support for the bill offered by the distinguished Senator from Delaware to provide some reasonable measure of job protection for the volunteer firefighters and emergency medical personnel who save thousands of lives across this country every year.

This bill is a matter of simple fairness. It recognizes that volunteer firefighters and emergency medical personnel not only serve their own towns and offer mutual assistance to other communities on a day-to-day basis, but also that they are a key component in state and federal plans for responding to catastrophic natural disasters and terrorist attacks.

Across the Nation, our emergency planning relies on the ready availability of these brave first responders. Indeed, volunteers are absolutely critical to mounting a response to disasters, both large and small. My home state of Maine, for example, has slightly more than 10,000 firefighters in 492 departments. Because Maine is a mostly rural State, fully 88 percent of those firefighters are volunteers.

Yet, even if they are called up in a major disaster or a Presidentially declared emergency under the Stafford Act, these volunteers have no official protection for their jobs while they are answering the call to duty.

We should protect volunteer firefighters and EMS personnel who put their lives on the line.

The current lack of job protection is dangerous. If large numbers of volunteer firefighters and EMS personnel were terminated or demoted after being called away to a disaster or a series of disasters, recruitment and retention of volunteers could be devastated.

The Volunteer Firefighter and EMS Personnel Job Protection Act would correct the injustice and mitigate the danger in a measured and responsible way. It would protect the volunteer first responders against termination or demotion by employers if they are called upon to respond to a Presidentially declared emergency or a major disaster for up to 14 workdays.

The bill imposes no unreasonable burdens on employers. They are not obliged to pay the volunteers during their absence, and they are entitled to receive official documentation that an absent employee was in fact summoned to and served in a disaster response.

Finally, I would note that the bill would facilitate the work of emergency managers. Having this job protection in force would allow them to make operational and contingency plans with greater confidence, knowing that volunteer responders would not be forced to withdraw in short order for fear of losing their jobs.

The Volunteer Firefighter and EMS Personnel Job Protection Act is a straightforward matter of simple justice and sound policy. By extending some protection to these brave men and women, we can strengthen the protection and life-saving response that they provide to many millions of Americans. I believe this bill merits the support of every Senator, and I am proud to be an original co-sponsor.

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By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2241. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public land under the jurisdiction of those agencies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I have just introduced a piece of legislation called the Public Land Fire Regulation Enforcement Act. I wish to spend a moment talking about that.

Mother Nature possesses a beauty like no other; this beauty sometimes allows us to forget the ferocious might that she can bring to bear. The tragic fires in California provide an all too real reminder of this.

My thoughts and prayers are with folks in California, because it was not so long ago that Colorado fund itself in a similar situation. Each year people out West live with the constant and growing threat of wildfire. In 2002, nearly 400,000 acres burned. Then Governor Bill Owens said that "all of Colorado is burning".

Unfortunately, some folks—through ignorance, carelessness, or malice—ignore Federal guidelines and start fires during high risk times. In order to deter this action and provide an added measure of security Senator SALAZAR and I are introducing the Public Land Fire Regulations Enforcement Act. This bill will strengthen current law by increasing the penalties for individuals who disregard public safety and start fires during restricted times. It increases possible fines and doubles the maximum time violators could spend in jail.

I hope that the fires burning in California are contained soon and that the damage is minimized as much as possible. I also hope that the legislation I introduce today will help prevent future catastrophic fires from being started.

By Mr. SPECTER (for himself and Mr. WYDEN):

S. 2243. A bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes; to the Committee on Foreign Relations.

Mr. SPECTER. Mr. President. I have sought recognition to offer legislation to encourage Saudi Arabia to halt its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents.

I offer this bill on behalf of myself and Senator WYDEN.

Since the attacks of September 11, 2001, evidence has emerged indicating that support for al-Qaeda, Ramas, and other organizations has come from Saudi Arabia.

Testimony presented to several Congressional committees, including the Senate Governmental Affairs Committee, Judiciary Committee, and Intelligence committees in both houses, has indicated that Saudi Arabia is an epicenter for terrorist financing. These committees have also found the Saudi government's cooperation in investigations into the al-Qaeda terrorist network has been lackluster.

In the 108 Congress, as a member of the Governmental Affairs Committee and as a member of the Judiciary Committee, we worked to establish a basic point that anybody who knowingly contributes to a terrorist organization is an accessory before the fact to murder; so when people contribute to al-Qaeda or Hamas, knowing that both organizations employ suicide bombers, they are accessories to murder.

United Nations Security Council Resolution 1373, adopted in 2001, mandates that all States "refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts," take "the necessary steps to prevent the commission of terrorist acts," and "deny safe haven to those who finance, plan, support, or commit terrorist acts." There is mounting evidence that Saudi Arabia has not been compliant with this resolution.

The 9/11 Commission interviewed numerous military officers and government officials who repeatedly listed Saudi Arabia as a prime place for terrorists to set up bases and found that "Saudi Arabia's society was a place where al-Qaeda raised money directly from individuals through charities."

The Council on Foreign Relations concluded in a 2002 report that "for years, individuals and charities based in Saudi Arabia have been the most important source of funds for al-Qaeda, and for years, Saudi officials have turned a blind eye."

There are indications that, since the May 12, 2003, suicide bombings in Riyadh, the Government of Saudi Arabia is making a more serious effort to combat terrorism. That said, I would like to draw attention to the following findings recanted by organizations which have studied the record of the Saudis.

In a June 2004 report entitled "Update on the Global Campaign Against Terrorist Financing," the Council on Foreign Relations reported that "we find it regrettable and unacceptable that since September 11, 2001, we know of not a single Saudi donor of funds to terrorist groups who have been publicly punished."

A joint committee of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives issued a report on July 24, 2003, that quotes various U.S. Government personnel who complained that the Saudis refused to cooperate in the investigation of Osama bin Laden and his network both before and after the September 11, 2001, terrorist attacks.

My frustration with the Saudi government's lack of cooperation in international counterterrorism efforts goes back more than a decade. After the Khobar Towers were bombed in 1996—an attack which cost 19 American airmen their lives and injured 400 more—I traveled to Dhahran, Saudi Arabia to see the carnage firsthand. When I arrived, U.S. investigators were being denied the opportunity to interview the suspects apprehended by the Saudis. I personally met with Crown Prince Abdullah of Saudi Arabia to request that the FBI be granted access to the prisoners. Crown Prince Abdullah said that the U.S. should not meddle in Saudi internal affairs; the murder of 19 airmen and the wounding of 400 more hardly qualifies as a Saudi internal affair.

The Saudi government continues to drag its feet when it comes to cooperation in combating terrorism. The Iraq Study Group stated that Saudi Arabia has been "passive and disengaged" with regard to the situation in Iraq. Passive and disengaged is unacceptable when Saudi institutions are funding, training, inciting, and encouraging many terrorist actions in Iraq.

On October 23, 2007, Crown Prince Sultan bin Abdulaziz stated, "The Kingdom is determined to continue its policy of fighting all forms of terrorism."

According to a July 27, 2007, New York Times article, "Of an estimated 60 to 80 foreign fighters who enter Iraq each month, American military and intelligence officials say that nearly half are coming from Saudi Arabia and that the Saudis have not done enough to stem the flow."

On October 23, 2007, Crown Prince Sultan bin Abdulaziz stated, "Saudi

Arabia's view is that dealing with the phenomenon of terrorism should not be confined to the mere security aspect of it but it should also be at the intellectual level."

The Center for Religious Freedom, formerly affiliated with Freedom House, in a 2006 report entitled "Saudi Arabia's Curriculum of Intolerience," stated that despite 2005 statements by the Saudi Foreign Minister that their educational curricula have been reformed, this is "simply not the case." On the contrary, religious textbooks continue to advocate the destruction of any non-Wahhabi Muslim. Saudi Arabia has established Wahhabism, an extreme form of Islam, as the official state doctrine, and about 5,000,000 children are instructed each year in Islamic studies using Saudi Ministry of Education textbooks.

A fall 2007 report by the U.S. Commission on International Religious Freedom stated that, "Due to insufficient information provided by the Saudi government, the Commission could not verify that a formal mechanism exists within the Saudi government to review thoroughly and revise educational texts and other materials sent outside of Saudi Arabia. It appears that the Saudi government has made little or no progress on efforts to halt the exportation of extremist ideology outside the Kingdom." It is important to note that fifteen of the nineteen 9/11 hijackers were Saudis.

In my judgment, the U.S. has been lenient with the Saudis out of deference to Saudi oil. It is really an open scandal that we have not taken action to secure some independence from our reliance on Saudi oil. A September 2005 Government Accountability Office report stated that, "Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. U.S. Government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support of terrorist activities."

The 9/11 Commission recommended that the problems in our bilateral relationship with Saudi Arabia must be confronted openly—this legislation takes a step in that direction.

The legislation expresses the sense of Congress that the Government of Saudi Arabia must immediately and unconditionally: 1. permanently close all organizations in Saudi Arabia that fund, train, incite, encourage, or in any way aid and abet terrorism anywhere in the World; 2. end all funding for offshore terrorist organizations; 3. block all funding from private Saudi citizens and entities to Saudi-based or offshore terror organizations, and 4. provide complete, unrestricted, and unobstructed cooperation to the U.S. in the investigation of terror groups and individuals.

The President should certify to Congress when the Government of Saudi Arabia is fully cooperating with the U.S. in the actions listed above.

Two major objectives in the Global War on Terrorism are to deny terrorists safe haven and to eradicate the sources of terrorist financing. We cannot be successful in this war by ignoring the problem Saudi Arabia presents to our security. The government of Saudi Arabia can no longer remain idle while its citizenry continues to provide the wherewithal for terrorist groups with global reach nor can it continue to directly facilitate and support institutions that incite violence.

President Bush stated that the U.S. "will challenge the enemies of reform, confront the allies of terror, and expect a higher standard from our friends." To be successful in the global war on terrorism we need the proactive and full cooperation of all nations—especially those who consider themselves allies of the U.S.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2243

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Saudi Arabia Accountability Act of 2007".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) United Nations Security Council Resolution 1373 (2001) mandates that all states "refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts", take "the necessary steps to prevent the commission of terrorist acts", and "deny safe haven to those who finance, plan, support, or commit terrorist acts".

(2) In 2004, the Council on Foreign Relations reported that it knew of "not a single Saudi donor of funds to terrorist groups who has been publicly punished".

(3) In his July 2005 testimony to the Committee on Banking, Housing, and Urban Affairs of the Senate, Stewart Levey, the Undersecretary for the Office of Terrorism and Financing Intelligence of the Department of the Treasury, reported that "even today, we believe that Saudi donors may still be a significant source of terrorist financing, including for the insurgency in Iraq". He added that Saudi financiers and charities "remain a key source for the promotion of ideologies used by terrorists and violent extremists".

(4) According to a July 27, 2007 New York Times article, "Of an estimated 60 to 80 foreign fighters who enter Iraq each month, American military and intelligence officials say that nearly half are coming from Saudi Arabia and that the Saudis have not done enough to stem the flow.".

(5) According to a July 15, 2007 Los Angeles Times article, "About 45% of all foreign militants targeting U.S. troops and Iraqi civilians and security forces are from Saudi Arabia . . . according to official U.S. military figures made available to The Times by the senior officer. Nearly half of the 135 foreigners in U.S. detention facilities in Iraq are Saudis, he said. Fighters from Saudi Arabia are thought to have carried out more suicide bombings than those of any other nationality, said the senior U.S. officer, who spoke on condition of anonymity because of the subject's sensitivity.".

(6) The Center for Religious Freedom, formerly affiliated with Freedom House, in a 2006 report entitled "Saudi Arabia's Curriculum of Intolerance", stated that despite 2005 statements by the Saudi Foreign Minister that their educational curricula have been reformed, this is "simply not the case". Contrarily, religious textbooks continue to advocate the destruction of any non-Wahhabi Muslim. Saudi Arabia has established Wahhabism, an extreme form of Islam, as the official state doctrine, and about 5,000,000 children are instructed each year in Islamic studies using Saudi Ministry of Education textbooks.

(7) A Fall 2007 United States Commission on International Religious Freedom report stated "Due to insufficient information provided by the Saudi government, the Commission could not verify that a formal mechanism exists within the Saudi government to review thoroughly and revise educational texts and other materials sent outside of Saudi Arabia. It appears that the Saudi government has made little or no progress on efforts to halt the exportation of extremist ideology outside the Kingdom.".

(8) A September 2005 Government Accountability Office report stated that "Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government has fostered the creation of large private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. United States Government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support of terrorist activities".

(9) A June 2004 press release on the website of the Saudi embassy, www.saudiembassy.net, discussed the creation of the Saudi National Commission for Relief and Charity Work Abroad, a non-governmental body designed to "take over all aspects of private overseas aid operations and assume responsibility for the distribution of private charitable donations from Saudi Arabia" in order to "guard against money laundering and the financing of terrorism". As of late 2007, this Commission had not been created.

(10) In a February 2006 open Senate Select Committee on Intelligence hearing on the "World Wide Threat", former Director of National Intelligence and current Deputy Secretary of State John Negroponte, stated that "there are private Saudi citizens who still engage in these kinds of donations [in which money is transferred back door to terrorists]".

(11) A March 2005 report by the Congressional Research Service stated that at least 5 persons listed as beneficiaries of the Saudi Committee for the Support of the Al Quds Intifada were suspected suicide bombers.

(12) During November 8, 2005 testimony on Saudi Arabia before the Subcommittee on Terrorism, Technology, and Homeland Security of the Committee on the Judiciary of the Senate, Steve Emerson, terrorism expert

and Executive Director of the Investigative Project on Terrorism, stated that despite repeated declarations by Saudi officials that there has been substantial reform in education, progress against terrorism, and movement toward transparency, a review of other Saudi announcements shows that they have either specifically failed to follow through or cannot be proven to have followed through on their pledges. He also noted that the Saudi government established the Saudi Committee for the Support of the Al Quds Intifada, which was proven to provide aid to Palestinian terrorist groups. During an Israeli raid on a Hamas institution, they discovered a spreadsheet from the aforementioned committee giving a detailed account about how they received $545,000 from the committee to allocate to 102 families of so-called martyrs. The spreadsheet included the names of 8 suicide bombers.

(13) A January 2007 Congressional Research Service Report on Saudi Arabia's terrorist-financing activities indicated that although the records portion of the Committee for the Support of the Al Quds Intifada was deactivated in March 2005, of the 1,300 listed beneficiaries, over 60 matched or closely resembled the names of known Palestinian militants who carried out attacks against Israel between October 2000 and March 2002.

(14) The final report of the Presidentially-appointed Iraq Study Group stated that "funding for the Sunni insurgency in Iraq comes from private donors in Saudi Arabia and other Gulf states".

(15) A January 2005 report by the Center for Religious Freedom found that Saudi Arabia was creating and distributing, through its embassy in Washington, DC, material promoting hatred, intolerance, and violence at mosques and Islamic centers in the United States.

(16) On December 14, 2005, R. James Woolsey, former Director of Central Intelligence wrote, "Over the long run, this movement [Wahhabism] is in many ways the most dangerous of the ideological enemies we face." Mr. Woolsey also explained that "al Qaeda and the Wahhabis share essentially the same underlying totalitarian theocratic ideology. It is this common Salafist ideology that the Wahhabis have been spreading widely—financed by $3-4 billion/year from the Saudi government and wealthy individuals in the Middle East over the last quarter century—to the madrassas of Pakistan, the textbooks of Turkish children in Germany, and the mosques of Europe and the U.S.".

(17) According to a May 2006 report by the Center for Religious Freedom, official Saudi religious textbooks continue to teach hatred of those who do not follow Wahhabi Muslim doctrine and encourage jihad against such "infidels" and "the Saudi public school religious curriculum continues to propagate an ideology of hate toward the unbeliever . . . [A] text instructs students that it is a religious obligation to do 'battle' against infidels in order to spread the faith".

(18) In May 2006, the Congressional Research Service reported that "Saudi Arabia has discussed increasing boycott efforts against Israel, despite their WTO [World Trade Organization] obligations".

### SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is imperative that the Government of Saudi Arabia immediately and unconditionally—

(A) permanently close all charities, schools, or other organizations or institutions in the Kingdom of Saudi Arabia that fund, train, incite, encourage, or in any other way aid and abet terrorism anywhere in the world (referred to in this Act as "Saudi-based terror organizations"), including by means of providing support for the families of individuals who have committed acts of terrorism;

(B) end funding or other support by the Government of Saudi Arabia for charities, schools, and any other organizations or institutions outside the Kingdom of Saudi Arabia that train, incite, encourage, or in any other way aid and abet terrorism anywhere in the world (referred to in this Act as "offshore terror organizations"), including by means of providing support for the families of individuals who have committed acts of terrorism;

(C) block all funding from private Saudi citizens and entities to any Saudi-based terror organization or offshore terrorism organization; and

(D) provide complete, unrestricted, and unobstructed cooperation to the United States, including the unsolicited sharing of relevant intelligence in a consistent and timely fashion, in the investigation of groups and individuals that are suspected of financing, supporting, plotting, or committing an act of terror against United States citizens anywhere in the world, including within the Kingdom of Saudi Arabia; and

(2) the President, in determining whether to make the certification described in section 4, should judge whether the Government of Saudi Arabia has continued and sufficiently expanded its efforts to combat terrorism since the May 12, 2003 bombing in Riyadh.

### SEC. 4. PRESIDENTIAL CERTIFICATION.

The President shall certify to the appropriate congressional committees when the President determines that the Government of Saudi Arabia—

(1) is fully cooperating with the United States in investigating and preventing terrorist attacks;

(2) has permanently closed all Saudi-based Wahhabbist organizations that fund Islamic extremism, internally and abroad;

(3) has exercised maximum efforts to block all funding from private Saudi citizens, corporations, and entities, to foreign Islamic extremist and terrorist movements; and

(4) has stopped financing and disseminating materials, and other forms of support, that encourage the spread of radical Wahhabi ideology.

### SEC. 5. STATUS REPORT.

(a) REQUIREMENT FOR REPORT.—Not later than 6 months after the date of the enactment of this Act, and every 12 months thereafter until the President makes the certification described in section 4, the Secretary of State shall submit a report to the appropriate congressional committees that describes the progress made by the Government of Saudi Arabia toward meeting the conditions described in paragraphs (1) through (4) of section 4.

(b) FORM.—The report submitted under subsection (a) shall be in unclassified form and may include a classified annex.

### SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

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By Mr. REID (for Mrs. CLINTON):

S. 2244. A bill to require the Secretary of Health and Human Services to carry out demonstration projects and outreach programs for the identification and abatement of lead hazards, to establish the Joint Task Force on Lead-Based Hazards and the Task Force on Children's Environmental Health and Safety, to strengthen the authority of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise to introduce the Lead Elimination, Abatement and Poisoning Prevention Act of 2007, legislation that would help us address the threat of lead poisoning among children.

We have made enormous strides in reducing exposure to lead since its use was phased out in gasoline and residential paint more than twenty years ago. From 1976 to 1994, we reduced the number of children from age 1 to 5 with elevated blood lead levels from more than 75 percent of the population to slightly over 4 percent of the population, according to the Centers for Disease Control and Prevention, CDC. And many local governments have responded to existing lead hazards through intensive interventions.

In my state, for example, Rochester is just one of the cities that have increased their efforts to address elevated blood lead levels among their residents. In 2002, Rochester estimated that nearly 25 percent of its children had blood lead levels that exceeded the CDC's standard of 10 micrograms per deciliter. Rochester embarked on efforts to engage in residential lead remediation and abatement, particularly among the 80 percent of its housing stock identified as having lead-based paint. By 2005, according to the Monroe County Department of Health, out of more than 13,000 children screened, the number with elevated blood lead levels had dropped to less than 5 percent—a marked reduction from only three years before. Yet these levels are still high, and Rochester continues to work to reduce that level even further, continuing efforts to identify and address the sources of lead poisoning with a coalition of stakeholders.

These are the types of interventions we should be supporting, because there are still far too many children in Rochester and other places around our country who are at risk for lead poisoning. The CDC estimates that more than 300,000 children have elevated blood lead levels. Many of these children are at risk due to existing lead-based paint in their homes. To address this concern, I have introduced legislation—the Home-Based Lead Safety Tax Credit Act—which will help families and landlords remediate and abate lead-based hazards in residences.

But as recent events have shown us, residential lead paint is not the only source of exposure to lead hazards. This past summer, families experienced wave after wave of recalls for products containing lead hazards—products that were all targeted for use by children, including toys, bibs, and notebooks. Hundreds of thousands of children have been needlessly exposed to lead-contaminated products, and I have written to both President Bush and the Acting Commissioner of the Consumer Product Safety Commission to urge them to undertake the reforms necessary to strengthen this agency.

Our Government's Healthy People 2010 Objectives includes the goal of eliminating elevated blood lead levels in children. The Environmental Protection Agency's Strategic Plan for 2006–2011 also sets the goal of eliminating elevated blood lead levels in American children by 2010. But if we keep along our current path, we will not attain those goals. We must increase our commitment at our federal agencies to address this issue, provide our state and local governments with the tools to mobilize the multiple stakeholders involved in lead abatement and poisoning prevention, and increase our efforts to educate families about ways to protect their children from lead exposure.

We need to take a comprehensive approach to lead poisoning prevention, which is why I am introducing the LEAPP Act today. This legislation will do the following:

In far too many cases, a single dwelling accounts for multiple childhood lead poisonings. This bill would establish a pilot project to increase collaboration between state and local health departments, housing agencies, and environmental departments to identify these "repeat offender" houses, take steps to remediate or remove the existing lead hazards and treat children who have been exposed. This program would be authorized at $5 million annually from fiscal years 2008 to 2012.

Currently, the federal government has multiple programs designed to addressing lead-based hazards and increase lead poisoning prevention. The LEAPP Act would consolidate these task forces to improve coordination among all agencies, as well as state, local and community stakeholders, and have them develop a strategic plan to maximize resources for Federal Government resources.

The President's Task Force on Environmental Health Risks and Safety Risks to Children was established in 1997 to help coordinate the overall environmental health work in the Executive Branch. The LEAPP Act would codify the Task Force to facilitate high-level federal coordination for initiatives that improve children's environmental health, including lead poisoning prevention and abatement.

While exposure to lead paint remains a primary hazard, other sources for lead poisoning are imported products with high levels of lead and traditional medications that contain lead. The LEAAP Act would authorize the Office of Minority Health and the Office of Refugee Resettlement to engage in community-based partnerships to increase culturally appropriate education and outreach campaigns to reduce lead hazard exposure.

Since lead accumulates in bones, many pregnant women may unknowingly have elevated blood lead levels, which may be passed to their children or cause toxic effects on their own organs. Through identifying and screening women during pregnancy, we can work to improve the health of the mother, her child, and the overall family. The LEAPP Act would establish pilot projects to incorporate risk assessment, screening and treatment as part of prenatal care for Medicaid populations. This program would be authorized at $5 million annually for each of fiscal years 2008 through 2012.

Current law does not require landlords and homeowners to conduct lead-based paint inspections before they can lease or sell their homes. This legislation not only requires landlords to conduct these inspections, but also produce documentation of these inspections and remediate any lead-based paint hazards found as a result of these inspections before leasing or selling homes.

Far too many children are exposed to lead-based paint in their homes only to return to the same home after being diagnosed as having contracted lead poisoning. Under this bill, if the primary residence of a child who is less than 6 years of age is in a unit of public or private housing, and such child is diagnosed by a certified medical practitioner as having contracted lead poisoning, the public housing authority or landlord for such residence shall immediately temporarily relocate the affected family, conduct an inspection and risk assessment for lead, and completely abate the unit in which such child resided.

Current law and regulation that aim to reduce lead-based poisoning in homes do not cover all housing units. If we are to reach our goal of eliminating lead poisoning by 2010, we must extend the reach of current law and regulations to cover all housing units. This bill will extend that coverage to zero bedroom housing, housing for the elderly and persons with disabilities. Doing so will provide protections for children without regard for the type of dwelling in which they reside.

The Low Income Housing Tax Credit is the federal government's largest housing rehabilitation program. Despite this fact, the LIHTC does not have a single lead-based hazard control requirement. This legislation sets aside 5 percent of the LIHTC funding for lead-based hazard control measures.

Although weatherization measures can improve energy efficiency and save homeowners on energy cost, these measures can also create lead hazards in homes. To protect our children from these hazards, this legislation requires weatherization programs to do lead hazard controls as part of their weatherization work.

I look forward to working with my colleagues to continue our efforts to protect children against lead poisoning.

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By Mr. DURBIN:

S. 2245. A bill to establish a comission to ensure food safety in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2245

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Safety Authority Modernization Act".

### SEC. 2. CONGRESSIONAL BIPARTISAN FOOD SAFETY COMMISSION.

(a) COMMISSION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established a commission to be known as the "Congressional Bipartisan Food Safety Commission" (referred to in this Act as the "Commission").

(B) PURPOSE.—The purpose of the Commission shall be to act in a bipartisan, consensus-driven fashion—

(i) to review the food safety system of the United States;

(ii) to prepare a report that—

(I) summarizes information about the food safety system as in effect as of the date of enactment of this Act; and

(II) makes recommendations on ways—

(aa) to modernize the food safety system of the United States;

(bb) to harmonize and update food safety statutes;

(cc) to improve Federal, State, local, and interagency coordination of food safety personnel, activities, budgets, and leadership;

(dd) to best allocate scarce resources according to risk;

(ee) to ensure that regulations, directives, guidance, and other standards and requirements are based on best-available science and technology;

(ff) to emphasize preventative rather than reactive strategies; and

(gg) to provide to Federal agencies funding mechanisms necessary to effectively carry out food safety responsibilities; and

(iii) to draft specific statutory language, including detailed summaries of the language and budget recommendations, that would implement the recommendations of the Commission.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 19 members.

(B) ELIGIBILITY.—Members of the Commission shall—

(i) have specialized training, education, or significant experience in at least 1 of the areas of—

(I) food safety research;

(II) food safety law and policy; and

(III) program design and implementation;

(ii) consist of—

(I) the Secretary of Agriculture (or a designee);

(II) the Secretary of Health and Human Services (or a designee);

(III) 1 Member of the House of Representatives; and

(IV) 1 Member of the Senate; and

(V) 15 additional members that include, to the maximum extent practicable, representatives of—

(aa) consumer organizations;

(bb) agricultural and livestock production;

(cc) public health professionals;

(dd) State regulators;

(ee) Federal employees; and

(ff) the livestock and food manufacturing and processing industry.

(C) APPOINTMENTS.—

(i) IN GENERAL.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(ii) CERTAIN APPOINTMENTS.—Of the members of the Commission described in subparagraph (B)(ii)(V)—

(I) 2 shall be appointed by the President;

(II) 7 shall be appointed by a working group consisting of—

(aa) the Chairman of each of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Health, Education, Labor, and Pensions of the Senate;

(bb) the Chairman of each of the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives;

(cc) the Speaker of the House of Representatives; and

(dd) the Majority Leader of the Senate; and

(III) 6 shall be appointed by a working group consisting of—

(aa) the Ranking Member of each of the Committees described in items (aa) and (bb) of subclause (II);

(bb) the Minority Leader of the House of Representatives; and

(cc) the Minority Leader of the Senate.

(D) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(E) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(3) MEETINGS.—

(A) INITIAL MEETING.—Except as provided in subparagraph (B), the initial meeting of the Commission shall be conducted in Washington, District of Columbia, not later than 30 days after the date of appointment of the final member of the Commission under paragraph (2)(C).

(B) MEETING FOR PARTIAL APPOINTMENT.—If, as of the date that is 90 days after the date of enactment of this Act, all members of the Commission have not been appointed under paragraph (2)(C), but at least 8 members have been appointed, the Commission may hold the initial meeting of the Commission.

(C) OTHER MEETINGS.—The Commission shall—

(i) hold a series of at least 5 stakeholder meetings to solicit public comment, including—

(I) at least 1 stakeholder meeting, to be held in Washington, District of Columbia; and

(II) at least 4 stakeholder meetings, to be held in various regions of the United States; and

(ii) meet at the call of—

(I) the Chairperson;

(II) the Vice-Chairperson; or

(III) a majority of the members of the Commission.

(D) PUBLIC PARTICIPATION; INFORMATION.—To the maximum extent practicable—

(i) each meeting of the Commission shall be open to the public; and

(ii) all information from a meeting of the Commission shall be recorded and made available to the public.

(E) QUORUM.—With respect to meetings of the Commission—

(i) a majority of the members of the Commission shall constitute a quorum for the conduct of business of the Commission; but

(ii) for the purpose of a stakeholder meeting described in subparagraph (C)(i), 4 or more members of the Commission shall constitute a quorum.

(F) FACILITATOR.—The Commission shall contract with a nonpolitical, disinterested third-party entity to serve as a meeting facilitator.

(4) CHAIRPERSON AND VICE-CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall select from among the members a Chairperson and Vice-Chairperson of the Commission.

(b) DUTIES.—

(1) RECOMMENDATIONS.—The Commission shall review and consider the statutes, studies, and reports described in paragraph (2) for the purpose of understanding the food safety system of the United States in existence as of the date of enactment of this Act.

(2) STATUTES, STUDIES, AND REPORTS.—The statutes, studies, and reports referred to in paragraph (1) are—

(A) with respect to laws administered by the Secretary of Agriculture—

(i) the Federal Seed Act (7 U.S.C. 1551 et seq.);

(ii) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.);

(iii) the Animal Health Protection Act (7 U.S.C. 8301 et seq.);

(iv) the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.);

(v) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(vi) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.); and

(vii) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(B) with respect to laws administered by the Secretary of the Treasury, the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.);

(C) with respect to laws administered by the Federal Trade Commission, the Act of September 26, 1914 (15 U.S.C. 41 et seq.);

(D) with respect to laws administered by the Secretary of Health and Human Services—

(i) chapters I through IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(ii) the Public Health Service Act (42 U.S.C. 201 et seq.);

(iii) the Import Milk Act (21 U.S.C. 141 et seq.);

(iv) the Food Additives Amendment of 1958 (Public Law 85-929; 52 Stat. 1041);

(v) the Fair Packaging and Labeling Act (Public Law 89-755; 80 Stat. 1296);

(vi) the Infant Formula Act of 1980 (21 U.S.C. 301 note; Public Law 96-359);

(vii) the Pesticide Monitoring Improvements Act of 1988 (Public Law 100-418; 102 Stat. 1411);

(viii) the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 301 note; Public Law 101-535);

(ix) the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 301 note; Public Law 105-115); and

(x) the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (21 U.S.C. 201 note; Public Law 107-188);

(E) with respect to laws administered by the Attorney General, the Federal Anti-Tampering Act (18 U.S.C. 1365 note; Public Law 98-127);

(F) with respect to laws administered by the Administrator of the Environmental Protection Agency—

(i) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(ii) the Food Quality Protection Act of 1996 (7 U.S.C. 136 note; Public Law 104-170);

(iii) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(iv) the Safe Drinking Water Act of 1974 (42 U.S.C. 201 note; Public Law 93-523); and

(G) with respect to laws administered by the Secretary of Transportation, chapter 57 of subtitle II of title 49, United States Code (relating to sanitary food transportation); and

(H) with respect to Government studies on food safety—

(i) the report of the National Academies of Science entitled "Ensuring Safe Food from Production to Consumption" and dated 1998;

(ii) the report of the National Academies of Science entitled "Scientific Criteria to Ensure Safe Food" and dated 2003;

(iii) reports of the Office of the Inspector General of the Department of Agriculture, including—

(I) report 24601-0008-CH, entitled "Egg Products Processing Inspection" and dated September 18, 2007;

(II) report 24005-1-AT, entitled "Food Safety and Inspection Service—State Meat and Poultry Inspection Programs" and dated September 27, 2006;

(III) report 24601-06-CH, entitled "Food Safety and Inspection Service's In-Plant Performance System" and dated March 28, 2006;

(IV) report 24601-05-AT, entitled "Hazard Analysis and Critical Control Point Implementation at Very Small Plants" and dated June 24, 2005;

(V) report 24601-04-HY, entitled "Food Safety and Inspection Service Oversight of the 2004 Recall by Quaker Maid Meats, Inc." and dated May 18, 2005;

(VI) report 24501-01-FM, entitled "Food Safety and Inspection Service Application Controls—Performance Based Inspection System" and dated November 24, 2004;

(VII) report 24601-03-CH, entitled "Food Safety and Inspection Service Use of Food Safety Information" and dated September 30, 2004;

(VIII) report 24601-03-HY, entitled "Food Safety and Inspection Service Effectiveness Checks for the 2002 Pilgrim's Pride Recall" and dated June 29, 2004;

(IX) report 24601-02-HY, entitled "Food Safety and Inspection Service Oversight of the Listeria Outbreak in the Northeastern United States" and dated June 9, 2004;

(X) report 24099-05-HY, entitled "Food Safety and Inspection Service Imported Meat and Poultry Equivalence Determinations Phase III" and dated December 29, 2003;

(XI) report 24601-2-KC, entitled "Food Safety and Inspection Service—Oversight of Production Process and Recall at Conagra Plant (Establishment 969)" and dated September 30, 2003;

(XII) report 24601-1-Ch, entitled "Laboratory Testing Of Meat And Poultry Products" and dated June 21, 2000;

(XIII) report 24001-3-At, 24601-1-Ch, 24099-3-Hy, 24601-4-At, entitled "Food Safety and Inspection Service: HACCP Implementation, Pathogen Testing Program, Foreign Country Equivalency, Compliance Activities" and dated June 21, 2000; and

(XIV) report 24001-3-At, entitled "Implementation of the Hazard Analysis and Critical Control Point System" and dated June 21, 2000; and

(I) with respect to reports prepared by the Government Accountability Office, the reports designated—

(i) GAO-05-212;
(ii) GAO-02-47T;
(iii) GAO/T-RCED-94-223;
(iv) GAO/RCED-99-80;
(v) GAO/T-RCED-98-191;
(vi) GAO/RCED-98-103;
(vii) GAO-07-785T;
(viii) GAO-05-51;
(ix) GAO/T-RCED-94-311;
(x) GAO/RCED-92-152;
(xi) GAO/T-RCED-99-232;
(xii) GAO/T-RCED-98-271;
(xiii) GAO-07-449T;
(xiv) GAO-05-213;
(xv) GAO-04-588T;
(xvi) GAO/RCED-00-255;
(xvii) GAO/RCED-00-195; and
(xviii) GAO/T-RCED-99-256.

(3) REPORT.—Not later than 360 days after the date on which the Commission first meets, the Commission shall submit to the President and Congress a report that includes the report and summaries, statutory language recommendations, and budget recommendations described in clauses (ii) and (iii) of subsection (a)(1)(B).

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission or, at the direction of the Commission, any member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission or member considers advisable.

(2) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(A) ISSUANCE.—A subpoena issued under paragraph (1)(B) shall—

(i) bear the signature of the Chairperson of the Commission; and

(ii) be served by any person or class of persons designated by the Chairperson for that purpose.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the district in which the subpoenaed person resides, is served, or may be found may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(C) NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

(D) WITNESS ALLOWANCES AND FEES.—

(i) IN GENERAL.—Section 1821 of title 28, United States Code, shall apply to a witness requested or subpoenaed to appear at a hearing of the Commission.

(ii) EXPENSES.—The per diem and mileage allowances for a witness shall be paid from funds available to pay the expenses of the Commission.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly, from any Federal agency, such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—

(i) IN GENERAL.—Subject to subparagraph (C), on the request of the Commission, the head of a Federal agency described in subparagraph (A) shall expeditiously furnish information requested by the Commission to the Commission.

(ii) ADMINISTRATION.—The furnishing of information by a Federal agency to the Commission shall not be considered a waiver of any exemption available to the agency under section 552 of title 5, United States Code.

(C) INFORMATION TO BE KEPT CONFIDENTIAL.—For purposes of section 1905 of title 18, United States Code—

(i) the Commission shall be considered an agency of the Federal Government; and

(ii) any individual employed by an individual, entity, or organization that is a party to a contract with the Commission under this section shall be considered an employee of the Commission.

(d) COMMISSION PERSONNEL MATTERS.—

(1) MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) EXECUTIVE DIRECTOR.—Not later than 30 days after the Chairperson and Vice-Chairperson of the Commission are selected under subsection (a)(4), the Chairperson and Vice-Chairperson shall jointly select an individual to serve as executive director of the Commission.

(B) ADDITIONAL STAFF.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate the appointment of such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(C) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director under this paragraph shall be subject to confirmation by the Commission.

(D) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level II of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission, without reimbursement, for such period of time as is permitted by law.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson, Vice-Chairperson, and executive director of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of that title.

(e) FUNDING AND SUPPORT SERVICES.—For each fiscal year, the Secretary of Agriculture and the Secretary of Health and Human Services shall provide to fund the Commission and carry out this section—

(1) from funds made available to the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and amounts made available for the Office of the Secretary of Health and Human Services from appropriations Acts, such equal amounts as are necessary to fund the Commission and otherwise carry out this section; and

(2) such equal contributions of support services as are necessary to assist the Commission in carrying out the duties of the Commission under this section.

(f) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the report under subsection (b)(2).

### SEC. 3. TERMINATION OF AUTHORITY RELATING TO FOOD AND FOOD SAFETY.

(a) TERMINATION OF AUTHORITY.—The budget authority to implement the provisions of law described in subsection (b) relating to food and food safety shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are—

(1) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(2) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(3) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.); and

(4) chapters I through IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 356—AFFIRMING THAT ANY OFFENSIVE MILITARY ACTION TAKEN AGAINST IRAN MUST BE EXPLICITLY APPROVED BY CONGRESS BEFORE SUCH ACTION MAY BE INITIATED

Mr. DURBIN (for himself and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 356

Whereas Article I, Section 8, of the Constitution of the United States vests in Congress all power to declare war: Now, therefore, be it

*Resolved*, That any offensive military action taken by the United States against Iran must be explicitly approved by Congress before such action may be initiated.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3455. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes.

SA 3456. Mr. SUNUNU proposed an amendment to the bill S. 294, supra.

SA 3457. Mrs. MURRAY proposed an amendment to the bill S. 294, supra.

SA 3458. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 294, supra; which was ordered to lie on the table.

SA 3459. Mrs. MURRAY proposed an amendment to the bill S. 294, supra.

SA 3460. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3461. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3462. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3463. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3464. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3465. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3466. Mr. REID (for Mr. SUNUNU (for himself, Mr. CARPER, Mr. STEVENS, Mr. INOUYE, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mrs. HUTCHISON, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 3678, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

SA 3467. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table.

SA 3468. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3469. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3470. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3455.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

Strike subsection (a) of section 219.

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**SA 3456.** Mr. SUNUNU proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 35, strike line 1 and all that follows through "(A)" on line 4 and insert the following:

"(b) IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 35, strike lines 11 through 16.

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**SA 3457.** Mrs. MURRAY proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 189, after line 25, add the following:

### TITLE V—MISCELLANEOUS

**SEC. 501. STRATEGIC PLAN ON EXPANDED CROSS-BORDER PASSENGER RAIL SERVICE DURING THE 2010 OLYMPIC GAMES.**

Not later than 120 days after the date of the enactment of this Act, Amtrak shall, in consultation with the Secretary of Homeland Security, the Washington State Department of Transportation, and the Burlington Northern Santa Fe Railway—

(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as "Amtrak Cascades");

(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

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**SA 3458.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, after line 25, add the following:

### TITLE V—MISCELLANEOUS

**SEC. 501. COMPREHENSIVE PRECLEARANCE INSPECTIONS FOR RAIL PASSENGERS TRAVELING INTO THE UNITED STATES ON THE AMTRAK CASCADES ROUTE.**

(a) IN GENERAL.—Not later than December 31, 2009, the Secretary of Homeland Security shall provide comprehensive preclearance inspections, including customs inspections, at the Pacific Central Station in Vancouver, British Columbia, Canada, for passengers traveling into the United States on the Amtrak passenger rail route that travels between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as "Amtrak Cascades").

(b) PROGRESS REPORTS.—Not later than 180 days and 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report describing the progress of the Department of Homeland Security toward providing the comprehensive preclearance inspections described in subsection (a).

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**SA 3459.** Mrs. MURRAY proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 33, between lines 10 and 11, insert the following:

**SEC. 210A. REPORT ON SERVICE DELAYS ON CERTAIN PASSENGER RAIL ROUTES.**

Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall submit to Congress a report that—

(1) describes service delays and the sources of such delays on—

(A) the Amtrak passenger rail route between Seattle, Washington, and Los Angeles, California (commonly known as the "Coast Starlight"); and

(B) the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as "Amtrak Cascades"); and

(2) contains recommendations for improving the on-time performance of such routes.

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**SA 3460.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 63, line 9, insert ", infrastructure," after "facilities".

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**SA 3461.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

At the end of title III, add the following:

**SEC. 306. PASSENGER RAIL SYSTEM COMPARISON STUDY.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, and Japan.

(b) ISSUES TO BE STUDIED.—The study conducted under subsection (a) shall include a country-by-country comparison of—

(1) the development of high speed rail;

(2) passenger rail operating costs;

(3) the amount and payment source of rail line construction and maintenance costs;

(4) the amount and payment source of station construction and maintenance costs;

(5) passenger rail debt service costs;

(6) passenger rail labor agreements and associated costs;

(7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;

(8) the percentage of the passenger rail system's costs that are paid from general government revenues; and

(9) the method used by the government to provide the subsidies described in paragraph (8).

(c) REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

**SA 3462.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. AFFIRMATION THAT ANY OFFENSIVE MILITARY ACTION TAKEN AGAINST IRAN SHALL BE EXPLICITLY APPROVED BY CONGRESS BEFORE SUCH ACTION MAY BE INITIATED.**

The Senate hereby affirms that—

(1) Article I, Section 8, of the Constitution of the United States vests in Congress all power to declare war; and

(2) any offensive military action taken by the United States against Iran must be explicitly approved by Congress before such action may be initiated.

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**SA 3463.** Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

### TITLE V—NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2007

**SEC. 501. SHORT TITLE; FINDINGS.**

(a) SHORT TITLE.—This title may be cited as the "National Capital Transportation Amendments Act of 2007".

(b) FINDINGS.—Congress finds as follows:

(1) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(2) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(3) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

**SEC. 502. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.**

The National Capital Transportation Act of 1969 (sec. 9-1111.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

"SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

"(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

"(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

"(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

"(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

"(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

"(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

"(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

"(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

"(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

"(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

"(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

"(1) shall remain available until expended; and

"(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

"(g) ACCESS TO WIRELESS SERVICES IN METRORAIL SYSTEM.—

"(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

"(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail station platforms with the highest volume of passenger traffic.

"(B) Not later than 4 years after such date, throughout the rail system.

"(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

"(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

"(4) REPORTS.—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

"(5) DEFINITION.—In this subsection, the term 'licensed wireless provider' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.".

**SEC. 503. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.**

(a) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—The Washington Metropolitan Area Transit Authority (hereafter referred to as the "Transit Authority") shall establish in the Transit Authority the Office of the Inspector General (hereafter in this section referred to as the "Office"), headed by the Inspector General of the Transit Authority (hereafter in this section referred to as the "Inspector General").

(2) DEFINITION.—In paragraph (1), the "Washington Metropolitan Area Transit Authority" means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774).

(b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis,

law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(3) REPORTS.—

(A) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(B) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(5) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(2) STAFF.—

(A) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(i) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(ii) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(iii) such other personnel as the Inspector General considers appropriate.

(B) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(C) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (B).

(3) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

**SEC. 504. STUDY AND REPORT BY COMPTROLLER GENERAL.**

(a) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this title).

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under subsection (a).

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**SA 3464.** Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, between lines 12 and 13, insert the following:

**SEC. 200. MISSION.**

Section 24101 is amended by striking subsection (c) and inserting the following:

"(c) MISSION.—

"(1) IN GENERAL.—The mission of Amtrak is to provide efficient and effective intercity passenger mobility in those travel markets in which passenger rail offers a trip-time and service quality competitive or complementary travel option consistent with the goal of continual reduction in Federal operating subsidies required to provide such service.

"(2) PERFORMANCE MEASUREMENT.—All measurements of Amtrak performance, including decisions on whether, and to what extent, to provide operating subsidies, shall be based on the Amtrak's ability to carry out the mission described in paragraph (1).".

On page 33, line 3, strike "may" and insert "shall".

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**SA 3465.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 10 and 11, insert the following:

**SEC. 210A. REPORT ON THE FEASIBILITY OF REESTABLISHING AN AMTRAK ROUTE THROUGH SOUTHERN MONTANA.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Montana Department of Transportation and such other States and organizations as the Secretary determines appropriate, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the feasibility of reestablishing an Amtrak passenger rail route through southern Montana (formerly known as the "North Coast Hiawatha").

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include an assessment of—

(1) the costs associated with the operation of a passenger rail route through southern

Montana and any upgrades necessary to reestablish the route;

(2) the numbers of passengers projected to use the route;

(3) the economic benefits to the region of a passenger rail route through southern Montana;

(4) any impact on the existing Amtrak passenger rail route through northern Montana (commonly known as the "Empire Builder"); and

(5) the availability of other modes of long-distance travel to residents of southern Montana.

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**SA 3466.** Mr. REID (for Mr. SUNUNU (for himself, Mr. CARPER, Mr. STEVENS, Mr. INOUYE, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mrs. HUTCHISON, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 3678, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Freedom Act Amendments Act of 2007".

### SEC. 2. MORATORIUM.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in section 1101(a) by striking "2007" and inserting "2014", and

(2) in section 1104(a)(2)(A) by striking "2007" and inserting "2014".

### SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"(c) APPLICATION OF DEFINITION.—

"(1) IN GENERAL.—Effective as of November 1, 2003—

"(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

"(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108-435).

"(2) EXCEPTIONS.—Paragraph (1) shall not apply until June 30, 2008, to a tax on Internet access that is—

"(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

"(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

"(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to June 30, 2008, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).".

### SEC. 4. DEFINITIONS.

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking "services",

(2) by amending paragraph (5) to read as follows:

"(5) INTERNET ACCESS.—The term 'Internet access'—

"(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

"(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

"(i) to provide such service; or

"(ii) to otherwise enable users to access content, information or other services offered over the Internet;

"(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity;

"(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), (C), or (E) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), (C), or (E); and

"(E) includes a home page electronic mail and instant messaging (including voice—and video—capable electronic mail and instant messaging), video clips, and personal electronic storage capacity, that are provided independently or not packaged with Internet access.";

(3) by amending paragraph (9) to read as follows:

"(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).", and

(4) in paragraph (10) by adding at the end the following:

"(C) SPECIFIC EXCEPTION.—

"(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

"(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

"(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

"(III) is imposed on a broad range of business activity; and

"(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

"(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

"(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.".

### SEC. 5. CONFORMING AMENDMENTS.

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking "telecommunications services" each place it appears and inserting "telecommunications", and

(2) in subsection (b)(2)—

(A) in the heading by striking "SERVICES",

(B) by striking "such services" and inserting "such telecommunications", and

(C) by inserting before the period at the end the following: "or to otherwise enable users to access content, information or other services offered over the Internet".

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

### SEC. 6. SUNSET OF GRANDFATHER PROVISIONS.

Section 1104(a) of the Internet Tax Freedom Act is amended by adding at the end thereof the following:

"(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any State that has, more than 24 months prior to the date of enactment of this paragraph, enacted legislation to repeal the State's taxes on Internet access or issued a rule or other proclamation made by the appropriate agency of the State that such State agency has decided to no longer apply such tax to Internet access.".

### SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

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**SA 3467.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

### SEC. 224. DISCLOSURE OF PER PASSENGER FEDERAL SUBSIDIES.

Amtrak shall publicly disclose all the costs incurred for each Amtrak route that are subsidized by the Federal Government, including costs for maintenance, depreciation, and operations. The specific per-passenger Federal subsidy on each route shall be displayed on every ticket purchased for that route and on Amtrak's publicly accessible website.

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**SA 3468.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, strike line 22 and all that follows through page 34, line 5, and insert the following:

"(1) any qualified rail operator or transportation company

**SA 3469.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 21, strike "(b)" and insert the following:

(b) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

(c)

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**SA 3470.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, strike line 21 and insert the following:

"(7) reaching financial solvency by eliminating routes and services that do not make a profit; and

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## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on November 8, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 86, to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers; S. 1365, to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes; S. 1449, to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature & Science in Denver, Colorado; S. 1921, to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes; S. 1941, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; S. 1961, to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama; S. 1991, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes; S. 2098, to establish the Northern Plains Heritage Area in the State of North Dakota; S. 2220, to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations; and H.R. 1191, to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel___pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, October 25, 2007 at 9 a.m. in room SR-328A of the Russell Senate Office building. The Committee will continue its markup of the 2007 farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing during the session of the Senate on Thursday, October 25, 2007, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

At this hearing, the subcommittee will examine sweatshop conditions in Chinese factories where toys and other children's products are manufactured.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 25, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on "Small Business Health Insurance: Building a Gateway to Coverage."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. CARPER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct an Executive Business Meeting on Thursday, October 25, 2007, at 10 a.m. in room 226 of the Dirksen Senate Office Building. The agenda is attached.

#### Agenda

*I. Bill*

S. 1946, Public Corruption Prosecution Improvements Act (Leahy, Cornyn).

*II. Resolutions*

S. Res. 347, Designating May 2008 as "National Be Bear Aware and Wildlife Stewardship Month" (Baucus, Tester).

S. Res. 346, Expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio and Wisconsin. (Coleman, Durbin, Grassley, Feingold, Kohl).

*III. Nomination*

John Daniel Tinder, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. CARPER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 25, 2007 at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICE, AND INTERNATIONAL SECURITY

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, October 25, 2007, at 2:30 p.m. in order to conduct a hearing entitled, "Single Audits: Are They Helping to Safeguard Federal Funds?"

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, be authorized to meet during the session of the Senate on Thursday, October 25, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing on effectiveness of Federal drunk driving programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. LAUTENBERG. I ask unanimous consent that Michael F. Burke, a fellow in the office of Senator CARDIN, be granted the privileges of the floor during consideration of S. 294, the Passenger Rail Investment and Improvement Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURES READ THE FIRST TIME—S. 2233, S. 2234, H.R. 505, H.R. 3963

Mr. CARPER. Mr. President, I understand there are four bills at the desk, and I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 2233) to provide a permanent deduction for State and local general sales taxes.

A bill (S. 2234) to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses.

A bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

A bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

Mr. CARPER. Mr. President, I now ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read the second time on the next legislative day.

## ORDERS FOR FRIDAY, OCTOBER 26, 2007

Mr. CARPER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, October 26; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of Calendar No. 158, S. 294, Amtrak authorization; that at 10 a.m., the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; that during morning business, Senator DODD be recognized for up to 20 minutes, Senator DORGAN up to 30 minutes, and Senator INHOFE up to 2 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CARPER. Mr. President, if there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:45 p.m., adjourned until Friday, October 26, 2007, at 9:30 a.m.

# EXTENSIONS OF REMARKS

## RECOGNIZING THE ACCOMPLISHMENTS OF THE CU SOLAR DECATHLON TEAM

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. UDALL of Colorado. Madam Speaker, I rise today to recognize and honor the talented group of students who make up the 2007 University of Colorado Solar Decathlon team. These students participated in the Department of Energy's Solar Decathlon competition earlier this month.

The Solar Decathlon is a competition organized by the Department of Energy that gives college students an opportunity to demonstrate practical uses of solar power. This October, 20 university teams from around the country and the world competed in the third Solar Decathlon to build the most energy-efficient, solar-powered house. Each team was required to use solar energy to power the entire house, and was judged on how well its house was able to produce energy for heating, cooling, hot water, lighting, appliances, computers, and charging an electric car. The houses were also critiqued on their overall aesthetic design.

The University of Colorado team designed a fully livable 700 square foot house for the competition and will complete the house with an addition of 1400 square feet with 3 additional bedrooms, 2 bathrooms, a breakfast nook, and additional living space. As I toured this remarkable house on the Mall this past week, I was impressed by its modern functionality and the sustainable sources from which it was constructed. I was also impressed with the intelligence and curiosity of the team members that gave me the tour—these students will be among the leaders of engineers and architects guiding our next generation in renewable energy use and production.

This team follows in a strong tradition of entrants from the University of Colorado, which took first overall in the previous two competitions. I want to recognize and congratulate Chad Corbin and Professor Michael J. Brandemuehl, the student and faculty leaders that spearheaded this project, in addition to the many other undergraduate and graduate architecture, engineering, and business students at CU who helped design and build this house. Xcel Energy has already purchased this astonishing house to use as a permanent facility for research, education, and outreach for sustainable living once the competition is over.

These enterprising students from the University of Colorado had a challenge—to take advanced architectural and engineering concepts, put them together in a design, and build a house that could be a model of our energy future. These students met that challenge—and I'm proud of these students and I'm proud that the University of Colorado produced such a talented team. Most of all, I am proud to represent these young people who are working so hard to make our way of life a sustainable one.

## RECOGNIZING PAULA ROWSE BUONOMO

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. McGOVERN. Madam Speaker, I rise today in recognition of Paula Rowse Buonomo of Shrewsbury, MA. Paula has dedicated her working life to helping the people of the Third Congressional District in Massachusetts. In recognition of that work, she has been selected to receive the Eleanor Roosevelt Humanitarian Award from the Shrewsbury Democratic Town Committee.

Paula has worked for me in my district office in Worcester for the past 10 years. During her stay, she had helped numerous constituents deal with issues associated with Social Security, health care, education, and poverty. She has always been there to lend a helping hand to people in their most desperate times.

Paula has lent her talent to numerous nonprofit organizations as well. She serves as a board member of the Worcester County Food Bank, is a member of the Food Advisory Council for the city of Worcester, and is a steering committee participant for the Health Foundation of Central Massachusetts grant, "Ending Hunger in Worcester." Paula's effort to end the problem of hunger and poverty is one that we all should aspire to.

A lifelong resident of Shrewsbury, MA, with her husband, Jim, and two grown children, Megan and James, Paula has been a visible face in her community. She served on the Shrewsbury School Committee for two terms and worked on several Proposition 2½ overrides in support of the Shrewsbury public school system.

As someone who has witnessed Paula's tireless work firsthand, I can say that this award could have not gone to a better person. I ask all of my colleagues to join with me in honoring Paula Buonomo for receiving this award.

## MYANMAR'S MILITARY DICTATORSHIP

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. POE. Madam Speaker, last month a group of students and Buddhist monks led a peaceful protest against the government of Myanmar for its decision to cut fuel subsidies, leading to a 100 percent increase in fuel prices. The military stepped in, firing into the crowds which left at least 10 people dead. By the end of the crackdown, almost 3,000 people had been detained. In response, many countries around the world condemned the violent way in which the government dealt with the protesters. Even China, Myanmar's closest ally, gave its support to the U.N. mission to resolve the crisis.

This is not the first case of violence against innocent people in Myanmar. In 1988, a crackdown on protesters left almost 3,000 dead. The military junta has been ruling the poverty-stricken country of Myanmar for over 45 years and since then has clashed with pro-democracy groups and has been responsible for the abuse and displacement of a variety of ethnic groups.

The thousands of protesters who lined the streets of Myanmar make it clear that people want democracy. Let us not forget that for the anti-democratic extremists who we frequently see in the news, there are thousands of people who peacefully live their lives, hoping for democracy to take over. The United States presence in many of these countries serves as a reminder that they are not alone. We are there to help and to show that democracy does work. We need to step up our efforts and our presence, especially in poverty-stricken and war ravaged countries in East Asia and Africa, to help end human rights abuses and encourage democracy.

And that's just the way it is.

## NATIONAL MONTH OF COMMUNITY PLANNING

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. DAVIS of Illinois. Madam Speaker, in 2006, the American Planning Association—known as APA—declared October "National Month of Community Planning" to encourage the visibility of planning efforts in communities throughout the United States. During this month, we recognize the many individuals—the local officials, business leaders, and planners—that have contributed to the planning profession, making some of the great communities we have today. For example, in Highland Park, Illinois, Mayor Michael Belsky publicly thanked the City's planning staff for their dedication via the local newspaper. In Urbana, Illinois, the Planning Film Festival highlights different cities and their efforts to work with their city halls to design better neighborhoods.

The theme for this year's celebration is: "Great Streets, Great Neighborhoods." This theme acknowledges three particular building

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

blocks of great communities: streets, neighborhoods, and the people who make communities unique. As part of this effort, APA celebrates excellence in planning via its "Great Places in America" program, recognizing both great streets and great neighborhoods across our county. I am proud to say that one of these "Great Streets" is North Michigan Avenue that stands in the 7th District of Illinois which I currently represent. West Urbana, Illinois, also received the distinction of being a "Great Neighborhood."

As I close, I want to recognize APA as a non-profit public interest and research organization devoted to promoting quality planning. Since its founding in 1978, it has served more than 41,000 members. I honor the National Month of Community Planning and the efforts of planners to pioneer concepts that influence our communities both now and in the future.

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## HONORING THE VISITATION SCHOOL

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. ENGEL. Madam Speaker, Visitation School has been a presence in the Kingsbridge community since its inception in 1932, and was approved by the Archdiocese of New York in 1928, under the direction of the first pastor, Monsignor Stafford.

Visitation School was initially staffed by the Sisters of Charity; their motherhouse was and remains today on the grounds of the College of Mount Saint Vincent in Riverdale, New York.

The first Principal of Visitation was Sister Mary Angelita Meiswinkle of the Sisters of Charity, who was principal from 1932 to 1949. She set the firm foundation for this Roman Catholic elementary school that continues to flourish as we celebrate its seventy-fifth anniversary.

In 1980 the current principal, Sr. Rosemarie Connell, was appointed. She oversaw a time of sweeping change, with an emphasis on strong religious principles, discipline, and a commitment to academic excellence. In her long tenure, she has created and maintained a dedicated and experienced teaching staff made up of Catholic laypersons and religious sisters representing several communities, including the Sisters of Charity, Sparkill Dominican Sisters, and School Sisters of Notre Dame.

She established a full-time kindergarten; weekly computer classes for kindergarten through grade eight; high school advanced-placement programs for math and Spanish; science lab; a state-of-the-art computer lab; and the institution of an after school program.

In 1995, the New York City Council recognized her for her "continuing dedication and service to the education and improvement of the lives of Bronx children and their families." In the year 2000, she received the Saint Elizabeth Ann Seton Compassionate Educator Award for her years of service to children in the Archdiocese of New York.

For 75 years, the Kingsbridge community has benefited from the presence of Visitation School as it continues its great legacy of faith and determination to deliver a quality Catholic education to children in the community. Visitation School remains a rare place where mind, heart, and spirit grow in grace and strive for excellence.

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## TRIBUTE TO MRS. PATRICIA SHIMMENS

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. STUPAK. Madam Speaker, I rise today to pay tribute to a constituent of mine who has spent her entire career serving her fellow citizens. Mrs. Patricia Shimmens, the Executive Director of the Sault Ste. Marie Housing Commission, is retiring after three decades of public service.

Patricia, or Pat, as her friends call her, has been a stalwart advocate for those in Chippewa, Luce, and Mackinac Counties who most need help. As the Executive Director to the Housing Commission, she oversees the administration of 250 units of public housing and 50 housing choice vouchers. She also administers several other programs that assist the homeless in Luce, Chippewa, and Mackinac Counties.

Throughout her long and illustrious career, Pat has enjoyed many achievements and accomplishments. Under her watch, in 1996 and 1998, the Sault Ste. Marie Housing Commission built two new developments equaling 50 single family units. In 2001, Pat spearheaded the drive to find housing for the homeless in Chippewa, Luce, and Mackinac Counties. In that capacity she coordinates services to the homeless, including shelter and opportunities for self-sufficiency to and through the Tri-County Safe Haven Emergency Shelter.

Pat has been a leader in the housing field, participating in organizations that advocate for affordable housing both nationally and in Michigan. For 23 years, she has been a member of the National Association of Housing and Redevelopment Officials (NAHRO), the nation's leading housing and community development advocacy group. She has been a member of the Michigan Housing Director's Association for 15 years and Past President for 4 years.

Pat has been involved in numerous other organizations as well. She is a former President of her local Business and Professional Women's Organization. She recently sat on the Commission for Labor and Economic Growth in conjunction with the Local Work Force Development Board for the Tri-County area. She currently serves as the President of the Northern Transitions Inc. which provides services to the developmentally disabled.

Over the years, Pat has been recognized in many ways for her commitment to community. In 2005, she received the ATHENA award, which recognizes excellence and leadership in women who contribute time and energy to improve the quality of life for others in the community.

Pat first brought her talents and tireless energy to the Sault Ste. Marie Housing Commission on November 1, 1982. But, even before joining the Sault Ste. Marie Housing Commission, Pat was dedicated to strengthening the eastern U.P. Prior to her time with the Housing Commission, she was employed for 8 years with the Eastern Upper Peninsula Employment and Training Consortium. Throughout the years Pat has developed a reputation as a passionate advocate for housing and homelessness issues. When a new rule, regulation or law affecting public housing authorities would come down, Pat was known for being quite vocal at public housing authority conferences. Those who know her say that when she was arguing forcefully for or against something, it was best to stay out of her way and let her say her piece. In one instance, she gave a lengthy, impassioned and forceful argument regarding rules affecting the ownership of pets in public housing authorities.

After she completed her argument, the conference leaders asked, "Do you feel better now?"

In a manner typical of Pat's straightforward demeanor, she replied, "Yes, thank you, damn it!"

While her tenure at the Sault Ste. Marie Housing Commission has been marked by many financial and administrative successes, what Pat says she will miss most are the people with whom she has developed relationships.

As Pat recently put it in her own words, "Many children have passed through our doors and I would like to think their life was just a little bit better having a nice home to live in that was also affordable."

Madam Speaker, over the last 30 years, countless families in Luce, Chippewa, and Mackinac Counties have relied upon the Sault Ste. Marie Housing Commission. All of them can thank Mrs. Patricia Shimmens for her hard work, passionate advocacy and tireless dedication to helping make life just a little better. As Mrs. Shimmens celebrates retirement, I wish her the best of luck as she has more time to spend with her husband, Bob and more time to garden, and enjoy the outdoors. Given her tireless spirit, I also expect that she will continue her volunteer work throughout the eastern U.P. community.

Today, I would ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in thanking Patricia Shimmens for 30 years of public service and congratulating her on a well deserved retirement.

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## RECOGNIZING JOSEPH RICCA

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. McGOVERN. Madam Speaker, I rise today in recognition of Joseph Ricca of Shrewsbury, Massachusetts. Mr. Ricca has worked tirelessly for our community and because of that work has been selected to receive the Eleanor Roosevelt Humanitarian Award from the Shrewsbury Democratic Town Committee.

A product of the Shrewsbury public school system, Mr. Ricca still resides in town with his wife, Mary Ann and 8-year-old son, Joseph Peter. He graduated with a B.A. in State and Local Government from the University of Massachusetts/Amherst and later went on to receive his Master's Degree in Business Administration from Anna Maria College. After school, he joined the Massachusetts Secretary of State's Office serving numerous positions until being named Chief of Staff in 1987.

In 1988, Mr. Ricca began work for the Dukakis for President Committee. During the campaign, Joe was responsible for campaign activities in Iowa, New York, Michigan, Ohio, and Indiana. He later used this experience to work as Senior Staff Director for the Gore and Kerry Presidential Campaigns. In addition to these national campaigns, Joe also has been elected delegate to numerous Democratic State and National Conventions.

Mr. Ricca has had great success in the private sector as well. After starting his own firm, Ricca and Associates, he joined the Dewey Square Group, which is considered by many to be one of the leading communication/consulting firms in the country.

I commend my friend, Joe Ricca who has dedicated his life for the betterment of his community and our country. His commitment to public service helps all of us. In tribute to his tireless work and dedication, I congratulate Mr. Joseph Ricca on receiving this award. I know all of my colleagues will join me in paying tribute to him today.

## HONORING MARVIN CARUTHERS

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. UDALL of Colorado. Madam Speaker, I rise today to recognize the contributions that Dr. Marvin Caruthers has made to the advancement of science. I would like to thank him on behalf of all Coloradans for the gifts he has made in this field.

Dr. Caruthers' impressive career began when he received his bachelor's degree in chemistry from Iowa State University. He went on to earn a doctorate in biochemistry from Northwestern University and complete his post-doctoral studies at the Massachusetts Institute of Technology. After becoming a research scientist at the University of Wisconsin and MIT he decided to settle in Colorado.

In the 1980s, Dr. Caruthers' laboratory developed methods to speed up the chemical synthesis of DNA. This advancement led to the sequencing of the human genome, which allows us to study diseases, solve criminal cases more efficiently and will lead to better medical treatments.

Dr. Caruthers' contributions have extended far beyond his lab. He helped found the biotechnology company, Applied Molecular Genetics (AMG). AMG has since become the largest biotechnology company in the world. AMG introduced two of the first biologically derived human therapeutics, which helps better the lives of patients suffering from chronic kidney disease and cancer. The company has gone on to make advancements in treating anemia, rheumatoid arthritis and many other diseases. Dr. Caruthers also co-founded another impressive organization, Applied Biosystems, which has revolutionized research in the pharmaceutical industry.

I want to acknowledge Dr. Caruthers for his generous gift to support the Colorado Initiative in Molecular Biotechnology Program at the University of Colorado. Dr. Caruthers has taught chemistry and biochemistry at the University for the past 34 years. He wants to ensure that biomedical students will continue to do groundbreaking work. His recent financial contribution is the largest gift ever contributed by a University of Colorado faculty member and will undoubtedly lead to significant advancements.

Madam Speaker, I ask my colleagues to join with me in expressing our gratitude to Dr. Marvin Caruthers for his dedication to the advancement of biotechnology. I wish him success in all his future endeavors.

## TEXAS BLACK GOLD

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. POE. Madam Speaker, 77 years ago, during the month of October, the biggest known oil field in the world was discovered in east Texas by Alabama wildcatter C.M. "Dad" Joiner. The nearby towns of Kilgore and Gladewater became bustling boom towns practically over night as thousands of people moved in trying to get their share. By the next year, the wells in the field were producing over 900,000 barrels of oil a day. When all was said and done, the oil field spanned over 40 miles and contained more than 30,000 wells in all. The discovery of oil in the State attracted hundreds of independent oil companies to the area, pushing Texas into the industrial world for the first time.

Oil is still an important part of the Texas economy, but times have changed. Now the largest oil fields are in the Middle East, which means America is dependent on foreign countries for its oil. The increased tension and turmoil in that region only reinforces the importance of decreasing our dependency on foreign countries for a resource that in the year 2007 we can't live without.

We need to continue to look at alternative and renewable energy sources to decrease our reliance on oil. We need to continue to search for oil in our own backyard to reduce our need to work with countries that don't have our best interest in mind. We need to protect our oil companies at home. We need to do these things so that our future generations aren't living the consequences of our inactions.

And that's just the way it is.

## TRIBUTE TO MICHAEL FITZGERALD, BUSINESS MANAGER AND FINANCIAL SECRETARY OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 134

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. DAVIS of Illinois. Madam Speaker, I rise today to pay tribute to a good husband, a good father, a good friend, a good son, and a good man; who devoted his life to his family, to his union and to his work on behalf of the working people throughout the world. Madam Speaker, Michael Fitzgerald was a third-generation electrician who joined Local 134 in December of 1974. He was appointed special assistant to the business manager in 1991 prior to being elected as business manager in 1995, where he served until 2006. He served on the executive board of the Chicago Federation of Labor, and as its second vice-president. He also served as vice president of the Chicago Cook County Building Trades Council, and served as chairman and as president of the Illinois State Conference of the International Brotherhood of Electrical Workers.

Under Michael's leadership, Local 134 continued the tradition of strong and aggressive growth and has become one of the largest and most influential Electricians locals in North America, with over 17,000 members.

At the 36th Convention of the International Brotherhood of Electrical Workers, Michael Fitzgerald served as Secretary to the Law Committee at the 37th Convention. In addition, Michael Fitzgerald was active in many other civic and community endeavors. He served on the Mayor's Zoning Reform Commission from 2000 to 2004, and on the Illinois Medical Center Commission from 1998 until his death. He was president of the Chicago Children's Advocacy Center for abused children from 1999 to 2005, and on the executive committee of the board of directors of the Metropolitan Pier and Exposition Authority, which governs the activities at Navy Pier and the McCormick Place complex from 2001 through 2005. Michael was also an attorney and member of the American Bar Association and the Illinois Trial Lawyers Association.

Michael Fitzgerald gained recognition for his outstanding work and commitment to humankind. He was named Man of the Year by several organizations including, The Coalition for United Community Action, 1996; Irish American Alliance, 1997; Maritime Trades and The Greater Chicago and Vicinity Port Council, 1998; Hispanic Electricians Alliance, 1999; Italian American Labor Council, 2001; and The Anti-Defamation League, 2001. He also received the Rerun Novarum Award for Labor from the Archdiocese of Chicago in 1999. He served as a member of the board of directors of Amalgamated Bank of Chicago and was appointed to the Catholic Charities Advisory Board. He has been recognized for his commitment to St. Xavier University in 2007; Mayor Richard M. Daley presented Mr. Fitzgerald with the John E. Rooney Corporate Hero Award for his tireless efforts on behalf of the city of Chicago Children's Advocacy Center.

We extend our heartfelt condolences to his wife and their two children, Marty and Sarah.

Madam Speaker, the steps of a good man are ordered and directed by the Lord.

Michael Fitzgerald was a good man; may his soul rest in peace.

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## TRIBUTE TO CHEBOYGAN MEMORIAL HOSPITAL

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. STUPAK. Madam Speaker, I rise today to honor an important institution in my district that serves the health care needs of the people of northern Michigan. Next week, Cheboygan Memorial Hospital (CMH) will celebrate 65 years of service to northern Michigan residents.

Cheboygan Memorial Hospital traces its history back to 1929, when a group of local citizens united in an effort to build the first community hospital in Cheboygan. This small, but committed, group of volunteers collaborated to raise funding for a hospital in Cheboygan. Their efforts ultimately paid off in 1942 when Community Memorial Hospital, as it was then called, opened its doors.

Throughout its history, CMH has often had to overcome challenges that health care providers in major metropolitan areas do not face. Rural health care providers like CMH often have more difficulty recruiting staff. They also serve a larger geographical area than their counterparts in more urban areas. Despite these challenges, over the years CMH has developed into a first-class health care facility, offering excellent health care services to my constituents.

Today, CMH is a 96-bed general hospital with 46 beds for medical and surgical patients, including a 4-bed intensive care unit and a 6-room Family Life Obstetric Center. CMH also offers emergency care, 24 hours a day and 7 days a week. The hospital's urgent care walk-in clinic is also open every day in the health center.

CMH also offers both inpatient and outpatient services in surgery, laboratory, cardiopulmonary, X-ray, nuclear medicine diagnostic ultrasound, CT scanning, MRI, mammography, bone densitometry, and physical therapy. The hospital's medical staff includes specialists in the areas of anesthesiology, cardiology, emergency medicine, dermatology, family medicine, internal medicine, general surgery, obstetrics and gynecology, neurology, otolaryngology, pediatrics, oncology, urology, radiology, ophthalmology, orthopedic surgery, oral surgery and pathology.

The hospital has also dedicated a great deal of effort and time towards educating members of the community about important health issues. CMH offers several free classes in smoking cessation and in diabetes education. Childbirth education classes have also been recently re-introduced, providing important education to expecting parents.

CMH has registered pharmacists on staff at CMH and available around the clock. The hospital houses audiology and speech therapy services.

Thanks to generous donations and support from the community, the hospital continues to improve, with several recent additions. The hospital recently updated their Intensive Care Unit Family Waiting Room. The hospital also enjoys a newly expanded Nurses' Station. Remodeling work and technology updates are also being made in the Radiology Department. Other projects to help grow and improve the hospital remain on the horizon, including plans for developing a Cardiac Wellness Center.

CMH describes its own greatest asset as the dedicated men and women who work in the hospital to care for their friends and neighbors. The hospital is currently the largest employer in Cheboygan County with over 500 employees on the payroll.

Throughout the years, the hospital's leadership has set the tone of excellence that defines CMH. Today, the hospital is led by President and CEO Barbara Cliff; Board of Trustees Chair Michael Konicki; and the President of their Medical Staff David Dram, M.D.

In addition to the hospital's 500 employees, who make caring for their neighbors and friends their daily business, the hospital enjoys the support of many tireless volunteers and auxiliary members. Anyone who has spent any length of time in a hospital can attest that the quality of the experience can hinge on the attitude of the caregivers. Those receiving care at Cheboygan Memorial Hospital are treated by professionals with positive attitudes and warm, kindly demeanors.

Madam Speaker, this year CMH is celebrating "65 Years of Caring." As this institution celebrates 65 years of service to my constituents, I would salute its employees—past and present—the people who make the hospital the excellent caregiver that it is. I would ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in recognizing the fine work of CMH and paying tribute to this important northern Michigan health care provider.

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## RECOGNIZING EMILY PEEPLES

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. MCGOVERN. Madam Speaker, I rise today in recognition of Emily Peeples of Shrewsbury, Massachusetts. A talented and intelligent young woman, Emily has been named one of the recipients for the Eleanor Roosevelt Humanitarian Youth Award from the Shrewsbury Democratic Town Committee.

A graduate of Shrewsbury High School, Emily was active in all parts of high school life. She was an officer of the Young Democrats in addition to other groups, and was on volleyball and lacrosse teams. She was elected to Anti-Defamation League Interfaith Youth Leadership Camp, which teaches acceptance and community involvement. Emily also achieved the Silver Award for Girl Scouts during her time in high school.

Now a freshman at the University of Wisconsin, Emily is continuing her involvement. She has joined the College Democrats, the Campus Liaisons, and is running as a freshman representative to the student council.

I would like to take this moment to wish Emily luck on her campaign and ask my colleagues to help me honor her for winning this award.

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## HONORING NATIONAL HIRSCHFELD

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. UDALL of Colorado. Madam Speaker, I rise today to acknowledge the 100th anniversary of National Hirschfeld Press, Inc. in Denver, Colorado. National Hirschfeld is the largest digital and commercial printing company in the western United States.

National Hirschfeld was opened in 1907 by A.B. Hirschfeld with only a $35 hand press, which still sits in their lobby today. Only 19 years old at the time, A.B. Hirschfeld used his experience from working at his brother's print shop in Cincinnati to make National Hirschfeld a success.

The company eventually became a family business, spanning three generations, all of which have contributed greatly to the economic and social fabric of Colorado. A.B. Hirschfeld's son, Edward, carried on the family tradition, and started working at the store when he was 15 years old. Now, A.B. Hirschfeld is run by the third generation of printers, represented by Barry Hirschfeld. In December 2005, this family-owned printing store expanded by merging with 2 other printing companies to become National Hirschfeld.

Through the years, National Hirschfeld has made significant contributions to Colorado. The company has published inaugural programs for the Denver Bears, the Denver Broncos and the Colorado Rockies.

The Hirschfeld family has also been involved in many philanthropic efforts in Denver. They are a genuine all-American success story.

Madam Speaker, I ask my colleagues to join me in acknowledging National Hirschfeld and their employees for their commitment to uniquely serving their community. I congratulate all of them and wish the company another 100 years of success.

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## THE FREE SPEECH HYPOCRISY AT GEORGE WASHINGTON UNIVERSITY

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. POE. Madam Speaker, it's Islamo-Fascism Awareness Week. This week involves events on college and university campuses across the Nation to promote awareness of the ideology that motivates terrorist groups like al Qaeda and Hamas.

While this event has sparked free speech debates on college campuses across the country, it has also revealed hypocrisies that exist in "free speech."

On October 8th, antiwar student activists covered the George Washington University campus with anti-Muslim posters. We now know that this was a hoax targeted at conservative student-members of the Young America's Foundation. Right after the posters appeared on the campus, the George Washington University Student Association Vice President, Brand Kroeger said he "would support expulsion" of the responsible students.

The George Washington University Administration brought the conservative students into its office, presumed the students were guilty, and pressured the students to sign a statement disavowing hate speech. The students refused to sign the statement and said they were innocent. The students were then dragged before a university "peace forum" and subjected to heckles from their fellow students. After all of this, 7 antiwar activist students took responsibility. These 7 students said the entire event was just a hoax. Guess what happened to the 7 responsible students? Nothing! No disciplinary action at all! The hypocrisy at American universities is appalling. If you are a liberal student, you can say anything. If you are a conservative student, you are denied free speech by the public university.

It seems that if you have one viewpoint, universities will punish and ridicule you, but if you agree with the universities, you'll be able to say whatever you want. There doesn't seem to be any equal opportunity in free speech on college campuses.

Colleges and universities preach liberal viewpoints without presenting the other side. The politically correct nature of our higher education sparked the creation of Islamo-Fascism Week.

During this week, students on college campuses across America will host events to educate students on issues that are not addressed inside of the classroom. The events include "teach in" panels and sit-ins on Women's Studies Department classes, to protest the absence of courses that focus on the oppression of women in Islam.

Islamic oppression of women will be the key focus of this week. In one horrific example of Islamic oppression, young Islamic schoolgirls were shot to death in Saudi Arabia when they fled a burning building without their veils. In another example, an Islamic teenager was buried before being stoned to death for alleged sexual offenses.

The Muslim American Society is protesting this week of events. The Society claims that this event is hate speech and promotes intolerance of Muslims. This isn't true. The event promotes awareness and intolerance of radical Muslim extremists and rightfully so. These extremists want to kill Americans. We should be intolerant of them.

Muslim extremists are responsible for 9/11, for the USS *Cole* bombing, for Embassy bombings, and they target our soldiers abroad. We also know that Islamo-Fascists have waged a jihad, or a holy war, against America.

The term "Islamo-Fascism" is not hate speech. It is not degrading to all Muslims. It degrades radical Muslim extremists. The term "Italian Fascism" doesn't smear all Italians. It smears radical Italian extremists. There is a difference between Muslims and radical Jihadists, who seek to destroy and murder people indiscriminately.

Islamo-fascism Awareness Week is a wake-up call for American students. Our classrooms need to stop worrying about political correctness and start educating our students on the truth. The truth is that radical Muslim extremists are the greatest danger that exists for Americans at home and abroad. The truth is that women are oppressed by Islamic extremists. The truth is that we need to stop garnering sympathy for the enemy and start confronting those against America.

And that's just the way it is.

## HONORING THE VETERANS OF FOREIGN WARS RHINE POST 2729 ON ITS 75TH ANNIVERSARY

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. LIPINSKI. Madam Speaker, I rise today to honor the VFW Rhine Post 2729 of Chicago as they celebrate their 75th anniversary. Through their dedicated and unwavering service to their community and their country, the veterans of the Rhine Post continue a strong tradition of patriotism and duty.

When the Rhine Post received its charter on October 29, 1932, it was made up of a group of 21 World War I veterans. With great determination and hard work, this handful of men managed to keep the organization afloat through the Great Depression, distinguishing themselves with their patriotic events and displays.

After World War II, the Rhine Post experienced an influx of veterans as the remaining 16 members focused on recruitment and membership. When the group was over 100 strong, they realized the need for a new hall. With industry and diligence, they purchased vacant property and in 1955 completed their new building. The Rhine Post on South Archer Avenue continues to serve today as a community landmark and as a place of camaraderie for our Nation's heroes.

Throughout their long history, the veterans of Rhine Post 2729 have taken pride in their championship senior rifle and drill team, which won seven consecutive championships. Service to their community has also been a great source of pride, as the Rhine Post hosted Memorial Day Parades along Archer Avenue for many years. The Rhine Post continues their worthy tradition of community service by sponsoring the Voice of Democracy scholarship program, visiting hospitalized veterans, distributing American flags, and assisting senior citizens whenever possible.

I rise today to recognize the Veterans of Foreign Wars Rhine Post 2729 on their 75th anniversary. Through their staunch patriotism and outstanding contributions to their community, the veterans of the Rhine Post nobly continue the legacy of service they began when they first answered the call of duty. I commend them for their ongoing community work and their courageous service to our country in time of war. I am honored that my district is home to such an exceptional organization, and I am proud to congratulate them on their 75th anniversary.

## RECOGNIZING JASON PALITSCH

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. McGOVERN. Madam Speaker, I rise today in recognition of Jason Palitsch of Shrewbury, Mssachusetts. Jason's enthusiasm for the political process has led to his selection to receive the Eleanor Roosevelt Humanitarian Youth Award from the Shrewsbury Democratic Town Committee.

Currently a freshman at Northeastern University, Jason has already become active in politics. He is the president of the "Northeastern for Hillary" group and will become Political Director of the College Democrats group in the spring.

Jason's political activism began while he was a student at Shrewsbury High School. While there, he co-founded and was the first president of the Shrewsbury High School Young Democrats club. He was also a member and officer of numerous other student organizations during his 4 years at Shrewsbury High School, including Amnesty International, Political Action Group, Student Council, and the student newspaper.

Jason is a passionate and likable young man who has a bright future in whatever profession he chooses to work in. I congratulate Jason on this award and his enthusiasm for politics.

## IN RECOGNITION OF JULIUS CIACCIA, JR.

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. KUCINICH. Madam Speaker, I rise today to honor Julius Ciaccia, Jr., who recently retired after dedicating over 30 years of service to the city of Cleveland, Ohio. Mr. Ciaccia began his career in city government in 1976, and served the city with distinction until his retirement.

I am particularly proud to be honoring Mr. Ciaccia today due to the fact that I have known him personally for quite some time. As mayor of Cleveland, in the year 1979, I appointed Mr. Ciaccia as the Commissioner of the Cleveland Division of Water. He was able to invest over $1 billion in improvements that led to improved drinking water delivery and helped make Cleveland a healthier and more vibrant city during his time in this position.

In addition to his leadership in city government, Mr. Ciaccia has worked on a federal level as well, serving on the board of the Association of Metropolitan Water Agencies (AMWA) from 1988 to present day; he was president of AMWA between 1996 to 1998. In honor of his exceptional contributions to the improvement of drinking water supply management, he was awarded the prominent President's Award in 1999.

Madam Speaker and colleagues, please join me in thanking Julius Ciaccia for all of the hard work, dedication, and pride that he has given the city of Cleveland during his admirable career. He has served the citizens with a zeal for his work that is rarely seen, and for that, he is applauded. I hope you will join me in wishing Mr. Ciaccia the best of luck in his future venture towards becoming the executive director of the Northeast Ohio Regional Sewer District.

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## ANNIVERSARY OF THE ANTIOCH MISSIONARY BAPTIST CHURCH IN DECATUR, ILLINOIS

### HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. HARE. Madam Speaker, I rise today to commemorate the 150th anniversary of the Antioch Missionary Baptist Church in Decatur, Illinois.

The beginning of the church was the idea of Maria Carr, affectionately known as "Grandma Carr," who in 1854 escaped slavery through the Underground Railroad and settled in Decatur, Illinois. Grandma Carr, along with Mrs. Gilbert Vernon and Mrs. Emily Stains held weekly prayer meetings at their homes with the goal of establishing a local community church based on the principles of equality and civil rights.

With the help of Captain David L. Allen, a white Christian, their wish came true. He offered a small frame building to the church group and officially donated ownership of the land in 1858. The first pastor of Antioch was Reverend Tom Reasoner.

With simple beginnings, the church developed a rich history of diversity and faith. The Antioch Church housed the first school for black citizens in Decatur. Later, the church was blessed by a faithful servant named Reverend Dr. Turner who led the congregation from 1965 until his death in 1995. During the 30 years of his service, Reverend Turner established a free food bank and clothing room, which continue to serve needy families in the community today. Reverend Turner also opened a local extension of the United Theological Seminary through which many ministers in Decatur and in neighboring cities earned their bachelor's and master's degrees in theology.

I am deeply honored to represent the Antioch Missionary Baptist Church and congratulate its congregation for 150 years of service. The strong faith and history of Antioch will no doubt continue to serve the Decatur community for another 150 years, and remind us of the values of diversity and public service upon which it was established.

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## CONGRATULATING SANTA CLARA UNIVERSITY'S SOLAR DECATHLON TEAM

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. HONDA. Madam Speaker, I rise today to honor Santa Clara University's Solar Decathlon Team for placing third in the Department of Energy's 2007 International Solar Decathlon. I am joined by my colleague the Honorable ZOE LOFGREN, a graduate of Santa Clara University, in congratulating the students, administration, and sponsors for their tremendous accomplishments.

In this competition, university teams were challenged to design, build, and operate an energy-efficient and aesthetically-pleasing home powered by solar energy alone.

Santa Clara University was selected as one of just 20 international competitors in the 2007 Solar Decathlon, and was the only school west of the Rockies chosen to compete. Even more impressive was that Santa Clara, a school of approximately 4,500 students, competed against schools like MIT, Carnegie Mellon, and Georgia Tech, making them by far the smallest school in the Decathlon and the only competitor without a school or department of architecture.

In addition to placing third overall, they were one of five teams to score a perfect 100 points in the Hot Water contest and one of seven teams to score a perfect 100 points in the Energy Balance contest. Santa Clara's home boasted a variety of unique features that are both sustainable and energy-efficient, including the first bamboo I–beams in the United States and insulation made from recycled blue jeans.

We are extremely proud of the accomplishments of the Santa Clara University's Solar Decathlon Team and the generous support provided by their industrial sponsors. Their project highlights the technology and innovation characteristic of Silicon Valley.

On behalf of Representative LOFGREN and myself, congratulations to Santa Clara University's Solar Decathlon Team for placing third in this international competition and for your strong representation of the strengths of the Silicon Valley and the State of California.

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## RECOGNIZING RACHEL SAVAGEAU

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. McGOVERN. Madam Speaker, I rise today in recognition of Rachel Savageau of Shrewsbury, MA. A talented and intelligent young woman, Rachel has been named one of the recipients for the Eleanor Roosevelt Humanitarian Youth Award from the Shrewsbury Democratic Town Committee.

A 2007 graduate of Shrewsbury High School, Rachel proved to be an exceptional young woman during her 4 years there. Rachel helped found the Young Democrats of Shrewsbury High School and served as secretary for all four years of her high school career. She was also a member of her school's Political Action Committee and a GSA leader. Currently a political science major at UMASS Boston, she has started a Young Democrats group there and is interning for the League of Women Voters.

Rachel's active role in numerous groups makes her the perfect recipient for this award. Our country's future is invested in young people like Rachel and I ask my colleagues to join me in honoring her today.

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## PERSONAL EXPLANATION

### HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. McKEON. Madam Speaker, due to the ongoing wildfires in Southern California, and specifically those in the 25th District of California, I was unable to vote on the following measures. Please enter into the record this personal explanation for my absence on the following rollcall votes:

Rollcall No. 986—On Motion to Table the Resolution, which I would have voted "nay."

Rollcall No. 987—Joshua Omvig Veterans Suicide Prevention Act, which I would have voted "yea."

Rollcall No. 988—Charlie Norwood Department of Veterans Affairs Medical Center, which I would have voted "yea."

Rollcall No. 989—Condemning the actions of September 7, 2007, resulting in damage to the Vietnam Veterans War Memorial.

Rollcall No. 990—Providing for consideration of H.R. 1011, which I would have voted "nay."

Rollcall No. 991—Providing for consideration of H.R. 1483, which I would have voted "nay."

Rollcall No. 992—Providing for consideration of H.R. 1483, which I would have voted "nay."

Rollcall No. 993—Violent Radicalization and Homegrown Terrorism Prevention Act of 2007, which I would have voted "yea."

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## PERSONAL EXPLANATION

### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mrs. DAVIS of California. Madam Speaker, I was on a leave of absence on October 24, 2007 due to the San Diego wildfires. The following list describes how I would have voted had I been in attendance.

Rollcall No. 995: Motion to Recommit with Instructions on Celebrating America's Heritage Act, H.R. 1483—"yea."

Rollcall No. 996: Passage of Celebrating America's Heritage Act, H.R. 1483—"yea."

Rollcall No. 997: Previous Question on the Rule providing consideration of Native Hawaiian Government Reorganization Act, H.R. 505—"yea."

Rollcall No. 998: Providing consideration of Native Hawaiian Government Reorganization Act, H.R. 505—"yea."

Rollcall No. 999: Motion to Recommit with Instructions on Native Hawaiian Government Reorganization Act, H.R. 505—"nay."

Rollcall No. 1000: Passage of Native Hawaiian Government Reorganization Act, H.R. 505—"yea."

## INTRODUCTION OF A BILL TO REINSTATE CERTAIN FEDERAL BENEFITS TO CITIZENS OF THE FREELY ASSOCIATED STATES

### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Ms. HIRONO. Madam Speaker, I rise today to join my colleague, Mr. ABERCROMBIE, in introducing a bill to reinstate certain Federal benefits to citizens of the Freely Associated States, FAS.

This bill is a companion measure to S. 1676, introduced earlier this year by Senators AKAKA and INOUYE, which provides eligibility for non-emergency Medicaid, Food Stamps, Temporary Assistance to Needy Families, TANF, and Supplemental Security Income, SSI, to FAS citizens residing in the United States.

Citizens from the FAS are from the Republic of the Marshall Islands RMI, Federated States of Micronesia, FSM, and the Republic of Palau, which are jurisdictions that have a unique political relationship with the United States. The Compact of Free Association established these nations as sovereign States responsible for their own foreign policies. However, the FAS remain dependent upon the United States for military protection and economic assistance.

Under the Compact, the United States has the right to reject the strategic use of, or military access to, the FAS by other countries. This right is often referred to as the "right of strategic denial." In addition, the U.S. may block FAS Government policies that it deems inconsistent with its duty to defend the FAS, which is referred to as the "defense veto." The Compact also states that the United States has exclusive military base rights in the FAS.

In exchange for these prerogatives, the U.S. is required to support the FAS economically, with the goal of producing self-sufficiency, and FAS citizens are allowed free entry into the United States as non-immigrants for the purposes of education, medical treatment, and employment. Because of this ability to travel within the United States as a non-immigrant, many FAS citizens have since migrated to the State of Hawaii.

According to Governor Linda Lingle, in 2006 the State of Hawaii spent an estimated $91 million in State funds to provide health and social services to migrants from the FAS. This amount is almost double the cost of $48 million reported to the U.S. Department of the Interior by the State of Hawaii for health and social services provided to Compact migrants in 2003, which was the last year such figures were compiled. Clearly, the cost to the state is growing and will continue to grow.

No State can expect its taxpayers to bear such an increasingly costly burden for an agreement that is in the interest of our entire Nation. The Federal Government should do more to help address the unintended social services consequences of the Compact.

I know that Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands face the same challenges in the provision of health and social services to FAS citizens as the State of Hawaii. I look forward to working with my colleagues on this important issue.

## PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. BECERRA. Madam Speaker, on Monday, October 22, 2007, I was unable to cast my floor vote on rollcall votes 983, 984 and 985.

Had I been present for the votes, I would have voted "aye" for rollcall votes 983, 984 and 985.

## TRIBUTE TO DEBORAH ONSLOW

### HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. McNULTY. Madam Speaker, I wish to recognize and celebrate the tenure of Deborah Onslow, President and General Manager of WMHT Educational Telecommunications in Troy, NY.

On November 1, 2007, the Tech Valley community in my district will come together to celebrate Ms. Onslow's many years of dedication, hard work, and accomplishment on behalf of public broadcasting at the community and national levels. Her leadership and commitment to local community values is integral not only to the success of WMHT, but to the entire public television and radio community.

Ms. Onslow assumed the position of President and General Manager of WMHT Educational Telecommunications in March 2001, becoming the first woman ever to head a New York State public broadcasting station. During her distinguished career, Ms. Onslow has received national recognition for outstanding achievements in local fundraising, as well as for local program production. Before joining WMHT, Ms. Onslow served as Vice President and General Manager of WGBY in Springfield, MA, and as Senior Vice President and Chief Operating Officer of WXXI in Rochester, NY.

Ms. Onslow is a member of the WGBH Educational Foundation, and has also served on the PBS Board of Directors. Locally, she is serving on the Business-Higher Education Roundtable, as well as on the Board of Directors of the Center for Economic Growth. She was co-chair of the 2003 American Heart Association's Capital Region American Heart Walk.

I ask my colleagues to join me today in commending Deborah Onslow for her distinguished career in furthering the mission and values of public broadcasting.

## HONORING THE LOUISIANA HONORAIR VETERANS

### HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On October 27, 2007 a group of 97 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home State of Louisiana to visit Washington, DC on a chartered flight free of charge. During their visit, they will visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our Nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

## TRIBUTE TO PATRICIA TATE OF HOWEY IN THE HILLS, FLORIDA

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, each year the President of the United States presents the Presidential Award for Excellence in Science and Mathematics to outstanding teachers in the disciplines of math and science from the 50 States and 4 territories. This year, Patricia Tate from Lake County, FL, is 1 of the 3 math finalists for the award from the State of Florida.

Established in 1983, the Presidential Award for Excellence is sponsored by the National Science Foundation. The award recognizes outstanding kindergarten to 12th grade math and science teachers in each State who are models for their colleagues and leaders in the improvement of science and mathematics education.

For the past 42 years Patricia Tate has taught math at the high school level. A current teacher at South Lake High School, she teaches AP Calculus, trigonometry, integrated Math III and Algebra II. In addition to her classroom experiences, Patricia goes out of her way to volunteer as a mentor for other Lake County math teachers. She has also been an online guide for Connected University and has taught at Lake-Sumter Community College.

An avid fan of math from an early age, Patricia really took it on as a passion while her older brother was in college. When he returned home during vacations, he would work with Patricia on math, challenging her to solve more and more complex problems. It was through these exercises that she saw the educational and teaching possibilities that math could create.

Patricia has seen a marked change in the way students are taught throughout her forty-plus years in the classroom. Instead of using the blackboard as the primary tool of instruction, as she did for many years, today Patricia uses multimedia presentations and PowerPoint presentations to reach the current tech-savvy student body. While the classroom experience has gotten more challenging over time, she still enjoys getting letters of appreciation from former students who valued her math teaching and want to thank her for making a difference in their lives.

While Patricia will not find out if she is a winner until next March, I can tell you that her record of accomplishment teaching math to high school students is unmatched in my congressional district. Patricia Tate serves as a role model for other teachers throughout Florida. I wish her the best of luck in the competition and hope that she continues her exemplary work on behalf of Lake County students.

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## MARIANAS WAGE HIKE SHOWING POSITIVE EFFECTS

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to share encouraging news from the Commonwealth of the Northern Mariana Islands. As many of my colleagues know, I have been fighting for years to ensure that employers in the CNMI—an American territory in the Pacific—pay their workers an honest wage.

But for years, we were blocked from reforming the broken labor and immigration system in the Marianas. The corrupt lobbyist Jack Abramoff's collusion with then-Majority Leader Tom DeLay and others here in Congress meant that the CNMI's sweatshop-based economy persisted for almost 2 decades after we were first made aware of abuses there.

Eventually, Abramoff's dishonest schemes, which caused so much human misery, caught the attention of law enforcement, and the web of corruption is now unraveled. Jack Abramoff is in prison, Representative DeLay no longer serves in this House, and the Congress has a Democratic majority.

That is good news for the workers of America and especially those in the CNMI. Earlier this year, the new Congress raised the minimum wage across the country for the first time in almost a decade. And for the first time, that increase applies to the Northern Marianas. Today, workers there make $3.55 an hour, up from the barely $3 that workers there were paid for years.

This long-overdue reform is already having a positive effect, and I commend to my colleagues the article below from the Marianas Variety ("Labor: Wage hike drives locals to seek jobs"). As the article explains, we still lack good data on the CNMI job situation, but the trend is very encouraging: The number of people looking for jobs in September of this year was up by an incredible 80 percent compared to the same period last year, according to their Department of Labor.

For too long, thanks to policies that reinforced the low-wage garment industry's dominance, there were very few good-paying jobs in the Marianas: If you weren't willing to work for $3 an hour, you could either work in the public sector, or you could live on public assistance. But as the Commonwealth's deputy secretary of labor says in the article, "There are so many people looking for jobs not only because they need them but because the (minimum) wage is now $3.55 an hour. It's waking them up to go out (and join the workforce)." The bottom line is that the increase in wages is attracting jobseekers to private sector jobs, exactly as we predicted.

It's an abiding shame that it took the U.S. Congress so many years to bring reforms to the Mariana Islands and to raise the minimum wage. And it was a major setback for workers there when the government of the Commonwealth went back on earlier attempts to raise the wage locally. But even though it comes years after I would have liked, I am pleased, although not surprised, by this early report. Under the leadership of this New Direction Congress, we are starting to turn things around, and we are beginning to see the positive results of raising the minimum wage.

Paying honest wages for honest work is good for our economy and the right policy for our country. Members of this Congress should be proud that we are moving America, and the Commonwealth of the Northern Mariana Islands, in a new direction.

[From the Marianas Variety, Oct. 26, 2007]

LABOR: WAGE HIKE DRIVES LOCALS TO SEEK JOBS

(By Gemma Q. Casas)

The 50-cent increase on the local minimum wage in July resulted in an increase in the number of locals seeking employment assistance at the Department of Labor, according to its deputy secretary, Alfred Pangelinan.

He said there were 1,800 local jobseekers in September up by 80 percent compared to the same period last year when Labor assisted 1,000 jobseekers.

He attributed the sudden surge to the increase on the minimum wage from $3.05 an hour to $3.55 and the worsening economic crisis. "There are so many people looking for jobs not only because they need them but because the (minimum) wage is now $3.55 an hour. It's waking them up to go out (and join the workforce)," he said.

He believes that as the local minimum wage increases, more residents will be enticed to work in the private sector.

The Federal Minimum Wage Act became law in May of this year and it also applies to the CNMI, mandating an increase of the local minimum wage by 50 cents every year until it reaches the U.S. minimum wage of $7.25 an hour.

The next 50-cent increase in the CNMI minimum wage will take effect in July 2008, which will raise the rate to $4.05 an hour.

The Department of Labor says it is also making sure that local residents who are employed get the monetary equivalent of their foreign counterparts' non-monetary benefits to further encourage them to work.

Pangelinan said the real unemployment rate among the local population is difficult to determine because the statistics only include those that come forward and seek assistance. There hasn't been any CNMI-wide survey conducted in recent years to determine how many local residents are jobless.

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## TRIBUTE TO CHRISTINA HALE VANBRAKLE

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. VAN HOLLEN. Madam Speaker, I rise today to congratulate Ms. Christina Hale VanBrakle, who everyone knows as "Tina," a long-time employee of the Federal Election Commission, who will retire from the United States Government at the end of this year after more than 38 years of distinguished federal service. Tina has spent 28 of those years working at the Federal Election Commission and the last 19 assisting me and many of my colleagues as the FEC's Director of Congressional, Legislative and Intergovernmental Affairs.

A native of Washington, DC, Tina grew up in Maryland and has been a resident of Silver Spring in Montgomery County, Maryland for the last 24 years. After graduating from Suitland Senior High School in Maryland, she accepted a job at the Maritime Administration, Department of Commerce, where she spent 2 years working as a press assistant for the late John K. Tennant, who was the Press Officer. Mr. Tennant introduced Tina to then-Chairman Helen Delich Bentley of the Federal Maritime Commission, and former Congresswoman from Maryland. She accepted a secretarial position with Chairman Bentley where she was employed for several years. Tina has fond memories of traveling with Chairman Bentley on various speaking engagements. Most memorable was a visit to San Clemente—the Western White House—for a meeting with Japanese shipping interests during the Nixon Administration. Tina also met her husband, Bryant, while employed at the FMC. They were married in 1983 and have 3 children, Wendye, Ashley and Derek. They have 1 grandchild, Dominic, with another expected in January 2008.

Tina also worked with Vice Chairman Barbara Hackman Franklin at the Consumer Product Safety Commission, CPSC, enrolling at the University of Maryland at night, where she earned a Paralegal Certificate in the Legislative Liaison Program and a B.S. in management and technology and political science. Tina then joined the newly created Washington office of a Detroit law firm.

Tina joined the Federal Election Commission in 1979, where she worked for the Deputy Staff Director, then served as Special Assistant to the Staff Director. In 1988 she was named Director of Congressional, Legislative and Intergovernmental Affairs. Tina is widely respected on the Hill for her dedication and quick and accurate responses to questions and perhaps will be best remembered by the campaign finance community for providing fair and impartial advice to anyone who contacted her.

Whether she was answering a simple question regarding the campaign finance laws, preparing a fact sheet for a Member of Congress on a budget or campaign finance matter, or preparing Commissioners for a hearing, Tina served with commitment, integrity and competence. On the occasion of her retirement from the United States Government, I offer my congratulations, and wish Tina and her husband, Bryant, all the best in their future endeavors.

## TRIBUTE TO OLGA WOLOSYN, MAYOR OF THE CITY OF ENGLEWOOD

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Ms. DEGETTE. Madam Speaker, I rise to honor the extraordinary life and exceptional accomplishments of Mayor Olga Wolosyn. This remarkable public servant merits both our recognition and esteem as her impressive record of civic leadership and invaluable service has improved the lives of our people.

Sadly, Mayor Wolosyn was taken from us by a series of brain aneurysms at the young age of 54. Olga will be greatly missed. Her passion for civic life and her capacity for community service were boundless. Her indomitable spirit sustained her through many challenges and molded a life of genuine accomplishment. Truly, her passing is a great loss to our entire community. Olga came to us from her native Pennsylvania where she earned her bachelor of arts degree from Seton Hill College. Subsequently, Olga and her husband moved to the Front Range from Grand Junction in 1972. Olga was elected to the Englewood City Council in November 1999 and served as mayor from November 2005.

I always looked forward to visiting with Olga and members of the Englewood City Council because I was so taken by Olga's energy and enthusiasm for Englewood's plans as well as prospects for the future. She was a powerful advocate for her city and inspired conduct beyond the expected. Good leaders set the example and Olga led by doing. Many have pointed out that Olga "was tireless and seemed to volunteer constantly," "she was going full speed all the time," "she had everyone's best interest at heart" and "regardless of the task for which she volunteered, she always got it done and got it done on time." Olga was a devoted volunteer with the schools; she served on the water board and the pension board; she served on the Englewood Education Foundation and the Englewood Teenage Drinking Task Force and she served on the board of the Greater Englewood Chamber of Commerce. As mayor, she helped secure a $1 million grant for schools to teach mathematics through art. In addition to her community service, Olga was a businesswoman and operated a pottery establishment—Wolosyn-Doty Pottery—with her husband, Jim Doty. Given Olga's capacity for achievement, it comes as no surprise that the Englewood Chamber chose Olga as Business Woman of the Year in 2004.

Civic institutions depend on people with enormous energy and imagination. Olga was an extraordinary civic leader because she understood there are many ways to define a community. Olga was an artist and she recognized the power of art to inspire creativity, to bring people together and to foster new ways of collaboration. Olga's efforts to expand public art in Englewood added dimension to public spaces and created a deeper interaction between the community and its environs. As one of the founders of Englewood Arts, I believe Olga knew that the vision of a thriving community needed art and culture at its center and that is why Olga worked tirelessly to establish a cultural arts facility and make the arts part of the Englewood experience. Someone once noted that "a thriving culture is a community alive." We are grateful for the life and vitality Olga brought to the arts, culture and the community. Her efforts have enhanced our sense of place and increased our quality of life.

Olga Wolosyn lived a life that is rich in consequence. Englewood is a better place because of her efforts. Her character and her deeds leave a legacy of civic commitment rivaled by few. Truly, we are all diminished by the all too early passing of this remarkable woman. Please join me in paying tribute to the life of Mayor Olga Wolosyn, a distinguished public servant. It is the values, leadership and dedication she exhibited during her life that serves to build a better future for all of us.

## CONGRATULATING JEFFERSON ELEMENTARY SCHOOL IN FARMINGTON, MISSOURI

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Jefferson Elementary School in Farmington, Missouri for receiving one of the most prestigious education awards in the country—the Blue Ribbon Schools Award. The administrators, teachers and students at Jefferson Elementary have all committed themselves to ensuring a brighter future for our Nation.

The foundation of our Nation is the education of our youth. Schools like Jefferson Elementary guarantee hope for the next generation by inspiring and empowering each individual to achieve his or her maximum potential. The teachers, administrators and parents at Jefferson Elementary understand a strong education system is necessary to grant each child the opportunity to succeed.

Jefferson Elementary is a shining example of what can be accomplished when teachers and students work purposefully together. I am very pleased that their successes are being closely observed by other schools and communities across the Nation. Jefferson Elementary's successes will motivate others, regardless of background or circumstance, to meet higher standards and guarantee a hopeful future for our country.

Madam Speaker, it is a great privilege to pay tribute to Jefferson Elementary for this important achievement. I ask that you join me in congratulating the students, teachers, administrators and parents of Jefferson Elementary on this tremendous honor.

## HONORING THE MEMORY OF DEAN PERRY

### HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and life of Dean Perry, a resident of the First Congressional District of Tennessee, who passed away October 23, 2007.

Dean Perry was born in Elizabethton on December 5, 1925, to the late Ike and Martha Peters Perry. Mr. Perry served in the United States Army as a sergeant in the 5th Army in Italy during World War II and was recalled to active duty during the Korean War.

He was a member of Grace Baptist Church in Elizabethton. His life of service was not only in the military. Mr. Perry was a member of the Dshiell Masonic Lodge #238 F & AM, Shriners, American Legion Post #49, Civitans and the Capt. Lynn H. Folsom VFW Post #2166.

Mr. Perry also served on the Carter County election Commission, First Tennessee-Virginia Development District, Board of Directors for the Carter County Rescue Squad, Elizabethton City Council, Mayor of Elizabethton and Chairman of the Carter County Commission.

He is survived by his lovely wife of 55 years, Ella Ruth Nave Perry.

Madam Speaker, I ask that the House join me in offering our sympathies to the family and friends of Dean Perry. He was a dedicated family man, a servant of this Nation, and a true patriot.

His service is greatly treasured, and he will be deeply missed.

## IN RECOGNITION OF THE ROCKY MOUNTAIN FARMERS UNION

### HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor the Rocky Mountain Farmers Union, RMFU, for 100 years of proud service to the independent farmers and ranchers of Colorado, New Mexico and Wyoming.

The Rocky Mountain Farmers Union was founded in 1907 as a grassroots organization dedicated to improving the well-being of family producers and their communities through legislation, cooperation, and education. This organization believes, as I do, that stable farm and ranch families are the foundation of healthy rural communities, and healthy rural communities bolster the entire U.S. economy and provide the Nation with a steady, wholesome, local food supply.

As a practical display of these values, RMFU founded the Educational Charitable

Foundation in 1996 offering programs such as the Cooperative Development Center, seminars and conferences on renewable energy, and campaigns such as "Buy Fresh Buy Local." As a family organization RMFU also sponsors activities and educational opportunities for all ages, from toddlers to senior citizens. This organization seeks to meld the value of experience with the importance of developing young leaders.

Madam Speaker, I am honored to publicly recognize the Rocky Mountain Farmers Union on their 100th anniversary and thank them for their service to the ranchers and farmers of Colorado's Fourth Congressional District. And although we don't always agree about how best to help farmers and ranchers, I wish RMFU continued success as they advocate for the needs of the independent producer into the next century.

## RECOGNIZING THE 100TH ANNIVERSARY OF WALTER P. REUTHER'S BIRTH AND THE REDEDICATION OF REUTHER MIDDLE SCHOOL

### HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the 100th anniversary of the birth of a great civic leader, Walter P. Reuther, and the rededication of Reuther Middle School in Rochester Hills, Michigan on October 28, 2007.

Mr. Reuther grew up in Wheeling, West Virginia where he learned the value and practicality of trade unionism. After serving an apprenticeship in tool and die work, he left for Detroit to complete his education and join the automobile industry with both Ford and General Motors. Mr. Reuther became an active member of the United Automobile Workers (UAW), where he eventually became president of the UAW Local 174 and a member of the UAW executive board. In 1946, Mr. Reuther was elected president of the UAW, a position he held until his passing in 1970.

As president of the UAW, Mr. Reuther worked to enhance job security, medical insurance, pensions, and supplemental unemployment benefits for the union members. Mr. Reuther used his position to influence far more than just labor policies. He stood beside Dr. Martin Luther King, Jr. as he delivered his historic "I Have a Dream Speech" and was a strong supporter of the Civil Rights Movement. For all of his contributions Mr. Reuther was named in TIME magazine's list of the 100 most influential people of the 20th century.

Reuther Middle School, part of the Rochester Community School Community, was named in honor of May and Walter Reuther for their service to the school community. Opened in 1973, Reuther Junior High, as it was then named, taught 750 students in grades seven through nine. In 1986, the Rochester Community Schools changed to a middle school philosophy, serving grades six through eight, and changing the name to Reuther Middle School.

In the 2003–2004 school year, the citizens of Rochester Community School District approved a bond measure to renovate Reuther Middle School. On October 28, 2007, Reuther Middle School will be officially rededicated, celebrating not only their 35th school year, but also the 100th anniversary of Mr. Walter P. Reuthers' birth.

Madam Speaker, today I commend Reuther Middle School for their continued devotion to the community and their record of excellence. Let the school continue to be a tribute to a great civic and social leader, Mr. Walter P. Reuther.

## HONORING MASTER SERGEANT ADOLFO "POPO" GONZALEZ

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. CUELLAR. Madam Speaker, I rise today to honor Master Sergeant Adolfo "Popo" Gonzalez, on his retirement from the Texas Army National Guard, where he served his state and country honorably for the past 39 years.

Mr. Gonzalez was born to Aurelia Lopez Gonzalez and the late Eusebio Bustos Gonzalez in June 17, 1949, in Laredo, Texas. He started working at the family restaurant when he was 12 years old, and then ran a paper route for the Laredo Morning Times. Mr. Gonzalez graduated from J.W. Nixon High School in 1967, and then received his associate degree from Laredo Community College. He joined the Texas National Army National Guard on May 25, 1968, which began the start of his 39 years service in the National Guard. Mr. Gonzalez received his B.S. in Education with a major in English and Spanish from Texas A&M International University.

Mr. Gonzalez is intensely involved in the community as a member of several local and non-profit organizations such as President of LULAC #690, Laredo Mexican-American Chamber of Commerce, Laredo Frontier Days, Webb County Community Action Agency, and the Laredo Veterans Coalition. He also is a member of the Laredo Airport Advisory Board, the Webb County Water Committee, Laredo Evening Lions Club, Santa Isabel Creek Feasibility Study, Non-Commission Officers Club of the Texas Army National Guard, Texas State Teachers Association, and the National Guard Association of Texas.

In addition to his civic involvement with the community, Mr. Gonzalez works as a teacher at United High School, where he has taught oral communications to ESL learners for the past 22 years. When he is not teaching students or working with community organizations, Mr. Gonzalez helps his fellow veterans out as the Laredo Area chair for Employer Support of the Guard and Reserves, which works with local employers to safeguard the rights of guardsmen and reservists. He was named the Outstanding Volunteer for the State of Texas in recognition of his work with ESGR.

Mr. Gonzalez is a proud father to 6 children: Adolfo, Jr., Albert, Richard, Annette Marie, Alejandro Jose, and Yvette Magally. He has been married to his wife, Juana Maria Lopez, for the past 25 years.

Madam Speaker, I am honored to have had this time to recognize the dedication and commitment of Master Sergeant Adolfo "Popo" Gonzalez to the City of Laredo in the State of Texas.

## TRIBUTE TO JEANNINE TUTTLE RAINBOLT

### HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. BOREN. Madam Speaker, I rise today in order to pay special tribute to one of Oklahoma's own, Jeannine Tuttle Rainbolt, who recently lost her life after a long struggle with lung cancer.

I join with all my fellow Oklahomans in mourning the tragic loss of this remarkable woman. Jeannine Tuttle Rainbolt was both deeply admired and sincerely respected by all who knew her. She will forever be remembered for her generosity, leadership, and integrity.

For 57 years, she was dedicated to her husband and best friend, Gene Rainbolt, who will undoubtedly miss her. Our thoughts and prayers are with Gene and all who mourn the loss of Jeannine.

Jeannine lived a purposeful life focused on enhancing the lives of others. Throughout her career as an educator, she inspired her pupils to vigorously pursue greater levels of personal and academic achievement; and she tirelessly worked to shape youth, into the leaders of the future. Jeannine's example also reached beyond the walls of the classroom. As a passionate and active philanthropist, she was a model member of her community, inspiring countless others to become civically engaged and to join together for the purpose of strengthening local families and communities.

Madam Speaker, it is without question Jeannine was an exceptional woman; however there is one notable quality about her which I find to be most remarkable—her ability to persevere. Throughout her difficult struggle with cancer, she never yielded to despair. Rather she continued to live with hope and grace.

For these reasons, Madam Speaker, I commemorate the life and legacy of Jeannine Tuttle Rainbolt along with my fellow Oklahomans. Jeannine's legacy of unconditional love, generosity, and leadership will undoubtedly continue to exist in the hearts and minds of all she inspired.

## RECOGNIZING THE VISIT OF MAYOR OF FAMAGUSTA, CYPRUS, MR. ALEXIS GALANOS

### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. BILIRAKIS. Madam Speaker, I rise today to welcome Mr. Alexis Galanos, the elected Mayor of Famagusta, Republic of Cyprus to Washington, DC. Mayor Galanos is the only democratically elected and exiled mayor of a population that is primarily constituted of refugees. He was elected Mayor of

Famagusta in December of 2006 and has since worked tirelessly to raise humanitarian awareness about Famagusta and its exiled people.

He is here championing the global campaign undertaken by the Citizens of Famagusta for the return of their city in the occupied area of Cyprus which has been a "ghost town" since the 1974 illegal invasion by Turkey.

Famagusta was the main town of the second largest district of Cyprus both in terms of its population and surface area. The cultivation and production of the potato crop, the rich and fertile mainland, the port, tourist and industrial sectors, were the most significant contributors to the city's economic dynamism prior to the 1974.

The development of the tourist industry in the late 1960s and early 1970's had very beneficial effects for the construction industry and moreover, supplied many jobs to the local population, in particular with respect to services related to tourism. A great number of people came to Famagusta on a daily basis, primarily for work. This greatly enhanced the economy of the city and assured a steady rise in its living standards.

Famagusta was the island's most cosmopolitan destination. The construction of a modern harbor for Famagusta in 1932 was an important factor in the promotion and development of the city and contributed to a surge in its economic activity. The expansion and deepening of the harbor, completed in 1965 solidified Famagusta's position that became dominant in terms of the flow of merchandise coming in and out of the island.

On July 20, 1974, Turkey unlawfully invaded Cyprus, and a few weeks later, on August 14, Turkish military forces in the second phase of the invasion moved further south and bombarded Famagusta relentlessly. Greek Cypriots were forced to flee their homes in fear and terror, never to return again. Turkish forces sealed off the city with barbed wire fences.

45,000 inhabitants of Famagusta became refugees in their own country. They lost their land, their properties, their homes and businesses and many of their own people.

Since the Turkish invasion, religious symbols, churches, monasteries, and cultural heritage of Cyprus have been subject to destruction, looting and vandalism, stolen, and illegally excavated and sold on the black market.

More than 500 Greek Orthodox churches and chapels, 17 monasteries in the occupied area in the north have been pillaged, destroyed, turned into casinos and stables. The ecclesiastical items for these sites—including more than 15,000 portable icons—remain unaccounted for.

Since 2003, with the partial lifting of movement restrictions by the occupation regime, Greek Cypriot displaced persons could visit their homes and properties, but are still denied the right to return and live where they were born and raised.

A large proportion of the properties from which the Greek Cypriot owners were expelled, was unlawfully distributed to and is currently being used by the tens of thousands of illegal settlers from Turkey.

Unprecedented illegal construction is taking place on land which belongs to Greek Cypriots forced to abandon their homes during the invasion by Turkey.

The U.N. General Assembly, the U.N. Security Council and the U.N. Commission of Human Rights, as well as the European Parliament, the Council of Europe, and several other international organizations have repeatedly demanded the urgent return of the refugees to their homes in safety. In particular, since 1974, more than 75 resolutions have been adopted by the U.N. Security Council and more than 13 by the U.N. General Assembly, calling inter alia for the return of the refugees to their homes and properties. Furthermore, in regards to Famagusta/Varosha area, OP 5 of the the U.N. Security Council resolution 550/1984, inter alia states, that it "considers attempts to settle any part of Varosha by people other than its inhabitants as inadmissible and calls for the transfer of this area to the administration of the United Nations".

These resolutions are being ignored by Turkey, which has refused to comply, and flagrantly continues to violate the basic human rights and fundamental freedoms of the Greek Cypriots, including the freedom of movement and ownership.

The European Court of Human Rights found Turkey guilty of violating relevant articles of the European Convention on Human Rights and Fundamental Freedoms for refusing to allow the return of any Greek Cypriot refugees to their homes and denying them access to and use of their property.

In the 1979 High Level Agreement between the then President of the Republic of Cyprus Mr. Kyprianou and the then Turkish Cypriot leader Mr. Denktash, it was agreed that "priority will be given to reaching agreement to the resettlement of Varosha under U.N. auspices simultaneously with the beginning of the consideration by the interlocutors of the constitutional and territorial aspects of a comprehensive settlement. After agreement on Varosha has been reached it will be implemented without awaiting the outcome of the discussion on other aspects of the Cyprus problem". Unfortunately, Turkey has not adhered to this agreement in any discussions regarding the return of the refugees.

Expatriated and uprooted Famagustians worked very hard, both in Cyprus and abroad to make a living, they had to start from scratch.

The people of Famagusta, like all other Greek Cypriot refugees, have a burning desire and right to return to their homes.

I commend Mayor Galanos for the extraordinary outreach he has engaged in to bridge the gap between the Greek and Turkish Cypriot divide and work towards a reunified Cyprus and a thriving and bustling Famagusta.

## TRIBUTE TO STEVEN MICHAEL ASHLOCK

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Steven Michael Ashlock of Liberty, Missouri. Steven is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Steven has been very active with his troop, participating in many Scout activities. Over the many years Steven has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Steven Michael Ashlock for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## INTRODUCTION OF THE ASSESSMENT ACCURACY AND IMPROVEMENT ACT OF 2007

### HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. PETRI. Madam Speaker, as Congress considers the reauthorization of the No Child Left Behind Act this year, we have an obligation to listen closely to the students, parents, and educators that we represent to ensure that our efforts result in responsible and pragmatic improvements. While we have made great strides in the areas of assessment and accountability over the last five years, this reauthorization provides a critical opportunity to learn from our experiences and fine-tune the law.

One example of a lesson my constituents have learned, and have adamantly shared with me, is that we should be encouraging States to move toward better assessment models. As I have met with educators over the past year, one of the primary concerns that I have heard is that the State assessment fails to provide information of value to educators and administrators. Even more disturbing, it often takes 4 to 6 months before scores are returned to schools, which leaves little or no time for teachers to use the information to address student performance before they advance to the next grade.

However, I believe there is a sensible solution that Congress can adopt to address these concerns and give States more options in assessment design. Today, Representative DAVID WU and I are introducing the bipartisan Assessment Accuracy and Improvement Act of 2007 to give States the option to use adaptive testing as their statewide assessment measuring reading, math, and science to fulfill No Child Left Behind requirements. I believe that this legislation will give States the ability to truly track the academic growth of every child and provide more accurate information to teachers, parents and school administrators through the use of an adaptive test.

For those who may be unfamiliar with adaptive testing, it is a test that changes in response to previously asked questions. For example, if a student answers a question correctly, the test presents a question of increased difficulty. If a student answers incorrectly, the test presents a question of decreased difficulty. As you can see, an adaptive test customizes itself to a student's actual level of performance with a great degree of accuracy.

Giving States the flexibility to use an adaptive test and to ask questions outside of grade level will improve the accuracy of student assessment and enable educators to target appropriate instruction for each child based on performance at, above, or below grade level. In addition, using an adaptive test over time will allow accurate measurement of the performance growth of each individual student.

In my district, nearly a third of school districts currently use their own funds to participate in adaptive testing in addition to the State assessment required by NCLB. Educators and administrators appreciate the diagnostic information it yields and the efficiency that it provides. I believe that school districts nationally are already "speaking with their wallets" by spending scarce resources to voluntarily participate in this testing because it provides valuable information that the State assessment does not. And, although our bill does not require States to adopt adaptive testing, it gives them the freedom to do so should they decide it is a better model for their students and educators.

Madam Speaker, adaptive testing and growth models are the key to putting the "child" back into No Child Left Behind. I hope that our colleagues will join us in this pragmatic and responsible improvement to the law as we work towards a bipartisan reauthorization this year.

## HONORING THE DR. MARTIN LUTHER KING, JR. PARADE AND SCHOLARSHIP COMMITTEE

### HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. SIRES. Madam Speaker, I rise in honor of the Dr. Martin Luther King, Jr. Parade and Scholarship Committee on their 20th Anniversary. The Committee has fulfilled its mission to honor the memory of civil rights leader Dr. Martin Luther King, Jr. and kept his legacy alive by providing scholarships to deserving students.

The Dr. Martin Luther King, Jr. Parade and Scholarship Committee was founded in 1987 by James Caldwell, Herb Champion and the late Tony Filmore. Their enthusiasm allowed them to be able to organize their first march in honor of Dr. King in January of 1988. Year after year, the event has been successful in bringing together the African-American community, as well as in promoting the values that Dr. King taught us all: respect, inclusion and dignity. Today, 16 members work tirelessly to put together a spectacular parade that has become a tradition in our congressional district.

In August of 1990, the members of the Dr. Martin Luther King, Jr. Parade Committee expanded their mission by creating a scholarship that would help outstanding students achieve their educational goals. Since then, twenty-four students have received yearly scholarships over four-year periods, recognizing the achievements of five college-bound high school seniors each year and giving them the opportunity for a better future.

Please join me in congratulating the Dr. Martin Luther King, Jr. Parade and Scholarship Committee on their 20th Anniversary. I wish them continued success and hope they continue to instill the teachings of Dr. King in our youth who are the future of the 13th Congressional District.

## TRIBUTE TO RYAN DANIEL FOLEY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ryan Daniel Foley of Gladstone, Missouri. Ryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many Scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ryan Daniel Foley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## IN HONOR OF PATRICIA HANS, NEW JERSEY COUNCIL FOR THE HUMANITIES 2007 TEACHER OF THE YEAR

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to the extraordinary public service of Patricia Hans, who this weekend will be honored by the New Jersey Council for the Humanity as the 2007 Teacher of the Year.

Pat Hans is an American Studies teacher at Ridgewood High School, where she teaches an interdisciplinary program of history and literature. Using literature to understand historical events and history to enhance the literary experience, her classroom has been described as a place where "ideas explode into reality." Pat Hans draws on the rich cultural and historical resources of North Jersey to give her students a textured experience in learning.

In addition to teaching at Ridgewood High School, Pat Hans also teaches English Composition at Bergen Community College as an adjunct professor. A graduate of the State University of New York at Albany, with a Masters in English from my alma mater, Montclair State University, Pat Hans is a respected lecturer as well.

She has given presentations before the Bard College Institute for Writing and Thinking, the New Jersey Writing Alliance, the New Jersey Council for the Teachers of English, and the New Jersey Education Association. She has been bestowed a number of fellowships and awards for her work, including the Summer Institute Fellowship from the National Endowment for the Humanities, the Geraldine R. Dodge Foundation Poetry Fellowship, and a John F. Kennedy Public Service Grant. In both 2003 and 2004, she was named the Seton Hall Teacher Scholar.

Pat Hans demonstrates an ongoing love for history and literature and continues to deepen her own knowledge and understanding for the humanities. Her passion for learning is infectious and no one benefits from it more than the students who enter her classroom. She is a model teacher and an exemplary public servant. As her colleagues honor her this weekend, I join them in commending her for her commitment to excellence in education.

## HONORING SARKIS SARABIAN AS THE 2007 AGRICULTURIST OF THE YEAR

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. COSTA. Madam Speaker, I rise today to congratulate Mr. Sarkis Sarabian, president of Sarabian Farms in Sanger, California, for receiving the 2007 Agriculturist of the Year Award from the Greater Fresno Area Chamber of Commerce. As a family farmer, who has lead his family's growing and shipping operations for many years, Sarkis is most deserving of this honor.

The roots of Sarabian Farms run deep in California's Central Valley. Since 1920 the Sarabian family has actively participated in the farming operation specializing in peaches, plums and nectarines. Now in its fourth generation, Sarabian Farms is proof that multigenerational farming can continue to thrive as an outstanding enterprise for many years.

For ten years, Sarkis has worked with Asian growers in the Central Valley to help them develop quality control and marketing skills. He is a founding member of the Armenian Technology Group in Fresno and has worked on projects that included reviving the honey industry in Nagorno-Karabakh, a separatist region of Azerbaijan.

Mr. Sarabian, a licensed pest control advisor, has also worked as a soil conservationist and an agricultural consultant in countries that include Mexico, Chile, South Africa, Kenya, Moldova, Jordan, Venezuela and Morocco.

Sarkis Sarabian exemplifies great principle and integrity. He is a role model for all of us, especially our Valley's upcoming generation of agricultural professionals. It is with great pride that I congratulate him for receiving this distinguished award and for all that he does on behalf of the industry.

## TRIBUTE TO DANIEL BAILEY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Daniel Bailey of Kansas City, Missouri. Daniel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop, participating in many Scout activities. Over the many years Daniel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Daniel Bailey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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## TRIBUTE TO UNITED STATES NAVAL ACADEMY CLASS OF 1957 ON ITS 50TH ANNIVERSARY

### HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. CRAMER. Madam Speaker, it is with great honor that I rise today to recognize the proud service of the United States Naval Academy's class of 1957.

One of the noteworthy benefits of serving as a Member of Congress is the opportunity to meet with and nominate some of our Nation's best and brightest students for an appointment to one of our Nation's 5 service academies. Founded in 1845, the United States Naval Academy is not only a training ground for our Nation's naval leaders, but also 1 of the most prestigious academic institutions in the country.

Madam Speaker, the class of 1957 consisted of 848 members, 21 who went on to achieve the rank of admiral or general. Of those graduates, 568 were commissioned in the Navy with 160 attending naval flight school; 203 served on Navy destroyers; 42 on auxiliary ships; and 94 on capital ships, including aircraft carriers. Another 104 graduates of the class served in naval submarines. The remaining graduates went on to serve in other branches of the military, including 64 who went on to join the Marine Corps and 206 who were commissioned into the Air Force.

Madam Speaker, of the 848 members of the class of 1957, 534 members served 20 years or more in their respective military branch. After their service was completed, 169 classmates went on to become executive officers of their respective businesses with 33 serving as CEO. Notable classmates include Huntsville, Alabama resident Fritz Steiner; Apollo astronaut Charlie Duke; Brad Parkinson, who developed the global positioning system (GPS); and Lee Hyatt, a Vietnam prisoner of war who survived 2,050 days of captivity in North Vietnam.

Madam Speaker, these men have proudly served their country and their community for over a half-century. On October 27, 2007, the surviving members from this class are meeting to celebrate their 50th anniversary. It is my privilege to rise today to congratulate these outstanding individuals for their devotion to duty, significant accomplishments, and unswerving dedication to the United States.

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## HONORING ALVIN W. SMUZYNSKI

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. DAVIS of Virginia. Madam Speaker, on behalf of myself and Representative JIM MORAN, I rise today to recognize Alvin W. Smuzynski, Jr., recently retired President and Chief Executive Officer of Wesley Housing Development Corporation of Northern Virginia.

We are all aware of the national affordable housing problem that is especially acute in Washington and other metropolitan areas. Low and moderate rental properties are out of reach for scores of our most vulnerable citizens. For nearly 3 decades, Mr. Smuzynski used his time and talent to increase affordable housing in northern Virginia—as a Commissioner on the Fairfax County Redevelopment and Housing Authority; as a volunteer for Wesley Housing Development Corporation; as a Board member; Board Chairman; and as President/CEO of Wesley Housing.

True to its mission, Wesley Housing, under Mr. Smuzynski's leadership for the last 9 years, pioneered affordable housing solutions that have stabilized and strengthened families, neighborhoods, and entire communities throughout northern Virginia. During his tenure as President/CEO, more than half of the organization's 1,267 units were built or acquired. Under his leadership, Wesley Housing achieved the Housing Association of Nonprofit Developers' (HAND) 2006 Developer of the Year Award and Leadership Fairfax's Regional Leadership Award.

Mr. Smuzynski forged ahead on innovative projects. He built northern Virginia's only barrier-free apartment community for low-income, severely physically disabled individuals—the 22-unit Coppermine Place I in Herndon—selected as HAND's 2007 Best Project in northern Virginia. The project was awarded the first Accessible Design Award by the Coalition for Housing Opportunities In the Community for Everyone, Inc. (CHOICE).

In 1999, Mr. Smuzynski completed Wesley Agape House, a 12-unit apartment house for individuals and children living with HIV/AIDS—the first project of this type in northern Virginia. Mr. Smuzynski's advocacy efforts were vital to establishing a non-competitive tax credit pool for preservation projects in northern Virginia. In 2005, his work with the Washington Metro Bankers' northern Virginia Affordable Housing Alliance resulted in the establishment of Fairfax County's innovative "Penny for Housing Fund." The trust fund supports preservation and development of affordable housing. Even in retirement, he continues to work with other counties in northern Virginia to establish affordable housing programs and funding sources. For these efforts, Mr. Smuzynski was inducted into the Virginia Housing Coalition's Affordable Housing Hall of Fame.

Madam Speaker, in closing, I would like to thank Alvin Smuzynski for his selfless commitment to meeting his community's needs. His legacy of growth, perseverance, and innovation was built on his dedication to balancing northern Virginia's housing needs. I call upon my colleagues to join me on commending him for his past success and wishing him the best of luck in all future endeavors.

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## TRIBUTE TO CHRIS WILSON

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Chris Wilson of Kansas City, Missouri. Chris is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Chris has been very active with his troop, participating in many Scout activities. Over the many years Chris has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Chris Wilson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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## TRIBUTE TO NEW EBENEZER BAPTIST CHURCH

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. CLYBURN. Madam Speaker, it is my honor to rise today on behalf of New Ebenezer Baptist Church. This beacon of hope in Florence, South Carolina has provided faith and fellowship for its congregation for 100 years.

The rich history of this Florence religious institution began on August 5, 1907. The land for the church was donated by the late Deacon James Norwood, and New Ebenezer has stood on this same site for a century. In the early years, the church was served by Reverends A.J. Streater, Bass, T.T. Tucker, Sasser, and D.J. Johnson.

In 1927, Reverend J.L. Brooks became the pastor of New Ebenezer and served as its spiritual leader until 1941. He was succeeded by Revered W.A. Johnson, who grew the church spiritually and financially. Under his leadership, the present block structure was constructed in 1949. Ten years later, Reverend E.D. Dixon took over the helm of the church and succeeded in increasing the membership and paying off the church's mortgage.

Dr. John Julius Abney became the minister of New Ebenezer in 1963. He oversaw a tremendous time in the church's history. In his first year, a block hut was added to the church. His vision for the church's expansion was further realized with the addition of new properties and the expansion and renovation of the exterior and interior of the main sanctuary. These changes included the addition of a vestibule, the erection of the education building, the cornerstone laying for the main sanctuary, and renovations of the parsonage. It was in 1966, under Dr. Abney's leadership that the church received its first charter from the State designating it officially as New Ebenezer Baptist Church.

Dr. Abney's tenure of extraordinary change was followed by the service of Dr. William Edward Chancy who also presided over significant growth of the church in both membership and its footprint. Under Reverend Chancy's oversight, properties adjacent to the church were purchased, the parking area was paved, and a new bus was purchased. Perhaps the largest growth in the ministry of the church came with the addition of a child care center on site.

In 1981, Reverend Lewis P. Graham became the leader of the church in which he was raised. This son of the church led the congregation to install a new heating and air conditioning system, purchase a new piano and organ, and pay off the church bus.

Leadership of New Ebenezer fell to the church's officers from December 1988 to October 1989, and they continued to improve the church and its surroundings. Under their leadership, the Missionary Department undertook the project of converting the ladies lounge into a church library. Deacon Hosea Quillen, Sr. and his son donated most of the labor for this effort. The church officers also erected a new steeple and installed a new roof on the main sanctuary. Aluminum siding and painting was done to the exterior of the sanctuary and education building.

In October 1989, Reverend James E. Rutledge was called from East Orange, New Jersey to lead New Ebenezer. Under his leadership, Reverend Rutledge, new stained glass windows were installed, carpet was replaced and the choir loft was moved to the rear of the pulpit. The church was painted inside and out.

In 1993, Reverend Norman Gamble was called to serve as pastor of New Ebenezer Baptist Church and remains its pastor today. His service has involved great changes at the church. He has increased the membership, established an Education Fund, and purchased two minivans, video equipment and computers. Part of his legacy includes the videotaping of worship services and outreach ministries to help the church reach the broader community. This church has served as a source of spiritual strength and service to others throughout its long history. It is a fixture in the Florence community and has been an integral part of countless lives over the years.

Madam Speaker, I commend Reverend Gamble and the congregation of New Ebenezer Baptist Church for their tremendous contributions to the faith community, and invite you and my colleagues to join me in congratulating New Ebenezer Baptist Church of Florence, South Carolina on its 100th anniversary.

## HONORING MR. MERLON E. WIGGIN, PH.D., M.E.

### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. BISHOP of New York. Madam Speaker, I rise to honor and recognize Dr. Merlon Wiggin, an accomplished and exemplary resident of the first district of New York.

Dr. Merlon Wiggin is a proud Long Island native and the founder of East End Lighthouses, Inc. a chapter of the American Lighthouse Foundation. The organization's mission is to encourage the historic preservation and restoration of lighthouses, lightship, and lifesaving station artifacts throughout America. The East End branch, in particular, works to preserve and restore the offshore lighthouses of Southold Town.

Dr. Wiggin is an authority on boating and maritime safety. A graduate of the University of Maine, with a Ph.D. in Mechanical Engineering, Merlon's expertise and passion for the sea is what led him to initiate the conversion of the former Greenport Railroad Station into a maritime museum. He has authored numerous historical articles and booklets on local lighthouses and is on the writing staff of Long Island Boating World and Peconic Bay Shopper magazines.

Among a long list of accomplishments, Dr. Wiggin has served as Director of engineering at Presque Isle Air Force Base and chief of engineering at Plum Island Animal Disease Research Center. He also worked with NASA on its "Moon Lab" during the Apollo space missions. Dr. Wiggin is currently the president of "Peconic Associates", a local maritime consulting firm, and "Isocon Ltd", an internationally recognized research laboratory and biological containment consulting firm.

In his free time, Merlon is an avid sailor and is known to race his 30 foot sloop, "Albion" on local waters. He and his wife Isabelle reside in East Marion, NY. On behalf of a grateful community, I thank Dr. Merlon Wiggin for his many enduring contributions to Long Island, New York, and this great Nation. I wish him and his family the absolute best for the years to come.

## TRIBUTE TO MARC HUBER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Marc Huber of Kansas City, Missouri. Marc is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Marc has been very active with his troop, participating in many Scout activities. Over the many years Marc has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Marc Huber for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## PERSONAL EXPLANATION

### HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Ms. WASSERMAN SCHULTZ. Madam Speaker, on October 24, 2007, I was unavoidably detained for rollcall votes No. 998, a motion ordering the previous question on the Rule providing for consideration of H.R. 505, and 999, providing for consideration of the bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

If present, I would have voted "aye" on both measures.

## HONORING MARY McLOUGHLIN

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. ENGEL. Madam Speaker, a community is an aggregate of its residents, but its quality of life is determined by the dedication of those who devote themselves to the welfare of their community.

Mary McLoughlin is such a person, and her dedication is the occasion for special recognition by the Kingsbridge Heights Community Center at a dinner honoring her tonight.

She is a co-founder of that organization and is almost single-handedly responsible for acquiring a community center. In 1972 she heard that the police precinct was leaving its building and she began a campaign to get the building for use by the community.

Almost 3 years later, KHCC acquired the building and she, with Patricia Burns and Janet Athanasidy, cleaned the floors; and took out the debris as part of the extensive renovation needed.

She envisioned a Center modeled after the great early New York settlement houses, providing educational, recreational and cultural activities for all community residents.

In 1975 the Kingsbridge Heights Community Center opened its doors with a Teen Program as well as a Head Start Program. Mary McLoughlin's continuing dedication is evident as today the center provides a multitude of programs to individuals of all ages including: early childhood educational, health and nutrition services, after school recreation and literacy, College Prep and financial aid, services to individuals with developmental disabilities, and civics classes, child sexual abuse treatment and prevention, parent and child advocacy, and case management services to prevent foster care placement, to cite a few.

She is a mother of 8, but has spread her caring over the community, improving the lives of thousands. The KHCC as the largest employer in the community continues to address the needs of the changing community.

She has been, and remains, a God-send to the Kingsbridge community. I sincerely thank her for all that she has done and continues to do for the people of this community. She is an inspiration to all.

## CONGRATULATING THE TEXAS BRAHMAS

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Texas Brahmas Hockey team on their first season in the city of North Richland Hills. The Texas Brahmas are returning to the ice this year to start their tenth season at the NYTEX Sports Centre in North Richland Hills on Saturday, October 27, 2007 against their Northeast Rival, the Bossier-Shreveport Mudbugs.

The NYTEX Sports Centre has been revamped and reopened in great anticipation for the upcoming hockey season. The new home to the Texas Brahmas sits in the beautiful city of North Richland Hills, Texas. Under the head coach Dan Wildfong, the Brahmas look to continue their winning tradition this season.

I offer my congratulations to Mayor Oscar Trevino, the North Richland Hills City Council, and their Economic Development Department for bringing yet another economic victory to their fine city. The atmosphere that accompanies the Brahmas will further show that North Richland Hills is the City of Choice to Live, Work and Play.

I am very proud to represent such a victorious team in my District. I wish the Texas Brahmas great luck in their upcoming season in North Richland Hills, and congratulate their winning spirit. Their persistence, teamwork, dedication, and commitment should serve as a source of entertainment through their competitive spirit that is now a part of North Richland Hills and 26th District.

## COMMENDING FIRST RESPONDERS BATTLING WILDFIRES IN SOUTHERN CALIFORNIA

### HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. DENT. Madam Speaker, I rise to commend the courageous efforts of numerous first responders currently battling wildfires in Southern California. Today, these dangerous fires stretch over more than 400,000 acres and have forced the evacuation of hundreds of thousands of local residents from their homes.

As we've seen on national television, the tragedy unfolding in Southern California is of epic proportions; yet the many first responders charged with saving life and limb have performed magnificently since the initial flames. Taking on these blazes from all angles, firefighters are ensuring the safety of Californians while fighting to protect their property and homes. The courage of these first responders is truly exemplary.

As Ranking Member of the Homeland Security Committee's Emergency Communications, Preparedness and Response Subcommittee, I am pleased to see that these brave firefighters, police officers, and paramedics are being aided in their efforts by FEMA, the National Guard, and other elements of the Department of Defense.

Exacerbated by drought conditions and the fierce Santa Ana winds, these fires are some of the most menacing in American history. Like every American, I am thankful for the selfless efforts of all first responders, who perform so bravely in harrowing circumstances, especially those currently battling the wildfires in Southern California.

## STATEMENT REGARDING THE VISIT OF MR. ALEXIS GALANOS, MAYOR OF FAMAGUSTA, CYPRUS

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mrs. MALONEY of New York. Madam Speaker, as a co-chair and co-founder of the Congressional Caucus on Hellenic Issues, I want to welcome Mr. Alexis Galanos, mayor of Famagusta, Cyprus, to Washington, DC. Mr. Galanos has an important message to share with those of us in Congress about how his city became a "ghost town" when Cyprus was invaded in 1974 by Turkey. Famagusta is a symbol of a divided Cyprus and a crystallization of the situation there since the invasion.

Famagusta was a thriving port city in Cyprus until 1974. Its industrial sector supplied vital jobs to the nearby population, and it was an important tourist destination. In 1973, 88.9 percent of all imports and 73.6 percent of all exports went through Famagusta.

Tragically, a few short weeks after Turkey invaded Cyprus, Famagusta was bombed relentlessly by Turkish troops. Greek Cypriots fled in terror, and the city was sealed off with barbed wire fences by Turkish forces. Ultimately, 45,000 citizens of Famagusta became refugees in their own country, losing their land, businesses, homes, and neighbors.

As a result of the Turkish invasion and occupation, 160,000 Greek Cypriots, amounting to 70 percent of the population of the occupied area and over a quarter of the total population, were forcibly expelled from their homes and approximately 5,000 Cypriots were killed. More than 1,400 Greek Cypriots, including four Americans of Cypriot descent, remain missing and unaccounted for since the Turkish invasion. Sadly, since the invasion, churches, monasteries, and cultural artifacts have been destroyed, looted, vandalized, and illegally excavated. Many of these priceless items have been sold on the black market. Today, thirty-three years later, Turkey continues forcibly to occupy more than one-third of Cyprus with more than 43,000 Turkish troops. It is time for Turkey to remove its troops from the island so that Cyprus can move forward as one nation.

Just this month, we passed legislation introduced by my fellow co-chair, Representative Gus Bilirakis, which expresses the strong support of the House of Representatives for the implementation of the July 8, 2006, UN-brokered agreement between President of the Republic of Cyprus Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat relating to the reunification of Cyprus. I believe that passage of this resolution will be a positive influence in moving this process forward in preparation for new comprehensive negotiations leading to the unification of Cyprus within a bi-zonal, bi-communal federation. Additionally, I have introduced H. Res. 407, which expresses the strong support of the House of Representatives for the positive actions by the Republic of Cyprus aimed at opening additional crossing points along the cease-fire line, thereby contributing to efforts for the reunification of the island.

The people of Cyprus, and Famagusta, deserve a unified and democratic country, and I remain hopeful that a peaceful settlement will be found so that the division of Cyprus will come to an end.

Once again, I want to acknowledge Mayor Galanos for being a tireless advocate on behalf of the exiled citizens of Famagusta

## RECOGNIZING THE ACCOMPLISHMENTS OF ALVIN W. SMUZYNSKI

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. MORAN of Virginia. Madam Speaker, I rise today on behalf of myself and Representative Tom Davis, my distinguished colleague from Virginia, to recognize the accomplishments of Alvin W. Smuzynski Jr., upon his retirement as President and Chief Executive Officer of Wesley Housing Development Corporation of Northern Virginia.

Dedicated to increasing affordable housing in Northern Virginia, Mr. Smuzynski served as Commissioner on the Fairfax County Redevelopment and Housing Authority, and as a Board member, Board Chairman, and President and CEO of Wesley Housing. Having spent nearly three decades expanding affordable housing, making rental properties available to low and moderate-income families in the metropolitan area was always at the top of Mr. Smuzynski's agenda.

Mr. Smuzynski led Wesley Housing admirably; he was a pioneer dedicated to ensuring that entire communities throughout Northern Virginia would have the opportunity to acquire decent, affordable housing. During his tenure as President and CEO, more than half of the organization's 1,267 units were built or acquired. Under his leadership, Wesley Housing achieved the Housing Association of Nonprofit Developers' (HAND) 2006 Developer of the Year Award and Leadership Fairfax's Regional Leadership Award.

In 1999, under the direction of Mr. Smuzynski, the Wesley Agape House was completed. This 12-unit apartment house for individuals and children living with HIV/AIDS was the first project of this type in Northern Virginia. His advocacy efforts were essential to establishing a non-competitive tax credit pool for preservation projects in Northern Virginia. In 2005, his work with the Washington Metro Bankers' Northern Virginia Affordable Housing Alliance resulted in the establishment of Fairfax County's innovative "Penny for Housing Fund." The trust fund supports preservation and development of affordable housing.

Always looking to lead the way, Mr. Smuzynski forged ahead on innovative projects. He built Northern Virginia's only barrier-free apartment community for low-income, severely physically disabled individuals—the 22-unit Coppermine Place I in Herndon. This award winning apartment community was selected as HAND's 2007 Best Project in Northern Virginia and the Accessible Design Award by the Coalition for Housing Opportunities In the Community for Everyone, Inc. (CHOICE) award.

Truly, Mr. Smuzynski's career has left behind a legacy of perseverance, innovation and numerous successes. He has earned the reputation over the years of being the leader in providing affordable housing, and will long be remembered for his dedication and commitment to Virginians. I wish all the best to him and his family in his retirement.

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## TRIBUTE TO THE MARIN CONSERVATION CORPS ON ITS 25TH ANNIVERSARY

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Ms. WOOLSEY. Madam Speaker, I rise today to salute the Marin Conservation Corps on its 25th anniversary of helping young people to a brighter future by providing jobs and learning opportunities, at the same time protecting and conserving our natural resources.

Marin Conservation Corps began more than 25 years ago when founder Richard Hammond was out jogging along one of the many gorgeous trails of the Marin Headlands. The father of teenage sons at the time, he had been seeking something productive to keep them occupied during summer vacation and came up with the idea to combine trail maintenance with young people's need for work. But it wasn't until devastating floods hit Marin in 1982 that the corps took shape.

The first local conservation corps in the country, MCC literally blazed the trail for others to follow. Workers have put in more than three million hours to maintain and conserve Marin County's 150,000 acres of public land. In association with AmeriCorps, MCC has partnered with the National Park Service to create a one-on-one mentoring program. MCC also provides young people with summer jobs through a combination of outdoor education, community service and recreational activities through its Project ReGeneration.

Under the leadership of Marilee Eckert since 1992, the nonprofit has grown to provide year-round employment to 116 people, operating under a budget of more than $5 million and helping more than 3,000 young men and women gain job skills along with an education. Marilee also holds leadership roles in many local and national organizations. Her efforts have earned her recognition and awards from the county and the Sierra Club, as well as the gratitude of the many corps members who have benefited from her hard work.

Many of those who have benefited come from under-served populations. One such corpsman is Matthew Rainey, a 21-year-old convicted felon. "I didn't have an opportunity to work anywhere else," he says. "Honestly, I was living in my car, didn't have anything going for myself, but every single day, I would come to work."

Because of MCC, Rainey has earned his GED, saved enough to rent an apartment, and is considering following the trade he learned through his work at MCC.

"He has so totally blossomed," notes Deborah Schoenbaum, MCC's deputy director. "He has won just about every award you can get in the corps. It's been a life-changing experience for him."

Working at MCC has been a life-changing experience for many others, as well. An average of 300 young people go through the various MCC programs each year. In fact, some of MCC's sponsors and greatest supporters were previously in the corps program.

Corpsmembers not only arrive at work at 7 a.m. for a full day of work each day, but must put in 10 hours of education each week, as well. Marvin was one such young man willing to work this hard for a better future. Marvin came to the corps speaking absolutely no English, Schoenbaum remembers. "He now speaks English and has gotten a job with a top landscaping firm because he went through a landscaping program we have with College of Marin."

Such success stories, Madam Speaker, is why the Marin Conservation Corps deserves to be congratulated for its past 25 years of service. May it have an equally successful future.

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## THE NATIONAL RENEWABLE ENERGY LABORATORY AND THE DEPARTMENT OF ENERGY

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. PERLMUTTER. Madam Speaker, I rise today to congratulate the National Renewable Energy Laboratory (NREL) and the Department of Energy (DOE) on the groundbreaking of their Research Support Facility (RSF) on October 30, 2007.

The Research Support Facility will be an important building for the DOE and NREL. The building will house several hundred DOE and NREL staff in over 200,000 usable square feet without sacrificing high priority special spaces. The building will include shared spaces to assist in optimizing human performance, enhancing creativity and recruiting the workforce of tomorrow.

The RSF is designed to meet the Leadership in Energy and Environmental Design (LEED) "Platinum" rating as defined by the U.S. Green Building Council. The building will be a shining example of sustainable high-performance design. It will demonstrate the integration of high performance design features and practices, showcase technology advances, and capture the public's imagination for renewable and energy efficient technologies.

Investing in and expanding the National Renewable Energy Laboratory is good for national security, good for the climate and good for jobs.

I am honored to have the National Renewable Energy Laboratory and the future Research Support Facility in the 7th Congressional District.

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## CELEBRATING OXI DAY

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mrs. MALONEY of New York. Madam Speaker, I rise to join the Hellenic-Americans and Philhellenes in my district and throughout the country in celebrating "OXI Day (No Day)," which falls on the 28th of October. This year marks the 67th anniversary of a very important day in Hellenic history, the day on which brave Greek patriots said "No" to fascism, "No" to injustice, and "No" to slavery. For those individuals who lived through that momentous period and their descendants, many of whom live in the 14th Congressional District of New York, "OXI Day" is more than a memory: it is the embodiment of Hellenism and its highest ideals.

At dawn on October 28, 1940, General Ionnas Metaxas was confronted with an ultimatum. An Italian ambassador delivered a message directly from General Mussolini demanding that Greece allow Axis forces to enter Greek territory and occupy certain unspecified "strategic locations" or face war. General Metaxas simply replied "No!" and committed the brave people of Greece to resistance against Axis oppression. With level-headed determination and steadfast resolve, the citizenry of Greece mobilized. Men went calmly to their closets and retrieved their military uniforms and weapons. Women went about their necessary tasks, and the children assisted as they were able.

On OXI Day, the people of Greece chose the harder path, the path of resistance. That brave generation of Hellenes refused to submit to oppression even at the cost of their homes, their land, and their lives. Theirs was an act of self-sacrifice that clearly proclaimed the humanitarian ideals of their Orthodox Christian faith and their ethnic heritage. The Greeks' brave defense of their land was a crucial turning point in the Axis eastern advances. Dogged resistance by Greek patriots weakened Axis morale and derailed the Nazi war effort by delaying the eventual attack on Soviet Union. The Greeks' sacrifice will forever be remembered and honored by the free nations of the world.

Madam Speaker, I ask my colleagues to join me in saluting the heroes of OXI Day. In their brave words and deeds we see all of the highest virtues of Hellenic heritage: passion for justice, courage at a time of trial, unity in the midst of conflict, and willingness to sacrifice one's life for the good of others. On this day, we thank Greece for saying "OXI."

## PERSONAL EXPLANATION

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. ROSS. Madam Speaker, on Wednesday, October 24, 2007, I was not present for rollcall vote 996, final passage of H.R. 1483, the Celebrating America's Heritage Act. Had I been present for rollcall 996, I would have voted "aye."

## REMARKS ON H.R. 1483, CELEBRATING AMERICA'S HERITAGE ACT

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. HOLT. Madam Speaker, yesterday I voted in favor of H.R. 1483, the Celebrating America's Heritage Act.

I am pleased to support this legislation which creates six new national heritage areas and reauthorizes nine additional heritage areas, including one in my home State of New Jersey.

Since 1988, the New Jersey Coastal Heritage Trail, stretching roughly 300 miles from Perth Amboy to Cape May and west along the Delaware Bay to Deepwater, has been successful in encouraging New Jersey residents and visitors alike to explore the State's coastal resources and culture.

For nearly 20 years, the New Jersey Coastal Heritage Trail has played a key role in preventing overdevelopment of the Nation's most densely populated State. The trail has helped preserve a wide variety of natural resources and historical landmarks including bird sanctuaries, wildlife refuges and lighthouses. It has helped boost tourism and economic activity and has provided countless visitors with enjoyable and interesting opportunities for recreation.

Whether visiting the Nation's oldest operating lighthouse at Sandy Hook, canoeing on a fresh water creek in Double Trouble State Park, shopping at the 200-year-old fishing village of Belford, or taking in the view from Mount Mitchill, the highest point on the eastern seaboard, the New Jersey Coastal Heritage Trail offers something for everyone to enjoy.

National Heritage Areas provide great opportunities for Americans to experience the history and culture of a particular State or region. My Central New Jersey district is home to the Crossroads of the American Revolution National Heritage Area. This heritage area protects and promotes more than 250 historic sites. On October 12, 2006, I was proud to see the Crossroads National Heritage Area signed into law by the President. I hope that with the passage of this bill and eventual signature of the President, many of my colleagues will get to experience similar pride with the creation of national heritage areas in their districts for the benefit of their constituents.

Many of these National Heritage Areas do not receive money from the Federal Government alone. The New Jersey Coastal Heritage Trail, for example, receives only a third of its funding from the Federal Government. Our investments in National Heritage Areas are often matched by State and local governments as well as the private sector.

Madam Speaker, H.R. 1483 will enable millions of Americans to visit and treasure heritage areas in their home State and across the Nation. I urge my colleagues to join me in supporting this important piece of legislation.

## THE WITHDRAWAL OF MY CO-SPONSORSHIP OF H.R. 106, THE ARMENIAN GENOCIDE RESOLUTION

### HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Ms. KILPATRICK. Madam Speaker, I am opposed to genocide whenever and wherever it has occurred in history and I believe that we should never forget any atrocity that occurs anywhere, at any time. While I believe that the incidents that took place in Armenia were wrong and merit acknowledgement, I have decided to withdraw my sponsorship of H.R. 106, the Armenian Genocide Resolution.

Turkey is a strategic partner and one of our few friends in the Middle East. It allows us to use its air force base at Incirlik for operations in Iraq and Afghanistan. Turkey's leaders have said if this resolution passes, they will withdraw our military access to this base. Because the President has distanced or destroyed our relationships with many countries as a result of the war in Iraq, we should maintain and strengthen our rapport with the few allies we have, particularly in the Middle East.

However, there is a more important and fundamental reason that I have withdrawn my support. I can no longer support any resolution that condemns another country for its actions, while we here in the United States will not address and have not come to terms with the miscarriages of justice, the lack of equality, and the human rights violations that take place against our own citizens.

Our poor, our women, our less educated, our people of color, and others who are disadvantaged and disenfranchised across our great country—lauded as the "land of opportunity"—suffer daily from injustice and inequality. They lack access to affordable health care, quality education, well-paying jobs, capital, and other items necessary to give them and their families a chance at achieving the American Dream. Most recently, the President chose to veto a bill that would provide access to health care to 10 million children of working class parents. This is simply inexcusable.

In the Bible, John 8:7 reads "let him who is without sin cast the first stone." Here, in the United States, we are often quick to point out the faults and flaws of other countries, their leaders, and their citizens. However, before we criticize, chastise, and condemn them, we must first challenge our own imperfections, consider our own inadequacies, confront our own issues, and change our own behavior.

There are human rights violations taking place all across the world, from Sudan and Syria, to Bangladesh and Burma, to Nicaragua and Colombia. Simultaneously, there are unresolved human rights challenges here in America that we have not begun to tackle.

I was always taught to take care of home first. I believe that America can and should be a force for change. As a world leader, we not only have the power, but we also have the responsibility, to make a positive difference in the lives of others—here at home and in countries around the world. However, before we point the finger at anyone else, we must take a deeper, closer look at the problems that plague our cities, our communities, and our country and work to change the lives of our citizens for the better.

This resolution, at this time, could undermine the efforts of the United States to prevent the Turkish military from launching an attack inside Iraq; it could create a logistical nightmare for our military women and men in Iraq and Afghanistan. If we have strained relations with Turkey, the largest Muslim ally we have in the Middle East, further damage to the standing of the United States in the Islamic world would be the immediate result.

This is the right bill, but this is the wrong time. America must be what we want to see for the world.

## IN RECOGNITION OF THE 175TH ANNIVERSARY OF THE FOUNDING OF COOSA COUNTY, ALABAMA

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the citizens of Coosa County, Alabama, who on this Saturday, October 27, will celebrate their county's 175th anniversary.

On December 18, 1832, the Alabama Legislature established Coosa County from lands acquired under the Creek Indian Treaty of Cusseta. The October 24th celebration will take palace in the county seat of Rockford, and will feature organizations from around the county. In addition to a live band and county history lecture, each of the county's cities and towns will present a welcome address.

I am pleased to recognize the citizens of Coosa County today for reaching this important milestone in the history of their county, and in the history of our great State.

## RECOGNIZING FAMAGUSTA, CYPRUS AS A GHOST CITY

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 25, 2007*

Mr. SPACE. Madam Speaker, yesterday, I met with Mr. Alexis Galanos, Mayor of Famagusta, Cyprus to discuss the current situation he and his constituents face every day.

In 1974, Turkey invaded Cyprus, running residents of Famagusta out of their town and their homes in fear. Since then, Famagustians have been unable to return to their city in the occupied area, and the city itself remains a ghost town.

Prior to the invasion, Famagusta was a bustling tourist destination and an economic dynamo. The hotel and construction industries were booming, the harbor had been widened to further contribute to its economic activity, and the rich and fertile mainland easily supported production of the potato crop.

This all changed with the invasion of Turkish soldiers. Turkish troops drove the people of Famagusta out of their town and sealed it off with barbed wire. This is how the situation remains today, 33 years later. 45,000 residents of Famagusta have become refugees in their own country; they lost their land, their homes, their property, their businesses, their livelihoods, and for some, their lives. Since the Turkish invasion, churches, cathedrals, monasteries, and the cultural heritage have been subject to looting, vandalism, destruction, and theft.

In 2003, partial lifting of movement restrictions by the occupying regime allowed some displaced Greek Cypriots to visit their old homes, but they are still denied the right to return to where they were born and raised. Property that was once in the hands of Greek Cypriots has been unlawfully distributed to illegal settlers from Turkey, and unprecedented illegal construction is taking place on land that technically belongs to Greek Cypriots.

The former residents of Famagusta worked very hard to make a living. Families spent decades paving the way for the well-being of future generations, but they were forced to start over from square one.

The people of Famagusta, like other Greek Cypriot refugees, have a burning desire, and a right, to return to their homes. I am pleased that Mayor Galanos was able to visit Washington to share the story of Famagusta, Europe's Ghost Town.

# SENATE—*Friday, October 26, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Dr. Philip J. Parker.

## PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Lord of our lives, I stand before You this day in the presence of those who, along with our President and House of Representatives, are responsible for the governance of our Nation and, to a large extent, the welfare of our world. I am acutely aware, dear Lord, that they are grappling with momentous issues in these challenging times at home and abroad.

As on previous occasions throughout our Nation's history, O Lord, I believe that we stand in need of Your divine guidance. We need the kind of insight and wisdom that comes from on high. We need minds and hearts that are in tune with Your spirit. We need a renewed sense of purpose, which is founded upon those divinely ordained principles that were established by our forefathers.

So come now and guide the Members of this Senate in their deliberations this day. May their words and their actions reflect the mind and the heart of the One who loves us and who has redeemed us through His Son in whose Name we pray. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 26, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, this morning we will return to the Amtrak legislation. I am not certain the managers have that many amendments to deal with, so I don't think we will be in session for a long time working on this bill, but we are open for business. While no rollcall votes will occur today, the majority manager, working with Senator LOTT, is expected to be here to work with any Members who want to offer amendments.

I am going to shortly file cloture on this bill. This cloture vote will occur during Tuesday's session, and it is the expectations of the managers it can be concluded during Tuesday's session. Let me say, this is a rare cloture petition. It is signed by Democrats and Republicans in equal numbers. This is an extremely important bill for our country, and the Senate realizes that. I am hopeful and quite confident that we will not need cloture, but if we do, we can go ahead and do that. If we don't, that will save us some time. We have lots to do here that is so important.

I am also going to—unless something untoward comes—move to the farm bill a week from Monday or thereabouts. The reason for that is this is a bill we need to do every 5 years. While I, like many, think the bill could be better, I think the committee did a tremendously good job. There are a lot of reforms in this bill. For some there are not enough, but for the farm bill, I have seen a number of them come through here. It is certainly an improvement. I look forward to having the managers work through it in the quickest time possible. I congratulate the committee. They worked very hard to come up with this bill.

As previously announced, there will be no rollcall votes on Monday, but Members should be here Monday to offer amendments on Amtrak if they so desire.

## MEASURES PLACED ON THE CALENDAR—S. 2233, S. 2234, H.R. 505, H.R. 3963

Mr. REID. Mr. President, it is my understanding there are four bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The legislative clerk read as follows:

A bill (S. 2233) to provide a permanent deduction for State and local general sales taxes.

A bill (S. 2234) to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses.

A bill (H.R. 505) to express the policy of the United States regarding the United States relationship with native Hawaiians and to provide a process for the recognition by the United States of the native Hawaiian governing entity.

A bill (H.R. 3963) to amend Title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills, and I do so en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

## PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 294, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 294) to reauthorize Amtrak, and for other purposes.

Pending:

Allard amendment No. 3455, to strike the provisions repealing Amtrak's self-sufficiency requirements.

### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 158, S. 294, AMTRAK Reauthorization.

Frank R. Lautenberg, Trent Lott, Joe Lieberman, Benjamin L. Cardin, S. Whitehouse, Robert Menendez, Daniel K. Inouye, Susan M. Collins, Mike Crapo, Larry E. Craig, John Warner, Byron L. Dorgan, Gordon H. Smith, Max Baucus, Bill Nelson, Robert P. Casey, Jr., Harry Reid.

Mr. REID. Mr. President, normally we waive the reading of the names, but I thought it was so refreshing to hear a cloture motion with Democrats and Republicans on it that I wanted to hear them. I am almost anxious to have the clerk do it again, but I think that is sufficient.

I ask unanimous consent that the vote on the motion to invoke cloture on S. 294 occur on Tuesday, October 30 at a time determined by the majority leader—I will certainly consult with the Republican leader—and that the mandatory quorum rule under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I now ask unanimous consent that Members have until 3:30 p.m. Monday to file any germane first-degree amendments to S. 294.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, with cloture filed, we are hopeful we will be able to move with dispatch to the support and approval of S. 294, the Amtrak bill.

I wish to start this morning by thanking our colleague and my cosponsor and longtime Amtrak supporter, Senator TRENT LOTT, for the opportunity to work together to move this bill along. His support is essential, and I know he is pleased with the progress we have made this morning up to this point. Today is our third day on the bill. Yesterday we made very good progress. We were able to work through a number of amendments, some of which we were able to agree to and some of which we disposed of with votes. Now, this morning, cloture has been filed, which should put us on a schedule to finish this bill early next week. It is very important that we do so for the future of America's transportation systems.

Whether it is to reduce congestion on our roads or at our airports, or to reduce greenhouse gas emissions that puts us at risk of global warming—our society and our world—or to give people another safe mode of transportation during an emergency, rail is critical. We cannot neglect the contribution it makes in the event of a calamity or disaster, whether it comes from a terrorist attack or from an erratic act of nature such as a storm or forest fires, and all of the things we see that call at times for evacuation.

Our bill, by authorizing $2 billion a year for Amtrak in the States over the next 6 years, will make all of that much easier for America to deal with the problem of a decaying infrastructure. It provides funding for Amtrak's capital needs as well as State grants for passenger rail.

While Amtrak had record ridership and revenues last year, our bill requires changes at Amtrak to make sure these funds will help the railroad to continue moving in the right direction. It would require Amtrak to reform its operations, to reduce its Federal operating subsidy by over 40 percent over the life of the bill.

We worked very hard to forge this bipartisan compromise plan. Last Congress, our plan was approved by the Senate as an amendment to the budget bill by a vote of 93 to 6. I hope that early next week we will get a strong vote in support of our bill so we can be one step closer to making it law.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### AMENDMENTS NOS. 3467, 3468, 3469, AND 3470 EN BLOC

Mr. BOND. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment and call up amendments Nos. 3467, 3468, 3469, and 3470 en bloc, on behalf of Senator DEMINT.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The Senator from Missouri [Mr. Bond], for Mr. DEMINT, proposes amendments numbered 3467, 3468, 3469, and 3470 en bloc.

The amendments are as follows:

### AMENDMENT NO. 3467

(Purpose: To require Amtrak to disclose the Federal subsidy of every ticket sold for transportation on Amtrak)

At the end of title II, add the following:

**SEC. 224. DISCLOSURE OF PER PASSENGER FEDERAL SUBSIDIES.**

Amtrak shall publicly disclose all the costs incurred for each Amtrak route that are subsidized by the Federal Government, including costs for maintenance, depreciation, and operations. The specific per-passenger Federal subsidy on each route shall be displayed on every ticket purchased for that route and on Amtrak's publicly accessible website.

### AMENDMENT NO. 3468

(Purpose: To increase competition in the American rail system by allowing any qualified rail operator or transportation company to compete for passenger rail service)

On page 33, strike line 22 and all that follows through page 34, line 5, and insert the following:

"(1) any qualified rail operator or transportation company

### AMENDMENT NO. 3469

(Purpose: To clarify the level of detail to be included in the modern financial accounting and reporting system required under section 203)

On page 15, line 21, strike "(b)" and insert the following:

(b) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

(c)

### AMENDMENT NO. 3470

(Purpose: To require the Performance Improvement Plan to address reaching financial solvency by eliminating routes and services that do not make a profit)

On page 31, strike line 21 and insert the following:

"(7) reaching financial solvency by eliminating routes and services that do not make a profit; and

Mr. BOND. Mr. President, I ask unanimous consent that those amendments be temporarily set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### AMENDMENT NO. 3464

Mr. BOND. Mr. President, I call up amendment No. 3464, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 3464.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

(Purpose: To amend section 24101 of title 49, United States Code, to clarify Amtrak's mission)

On page 10, between lines 12 and 13, insert the following:

**SEC. 200. MISSION.**

Section 24101 is amended by striking subsection (c) and inserting the following:

"(c) MISSION.—

"(1) IN GENERAL.—The mission of Amtrak is to provide efficient and effective intercity passenger mobility in those travel markets in which passenger rail offers a trip-time and service quality competitive or complementary travel option consistent with the goal of continual reduction in Federal operating subsidies required to provide such service.

"(2) PERFORMANCE MEASUREMENT.—All measurements of Amtrak performance, including decisions on whether, and to what extent, to provide operating subsidies, shall be based on the Amtrak's ability to carry out the mission described in paragraph (1).".

On page 33, line 3, strike "may" and insert "shall".

Mr. BOND. Mr. President, I rise to offer an amendment to S. 294, the Amtrak reauthorization bill. I applaud the authors of the bill for their hard work in putting this legislation together. As one who hopes to see a robust, efficient passenger rail service, I have long been a supporter and rider on Amtrak. As Governor of Missouri, I started the State support of Amtrak to run trains between Kansas City and St. Louis. As I have watched Amtrak over the years, I have been increasingly concerned about the rising costs and relatively stagnating ridership. As I look at this bill, I do not believe it includes all the needed reforms that are crucial to the success of Amtrak.

While there are many positive aspects of the bill, the fundamental problem with Amtrak is that it has no clearly defined mission. Is it supposed to provide only those services where it can make a profit? Is it supposed to supplement air service in specific markets regardless of cost? Is it supposed to serve rural markets regardless of cost? Is it supposed to provide tourist travel regardless of cost? All of these have been held out from time to time as reasons to subsidize Amtrak and as excuses for why it should not be held accountable for the effective use of the taxpayers' money. However, those are empty excuses. The money continues to flow out, and I believe strong reforms are necessary.

While Amtrak's revenue, ridership, and cash operating loss numbers improved this year, this improved financial performance reflects labor costs held low by the absence of a labor settlement. Once a settlement is reached, Amtrak's costs will jump up, reflecting the pay raises that have largely been deferred during the past 7 years during which time there has not been a labor contract.

Amtrak has made no significant progress in restructuring its operations to become less reliant on Federal funds. The pace of Amtrak's reform savings has slowed from $61 million in fiscal year 2006 to a planned $46 million in fiscal year 2008. There is little chance Amtrak will achieve anywhere near the $500 million in annual reform savings it promised when it adopted its 2005 plan.

GAO reports consistently cite that Amtrak has lost the focus of its statutory mandate to be operated and managed as a for-profit company.

Just last year, over 10 percent of Amtrak's operating subsidy was spent on food and beverages and a like amount subsidized first-class service. There is no critical public purpose associated with such expenditures. Yet there are some who assume they are OK because that is what Amtrak has always done. S. 294, I regret to say, will not change this deplorable system. While section 208 would have FRA and Amtrak develop performance metrics, there is no clear statement of Amtrak's mission on which to base these metrics.

After 36 years, we should not miss the opportunity to finally and clearly state Amtrak's mission. It is for that reason that I offer as an amendment to S. 294 the establishment of Amtrak's mission. That mission should be:

> To provide efficient and effective intercity passenger rail mobility in those travel markets where passenger rail offers a trip-time and service quality competitive travel option consistent with the goal of continual reduction in Federal operating subsidies required to provide service.

With this mission clearly established, then FRA and Amtrak can establish meaningful performance measures that hold Amtrak accountable for accomplishing that mission. Obviously, meaningful benchmarks will help both Amtrak and those of us in Congress measure its efforts at reform. In fact, failure to meet benchmarks will be a good reason to lessen or terminate these excessive subsidies.

My colleagues may say that the bill contains benchmark reforms under section 208, Metrics and Standards. The section reads:

> Within 180 days . . . develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger rail.

Exactly what reforms are contained within these metrics and standards? There is no mission, no goals, and no benchmarks for operating subsidies and, as I said, quite frankly, no reform.

If the authorizers were truly offering operating metrics, they would have year-over-year improvement on metrics applied on a route-by-route business line or corporate basis on some of the following:

Operating ratio—operating revenues relative to operating costs, excluding depreciation to measure improvements in cost recovery; 2, cash operating loss—would measure revenue expense improvements; 3, savings from reform initiative—while the operating loss includes these savings, monitoring these savings allows for tracking the implementation of structural reform improvements; 4, cash operating loss for passenger mile—an overall efficiency measure; 5, labor productivity—passenger mile per employee; and finally, 6, equipment reliability—percent of units out of service.

The other thing missing from Amtrak oversight has been real teeth. So I propose changing the language in section 210 from being permissive, which says the FRA "may" withhold grants from trains that don't measure up, to being mandatory, to say that FRA "shall" withhold grants from trains that don't measure up.

Today, the Secretary of Transportation has the ability to discontinue service on specific routes, but none have been proposed for elimination because perhaps there is no mission statement for Amtrak on which to make a determination for closure.

This measure I propose does not push Amtrak off the cliff, but it recognizes we cannot afford for Amtrak to be all things to all people. It requires Amtrak to take a degree of responsibility that has been lacking in the use of the taxpayers' money. It would require Amtrak to improve efficiency and effectiveness of its service, to reduce the demands it makes of our taxpayers, including, where appropriate, recognizing that passenger rail is not the best option in all places.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the period for morning business be delayed until we finish this discussion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I wish to respond to Senator BOND's amendment, but I first ask the Senator from Missouri whether the delay he experienced this morning was due to congestion on the highways?

Mr. BOND. Mr. President, that is what we all live with, I assure my friend from New Jersey.

Mr. LAUTENBERG. I just wanted to see whether there was any personal direct experience with congestion on the roads. I don't think there is a city or a town in this country, a highway that doesn't experience incredible pressure from its expanded use; will the Senator agree?

Mr. BOND. Mr. President, I agree with that. Of course, I would agree in some areas there are no rail lines available to relieve that congestion. While many metropolitan areas do have rail lines, they are definitely an efficient alternative. In many areas of the country, people do not have rail service, existing rails. So rails cannot solve all of our transportation congestion problems.

Mr. LAUTENBERG. I thank the distinguished Senator from Missouri for his suggestion that we expand rail service all across this country.

Mr. BOND. I didn't say that, no.

Mr. LAUTENBERG. That was the interpretation. The Senator said there wasn't rail service available in lots of places. I take the positive side of that statement and say let's get on with our task of providing service.

While I appreciate the Senator's perspective, I believe there is no need for this amendment. It covers some of the same debate we have already voted on as part of the discussion. This amendment establishes a new mission for Amtrak and sets a new standard by which Amtrak and operating subsidies for Amtrak services should be judged. While I can agree with the general principles of the mission statement, it largely covers issues already contained in existing Federal law related to Amtrak and is, therefore, redundant.

We have seen Amtrak getting expanded use, but we have to look at what has happened in our society, what the conditions are that have put so much pressure on Amtrak. When we look at the growth in population alone, since Amtrak became a quasi-government corporation, the population of this country has expanded by 100 million people in barely over 35 years. It was never thought that our aviation system would be so strained because of inadequate infrastructure, and whatever the reasons, that it cannot be relied upon. One out of four flights is late, appointments are missed, crowding is standard, our highways are jammed. Maybe in some parts of the country we don't see the congestion we see in many of the metropolitan areas. But highways are notoriously slow-moving now because of expanded traffic.

So Amtrak has been under the same pressure. And thank goodness we have Amtrak in existence. We have seen more rapid service from Amtrak and more riders—over 26 million passengers in the last year. So when we look at Amtrak's performance, we have to consider under what conditions it operates. I think it is fair to say that Amtrak was never financed at the level it should have been to be an up-to-date, modern railroad in this country.

I have had the opportunity, as we know, to ride one of the French trains, TGV, in which a trip of just over 200 miles from Paris to Brussels, where our NATO headquarters exists, is 1 hour 20 minutes. If anything similar to that could ever be achieved with Amtrak, we would reduce the congestion in the sky substantially. It is so crowded in the air these days, separations are narrowed, and we are expecting over 5,000 new light jets into our system in the next 10 years.

We have to look at the expectations Amtrak has had to live with over this period of time. Insufficient capital, that is where it all started, and it has continued to make it very difficult for Amtrak to produce the kind of service we want. I believe they ought to be responsible for maintaining the quality of service, for providing the data that is required on what progress has been lacking. Current law already requires Amtrak to minimize Government subsidies and provide high-quality rail service.

I believe the real goal of this amendment is to reduce or eliminate Federal operating support for long-distance routes and other services where current infrastructure problems or ontime performance limits the service quality. Of course, as I said earlier, these problems resulting from insufficient capital expenditures and also hosting freight railroad delays are addressed by this bill.

Most of the accountability Senator BOND desires is already in our bill through requirements of a 5-year plan, through the reduction of the operating subsidy by 40 percent. Our bill calls for changes that are significant as we attempt to put them in place. That is where we are going.

While the Senator's amendment also requires the Secretary to eliminate funding for any route not meeting Amtrak's long-distance plan required under the bill, S. 294 already gives the Secretary this authority. But our bill preserves some flexibility for the Secretary to continue a long-distance route if Amtrak could not implement a plan or did not meet the goals of a plan for legitimate reasons or events beyond Amtrak's control. Heaven forbid if we have another serious hurricane or terrorist attack. The Secretary should have the ability to take these situations into consideration when judging whether Amtrak meets the requirements demanded under the law.

I look forward to debating this amendment further. I certainly am open to discussion with the Senator from Missouri on his amendment. But as it is currently drafted, I urge my colleagues to oppose it.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I wish to respond to my friend from New Jersey and point out that while I may have had some operating delays coming into downtown Washington this morning because of the rain, I am not the only one. Service reliability continues to plague Amtrak. Amtrak systemwide in 2007 had ontime performance through August at only 68 percent and long-distance ontime performance was only 40 percent.

The Senator points out that there are constraints on Amtrak. With the exception of Connecticut, which I believe has its lines, most of the Amtrak lines run on lines established, bought, and paid for by freight railroads. For the lines to be kept operating, they have to continue to use freight.

If the chairman of the subcommittee is proposing that we build a national network of passenger rails—buy the land, buy the equipment, install the rails—I will be happy to take a look at the numbers that would be involved, whether they are billions or trillions, but I question whether we could make that investment.

What I have stated only in this amendment is that we should come to an agreement on what the mission of Amtrak is. What is it supposed to do? If you don't know where you are going, it is hard to tell when you have gotten there. Yes, we put money into a capital operating plan, a 5-year plan in 2005. There were supposed to be operating savings. The operating savings are not being realized. What I propose is simply good management techniques.

My colleague has run a successful business, and I assume to run a business he had to have a mission and he had to have standards and goals by which to judge the achievement of that mission. S. 294 talks about all kinds of metrics, but it doesn't say there are any goals. How do you know if you have gotten there? Where are you going? You don't know.

Maybe I have missed it, but I don't think any of us are clear on the clearly stated mission of Amtrak and any standards by which the achievement of that mission should be judged. I would be happy to have a discussion—and this is the appropriate place to do it—on what should be the mission of Amtrak. Maybe for my edification, I ask my friend from New Jersey to cite to me what the written mission of Amtrak is because I will have to admit, I am not familiar with that specific mission statement and the standards and goals by which Amtrak and the FRA and we in Congress can judge the effective accomplishment of the objectives within the parameter of that mission. Through the Chair, I ask my friend from New Jersey to enlighten me.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Missouri for asking this question at this moment because I have here existing law, which is continued in S. 294. Here, in existing law, it says the purpose of the management is:

> By using innovative operating and marketing concepts, Amtrak shall provide intercity and commuter rail passenger transportation that completely develops the potential of modern rail transportation to meet the intercity and commuter passenger transportation needs of the United States.

The first goal is to:

> use its best business judgment in acting to minimize the U.S. Government subsidies, including—

And it lists a number of these things which I will submit for my colleague and friend to take a look at and see if these questions are not already dealt with.

Yes, we have to be more diligent. There is no doubt we have to fill the board of Amtrak's open positions. We have not done that. We want to expand the board to a more significant body of opinion. We are doing all kinds of things.

I have an affection for the State of Missouri, having been a soldier there many years ago and trying to dig foxholes in the Ozark Mountains. We know what steels the spine of those people who live in Missouri now. It is the depth and the quality of the rock upon which most of Missouri is built. That is why the railroad contributes so much, for instance, from Chicago to St. Louis, Kansas City to Kansas City.

But in the final analysis, I think it is important to note a significant difference between business operations. I was fortunate enough to run a fairly large company; but business to business. However, it is clearly stated that Amtrak is a not-for-profit organization. When we look at what happens with good business operations and think of the subsidy that has been given to the airlines—it was as a result of a terrible calamity in American history, 9/11—but over $20 billion has been given to the airlines, for-profit businesses. They are doing very well right now, I might add, and still getting subsidies.

I think, in fairness, we will have a chance to look at this further. We are pressed by several things, not the least of which is that there are others who would like to be included in the debate. I will be happy to loan the Senator from Missouri my copy of the existing law, if he would like to borrow it for a while.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, if I may respond, I don't see any clearly defined mission. If my colleague doesn't agree that Amtrak should be providing efficient and effective passenger service in those travel markets in which passenger rail offers a trip time and service quality, competitive or complementary travel option consistent with the goal of continuing to reduce Federal operating subsidies—we are not saying it should be a for-profit company, but it certainly should not be a continual growing loss operation.

I believe we must have some discipline that I do not see in the law and particularly saying "best business practices"—best business practices to do what?

I hope we can continue this discussion, and I thank the Chair and my colleagues for the time.

Mr. LAUTENBERG. Mr. President, I understand we are ready to go to morning business.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business with Senators permitted to speak up to 10 minutes each.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I had previously requested the right to speak for 30 minutes in morning business.

The ACTING PRESIDENT pro tempore. That had been granted.

## AMERICA'S PRIORITIES

Mr. DORGAN. Mr. President, I wish to talk this morning about the President's request for $190-plus billion in emergency funding for the war in Iraq and for activities in Afghanistan.

Before I do that, however, I wish to mention the subject of Iran. I notice in the paper this morning, and I noticed the other day in a press conference by President Bush, he made a reference to world war III in a description of the issues with Iran. I am very concerned about what I hear from this administration. This administration has had a history of describing for us how they see the world. Many of us have spent a lot of time in classified, top-secret briefings with members of this administration, some of whom are now speaking out now about Iran. They include Secretary of State Condoleezza Rice, Vice President DICK CHENEY, and others. We have had plenty of experience in top-secret briefings with them in which they described circumstances with respect to the country of Iraq.

It turns out what we were told in top-secret briefings about Iraq was not accurate. No one has done the in-depth investigation to find out why that was the case. It appears to me, in some cases that which was described to us by top-level folks in this administration about Iraq prior to the Iraq war—in some cases, it turns out they either should have known, and in some cases may have known, that what they were saying to the Congress and to the American people was not accurate.

My point is this. I think there is precious little credibility on the part of the administration on these issues. I do not—I would say most of my colleagues feel the same—do not want this administration moving off precipitously based on information they have, to take military action of any type against another country. They certainly cannot in my judgment do that without the consent of Congress. I believe they would have a very difficult time getting the consent the Congress, given the lack of credibility in this administration on many of these issues.

These are important issues. Preventing the country of Iran from acquiring a nuclear weapon is a very important mission, in my judgment. But we will best accomplish that through diplomatic means with other countries, particularly with the Europeans and the Russians and many others. I must say my own view is that the foreign policy of this administration—I regret to say it—has largely been an inept and a clumsy foreign policy at best. We face, as a result of it, very substantial challenges around the world. My hope is that we see much more action on diplomacy and negotiation and working to form alliances and much less front-page headlines by members of this administration.

Now I wish to talk about priorities. I wish to talk about the President's request for $196 billion in emergency funding, none of it paid for. But first I want to talk about this little girl. This little girl, her name is Ta'Shon Rain Littlelight. Ta'Shon Rain Littlelight is from the Crow Nation in Montana. She loved to dance, as you can see—sparkling, beautiful eyes, 5 years old, loved to dance the Indian dances.

Ta'shon's grandmother testified at a hearing I held at the Crow Reservation in Montana, with my colleague, Senator TESTER. Her grandmother told us a story about Ta'Shon Rain Littlelight. Ta'Shon died, by the way. This little girl with the bright eyes and the love of dancing isn't with us anymore. Ta'Shon had health problems. Last year she was taken, many times, to the Crow Indian Health Service clinic. They were treating her—after they had diagnosed various things—they were treating her for depression. It turned out this little girl didn't have depression, this little girl had a cancerous tumor, terminal cancer.

At one point, her grandfather, who was with her at the clinic, pointed out the bulbous condition of her fingertips and toes and said to the health care folks that it appeared to him this reflected a lack of oxygen to the body and they ought to check on what was causing that. That concern was dismissed.

On another visit, her grandmother asked the doctor to eliminate the possibility that this child was suffering from cancer or leukemia, but the family's concerns went unheeded. In August of 2006, Ta'Shon was rushed from the Crow clinic to the St. Vincent Hospital in Billings, MT, airlifted to the Denver Children's Hospital, diagnosed with an untreatable, incurable form of cancer. Ta'Shon Rain Littlelight lived 3 more months after the tumor was discovered, in what the grandmother said was unmedicated pain, and then died.

I show you this picture of this beautiful young girl because her family said it was all right for me to use her image to describe the serious problem of health care on American Indian reservations. Ta'Shon Rain Littlelight didn't get the health care we would expect, and she died. We had, on the floor of the Senate, a bill that would have provided 3.8 million American kids who do not now have health insurance coverage—it would have provided them health insurance coverage. But the President says that is not the priority, so he vetoed the bill. I am trying to bring a bill to the floor of the Senate right now that extends and reauthorizes the Indian Health Care Improvement Act. It has been 8 years, and I am likely to have to have a cloture motion filed on the motion to proceed to it, because for some it may not be a priority, apparently.

This ought to be a priority. Yes, for this little girl, her memory, and the health of other children similar to her, it ought to be a priority in this country. I hope this Senate will make it a priority. We certainly did on the Children's Health Insurance Program, and we came up short in the House of being able to override the President's veto. But we will try again.

Isn't this something most of us believe represents an urgency? As I have said before, I don't know what is in second, third or fourth place in what is important in people's lives, but I know what is in first place. It is their children and their children's health.

Having said that about priorities and values and about someone looking at what we spend our money on 100 years from now, looking back, the historians, through the rearview mirror, will say: What was that group of people—what were they doing? What was their value system? What were they about? They said they didn't believe—at least some of them didn't believe covering children with health insurance was the most significant priority. They didn't believe that adequate funding for the Indian Health Service was the most significant priority. Nobody knew that Ta'Shon Rain Littlelight lived several months in unmedicated pain, lived many months before that in an undiagnosed condition, with a terminal illness; nobody knew that, so that wasn't a priority.

So let's look at the priorities. The President has proposed to us, in this year, that we spend $196 billion in emergency funding to continue in Iraq and Afghanistan. By my calculation, that is nearly $16 billion a month, $4 billion a week, and not one penny of it is paid for. The President said: I declare an emergency. Put it on top of the debt.

Then the President went to Arkansas, at exactly the same time, and held a press conference at a political rally and said: I am going to be the fiscally responsible President, and I am going to stop this profligate spending.

I don't know, maybe he thinks people are not paying attention, people are not reading what is going on. Here is what the Congressional Budget Office says. They estimate a $2.4 trillion long-term war cost.

> The U.S. wars in Iraq and Afghanistan could cost taxpayers a total of $2.4 trillion by 2017 when counting the huge interest costs because combat is being financed with borrowed money, according to the . . . the nonpartisan Congressional Budget Office.

We are borrowing the money because the President wants to spend the money, but he doesn't want to ask anybody to pay for it. Here is what this war is costing, all of it borrowed. The soldiers fight at the order of the Commander in Chief, and when they come back, they and their children can pay the bills. That is not a value system that makes much sense to me.

Now, the President says: I want another $196 billion, and, by the way, if you do not agree with that, you do not support the troops. He says: We will see who supports the troops.

Let me make another construct here. This is in some ways about supporting the troops, but it is much more than that. It is about supporting the contractors, because a substantial portion of this war is contracted out. I want to go through with my colleagues about whom we are supporting with this money as well, contractors for whom there is no oversight.

The Secretary of State was up here yesterday answering questions about that. I hope the Secretary of State is properly chastened, reading the stories and finally understanding what these contractors have been doing, with no oversight and virtually no accountability.

Let me go through a list of these contract issues so that people understand, and the President would understand. This is not just about "are you supporting the troops," it is about are you supporting the contractors with virtually no oversight.

This is from September 21, 2007, the New York Times:

> Military officials said that contracts worth $6 billion to provide essential supplies to American troops in Kuwait, Iraq and Afghanistan, including food, water and shelter were under review by criminal investigators. In addition, $88 billion in contracts and programs, including those for body armor for American soldiers and material for Iraqi and Afghan security forces, are being audited for financial irregularities.

So when the President says: Are you supporting the soldiers? My question is this: Are you watching the contractors? Because the American taxpayer is getting fleeced. This does not support soldiers, this undermines the soldiers. Of $6 billion in contracts reviewed, the Pentagon says: The Army reported that it had 78 cases of fraud and corruption under investigation, had obtained 20 criminal indictments, and had uncovered over $15 million in bribes. That is from the same article.

Contract abuse. Of the enormous expenditures of American and Iraqi money on the Iraq reconstruction program, at least $40 billion overall has been criticized for reasons that go well beyond the corruption cases that have been uncovered so far.

Weak oversight, poor planning, and endless security problems have contributed to many of the program's failures. Some $40 billion has been spent. No, this is not in support of troops. This is in support of the administration's mission by which they hire contractors and shovel the money in their direction.

Most of us have read the stories about this, but they are pretty unbelievable. We sent 185,000 AK-47s to Iraq; 185,000. They can only account for 75,000 of them, so 110,000 AK-47s, bought and paid for by the American taxpayers, are missing. Some undoubtedly will land in the hands of the insurgents being aimed at American troops. We sent 170,000 pistols; 80,000 of them are missing. That is unbelievably inept on the part of those whom we ought to expect to be accountable and to make certain the taxpayers' money is spent wisely, No. 1; No. 2, that if you are sending weapons to Iraq, they end up in the right hands, not the wrong hands.

It is unbelievable that we have a couple hundred thousand AK-47s and pistols that we sent to Iraq, we do not have the foggiest idea where they are, yet we know some of them end up in the wrong hands.

We have trained about 360,000 police and soldiers for security in the armed forces and the police forces. We have trained 360,000 of them. We believe there are somewhere around 180,000 to 273,000 still around, but no one knows. Absenteeism is up around 50 percent. There is no official document in the Federal Government that tells us how many exist in the security forces at the moment; and, by the way, today we are only training about one-third of the number of Iraqis as we were training before the surge. So we have reduced by two-thirds the number we are now training, even as we are losing a substantial portion of the 360,000 who have already been trained for security, which begs the question: When we leave Iraq, and we will, is it up to the Iraqis to provide for their own security? After you have trained 360,000 people to do so, have you not trained enough Iraqis, so if the Iraqis have the will to provide for their own security, they can do that? One would expect so.

Between April of 2003 and June of 2004, $12 billion of U.S. currency was hauled to Iraq in C-130s on big pallets. It was disbursed by what was called the Coalition Provisional Authority, which we created.

At least $9 billion of that is missing. Some have said: So what? It does not matter. This money was Iraq's own money. This was the oil money we had for safekeeping. So if we lost the money that came from Iraq oil, so what?

Well, here is the "so what." Retired ADM David Oliver, then the CPA's director of management and budget, when asked by a BBC reporter about the cash that they airlifted.

I have no idea. I can't tell you whether the money went to the right things or didn't, nor do I actually think it's important.

Tuesday, October 23, that is this week, an independent oversight agency said it could not complete an audit of a $1.2 billion contract to train Iraqi policemen because the records kept by the State Department and by DynCorp International, the contractor, were inaccurate and in disarray. . . . The documents were not sufficient in order for us to do an audit.

The Secretary of State is up here this week testifying. I do not know whether she was asked about this. But this is under her stewardship, her responsibility.

The State Department paid $43.8 million for manufacturing and temporary storage of a residential camp that has never been used. The State Department's payment of $36.4 million for weapons and equipment, including body armor, armored vehicles, and communications equipment could not be accounted for.

This week again: Among the problems identified before the audit was suspended were duplicate payments, the purchase of a never used $1.8 million x-ray scanner, and payments of $387,000 to DynCorp officials in hotels rather than other available accommodations.

I should have brought a towel that Henry Bunting brought to a hearing I held last year to show you symbolically what has been fundamentally wrong. Henry Bunting was a purchaser for Halliburton or Kellogg, Brown and Root, a subsidiary of Halliburton. He said: I worked in Kuwait. I was supposed to buy the equipment and so on. They wanted towels, hand towels for the troops. So I made out an order for hand towels, because Halliburton was furnishing the towels for the troops. My supervisor said: No, you cannot order that particular hand towel, you have to order a hand towel with a logo on it that was embroidered that says KBR. We want the logo of our company on the hand towel.

Bunting said: But it will triple the price. The supervisor said: It doesn't matter. The taxpayer is paying for this. This is a cost-plus contract. Then Bunting went on to tell us about $7,600 a month for leasing an SUV, about paying $40 or $45 a case for Coca-Cola. He went on to tell us all these stories: It does not matter, the taxpayer is paying for it.

It is unbelievable, if you take the lid off this and smell a little bit about what is happening with these contracts.

The President says: I want $196 billion in additional funding. I want it as an emergency. I do not want anybody to pay for it. I want to put it on top of the debt. That is almost $16 billion a month this year, $4 billion a week, and I do not want any questions about it, and we are going to see, he says, who supports American troops.

Well, that money is also going to support the same kind of incompetence in contracting that has been facing the American taxpayer now for about 4 years. I think hard questions need to be asked, yes, of the President, the Vice President, the heads of agencies who are responsible for this: How do you justify this? How do you justify insisting that this Congress come up with $196 billion and then tell us that we cannot afford, we do not have enough money to care for Ta'Shon Rain Littlelight? She died because the health care did not exist for her. That is not a priority for this administration. The President says we cannot afford it, despite the fact that the bill was fully paid for, Children's Health Insurance. We cannot afford sufficient money for the Indian health care system, so Ta'Shon died.

What is the value system here? What are the priorities? Once again the President says: Well, the priorities are we need the $196 billion. It is an emergency. If you do not support it, you do not support the troops. The fact is, this entire Senate supports our troops. We have demonstrated it time and time and time again. But it is also time for us to tell the President: We do not support a strategy that says: Let's keep spending money and not paying for it. We do not support a strategy that has us in the middle of a civil war, going door to door in Baghdad, when Osama bin Laden last week sent us another tape. Osama bin Laden is the one who boasted about attacking our country. He is the one who boasted about killing innocent Americans. Our National Intelligence Estimate of July of this year says the greatest threat to our country is al-Qaida and its leadership, and they are reconstituting themselves and developing new training camps, and rebuilding. They are in a "secure" or safe hideaway in northern Pakistan. There ought not be one acre of ground on this planet that is secure or safe for those who murdered innocent Americans. But instead of dealing with the greatest threat to this country, and that is eliminating the leadership of al-Qaida, this administration has us going door to door in Baghdad, in the middle of a civil war, and now says—they say they want $196 billion in additional funding, and they want it as emergency funding, $4 billion a week for the next year.

I think there is something horribly wrong with what is going on here. I think this Congress has to tell this President that change is on the way.

I want to mention something that relates to this, because I do not know what this Congress is going to do with all of these funding requests. But I know the next time we vote on emergency funding requests by the President, I am going to offer a couple of amendments. They may be out of order, they may be blue slipped, they may be whatever, but we are going to vote on them one way or the other. That is, we need to start paying for that which we are spending money on.

The President can go to a political rally down in Arkansas and say: This is a new George W. Bush, and now I am going to be fiscally conservative. But the fact is, he has recommended all of this spending, the highest amount of spending in the history of our country from this administration. He now suggests that we continue to spend but not pay for it.

I want to talk about a couple of payfors. My colleagues have often heard me speak about this, but I am going to offer this again the next time we have an emergency funding bill.

There is an enterprising reporter named David Evans from Bloomberg. David Evans went to the Cayman Islands, and he went to this little place on Church Street, a quiet little five-story building, and reported that there are 12,748 corporations living here in this little four-story white building.

They are not there. This is a legal fiction created by lawyers so companies could avoid paying taxes. Well, I have got some legislation that would stop that dead in its tracks. You cannot move an address for the purpose of not paying U.S. taxes you rightfully owe. If you are not doing your central business there, you cannot claim this is where you are; we tax you as if you never left. I intend to offer that as an amendment to what the President would suggest we spend money for, and not pay for. I would suggest that: Let's begin paying for some of this.

Runaway manufacturing plants, that is another one. I have a piece of legislation I have introduced on runaway manufacturing plants.

We actually pay somebody, if they close their American manufacturing plant, fire their workers, move the jobs to China, we say: Good for you. We want to give you a tax cut.

That is totally nuts. I have tried four times to close it down. There are over 50 Senators who actually support this perverse tax break. About 44 Senators have supported me, and I am going to keep pushing this until we have a deep reservoir of common sense that says it is crazy for us to say, if you close your plant in our country and ship your jobs overseas to China, Bangladesh, Sri Lanka, and Indonesia, we will give you a tax break for doing so. That makes no sense at all.

Third. I have a bill I have introduced ending benefits of abusive foreign cross-border leasing transaction. The most pernicious of all of the things going on is American companies buying foreign assets belonging to foreign governments. Let me give an example. Wachovia Bank, formerly First Union, one of the big banks, entered into a sale in-lease out transaction to purchase a sewer in Bochum, Germany. Why would an American bank want to buy a sewer—not a sewer in America, a German city sewer system? Because they want to take ownership and be able to get large depreciation on property that otherwise would not be depreciated because it is owned by a government. So they lease the sewer back to the city which will continue to use the sewer system as if they still own it, but that financial transaction turns out to be about a $175 million tax savings to an American bank. Of all of the unbelievably pernicious tax cuts that exist, this is it. The Finance Committee has taken some action. Good for them. They need to take more action. I testified a couple of weeks ago. I say shut it off, even retroactively. There is no sense supporting something that was fundamentally wrong. No one can justify this nonsense.

I am going to offer these 3 and several other provisions to anything we have on the floor of the Senate that calls for emergency funding. The emergency funding request in itself needs to be inspected carefully. Is there a change of course in Iraq? If not, why not? Is this support of the troops, or is it to support contractors?

A young woman named Bunnatine Greenhouse had the courage to give her job up because she was willing to stand up and say: This is the most blatant contract abuse I have witnessed as an employee of the Federal Government. She was the highest ranking civilian official in the U.S. Army Corps of Engineers. They are the ones who monitor and approve the contracts. She stood up to the old boys network and said: What you are doing is wrong. It is the most blatant abuse. She is talking about contracts that were worth billions of dollars, many of them awarded sole source to Halliburton; Kellogg, Brown & Root; and other companies. She blew the whistle. She paid for it with her job. She was an outstanding public official. She had the courage that was necessary to speak out.

We need to have similar courage. We need to say to the President: This $196 billion is not about demonstrating whether one supports the troops. All of us support the troops. A substantial portion of this money is also going to go to contractors for which there has been no oversight. There is the greatest waste and fraud and abuse in the history of this country in recent years under this administration's contracting out virtually everything, much of it sole-source, very large, no-bid contracts. This Congress needs to weigh in on these issues.

With respect to the value system, the President says we can't afford to cover 3.8 more children who don't have health insurance with a bill that we fully pay for. He says: We can't do that. That is not important. I am not willing to sign that. I will veto it. I will stop it.

Then he goes to Arkansas and says: I am a fiscal conservative. I want to shape everybody up.

Then the next day he sends us a $196 billion request. Give me some emergency money, $16 billion a month, $4 billion a week, none of it paid for, piled on top of the debt.

That is not a fiscal conservative where I come from. That is not what they call those kinds of actions. All of us want this country to succeed. All of us want this country to do well. We need to put this country on track. Yes, we need fiscal responsibility, absolutely. We also need a foreign policy that makes sense. We need to change course in Iraq. We need to describe our values at home through the legislation we pass that represents the best of what America can do. Yes, that includes providing health insurance for children who don't have it, so that young girls such as Ta'Shon have a chance at life.

There is so much debate these days that is thoughtless rather than thoughtful at a time when we so desperately need thoughtful discussion about so many important issues that deal with America's future. My hope is that in the coming weeks, we can engage in some very thoughtful discussion about public policy and how to advance this country's interests. All of us want the same thing. We want this country to succeed, to provide expanded opportunity for people. But we face enormous challenges. Those challenges will not be met and resolved by the kind of sloganeering we hear too often these days and by chaining ourselves to certain public policies that we already know do not work. We must force change.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I have some comments I want to make about the FISA legislation. But before doing so, I commend my colleague from North Dakota. I have joined with him on so many occasions in the past. Once again, his eloquence and passion about these issues is evident this morning. We have worked together. We have sponsored legislation on a number of matters. I will join him in the efforts he raised today. He has described a situation that most Americans find horrific.

As to the point he makes on the issue of supporting our troops, I find it offensive that anyone would suggest, because we disagree with the policy, we are somehow putting our soldiers, sailors, marines, and airmen at risk. I strongly suggest, as does my colleague from North Dakota, that our continuing policy in Iraq has made us less safe, less secure, more vulnerable, more isolated in the world and, in fact, the very soldiers, sailors, airmen, and marines we admire are in greater jeopardy because of a continuation of this policy. I will be joining with him and others as we try to bring this to a halt, not in 2009 or 2013 but hopefully this year. I commend him for his comments.

## REAUTHORIZATION OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. DODD. Mr. President, for 6 years the President has demonstrated time and again that he doesn't respect the role of Congress, nor does he respect the rule of law. It is the latter point that I want to address this morning because it is the rule of law which draws us all together, regardless of politics, ideology, or party. It is the rule of law, not of men, which we swear to uphold when we take the oath of office in this Chamber, as Members do in the other Chamber, and certainly as the President does on January 20 every 4 years.

For 6 years this President has used scare tactics to prevent the Congress from reining in his abuse of authority. A case in point is the current direction in which this body appears to be headed as we prepare to reform and extend the Foreign Intelligence Surveillance Act.

Many of the unprecedented rollbacks to the rule of law by this administration have been made in the name of national security.

The Bush administration has relentlessly focused our Nation's resources and manpower on a war of choice in Iraq. That ill-conceived war has broken our military, squandered our resources, and emboldened our enemies.

The President's wholesale disregard of the rule of law has compounded the damage done in Iraq, made our Nation less secure, and as a direct consequence of these acts, we are far less secure, far more vulnerable, and certainly far more isolated in the world today.

Consider the scandal at Abu Ghraib, where Iraqi prisoners were subjected to inhumane, humiliating acts by U.S. personnel charged with guarding them.

Consider Guantanamo Bay. Rather than helping to protect the Nation by aggressively prosecuting prisoners at Guantanamo Bay, these individuals have instead become the symbol of our weakened moral standing in the world. Who would have ever imagined it?

Consider the secret prisons run by the Central Intelligence Agency and the practice of extraordinary rendition that allows them to evade U.S. law regarding torture.

Consider the shameful actions of our outgoing Attorney General who politicized prosecutions in the U.S. Attorney's Office, who was more committed to serving the President who appointed him than laws he was sworn to uphold as Attorney General.

Consider the Military Commissions Act, a law that allows evidence obtained through torture to be admitted into evidence.

It denies individuals the right to counsel.

It denies them the right to invoke the Geneva Conventions.

And it denies them the single most important and effective safeguard of liberty man has ever known, the right of habeas corpus, permitting prisoners to be brought before a court to determine whether their detainment is lawful.

Warrantless wiretapping, torture, the list goes on.

Each of these policies share two things in common.

First, they have severely weakened our ability to prosecute the global war on terrorism, if for no other reason than they have made it harder, if not impossible, to build the kind of international support and cooperation we absolutely need to succeed in our efforts against stateless terrorism.

And second, each has only been possible because the U.S. Congress has not been able to stop the President in his unprecedented expansion of executive power, although, I might add, some in this body have certainly tried.

Whether these policies were explicitly authorized is beside the point. In every instance, Congress has been unable to hold this administration to account for violating the rule of law and our Constitution. In each instance, Republicans in the Congress have prevented this body from telling this administration that a state of war is not a blank check.

And those are not my words. Those are the words of Supreme Court Justice Sandra Day O'Connor, nominated by President Ronald Reagan.

And today, it appears that we are prepared to consider the proposed renewal of the Foreign Intelligence Surveillance Act, a law that whatever form it eventually takes will almost certainly permit the Bush administration to broadly eavesdrop on American citizens.

Legislation, as currently drafted, that would grant retroactive immunity to telecommunications companies that helped this administration violate the civil liberties of Americans and the law of this Nation.

While it may be true that the proposed legislation is an improvement over existing law, it remains fundamentally flawed because it fails to protect the privacy rights of Americans or hold the Executive or the private sector accountable if they choose to ignore the law.

That is why I will not stand on the floor of the Senate and be silent about the direction we are about to take.

It is time to say: No more.

No more trampling on our Constitution.

No more excusing those who violate the rule of law. These are fundamental, basic, eternal principles. They have been around, some of them, for as long as the Magna Carta.

They are enduring.

What they are not is temporary. And what we do not do in a time where our country is at risk is abandon them.

My father served as executive trial counsel at the Nuremberg trials of Nazi war criminals in 1945 and 1946.

What America accomplished at those historic trials was not a foregone conclusion. It took courage. When Joseph Stalin and even a leader as great and noble as Winston Churchill wanted to simply execute the Nazi leaders, we didn't back down in this country from our belief that these men, as terrible as they were—some of the worst violators in the court of history of mankind—ought to have a trial. We did not give in to vengeance.

As then, the issue before us today is the same.

Does America stand for all that is still right with our world or do we retreat in fear?

Do we stand for justice that secures America or do we act out of vengeance that weakens us?

I am well aware this issue is seen as political. I believe Democrats were elected to help strengthen our Nation, elected to help restore our standing in the world.

I believe we were elected to ensure that this Nation adheres to the rule of law and to stop the administration's assault on our Constitution.

But the rule of law is not the province of any one political party. It is the province of each and every one of us as American citizens, on our watch and our generation, to make sure we are safer because of its inviolable provisions.

Mr. President, I know this bill has not been reported out of the Judiciary Committee yet.

But I am here today because if I have learned anything in my 26 years in this body, particularly over the last 7 years, it is that if you wait until the end to voice your concerns, you will have waited too long. That is why I have written the majority leader informing him that I will object to any effort to bring the legislation to the Senate floor for consideration.

I hope my colleague, chairman of the Judiciary Committee, Senator LEAHY is able to remove this language from the FISA bill. PAT LEAHY is as strong a defender of the Constitution as any Member of this body.

But if he is unable to do so, I am prepared to filibuster this bill.

President Bush is right about one thing: The debate is about security but not in the way he imagines it.

He believes we have to give up certain rights to be safe.

I believe the choice between moral authority and security is a false choice.

I believe it is precisely when you stand up and protect your rights that you become stronger, not weaker, as a nation.

The damage that was done to our country on 9/11 was stunning. It changed the world forever.

But when you start diminishing our rights as a people, you compound that tragedy. You cannot protect America in the long run if you fail to protect our Constitution. It is that simple.

History will likely judge this President harshly for his war of choice and for fighting it with a disregard for our most cherished principles.

But history is about tomorrow. We must act today and stand up for the Constitution and the rule of law.

Mr. President, this is the moment. At long last, let us rise up to it.

I urge my colleagues to join me in this effort.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business for such time as I shall consume.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

The Senator from Oklahoma.

## GLOBAL WARMING

Mr. INHOFE. Mr. President, a phrase has been used recently called "the tipping point." The American people will very soon be asked to support a type of global warming cap-and-trade bill, legislation that has already had a hearing in the Environment and Public Works Committee. There are a couple other bills in the background.

These bills come at a time when the science is overwhelmingly taking away the basis for alarm. I am going to use terms this morning. The alarmists are the ones who are mostly out in California, the far-left extremists, the Hollywood elitists, and others who feel this is a great alarm, the world is coming to an end—the same ones who said that another ice age was coming back in the middle 1970s. So we need to know what terms we are using.

An abundance of new peer-reviewed studies, analyses, and data-error discoveries in the past several months have prompted scientists to declare that fear of catastrophic manmade global warming—I am using their terms now, the scientists' terms—"bites the dust" and the scientific underpinnings for alarm are "falling apart."

I have addressed this subject on this floor about a dozen times since 2003. But I want to talk to you today about something that is really kind of unprecedented; that is, to talk only about things that have happened this year, or mostly in the last 7 months, that people are just not aware of.

The media is very much opposed to the idea there might be another side to the global warming story. So we are going to be talking about a "tipping point" in a little different relationship than you have been hearing about it recently. I will detail how even committed leftwing scientists now believe the environmental movement has been "co-opted" into promoting global warming as a "crisis," and I will expose the manufactured facade of "consensus."

The interesting thing is that everything I am going to be using is going to be what has happened just in the last 6 months. I will also address the economic factors of the so-called solutions to global warming and how they will have no measurable impact on the climate. But these so-called solutions will create huge economic harm for American families and the poor residents of the developing world who may see development hindered by unfounded climate fears.

We are currently witnessing an international awakening of scientists who are speaking out in opposition to former Vice President Al Gore, the United Nations, the Hollywood elitists, and the media-driven "consensus" on manmade global warming.

We have witnessed Antarctic ice grow to records levels since satellite monitoring began in the 1970s. We have witnessed NASA temperature data errors that have made 1934—instead of 1998—the hottest year on record in the United States. We have seen global average temperatures flat line since 1998 and the Southern Hemisphere cool in recent years.

When they talk about global warming, I have always conceded that the Northern Hemisphere is going through a warming period, as it did a cooling period back in the 1970s. But the Southern Hemisphere actually has been getting colder. This is all new stuff, as I say, in the last few months. These are new developments. They are but a sample of the new information coming out that continues to debunk the United Nations, former Vice President Al Gore, and the media-promoted "consensus" on global warming. But before we delve into these dramatic new scientific developments, it is important to take note of our pop culture propaganda campaign aimed at children, the most vulnerable of all of us.

In addition to Gore's entry last year into Hollywood fictional disaster films, other celebrity figures have attempted to jump into the game. Hollywood activist Leonardo DiCaprio decided to toss objective scientific truth out the window in his new scarefest "The 11th Hour." DiCaprio refused to interview any scientists who disagreed with his dire vision of the future of the Earth. In fact, his film reportedly features physicist Steven Hawking making the unchallenged assertion that:

> The worst-case scenario is that Earth would become like its sister planet, Venus, with a temperature of 250 degrees centigrade.

I guess these worst-case scenarios pass for science in Hollywood these days. It also fits perfectly with DiCaprio's stated purpose of the film. DiCaprio said on May 20 of this year:

> I want the public to be very scared by what they see. I want them to see a very bleak future.

While those who went to watch DiCaprio's science fiction film may see his intended "bleak future," it is DiCaprio who has been scared by the bleak box office numbers, as his film has failed to generate any significant audience interest.

Children are now the No. 1 target of the global warming fear campaign. DiCaprio announced his goal was to recruit young, eco-activists to the cause. "We need to get kids young," he said, in a September 20 interview with USA Weekend.

Hollywood activist Laurie David, who is Vice President Gore's coproducer of "An Inconvenient Truth," recently coauthored a children's global warming book with Cambria Gordon for Scholastic Books, entitled "The Down-To-Earth Guide to Global Warming." David has made it clear that her goal is to influence young minds with her new book when she recently wrote an open letter to her children stating: "We want you to grow up to be activists." Apparently, David and other activists are getting frustrated by the widespread skepticism on climate as reflected in both the United States and the U.K., according to the latest polls. It appears the alarmists are failing to convince adults to believe their increasingly shrill and unscientifically unfounded rhetoric, so they have decided to go after the kids.

But David should worry less about recruiting young activists and more about scientific accuracy. A science group found what it called a major "scientific error" in David's new kids' book on page 18. According to a Science and Public Policy Institute release on September 13—and I am going to quote right now—this is very significant:

> The authors (David and Gordon) present unsuspecting children with an altered temperature and $CO_2$ graph that reverses the relationship found in the scientific literature. The manipulation is critical because David's central premise posits that $CO_2$ drives temperature, yet the peer-reviewed literature is unanimous that $CO_2$ changes have historically followed temperature changes.

That is the reverse of the reality.

David has now been forced to publicly admit this significant scientific error in her book.

A Canadian high school student named McKenzie was shown Gore's climate horror film in four of her classes. Her response was:

> I really don't know why they keep showing it. It scares me.

In June, a fourth grade class in Portland, Maine's, East End Community School issued a dire climate report: "Global warming is a huge pending global disaster" read the elementary school kids' report, according to an article in the Portland Press Herald on June 14 of 2007. Remember, these are fourth graders issuing a dire global warming report.

This agenda of indoctrination and fear aimed at children is having an impact.

Nine-year-old Alyssa Luz-Ricca was quoted in the Washington Post, on April 6 of 2007, as saying: "I am worried about it because I don't want to die."

The same article explained: "Psychologists say they're seeing an increasing number of young patients preoccupied by a climactic Armageddon."

I was told by the parent of an elementary school kid last spring—this is kind of interesting because we had a 3-hour discussion with Al Gore, and afterwards, after it was over, a lady came up to me and she was from Maryland. She was a mother of an elementary school student, and she said they were required to actually watch this film, "An Inconvenient Truth" about once a month at school, and her child would come home and have nightmares about drowning in the film's predicted scary sea level rise.

The Hollywood global warming documentary "Arctic Tale" ends with a child actor telling kids: "If your mom and dad buy a hybrid car, you'll make it easier for polar bears to get around."

Unfortunately, children are hearing the scientifically unfounded doomsday message loudly and clearly. But the message kids are receiving is not a scientific one, it is a political message designed to create fear, nervousness, and ultimately recruit them to liberal activism.

There are a few hopeful signs. A judge in England has ruled that schools must issue a warning before they show Gore's film to children because of scientific inaccuracies and sentimental mush. This is a court. It is a judge in the U.K. Before they see it, they have to sign a disclaimer. In addition, there is a new kids' book called "The Sky's Not Falling! Why It's OK to Chill About Global Warming." The book counters the propaganda from the pop culture.

The chart here shows "The Sky's Not Falling!"

Objective, evidence-based science is beginning to crush hysteria. My speech today and these reports reveal that recent peer-reviewed scientific studies are totally refuting the "Church of Manmade Global Warming."

Meteorologist Joseph Conklin, who launched the skeptical Web site climatepolice.com in 2007, recently declared the "global warming movement is falling apart." All the while, activists such as former Vice President Al Gore repeatedly continue to warn of a fast-approaching climate "tipping point."

I agree with Gore in this respect. Global warming may have reached a "tipping point." The manmade global warming fear machine crossed the tipping point in 2007—this year. That is the reason today I am talking about things that are happening this year, things in the last 6 months. I am convinced the future climate historians will look back on 2007 as the year the global warming fears began to crumble. The situation we are now in is very similar to where we were in the late 1970s, when the coming ice age fears began to dismantle. Remember, it was Newsweek magazine which in the 1970s first proclaimed that meteorologists were almost unanimous in their view that a coming ice age would have negative impacts. It was also Newsweek in 1975 which originated the eerily similar "tipping point"—they called it a tipping point at that time—rhetoric they are using today, except it was an ice age at that time.

Newsweek wrote on April 28, 1975, about coming ice age fears. They said:

> The longer the planners delay, the more difficult will they find it to cope with climatic change once the results become grim reality.

Of course, Newsweek essentially retracted their coming ice age article 29 years later in October of last year, 2006. People don't see the retractions, they get the hysteria of the moment.

Today, the greatest irony is that the U.N. and the media's climate hysteria grows louder as the case for alarmism fades away. While the scientific case grows weaker, the political and rhetorical proponents of climate fear are ramping up to offer hefty tax and regulatory solutions, both internationally and domestically, to solve the so-called crisis.

Skeptical climatologist Dr. Timothy Ball, formerly of the University of Winnipeg in Canada, wrote about the current state of the climate change debate earlier this month. This is a quote, I say to my colleagues:

> Imagine basing a country's energy and economic policy on an incomplete, unproven theory—a theory based entirely on computer models in which one minor variable ($CO_2$) is considered the sole driver for the entire global climate system.

How minor is that manmade $CO_2$ variable in the atmosphere?

Meteorologist Joseph D'Aleo, the first director of Meteorology at the Weather Channel and former chairman of the American Meteorological Society's Committee on Weather Analysis and Forecasting, explained in August how minuscule mankind's $CO_2$ emissions are in relation to the Earth's atmosphere. This is what he said, and keep in mind we are talking about a guy who was the first director of meteorology at the Weather Channel.

> If the atmosphere was a 100 story building, our annual anthropogenic $CO_2$ contribution today would be equivalent to the linoleum on the first floor.

We use terms such as "anthropogenic"—and many Members of this body are not sure that manmade gases are anthropogenic gases—and those who want to blame man for all of these problems that they try to make us believe are happening are saying anthropogenic gases are the problem.

Here are scientists who are totally debunking this.

Now, there are four essential components to debunking climate fears. Debunking catastrophic manmade global warming fears can be reduced to four essential points. Now, what I am going to do is read these points and go back and elaborate on each one.

First, recent climate changes on Earth lie well within the bounds of natural climate variability. Even the New York Times concedes this. U.N. temperature data shows that the late 20th century phase of global warming ended in 1998; new data for the Southern Hemisphere shows that a slight cooling is underway.

By the way, when we talk about IPCC, that is the United Nations; they are synonymous. That is where all this stuff started. A lot of things come from the United Nations. Currently, we are looking at a treaty called the Law of the Sea Treaty. It started in the United Nations—not in America's best interests. But the first thing we are going to do is talk about the recent climate changes on Earth, and we are going to talk about how they lie within natural variability.

The second thing we will talk about is almost all current public fear of global warming is being driven by unproven and untestable computer model fears of the future, which now even the United Nations concedes that the models—these are computer models; that is what all this stuff is based on—they do not account for half of the variability in nature and, thus, their predictions are not reliable. Even the United Nations agrees with that.

The third thing is debunking the relationship that the more $CO_2$ you have, the warmer the world is. That is very simplistic and it is untrue. Scientists are reporting in peer-reviewed literature that increasing $CO_2$ in the atmosphere will not have the catastrophic impact doomsters have been predicting. In fact, climate experts are discovering that you cannot distinguish the impact of human-produced greenhouse gases from natural climate variability. That is extremely significant and something that has come around in the last 6 or 7 months.

The fourth thing we will talk about is consensus. We hear so much about consensus. The more things that come out of science, where the scientists are saying, wait a minute, we were wrong. In a minute, I will be naming names of scientists who were marching the streets with Al Gore 10 years ago who now say they were wrong. When you talk about that today, those who are promoting this type of fear from the left, they use the word "consensus." The climate change "consensus" exists. Well, it does not exist. Instead, the illusion that it does has been carefully manufactured for political, financial, and ideological purposes.

These four basic points form the foundation of the rational, evidence-based approach to climate science that has come to be called global warming skepticism.

Let's talk about the first one, essential point No. 1, that the Earth's climate is within the natural variability. On April 23, 2006, the article in the New York Times by Andrew Revkin stated—and I am quoting now from the New York Times:

> Few scientists agree with the idea that the recent spate of potent hurricanes, European heat waves, African drought and other weather extremes are, in essence, our fault—

Manmade gases.

> There is more than enough natural variability in nature to mask a direct connection, scientists say.

The Times is essentially conceding that no recent weather events fall outside the range of natural climate variability. On a slightly longer time scale, many scientific studies have shown the medieval and earlier warm periods were as warm or warmer than the Earth's current temperature—when there were no influences that were due to manmade gases. There were no SUVs around at that time.

Now, everything is blamed on global warming. Right now, the fires that are finally subsiding out in California, the disaster that has taken place, the first thing they say is it is due to global warming. It has nothing to do with global warming. When Al Gore made his global warming speech a year ago in February in New York—and coincidentally, it was on a day that set a new cold record for all time throughout the history of New York—a 2006 National Academy of Science, NAS, report discredited the now infamous "hockey stick" temperature graph. The study was created by the U.N. IPCC lead author Michael Mann. They took the temperatures in the Northern Hemisphere and showed that they were flat for 1,000 years. They then started spiking in the 20th century and causing them to go up. On this graph, this is the blade of the hockey stick.

The problem is, they didn't take into consideration things such as the Medieval Warm Period and the Little Ice Age. The NAS found evidence of both the Medieval Warm Period and the Little Ice Age, which is on the lower chart. It also expressed little confidence in Mann's conclusion that the 1990s were the hottest decade of the last millennium, and even less confidence that 1998 was the hottest year. In fact, we will show in a minute that NAS has come around and said we were wrong, that 1998 wasn't the hottest year; 1934 was.

There have been recent studies refuting claims that the 20th century has seen unprecedented warmth. A June 29, 2007, paper by Gerd Burger of Berlin's Institute of Meteorology in the peer-reviewed Science Magazine challenged a 2006 study that claimed the 20th century had been unusually warm.

Ivy League geologist, Dr. Robert Giegengack, the chair of the Department of Earth and Environmental Science at the University of Pennsylvania, noted on May 27, 2007 that extremely long geologic timescales reveal that "only about 5 percent of that time has been characterized by conditions on Earth that were so cold that the poles could support masses of permanent ice."

Giegengack added:

> For most of Earth's history, the globe has been warmer than it has been for the last 200 years. It has rarely been cooler.

That is the chair of the Department of Earth and Environmental Science at the University of Pennsylvania. These guys know what they are talking about, and they have been ignored.

Greenland has actually cooled since the 1940s. In fact, the current temperatures in Greenland—a "poster boy" for climate change alarmists—are cooler. It wasn't too long ago that there was a delegation from the Senate that went to Greenland. They came back with all these statements, but I cannot figure out where they came from because that is not what the facts show. Even though Greenland has been a "poster boy" for climate alarmists, it is now cooler there than the temperatures were in the 1930s and 1940s. It is cooler there now. You heard correctly.

Greenland reached its highest temperatures in 1941, according to a peer-reviewed study published in the June 2006 issue of the Journal of Geophysical Research. Keep in mind that 80 percent of the manmade $CO_2$ came after these high temperatures. Eighty percent came after the 1940s. That is a very interesting thing because, if you look at it, you would say if 80 percent of the $CO_2$ came after the 1940s, would that not precipitate a warming period—if they are right—in terms of $CO_2$ affecting warmer climate change? That didn't happen. That precipitated a cooler period.

According to a July 2007 survey of peer-reviewed literature on Greenland:

> Research in 2006 found that Greenland has been warming since the 1880s, but since 1955, temperature averages at Greenland stations have been colder than the period of 1881-1955. Another 2006 peer-reviewed study concluded the rate of warming in Greenland from 1920 to 1930 was about 50 percent higher than the warming from 1995 to 2005.

That is the time they say this crisis is taking place.

> One 2005 study found Greenland gaining ice in the interior higher elevations and thinning ice at the lower elevations. In addition, the often media promoted fears of Greenland's ice completely melting and a subsequent catastrophic sea level rise are directly at odds with the latest scientific studies.

That is not me saying this; these are scientists. These are scientific facts you will not hear from the U.N. scientists, Gore, or the hysterical liberal left.

Yet despite all of this evidence, the media and many others still attempt to distort the science in order to create hysterical fears about Greenland.

Environmental activist Robert Corell, who works for Teresa Heinz Kerry's foundation, the Heinz Center, recently tried to stir alarm by stating:

> I spent four months on the [Greenland] ice cap in 1968 and there was no melting at all.

If Corell, a former fellow with the American Meteorological Society, had desired to give a balanced historical view, he would have noted that Greenland in the 1930s and 1940s was much warmer. This is typical of how many activists mislead the public by presenting utterly meaningless bits of information and avoiding inconvenient facts. Corell is also on record for giving former Vice President Gore's 2006 science fiction film two thumbs up for accuracy.

Keep in mind, he is paid by the Heinz Foundation.

Corell's assertion in a September 8, U.K. Guardian article that the earthquakes triggered by melting ice are increasing in Greenland was rebuffed by the University of North Carolina's Jose Rial. Rial is a prominent climatologist/seismologist working on glacial seismic activity in Greenland.

Corell's erroneous claim prompted Rial to take the unusual step of writing a letter to the U.K. Guardian:

> I also know there is no evidence to suggest that these quakes "are happening far faster than ever anticipated." [As Corell claimed].

Rial wrote that in a September 13 letter. He criticized the newspaper for presenting a "sky-is-falling" alarmist perspective, and he added:

> It will take years of continued surveying to know whether anything here [in Greenland] is "accelerating" toward catastrophe, as the article [featuring Corell] claims.

So much for Greenland. Let's look at Antarctica for more evidence on the Earth's current climate. It is not changing in an alarming manner, and you need to look no further than the South Pole.

Scientists monitoring ice in Antarctica reported on October 1 that the ice has grown to record levels since 1979, when satellite monitoring began. So the ice levels have grown to record levels since that time, according to an announcement by the University of Illinois Polar Research Group Web site.

> The Southern Hemisphere sea ice area has broken the previous maximum of 16.03 million square kilometers and is currently at 16.26 million square kilometers.

There is more. A February 2007 study reveals Antarctica is not following predicted global warming temperature or precipitation models. This is a quote from the scientists studying that:

> A new report on climate over the world's southernmost continent shows that temperatures during the late 20th century did not climb as had been predicted by many global climate models.

The study was conducted by David Bromwich, professor of atmospheric sciences in the Department of Geography, and research with the Byrd Polar Research Center at Ohio State University.

How inconvenient that the two poster children of alarmism—Greenland and Antarctica—trumpeted by Al Gore and the climate fear mongers have decided not to cooperate with the computer models.

There is much more evidence that the Earth is currently well within natural climate variability.

The Southern Hemisphere is cooling, according to U.N. scientist, Dr. Madhav Khandekar. Keep in mind this is a U.N. scientist, a retired environmental Canadian scientist, and an expert IPCC reviewer in 2007. He explained this on August 6, 2007, and these are all new scientific findings:

> In the Southern Hemisphere, the land-area mean temperature has slowly but surely declined in the last few years. The city of Buenes Aires in Argentina received several centimeters of snowfall in early July, and the last time it snowed in Buenos Aires was in 1918. Most of Australia experienced one of its coldest months in June of this year. Several other locations in the Southern Hemisphere have experienced lower temperatures in the last few years. Further, the sea surface temperatures over world oceans are slowly declining since mid-1998, according to a recent worldwide analysis of ocean surface temperatures.

I don't think many people would disagree. The Southern Hemisphere is part of the globe, and it has been getting cooler over the past few years.

The media would not report on the historical perspective of Greenland, the ice growing in Antarctica, or the Southern Hemisphere cooling. Instead, the media's current fixation is on hyping Arctic sea ice shifts.

What the media is refusing to report about the North Pole is that according to a 2003 study by an Arctic scientist, Igor Polyakov, the warmest period in the Arctic during the 20th century was the late 1930s through the early 1940s. We are talking about the Northern Hemisphere now. Many scientists believe if we had satellite monitoring of the Arctic back then, it may have shown less ice than today.

According to a 2005 peer-reviewed study in the Geophysical Research Letters by an astrophysicist, Dr. Willie Soon, solar irradiance appears to be the key to Arctic temperatures. The study found Arctic temperatures follow the pattern of increasing or decreasing energy received from the Sun. That is a unique thought—that the Sun is causing warmth.

In another 2005 study published in the Journal of Climate, Brian Hartmann and Gerd Wendler linked the 1976 Pacific climate shift to a very significant one-time shift upward in Alaskan temperatures. These evidence-based scientific studies debunk fears of manmade warming in the Arctic and in Alaska.

I have covered the latest science on both poles. In the Southern Hemisphere, scientists are finding nothing to be alarmed about. It is important to point out that the phase of global warming that started in 1979 has itself been halted since 1998, which is nearly a decade. In other words, the warming that took place, which I believe is from natural causes, stopped in 1998. It is not getting warmer anymore. You can almost hear my critics skeptical of that assertion.

According to the temperature data that the U.N. relies on, paleoclimate scientist Dr. Bob Carter, who testified before the Senate Committee on Environment and Public Works, noted this on June 18 of this year, and this is significant:

> The accepted global average temperature statistics used by the Intergovernmental Panel on Climate Change show that no ground-based warming has occurred since 1998. Oddly, this eight-year-long temperature stability has occurred despite an increase over the same period of 15 parts per million (or 4 percent) in atmospheric $CO_2$. Second, lower atmospheric satellite-based temperature measurements, if corrected for non-greenhouse influences, such as El Nino events and large volcanic eruptions, show little if any global warming since 1979, a period over which atmospheric $CO_2$ has increased by 55 parts per million (17 percent).

Yet it is true that 1998 was influenced by the warming effect of particularly strong El Nino. But lest you think Dr. Carter somehow misinterpreted the data, I have more evidence to bury any skepticism.

The U.K. Met Office, the British version of our National Weather Service, was finally forced to concede the obvious in August of this year: Global warming has stopped.

After the U.K. Met Office—a group fully entrenched in the global warming fear movement—was forced to acknowledge this inconvenient truth in August, they could not help but whip up a way to continue stoking manmade climate alarm.

How can you do that if you are saying it is no longer warming? This is how they did it.

Their response was to promote yet more unproven dire computer model projections of the future. They now claim climate computer models predict "global warming will begin in earnest in 2009" because greenhouse emissions will then overtake natural climate variability.

What he is saying is, they are admitting—it hurts them to do this—that the warming has stopped. But they say, well, it is going to start again in 2009.

Hyping yet more unproven computer models of the future in response to inconvenient real-world, evidence-based data is the only thing they have left for promoters of manmade climate doom. But it is a bit refreshing to hear climate doomsters be forced to utter the phrases such as "natural climate variability," something they do not like to talk about and never have.

Meteorologist Joseph Conklin recently weighed in on these new developments.

Conklin wrote in August:

> A few months ago, a study came out that demonstrated global temperatures have leveled off. But instead of possibly admitting that this whole global warming thing is a farce, a group of British scientists concluded the real global warming won't start until 2009.

Here is somebody else talking about it.

This new claim that "global warming will begin in earnest in 2009" sounds like the reverse of the 1930s Great Depression slogan of "Prosperity is just around the corner." Only in this instance the wording has been changed, "A climate catastrophe is just around the corner."

Again, I was quoting meteorologist Joseph Conklin.

This is not to say that global average temperatures may not rise again—change is what the Earth naturally and continually does, and part of this is temperatures fluctuating both up and down. However, the awkward halting of global warming since 1998 despite rising emissions is yet another indication that $CO_2$ levels and temperature are not the simple relationship many would have us believe.

Another key development in 2007 is the research led by metrologist Anthony Watts of surfacestation.org which has revealed massive U.S. temperature collection data errors biasing thermometers to have warmer readings.

Meteorologist Conklin explained on August 10—a couple months ago—2007:

> The (U.S.) National Climate Data Center is in the middle of a scandal. Their global observing network, the heart and soul of surface weather measurement, is a disaster. Urbanization has placed many sites—

Measuring sites he is talking about—

> in unsuitable locations—on hot black asphalt, next to trash burn barrels, beside heat exhaust vents, even attached to hot chimneys and above outdoor grills. The data and approach taken by many global warming alarmists is seriously flawed. If the global data were properly adjusted for urbanization and station siting, and land use change issues were addressed, what would emerge is a cyclical pattern of rises and falls with much less of any background trend.

That is all a quote by meteorologist Conklin.

Adding to the further chilling of warming fears is a NASA data error correction that made 1934 the warmest year, and not 1998. Always before, they had been talking about 1998. Now NASA has come back—and no one seems to be refuting this—and said it was 1934 that was the hottest year.

Perhaps the most humorous reaction to this inconvenient correction came from NASA's James Hansen who tried to minimize the data error in August when he wrote:

> No need to read further unless you are interested in temperature changes to a tenth of a degree over the U.S.

This comment was particularly outlandish, given that Hansen has become a media darling in recent years by hyping temperature differences of "tenth of a degree" to any reporter within ear shot.

I now move to central point No. 2, the unproven computer models that are driving climate fears.

It is hard to describe what a computer model is. But anytime you try to make a projection into the future, you try to have a model you can rely on instead of relying on data that is current and accurate. Even the New York Times has been forced to acknowledge the overwhelming evidence that the Earth is currently well within natural climate variation. This inconvenient reality means all the climate doomsdayers have to back up their claims, their climate fears are unproven computer models predicting future doom. Of course, you can't prove a prediction of the climate in 2100 wrong today, which reduces the models to speculating on what could or might or may happen 50 or 100 years from now.

But prominent U.N. scientists publicly questioned the reliability of computer models.

Again, only a few months ago, in June of this year, in a candid statement, IPCC scientist—this is a U.N. scientist—Dr. Jim Renwick, a leading author of the U.N. IPCC 4th Assessment Report, publicly admitted that climate models may not be so reliable after all.

Renwick stated:

> Half of the variability in the climate system is not predictable, so we don't expect to do terrifically well.

Let me say that again. A U.N. scientist admitted "half the variability in the climate system is not predictable. . . ."

In June, another high profile U.N. IPCC lead author, Dr. Kevin Trenberth, echoed Renwick's sentiments about the climate models by referring to them as nothing more than "story lines."

Climate models made by unlicensed software engineers are of great concern to a lot of people. A leading scientific skeptic, meteorologist Dr. Hendrik Tennekes, a scientific pioneer in the development of numerical weather prediction and former director of research at The Netherlands' Royal National Meteorological Institute, recently took the critique of climate computer models one step further.

Tennekes said in February of 2007:

> I am of the opinion that most scientists engaged in the design, development, and tuning of climate models are, in fact, software

> engineers. They are unlicensed, hence unqualified to sell their products to society.

Meteorologist Augie Auer of the New Zealand Climate Science Coalition, former professor of atmospheric sciences at the University of Wyoming, agreed, describing models this way:

> It's virtual science, it's virtual reality.

Auer joked:

> Most of these climate predictions are models, they are about a half a step ahead of PlayStation 3.

I guess that is some kind of kid's video game.

> They're really not justified in what they are saying. Many of the assumptions going into [the models] are simply not right.

Auer said this in May of 2007 in New Zealand in a radio interview.

Predictions simply cannot happen. Prominent scientist Professor Nils-Axel Morner also denounced computer models in August of 2007, saying:

> The rapid rise in sea levels predicted by computer models simply cannot happen.

They are not going to happen.

Morner is a leading world authority on sea levels and coastal erosion who headed the Department of Paleogeophysics & Geodynamics at Stockholm University. Morner, who was president of the Commission on Sea Level Changes and Coastal Evolution from 1999 to 2003, has published a new booklet refuting climate model claims of catastrophic sea level rise.

Physicist Dr. Syun-Ichi Akasofu, the former director of both the University of Alaska Fairbanks' Geophysical Institute and International Arctic Research Center, told a congressional hearing in 2006 that highly publicized computer models showing a disappearing Arctic were nothing more than "science fiction." Akasofu has twice been named one of the "1,000 Most Cited Scientists."

It gets kind of boring and hard to understand when I talk about the qualifications of these scientists. I have to say it because the other side is using people who are not of this caliber. This is what the real scientists are saying today.

Geologist Morten Hald, an Arctic expert at the University of Tromso in Norway, has also questioned the reliability of computer models that predict a future melting of the Arctic. He says:

> The main problem is that these models are often based on relatively new climate data. The thermometer has only been in existence for 150 years and information on temperature which is 150 years old does not capture the large natural changes.

Hald, who is participating with a Norwegian national team in Arctic climate research, made this statement in May of 2007.

Physicist Freeman Dyson, professor emeritus of the Institute for Advanced Study at Princeton, called himself a "heretic" on global warming and slammed computer models as unreliable. Keep in mind, I am talking about a professor emeritus at the Institute of Advanced Study at Princeton University. These are smart guys. "The fuss about global warming is grossly exaggerated," writes Dyson in his 2007 book called "Many Colored Glass: Reflections on the Place of Life in the Universe" published in August.

Dyson is a fellow of the American Physical Society, a member of the U.S. National Academy of Sciences, and a fellow in the Royal Society of London.

Dyson focuses on debunking climate model predictions of climate doom. There is no one more qualified than the man I just described. He said:

> They do not begin to describe the real world that we live in. The real world is muddy and messy and full of things that we do not yet understand. It is much easier for a scientist to sit in an air-conditioned building and run computer models than to put on winter clothes and measure what is really happening outside in the swamps and the clouds. That is why the climate model experts end up believing their own models.

Gore was recently challenged to a bet on climate model accuracy. Internationally known forecasting pioneer, Dr. Scott Armstrong of the Ivy League University of Pennsylvania's Wharton School—that is the Wharton School of Economics—challenged Gore to a $10,000 bet in June over the accuracy of climate computer model predictions. Armstrong and his colleague, Professor Kesten Green of Monash University's business and economic forecasting unit in Australia, found "claims that the Earth will get warmer have no more credence than saying it will get colder." According to Armstrong, the author of "Long-Range Forecasting," the most frequently cited book on forecasting methods, "of 89 principles [of forecasting], the [UN] IPCC violated 72." That is the United Nations. They violated 72 of the 89 principles of forecasting.

Internationally renowned scientist Dr. Antonino Zichichi, president of the World Federation of Scientists, has also taken climate models to task.

According to an April 27, 2007 article, Zichichi, who has published over 800 scientific papers, said:

> The mathematical models used by the [United Nations] IPCC do not correspond to the criteria of the scientific method.

IPCC reviewer and climate researcher Dr. Vincent Gray of New Zealand, an expert reviewer on every single draft of the IPCC reports going back to 1990, ridiculed the United Nations process as "dangerous scientific nonsense." Gray, the author of "Greenhouse Delusion: A Critique of Climate Change 2001," explained on April 10, 2007:

> My greatest achievement was the second [U.N.] report where the draft had a chapter "Validation of Climate Models." I commented that since no climate model has ever been "validated" that the word was inappropriate. They changed the word to "evaluate" 50 times, and since then they have never "predicted" anything. All they do is make "projections" and "estimates."

In fact, so much of climate computer modeling is based on taking temperature data from a very short timeframe and extrapolating it out over 50 or 100 years or more and coming up with terrifying, scary scenarios. There is often no attempt to look at the longer geologic record.

But much of this type of modeling has about as much validity as me taking my 5-year-old granddaughter's growth rate from the last 2 years and using that to project her height when she is 25. My projections may show she will be 12 feet high at that time. Yet that is exactly how many of these computer model fears of the future are generated for sea level rise estimates on ice melt projections in places such as Greenland and the Arctic and other locations.

Once again, computer model predictions are not evidence.

Earlier this month, yet another report was issued based on future computer models finding that polar bear populations are allegedly going to be devastated by 2050 due to global warming. The report was issued as part of the U.S. Fish and Wildlife Service consideration of listing the polar bear under the Endangered Species Act.

This is a classic case of reality versus unproven computer model predictions. The Fish and Wildlife Service estimates that the polar bear population is currently at 20,000 to 25,000 bears, whereas in the fifties and sixties, estimates were as low as 5,000 to 10,000 bears. We currently have an estimated four or five times more polar bears than 50 years ago.

We have a 2002 U.S. Geological Survey of wildlife in the Arctic Refuge Coastal Plain that noted the polar bear populations "may now be near historic highs."

Top biologists and wildlife experts are dismissing unproven computer model concerns for polar bears. Yet we still see the polar bears out there. Everybody feels sorry for the polar bears. There are some 13 populations of polar bears and all but 2 of them are thriving, many increasing rapidly.

In 2006, Canadian biologist Dr. Mitchell Taylor, the director of wildlife research with the Arctic government of Nunavut, dismissed these fears with evidence-based data on Canada's polar bear populations.

"Of the 13 populations of polar bears in Canada, 11 are stable or increasing in number. They are not going extinct, or even appear to be affected at present," Taylor said, noting that Canada is home to two-thirds of the world's polar bears.

In other words, they are in Canada under his jurisdiction.

> Of the 13 populations of polar bears in Canada, 11 are stable or increasing in number.

They are not going extinct, or even appear to be affected at present.

He added:

It is just silly to predict the demise of polar bears in 25 years based on media-assisted hysteria.

In September, Taylor further debunked the latest report hyping the fears of future polar bear extinctions. He said, "I think it is naive and presumptuous," referring to the recent report on the U.S. Government warning that computer models predicted a dire future for the bears due to projected ice loss.

Taylor also debunked a notion that less sea ice means less polar bears by pointing out that southern regions of the bears' home with low levels of ice are seeing booming bear populations. He noted that in the warmer southern Canadian region of Davis Strait with lower levels of ice, a new survey will reveal that bear populations have grown from an estimated 850 bears to an estimated 3,000 bears. And despite the lower levels of ice, some of the bears measured in this region are among the biggest ever on record.

"Davis Strait is crawling with bears." I am quoting him again. "It is not safe to camp there. They are fat. The mothers have cubs. The cubs are in good shape," he said, according to a September 14, 2007 article.

He added, "That's not theory. That's not based on a model. That's just observation of reality."

Other biologists are equally dismissive of these computer model-based fears. Biologist Josef Reichholf, who heads the Vertebrates Department at the National Zoological Collection in Munich, rejected climate fears and asserted any potential global warming may be beneficial to both humans and animals.

In a May 8, 2007 interview, Reichholf asked, "How did the polar bear survive the last warm period?" Reichfolf also debunked the entire notion that the warmer world will lead to a mass species extinction.

Warming temperatures promote biodiversity. The number of species increases exponentially from the regions near the poles, across the moderate latitudes and to the equator. To put it succinctly, the warmer the region is the more diverse are its species.

Botanist David Bellamy—this is kind of interesting because David Bellamy used to be on the other side. He was a famous U.K. environmental campaigner and former lecturer at Durham University and host of a TV series on wildlife. He also dismissed fears of a global warming driving polar bear demise.

Keep in mind, this is David Bellamy of the U.K., who was at one time marching down the streets hand in hand with Al Gore, saying the world is coming to an end.

Why scare the families of the world with tales that polar bears are heading for extinction when there is good evidence that there are now twice as many of these iconic animals . . . than there were 20 years ago?

Bellamy asked on May 15. There are twice as many as there were 20 years ago.

Bellamy concluded:

The climate change people have no proof for their claims. They have computer models which do not prove anything.

The bottom line is that the attempt to list the polar bear under the Endangered Species Act is not based on any evidence that the polar bear populations are declining or in trouble. It is based on computer models fraught with uncertainties. I hope we made that point very clear. The truth is we clearly don't know enough about polar bear populations to make an argument about their listing. What we do know is their populations have dramatically increased over the past 30 or 40 years. It is about trying to bring about climate change regulation using the most powerful, development-stopping law of the land, the Endangered Species Act. Polar bears are being used to achieve long-sought leftwing environmental regulatory policies.

We had four essential points. The third essential point is debunking the relationship that the more $CO_2$, a warmer world. The third critical point on global warming is to debunk the notion that the more $CO_2$, the warmer the world as simplistic. Scientists and peer-reviewed scientists are increasingly revealing that catastrophic climate fears of rising $CO_2$ are simply unsustainable.

In May 2007, the "father of meteorology," Dr. Reid Bryson, the founding chairman of the Department of Meteorology at the University of Wisconsin, dismissed the rising $CO_2$ fears very bluntly. He said:

You can go outside and spit and have the same effect as doubling carbon dioxide.

Bryson has been identified by the British Institute of Geographers as the most frequently cited climatologist in the world. He explained that one of the reasons climate models are failing is because they overestimate the warming effect of $CO_2$ in the atmosphere.

Climatologist Dr. Ball described how $CO_2$'s warming impact diminishes. A quote from Dr. Timothy Ball:

Even if $CO_2$ concentration doubles or triples, the effect would be minimal. The relationship between temperature and $CO_2$ is like painting a window black to block the sunlight. The first coat blocks most of the light. The second and third reduce very little more. The current $CO_2$ levels are like the first coat of black paint, Ball explained in June of 2007.

Environmental economist Dennis Avery, co-author with climate scientist Dr. Fred Singer of the new book "Unstoppable Global Warming Every 1500 years," details how solar activity is linked to the Earth's natural temperature cycles. These two scientists are quoted as saying, in their book:

The Earth has warmed only a net of .2 degrees centigrade of net warming since 1940. Human-emitted $CO_2$ gets blamed for only half of that—

Even those who are the hysterical people say only half of that would go to manmade gases, anthropogenic gases, $CO_2$, methane, as we talked about earlier.

—or one tenth of 1 degree centigrade of warming in 65 years. We've had no warming at all since 1998. Remember, too, each added unit of $CO_2$ has less impact on the climate. The first 40 parts per million of human-emitted $CO_2$ added to the atmosphere in the 1940s had as much climate impact as the next 360 parts per million.

Perhaps the most inconvenient fact for the promoters of climate doom is the abundance of new peer-reviewed papers echoing these many more scientists' skeptical views. Keep in mind, these are new studies, the debunking of alarmism that have been published since 2007.

That is this year, I say to the distinguished occupier of the chair, that we have been talking about, just what has happened in the last 6 or 7 months.

A new peer-reviewed study by Brookhaven National Lab scientist Stephen Schwartz, accepted for publication in the Journal of Geophysical Research, finds that even a doubling of atmospheric carbon dioxide would not have the previous predicted dire impacts on global temperatures. In fact, this paper implies that we have already seen almost all of the warming from $CO_2$ that mankind has put into the atmosphere.

The study is in agreement with the views of the 60 prominent scientists who advised the Canadian Prime Minister to withdraw from Kyoto in 2006. The 60 scientists noted global climate changes all the time due to natural causes and the human impact still remain impossible to distinguish from this natural "noise."

Astronomer Dr. Ian Wilson proclaimed in August of 2007 that the new Schwartz study means "Anthropogenic—that is man-made global warming—bites the dust."

Those are their words, not mine.

American Enterprise Institute scientist Joel Schwartz also agreed. He said:

Along with dozens of other studies in the scientific literature, this new study belies Al Gore's claim that there is no legitimate scholarly alternative to climate catastrophism. Indeed, if [this study's] results are correct, that alone would be enough to overturn, in one fell swoop, the United Nations scientific consensus—I say in quotes—the "environmentalists" climate hysteria, and the political pretext for the energy-restriction policies that have become so popular with the world's environmental regulators, elected officials, and corporations. The question is, will anyone in the mainstream media notice?

This is all a quote by the scientist.

A former Harvard physicist, Dr. Lubos Motl, said the new study has reduced proponents of manmade climate fears to "playing the children's game to scare each other."

Now, just look at a sampling of the recent peer review studies debunking the issues. There are many others I could talk about, but I am just going to name a few here, things all happening this year, 2007.

No. 1, an August 2007 peer-reviewed study Published in Geophysical Research Letters finds global warming over last century linked to natural causes. Excerpt: The study, by scientists at the University of Wisconsin-Milwaukee, was entitled "Synchronized Chaos: Mechanisms For Major Climate Shifts." The author's found that "By studying the last 100 years of these [natural] cycles' patterns, they find that the systems synchronized several times." The authors show that this mechanism explains all global temperature tendency changes and El Nino variability in the 20th century."

No. 2, a September peer-reviewed study counters global warming theory, by finding carbon dioxide did not end the last Ice Age. The study found: "Deep-sea temperatures rose 1,300 years before atmospheric $CO_2$, ruling out the greenhouse gas as driver of meltdown. The lead author geologist Lowell Stott, explained: "The climate dynamic is much more complex than simply saying that $CO_2$ rises and the temperature warms."

No. 3, an October 2007 study by the Danish National Space Center Study concluded: "The Sun still appears to be the main forcing agent in global climate change." This study was authored by Physicist Henrik Svensmark and Eigil Friis-Christensen.

No. 4, a Belgian weather institute's August 2007 study dismissed the decisive role of $CO_2$ in warming. Here is an excerpt about the study: "$CO_2$ is not the big bogeyman of climate change and global warming. This is the conclusion of a comprehensive scientific study done by the Royal Meteorological Institute, which was published this past summer. Climate scientist Luc Debontridder explained: "Not $CO_2$, but water vapor is the most important greenhouse gas. It is responsible for at least 75 percent of the greenhouse effect. This is a simple scientific fact, but Al Gore's movie has hyped $CO_2$ so much that nobody seems to take note of it."

No. 5, an August peer-reviewed study finds clouds may greatly reduce global warming. Paragraph No. 2, a new peer-reviewed—

I use "peer reviewed" quite often to show these are documented. These are studies that have been reviewed by the peers, by other scientists, and found to be true.

No. 5, an August peer-reviewed study finds clouds may greatly reduce global warming: Here is an excerpt about the study: "This study published on August 9, 2007 in the Geophysical Research Letters finds that climate models fail to adequately take into account the effects of clouds. The study shows that tropical rainfall events are accompanied by a decrease in high ice clouds, thus allowing more infrared heat radiation to escape to space. Author Dr. Roy Spencer of the University of Alabama Huntsville said: "At least 80 percent of the Earth's natural greenhouse effect is due to water vapor and clouds, and those are largely under the control of precipitation systems. Until we understand how precipitation systems change with warming, I don't believe we can know how much of our current warming is manmade. Without that knowledge, we can't predict future climate change with any degree of certainty."

Spencer, formerly a senior scientist for climate studies at NASA's Marshall Space Flight Center where he received NASA's Exceptional Scientific Achievement Medal, believes that the Earth self-regulates its own temperature.

> In fact, for the amount of solar energy available to it, our climate seems to have a "preferred" average temperature, damping out swings beyond one degree or so. I believe that, through various negative feedback mechanisms, the atmosphere "decides" how much of the available sunlight will be allowed in, how much greenhouse effect it will generate in response, and what the average temperature will be.

No. 6, a new peer-reviewed study finds that the solar system regulates the earth's climate—The paper, authored by Richard Mackey, is published August 17, 2007, in the Journal of Coastal Research. Here is an excerpt about the paper: "According to the findings reviewed in this paper, the variable output of the sun, the 31 sun's gravitational relationship between the earth (and the moon) and earth's variable orbital relationship with the sun, regulate the earth's climate."

No. 7, Chinese scientists Lin Zhen-Shan, and Sun Xian's 2007 study, published in the peer-reviewed Meteorology and Atmospheric Physics, noted that $CO_2$ impact on warming may be "excessively exaggerated." Here is an excerpt: "The global climate warming is not solely affected by the $CO_2$ greenhouse effect. The best example is temperature obviously cooling however atmospheric $CO_2$ concentration is ascending from 1940s to 1970s. Although the $CO_2$ greenhouse effect on global climate change is unsuspicious, it could have been excessively exaggerated. It is high time to reconsider the trend of global climate change," the two scientists concluded.

No. 8, a Team of Scientists Question The Validity of a "Global Temperature"—The study was published in Journal of Non-Equilibrium Thermodynamics. A March 18, 2007 article in Science Daily explained: "Discussions on global warming often refer to 'global temperature.' Yet the concept is thermodynamically as well as mathematically an impossibility, says Bjarne Andresen, a professor at The Niels Bohr Institute, University of Copenhagen.

"It is impossible to talk about a single temperature for something as complicated as the climate of Earth", Bjarne Andresen says, an expert of thermodynamics. According to Andresen: "The Globe consists of a huge number of components which one cannot just add up and average. That would correspond to calculating the average phone number in the phone book. That is meaningless."

No. 9, an April 2007 study revealed the Earth's climate "seesawing" during the last 10,000 years, according to Swedish researchers at Lund University. An excerpt of the study states: "During the last 10,000 years climate has been seesawing between the North and South Atlantic Oceans. As revealed by findings presented by scientists at Lund University in Sweden, cold periods in the north have corresponded to warmth in the south and vice verse. These results imply that Europe may face a slightly cooler future than predicted by IPCC, the Intergovernmental Panel on Climate Change.

No. 10, a new peer-reviewed study on Surface Warming and the Solar Cycle published in Geophysical Research Letters by scientists from the University of Washington claims to be "the first to document a statistically significant globally coherent temperature response to the solar cycle," according to an August 2, 2007 Science Daily article. The paper found "that times of high solar activity are on average 0.2 degrees C warmer than times of low solar activity." Despite the fact that one of the co-author's protests this study being used to chill climate fears, this paper is an important contribution to establishing the solar climate link.

No. 11, in 2007, even the alarmist UN IPCC reduced its sea level rise estimates significantly, thus reducing man's estimated impact on the climate by 25 percent. Meanwhile, a separate UN report in late 2006 found that cow emissions are more damaging to the planet than all of the $CO_2$ emissions from cars and trucks. Stating it in a different way, the gasses released by stock actually exceed the $CO_2$ in the atmosphere from all the cars and trucks in the transportation sector.

No. 12, the UN Climate Panel has been accused of possible research fraud. Here is an excerpt: Douglas J. Keenan, a former Morgan Stanley [finance man] and current independent mathematical researcher, accused the UN of "fabrications" and "discovered that the sources used by the Intergovernmental Panel for Climate Change (IPCC) have disregarded the positions of weather stations." Keenan has accused the UN of "intentionally using outdated data on China from 1991 and ignoring revised data on the country from 1997."

No. 13, a study in the summer 2007 American Association of Petroleum Geologists publication debunked global warming fears. The study by Geologist C. Robert Shoup, was entitled "Science Under Attack." It concluded: "The hypothesis of Anthropogenic Global Warming does not yet meet the basic scientific standards of proof needed to be accepted as a viable hypothesis, much less as accepted fact."

Again, I stress that these research studies are but a sampling of the new science flowing in that is starting to overwhelm the fear campaigns of the global warming alarmists.

I frequently get asked by warming activists whether I can name a single peer-reviewed study disagreeing with Gore or the UN Summary for Policymakers.

As you can see, the skeptic's cup overflows with recent scientific studies.

Everything I mentioned refutes that.

In addition to the above recent sampling of new studies, I also refer to the more than 100 scientific studies by more than 300 coauthors that are cited in the new book "Unstoppable Global Warming Every 1500 Years" by the climate scientist Dr. Fred Singer and Dennis Avery. The book details extensive research going back decades to reveal how solar activity is linked to the Earth's natural climate cycle. Again, we are talking about the sun, we are talking about natural variants.

Geophysicist Dr. David Deming, associate professor of arts and sciences at the University of Oklahoma—very proud of him—explained in January of this year:

> No one has ever died from global warming. What kills people is cold, not heat. For more than 150 years, it has been documented in the medical literature that human mortality rates are highest in the winter when temperatures are the coldest.

Perhaps the most scathing indictment of the "more $CO_2$ equals a warmer world" simplicity comes from Ivy League geologist Dr. Robert Giegengack, the chair of the Department of Earth and Environmental Science at—I call to the attention of the Presiding Officer—the University of Pennsylvania. Giegengack voted for Gore in 2000, says he would do so again. He is a Gore fan, but he is appalled by Gore's ignorance of climate science. Here is a guy who—he voted for him, and he would vote for him again. He says to his undergraduates: Every single one of you knows more about global warming than Al Gore.

This is the chair of the Department of Earth and Environmental Science at the University of Pennsylvania, a very fine, well-known institution. Giegengack said:

> Gore claims that temperature increases solely because more $CO_2$ in the atmosphere traps the sun's heat. That's just wrong. It is a natural interplay. It's hard for us to say that $CO_2$ drives temperature. It's easier to say temperature drives $CO_2$.

He said:

> The driving mechanism is exactly the opposite of what Al Gore claims, both in his film and in that book. It's the temperature that, through those 650,000 years, controlled the $CO_2$; not the $CO_2$ that controlled the temperature.

I do not think anyone refutes that anymore. If I said this a year ago, everyone would be up in arms. But now all of them are agreeing. It is the temperature that is controlling the $CO_2$.

Now, this might be a bit technical, but what Giegengack is saying here is that it is temperatures that control $CO_2$. This is crucial to the understanding of the reason why the scientific underpinnings of manmade global warming fears are utterly collapsing and the climate models are continuing to fail.

Let me repeat a key point Dr. Giegengack makes. He said: If we reduced the rate at which we put carbon into the atmosphere, it will not reduce the concentration in the atmosphere; $CO_2$ is just going to come back out of these reservoirs.

There are various natural reservoirs such as oceans, soils, permafrost, et cetera. Giegengack is explaining the heart of the scientific skepticism about $CO_2$'s role in the Earth's climate system.

He is not finished. He said:

> In terms of global warming's capacity to cause human species harm, I don't think it makes it into the top 10. [Giegengack said in an interview in the May/June 2007 issue of the Pennsylvania Gazette.]

So it is entirely appropriate that a man who supports Gore politically may be putting the final nail in the coffin of manmade global warming fears.

The global warming scare machine is now so tenuous that other liberal environmental scientists and activists are now joining Giegengack and condemning the entire basis for manmade global warming concerns.

This is kind of interesting. I am going to be quoting Denis Rancourt, a professor of physics and an environmental science researcher at the University of Ottawa. He believes that the global warming campaign does a disservice to the environmental movement. He is a big environmentalist. He wants people to be concerned about the environment. He says: But they are a doing a disservice.

Rancourt wrote, on February 27, 2007:

> Promoting the global warming myth trains people to accept unverified, remote, and abstract dangers in the place of true problems that they can discover for themselves by becoming directly engaged in their workplace and by doing their own research and observations. It trains people to think lifestyle choices, in relation to $CO_2$ emission, rather than to think activism in the sense of exerting an influence to change societal structures.

Rancourt believes that global warming:

> Will not become humankind's greatest threat until the sun has its next hiccup in a billion years or more in the very unlikely scenario that we are still be around.

He also noted that even if $CO_2$ emissions were a grave threat, Government action and political will cannot measurably or significantly ameliorate global climate in the present world.

Most significantly, however, Rancourt, a committed leftwing activist and scientist—that is whom we are talking about—he believes environmentalists have been duped into promoting global warming as a crisis. This is a far leftwing environmentalist type. He said:

> I argue that by far the most destructive force on the planet is profit-driven corporations and their cartels backed by military might; and that the global warming myth is a red herring that contributes to hiding this truth. In my opinion, activists who, using any justification, feed the global warming myth have effectively been co-opted, or at best neutralized. Global warming is strictly an imaginary problem for the First World middleclass.

Again, this is a very well-known far leftwing scientist by the name of Rancourt.

Finally, Rancourt asserted that in a warm world, life prospers.

> There is no known case of a sustained warming alone having a negative impact on an entire population. As a general rule, all life on earth does better when it is hotter. Compare ecological diversity and biotic density, or biomass, at the poles and at the equator.

Indeed, 2007 has turned into the "tipping point" for unsubstantiated fears and gross distortion of science by activists who have committed decades trying to convince the world it faced a manmade climate crisis. Rancourt so eloquently describes the entire movement as one featuring unverified, remote, and abstract dangers.

Perhaps the biggest shock to the global warming debate was the conversion of the renowned French geophysicist Dr. Claude Allegre from a believer in the dangerous manmade warming fears to a skeptic just last year. This is a guy—Dr. Claude Allegre, former French Socialist Party leader and a member of both the French and the U.S. Academies of Science—who was one of the first scientists around to sound global warming fears 20 years ago. Now, this is a guy who was walking down the streets with Al Gore 10 years ago holding hands, saying: The world is coming to an end, the heat is upon us now, and we are going to have to do something. That was the 20 years ago and 10 years ago. But he now says—this is as of this year, 2007—the cause of climate change is unknown. He ridiculed what he termed the "prophets of doom of global warming" in a September 2006 article.

Allegre has authored more than 100 scientific articles and written 11 books and received numerous scientific awards, including the Goldschmidt Medal from the Geochemical Society of the United States. He now believes the global warming hysteria is motivated by money.

> The ecology of helpless protesting has become a very lucrative business for some people.

I find it ironic that a free market conservative Member of the Senate such as myself and a French Socialist scientist both apparently agree that sound science is not what is driving this debate; it is money.

I just say bravo for the growing scientific dissent. It is not easy for these guys who took a hard position just a few years ago to change their minds. You do not have to believe me. In October, Washington Post staff writer Juliet Eilperin conceded the obvious, writing that the climate skeptics "appear to be expanding rather than shrinking."

These are the people, the climate science skeptics, those individuals who believed that global warming was causing all of those problems, that manmade gases, methane, $CO_2$, were causing climate change. They are on the other side now.

Washington Post's Eilperin wrote—and, of course, the Washington Post is not known to be a very conservative publication:

> In late May, Michael Griffin, Administrator of NASA, which conducts considerable amounts of climate research, told National Public Radio that he was not sure climate change was a problem we must wrestle with and that it was rather arrogant to suggest that the climate we have now represents the best possible set of conditions.

Alexander Cockburn, a maverick journalist who leans left on most topics, lambasted the global warming consensus last spring on the political Web site counterpunch.org, arguing that there is no evidence yet that humans are causing the rise of global temperature.

These are liberals we are talking about, in fairly liberal publications.

Leftwing professor David Noble of Canada's York University has joined the growing chorus of disenchanted liberal activists. Noble now believes that the movement has "hyped the global climate issue into an obsession." Noble wrote a May 8 essay entitled "Corporate Climate Coup" which details how global warming has "hijacked" the environmental left and created a "corporate climate campaign" which has "diverted attention from the radical challenges of the global justice movement."

Finally, I would say that world leaders such as Czech President Vaclav Klaus and former German Chancellor Helmut Schmidt have been outspoken in their climate skepticism. Schmidt said on June 4 of this year that fears of global warming were "hysterical" and "overheated." He called efforts to control the earth's temperature "idiotic."

Former Vice President Gore's biggest worry is now coming true; previously committed believers in manmade global warming are now converting to skeptics after reviewing the new science.

Well, the new science is changing minds. The 60 prominent scientists, many of whom advised the Canadian Prime Minister—I mentioned this before. This is very significant. These are the guys in the 1990s who were advising the Prime Minister. These 60 scientists advised the Prime Minister to ratify Kyoto, the treaty we did not ratify, and now they have come back and said:

> Significant scientific advances have been made since the Kyoto protocol was created, many of which are taking us away from a concern about increasing greenhouse gases. If, back in the mid 1990s, we knew what we know today about climate, Kyoto would almost certainly not exist, because we would have concluded it is not necessary.

These are the 60 scientists who advised the Prime Minister; they have all changed their minds. They are now advising him not to sign on any successor treaties to Kyoto.

The climate skeptics have welcomed many scientists from around the world into the fold recently, including previously noted Claude Allegre. There are others. If you go to my Web site, you can see some of the rest of them. But in addition to Claude Allegre, you have the top Israeli astrophysicist Nir Shaviv, Australian mathematician David Evans, Canadian climate expert Bruno Wiskel, paleoclimatologist Ian D. Clark, environmental geochemist Jan Veizer, and climate scientist Chris de Freitas of New Zealand—the list goes on and on—just to name a few.

Please go to epw.senate.gov for a full report and stay tuned to the upcoming blockbuster Senate report detailing the hundreds of scientists who have spoken out recently to denounce manmade global fears. The list is unending. It is larger every day. These people were all on the other side of this issue, vocally, with all their scientific background. They have now come over. They are skeptics now. Skeptics mean that there is no conclusive proof. Instead of that, it is national variances, within national variability, I would add.

We come now to the last point, the central point No. 4, debunking the consensus. The fourth and final essential point deals with how the media and the climate doomsters insist that there is an overwhelming scientific consensus of manmade global warming. The notion of a consensus is carefully manufactured for political, financial, and ideological purposes. Its proponents never explain fully what consensus they are referring to. Is it a consensus that future computer models will turn out correct? Is it a consensus that the Earth has warmed? Proving that parts of the Earth have been warming doesn't prove that humans are responsible.

While it may appear to the casual observer that scientists promoting climate fears are in the majority, that is because most of the media wants to believe this. By the way, this sells papers; we all know that. Evidence continues to reveal this is an illusion. Climate skeptics, the emerging silent majority of scientists, receive much smaller shares of university funds. They don't get university research funds, foundation funds.

You think the Heinz Foundation is going to give funding to somebody unless they agree with their hysteria? Climate skeptics also receive smaller shares of Government grants and are not plugged into the well-heeled special interest lobby. If you are part of that lobby, you get all these funds. If you are not, they will not play with you. On the other side of the climate debate, you have a comparatively well-funded group of scientists, the activists who participate in the U.N. conferences, receiving foundation moneys, international government support, and fawning media treatment. The number of skeptics at first glance may appear smaller, but the skeptics are increasingly becoming vocal and turning the tables on the Goliath that has become the global warming fear industry.

Key components of the manufactured consensus, as they keep saying, fade under scrutiny. We often hear how the National Academy of Sciences and the American Meteorological Society issued statements endorsing the so-called consensus view that man is driving global warming. What you don't hear is that both the NAS and the AMS never allowed member scientists to vote on these climate statements because they know that if it doesn't come out this way, they will not get the money they would otherwise get. Essentially, only two dozen or so members on the governing boards of these institutions produced the consensus statements. It appears that the governing boards of these organizations caved in to pressure from those promoting the politically correct view of the United Nations and Gore-inspired science. The Canadian Academy of Sciences reportedly endorsed a consensus global warming statement that was never even approved by its governing board.

Rank-and-file scientists are now openly rebelling. James Spann, a certified meteorologist with the AMS, openly defied the organization when he said in January he does not know a single TV meteorologist who buys into the manmade global warming hype. In February, a panel of meteorologists expressed unanimous climate skepticism, and one panelist estimated 95 percent of his profession rejects global warming fears.

This is big, a survey of recent peer-reviewed studies. This is something you better get ready for because it is something you don't know about yet. It hasn't been revealed yet, but it will be.

In August 2007, a comprehensive study of peer-reviewed scientific literature from 2004 to 2007 revealed less than half of all published scientists endorse global warming theory. "Of 539 total papers on climate change, only 38 or 7 percent gave an explicit endorsement of the consensus." That consensus being that manmade anthropogenic, $CO_2$, methane gases are causing climate change. Only 7 percent of these 539 total papers since 2004.

In addition, a September 26, 2007, report from the international group Institute of Physics finds no consensus on global warming. Here is an excerpt:

> As world leaders gathered in New York for a high-level UN meeting on climate change, a new report by some of the world's most renowned scientists urged policymakers to keep their eyes on the "science grapevine" arguing that the understanding of global warming is still far from complete. The IOP is also urging world leaders to remain alert to the latest scientific thought on climate change.

In May the United Nations special climate envoy, Dr. Harlem Brundtland, declared "it's completely immoral, even, to question" the U.N.'s alleged global warming consensus.

Let's examine whether immorality plays a role in this process. There are frequently claims that the U.N. IPCC "Summary for Policymakers" is the voice of hundreds or even thousands of the world's top scientists, but such claims do not hold up even to the light of scrutiny. According to the Associated Press, during the United Nations "Summary for Policymakers"—after they have their process, which is a publication that comes out, then it is many months after that that scientists get to say something.

According to the Associated Press, during the IPCC "Summary for Policymakers" meeting in April of 2007, the most recent, only 52 scientists participated. The April 9, 2007, AP article by Seth Borenstein reported:

> Diplomats from 115 countries and 52 scientists hashed out the most comprehensive and gloomiest warning yet about the possible effects of global warming, from increased flooding, hunger, drought and diseases to the extension of species.

Many of the so-called hundreds of scientists who have been affiliated with the U.N. as expert reviewers are, in fact, climate skeptics. They are on our side. Skeptics such as Virginia State climatologist Dr. Patrick Michaels, Alabama State climatologist Dr. John Christy, New Zealand climate researcher Dr. Vincent Gray, former head of the Geological Museum at the University of Oslo Tom V. Segalstad, and MIT's Dr. Richard Lindzen have served as IPCC expert reviewers but were not involved in writing the alarmist summary. These are the people who were part of this process but were excluded from talking about the summary. The summary is put together by politicians.

An analysis released in September of 2007 on the United Nations scientific review process by climate data analyst John McLean revealed that the U.N. peer-review process is an illusion. A new study found that very few scientists are actively involved in the U.N. peer-review process. The report contained devastating revelations to the central IPCC assertion that "it is very highly likely that greenhouse gas forcing has been the dominant cause of the observed global warming over the last 50 years."

What do the real scientists say about this statement? According to the analysis by McLean:

> The IPCC leads us to believe that this statement is very much supported by a majority of reviewers. The reality is that there is surprisingly little explicit support for the key notion. Among the 23 independent reviewers just 4 explicitly endorsed the chapter with its hypotheses, and one other endorsed only a specific section. Moreover, only 62 of the IPCC's 308 reviewers commented on the chapter at all.

Only four out of 23 endorsed the statement that manmade gasses are the primary cause of global warming. Let me repeat the key point, only four U.N. scientists in the U.N. peer-review process explicitly endorsed the key chapter blaming mankind for warming the past 50 years, according to recent analysis. This analysis was echoed by U.N. scientist Dr. Madhav Khandekar. He is a retired Environment Canada scientist. In an August 13, 2000, letter, Khandekar lashed out at those who "seem to naively believe that the climate change science exposed in the Intergovernmental Panel on Climate Change documents represents scientific consensus." He said:

> Nothing could be further from the truth. As one of the invited expert reviewers for the 2007 IPCC documents, I have pointed out the flawed review process used by the [United Nations] scientists in one of my letters. I have also pointed out in my letter that an increasing number of scientists are now questioning the hypotheses of Greenhouse gas induced warming on the earth's surface and suggesting a stronger impact of solar variability and large-scale atmospheric circulation patterns on the observed temperature increase than previously believed.

Khandekar concluded:

> Unfortunately, the [United Nations] IPCC climate change documents do not provide an objective assessment of the earth's temperature trends and associated climate change.

Keep in mind, the IPCC, the United Nations, are the ones who brought all this to start with.

Paul Reiter, a malaria expert formally of the Centers for Disease Control and Prevention, participated in the past U.N. IPCC process and now calls the concept of consensus on global warming a sham. Reiter, a professor of entomology and tropical disease with the Pasteur Institute in Paris, had to threaten legal action to have his name removed from the IPCC. They were not even letting him withdraw because he disagreed scientifically with what they are coming up with. He called it a sham. People who are going to review what I am saying here today will call it a sham. I am not calling anything a sham. That is what the scientist called this last report. "That is how they make it seem that all top scientists are agreed," he said in 2007. He said: "It's [just] not true."

Hurricane expert Christopher Landsea of NOAA's National Hurricane Center was both an author and a reviewer of the IPCC's second assessment report back in 1995 and the third assessment report in 2001 but resigned from the fourth assessment report after charging the U.N. with playing politics with hurricane science. Landsea wrote a January 17, 2005, public letter detailing his experience with the U.N. Keep in mind, he is one of the top scientist on hurricanes.

> I am withdrawing [from the U.N.] because I have come to view the part of the IPCC to which my expertise is relevant as having become politicized. In addition, when I have raised my concerns to the IPCC leadership, their response was simply to dismiss my concerns. I personally cannot in good faith continue to contribute to a process that I view as both being motivated by pre-conceived agendas and being scientifically unsound.

The IPCC's own guidelines explicitly state that the scientific reports have to be "changed" to "ensure consistency with" the politically motivated "Summary for Policymakers." We have already said that the "Summary for Policymakers"—that is the political arm, not the scientific but the political arm. In addition, the IPCC more closely resembles a political party's convention platform battle, not a scientific process. During an IPCC "Summary for Policymakers" process, the political delegates and international bureaucrats squabbled over the scientific wording of a phrase or assertion.

Steve McIntyre, one of the individuals responsible for debunking the infamous hockey stick theory temperature graph, slammed the IPCC "Summary for Policymakers" process in January of 2004.

> So the purpose of the three-month delay between the publication of the (IPCC) Summary for Policy-Makers and the release of the actual [Working Group 1] is to enable them to make any "necessary" adjustments to the technical report to match the policy summary. Unbelievable. Can you imagine what securities commissions would say if business promoters issued a big promotion and then the promoters made the "necessary" adjustments to the qualifying reports and financial statements so that they matched the promotion. Words fail me.

That is the scientist, not me.

As you continue to scratch beneath the surface of the alleged global warming consensus, more discoveries await.

Alabama's State climatologist Dr. John Christy of the University of Alabama in Huntsville served as a U.N. IPCC lead author in 2001 for the third assessment report and detailed how he personally witnessed U.N. scientists attempting to distort the science for political purposes.

This guy, keep in mind, was a scientist who participated in that process. He said:

> I was at the table with three Europeans, and we were having lunch. And they were talking about their role as lead authors. And they were talking about how they were trying to make the report dramatic that the United States would just have to sign that Kyoto Protocol.

That is what Christy told CNN on May 2, 2007, just this year.

Former Colorado State climatologist, Dr. Roger Pielke, Sr., also detailed the corruption of the U.N. IPCC process. This is what he said on September 1—just a month ago—2007:

> The same individuals who are doing primary research in the role of humans on the climate system are then permitted to lead the [IPCC] assessment! There should be an outcry on this obvious conflict of interest, but to date either few recognize this conflict, or see that since the recommendations of the IPCC fit their policy and political agenda, they chose to ignore this conflict. In either case, scientific rigor has been sacrificed and poor policy and political decisions will inevitably follow.

This is Dr. Pielke.

He added:

> We need recognition among the scientific community, the media, and policymakers that IPCC process is obviously a real conflict of interest, and this has resulted in a significantly flawed report.

What we have been talking about is the United Nations at work.

Politics appear to be the fuel that runs this process—the U.N. process we have been talking about—from the scientists to the bureaucrats to the delegates, and all the way to many of the world leaders involved in it.

What is the motivation of these distortions? I am often asked, if we know that the costs are going to be so great, and we know the science is now flawed, and people are now waking up to it, what is the motivation? I would have to say there is a lot of motivation overseas on things like this.

Former French President Jacques Chirac stated in 2000 that as to Kyoto, we are not talking about climate change. He said Kyoto represents "the first component of an authentic global governance."

These growing critiques of the politicized IPCC process have been echoed by the U.K.'s Lord Nigel Lawson. He is former Chancellor of the Exchequer and a member of the House of Lords Committee that reviewed the IPCC process. Lawson called for the abolishment of the U.N.'s IPCC process. He said:

> I believe the IPCC process [U.N. process] is so flawed, and the institution, it has to be said, so closed to reason, that it would be far better to thank it for the work it has done, close it down, and transfer all future international collaboration on the issue of climate change [to something else].

This is a statement he made in 2005.

The huge organizational and funding advantage that proponents of climate alarmism enjoy over scientific skeptics has led to a pretty elaborate and impressive facade of "consensus." Many climate skeptics have been excluded from key roles in the politicized IPCC process and largely ignored by the media unless they are being demonized as "flat Earthers" or accused of being part of a well-funded industry campaign. But in reality, it is the climate fear peddlers who enjoy an overwhelming funding advantage over skeptics.

Since the late 1980s, when global warming fears rose out of the scorched frost of the 1970s coming ice age scare—the same ones, I might add—an international organized effort and tens of billions of dollars have been spent promoting the warming fear gravy train.

Paleoclimate scientist Bob Carter estimates proponents of global warming fears worldwide have received over $50 billion from international sources and the United States over the last two decades. This is what he said:

> In one of the more expensive ironies of history, the expenditure of more than [50 billion U.S. dollars] on research into global warming since 1990 has failed to demonstrate any human-caused climate trend, let alone a dangerous one.

That was a quote from him on June 18, 2007.

The U.S. alone spends over $5 billion a year on research directly or indirectly related to global warming. Adding to these totals of funding manmade climate fears are large foundations such as the Heinz Foundation, international governments, the United Nations, worldwide universities, the Pew Foundation, and individuals such as billionaires Richard Branson and George Soros.

In fact, if you want to get a study funded today on anything from suicide to butterflies, researchers are finding they better somehow link the issue of global warming, and it will increase their chances of securing funding automatically.

James Spann is a meteorologist, certified by the American Meteorological Society. He suggests scientific objectivity is being compromised by the "big cash grab" for money flowing to proponents of manmade climate fears. I previously noted that NASA's James Hansen received a $250,000 award from the Heinz Foundation.

It is kind of interesting. One of my favorite liberals—and I think he is kind of the darling on the left on CNN—is Miles O'Brien. We are fellow pilots. We have a lot in common, so I enjoy being on his program. I have been on many times.

He asked me the last time I was on: Well, how do you respond to the assertions that NASA's James Hansen made these statements, and they must be true?

I said: Because he was given $250,000 in cash by the Heinz Foundation, and I think he would say anything they wanted him to say.

Spann explained:

> Billions of dollars of grant money are flowing into the pockets of those on the manmade global warming bandwagon. No manmade global warming, the money dries up. This is big money, make no mistake about it. Always follow the money trail and it tells a story.

That is what Spann wrote in January of this year.

The imbalance of money between the promoters of climate fears and skeptics is so large that one 2007 U.S. Department of Agriculture grant of $20 million to study how "farm odors" contribute to global warming exceeded all of the money the groups skeptical of climate fears allegedly received from ExxonMobil over the past two decades.

The money is clearly coming from the far left environmental extremists, from the Hollywood elitists.

Later this fall, my EPW Committee will also release a report detailing the hundreds of scientists—many of them affiliated with the U.N. Intergovernmental Panel on Climate Change process—who have spoken out recently to oppose climate alarmism. The report will feature the scientists—many of them who have finally had it with claims that "all scientists agree"—in their own words. The report will be complete with the scientists' biographies and Web links for future reading.

Keep in mind that is in addition to the names we have identified today. Look at them all, as shown on this chart. Those are many of the scientists now—and not even a complete list.

This new research and the hysteria created by the U.N. and by Gore and the media have prompted frustrated scientists to finally fight back in the name of a rational approach to science.

Climate rationalists or skeptics do not need to engage in smoke and mirrors to state their case, and we will be offering the world a chance to read and decide for themselves, unfiltered from the increasingly activist and shrill lens of media outlets such as NBC, Newsweek, Time, CBS, ABC, and CNN.

I have stood on the floor for years detailing all the unfolding science that has debunked climate alarmism. These scientific developments of 2007 are the result of years or decades of hard work by scientists skeptical of manmade climate fears. Finally reaching the point where we can watch the alarm crumble is very satisfying.

All these scientists have come up with the same response.

Despite the massive scientific shift in favor of skeptics, proponents of climate fears are increasingly attempting to suppress dissent by skeptics. During Gore's Live Earth concert—which was a dismal failure, I might add—that he had in July, environmental activist Robert F. Kennedy, Jr., said of climate skeptics:

> This is treason. And we need to start treating them as traitors.

I have been personally attacked by Anderson Cooper. It is taking place right now, even this week, calling me every kind of name, all kinds of threats. This is what—you people say: Why don't more Members of the House and the Senate tell the truth about climate change? This is the reason. This is what we are subjected to. I have a big family at home who has to watch all this.

Heidi Cullen of the Weather Channel—she is a lovely girl—but she called on the American Society of Meteorologists to deny certification of any of the scientists or any of the Weather Channel people or the meteorologists who do not agree with her.

In August, NASA's resident alarmist, James Hansen—whom we already talked about—he called skeptics "deceitful" and "court jesters." This is the same activist Hansen who conceded in a 2003 issue of Natural Science that the use of "extreme scenarios" to dramatize global warming "may have been appropriate at one time" to drive the public's attention to the issue—a disturbing admission by James Hansen. In other words, he is saying: Exaggerate this. Scare people.

Other climate fear promoters have called for Nuremberg-style trials for those expressing manmade global warming skepticism.

In September, the Virginia State climatologist skeptical of global warming lost his job after a clash with the Governor. Dr. Patrick Michaels claims he was censored by the Governor because he held a different view of climate science.

Michaels said:

> I was told that I could not speak in public on my area of expertise, global warming, as state climatologist.

He was fired. If the advocates for climate change alarm are so confident, why are they so afraid of the debate? Why do they resort to such low-brow name calling and intimidation?

The reason is obvious. The latest scientific findings are refuting climate fears and prompting many global warming activists to try desperate measures to silence the debate. When they do agree to debate the scientific facts, the alarmists lose, and lose badly.

In March—this is really significant—in March of this year, an audience of several hundred in the New York City area were persuaded to the view that global warming was not a "crisis" following a public debate with scientists on both sides.

Now, what we are saying here is, we had several hundred people just off the street, people in New York City; and most of them, when they were surveyed at the beginning of this—like 75 percent of them—said: We believe manmade gases are causing climate change. Then, after the debate took place, it reversed, and a majority of them said that was not true. So people—when they hear the debate and listen to the science on both sides, there is a wake-up call.

When I became chair of the Environment and Public Works Committee—that was 4½ years ago—I vowed to make science one of the cornerstones of my agenda to ensure policy based on sound science. And as I continue on as the ranking member, I have continued this goal.

I think it is probably fair to say that no other Federal legislator has devoted so many hours addressing Congress about the science of climate change. I have spent this time because sound policy requires understanding, and what climate policy direction we choose will have enormous consequences not only for our Nation but for the world.

I would like now to address a question that I am asked repeatedly: Senator INHOFE, what if you are wrong and the alarmists are right? Isn't it better to adopt carbon restrictions to stop carbon dioxide emissions, just in case? My answer is always the same: What if I am right, and there is no response to that?

But let me address their question. Let's assume for a moment that the alarmists are right, which, of course, they are not, but let's assume for the sake of discussion they are. It still makes absolutely no sense to join Kyoto or any successor treaty or to adopt climate restrictions on our own. Not only does it not make economic sense, it does not make environmental sense.

Let me explain that.

First, going on a carbon diet, for us, would do nothing to avert climate change. After the United States signed the Kyoto Protocol in 1997—it was never ratified, but we signed it—Al Gore's own scientist—this is what happened to Al Gore when he was Vice President of the United States. His own scientist, Tom Wigley of the National Center for Atmospheric Research, calculated—he said: Let's assume we signed on to the Kyoto treaty—this is back in 1997—and all other developed nations—not China, not Mexico, just the developed nations—signed on to it and lived by the emission requirements. How much would it lower the temperature in 50 years? His answer was 0.07 degrees Celsius by the year 2050.

Mr. President, 0.07 degrees is not even measurable, and that is if we took all these drastic steps, and we are not going to be doing that.

Of the 15 original European Union countries, only two are on track to meet their targets. One of these is Great Britain, and they are starting to increase their emissions again, not decrease them.

Similar calculations have been done to estimate other climate bills. The Climate Change Stewardship Act that was defeated 38 to 60 last year in this Chamber would have only reduced temperatures by 0.03 degrees Celsius, and another bill modeled on the National Commission on Energy Policy report would have only reduced temperatures by 0.008 degrees Celsius. That is right—that is less than 1 percent of 1 degree.

Now, I think when we come to the significant part of this—and that is the lesson on economics—the high costs that would be borne under carbon constraints are unjustifiable to achieve minuscule temperature reductions, and that is if the alarmists are right about the science. How much more unjustifiable would it be if I and the growing number of skeptical scientists are right, which I believe we are?

The fearmongering about global warming has turned common sense on its head. In its December 7, 1998, issue, Time magazine named Henry Ford one of the 20th century's 100 most influential builders. Yet, just this month, "Time" named the 1909 Model-T car the worst environmental product of the century. "Time" acknowledges that the car supercharged the American economy and put it on its wheels but states: "That's just the problem, isn't it?" The consequences keep piling up, it says. In short, "Time" now endorses the view that our world would be better off if we had never advanced technologically and if we were still dependent upon the horse and the cart as we were in 1909.

Now, most people don't agree with such extremist views, but at the core of the question: "Shouldn't we do something just in case"—that is the question they ask—the same calculus is at work. What if Henry Ford had not created the Model-T out of fear of unknown consequences, just in case?

It isn't just that our major cities don't each have to deal with the sanitation disposal issues of tens of millions of pounds of horse manure—one of the many real environmental problems a century ago that the automobile eliminated. It extended to every aspect of life.

When the Model-T first rolled off the assembly lines near the beginning of the 20th century, the average American's life expectancy was 53 years. Today, the average American's life expectancy is 78 years, or 25 more than it was a century ago. We are not just living longer lives but healthier and more secure lives. The average American's real standard of living climbed from $5,300 a year in 1913 to $33,000 a year in 2005. That is an enormous jump. The carbon-based society is responsible for that.

Advances in medicine and food production, building construction, services, and the manufacturing of clothing, furniture, and other goods have all been made possible by the mobility brought about by the transportation sector and the electricity provided by our powerplants.

The advances over the last century are not simply interesting historic facts, they show us not only why we are a prosperous nation, but a roadmap to a prosperous future. Threats to prosperity have real consequences and for how well and how long Americans will live. Whatever actions we take today, we must also safeguard the well-being of America's families now and into the future.

The Senate acknowledged this when it passed two similar resolutions on the floor right here in the Senate Chamber. In 1997, the Byrd-Hagel sense of the Senate passed 95 to nothing, a resolution that the United States should not be a signatory to any kind of a treaty that reduced—that had the result of costing a lot of money for the United States and that did not involve the developing nations. In other words, something that involved us and the developing nations but left Mexico and India and China and these countries alone. That was passed 95 to nothing. Similarly, the Bingaman sense-of-the-Senate resolution passed in 2005 resolved that the United States should address global warming as long as it will not significantly harm the United States economy and encourages comparable action by other nations that are major trading partners and key contributors to global emissions.

Neither the Kyoto protocol nor a single bill before Congress meets these criteria. They range from costly to ruinous. But they all fail to meet the requirement of Byrd-Hagel and Bingaman.

Both the Energy Information Administration—that is the EIA—and the Wharton Econometric Forecasting Associates—that is the Wharton School of Economics—analyzed the cost of Kyoto when it was signed and the costs were staggering. For instance, EIA found that the annual cost would be up to $283 billion a year. That is in 1992 constant dollars. Wharton put the cost even higher—more than $300 billion a year. Now, that equates out to an increase in taxes $2,700 a year for every family of four in the United States.

The estimated costs to comply with carbon legislative proposals in the United States would be unreasonable. The NCEP approach would do nothing to lessen global warming, even according to the alarmists. But according to the EIA, it would still cost more than 118,000 American jobs simply to make this symbolic gesture.

As I recall from our debate, I say to the Presiding Officer, the highest job loss was actually in the State of Pennsylvania if we had passed that bill 2 years ago.

According to the MIT study—this is a different study than the one we just talked about—the Sanders-Boxer bill would cost the energy sector consumers an amount equal to $4,500 per American family of four. This is a bill that is now pending in the Environment and Public Works Committee. The same study found the Lieberman-McCain bill would cost consumers $3,500 per family of four. Similarly, the EIA found that it would have a cost of 1.3 million jobs. A new EPA analysis shows the Lieberman-McCain bill would also cost up to a half a trillion dollars by 2030, and $1.3 trillion by 2050.

Let me in all fairness say it is no longer called the Lieberman-McCain bill; it is the Lieberman-Warner bill now.

So the environmentalists will now tell you that is OK. Dan Lashof of the National Resource Defense Council says the EPA's analysis of the Lieberman-Warner bill shows it is affordable, although EPA finds that fuel will increase by 22 percent, because he calls fuel impacts "pretty modest." Activists inside the Beltway may think that big jumps in gas prices is not a big deal, but I doubt people living in the real America would agree.

What few Americans realize is that the impact of these policies would not be evenly distributed. The Congressional Budget Office recently looked at the approach taken by most global warming proposals in Congress, known as cap and trade—cap and trade the $CO_2$ emissions—that would place a cap on carbon emissions, allocate how much everyone could emit, and then let them trade those emissions. Let me quote from the CBO report:

> Regardless of how the allowances were distributed, most of the cost of meeting a cap on $CO_2$ emissions would be borne by consumers, who would face persistently higher prices for products such as electric and gasoline. Those price increases would be regressive in that poor households would bear a larger burden relative to their income than wealthier households would.

Think about that. Even relatively modest bills would put enormous burdens on the poor. The poor already face energy costs much higher as a percentage of their income than the wealthy. While most Americans spend about 4 percent of their monthly budget on heating homes and energy needs, the poorest one-fifth of Americans spend 19 percent of their budget on energy. Why would we adopt polices which disproportionately force the poor and working class to shoulder the higher costs?

To put this in perspective as to what the costs would be, we go back—on this chart we show that these right here represent the last four of the largest tax increases in this country. This one right here, a $32 billion tax increase, was the Clinton-Gore tax increase of 1993. You remember that: Increased marginal rates, corporate rates affected all of the capital gains tax and all that. I came down here and stood at this podium in outrage trying to fight that tax increase of 1993. By contrast, the Kyoto protocol would actually be 10 times greater. So it is a tax increase 10 times greater than the largest tax increase in recent history.

Carbon caps would also fundamentally alter the way we live. Take the case of the cement industry and its relationship to our daily lives. Cement is experiencing a tremendous growth in daily demand with new jobs that are created. Cement is essential to the maintaining and revitalization of our aging infrastructure. Highways, bridges, water and sewer systems are built with cement. Already, our ability to meet our energy needs is under tremendous stress due to the cost. I think we understand that. I have several things I will put in the RECORD talking about how that is going to hurt the economy.

But I wish to move on here and say that many times I have heard America is the biggest emitter of carbon dioxide. They have been saying this up until a month ago. They said that America is the biggest emitter of carbon dioxide, and thus, we are the problem. That is no longer true. Earlier this year, China surpassed the United States as the world's largest emitter of carbon. Only 6 years ago, it was estimated that China's emissions would still lag those of the United States in 2040. China's emissions growth is explosive and climbing upward.

To put things in perspective, the United States did not build a single new coal-fired powerplant in the last 15 years, up until 2006—not one—although there are now some efforts underway to change that. By comparison, according to the New York Times, China last year built 117 government-approved coal-fired powerplants at a rate of roughly 1 every 3 days according to official figures. So they are putting up 1 every 3 days and we crank out none in 15 years. You talk about the main motivator of that. India's emissions increases are not far behind China, and Brazil is not far behind them. The fact is if these countries do not curb their rapidly accelerated emissions growth, then embracing a carbon diet and sluggish economic growth by developed countries will accomplish nothing. Moreover, many of the carbon reductions achieved through most manufacturing jobs in developing countries are simply emitted elsewhere, as jobs are created to make the same product in countries that don't ration energy. The U.S. emissions as a measure of productivity are far lower than China. Cement manufacturing is a perfect example. Every job sent there will increase emissions, not lower them.

What we are talking about here is they don't have all these safe terms—

the technologies in China—that we have to lower the emissions. So if we force them overseas to China, emissions will have a net increase.

China is growing at such a rate that even if the United States, Europe, and the rest of the developing world were to eliminate every ton of its emissions and become zero emitter countries within a few decades—a clearly ruinous goal—emissions would still be higher than today because of rapidly growing emissions in the developing world. We are talking about China and other countries.

Some will say we simply need to educate the developing countries, but the fact is they understand all too well that there are more important priorities. As the Director General of China's Office of Global Environmental Affairs said in October 2006:

> You cannot tell the people—

Talking about his Chinese people—

> who are struggling to earn enough to eat that they need to reduce their emissions.

The Secretary of India's Environmental Ministry expressed the same sentiment when he said:

> Removal of poverty is the greater immediate imperative.

These views are consistent with the findings of the Copenhagen Consensus. In 2004, a Danish environmentalist who believes global warming is a serious problem got together 8 of the world's leading economists, including four Nobel laureates and 30 specialists on many of the world's leading problems. They analyzed the world's biggest issues and ranked them on the cost-effectiveness of directing societal wealth or resources toward these problems. Of the 17 issues studied, HIV/AIDS, malnutrition, malaria and sanitation topped the list as the best investments, while climate came in dead last. It was ranked as a bad use of resources.

So what is the path forward? I categorically will oppose legislation or initiatives that will devastate our economy, as well as those that will cost jobs simply to make symbolic gestures to the far left.

I believe such measures would be defeated because the approach is politically unsustainable. We are seeing the first signs of that in Europe right now. Even if the alarmists were right on the science—which they are not—their command and control approaches sow the seeds of their own failure. As long as their own policies put national economy in the crosshairs, they will stoke the fires of opposition and eventually collapse under their own weight.

Stabilizing emissions cannot happen in 20, 40, 60 years because our world infrastructure is built on fossil fuels and will continue to be so for a long time to come. The powerplants and other facilities being built now and in the future will emit carbon for half a century once they are complete. Quite simply, the technology does not exist to cost-effectively power the world without emitting carbon dioxide. I and many others who reject the climate alarmism or ineffective yet expensive solutions will block efforts to implement mandatory carbon restrictions.

I find it unfortunate that so many politicians and climate advocates focus on trying to resurrect a mandatory carbon policy in the face of its demonstrated failure in practice in the countries that have adopted it. In the process, they are ignoring the best path forward.

There is only one approach so far I have seen that will work, which is called the Asia-Pacific Partnership on Clean Development and Climate. Why is this? It is because this approach serves multiple purposes. There are some real pollutants out there. $CO_2$ is not a pollutant; it is a fertilizer. But there are real pollutants out there, $SO_X$, $NO_X$, and mercury. By working with our partners, the Asia-Pacific partners, we can expand our energy supply, increase trade, and along with these other goals, reduce greenhouse gases as a byproduct, along with reducing real pollutants such as $SO_X$, $NO_X$, and mercury. Others might put this list together differently in terms of priority, but my point is that the Asia-Pacific Partnership meets the criteria for success.

It is a politically and economically sustainable path forward that addresses multiple issues in the context of their relation to other issues. Perhaps other approaches in the future will meet this criteria as well, but this partnership is currently the only one that does.

Any international post-Kyoto agreement the United States enters into must make the concepts embodied in the APP a cornerstone of that agreement.

Let me conclude. I point out that climate alarmism has become a cottage industry in this country and many others. But a growing number of scientists and the general public are coming around to the idea that climate change is natural and that there is no reason for alarm. It is time to stop pretending the world around us is headed for certain doom and that Kyoto-style policies would save us—when, in fact, the biggest danger lies in these policies themselves. Again, new studies continue to pile up and debunk alarm and the very foundation for so-called solutions to warming.

I know this has been a long speech. I want the real people—not the money-driven liberals and the Hollywood elitists but the real people out there raising their families and working hard and paying taxes for all the stuff we are doing in Washington—we want to tell them that help is on its way and that all the U.N.- and media-driven hype to sell America down the river will fail.

During the past 2 hours, I have named hundreds of scientists who were Al Gore followers in the past and now who are skeptics; and they realize this issue is driven by money and the far left. The truth is coming out loudly and clearly.

As Winston Churchill said:

> Truth is incontrovertible, ignorance can deride it, panic may resent it, malice may destroy it, but there it is.

Why am I willing to subject myself to the punishment by the alarmists and elitists? It is because of this. My wife and I have 20 kids and grandkids who are living in this world. I don't want them to have to pay a tax 10 times greater than they should because of something that is based on flawed science and contrived science. It is for them that we are doing it.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me make an inquiry. What is the Senate's current posture?

The PRESIDING OFFICER. The Senate is in a period of morning business.

## LAW OF THE SEA TREATY

Mr. INHOFE. Mr. President, I will speak for a couple of minutes. If somebody else comes to the floor and wants to be heard, I will yield at that time.

I think it is very important we realize something else is looming out there. As everyone knows, I am a conservative Republican. I have seen a thing called the Law of The Sea Treaty. It is coming at us again. This started back in the 1960s and 1970s. During the Reagan administration, President Reagan was able to stop it.

What this treaty would do, in one sentence, is this: It would relinquish our sovereignty to over 70 percent of the world—again, it is another United Nations initiative—to a superagency that will have the ability to tax globally.

During the last 2 years, I have talked about the problems we are having with the hyped global warming debate. It all came from the U.N. That is where a lot of these things come from. The U.N. is less and less accountable to any of the member countries than they were at one time.

One of the things we have done, and I have done personally, is every time we have had a problem where the U.N. is coming out with a policy not in the best interest of the United States, since the United States pays for 25 percent of the budget of the U.N., I have been able to pass a resolution that says that if the U.N. doesn't back down from this program, we will hold back 50 percent of our dues. It is the only leverage we have. Of course, they are outraged.

The people running the U.N. do not want to be accountable to anyone. The reason and the motivations of the Law of the Sea Treaty is to set up this superagency that does have taxing powers—global taxing powers. Their goal has been stated that if they are able to pass this, and they can run the U.N. on a global tax, then they don't have to be accountable to anyone. Here we are paying for 25 percent of it now. But we would not be at that time. It would be paid for independently.

I believe that of all of the bad things coming from this treaty, that is the worst. I think that is the motive of many of them. There are many other problems. By giving up the authority of over 70 percent of the Earth's surface, it has huge military risks. It puts us into a position where if we in the United States know there is a ship on the high seas that has a terrorist aboard or has a weapon of mass destruction, we could no longer stop and search and try to seize it. It states there are only four conditions under which we could stop a ship, and none have to do with national security.

It does say it should not affect the military, but there is no defining term of military effort. Instead, that would be determined by this new high court that would be established—this high court that would be established by the U.N.

I know many people in this Chamber will say: Of course, it is coming from our Republican administration and the military says they want it. I question that when I go back and study what happened during the 1980s and see what the consequences could be. It is now a popular thing. We are saying we have made all the corrections and everything is satisfied now, and if President Reagan were here, he would sign off on it. That is not true. He had five objections to it. Not one of the five has been met.

So I suggest we have something very serious coming. I don't know why it is that the majority of Members of this body, the Senate, think that no idea is a good idea unless it is made by some big multinational organization, that nothing is good unless it is something that addresses a problem from a multinational perspective.

When I go back to Oklahoma, they ask me: What happened to sovereignty in America? I have to say I don't know, but we are going to try to keep it as much as possible. The best way to do that is to not ratify the treaty called the Law of the Sea Treaty. It is going to be a tremendous effort for us to get a number of Senators—34—to sign a letter saying we would oppose this treaty. It takes two-thirds to pass a treaty.

I think this is coming, and I want America to be ready for it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUDAN

Mr. DURBIN. Mr. President, I have repeatedly come to the floor to speak about one of the worst human tragedies in recent memory—the crisis in Darfur.

For 4 long years the world has watched this tragedy. We have witnessed the killing of hundreds of thousands of innocent civilians, the torching of entire villages, rape, torture, and untold human suffering.

Many of us on both sides of the aisle and in the international community have repeatedly called for greater U.S. and global action.

Upon taking office in January of this year, U.N. Secretary General Ban Ki-moon said that ending the violence in Darfur was going to be one of his top priorities. President Bush has rightly called the situation in Darfur genocide. British Prime Minister Gordon Brown has said that, "Darfur is the greatest humanitarian crisis the world faces today."

Today, I speak once again about this crisis.

Quite simply, we are at a critical juncture in Sudan.

The situation in Darfur has become increasingly complex. Rebel groups are jockeying for power and fighting amongst themselves. Banditry and lawlessness are on the rise and humanitarian workers remain at great risk. In late September, a rebel group brutally killed ten African Union peacekeepers in a surprise raid.

Just last week, reports surfaced of a new, appallingly violent massacre in southern Darfur. According to reports, more than 30 civilians were killed, including a young boy who was shot in the back while trying to run away.

And now the peace agreement between North and South Sudan—a U.S. brokered accord that might have formed a blueprint for a political settlement in Darfur—appears increasingly in jeopardy.

Sadly, without action, Sudan may be on the verge of even greater instability and human misery.

Yet thanks in part to the tireless work of Secretary General Ban, we also have two critical opportunities to bring about a long-term resolution to this crisis.

First, in late July the U.N. Security Council voted to implement a significantly increased U.N./African Union peacekeeping force.

This peacekeeping force is desperately needed and the United States should work with the U.N. and the global community to make sure it is deployed as soon as possible.

I commend the White House for including funding for this urgent mission in its supplemental appropriations request.

But the peacekeepers are only one important step. Sudan also needs a long-term political agreement. As Secretary General Ban said recently in Sudan, "There must be a peace to keep."

This weekend in Tripoli, a first round of peace talks between the various factions and the Sudanese government will begin.

The peacekeeping forces and the Tripoli negotiations are two critical steps toward ending the violence, and they deserve our strongest support.

We must make it clear that we expect all factions to stop the violence and participate in good faith in the peace talks.

We must demand that China and Russia immediately halt the sale of weapons in Sudan. That's right, two permanent members of the U.N. Security Council are the primary arms suppliers in Sudan. Global leaders have a responsibility to halt such sales.

But ultimately, we must hold the Sudanese government accountable. Its culpability in the years of violence and stonewalling of international efforts is well known.

Sudanese President Bashir must be held to his commitment to allow peacekeepers in the country and to participate in the peace talks. He must also work to ensure the North-South peace agreement does not collapse.

Early statements by his government said that it would "contribute positively to secure the environment for the negotiations" and "facilitate the timely deployment" of the 26,000 member peacekeeping force.

Sadly, we have every reason to be skeptical of the regime's intentions.

It is therefore critical that we maintain pressure on the Sudanese government to honor its commitments. The administration should continue its diplomatic efforts and we in Congress should consider tightening economic sanctions if the Sudanese government does not cooperate with the peacekeepers or the upcoming peace negotiations.

The stakes are too high, and the humanitarian crisis has dragged on too long to allow any more delay in Sudan.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## DEMOCRATIC REPUBLIC OF THE CONGO

• Mr. OBAMA. Mr. President, today, President Bush is meeting with President Joseph Kabila of the Democratic Republic of the Congo, DRC.

This meeting is very important. The DRC symbolizes the hope that so many Africans have for the future of their continent. The country is also emblematic of so many of the challenges facing Africa.

Stabilizing the DRC and fostering democracy are high priorities for American objectives in Africa. Given the country's size, efforts at political and economic reform, and wealth of natural resources, it is imperative that we support the Congolese Government to end more than a decade of warfare and several decades of unaccountable and nontransparent government.

For this reason, I attached an amendment to the 2006 Iraq supplemental appropriations bill, together with Senator LEAHY, that provided $13.2 million to the Congo, including $8.2 million for military reform and $5 million to support free and fair elections. In December 2006, the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act passed into law. I was proud to have introduced this legislation, which authorized $52 million in U.S. assistance for the Congo, called for a special envoy to resolve ongoing violence, and urged the administration to strengthen the U.N. peacekeeping force.

Unfortunately, the administration has ignored the call by Congress to appoint a special envoy, and it has done little to strengthen the U.N. peacekeeping force which is working to stabilize the eastern part of the Congo.

Over the past several months, there have been reports of the mobilization of military forces in the eastern Congo. These reports are deeply disturbing. It is my hope that all Congolese leaders will recommit themselves to the search for peace in this part of the country. The pursuit of military solutions in the eastern part of the country will inevitably prove elusive and will only yield more bloodshed and misery for the civilian population.

The seriousness of the situation in eastern Congo was recently highlighted by a devastating report about the escalation of sexual violence against women in the region. For this reason, I wrote a letter to Secretary of State Rice earlier this month to express concern about the escalation of sexual violence in eastern DRC. Specifically, I asked the Secretary to respond to nine questions concerning steps that the administration is taking to help end the sexual violence and make the perpetrators accountable. To date, I have not received a reply to my letter. For the DRC's transition to democratic governance to be successful, the U.S. and its partners will have to intensify their commitment to work with the Congolese Government to enhance security, resolve conflicts, and spur the country's social and economic reconstruction.

Despite the success of last year's elections, the first in 40 years, the international community must be actively engaged in the country for the foreseeable future not only to bring an end to the conflict in the east but to assist in the emergence of institutions that will ensure accountability and economic development. It is a sobering fact that nearly 80 percent of the country's 56 million people live in absolute poverty and more than 70 percent are undernourished.

At the same time, the Kabila government must be encouraged to adopt inclusive and transparent political processes, involving opposition parties and civil society organizations. Moreover, I welcome the return of American investors to the DRC, to help develop and add value to the country's natural resources. It is imperative, however, that American businesses, as well as investors from every other country, especially China, commit to a zero tolerance for corruption while implementing effective measures to preserve the nation's environment.•

## ADDITIONAL STATEMENTS

## ANNIVERSARY OF THE SACRAMENTO PUBLIC LIBRARY

• Mrs. BOXER. Mr. President, I am pleased to recognize the 150th anniversary of the Sacramento Public Library in Sacramento, CA.

The Sacramento Library opened on November 8, 1857, for members who paid dues equivalent to $300 a year today. It served 260 members with an annual circulation of 4,234 books. On June 14, 1879, the city of Sacramento assumed ownership of the library and residents were given the opportunity to utilize the library at no cost. In 1914, with the help of a grant from the Carnegie Corporation, the original building for the current Sacramento Central Library was built with a volume collection of 65,000.

In addition to serving the reading needs of the community, the Sacramento Public Library also provides other important educational tools. It provides access to books on tape, learning exhibits, computers, and college and career counselors. The library also offers literacy services and has staff available to answer questions seven days a week.

The Central Library has come a long way since its beginning; it had a multistory building addition in 1992 and now houses over 300,000 volumes, 1,000 periodical subscriptions and a garden reading area for an outdoor reading environment. Over the years, the Sacramento Public Library added locations in 11 other cities in Sacramento County, with 27 total branches and bookmobiles now serving over 1 million residents.

As the community and staff gather to celebrate the Sacramento Public Library's sesquicentennial, I would like to congratulate the whole community on this wonderful achievement and wish them luck on another 150 years of successful learning.•

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 505. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

H.R. 3963. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

S. 2233. A bill to provide a permanent deduction for States and local general sales taxes.

S. 2234. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2247. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 635. A bill to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes (Rept. No. 110-207).

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 1347. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land (Rept. No. 110–208).

By Mr. ROCKEFELLER, from the Select Committee on Intelligence, without amendment:

S. 2248. An original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes (Rept. No. 110–209).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN (for himself and Mrs. LINCOLN):

S. 2246. A bill to amend the Higher Education Act of 1965 to extend eligibility for Federal TRIO programs to members of the reserve components serving on active duty in support of contingency operations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS:

S. 2247. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes; read the first time.

By Mr. ROCKEFELLER:

S. 2248. An original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Ms. SNOWE (for herself, Ms. COLLINS, Mr. SCHUMER, Mrs. CLINTON, and Mr. SANDERS):

S. 2249. A bill to establish the Northern Border Economic Development Commission, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAPO:

S. 2250. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. LOTT, and Mr. COCHRAN):

S. 2251. A bill to ensure that individual homeowners that were not previously required to purchase flood insurance that are now required to do so because of the updating of flood insurance program rate maps receive a discount for the purchase of such insurance; to the Committee on Banking, Housing, and Urban Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mrs. LINCOLN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. BOND, Mrs. CLINTON, Mr. BUNNING, Mr. CRAIG, Mr. ISAKSON, Mr. INHOFE, Ms. SNOWE, Ms. KLOBUCHAR, Mr. BAUCUS, Mr. ALLARD, Mr. CASEY, Ms. MIKULSKI, Mr. TESTER, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. HAGEL, Mr. VITTER, Mr. WHITEHOUSE, Mr. KERRY, Mr. GREGG, Mr. COLEMAN, Mr. BINGAMAN, Mr. DODD, Ms. LANDRIEU, Mr. CRAPO, Mr. STEVENS, Mr. THUNE, and Mr. BURR):

S. Res. 357. A bill designating the week of November 11 through November 17, 2007, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country; considered and agreed to.

## ADDITIONAL COSPONSORS

### S. 702

At the request of Mr. KOHL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 702, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

### S. 790

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

### S. 1160

At the request of Ms. STABENOW, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1160, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

### S. 1299

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1299, a bill to establish on behalf of consumers a fiduciary duty and other standards of care for mortgage brokers and originators, and to establish standards to assess a consumer's ability to repay, and for other purposes.

### S. 1382

At the request of Mr. REID, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

### S. 1512

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

### S. 1734

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1734, a bill to provide for prostate cancer imaging research and education.

### S. 2156

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2156, a bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes.

### S. 2227

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 2227, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes.

### S.J. RES. 22

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

### S. RES. 346

At the request of Mr. COLEMAN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 346, a resolution expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, Oklahoma, and Wisconsin, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. LOTT, and Mr. COCHRAN):

S. 2251. A bill ensure that individual homeowners that were not previously required to purchase flood insurance that are now required to do so because of the updating of flood insurance program rate maps receive a discount for the purchase of such insurance; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senators LOTT and COCHRAN to introduce legislation that will help make flood insurance more affordable for working families across the country.

This bill makes a substantial change to the National Flood Insurance Program by reducing flood insurance premiums for those living near recently decertified levees.

This is critical in California and the Gulf States, where several levees no longer meet national certification standards.

Here is how the bill works: If a national flood map update results in the decertification of a levee, those living nearby will be required to purchase flood insurance. This legislation makes those now required to pay flood insurance eligible for a 50 percent discount on premiums for 5 years. Levee decertification will force some homeowners to pay upwards of $1,000 per year for new flood insurance policies from the National Flood Insurance Program; according to FEMA premium estimates for high-risk residential areas.

This bill will save most families in a newly zoned high-risk residential area more than $500 each year, or roughly $40 each month.

The goal of the 5-year reprieve is to give the responsible agencies time to bring the levees up to standard.

When the levees are strong again, the homeowners will no longer be required to purchase flood insurance. The financial burden would be lifted.

This grace period helps those who need it most and softens the harsh and expensive consequences that accompany FEMA's Map Modification process.

Additionally, the 5-year limit allows this legislation to accomplish these objectives in a manner that is fiscally responsible.

Our colleagues in the House recently passed legislation H.R. 3121, that seeks to ensure the continued viability of the National Flood Insurance Program.

My colleague in the House of Representatives, Congressman DENNIS CARDOZA, authored an amendment similar to this legislation, which passed by voice vote and is now included in the House's proposed changes.

The House bill encourages broader participation, increases financial accountability, and eliminates unnecessary rate subsidies.

Additionally, the bill makes the updating and modernization of flood maps a priority, and requires a thorough review of the Nation's flood protection systems.

Under the new requirements, FEMA will work in conjunction with the Army Corps of Engineers and local communities to inventory their flood control systems and reassess their levels of protection.

However, as FEMA remaps and reexamines flood threats, many households will find that they are no longer as safe as they thought.

In California alone there are more than 136 communities that contain at least one levee that will be impacted by the deaccreditation process.

These communities contain levees that will be, or may have already been, remapped and decertified for not providing protection from the 1 percent annual chance flood.

Many of the families in these impacted communities have lived in their homes for years, and believed that the levees in their backyards protected them from the threat of dangerous and costly flooding.

As a result of the changing risk, homeowners who were previously exempt from mandatory flood insurance may now be required to purchase flood insurance.

That is why I believe this bill is necessary. The Homeowners Flood Insurance Protection Act lightens this burden.

For nearly 40 years, the National Flood Insurance Program has been instrumental in making flood insurance readily available to all Americans: Communities have partnered with the Federal Government to adopt and enforce floodplain management and, in turn, receive federally-backed insurance policies; and through the development of effective floodplain management strategies, millions of families have been protected from flooding and saved from the devastating costs associated with flood damage.

But today, the program is in danger.

After the record-breaking losses of nearly $20 billion suffered as a result of Hurricanes Katrina and Rita in 2005, it is clear that the program needs to be updated.

This expansive project will allow communities to formulate responsible floodplain development plans and prepare for catastrophic flooding. The project will also ensure that the National Flood Insurance Program charges fair rates for their flood insurance premiums.

Now, I support the National Flood Insurance program and recognize the importance of mandatory purchase requirements.

The problem is that homeowners who have paid their taxes and helped to pay for the upkeep of these levees, will now find themselves forced to pay an additional insurance premium because of a failing levee.

Many of these individuals in my State and across the country are low-income earners and this increasing burden threatens to break the bank.

Coupled with rising energy, health care and home mortgage costs, the unexpected additional expense of flood insurance may be too much for some families.

That is why we need to offer this assistance.

We must act soon to overhaul our Nation's flood insurance program.

However, it is also our responsibility to mitigate the impact of the levee decertification process on thousands of unsuspecting families across the country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2251

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Homeowner's Flood Insurance Protection Act of 2007".

**SEC. 2. 5-YEAR DISCOUNT OF FLOOD INSURANCE RATES FOR FORMERLY PROTECTED AREAS.**

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(1) in subsection (c), by inserting "and subsection (g)" before the first comma; and

(2) by adding at the end the following new subsection:

"(g) 5-YEAR DISCOUNT OF FLOOD INSURANCE RATES FOR FORMERLY PROTECTED AREAS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law relating to chargeable risk premium rates for flood insurance coverage under this title, in the case of any area that previously was not designated as an area having special flood hazards because the area was protected by a flood protection system and that, pursuant to any updating, reviewing, or remapping of flood insurance program rate maps under this Act or any other subsequent Act, becomes designated as such an area as a result of the decertification of such flood protection system, during the 5-year period that begins upon the initial such designation of the area, the chargeable premium rate for flood insurance under this title with respect to any property that prior to the date of enactment of the Homeowner's Flood Insurance Protection Act of 2007 was located within such area shall be equal to 50 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

"(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1), any new property or structure developed, constructed, or otherwise built after the date of enactment of the Homeowner's Flood Insurance Protection Act of 2007 on any property described in such paragraph shall not be eligible for the chargeable premium rate discount under such paragraph.".

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 357—A BILL DESIGNATING THE WEEK OF NOVEMBER 11 THROUGH NOVEMBER 17, 2007, AS "NATIONAL VETERANS AWARENESS WEEK" TO EMPHASIZE THE NEED TO DEVELOP EDUCATIONAL PROGRAMS REGARDING THE CONTRIBUTIONS OF VETERANS TO THE COUNTRY

Mr. BIDEN (for himself, Mrs. LINCOLN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. BOND, Mrs. CLINTON, Mr. BUNNING, Mr.

CRAIG, Mr. ISAKSON, Mr. INHOFE, Ms. SNOWE, Ms. KLOBUCHAR, Mr. BAUCUS, Mr. ALLARD, Mr. CASEY, Ms. MIKULSKI, Mr. TESTER, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. HAGEL, Mr. VITTER, Mr. WHITEHOUSE, Mr. KERRY, Mr. GREGG, Mr. COLEMAN, Mr. BINGAMAN, Mr. DODD, Ms. LANDRIEU, Mr. CRAPO, Mr. STEVENS, Mr. THUNE, and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 357

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas in each of the years 2000 through 2006 the Senate has recognized the need to increase the understanding of the contributions of veterans among school-aged children by approving a resolution rcognizing the week containing Veterans Day as "National Veterans Awareness Week": Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of November 11 through November 17, 2007, as "National Veterans Awareness Week" for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) encourages the people of the United States to observe National Veterans Awareness Week with appropriate educational activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3471. Mr. REID (for Mr. COLEMAN) proposed an amendment to the resolution S. Res. 346, expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, Oklahoma, and Wisconsin, and for other purposes.

## TEXT OF AMENDMENTS

**SA 3471.** Mr. REID (for Mr. COLEMAN) proposed an amendment to the resolution S. Res. 346, expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, Oklahoma, and Wisconsin, and for other purposes; as follows:

Amend the title to read as follows: "Expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, Oklahoma, and Wisconsin, and for other purposes."

## CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that it be in order to move to proceed to Calendar No. 450, H.R. 3963.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to H.R. 3963 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Cal. No. 450, H.R. 3963, Children's Health Insurance Program Reauthorization Act of 2007.

Max Baucus, Harry Reid, Benjamin L. Cardin, S. Whitehouse, Robert Menendez, Daniel K. Inouye, Jack Reed, Barbara Boxer, Patrick J. Leahy, Bernard Sanders, Ken Salazar, Kent Conrad, Ron Wyden, Byron L. Dorgan, Debbie Stabenow, Bill Nelson, Robert P. Casey, Jr.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum as required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 336 through 356; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as followed:

### DEPARTMENT OF STATE

George E. Pataki, of New York, to be a Representative of the United States of America to the Sixty-second Session of the General Assembly of the United Nations.

Kelly G. Knight, of Kentucky, to be an Alternate Representative of the United States of America to the Sixty-second Session of the General Assembly of the United Nations.

Rodger D. Young, of Michigan, to be an Alternate Representative of the United States of America to the Sixty-second Session of the General Assembly of the United Nations.

### MILLENNIUM CHALLENGE CORPORATION

William H. Frist, of Tennessee, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

Kenneth Francis Hackett, of Maryland, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of two years. (Reappointment)

### DEPARTMENT OF STATE

David T. Johnson, of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

Robin Renee Sanders, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Barry Leon Wells, of Ohio, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Mark M. Boulware, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

James D. McGee, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Ronald K. McMullen, of Iowa, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Eritrea.

P. Robert Fannin, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Christopher Egan, of Massachusetts, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Louis John Nigro, Jr., of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Paul E. Simons, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

Gail Dennise Mathieu, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Dan Mozena, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Eunice S. Reddick, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

Daniel V. Speckhard, of Wisconsin, a Career Member of the Senior Executive Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Thomas F. Stephenson, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Portuguese Republic.

Vincent Obsitnik, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

Mr. REID. Mr. President, one of the nominations we approved is Dr. William H. Frist to be a member of the board of directors of the Millennium Challenge Corporation for a term of 3 years. This is Bill Frist who worked with us in the Senate for 12 years, who was majority leader and somebody with whom I worked very closely. He is a very fine man, a great reputation. He entered public service for the right reason. He was a prominent surgeon. He is a man who was one of the pioneers in transplant surgery.

I have such fond memories of working with him. We had our battles, but he was always a gentleman. I wish him well with his job. I know he will do a very good job.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## MEASURES INDEFINITELY POSTPONED—H. CON. RES. 172 AND H.R. 1154

Mr. REID. I ask unanimous consent that Calendar Nos. 241 and 409 be indefinitely postponed, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL VETERANS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 357.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 357) designating the week of November 11 through November 17, 2007 as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BIDEN. Mr. President, today I am submitting a resolution expressing the sense of the Senate that the week that includes Veterans Day, corresponding this year to November 11–17, 2007, be designated as "National Veterans Awareness Week". This marks the eighth year in a row that I have introduced such a resolution, which has been adopted unanimously by the Senate on all previous occasions.

The purpose of National Veterans Awareness Week is to serve as a focus for educational programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity. This goal takes on particular importance and immediacy this year as we find ourselves again with uniformed men and women in harm's way in foreign lands.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims of our own success with regard to the superior performance of our Armed Forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current armed forces now operate effectively with a personnel roster that is one-third less in size than just 15 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today's military than in previous eras when conscription was in place. Finally, the number of veterans who served during previous conflicts, such as World War II, when our military was many times larger than today, is inevitably declining.

The net result of these changes is that the percentage of the entire population that has served in the Armed Forces is dropping rapidly, a change that can be seen in all segments of society. Whereas during World War II it was extremely uncommon to find a family in America that did not have one of its members on active duty, now there are numerous families that include no military veterans at all. Even though the Iraqi war has been prominently discussed on television and in the newspapers, many of our children are much more preoccupied with the usual concerns of young people than with keeping up with the events of the day. They just don't "feel" the war like many earlier generations did through both World Wars and the Korean and Vietnam conflicts. As a consequence, many of our youth still have little or no connection with or knowledge about the important historical and ongoing role of men and women who have served in the military. This omission seems to have persisted despite ongoing educational efforts by the Department of Veterans Affairs and the veterans service organizations.

This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the armed forces is the key tenet of military governance. A citizenry that is oblivious to the capabilities and limitations of the armed forces, and to its critical role throughout our history, can make decisions regarding our military involvement that may have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the Armed Forces and even throughout the population at large.

The failure of our children to understand why a military is important, why our society continues to depend on it for ultimate survival, and why a successful military requires integrity and sacrifice, will have predictable consequences as these youngsters become of voting age. Even though military service is a responsibility that is no longer shared by a large segment of the population, as it has been in the past, knowledge of the contributions of those who have served in the Armed Forces is as important as it has ever been. To the extent that many of us will not have the opportunity to serve our country in uniform, we must still remain cognizant of our responsibility as citizens to fulfill the obligations we owe, both tangible and intangible, to those who do serve and who do sacrifice on our behalf.

The importance of this issue was brought home to me several years ago by Samuel I. Cashdollar, who was then a 13-year-old seventh grader at Lewes Middle School in Lewes, DE. Samuel won the Delaware VFW's Youth Essay Contest that year with a powerful presentation titled "How Should We Honor America's Veterans"? Samuel's essay pointed out that we have Nurses' Week, Secretaries' Week, and Teachers' Week, to rightly emphasize the importance of these occupations, but the contributions of those in uniform tend to be overlooked. We don't want our children growing up to think that Veterans Day has simply become a synonym for a department store sale, and we don't want to become a nation where more high school seniors recognize the name Britney Spears than the name Dwight Eisenhower.

National Veterans Awareness Week complements Veterans Day by focusing on education as well as commemoration, on the contributions of the many in addition to the heroism and service of the individual. National Veterans Awareness Week also presents an opportunity to remind ourselves of the contributions and sacrifices of those who have served in peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty. It can also remind us of the importance of our country keeping its promises to our veterans and providing them with the proper support services.

Last year, my resolution designating National Veterans Awareness Week was approved in the Senate by unanimous consent. Responding to that resolution, President Bush issued a proclamation urging our citizenry to observe National Veterans Awareness Week. I ask my colleagues to continue this trend of support for our veterans by endorsing this resolution again this year. Our children and our children's children will need to be well informed about what veterans have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that they are sure to face in the future.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, en bloc, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 357) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 357

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas in each of the years 2000 through 2006 the Senate has recognized the need to increase the understanding of the contributions of veterans among school-aged children by approving a resolution rcognizing the week containing Veterans Day as "National Veterans Awareness Week": Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of November 11 through November 17, 2007, as "National Veterans Awareness Week" for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) encourages the people of the United States to observe National Veterans Awareness Week with appropriate educational activities.

## NATIONAL BE BEAR AWARE AND WILDLIFE STEWARDSHIP MONTH

## EXPRESSING SYMPATHY FOR THE VICTIMS OF THUNDERSTORMS IN ILLINOIS, IOWA, MINNESOTA, OHIO AND WISCONSIN

Mr. REID. I ask unanimous consent that the Senate proceed en bloc to the consideration of the following Calendar items: No. 444 and No. 445.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 347) designating May 2008 as "National Be Bear Aware and Wildlife Stewardship Month".

A resolution (S. Res. 346) expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. REID. I ask unanimous consent that the amendment to the resolution, where applicable, be agreed to; that the resolutions, as amended, if amended, be agreed to en bloc; the amendment to the preamble, where applicable, be agreed to; the preambles, as amended, if amended, be agreed to, en bloc; that the title amendment to S. Res. 346 be agreed to and the motions to reconsider be laid on the table, en bloc, the consideration of these items appear separately in the RECORD, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 347) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 347

Whereas wildlife and wildlife viewing enrich the shared outdoor heritage of the people of the United States;

Whereas it is possible to enjoy wildlife in a way that is prudent, safe, and educational and that has minimal adverse effects on wildlife;

Whereas the people of the United States should be aware of the potential for conflict between humans and wildlife;

Whereas the people of the United States should learn the safety and stewardship techniques that can prevent such conflicts;

Whereas some groups, such as the Center for Wildlife Information and State and Federal wildlife associations, in cooperation with State and Federal wildlife and land management agencies, have taken important proactive steps to create educations toolkits and design programs to educate outdoor enthusiasts; and

Whereas educational efforts can raise awareness of the potential for such conflict, help minimize such conflict, and promote the responsible enjoyment of wildlife: Now, therefore, be it

*Resolved*, That the Senate designates May 2008 as "National Be Bear Aware and Wildlife Stewardship Month".

S. RES. 346

The Senate proceed to consider the resolution (S. Res. 346) expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment and an amendment to the preamble.

[Strike the preamble and insert the part printed in italic]

S. RES. 346

[Whereas, during August 2007, severe thunderstorms were responsible for bringing as much as 18 inches of torrential rain to parts of the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, resulting in devastating floods;

[Whereas these storms tragically took the lives of 14 people;

[Whereas these storms injured countless other people, damaged or destroyed thousands of homes, and devastated businesses and institutions;

[Whereas, on August 21, 2007, the Governor of Minnesota declared Fillmore, Houston, Steele, Olmsted, Wabasha, and Winona Counties, Minnesota, to be in a state of disaster as a result of these storms, and subsequently Dodge and Jackson Counties, Minnesota, received a Federal major disaster declaration as well;

[Whereas, on August 20 and 21, 2007, the Governor of Wisconsin declared Crawford, La Crosse, Richland, Sauk, and Vernon Counties, Wisconsin, to be in a state of disaster as a result of these storms;

[Whereas, on August 22, 2007, and in the days following, the Governor of Iowa declared Allamakee, Appanoose, Boone, Calhoun, Cherokee, Davis, Humboldt, Mahaska, Montgomery, Palo Alto, Pocahontas, Union, Van Buren, Wapello, Wayne, Webster, and Winneshiek Counties, Iowa, to be in a state of disaster as a result of these storms;

[Whereas, on August 22, 2007, the Governor of Ohio declared Allen, Crawford, Hancock, Hardin, Putnam, Richland, Seneca, Van Wert, and Wyandot Counties, Ohio, to be in a state of disaster as a result of these storms;

[Whereas, on August 24, 2007, and in the days following, the Governor of Illinois declared Cook, DeKalb, DuPage, Grundy, Lake, LaSalle, Kane, Knox, McHenry, Warren, and Will Counties, Illinois, to be in a state of disaster as a result of these storms;

[Whereas President Bush declared 8 counties in Minnesota, 8 counties in Ohio, 14 counties in Wisconsin, 6 counties in Illinois, and 14 counties in Iowa to be major disaster areas as a result of these storms, and individuals and families, State and local Governments, and certain private nonprofit organizations in these areas became eligible for individual or public Federal disaster assistance or both;

[Whereas numerous individuals and entities have selflessly and heroically given of themselves and their resources to aid in the disaster relief efforts; and

[Whereas the catastrophic injury, death, and damage in Illinois, Iowa, Minnesota, Ohio, and Wisconsin would have been even worse in the absence of local relief efforts: Now, therefore, be it]

*Whereas, during August 2007, severe thunderstorms were responsible for bringing as much as 18 inches of torrential rain to parts of the States of Illinois, Iowa, Minnesota, Ohio, Oklahoma, and Wisconsin, resulting in devastating floods;*

*Whereas these storms tragically took the lives of at least 20 people;*

*Whereas these storms injured countless other people, damaged or destroyed thousands of homes, and devastated businesses and institutions;*

*Whereas, on August 20, 2007, the Governor of Oklahoma declared Blaine, Caddo, Canadian, Cleveland, Comanche, Cotton, Custer, Dewey, Grady, Jefferson, Kingfisher, Kiowa, Lincoln, Logan, McClain, Muskogee, Okfuskee, Oklahoma, Okmulgee, Pontotoc, Pottawatomie, Seminole, Stephens, and Washita Counties, Oklahoma, to be in a state of emergency as a result of these storms;*

*Whereas, on August 21, 2007, the Governor of Minnesota declared Fillmore, Houston, Steele, Olmsted, Wabasha, and Winona Counties, Minnesota, to be in a state of disaster as a result of these storms, and subsequently Dodge and Jackson Counties, Minnesota, received a Federal major disaster declaration as well;*

*Whereas, on August 20 and 21, 2007, the Governor of Wisconsin declared Crawford, La Crosse, Richland, Sauk, and Vernon Counties, Wisconsin, to be in a state of disaster as a result of these storms;*

*Whereas, on August 22, 2007, and in the days following, the Governor of Iowa declared Allamakee, Appanoose, Boone, Calhoun, Cherokee, Davis, Humboldt, Mahaska, Montgomery, Palo Alto, Pocahontas, Union, Van Buren, Wapello, Wayne, Webster, and Winneshiek Counties, Iowa, to be in a state of disaster as a result of these storms;*

*Whereas, on August 22, 2007, the Governor of Ohio declared Allen, Crawford, Hancock, Hardin, Putnam, Richland, Seneca, Van Wert, and Wyandot Counties, Ohio, to be in a state of disaster as a result of these storms;*

*Whereas, on August 24, 2007, and in the days following, the Governor of Illinois declared Cook, DeKalb, DuPage, Grundy, Lake, LaSalle, Kane, Knox, McHenry, Warren, and Will Counties, Illinois, to be in a state of disaster as a result of these storms;*

*Whereas President Bush declared 8 counties in Minnesota, 8 counties in Ohio, 22 counties in Oklahoma, 14 counties in Wisconsin, 6 counties in Illinois, and 14 counties in Iowa to be major disaster areas as a result of these storms, and individuals and families, State and local Governments, and certain private nonprofit organizations in these areas became eligible for individual or public Federal disaster assistance or both;*

*Whereas numerous individuals and entities have selflessly and heroically given of themselves and their resources to aid in the disaster relief efforts; and*

*Whereas the catastrophic injury, death, and damage in Illinois, Iowa, Minnesota, Ohio, Oklahoma, and Wisconsin would have been even worse in the absence of local relief efforts: Now, therefore, be it*

*Resolved*, That the Senate—

(1) expresses heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, [*Oklahoma,*] and Wisconsin;

(2) conveys gratitude to the local, State, and Federal officials and emergency personnel who responded swiftly to the crisis, including emergency management teams in each of the affected States, Michael Chertoff, Secretary of Homeland Security, and David Paulison, Administrator of the Federal Emergency Management Agency;

(3) recognizes the generous and selfless support of citizens, local businesses, the American Red Cross, the United Way, Catholic Charities, and the Salvation Army; and

(4) reaffirms support for helping the victims of the flooding rebuild their homes and lives.

The amendment (No. 3471) was agreed to, as follows:

AMENDMENT NO. 3471

(Purpose: To amend the title of the resolution)

Amend the title to read as follows: "Expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, Oklahoma, and Wisconsin, and for other purposes."

The resolution (S. Res. 346), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

## MEASURE READ THE FIRST TIME—S. 2247

Mr. REID. Mr. President, I understand that there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2247) to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motor sports entertainment complexes.

Mr. REID. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

## ORDERS FOR MONDAY, OCTOBER 29, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m., Monday; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the 2 leaders reserved for their use later in the day; that there then be a period of morning business for 90 minutes, with Senators permitted to speak for up to 10 minutes each; with Senator BOXER in control of the first 60 minutes, and the remaining 30 minutes under the control of the Republicans; that following morning business, the Senate resume consideration of Calendar No. 158, S. 294, Amtrak authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, as a reminder to Members, the cloture motion has been filed on Amtrak. Germane first-degree amendments need to be filed by 3:30 p.m. on Monday.

## ADJOURNMENT UNTIL MONDAY, OCTOBER 29, 2007, AT 3 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 1:47 p.m., adjourned until Monday, October 29, 2007, at 3 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF DEFENSE

JOHN H. GIBSON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL MONTELONGO, RESIGNED.

### NATIONAL TRANSPORTATION SAFETY BOARD

STEVEN R. CHEALANDER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2012. (REAPPOINTMENT)

MARK V. ROSENKER, OF MARYLAND, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

## CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, October 26, 2007:

### DEPARTMENT OF STATE

GEORGE E. PATAKI, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO

THE SIXTY-SECOND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KELLY G. KNIGHT, OF KENTUCKY, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SECOND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RODGER D. YOUNG, OF MICHIGAN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SECOND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

## MILLENNIUM CHALLENGE CORPORATION

WILLIAM H. FRIST, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS.

KENNETH FRANCIS HACKETT, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF TWO YEARS.

## DEPARTMENT OF STATE

DAVID T. JOHNSON, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS).

ROBIN RENEE SANDERS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

BARRY LEON WELLS, OF OHIO, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

MARK M. BOULWARE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

JAMES D. MCGEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

RONALD K. MCMULLEN, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

P. ROBERT FANNIN, OF ARIZONA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

CHRISTOPHER EGAN, OF MASSACHUSETTS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

LOUIS JOHN NIGRO, JR., OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

PAUL E. SIMONS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

GAIL DENNISE MATHIEU, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

DAN MOZENA, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

EUNICE S. REDDICK, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

DANIEL V. SPECKHARD, OF WISCONSIN, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

THOMAS F. STEPHENSON, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PORTUGUESE REPUBLIC.

VINCENT OBSITNIK, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# SENATE—*Monday, October 29, 2007*

The Senate met at 3 p.m. and was called to order by the Honorable MARIA CANTWELL, a Senator from the State of Washington.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer.

Let us pray.

O God, our Father, we wait to serve You as You desire. Make us alert to the needs of those lives You seek to touch. Lead us to opportunities to transform hurting people, bringing relief to captives and comfort to the oppressed.

Empower Your Senators in this endeavor. Use them as ambassadors of reconciliation. Give them such winsome dispositions that they will bless even those who are hard of heart and withered in spirit. May they comfort those who are brought low by sorrow, and lift those who are bowed by life's burden. Use them to inspire those who walk through the valley of shadows.

We pray in Your precious Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARIA CANTWELL led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 29, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARIA CANTWELL, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Ms. CANTWELL thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Madam President, the Senate will be in a period of morning business for 90 minutes, with the first hour under the control of Senator BOXER and the remaining 30 minutes under the control of the Republicans.

Following morning business, the Senate will resume consideration of the Amtrak legislation. While no rollcall votes will occur today, Members should be here to offer amendments, if they have any, to this legislation.

As a reminder, a bipartisan cloture motion was filed on the Amtrak legislation. Members should file all germane amendments by 3:30 today.

## MEASURE PLACED ON CALENDAR—S. 2247

Mr. REID. Madam President, I understand that S. 2247 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

> A bill (S. 2247) to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

Mr. REID. Madam President, I object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

## ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that my remarks not count against the time of Senator BOXER or the Republicans.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PASSING THE ENERGY BILL

Mr. REID. Madam President, last night, temperatures fell in many parts of the east coast and, frankly, even the west coast has been getting cold. It was cold in Searchlight. I talked to my brother this morning and he had to start his fire. Searchlight is much colder than Las Vegas. In parts of northern Nevada, it has been very cold.

All over America, and this morning in the DC area, for the first time this year, people had to reach into their closets for scarves, heavier suits, and even coats for the first time this season. In other parts of the country, there have been colder days earlier. In DC, this is the first 1 we have gotten.

In Las Vegas, even though it still reaches the high 80s during the day this time of year, even now you can feel an overnight chill in the air. There are parts of Nevada that are really cold. We have had freezing weather in Ely and Elko already this year.

As the temperature falls all over the country, we begin to think about the cost of heating our homes for the winter. That cost has risen steadily during the 7 years of the Bush administration, and we have become even more dependent on fossil fuel.

This morning, as our thoughts turned toward the cold months ahead, the price of oil rose to an all-time record of $93 a barrel. If we don't turn the tide by reducing our dependence on oil and foreign energy sources, every American will be forced to pay more and more to heat our homes and fill our gas tanks.

I went over to my office in the Hart building today. I don't get over there as much as I would like, but I went around and talked to everybody. I have a wonderful employee who has been with me for many years. Her name is Carrie. She lives in Mechanicsville, MD. When the rain hit, it took her 3 hours to get to work and 2½ hours to get home. On a normal day, it takes an hour and a half. She sold her vehicle she loved so much, which was a Chevrolet Tahoe. It would cost her $40 every 2 days for gasoline. She bought a smaller car, and her cost for fuel has dropped significantly. Not just Carrie, but everybody in the country is more aware of the cost of energy. Whether it is for their vehicles or whether it is for their homes, the cost of oil is significant.

We are addicted to oil. That is not just me saying that. Even President Bush said it—even though I think he hasn't done anything about it. He acknowledged we are addicted to oil. I have said on the floor time and again, and I will say it again today: Today in America, we will burn 21 million barrels of oil. Tomorrow, we will use the same; the day after, the same. It is not going down, it is going up. We use 21 million barrels of oil a day. That is almost 3 gallons for every man, woman, and child in our country every day. That is enough oil, every day, to fill a swimming pool, or an oil pool, 10 feet deep, the length and width of 200 football fields—every day. How does the Earth have that much oil? But it does.

Day after day, we consume oil at twice the rate of any other industrialized nation. Our consumption only continues to go up. This oil addiction has become a three-pronged crisis: It does threaten our economy, no question about that. Look what it has done

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to our environment. It is threatening our national security.

A 10-percent increase in oil prices costs an estimated 150,000 Americans jobs and more than $100 billion of American dollars.

Since 2001, oil prices have risen by more than 230 percent. So clearly these impacts are real and harmful to working families.

Those hard-working, hard-earned American dollars are coming out of the pockets of families, and where is it going? Overseas. Last year, Americans sent almost $300 billion to foreign countries to pay for imported oil. I am not stretching the truth to say that many of those dollars went to governments that don't have our foreign policy interests at heart.

Meanwhile, the world's leading scientists have reached a consensus that the global warming crisis is real, grave, and it is growing. The Nobel Peace Prize was offered this year to, of course, Al Gore and the U.N. study group, which shared it with him, dealing with global warming.

Global warming is here. For people to write, as some do—people who are so determined to say there is no global warming, that is a figment of their imagination. It is here. Why? Because of our gluttony for oil.

Earlier this year, the House and Senate both passed a landmark, comprehensive piece of energy legislation to tackle each prong of the energy crisis. If we can finalize this and help lower prices by reducing our dependence upon oil, we would be developing renewable fuel alternatives and punishing price gougers and begin to turn the tide of global warming.

The legislation we passed was bipartisan. It wasn't just a Democratic bill. We had Republican help. I am happy to see the Presiding Officer here today because no one in recent years has done more to focus on the problems with energy than the Senator from Washington, Senator CANTWELL. Because of the strength and conviction of the Senator from Washington, who was attacked personally in her last election campaign, because she was on the right side of the issue, it didn't affect her; in fact, it probably helped her.

We have to turn the tide of global warming. Remember, we use 21 million barrels of oil a day. By increasing our CAFE standards by 2020, we can save well over a million barrels a day, and some say even more.

In our legislation, we require an additional savings of 10 million barrels a day, on average, by 2030. We set an ambitious schedule to replace about one-fifth of our petroleum consumption with renewable fuels.

At the Nevada Test Site, where we set off approximately a thousand nuclear devices—most of them underground and a few above ground—you could cover that Nevada Test Site with solar panels today, with today's technology, and supply enough electricity for the whole country. It can be done. It is not being done because we have the utilities which, in most every place in the country, are regulated monopolies. They don't want to do it because it is easier to use fossil fuel. Natural gas is expensive, so now we have a mad rush to coal.

I so appreciate that Kansas and Oklahoma, in the last couple of weeks, said: No coal. This is the area we all need to look to, the States of Kansas and Oklahoma. We should look to them as role models because they have done the right thing.

We also need more cooperation from energy companies. The utilities aren't going to do it. Last year, oil companies brought in almost $120 billion in profits. Yet they are doing nothing to help us. The automobile industry is doing nothing to help us. Certainly, the Bush-Cheney administration—the most energy-dependent administration in history—nobody has been closer to the oil industry than this administration. They both made their fortunes in oil.

Instead, though, lobbyists for the oil, auto, and coal industries are trying their best to weaken our bill or stop its progress. In Nevada, I came out against the coal-fired plants they are pushing there. They are spending millions of dollars in the small State of Nevada to try to show I am wrong by opposing coal-fired plants, saying: We want to build a bridge to alternative energy. Let us build a few coal-fired plants and then we will do it.

That is a lost cause. They are doing that because it is the cheapest way to do it. They could build solar plants, wind, and geothermal for no more than what it cost to build these coal-fired plants. It would be as many construction jobs, but it would be something different. If it hasn't been done before, they don't want to do it. Imagine where we would be today if they agreed to join us in this fight. We know the administration simply had secret meetings and made sweetheart deals with the oil companies, and they refused to let the press know about it. The press went to court, and the court upheld the secrecy of the White House.

The time to stand in the way of progress should be long past. Since we passed the Energy bill on a bipartisan basis, Senate Republicans have stopped us from going to conference. We cannot stop. We need to continue to work with the House to pass a bill, despite these challenges. I hope and believe Democrats and Republicans will find common ground and set a new course that will keep us safe for our economy and protect our planet.

In the Senate, our bill had something the House bill didn't. It raises CAFE standards, a renewable portfolio. It seems we ought to be able to marry the two and agree to the demand of the American people.

Today's record oil prices alone should be enough to convince us we must act quickly to complete the Energy bill and pass it into law.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business for 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with Senator BOXER controlling the first 60 minutes, and the last 30 minutes under the control of the Republicans.

The Senator from California.

## GLOBAL WARMING

Mrs. BOXER. Madam President, I have been waiting to speak to the Senate to place in the RECORD the case that we have to make to take action to ease the impact of unfettered global warming. I think most Americans know by now—at least those who follow environmental issues—that on our committee, we have Senator INHOFE, who is the former chairman, in a very different place than the current chairman, myself. Senator INHOFE spoke for a couple of hours on this subject last week, and I told him I would come down and put forward my thoughts. I am sure he will want to respond to what I say. That is what the Senate should be. We should be able to debate. I have been looking forward to this debate because, frankly, there are very few isolated and lonely voices who keep on saying we do not have to worry about global warming. Those voices are getting fewer and fewer.

The reality is that a growing and diverse group of voices has recognized the importance of addressing global warming.

Here are a few calls to action. Some might surprise you. For example, President Bush, on September 28, said:

> [Y]ears from now our children are going to look back at the choices we make today, at this deciding moment. . . .

He goes into it and says:

> . . . it will be a moment when we turn the tide against greenhouse gas emissions instead of allowing the problem to grow. . . .

This is President Bush in September.

Again, some of these voices are surprising as we build our case for action in the Senate.

Gov. Charlie Crist, a Republican Governor from Florida, said:

> We're all on the same planet. We need to work together to make sure the environment is an issue at the forefront. It shouldn't be a

> political issue. It's a global issue. It's not bipartisan. It's nonpartisan.

Certainly, in my own State, Governor Schwarzenegger and the Democrats in the legislature have worked very closely to make sure we move against unfettered global warming.

"Vatican to Become World's First Carbon-Neutral State." This is very recent, this year:

> The Vatican is installing solar panels and purchasing greenhouse gas offsets to become the first carbon-neutral sovereign state.

We can see that everyone is working together except for a few. It is unfortunate because in the Senate, a few can stop us from doing our work. We already heard about some of the problems we are having getting the Energy bill through. But I am very optimistic because we have had a bipartisan breakthrough in the Environment and Public Works Committee with Senators WARNER and LIEBERMAN getting together and putting forward a very solid bill which, if it is enacted, will be the most far-reaching global warming bill in the world today.

Earlier this year, the U.S. Climate Action Partnership, known as USCAP, which includes major corporations, joined together with environmental groups to issue a call for action on global warming, calling for reductions of 60 to 80 percent in greenhouse gas emissions by 2050. I thought I would go over some of the members of U.S. Climate Action Partnership because, again, there are just a few voices out there saying we are putting our head in the sand, this isn't a problem. But mainstream America is with the program. Let me tell my colleagues who they are. I am just going to read a few: Alcoa, Boston Scientific Corporation, BP America, Caterpillar, Inc., Chrysler, ConocoPhillips, Deere, Duke Energy, DuPont, Environmental Defense, Ford Motor Company, General Electric, General Motors, Johnson & Johnson, National Wildlife Federation, Natural Resources Defense Council, PepsiCo, Pew Center on Global Climate Change, PG&E Corporation, Shell, Siemens Corporation, Dow Chemical Company, the Nature Conservancy, World Resources Institute, and Xerox corporation.

We can see the diverse members of the American family from corporate America to environmental organizations that have gotten together and have urged us to cap greenhouse gas emissions and cut them. It is very important that we think about the amazing coalition that is out there behind us addressing global warming. When we hear some Senators come down to the floor of the Senate and say this is ridiculous, this isn't an issue, just remember this list of mainstream America urging us forward, urging us to act.

Why should so many industries be calling upon us to enact climate legislation? Because they recognize a couple of points. One, the science is strong, it is irrefutable, and a sound business future for America lies in dealing with climate change. We cannot grow, we cannot move forward if we all of a sudden turn around and our planet is under threat. We cannot have a business looking out 50 years that does not think about this. We have to think about our grandkids and our great-grandkids, and corporate America thinks about the people who are going to come forward to continue the work of that corporation. They recognize the threat, but they also recognize the opportunities.

Let's read from USCAP's call for action. It is very clear:

> We believe that a national mandatory policy on climate change will provide the basis for the United States to assert world leadership in environmental and energy technology innovation, a national characteristic for which the United States has no rival. Such leadership will assure U.S. competitiveness in this century and beyond.

This is a very strong call for action from Republicans, from Democrats, from Independents, from corporate America, from the environmental community, and others that have joined together.

All you have to do, Madam President, is pick up a newspaper, any newspaper—I don't care if it is a Republican editorial board, a Democratic editorial board, or Independent—and you will see an amazing amount of evidence as to global warming and its potential impact. I am going to go through a few recent headlines. I asked my staff—and they do an amazing job for me—to follow the news and let me know what is being written, what the scientists are saying. So I am going to give you just an example of some of these headlines. If we can walk away from this, then it seems to me we are being irresponsible. We have to listen to them.

Early warning signs: "Greenhouse Gases Fueled 2006 U.S. Heat." This is Reuters.

> According to NOAA—

That is the National Oceanic and Atmospheric Administration. That is the Bush administration's NOAA—

> "the annual average U.S. temperature in 2006 was 2.1 degrees Fahrenheit above the 20th century average and the ninth consecutive year of above-normal U.S. temperatures" and that this was a result of "greenhouse gas emissions—not El Nino or other natural phenomena."

This is our American Government under the President who has been very loath to move on global warming, warning us about these high temperatures.

"Scientists Report Severe Retreat of Arctic Ice."

> The Cap of floating sea ice on the Arctic Ocean, which retreats under summer's warmth, this year shrank more than one million square miles—or six Californias—below the average minimum area reached in recent decades.

Again, these are scientists from the National Snow and Ice Data Center in Boulder, CO. This is not a matter of opinion; this is fact. They are measuring the ice. I was in Greenland. I saw it myself. Several of us went. It is the most awesome sight to behold, to see these icebergs, the size of a coliseum, bigger than this beautiful Senate floor, taller than this room, floating into the ocean. Each iceberg is an average of 9,000 years old, and they melt within 12 months from the time they get into the ocean. So let's not put our heads in the sand or under the water.

More early warning signs: "China Blames Climate Change for Extreme Weather." This is China. China doesn't really want to move forward. They have been slow to come to the table.

> According to an official from Chinese Meteorological Administration's Department of Forecasting Services and Disaster Mitigation, "It should be said that one of the reasons for the weather extremes this year has been unusual atmospheric circulation brought about by global warming."

A lot of people around here say: Let's not do anything until the Chinese come to the table. Now the Chinese are telling us we better watch out for this global warming.

"As Sea Level Rises, Disaster Predicted for Va. Wetlands." My colleague, JOHN WARNER, was present at a very important set of hearings where we looked at the impact of global warming on his State. It says:

> At least half, and perhaps as much as 80 percent, of the wetlands would be covered in too much water to survive if sea levels rise 1½ to 2 feet. The analysis was conducted by Wetlands Watch, an environmental group.

Senator WARNER and his colleagues from the DC area all came to that hearing and were very concerned.

"From Greenland to Antarctica, the world is losing its ice faster than anyone thought possible." This was in the National Geographic.

> Scientists are finding that glaciers and ice sheets are surprisingly touchy. Instead of melting steadily, like an ice cube on a summer day, they are prone to feedbacks, when melting begets more melting and the ice shrinks precipitously.

This is what is happening. You can come down on this floor and you can put a blindfold over your eyes and you can put your hands over your ears and say: I see no problem, I hear no problem. Then you are not really taking in the signs.

"Fires a 'Consequence of Climate Change.'" This is touching my heart because my State has been burning, and all of my colleagues know this and all of them have been most wonderful to us—to Senator FEINSTEIN and to me—about offering help and assistance. In the long run, we need to do something about global warming or we are going to have that horrible combination of drought, low humidity, high temperatures, and terrible winds—weather extremes, Madam President, that you have experienced from time to time. This is what we are going to see.

Greek Prime Minister Costas Kerryman said:

> The weather phenomena this year favored, as never before, the outbreak of destructive fires. We are already living with the consequences of climate change.

This gives you an idea. There are some more. "Climate Change Pollution Rising—Thanks to Overwhelmed Oceans and Plants."

This is the "Scientific American." We are not taking articles here to show you where there is bias.

> The world's oceans and forests are already so full of $CO_2$ that they are losing their ability to absorb this climate change culprit.

This according to the Proceedings of the National Academy of Sciences.

So, yes, someone is going to come to the floor and say: Oh, look at this great scientist, Mr. ABC, or whatever his name, and he is challenging this. Well, he is challenging the world's leading scientists. And I think it is very important to say there are always people who will say HIV doesn't cause AIDS; there are always people who will say, geez, cigarette smoking doesn't cause cancer; but thank God—thank God—this Government has followed the preponderance of the science and we now are making progress. How sad it would be if America sits on the sidelines while the whole world looks to us for leadership on global warming.

Here is this one.

"The Future Is Drying Up."

> According to Nobel Laureate Steven Chu, diminished supplies of fresh water might prove a far more serious problem than slowly rising seas.

He also remarked:

> "The most optimistic climate models for the second half of this century suggest that 30 to 70 percent of the snowpack will disappear."

No wonder we have people visiting our offices who are already hurting from the recreation industry in this Nation. They see what is happening. They see the handwriting on the wall. We have to act.

Here is this quote:

> There's a two-thirds chance there will be a disaster, and that's in the best case scenario.

That is from a prize-winning Nobel laureate. Then this:

"Study Links $CO_2$ to Demise of Grazing Lands." From the Los Angeles Times.

> Rising levels of carbon dioxide may be contributing to the conversion of the world's grasslands into a landscape of woody shrubs, much less useful for livestock grazing.

So this has implications for the very way of life we have here in America.

"Parks Face Climate Threat."

> A report shows how climate change could have a huge effect on the Great Smokey Mountains, the Blue Ridge Parkway and other national parks.

This according to a new report by—by whom?—the National Parks Conservation Association.

Folks, this is mainstream thinking. Mainstream thinking. We have to act.

"Likely Spread of Deserts to Fertile Land Requires Quick Response, U.N. Report Says," New York Times.

> Enough fertile land could turn into desert within the next generation to create an "environmental crisis of global proportions" based on a new U.N. report. The report warns of large-scale migrations and political instability in parts of Africa and Central Asia. The report recommends national and international action to address global warming.

Another call to action. And here, from the Intergovernmental Panel on Climate Change, which just won the Nobel Peace Prize, along with former Vice President Al Gore:

> Projected trends in climate-change-related exposures of importance to human health will increase the number of people suffering from death, disease and injury from heatwaves, floods, storms, fires, and droughts.

So to come down here and talk about the polar bear and say the polar bear is fine—A, the polar bear is not fine, and we will talk about it; but this isn't about the polar bear. This is about God's creation that is in jeopardy. We had testimony from scientists that 40 percent of the species that were created are going to be gone. Now, it is our turn to do our part. That is why I have been working so closely with the religious community, the evangelical community. They are concerned about God's creation, and we ought to be. We talk a good game about it. We talk about values. We talk about it, so let us do something to show we are willing to protect this gift from God we have been given.

"Why Frogs Are Dying."

> Climate change is no longer merely a matter of numbers from a computer model. With startling swiftness, it is reordering the natural world.

Newsweek. That is a Newsweek article.

We need scientific facts, not science fiction. In the past, we have had science fiction writers come and testify before our committee. Those days are over.

"Global Warming May Be Behind Increases in Insects and Disease-Carrying Animals," Newsday.

> Rising global temperatures may be helping to spark a population boom in insects and disease-carrying animals, creating unexpected threats to human populations, a number of scientific reports say.

That is not a pretty future for my new grandson, to think about being exposed to all these vectors that have not attacked us, but this is what lies in our future if we do nothing.

"WHO—the World Health Organization—77,000 People Die Annually in Asia-Pacific Region From Climate Change." "Pollution Cutting Life Expectancy in Europe." This was in USA Today.

> According to a Report by the European Environment Agency: "Poor air and water quality, and environmental changes blamed on global warming, have cut Europeans' life expectancy by nearly a year, Europe's environmental agency warned."

Well, Europe is moving forward. To be honest with you, the bills they are looking at in Europe don't quite match the bill we are looking at in the EPW Committee. That is why I am so proud of the work Senator LIEBERMAN and Senator WARNER have done, and we are only making this bill better.

"Report Calls on Europe to Move on Global Warming."

> The European Commission report warns that unless there is planning, European countries will face "increasingly frequent crises and disasters which will prove much more costly and also threaten Europe's social and economic systems and its security."

The point is, when you invest now, you save $5 later. That is a fact. We know that from Sir Nicholas Stern, who headed the World Bank.

Now, how about national security? One of the reasons I got so concerned about this is when I learned what our own Pentagon and our own intelligence people are saying to us. And what are they saying to us?

> A report commissioned by the Department of Defense in 2003 found that the impacts of global warming would cause the U.S. to "find itself in a world where Europe will be struggling internally, with large numbers of refugees washing up on its shores and Asia in serious crisis over food and water. Disruptions and conflict will be endemic features of life."

And, of course, our Pentagon and our Department of Defense are very concerned about that happening with our allies in Europe.

"Warming Will Exacerbate Global Water Conflicts."

According to many studies, including the IPCC, changing weather patterns will leave millions of people without dependable supplies of water for drinking, irrigation, and power.

Now, the reason I took so much time and made all these charts—because it did take a while to get them done—is to show the breadth and the depth of the concern in this country, in the world, to make the point that there is a huge movement in this country and in the world to address global warming. We are not going to listen to those who have their heads in the sand or, frankly, have decided they want to leave this for another generation. That would be irresponsible. I know you, Madam President, and I share a conviction that this is our job. This information has been given to us on our watch, and we intend to stand up to the challenge.

When Senator INHOFE came on the floor, he made a number of statements which were not true, and I am going to deal with a couple of them. He used an MIT report in a misleading fashion. Senator INHOFE has frequently claimed an MIT report shows the Boxer and Lieberman bills would lead to a $4,500 tax on a family of four. But the author of the MIT report, John Reilly, said:

> Senator Inhofe misread his findings. Rather than impose a tax of $4,500 as Inhofe described it, he said, the study shows the regulation could generate a substantial amount of Federal revenue for the government to give back to Americans. A family of four, Reilly said, could earn an additional $4,500 if the United States adopted a carbon tax or auctioned off carbon credits.

So let us not misquote authors around here, because that is not the right thing to do for them nor is it the right thing to do to mislead our colleagues.

I mentioned the polar bears before, and many of us have been touched to see the polar bears clinging to smaller and smaller pieces of ice in order to survive. Senator INHOFE has claimed—and he claimed it on the floor—that the polar bear populations are increasing.

> The best-studied population, in Canada's western Hudson Bay, fell by 22 percent from 1,194 animals in 1987 to 935 in 2004, according to—who—the U.S. Fish and Wildlife Service.

Our own people are telling us that the polar bear is in trouble.

> The World Conservation Union projects that the bears' numbers will drop by 30 percent by 2050 due to continued loss of Arctic sea ice.

I think it is important that we talk about facts. Science must dictate what we do, not ideological arguments that don't have any weight behind them. The leading scientists of the world, including the Intergovernmental Panel on Climate Change, which I earlier mentioned, and which won the Nobel prize along with Vice President Gore, and the IPCC included hundreds of scientists, the best scientists from 130 nations—they tell us clearly that global warming is happening now and human activities are the cause. I believe we can meet this challenge, with hope, not fear. I believe when we meet this challenge, we will be stronger as a nation and we will be healthier as a nation.

And, by the way, we will create a whole new array of green-dollar jobs. My own State, a leader in the environment, has proven the point that when you step out and you address the needs of the environment, what comes with it are only good things—prosperity, job creation, and healthier families. We are doing it in our State with global warming and, by the way, many other States are following. If we did nothing, it would be a shame. It would be a shame if the America we love so much stood by and said: Well, gee, let a few States go off on their own.

This is a seminal issue, and we need to do something about it, because doing nothing is not an option we can afford. The potential consequences will be devastating for our families in the future and for the world.

We are seeing the early warning signs. People can come down to this floor and say whatever they want. We have seen melting of snow, we have seen melting of permafrost, increased temperatures, warming of lakes, rivers, oceans, changing in the seasons, shifts in the ranges of plant and animal species, rising sea levels.

In the future, we can expect to see more extreme weather events, more severe heatwaves, droughts and flooding, increased storm surges and, sadly, an increased incidence of wildfires. We will see extinction of species, we will see freshwater resources at risk. By 2020, between 75 million and 250 million people will be exposed to increased water stress due to climate change in Africa.

In Asia there will be problems. Warming in the western mountains of America is projected to cause decreased snowpack and reduced summer flows, resulting in even greater competition for already overallocated water resources.

I mentioned this figure before—we did hold 20 hearings on global warming. At one of them, we had scientists who were experts on wildlife. I remember sitting there, being so saddened to hear that if we do nothing, 40 percent of God's species on planet Earth could face extinction.

Now we hear our oceans are at risk as well. The British Royal Society projects that progressive acidification of oceans due to increasing carbon dioxide is expected to have terrible impacts on marine life, such as corals and their dependent species. You have heard of coral bleaching. It is cause by increased water temperatures as well as the oceans becoming acidic from storing excess carbon. The water becomes so acidic some marine life, such as shellfish and coral reefs, can no longer form their shell, as it dissolves in the acidic water.

The IPCC found that pests, diseases, and fire are having terrible impacts on forests, with an extended period of high fire risk and large increases in areas burned. Again, I wish to use this moment to thank the firefighters in my State, all of them—local, State, Federal—working seamlessly together. We have the most extraordinary heroic firefighters in California, as we do all over this country. Their jobs are becoming more and more dangerous as these fires are so strong and are fueled by droughts, high temperatures, low humidity, and high winds.

I mentioned before that in July, I was in Greenland. I was there with 10 Senators and Dr. Richard Alley, an expert on ice from Penn State, who accompanied us on the trip. It was amazing to see this whole situation with him at my side. What I learned from him is Greenland's ice is melting faster than anyone thought. In some places, the glacier ice is moving so quickly, if you stand there you can actually observe it moving.

In the past year, new islands were discovered that were previously connected to the main mass of ice. The Greenland ice sheet holds enough ice to raise sea levels globally by 23 feet. Think about 23 feet. Sea level increases of only a few feet will cause major disruptions.

I wish to talk about public health. Public health officials have issued a call to action. We had a hearing the other day and we heard from the Director of the Centers for Disease Control and Prevention. Unfortunately, her testimony was heavily edited by the White House. I am working very hard, with other colleagues, to get her original draft. Let me tell you, we are not going to rest until we get that. But the fact is the public has a right to know everything about global warming and the threat it poses to their families and to their communities.

At the same hearing where we heard from Dr. Gerberding, the Commissioner of the Tennessee Department of Health presented the committee with a position statement from the Association of State and Territorial Health Officials on Climate Change and Public Health. Their statement was adopted unanimously.

Yes, if a Senator wants to come down here and condemn all the public health officials in the country and claim they get some benefit out of this, let the Senator do it. The fact is, they have said they support the latest findings of the U.N., and they recognize that climate change has far-reaching implications for public health.

According to the IPCC, climate change has already altered the distribution of some infectious disease vectors and the seasonal distribution of some allergenic pollen and increased heat wave-related deaths.

We are already seeing and we are already feeling the difference. If trends continue, we could see increased malnutrition and related disorders, including those related to child growth and development. We will see increases in the number of people suffering from disease, injury, death because of heat waves and because of droughts and fires and all the things we mentioned.

The World Health Organization has estimated that human-induced changes in the Earth's climate lead to at least 5 million cases of illness and more than 150,000 deaths every year already.

We saw the European heat wave which caused countless numbers of illnesses and claimed 35,000 lives. That is accurate—35,000 lives were lost.

You can come down to this floor and you can say everything is beautiful, but you are not in touch with reality.

We are beginning to see right here in America what happens when the water warms. The Associated Press reported on September 27 that a 14-year-old boy died from an infection caused by an amoeba after swimming in Lake Havasu. According to a CDC official, these amebas thrive in warm water and as water temperatures continue to rise, we can expect to see more cases of these amoeba infections.

We are going to see an increase of ground-level ozone or smog because that is formed at higher temperatures. We know smog damages lungs and can cause asthma in our kids. We already have asthma as the leading cause of school absences in my State. I cannot speak for other States, but we have major problems with dangerous smog days.

We know about wildlife. We know, as I said, that 40 percent of the species are at risk of extinction if we do nothing to reduce global warming. The U.S. Fish and Wildlife Service concluded that shrinking sea ice is the primary cause for the decline in polar bear populations. Senator INHOFE comes down and says the polar bears are doing great: Wrong. False information. Listen to your own administration's U.S. Fish and Wildlife Service. The shrinking sea ice is the primary cause for the decline in polar bear populations.

Guess what. This administration—because it was threatened by a lawsuit—proposed listing the polar bear as threatened under the Endangered Species Act. So come down here and show pictures of those magnificent polar bears, saying everything is fine—that is wrong. It is wrong by every measure, by every scientific account, by our own U.S. Fish and Wildlife Service.

Global warming is a national security issue, as I mentioned before. People are telling me this current humanitarian catastrophe in Darfur is already linked to the extended drought in the region. The Secretary General of the United Nations said the Darfur conflict began as an ecological crisis, arising at least in part from climate change. This is happening right under our nose. The Senate and the House have been asleep at the wheel—until recently.

A report commissioned by the Department of Defense found the impacts of global warming would cause the United States to "find itself in a world where Europe would be struggling. . . ." Projected global warming "poses a serious threat to America's national security" and "acts as a threat multiplier for instability. . . ." This is all from retired admirals and generals. This is not from BARBARA BOXER. This isn't from Al Gore. This isn't from MARIA CANTWELL. This isn't from Senator WARNER. It isn't from Senator LIEBERMAN. This is from our own retired admirals and generals: Projected global warming poses a serious threat to America's national security.

The United States, they said, could more frequently be drawn into situations of conflict "to help provide stability before conditions worsen and are exploited by extremists." Such missions could be long and require the United States to remain for "stability and reconstruction efforts . . . to avert further disaster."

That report also warns of "extreme weather events, drought, flooding, sea level rise, retreating glaciers, habitat shifts . . . the increased spread of life-threatening diseases" and increased scarcity of clean water that could "result in multiple chronic conditions" and "foster the conditions for internal conflicts, extremism, and movement toward increased authoritarianism and radical ideologies."

I have never seen an issue such as this, where we have such a unanimous call for action, a unanimous call for action—from the business community, from environmental organizations, from admirals and generals, from the Department of Defense, from the Wildlife Service—from all over the world. As yet we are nowhere, but we hope to change that.

What are our States and our local governments saying? They are taking action.

I have had the pleasure of having Mayor Gregg Nickels of Seattle before the Committee. He started the Mayors' Climate Protection Agreement in 2005. To date, mayors from nearly 700 cities across America, representing 75 million Americans, have pledged to reduce their greenhouse gas emissions.

So come down to the floor and say what you want. But 75 million Americans are already acting. Come to the floor, say what you want, but the world is passing you by if you close your ears, cover your eyes, and convince yourself that you know more than the scientists of the world know.

California is the sixth largest economy of the world. I am so proud to represent California—37 million people and a spirit of entrepreneurship, a spirit of neighbor helping neighbor. It is an incredible place.

California has set the gold standard with its landmark global warming program, Republican Governor Schwarzenegger and a Democratic legislature setting us on a clear path toward 80 percent cuts by 2050.

You know, what is important about the California experience is look at what we have already done on per-capita energy use. I am so honored that you are in the chair, Madam President, because of your expertise on energy.

We have kept our per-capita energy use steady for more than 30 years, while per-capita energy consumption in the rest of the Nation has doubled. If the whole country could have been as efficient as California, we would have saved an amount of energy equivalent to all the oil we import from the Middle East each year. Can you imagine that? So when people fight against doing something about global warming, I say: If you look at the low-hanging fruit, which is energy efficiency, and look at what my State has done and now other States are doing, we can get halfway there without one sacrifice.

I don't think anyone has ever said that Californians do not lead a very happy, pleasant life. I don't think anyone looks at Californians: Oh, those poor people, they are so unhappy because they are energy efficient.

On the contrary, we have a booming economy and we have people who are feeling good about themselves because of the contribution they have made. It does not take much to get a refrigerator that is more efficient or get a car that gets better mileage or get an air-conditioner that cuts your energy use in half. I have done it. I have done these things. I am saving money. I am driving my Prius, and I am waving to the gas station because I don't have to go in very often to fill up my car.

People all over this country are already so far ahead of where we are. If you want to come down to the floor, if you want to take issue with 75 million Americans, be my guest. But you are not being honest with the facts. The facts are clear.

Twenty-nine States have completed climate action plans and a number of States have established mandatory reduction targets, again including my home State. Last week, Gov. Kathleen Sibelius of Kansas wrote an open letter to the people of her State, expressing her support for clean energy. What is happening in Kansas? Good things. The State's environment secretary rejected applications to build two new coal-fired powerplants. They want cleaner energy. They want clean energy. They see they are going to move in that direction. The Governor of Kansas understands what we are facing. If you want to come down on the floor and tell her she is wrong, be my guest. It is a free country. But you know what? You are not going to change her mind and you are not going to change the minds in so many States that are moving so far past us it makes your head spin.

Addressing global warming has major benefits. I have given you the truth about the dangers of global warming because a lot of people walk away. I wanted you to hear the truth about the dangers of global warming. Now I want to tell you what gives me hope. When we step up to the plate, we are going to benefit. We cannot only prevent the most dangerous effects of climate change, but we are going to be better off for it. I already mentioned Sir Nicholas Stern, former chief economist of the World Bank. He said: Spend a dollar now, save $5 later. So people are going to come on the floor and they are going to say: Oh my God, they are spending money on this.

No, we are going to save money, because if we can avert the worst problems of global warming—you can't build a flood protection tall enough unless we do something now. Do you know what it costs to build that flood protection? We know because we passed the Water Resources Protection Act and we kept our promises to the people of New Orleans and the others from

Katrina and Rita who suffered so much.

To take a little segue, the President is threatening to veto that bill. Now, that is one where Senator INHOFE and I are exactly together. We cannot walk away from building an infrastructure, but the point is, building an infrastructure to protect against the type of floods that could come if we do not act is going to be so much more expensive than investing the dollars now. And that is the point.

Since 1990, Britain has reduced its greenhouse gas emissions by 15 percent. Guess what. Britain's economy has grown 40 percent. So people can come down to this floor and say: Oh, it is going to wreck our economy. Wrong again. It did not happen in California; it did not happen in Britain.

Britain's environmental industries are the fastest growing sector of the country's economy. I was just there a couple of months ago. They are so excited. Their environmental jobs grew to 500,000 from 135,000 in just the last 5 years.

There is a study at UC Berkeley, University of California, Berkeley. They say that the State product in California, the gross State product, by 2020 will be up by as much as $74 billion, with 89,000 new jobs created because of our work on global warming and our laws.

I have been to Silicon Valley. You are familiar with the entrepreneurial spirit there. They are just waiting to make the kind of investments necessary, but they need to have a clue as to what we are going to do. If we walk away from a cap-and-trade system, which will put a market price on carbon, they are not going to make those investments.

The entrepreneurs in Silicon Valley are on the cutting edge. New companies are starting every day to respond to the growing demand for clean energy and more efficient vehicles and other technologies.

Sun Microsystems is already reaping the benefits of greater efficiency. I just went to visit Sun Microsystems. They made some simple changes in the way they cool their computer servers. They have been able to cut their electrical consumption in half. I will tell you, simple things can save so much energy. Simple things can cut down on global warming.

Tesla Motors, I would urge all of you to follow that company. They are producing an all-electric car with performance that rivals or even exceeds the world's best sports cars. It is exciting. It is in production. It is all electric.

Ms. CANTWELL. Will the Senator yield?

Mrs. BOXER. I will yield to the Senator from Washington.

Ms. CANTWELL. First, I compliment the Senator for her very articulate understanding of the impact of greenhouse gases and where our country needs to go. So thank you for your leadership. We are so happy that you are chairing that committee and showing the fortitude to make sure this legislation starts moving through the Senate.

You mentioned California's experience. I wonder if you would just elaborate on that one more time because I think the point may have been—it sounds so simple but yet so complex. California's savings is what we are trying to do in the Energy bill. Here we have a 20-percent reduction of fuel consumption and a 20-percent reduction of greenhouse gases. That is why we need to pass the Energy bill. But you are talking about California's efficiency, and the efficiency that it achieved was monumental and significant. If you would, emphasize or explain how it is that we should be doing the same thing in the Senate in moving forward on efficiency.

Mrs. BOXER. I thank my dear friend, such a great leader on energy reform, for taking to the floor. I want to say to you, Senator CANTWELL, in California we have kept our per capita energy use steady. In other words, each person's energy use over time has stayed steady for more than 30 years, while the per capita energy use in the rest of the Nation doubled.

Now, we have done it in ways that were very comfortable for people. You know, you look at the energy for appliances, you look at building codes, you look at all the things that we have done, simple things, things you are trying to do in the Energy bill.

Ms. CANTWELL. Madam Chair, did that cost California jobs?

Mrs. BOXER. It created jobs. We have been a leader in jobs. We are very prosperous. We believe our landmark legislation on global warming, the studies show, will create thousands and tens of thousands of green-collar jobs.

I think the point I would like to emphasize, and I know my friend from Missouri will be amazed at this, if every other State were just to emulate that, had emulated that, and we all did this as a national goal, not just one State's goal, we would have saved an amount of energy equivalent to all of the oil we import from the Middle East each year.

That is the amount of savings from the simple things that we can do, some of the things that my friend is trying so hard to get done in the Energy bill.

The fact is, when I look at the whole issue of global warming as a good news/bad news story, the bad news is we really have not tackled it here. The good news is there is so much we can do, so easily, with such benefits.

Certainly, energy efficiency is one.

Ms. CANTWELL. Madam Chair, I thank the Senator from California for answering that question and again for her great leadership on trying to push forward global warming and climate impact legislation in the Senate.

We do have to move forward. Her resiliency in saying the committee will address it, the committee will mark up legislation is the next step in what we need to do in following through. I applaud her for her dedication and for answering that question.

At $90 a barrel for oil, I certainly wish the rest of the Nation would have followed what California has done in that consumption reduction because it would have helped all of us on today's oil prices.

Mrs. BOXER. Madam President, how much time do I have remaining?

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator has 9 minutes remaining.

Mrs. BOXER. Thank you very much. I would just say that the California story is a good news story. California is trying to do more. They have asked the Bush administration for a waiver to move forward in the transportation sector. That waiver has not been forthcoming.

California has gotten 50 waivers in the past. For some reason now there has been a very slow-walking act that has gone along with this request for a waiver. I am hoping that our committee is going to invite many of the Governors of the various States to the Capitol to talk about why it is so key for the Bush administration to grant the waiver.

When I started to talk about what is happening now with the entrepreneurial spirit in my State, I talked about Sun Microsystems reaping the benefits of energy efficiency to their plant.

First of all, they were able to consolidate the space that houses all of their computers, which was a big help. Secondly, just by moving forward with a new way to cool their computers, cool their computers in a low-energy way, they cut their energy bills in half.

I talked about Tesla Motors producing an all-electric car. It is a beautiful car. They are not marketing it as a way to fight global warming. They are marketing it as a beautiful car, one of the fastest cars in the world.

Tesla Motors, I hope you will go and take a look. Their first model is going to be very expensive, we know that. But their next models are going to be half the price. And they hope in the future to get to the $30,000 range. Now, what we are talking about is clean automobiles, zero emissions of greenhouse gases.

There is another company, Bloom Energy, in San Jose. They are creating the next generation of fuel cell electrical generation systems. I visited there and the scientists were explaining how all of this works. I can tell you this technology has the potential to revolutionize the way that electricity is generated. It holds the potential to bring clean electricity to parts of the world that have no electricity now.

So what are the benefits, the benefits of new technology? New jobs, cleaner air as we reduce the pollution that causes global warming, by increasing our use of clean, renewable energy sources such as wind and solar, driving more efficiently, less polluting cars and trucks, and increasing efficiency. We will reduce other forms of air population too: sulphur dioxide, nitrogen oxides, mercury.

These are issues about which Senators CARPER and ALEXANDER are very concerned. They sit on the Environment and Public Works Committee. With this bill we will see that those pollutants will be reduced as we cut global warming pollution. And that means cleaner, healthier air for us all to breathe.

Now, the IPCC also concluded that household benefits from reduced air pollution as a result of action to reduce greenhouse gas emissions can be substantial. So when I say: I meet this crisis with hope, not fear, I mean it. I think it is going to create jobs. I think it is going to make our communities healthier. I think it is going to make our air healthier. I think it is going to reduce our dependance on foreign countries to supply oil, which is now up to $90 a barrel.

We know oil is a critical strategic interest of America. Our reliance on oil-rich rogue states and unstable regimes has been at the heart of wars and interventions in the Middle East. As we develop these clean, renewable sources of energy, which is all going to be done by the private sector, my venture capitalists at home cannot wait to make these investments, but they will not make them unless we take the lead on a strong anti-global-warming bill.

Now, world leadership, the United States has always been the world leader on environmental protection. The core environmental laws that we created and enacted, most of them through the committee on which I am so proud to be a part of, the Clean Water Act, the Clean Air Act, Safe Drinking Water Act, National Environmental Policy Act, and others, have been models for environmental policy around the globe. The global warming legislation we pass will take its place alongside those landmark laws. It is time for us to step up and set the pace.

Now, again, our States are doing it. I want our States to continue. I really do. But I really do believe this is an issue that belongs in the Senate. By leading now, we can ensure that the solutions to global warming are designed in ways that are good for America, good for our businesses, good for our consumers, good for our kids. We have the technology and know-how to export. Now is the time to move forward.

Well, I have been working very closely with Senators WARNER and LIEBERMAN as they have assembled their bill. I was so impressed with the effort they have invested in seeking out the views of Senators and other groups, environmental organizations, business organizations.

They have looked at all the other global warming bills that have been proposed: the Sanders-Boxer bill, the Kerry-Snowe bill. They have looked at the Lieberman-McCain bill and the Bingaman bill. I think those are all of them. There has been a broad range of views that they have reconciled in the process. I have laid out some important principles that I believe must be reflected in the legislation. Any bill has to have the emission reductions that will avoid dangerous climate change. It must be flexible to have look-back, to make sure we are on course. We need an emissions trading program so there is a price put on carbon by the private sector. We must protect the pioneering State efforts that are already underway. We need to ensure that other countries are stepping up and doing what they have to do. There are ways to enforce that, frankly, because a lot of folks want to trade with us. If they want to come in and trade with us, they better make sure they are not adding to this problem.

Natural resources and wildlife concerns must be addressed. We must support American workers in their transition as we move to a greener economy and see, again, as they have in Great Britain, how many jobs would be created.

I also want to express the moral imperative that was really brought to me by the religious community. The most vulnerable here and around the world have to be protected. I know we have colleagues who continue to say we have to do it, and they are absolutely right.

There is no time to waste because the longer we wait, the harder it will be to achieve the goals we have to achieve—before we find we are spending a fortune on flood control and we are spending a fortune to try to mitigate the terrible ravages that global warming will bring.

The point is, with good legislation we have these lookbacks. If we are on target, fine. If we are doing too much, we have a way to back off. If we are not doing enough, we could do more. That is the beauty of the Lieberman-Warner bill.

I believe there is unprecedented momentum for change. Yes, you are going to have a few voices come down here and say this is ridiculous, this does not make any sense. That is fine. That is their right. But, again, in every great issues debate, you always have a few people who stand outside the mainstream, and I respect that. I absolutely give the folks who have that point of view all the time they want to express themselves.

But the bill Senators WARNER and LIEBERMAN have crafted can set us on the path to achieving the goal of avoiding dangerous climate change. It is a bipartisan, mainstream breakthrough, and I am committed to further strengthening this legislation as we move forward because the legislation establishes a framework on which we can build. It embodies key concepts—such as cap and trade and lookbacks and it draws on the other strong global warming bills that have been proposed. It gets us started. Time is short.

Now, there are a few who will say we should not do anything.

Madam President, I ask unanimous consent for 60 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I thank my friends for yielding me that 60 seconds because what I want to do is wrap up.

Some will say: This is not an urgent problem. Do nothing.

Others will say: Do nothing until you go to the extreme, until you go to the 90-percent cut. Let's wait for a new President. Let's wait for a new Congress. Let's wait for a new day. Let's wait for the Sun to come out. Let's wait for the rain to fall.

I do not ascribe to either of those extremes.

We have the facts now. We have a good bill now. We have an unprecedented opportunity to send a signal to this country and to the world that we are ready, finally, to move to calm the effects of unfettered global warming. I think we can do it. I think we can be successful at it, and I do approach this with great hope.

Some have tried to argue that we should not act now. These people say we should wait for a new President, a new Congress, another day.

As I say, there is no time to waste. Right now, there is unprecedented momentum for change. We must harness that momentum to pass strong global warming legislation. We have a small window of time to get started down this path. The longer we wait to get started, the harder it will be to achieve the emissions reductions we know we need to reach. Starting now will send a signal to the world and the business community as they make their future plans that the United States is serious about its leadership role.

Some have asked me, Why should we pass legislation now, when the President has said he is opposed to mandatory caps on global warming pollution and a cap-and-trade system?

The President and I agree that technology is the solution. But he still won't accept that it won't happen on its own, not unless the price of carbon is built into the process. We still hope to change his mind, but even if we do not, we must begin the hard work of the legislative process. It takes time, patience, fortitude, and courage. Very few laws are passed the first time around. We must take good legislation as far as we can. It is our job to start down the path.

I have a vision for my 11-year-old grandson and for my new grandson who was born a few months ago.

My vision is that these children and yours will grow up and be able to know the gifts of nature that we saved for them, that they will understand we made the right choice for them—we protected the planet that is their home—that because of our action they will not be shackled into fighting wars over the last drops of water or oil or remaining acres of arable cropland. They will not have to spend their last treasure building higher flood walls, bigger levees, and fortified cities to escape rising seas and angrier hurricanes.

Their cars will run on clean renewable fuels that do not pollute the air they breathe. The United States will lead in exporting clean technologies and products that are the engine of a new green economy. We will lead the world in showing the way to live well, in a way that respects the Earth.

To make this vision a reality, we must face our challenge in a way that overcomes our differences, and that defies our party affiliations.

Madam President, I yield the floor to my friend, Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Thank you, Madam President. It is my understanding—I would ask for clarification—I am entitled to 30 minutes.

The PRESIDING OFFICER. The Republicans control the remaining 30 minutes of morning business.

Mr. INHOFE. Thank you very much.

## GLOBAL WARMING

Mr. INHOFE. Madam President, let me, first of all, say it would be very difficult to, in only 30 minutes, refute everything that was just said. Interestingly enough, I was honored to have about 2 hours 10 minutes on the floor last Friday to tell the truth about this subject of global warming. I have had a chance to do that. I have very carefully written down all the points that were made by my good friend from California, and I am going to try to get through these as quickly as I can within that 30-minute period of time.

First of all, on the wildfires in California—this is interesting because everything that is out there that is distasteful is blamed on global warming. People say: Oh, it must be true; that is what I read in the newspapers.

I believed, 4½ years ago, it was true. We all know that the Northern Hemisphere has been going through a period—up until about 7 years ago—where it was warming. That has stopped. But it was true at that time. So I assumed it had something to do with manmade gases until we started looking at it and realizing the science just isn't there.

On wildfires out in California, just real quickly, it is interesting, the Los Angeles Times headline was "Global warming not a factor in wildfires." An excerpt from the article reads: Are the massive fires burning across southern California a product of global warming? They say no. Scientists—almost unanimously—say that has nothing to do with it.

In fact, it is kind of interesting; it is reported: The Santa Ana winds, which typically have gusts of up to 45 miles per hour, were recorded at more than 80 miles per hour several times this week—strong but inside the range of normal variability.

Meteorologist Joseph D'Aleo said this past Friday:

> The unfortunate fires can be explained very nicely by natural factors.

Environmentalists would not allow brush clearing. He goes on to talk about the prohibition against clearing up accumulated brush from the areas surrounding housing developments that was instituted at the insistence of the Sierra Club and other environmental organizations.

Climatologist Patrick Michaels debunks the wildfire-global warming link. Do not blame this on global warming. There is no trend whatsoever in the frequency of heavy-rainfall years and so forth. He goes on and on. So that just flat is not true.

Now, the Senator from California has claimed, on several occasions, it would be cheaper in the long run to immediately enact regulatory policies aimed at controlling the Earth's global temperatures. The claim is clearly wrong. Of the half dozen major bills introduced in the Senate, all will harm the economy, yet none will put a dent in global warming, even if the worst fears were well founded.

Earlier this month, the Environmental Protection Agency concluded that over the long run each bill before Congress, including those that would reduce U.S. emissions by 70 percent—70 percent—would only reduce global concentration of greenhouse gases by 4 percent—just 4 percent.

Here is something that is interesting. When former Vice President Al Gore was in office, he went to Tom Wigley, who at that time was a very renowned scientist and one of his top advisers. He said: What would happen if all developed nations—not the developing nations such as China and other countries where they do not have any control over what can be done there, but if developed nations all signed on to the Kyoto treaty and lived by their emissions, how much would it reduce the Earth's temperature in 50 years? The result was 0.07 degrees Celsius. Now, that is if everybody did this and inflicted all the damage.

In June of this year, China—this is something which is kind of interesting; they try to blame America and our emissions on greenhouse gases—they were projecting we would be the No. 1 greenhouse gas emitter by 2040. We were shocked to find out that just recently China already passed us. So they are increasing their emissions of greenhouse gases at a real rapid rate. As a matter of fact, we went through the 15 years prior to 2005 by having no new coal-fired generating plants. China is now cranking out one every 3 days. This is kind of interesting because as we lose jobs to China, because we do not have the energy here, they are going to be using technologies that are not nearly as ecologically refined as ours. So it is going to end up having the effect of even more and more greenhouse gases.

Now, when Time magazine named the Model T Ford the 20th century's worst environmental product because it brought mobility and prosperity, it was clear that common sense has been turned on its head in this country. Almost a century ago, when the first Model T was rolling off the assembly line, the average American could expect a lifespan of 53 years and an inflation-adjusted income of only $5,300 a year. Now that the automobile is here and we can take people long distances—to hospitals and that type of thing—we are now looking at an average lifespan at 78 years as opposed to 53 years and an annual income, adjusted for inflation, of $32,000. Yet, despite this, some are still making the claim it will not be all that harmful to the economy to take drastic action in trying to do something about this. They keep insisting that China and other countries will mimic us. I think it is pretty reasonable that when China's Deputy Director General for Environmental Affairs makes such uncompromising, clear statements of China's policies to pursue an economic growth agenda first and foremost, we would be wise to take him at his word.

Adopting these policies will only cost the country trillions of dollars over time on the naive belief that if China sees how serious our country is, it will decide, in the goodness of its heart, to do this. This is just not right. They made it very clear they do not have any interest in doing that at all.

Now, when we talk about the Kyoto protocol—which is the first one that came along—I think it is interesting that of all 15 Western European countries that joined the Kyoto protocol, only 2 out of 15 have lived within the emissions, have emitted the amounts that were acceptable by the protocol. One of those is Great Britain, and right now they are increasing their emissions of greenhouse gases.

The facts above may be what prompted the journal Nature to publish an article declaring that Kyoto is dead and that we need a new approach, one remarkably similar to the Bush approach, and that is the Asian Pacific

Partnership Act, which I talked about for quite a while last Friday, which I will not repeat now.

The Senator from California relied on the 2006 Stern report from Britain to bolster her claim. Senator BOXER stated:

> This is a very important moment in time. The cost of doing nothing, according to the leading economist on this topic in the world, Nicholas Stern, is five times what the cost will be to address this issue now.

Now, I do think this is worth spending a little bit of time on because my good friend, the junior Senator from California, spent quite a bit of time on this subject.

What did the experts say about the Stern report?

Economist Richard Tol of Hamburg University, one of the world's leading environmental economists, tore apart the Stern report on January 26, saying:

> If a student of mine were to hand in this report on a Master's thesis . . . [it is] likely I would give him an "F" for fail. There is a whole range of very basic economics mistakes that somebody who claims to be a Professor of Economics simply should not make.

Tol said, according to the BBC:

> Stern consistently picks the most pessimistic for every choice that one can make. He overestimates through cherry-picking, he double counts particularly the risks and he underestimates what development and adaptation will do to impacts.

Danish statistician Bjorn Lomborg critiqued the Stern report in a November 2, 2006, Wall Street Journal op-ed piece. He said:

> The report seems hastily put-together, with many sloppy errors. As an example, the cost of hurricanes in the U.S. is said to be both 0.13 percent of U.S. GDP and 10 times that figure.

Lomborg wrote:

> It seems naive to believe that the world's 192 nations can flawlessly implement Mr. Stern's multi-trillion-dollar, century-long policy proposal. Will nobody try to avoid its obligations? Why would China and India even participate?

Particularly when they stated they would not do it.

Roger Pielke, Jr., the director of the University of Colorado's Center for Science and Technology Policy Research, also chided the Stern report for "cherry picking" data on October 30, 2006. Pielke wrote:

> The Stern Report's selective fishing out of a convenient statement from one of the background papers prepared for our workshop is a classic example of cherry picking a result from a diversity of perspectives, rather than focusing on the consensus of the entire spectrum of experts that participated in our meeting.

Quoting further, he said:

> To support its argument the Stern Report further relies on a significantly flawed report from the Association of British Insurers, which we critiqued here. Its presentation of the future costs of disasters and climate change is highly selective to put it mildly.

Australian Paleoclimate scientist Dr. Bob Carter ridiculed the Stern report in a November 3, 2006, article:

> The Stern warning could join Paul Ehrlich's "The Population Bomb" and the "Club of Rome's Limits to Growth" in the pantheon of big banana scares that proved to be unfounded.

It goes on and on in some detail criticizing the report.

Yale University's Sterling Professor of Economics William Nordhaus recently authored a study on the economic effects of climate change titled "The Challenge of Global Warming: Economic Models and Environmental Policy." The study revealed that so-called global warming solutions would cost two or even three times the benefits they would theoretically achieve. Nordhaus was specifically critical of Stern's use of novel methodology, in which he assumes a near zero discount rate which dramatically increases the benefits of addressing global warming.

The New York Times captured the views of mainstream economists in its February 21, 2007, article by David Leonhardt, when he cited Nordhaus's concerns, adding:

> This was fairly tame compared with the comments of another Yale economist, Robert O. Mendelsohn. "I was awestruck," he said, comparing Sir Nicholas to "The Wizard of Oz." But "my job is to be Toto."

It goes on and on and on.

Even Alan Greenspan talks about spending quite a bit of time on this. He said: There is no effective way to meaningfully reduce emissions without negatively impacting a larger part of the economy.

Now, if you look at the Wharton study—there it is, right there. If you look at this, I hope people understand there is no question that there are scientists who actually believe that man-made gases are a major contributor to climate change. I don't believe—and the scientists I outlined last Friday—one thing is sure and that is the cost to America, should we decide to take one of these steps. Keep in mind, all of this is pushed on us by the United Nations, similar to a lot of other things we have to live with. But if you look at the last four largest tax increases in the last three decades, the most recent one was a $32 billion tax increase in 1993 called the Clinton-Gore tax increase, a $32 billion tax increase. I can remember coming to the floor—it was an increase on all the rates, the rates of individuals, regardless of income range. There were all kinds of increases. Yet as bad as that was, and as we were talking about the huge tax increase—$32 billion—the Wharton School of Economics estimates the Kyoto cost would have been over $300 billion; in other words, ten times the largest tax increase in modern history.

I think people do have to understand that, because there have been all kinds of articles. The op-ed piece in the Financial Post by Wayne Weingarten said that the cost of reducing greenhouse gases through cap-and-trade regulations are not trivial. If implemented, cap-and-trade policies would add significant costs to production and would likely have a severe negative impact on long-term growth and an estimated $10,800 per U.S. family—$10,800.

Recently the MIT study which was referred to, I think, by Senator BOXER, the MIT study analyzed how energy producers would have to spend to buy allowances if they were auctioned, and the cost to energy producers to buy these allowances would be equal to $4,500 per household family. Now, all of these seem to be unanimous in terms of what it would cost, and I think we all understand that.

For fear that I might lose—or run out of time, I am going to real quickly go over some of the things I did last Friday, talking about what has happened in 2007. In August of 2007, a peer-reviewed study published in the "Geophysical Research Letters" finds global warming over the last century linked to natural causes. The September peer-reviewed study counters the global warming theory by finding carbon dioxide did not end during the last ice age. In October of 2007, the Danish National Space Study concluded the Sun still appears to be the main forcing agent.

By the way, all the way through this, we have approximately 11 other quotes that I will submit for the record talking about how the scientists have come out and talked about how expensive it was.

The geologist at the University of Pennsylvania, Dr. Giegengack, makes comments. He says:

> If we reduced the rate at which we put carbon into the atmosphere, it won't reduce the concentration in the atmosphere; $CO_2$ is just going to come back out of these reservoirs.

He talked about natural reservoirs, which are oceans, soil, and permafrost.

Going back to Dr. Giegengack, he says:

> In terms of global warming's capacity to cause the human species harm, I don't think it makes it into the top 10.

He said that in an interview at the University of Pennsylvania.

Now, again, if we have time, we will come back and expand a little bit on that.

What I have done is written down as quickly as I could the things the junior Senator came out with. She spent a lot of—let's put the polar bear back up there. People wonder why they always keep using polar bears. Everybody loves animals. This was a Time magazine top seller. They had this poor polar bear standing on this last cube of ice out there. It says: "Be worried. Be Very Worried." That is the same publication that in 1975 said another ice age is coming; we are all going to die.

Let's talk about the polar bear. I think this is kind of a classic case of reality versus unproven computer model predictions. The Fish and Wildlife Service estimates that the polar bear population is currently 20,000 to 25,000 bears; whereas, in the 1950s and 1960s, the estimates were 5,000 to 10,000 polar bears. We currently have an estimated four to five times more polar bears than we did 50 years ago.

A 2002 U.S. Geological Survey of wildlife in the Arctic Refuge Coastal Plain noted that polar bear populations may now be near historic highs.

Top biologists such as Canadian biologist Dr. Mitchell Taylor, the director of wildlife research, dismissed these fears about polar bears with evidence-based data on Canada's polar bear populations. He says: Of the 13 populations of polar bears in Canada, 11 are stable or increasing in number.

There is only one that is dropping down, and that is in the western—what was it, the Hudson Bay area. This is the one the junior Senator from California talked about, and that is going down in population, mostly because of the hunting rules that have been established in that area.

The next thing she talked about was computer models. This is interesting because everyone now has debunked the whole idea that computer models were accurate. Even the New York Times has been forced to acknowledge the overwhelming evidence that the Earth is currently well within natural climate variation. This inconvenient reality means that all the warming doomsayers have to back up their climate fears are unproven computer models predicting future doom. Of course, you can't prove a prediction of the climate in 2100 wrong today, which reduces the models to speculating on what could or might or may happen 50 years from now or 100 years from now.

But prominent U.N. scientists have publicly questioned the reliability of climate models. This is kind of interesting because it is the U.N. that started this whole thing. The IPCC, the scientists, Dr. Jim Renwick, a lead author of the IPCC Fourth Assessment Report—this is the United Nations—publicly admitted that climate models may not be so reliable after all.

He stated in June:

> Half of the variability in the climate system is not predictable, so we don't expect to do terrifically well.

Let me repeat, a U.N. scientist admitted half of the variability in the climate system is not predictable.

Also in June, another high-profile U.N. lead author, Dr. Kevin Trenberth, echoed Renwick's sentiments about climate models by referring to them as nothing more than story lines.

Keep in mind, what we are talking about are the things that all this is based on and the distinguished junior Senator from California spent about 15 minutes of her 1 hour talking about—computer models. They have all been debunked.

Now, as far as Greenland is concerned, this is kind of interesting because, in fact, current temperatures in Greenland—and Greenland has been the poster boy for climate alarmists—the current temperatures are cooler than the temperatures there in the mid 1930s and 1940s, according to multiple peer-reviewed studies. You heard me right. Greenland has cooled since the 1940s, a fact the media and global warming activists conceal. Greenland reached its highest temperatures in 1941, according to a peer-reviewed study published in the June of 2006 issue of the "Journal of Geophysical Research." Keep in mind the 80 percent of manmade $CO_2$ after these high temperatures.

According to a July 2007 report from the Environment and Public Works Committee on Greenland:

> Research in 2006 found that Greenland has been warming since the 1880s, but since 1955, temperature averages at Greenland stations have been colder than the period between 1881 and 1995. Another 2006 peer-reviewed study concluded the rate of warming in Greenland from 1920 to 1930 was about 50 percent higher than the warming from 1995 to 2005. One 2005 study found Greenland gaining ice in the interior higher elevations and thinning ice at the lower elevations.

So it has gone over and over again, the fact that it is factual, that it has actually been getting cooler in Greenland.

By the way, I think it is also interesting when you talk about global warming, consistently through the last several decades, the Southern Hemisphere has actually been getting cooler. The last time I checked, the Southern Hemisphere was part of the globe.

So I think if we want to talk about some of the changes in terms of the scientists that have been coming along, we could do that. I think one of the well-known—the scientist staff writer, Juliet Eilperin, from the Washington Post conceded that climate skeptics appear to be expanding rather than shrinking.

Geologist Peter Sciaky echoes this growing backlash of leftwing activists about global warming. He describes himself as a "liberal and a leftist" and wrote on June 9:

> I do not know a single geologist who believes that global warming is a man-made phenomena.

I think that former Vice President Gore's biggest worry is becoming a reality right now, and that is that all these scientists who were on his side 10 years or so ago are now on the other side saying: Wait a minute, we thought we were right at that time.

The 60 scientists who were advising the Prime Minister of Canada and advised him back in the middle 1990s to sign onto the Kyoto Treaty, after reevaluating, they said:

> If, back in the mid 1990s, we knew what we know today about climate, Kyoto would almost certainly not exist, because we would have concluded it was not necessary.

So you get back to the 60 scientists who advised the Prime Minister at that time to join in the Kyoto Treaty, and right now they have all signed a letter advising Prime Minister Harper not to join on or sign onto any successor of the Kyoto Treaty.

So when we talk about Claude Allegra from France, David Bellamy from the U.K, and Nir Shaviv from Israel, these are people who were on the other side who have come over.

I think that in my 2-plus-hour presentation I made last Friday, I covered most of the things—the objections that were given on the floor by my good friend, Senator BOXER. I see my friend from New Mexico is here. If he would like me to yield the remainder of my time to him, I say to Senator DOMENICI, I would be glad to do so.

Mr. DOMENICI. Senator, how much time is that?

Mr. INHOFE. I don't know.

The PRESIDING OFFICER (Mr. WHITEHOUSE). About 4½ minutes remain.

Mr. DOMENICI. I appreciate that. First, I wish to thank the Senator. I wish to say to the Senate, I talked to Senator LOTT, and I understand that when the 4½ minutes is up, the regular order will be that we return to Amtrak; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. The Senator indicated to me he was next with some amendments, but he would be willing to give me about 5 minutes. Now, we can do it either way. We can say, I would like 5 minutes before—what I have been given here, plus 5 before we go to the bill.

The PRESIDING OFFICER. Does the Senator seek unanimous consent?

Mr. DOMENICI. I ask unanimous consent to that effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. That means I can go up to 9½. I am not sure I will, but who knows. This is a favorite subject, so I might talk all night if you let me.

## ENERGY

Mr. DOMENICI. Mr. President, I am here because the distinguished majority leader spoke today, and I wasn't here when he talked about the two Energy bills that are outstanding—maybe it is three. The House has a couple of Energy bills and we have one, and they are languishing, so to speak, because there is no conference, no official conference. The distinguished majority leader used the phrase, saying we ought to marry the two bills. Now, the leader knows I have every bit of respect for him, and I have talked with him about this Energy bill at least 10 times. I have even suggested in writing some ideas about how we might have a conference that is not a conference but accomplishes the same thing. With that, I wish to say right off, Mr. Leader and fellow Senators, these two bills are so different, so different, that they are incompatible.

So you cannot say marry them, because that marriage cannot last. You cannot start it because the bills are diametrically different, with the exception of a few pieces that are not terribly relevant that are the same. What they have, we don't have; what we have, they don't have. You cannot marry them. It is a hard job to work a bill when you don't have a conference.

I will repeat what I have suggested. At least 2 Republican Senators who were part of the big bill—maybe myself from the Energy Committee, and maybe Senator STEVENS from Commerce—have to be part of negotiating every part of the bill or it is going to be very difficult to get 60 votes in the Senate. I cannot make it any clearer. That is what I have told them. I still say that. I don't know where we do it, but maybe we could informally agree to something like that. So don't bring up a big piece of the bill that has been negotiated out between some House Members and Senate Members but you have not worked it with the Senators who put together the basic pieces of the big bill in the Senate.

As a member of the Senate Energy Committee for 30 years, I have learned a lot about what it takes to pass a comprehensive, bipartisan energy bill and get it signed. As chairman in 2005, I shepherded through the Senate the most comprehensive Energy bill in decades. Over time, when fully implemented, this bill will have a very positive impact across every sector of energy. Strengthening America's energy security doesn't have an overnight solution. It is not something that can be accomplished in 5-second bites. Instead, it requires long vision and courage to make a difficult decision. Both the Senate and the House have passed bills, as I indicated. While the Senate bill takes big, important steps to diversify our fuel sources to increase our energy efficiency and conservation, the House bill does little more than, in a sense, increase the energy cost for America.

The majority leader suggested that we marry these bills, as I indicated. However, this marriage of convenience would be an inconvenient burden. I would call it an incompatibility for those who fill up their gas tanks and heat their homes.

The centerpiece of our Senate efforts on energy is a mandate which would require an increasing portion of our fuel to come from advanced biofuels such as cellulosic ethanol. These newly advanced, clean biofuels will eventually help make America less dependent upon foreign oil. The House Energy bill contains no such provisions and, in fact, takes steps that would reduce our domestic energy supply. This led a former Member of the Senate to write:

> Unless Congress includes provisions for increasing supply, this will remain an energy bill without energy.

Again, that was a former Senator. I think people could guess who it is. He is from down South, maybe from Louisiana.

The House repeals numerous provisions of the Energy Policy Act of 2005 that are already increasing domestic energy production. Across the country, applications for drilling permits are on the rise. I know a little bit about it. That is out in my part of the country. I know that sounds wrong, but they are on the rise. Last year, we did produce more oil than we did before because the activities are taking place. We will need to continue this rise to keep up with our Nation's demand for domestic oil and natural gas. Instead of expediting the process of domestic oil and gas production, the House bill slows it down. Instead of decreasing domestic gas and oil exploration and production costs, the House bill increases the costs.

I guess the answer to that is, well, everybody is making too much money, so increase costs. Frankly, we don't generally do that in the United States. That is what we have tried before when we had such strange things as a tax on the rich. We tried an extra tax on oil because it was making too much money. We got in big trouble because it never did work.

The price tag is a $16 billion tax increase on American oil and gas production—on big and small businesses alike. This is a conservative estimate, and I fear one that will increase behind closed doors.

The House bill results in a punitive fee on deep sea production or, in the alternative, a ban on future leasing altogether. That one is an interesting one. People look at that and say it is good, we ought to do it. Incidentally, that is so anti-American, you cannot believe it. I believe it is also unconstitutional as an ex post facto law. But that is not the issue. That is one of the things we are not going to marry up because plenty of Members in the Senate—at least on our side of the aisle—think that because a mistake was made—not made by a Republican President, it was made during the Presidency of our last Democratic President. A mistake was made and the royalty requirements were not included and the bids let. Those people who got those bids and didn't pay any royalties were trying to collect from them after the fact. That is one of their provisions in the House bill and not in ours. You could tell that is in for a heavy fight.

I don't know whether you could pass a bill in the Senate that had the division they have. They say any of those companies in that position, they pay up something they don't owe, but they pay it up anyway or they cannot drill for 20 years. I cannot imagine anything that looks more anti-American, more like a banana republic that takes over oil companies and releases them and nobody knows what is going on. These types of measures will reduce our domestic energy supply, increase our energy cost and, over time, play into the hands of the large state-owned oil companies in unstable regions around the world.

The House-passed Energy bill is a gift to our global competitors in China, Russia, and the Middle East. This is not just an energy issue, it is a national security issue. The more we increase our dependence, the less secure we become. The higher prices we put on energy at home, the greater the costs we place on our strategic competitiveness abroad.

The House Energy bill doesn't end at increasing costs for consumers at the pump. It also targets those of us who use electricity. By requiring States that lack natural resources to meet an unachievable, mandatory, renewable portfolio standard, we increase costs. Those who cannot meet this standard will simply pay a fee. Remember, that was not offered in the Senate. My friend, the chairman of the committee, is for that and he didn't offer it. I speculate that he didn't offer it because it might have made the bill impossible to pass. But it is in the House bill, so it is not so easy to say let's go and marry them. Somebody has to sit down and talk seriously about whether that kind of provision can stand the test of a head count as to whether we can get a bill through the Senate.

If I am needed, I am needed to help get a bill. If I am not needed to get a bill, you can marry anything to anything and bring it to the floor and see what can happen.

I have been a long-time supporter of renewable energy in both the appropriations process and in the Energy Policy Act of 2005. I led efforts to protect an offshore wind project in unfair opposition. The bill I authored provided the largest and most important tax incentives for renewable energy in American history. We don't need to do anything else to help with wind energy. It is growing at the most rapid pace of any of the renewables. As a matter of fact, it is my understanding the orders for turbines for wind energy are so far behind that you have no wait for 2 years. Most of them are being made overseas. You see, it won't do any good—we don't need more States mandated to produce 15 percent of their energy through wind, and they are allowing a 4-percent credit or something. We ought to increase the tax incentive, so it is not going out too quickly.

I support sound, smart policy on increasing our domestic renewable energy supply, but I oppose tax increases on the American energy consumers.

The next 30 years will bring a massive shift in American wealth if we continue to increase our dependence on foreign oil. That is what will happen. Plainly and simply, the Senate bill moves away from this trend. The House bill does not; it accelerates it. I will say that again. The next 30 years will bring a massive shift of American wealth if we continue to increase our dependence. That shift is at an incredible level at this point.

For these reasons, we cannot simply marry these two bills in the dark of the night. Instead, we need a bipartisan conference committee similar to the one we had in 2005. If we cannot get it in any official way, we are going to have to find a way to do it. It cannot be expected that those on the other side of the aisle will meet with certain Republicans and they will change these bills and say now we have married the bills and we can pass them. That will not happen.

This is a difficult bill on the Senate side but a good one. As a matter of fact, I can say the bill that passed the Senate is one of the best bills we have ever passed. It sort of came from three committees, and it is different, but it will certainly, over 10 years, do a lot for our country. But you don't put on top of it a tax—this tax of $16 billion. They tried it here and it was defeated on the Energy bill. But because the House has it, there is talk that we have to marry it up and take their tax provision. Where are you going to get the votes for that? And that is so with other things that are in the House bill and not in ours.

I thank Senator LOTT for being patient. Clearly, we will discuss the issue more and maybe sit down at a table and talk about it among Senators of both parties.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

## PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 294, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 294) to reauthorize Amtrak, and for other purposes.

Pending:

Lautenberg (for Carper) amendment No. 3454 (to amendment No. 3452), of a perfecting nature.

Allard amendment No. 3455, to strike the provisions repealing Amtrak's self-sufficiency requirements.

Bond (for DeMint) amendment No. 3467, to require Amtrak to disclose the Federal subsidy of every ticket sold for transportation on Amtrak.

Bond (for DeMint) amendment No. 3468, to increase competition in the American rail system by allowing any qualified rail operator or transportation company to compete for passenger rail service.

Bond (for DeMint) amendment No. 3469, to clarify the level of detail to be included in the modern financial accounting and reporting system required under section 203.

Bond (for DeMint) amendment No. 3470, to require the Performance Improvement Plan to address reaching financial solvency by eliminating routes and services that do not make a profit.

Bond amendment no. 3464, to amend section 24101 of title 49, United States Code, to clarify Amtrak's mission.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, regarding the Amtrak legislation, work was done on Friday and it is being worked on now by our staffs. We had additional amendments that were filed this afternoon and we are going through them.

In the meantime, we have cleared on both sides some nine amendments in a variety of areas. Our staffs have worked together, and we have reviewed these amendments. They look constructive to me. They are from both sides of the aisle—from Senators CRAPO, TESTER, ALLARD, BOND, DEMINT, SANDERS, COBURN, and HUTCHISON. So we will, in a few moments, offer these amendments en bloc for acceptance.

I see that Senator DOMENICI has left the floor. I appreciate his remarks on the energy legislation. As on so many issues, he has been one of our most thoughtful and committed leaders on a variety of subjects. I used to call him our "No. 1 utility player." Wherever you had a complicated substantive issue, if you needed someone to come and talk about it sensibly, whether it was budget issues, energy issues, appropriations, energy plants, nuclear issues, he has been such a great Member for many years. The Senate will truly miss him upon his retirement. Once again, I thought his remarks a few moments ago were extremely thoughtful and pointed out some of what we need to be doing in the energy policy of this country, and the many problems with trying to get to conference.

The biggest problem in getting to conference is that the two bills are almost irreconcilable. In our bill, we had some very strong requirements with regard to fuel efficiency standards. We knocked out the energy taxes, we refused to put in a high percentage of renewables mandates, and we came out with a bill that had in it something worth having, but we still had some problems.

The House had nothing on CAFE standards, the fuel efficiency standards. They went the other direction on renewables, and they went the other direction on taxes.

We have a real mess on our hands. We need a national energy policy, but we need one that, hopefully, will create more energy for our country and not more dependence on foreign oil.

We will continue to see if we can find ways to work together across the aisle and across the Capitol to see what can be done. We need to do something, but I fear we have created such a hodgepodge, we may not be able to reach agreement on how to proceed.

### AMENDMENTS NOS. 3475, 3483, 3488, 3485, 3484, 3477, 3476, 3473, 3472, EN BLOC

Mr. LOTT. Mr. President, I have a package of amendments that have been cleared on both sides. On behalf of Senator LAUTENBERG and myself and the leadership on both sides, I ask unanimous consent that the amendments be considered and agreed to en bloc, and the motions to reconsider be laid upon the table en bloc: Coburn amendment No. 3475, DeMint amendment No. 3483, Hutchison amendment No. 3488, Bond amendment No. 3485, DeMint amendment No. 3484, Crapo amendment No. 3477, Allard amendment No. 3476, Sanders amendment No. 3473, and Tester amendment No. 3472.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

### AMENDMENT NO. 3475

(Purpose: To require Amtrak to publish a comprehensive annual financial report that allocates revenues and costs among each of its routes)

On page 14, line 25, strike "and" at the end and all that follows through page 15, line 20, and insert the following:

(2) shall implement a modern financial accounting and reporting system; and

(3) shall, not later than 90 days after the end of each fiscal year through fiscal year 2012—

(A) submit to Congress a comprehensive report that allocates all of Amtrak's revenues and costs to each of its routes, each of its lines of business, and each major activity within each route and line of business activity, including—

(i) train operations;

(ii) equipment maintenance;

(iii) food service;

(iv) sleeping cars;

(v) ticketing; and

(vi) reservations;

(B) include the report described in subparagraph (A) in Amtrak's annual report; and

(C) post such report on Amtrak's website.

### AMENDMENT NO. 3483

(Purpose: To encourage private sector funding of passenger trains)

On page 58, lines 3 through 5, strike "its operation of trains funded by the private sector in order to minimize its need for Federal subsidies." and insert "the operation of trains funded by, or in partnership with, private sector operators through competitive contracting to minimize the need for Federal subsidies."

### AMENDMENT NO. 3488

(Purpose: To express the sense of the Senate regarding the need to maintain Amtrak as a national passenger rail system)

At the appropriate place, insert the following:

**SEC. ___. SENSE OF THE SENATE REGARDING THE NEED TO MAINTAIN AMTRAK AS A NATIONAL PASSENGER RAIL SYSTEM.**

(a) FINDINGS.—The Senate makes the following findings:

(1) In fiscal year 2007, 3,800,000 passengers traveled on Amtrak's long distance trains, an increase of 2.4 percent over fiscal year 2006.

(2) Amtrak long-distance routes generated $376,000,000 in revenue in fiscal year 2007, an increase of 5 percent over fiscal year 2006.

(3) Amtrak operates 15 long-distance trains over 18,500 route miles that serve 39 States and the District of Columbia. These trains provide the only rail passenger service to 23 States.

(4) Amtrak's long-distance trains provide an essential transportation service for many communities and to a significant percentage of the general public.

(5) Many long-distance trains serve small communities with limited or no significant air or bus service, especially in remote or isolated areas in the United States.

(6) As a result of airline deregulation and decisions by national bus carriers to leave many communities, rail transportation may provide the only feasible common carrier transportation option for a growing number of areas.

(7) If long-distance trains were eliminated, 23 States and 243 communities would be left with no intercity passenger rail service and 16 other States would lose some rail service. These trains provide a strong economic benefit for the States and communities that they serve.

(8) Long-distance trains also provide transportation during periods of severe weather or emergencies that stall other modes of transportation.

(9) Amtrak provided the only reliable long-distance transportation following the September 11, 2001 terrorist attacks that grounded air travel.

(10) The majority of passengers on long-distance trains do not travel between the endpoints, but rather between any combination of cities along the route.

(11) Passenger trains provide transportation options, mobility for underserved populations, congestion mitigation, and jobs in the areas they serve.

(12) Passenger rail has a positive impact on the environment compared to other modes of transportation by conserving energy, reducing greenhouse gas emissions, and cutting down on other airborne particulate and toxic emissions.

(13) Amtrak communities that are served use passenger rail and passenger rail stations as a significant source of economic development.

(14) This Act makes meaningful and important reforms to increase the efficiency, profitability and on-time performance of Amtrak's long-distance routes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) long-distance passenger rail is a vital and necessary part of our national transportation system and economy; and

(2) Amtrak should maintain a national passenger rail system, including long-distance routes, that connects the continental United States from coast to coast and from border to border.

### AMENDMENT NO. 3485

(Purpose: To provide a mission statement for Amtrak, and for other purposes)

On page 11, between lines 22 and 23, insert the following:

(e) AMTRAK'S MISSION.—

(1) Section 24101 is amended—

(A) by striking "**purpose**" in the section heading and inserting "**mission**";

(B) by striking subsection (b) and inserting the following:

"(b) MISSION.—

"(1) IN GENERAL.—The mission of Amtrak is to provide efficient and effective intercity passenger rail mobility consisting of high quality service that is trip-time competitive with other intercity travel options and that is consistent with the goals of subsection (d).

"(2) PERFORMANCE MEASUREMENT.—All measurements of Amtrak performance, including decisions on whether, and to what extent, to provide operating subsidies, shall be based on Amtrak's ability to carry out the mission described in paragraph (1)."; and

(C) by redesignating paragraphs (9) through (11) in subsection (c) as paragraphs (10) through (12), respectively, and inserting after paragraph (8) the following:

"(9) provide redundant or complimentary intercity transportation service to ensure mobility in times of national disaster or other instances where other travel options are not adequately available;".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 241 is amended by striking the item relating to section 24101 and inserting the following:

"24101. Findings, mission, and goals".

On page 18, line 7, strike "and".

On page 18, strike lines 8 and 9 and insert the following:

(12) prior fiscal year and projected operating ratio, cash operating loss, and cash operating loss per passenger on a route, business line, and corporate basis;

(13) prior fiscal year and projected specific costs and savings estimates resulting from reform initiatives;

(14) prior fiscal year and projected labor productivity statistics on a route, business line, and corporate basis;

(15) prior fiscal year and projected equipment reliability statistics; and

(16) capital and operating expenditure for anticipated security needs.

### AMENDMENT NO. 3484

(Purpose: To include private rail passenger operators on the Next Generation Corridor Equipment Pool Committee)

On page 97, line 13, insert "host freight railroad companies, passenger railroad equipment manufacturers, and other passenger railroad operators as appropriate," after "Administration,".

### AMENDMENT NO. 3477

(Purpose: To give additional consideration to States with limited Amtrak service when considering new intercity passenger rail routes)

On page 24, line 6, insert "intercity passenger rail service or by" after "served by".

On page 25, strike lines 10 through 16 and insert the following:

(e) PIONEER ROUTE.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall conduct a 1-time evaluation of passenger rail service between Seattle and Chicago (commonly known as the "Pioneer Route"), which was operated by Amtrak until 1997, using methodologies adopted under subsection (c), to determine whether to reinstate passenger rail service along the Pioneer Route or along segments of such route.

### AMENDMENT NO. 3476

(Purpose: To require Amtrak to develop a plan to operate within budgetary limits, including a long-term plan)

On page 56, strike lines 12 through 17 and insert the following:

(1) PLAN REQUIRED.—Section 24101(d) is amended—

(A) by striking "plan to operate within the funding levels authorized by section 24104 of this chapter, including the budgetary goals for fiscal years 1998 through 2002." and inserting "plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2007, including the budgetary goals for fiscal years 2007 through 2012."; and

(B) by striking the last sentence and inserting "Amtrak and its Board of Directors shall adopt a long term plan that minimizes the need for Federal operating subsidies.".

### AMENDMENT NO. 3473

(Purpose: To clarify that the Secretary of Transportation should favor projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment in selecting projects to receive capital investment grants to support intercity passenger rail service)

On page 66, line 10, insert ", including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment" before the period.

### AMENDMENT NO. 3472

(Purpose: To require Amtrak to conduct a 1-time evaluation of passenger rail service between Chicago and Seattle through Southern Montana)

On page 25, between lines 16 and 17, insert the following:

(f) NORTH COAST HIAWATHA ROUTE.—Not later than 1 year after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of passenger rail service between Chicago and Seattle, through Southern Montana (commonly known as the "North Coast Hiawatha Route"), which was operated by Amtrak until 1979, using methodologies adopted under subsection (c), to determine whether to reinstate passenger rail service along the North Coast Hiawatha Route or along segments of such route, provided that such service will not negatively impact existing Amtrak routes.

### AMENDMENTS NOS. 3455 AND 3464 WITHDRAWN

Mr. LOTT. Mr. President, I ask unanimous consent that the following pending amendments be withdrawn: amendments Nos. 3455 and 3464.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are withdrawn.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BYRD pertaining to the submission of S. Res. 358 are printed in Today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, parliamentary inquiry: I wish to speak as in morning business.

The PRESIDING OFFICER. That will take unanimous consent.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

### FLORIDA AND THE DNC

Mr. NELSON of Florida. Mr. President, I have come to the Senate floor today to inform colleagues of both parties that there is a monumental legal issue that has arisen between the Democratic National Committee and the voters of the State of Florida, specifically the 4¼ million registered Democrats. The Democratic National Committee, the DNC, has exacted punishment upon Florida Democrats because the State legislature of Florida moved its Presidential primary from March to January 29. Both parties said they would bring about retribution on any one State, other than four privileged States—the Nevada caucus, the Iowa caucus, the New Hampshire primary, and the South Carolina primary—if any other State moved ahead of February 5, earlier than February 5.

The Florida Legislature, in its wisdom last spring—last May, May of this year—decided to make the move to January 29. This is a legislature that is two-thirds Republican. That legislation, setting the date of January 29, was signed into law by Governor Crist, who himself is a Republican.

In the course of deliberation of the legislation, the Democratic leader in the State senate offered an amendment to move the primary later, from January 29, 2008, to February 5, thus to comply with the request and rules of the DNC. That amendment was voted down.

Thus, a duly called election, pursuant to State law, is, in fact, going to be conducted by the machinery of the government of the State of Florida and paid for by the government of the State of Florida—estimated to the tune of some $18 million of taxpayer money—in order to have this Presidential primary. Because Florida law set the date of January 29, municipalities have now moved all of their elections to concur with January 29. Indeed, also on the ballot is expected to be a major constitutional amendment for the voters to decide upon having to do with a different subject matter, a matter of great import to the people of Florida, and that is the amount of their real estate taxes. In other words, it is expected to be a big turnout on January 29. That is Florida law.

But the DNC took great umbrage at the State of Florida and said: Under the rules we are going to penalize you by taking away one-half of your delegates. Concurrently, the Republican National Committee likewise took away one-half of the delegates at the quadrennial nominating conventions to be held later this year. Then the DNC decided it was going to exact additional punishment and took the punitive measure of taking away all of Florida's delegates.

But that is not all. The DNC then further decided that it would penalize Florida further by prohibiting the Presidential candidates from coming into the State and campaigning. Campaigning was defined under the rules of the DNC as talking with voters, having any kind of communication, hiring staff, opening an office, having any kind of advertising, whether in print or electronically, or holding press conferences; in other words, to muzzle the Presidential candidates so they could not go into the State of Florida—with one huge exception: that they could go into the State of Florida to raise money. They couldn't campaign, couldn't talk to ordinary voters, but they could come in to raise money.

The net effect is the only way a Florida Democrat could have interaction with a Presidential candidate one on one is to have to pay for that participation.

This was further enhanced by the four States that I mentioned that want to go first—the Iowa caucus, the Nevada caucus, the New Hampshire primary, and the South Carolina primary—those four States exacting a pledge in writing from the Presidential candidates who said they would not have any campaigning in a State that moved its primary earlier than February 5—except those four States.

This is a little sensitive for us in Florida, naturally, as I have just come from the State Democratic Convention where not any of the major Presidential candidates have appeared. But, of course, they come and go from time to time into Florida to raise money. Of course, what a contrast that is, since the only penalty by the Republican National Committee was to take away half of Florida's Republican delegates. They did not stop their candidates from coming in. Indeed, 1 week ago—a significant contrast with the State Republican Convention—all of the Presidential candidates were there, and indeed they ended up, the State Republican Convention, with a televised debate of all the Republican Presidential candidates.

This should concern not only Floridians, and it should concern not only Democrats, it ought to concern all voters because it is the principle of one person, one vote. That is a principle that has long been established in law and established by the Supreme Court of the United States. In order to enforce that principle, I, along with others, including the chairman of our Florida Democratic delegation, Congressman ALCEE HASTINGS, have filed a federal lawsuit in Federal District Court against the political party bosses in Washington. Our lawsuit is about the right of every American to have access to the ballot box and to have their ballot counted and to have their ballot counted as intended.

In this lawsuit we are fighting for every person who takes time to stand in line in the rain or in the cold, at the local church or the precinct house, to vote and to come outside from that precinct house feeling as if they did their part in this grand American process.

Those of us who filed this lawsuit believe there is no reason that can excuse the denial of this fundamental right to vote. Certainly, as we see by this fracas that has erupted by members of the DNC saying: Go on and have your Presidential primary vote, Florida, on January 29, but just make it a beauty contest because it is not going to count—it certainly points to the fact that this Presidential primary system is broken, and it desperately needs to be reformed. But the answer is not to deny people the right to vote and to have that vote count.

For 2008, there is an easy, short-term fix. This Senator suggested this fix last summer to Howard Dean in writing, in person, and over the telephone; that is, if you had the States that want to go early to move up a little early, then everyone has the same order, and the law of Florida is complied with since there is nothing we can do about it. It is the law. The election in the Presidential primary process is going to be January 29 in Florida.

No one would pay any attention to that easy, short-term fix, but that is in effect what is happening right now because, as of yesterday, Iowa Democrats joined Iowa Republicans and moved the Presidential caucus up to January 3. It is expected that the New Hampshire secretary of State—who has sole authority to set the date of New Hampshire's primary election—will move the date of the primary in New Hampshire to something within a week of Iowa's January 3 caucus. What was suggested as a compromise last summer, without all of this punishment that has been levied, in effect is starting to happen.

For the long term we can fashion a solution that takes into account the larger States as well as the small States. Let all of them have a fair say in a system rotating regional primaries, similar to the ones Senator LEVIN and I have introduced in the Senate. But in the process of exacting this punishment on Florida, it is equally troubling that the average citizen in Florida can no longer see their candidates for President because, as I explained, the party bosses have barred them from campaigning in Florida—except for the private fundraisers.

This is unacceptable. Paying for political participation is unacceptable, and in a bygone era—one that we do not want to return to—that was called a poll tax.

Just recently we saw a measure of Florida voters overwhelmingly agree, regardless of their party affiliation, that they do not think this is right. A just-released Quinnipiac Poll says by a margin of 62 to 16 Florida voters—that is, Republicans, Independents, and Democrats—believe it is wrong to strip us of the delegates to the nominating convention. That same poll also shows the delegate ban may be hurting our own Presidential candidates.

In this latest Quinnipiac Poll, it has been basically neck and neck between Presidential candidate Giuliani and Presidential candidate Clinton. As Clinton was in the lead, now Giuliani has suddenly gone into the lead. Very significantly, in that same Quinnipiac Poll of independent voters, 22 percent of those independent voters said they are less likely to consider voting for the Democrat for President in the general election because of the DNC's shenanigans.

Mr. Chairman, Howard Dean, I hope you are listening to our plea. If you are not going to listen on the merits of the case, that polling data is certainly why, Mr. Chairman Dean, you should lift the ban because you are giving an additional opportunity, an advantage to the Republicans in the general election in the State of Florida.

I have today formulated a motion for summary judgment to be offered in the next couple of days in the Federal District Court where the lawsuit has been filed. Today is the last day upon which the defendant, Chairman Howard Dean, and the defendants, the members of the Democratic National Committee, have to answer the lawsuit. Upon the basis of their answer, it is my intention and the intention of the other plaintiffs to this lawsuit of filing a motion for summary judgment that sets out the legal and constitutional arguments of why the judge should, in fact, stop this travesty of taking away votes from more than 4.25 million registered Democratic voters in the State of Florida.

It does not have to be this way. If, in fact, the DNC recognizes that all these other States are moving forward to earlier dates, then the sequence is preserved for those who wanted to be first. Whether that is justified, their sequence is preserved, and we can go on about getting our eye focused on the November 2008 election, instead of going through all of this rhubarb that is now engulfing the election apparatus.

It is my hope that now the other States are jumping to an earlier date, the DNC will see the wisdom of putting this all behind us, of joining together as the family we are, stop the family squabbles, unite, and then start focusing later on the 2008 November election.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Ms. CANTWELL. Madam President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## U.S. SENATE TRAVEL REGULATIONS

Mrs. FEINSTEIN. Madam President, I wish to inform all Senators that the Committee on Rules and Administration has updated the U.S. Senate Travel Regulations. The Ethics Committee recently issued guidance to the Rules Committee that making more than one reservation for official travel with a participating airline would not constitute a gift under Senate rule XXXV, the Gift Rule. Consistent with the Ethics Committee's guidance, the transportation expenses section of the U.S. Senate Travel Regulations has been updated to address the issue of making more than one reservation on scheduled flights.

The following statement has been added to I.B of the transportation expenses section, found on page IV–64 of the U.S. Senate Handbook:

> 3. A Member shall be permitted to make more than one reservation on scheduled flights with participating airlines when such action assists the Member in conducting his/her official business.

This change is effective immediately.

Madam President, I ask unanimous consent that the updated U.S. Senate Travel Regulations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION TO ISSUE SENATE TRAVEL REGULATIONS

The travel regulations herein have been promulgated by the Committee on Rules and Administration pursuant to the authority vested in it by paragraph 1(n)(1)8 of Rule XXV of the Standing Rules of the Senate and by section 68 of Title 2 of the United States Code, the pertinent portions of which provisions are as follows:

### STANDING RULES OF THE SENATE

*Rule XXV*

Paragraph 1(n)(1)8

(n)(1) Committee on Rules and Administration, to which committee shall be referred . . . matters relating to the following subjects: . . .

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same . . .

### UNITED STATES CODE

*Title 2 section 68*

Sec. 68. Payments from contingent fund of Senate

No payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee on Rules and Administration of the Senate. . . .

### UNITED STATES SENATE TRAVEL REGULATIONS

Revised by the Committee on Rules and Administration.

United States Senate, effective October 1, 1991 as amended January 1, 1999, as further amended December 7, 2006, as further amended October 26, 2007.

*General regulations*

I. Travel Authorization

A. Only those individuals having an official connection with the function involved may obligate the funds of said function.

B. Funds disbursed by the Secretary of Senate may be obligated by:

1. Members of standing, select, special, joint, policy or conference committees.

2. Staff of such committees.

3. Employees properly detailed to such committees from other agencies.

4. Employees of Members of such committees whose salaries are disbursed by the Secretary of the Senate and employees appointed under authority of section 111 of Public Law 95–94, approved August 5, 1977, when designated as "ex officio employees" by the Chairman of such committee. Approval of the reimbursement voucher will be considered sufficient designation.

5. Senators, including staff and nominating board members. (Also individuals properly detailed to a Senator's office under authority of Section 503(b)(3) of P.L. 96–465, approved October 17, 1980.)

6. All other administrative offices, including Officers and staff.

C. An employee who transfers from one office to another on the same day he/she concludes official travel shall be considered an employee of the former office until the conclusion of that official travel.

D. All travel shall be either authorized or approved by the chairman of the committee, Senator, or Officer of the Senate to whom such authority has been properly delegated. The administrative approval of the voucher will constitute the approvals required. It is expected that ordinarily the authority will be issued prior to the expenses being incurred and will specify the travel to be performed as such possible unless circumstances in a particular case prevent such action.

E. Official Travel Authorizations: The General Services Administration, on behalf of the Committee on Rules and Administration, has contracted with several air carriers to provide discount air fares for Members, Officers, and employees of the Senate only when traveling on official business. This status is identifiable to the contracting air carriers by one of the following ways:

1. The use of a government issued travel charge card.

2. The use of an "Official Travel Authorization" form which must be submitted to the air carrier prior to purchasing a ticket. These forms must be personally approved by the Senator, chairman, or Officer of the Senate under whose authority the travel for official business is taking place. Payment must be made in advance by cash, credit card,

check, or money order. The Official Travel Authorization forms are available in the Senate Disbursing Office.

II. Funds for Traveling Expenses

A. Individuals traveling on official business for the Senate will provide themselves with sufficient funds for all current expenses, and are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

1. Travel Advances

(a) Advances to Committees (P.L. 81-118)

(1) Chairmen of joint committees operating from the contingent fund of the Senate, and chairmen of standing, special, select, policy, or conference committees of the Senate, may requisition an advance of the funds authorized for their respective committees.

(a) When any duty is imposed upon a committee involving expenses that are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of such chairman for any sum advanced to him[her] or his[her] order out of said contingent fund by the Secretary of the Senate for committee expenses not involving personal services shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish to the Secretary of the Senate vouchers in detail for the expenses so incurred.

(2) Upon presentation of the properly signed statutory advance voucher, the Disbursing Office will make the original advance to the chairman or his/her representative. This advance may be in the form of a check, or in cash, receipted for on the voucher by the person receiving the advance. Under no circumstances are advances to be used for the payment of salaries or obligations, other than petty cash transactions of the committee.

(3) In no case shall a cash advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel. The amount of the advance then becomes the responsibility of the individual receiving the advance, in that he/she must return the amount advanced before or shortly after the expiration of the authority under which these funds were obtained.

(Regulations Governing Cash Advances for Official Senate Travel adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 258, October 1, 1987, as applicable to Senate committees)

(4) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the Committee Chairman and a staff person designated with signature authority.

(5) Cash: Advances for travel in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) shall sign the travel advance form to acknowledge receipt of the cash.

(6) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(7) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30-day period will be notified by the Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

(8) In those cases when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler should immediately return the travel advance to the Senate Disbursing Office.

(9) No more than two (2) travel advances per traveler may be outstanding at any one time.

(10) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Committee Chairman and his/her staff is $200.

(11) The aggregate total of travel advances for committees shall not exceed $5,000, unless otherwise authorized by prior approval of the Committee on Rules and Administration.

(b) Advances to Senators and their staffs (2 U.S.C. 58(j))

(Regulations for Travel Advances for Senators and Their Staffs adopted by the Committee on Rules and Administration, effective April 20, 1983, pursuant to P.L. 97-276)

(1) Travel advances from a Senator's Official Personnel and Office Expense Account must be authorized by that Senator for himself/herself as well as for his/her staff. Staff is defined as those individuals whose salaries are funded from the Senator's account. An employee in the Office of the President Pro Tempore, the Deputy President Pro Tempore, the Majority Leader, the Minority Leader, the Majority Whip, the Minority Whip, the Secretary for the Conference of the Majority, or the Secretary for the Conference of the Minority shall be considered an employee in the office of the Senator holding such office.

(2) Advances shall only be used to defray official travel expenses . . .

(3) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the Member and a staff person designated with signature authority.

(4) Cash: Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(5) In no case shall a travel advance in the form of cash be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(6) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(7) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30-day period will be notified by the Senate Disbursing Office that they must repay within 15 days, or their salary may be garnisheed in order to satisfy their indebtedness to the Federal government.

(8) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(9) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Senator and his/her staff is $200. No more than two (2) travel advances per traveler may be outstanding at any one time.

(10) The aggregate total of travel advances per Senator's office shall not exceed 10% of the expense portion of the Senators' Official Personnel and Office Expense Account, or $5,000, whichever is greater.

(c) Advances to Administrative Offices of the Senate

(Regulations Governing Cash Advances for Official Senate Travel, adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 258, October 1, 1987, as amended, as applicable to Senate administrative offices)

(1) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the applicable Officer of the Senate and a staff person designated with signature authority.

(2) Cash: Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(3) In no case shall a travel advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(4) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(5) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30 day period will be notified by the Disbursing Office

that they must repay within 15 days, or their salary may be garnisheed in order to satisfy their indebtedness to the Federal government.

(6) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(7) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Senator Officer and his/her staff is $200. No more than two (2) travel advances per traveler may be outstanding at any one time.

(d) Office of the Secretary of the Senate (2 U.S.C. 61a–9a)

(1) . . . The Secretary of the Senate is authorized to advance, with his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Secretary in carrying out his duties . . .

(e) Office of the Sergeant at Arms and Doorkeeper of the Senate (2 U.S.C. 61f–1a)

(1) For the purpose of carrying out his duties, the Sergeant at Arms and Doorkeeper of the Senate is authorized to incur official travel expenses during each fiscal year not to exceed sums made available for such purpose under appropriations Acts. With the approval of the Sergeant at Arms and Doorkeeper of the Senate and in accordance with such regulations as may be promulgated by the Senate Committee on Rules and Administration, the Secretary of the Senate is authorized to advance to the Sergeant at Arms or to any designated employee under the jurisdiction of the Sergeant at Arms and Doorkeeper, such sums as may be necessary to defray official travel expenses incurred in carrying out the duties of the Sergeant at Arms and Doorkeeper. The receipt of any such sum so advanced to the Sergeant at Arms and Doorkeeper or to any designated employee shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of the traveler, as soon as practicable, to furnish to the Secretary of the Senate a detailed voucher of the expenses incurred for the travel to which the sum was so advanced, and make settlement with respect to such sum. Payments under this section shall be made from funds included in the appropriations account, within the contingent fund of the Senate, for the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers approved by the Sergeant at Arms and Doorkeeper.

(Committee on Rules and Administration regulations for travel advances for the Office of the Senate Sergeant at Arms)

(a) General—With the written approval of the Sergeant at Arms or designee, advances from the contingent expense appropriation account for the Office of the Sergeant at Arms may be provided to the Sergeant at Arms or the Sergeant at Arms' staff to defray official travel expenses, as defined by the U.S. Senate Travel Regulations. Staff is defined as those individuals whose salaries are funded by the line item within the "Salaries, Officers, and Employees" appropriation account for the Office of the Sergeant at Arms.

(b) Forms—Travel advance request forms shall include the date of the request, the name of the traveler, the dates of the official travel, the intended itinerary, the authorizing signature of the Sergeant at Arms or his designee, and a staff person designated with signature authority.

(c) Payment of Advances—

(i) Travel advances shall be paid prior to the commencement of official travel in the form of cash, direct deposit, or check.

(ii) Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(iii) In no case shall a travel advance in the form of cash be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall a travel advance in the form of a direct deposit or check be paid more than fourteen (14) days prior to the commencement of official travel. Requests for travel advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(d) Repayment of Advances—

(i) The total of the expenses on a travel voucher shall be offset by the amount of the corresponding travel advance, providing for the payment (or repayment) of the difference between the outstanding advance and the total of the official travel expenses.

(ii) In those cases when a travel advance has been paid, every effort should be made to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(iii) Travel Advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding travel advance at the end of the 30-day period will be notified by the Senate Disbursing Office that they must repay within 15 days, or their salary may be garnisheed in order to satisfy their indebtedness to the Federal Government.

(iv) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is cancelled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(e) Limits—

(i) To minimize the payment of travel advances, whenever possible, travelers are expected to utilize the corporate and individual travel cards approved by the Committee on Rules and Administration.

(ii) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question.

(iii) The minimum travel advance that can be authorized for official travel expenses is $200. No more than two (2) cash advances per traveler may be outstanding at any one time.

2. Government Travel Plans

(a) Government Charge Cards

(1) Individual government charge cards authorized by the General Services Administration and approved by the Committee on Rules and Administration are available to Members, Officers, and employees of the Senate for official travel expenses.

(a) The employing Senator, chairman, or Officer of the Senate should authorize only those staff who are or will be frequent travelers. The Committee on Rules and Administration reserves the right to cancel the annual renewal of the card if the employee has not traveled on official business during the previous year.

(b) All reimbursable travel expenses may be charged to these accounts including but not limited to per diem expenses and incidentals. Direct pay vouchers to the charge card vendor (currently Bank of America) may be submitted for the Airfare, train, and bus tickets charged to this account. All other travel charges on the account must be paid to the traveler for him/her to personally reimburse the charge card vendor.

(c) Timely payment of these Individually Billed travel accounts is the responsibility of the cardholder. The General Services Administration contract requires payment to the account within 60 days before suspension is enforced on the account. The account is cancelled and the cardholder's credit is revoked when a past due balance is carried on the card for 120 days.

(2) One Centrally Billed government charge account authorized by the General Services Administration and approved by the Committee on Rules and Administration are available to each Member, Committee, and Administrative Office for official transportation expenses in the form of airfare, train, and bus tickets, and rental cars.

(a) Direct pay vouchers to the charge card vendor (currently Bank of America) may be submitted for the airfare, train, and bus tickets, and rental car expenses charged to this account.

(b) Other transportation costs, per diem expenses, and incidentals are not authorized charges for these accounts unless expressly authorized by these regulations or through prior approval from the Committee on Rules and Administration.

(c) Timely payment of these Centrally Billed travel accounts is the responsibility of the cardholder, usually the Office Manager or Chief Clerk of the office. The General Services Administration contract requires payment to the account within 60 days before suspension is enforced on the account. The account is cancelled and the cardholder's credit is revoked when a past due balance is carried on the card for 120 days.

(3) A centrally billed account may be established through the approved Senate vendor (currently the Combined Airlines Ticket Office (CATO)) and will be charged against an account number issued to each designated office; there are no charge cards issued for such an account.

III. Foreign Travel

A. Reimbursement of foreign travel expenses is not authorized from the contingent fund of Member offices.

B. Committees, including all standing, select, and special committees of the Senate and all joint committees of the Congress whose funds are disbursed by the Secretary of the Senate, are authorized funds for foreign travel from their committee budget and through S. Res. 179, 95–1, notwithstanding Congressional Delegations which are authorized foreign travel funds under the authority of the Mutual Security Act of 1954 (22 U.S.C. 1754).

C. (Restrictions)—amendment to Rule XXXIX of the Standing Rules of the Senate, pursuant to S. Res. 80, agreed to January 28, 1987.

*1. (a) Unless authorized by the Senate (or by the President of the United States after an adjournment sine die), no funds from the United States Government (including foreign currencies* *made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b), as amended) shall be received by any Member of the Senate whose term will expire at the end of a Congress after—*

*(1) the date of the general election in which his successor is elected; or*

*(2) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of that Congress.*

*(b) The travel restrictions provided by subparagraph (a) with respect to a Member of the Senate whose term will expire at the end of a Congress shall apply to travel by—*

*(1) any employee of the Member;*

*(2) any elected Officer of the Senate whose employment will terminate at the end of a Congress; and*

*(3) any employee of a committee whose employment will terminate at the end of a Congress.*

*2. No Member, Officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) for any expense for which the individual has received reimbursement from any other source; nor may such Member, Officer, or employee receive reimbursement for the same expense more than once from the United States Government. No Member, Officer, or employee shall use any funds furnished to him[/her] to defray ordinary and necessary expenses of foreign travel for any purpose other than the purpose or purposes for which such funds were furnished.*

*3. A per diem allowance provided a Member, Officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member, Officer, or employee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses.*

IV. Reimbursable Expenses: Travel expenses (i.e., transportation, lodging, meals and incidental expenses) which will be reimbursed are limited to those expenses essential to the transaction of official business while away from the official station or post of duty.

A. Member Duty Station(s): The official duty station of Senate Members shall be considered to be the metropolitan area of Washington, DC.

1. During adjournment sine die or the August adjournment/recess period, the usual place of residence in the home state, as certified for purposes of official Senate travel, shall also be considered a duty station.

2. Each Member shall certify in writing at the beginning of each Congress to the Senate Disbursing Office his/her usual place of residence in the home state; such certification document shall include a statement that the Senator has read and agrees to the pertinent travel regulations on permissible reimbursements.

3. For purposes of this provision, "usual place of residence" in the home state shall encompass the area within thirty-five (35) miles of the residence (by the most direct route). If a Member has no "usual place of residence" in his/her home state, he/she may designate a "voting residence," or any other "legal residence," pursuant to state law (including the area within thirty-five (35) miles of such residence), as his/her duty station.

B. Officer and Employee Duty Station

1. In the case of an officer or employee, reimbursement for official travel expenses other than interdepartmental transportation shall be made only for trips which begin and end in Washington, DC, or, in the case of an employee assigned to an office of a Senator in the Senator's home state, on trips which begin and end at the place where such office is located.

2. Travel may begin and/or end at the Senate traveler's residence when such deviation from the duty station locale is more advantageous to the government.

3. For purposes of these regulations, the "duty station" shall encompass the area within thirty-five (35) miles from where the Senator's home state office or designated duty station is located.

C. No employee of the Senate, relative or supervisor of the employee may directly benefit monetarily from the expenditure of appropriated funds which reimburse expenses associated with official Senate travel. Therefore, reimbursements are not permitted for mortgage payments, or rental fees associated with any type of leasehold interest.

D. A duty station for employees, other than Washington, DC, may be designated by Members, Committee Chairmen, and Officers of the Senate upon written designation of such station to the Senate Disbursing Office. Such designation shall include a statement that the Member or Officer has read and agrees to the pertinent travel regulations on permissible reimbursements. The duty station may be the city of the office location or the city of residence.

E. For purposes of these regulations, the metropolitan area of Washington, DC, shall be defined as follows:

1. The District of Columbia
2. Maryland Counties of
a) Charles
b) Montgomery
c) Prince Georges
3. Virginia Counties of
a) Arlington
b) Fairfax
c) Loudoun
d) Prince William
4. Virginia Cities of
a) Alexandria
b) Fairfax
c) Falls Church
d) Manassas
e) Manassas Park
5. Airport locations of
(a) Baltimore/Washington International Thurgood Marshall Airport
(b) Ronald Reagan Washington National Airport
(c) Washington Dulles International Airport

F. When the legislative business of the Senate requires that a Member be present, then the round trip actual transportation expenses incurred in traveling from the city within the United States where the Member is located to Washington, DC, may be reimbursed from official Senate funds.

G. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

V. Travel Expense Reimbursement Vouchers

A. All persons authorized to travel on official business for the Senate should keep a memorandum of expenditures properly chargeable to the Senate, noting each item at the time the expense is incurred, together with the date, and the information thus accumulated should be made available for the proper preparation of travel vouchers which must be itemized on an official expense summary report and stated in accordance with these regulations. The official expense summary report form is available at the Senate Disbursing Office or through the Senate Intranet.

B. Computer generated vouchers should be submitted with a signed original. Every travel voucher must show in the space provided for such information on the voucher form the dates of travel, the official travel itinerary, the value of the transportation, per diem expenses, incidental expenses, and conference/training fees incurred.

C. Travel vouchers must be supported by receipts for expenses in excess of $50. In addition, the Committee on Rules and Administration reserves the right to request additional clarification and/or certification upon the audit of any expense seeking reimbursement from the contingent fund of the Senate regardless of the expense amount.

D. When presented independently, credit card receipts such as Visa, Master Charge, or Diners Club, etc. are not acceptable documentation for lodging. If a hotel bill is lost or misplaced, then the credit card receipt accompanied by a certifying letter from the traveler to the Financial Clerk of the Senate will be considered necessary documentation. Such letter must itemize the total expenses in support of the credit card receipt.

*Transportation Expenses*

I. Common Carrier Transportation and Accommodations

A. Transportation includes all necessary official travel on railroads, airlines, helicopters, buses, streetcars, taxicabs, and other usual means of conveyance. Transportation may include fares and such expenses incidental to transportation such as but not limited to baggage transfer. When a claim is made for common carrier transportation obtained with cash, the travel voucher must show the amount spent, including Federal transportation tax, and the mode of transportation used.

1. Train Accommodations

(a) Sleeping-car accommodations: The lowest first class sleeping accommodations available shall be allowed when night travel is involved. When practicable, through sleeping accommodations should be obtained in all cases where more economical to the Senate.

(b) Parlor-car and coach accommodations: One seat in a sleeping or parlor car will be allowed. Where adequate coach accommodations are available, coach accommodations should be used to the maximum extent possible, on the basis of advantage to the Senate, suitability and convenience to the traveler, and nature of the business involved.

2. Airplane Accommodations

(a) First-class and air-coach accommodations: It is the policy of the Senate that persons who use commercial air carriers for transportation on official business shall use less than first-class accommodations instead of those designated first-class with due regard to efficient conduct of Senate business and the travelers' convenience, safety, and comfort.

(b) Use of United States-flag air carriers: All official air travel shall be performed on United States-flag air carriers except where travel on other aircraft (1) is essential to the official business concerned, or (2) is necessary to avoid unreasonable delay, expense, or inconvenience.

B. Change in Travel Plans: When a traveler finds he/she will not use accommodations which have been reserved for him/her, he/she must release them within the time limits specified by the carriers. Likewise, where transportation service furnished is inferior to that called for by a ticket or where a journey is terminated short of the destination specified, the traveler must report such facts to the proper official. Failure of travelers to take such action may subject them to liability for any resulting losses.

1. "No show" charges, if incurred by Members or staff personnel in connection with official Senate travel, shall not be considered payable or reimbursable from the contingent fund of the Senate.

2. Senate travelers exercising proper prudence can make timely cancellations when necessary in order to avoid "no show" assessments.

3. A Member shall be permitted to make more than one reservation on scheduled flights with participating airlines when such action assists the Member in conducting his/her official business.

C. Compensation Packages: In the event that a Senate traveler is denied passage or gives up his/her reservation due to overbooking on transportation for which he/she held a reservation and this results in a payment of any rebate, this payment shall not be considered as a personal receipt by the traveler, but rather as a payment to the Senate, the agency for which and at whose expense the travel is being performed.

1. Such payments shall be submitted to the appropriate individual for the proper disposition when the traveler submits his/her expense account.

2. Through fares, special fares, commutation fares, excursion, and reduced-rate round trip fares should be used for official travel when it can be determined prior to the start of a trip that any such type of service is practical and economical to the Senate.

3. Round-trip tickets should be secured only when, on the basis of the journey as planned, it is known or can be reasonably anticipated that such tickets will be utilized.

D. Ticket Preparation Fees: Each Chairman, Senator, or Officer of the Senate may, at his/her discretion, authorize in extenuating circumstances the reimbursement of penalty fees associated with the cancellation of through fares, special fares, commutation fares, excursion, reduced-rate round trip fares and fees for travel arrangements, provided that reimbursement of such fees offers the best value and does not exceed $30.

E. Frequent Flyer Miles: Travel promotional awards (e.g. free travel, travel discounts, upgrade certificates, coupons, frequent flyer miles, access to carrier club facilities, and other similar travel promotional items) obtained by a Member, officer or employee of the Senate while on official travel may be utilized for personal use at the discretion of the Member or officer pursuant to this section.

1. Travel Awards may be retained and used at the sole discretion of the Member or officer only if the Travel Awards are obtained under the same terms and conditions as those offered to the general public and no favorable treatment is extended on the basis of the Member, officer or employee's position with the Federal Government.

2. Members, officers and employees may only retain Travel Awards for personal use when such Travel Awards have been obtained at no additional cost to the Federal Government. It should be noted that any fees assessed in connection with the use of Travel Awards shall be considered a personal expense of the Member, officer or employee and under no circumstances shall be paid for or reimbursed from official funds.

3. Although this section permits Members, officers and employees of the Senate to use Travel Awards at the discretion of the Member or officer, the Committee encourages the use of such Travel Awards (whenever practicable) to offset the cost of future official travel.

F. Indirect Travel: In case a person, for his/her own convenience, travels by an indirect route or interrupts travel by direct route, the extra expense will be borne by the traveler. Reimbursement for expenses shall be allowed only on such charges as would have been incurred by the official direct route. Personal travel should be noted on the traveler's expense summary report when it interrupts official travel.

G. Public Transportation During Official Travel: Transportation by bus, streetcar, subway, or taxicab, when used in connection with official travel, will be allowed as an official transportation expense.

H. Dual Purpose Travel: Dual purpose travel occurs when a Senator, staffer, or other official traveler conducts both Senatorial office business and Committee office business during the same trip. The initial point at which official business is conducted will determine the fund which will be charged for travel expenses from and to Washington, DC. Examples include:

1. If committee business is conducted at the first stop in the trip, travel expenses from Washington, DC, to said point and return will be chargeable to the committee's funds. Additional travel expenses from said point to other points in the United States, incurred by reason of conducting senatorial business, will be charged to the Senators' Official Personnel and Office Expense Account.

2. If senatorial business is conducted at the first stop in the trip, travel expenses from Washington, DC, to said point and return will be chargeable to the Senators' Official Personnel and Office Expense Account. Committee funds will be charged with any additional travel expenses incurred for the purpose of performing committee business.

I. Interrupted Travel: If a traveler interrupts official travel for personal business, the traveler may be reimbursed for transportation expenses incurred which are less than or equal to the amount the traveler would have been reimbursed had he/she not interrupted travel for personal business. Likewise, if a traveler departs from or returns to a city other than the traveler's duty station or residence for personal business, then the traveler may be reimbursed for transportation expenses incurred which are less than or equal to the amount the traveler would have been reimbursed had the witness departed from and returned to his/her duty station or residence.

II. Baggage

A. The term "baggage" as used in these regulations means Senate property and personal property of the traveler necessary for the purposes of the official travel.

B. Baggage in excess of the weight or of size greater than carried free by transportation companies will be classed as excess baggage. Where air-coach or air-tourist accommodations are used, transportation of baggage up to the weight carried free on first-class service is authorized without charge to the traveler; otherwise excess baggage charges will be an allowable expense.

C. Necessary charges for the transfer of baggage will be allowed. Charges for the storage of baggage will be allowed when such storage was solely on account of official business. Charges for porters and checking baggage at transportation terminals will be allowed.

III. Use of Conveyances: When authorized by the employing Senator, Chairman, or Officer of the Senate, certain conveyances may be used when traveling on official Senate business. Specific types of conveyances are privately owned, special, and private airplane.

A. Privately Owned

1. Chairmen of committees, Senators, Officers of the Senate, and employees, regardless of subsistence status and hours of travel, shall, whenever such mode of transportation is authorized or approved as more advantageous to the Senate, be paid the appropriate mileage allowance in lieu of actual expenses of transportation. This amount should not exceed the maximum amount authorized by statute for use of privately owned motorcycles, automobiles, or airplanes, when engaged in official business within or outside their designated duty stations. It is the responsibility of the office to fix such rates, within the maximum, as will most nearly compensate the traveler for necessary expenses.

2. In addition to the mileage allowance there may be allowed reimbursement for the actual cost of automobile parking fees (except parking fees associated with commuting); ferry fees; bridge, road, and tunnel costs; and airplane landing and tie-down fees.

3. When transportation is authorized or approved for motorcycles or automobiles, mileage between points traveled shall be certified by the traveler. Such mileage should be in accordance with the Standard Highway Mileage Guide. Any substantial deviations shall be explained on the reimbursement voucher.

4. In lieu of the use of taxicab, payment on a mileage basis at a rate not to exceed the maximum amount authorized by statute will be allowed for the round-trip mileage of a privately owned vehicle used in connection with an employee going from either his/her place of abode or place of business to a terminal or from a terminal to either his/her place of abode or place of business: Provided, that the amount of reimbursement for round-trip mileage shall not in either instance exceed the taxicab fare for a one-way trip between such applicable points, notwithstanding the obligations of reasonable schedules.

5. Parking Fees: Parking fees for privately owned vehicles may be incurred in the duty station when the traveler is engaged in interdepartmental transportation or when the traveler is leaving their duty station and entering into a travel status. The fee for parking a vehicle at a common carrier terminal, or other parking area, while the traveler is away from his/her official station, will be allowed only to the extent that the fee, plus the allowable mileage reimbursement, to and from the terminal or other parking area, does not exceed the estimated cost for use of a taxicab to and from the terminal.

6. Mileage for use of privately owned airplanes shall be certified from airway charts issued by the National Oceanic and Atmospheric Administration, Department of Commerce, and will be reported on the reimbursement voucher and used in computing payment. If a detour was necessary due to adverse weather, mechanical difficulty, or other unusual conditions, the additional air mileage may be included in the mileage reported on the reimbursement voucher and, if included, it must be explained.

7. Mileage shall be payable to only one of two or more employees traveling together on the same trip and in the same vehicle, but no deduction shall be made from the mileage otherwise payable to the employee entitled thereto by reason of the fact that other passengers (whether or not Senate employees)

may travel with him/her and contribute in defraying the operating expenses. The names of Senate Members or employees accompanying the traveler must be stated on the travel voucher.

8. When damages to a privately owned vehicle occur due to the negligent or wrongful act or omission of any Member, Officer, or employee of the Senate while acting within the scope of his/her employment, relief may be sought under the Federal Tort Claims Act. Information on who to contact will go here.

B. Special

1. General:

(a) The hire of boat, automobile, aircraft, or other conveyance will be allowed if authorized or approved as advantageous to the Senate whenever the Member or employee is engaged on official business outside his/her designated duty station.

(b) Where two or more persons travel together by means of such special conveyance, that fact, together with the names of those accompanying him/her, must be stated by each traveler on his/her travel voucher and the aggregate cost reimbursable will be subject to the limitation stated above.

(c) If the hire of a special conveyance includes payment by the traveler of the incidental expenses of gasoline or oil, rent of garage, hangar, or boathouse, subsistence of operator, ferriage, tolls, operator waiting time, charges for returning conveyances to the original point of hire, etc., the same should be first paid, if practicable, by the person furnishing the accommodation, or his/her operator, and itemized in the bill.

2. Rental Cars:

(a) In no case may automobiles be hired for use in the metropolitan area of Washington, DC, by anyone whose duty station is Washington, DC.

(b) Reimbursements for rental of special conveyances will be limited to the cost applicable to a conveyance of a size necessary for a single traveler regardless of the number of authorized travelers transported by said vehicle, unless the use of a larger class vehicle on a shared cost basis is specifically approved in advance by the Committee on Rules and Administration, or the form 'Request for a Waiver of the Travel Regulations' is submitted with the voucher, and found in order upon audit by the Rules Committee.

(c) For administrative purposes, reimbursement may be payable to only one of two or more Senate travelers traveling together on the same trip and in the same vehicle.

(d) Government Rate: In connection with the hire of an automobile for the use in conducting Senate business outside of Washington, DC, it should be noted that the Military Traffic Management Command (MTMC), a division of the Department of Defense, arranges all rental car agreements for the government.

(1) These negotiated car rental rates are for federal employees traveling on official business and include unlimited mileage, plus full comprehensive and collision coverage (CDW) on rented vehicles at no cost to the traveler.

(2) For guidance on rate structure and the companies participating in these rate agreements, call the approved Senate vendor (currently the Combined Airline Ticket Office (CATO)).

(3) Individuals traveling on behalf of the United States Senate should use these companies to the maximum extent possible since these agreements provide full coverage with no extra fee. The Senate will not pay for separate insurance charges; therefore, any individuals who choose to use non-participatory car rental agencies may be personally responsible for any damages or liability accrued while on official Senate business.

(e) Insurance: In connection with the rental of vehicles from commercial sources, the Senate will not pay or reimburse for the cost of the loss/damage waiver (LDW), collision damage waiver (CDW) or collision damage insurance available in commercial rental contracts for an extra fee.

(1) The waiver or insurance referred to is the type offered a renter to release him/her from liability for damage to the rented vehicle in amounts up to the amount deductible on the insurance included as part of the rental contract without additional charge.

(2) The cost of personal accident insurance is a personal expense and is not reimbursable.

(3) Accidents While On Official Travel: Collision damage to a rented vehicle, for which the traveler is liable while on official business, will be considered an official travel expense of the Senate up to the deductible amount contained in the rental contract. Such claims shall be considered by the Sergeant at Arms of the Senate on a case by case basis and, when authorized, settled from the contingent fund of the Senate under the line item—Reserve for Contingencies. This is consistent with the long-standing policy of the government to self-insure its own risks of loss or damage to government property and the liability of government employees for actions within the scope of their official duties.

(4) However, when damages to a rented vehicle occurs due to the negligent or wrongful act or omission of any Member, Officer, or employee of the Senate while acting within the scope of his/her employment, relief may be sought under the Federal Tort Claims Act.

3. Charter Aircraft:

(a) Reimbursements for charter aircraft will be limited to the charges for a twin-engine, six seat plane, or comparable aircraft. Charter of aircraft may be allowed notwithstanding the availability of commercial facilities, if such commercial facilities are not such that reasonable schedules may be kept. When charter aircraft is used, an explanation and detail of the size of the aircraft, i.e., seating capacity and number of engines, shall be provided on the face of the voucher.

(b) In the event charter facilities are not available at the point of departure, reimbursement for charter from nearest point of such availability to the destination and return may be allowed.

(c) When a charter aircraft larger than a twin-engine, six seat plane is used, the form "Request for a Waiver of the Travel Regulations" is submitted with the voucher.

C. Private Airplane: Interpretative Ruling of the Select Committee on Ethics, No. 412, issued August 11, 1986

"*In some circumstances, a Member who uses a private airplane is required to reimburse the provider of the aircraft to avoid either a prohibited gift under the Senate Gift Rule or a prohibited in-kind contribution to an unofficial office account. Senate Rule 38 (Prohibition of Unofficial Office Accounts), generally prohibits private sources from providing funds or services to defray a Member's officially related expenses. Thus, if a friend offers to loan a Member an aircraft to attend town meetings across the Member's home state, the Member must reimburse for the use of the aircraft to comply with Rule 38. Senate Rule 35 (Gifts) prohibits Members from accepting from an individual or organization with a direct interest in legislation, gifts aggregating over $100 in a calendar year (The rule also prohibits gifts aggregating $300 per calendar year from anyone who is not a relative). Thus, if a lobbyist offers a Member the use of his airplane to fly the Member on a vacation trip, and if the value of the use of the airplane is over $100, the member must provide reimbursement to comply with Rule 35.*

"*In most circumstances, where reimbursement is not required, the Member will still need to determine the value of the use of the aircraft because, if the value is $250 or more, the use of the aircraft must be disclosed on the Member's annual financial disclosure forms.*

"*In determining the value of an item for both reimbursement and disclosure purposes, the Committee has consistently stated that the applicable standard is the value of the item to the recipient. In the use of private aircraft, the Committee concluded that the value to a Member would be the cost he would have to incur to purchase the same level of service in the open market. The Committee felt that the level of service generally provided in using private aircraft is most nearly equivalent to first-class service provided by commercial carriers where such commercial service is available. Where no regularly scheduled commercial service is available, to obtain the same service provided by the use of a private aircraft, a Member would be required to charter an airplane.*

"*Ruling: The Committee has agreed on the following method for calculating the value of the use of an aircraft for both reimbursement and disclosure:*

"*1. If the cities between which the Member is flying have regularly scheduled air service, regardless of whether such service is direct, then the value of the use of the aircraft is the cost of a first-class ticket from the point of departure to the destination.*

"*2. If the cities have regularly scheduled air service, but only standard (coach) rate, then the value of the use of the aircraft is the coach rate.*

"*3. If either the city from which the Member flies or his destination does not have regularly scheduled air service, then the value of the use of the aircraft is the cost of chartering the same or a similar aircraft for that flight.*

"*The Committee notes that its ruling is generally consistent with Federal Election Commission regulations pertaining to the use of private aircraft by candidates for Federal office.*

"*The Committee further notes that the Committee on Rules and Administration has adopted travel regulations pertaining to the level of reimbursement to be provided from official funds to Members who seek such reimbursement for air transportation costs they have paid. Our ruling addresses only the reimbursement which Members must make to the individual or organization whose aircraft he uses, not the level of reimbursement Members may receive from official funds.*

"*Note: The Gifts Rule limit discussed in this ruling has changed. But the method of calculating the value of the use of an aircraft remains the same.*"

IV. Interdepartmental Transportation

A. The reimbursement for interdepartmental transportation is authorized as a travel expense pursuant to 2 U.S.C. 58(e) but only for the incidental transportation expenses incurred within the duty station in the course of conducting official Senate business. Such reimbursement would include the following expenses:

1. Mileage when using a privately owned vehicle

2. Bus, subway, taxi-cab, parking, and auto rental. (However, reimbursement is prohibited for auto rental expenses within the Washington DC, metropolitan area duty station.)

B. Pursuant to S. Res. 294, agreed to April 29, 1980, section 2.(1), reimbursements and payments shall not be made for commuting expenses, including parking fees incurred in commuting.

### *Subsistence Expenses*

I. Per Diem Expenses

A. Allowance

1. Per diem expenses include all charges for meals, lodging, personal use of room during daytime, baths, all fees and tips to waiters, porters, baggagemen, bell boys, hotel servants, dining room stewards and others on vessels, laundry, cleaning and pressing of clothing, and fans in rooms. The term "lodging" does not include accommodations on airplanes or trains, and these expenses are not subsistence expenses.

(a) Laundry: Laundry expenses must be incurred during the mid-way point of a trip. Reimbursable laundry expenses are for the refreshing of clothing during a trip, but not the maintenance of the clothing.

(b) Meals: Reimbursable expenses incurred for meals while on official travel include meals and tips for the traveler only and may not include alcohol.

2. Per diem expenses will not be allowed an employee at his/her permanent duty station and will be allowed only when associated with round trip travel outside his/her permanent duty station.

(a) Training: Meals in the duty station are only reimbursable when they are incurred during a training session. If the cost of the meal is included in the training session, then a meal certification form should be included with the voucher. The Committee on Rules and Administration will consider these on a case by case basis. Meal certification forms are available at the Disbursing Office or on the Senate intranet.

(1) Training is defined as a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional or technical fields which are or will be directly related to the performance by the employee of official duties for the Senate, in order to increase the knowledge, proficiency, ability, skill and qualifications of the employee in the performance of official duties.

(2) Meetings in the duty station where meals are served, such as but not limited to Chamber of Commerce monthly meetings do not constitute training. Therefore, the meals associated with these meetings are not an authorized reimbursable expense.

3. In any case where the employee's tour of travel requires more than two months' stay at a temporary duty station, consideration should be given to either a change in official station or a reduction in the per diem allowance.

4. Where for a traveler's personal convenience/business there is an interruption of travel or deviation from the direct route, the per diem expenses allowed will not exceed that which would have been incurred on uninterrupted travel by a usually traveled route and the time of departure from and return to official business shall be stated on the voucher.

5. Per diem expenses will be allowed through the time the traveler departs on personal business and will be recommenced at the time he/she returns to official business. Such dates and times shall be stated on the voucher.

B. Rates

1. The per diem allowances provided in these regulations represent the maximum allowance, not the minimum. It is the responsibility of each office to see that travelers are reimbursed only such per diem expenses as are justified by the circumstances affecting the travel. Maximum rates for subsistence expenses are established by the General Services Administration and are published in the Federal Register. Maximum per diem rates for Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the United States are established by the Department of Defense and are also published in the Federal Register. In addition, per diem rates for foreign countries are established by the Department of State and are published in the document titled, "Maximum Travel Per Diem for Foreign Areas."

(a) Per diem expenses reimbursable to a Member or employee of the Senate in connection with official travel within the continental United States shall be made on the basis of actual expenses incurred, but not to exceed the maximum rate prescribed by the Committee on Rules and Administration for each day spent in a travel status. Any portion of a day while in a travel status shall be considered a full day for purposes of per diem entitlement.

(b) When travel begins or ends at a point in the continental United States, the maximum per diem rate allowable for the portion of travel between such place and the place of entry or exit in the continental United States shall be the maximum rate prescribed by the Committee on Rules and Administration for travel within the continental United States. However, the quarter day in which travel begins, in coming from, or ends, in going to, a point outside the continental United States may be paid at the rate applicable to said point, if higher.

(c) In traveling between localities outside the continental United States, the per diem rate allowed at the locality from which travel is performed shall continue through the quarter day in which the traveler arrives at his/her destination: Provided, that if such rate is not commensurate with the expenses incurred, the per diem rate of the destination locality may be allowed for the quarter day of arrival.

(d) Ship travel time shall be allowed at not to exceed the maximum per diem rate prescribed by the Committee on Rules and Administration for travel within the continental United States.

C. Computations

1. The date of departure from, and arrival at, the official station or other point where official travel begins and ends, must be shown on the travel voucher. Other points visited should be shown on the voucher but date of arrival and departure at these points need not be shown.

2. For computing per diem allowances official travel begins at the time the traveler leaves his/her home, office, or other point of departure and ends when the traveler returns to his/her home, office, or other point at the conclusion of his/her trip.

(a) The maximum allowable per diem for an official trip is computed by multiplying the number of days on official travel, beginning with the departure date, by the maximum daily rate as prescribed by the Committee on Rules and Administration. If the maximum daily rate for a traveler's destination is higher than the prescribed daily rate, then the form "Request for a Waiver of the Travel Regulations" must be submitted with the voucher showing the maximum daily rate for that location and found in order upon audit by the Rules Committee.

(b) Total per diem for an official trip includes lodging expenses (excluding taxes), meals (including taxes and tips), and other per diem expenses as defined by these regulations.

### *Incidental Expenses*

I. Periodicals: Periodicals purchased while in a travel status should be limited to newspapers and news magazines necessary to stay informed on issues directly related to Senate business.

II. Traveler's Checks/Money Orders: The service fee for preparation of traveler's checks or money orders for use during official travel is allowable.

III. Communications

A. Communication services such as telephone, telegraph, and faxes, may be used on official business when such expeditious means of communications is essential. Government-owned facilities should be used, if practical. If not available, the cheapest practical class of commercial service should be used.

B. Additionally, one personal telephone call will be reimbursed for each day that a Senator or staff member is in a travel status. The calls may not exceed an average of five minutes a day, and cannot be reimbursed at a rate higher than $5.00 without itemized documentation.

IV. Stationery: Stationery items such as pens, paper, batteries, etc. which are necessary to conduct official Senate business while in a travel status are authorized.

V. Conference Center/Meeting Room Reservations: The fee for the reservation of a meeting room, conference room, or business center while on official travel is allowable.

VI. Other: This category would be used (with full explanation on the Expense Summary Report for Travel) to disclose any expense which would occur incidentally while on official travel, and for which there is no other expense category, i.e., interpreting services, hotel taxes, baggage cart rental, etc.

### *Conference and Training Fees*

Training of Senators' Office Staff: The Senators' Official Personnel and Office Expense Account is available to defray the fees associated with the attendance by the Senator or the Senator's employees at conferences, seminars, briefings, or classes which are or will be directly related to the performance of official duties.

A. When such fees (actual or reduced) are less than or equal to $500, have a time duration of not more than five (5) days, and have been asked to be waived or reduced for Government participation, reimbursement shall be made as an official travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as a non-travel expense.

B. Reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

C. The costs of meals that are considered an integral, mandatory and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification form, which must accompany the reimbursement voucher, is available in the Disbursing Office or through the Senate Intranet.

II. Training of Committee Employees: Section 202(j) of the Legislative Reorganization Act of 1946 provides for the expenditure of funds available to standing committees of the Senate for the training of professional staff personnel under certain conditions. It is the responsibility of each committee to set aside funds within its annual funding resolution to cover the expenses of such training.

A. Prior approval for attendance by professional staff at seminars, briefings, conferences, etc., as well as committee funds earmarked for training, will not be required when all of the following conditions are met:

1. The sponsoring organization has been asked to waive or reduce the fee for Government participation.

2. The fee involved (actual or reduced) is not in excess of $500.

3. The duration of the meeting does not exceed five (5) days.

B. When such fees are less than or equal to $500, have a time duration of not more than five (5) days, and have been requested to be waived or reduced for Government participation, reimbursement shall be made as a non-training, official travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as an official training expense. Reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

C. If the fee or time duration for meetings is in excess of the aforementioned, advance approval by the Committee on Rules and Administration must be sought. Training requests should be received sufficiently in advance of the training to permit appropriate consideration by the Committee on Rules and Administration.

D. The costs of meals that are considered an integral, mandatory, and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification forms which must accompany the reimbursement voucher are available in the Disbursing Office or through the Senate Intranet.

III. Training of Administrative Offices Staff: The administrative approval of the voucher is the only approval required by the Committee on Rules and Administration. Training expenses of staff shall be limited to those fees associated with the attendance by staff at conferences, seminars, briefings, or classes which are or will be directly related to the performance of official duties. However, reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

### *Special Events*

Retreats: Reimbursement of official travel expenses for office staff retreats is allowable from the contingent fund provided they follow the restrictions and authorizations in these regulations. Reimbursement of expenses for meeting rooms and equipment used during the retreat also is allowable. The vouchers for retreat expenses should be noted as retreat vouchers.

A. Discussion of Interpretative Ruling of the Select Committee on Ethics, No. 444, issued February 14, 2002

"*An office retreat may be paid for with either or both official funds (with Rules Committee approval) or principal campaign committee funds. Private parties may not pay expenses incurred in connection with an office retreat. Campaign workers may attend, at campaign expense, office retreats if their purpose in attending is to engage in official activities, such as providing feedback from constituents on legislative or representational matters.*"

B. When processing direct pay vouchers payable either to each individual traveler or to the vendor providing the retreat accommodations, prior approval by the Committee on Rules and Administration is not required. Retreat expenses, including but not limited to per diem, may be charged to the office's official centrally billed government travel charge card and paid on direct vouchers to the charge card vendor. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

C Spreadsheet of Expenses

1. The Member office, Committee, or Administrative office, must attach to the retreat voucher(s) a spreadsheet detailing each day of the retreat broken out by breakfast, lunch, dinner, and lodging for each traveler attending the retreat.

2. For each traveler, the spreadsheet should list his/her duty station, additional per diem expenses incurred outside of the retreat, and any other retreat attendee the traveler shared a room with during the retreat. Any non-staff members attending the retreat also should be detailed on the spreadsheet. The "Waiver of the Travel Regulations" form does not need to be attached to retreat voucher(s) for the sharing of rooms.

3. The per diem expenses for staff members attending a retreat within their duty station are not reimbursable but should be detailed on the spreadsheet. All expenses for non-staff members attending the retreat are not reimbursable, but their attendance at the retreat must be taken into account when computing a per traveler cost on the spreadsheet.

II. Funerals: 2 USC 68-2 restricts reimbursement from the contingent fund of the Senate to those expenses that are intimately and directly connected with the routine legislative process of the Senate. Pursuant to S. Res. 458, agreed to October 4, 1984 and S. Res. 263, agreed to July 30, 1998, reimbursement for travel expenses incurred for attendance at funerals of individuals other than current or retired Senators by a Member, officer, or employee of the Senate is not authorized.

### *Senators' Office Staff*

Legislative Authority (2 U.S.C. 58(e), as amended)

*(e) Subject to and in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate, a Senator and the employees in his office shall be reimbursed under this section for travel expenses incurred by the Senator or employee while traveling on official business within the United States. The term "travel expenses" includes actual transportation expenses, essential travel-related expenses, and, where applicable, per diem expenses (but not in excess of actual expenses). A Senator or an employee of the Senator shall not be reimbursed for any travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office (within the meaning of section 301(b) of the Federal Election Campaign Act of 1971), unless his candidacy in such election is uncontested. For purposes of this subsection and subsection 2(a)(6) of this section, an employee in the Office of the President Pro Tempore, Deputy President Pro Tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee in the office of the Senator holding such office.*

II. Regulations Governing Senators' Official Personnel and Office Expense Accounts Adopted by the Committee on Rules and Administration Pursuant to Senate Resolution 170 agreed to September 19, 1979, as amended.

*Section 1. For the purposes of these regulations, the following definitions shall apply:*

*(a) Documentation means invoices, bills, statements, receipts, or other evidence of expenses incurred, approved by the Committee on Rules and Administration.*

*(b) Official expenses means ordinary and necessary business expenses in support of the Senators' official and representational duties.*

*Section 2. No reimbursement will be made from the contingent fund of the Senate for any official expenses incurred under a Senator's Official Personnel and Office Expense Account, in excess of $50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is personally signed by the Senator.*

*Section 3. Official expenses of $50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. Items of a similar nature may be grouped together in one total on a voucher, but must be itemized individually on a supporting itemization sheet.*

*Section 4. Travel expenses shall be subject to the same documentation requirements as other official expenses, with the following exceptions:*

*(a) Hotel bills or other evidence of lodging costs will be considered necessary in support of per diem.*

*(b) Documentation will not be required for reimbursement of official travel in a privately owned vehicle.*

*Section 5. No documentation will be required for reimbursement of the following classes of expenses, as these are billed and paid directly through the Sergeant at Arms and Doorkeeper:*

*(a) official telegrams and long distance calls and related services;*

*(b) stationery and other office supplies procured through the Senate Stationery Room for use for official business.*

*Section 6. The Committee on Rules and Administration may require documentation for expenses incurred of $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation, in special circumstances.*

### *Committee and Administrative Office Staff*

*(Includes all committees of the Senate, the Office of the Secretary of the Senate, and the Office of the Sergeant at Arms and Doorkeeper of the Senate)*

I. Legislative Authority (2 U.S.C. 68b)

"*No part of the appropriations made under the heading 'Contingent Expenses of the Senate' may be expended for per diem and subsistence expenses (as defined in section 5701 of Title 5) at rates in excess of the rates prescribed by the Committee on Rules and Administration; except that (1) higher rates may be established by the Committee on Rules and Administration for travel beyond the limits of the continental United States, and (2) in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate, reimbursement for such expenses may be made on an actual expense basis of not to exceed the daily rate prescribed by the Committee on Rules and Administration in the case of travel within the continental limits of the United States.*"

II. Incidental Expenses: The following items may be authorized or approved when related to official travel:

1. Commissions for conversion of currency in foreign countries.

2. Fees in connection with the issuance of passports, visa fees; costs of photographs for passports and visas; costs of certificates of birth, health, identity; and affidavits; and charges for inoculations which cannot be obtained through a federal dispensary when required for official travel outside the limits of the United States.

III. Hearing Expenses (committees only)

A. In connection with hearings held outside of Washington, DC, committees are authorized to pay the travel expenses of official reporters having company offices in Washington, DC, or in other locations, for traveling to points outside the District of Columbia or outside such other locations, provided:

1. Said hearings are of such a classified or security nature that their transcripts can be accomplished only by reporters having the necessary clearance from the proper federal agencies;

2. Extreme difficulty is experienced in the procurement of local reporters; or

3. The demands of economy make the use of Washington, DC, reporters or traveling reporters in another area highly advantageous to the Senate; and further provided, that should such hearings exceed five days in duration, prior approval (for the payment of reporters' travel expenses) must be obtained from the Committee on Rules and Administration.

IV. Witnesses Appearing Before the Senate (committees only)

A. The authorized transportation expenses incurred and associated with a witness appearing before the Senate at a designated place of examination pursuant to S. Res. 259, agreed to August 5, 1987, will be those necessary transportation expenses incurred in traveling from the witness' place of residence to the site of the Senate examination and the necessary transportation expenses incurred in returning the witness to his/her residence.

B. If a witness departs from a city other than the witness' city of residence to appear before the Senate or returns to a city other than the witness' city of residence after appearing before the Senate, then Senate committees may reimburse the witness for transportation expenses incurred which are less than or equal to the amount the committee would have reimbursed the witness had the witness departed from and returned to his/her residence. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

C. Service fees for the preparation or mailing of passenger coupons for indigent or subpoenaed witnesses testifying before Senate committees shall be considered reimbursable for purposes of official travel.

D. Transportation expenses for witnesses may be charged to the Committee's official centrally billed government travel charge card and paid on direct vouchers to the charge card vendor. Additionally, per diem expenses for indigent witnesses may be charged to the Committee's official government charge card and paid on direct vouchers to the charge card vendor.

V. Regulations Governing Payments and Reimbursements from the Senate Contingent Funds for Expenses of Senate Committees and Administrative Offices

*(Adopted by the Committee on Rules and Administration on July 23, 1987, as authorized by S. Res. 258, 100th Congress, 1st session, these regulations supersede regulations adopted by the Committee on October 22, 1975, and April 30, 1981, as amended.)*

*Section 1. Unless otherwise authorized by law or waived pursuant to Section 6, herein, no payment or reimbursement will be made from the contingent fund of the Senate for any official expenses incurred by any Senate committee (standing, select, joint, or special), commission, administrative office, or other authorized Senate activity whose funds are disbursed by the Secretary of the Senate, in excess of $50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Chairman or elected Senate Officer. The designation of such staff members for certification shall be done by means of a letter to the Chairman of the Committee on Rules and Administration. "Official expenses," for the purposes of these regulations, means ordinary and necessary business expenses in support of a committee's or administrative office's official duties.*

*Section 2. Such documentation should consist of invoices, bills, statements, receipts, or other evidence of expenses incurred, and should include ALL of the following information:*

*(a) date expense was incurred;*

*(b) the amount of the expense;*

*(c) the product or service that was provided;*

*(d) the vendor providing the product or service;*

*(e) the address of the vendor; and*

*(f) the person or office to whom the product or service was provided.*

*Expenses being claimed should reflect only current charges. Original copies of documentation should be submitted. However, legible facsimiles will be accepted.*

*Section 3. Official expenses of $50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. However, hotel bills or other evidence of lodging costs will be considered necessary in support of per diem expenses and cannot be itemized.*

*Section 4. Documentation for services rendered on a contract fee basis shall consist of a contract status report form available from the Disbursing Office. However, other expenses authorized expressly in the contract will be subject to the documentation requirements set forth in these regulations.*

*Section 5. No documentation will be required for the following expenses:*

*(a) salary reimbursement for compensation on a "When Actually Employed" basis;*

*(b) reimbursement of official travel in a privately owned vehicle;*

*(c) foreign travel expenses incurred by official congressional delegations, pursuant to S. Res. 179, 95th Congress, 1st session;*

*(d) expenses for receptions of foreign dignitaries, pursuant to S. Res. 247, 87th Congress, 2nd session, as amended; and*

*(e) expenses for receptions of foreign dignitaries pursuant to Sec. 2 of P.L. 100–71 effective July 11, 1987.*

*Section 6. In special circumstances, the Committee on Rules and Administration may require documentation for expenses incurred of $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation.*

*Section 7. Cash advances from the Disbursing Office are to be used for travel and petty cash expenses only. No more than $5000 may be outstanding at one time for Senate committees or administrative offices, unless otherwise authorized by law or resolution, and no more than $300 of that amount may be used for a petty cash fund. The individual receiving the cash advance will be personally liable. The Committee on Rules and Administration may, in special instances, increase these non-statutory limits upon written request by the Chairman of that committee and proper justification.*

*Section 8. Documentation of petty cash expenses shall be listed on an official petty cash itemization sheet available from the Disbursing Office and should include ALL of the following information:*

*(a) date expense was incurred;*

*(b) amount of expense;*

*(c) product or service provided; and*

*(d) the person incurring the expense (payee).*

*Each sheet must be signed by the Senate employee receiving cash and an authorizing official (i.e., someone other than the employee(s) authorized to certify vouchers). Original receipts or facsimiles must accompany the itemization sheet for petty cash expenses over $50.*

*Section 9. Petty cash funds should be used for the following incidental expenses:*

*(a) postage;*

*(b) delivery expenses;*

*(c) interdepartmental transportation (reimbursements for parking, taxi, subway, bus, privately owned automobile (p.o.a.), etc.;*

*(d) single copies of publications (not subscriptions);*

*(e) office supplies not available in the Senate Stationery Room; and*

*(f) official telephone calls made from a staff member's residence or toll charges incurred within a staff member's duty station.*

*Petty cash funds should not be used for the procurement of equipment.*

*Section 10. Committees are encouraged to maintain a separate checking account only for the purpose of a petty cash fund and with a balance not in excess of $300.*

*Section 11. Vouchers for the reimbursement of official travel expenses to a committee chairman or member, officer, employee, contractor, detailee, or witness shall be accompanied by an "Expense Summary Report—Travel" signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an "Expense Summary Report—Non-Travel" signed by such person.*

Appendix A: The Federal Tort Claims Act

Pursuant to the provisions of S. Res. 492, agreed to December 10, 1982, the Sergeant at Arms has the authority to consider and ascertain and, with the approval of the Committee on Rules and Administration, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of Title 28, United States Code (The Federal Tort Claims Act), any claim for money damages against the United States for injury or loss of property or personal injury or death caused by negligent or wrongful act or omission of any Member, Officer, or Employee of the Senate while acting within the scope of his/her employment. Any compromise, adjustment, or settlement of any such claim not exceeding $2,500 shall be paid from the contingent fund of the Senate on a voucher approved by the Chairman of the Committee on Rules and Administration.

Payments of awards, compromises, or settlements in excess of $2,500 are obtained by the agency by referring the award, compromise, or settlement to the General Accounting Office for payment. Appropriations of funds for the payment of judgments and compromises are made available for payment of awards, compromises, and settlements under the Federal Tort Claims Act.

However, any award under the Federal Tort Claims Act in excess of $25,000 cannot take effect except with the prior written approval of the Attorney General.

## ADDITIONAL STATEMENTS

### ACKNOWLEDGING THE LOUISIANA HONORAIR

• Mr. VITTER. Madam President, today I acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit organization that flies as many as 200 World War II veterans up to Washington, DC, free of charge. On November 3, 2007, a group of 105 veterans and their guardians will reach Washington on this very special program.

While visiting Washington, DC, the veterans will tour sights, such as the Arlington National Cemetery, the Korean Memorial, and the World War II Memorial. The program provides many veterans with their only opportunity to see the great memorials dedicated to their service.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.•

## CELEBRATION OF QUILTS OF VALOR FOUNDATION

• Mr. **CARPER**. Madam President, today I wish to celebrate the Quilts of Valor Foundation. In a time when thousands of American families are sending their loved ones around the world to fight for the safety and security of all of us here at home, the Quilts of Valor Foundation has stepped forward to give something back to our wounded heroes. This foundation has pledged to sew and donate a Quilt of Valor to every servicemember wounded in the Iraq and Afghanistan wars. Their mission is to offer comfort and support to our wounded heroes.

An organization not about politics, but about people, the Quilts of Valor Foundation was established in November 2003 by Catherine Roberts of Seaford, DE. Since that time, thousands of volunteers from all over the United States have created over 13,000 quilts for our injured service men and women. With the help of military chaplains at medical centers throughout the United States, Europe and in Iraq and Afghanistan, the Quilts of Valor Foundation locates wounded soldiers and presents them with a hand-made quilt. That quilt is a symbol of the respect and honor that we as a country hold for them and their sacrifice.

The organization has 2 main missions which frame their important service to our country. First and foremost, the Quilts of Valor Foundation is dedicated to honoring those men and women who have been wounded, whether physically or psychologically, in Iraq and Afghanistan with a Quilt of Valor. Second, the Quilts of Valor Foundation hopes that by teaching young people to quilt and by spreading a culture of volunteerism, a new generation of Americans will become more civically involved and dedicated to bettering our Nation in whatever way they can.

I would like to acknowledge and sincerely thank Catherine Roberts, the Quilts of Valor Foundation, and all the volunteers, especially those in Delaware, who put so much time, money, effort, and love into every quilt to comfort our servicemembers and let them know how much we at home value their sacrifices.•

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2247. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 1498. A bill to amend the Lacey Act Amendments of 1981 to prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species, and for other purposes (Rept. No. 110–210).

By Mrs. BOXER, from the Committee on Environment and Public Works:

Report to accompany H.R. 50, a bill to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994 (Rept. No. 110–211).

Report to accompany H.R. 465, a bill to reauthorize the Asian Elephant Conservation Act of 1997 (Rept. No. 110–212).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON (for himself and Mr. COLEMAN):

S. 2252. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for host families of foreign exchange and other students from $50 per month to $200 per month, and for other purposes; to the Committee on Finance.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2253. A bill to provide adjustments in payment to certain hospitals under the Medicaid program; to the Committee on Finance.

By Mr. COCHRAN:

S. 2254. A bill to establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. INHOFE):

S. 2255. A bill to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 2256. A bill to establish an Office of International and Domestic Product Safety and a Product Safety Coordinating Council to improve the management, coordination, promotion, and oversight of product safety responsibilities, develop a centralized public database for product recalls, advisories, and alerts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN (for himself, Mr. McCONNELL, Mrs. BOXER, Mr. DODD, Mr. LEAHY, and Mrs. FEINSTEIN):

S. 2257. A bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. BYRD):

S. Res. 358. A resolution expressing the importance of friendship and cooperation between the United States and Turkey; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. REED, Mr. WHITEHOUSE, Mr. DODD, Mr. LIEBERMAN, Ms. SNOWE, Ms. COLLINS, Mr. LEAHY, and Mr. SUNUNU):

S. Res. 359. A resolution congratulating the Boston Red Sox on winning the 2007 World Series; considered and agreed to.

## ADDITIONAL COSPONSORS

### S. 1200

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

### S. 1299

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1299, a bill to establish on behalf of consumers a fiduciary duty and other standards of care for mortgage brokers and originators, and to establish standards to assess a consumer's ability to repay, and for other purposes.

### S. 1587

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1587, a bill to amend the Internal Revenue Code to allow a special depreciation allowance for reuse and recycling property and to provide for tax-exempt financing of recycling equipment, and for other purposes.

### S. 1731

At the request of Mr. CORNYN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1731, a bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purposes of improving oversight and eliminating wasteful Government spending.

S. 1858

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated follow-up care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1871

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1871, a bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1963

At the request of Mr. CRAPO, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 2062

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2062, a bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2125

At the request of Mr. KOHL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2125, a bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency task force between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2159

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2172

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 356

At the request of Mr. DURBIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

S. RES. 357

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 357, a bill designating the week of November 11 through November 17, 2007, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. MCCONNELL, Mrs. BOXER, Mr. DODD, Mr. LEAHY, and Mrs. FEINSTEIN):

S. 2257. A bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today, I rise to introduce a bipartisan bill to promote the restoration of civilian, democratic rule to the troubled state of Burma. The goal of the Burma Democracy Promotion Act is to help create the right conditions for the peaceful, negotiated transfer of power from the generals who have ruled Burma for almost 2 decades to a newly-constituted civilian, democratic government.

In order to do this, we need to bring pressure to bear on the Burmese generals directly responsible for the bloody crackdown on peaceful protestors last month. This bill imposes new financial sanctions and travel restrictions on the leaders of the junta and their associates and tightens the economic sanctions imposed by the Congress in 2003 by outlawing the importation of Burmese gems and timber to the U.S. Carefully targeted sanctions can support our diplomacy. In this case, the sanctions are designed to provide leverage on the generals, who seem largely indifferent to the suffering of ordinary people. Until now, the generals have managed largely to avoid the bite of existing economic sanctions, enjoying their shopping trips abroad and stashing their riches outside of Burma. We hope to change that.

But unilateral pressure alone will not get the job done. We need a diplomatic offensive. Importantly, this bill creates a new position of Special Representative and Policy Coordinator for Burma. The Special Representative will work with Burma's neighbors and other interested countries, including the members of the EU and the Association of Southeast Asian Nations, to develop a comprehensive approach to the problem, including sanctions, dialogue, and support for non-governmental organizations providing humanitarian relief to the Burmese people. We need China, India, and Thailand, among others, to join with us to convince the generals that it is time for change.

While we work for a negotiated solution to the current crisis, we must not forget the Burmese people. This bill authorizes new assistance for the hundreds of thousands of Burmese who have been forced from their homes and are now refugees or who continue to suffer inside the country because of the mismanagement and brutality of the military regime.

It is time for Burma to begin a new day in which all of the people, including Burma's many minority groups, work together to rebuild what nearly 20 years of disastrous military rule have destroyed. With the support of the international community, a new government can build a more prosperous and democratic state, one that is at peace with its neighbors and that respects the human rights of all of its people. The Burmese Army should be, and can be, a part of this new Burma. The sanctions called for in this measure will be lifted provided only that the generals release all of their political prisoners, engage in a substantive dialogue with the advocates of democracy in Burma, and afford non-governmental organizations access to address the humanitarian needs of the Burmese people. These are reasonable, modest, objectives, and if met, would brighten the prospects for Burma's future.

Mr. President, others in this body have a long record of leadership on Burma policy, including the Minority Leader, Senator McCONNELL, who I am proud to have as a cosponsor on this bill, and Senator McCAIN. This bill was drafted in consultation with the staff of Senator McCAIN, and includes some portions of a bill he introduced earlier this month. I want to thank Senator McCAIN for his initiative and commend him for his strong voice on this issue. I have also relied on the wisdom of my old friend Congressman LANTOS, who has already introduced legislation on Burma in the House. Finally, I want to thank the Senator from California, Senator BOXER, for cosponsoring this legislation and for chairing an important Senate Foreign Relations Committee hearing on Burma that helped to shape this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no ojection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2257

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Burma Democracy Promotion Act of 2007".

### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Beginning on August 19, 2007, hundreds of thousands of citizens of Burma, including thousands of Buddhist monks and students, participated in peaceful demonstrations against rapidly deteriorating living conditions and the violent and repressive policies of the State Peace and Development Council, the ruling military regime in Burma—

(A) to demand the release of all political prisoners, including 1991 Nobel Peace Prize winner Aung San Suu Kyi; and

(B) to urge the SPDC to engage in meaningful dialogue to pursue national reconciliation.

(2) The SPDC violently confronted unarmed demonstrators, killing, injuring, and imprisoning citizens, including several thousand Buddhist monks, and continues to forcefully restrict peaceful forms of public expression.

(3) The Department of State's 2006 Country Reports on Human Rights Practices found that the SPDC—

(A) routinely restricts freedoms of speech, press, assembly, association, religion, and movement;

(B) traffics in persons;

(C) discriminates against women and ethnic minorities;

(D) forcibly recruits child soldiers and child labor; and

(E) commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives.

(4) Aung San Suu Kyi has been arbitrarily imprisoned or held under house arrest for more than 12 years.

(5) On September 25, 2007, President Bush announced that the United States would—

(A) tighten economic sanctions against Burma, and block property and interests in property of—

(i) certain senior leaders of the SPDC;

(ii) individuals who provide financial backing for the SPDC; and

(iii) individuals responsible for violations of human rights and for impeding the transition to democracy in Burma; and

(B) impose an expanded visa ban on individuals—

(i) responsible for violations of human rights; and

(ii) who aid, abet, or benefit from the efforts of the SPDC to impede the efforts of the people of Burma to transition to democracy and ensure respect for human dignity.

(6) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities through financial transactions, travel, and trade involving the United States, including the sale of gemstones and hardwoods.

(7) The SPDC seeks to evade the sanctions imposed in the Burmese Freedom and Democracy Act of 2003. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States, but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade sanctions. For example, over 90 percent of the world's ruby supply originates in Burma but only 3 percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is predominantly based on their original quality and geological origin, rather than the labor involved in cutting and polishing the gemstones.

(8) Burma is home to approximately 60 percent of the world's native teak reserves. More than ¼ of the world's internationally traded teak originates from Burma, and hardwood sales, mainly of teak, represent more than 11 percent of Burma's official foreign exchange earnings.

(9) Burma officially exports tens of millions of dollars worth of rubies, sapphires, pearls, jade, and other precious stones each year and the SPDC owns a majority stake in all mining operations within the borders of Burma.

(10) On October 11, 2007, the United Nations Security Council, with the consent of the People's Republic of China, issued a statement condemning the violence in Burma, urging the release of all political prisoners, and calling on the SPDC to enter into a United Nations-mediated dialogue with its political opposition.

(11) The United Nations special envoy Ibrahim Gambari traveled to Burma from September 29, 2007 through October 2, 2007, holding meetings with SPDC leader General Than Shwe and democracy advocate Aung San Suu Kyi in an effort to promote dialogue between the SPDC and democracy advocates.

(12) The leaders of the SPDC will have a greater incentive to cooperate with diplomatic efforts by the United Nations, the Association of Southeast Asian Nations, and the People's Republic of China if they come under targeted economic pressure that denies them access to personal wealth and sources of revenue.

### SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms "account", "correspondent account", and "payable-through account" have the meanings given the terms in section 5318A(e)(1) of title 31, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(3) ASEAN.—The term "ASEAN" means the Association of Southeast Asian Nations.

(4) PERSON.—The term "person" means—

(A) an individual, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group; and

(B) any successor, subunit, or subsidiary of any person described in subparagraph (A).

(5) SPDC.—The term "SPDC" means the State Peace and Development Council, the ruling military regime in Burma.

(6) UNITED STATES PERSON.—The term "United States person" means—

(A) an individual who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a person that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if individuals described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such entity.

### SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) condemn the continued repression carried out by the SPDC;

(2) work with the international community, especially the People's Republic of China, India, Thailand, and ASEAN, to foster support for the legitimate democratic aspirations of the people of Burma and to coordinate efforts to impose sanctions on those directly responsible for human rights abuses in Burma;

(3) provide all appropriate support and assistance to aid a peaceful transition to constitutional democracy in Burma;

(4) support international efforts to alleviate the suffering of Burmese refugees and address the urgent humanitarian needs of the Burmese people; and

(5) identify individuals responsible for the repression of peaceful political activity in Burma and hold them accountable for their actions.

### SEC. 5. SANCTIONS.

(a) LIST OF OFFICIALS OF THE SPDC.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of—

(A) officials of the SPDC who have played a direct and substantial role in the repression of peaceful political activity in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC; and

(B) any other Burmese persons who provide substantial economic and political support for the SPDC.

(2) UPDATES.—The President shall regularly submit updated versions of the list required under paragraph (1).

(b) SANCTIONS.—

(1) VISA BAN.—A person included on the list required under subsection (a) shall be ineligible for a visa to enter the United States.

(2) WAIVER.—The ban described in subparagraph (1) may be waived only if the President submits written certification to Congress that such waiver is in the national interests of the United States.

(3) FINANCIAL SANCTIONS.—

(A) BLOCKED PROPERTY.—No property or interest in property belonging to a person described in subparagraph (C) may be transferred, paid, exported, withdrawn, or otherwise dealt with if—

(i) the property is located in the United States or within the possession or control of a United States person, including the overseas branch of a United States person; or

(ii) the property comes into the possession or control of a United States person after the date of the enactment of this Act.

(B) FINANCIAL TRANSACTIONS.—No United States person may engage in a financial transaction with the SPDC or with a person described in subparagraph (C).

(C) PERSON DESCRIBED.—A person is described in this subparagraph if the person is—

(i) an official of the SPDC;

(ii) included on the list required under subsection (a); or

(iii) an immediate family member of a person included on the list required under subsection (a), if the President determines that the person included on the list—

(I) effectively controls the property, for purposes of subparagraph (A); or

(II) would benefit from a financial transaction, for purposes of subparagraph (B).

(c) AUTHORITY FOR ADDITIONAL BANKING SANCTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution (as that term is defined in section 5312 of title 31, United States Code) or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution, if the Secretary determines that the account might be used—

(A) by a foreign banking institution that holds property or an interest in property belonging to a person on the list required under subsection (a); or

(B) to conduct a transaction on behalf of a person on the list required under subsection (a).

(2) AUTHORITY TO DEFINE TERMS.—The Secretary of the Treasury may, by regulation, further define the terms used in paragraph (1) for purposes of this section, as the Secretary considers appropriate.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit any contract or other financial transaction with any nongovernmental humanitarian organization in Burma.

(e) EXCEPTIONS.—

(1) IN GENERAL.—The prohibitions and restrictions described in subsections (b) and (c) shall not apply to medicine, medical equipment or supplies, food, or any other form of humanitarian assistance provided to Burma as relief in response to a humanitarian crisis.

(2) ADDITIONAL EXCEPTIONS.—The Secretary of the Treasury may, by regulation, authorize exceptions to the prohibitions and restrictions described in subsection (b) and (c)—

(A) to permit the United States to operate its diplomatic mission;

(B) to permit United States citizens to visit Burma; and

(C) for such other purposes as the Secretary determines to be necessary.

(f) PENALTIES.—Any person who violates any prohibition or restriction described in subsection (b) or (c) shall be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

(g) TERMINATION OF SANCTIONS.—The sanctions imposed under subsection (b) or (c) shall apply until the President determines and certifies to the appropriate congressional committees that the SPDC has—

(1) unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy;

(2) entered into a substantive dialogue with democratic forces led by the National League for Democracy and the ethnic minorities of Burma on transitioning to democratic government under the rule of law; and

(3) allowed humanitarian access to populations affected by armed conflict in all regions of Burma.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

### SEC. 6. PROHIBITION ON IMPORTATION OF BURMESE GEMS, HARDWOODS, AND OTHER ITEMS.

Section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003 (50 U.S.C. 1701 note) is amended by striking "a product of Burma." and inserting "produced, mined, manufactured, grown, or assembled in Burma, including—

"(A) any gemstone or rough unfinished geological material mined or extracted from Burma, whether imported as a loose item or as a component of a finished piece of jewelry; and

"(B) any teak or other hardwood timber, regardless of the country in which such hardwood timber is milled, sawn, or otherwise processed, whether imported in unprocessed form or as a part or component of finished furniture or another wood item.".

### SEC. 7. SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

(a) UNITED STATES SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.—The President shall appoint a Special Representative and Policy Coordinator for Burma, by and with the advice and consent of the Senate.

(b) RANK.—The Special Representative and Policy Coordinator for Burma appointed under subsection (a) shall have the rank of ambassador and shall hold the office at the pleasure of the President.

(c) DUTIES AND RESPONSIBILITIES.—The Special Representative and Policy Coordinator for Burma shall—

(1) promote a comprehensive international effort, including multilateral sanctions, direct dialogue with the SPDC and democracy advocates, and support for nongovernmental organizations operating in Burma and neighboring countries, designed to restore civilian democratic rule to Burma and address the urgent humanitarian needs of the Burmese people;

(2) consult broadly, including with the Governments of the People's Republic of China, India, Thailand, and Japan, and the members of ASEAN and the European Union to coordinate policies toward Burma;

(3) assist efforts by the United Nations Special Envoy to secure the release of all political prisoners in Burma and to promote dialogue between the SPDC and leaders of Burma's democracy movement, including Aung San Suu Kyi;

(4) consult with Congress on policies relevant to Burma and the future and welfare of all the Burmese people, including refugees; and

(5) coordinate the imposition of Burma sanctions within the United States Government and with the relevant international financial institutions.

### SEC. 8. SENSE OF CONGRESS ON COORDINATION WITH THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS.

It is the sense of Congress that the United States—

(1) joins the foreign ministers of member nations of ASEAN that have expressed concern over the human rights situation in Burma;

(2) encourages ASEAN to take more substantial steps to ensure a peaceful transition to democracy in Burma;

(3) welcomes steps by ASEAN to strengthen its internal governance through the adoption of a formal ASEAN charter;

(4) urges ASEAN to ensure that all members live up to their membership obligations and adhere to the core principles of ASEAN, including respect for, and commitment to, human rights; and

(5) would welcome a decision by ASEAN, consistent with its core documents and its new charter, to review Burma's membership in ASEAN and consider appropriate disciplinary measures, including suspension, until such time as the Government of Burma has demonstrated an improved respect for, and commitment to, human rights.

### SEC. 9. SUPPORT FOR CONSTITUTIONAL DEMOCRACY IN BURMA.

(a) IN GENERAL.—The President is authorized to assist Burmese democracy activists who are dedicated to nonviolent opposition to the SPDC in their efforts to promote freedom, democracy, and human rights in Burma.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to the Secretary of State for each of the fiscal years 2008 and 2009 to—

(1) provide aid to democracy activists in Burma;

(2) provide aid to individuals and groups conducting democracy programming outside of Burma targeted at a peaceful transition to constitutional democracy inside Burma; and

(3) expand radio and television broadcasting into Burma.

### SEC. 10. SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS ADDRESSING THE HUMANITARIAN NEEDS OF THE BURMESE PEOPLE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the international community should increase support for nongovernmental organizations attempting to meet the urgent humanitarian needs of the Burmese people.

(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Section 5 of the

Burmese Freedom and Democracy Act of 2003 (50 U.S.C. 1701) is amended—

(1) by inserting "(a) OPPOSITION TO ASSISTANCE TO BURMA" before "The Secretary"; and

(2) by adding at the end the following:

"(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to issue multi-year licenses for humanitarian or religious activities in Burma. Licenses issued pursuant to this section shall be subject to annual review.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 to the Secretary of State for each of the fiscal years 2008 and 2009 to support operations by nongovernmental organizations designed to address the humanitarian needs of the Burmese people inside Burma and in refugee camps in neighboring countries.

**SEC. 11. REPORT ON MILITARY AID TO BURMA.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that—

(1) contains a list of countries that provide military aid to Burma; and

(2) describes the military aid provided by each of the countries described in paragraph (1).

(b) MILITARY AID DEFINED.—In this section, the term "military aid" includes—

(1) the provision of weapons, military vehicles, and military aircraft;

(2) the provision of military training; and

(3) conducting joint military exercises.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form and may include a classified annex.

**SEC. 12. SENSE OF CONGRESS ON INTERNATIONAL ARMS SALES TO BURMA.**

It is the sense of Congress that the United States should lead efforts in the United Nations Security Council to impose a mandatory international arms embargo on Burma, curtailing all sales of weapons, ammunition, military vehicles, and military aircraft to Burma until the SPDC releases all political prisoners, restores constitutional rule, and holds free and fair elections to establish a new government.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 358—EXPRESSING THE IMPORTANCE OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND TURKEY

Mr. SMITH (for himself and Mr. BYRD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 358

Whereas the United States and Turkey share common ideals and a clear vision for the 21st century, in which freedom and democracy are the foundation of peace, prosperity, and security;

Whereas Turkey is a strong example of a predominantly Muslim country with a true representative democratic government;

Whereas for more than 50 years a strategic partnership has existed between the United States and Turkey, both bilaterally and through the North Atlantic Treaty Organization, which has been of enormous political, economic, cultural, and strategic benefit to both countries;

Whereas the Government of Turkey has demonstrated its opposition to terrorism throughout the world, and has called for the international community to unite against this threat;

Whereas Turkey maintains an important bilateral relationship with Israel and seeks to play a constructive role in Middle East peace negotiations;

Whereas Operation Enduring Freedom entered its 6th year on October 7th, 2007;

Whereas Turkey commanded the International Security Assistance Force in Afghanistan twice, from July 2002 to January 2003, and from February 2005 to August 2005;

Whereas Turkey has provided humanitarian and medical assistance in Afghanistan and in Iraq;

Whereas the Government of Turkey has made its base in Incirlik available for United States missions in Iraq and Afghanistan;

Whereas Secretary of Defense Robert Gates credits United States air bases in Turkey with handling 70 percent of all air cargo deployed into Iraq;

Whereas 95 percent of the Mine-Resistant Ambush-Protective vehicles (MRAPs) deployed into Iraq transit through air bases in Turkey;

Whereas MRAPs protect coalition forces from improvised explosive devices and roadside bombs;

Whereas the people of Turkey have been victims of terrorist attacks by Al-Qaeda on November 15, 2003, and November 20, 2003;

Whereas the United States supports Turkey's bid for membership in the European Union; and

Whereas the Secretary of State has listed the Kurdistan Workers' Party, which has taken up arms against Turkey since its founding, as a Foreign Terrorist Organization in accordance with section 219 of the Immigration and Nationality Act, as amended: Now, therefore, be it

*Resolved*, That the Senate—

(1) reiterates its strong support for the strategic alliance between the United States and Turkey;

(2) urges Prime Minister Recep Tayyip Erdogan of Turkey to communicate the continuing support of the Senate and of the people of the United States to the people of Turkey;

(3) condemns the violent attacks conducted by the Kurdistan Workers' Party over the last 2 decades;

(4) urges Kurdish leaders in Iraq to deny safe harbor for terrorists and to recognize bilateral agreements between Iraq and Turkey for cooperation against terrorism;

(5) encourages the Government of Turkey and the Government of Iraq to continue to work together to end the threat of terrorism; and

(6) thanks Prime Minister Erdogan and the people and Government of Turkey for—

(A) assuming command of the International Security Assistance Force in Kabul, Afghanistan from July 2002 to January 2003, and from February 2005 to August 2005;

(B) providing humanitarian and medical assistance in Afghanistan and in Iraq;

(C) their willingness to contribute to international peace, stability, and prosperity, especially in the greater Middle East region; and

(D) their continued discussions with officials in the United States and Iraq regarding constructive stabilization efforts in northern Iraq.

Mr. BYRD. Mr. President, today marks the 84th anniversary of the founding of the Republic of Turkey. It is an auspicious occasion to commemorate the abiding and enduring partnership between two great nations.

In 1923, following the collapse of the 600-year-old Ottoman Empire and a 3-year war of independence, a Turkish World War I hero, Mustafa Kemal, helped found the Republic of Turkey. Kemal, who was later given the name Ataturk, meaning "father of the Turks," rejected the crumbling structures and outdated modes of empire and embraced instead a platform of reform and modernization, a legacy that continues in Turkey to this day and to this hour.

Today Turkey is the most successful example in the Muslim world of a secular representative democracy. Turkey's economy has grown at a record pace in recent years to become the world's 19th largest. Literacy and education rates continue to climb, as life expectancy has improved and poverty rates have declined. Turkey stands as an inspiration to reformers in the greater Middle East and throughout the world.

Turkey has been a consistent and loyal ally of the people of the United States. From World War II, when Turkey entered the fight on the side of the allies, to the cementing of the United States-Turkish alliance in the 1947 Truman doctrine to Turkey's accession to the North American Treaty Organization in 1952, Turkey has been a friend of the American people.

During the long Cold War, Turkey was a bulwark on the edge of the Iron Curtain, and it was a critical ally. Turkey later helped the United States to patrol the no-fly zones over Iraq after the first Persian Gulf war and aided the U.S. Armed Forces in Afghanistan after the September 11 attacks.

Turkey, which has the second largest army in NATO, commanded the International Security Assistance Force in Afghanistan twice, in 2002 and 2005, and Turkish troops continue to contribute to security efforts there.

It is difficult to overstate the critical importance of Turkey's cooperation with United States missions in the region. United States Defense Secretary Robert Gates recently estimated that 70 percent—let me say that again, 70 percent—of the air cargo deployed into Iraq to support United States troops there transits through airbases in Turkey.

I perhaps should say that again. It is difficult to overstate the critical importance of Turkey's cooperation with United States missions in the region. United States Defense Secretary Robert Gates recently estimated that 70 percent of the air cargo deployed into Iraq to support United States troops there transits through airbases in Turkey.

Turkey, as a predominantly Muslim country with an important bilateral relationship with Israel, seeks to play a constructive role in Middle East peace negotiations and continues to be an important ally in a dangerous and turbulent region. Turkey occupies a strategically critical territory between Europe and Asia, bordering such challenging neighbors as Iran, Syria, and Iraq.

Furthermore, I say, as the United States increasingly looks to diversify its sources of energy, it is important for us to remember that Turkey forms a crucial energy corridor to the West, capable of bringing oil and natural gas from the steppes of Eurasia to the shores of the Mediterranean Sea.

Turkey is, in short, central to the interests of the United States. Now is a good time to be reminded of that fact, as tensions build in the Kurdish region and tempers flare over the proper words to use to describe a century-old tragedy. Whatever one's views may be about that tragedy—politically, economically, geographically, strategically, and militarily—as our soldiers—our soldiers, U.S. soldiers, American soldiers—are in harm's way in Iraq and Afghanistan, the United States can ill-afford to lose such an important friend and ally as Turkey.

This is a critical moment for Turkey. The Turkish people recently elected a new government, led by Prime Minister Erdogan and President Abdullah Gul. Let me say that once more. This time I think I can say that better. This is a critical moment for Turkey. The Turkish people recently elected a new government led by Prime Minister Erdogan and President Abdullah Gul. These decisive elections demonstrated the vibrant and healthy spirit of Turkey's democracy and the commitment of Turkey's people to the democratic process. However, the young government is facing a number of serious challenges as it simultaneously seeks to guard against a very real threat from Kurdish terrorists, assuage Turkish nationalists and the military, and maintain the secular character of the State, all while continuing Turkey's bid for European Union membership. We should offer the Turkish Government all the support we can give in these noble endeavors.

Much like the United States, Turkey continues to struggle with the darker moments of its history. The terrible treatment of Armenians prior to and during the first World War, as well as the treatment of other minorities, including Greeks, Alevis, and Kurds, is a matter that continues to haunt the people of Turkey. In recent years, however, there have been encouraging signs: historians conferences, attempts to improve relations with Armenia, and growing acceptance of the Kurdish language.

This is what free people and open democracies do. They debate and they examine their history and the conscience of their people. Given time and patience, their past can be confronted in a truthful and candid way. Many of us would like to see more progress from Turkey in this area. There continue to be issues about which our two countries disagree. This should be no surprise. Members of the same family disagree at times, and our best friends are often those who criticize us most openly. But there is a time for criticism and a time for praise, and criticism can be constructive. Today is a day to celebrate the great Turkish nation and its people and to acknowledge the strong ties that bind our countries together. That is the reason I am cosponsoring a resolution with my colleague, Senator Gordon Smith—to affirm the friendship and the alliance of the American and Turkish peoples. May our ties continue to grow stronger with the passage of time.

## SENATE RESOLUTION 359—CONGRATULATING THE BOSTON RED SOX ON WINNING THE 2007 WORLD SERIES

Mr. KENNEDY (for himself, Mr. Kerry, Mr. Reed, Mr. Whitehouse, Mr. Dodd, Mr. Lieberman, Ms. Snowe, Ms. Collins, Mr. Leahy, and Mr. Sununu) submitted the following resolution; which was considered and agreed to:

S. Res 359

Whereas on October 28, 2007, the Boston Red Sox won the 2007 World Series by a 4-game sweep of the Colorado Rockies;

Whereas the Colorado Rockies deserve great credit for their historic performance during the 2007 baseball season and post-season, in which the Rockies won a remarkable 21 of the final 22 games heading into the World Series;

Whereas the Boston Red Sox victory was the second world title of the Red Sox in 4 years and the seventh world title in the 107-year history of the revered New England team;

Whereas the 2007 Red Sox world championship team, like the 2004 Red Sox world championship team, epitomized the very best in sportsmanship, team spirit, and heart in the course of winning the American League Championship Series and the World Series;

Whereas the 2007 Red Sox world championship team honored the careers of all former Red Sox legends, including Bobby Doerr, Carl Yastrzemski, Carlton Fisk, Jimmie Foxx, Cy Young, Johnny Pesky, Dom DiMaggio, Joe Cronin, Jim Rice, and Ted Williams;

Whereas the Red Sox were led back to the World Series this season by the determination of 2004 world championship team veterans, including Manny Ramirez, David Ortiz, Tim Wakefield, Curt Schilling, Jason Varitek, Mike Timlin, Kevin Youkilis, and Doug Mirabelli;

Whereas the 2007 season produced new Red Sox stars, including Josh Beckett, Jacoby Ellsbury, Dustin Pedroia, Julio Lugo, Mike Lowell, Jonathan Papelbon, Hideki Okajima, Daisuke Matsuzaka, J.D. Drew, Jon Lester, and rookie right-hander Clay Buchholz, who in his second major league start, pitched the 17th no-hitter in Red Sox history;

Whereas Red Sox manager Terry Francona has won a remarkable 2 World Series in the past 4 years at the helm of the Red Sox and assembled one of the greatest Red Sox teams of all time;

Whereas Red Sox owners John Henry and Tom Werner and Red Sox president and chief executive officer Larry Lucchino and general manager Theo Epstein ended an 86-year World Series drought in 2004 and ushered in a new era in Boston baseball that has been confirmed in 2007;

Whereas the Red Sox, playing before 44,588 Cleveland Indian fans who stood just one game away from celebrating their team's first World Series appearance in a decade, demonstrated the highest qualities of teamwork and determination by winning the first game of a historic run reminiscent of the 2004 American League Championship Series;

Whereas the Red Sox outscored their opponents 59–15 during a 7-game winning streak ending in a victory in game 4 of the World Series in Colorado;

Whereas the Red Sox have won their last 8 consecutive World Series games;

Whereas Josh Beckett, Jonathan Papelbon, and Daisuke Matsuzaka delivered masterful post-season pitching performances, and Curt Schilling demonstrated again why he is considered to be one of the most dominant post-season pitchers in baseball history;

Whereas Jon Lester exhibited incredible courage and determination and provided inspiration to many by pitching 5⅔ shutout innings in game 4 of the World Series, just 1 year after undergoing chemotherapy for lymphoma;

Whereas Mike Lowell, who led the Red Sox with 120 runs-batted-in during 2007, batted .400 during the World Series, with 6 runs scored and 4 runs-batted-in, to earn the most valuable player award;

Whereas pitching phenomena Daisuke Matsuzaka and Hideki Okajima have helped produce close ties between the people of New England and Japan with their extraordinary play this year;

Whereas the entire Red Sox organization has a strong commitment to charitable causes in New England, demonstrated by the team's 54-year support of the "Jimmy Fund" of the Dana-Farber Cancer Institute, contributing to the ongoing battle against childhood cancers;

Whereas fans of the Red Sox are found in every corner of the United States and across the globe, far beyond Boston and New England; and

Whereas the members of the "Red Sox Nation" express their immense gratitude to the entire Red Sox team for an inspiring 2007 season and for bringing another world championship title to Boston: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates—

(A) the Boston Red Sox for winning the 2007 Major League Baseball World Series and the players, manager, coaches, support staff, and team owners and executives whose ability, hard work, dedication, and spirit made this season possible; and

(B) the Colorado Rockies for their extraordinary success during the 2007 season in winning the National League Championship; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Red Sox manager Terry Francona;

(B) Red Sox general manager Theo Epstein;

(C) Red Sox president and chief executive officer Larry Lucchino;

(D) Red Sox principal owner John Henry; and

(E) Red Sox chairman Tom Werner.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3472. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes.

SA 3473. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3474. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3475. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3476. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3477. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3478. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3479. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3480. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3481. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3482. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3483. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3484. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3485. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3486. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3487. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3488. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 294, supra.

SA 3489. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3472.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 25, between lines 16 and 17, insert the following:

(f) NORTH COAST HIAWATHA ROUTE.—Not later than 1 year after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of passenger rail service between Chicago and Seattle, through Southern Montana (commonly known as the "North Coast Hiawatha Route"), which was operated by Amtrak until 1979, using methodologies adopted under subsection (c), to determine whether to reinstate passenger rail service along the North Coast Hiawatha Route or along segments of such route, provided that such service will not negatively impact existing Amtrak routes.

**SA 3473.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 66, line 10, insert ", including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment" before the period.

**SA 3474.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. FOOD AND BEVERAGE SERVICE.**

(a) QUARTERLY REPORT.—The National Railroad Passenger Corporation (referred to in this section as "Amtrak") shall submit a quarterly report to Congress and to the Secretary of Transportation that sets forth the profit or loss, as applicable, relating to the provision of food and beverage service on each rail line operated by Amtrak.

(b) CONTRACT RENEGOTIATION.—If the food and beverage service on a specific Amtrak rail line incurs a loss in any fiscal year, Amtrak shall renegotiate any applicable contracts relating to food and beverage service (including associated labor contracts) for such rail line in an effort to—

(1) reduce the cost of such service; and

(2) increase to likelihood to make a profit in the following fiscal year.

(c) DISCONTINUANCE.—If the food and beverage service on a specific Amtrak rail line incurs a loss in any 2 consecutive fiscal years, Amtrak shall terminate such service on such rail line.

(d) REINSTATEMENT.—Amtrak may reinstate food and beverage service that was discontinued under subsection (c) if—

(1) at least 1 year has elapsed since the date on which such service was discontinued on the applicable rail line;

(2) Amtrak submits a credible proposal to Congress and to the Secretary of Transportation for generating food and beverage service profits on such rail line for each of the following 5 fiscal years; and

(3) the Secretary of Transportation, or the designee of the Secretary, certifies to Congress that the proposal submitted under paragraph (2) will likely generate food and beverage service profits on such rail line for each of the following 5 fiscal years.

**SA 3475.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 14, line 25, strike "and" at the end and all that follows through page 15, line 20, and insert the following:

(2) shall implement a modern financial accounting and reporting system; and

(3) shall, not later than 90 days after the end of each fiscal year through fiscal year 2012—

(A) submit to Congress a comprehensive report that allocates all of Amtrak's revenues and costs to each of its routes, each of its lines of business, and each major activity within each route and line of business activity, including—

(i) train operations;

(ii) equipment maintenance;

(iii) food service;

(iv) sleeping cars;

(v) ticketing; and

(vi) reservations;

(B) include the report described in subparagraph (A) in Amtrak's annual report; and

(C) post such report on Amtrak's website.

**SA 3476.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 56, strike lines 12 through 17 and insert the following:

(1) PLAN REQUIRED.—Section 24101(d) is amended—

(A) by striking "plan to operate within the funding levels authorized by section 24104 of this chapter, including the budgetary goals for fiscal years 1998 through 2002." and inserting "plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2007, including the budgetary goals for fiscal years 2007 through 2012."; and

(B) by striking the last sentence and inserting "Amtrak and its Board of Directors shall adopt a long term plan that minimizes the need for Federal operating subsidies.".

**SA 3477.** Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 24, line 6, insert "intercity passenger rail service or by" after "served by".

On page 25, strike lines 10 through 16 and insert the following:

(e) PIONEER ROUTE.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall conduct a 1-time evaluation of passenger rail service between Seattle and Chicago (commonly known as the "Pioneer Route"), which was operated by Amtrak until 1997, using methodologies adopted under subsection (c), to determine whether to reinstate passenger rail service along the Pioneer Route or along segments of such route.

**SA 3478.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

### TITLE V—E-RATE PROTECTION

### SEC. 501. PROHIBITION ON USE OF E-RATE FUNDS TO PROVIDE CELL PHONES TO STAFF.

The Federal Communications Commission shall ensure that no funds provided to an elementary school, secondary school, or library for purposes of section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)9B)) are used to provide cell phones to—

(1) bus drivers;

(2) janitors;

(3) school administrators; or

(4) other such staff employed by the elementary school, secondary school, or library.

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**SA 3479.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

## TITLE V—REPEAL OF CERTAIN COMMUNICATIONS TAXES

### SEC. 501. REPEAL OF EXCISE TAX ON TELEPHONE AND OTHER COMMUNICATIONS SERVICES.

(a) IN GENERAL.—Chapter 33 of the Internal Revenue Code of 1986 (relating to facilities and services) is amended by striking subchapter B.

(b) CONFORMING AMENDMENTS.—

(1) Section 4293 of such Code is amended by striking "chapter 32 (other than the taxes imposed by sections 4064 and 4121) and subchapter B of chapter 33," and inserting "and chapter 32 (other than the taxes imposed by sections 4064 and 4121),".

(2)(A) Paragraph (1) of section 6302(e) of such Code is amended by striking "section 4251 or".

(B) Paragraph (2) of section 6302(e) of such Code is amended—

(i) by striking "imposed by—" and all that follows through "with respect to" and inserting "imposed by section 4261 or 4271 with respect to", and

(ii) by striking "bills rendered or".

(C) The subsection heading for section 6302(e) of such Code is amended by striking "Communications Services and".

(3) Section 6415 of such Code is amended by striking "4251, 4261, or 4271" each place it appears and inserting "4261 or 4271".

(4) Paragraph (2) of section 7871(a) of such Code is amended by inserting "or" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(5) The table of subchapters for chapter 33 of such Code is amended by striking the item relating to subchapter B.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid pursuant to bills first rendered more than 90 days after the date of the enactment of this Act.

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**SA 3480.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. ___. ADDITIONAL FINANCIAL REPORTING.

(a) REPORTS.—

(1) IN GENERAL.—Beginning with the first fiscal year beginning after the date of the enactment of this Act, Amtrak shall file with the Secretary of Transportation—

(A) not later than 60 days after the end of each fiscal year, an annual report containing the information required by the Securities and Exchange Commission to be included in annual reports under such sections on Form 10-K, as such form may be revised from time to time; and

(B) periodic reports within the time frame and containing the information prescribed in Form 8-K of the Securities and Exchange Commission, as such form may be revised from time to time.

(2) REGISTRANT DEFINED.—As used in the reports required under paragraph (1)—

(A) Amtrak shall be deemed to be the "registrant" described in the forms of the Securities and Exchange Commission; and

(B) references contained in such forms to Securities and Exchange Commission regulations are incorporated in this section by reference.

(3) INTERNAL CONTROL REPORT.—Beginning with the annual report for fiscal year 2010, Amtrak shall comply with the rules prescribed by the Securities and Exchange Commission implementing sections 302 and 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241 and 7262).

(b) FINANCIAL REPORTING.—

(1) IN GENERAL.—The report required under subsection (a)(1)(B) shall include all revenue and expenses associated with rail operations by route, including asset depreciation.

(2) SEGMENT REPORTING.—Beginning with the reports for fiscal year 2010, Amtrak shall include segment reporting in the report required under subsection (a)(1)(A). Amtrak, after consultation with the Secretary of Transportation, shall determine the appropriate segment reporting under this paragraph.

(c) SUPPORTING MATTER.—The Secretary of Transportation shall have access to the audit documentation and any other supporting matter of Amtrak and its independent auditor in connection with any information submitted under this section.

(d) REVISED REQUIREMENTS.—The Secretary of Transportation may initiate proceedings (to be conducted in accordance with regulations that the Secretary shall prescribe) to improve the quality, accuracy, or completeness of Amtrak data required under this section if—

(1) the data have become significantly inaccurate or can be significantly improved; or

(2) the Secretary determines that those revisions are otherwise necessitated by the public interest.

(e) CONFIDENTIAL INFORMATION.—If Amtrak determines that any document or portion of a document, or other matter, provided to the Secretary of Transportation in a nonpublic annex under this section or under subsection (c) contains information that is exempt from public disclosure under section 552(b) of title 5, United States Code, Amtrak shall, at the time of providing such matter to the Secretary, submit written notification to the Secretary of such determination that describes the documents or other matter for which confidentiality is sought and the reasons for such determination.

(f) MONTHLY PERFORMANCE REPORTS.—Amtrak shall include in each monthly performance report—

(1) expenses relating to food and beverage operations, including the cost of meals and food and beverage contractor performance;

(2) expenses relating to non-payroll employees, including post-retirement health care expenses, supplemental executive retirement plans, and performance bonuses; and

(3) depreciation expenses for the capital assets on each passenger rail route.

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**SA 3481.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 215 and insert the following:

### SEC. 215. PROHIBITION ON FINANCIAL GUARANTEES.

(a) IN GENERAL.—Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Federal Government shall not make any financial guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(b) SAVINGS PROVISION.—Nothing in this section may be construed to prohibit the Federal Government from honoring any financial guarantee or commitment made by the Federal Government before the date of the enactment of this Act.

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**SA 3482.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, after line 22, add the following:

### SEC. 224. PROHIBITION OF FEDERAL SUBSIDIES FOR FOOD AND BEVERAGE SERVICE.

Federal funds may not be used by the National Railroad Passenger Corporation to subsidize food and beverage service on Amtrak trains until Amtrak is in compliance with section 24305(c)(4) of title 49, United States Code.

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**SA 3483.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 58, lines 3 through 5, strike "its operation of trains funded by the private sector in order to minimize its need for Federal subsidies." and insert "the operation of trains funded by, or in partnership with, private sector operators through competitive contracting to minimize the need for Federal subsidies.".

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**SA 3484.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 97, line 13, insert "host freight railroad companies, passenger railroad equipment manufacturers, and other passenger railroad operators as appropriate," after "Administration,".

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**SA 3485.** Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 11, between lines 22 and 23, insert the following:

(e) AMTRAK'S MISSION.—

(1) Section 24101 is amended—

(A) by striking "**PURPOSE**" in the section heading and inserting "**MISSION**";

(B) by striking subsection (b) and inserting the following:

"(b) MISSION.—

"(1) IN GENERAL.—The mission of Amtrak is to provide efficient and effective intercity passenger rail mobility consisting of high quality service that is trip-time competitive with other intercity travel options and that is consistent with the goals of subsection (d).

"(2) PERFORMANCE MEASUREMENT.—All measurements of Amtrak performance, including decisions on whether, and to what extent, to provide operating subsidies, shall be based on Amtrak's ability to carry out the mission described in paragraph (1)."; and

(C) by redesignating paragraphs (9) through (11) in subsection (c) as paragraphs (10) through (12), respectively, and inserting after paragraph (8) the following:

"(9) provide redundant or complimentary intercity transportation service to ensure mobility in times of national disaster or other instances where other travel options are not adequately available;".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 241 is amended by striking the item relating to section 24101 and inserting the following:

"24101. Findings, mission, and goals".

On page 18, line 7, strike "and".

On page 18, strike lines 8 and 9 and insert the following:

(12) prior fiscal year and projected operating ratio, cash operating loss, and cash operating loss per passenger on a route, business line, and corporate basis;

(13) prior fiscal year and projected specific costs and savings estimates resulting from reform initiatives;

(14) prior fiscal year and projected labor productivity statistics on a route, business line, and corporate basis;

(15) prior fiscal year and projected equipment reliability statistics; and

(16) capital and operating expenditure for anticipated security needs.

**SA 3486.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 13 and 14, insert the following:

"(12) To review rail crossing safety improvements, including improvements using new safety technology.

**SA 3487.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, between lines 2 and 3, insert the following:

"(13) A review of the safety of all public railway-highway grade crossings, including security measures, safety conditions, past accidents, possible safety improvements, and any other factors that the Secretary considers relevant.

**SA 3488.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. ___. SENSE OF THE SENATE REGARDING THE NEED TO MAINTAIN AMTRAK AS A NATIONAL PASSENGER RAIL SYSTEM.**

(a) FINDINGS.—The Senate makes the following findings:

(1) In fiscal year 2007, 3,800,000 passengers traveled on Amtrak's long distance trains, an increase of 2.4 percent over fiscal year 2006.

(2) Amtrak long-distance routes generated $376,000,000 in revenue in fiscal year 2007, an increase of 5 percent over fiscal year 2006.

(3) Amtrak operates 15 long-distance trains over 18,500 route miles that serve 39 States and the District of Columbia. These trains provide the only rail passenger service to 23 States.

(4) Amtrak's long-distance trains provide an essential transportation service for many communities and to a significant percentage of the general public.

(5) Many long-distance trains serve small communities with limited or no significant air or bus service, especially in remote or isolated areas in the United States.

(6) As a result of airline deregulation and decisions by national bus carriers to leave many communities, rail transportation may provide the only feasible common carrier transportation option for a growing number of areas.

(7) If long-distance trains were eliminated, 23 States and 243 communities would be left with no intercity passenger rail service and 16 other States would lose some rail service. These trains provide a strong economic benefit for the States and communities that they serve.

(8) Long-distance trains also provide transportation during periods of severe weather or emergencies that stall other modes of transportation.

(9) Amtrak provided the only reliable long-distance transportation following the September 11, 2001 terrorist attacks that grounded air travel.

(10) The majority of passengers on long-distance trains do not travel between the endpoints, but rather between any combination of cities along the route.

(11) Passenger trains provide transportation options, mobility for underserved populations, congestion mitigation, and jobs in the areas they serve.

(12) Passenger rail has a positive impact on the environment compared to other modes of transportation by conserving energy, reducing greenhouse gas emissions, and cutting down on other airborne particulate and toxic emissions.

(13) Amtrak communities that are served use passenger rail and passenger rail stations as a significant source of economic development.

(14) This Act makes meaningful and important reforms to increase the efficiency, profitability and on-time performance of Amtrak's long-distance routes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) long-distance passenger rail is a vital and necessary part of our national transportation system and economy; and

(2) Amtrak should maintain a national passenger rail system, including long-distance routes, that connects the continental United States from coast to coast and from border to border.

**SA 3489.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, after line 22, add the following:

**SEC. 224. PASSENGER RAIL COST STUDY.**

(a) IN GENERAL.—The National Railroad Passenger Corporation shall conduct a study to determine the potential cost and economic impact of passenger rail service between Scranton, Pennsylvania and Binghamton, New York.

(b) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

## SEQUENTIAL REFERRAL EXTENSION

Ms. CANTWELL. Madam President, as in executive session, I ask unanimous consent that the sequential referral of the nomination of Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security, to the Committee on Judiciary be extended until November 2, 2007; further that if the nomination is not reported at that time, the nomination then be automatically discharged and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Ms. CANTWELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 255, R. Lyle Laverty to be Assistant Secretary for Fish and Wildlife; that the nomination be confirmed; the motion to reconsider be laid upon the table; the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF THE INTERIOR

R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## CONGRATULATING THE BOSTON RED SOX

Ms. CANTWELL. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 359, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 359) congratulating the Boston Red Sox on winning the 2007 World Series.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 359) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 359

Whereas on October 28, 2007, the Boston Red Sox won the 2007 World Series by a 4-game sweep of the Colorado Rockies;

Whereas the Colorado Rockies deserve great credit for their historic performance during the 2007 baseball season and post-season, in which the Rockies won a remarkable 21 of the final 22 games heading into the World Series;

Whereas the Boston Red Sox victory was the second world title of the Red Sox in 4 years and the seventh world title in the 107-year history of the revered New England team;

Whereas the 2007 Red Sox world championship team, like the 2004 Red Sox world championship team, epitomized the very best in sportsmanship, team spirit, and heart in the course of winning the American League Championship Series and the World Series;

Whereas the 2007 Red Sox world championship team honored the careers of all former Red Sox legends, including Bobby Doerr, Carl Yastrzemski, Carlton Fisk, Jimmie Foxx, Cy Young, Johnny Pesky, Dom DiMaggio, Joe Cronin, Jim Rice, and Ted Williams;

Whereas the Red Sox were led back to the World Series this season by the determination of 2004 world championship team veterans, including Manny Ramirez, David Ortiz, Tim Wakefield, Curt Schilling, Jason Varitek, Mike Timlin, Kevin Youkilis, and Doug Mirabelli;

Whereas the 2007 season produced new Red Sox stars, including Josh Beckett, Jacoby Ellsbury, Dustin Pedroia, Julio Lugo, Mike Lowell, Jonathan Papelbon, Hideki Okajima, Daisuke Matsuzaka, J.D. Drew, Jon Lester, and rookie right-hander Clay Buchholz, who in his second major league start, pitched the 17th no-hitter in Red Sox history;

Whereas Red Sox manager Terry Francona has won a remarkable 2 World Series in the past 4 years at the helm of the Red Sox and assembled one of the greatest Red Sox teams of all time;

Whereas Red Sox owners John Henry and Tom Werner and Red Sox president and chief executive officer Larry Lucchino and general manager Theo Epstein ended an 86-year World Series drought in 2004 and ushered in a new era in Boston baseball that has been confirmed in 2007;

Whereas the Red Sox, playing before 44,588 Cleveland Indian fans who stood just 1 game away from celebrating their team's first World Series appearance in a decade, demonstrated the highest qualities of teamwork and determination by winning the first game of a historic run reminiscent of the 2004 American League Championship Series;

Whereas the Red Sox outscored their opponents 59–15 during a 7-game winning streak ending in a victory in game 4 of the World Series in Colorado;

Whereas the Red Sox have won their last 8 consecutive World Series games;

Whereas Josh Beckett, Jonathan Papelbon, and Daisuke Matsuzaka delivered masterful post-season pitching performances, and Curt Schilling demonstrated again why he is considered to be one of the most dominant post-season pitchers in baseball history;

Whereas Jon Lester exhibited incredible courage and determination and provided inspiration to many by pitching 5⅔ shutout innings in game 4 of the World Series, just 1 year after undergoing chemotherapy for lymphoma;

Whereas Mike Lowell, who led the Red Sox with 120 runs-batted-in during 2007, batted .400 during the World Series, with 6 runs scored and 4 runs-batted-in, to earn the most valuable player award;

Whereas pitching phenomena Daisuke Matsuzaka and Hideki Okajima have helped produce close ties between the people of New England and Japan with their extraordinary play this year;

Whereas the entire Red Sox organization has a strong commitment to charitable causes in New England, demonstrated by the team's 54-year support of the "Jimmy Fund" of the Dana-Farber Cancer Institute, contributing to the ongoing battle against childhood cancers;

Whereas fans of the Red Sox are found in every corner of the United States and across the globe, far beyond Boston and New England; and

Whereas the members of the "Red Sox Nation" express their immense gratitude to the entire Red Sox team for an inspiring 2007 season and for bringing another world championship title to Boston: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates—

(A) the Boston Red Sox for winning the 2007 Major League Baseball World Series and the players, manager, coaches, support staff, and team owners and executives whose ability, hard work, dedication, and spirit made this season possible; and

(B) the Colorado Rockies for their extraordinary success during the 2007 season in winning the National League Championship; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Red Sox manager Terry Francona;

(B) Red Sox general manager Theo Epstein;

(C) Red Sox president and chief executive officer Larry Lucchino;

(D) Red Sox principal owner John Henry; and

(E) Red Sox chairman Tom Werner.

## ORDERS FOR TUESDAY, OCTOBER 30, 2007

Ms. CANTWELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m, Tuesday, October 30; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 294, the Amtrak legislation; that on Tuesday, the Senate stand in recess from 12:30 until 2:15 p.m. for the respective party conference meetings; further, I ask unanimous consent that the Members have until 12 noon to file any second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Ms. CANTWELL. Madam President, as a reminder to Members, a couple of votes with respect to amendments are expected to occur prior to the cloture vote; therefore, up to three rollcall votes could occur prior to the Senate recessing for the caucus meetings.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. CANTWELL. Madam President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Tuesday, October 30, 2007, at 10 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate Monday, October 29, 2007:

### DEPARTMENT OF THE INTERIOR

R. LYLE LAVERTY, OF COLORADO, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Monday, October 29, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. GONZALEZ).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 29, 2007.*

I hereby appoint the Honorable CHARLES A. GONZALEZ to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HILL) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"When faith came to be in writings rather than in hearts, contention grew hot and love grew cold. That which is forced cannot be sincere and that which is not voluntary cannot please the Lord." These words of the medieval humanist, Erasmus, give us pause, Lord, as this Congress faces today's problems.

True faith is such a tender gift by which You massage the human heart. If faith does not spring spontaneously from within, it becomes dead men's quotes or rigid braces for feeble limbs.

The freedom of religion cannot live in legislative words or inanimate objects. Religious faith must be allowed to find its own expression freely. Left alone, faith will flourish in its own time and find its own roots, perhaps in open fields or in surprising cracks of our own pavement. Only when faith takes life will You be glorified, O Lord.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. BARROW) come forward and lead the House in the Pledge of Allegiance.

Mr. BARROW led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## HIGH PRICE OF CRUDE OIL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, crude oil prices went to a record high of $93 a barrel today. No doubt Americans will feel it at the gas pump. There are numerous reasons for the increase: Mainly, oil producing countries are unstable. Mexico has cut oil production 20 percent because of bad weather in the Gulf of Mexico. Africa's largest exporter of oil to the United States, Nigeria, has had incidents where pirates have kidnapped workers from offshore drilling rigs.

The Middle East is still a tinder box of uncertainty with Iran's nuclear development, Turkey fighting the Kurdish rebels, and, of course, the problems that persist in Iraq and Syria. All of this affects the disruption of oil exports. This, plus a weak dollar, means that crude oil prices will grow even higher.

Until the United States develops a safe energy policy that allows complete offshore drilling for crude oil and drilling in ANWAR, we will be held hostage by Third World countries, rogue dictators, and political enemies. We have the ability to explore and drill safely our own abundant natural resources. We must take care of ourselves or the days of higher oil prices have just begun.

And that's just the way it is.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 29, 2007.*

Hon. NANCY PELOSI,
*The Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 26, 2007, at 10:20 a.m.:

That the Senate passed with an amendment H.R. 3678.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

## ANTHONY DEJUAN BOATWRIGHT ACT

Mr. BARROW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1473) to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1473

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Anthony DeJuan Boatwright Act".

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

**SEC. 2. AMENDMENTS.**

Section 658e(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

(1) in subparagraph (E)(i) by adding at the end the following: "The State shall include as part of its regulatory process for issuance and renewal of licenses to providers of child care services, a recommendation to each provider that it carry current liability insurance covering the operation of its child care business.", and

(2) in subparagraph (F)—

(A) in clause (ii) by striking "and" at the end,

(B) in clause (iii) by striking the period at the end and inserting a semicolon,

(C) by inserting after clause (iii) the following:

"(iv) a requirement that each licensed child care provider—

"(I) post publicly and conspicuously in the service area of its premises a notice specifying whether or not such provider carries current liability insurance covering the operation of its child care business;

"(II) provide to parents of children to whom it provides child care services a written notice stating whether or not such provider carries current liability insurance covering the operation of its child care business, including the amount of any such coverage;

"(III) obtain the signature of at least 1 parent of each such child on such written notice acknowledging that such parent has received such notice; and

"(IV) maintain such notice (or a copy of such notice) as signed by such parents (or a copy of the signed notice) in such provider's records during the period in which the child receives such services.", and

(D) in the last sentence by inserting "clauses (i), (ii), or (iii) of" after "Nothing in".

**SEC. 3. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on October 1 of the 1st fiscal year that begins more than 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlemen from Georgia (Mr. BARROW) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. BARROW. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert material relevant to H.R. 1473, as amended, into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARROW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, back home in Augusta, Georgia, there's a little 7½-year-old boy named Anthony DeJuan Boatwright, who is in a semicomatose state and hooked up to a ventilator. He wasn't born that way, but that is how he ended up. He ended up that way because of an accident, negligence, really, that never would have happened if his mother had been given the information that this bill requires.

Back in 2001, Juan's mother, Jacqueline Boatwright, was doing what millions of mothers all over the country do every day: She placed her child in day care so that she could work to improve her life and that of her child. She was a sophisticated consumer. She had done her homework and she shopped around and found a day care center. It was licensed by the State; it was clean and it complied with all sorts of Federal regulations under the Child Care Development Block Grant Act governing such things as the prevention and control of infectious diseases, building safety, premises access, and mental health and safety training for staff.

But there was 1 thing that Jackie Boatwright did not know: That these folks could take her money, they could take her child, they could harm her child, and they would not be financially responsible for any of the harm that they could do. That is because they had no liability insurance and there was no law, State or Federal, that required them to tell her that.

Mr. Speaker, sure enough, that is what happened. They ignored little Juan long enough for him to find a bucket of water. Like every child that age, he had just enough strength to pull himself up and to look over inside and to fall inside, head first, but not enough upper body strength to push or pull himself back up. It was a death trap, and little Juan fell into it. Well, Juan survived, but his life and that of his family have been ruined and changed forever.

This bill would have prevented all of this from happening. It would not have done it by creating a whole new bureaucracy of day care inspectors to watch the watchers. It would have done it in the least expensive and most efficient way possible, by simply requiring the day care center to tell Jackie Boatwright what they knew but did not tell her, that they were willing to accept the moral responsibility of taking care of her baby, but they were going to accept none of the financial responsibility for failing to do so.

That would have prevented this from happening, because that is all it would have taken to prevent this tragedy from happening. Because if Jackie had known that, she would have done what any other parent would do: She would have taken her business someplace else, someplace where they accept some degree of financial responsibility for the consequences of their negligence and incorporate the cost in the cost of doing business, just like every other financially responsible business does.

Jackie has tried to make something positive out of this. She has determined to prevent this from happening to anybody else. Thanks to her efforts, financial responsibility disclosure laws are now on the books in 4 States: Georgia, California, Virginia and New Hampshire. This bill will close the gap by requiring financial responsibility disclosure for licensed day care facilities in the rest of the country.

In 2005, there were literally millions of kids in this country receiving day care in facilities that are governed by the Child Care and Development Block Grant Act. Only a fraction of these kids live in the 4 States that have now stepped forward to enact financial responsibility disclosure laws. That means that millions of kids still go to licensed day care facilities all around the country today whose parents have no idea that their day care centers can harm their child and accept none of the financial consequences of doing so.

This bill will give the parents of these millions of children the same information that parents are entitled to as a matter of law in the States of Georgia, California, Virginia, and New Hampshire. These parents have just as much need to know about the financial responsibility of the folks they give their kids to, and this bill will give them the same information.

This bill does not require any day care facilities to go out and get liability insurance. It merely requires licensed day care centers to tell parents whether or not they have insurance, and, if so, how much. That is all. It then leaves it up to the parents to do what Jackie Boatwright would have done if only she had had this information, and that is to decide for themselves whether or not to leave their child with someone who wants to accept the responsibility for caring for your child, wants to take your money for doing so, but is unwilling and unable to accept any of the financial consequences for failing to fulfill this responsibility.

Indirectly, Mr. Speaker, this bill actually does more than that. By giving parents the information that they have a right to know, it places a powerful economic incentive on all day care centers to do what all of the responsible day care centers are already doing, and that is to assume the financial responsibility and to incorporate the costs of that into the cost of doing business that goes along with the moral responsibility to take care of the children in their care. Anyone who wants to do business without doing that will be at a competitive disadvantage compared to those who do.

This approach gives the invisible hand of self-interest the opportunity to do some good in the marketplace; the interests of day care centers to do the right thing or compete at a disadvantage compared to those who do, and the interests of parents in placing their children in day care centers that are ready, willing and able to do the right thing if and when they mess up.

We have truth in labeling; we have truth in lending and truth in advertising. This is truth in day care. The States have led the way, and now it is time for the Federal Government to follow their lead. The families that end up being harmed because they are kept in the dark deserve no less.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1473, to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance.

Working parents depend on child care so they can earn an income needed to support their families, as well as ensure that their children are well cared for in a safe environment while they are working. As such, child care is an integral part of the daily routine of millions of American families with young children. Research clearly shows us that the quality of child care has a lasting impact on a child's well-being and ability to learn.

Children in poor quality child care have been found to be delayed in language and reading skills and display more aggression toward other children and adults. School-age children's academic performance is enhanced by attending formal child care programs of at least adequate quality, according to several studies.

The bill before us today does not reauthorize the Child Care and Development Block Grant. Rather, it amends current law to do several things. Most importantly, it requires each provider to openly post whether or not they have current liability insurance covering the operation of the child care business, and it requires each provider to supply parents with a written notice stating whether or not the provider carries liability insurance, including the amount of such coverage.

This legislation does not supersede any State regulations regarding facility licensure or insurance requirements. We as the Federal Government are simply asking providers to inform parents whether or not they hold liability insurance. While we have not utilized the normal process of committee consideration through hearings and markup of this legislation, we do support the purpose of this legislation in providing notification of insurance to parents. I hope to see the Child Care and Development Block Grant come before this committee for reauthorization during the 110th session of Congress. As we move forward reauthorizing this program, we must consider policy that makes way for learning environments to exist where children can obtain the cognitive skills or other skills needed for them to succeed socially and academically.

☐ 1415

Federalizing child care is not the purpose of this bill, but rather properly and consistently informing parents of whether or not the child care center has liability insurance. In the future, we must ensure that Federal policy continues to provide States maximum flexibility in developing child care programs and policies as well as parental choice so the parents are able to decide the best-suited care for their children. I thank Representative BARROW for introducing this bill, and ask my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BARROW. Mr. Speaker, I thank the gentleman from Tennessee for his remarks in support of the bill, and I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in support of H.R. 1473, the Anthony DeJuan Boatwright Act. It is named in honor of Anthony DeJuan Boatwright who suffered a terrible tragedy at a licensed child care facility in Georgia.

In the wake of her son's accident, Anthony's mother, Jackie, has become a child care advocate who has worked tirelessly to help provide better information to parents navigating the child care system.

This important legislation is modeled after laws in the States of Georgia and Virginia. H.R. 1473 amends the Child Care and Development Block Grant Program in order to help parents receive more information about potential child care providers. The Child Care and Development Block Grant is a very important Federal program providing almost $5 billion to States to help low-income families afford child care.

Almost 2 million children receive child care subsidies through this child care program, and it has enabled millions of families to enter or remain in the workforce. H.R. 1473 strengthens the Child Care and Development Block Grant by adding a safety standard. H.R. 1473 requires licensed child care providers to give written notice to parents about whether or not they have liability insurance and requires child care providers to post publicly whether or not they have liability insurance.

H.R. 1473 also requires States to recommend to licensed child care providers that they carry liability insurance.

Child care quality can influence whether a child arrives at kindergarten ready to succeed. Providing parents with additional information about the child care providers in their communities will help parents make the right choice for their children and for their families.

I would like to thank my friend and colleague the gentleman from Georgia (Mr. BARROW) for bringing this legislation forward. In moving this bill forward, we can help other families avoid the terrible loss suffered by Anthony DeJuan Boatwright's family.

I urge my colleagues to support H.R. 1473.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield back the balance of my time.

Mr. BARROW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARROW) that the House suspend the rules and pass the bill, H.R. 1473, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## EXPRESSING SUPPORT FOR DESIGNATION OF OCTOBER 2007 AS "COUNTRY MUSIC MONTH"

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 58) expressing support for designation of the month of October 2007 as "Country Music Month" and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

### H. J. RES. 58

Whereas from the farms, ranches, and back roads of America comes a sound that is uniquely American; one that is about life and how that life should be lived;

Whereas country music is a story of family, faith, freedom, hard work, opportunity, pride, and patriotism;

Whereas country music embodies the spirit of America and the genuine feelings individuals experience throughout their lives such as joy and laughter, but also of sorrow and heartache;

Whereas country music has played an integral part in encouraging Americans to support its armed forces and their role in protecting American ideals, mainly during times of national conflict, through numerous popular patriotic songs;

Whereas the lyrics in these patriotic songs invoke sacrifice, responsibility, determination, freedom and liberty that were present during the nation's founding;

Whereas the lyrics in these patriotic songs talk about a calling to serve a higher duty, to come together with fellow citizens to defend and protect the freedoms we enjoy today given to us from those of past generations who paid the ultimate sacrifice;

Whereas country music songs seek to educate about America's history and teach listeners to learn from past lessons, to instill character and good citizenship;

Whereas country music has millions of fans in cities and towns all across the United States from all ages and walks of life; and

Whereas the Country Music Association celebrated its first National Country Music Month in 1964 and the month of October 2007 marks the 43rd annual observance of Country Music Month: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Congress—

(1) supports the designation of a "Country Music Month";

(2) honors country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism; and

(3) requests and authorizes the President to issue a proclamation calling upon the people of the United States to observe such with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H.J. Res. 58 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support the designation of October 2007 as "Country Music Month" and to celebrate the long heritage of patriotism in country music.

The Country Music Association celebrated its first National Country Music Month in 1964, and October 2007 marks its 43rd annual observance. I would like to thank my fellow Texan, Congressman TED POE, for bringing this bill forward today.

The themes invoked in country music resonate with important American values such as responsibility, determination and hard work. Country songs foster an appreciation of the many important sacrifices made by our men and women serving in the Armed Forces. Songs like "Only in America" by Brooks and Dunn and "Where the Stars and Stripes and the Eagle Fly" by Aaron Tippen encourage patriotism and the pursuit of the American Dream.

In addition to powerful patriotic lyrics, the country music industry has also directly supported the cause of our Armed Forces. Portions of the proceeds from some patriotic compilations have gone to support the USO's active duty troops and families of fallen soldiers.

Mr. Speaker, I express my support for Country Music Month and congratulate the genre on its many contributions to American society. I urge my colleagues to pass the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.J. Res. 58, expressing support for the designation of the month of October as "Country Music Month" and to honor country music for its long history of supporting America's Armed Forces and its tremendous impact on national patriotism.

Country music is a blend of popular musical forms originally found in the southern region of the United States. I am proud to represent the birthplace of country music, Bristol, Tennessee. Country music has roots in traditional folk music, Celtic music, blues, gospel music, and old-time music and evolved rapidly in the 1920s.

Its sound and style has changed dramatically over the years. In the early years, country music was more of the honky-tonk sound from the likes of Ernest Tubbs and Hank Williams. In the 1930s and 1940s, another form of country music emerged, western country. These songs romanticized the life of the lonely, but heroic cowboy on the western frontier. Some of those famous for this western style were Gene Autry, America's singing cowboy, and Roy Rogers, who later teamed with wife Dale Evans to become the famous duo of the genre.

Country music morphed once again in the early 1950s with a sound that became known as rockabilly, a combination of rock and roll and hillbilly music. This sound was made popular by many performers who developed staying power in the country music industry. They include the Everly Brothers, Jerry Lee Lewis, and, of course, the king himself, Elvis Presley.

By the 1960s, country music found its home in Nashville, Tennessee. The Nashville sound was born. This was most definitely the sound of country, but the sixties saw more steel guitars and drums in the Nashville sound. This era of country music was the beginning of the age of contemporary country music which ushered in today's most popular artists, Kenny Rogers, Dolly Parton, Garth Brooks, and Reba McEntire.

Today, country music is at its highest peak of popularity. As of 2007, country is the most popular radio format in America, reaching 77.3 million adults, almost 40 percent of the adult population, every week.

Country music is a story of family, faith, freedom, pride and patriotism. It embodies the American spirit and has played an integral part in encouraging Americans to support our Armed Forces. These songs invoke feelings of determination, liberty and responsibility, all of which this great country was founded upon.

In 1964, October was declared Country Music Month in honor of its rich history and tremendous impact on national patriotism. Country music is America's music, and for this reason I urge my colleagues to support H.J. Res. 58.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time, and I am delighted the member from Tennessee, the country music capital, is a cosponsor of this bill.

I also thank the majority and Mr. HINOJOSA for quickly getting this House resolution to the floor. I know there was some difficulty in doing it because of the timetable, but I appreciate it.

Mr. Speaker, country music is definitely a sound that is uniquely American because it speaks to the heart and soul of everyday Americans. It is about the ups and downs of everyday life, as well as the struggles individuals have in this country, and the struggles our Nation confronts as a country. They are exemplified gloriously through the gifted songwriting of our country music artists.

At no time is this more true than when songs are written during trying times for our country and for the unwavering support of our men and women who wear the uniform who are willing to fight and even die, if necessary, for this Nation.

Toby Keith sang in "America Soldier" about our troops. He said, "Up and at 'em bright and early, I'm all business in my suit. I'm dressed for success from my head down to my boots. I don't do it for the glory, I just do it anyway, providing our future's my responsibility. I will always do my duty. No matter what the price. If dying's asked of me, I'll bear that cross with an honor, 'cause freedom don't come free."

Through songs like Darrel Worley's "Have You Forgotten," and Lee Greenwood's "God Bless the U.S.A.," Alan Jackson's "Where Were You (When the World Stopped Turning)," Aaron Tippin's "Where the Stars and Stripes and the Eagle Fly," Brooks and Dunn's "Only in America," and Charlie Daniels' "This Ain't No Rag, It's a Flag," and Chely Wright's "Bumper of my SUV," the thoughts and emotions of everyday Americans rings out all across America through country music.

□ 1430

These musicians and their patriotic radio stations that air their songs of support for the military are to be commended for being on the front lines of encouragement to our remarkable, relentless troops.

Like many in this House, I've been to Iraq; but also many of our country music singers have gone overseas to Iraq and every other place where American troops are, at their own expense to show appreciation to our American military for their loyalty to the U.S.A.

It's fitting that we as a Congress take note of this and honor country music during the month of October. I urge adoption of the bill.

Mr. HINOJOSA. Mr. Speaker, as I said earlier, country songs foster an appreciation of the many important sacrifices made by soldiers serving in the Armed Forces.

I want to share with our Members of the House that tomorrow, Tuesday, I will be accompanying Sergeant Daniel Pena from my congressional district, a young man 28 years old serving his third tour in Iraq. While on patrol, their Humvee stepped on a land mine that exploded. One of his colleagues riding in that Humvee was killed, and he lost his right arm and his right leg.

He came back to the United States where he has stayed in Walter Reed the last 2 months and received an artificial arm and leg and has now been released by Walter Reed Hospital. I'm going to accompany him and his father and mother to Weslaco, Texas, where he is going to receive a hero's welcome.

I'm pleased to tell you that I requested that country songs like "Only in America" by Brooks and Dunn and "Where the Stars and Stripes and the Eagle Fly" by Aaron Tippin be played as part of the patriotic music that we're going to have at that celebration of a hero's welcome.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield back my time.

Mr. HINOJOSA. Mr. Speaker, we have no other speakers on this resolution, and I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the joint resolution, H.J. Res. 58.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## CALLING ON CHINA TO RESPECT THE HUMAN RIGHTS OF REFUGEES FROM NORTH KOREA

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 234) calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

### H. CON. RES. 234

Whereas the Government of North Korea is a dictatorial regime that commits gross human rights violations against the North Korean people;

Whereas the Government of North Korea attempts to exert absolute control over the lives of North Koreans through the use of deplorable systems of punishment and torture and by restricting the flow of information;

Whereas the Government of North Korea engages in the systematic torture, unlawful detainment, and mass murder of tens of thousands of political prisoners, defectors, and refugees, employing the world's most brutal concentration camp system;

Whereas the lack of freedom, government persecution, and policies of selective starvation have driven hundreds of thousands of North Koreans to northeast China, fleeing for their lives from prison camps or political persecution;

Whereas the Government of the People's Republic of China forcibly repatriates North Korean refugees and imprisons foreign aid workers who try to assist North Korean refugees inside China;

Whereas to encourage these repatriation efforts, Chinese central government authorities assign local public security bureaus in northeastern China a target number of North Koreans that they must detain in order to receive favorable work evaluations;

Whereas the refugees returned to North Korea by the Government of the People's Republic of China face imprisonment, brutal persecution, or execution;

Whereas up to 90 percent of North Korean women refugees fall prey to traffickers in China who sell the refugees into sexual slavery;

Whereas the United Nations Convention relating to the Status of Refugees, done at Geneva on July 28, 1951 (189 UNTS 150), as modified by the Protocol relating to the Status of Refugees, done at New York on January 31, 1967 (606 UNTS 267), defines a refugee as a person who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country";

Whereas the Government of the People's Republic of China violates its obligations under the United Nations Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees by impeding access to the United Nations High Commissioner for Refugees (UNHCR) and continually classifying North Korean refugees as "economic migrants", denying them asylum and forcibly returning them to North Korea without the review to which they are entitled;

Whereas the UNHCR fails to robustly press the Government of the People's Republic of China to grant the UNHCR access to North Korean refugees and has failed in initiate a binding arbitration proceeding against the Government of the People's Republic of China pursuant to the terms of Article XIV of the Agreement on Upgrading of the UNHCR Mission in the People's Republic of China to the UNHCR Branch Office in the People's Republic of China, done at Geneva on December 1, 1995, governing refugee access and the refugee designation process;

Whereas the UNHCR's failure to bring such an arbitration proceeding was determined by the United States Congress in the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.) to constitute a "a significant abdication by the UNHCR of one of its core responsibilities";

Whereas the failure of the People's Republic of China to abide by its treaty obligations toward the United Nations is a critical means by which the Government of North Korea is allowed to subject the people of North Korea to persecution and effectively imprison them within its borders;

Whereas Special Envoy for Human Rights in North Korea Jay Lefkowitz testified before the House Foreign Affairs Subcommittee on Asia, the Pacific, and the Global Environment on March 1, 2007, that "the fact that the Government of China is not honoring its international commitments, is not providing genuine access as it is required to the U.N. High Commissioner on Human Rights, I think is really the single most significant issue we have outside of the North Korean Government's own emigration policies that is a barrier now to the free movement of people in that region";

Whereas the International Parliamentarians Coalition for North Korean Refugees' Human Rights, a coalition of parliamentarians from across the globe, met in Seoul, South Korea, on August 29, 2007, and called on the international community to increase its efforts to protect North Korean refugees; and

Whereas the Korean-American community, acting through various religious and civic organizations, including the "Let My People Go Campaign", has worked to bring awareness to the plight of the hundreds of thousands North Korean refugees living in China: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress—

(1) strongly encourages the Government of the People's Republic of China to honor its obligations under the United Nations Convention relating to the Status of Refugees, done at Geneva on July 28, 1951 (189 UNTS 150), as modified by the Protocol relating to the Status of Refugees, done at New York on January 31, 1967 (606 UNTS 267), by—

(A) halting the forced repatriation of North Koreans who face a well-founded fear of persecution if they are returned to North Korea;

(B) making genuine efforts to identify and protect the refugees among the North Korean migrants encountered by Chinese authorities, including providing refugees with a reasonable opportunity to request asylum; and

(C) granting the United Nations High Commissioner for Refugees unfettered access to such refugees to determine their status and the degree of assistance to which they are entitled; and

(2) recognizes the efforts of the Korean-American community for bringing attention to the plight of North Korean refugees.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

### GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield myself as much time as I may consume in speaking on behalf and in support of this resolution.

I would first like to thank our colleague, the ranking member of the Subcommittee on Terrorism, Nonproliferation and Trade, ED ROYCE of California, for introducing this resolution.

North Korea is quite literally, as we know from satellite images, one of the darkest places on Earth. One can see that when these images are taken from space at night. It has an underdeveloped economy which cannot supply even the most basic utilities. People there live under this darkness.

It's well-known that the North Korean regime regularly uses imprisonment, forced labor, torture and execution to intimidate the people into submission. Therefore, many try to flee their country each year, thousands crossing into northeastern China.

Some are driven by starvation or desperate poverty. Some flee because they fear persecution for their thoughts and beliefs.

I would say that given this situation most North Koreans, given the choice, would leave. So the regime clamps down ruthlessly to stop this flow of refugees.

Yet, the sad fact is that those who successfully make it may face further human rights abuses by the Government of the People's Republic of China. Beijing is fearful of attracting too many refugees. So it tries to disincentivize the North Koreans.

The government sometimes imprisons these people who cross into China; and in an attempt to avoid its responsibilities under the United Nations Conventions and Protocols that govern the status of refugees, to which the PRC is a signatory, China falsely labels North Korean refugees as economic migrants.

This cynical excuse Beijing uses to thwart the legitimate needs of these refugees will not allow the U.N. High Commissioner of Refugees access to northeastern China to assess the welfare of the North Koreans who are there.

The disturbing truth is that those in China go to great lengths to attract North Korean refugees through sex and labor trafficking.

H. Con. Res. 234 calls on Beijing to stop this awful charade and live up to its moral and legal obligations. It further demands that China stop repatriating North Korean refugees; that it honor the United Nations Conventions and honor the status of refugees; and that it provide unfettered access to the U.N. High Commissioner on this subject.

Mr. Speaker, I support this resolution.

North Korea is quite literally one of the darkest places on Earth. Satellite images show us that North Korea at night is covered in an eerie black, in sharp contrast to the bright lights emanating from the lively, modern cities that dot the rest of North East Asia.

This dramatic image is stark evidence of North Korea's backwards, underdeveloped economy, which cannot supply even the most basic utilities.

But it is also a cold reminder of the horrific conditions that the North Korean people, who live under the cover of this darkness, must endure.

It is well known that the North Korean regime regularly uses imprisonment, forced labor, torture, and execution to intimidate the people of North Korea into submission.

It is no wonder that so many North Koreans attempt to flee their country. Each year, thousands and thousands cross the border into Northeastern China.

Some are driven by starvation or desperate poverty. Some flee because they fear persecution for their thoughts, beliefs, or simply because a member of the regime has arbitrarily labeled them a risk.

Pyongyang knows that given the choice most North Koreans would leave, and so the regime clamps down ruthlessly to try and stop the flow, making an already dangerous trek even more perilous.

Yet, the sad fact is that those who successfully brave the hazards of the border crossing face further human rights abuses by the government of the People's Republic of China on the other side.

Beijing is fearful of attracting too many refugees, and so it brutally tries to create disincentives for North Korean refugees.

The government imprisons North Koreans who cross into China, subjecting them to terrible conditions and abuse, only to repatriate them to North Korea, where they face likely torture or execution.

In an attempt to avoid its responsibilities under the United Nations Conventions and Protocols that govern the status of refugees, to which the PRC is a signatory, China falsely labels North Korean refugees "economic migrants."

Using this cynical excuse Beijing stubbornly refuses to provide for the legitimate needs of these refugees and will not allow the U.N. High Commissioner of Refugees access to Northeastern China to assess the welfare of North Koreans there.

The disturbing truth is that there are those in China who go to great lengths to attract North Korean refugees, through sex and labor trafficking.

H. Con. Res. 234 calls on Beijing to stop this awful charade, and live up to its moral and legal obligations. It demands that China stop repatriating North Korean refugees, that it honor the United Nations Conventions that govern the status of refugees, and that it provide unfettered access to the U.N. High Commissioner on Refugees so that these people who have suffered so terribly can finally receive the protection and fair treatment they so richly need and deserve.

I strongly support this resolution and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Congressional Gold Medal ceremony that was held for His Holiness the Dalai Lama earlier this month served to remind us all once again that the Chinese leadership has a long way to go before it becomes a responsible stakeholder in the international community.

Nowhere is this more apparent than in the callous disregard of Beijing of its international treaty obligations with regard to refugees, both North Korean and Tibetan.

The international press has reported incidents of Chinese border guards shooting and killing both North Korean and Tibetan refugees as they sought to flee China. These reprehensible acts must stop at once.

Earlier this month, Beijing demonstrated once again its continued contempt for the international refugee conventions. Chinese police entered the South Korean international school in Beijing to drag North Korean refugees from their hiding places. North Korean refugees had sought sanctuary there.

In the process, the Chinese police roughed up South Korean diplomats who were sent by their government to assist these refugees.

I call on Beijing to act in accordance with the international refugee conventions that it has signed and to end the disrespect that it has shown toward the diplomats of a major ally of the United States.

This resolution, put forward by my good friend, ED ROYCE of California, is particularly timely and essential with the approach of the 2008 Olympic Games in Beijing. Olympic hosts should not include oppressors of refugees.

The forced repatriation of North Korean refugees is both irresponsible and immoral. If ever there was a refugee population who faced the immediate threat of persecution upon return to their homeland, it is the tens of thousands of North Korean refugees now hiding in China.

The office of the U.N. High Commissioner for Refugees, UNHCR, must also do a much better job in holding Beijing accountable for its reckless disregard of its obligations. If Beijing does not begin to address this urgent issue in a responsible way, then there should be dire consequences.

Television viewers around the world next summer could possibly see on their screens the scene of a North Korean woman with her baby seeking safe haven in an athletes' dormitory at the Olympic village as Chinese police ruthlessly pursue her.

This resolution, therefore, Mr. Speaker, is of vital importance for the reaffirmation of our commitment to the protection of refugees and, most importantly, for the North Korean refugees themselves.

I rise in strong support of Mr. ROYCE's resolution, and I urge my colleagues to do the same.

With that, Mr. Speaker, I yield such time as he may consume to the author and the sponsor of this resolution, Mr. ROYCE of California.

Mr. ROYCE. Mr. Speaker, I want to thank the gentlelady for yielding, and I want to take a moment and thank Chairman JOHN TANNER, as well as of course Ranking Member ILEANA ROS-LEHTINEN and Chairman LANTOS for their support in bringing this bill to the floor of the House of Representatives.

I would also like to thank Congresswoman DIANE WATSON. She is the coauthor of this resolution, and in August Congresswoman WATSON and myself traveled to South Korea as Chair and vice-Chair of the U.S.-Republic of Korea Interparliamentary Exchange. We also had an opportunity to go to North Korea at that time. In Seoul, South Korea, we held a day-long discussion with our counterparts in the National Assembly there in South Korea and took part in a forum of parliamentarians from across the globe. We had parliamentarians there from seven different countries to discuss the plight of North Korean refugees, and this resolution is a product of those discussions and what we learned from the defectors that we talked to, and we listened to the defectors during these hearings.

Mr. Speaker, we're all too familiar with the miserable human rights conditions in North Korea, and I would just remind the Members of this body of reports by the State Department and NGOs that paint a very grim picture.

There is a total denial of political, civil, and religious liberties. There is no dissent or criticism allowed of Kim Jong-Il. The media is tightly controlled there by the regime.

Severe, severe physical abuse is inflicted on any citizen who violates these laws and restrictions. NGOs describe a system of concentration camps. They say this is akin to the Soviet gulags, and they house somewhere up to 200,000 inmates.

Food shortages are a regular problem because the regime distributes food based on perceived loyalty and, of course, favors the ruling elite and the military.

This dismal state has led a large number of North Koreans, perhaps as many as 300,000, to cross into China. There they seek food, and they're looking for work, and hopefully from their standpoint, they're looking for resettlement in South Korea. It is thought that nearly 75 percent of these refugees are women, and according to the NGOs that study this problem, 90 percent of those women end up trafficked.

In northeast China, North Korean refugees live in constant fear of being rounded up by Chinese authorities, and this despite the international obligations that China is supposed to keep.

China forcibly repatriates these refugees; and for many of them, it's effectively a death sentence. Some are shot on the spot. Some go to these concentration camps or work camps. Many of them live out their lives in these concentration camps.

□ 1445

The Government of North Korea deems leaving their country a crime, in some cases a capital offense. If not that, the expense is the gulag.

China's mistreatment of these refugees is not new but has really intensified, according to the State Department, in the last couple of years. During 2006, several thousand North Koreans were forcibly detained and forcibly returned to North Korea, the State Department reports.

As part of its stepped-up campaign of repatriation, Chinese authorities reportedly also have established new detention centers along the border with North Korea to accommodate greater numbers of North Korean prisoners prior to the repatriation. The Congressional-Executive Commission on China, on which I serve, recently released its annual report finding that during the past 1 or 2 years the Chinese Government has intensified its efforts to forcibly repatriate North Korean refugees, in part as security preparation for the 2008 Olympic Games.

These refugees deserve better. Certainly, Kim Chun-hee did. Ms. Kim is a North Korean woman in her 30s who sought refuge at a school in Beijing in December of 2005, only to be repatriated, this despite attempts by the United States and others to raise her case to the Chinese Government to convince the Chinese Government not to do this. To this day it is not known whether she was executed or whether she is still alive.

There are thousands of similar stories. Those associated with humanitarian groups who assist North Korean refugees in northeast China are also targeted by Chinese officials, and this includes U.S. citizens. Last month, American businessman Steve Kim was released from a Chinese prison after serving 4 years. His supposed crime was helping North Korean refugees who had escaped their homeland and were hiding in China hoping to make their way to South Korea.

Mr. Kim, who recently spoke on Capitol Hill about his experiences, recounted, "When I was in prison, I saw North Korean defectors who I shared the prison cell with beaten to a pulp by prison guards." Now, this is in China. This is before they are sent back to North Korea. We have documented the kind of treatment they get when they are sent back.

This resolution sends a strong message to Beijing. This practice must stop. Specifically, the resolution calls on China to honor its obligations under the 1951 U.N. convention relating to the status of refugees and its 1967 protocol, and to honor that by halting the forced repatriation of these refugees, terminating the practice of automatically classifying all North Korean border crossers as illegal economic migrants and granting the U.N. High Commissioner for Refugees unfettered access to get into these areas to see these refugees.

China is signed up to respect refugees. It is past time for them to live up to the protocols they have signed to do this. The human rights situation in North Korea is a nightmare. These human rights abuses are worthy of this House's attention, because North Koreans are suffering. Two million were killed at the hands of this regime over this last decade. They also tell us something about the regime we are expecting to carry out commitments under the Six-Party Talks on North Korea's nuclear weapons program. It tells you something about this regime.

I will quote Andrei Sakharov, the Soviet dissident who once said, "A country that does not respect the rights of its own people will not respect the rights of its neighbors." Teeing off that quote, Jay Lefkowitz, the State Department's Special Envoy for Human Rights in North Korea, wrote in The Wall Street Journal last year, "North Korea is a prime example of a regime that doesn't respect either. It wouldn't have surprised Sakharov that a government that inflicts on its citizens repression reminiscent of the most cruel totalitarian rulers of the 20th century is today counterfeiting U.S. currency, trafficking in narcotics, building a nuclear arsenal, and threatening other nations."

In testimony last week before the House Foreign Affairs Committee, Assistant Secretary Christopher Hill reported that he is moving the ball forward with North Korea in respect to disabling their nuclear program. I hope he is right. Part of the February agreement to do so involves a U.S. commitment to move toward full diplomatic relations with North Korea.

The administration insists that it still has a clear eye on the North Korea human rights situation. However, the Congressional Research Service reports that Ambassador Hill increasingly has linked normalization of U.S.-North Korean relations solely to a satisfactory settlement of the nuclear issue. This body must let it be known that relations with North Korea will be far from normal as long as North Korea continues to treat its people as we have heard about today.

I urge the passage of this important resolution.

Mr. TANNER. Mr. Speaker, I yield such time as he may consume to Mr. MORAN of Virginia.

Mr. MORAN of Virginia. I thank Mr. ROYCE for bringing up this issue.

Mr. Speaker, it's terribly important, it's all about man's inhumanity to mankind. Here China envisions itself becoming a superpower in the 21st century, hosting the world's Olympics.

We, in the United States, are buying tens of billions of dollars of goods from China. China has the opportunity to take its place among the nations of the world that matter, that do the right thing, that lead us into the future. What a terrific opportunity for China to show that it has a moral fiber, that it knows right from wrong, that it is not an amoral totalitarian state.

It knows, beyond any shadow of a doubt, the horrific conditions within which the North Korean people exist today, barely surviving. Yet, out of total desperation, when they are able to escape North Korea, do the Chinese help? No. They make it worse. It's as though they have escaped from some purgatory into hell where they get beaten up by the Chinese and then sent back to North Korea, probably to be executed.

This is a situation that just cries out for people around the world to speak up. I appreciate the fact that Mr. ROYCE has given us that opportunity in the House of Representatives today.

Mr. DAVIS of Virginia. Mr. Speaker, I rise in support of H. Con. Res. 234, which calls upon the People's Republic of China to abide by its obligations with respect to North Korean refugees.

Mr. Speaker, the people of North Korea suffer under one of the most oppressive regimes on Earth. North Koreans enjoy few freedoms. Indeed, most aspects of daily life are dictated by government mandate. This bleak existence is punctuated by constant fear of the merciless tactics employed by the government to command subservience. To add insult to injury, North Korea suffers chronic food shortages. The food that is available is rationed out based on presumed loyalty to the state, not need.

Not surprisingly, thousands, if not hundreds of thousands, have attempted to flee North Korea into China. I would assume almost all North Koreans would leave if given the option. The government of Kim Jong-Il must assume this as well, because it does everything in its power to dissuade North Koreans from doing so. Leaving North Korea is a crime. Those caught attempting to escape are beaten, imprisoned in concentration camps, or executed.

Instead of recognizing North Koreans as political refugees, China labels them economic migrants. Instead of providing sanctuary, it hunts them down and, like the North Korean government, beats and imprisons them. Finally, they are forcibly repatriated to North Korea, even though this is often tantamount to a death sentence.

The People's Republic of China is party to the United Nations Convention Relating to the Status of Refugees and the 1967 Protocol to that Convention. These are the international instruments that detail the protections for refugees. Despite this, China has not allowed United Nations agencies access to the North Koreans living in China, and its aforementioned treatment of North Korean refugees violates these international agreements.

I thank my colleague Representative ED ROYCE for introducing this legislation, and I join his call for China to live up to its humanitarian responsibilities with respect to North Korean refugees.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HILL). The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Con. Res. 234.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## RECOGNIZING AND COMMENDING EFFORTS TO RAISE AWARENESS ABOUT AND HELP END THE WORSENING HUMANITARIAN CRISIS AND GENOCIDE IN DARFUR, SUDAN

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 573) recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 573

Whereas the violence conducted by the Armed Forces of Sudan, government-backed Janjaweed militia, and various rebel factions in Darfur, Sudan, has left nearly 2,500,000 people displaced from their homes and up to 400,000 civilians dead;

Whereas despite the signing of the Darfur Peace Agreement on May 5, 2006, violence, death, and destruction in Darfur continue unabated, threatening the lives of thousands of civilians, humanitarian aid workers, United Nations officials, and African Union international peacekeepers;

Whereas on July 22, 2004, Congress declared the atrocities unfolding in Darfur as genocide, and on September 9, 2004, then-Secretary of State Colin Powell, in testimony before the Senate Foreign Relations Committee, declared that "genocide has been committed in Darfur", and that, "the [G]overnment of Sudan and the Janjaweed bear responsibility";

Whereas on April 18, 2007, President George W. Bush declared at the United States Holocaust Museum, where the Committee on Conscience has spent considerable efforts advocating to end the genocide in Darfur, that the United States has a moral obligation to help end the genocide in Darfur;

Whereas hundreds of United States faith-based, human rights, humanitarian and youth-led advocacy organizations have established Darfur-related campaigns since the United States declaration of genocide in 2004;

Whereas hundreds of State and local communities, schools, universities, and individual citizens have mobilized and organized fundraisers, campaigns, and initiatives to help end the genocide in Darfur;

Whereas over 600 chapters of anti-genocide high school, college and university student organizations have been established since 2004 to help end the genocide in Darfur;

Whereas 57 United States colleges and universities, 20 States, ten United States cities, and eight international and faith-based organizations have adopted divestment policies from Sudan thus far;

Whereas on April 30, 2006, thousands of people gathered at the National Mall in Washington, D.C., to urge the United States and the international community to help end the genocide in Darfur;

Whereas similar public advocacy efforts in the United States to end mass human rights violations, racial discrimination, and violence in Africa have not been seen since the South African anti-apartheid movement;

Whereas these aforementioned efforts have embraced the slogans "Never Again" and "Not On Our Watch", reminiscent of the failure of the international community to stop the Holocaust and the genocides in Bosnia and Rwanda; and

Whereas the United States has led the international community's condemnation of the atrocities and violence in Darfur: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes and commends the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan;

(2) supports the efforts of the various local schools, communities, and faith-based, human rights, humanitarian, and youth-led advocacy organizations that have dedicated their time and energy to help end the genocide in Darfur and to promote peace, defend human rights, and improve the lives of those affected in Sudan and Chad; and

(3) urges the United States to work with its partners in the international community to support a negotiated settlement to the conflict in Darfur, while implementing a more robust set of multilateral measures against those individuals who act as obstructionists to peace in Darfur, including by launching attacks against civilians, humanitarian operations, or peacekeeping forces, or by blocking the deployment of a credible African Union-United Nations hybrid peacekeeping force.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

### GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. I want to thank the gentleman from Virginia (Mr. MORAN) for his efforts in this regard and to say a few words, so I will yield myself such time as I may consume before I recognize the gentleman from Virginia.

The genocide in Darfur has taken a horrific toll on that region. Well over 60 percent of the villages have been destroyed, 2 million people displaced, 400,000 killed, and 200,000 driven into refugee camps in neighboring Chad.

Thanks to the work of tens of thousands of Americans, the genocide has not been ignored. All over the country, local communities have been organizing and mobilizing with regard to this issue.

In response to the call for divestment from Sudan, 20 States have adopted divestment from Sudan policies and another 20 have it under consideration; 58 universities and colleges have adopted policies to divest pension funds from Sudan and another 47 are pursuing similar policies.

In addition, 10 cities, eight international and religious organizations and eight countries have either adopted policies or are in the process of so doing, while seven major international corporations have ceased doing business with the government in Sudan.

While this Congress, former Secretary of State Colin Powell and President Bush have described atrocities in Sudan as genocide and hold the Sudan overwhelmingly responsible, the international community has yet to come together to put an end to the genocide.

I want to commend the American people for not giving up on this issue. The U.N. is deploying peacekeepers. Foreign and civil society groups are also involved.

Muslim pop stars from around the world recently came together at a charity concert for Darfur. The head of the sponsoring organization, Islamic Relief, said, "British Muslims must unite and raise their voices over the issue of Darfur."

We cannot allow our voices to remain silent. Therefore, I urge all of our citizens and activist organizations to continue speaking out on Darfur and to continue pressure for economic sanctions and real civilian protections.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of House Resolution 573, which commends the efforts of the American people and advocacy groups to confront genocide in Darfur, Sudan. As the resolution notes, there has been no other grassroots advocacy effort in the United States aimed at addressing mass atrocities and human rights abuses in Africa that has been conducted with as much vigor since the anti-apartheid movement of the 1980s and 1990s.

Mass demonstrations and protest marches have been organized. Days of prayer have been observed by churches, synagogues and mosques across the country. Countless fund-raisers for humanitarian relief have been conducted.

In my own district, school children as young as the first grade joined in an effort to collect hundreds of toys for the children of Darfur, which I had the opportunity to deliver while I visited that war-torn region. I am extremely proud of the contributions that these children made and all the people in my community, for it helped bring some joy to the youngest victims of a modern-day genocide.

Advocacy efforts on the Hill have also been extremely effective. Congressional offices have been inundated by phone calls, letters and visits by individuals committed to making a difference. It is due in no small part to the efforts of these groups that this body has considered 10 separate bills and resolutions which seek to address conditions in Darfur this year, including three that will be considered today alone.

I commend the efforts of those who have dedicated so much of their time and energy to raising awareness about the carnage that continues to unfold in Darfur, and I urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield as much time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend and colleague from Tennessee (Mr. TANNER).

Mr. Speaker, the intent of this resolution is to recognize the outstanding work of the school, community and faith-based advocacy groups who, through their moral commitment and tireless efforts and countless hours of volunteer service, have helped bring needed attention to the genocide occurring in Darfur. Their efforts reflect the true spirit of Americans and bring hope to those who are facing historic atrocities halfway around the world.

I want to particularly commend the students who are fueling this nationwide movement, urging action to stop genocide by educating their peers and holding us, their elected officials, accountable.

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And hold us accountable they have. I recently met with students from an organization whose primary goal is to form a nationwide anti-genocide coalition. This organization has more than 700 chapters, provides students with creative and effective organizing materials and policy and advocacy training. Recently, in my home State of Virginia, several outstanding students from the New School of Virginia held a 3-day conference where they educated fellow students about the genocide in Darfur.

I was so moved by their sincere and energetic commitment to ending that genocide, I invited the students to Congress, where they were led by Semhar Araia and Lia Parada of my staff. These high school students briefed Members of Congress on their efforts to put pressure on the Government of Sudan to stop the genocide. Having given their peers numerous briefings on the situation in Darfur, these students took it upon themselves to ask poignant, pressing questions of our colleagues. Their message was clear: help us save Darfur.

Having learned that villages have been razed, women systematically raped and branded, men murdered, and food and water supplies destroyed, they are determined to make a difference, and to continue speaking up until their government does the right thing.

Now, we hear slogans from our President like, "not on our watch," and we believe that he is sincere when he says that. But our society continues to be witness to a crisis as devastating as Rwanda. Our youth can't understand why it continues today, after years of knowing what has been going on, tens of thousands have died, hundreds of thousands are displaced and living in refugee camps. More than 2 million people have been driven from their homes.

And over the last few years, we've seen major changes in U.S. foreign policy with respect to the ongoing crisis in Darfur, but a far more aggressive response is still needed.

On July 22 of 2004, Congress declared that the atrocities unfolding in Darfur constituted genocide. On September 9 of that year, former Secretary of State Colin Powell stated that "genocide has been committed in Darfur and that the Government of Sudan and the janjaweed bear responsibility."

On April 18 of this year, President George Bush asserted that the United States has a moral obligation to help end the genocide in Darfur. But it still goes on.

Had it not been for the grass-roots effort to pressure the administration and other national governments on this humanitarian crisis, I doubt we would see the United Nations African Union peacekeepers in Darfur.

But we have got to do so much more. The mission is not complete. Just last month, on September 29, an estimated 1,000 members of a heavily armed Darfur rebel group overran a base in Haskanita, which is occupied by the African Union Mission. This ambush resulted in intense fighting that killed 10 peacekeepers and wounded many others; 50 soldiers are still missing. According to U.N. estimates, in the aftermath of the brutal attack, 15,000 civilians had to flee the area to neighboring towns or the wilderness.

The effort and resources put into resolving this conflict pale compared to what the President has requested for Iraq. Clearly, there's so much more that we as a Nation could be doing to end this crisis. The humanitarian situation is not improving. African Union peacekeeping forces are limited to only 7,000 troops. As evidenced by the attack on Haskanita, it is unlikely that their efforts alone will ensure any real meaningful progress. We've got to keep pressuring the Sudanese Government and build support for a larger peacekeeping force. More Americans need to speak out day in, day out, like these students are. We cannot continue to allow the raping, the massacreing, the displacement of people to continue. These students are asking us to hear them, to act, and to bring to bear the strength of the nations of the world to address this conflict.

That's why I urge my colleagues to vote in favor of this resolution that recognizes those who have selflessly devoted themselves to raising awareness of the crisis in Darfur.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman for yielding me the time and for his leadership on so many issues advocating human rights, but especially the humanitarian crisis in Darfur.

I also want to thank Congressman JIM MORAN for introducing this resolution that recognizes and commends the outstanding work carried out by dozens of national organizations and literally thousands of local groups across the country to educate Americans and motivate them to take action on ending the genocide in Darfur, Sudan.

Mr. Speaker, on April 28, 2006, my House colleagues, Representatives MORAN of Virginia, TOM LANTOS, JOHN OLVER and SHEILA JACKSON-LEE, joined me for a protest in front of the Sudanese embassy here in Washington as part of a larger effort organized by religious, student, and human rights groups to focus the country's attention on the genocide in Darfur. All of us were arrested and many of us joined thousands of our fellow citizens 2 days later for the national rally on the Mall to stop the genocide in Darfur.

I brought my two children, Patrick and Molly, to that rally so that they could listen to the speeches, see the great diversity of people united in effort, and meet so many of the young people and students who have been engaged in the cause of ending genocide.

I happen to be especially blessed, Mr. Speaker, in having 13 colleges and universities in the Third Congressional District of Massachusetts, an engaged religious community of many faiths and school districts that believe in debating the serious issues of the day inside the classrooms. I had been hearing and learning about the humanitarian crisis in Darfur for months from elementary school, middle school, high school and college students, from religious leaders and community groups, from the Armenian American community in Worcester, and from local human rights and refugee advocates.

When I stood with my colleague in front of the Sudanese embassy, I was there not just to protest the genocide, but to honor the broad coalition of voices that works every day, that works day after day, week after week and year after year to end the violence, the terror, the humanitarian crisis, the genocide in Darfur. Among these are the Save Darfur Coalition, STAND, ENOUGH, and the Genocide Intervention Network.

Since the national rally on the Mall a little over a year and a half ago, these groups have continued to raise the awareness of the American people. Over the April recess, I had the privilege of traveling to eastern Chad to meet some of the 300,000 refugees from Darfur living in camps along the Chad-Sudan border. I spent several days with representatives from UNHCR, UNICEF, the World Food Program, Oxfam, ICRC, Catholic Relief Services, Doctors Without Borders and so many others whose lives and work are completely focused on responding to the humanitarian crisis. I cannot possibly express in words the respect and admiration I have for them and all the other NGOs working inside Darfur and in Chad and the Central African Republic with the nearly 3 million people displaced from their homes by the violence in Darfur.

Mr. Speaker, today we are considering three bills on Darfur: this one, that recognizes and commends the work of advocacy groups and other NGOs who raise awareness and are working to help end the genocide in Darfur; another resolution introduced by Congresswoman ROSA DELAURO about the need to protect the women and girls of Darfur from acts of rape and sexual violence that have become commonplace in this conflict; and, a third, condemning in the strongest terms the attacks on September 29 on the African Union peacekeepers.

Mr. Speaker, the genocide goes on. The humanitarian crisis persists. This morning's Washington Post speaks to the fact that the United States and the international community speak with passion, but accomplish little in ending the violence in Darfur. This week another peace conference on Darfur is under way in Libya, except all the parties to the conflict are not present. We must do more, Mr. Speaker, or we will be here 1 year from now, once again bemoaning the killing, the violence, and the terror. The time for action is now.

Mr. TANNER. Mr. Speaker, I am now pleased to yield as much time as she might consume to the gentlelady from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the work of Ms. DELAURO, Mr. MORAN, Ms. ROS-LEHTINEN, those who have brought forward a number of resolutions on Darfur. And there's a reason, I think, we're seeing a confluence of new concern.

This is not the kind of resolution one comes to the floor and says I'm proud to be a cosponsor. It is more in the nature, Mr. Speaker, of an emergency resolution designed to make sure we don't go to sleep on Darfur while the genocide continues.

There are so many things that the world community has done, that the President has done, that NGOs have done; and, yet, here we are with the genocide in place in Darfur. The message is, we haven't done enough, therefore.

I am among those who have been arrested in front of the embassy. Well, the whole point there was to call attention to Darfur, and that was at least more than a year ago, not to mention all that has happened all around the world.

I want to call special attention to the most defenseless victims of the genocide, and those are women who are the victims of rape as individuals, and mass sexual violence of various kinds. The mores of this society may mean that the women in society were more accustomed to being protected by the men. If those were the mores, that, of course, protection is long gone because of the genocide against the men.

So what we have often is a society of women and children defenseless against what appears to be interminable genocide. Just 2 months ago, there was yet another report of mass rapings, dozens of women. It seems to be a modus operandi. When the attacks are made, single out the women after the attacks for rape. The large attacks on the camp bespeak continuing genocide.

What is perhaps most pitiful is that the women continue to do what women in developing societies have always done, to be the wood gatherers of the society, to go out and gather the wood that is necessary to do the cooking and, indeed, to live. There are fire wood patrols that must go with these women, and still the rape continues. The lack of resources for these patrols, the lack of communication and organization for these patrols means that emergency conditions for women and children continue.

The hybrid force for Darfur is not even scheduled to be on the ground until next year. The shame of it all, that the mass rape is often committed by members of the Sudanese Armed Forces and the militias, and that we've been able to do nothing about it, means that we have an obligation to raise our voices about mass rape and abuse of women that is now well documented.

Finally, Mr. Speaker, bear in mind, these are women with no recourse except our raising our own voices. No recourse whatsoever. And consider that after the rape of such women, which is often shameful enough even in a society like ours so the women don't even want to come forward and speak about it, these women often are seen as women who've had sexual intercourse outside of marriage and are open to the crime of Xena or such an offense which would be 100 lashes in addition to the humiliation they have already suffered.

The ultimate victims, of course, are the children who result from pregnancy of these women, the janjaweed child, this often is called, and there that child sits outside of the society, outside of what is normally done as a matter of course for children.

I hope this resolution begins to put Darfur, its genocide and especially its treatment of women and children, on the front burner once again.

Mr. HOYER. Mr. Speaker, today, the House is considering-three critically important resolutions related to the world's worst ongoing humanitarian disaster—the genocide in Darfur, Sudan.

The first is H. Res. 573, which recognizes and commends the efforts of U.S. advocacy groups to raise awareness about and help end the worsening crisis in Darfur. These groups remind us daily, through their media campaigns and grassroots efforts, that the international community has a responsibility to unite and stop crimes against humanity—and that we must learn from past failures to do so—in Rwanda, Bosnia, and elsewhere.

The second is H. Res. 740, which condemns the brutal attack on African Union peacekeepers that occurred in Haskanita, Darfur, 1 month ago today. This violent act, carried out by rebels, took the lives of 10 peacekeepers—7 Nigerians and 3 other soldiers from Mali, Senegal, and Botswana. It reminds us that there are many guilty parties in the violence in Darfur, and that we must reinforce our support for the courageous African Union soldiers—who indeed fight not for their own countries, but for humanity.

Finally, the House will vote today on H. Res. 726, a resolution calling on the President and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against the most innocent of Darfur's victims—young girls and women. I was asked to cosponsor this important resolution by my friend and colleague BRAD MILLER, who traveled with me to Darfur in April. There we saw things we will never forget—children orphaned by genocide and women who had experienced unspeakable personal traumas. We learned that the heartbreaking reality of life in Darfur today means women risk being raped when doing things as simple as collecting firewood. This resolution addresses this horrific reality by authorizing grants to help the women and girls of Darfur and calling for prosecution of those who have carried out such hideously inhumane acts.

I am proud that the U.S. House of Representatives is putting itself on record with these resolutions—as an institution that will not stand idly by while the world's worst humanitarian disaster continues to unfold. While these resolutions are not a panacea to the heart-rending conflict in Darfur, we know from experience that continual pressure on those who take part in such violent, inhumane actions brings us closer to a solution.

That solution must be multi-faceted. It includes not only full and speedy implementation of the United Nations/African Union hybrid peacekeeping force, but also international support for a single, unified peacemaking process. I am extremely disappointed to learn that multiple rebel leaders have chosen violence over peace and declined to participate in the current talks in Libya, but I am hopeful that the representatives that are there—including the representatives of the Government of Sudan—will make progress toward a ceasefire and a viable political solution for this ravaged land. Finally, and equally important, a solution in Darfur must include a sustained and secure role for the courageous humanitarian workers, who risk their lives daily because they are so committed to alleviating the suffering of their fellow human beings.

I urge my colleagues on both sides of the aisle to support these three resolutions.

Mr. MICHAUD. Mr. Speaker, I rise to speak about a human tragedy that affects the lives of millions of innocent individuals. The barbarism in the Darfur region of Sudan continues despite international calls for a cessation of violence. Lives continue to be lost and hope for peace remains distant.

On July 4 of 2004, the 109th Congress declared that genocide was occurring in the Darfur region of Sudan. Over 3 years later, the violence continues. Hundreds of thousands of people have lost their lives. An estimated 2.2 million people have been forced from their homes.

Today the House will consider three resolutions related to Darfur. It is my hope that this body will continue to focus on this humanitarian crisis until the genocide comes to an end. H. Res. 573 recognizes and commends the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur. The responsibility to help end this humanitarian crisis is part of the values that make us American. It is in the best spirit of our country, and it is part of the leadership that we should bring to the world. We must continue to work together as one to bring this conflict to an end.

The second resolution, H. Res. 756, condemns rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad and the Central African Republic. The violence and inhuman experiences perpetrated upon the people of Darfur and the surrounding region have been particularly terrible for women. This resolution urges the President to take an active role in providing victims of sexual abuse with medical and legal support. It also calls on fellow members of the United Nations to sanction the Sudan for any noncompliance to bring known perpetrators to justice. We cannot be silent while innocent women and girls suffer such cruelty.

The final resolution, H. Res. 740, condemns the attacks made on African Union Peacekeepers in the Darfurian village of Haskanita on September 29, 2007. This violent act took the lives of 10 peacekeepers—7 Nigerians and 3 other soldiers from Mali, Senegal, and Botswana. These attacks are unacceptable and detrimental to the peace effort but should not deter the conviction of the African Union or the international community to bring peace and security to the region.

The displacement of millions of people as well as the rape and murder of hundreds of thousands cannot be tolerated by the United States or any country that holds freedom and democracy as sacred values. The ongoing events in Darfur constitute the worst ongoing humanitarian disaster in the world. We must do everything we can to bring it to an end.

Mr. GOODLATTE. Mr. Speaker, the deplorable situation in Darfur has united the world in outrage over the atrocities being committed there. Through the efforts of motivated individuals and advocacy groups, the situation in Darfur has been brought to the forefront of public consciousness.

These people have worked tirelessly in raising awareness about the situation in Darfur and calling for an end to the genocide. Around the country, throughout Virginia and across the 6th District of Virginia, I have seen first hand the dedication and commitment of these individuals in calling on leaders, from around the world, to speak out against the horrendous events in Darfur. In fact, it was often their humanitarianism and commitment to peace in Darfur that encouraged nations to speak out against what was happening in Sudan and take action.

It is no surprise to me that the citizens of the United States have taken such an active role in condemning the actions taking place in Sudan. After all as a Nation dedicated to freedom and the rights of the individual, the United States and its citizens have a responsibility to speak out when those rights are violated, whether at home or abroad. The work of these groups is a true testament to the values of our country.

The goodwill of these individuals and groups in raising global awareness is instrumental in helping to end the genocide in Darfur. I am glad that we in Congress have risen today to commend these groups and thank them for their service. We thank all the various local schools, communities, faith-based, human rights, humanitarian, and youth-led advocacy organizations that have dedicated their time and energy to help end the genocide in Darfur, to promote peace there, and to defend human rights. We must continue to work together and do more to bring an end to the genocide in Darfur.

Mrs. CAPPS. Mr. Speaker, today I rise in strong support of H. Res. 573, a resolution that recognizes the tremendous efforts put forth by public advocacy groups to raise awareness and help end the worsening crisis in Darfur.

My district is home to many of these advocates, who work tirelessly to inform their neighbors and bring greater attention to this humanitarian emergency. Their work to end the genocide in Darfur is a critical part of our combined effort to stop the violence and the bloodshed that has claimed entire families.

In this time of international conflict, it is so important for us to educate and inform our neighbors about what we can do to help those in need. I am thankful for all of the people in my district who are working toward a peaceful resolution in Darfur. Their dedication to this cause is singular in its commitment, and I am deeply grateful for their contributions.

I urge all of my colleagues to support this important resolution.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H. Res. 573 and to commend grassroots and advocacy groups across the country for their powerful voices and invaluable efforts to raise awareness about the deepening humanitarian crisis in Darfur. This resolution will honor these groups for their hard work and urge the government to use its influence to halt the killing of innocent people in Darfur. Local communities continue to insist that the international community honor its responsibility to end the ongoing genocide in Darfur. We must heed their message, because it is one we cannot afford to ignore.

As a member of the House Subcommittee on Africa and Global Health, the Congressional, the Human Rights Caucus, and the Congressional Sudan Caucus, I share their immediate concern that our country must do everything it can to end the genocide in Darfur. More than 2.5 million Darfurians have been displaced from their homes and as many as 400,000 Darfurians have needlessly died over the last four years as a result of violence, hunger, and disease.

The tragic events unfolding in Darfur have been felt intensely by local communities across the world. The strongest efforts to end the genocide will grow from the concerns of American citizens who can no longer sit quietly by while the atrocities in Sudan continue unabated. I am proud to represent the people of California's Sixth Congressional District, who are among the people most involved in stopping the genocide in Darfur since the crisis started.

Dear Sudan, now an international movement, began in my hometown of Petaluma in 2004. Their goal was to raise enough money from citizens of Petaluma to feed the refugees from Darfur for one day. Dear Sudan, Love Petaluma was so successful that other communities began organizing first locally, then spread across the Nation, and recently founded chapters in other countries across the world.

Dear Sudan, Love Marin has hosted educational forums and worked to develop a broad coalition of religious and community groups, encompassing the entire San Francisco Bay Area. Another group, Marin Interfaith, has been instrumental in spreading the message about the ongoing genocide to the religious community at large.

Additionally, students throughout the Sixth District have organized under Save Darfur, other national organizations, or on their own to help raise awareness for the crisis in Darfur by planning educational forums, rallying, and washing cars to raise funds for refugees. Just this past weekend, a student group in Santa Rosa held a car wash at a local market, and this December, a group of students from Terra Linda High School are planning a half-day conference on the genocide.

Groups like these demonstrate the best elements of our Nation, where people can come together to work for change in the world. It is with their energy and passion in mind that we must renew our commitment to end the genocide in Darfur.

Mr. TANNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 573, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TANNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## CALLING ON THE PRESIDENT AND INTERNATIONAL COMMUNITY TO TAKE IMMEDIATE STEPS TO RESPOND TO AND PREVENT RAPE AND SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS IN DARFUR, SUDAN, EASTERN CHAD AND CENTRAL AFRICAN REPUBLIC

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 726) calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad and the Central African Republic, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 726

Whereas, during war, rape and sexual violence are often used systematically as a weapon of intimidation, humiliation, terror and ethnic cleansing;

Whereas it is estimated that between 250,000 and 500,000 women and girls were raped during the genocide in Rwanda;

Whereas, on September 2, 1998, the United National International Criminal Tribunal for Rwanda found Jean Paul Akayesu guilty of rape and held that rape and sexual assault constitute crimes against humanity;

Whereas, on October 31, 2000, the United Nations Security Council adopted Security Council Resolution 1325 (2000), calling on all parties to an armed conflict to take, "special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse";

Whereas the Rome Statute of the International Criminal Court, which entered into force on July 1, 2002, states that rape and "any other form of sexual violence of comparable gravity" may constitute both "crimes against humanity" and "war crimes";

Whereas since 2003, mass rape committed by members of the Sudanese armed forces and affiliated militias with the support of the Government of Sudan has been a central component of the Government of Sudan's violence and ethnic cleansing in Darfur;

Whereas women and girls leaving Internally Displaced Persons camps in Darfur and refugee camps in eastern Chad, to seek firewood, water or outside sources of income are often attacked and subjected to rape and sexual violence perpetrated by members of the Sudanese armed forces and associated Janjaweed militia and other armed combatants;

Whereas, on July 19, 2004, Amnesty International reported that it collected the names of 250 women who had been raped in Darfur and information on 250 additional rapes;

Whereas, on January 25, 2005, the International Commission of Inquiry on Darfur, in a report to the United Nations Secretary General, reported numerous cases of mass rape throughout Darfur including an incident in which a large number of Janjaweed attacked a boarding school, and raped as many as 110 girls;

Whereas, on October 14, 2005, the Secretary General of the United Nations reported "Many girls have given birth as a result of rape. Although local communities are trying to accept the offspring, the children face a great deal of stigmatization.";

Whereas, on March 9, 2007, members of the United Nations High-Level Mission on the situation of human rights in Darfur reported that "rape and sexual assualt have been widespread and systematic, terrorizing women and breaking down families and communities" and that "women are also attacked in and around refugee camps in eastern Chad";

Whereas, on April 27, 2007, the International Criminal Court, acting under the authority provided in Security Council Resolution 1593 (2005), issued arrest warrants for Sudan's Humanitarian Affairs Minister Ahmad Muhammad Harun and Janjaweed Colonel Ali Muhammad Al Abd-Al-Raham seeking their arrest for 51 counts including 6 counts involving rape;

Whereas under Sudanese law victims of rape have virtually no legal recourse and may in fact be charged with the crime of zina, or sexual intercourse outside of marriage, punishable by one hundred lashes if the victim is unmarried and death by stoning if she is married;

Whereas, on July 31, 2007, the United Nations Security Council adopted Security Council Resolution 1769 authorizing the deployment of a United Nations-African Union peacekeeping force (UNAMID) to Darfur and expressing strong concern about "on-going attacks on the civilian population and humanitarian workers and continued and widespread sexual violence" while "emphasising the need to bring to justice the perpetrators of such crimes"; and

Whereas, on August 20, 2007, the United Nations High Commissioner for Human Rights, reported on attacks, abductions and systematic rapes of women in Darfur and the resulting "grave health risks from the consequent physical injuries and psychological trauma", and declared that these acts may "constitute war crimes": Now, therefore be it:

*Resolved*, That the House of Representatives—

(1) calls upon the President of the United States to develop within the United States Department of State and the United States Agency for International Development a Women and Girls of Darfur Initiative to improve assistance to victims and potential

victims of rape and sexual violence in Darfur, Sudan, eastern Chad and the Central African Republic by—

(A) offering specialized grants to non-governmental organizations, operating within IDP and refugee camps in Sudan, Chad and the Central African Republic that can provide all essential quality health care services and medical supplies, psychological and social counseling, and legal advice to Darfuri victims of rape and sexual violence;

(B) providing treatment for the prevention of sexually transmitted diseases, including antiretroviral drugs to prevent HIV infections, and specialized care for rape victims already infected with HIV/AIDS and other sexually transmitted diseases;

(C) meeting the psychological, social and educational needs of victimized women, girls, children born as a result of rape, their family and the community in order to limit the stigmatization associated with rape; and

(D) providing financial, technical and other forms of assistance to support women's peace initiatives;

(2) calls upon the Secretary General of the United Nations, the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League and other nations to immediately take steps to—

(A) ensure that a fully funded and fully equipped UNAMID is deployed to Darfur, Sudan;

(B) mandate that UNAMID employ all necessary measures to protect women and girls from acts of rape and sexual violence both outside and within Darfuri refugee and IDP camps;

(C) provide sufficient resources and training to UNAMID troops and police to ensure a capability to properly respond to acts of rape and sexual violence;

(D) provide for firewood patrols and other safeguarding measures to protect women and girls leaving refugee and IDP camps; and

(E) include an adequate number of female troops and police in UNAMID to properly manage incidents of rape and sexual violence; and

(3) calls on the United Nations Security Council to immediately—

(A) find the Government of Sudan in noncompliance with Security Council Resolution 1325 (2000);

(B) call on the Government of Sudan to provide full legal protections to victims of rape and sexual violence and to bring to justice individuals responsible for such crimes; and

(C) adopt under Chapter VII of the United Nations Charter a Security Council Resolution calling on the Government of Sudan to respect all related Security Council Resolutions, including Security Council Resolution 1593 (2005), enforce the arrest warrants for Ahmad Muhammad Harun and Ali Muhammad Al Abd-Al-Raham, and further recognize the systematic rape of women and girls in Darfur as crimes against humanity and war crimes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

### GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Congresswoman DELAURO for this important resolution that focuses again on one of the most heinous crimes of war known to humans: the rape of women.

In the process of the Darfur genocide, women and girls have been targeted specifically. And I will let her speak more about this, but when women living in refugee camps, for example, were asked why they went to fetch water and risk rape rather than the men, they answered, If we let the men go, they will be killed. It is better for us to be raped than for our husbands to be killed.

It goes on and on, Mr. Speaker, but I will reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the resolution by my good friend, Ms. DELAURO, H. Resolution 726, which calls on the international community to take immediate steps to respond to and to halt acts of rape and sexual violence, all of which are occurring in Darfur, eastern Chad, and the Central African Republic.

I would like to thank the chairman of our committee, Mr. LANTOS; and, of course, the lead sponsor, my friend Ms. DELAURO for their flexibility in accommodating concerns raised prior to the introduction and then during the committee consideration with regard to nonessential health issues and the International Criminal Court.

With those issues addressed in the amendment before us, we now have a strong resolution that effectively focuses much-needed attention on the horrific reality that has befallen women and young girls in Darfur without contradicting our U.S. policy.

Since the beginning of this conflict, Mr. Speaker, Sudanese Armed Forces, janjaweed militias, and other rebel factions have used rape as a weapon of war. Despite the conclusions of the Darfur Peace Agreement and the deployment of peacekeepers, these attacks have continued unabated.

The pattern of rape and sexual violence is widespread and systematic, and it seems that no one is spared. Elderly women, pregnant mothers, even girls as young as 10 years of age have fallen victim to the rapist thugs who attack with immunity. This is a horrific practice that must be condemned in the strongest possible terms.

I fully support efforts to provide essential health and psychosocial services to these women and girls as well as efforts to hold those responsible for such attacks accountable for their actions. I strongly support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I am pleased to yield such time as she may consume to the author of the resolution, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Tennessee, and I rise in support of House Resolution 726, calling on the President of the United States and the international community to take immediate steps to respond to and to prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad, and the Central African Republic.

I was proud to introduce this resolution, and I have been proud to work with my colleague Chairman LANTOS, whose attention to the crisis in Darfur has been unrelenting. His dedication made it possible to move this important legislation through the committee and onto the floor of the House so quickly.

My friend Congressman BRAD MILLER also took a lead on this resolution, and following his trip to Darfur this summer, he has shared his unique insight about the region and our responsibility.

And today it is also important to note that we have reached this point together with my colleagues from across the aisle. Congresswoman ILEANA ROS-LEHTINEN led our bipartisan collaboration, and we now have the support of more than 100 cosponsors from both parties. That broad support from Members at every point along the political spectrum makes sense because this is not a political issue; it is a moral issue. And it is urgent. We have an obligation to act and to act now.

As Members of the United States Congress, we believe we must do everything in our power to protect the basic human rights of individuals around the world, and there may be no greater violation of a woman's or a girl's basic human rights than when she is a victim of rape or sexual violence.

All too often during war, rape and sexual violence are used systematically as a weapon of intimidation, humiliation, terror, and ethnic cleansing. There is no other way to put it. These crimes are crimes against humanity and war crimes. And we cannot ignore them.

The use of rape as a weapon of war is as prevalent today as ever. An average of 40 women are raped every day in the ongoing armed conflict in the Congo. It is estimated that between 20,000 and 50,000 women were raped during the war in Bosnia and Herzegovina in the early 1990s. And it is estimated that between 250,000 and 500,000 women were raped during the genocide in Rwanda.

Now, as these atrocities occur in the Darfur conflict region, we must ask ourselves, again, when will we learn from history? The answer, it seems, is not soon enough for the untold number of Darfuri women and girls beaten, kidnapped, and raped, often multiple times by multiple attackers, and held as sex slaves by the Sudanese armed forces, the janjaweed, and other armed combatants. Since the current conflict began over 4 years ago, instances of rape and sexual violence have all been documented by NGOs like Amnesty International and Doctors Without Borders. And the United Nations High Commissioner for Human Rights has reported on widespread and systematic mass rape occurring in the region as well as grave health risks, psychological trauma, and resulting pregnancies.

In July, the United Nations Security Council adopted its most recent Security Council resolution relating to Darfur in which it expressed strong concern about the "continued and widespread sexual violence" while "emphasizing the need to bring to justice the perpetrators of such crimes."

But we cannot simply talk about the downward spiral in Darfur or the conditions that have only worsened since the so-called Darfur Peace Agreement was signed in May 2006. As we saw just this weekend, peace talks in Libya appear to be breaking down because key rebel groups refuse to participate, demonstrating that we are a long way from peace and security in Darfur.

We cannot sit idly by as women and children are targeted. The resolution before us today calls for action. It calls on the President and it calls on the international community to do the following:

One, develop within the State Department and USAID a Women and Girls of Darfur Initiative to, among other things, provide victims and potential victims of rape in Darfur, eastern Chad, and the Central African Republic with all essential and quality medical supplies and health care services, psychological counseling, and legal advice;

Two, to ensure that a hybrid United Nations-African Union peacekeeping force is deployed that can properly protect women and girls from and respond to acts of rape and sexual violence;

And, three, through the U.N. Security Council, find Sudan in noncompliance with its obligations to protect women and girls and call on Khartoum to bring perpetrators of rape and sexual violence to justice.

Our State Department and USAID must make this a top priority. As the rape and murder in Darfur goes on, the perpetrators of these atrocities go unpunished. And while the rhetoric of the administration and the international community have hit the mark, their action has fallen far short. Too much is at stake to allow these atrocities to continue. We have the power, the will, and the moral obligation to stop sexual violence and rape in the Darfur conflict region. There is no reason that we stand by when we should be acting.

I plead with my colleagues to understand what women and girls are undergoing in Darfur and to please pass this resolution. Let's act together in the best interests of women and girls around the world.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend Ms. DELAURO for introducing this resolution.

Mr. VAN HOLLEN. Mr. Speaker, today I rise in support of H. Res. 726, a bill responding to acts of rape and sexual violence in the Darfur conflict.

Rape and sexual violence are often used as weapons of war. It is estimated that between 20,000 and 50,000 women and girls were raped during the war in Bosnia and Herzegovina in the 1990s; between 250,000 and 500,000 were raped during the genocide in Rwanda; and today, there are reports of wide and systematic rape and sexual assault of women and girls in the Darfur region.

The United States was the first government to refer to the killing in Darfur as genocide, but this has had little impact on ending the suffering. The suffering continues because the Sudanese government resists the efforts of the international community at every step and the Chinese government refuses to use its unique influence to force the Sudanese government to change its actions. In fact, China may even have prolonged the crisis by shielding Sudan against the collective efforts of the United Nations. The crisis is now in its 4th year with no end in sight and the suffering of men, women and children continues. That is why I am encouraging passage today of H. Res. 726.

H. Res. 726 requires the U.S. State Department and USAID to develop a women and girls Darfur initiative for the purpose of providing victims and potential victims of rape in Darfur, eastern Chad and the Central African Republic with much needed comprehensive and quality medical supplies and health services.

The bill also calls upon the Secretary General of the United Nations, the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League and other nations to immediately take steps to ensure that a hybrid UN-African Union peacekeeping force is deployed that can properly protect women and girls from and respond to acts of rape and sexual violence.

We cannot stand still in the face of systematic and widespread rape in the Darfur region. The U.S. Congress has a moral obligation to reach out and do all it can to put an end to this tragedy. I strongly support this important piece of legislation and encourage my colleagues to do the same.

Mr. LEWIS of Georgia. Mr. Speaker, I am a proud cosponsor of this resolution, and I applaud the gentlewoman from Connecticut (Ms. DELAURO) for her leadership on this important issue.

Every day in Darfur men are tortured and massacred as women and little girls seeking solace and refuge are raped, abused, and murdered. This is a systematic effort to destroy an entire race of people.

Where is the humanity, Mr. Speaker? Where are our souls? How can we stand by when hundreds and thousands are suffering every day at the hands of their own government?

Today, on the front page of the Washington Post there is an article entitled "U.S. Promises on Darfur Don't Match Actions". It highlights our Government's inaction during one of the most horrific human rights disasters of our generation.

Every single one of us has a duty to pressure our Government, the United Nations, the world—to act.

Mr. Speaker, this bipartisan resolution is not about politics. It is not about pushing an agenda forward.

We have a moral obligation to stand up for the women and children in Darfur against systematic and unchecked abuse.

They have no voice, no government, nobody to stand with them, nobody to stand for them.

Every day that we wait for a solution to magically appear, is another day that a woman, a child, is stripped of her home, her family, her dignity, her health, and her humanity.

I urge all of my colleagues to support H. Res. 726.

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today in strong support of H. Res. 726, to prevent and respond to acts of rape and sexual violence in the Darfur conflict region. This resolution calls on the President and the international community to recognize and respond to the horrific acts of sexual violence that are being committed by the Sudanese armed forces, the associated Janjaweed militia, and other armed combatants with alarming regularity. Women and girls in the crisis-affected region currently lack the medical and psychological services necessary to survive and recover from these personal atrocities. Today, Congress seeks to provide them with these basic services, and states our belief that the U.S. and the international community must continue applying pressure to the government in Khartoum to stop the use of rape and sexual violence as a tool of war.

The United Nations has recognized that rape is being used as a systematic weapon of war and that combatants are encouraged to employ it as yet another way to brutally terrorize a population. The impact on the individual, however, must not be forgotten. Rape not only brutalizes the woman, it can also rob her of her dignity and privacy, often leading to her being shunned by her family and community. The international community has thus far been unable to prevent sexual violence from becoming an almost daily event in many conflicts, including the one in Darfur. So when Congress has an opportunity to protect and aid the victims of these attacks, we must do so.

This bill calls on the President and international community to develop the Women and Girls of Darfur Initiative that would provide health care services, medical supplies, and psychological counseling to women in the conflict-affected region. The resolution also calls for preventative measures such as ensuring that a hybrid United Nations-African Union peacekeeping force is deployed to protect women and girls from acts of rape and sexual violence. Since the Sudanese Government refuses to provide its own women this protection, the hybrid peacekeeping force must be accorded all the necessary resources, including the $724 million that the U.S. has pledged to fund the U.N.'s mission in Darfur.

I sincerely hope my colleagues will join me and over 100 other cosponsors of this bill in fulfilling our moral obligation to protect the basic human rights of the women and girls in Darfur and the surrounding region.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 726, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## CONDEMNING ATTACKS ON AFRICAN UNION PEACEKEEPERS IN HASKANITA, DARFUR, SUDAN, ON SEPTEMBER 29, 2007

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 740) condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 740

Whereas, on September 29, 2007, an estimated 1,000 heavily-armed rebels in Darfur overran a small base in Haskanita, Darfur, Sudan, occupied by the African Union Mission in Sudan (AMIS), brutally killing 10 peacekeepers—seven Nigerian soldiers and three other unarmed military observers and civilian police officers from Mali, Senegal, and Botswana—and wounding seven other peacekeepers, with 50 peacekeepers still missing;

Whereas, in an assault described by the African Union commander as "deliberate and sustained", the rebel group broke into the AMIS base in 30 vehicles with heavy artillery and mortars and battled for hours until AMIS forces ran out of ammunition;

Whereas the attacks were the worst attacks on AMIS peacekeepers since the deployment of the peacekeepers to Sudan in July 2004;

Whereas the United Nations Security Council condemned the "murderous attack" on AMIS peacekeepers and demanded that "no effort be spared" to identify and bring to justice the perpetrators of the attacks;

Whereas, in the aftermath of the attacks, the Government of Sudan secured the area reportedly to facilitate the evacuation of AMIS peacekeepers, but later was accused of burning Haskanita to the ground, driving more than 15,000 civilians into the wilderness or neighboring towns;

Whereas the attacks have been openly condemned by the United States Government, the African Union, the international community, and civilized people everywhere; and

Whereas the Government of Sudan has not publicly spoken out against or condemned the attacks: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007;

(2) expresses its condolences to the people and Governments of Nigeria, Mali, Senegal, and Botswana, the families and friends of those individuals who were killed or missing in the attacks, and expresses its sympathies to those individuals who have been injured;

(3) expresses the solidarity of the people and Government of the United States with the African Union and the African Union peacekeepers as they recover from these cowardly and inhuman attacks;

(4) expresses its readiness to support efforts to bring to justice those individuals responsible for the attacks and efforts to detect, pursue, disrupt, and dismantle the networks that plan and carry out such attacks;

(5) expresses its support for the people of Darfur, Sudan, in their continued struggle against extremism and violence and support for their efforts to secure a permanent peace, justice, and return to their restored villages and homes; and

(6) encourage all parties involved in the conflict to commit to negotiate a final and binding peace agreement at the peace talks scheduled for October 27, 2007, in Tripoli, Libya.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Let me thank Congresswoman SHEILA JACKSON-LEE for introducing this resolution, which condemns the recent vicious and deadly assault on African Union forces.

On September 29, 2007, an estimated 1,000 members of a heavily armed group of Darfur rebels overran a small African Union base in Haskanita in Darfur. Ten peacekeepers were brutally killed, 7 wounded, and 50 others are missing. Seven of those killed were Nigerian soldiers. The other 3 were unarmed military observers and civilian police officers from Mali, Senegal, and Botswana. With consideration of this resolution today, the U.S. Congress sends its condolences to their respective governments and to their families who have made the ultimate sacrifice in a war far from their native soil.

While the nations of the world deplore the war in Darfur and have provided significant humanitarian assistance to refugees and displaced persons, we still have not demonstrated the will to end this crisis. The United Nations is intensely lobbying countries to provide helicopters for a U.N. African Union peacekeeping force, one of many obstacles to starting the mission. According to recent reports, no country has made a credible offer to provide the 24 transport and attack helicopters needed for the 26,000-strong force.

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This lack of helicopters, in part, accounts for the deadly attack on AU troops.

After Rwanda, the world said, never again, never again would we stand by and let another genocide take place; yet we continue to fail in Darfur. For over 4 years now, we have failed.

Today, our Congress calls upon our allies and friends to help put an end to this nightmare. We call on the Sudanese Government, its militia and rebel forces to take up seriously peace negotiations in that part of the world.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be a cosponsor of House Resolution 740, which condemns the horrible and cowardly attacks that occurred last month in Haskanita. According to reports, as we've heard, up to 1,000 heavily armed rebels believed to be associated with the Sudan Liberation Army ambushed the small base that had been occupied by the African Union peacekeeping mission on September 29 of this year. Ten AU peacekeepers were killed, including seven Nigerian soldiers and three unarmed military observers and civilian police officers from Mali, Senegal, and Botswana. Seven others were wounded, and 50 peacekeepers went missing. This was the worst attack against the AU, African Union, mission since it first deployed in July of 2004.

Khartoum deployed its forces to secure the area on October 6. Three days later, the entire village was found burned to the ground. Though Khartoum has not publicly claimed responsibility, there is little doubt about who burned the village. The initial attack against the African Union peacekeepers and the subsequent burning of the small base must be condemned in the strongest possible terms.

It is outrageous that rebels would attack those who had been sent to secure the peace in Darfur, particularly as the international community prepares to deploy a much larger hybrid United Nations/African Union peacekeeping mission to the region. It is equally outrageous, Mr. Speaker, that the Sudanese armed forces would seek retribution for the initial attack by burning the village to the ground and leaving an estimated 150,000 people homeless as a result.

It must be made clear to all parties to the conflict, the regime in Khartoum, its armed proxies, and the various rebel forces alike, that the ongoing attacks against peacekeeping forces, humanitarian operations, and civilian populations in Darfur are completely unacceptable.

Those who are truly interested in peace in Darfur must stop these senseless attacks, fully commit themselves to a binding cease-fire agreement, and rigorously pursue a political settlement. Failure to do so will send a clear signal to the international community about who is and who is not interested in peace.

And let there be no doubt that the United States has done much to alleviate the suffering in this war-torn region. The United States has provided more than $2 billion in humanitarian assistance and assistance to the African Union peacekeeping mission in Darfur. The U.S. has also led the debate at the U.N. Security Council to get a larger, more capable United Nations/African Union hybrid peacekeeping mission approved and deployed.

We have built and maintained the camps for the African Union forces, and we will continue to expand those camps until the U.N. takes over. We have also provided air lift for troops, and will fund 25 percent of all peacekeeping costs.

We have a dedicated special envoy who has led international efforts to bring peace to Darfur. We have funded and supported critical peace talks. We have imposed comprehensive sanctions against Khartoum. Meanwhile, China and Russia continue to allow their business interests in Sudan to override their concern for human rights. Both have failed to take meaningful action at the United Nations and have blocked consideration of sanctions against Khartoum.

So all obstructionists to peace in Darfur, regardless of their association, must ultimately be held to account. It is particularly appropriate that we are considering this resolution as Darfur peace talks are getting under way in Tripoli, Libya because, despite the best of intentions, the international community cannot impose peace on Darfur. The burden is on the Sudanese themselves to find a lasting political settlement. The time for Khartoum and the rebel factions to roll up their sleeves and get to work toward that end is long overdue. And, frankly, the people of Darfur deserve better.

I thank the sponsor, Ms. JACKSON-LEE, for introducing this important and timely measure. I urge the support of all of my colleagues.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I am pleased to yield as much time as she may consume to the gentlelady from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. I would like to thank my colleague, the gentleman, JOHN TANNER, for yielding me time. I just came from a memorial service for one of our former colleagues from Ways and Means, Charlie Vanik.

Mr. Speaker, I rise today in strong support of legislation calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad, and the Central African Republic.

For many years now we have seen the devastating atrocities taking place in the Darfur region of Sudan. With the support of the Sudanese Government, the janjaweed militia has ravaged the people of Darfur, raping, torturing, murdering, and forcing thousands of Darfuris to flee to refugee camps in neighboring Chad and the Central African Republic. Today, we highlight some of those most vulnerable of these victims in Darfur, women and girls.

We saw the same devastation in Rwanda over a decade ago, where it is estimated that between 250,000 and 500,000 women and girls were raped during the genocide in Rwanda. The American people have made their voices heard on this issue, vowing never again to remain silent when humanity is threatened. To date, there have been numerous reports of rape. On July 19, 2004, Amnesty International reported that it collected the names of 250 women who have been raped in Darfur and information on 250 additional rapes.

On January 25, the International Commission of Inquiry on Darfur, in a report to the U.N. Secretary General, reported numerous cases of mass rape throughout Darfur. This is just the tip of the iceberg. We must do all that we can to ensure that no more women and girls are violated.

So today we give voice to the voiceless. Today we speak up for those who are often overlooked and ask that in this country we do all within our power to stop the rape and sexual violence against the women of the Darfur region.

I would like to add my support to the other pieces of Darfur legislation discussed today and applaud all the groups who have truly been on the front line of this issue, particularly the students, who have been so passionate in their support. It is my hope that we will be able to work with the people in the 11th Congressional District and across this country to continue to let our voices be heard on the issue. I encourage my constituents to contact me with your ideas and resources.

I know that I'm speaking on another piece of legislation, but they all affect Darfur, and it gives me an opportunity to be heard.

Mr. GOODLATTE. Mr. Speaker, earlier this year, I had the opportunity to travel as part of a bipartisan Congressional Delegation to the war-torn nation of Sudan and see first-hand one of the worst humanitarian crises in recent times.

The entire world is currently watching in horror the atrocities being committed in Darfur. Many people have been called to action to try to stop this genocide. This includes hordes of humanitarian workers and peacekeeping forces. The most prominent peacekeeping mission in Sudan has been the African Union Mission in Sudan (AMIS), which is carried out by African Union (AU) forces.

Since July of 2004, AU forces have been on the ground in Sudan working as peacekeepers. Sadly, their peacekeeping mission has made these AU personnel targets for attack by rebel forces. The worst of these attacks occurred in Haskanita, Darfur, Sudan, on September 29, 2007. This attack on the AU base left 10 brutally murdered and 50 soldiers missing. In the aftermath of the attacks Haskanita has been burned to the ground, displacing 15,000 citizens. This horrendous situation is made only worse by the government of Sudan's silence in not speaking out and condemning these attacks.

There is no doubt that this was an atrocious attack, and today we in Congress join together to condemn all these attacks. These attacks show just how horrid the situation in Darfur is, when those trying to bring peace and stability are themselves victims of violence. We in Congress express our deepest sympathy to the families of individuals killed or missing in these cowardly attacks.

It is my deepest hope that the Darfur peace negotiations currently underway in Libya bring about a meaningful and lasting peace agreement for Darfur. The United States and the international community must work together to stabilize the situation in Darfur and prevent further genocide. Mr. Speaker, I look forward to continuing to work with my colleagues to bring an end to this international crisis.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I urge my colleagues to join me supporting H. Res. 740, which I introduced, together with my good friend and distinguished colleague, Mr. CHABOT. This bipartisan legislation condemns, in the strongest terms, the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007

I would like to thank the Chairman and the Ranking Member of the Full Committee, Mr. LANTOS and Ms. ROS-LEHTINEN, and of the subcommittee on Africa and Global Health, Mr. PAYNE and Mr. SMITH, for their support and co-sponsorship of this important bill. Let me also thank my 55 colleagues who co-sponsored this legislation.

Since 2003, we have witnessed a systematic campaign of displacement, starvation, rape, mass murder, and terror in the western Sudanese region of Darfur. In the worst humanitarian crisis of our time, an estimated 400,000 people have been killed in Darfur by the Government of Sudan and its Janjaweed allies. An additional 2,000,000 people have been displaced from their homes and livelihoods. Both the House of Representatives and the Senate declared that the atrocities in Darfur constitute genocide in July 2004, and the Bush administration reached the same conclusion in September 2004.

However, three years later, the situation in Darfur continues to deteriorate. The United Nations reported a substantial decline in the humanitarian situation during the first three months of 2007, during which time 21 humanitarian vehicles were hijacked, 15 additional vehicles were looted, and gunmen raided 6 humanitarian compounds. The security situation makes it extremely difficult for aid organizations to reach vulnerable populations, and, in the 12 months preceding April 2007, the number of humanitarian relief workers in Darfur decreased by 16 percent, largely due to security concerns, restrictions on access, and funding limitations. The flow of humanitarian aid has been severely threatened by the escalating violence in the region.

Since 2004, a small contingent of African Union peacekeepers have been deployed to Darfur, responsible for maintaining security in a region roughly the size of France. The 7,000 peacekeepers under the banner of the African Union Mission in Sudan, or AMIS, have displayed exemplary courage and resilience, but they are woefully outmanned and outgunned, as well as chronically short of funding. Recognizing the near-collapse of the AU Mission, the United Nations, in July 2007, approved a UN-AU hybrid peacekeeping mission, to be known as UNAMID, which is meant to take over from AMIS shortly.

The AMIS peacekeeping mission recently encountered yet another significant setback. On September 29, 2007, an estimated 1,000 members of a heavily armed Darfur rebel group, in 30 vehicles armed with heavy artillery and mortars, overran a small base in Haskanita, Darfur, Sudan, which was occupied by AMIS peacekeepers. The ambush resulted in several hours of intense fighting that killed 10 peacekeepers—7 Nigerian peacekeepers and 3 other soldiers from Mali, Senegal, and Botswana—and wounded many others.

According to U.N. estimates, in the aftermath of this brutal attack, which was described by the African Union commander as "deliberate and sustained," 15,000 civilians fled the area to neighboring towns or the wilderness, fearing for their safety. This attack is considered to be the worst on AMIS peacekeepers since their deployment in July 2004. The United Nations Security Council condemned this "murderous attack" on AMIS peacekeepers, and demanded that "no effort be spared" to identify and bring to justice the perpetrators of this assault.

Only recently, during the August recess, I had the opportunity to lead a Congressional Delegation (CODEL) to Darfur. This was the first CODEL to the region since the announcement of the joint UN/AU peacekeeping force. Along with my colleagues Mr. CHABOT, who joins me as the lead Republican cosponsor of this legislation, and Mr. SMITH, I had the opportunity to meet with government officials, civil society leaders, international aid workers, and affected civilians, as well as with the African Union peacekeepers responsible for protecting Darfur. I saw first hand the immense suffering of the people of Darfur, as well as the enormous strain on the courageous but outnumbered AU peacekeepers.

Mr. Speaker, I strongly condemn recent attacks on African Union peacekeepers. This legislation also expresses the condolences of this House to the people and Governments of Nigeria, Mali, Senegal, and Botswana, the families and friends of those individuals who were killed or missing in the attacks, and expresses its sympathies to those individuals who have been injured. It expresses the solidarity of the people and Government of the United States with the African Union and the African Union peacekeepers as they recover from these attacks, and the readiness of Congress to support efforts to bring to justice those individuals responsible for the attacks and efforts to detect, pursue, disrupt, and dismantle the networks that plan and carry out such attacks.

This legislation also looks forward, to the process of bringing about a peace settlement for Darfur. Crucial though effective peacekeeping forces are, they are no substitute for a serious and sustained peace process. Consequently, this bill also expresses its support for the people of Darfur, Sudan, in their continued struggle against extremism and violence and support for their efforts to secure a permanent peace, justice, and return to their restored villages and homes, and it encourages all parties involved in the conflict to commit to negotiate a fmal and binding peace agreement at the peace talks, which began on October 27, 2007, in Tripoli, Libya.

Early reports from these negotiations have not been promising. With key rebel groups boycotting the peace talks, media reports indicate that mediators will now have to travel to Darfur to meet with rebel leaders before actual peace agreements can be reached. Despite these setbacks, U.N. Special Envoy Jan Eliasson has maintained optimism, saying yesterday "I refuse to state that the peace process is interrupted."

Mr. Speaker, as United States foreign policy remains centered on the highly partisan debate over Iraq, we cannot allow Darfur to slip through the cracks. I thank the over 40 of my colleagues who have joined me in cosponsoring this important resolution, which reiterates that attacks on African Union peacekeepers in Darfur are unacceptable. Despite the setbacks experienced at this weekend's peace talks in Libya, I believe it is important that we condemn the attacks of recent weeks, and look forward to the construction of a lasting peace for Darfur.

I strongly urge my colleagues to join me in supporting this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H. Res. 740 which condemns the armed attack against African Union troops that took place on the remote southeastern settlement of Haskanita, Darfur precisely one month ago. This horrific attack by rebel groups left seven Nigerian peacekeepers and three other peacekeepers from Mali, Senegal and Botswana dead. Seven others were wounded and 50 peacekeepers went missing. This is the worst attack against the AU mission since it was first deployed in July 2004.

And the suffering of those in the village did not end with this violent assault. The Armed Forces of Sudan (SAF) moved into the village on October 6, reportedly to "secure" the area and facilitate the evacuation of the AU peacekeepers. Three days later the village was burned to the ground and 15,000 people were displaced. Although there has been no official statement as to who is responsible for the destruction of the village, U.N. officials have quietly pointed the finger at the SAF.

Although diplomatic activity on Sudan has intensified in recent weeks, and talks on the Darfur conflict began in Libya on October 27th, there is little reason for optimism that a peaceful solution to the Darfur tragedy is anywhere in sight. Several of the rebel groups are refusing to participate in the Libya talks. The U.N. Special Envoy for Darfur, Jan Eliasson, and his African Union counterpart, Salim A. Salim, who are leading this negotiation effort, have a Herculean task ahead of them. They will need all the help that we can provide them, and it is critical that this Congress continue to highlight the tragedy of what is occurring in Darfur and seek every means to bring about a just and enduring peace.

I therefore thank my colleague Ms. JACKSON-LEE for introducing this resolution, which also expresses the readiness of the House of Representatives to support efforts to bring those individuals responsible for the attacks to justice and to dismantle the networks that carry out such attacks. I strongly urge my colleagues in the House to support this resolution.

Mr. TANNER. Mr. Speaker, I have no further requests for time, so I am pleased to yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 740, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## RECOGNIZING THE RELIGIOUS AND HISTORICAL SIGNIFICANCE OF THE FESTIVAL OF DIWALI

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 747) recognizing the religious and historical significance of the festival of Diwali.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 747

Whereas Diwali, a festival of great significance to Indian Americans and the people of

India, is celebrated annually by Hindus, Sikhs, Buddhists, and Jains throughout the United States and the world;

Whereas there are more than 2,000,000 Hindus, Sikhs, Buddhists, and Jains in the United States;

Whereas the word "Diwali" is a shortened version of the Sanskrit term "Deepavali", which means "a row of lamps";

Whereas Diwali is a festival of lights, during which celebrants light small oil lamps, place them around the home, and pray for health, knowledge, and peace;

Whereas celebrants of Diwali believe that the rows of lamps symbolize the light within the individual that rids the soul of the darkness of ignorance;

Whereas Diwali, falling on the last day of the last month in the lunar calendar, is celebrated as a day of thanksgiving and the beginning of the new year for many Hindus;

Whereas for Hindus, Diwali is a celebration of the victory of good over evil;

Whereas for Sikhs, Diwali is feted as the day that the sixth founding Sikh Guru, or revered teacher, Guru Hargobind ji, was released from captivity from the ruling Mughal Emperor; and

Whereas for Jains, Diwali marks the anniversary of the attainment of moksha or liberation by Mahavira, the last of the Tirthankaras, who were the great teachers of Jain dharma, at the end of his life in 527 B.C.: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) during this time of celebration, in order to demonstrate support for Indian Americans and the Indian Diaspora throughout the world, recognizes Diwali as an important festival;

(2) acknowledges the international religious and historical importance of the festival of Diwali;

(3) recognizes and appreciates the religious diversity in both India and the United States and throughout the world;

(4) acknowledges and supports the new relationship of collaboration and dialogue in international efforts between the United States and India; and

(5) in observance of and out of respect for the start of Diwali, the festival of lights, acknowledges the onset of Diwali and expresses its deepest respect to Indian Americans and the Indian Diaspora throughout the world on this significant occasion.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Our colleague and my friend, Mr. WILSON of South Carolina, introduced this resolution that seeks to recognize the significance of the festival of Diwali. Diwali is celebrated as victory of good over evil for some, and as a remembrance of liberation for others. Ultimately, it is a day of joy celebrated annually by Hindus, Sikhs, Buddhists and Jains throughout the world, particularly by Indians and Indian Americans.

With more than 2 million devotees of these faiths in our country, this resolution honors this holiday and those who cherish its message.

There are few religious holidays that are celebrated by a multitude of faiths, and it is a tribute to the diversity of India and to our country that we have such a rich religious heritage in our societies. By celebrating Diwali, we also are celebrating this diversity, a shared value that has brought the United States and India closer together through the years.

Much has been said about our two countries being natural partners in this world; and the importance of having multi-ethnic, multi-cultural and, indeed, multi-religious societies cannot be overemphasized.

For these reasons, I look forward to celebrating this festival and strongly support the resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 747, which recognizes the significance of the festival of Diwali.

I want to extend my appreciation to the gentleman from South Carolina (Mr. WILSON) for his leadership on this issue and so many issues that are affecting U.S. relations with India and Indian Americans.

Mr. Speaker, as my colleagues know because of our previous speaker, Diwali is a major, multi-cultural festival celebrated in India and everywhere around the world. Although often referred to as a Hindu festival, Jains, Sikhs and Buddhists also observe it.

Known as the Festival of Lights, it symbolizes the victory of good over evil, and lamps are lit as a sign of celebration and hope for mankind.

Diwali is celebrated for 5 consecutive days in October or November, and it is one of the most popular and eagerly awaited festivals in India. This celebration presents all of us with the opportunity to reflect on the many ways in which people, history and traditions of India, and elsewhere in South Asia, have contributed to the rich cultural mosaic that is the United States of America. It also reminds us again that America's extraordinary diversity is one of our Nation's most enduring strengths.

I was proud to sponsor a similar resolution in the 109th Congress, House Resolution 584, which also recognizes the significance of this important festival of Diwali.

So with that, Mr. Speaker, I urge support for this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, as the proud sponsor of House Resolution 747, I am pleased that this legislation recognizing the religious and historical significance of the festival of Diwali has been brought to the floor today for consideration.

Celebrated by the people of India, the Indian Diaspora and the nearly two million Hindus, Sikhs, Buddhists, and Jains who call America their home, the Diwali festival is a five day event held in the fall that celebrates the values of kinship, knowledge, and goodness. It signifies the triumph of good over evil and light over darkness. This is commonly represented by individuals lighting oil lamps and placing them outside their homes.

My resolution acknowledges the international, religious, and historical importance of the festival of Diwali as well as the religious diversity in India, the United States, and throughout the world. It shows our support for the strong and growing partnership and dialogue in international efforts between the United States and India. Lastly, it recognizes the importance of Indian Americans—a strong and vibrant immigrant community.

As co-chair of the Congressional Caucus on India and Indian Americans, as well as a lifelong supporter and admirer of the Indian American community, I am grateful for the opportunity to show my appreciation. My father served in India during World War II, and he told me how entrepreneurial and competent the people of India are. I call on my colleagues here in the House of Representatives to do the same for the citizens of India, a strategic and economic ally.

I would like to commend Ishani Chowdhury with the Hindu American Foundation, my Chief of Staff Dino Teppara, my Legislative Assistant Paul Callahan, and Arshi Siddiqui with Speaker NANCY PELOSI's office for their cooperation and dedication in bringing this important resolution to the floor.

Mr. TANNER. Mr. Speaker, I have no further requests, so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 747.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TANNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## SUPPORTING THE OBSERVANCE OF BREAST CANCER AWARENESS MONTH

Ms. BALDWIN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 230) supporting the observance of Breast Cancer Awareness Month, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 230

Whereas every 3 minutes a woman is diagnosed with breast cancer;

Whereas another 180,510 new cases of breast cancer are expected to be diagnosed in the United States in 2007;

Whereas breast cancer is the leading cause of death among women between the ages of 45 and 54;

Whereas 1 out of every 8 women who live to the age of 85 will develop breast cancer in her lifetime;

Whereas the survival rate of women who have breast cancer is 98.1 percent when detected in the early stages;

Whereas mammograms and monthly breast self-examinations are the key components of early detection; and

Whereas observing a Breast Cancer Awareness Month would provide a special opportunity to offer education on the importance of monthly breast self-examinations and annual mammograms: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress—

(1) supports the observance of Breast Cancer Awareness Month in order to provide a special opportunity to offer education on the importance of monthly breast self-examinations and annual mammograms;

(2) salutes the more than 2.4 million breast cancer survivors in the United States and the efforts of victims, volunteers, and professionals who combat breast cancer each day;

(3) recognizes and applauds the national and community organizations for their work in promoting awareness about breast cancer, providing information, and offering treatment to its sufferers; and

(4) urges organizations and health practitioners to use this opportunity to promote awareness about breast cancer, to support monthly self-examinations, and to encourage annual mammograms.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Con. Res. 230, a resolution supporting the observance of Breast Cancer Awareness Month. As an original cosponsor of this resolution, I am proud to speak out in favor of greater support for breast cancer awareness and prevention. Through my work with Congresswoman SUE MYRICK in reauthorizing the National Breast and Cervical Cancer Early Detection Program, I am well aware of the challenges that lie ahead in preventing and ultimately finding a cure for breast cancer.

As my colleagues may know, breast cancer is the leading cause of death among women between the ages of 45 and 54. Many of us have witnessed a family member or a friend struggle with the devastating effects of breast cancer. We must ensure that these women do not suffer alone.

With this resolution, we affirm our solidarity with the 2 million-plus breast cancer survivors as we seek to find a cure for this and other cancers. We also pay tribute to the volunteers and health care professionals who work to combat breast cancer every day.

H. Con. Resolution 230 supports the observance of Breast Cancer Awareness Month, a time to reemphasize the importance of monthly breast self-examinations and annual mammograms. As in the case of many diseases, early detection goes a long way toward ensuring survival. As many of my colleagues know, approximately 98 percent of women who are able to detect breast cancer in its most early stage survive. We must use this opportunity to educate women, all women, to ensure that they take the necessary steps to protect themselves from this potentially fatal disease.

I also rise to pay tribute to our friend and our colleague, Congresswoman Jo Ann Davis, who lost her life to breast cancer earlier this month. We are reminded that breast cancer can strike anyone. This resolution also expresses our gratitude to national and community organizations, such as the Susan G. Komen Breast Cancer Foundation, that have made us all aware of the power of the pink ribbon, been on the forefront in raising awareness about this disease and provided information to better understand this disease.

I also want to thank my colleague Representative GINNY BROWN-WAITE and the Congressional Caucus for Women's Issues for their leadership on this resolution, and I urge my colleagues to join me in support of its adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I am proud to offer my resolution on the House floor today, House Concurrent Resolution 230, supporting the observance of Breast Cancer Awareness Month.

The effects of breast cancer have touched almost every American, whether through losing a loved one, as I did, or going through the pain of chemotherapy and a long recovery, as millions of individuals have done.

I introduced this resolution to support the breast cancer education and outreach efforts that have taken place this October. We all know that every 3 minutes, a woman is diagnosed with breast cancer and that this is the leading cause of death among women between the ages of 15 and 54. However, if this disease is detected early, the breast cancer survival rate is 98 percent.

Congress must continue to promote breast cancer awareness and support efforts to defeat this disease. My resolution expresses support for the observation of Breast Cancer Awareness Month, which is this month of October. The resolution provides a special opportunity to offer education on the importance of monthly breast self-examinations and annual mammograms. My resolution also salutes the 2.4 million breast cancer survivors in the United States and the efforts of victims, volunteers and professionals who combat breast cancer every day.

Finally, this measure applauds the national and community organizations for their work in promoting awareness about breast cancer. A woman's risk for developing breast cancer increases if family members have a history of breast cancer, particularly at an early age. However, 85 percent of women who develop breast cancer have no known family history of the disease.

It cannot be stressed enough that early detection is the best chance for survival of a person who has a breast cancer diagnosis. Women must take care of their health and be aware of their risk factors, perform self-examinations and get annual checkups. While breast cancer predominately affects women, we are regularly reminded that a significant number of men are diagnosed with breast cancer each year.

My colleague, Ms. BALDWIN, mentioned Jo Ann Davis. Jo Ann Davis certainly was a very, very brave lady who fought breast cancer. Actually, she fought it twice. She won the first time, and it came back. We all remember her in this Chamber and we remember her desire to make sure that a cure is found. If Jo Ann Davis were here today, she would not only vote in favor of this, but she also would be speaking on behalf of it.

Mr. Speaker, I want to thank Representative BALDWIN and the 129 Members who co-signed this very important piece of legislation with me. I certainly urge all Members to support H. Con. Res. 230 to ensure that the House continues to bring awareness to this important issue.

With that, Mr. Speaker, I yield back the balance of my time.

Ms. BALDWIN. Mr. Speaker, in closing, I urge my colleagues to support this very important resolution. Observing Breast Cancer Awareness Month gives us an opportunity to educate the public on the importance of monthly breast self-exams and annual mammograms. It also gives us an opportunity to salute those who work every day in raising awareness about breast cancer and our health care professionals who work with patients to fight it.

Again, I want to commend the work of my colleague, Representative GINNY BROWN-WAITE, for her work on this important issue, and I urge all my colleagues to join me in supporting this resolution.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H. Con. Res. 230, a resolution supporting the observance of Breast Cancer Awareness Month. This resolution provides a special opportunity to increase awareness on the importance of regular self-examinations, as early detection is the key to increasing survival rates.

This is also an occasion on which we can recognize the more than 2.4 million breast cancer survivors and remember those who are no longer with us on account of this deadly disease. This past October, survivors and activists have reminded us why it is so important to support research throughout the entire year to find a cure for breast cancer.

In this country, this disease strikes 1 woman every 3 minutes, and it is the leading cause of death among women ages 45 to 54. The numbers are staggering—we simply must continue to adequately fund research and ensure that services and treatments are accessible to those who need them.

Mr. Speaker, in honor of those who have fought a courageous battle with breast cancer, I ask my colleagues to join me in supporting this resolution.

Mr. SHULER. Mr. Speaker, I rise today in strong support of H. Con. Res. 230, observing Breast Cancer Awareness Month. I offer my thoughts and prayers to those who have lost family members to breast cancer, and offer hope and encouragement to those who are currently battling the disease.

Breast cancer is the leading cause of death among women aged 45 to 54, and 1 out of 8 women will be diagnosed with the disease over the course of their lifetime. It is expected that over 180,000 new cases of breast cancer will be diagnosed in 2007 alone.

Fortunately, there is hope. When breast cancer is detected at early stages the survival rate for women is over 98 percent. Annual mammograms and monthly self-examinations are essential in detecting breast cancer at early stages.

Research has significantly increased our understanding of breast cancer. While there is still no cure for breast cancer, researchers have identified key risk factors for the disease.

I applaud the national and community organizations that promote awareness of breast cancer, offer support to those that are battling the disease, and provide information about early detection. It is imperative that these organizations continue their work to educate women about the disease and encourage monthly self-exams and annual mammograms.

I ask my colleagues to join me in observing Breast Cancer Awareness Month.

Mr. LARSON of Connecticut. Mr. Speaker, as this week concludes the National Breast Cancer Awareness Month of October, I rise today to reflect on some of the issues that have been brought to the country's attention over the last 30 days.

According to the National Cancer Institute there have been over 180,000 new cases of breast cancer among men and women and nearly 50,000 deaths in the United States this year. Breast Cancer disproportionately affects women and is the second leading cause of death for American women.

Mrs. Priscilla Davis from Hartford, Connecticut, a constituent as well as the mother of a member of my staff, was diagnosed with breast cancer in 2006. Her story is an all too familiar one—a story of fear and confusion on one hand, and courage, strength and hope on the other. Thankfully, Priscilla's breast cancer was detected early and treated before it was too late. Sadly, as the statistics show, many women are not as fortunate.

Research, education, and awareness are essential in curbing the mortality rates of breast cancer. I would like to commend organizations like the American Cancer Society and the Susan Komen Foundation for their commitment to making us aware of the symptoms of breast cancer and for their advocacy on behalf of the women and families who have been affected by this deadly disease.

Mr. Speaker, on behalf of the women and men across the country who share Priscilla Davis's story and in honor of those who have lost their lives to the disease, I ask my colleagues to join me in carrying forward what we learned during this year's National Breast Cancer Awareness Month in the hope that during the next one we will also have cause to celebrate a cure.

Ms. BALDWIN. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 230.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## DAM REHABILITATION AND REPAIR ACT OF 2007

Mr. SALAZAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3224) to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3224

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Dam Rehabilitation and Repair Act of 2007".*

***SEC. 2. REHABILITATION AND REPAIR OF DEFICIENT DAMS.***

*(a) DEFINITIONS.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—*

*(1) by redesignating paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (4), (5), (6), (7), (8), (9), (10), (12), (13), (14), and (15), respectively;*

*(2) by inserting after paragraph (2) the following:*

*"(3) DEFICIENT DAM.—The term 'deficient dam' means a dam that the State within the boundaries of which the dam is located determines—*

*"(A) fails to meet minimum dam safety standards of the State; and*

*"(B) poses an unacceptable risk to the public."; and*

*(3) by inserting after paragraph (10) (as redesignated by paragraph (1)) the following:*

*"(11) REHABILITATION.—The term 'rehabilitation' means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable State dam safety and security standards.".*

*(b) PROGRAM FOR REHABILITATION AND REPAIR OF DEFICIENT DAMS.—The National Dam Safety Program Act is amended by inserting after section 8 (33 U.S.C. 467f) the following:*

***"SEC. 8A. REHABILITATION AND REPAIR OF DEFICIENT DAMS.***

*"(a) ESTABLISHMENT OF PROGRAM.—The Director shall establish, within FEMA, a program to provide grant assistance to States for use in rehabilitation of publicly-owned deficient dams.*

*"(b) AWARD OF GRANTS.—*

*"(1) APPLICATION.—A State interested in receiving a grant under this section may submit to the Director an application for such grant. Applications submitted to the Director under this section shall be submitted at such times, be in such form, and contain such information, as the Director may prescribe by regulation.*

*"(2) IN GENERAL.—Subject to the provisions of this section, the Director may make a grant for rehabilitation of a deficient dam to a State that submits an application for the grant in accordance with the regulations prescribed by the Director. The Director shall enter into a project grant agreement with the State to establish the terms of the grant and the project, including the amount of the grant.*

*"(3) APPLICABILITY OF STANDARDS.—The Director shall require States that apply for grants under this section to comply with the standards of section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)), as in effect on the date of enactment of this section, with respect to projects assisted under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Director for emergency preparedness purposes.*

*"(c) PRIORITY SYSTEM.—The Director, in consultation with the Board, shall develop a risk-based priority system for use in identifying deficient dams for which grants may be made under this section.*

*"(d) ALLOCATION OF FUNDS.—The total amount of funds appropriated pursuant to subsection (f)(1) for a fiscal year shall be allocated for making grants under this section to States applying for such grants for that fiscal year as follows:*

*"(1) One-third divided equally among applying States.*

*"(2) Two-thirds among applying States based on the ratio that—*

*"(A) the number of non-Federal publicly-owned dams that the Secretary of the Army identifies in the national inventory of dams maintained under section 6 as constituting a danger to human health and that are located within the boundaries of the State; bears to*

*"(B) the number of non-Federal publicly-owned dams that are so identified and that are located within the boundaries of all applying States.*

*"(e) COST SHARING.—The Federal share of the cost of rehabilitation of a deficient dam for which a grant is made under this section may not exceed 65 percent of the cost of such rehabilitation.*

*"(f) AUTHORIZATION OF APPROPRIATIONS.—*

*"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—*

*"(A) $10,000,000 for fiscal year 2008;*

*"(B) $15,000,000 for fiscal year 2009;*

*"(C) $25,000,000 for fiscal year 2010;*

*"(D) $50,000,000 for fiscal year 2011; and*

*"(E) $100,000,000 for fiscal year 2012.*

*"(2) STAFF.—There are authorized to be appropriated to provide for the employment of such additional staff of FEMA as are necessary to carry out this section $400,000 for each of fiscal years 2008 through 2010.*

*"(3) PERIOD OF AVAILABILITY.—Sums appropriated pursuant to this section shall remain available until expended.".*

***SEC. 3. RULEMAKING.***

*(a) PROPOSED RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall issue a notice of proposed rulemaking regarding the amendments made by section 2 to the National Dam Safety Program Act (33 U.S.C. 467 et seq.).*

*(b) FINAL RULE.—Not later than 120 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall issue a final rule regarding such amendments.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. SALAZAR) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. SALAZAR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3224.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SALAZAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many people are not aware that there are approximately 80,000 dams in the United States; and, of these, the Association of State Dam Safety Officials has identified 3,500 dams that are considered deficient or unsafe. In my State of Colorado, we have over 1,800 dams. Of those, 131 are high hazard public dams, and an additional 19 dams are deficient. The State has determined that they are in serious need of repair.

Without proper maintenance, these dams are an obvious threat to public safety. It is critical that we help to ensure the safety and security of these dams. H.R. 3224, introduced by myself and the gentleman from New York, Mr. RANDY KUHL, is a bill that does help to ensure such safety and security by addressing rehabilitation and repair of safety-deficient State-owned dams.

This bill is direct, quite simple, and will go a long way to mitigate significant hazards to our communities. First, the bill adds "deficient dam" and "rehabilitation" to the definition section of the Dam Safety Act and thus makes this category of dams eligible for funding for rehabilitation. Second, the bill directs the administrator of FEMA to establish within FEMA a program to provide grant assistance to States for use in rehabilitation of publicly owned deficient dams. The grants will be awarded so that each State will get an equal share of one-third of the total amount, while the remaining two-thirds will be awarded by risk. The Federal cost share is capped at 65 percent.

The program's goal is to reduce the risks to life and property by establishing an effective national dam safety rehabilitation program that utilizes the resources and expertise of the Federal and non-Federal communities to achieve the reduction of dam safety hazards. In other words, one of the primary purposes of the Dam Rehabilitation and Repair Act of 2007 is to provide financial assistance to the States for strengthening their dam safety programs.

Mr. Speaker, I support this bill and urge its passage.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3224 amends the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

I would like to commend Congressman RANDY KUHL for his steadfast leadership on this issue. He was the original sponsor of similar legislation this year, and he was instrumental in the reauthorization of the National Dam Safety Program last year. I would also like to thank Mr. SALAZAR, again, for his leadership in this issue also.

This bill would authorize a program at the Federal Emergency Management Agency to provide funding for repairs to publicly owned dams that would pose a direct risk to human life if they failed. The number of unsafe dams has risen by 80 percent since 1998 to more than 3,200.

□ 1600

This grant program would fund repairs of the most critical dams, which the Association of State Dam Safety officials estimates is a $10 billion need over the next 12 years. Dams require ongoing maintenance, monitoring, and rehabilitation. Many States are unable to fund necessary repairs to publicly owned dams without assistance from the Federal Government. This new program will provide assistance up to 65 percent of the cost of the repairs. H.R. 3224 authorizes the program for 5 years at $200 million.

Mr. Speaker, this is an important issue throughout the country in areas with numerous old and abandoned dams. Too often, the 19th century companies that built the dams no longer exist and local governments are left with orphaned dams in their jurisdiction. These downstream communities have a responsibility to protect their population, but they rarely have the tax base or revenue to repair the failing dams.

Mr. Speaker, I yield back the balance of my time.

Mr. SALAZAR. I want to thank the gentleman from Arkansas for his leadership also on transportation issues. This is a very important piece of legislation. Mr. Speaker, this legislation has strong bipartisan support and outside groups, including the Association of State Dam Safety Officials, American Rivers, the American Society of Civil Engineers and the Associated General Contractors, who all have endorsed this important piece of legislation.

I want to thank the gentleman from New York, Mr. RANDY KUHL, for working with us on this critical bill, as well as other committee members of the Transportation Committee who have supported this bill as well. I would urge my colleagues to swiftly pass H.R. 3224.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 3224, as amended, a bill to further enhance the safety of and bring to a state of good repair our Nation's aging dam infrastructure. This important bill has broad bipartisan support.

I commend the gentleman from Colorado (Mr. SALAZAR) and the gentleman from New York (Mr. KUHL) for introducing this legislation and for their strong support. I would also like to thank Subcommittee Chairwoman NORTON for her leadership and for diligently guiding the work of the Subcommittee on the issue of dam safety and rehabilitation.

During a May 8, 2007 hearing, the Subcommittee on Economic Development, Public Buildings, and Emergency Management received compelling testimony about the need to rehabilitate our Nation's dams. The statements of witnesses reinforced some troubling statistics. There are approximately 80,000 dams in the United States; of these, approximately 10,000 dams are considered to have high-hazard potential, meaning their failure could result in loss of life or severe property damage. From 2000 to 2006, the number of high-hazard dams increased by almost 20 percent.

Further, States have identified approximately 3,400 dams as currently deficient or unsafe. These dams have been identified as having hydrologic or structural deficiencies that make them susceptible to failure triggered by a storm, an earthquake, progressive deterioration, or inadequate maintenance.

Since 1972, Congress has helped to mitigate the risk of dam failure by establishing a program to provide technical and financial assistance to States for dam safety. Through the National Dam Safety Program, the Federal government has helped to increase the level of knowledge and preparedness to prevent and mitigate the effects of dam failures across the country. Dam safety inspections have increased significantly and greater direct assistance has been provided for training State officials and providing technical seminars and workshops.

H.R. 3224 builds on this successful program and authorizes the Administrator of the Federal Emergency Management Agency ("FEMA") to provide grants for the rehabilitation and repair of publicly-owned dams. States must provide at least 35 percent of the funds necessary to rehabilitate a dam. While all States are eligible to apply, grants will be distributed after prioritization by the Administrator, along with the National Dam Safety Review Board, of all applications, based on degree of deficiency.

The bill is a necessary step in the right direction to upgrade our Nation's aging dam infrastructure.

I urge my colleagues to join me in supporting H.R. 3224.

Mr. SALAZAR. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). The question is on the motion offered by the gentleman from Colorado (Mr. SALAZAR) that the House suspend the rules and pass the bill, H.R. 3224, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PRICE of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## HURRICANES KATRINA AND RITA RECOVERY FACILITATION ACT OF 2007

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3247) to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3247

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Hurricanes Katrina and Rita Recovery Facilitation Act of 2007".

**SEC. 2. DEFINITIONS.**

In this Act, the following definitions apply:

(1) COVERED HURRICANE DAMAGES.—The term "covered hurricane damages" means damages suffered in the States of Louisiana and Mississippi as a result of Hurricanes Katrina and Rita.

(2) PRESIDENT.—The term "President" means the President acting through the Administrator of the Federal Emergency Management Agency.

(3) STAFFORD ACT.—The term "Stafford Act" means the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

**SEC. 3. SPECIAL RULES FOR COVERED HURRICANE DAMAGES.**

(a) IN LIEU CONTRIBUTIONS.—In providing contributions under section 406(c) of the Stafford Act (42 U.S.C. 5172(c)) for covered hurricane damages, the President shall substitute 90 percent for the otherwise applicable percentage specified in paragraphs (1)(A) and (2)(A) of such section.

(b) PARTICIPATION IN PILOT PROJECTS.—The States of Louisiana and Mississippi and local governments in such States shall be eligible to participate in the pilot program established by section 689j of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 777) with respect to covered hurricane damages.

(c) ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.—

(1) IN GENERAL.—Notwithstanding section 423 of the Stafford Act (42 U.S.C. 5189a) or any regulation, the President is authorized and encouraged to use alternative dispute resolution procedures for appeals of decisions made under sections 403, 406, and 407 of the Stafford Act (42 U.S.C. 5179b, 5172, and 5173) regarding the award or denial of assistance, or the amount of assistance, provided to a State, local government, or owner or operator of a private facility for covered hurricane damages.

(2) DENIALS OF REQUESTS.—

(A) WRITTEN NOTICE.—If a State, local government, or owner or operator of a private facility requests the use of alternative dispute resolution procedures for an appeal pursuant to paragraph (1) and the President denies the request, the President shall provide to the State, local government, or owner or operator written notice of the denial, including the reasons for the denial.

(B) QUARTERLY REPORTS.—The President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, on at least a quarterly basis, a report containing information on any denial described in subparagraph (A) made by the President during the period covered by the report, including the reasons for the denial.

(3) APPLICABILITY.—Paragraph (1) shall apply to an appeal made by a State, local government, or owner or operator of a private facility within 60 days after the date on which the State, local government, or owner or operator is notified of the decision that is the subject of the appeal.

(4) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing a description of how alternative dispute resolution procedures are being used pursuant to this subsection and recommendations on whether the President should be given the authority to use such procedures under the Stafford Act on a permanent basis.

(d) ESSENTIAL ASSISTANCE.—In providing assistance under section 403 of the Stafford Act for covered hurricane damages, the President may provide assistance for the reinterment of human remains at a privately-owned or private nonprofit cemetery.

(e) USE OF SIMPLIFIED PROCEDURES.—For covered hurricane damages, the President may use, if requested by a State or local government or the owner or operator of a private nonprofit facility, section 422 of the Stafford Act (42 U.S.C. 5189) for a project for which the Federal estimate of the cost is less than $100,000.

(f) USE OF TEMPORARY HOUSING UNITS TO PROVIDE HOUSING TO VOLUNTEERS.—

(1) IN GENERAL.—In providing assistance under title IV of the Stafford Act (42 U.S.C. 5170 et seq.) for covered hurricane damages, the President may provide temporary housing units purchased under section 408 of the Stafford Act (42 U.S.C. 5174) to State and local governments and appropriate private nonprofit entities for the purpose of providing housing to volunteers assisting in the recovery from such damages.

(2) FEASIBILITY DETERMINATION.—The President may provide temporary housing units for the purposes described in paragraph (1) only if the President determines that such assistance is appropriate, cost effective, and would not unduly interfere with the ability of the Federal Emergency Management Agency to provide housing for individuals and households with respect to other major disasters.

(g) CONTRIBUTIONS FOR PUBLIC FACILITIES USED TO HOST PUBLIC EVENTS.—

(1) IN GENERAL.—Notwithstanding sections 403 and 406 of the Stafford Act (42 U.S.C. 5170b and 5172), the President may make contributions to the State of Louisiana for—

(A) costs incurred for the repair or restoration of a public facility used to host public events if the facility was damaged as a result of use in conducting response activities for Hurricane Katrina or Rita;

(B) costs incurred because response activities for Hurricane Katrina or Rita precluded the normal use of a public facility used to host public events;

(C) costs incurred for necessary materials provided to evacuees of Hurricane Katrina or Rita in a public facility used to host public events; and

(D) the reasonable costs of renting or leasing a public facility used to host public events that was used for conducting response activities for Hurricane Katrina or Rita.

(2) LIMITATIONS.—

(A) CONTRIBUTIONS FOR REPAIR AND RESTORATION COSTS.—Contributions made under paragraph (1)(A) shall be limited to repair and restoration costs associated with damages described in paragraph (1)(A) that occurred—

(i) in the case of damages related to Hurricane Katrina, on or before October 27, 2005; and

(ii) in the case of damages related to Hurricane Rita, on or before November 23, 2005.

(B) CONTRIBUTIONS FOR COSTS INCURRED FOR CANCELLED EVENTS.—

(i) EVENT REQUIREMENTS.—Contributions made under paragraph (1)(B) shall be limited to costs that are documented for an event—

(I) for which there was a binding commitment for use of the facility in effect prior to August 29, 2005; and

(II) that was scheduled to be held on or before December 31, 2005, at the facility.

(ii) LOST REVENUES.—Contributions under paragraph (1)(B) shall not be made for any lost revenues.

(C) CONTRIBUTIONS FOR REASONABLE COSTS OF RENTING OR LEASING.—Contributions made under paragraph (1)(D) shall be limited to the reasonable costs of renting or leasing the facility during the period beginning on August 29, 2005, and ending on January 6, 2006.

(3) COSTS RECOVERABLE FROM OTHER SOURCES.—Costs that may be recovered by

the State of Louisiana from any other program or from insurance or another source shall not be eligible for assistance under this subsection.

(4) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect eligibility for assistance under section 403 or 406 of the Stafford Act (42 U.S.C. 5170b or 5172), except to the extent that such assistance would result in a duplication of benefits.

(5) FEDERAL SHARE.—The Federal share of assistance under this subsection shall be 100 percent of the eligible costs.

(6) FUNDING.—Amounts appropriated to carry out sections 403 and 406 of the Stafford Act (42 U.S.C. 5170b and 5172) shall be available to carry out this section, including amounts appropriated before the date of enactment of this Act.

(h) STATUS REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate a report regarding the status of recovery for the States of Louisiana and Mississippi from Hurricanes Katrina and Rita.

(i) HAZARD MITIGATION PROJECTS.—

(1) IN GENERAL.—A project for covered hurricane damages initiated by the State of Louisiana or Mississippi in the period beginning on August 29, 2005, and ending on the date of enactment of this Act may contribute toward the non-Federal share of assistance under section 404 of the Stafford Act (42 U.S.C. 5170c) if the project—

(A) complies with all applicable Federal laws governing assistance under such section, and

(B) otherwise is eligible to contribute to the non-Federal share of assistance under such section,

notwithstanding any requirement for approval of the eligibility and compliance of a project by the President prior to the initiation of the project contributing toward the non-Federal share.

(2) APPLICATIONS.—The States of Louisiana and Mississippi may submit an application to the President under section 404 of the Stafford Act with respect to any project described in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to rise in support of H.R. 3247, the Katrina and Rita Recovery Facilitation Act of 2007. This bill has been a top priority of our leadership and has received excellent cooperation and support from the minority and its Members as well. It was reported by the Transportation and Infrastructure Committee on August 1, 2007. On May 10, 2007, our subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing entitled, "Legislative Fixes for Lingering Problems that Hinder Katrina Recovery," where Members from Louisiana and Mississippi testified on issues that were still delaying the recovery from these extraordinarily destructive storms, particularly in the Public Assistance Program.

These were problems that, and I stress, could not have been envisioned by the Stafford Act because of the unprecedented nature of the gulf coast disaster. Therefore, it was felt that there was a need for amendments to the act since FEMA often felt it could not move without specific authority.

This bill addresses issues specifically identified by these Members who represent the gulf coast area in testimony before our committee, testimony that was evaluated by our subcommittee and found to be compatible with the mission of the Stafford Act and the unique nature of the Katrina and Rita disasters.

For example, the bill allows FEMA to apply its so-called "simplified procedures" for "small projects" from the current threshold of $55,000 to $100,000, and authorizes FEMA to use alternative dispute resolution to resolve appeals in the Public Assistance Program. There have been many appeals. These need to be handled expeditiously if recovery is to occur expeditiously.

Madam Speaker, the bill also increases the Federal contribution for large "in-lieu" projects, also known as alternate projects, to 90 percent for both public and private nonprofit facilities. These are examples of remedies that will bring significant results, according to our own investigation and testimony from the region.

Hurricane Katrina made landfall nearly 2 years ago and proved to be the costliest natural disaster in American history. The storms had a massive physical impact on the land, affecting 90,000 square miles, which is an area the size of Great Britain. More than 80 percent of the City of New Orleans flooded, which is an area seven times the size of Manhattan. Untold consequences to the residents of the region were visited upon individuals and families.

Our subcommittee will hold a hearing in New Orleans soon to look further into the status of recovery from these storms. We certainly did not want to go to the region without passage of this act, which is so urgent to recovery. I am pleased that we will be able to report to the citizens of the gulf that our committee and hopefully the House has taken further steps to facilitate the recovery of the entire gulf coast.

I urge the support of all Members.

Madam Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3247, introduced by Subcommittee Chairwoman NORTON, will improve the provision of disaster assistance for Hurricanes Katrina and Rita. This bill was created through an open and inclusive process. I want to thank Chairman OBERSTAR and Chairwoman NORTON for working with our Republican Members to include our provisions to this bill. Additionally, I want to thank my good friend and colleague from Louisiana, Ranking Member BAKER, for his steadfast support of Louisiana in the wake of Hurricanes Katrina and Rita. Congressman BAKER has been a great advocate for our State, and I thank him for helping the committee to draft this bill.

Madam Speaker, earlier this year the Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on the recovery in the gulf coast following Hurricanes Katrina and Rita. The bill includes a number of provisions recommended by Members of Congress from both parties who testified at this hearing. These provisions are designed to alleviate specific problems with the recovery in the gulf coast.

H.R. 3247 authorizes changes to the Stafford Act programs exclusively for the recovery from Hurricanes Katrina and Rita and applies these changes retroactively. The Congressional Budget Office does not expect these proposed changes to have a significant effect on the pace or amount of Federal expenditures from the disaster relief fund and has estimated that enacting H.R. 3247 would have no significant effect on direct spending. I support this legislation, and I encourage my colleagues to do the same.

I also want to thank Chairman OBERSTAR and Chairwoman NORTON specifically for working with our gulf coast delegations on this important legislation. The T&I committee has really been very helpful and a strong advocate throughout this process, as my home State of Louisiana and the rest of the gulf coast have tried to recover. I am pleased that the tradition continues today with the work on this bill.

I also want to mention that while much of the Nation's focus remains on the aftermath of Hurricane Katrina, I want to remind my colleagues that there were two storms of similar magnitude that hit the gulf coast in 2005. The second storm, Hurricane Rita, brought high winds in excess of 120 miles an hour and a storm surge equivalent to that of a category 5 storm.

Total damage in southwest Louisiana was estimated at approximately $10 billion, making Rita, the forgotten storm, the third most costly natural disaster in U.S. history.

Two years later our recovery remains slow, but progress is being made and the people of southwest Louisiana are resilient and we will rebuild. This bill will help fix some of the roadblocks to recovery that we have encountered along the way. Notably, I want to mention one particularly. The bill addresses one of the bigger problems still lingering in my own district, which is the reimbursement to the sports arena called the Cajundome for use of the facility in sheltering both Katrina and Rita evacuees. The Cajundome acted as a shelter from August 30 through October 28, 2005, and processed an estimated 18,000 evacuees within that 60-day period. The facility was subsequently closed until January 2006 for recovery and repair from the sheltering operations. FEMA initially approved and then sought reimbursement for funds paid to the Cajundome for use of the facility while conducting response activities.

At issue is whether or not a government entity can be reimbursed for fees for sheltering evacuees after a disaster. The Cajundome, however, operates autonomously from city government, does not have a sustaining tax base, and instead relies on the fees it generates from events during its peak season to maintain operations year-round. H.R. 3247 will allow FEMA to pay for the reasonable cost of renting or leasing a public facility that was used for conducting response activities for Hurricanes Katrina and Rita. Facilities like the Cajundome are integral to our disaster recovery and response. We shouldn't punish them for opening their doors and providing shelter during a national crisis.

Again, I want to thank the committee staff as well, especially Mike Herman and Jennifer Hall, for working with my legislative director, Terri Fish, to develop language that will address this problem. Again, I thank Chairman OBERSTAR, Chairwoman NORTON, and Ranking Members MICA and GRAVES for including it in the bill. Again, I urge my colleagues to support H.R. 3247.

Madam Speaker, I yield such time as he may consume to my colleague from Louisiana (Mr. BAKER).

Mr. BAKER. I thank the gentleman for yielding time and certainly want to express appreciation to Chairwoman NORTON, as well as Chairman OBERSTAR, for their continuing attention, courtesy and problem-solving for those of us along coastal States suffering yet from the aftermath of storms Katrina and Rita. Particularly, I want to speak to the great work of Congressman BOUSTANY representing his community. As he expressed here this afternoon, the second storm of the season which followed Katrina, Hurricane Rita, was just as devastating to his community, as was Katrina to coastal portions of eastern Louisiana. He has been the singular outspoken voice for the victims of that disaster in seeking relief and remedies that are appropriate.

Madam Speaker, contained in this resolution before us today is a unique resolution, as the Stafford Act never contemplated disasters of the magnitude and scope that affected our State. The duration was unexpected, as well as the intensity of the damage. A few would have thought an inconvenience of a few days for a public facility would be cause for reimbursement from the Stafford Act.

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But in this case the damage went on not just for days and not just for weeks but literally for months. And income that was planned for many of these facilities was lost, as well as the operational expense to engage in the relief activities. As well, unfortunately, in the damage that occurred to the facilities as a result of this unusual and prolonged use.

For example, the Lamar Dixon Center on the southern edge of the City of Baton Rouge acted as the staging point for many law enforcement search and rescue efforts which went on for many days. As a result of the sheriff, police, municipal police and others simply engaging in this activity without seeking preclearance, not having a contract with FEMA in order to save people, Lamar Dixon similarly engaged in the care and feeding of literally thousands of those engaged in daily rescue activities.

We were surprised to learn that the Stafford Act provisions would not allow for the reimbursement of these highly appropriate and highly valuable services rendered during the height of the storm.

Today, with the adoption of this bill, we cure these deficiencies. And although I hope such need would never arise in any other community in our country, if it does, these changes are meaningful not only to the people who engage in the service but to the communities who likewise support and help in this most dire of recovery circumstances. I join with my colleague, Mr. BOUSTANY, to support this legislation.

Ms. NORTON. Madam Speaker, I am pleased to yield to the gentleman from Louisiana (Mr. MELANCON) such time as he may consume.

Mr. MELANCON. Thank you, Congresswoman HOLMES NORTON, for your leadership in moving this piece of legislation forward. I also commend my colleagues and friends from Louisiana who also understand that Ms. HOLMES NORTON and others have been a genuinely great help to the folks of Louisiana and Mississippi and the affected areas of Hurricanes Katrina and Rita.

I am proud of what we have done in Congress to address the recovery and rebuilding needs along the gulf coast after these two unprecedented storms, Katrina and Rita, and our needs are still great. They have not gone away.

From my experience over the last 2 years, I found that the Stafford Act was not written for disasters the size of Katrina and Rita, nor was FEMA prepared to respond, particularly in the long term, to events of this magnitude. H.R. 3247 would amend the Stafford Act to more accurately reflect the rebuilding and recovery needs of the gulf coast. St. Bernard Parish in my district only has a handful of buildings that were not damaged in the storms, and less than 40 percent of the population has returned to the parish.

Through the alternate project penalty, the Stafford essentially penalizes the parish and its officials as they try to rebuild and reflect the returning population. H.R. 3247 would reduce this penalty from 25 percent to 10 percent of each of the project's costs, and this is enormous in the needs that follow and has been mentioned about the inadequacies of the Stafford Act.

The bill would also instruct FEMA to use alternate dispute resolution in place of its completely inadequate project worksheet appeals process. Many project worksheets are still under review after 27 months. Without a guarantee that the project will be fully funded, the State and local governments are apprehensive to even begin projects for fear that FEMA will ask for the money back. FEMA itself is preventing the rebuilding of the gulf coast. It is not their intention, but it is the reality, and this needs to change.

I appreciate all of the work Congress has done to address the recovery and rebuilding needs of the gulf coast, and I ask that my colleagues again assist with easing the restrictions to allow for full recovery by supporting H.R. 3247. I thank you for the opportunity to speak on this issue, and I thank the gentlewoman from the District of Columbia for her efforts and the efforts of my friends and colleagues on the other side of the aisle for helping in this rebuilding effort in an effort to bring FEMA to a position of reality rather than bureaucracy.

Mr. BOUSTANY. Madam Speaker, I want to thank my colleague from Louisiana (Mr. MELANCON). Together, he and I have all of coastal Louisiana, and we have dealt with this disaster firsthand. I know side by side along the coast, we were rolling up our sleeves and helping our friends and families back home through all of this. I want to thank him for his work in helping to come up with these revisions to the Stafford Act that were desperately needed.

This is a good piece of legislation. It will not cure all of the problems we still have in coastal Louisiana, but it is a good start. I urge my colleagues on both sides of the aisle to pass this important legislation, H.R. 3247. Again, I thank Chairwoman NORTON and Chairman OBERSTAR for their willingness to work with us to craft this legislation.

Madam Speaker, I yield back the balance of my time.

Ms. NORTON. Madam Speaker, once again I want to thank the gentleman and all of the Members from the gulf coast delegation who worked so cooperatively with us, really informing us what needed to be done, looking at the Stafford Act, understanding we are amending the act for Katrina and Rita purposes only, and the least Congress could do was to recognize in all of our rhetoric about this being an unprecedented disaster, that we responded with an unprecedented remedy. We do not expect the remedies available here to be necessary elsewhere. For example, we have just had a big disaster in California. That is of a different kind and will have a different effect on the entire region; very devastating, but very different. We intend to have a hearing with respect to that disaster and comparing that disaster and the responses to that disaster with the responses to the gulf coast because we need to do all we can to learn about that disaster.

Moreover, the Katrina and Rita disasters have exposed other changes in the Stafford Act that we need. These are Rita and Katrina-specific changes, but we are learning from what happened to this extraordinary region of our country without which we cannot do. And every day you see oil prices go up, I hope you understand, we in the United States, how central this region is to the economy of this country. As a result, we will be holding hearings on the way in which the Stafford Act should be even further updated to the benefit not only of the disasters we hope never to see again, but to disasters that may occur in the future in our country.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 3247, the "Katrina and Rita Recovery Facilitation Act of 2007", as amended. This bipartisan bill addresses lingering issues that continue to hinder the recovery from Hurricanes Katrina and Rita. The changes in this bill are both necessary and long overdue.

Hurricane Katrina made landfall on August 29, 2005, and proved to be the costliest natural disaster in American history. The storm had a massive physical impact on the land, affecting 90,000 square miles, which is an area the size of Great Britain. More than 80 percent of the City of New Orleans flooded, an area comparable to seven times the size of Manhattan.

Although more than two years have elapsed since Katrina and Rita, significant problems still exist in the recovery effort. This disaster and its aftermath have revealed that the Federal Emergency Management Agency ("FEMA") may need additional authorities to deal effectively with catastrophes of such magnitude.

H.R. 3247 provides additional relief for problems associated with recovery efforts from Hurricanes Katrina and Rita, by authorizing retroactive changes to the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act") programs. The Stafford Act authorizes disaster assistance that FEMA provides after a major disaster. While the authority of the Stafford Act is very broad and flexible, it does not anticipate every circumstance that can arise in disasters, especially catastrophic disasters such as Hurricanes Katrina and Rita.

Historically, when catastrophic or unusual disasters struck, Congress would work cooperatively with FEMA to identify areas where FEMA required additional specific authority. When Hurricane Katrina struck, FEMA was not a flexible or independent government agency. Rather, FEMA was an organization within the Department of Homeland Security, a larger bureaucracy, and without direct access to the President and Congress. I believe that this structure prevented FEMA from engaging with Congress as they have in the past. This problem was further magnified by the unprecedented scope and magnitude of the disaster. As a result, Congress was forced to act in a unilateral manner.

H.R. 3247 was developed in a bipartisan fashion, and draws on the recommendations of Members representing the Gulf Coast region from both sides of the aisle. The provisions in this bill were developed following a hearing held by the Subcommittee on Economic Development, Public Buildings, and Emergency Management on May 10, 2007, entitled "Legislative Fixes for Lingering Problems that Hinder Katrina Recovery". At that hearing, Members from Louisiana and Mississippi testified on specific issues that are still hampering the recovery from these devastating catastrophes and proposed solutions. The provisions of this bill reflect the findings and recommendations that were presented at this hearing.

Specifically, H.R. 3247, the "Hurricanes Katrina and Rita Recovery Facilitation Act of 2007", increases the Federal share from 75 percent to 90 percent for "alternate projects" for Hurricanes Katrina and Rita, to allow money designated for a specific facility to be used toward another facility for the same purposes. This provision will help communities, which have had multiple facilities destroyed by these hurricanes, rebuild facilities and reestablish services in a manner that will best suit their needs.

The bill also permits the Administrator of FEMA to make public assistance programs under Hurricanes Katrina and Rita eligible under a public assistance pilot program authorized in section 689j of the Post-Katrina Emergency Management Reform Act (P.L. 109–295), which will expedite the provision of assistance to States.

This legislation further encourages alternative dispute resolution procedures for appeals of public assistance decisions by FEMA for Hurricanes Katrina and Rita, to address concerns over the speed of implementation of the public assistance program in the Gulf Coast. The bill allows the use of temporary housing units for volunteers, authorizes reimbursement of expenses incurred for the re-interment of human remains at privately-owned or private non-profit cemeteries, and authorizes the reimbursement of certain facilities that housed evacuees after Hurricanes Katrina and Rita.

The bill also allows in-kind projects initiated in the recovery efforts after Hurricanes Katrina and Rita to contribute the non-Federal share in a Hazard Mitigation Grant Program ("HMGP") application, if FEMA can determine that the project meets all eligibility and compliance requirements that apply to HMGP projects. This provision simply waives the requirement for pre-approval of a project.

Madam Speaker, each of the provisions in H.R. 3247 is specifically tailored to solve an existing problem in the Gulf Coast, and will help provide immediate relief to those still suffering in the wake of these disasters.

I urge my colleagues to join me in supporting H.R. 3247.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of H.R. 3247, the Hurricanes Katrina and Rita Recovery Facilitation Act of 2007. This bill directs the President to increase to 90 percent the amount of Federal contributions for replacing any State or local government property damaged by the hurricanes. Enactment of this bill is critical if we are going to finally rebuild the historic and vital infrastructure in Mississippi and Louisiana.

This bill also addresses a variety of other issues of importance toward rebuilding communities in Mississippi and Louisiana including temporary housing for volunteers, debris removal program eligibility for Mississippi and Louisiana, providing for respectful care and interment of human remains damaged during the hurricanes, restoring certain public facilities and providing incentives for certain hazard mitigation projects. All of these are important steps toward rebuilding our vibrant Gulf Coast communities.

Madam Speaker, this bill is welcomed, as both Louisiana and Mississippi are still rebuilding from the damages caused by the storms. The Government Accountability Office (GAO) reported in August that some communities are still without basic needs—such as schools, hospitals, and other infrastructure. In addition to these basic community needs, many are still without jobs because the doors of many businesses remain closed. Estimates from the Congressional Budget Office put, capital losses resulting from both hurricanes in the range of $70 to $130 billion. The GAO report further found that a substantial portion of the billions of dollars in assistance to the Gulf Coast was directed to short-term needs, leaving a smaller portion for long-term rebuilding. To date, the Federal government has provided most long-term rebuilding assistance to the Gulf Coast states through two key programs: FEMA's Public Assistance Program and the Department of Housing and Urban Development's Community Development Block Grant program (CDBG). Both States allocated a bulk of their CDBG funds to homeowner assistance, thus, creating a need for supplemental public assistance funds to focus on rebuilding and restoring critical infrastructure, such as government facilities, which funding this bill provides.

The increased assistance from the Federal government to Louisiana and Mississippi to rebuild their infrastructure through FEMA's public assistance program will help with the financial burden they face and will allow the process, which has thus far been daunting, to proceed more rapidly. This legislation is a step forward because it increases Federal assistance toward the rebuilding process and provides needed changes to the Stafford Act.

And, as we focus on rebuilding infrastructure in Louisiana and Mississippi, we must not forget that many of the child care facilities were damaged and even destroyed, while parents struggled to find a safe place to leave their children while regrouping. Many child care facility owners are still waiting to hear from FEMA about financial assistance. Because I recognize the importance of emergency child care after a disaster, I introduced H.R. 2479, the Emergency Child Care Services Act, which was referred to the Transportation and Infrastructure Committee. This bill would amend the Stafford Act to designate emergency child care as a "critical service" that is eligible to receive disaster assistance from FEMA. Recently, I have received calls from colleagues who represent areas affected by the California wildfires, inquiring about the bill's status. I am disappointed that the Emergency Child Care bill was not included in the bill debated on the floor today. It is my hope that my bill will be successfully passed out of Committee in the near future.

As Chairman of the Homeland Security Committee with oversight of the Department of Homeland Security (DHS), of which FEMA is a part, our Committee works diligently to ensure that DHS and all of its components are prepared to respond to acts of terrorism, natural disasters and other emergencies. This bill will help rebuild our communities in both Louisiana and Mississippi and help with preparedness efforts for future incidents.

In closing, let me thank my colleagues on the Transportation and Infrastructure Committee for their leadership on this legislation, and in particular, Ms. NORTON, who is also a member of the Committee on Homeland Security, for spearheading this effort. I look forward to working with Chairman OBERSTAR, Ms. NORTON and others on the Transportation and Infrastructure Committee to assure that our Federal disaster and post-terrorism response capabilities are at the level that the American people deserve. I encourage my colleagues to support this legislation.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 3247, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## C. CLYDE ATKINS UNITED STATES COURTHOUSE

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2671) to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 2671

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States courthouse at 301 North Miami Avenue, Miami, Florida, shall be known and designated as the "C. Clyde Atkins United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "C. Clyde Atkins United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

### GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2671.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill honors C. Clyde Atkins by naming the courthouse located at 301 North Miami Avenue, Miami, Florida, as the C. Clyde Atkins United States Courthouse. This bill has broad bipartisan support from the Florida delegation.

Judge Atkins was a Federal judge for over 30 years in south Florida and was a leader in many capacities in his community. He presided over some of the most controversial cases in south Florida and often spoke for those who had no voice. He ruled that Miami schools would no longer be racially segregated. Judge Atkins found that the City of Miami was guilty of harassment of the homeless and stopped them from arresting the homeless for eating, sleeping and bathing in public. He also ruled that Haitian and Cuban refugees should receive equal treatment.

In addition to Judge Atkins's courage from the bench, he also played a prominent leadership role in his own community. He served as president of the Dade County Bar Association, the Florida Bar Association. He was a trustee of Biscayne College and Mercy Hospital. He was also very active in the Catholic Church where he was named a knight of St. Gregory by Pope Paul VI. It is clear that Judge Atkins took the notion of being a public servant seriously and endeavored to make his service a large part of his life. In honor of Judge Atkins's public service as a Federal judge for 33 years, it is fitting to name the courthouse located at 301 North Miami Avenue in Miami, Florida, as the C. Clyde Atkins United States Courthouse, and I urge my colleagues to approve this bill.

Madam Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2671, introduced by the gentlewoman from Florida (Ms. ROS-LEHTINEN), designates the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the C. Clyde Atkins United States Courthouse.

The bill recognizes Judge Atkins's dedication to the law and his fairness on the bench. In 1914, Judge Atkins was born in Washington, DC. He received his law degree from the University of Florida College of Law in 1936 and began his career in the private practice of law in Stuart, Florida.

Judge Atkins's service to his community in the legal profession includes serving as president of the Dade County Bar Association, president of the Florida Bar Association, trustee of the Mercy Hospital, and trustee of Biscayne College.

In 1966, President Lyndon Johnson appointed Judge Atkins to the U.S. District Court for the Southern District of Florida. Judge Atkins served as chief justice on the district court from 1977 to 1982 when he assumed senior status. Judge Atkins's tenure on the bench ended with his passing at the age of 84 on March 11, 1999.

This legislation is a fitting tribute to Judge Atkins's service to equal justice. I support this legislation and urge my colleagues to do the same.

Ms. NORTON. Madam Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Madam Speaker, I rise today in support of H.R. 2671, to designate the United States Courthouse located at 301 North Miami Avenue in my district of Miami, Florida, as the C. Clyde Atkins United States Courthouse.

I would like to commend my Florida colleagues for working together in a bipartisan manner to bring this bill to the floor today. I also want to thank our Florida Senators, BILL NELSON and MEL MARTINEZ, for taking the lead and introducing this bill in the Senate.

As the author of this legislation, I am pleased that this bill would take the next step toward ensuring that we can properly pay tribute to one of Florida's great jurists by naming the courthouse in Miami in honor of the stellar career of Judge Atkins.

After receiving his law degree from the University of Florida in 1936, C. Clyde Atkins worked as a distinguished attorney and held prestigious posts such as the president of the Miami-Dade County Bar Association, as well as president of the Florida Bar. In 1966, Atkins was nominated to the bench by President Lyndon Johnson. The late Judge Atkins brought tremendous honor to the legal profession through his dedicated service as a United States District Judge for the Southern District of Florida from 1966 until his death in 1999 at the age of 84.

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Judge Atkins was committed to the administration of the rule of law without consideration of race, creed, or national origin.

He was recognized for his devotion to equality by the National Conference of Christians and Jews and the Anti-Defamation League, to name just a few, Madam Speaker.

Judge Atkins was the first Catholic to be appointed to the bench in the Southern District of Florida.

His faith to his church was recognized by Pope Paul VI through his selection of Judge Atkins as a Knight of St. Gregory.

Judge Atkins was a fair and capable judge and rendered important decisions in the area of civil liberties and civil rights.

Judge Atkins declared that segregation in Miami-Dade County public schools was intolerable. He ruled that homelessness was not a crime and affirmed that freedom of expression was a constitutional right.

Judge Atkins was a man of principles who had the utmost respect for the rule of law.

Therefore, I ask my colleagues to join me in support of this legislation.

The C. Clyde Atkins United States Courthouse at 301 North Miami Avenue in Miami will serve as a lasting tribute to the incredible life and great accomplishments of this distinguished man.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 2671, a bill to designate the Federal courthouse located at 301 North Miami Avenue, Miami, in the Southern District of Florida as the "C. Clyde Atkins United States Courthouse".

Judge C. Clyde Atkins was born on November 23, 1914, in Washington, DC. He graduated from the University of Florida College of Law in 1936. He practiced law as a partner in the law firm of Walton, Lantaff, Shroeder, Atkins, Carson, and Wahl for more than 25 years, from 1941 to 1966.

In 1966, judge Atkins was appointed to the District Court in the Southern District of Florida by President Lyndon B. Johnson. He served first as a district judge, then as chief judge, and eventually as a senior judge. During his time on the Federal bench, Judge Atkins presided over a number of landmark cases, including the unprecedented desegregation of Dade County schools in 1969. In 1970, he presided over an important environmental case and ruled that there was a public interest in protecting wildlife from discharge from a nuclear plant into Biscayne Bay. Judge Atkins found the City of Miami guilty of a pattern of harassment of the City's homeless population and showed great courage in overturning Federal policies that required the repatriation of Haitian and Cuban refugees at Guantanamo Bay.

Judge Atkins often made these rulings with little fanfare but always with a deep, abiding respect for the rule of law and equality. He was respected because of his application of the law without respect to race, creed, religion, or national origin.

He was also very active in the Catholic Church, and he was named a Knight of St. Gregory by Pope Paul VI.

Judge Atkins died in 1999 at the age of 84.

I urge my colleagues to join me in supporting H.R. 2671.

Mr. BOOZMAN. Madam Speaker, having no further speakers, again, I think this is a very fitting tribute and honor and something that we should all very much support.

With that, I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I thank the gentleman, and I am pleased to yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 2671.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## THEODORE L. NEWTON, JR. AND GEORGE F. AZRAK BORDER PATROL STATION

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2728) to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. And George F. Azrak Border Patrol Station".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2728

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, shall be known and designated as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the station referred to in section 1 shall be deemed to be a reference to the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

### GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2728.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

This bill honors two Border Patrol inspectors who died in the line of duty by naming a Border Patrol station in their honor. On June 17, 1967, United States Border Patrol inspectors Theodore L. Newton, Jr., and George F. Azrak were killed in the line of duty while working the late-night shift in Southern California.

Their tragic deaths were considered a turning point for the Border Patrol agency. After the deaths of these 2 Border Patrol inspectors, the security and procedures for intercepting border crossings changed dramatically. The Border Patrol now requires that a minimum of 3 to 5 agents work each checkpoint along with a backup unit. In addition to the increased manpower, or person power, the Border Patrol has also increased the amount of training and support that all Border Patrol agents now receive.

I support the Theodore L. Newton, Jr., and George F. Azrak Border Patrol Station naming bill and urge my colleagues to join me in supporting this effort to honor these 2 law enforcement officials who died in the line of duty while serving their country in a vital role.

Madam Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield myself such time as I may consume.

H.R. 2728, introduced by Representative DARRELL ISSA of California, designates the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the Theodore L. Newton, Jr., and George F. Azrak Border Patrol Station.

Forty years ago, Theodore Newton and George Azrak were tragically killed in the line of duty. The deaths of these 2 agents shook the foundations of the agency.

The two young Border Patrol agents were working the graveyard shift at a remote checkpoint when they were kidnapped from their post by drug smugglers. They were found murdered and handcuffed to a stove in an abandoned mountain shack.

These two agents, just like agents on the front line today, put themselves in harm's way to uphold the tradition of honor, integrity, and service in securing our Nation's borders. Over 100 employees of the Border Patrol have died in the line of duty since it was formed in 1924.

The Newton-Azrak Award, the Border Patrol's highest award, pays tribute to those who show courage and heroism in the face of grave danger.

This bill recognizes the ultimate sacrifice these men made, giving their lives in the service of their country.

I support this legislation and encourage my colleagues to do the same.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 2728, a bill to designate the border station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr., and George F. Azrak Border Patrol Station".

On June 17, 1967, United States Border Patrol Inspectors Theodore L. Newton, Jr., and George F. Azrak were killed in the line of duty while working the late-night shift at a checkpoint along the U.S.-Mexico border. While examining a vehicle intercepted for suspected drug smuggling, the two inspectors were kidnapped and later killed.

As a result of the tragic deaths of these two men, the U.S. Border Patrol now requires that a minimum of three to five agents work each checkpoint, depending on a variety of factors, along with a back-up unit. In addition to this requirement for increased manpower, the Border Patrol has also enhanced the training and support that all Border Patrol agents receive.

In honor of these two inspectors, the Border Patrol annually bestows upon its bravest agents the Newton-Azrak Award. Eligibility for the award is based on the demonstration of unusual courage in the line of duty or a heroic or humane act during times of extreme stress or in an emergency. In addition, the National Border Patrol Museum in El Paso, Texas, has a permanent memorial display in honor of Inspectors Newton and Azrak.

Designating the United States Border Patrol Station in southern California as the "Theodore L. Newton, Jr., and George F. Azrak Border Patrol Station" is a fitting tribute to honor the bravery and service of these men. Their valor has served as an inspiration for a generation of Border Patrol agents that have followed them in service to their country.

I urge my colleagues to join me in supporting H.R. 2728.

Mr. ISSA. Madam Speaker, "We cannot dedicate . . . we cannot consecrate . . . we cannot hallow . . . this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced."

The words of Abraham Lincoln hold as much meaning today as they did when he spoke to them in Gettysburg in 1863. Today we remember two men who gave their lives for our protection. Border Patrol agents Theodore L. Newton, Jr., and George F. Azrak, are 2 of the 104 Customs and Border Patrol agents who have been killed in the line of duty.

Madam Speaker, today we will have the opportunity to honor the lives of two brave public servants when we vote to designate the United States Border Patrol Station in Murrieta, CA, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station."

Border Patrol agents Newton and Azrak selflessly gave their lives in the line of duty. During their patrol on the morning of June 17, 1967, Agents Newton and Azrak stopped an old military ambulance at a checkpoint, and inside the vehicle, they found 800 pounds of marijuana. There were two men in the ambulance and two in a car following behind, all were convicted felons and all were well armed. The four armed men overpowered the two agents and forced them to drive to a remote cabin where they handcuffed and murdered Agents Newton and Azrak. Over 400 law enforcement agents and volunteers searched the remote terrain for 2 days before the agents were finally found.

The murders of Agents Newton and Azrak prompted the Border Patrol to adopt new safety measures—including increasing manpower, adopting more up-to-date technology and implementing a new policy requiring at least three agents and a backup unit to work at each checkpoint—to ensure that this terrible incident would not be repeated.

United States Customs and Border Patrol agents have a long history of working thanklessly to make our country safer. Every day they protect our borders against terrorism and, when needed, step in to assist in the face of national disasters. Just last week, San Diego area CBP personnel were deployed to assist in wildfire emergency response.

However, it has not been tradition to name Border Patrol stations after people; they are instead named for location. Undoubtedly, the Newton–Azrak Station will continue to be referred to by its Murrieta location, but its official title will be the "Theodore L. Newton, Jr., and George F. Azrak Border Patrol Station," in honor of the heroes who gave their lives for the safety of others.

As we honor and remember the fallen agents, I would like to thank all of our Border Patrol agents and Customs and Border Protection personnel for their service and commitment to the safety and security of all Americans.

Mr. BOOZMAN. Madam Speaker, I yield back the balance of my time having no further speakers.

Ms. NORTON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 2728.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## MINE COMMUNICATIONS TECHNOLOGY INNOVATION ACT

Mr. MATHESON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3877) to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards regarding underground communications to protect miners in the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 3877

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Mine Communications Technology Innovation Act".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The failure of miner tracking and communications devices or lack thereof in mines severely hampers rescue efforts in the event of emergencies.

(2) Mines, particularly underground mines, have properties that present unique technical challenges for the integration of currently available tracking and communications systems. These properties include the lack of a clear path or open air which is required for radio signals and WiFi. Additionally, because coal is an absorptive material, less than 10 percent of the radio spectrum that is used above ground can be used underground. A fraction of that (only about 1 percent) radio spectrum is actually allocated for commercial communications purposes. As a consequence, the availability of miner communication equipment is severely limited.

(3) Research and experience have shown that communications and tracking systems may not work equally well in every mine or in every emergency situation, and therefore several different systems may be necessary for development and integration.

(4) Because of the serious challenges of the mine environment and the limited market provided by the mining industry, much needed technology has not yet been developed by the private sector or is not commercially available in the United States.

(5) Furthermore, due to the regulatory structure of the industry and the lengthy approval process for mine tracking and communications systems, research must be accelerated so that next generation technology can be quickly and efficiently integrated into mines to protect the safety of miners.

(6) The National Institute of Standards and Technology is well positioned to help accelerate the development of mining tracking and communications technology. The National Institute of Standards and Technology has a long history of working in conjunction with industry to invest in longer-term, high-risk research which yields national benefits

far beyond private payoff. Further, the National Institute of Standards and Technology builds partnerships with industry to leverage existing research and development to drive next generation technology.

(7) The National Institute of Standards and Technology is well-positioned to accelerate development of consensus mining communications standards given the extensive work that the organization has done in the field of emergency communications to develop standards and technologies for interoperable wireless telecommunications and information systems.

(8) In developing such standards, the National Institute of Standards and Technology should work in cooperation with the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration, and other relevant public and private stakeholders, to build on existing technology and knowledge regarding mine communications systems.

### SEC. 3. MINE COMMUNICATIONS AND TRACKING RESEARCH AND DEVELOPMENT PROGRAM AUTHORIZATION.

(a) ESTABLISHMENT.—The Director of the National Institute of Standards and Technology shall provide for the establishment of a program of research, development, and demonstration that includes the establishment of best practices, adaptation of existing technology, and efforts to accelerate the development of next generation technology and tracking systems for mine communications.

(b) COORDINATION.—In carrying out this section, the Director shall coordinate with relevant Federal agencies and industry to evaluate areas of research and development and best practices that will be most promising in protecting miner safety.

(c) OPTIONAL FOCUS.—In establishing this program, the Director may focus on the following communications and tracking system characteristics:

(1) Systems that are likely to work in emergency situations.

(2) Systems that work in coal mines, with special attention paid to deep underground coal mines.

(3) Systems that provide coverage throughout all areas of the mine.

(4) Hybrid systems that use both wireless and infrastructure based systems.

(5) Functionality for 2-way and voice communications.

(6) Systems that serve emergency and routine communications needs.

(7) The ability to work with existing legacy systems and to be quickly integrated.

(8) Propagation environment characterization, performance metrics, and independently derived validation tests to verify performance for standards development.

### SEC. 4. STANDARDS REGARDING UNDERGROUND COMMUNICATIONS.

Consistent with Office of Management and Budget Circular A-119, the Director of the National Institute of Standards and Technology shall work with industry and relevant Federal agencies to develop consensus industry standards for communications in underground mines. The Director shall also develop and provide any needed measurement services to support implementation of these standards. In their efforts to help develop these standards and related measurement services, the following issues should be addressed:

(1) The appropriate use of frequency bands and power levels.

(2) Matters related to interoperability of systems, applications, and devices.

(3) Technology to prevent interference.

### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the National Institute of Standards and Technology such sums as are necessary for carrying out this Act for fiscal years 2009 and 2010, to be derived from amounts authorized under section 3001 of the America COMPETES Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. MATHESON) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

### GENERAL LEAVE

Mr. MATHESON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3877, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MATHESON. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I'm very pleased that this action is taking place today on the floor of the House of Representatives. I represent the Second Congressional District of Utah, and that includes the Crandall Canyon Mine where this past August I think everyone in this country is aware of the coal mining accident that occurred where 6 men were trapped, and during the rescue attempt, three rescuers were killed in a cave-in.

There were a lot of emotions that we all felt and shared during that disaster; but beyond those emotions, I think something that must have crossed all of our minds as we all watched this tragedy unfold was a question, and that was, how is it as the rescuers tried to locate these 6 trapped men that we can't know exactly where they are, that there isn't some kind of signal or beacon or some way to communicate such that we can have a better sense of exactly where the 6 men were trapped?

I think that's a question that a lot of us have, and here in Congress, as a member of the House Science Committee, I asked those questions, and the committee collectively, majority and minority, has looked at that issue.

The answer really is that the technology doesn't exist today to communicate in this manner between the surface and folks who are trapped deep underground, and so the effort here and the purpose of this legislation, it's a very narrow piece of legislation, looks at encouraging development of technology that would allow this type of communication to occur in the future.

The thing about this bill that I'm really proud of is the fact that the committee worked so well together, and I really want to thank Chairman GORDON and Ranking Member HALL for their extraordinary effort and also the staff, both majority and the minority, for working together to move this bill in a rather quick manner and in a bipartisan manner. Suggestions were taken from folks on both sides of the aisle, and the bill that came out of the committee reflected those discussions and deliberations among everyone involved in the committee.

So I think this is an example where Congress is passing good legislation, a substantive piece of legislation. It's a piece of legislation that is so important for the 1,400 underground mines we have in this country and, quite frankly, the many thousands of underground mines that exist around the world today, where this type of technology, if it is developed, will allow better communication capability and allow an opportunity for perhaps more success in rescue operations.

Now, I want to be clear on a couple of things. The purpose of the legislation is really to accelerate next-generation technology. The legislation will direct the National Institute of Standards and Technology to establish an initiative to promote research, development, and demonstration of miner tracking and communication systems and to promote the establishment of standards and other measurement services regarding underground mines. I think the legislation will foster much-needed research and development in this field of communications to better protect miners.

The time to address this issue is now, before any more accidents leave any additional miner families desperate for word about their loved ones.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise also in support of H.R. 3877, the Mine Communications Technology Innovation Act.

First, I want to take this opportunity to thank Chairman GORDON, Ranking Member HALL, and all of the members of the Science Committee and the staff who worked so hard to bring this important bipartisan legislation through our committee and to the House floor today.

Madam Speaker, every Member of the House hopes to avoid another catastrophe such as the Sago Mine explosion in West Virginia in 2006 or the disaster at the Crandall Canyon Mine in Utah this past August. And I certainly want to commend my colleague, the gentleman from Utah (Mr. MATHESON), for introducing H.R. 3877 to address one of the major obstacles to miner safety, and that is, our inability, as he just pointed out, to track miners underground and to communicate with them in the event of such an emergency.

Under the 2006 MINER Act, the Mine Safety and Health Administration, MSHA, and the National Institute for Occupational Health and Safety, NIOSH, receive significant funding to lead an interagency program to develop communication, tracking, oxygen supply and refuge systems for mines. To date, this program has invested over $23 million, and it is steadily progressing towards installation of new, safer communication systems by the year 2009.

As NIOSH and MSHA continue to advance research and development in this area, there was clear bipartisan agreement within the Science Committee that the National Institute of Standards and Technology, NIST, could enhance these efforts by fostering standards for communication equipment in mines and development of those systems through the creation of best practices, measurement services, and research evaluation.

☐ 1645

NIST has long been a leader in communications research technology and has the equipment, and it has the expertise to characterize the mine environment and determine what techniques are best suited for these very difficult situations and conditions.

This bill is the product of bipartisan work in the Science Committee, and it creates a basic framework to ensure that the government's research agency works cooperatively, effectively and quickly to improve mine and miner safety.

The world-renowned capabilities of NIST laboratories and the years of study and experience at NIOSH and MSHA can significantly improve implementation of emergency communications and tracking systems in our mines. Improvement in these systems will substantially increase rescuers' ability to find and free miners in the event of a mine catastrophe, as we just outlined, that occurred recently in West Virginia and the great State of Utah.

H.R. 3877 would significantly contribute to the health and the safety of miners by uniting the communications and standards experience of NIST with the ongoing research and the mine environment experience at NIOSH and MSHA.

I want to applaud my colleague, Mr. MATHESON, for addressing this issue that he knows so well that is of such utmost importance to his constituents in Utah, as well as mining communities across this country.

I urge all of my colleagues to support this bipartisan legislation. It will make significant advancements in miner safety.

Madam Speaker, I yield back the balance of my time.

Mr. MATHESON. I thank my colleague. I also want to thank him for making 1 additional really good point in his remarks, and that is that this legislation is complementary with what we are trying to do at NIOSH and MSHA.

Madam Speaker, Congress these days doesn't have the best reputation of working together on certain things, but this is an example where this committee worked really well in terms of coming up with legislation, where bills were originally introduced, there were some other questions during the committee process. Folks on the minority side of the aisle offered suggestions for a manager's amendment. We approved this bill. It has good bipartisan support. It's the right thing to do.

I again want to thank Dr. GINGREY and everyone on the Science Committee staff for their help in making this legislation work.

I will just close by saying that I visited the Crandall Canyon mine families right after the disaster. They were going through so many emotions that it's difficult for us to even imagine, but to not know where their loved ones were was probably the greatest frustration of all. If this legislation can provide a path to help provide answers to those questions in the future, then, clearly, it's the right thing to do.

I ask for a favorable vote from everybody on this legislation.

Mr. UDALL of Colorado. Madam Speaker, as a cosponsor, I rise in strong support of H.R. 3877, the Mine Communications Technology Innovation Act, which was introduced by our colleague from Utah, Mr. MATHESON.

Mining is an important part of our history and it will be critical to our future as well, but we have seen too many mining accidents that have ended in tragedy. Too often, these tragedies have been related to difficulties with communication. The unfortunate deaths of six miners and three rescuers at the Crandall Canyon Mine this year has highlighted the severe communication challenges that miners face when deep underground.

While mines generally use reliable communications systems, some mines—specifically, deep underground mines—present a number of unique challenges that make communications and tracking more difficult. For example, the open air pathway required for radio signals and WiFi often do not exist in underground mines and less than ten percent of the radio spectrum that is used above ground can be used underground. Additionally, in the event of a catastrophic event, existing communications systems are often compromised.

This bill would help improve tracking and communications systems for two-way communication between the miners and people above ground. Specifically, H.R. 3877 would accelerate the research and development of innovative mine tracking and communications technologies. Since the National Institute for Occupational Safety and Health (NIOSH) addresses oversight of immediately available technologies, this legislation is targeted R&D for new technologies to advance our ability to communicate underground. Under this legislation, the National Institute of Standards and Technology (NIST) would establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground miners.

Not only will this legislation help miners, but it will draw upon the expertise of Colorado researchers. NIST's Boulder labs have already begun similar work for communications in collapsed buildings and are well positioned to support this new effort with its experience in developing technical standards, best practices and conformance testing.

This bill will ensure that our miners have the state-of-the-art equipment they need to communicate with people above ground, especially in times of emergency. I urge the House to support this important legislation that will help us save lives in the future.

Mr. MATHESON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). The question is on the motion offered by the gentleman from Utah (Mr. MATHESON) that the House suspend the rules and pass the bill, H.R. 3877, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A Bill to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground communications to protect miners in the United States.".

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 48 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CLARKE) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3224, by the yeas and nays;

H. Res. 573, by the yeas and nays;

H. Res. 747, by the yeas and nays.

The vote on House Joint Resolution 58 will be postponed until tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## DAM REHABILITATION AND REPAIR ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3224, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. SALAZAR) that the House suspend the rules and pass the bill, H.R. 3224, as amended.

The vote was taken by electronic device, and there were—yeas 263, nays 102, not voting 67, as follows:

[Roll No. 1010]

YEAS—263

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Burgess
Capito
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Hall (NY)
Hare
Harman
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Kirk
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Whitfield
Woolsey
Wu
Wynn
Yarmuth

NAYS—102

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bono
Boozman
Boustany
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Crenshaw
Culberson
Davis, David
Davis, Tom
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Hall (TX)
Hastings (WA)
Heller
Hensarling
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Mack
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Nunes
Pearce
Pitts
Poe
Price (GA)
Ramstad
Rogers (AL)
Rogers (MI)
Royce
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tiahrt
Tiberi
Walberg
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—67

Boehner
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Carney
Carson
Chabot
Conaway
Conyers
Cooper
Costello
Cubin
Davis (KY)
Deal (GA)
Dicks
English (PA)
Ferguson
Flake
Gohmert
Granger
Green, Gene
Grijalva
Gutierrez
Hastert
Hastings (FL)
Hulshof
Hunter
Jefferson
Jindal
Johnson (IL)
Kilpatrick
Klein (FL)
Kucinich
LaHood
Lampson
Marchant
Meek (FL)
Myrick
Nadler
Neal (MA)
Paul
Payne
Pence
Peterson (PA)
Pickering
Pryce (OH)
Rohrabacher
Schmidt
Shays
Shea-Porter
Shuster
Simpson
Smith (WA)
Souder
Spratt
Tancredo
Taylor
Udall (CO)
Wamp
Wasserman Schultz
Waxman
Weldon (FL)
Weller
Wilson (OH)
Young (AK)

☐ 1856

Messrs. COLE of Oklahoma, DUNCAN, SMITH of Texas and CANTOR changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, on rollcall No. 1010, I am not recorded because my card did not register. Had I been present, I would have voted "yea."

## RECOGNIZING AND COMMENDING EFFORTS TO RAISE AWARENESS ABOUT AND HELP END THE WORSENING HUMANITARIAN CRISIS AND GENOCIDE IN DARFUR, SUDAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 573, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 573, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 366, nays 0, not voting 66, as follows:

[Roll No. 1011]

YEAS—366

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison

Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—66

Boehner
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Carney
Carson
Chabot
Conaway
Conyers
Costello
Cubin
Davis (KY)
Deal (GA)
Dicks
English (PA)
Ferguson
Flake
Gohmert
Granger
Green, Gene
Grijalva
Gutierrez
Hastert
Hastings (FL)
Hulshof
Hunter
Jefferson
Jindal
Johnson (IL)
Kilpatrick
Klein (FL)
Kucinich
LaHood
Lampson
Marchant
Meek (FL)
Myrick
Nadler
Neal (MA)
Paul
Payne
Pence
Peterson (PA)
Pickering
Pryce (OH)
Rohrabacher
Schmidt
Shays
Shea-Porter
Shuster
Simpson
Smith (WA)
Souder
Spratt
Sutton
Tancredo
Taylor
Udall (CO)
Wamp
Wasserman Schultz
Waxman
Weldon (FL)
Weller
Wilson (OH)
Young (AK)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1904

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## RECOGNIZING THE RELIGIOUS AND HISTORICAL SIGNIFICANCE OF THE FESTIVAL OF DIWALI

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 747, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 747.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 358, nays 0, answered "present" 8, not voting 66, as follows:

[Roll No. 1012]

YEAS—358

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foxx
Frank (MA)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Petri
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

### ANSWERED "PRESENT"—8

Akin
Forbes
Franks (AZ)
Goode
King (IA)
Musgrave
Sali
Walberg

### NOT VOTING—66

Boehner
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Carney
Carson
Chabot
Conaway
Costello
Cubin
Davis (KY)
Deal (GA)
Dicks
English (PA)
Ferguson
Flake
Frelinghuysen
Gohmert
Granger
Green, Gene
Grijalva
Gutierrez
Hastert
Hastings (FL)
Hulshof
Hunter
Jefferson
Jindal
Johnson (IL)
Kilpatrick
Klein (FL)
Kucinich
LaHood
Lampson
Marchant
Meek (FL)
Myrick
Nadler
Neal (MA)
Paul
Payne
Pence
Peterson (PA)
Pickering
Pitts
Pryce (OH)
Rohrabacher
Schmidt
Shays
Shea-Porter
Shuster
Simpson
Smith (WA)
Souder
Spratt
Tancredo
Taylor
Udall (CO)
Wamp
Wasserman Schultz
Waxman
Weldon (FL)
Weller
Wilson (OH)
Young (AK)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes to record your vote.

☐ 1913

Mr. GOODE changed his vote from "yea" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, due to official business in the 13th Congressional District of Michigan, I was unable to make several votes today. Had I been present, I would have voted "yea" on final passage of H.R. 3224, the Dam Rehabilitation and Repair Act of 2007; "yea" on final passage of H. Res. 573—Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes; and "yea" on final passage of H. Res. 747—Recognizing the religious and historical significance of the festival of Diwali.

## PERSONAL EXPLANATION

Mr. SHAYS. Madam Speaker, on October 29, 2007, I missed 3 recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "yea" on recorded vote No. 1010, "yea" on recorded vote 1011 and "yea" on recorded vote 1012.

## PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Madam Speaker, on Monday, October 29, 2007, I was absent from the House due to travel complications. Had I been present I would have voted:

On rollcall No. 1010—"nay"—H.R. 3224, Dam Rehabilitation and Repair Act of 2007.

On rollcall No. 1011—"yea"—H. Res. 573, Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes.

On rollcall No. 1012—"yea"—H. Res. 747, Recognizing the religious and historical significance of the festival of Diwali.

## PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, I took a leave of absence on October 29, 2007; unfortunately my airline flight was delayed. The following list describes how I would have voted had I been in attendance today.

"Yea" on H.R. 3224—Dam Rehabilitation and Repair Act of 2007, Representative Salazar—Transportation and Infrastructure.

"Yea" on H.R. 573—Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes, Representative Moran (VA)—Foreign Affairs.

"Yea" on H.R. 747—Recognizing the religious and historical significance of the festival of Diwali, Representative Wilson (SC)—Foreign Affairs.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2074

Mr. McCAUL of Texas. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2074.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

☐ 1915

## SUPPORT OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Madam Speaker, this is day 29. That is 29 days so far that our veterans have not had the use of the increased funding for their benefits and health care. That is $18.5 million dollars a day not able to be used. And why? Because the Democratic leadership has decided to not complete this bill and send it to the President who has agreed to sign it.

In June this House passed this appropriation bill with a $6 billion increase in a bipartisan manner. We are proud of our work and grateful to our veterans.

On September 6, the Senate completed their bill. This work is done. Our veterans are not pawns in a political game. They are heroes.

America expects us to get the job done. America expects us to provide the best care to our veterans.

Please join me in calling upon the Democratic leadership to put our veterans first and send this bill to the President now.

## CONDEMNING THE ATTACKS ON AFRICAN UNION PEACEKEEPERS IN HASKANITA, DARFUR, SUDAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, today on the floor of the House, I was very pleased to have debated H. Res. 740 that I authored with Congressman CHABOT from Ohio and joined by 55 of my colleagues.

This resolution denounced the attack on African Union peacekeepers. And it was a result of the codel led by myself, joined by Congressman CHABOT and Congressman SMITH from Nebraska, the first codel to go into Darfur since the signing of the agreement dealing with the peacekeepers.

It is time now for our eyes to focus on a safe return of those who have suffered to their homeland, 2.4 million displaced Sudanese, Darfurians, who live in a state of flux and fear.

It is an outrage that these peacekeepers would be attacked. It is an outrage that, as the African Union has stood up to be counted and provided soldiers on the field to protect those refugees, it is an outrage that they are being attacked.

We ask the U.N. to intervene to provide more peacekeepers. We ask that the genocide stop. And we ask that Khartoum recognize that they have an obligation to the people of Sudan. Stop the genocide.

## IN MEMORY OF SERGEANT EDWARD PHILPOT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I rise today, with great sympathy, in honor of the memory of Sergeant Edward Philpot of South Carolina National Guard's 218th Brigade Combat Team. Sergeant Philpot and his fellow soldiers were traveling as a convoy near Kandahar Airfield, Afghanistan, last Tuesday when his Humvee accidentally went off the road.

Sergeant Philpot is the first member of the 218th, my former National Guard Brigade, to lose his life while serving in Afghanistan. His sacrifice is a reminder of the courage and dedication to duty shared by so many of our fellow Americans. We must never forget the immense sacrifices these brave men and women are making to defend freedom and to protect American families.

My thoughts and prayers are with Sergeant Philpot's wife, Stephanie;

their 3 daughters; his parents, Ottas and Willa; and his entire family, friends, and fellow soldiers who continue to defend our country overseas. His sacrifice is a testament to the love for his country, his family, and his fellow soldiers.

In conclusion, God bless our troops, and we will never forget September the 11th.

## THE DRIVE ACT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, last week the Capitol hosted a display of electric cars, hybrids like the Toyota Prius and various generations.

And there was one car that got my attention. It was an Auto-Cycle. It was a one-man car. It would go 75 miles an hour. And the owner of it did not drive it in from Ohio where it was made, but he said he could have. It goes 75 miles an hour. And if you have a car like that in town, you basically plug it in every day and you run all day long, and you don't use one ounce of gas.

I am a cosponsor of something called the DRIVE Act. It is a bipartisan bill cosponsored by me and ELIOT ENGEL of New York. The idea behind it is to get off Middle East oil by increasing the incentive to buy hybrid cars, flex-fuel vehicles, electric vehicles, biodiesels, cars that run on ethanol, and a number of other alternative-fuel vehicles. We have the technology that's out there.

We are doubling, in the DRIVE Act, the tax credit for buying hybrids in such cars. I believe that this is a step in the right direction, and I urge my colleagues to cosponsor the DRIVE Act.

## SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## HONORING LIEUTENANT MICHAEL P. MURPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of New York. Madam Speaker, it is with honor and with a profound sadness that I rise to recognize Lieutenant Michael P. Murphy of the United States Navy, who last week was posthumously awarded our Nation's highest award for valor: the Medal of Honor.

Among my greatest privileges was attending last week's ceremonial presentations of the Medal of Honor to his family at the White House and the Navy Memorial.

Known fondly as "Murph," Michael was born on May 7, 1976, in Smithtown, New York, and grew up in Patchogue, in my district on eastern Long Island. He was raised by a family of policemen, lifeguards, firemen, and teachers who instilled values reflecting that public service is a noble calling.

In high school, Lieutenant Murphy life-guarded at the Brookhaven town beach in Lake Ronkonkoma, a job he returned to each summer through his college years. He graduated from Patchogue-Medford High School in 1994.

Lieutenant Murphy attended Penn State University, where he was an exceptional all-around athlete and student. He excelled at ice hockey, graduated with honors, and was accepted to several law schools, but instead wanted to serve his country as part of the world's most elite fighting force: the U.S. Navy SEALs.

Slightly built at 5 feet, 10 inches, he attended SEAL mentoring sessions at the U.S. Merchant Marine Academy at Kings Point and was accepted to the Navy Officer Candidate School in 2000. Lieutenant Murphy was commissioned as an ensign and after 6 months completed Basic Underwater Demolition SEAL training in 2001. He then attended Army Jump School, SEAL Qualification Training, SEAL Delivery Vehicle School, and earned his SEAL Trident by 2002.

Lieutenant Murphy was later deployed to Qatar and to the Horn of Africa in support of Operation Iraqi Freedom. In 2005, Lieutenant Murphy was assigned to SEAL Delivery Vehicle Team ONE as assistant officer in charge of ALFA Platoon and deployed to Afghanistan in support of Operation Enduring Freedom.

Madam Speaker, the Congressional Medal of Honor commemorates Lieutenant Murphy's actions as the officer in charge of a four-man SEAL unit in support of Operation Red Wing, tasked with finding a key Taliban commander in the mountainous terrain of northeastern Afghanistan.

On June 28, 2005, shortly after inserting into the objective area, the SEALs were spotted by three goat herders who were initially detained and then released. It is believed they reported the SEALs' presence to Taliban fighters.

A fierce gun battle ensued on the steep face of the mountain between the SEALs and a much larger enemy force. Despite the intensity of the firefight and suffering grave gunshot wounds himself, Lieutenant Murphy is credited with risking his own life to save the lives of his teammates.

He had moved into the open where he could gain a better position to transmit a call for help. This deliberate and heroic act deprived him of cover and made him a target for the enemy. While continuing to be fired upon, he made contact with Bagram Air Base to request assistance. He calmly reported his unit's location and the size of the enemy force while requesting support for his team.

He was shot in the back, causing him to drop the transmitter. He picked it back up, completed the call, and continued firing at the enemy closing in. Severely wounded, he returned to his men and continued the battle.

In response to Lieutenant Murphy's call, an MH-47 Chinook helicopter, with eight additional SEALs and eight Army Night Stalkers aboard, was sent. As the Chinook drew near, a rocket-propelled grenade hit the helicopter, causing it to crash, killing all 16 men aboard.

On the ground and nearly out of ammunition, the four SEALs continued to fight. After 2 hours Lieutenant Murphy, Matthew Axelson, and Daniel Dietz had fallen. Over 30 Taliban were also killed.

The fourth SEAL, Petty Officer Marcus Luttrell, was knocked unconscious and over a ridge by the blast of a rocket-propelled grenade. Though severely wounded, he evaded the enemy for nearly a day and was rescued by local nationals who cared for him until U.S. forces arrived for him 3 days later.

Lieutenant Michael P. Murphy was buried at Calverton National Cemetery, less than 20 miles from his hometown. His other awards include the Purple Heart, Combat Action Ribbon, the Joint Service Commendation Medal, the Navy and Marine Corps Commendation Medal, Afghanistan Campaign Ribbon, and National Defense Service Medal.

Throughout his life, he was known for his unwavering loyalty and an instinctive responsibility to help others. With unwavering courage in the face of certain death, he gave his life for his country and teammates, reflecting great credit upon himself and upholding the Navy's highest traditions.

Madam Speaker, our Nation is blessed to have a military full of great Americans like Lieutenant Michael P. Murphy who are serving with great distinction. He epitomized the selfless devotion to duty our young men and women have demonstrated time and again in Iraq, Afghanistan, and other hostile regions. My heart goes out to the Murphy family and the people of Patchogue, New York, for they have lost one of America's very finest.

□ 1930

## HONORING LIEUTENANT MICHAEL P. MURPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Madam Speaker, I just want to follow up on what my friend Mr. BISHOP of New York has just said.

We all learned about Lieutenant Michael Murphy's bravery. And, of course, last week, as was just stated, he received the Congressional Medal of Honor from President Bush on October 22.

I also want to share with you an experience over the weekend prior to the Penn State/Ohio State game on Saturday evening. We had a ceremony on the field of Beaver Stadium, 110,000 people. Of course Lieutenant Murphy is a Penn State alumnus and graduated from the university in political science, as I did about 17 years earlier. And we had a ceremony. It was touching to be with his parents, Dan and Maureen, to recognize his gallantry, his bravery. As Abraham Lincoln said, he had given that "last full measure of devotion." But we joined his parents on the field, myself along with our colleagues, TIM MURPHY of Pennsylvania, BILL SHUSTER of Pennsylvania and TODD PLATTS of Pennsylvania. We escorted them on the field, along with the president of the university, Graham Spanier. And just prior to the playing of the national anthem, which was dedicated in memory of Lieutenant Murphy, the university presented a certificate that read: "Pennsylvania State University recognizes Lieutenant Michael Murphy as the recipient of the Medal of Honor, for his gallantry and bravery, serving as a United States Navy SEAL while under enemy attack in Afghanistan. Lieutenant Murphy represents the highest ideal of the university as an alumnus and patriot."

And, again, I would just like to share with my colleagues from New York, and certainly all Americans, the sense of deep loss we feel for the Murphy family and so many others who have paid the ultimate price in this war, in both Afghanistan and Iraq.

## LIEUTENANT MICHAEL MURPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ISRAEL) is recognized for 5 minutes.

Mr. ISRAEL. Madam Speaker, I want to thank my good friend and colleague, Mr. BISHOP from Long Island, for asking several of us to pay tribute to Lieutenant Michael Murphy, who received the Medal of Honor.

Madam Speaker, I did not know Michael Murphy personally, but I knew of him. I have a love of history, and particularly military history. And I know that every generation of Americans has confronted challenge and threat, grave and great, with the heroism of Michael Murphy. Every generation has produced its Michael Murphys.

In August of 1776, in the Battle of New York, there were men like Michael Murphy. They were surrounded by the most powerful navy in the world, the British Navy, And American democracy could have been snuffed out at that point. But men like Michael Murphy took risk, sacrificed their lives, fought on, and replaced British monarchy with American democracy. They fell, Madam Speaker, so that I could stand here in this body, the Congress of the United States, the people's House of the oldest democracy on Earth.

There were Mike Murphys in Gettysburg, in the Fighting 69th and other brigades, at Shiloh and Fredericksburg. There were plenty of Union generals who told President Lincoln that they didn't really need to fight the Civil War; you could have slavery on one side of the line and we could have freedom on the other and that would be fine. But there were men like Michael Murphy who understood that slavery in the United States was not an option. They fought on; they refused to retreat. They would not surrender. They would not lose their ground. They fell so that my children could grow up in a country of liberty versus tyranny.

Madam Speaker, there were Mike Murphys who grew up on Long Island. When Franklin Delano Roosevelt, Madam Speaker, stood where you are now and summoned America into the greatest battle of the 20th century, against Nazism and fascism, there were Mike Murphys from Long Island who stood up, who stormed beaches, who leapt hills, who ran through Europe, freed France, liberated concentration camps, went to the Pacific, freed the Pacific and came back, looked at the Moon and said, we could go there, too. Many of those heroes, Madam Speaker, are from Long Island, and we value and thank every one. Only 18 Long Islanders, Madam Speaker, have received the Medal of Honor, Mike Murphy and 17 others.

Madam Speaker, Mike Murphy fell in a long and noble tradition of those who made the ultimate sacrifice. He is linked in time with those I mentioned: in Afghanistan, in Iraq, in Vietnam, in Korea, in Normandy, and stretching back to the earliest battles and the first battlefield.

Let me close, Madam Speaker, with a passage that could have been written about Michael Murphy, although it was uttered almost 2,500 years ago. This is what Pericles said at the funeral of fallen soldiers:

"In the fighting, they thought it more honorable to stand their ground and suffer death than to give in and save their lives. So they fled from the reproaches of men, abiding with life and limb the brunt of battle, and in a small moment of time, the climax of their lives, a culmination of glory, not of fear, they were swept away from us."

So and such they were, these men, worthy of their city. Madam Speaker, Michael Murphy went to Afghanistan to defend the City of New York, which was attacked out of Afghanistan on 9/11. He joins a proud and noble tradition of history's best. My thoughts, my prayers and my condolences go to him and his family. And he will always be remembered in this Congress as the citadel of freedom in the world, for fighting for that freedom.

## OCCUPATION IN IRAQ SOAKING UP U.S. DOLLARS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, for the past 5 years, the administration has underfunded the No Child Left Behind Act to the tune of more than $50 billion. This has robbed millions of children of the education they will need to succeed in the 21st century, and it is robbing America of the brain power we need to stay competitive in the global economy.

Those of us who believe it's a bad idea to shortchange our kids and our Nation begged the administration to fully fund the No Child Left Behind Act, but our pleas were ignored. That is one of the reasons I was so outraged last week when the White House requested $46 billion in supplemental funding for its occupation of Iraq. That $46 billion, Madam Speaker, is almost identical to the amount that the administration has underfunded No Child Left Behind. In fact, the administration announced its request at a press conference. In that one short press conference, they asked for virtually the same amount for Iraq that it has been denying to our Nation's schools for nearly 6 years.

And while the administration has demanded that every school in America show adequate yearly progress on its learning benchmarks or they will be punished, punished financially for the most part, it has allowed the Iraqi Government to show virtually no progress at all when it comes to meeting its benchmarks for peace.

And education is not the only crying need that is being ignored. The opportunity costs of the occupation are actually incalculable. The occupation is soaking up dollars we need to meet so many of our domestic challenges. If we really want America to be secure, we must invest in child care, we must invest in health care, sustainable energy, the environment, law enforcement, community and economic development, medical research, real homeland security, et cetera, et cetera, et cetera.

But the administration believes that policing a centuries-old civil war in Iraq trumps all other needs. The American people do not agree with this administration's priorities. They want action, they want real solutions to our domestic problems, and they want to fight a real war on terrorism, not the phony war on terrorism the administration is fighting in Iraq.

When the President signed the No Child Left Behind Act, Madam Speaker, he said it was the most important piece of legislation most of us will ever work on. The education of our children is far more important to the future of our country than an endless and counterproductive occupation of another country.

That is why Congress must finally stand up to the administration and say no, no to supplemental funding that would bring our total spending in Iraq this fiscal year alone to $160 billion. Madam Speaker, that's over $13 billion a month, or nearly $450 million per day.

Almost exactly a year ago, the American people sent us to Congress to end the occupation of Iraq. It's time that we do it. We must use our power of the purse to fully fund the safe, orderly and responsible redeployment of all of our troops out of Iraq, and that includes the withdrawal of all of our military contractors as well.

As if one occupation army weren't enough, these independent contractors comprise a second occupation army that is angering the Iraqi people and actually making life much harder for our very own troops.

Madam Speaker, we can't afford to keep throwing money into the bottomless pit of Iraq. That appears to be what our leaders in the White House want us to do. But their policy is bankrupting all of us politically, economically, and morally. It is time that we come to our senses; it is time to end this madness.

## DARFUR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Madam Speaker, tonight this House passed House Resolutions 740, 573 and 726 with regard to Darfur and Sudan.

Madam Speaker, decades from now our children's children will look back on these times as an ugly blemish on human history. They will remember a time when innocent people were senselessly slaughtered in the Darfur region of Sudan. The question is whether they will look back and see that this Nation and this Congress stood up for what is right and just, or did we sit idly by and watch from the sidelines.

Madam Speaker, we must be on the right side of this issue. That's why I'm so glad that we have passed these resolutions today. Although much work remains to be done, they represent a step in the right direction.

The passage of these bills rightfully pressures the Sudanese Government to end civil strife and ongoing human rights violations in Darfur, which threatens stability in the region and the very fabric of Sudanese life.

As you know, Madam Speaker, Darfur remains in great peril. Hundreds of thousands of Sudanese have lost their lives since the conflicts spiraled out of control in February of 2003. Over 2 million civilians have been internally displaced, and an estimated 215,000 more persons have been externally displaced in such neighboring states as Chad. Even for those who are internally displaced persons, they have experienced anything but a safe haven outside of Darfur while ongoing killing, torture, rape, looting and the unlawful destruction of their property by all parties continues, mainly by the janjaweed, associated militia groups, and the institution that should be protecting them, the Sudanese Government.

Indeed, as House Resolution 726 points out, it has become treacherous for women or young ladies in Darfur or eastern Chad to leave their villages to collect firewood or food from the market. They are at risk of being raped and assaulted, which, unfortunately, to date is exactly what has occurred to thousands.

Although some strides have been made in reducing the government's participation in continued human rights abuses in Darfur, militia groups remain a very real and present threat for the civilians in Darfur and eastern Chad, despite peace negotiations.

Particularly, as reported by the United Nations, these systematic human rights violations have been and continue to be committed with total impunity throughout Sudan, especially in Darfur. It is clear that the Government of Sudan has taken to turning a blind eye to such atrocities, choosing instead to provide strikingly few prosecutions, sentencing or even adequate examinations of war crimes or crimes against humanity, whether by criminal courts or those courts established to investigate the violations.

These failures by the Sudanese Government to respect and abide by customary international norms, international humanitarian and human rights laws embodied in the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, Geneva Conventions and the Convention on the Rights of a Child that it is a party to demonstrates a lack of respect for international law and responsibility that it has to protect its citizenry from unacceptable levels of abuse.

Meanwhile, this Bush administration has held tightly to a hands-off approach by failing to send any troops to Sudan, despite there clearly being a lack of an adequate and capable number of African Union troops, amounting to a mere 7,000.

The President promised to not allow another Rwanda-style atrocity to occur; however, it appears to be happening once again, with little being done about it. Even the peace negotiations that recently occurred in Libya appear to be faltering, with two key militia groups failing to show up for the meeting.

As such, I congratulate my colleagues in passing these three vital resolutions this evening. And I thank the Congress, which has chosen to answer the pleas for help by the people of Darfur while the administration has failed to adequately respond.

We must act with a great sense of urgency. History will judge whether we have synchronized our conduct with our conscience.

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## THE PERU TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. MICHAUD) is recognized for 5 minutes.

Mr. MICHAUD. I thank Madam Speaker. This weekend, Senator JOHN EDWARDS announced his opposition to the Peru Trade Agreement. The reason? As his statement says, "All of these agreements replicate the terrible features of NAFTA." Senator EDWARDS is right. It is more of the same old, same old. A leading Presidential candidate is saying it. The American people are sick of it. And so why is Congress pushing for it? Why would we push for a steady stream of lost jobs that gives incentives to multinational corporations to move overseas? Why would we agree to an agreement that would displace peasant farmers who would be forced to migrate to the United States?

The American public aren't fooled. Campaign finance reform hasn't stopped the incredible financial influence of multinational corporations. These corporations are weighing in with the candidates, even Citibank. Take, for example, the provisions hidden in the Peru FTA. As Senator EDWARDS points out, "Buried deep in the 800-page text of the Peru FTA are ambiguous provisions that could allow U.S. banks to demand compensation if Peru reverses its disastrous social security privatization."

The Peru FTA contains provisions that could allow Citibank to demand compensation in FTA foreign investor protection tribunals from the Peruvian Government if Peru seeks to reverse its failed social security privatization. The Peruvian archbishop and both labor federation presidents asked the Ways and Means leaders to fix this problem. And it hasn't been fixed.

The House floor will be voting on this in a couple of weeks. As a Democratic Party, we have stood united against privatization of Social Security. We have not backed down. That is why it shocks me to hear that Senator OBAMA supports the Peru FTA. Yes, Senator OBAMA does support the Peru FTA.

Senator EDWARDS has it right. It is time to stick up for the American workers. It is time to reject the same NAFTA model that has devastated our industry. It is time to listen to the broad list of groups who do not support the Peru FTA. Not one union, environmental, consumer, small business, faith, family farm group supports the modified Bush Peru NAFTA Expansion FTA. So why would any Presidential candidate?

It is important to hear what the candidates are saying about protecting our jobs and fighting for fair trade deals. It is important that we stick together in this fight to keep our jobs here at home. I encourage my colleagues to vote "no" on the Peru FTA.

## THE PERU TRADE DEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Thank you, Madam Speaker.

The Peru trade deal will also be bad for U.S. agriculture and all farmers in our country and, amazingly, in Peru. So both here at home and abroad it will result in more harm.

Let's look at the facts. This current trade deficit chart with Peru tells us we are already in the red with Peru, as we are in the red with China and in the red with Mexico and in the red with almost every other trading country, Japan, et cetera. The U.S. vegetable trade deficit with Peru is already a part of this. According to the U.S. Department of Agriculture, Foreign Agricultural Service, just the vegetable deficit component is already over $200 million in 2006. So America's vegetable farmers will lose more market share. They have already lost market share, especially those who farm asparagus, onions and peas. Their situation will be similar to the plight of America's tomato, bell pepper and cucumber farmers who learned well what happened after NAFTA was signed. They all lost production as it relocated.

Several global corporations have already indicated what they are going to do. They are already putting their processing plants in Peru. Green Giant has done it. Del Monte has done it. The pattern is the same, the same as under NAFTA. As was the case with Mexico where millions of peasant farmers were upended under NAFTA with no adjustment provisions for them, Peru's farmers will also be hurt when these same global corporations take over their farming operations and flood their markets with rice, corn, and chicken.

We expect that an additional 3 million Peruvian agricultural workers will be directly affected and millions of Peruvian farmers, as Mexico's farmers well know, will be upended. This will force increased migration of those individuals to cities that are already swelling with large numbers of poor, and it is projected expanded illegal drug production as people try to stay in their home countries with no crops to sell, they turn to those illegal choices.

Similar to the lack of protection for Mexico's corn and bean farmers under NAFTA, which that corn and bean tariff is going to phase out at the end of this year, and another 2 million of Mexico's farmers will be hurt, we know that what happens is that they either emigrate to adjoining cities or to the United States, many of them illegally, or they turn to the illegal sector where they literally risk their lives in order to survive.

What kind of a plan is this that would treat the people of developing countries with such derision? What kind of a plan is it that would hurt our farmers to that extent? Why does it always have to be a negative? Why can't trade be a plus plus? Importantly, Peru was the world's top coca producer in 1996, and coca production remains a viable alternative for farmers forced to give up their legal crops.

Is anybody listening? Is anybody thinking? It is pretty clear what is going to happen because there is nothing in the agreement to help Peru adjust. We saw what happened when that didn't occur under NAFTA. There were no adjustment provisions for Mexico's farmers. CAFTA, the same thing, and now we add Peru on top of the pile. There is nothing in the Peruvian agreement for adjustments inside of Peru. The displaced farmers have few options. If they do not turn to coca production or other illegal industries, they will be forced to move. And we can ask where. To the overcrowded cities of Peru, further straining those resources? To another country? With the debate raging about illegal immigration and with us unable to reach a civil accommodation across this continent, wouldn't it be truly cruelly irresponsible to support another trade agreement that could result in more devastation to small holders?

Shouldn't we be helping these farmers adjust inside their own homelands? That is long overdue inside of Mexico, in order to help people earn money in their own countries, rather than wipe out hundreds of thousands of people as if their lives and their cultures didn't matter. And then we get the added problem of illegal labor trafficking into this country, which we can't control.

The Peru agreement doesn't do anything to address these serious human concerns. It does have some of the glossy language like NAFTA and CAFTA did that ends up toothless in terms of enforcement.

Madam Speaker, why would the American people be given more of the same out of this Congress? We ought to be changing these trade agreements to development agreements and treating people with the respect they deserve.

## PERU FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Thank you, Madam Speaker. Tonight I rise to address the House and the American people regarding the U.S. Peru Free Trade Agreement and its effect on working families. But before I launch into my remarks, I want to be clear. I am committed to trade. I believe trade is an essential component to the development and strengthening of our economy.

Done the right way, trade can increase our access to raw material for production and create American jobs. It can open foreign markets to our goods and services and bring new and unique products into the United States. Done the right way, trade can not only contribute to the economic prosperity of America and its working families, it can also strengthen the economic and political stability of our trading partners. It is because I believe in the many positive impacts that trade can bring when done the right way that I have been fighting for a new trade model.

The NAFTA-style trade free trade agreements negotiated by the Bush administration are the wrong way to do trade. They bring nothing more than empty promises and harm to the American working class. My support for smart trade agreements that work for working people means that I cannot support the U.S.-Peru FTA. It is based on the North American Free Trade Agreement, NAFTA, which has resulted in job losses in America, pushed small farmers off the land in Mexico, and jeopardized public health and safety policies in the U.S., Mexico, and Canada.

When the administration announced its new policy on trade earlier this year, I, along with the rest of my colleagues in the House Trade Working Group were hopeful that the administration had taken bold steps to improve its trade policy. Unfortunately, it soon became clear that the Peru FTA, along with the rest of the pending trade agreements, retain the basic structure of NAFTA and CAFTA. The bold promises of new protections for workers turned out to be nice promises that had little chance of being enforced.

The American people are fed up with trade agreements that only benefits the "haves" while making it harder for the "have-nots" to get ahead. A recent Wall Street Journal survey identified the declining public confidence in the

NAFTA-style trade model. According to the survey, 60 percent of conservative Americans, those who would have been most apt to support the expansion of free trade, now believe that free trade is harmful to the U.S. economy.

The promises of U.S. job creation and an increased standard of living for the working class have not been fulfilled. Instead, we continue to see the rich get richer and the rest, the middle and working class, get left behind. The administration asserts that the new additions to the Peru agreement will add long-sought labor and environmental protections; however, a careful analysis reveals that there are few changes from the basic NAFTA-CAFTA text. And even when there are changes, the new provisions offer few new protections.

If the Peru FTA is so great, where is all the union support for it? Why do so many environmental groups oppose it? NAFTA-CAFTA provisions that have caused downward pressure on wages, the export of U.S. jobs and an import of unsafe products and food have saved little. This so-called new deal is a bad deal. It is an old clunker with a new coat of paint. But even if this new deal contained the most stringent labor and environmental protections in the world, it would be dependent on the executive branch for enforcement. And enforcement of labor and environmental standards is something the current administration is unlikely to do. Let's be honest. The Bush administration has a consistent record of non-enforcement.

We need a real new deal, not another NAFTA clone. Simply put, the NAFTA model doesn't work. It has failed to bring the jobs and prosperity that we were promised. Remember when we were promised that NAFTA would create jobs in Mexico and stem the flow of immigration? Remember when we were promised that NAFTA would ensure our trading partners would uphold the same strong labor and environmental standards that we have here in the U.S.? And now, this administration is asking us to believe its promise that the labor and environmental provisions of the Peru agreement will be stringently enforced.

Well, if the experience of the last 10 years hasn't convinced you, I have some swamp land in Florida that I would like to sell you. So long as we have to rely on this administration to protect the rights and safety of working men and women, we will continue to be disappointed. This administration's track record does not reflect a real commitment to the working families of America. The truth of the matter is that the NAFTA model heavily favors the wealthiest few leaving small businesses to fend for themselves on an unequal playing field. The Peru Free Trade Agreement has been advertised as the new model for trade deals. This sounds eerily familiar to what we were told when CAFTA was being pushed. CAFTA was supposed to include bold new wage protections for workers. But those protections were disappointingly weak allowing countries to downgrade their own labor laws.

Minor adjustments in NAFTA-style deals such as the U.S. Peru FTA are not good enough. We need to reject the Peru FTA agreement, and I urge all my colleagues to oppose it.

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## ENDING THE GENOCIDE IN DARFUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES of Ohio) is recognized for 60 minutes as the designee of the majority leader.

### GENERAL LEAVE

Mrs. JONES of Ohio. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material in the RECORD on the topic of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. JONES of Ohio. Madam Speaker, another opportunity to be here on the floor on Monday night during the Congressional Black Caucus message hour, and you are in the chair. What a privilege.

I rise tonight, Madam Speaker, during this message hour to pause to address an ongoing crisis in Darfur. For many years now we have seen the devastating atrocities taking place in the Darfur region of Sudan. With the support of the Sudanese Government, the janjaweed militia has ravaged the people of Darfur, raping, torturing, murdering and forcing hundreds of thousands of Darfuris to flee to refugee camps in neighboring Chad and the Central African Republic. We saw the same devastation in Rwanda over a decade ago; and the American people have made their voices heard on this issue, vowing never again to remain silent when humanity is threatened.

The Congressional Black Caucus has been a leader on this issue. I, along with many of my Congressional Black Caucus colleagues, were some of the first Members of Congress to speak out about this issue. We have been to the Sudanese embassy to protest. Many were arrested. We have visited the region numerous times and we have repeatedly addressed this issue with President George Bush in meetings, asking him to take immediate action. Yet, once again, we come to the House floor to challenge this administration to take a stand in Darfur.

Madam Speaker, today's Washington Post had this to say about our progress in Darfur: "A year and a half later, the situation on the ground in Darfur is little changed. More than two million displaced Darfuris, including hundreds of thousands in camps, have been unable to return to their homes. The perpetrators of the worst atrocities remain unpunished. Despite a renewed U.N. push, the international peacekeeping troops that Bush has long been seeking have yet to materialize. Just this weekend, peace talks in Libya aimed at ending the 4-year conflict appear to be floundering because of a boycott by key rebel groups.

"Many of those who have tracked the conflict over the years, including some in his own administration, say Bush has not matched his words with action, allowing initiatives to drop because of inertia or failure to follow up, while proving unable to mobilize either this bureaucracy or the international community."

I continue to quote from the Washington Post: "The President, who famously promised not to allow another Rwanda-style mass murder on his watch, has never fully chosen between those inside his government advocating more pressure on Sudan and those advocating engagement with the Islamist government. So the policy has veered from one approach to the other."

Today, I am pleased to say that the House passed three resolutions on Darfur, which I will discuss as I come back to the microphone. I am pleased to be joined again this evening, Madam Speaker, by one of my colleagues and good friends, Congresswoman BARBARA LEE of California. She has been out front, particularly on this issue. We have had an opportunity to have press conferences with several leading Hollywood-types who have really been with us on the issue.

Madam Speaker, I am happy to yield such time as she may consume to the great woman from the great State of California (Ms. LEE).

Ms. LEE. Madam Speaker, first let me thank the gentlewoman from Ohio for yielding and her leadership in organizing these Special Orders. This is a particularly timely discussion we are having tonight, and I want to again thank Congresswoman STEPHANIE TUBBS JONES for ensuring that not only this issue, the ongoing genocide in Darfur, stays in the spotlight, but also so many issues that we are addressing here on behalf of the American people and as a result of the Congressional Black Caucus being the conscience of the Congress. Congresswoman TUBBS JONES, thank you very much for your voice, stepping up to the plate, and your constant leadership on the issues we are addressing, which are so timely and, quite frankly, so difficult.

The poor track record of the Sudanese Government in previous talks really have warranted our work here to become more intense and revved up. We have got to do our part to keep the pressure up on all sides, especially the government, and come together to stop the violence and the killing.

Now, Members of the Congressional Black Caucus and Congresswoman TUBBS JONES, I am very pleased that you recounted some of this history tonight because it was Congressman DON PAYNE who for so long was the lone voice in the wilderness with regard to the genocide that was taking place. Finally, several years ago he brought together this entire body to declare that what atrocities we had witnessed is genocide.

So this declaration of genocide exists, it's a matter of record, and we, unfortunately, have not acted in a way that warrants that declaration in terms of the Darfurian people. So we have to remember Congressman DON PAYNE tonight and members of the Congressional Black Caucus who have visited Darfur. I have been there on three occasions. We have witnessed the tragedy, we have witnessed the faces, the eyes of the children who have seen right before their eyes their villages burn, their women raped and their family members killed.

It is very important that we come together once again with our young people from around the country, because it is young people who are leading the charge, and the faith community, to end this genocide. Unfortunately, as Congresswoman TUBBS JONES said earlier and, again, The Washington Post, actually the headlines today, says: "U.S. promises on Darfur don't match actions. Bush expresses passion for issue but policies have been inconsistent."

Let me mention a couple of the policies in addition to the bills that were passed today, which were very important, major steps in the right direction. We introduced a resolution, Congresswoman TUBBS JONES was a cosponsor, and I introduced it with many others, about a year and a half ago, which really was a bill calling for divestment and allowing States to divest. This bill is called the Darfur Accountability and Divestment Act, better known as DADA.

Two weeks ago, the Senate banking committee amended and passed DADA, which, again, is bipartisan, and it really is a major bill that I hope gets to the President's desk very soon. What it does is it would authorize divestment from certain companies doing business in or with Sudan and prohibit any new Federal contracts with such companies. No one should have to worry that they are supporting genocide, whether it is through their tax dollars or their pension funds.

Madam Speaker, thanks to the persistence of a committed group of students and grass-roots activists, divestment has become a national movement that has the potential to really hit the Government of Sudan where it hurts the most, and that is their wallets. Today, 20 States, 59 universities, 10 cities and scores of individuals and organizations around the country have chosen to divest from businesses supporting the genocidal regime in Khartoum. Their actions have already had an impact. Once we introduced DADA over here, many multinational companies began to significantly change their business operations in Sudan, and some actually ceased doing business there.

So we must follow through on this massive grass-roots mobilization and pass Federal divestment legislation now so that we can put further pressure on Khartoum to end this genocide.

As we pursue divestment, we must also ensure that we support our peacekeeping efforts in the region and protect civilians and prevent violence. Again, I witnessed what was taking place on the border of Chad several years ago in Sudan, and also this year and last year with two additional congressional delegations; and each time I was there, I saw more violence and it was getting much worse; and it still is getting much worse.

The recent attacks, really the AU forces, actually when we were there last time, I believe it was five soldiers were killed from the African Union. They are really overstretched and we need to make sure we approve the $210 million in the Foreign Operations appropriations bill, because they deserve the resources, they need the resources. We need a strong, robust force to provide for peacekeeping operations.

So I hope that the President will not veto this legislation and that he will sign the DADA bill, which would begin to end this genocide in Darfur and to assist the Darfurian people.

Our Speaker, Speaker NANCY PELOSI, has been such an unbelievable leader on this issue. She has made this a priority. I participated with her on her delegation last year. Subsequent to that, Majority Leader STENY HOYER led a delegation. And Congressman ED ROYCE led a delegation where Don Cheadle, the wonderful Academy Award nominee for Hotel Rwanda, was with us and spent time in the refugee camps.

I share that, because the world needs to know that this has been here in the House and Senate a bipartisan effort, but we still haven't quite done what we need to do. But it is a moment that we must all embrace now, because we have to do this. More people are getting killed each and every day.

Yes, some of us were arrested. We were very involved in the anti-apartheid movement, and sometimes you have to do things out of the box to make sure that the public understands that death and destruction is taking place and that we cannot allow this death and destruction to continue.

So I want to commend members of the Congressional Black Caucus for really putting their bodies on the line and getting arrested and doing some of the things that we had to do in the sixties and the seventies to "make some noise," as Congressman JOHN LEWIS says, because we have to work with our outside groups and we have to do the legislative work. We have to do what it takes to end this.

We cannot have another Rwanda. Unfortunately, Congresswoman TUBBS JONES mentioned Rwanda. We stood by and we saw nearly 1 million people die. The only thing our government did was apologize after the fact, after the fact. One million people.

So not on our watch are we going to allow another Rwanda to take place. Whatever we have to do, we will do. The people of Darfur are suffering and they are dying. The world is watching. Congresswoman CAROLYN KILPATRICK, under her leadership, we met with the President of Algeria. We met with President Mubarak. We tried to bring forth the League of Arab Nations. We talked to China and their representatives. We passed resolutions here in a bipartisan manner to ask China and the League of Arab Nations to join with us in condemning this genocide and doing the things that need to be done. So we cannot stand by and do nothing. Not on our watch, not on our dime.

So I want to congratulate Congresswoman JACKSON-LEE for the passage of your resolution today, and all of the other Members that are working so hard each and every day 24/7, to stop this slaughter that is taking place in Darfur.

Congresswoman TUBBS JONES, thank you again for your leadership and for calling us together once again to beat the drum and to let the American people know that not on our watch, not on our dime, will this genocide continue.

Mrs. JONES of Ohio. Madam Speaker, I include for the RECORD from today's Washington Post, October 29, 2007, this first part of the article entitled, "U.S. Promises on Darfur Don't Match Actions" by Michael Abramowitz.

[From the Washington Post, Oct. 29, 2007]

### U.S. PROMISES ON DARFUR DON'T MATCH ACTIONS

(By Michael Abramowitz)

In April 2006, a small group of Darfur activists—including evangelical Christians, the representative of a Jewish group and a former Sudanese slave—was ushered into the Roosevelt Room at the White House for a private meeting with President Bush. It was the eve of a major rally on the National Mall, and the president spent more than an hour holding forth, displaying a kind of passion that has led some in the White House to dub him the "Sudan desk officer."

Bush insisted there must be consequences for rape and murder, and he called for international troops on the ground to protect innocent Darfuris, according to contemporaneous notes by one of those present. He spoke of "bringing justice" to the Janjaweed, the Arab militias that have participated in atrocities that the president has repeatedly described as nothing less than "genocide."

"He had an understanding of the issue that went beyond simply responding to a briefing that had been given," said David Rubenstein, a participant who was then executive director of the Save Darfur Coalition, which has been sharply critical of the administration's response to the crisis. "He knew more facts than I expected him to know, and he had a broader political perspective than I expected him to have."

Yet a year and a half later, the situation on the ground in Darfur is little changed: More than 2 million displaced Darfuris, including hundreds of thousands in camps, have been unable to return to their homes. The perpetrators of the worst atrocities remain unpunished. Despite a renewed U.N. push, the international peacekeeping troops that Bush has long been seeking have yet to materialize.

Just this weekend, peace talks in Libya aimed at ending the four-year conflict appeared to be foundering because of a boycott by key rebel groups.

Many of those who have tracked the conflict over the years, including some in his own administration, say Bush has not matched his words with action, allowing initiatives to drop because of inertia or failure to follow up, while proving unable to mobilize either his bureaucracy or the international community.

The president who famously promised not to allow another Rwanda-style mass murder on his watch has never fully chosen between those inside his government advocating more pressure on Sudan and those advocating engagement with its Islamist government, so the policy has veered from one approach to another.

Meanwhile, a constant turnover of key administration advisers on Darfur, such as former deputy secretary of state Robert B. Zoellick and presidential aide Michael Gerson, has made it hard for the administration to maintain focus.

"Bush probably does want something done, but the lack of hands-on follow-up from this White House allowed this to drift," said one former State Department official involved in Darfur who did not want to be quoted by name criticizing the president. "If he says, 'There is not going to be genocide on my watch,' and then 2½ years later we are just getting tough action, what gives? He has made statements, but his administration has not given meaning to those statements."

Since the United States became the first and only government to call the killing in Darfur genocide, Bush and his aides have grappled with how to provide security for civilians in a large, remote area in the heart of Africa.

While almost everyone involved in Darfur policy agrees that an African Union peacekeeping force of just 7,000 troops is not up to the task, the United States has refused to send troops and, despite promises of reinforcements, has yet to secure many additional troops from other countries. At the same time, it has been unable to broker a diplomatic resolution that might ease the violence.

Even Bush has complained privately that his hands are tied on Darfur because, with the U.S. involvement in Iraq and Afghanistan, he cannot be seen as "invading another Muslim country," according to people who have spoken with him about the issue.

"It's impossible to keep Iraq out of this picture," said Edward Mortimer, who served as a top aide to then-U.N. Secretary General Kofi Annan and says resentment over Iraq caused many countries to not want to cooperate with the United States on Darfur.

Bush advisers argue that the lack of success reflects the limitations of working through institutions such as the United Nations, NATO and the African Union. They cite the billions of dollars of U.S. relief aid that has kept millions of Sudanese alive. They say U.S. pressure has kept the issue on the world's agenda.

"If there was ever a case study where the president sees the limitations and frustrations of the multilateral organizations, it is the issue of Darfur," said Dan Bartlett, former White House counselor. "Everybody for the most part can come to a consensus: Whether you call it genocide or not, we have an urgent security and humanitarian crisis on our hands. Yet these institutions cannot garner the will or ability to come together to save people."

There is no doubt that responsibility for inaction on Darfur can be spread around. The Sudanese government has resisted cooperation at every step in the saga and has been shielded at the United Nations by China, its main international protector. Few other Western nations, with the notable exception of Britain and some Nordic countries, have shown much interest in resolving the crisis. The process of raising peacekeepers from U.N. members has proved tortuously slow.

"There's an enormous stain on the world's conscience," said Mitchell B. Reiss, former State Department policy planning chief. "We collectively stood by and let it happen a decade after it happened in Rwanda."

### A PRESIDENT'S PASSION

In late 2005, Bush gathered his most senior advisers to discuss what to do about Darfur. He wanted to know whether the U.S. military could send in helicopter gunships to attack the militias if they launched new attacks on the refugee camps. Could they also shoot down Sudanese military aircraft if necessary? he asked. His aides worried that the United States could get involved in another shooting war, and the president backed off.

"He wanted militant action, and people had to restrain him," said one senior official familiar with the episode. "He wanted to go in and kill the Janjaweed."

The meeting underscored both Bush's personal investment in Sudan, dating back to the beginning of his administration, and his instinct, which aides have kept in check, to take direct action.

Many close to Bush believe that this intense interest in the issue was heavily influenced by American evangelicals, who have adopted the cause of Christians in southern Sudan. Even before the crisis in Darfur, in western Sudan, one of Bush's foreign policy goals was to try to end the civil war between the Muslim government in Khartoum and rebels in the south, a conflict that had lasted more than two decades and cost more than 2 million lives.

Former Senator John C. Danforth (R-Mo.), whom Bush appointed as his special envoy for Sudan, said the president's interest in the country is rooted in a larger sense of morality. "This isn't a country that has much strategic interest for the United States," he observed.

Bush's initiative to broker a north-south deal worked. Despite difficult negotiations, Sudanese President Omar Hassan al-Bashir agreed in January 2005 to a plan to share power and oil revenues with the rebels—and even gave the south the right to secede in six years if the leadership could not reconcile their differences.

But by then a separate conflict had exploded in Darfur, as long-standing conflicts between African farmers and Arab herders over land, and a failure by the Khartoum government to redress local grievances, boiled over into armed rebellion.

The government turned to a tactic it had employed in fighting the southern rebels: arming local Arab militias, the Janjaweed, to carry out a counterinsurgency on its behalf. The militias rampaged throughout Darfur starting in mid-2003, burning hundreds of villages, raping women and summarily executing African villagers, according to numerous human rights reports. More than 200,000 people have died in Darfur since the crisis erupted, according to U.N. estimates. Some estimates place the figure as high as 450,000.

Many familiar with Sudan believe that Bush and his aides initially averted their gaze to the flaring violence in Darfur because raising the issue might interfere with the difficult negotiations with Bashir. Some U.S. officials saw another reason for the reluctance to get involved: preserving a burgeoning intelligence relationship with Khartoum, which had begun sharing critical information about al-Qaeda and other Islamic extremists.

"There was a tendency not to see Darfur initially for what it was," said Gerard Gallucci, who served in 2003 and 2004 as the top U.S. diplomat in Khartoum. It was well known among Western governments, he said, that Sudan "was using terror to cleanse black Muslim Africans from land that they had promised the Janjaweed."

Such claims are vigorously contested by Danforth and other Bush advisers, who say the president repeatedly warned Bashir about the consequences of sending Arab militias after defenseless civilians.

Over time, Bush has become increasingly outspoken about the situation in Darfur, raising the issue with foreign leaders and meeting privately with dissidents and other little-known political players in Sudan to encourage a solution. In recent months, he has singled out Bashir for harsh condemnation, accusing him of subverting efforts to bring peace to Darfur.

Meeting with the Darfur activists, Bush acknowledged that Sudan had cooperated in anti-terrorism initiatives—but he insisted that Khartoum could not "buy off" the United States, Rubenstein said.

Last spring, when the White House worked on a new plan to try to press Sudan's government to accept international peacekeepers, it was the president himself who was the driving force in the interagency process, many officials involved the debate said. According to national security adviser Stephen J. Hadley, Bush refused to accept a program developed to confront Sudan because he was concerned that it was not tough enough. He kicked it back to the bureaucracy.

"I've had it with this incrementalism," Hadley quoted the president as saying in the Oval Office. "We're going to lead, and if people don't want to follow us, they're going to have to stand up and explain why they are willing to let women continue to be raped in Darfur."

At one point, one senior official said, Bush wanted action to crimp Sudan's booming oil

> business, a move that would have severely aggravated relations with China—and that no one else in the government favored.
>
> There was stunned silence in the room, the official said, when Hadley disclosed Bush's idea to other government officials. Hadley made clear he was not interested in having a discussion, but the administration never went as far as the president seemed to be demanding. Instead, Treasury officials came up with a sanctions plan aimed at tracking and squeezing key individuals and companies in the Sudanese economy, including the oil business.

I want to thank the gentlewoman from California, my good friend BARBARA LEE, for her leadership on so many issues. As we come to the floor tonight, I want to thank her for her work that she has done in Darfur and thank her for joining me again in this hour.

As has been said previously, there were three pieces of legislation on Darfur that were voted on on the floor today, and one of those resolutions happened to be a resolution authored by my colleague and good friend SHEILA JACKSON-LEE from the great State of Texas.

She has had many great opportunities to take the lead on some of these issues as well. I have to say she and BARBARA LEE have been wonderful about helping me with this CBC message hour every week.

I am happy to yield to my colleague and good friend SHEILA JACKSON-LEE of Houston, Texas.

Ms. JACKSON-LEE of Texas. Thank you, Madam Chairman and Madam Manager. I think it is appropriate to congratulate and to thank you again for giving us the opportunity to provide a face on the work of the Congressional Black Caucus and to thank our chairwoman, the Honorable CAROLYN KILPATRICK, for working with us to continue to show the efforts being made that have such a vast array of impact. Let me thank the distinguished Speaker this evening for her leadership as well as we work together.

I am grateful that my first efforts with the Honorable Congressman BARBARA LEE was an historic trip that we took some years ago as the first Presidential trip or major statement before the Marshall Plan on HIV/AIDS. I cite that to say that it can be done. You can get your hands around a major devastating killer. HIV/AIDS is a killer. It continues to kill in Africa. But yet there is the Millennium Account, there are a number of issues that address the question of HIV/AIDS. Part of it was out of the trip that Congresswoman BARBARA LEE and myself and Congresswoman KILPATRICK went on some years ago.

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And so as I stand here today to acknowledge the Congressional Black Caucus, I want to reinforce the fact of the number of Members who were arrested of the organized campaign to respond to the pain of what is going on, and the legislative initiatives and the work we did with Congresswoman LEE on the divestiture bill. And I, too, believe it is long overdue that this bill should move and be signed by the President of the United States.

Just this past summer, I led a delegation with the gentleman from Ohio (Mr. CHABOT) and the gentleman from Nebraska (Mr. SMITH) to go into Darfur and get into the soul and the soil of Darfur and begin to realize and to emphasize the importance of moving on the peacekeepers.

We were the first American delegation to go in right after the recognition that the peacekeepers should come in and the agreement by the government in Khartoum, as represented to us by the U.N., that they had agreed to peacekeepers. We went in, and not only did we go to Darfur, Sudan, but we went to Tunisia and Algeria and Ethiopia, and we asked each governing body to provide troops to the peacekeeping effort through the African Union because it was a serious effort.

But what we found most of all was red tape. I want to put a human face on these refugee camps: 2.4 million displaced. The genocide in Darfur has destroyed well over 60 percent of the villages in Darfur, displaced over 2 million people, killed an estimated 400,000 and driven 200,000 into Chad, and that is a separate story in talking about the physical and emotional and financial burden of the refugees on Chad and the conflict that is rising up in Chad because of the refugees.

Today the House considered H. Res. 740, which condemned in the strongest terms the recent attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007. I introduced this bill along with the gentleman from Ohio (Mr. CHABOT), and 55 Members joined me in this. They recognized that we are not going to make any steps of success to put a human face on the suffering. We are not going to be able to pull that suffering back, to be able to quash the janjaweed, to be able to separate the rebels, to prevent some of the tragic stories that I heard.

We sat in the refugee camps to listen to the women who spoke about their plight. This is a growing Rwanda. And I remember people saying, "Never again, not on my watch." I remember the horror of recognizing the inaction of this government, the American Government as related to the crisis in Rwanda. Then it was we did not know. Now we have the backdrop of Rwanda. Thank God Rwanda is moving to a country of stability and overcoming their horrific crisis. But after a million deaths, is that what we want to see after 400,000 have died, over 2 million displaced, 2.4 million displaced, children whose birth weight is far below the average because of limited amount of access to food and water? In essence, there is a degree of malnutrition, even though I want to give great thanks to the NGOs, but it is just not enough. These people need food and health care and water and the ability to survive.

Yet we are seeing the constant dust up of the violence around the camps. We saw it firsthand, and it is important that these troops are able to come in without the violence. Let me just cite the incident that occurred on September 29. An estimated 1,000 members of a heavily armed Darfur rebel group in 30 vehicles, armed with heavy artillery and mortars overran a small base in Darfur, Sudan, which was occupied by the African Union mission peacekeepers. The ambush resulted in several hours of intense fighting that killed 10 peacekeepers and wounded many others.

According to U.N. estimates in the aftermath of this brutal attack, which was described by the African Union commander as deliberate and sustained, 15,000 civilians fled the area to neighboring towns or the wilderness fearing for their safety. And in the wilderness, there is nothing but death. There is violence by the janjaweed and rebels not in line with the peacekeeping mission. There is devastation, lack of water. There is lack of food. There is death. And the 15,000 that fled were the elderly, women with children and families.

Madam Speaker, this is what is going on in Sudan and so it is important for the Congressional Black Caucus to list a number of efforts, including the divestiture, including a number of initiatives, putting ourselves forward to protest at the Sudanese Embassy.

Let me say the recent ambassador that I discussed this matter with seemed to care, seemed to want to do something. But my words are that you can't want to do something; you must do something.

So here you can see the landscape. Although it reflects the landscape of Sudan generally, this is a compound where people are confined and these children have nowhere to go. They have no life. They have no games. They have no way of looking to the future. As you see, this group of children, there are thousands upon thousands upon thousands of children. Babies being born as well. And, therefore, these babies are being born with limited health care, malnutrition. And it is important to note that they are struggling under these conditions.

This is a mother and child. They are trying to make mud bricks so they don't have to go out beyond the parameters of the refugee camp because that is when these women are attacked. Their livelihood is dependent on getting firewood as they did 50, maybe 100 years ago. Every time they go out to get firewood, the women are subjected to rape. The men cannot go because they may be killed, so the women go. They scavenge the land. It is completely barren because you have 2.4 million people living in one compound trying to survive. So they have come up with a creative way to try to use the mud to keep the fire going so they don't have to go out as much. This is the condition. This is where they cook. This is the communal cooking area. I can assure you, as loving as this mother is, that the food is so limited it may be one meal a day. It may be a porridge because of the limit of wildlife, access to meat and vegetables, and these are the conditions.

I will say to you that the people are resilient, but they are looking to us to do something, and the question is: What are we going to do? These are the women who I sat down with trying to make baskets to sell. I listened to their stories about the intrusions at night coming into the camps, going into their living quarters and attacking them. And only through their screams did they have men and others come to scare away the attackers. So they are not safe from rape even in these villages. This is a crime against humanity.

Those of us who believe in the sanctity of human life, the abhorrence of rape and violence, this is a disgrace of what these women are facing. I, too, join in reflecting in the words and the headlines in The Washington Post, "U.S. Promises on Darfur Don't Match Actions."

But what I want to say to the Commander in Chief who has just asked for some $46 billion or more for the Iraq war when our soldiers have already done their job and the American people want them home, what we want to see done is where the benevolence of the United States can help get something accomplished, where people are looking for our safety net, and our technical help with the peacekeepers can make a difference.

Listen to these words from the former director of the Darfur Coalition who I have worked with, and I thank him and thank them for their leadership. Bush insisted there must be consequences for rape and murder, and he called for international troops on the ground to protect innocent Darfuris. According to contemporaneous notes by one present, he spoke of bringing justice to the janjaweed, the Arab militia, that has participated in atrocities that the President has repeatedly described as nothing less than genocide.

Congresswoman JONES, you remember it was the Congressional Black Caucus sitting down with Secretary Colin Powell, and I thank him for what he did, but colleagues like our chairman of the Subcommitte on Africa, DONALD PAYNE, claimed this was genocide, called this genocide many months before. But it was our persistence to meet with the Secretary of State, to sit down in a meeting at which he came, and at that meeting he made the statement which he then made public that he had determined this was genocide based on the pursuit, the pressure, the information, the agitation, the advocation of members of the CBC and of course other colleagues in the Democratic Caucus and of course in the Republican Caucus, because this is a bipartisan issue.

So the Secretary of State Colin Powell announced, I believe in 2004, that this was genocide by this government. So the President recognized what was happening, and the article goes on to say that the White House, President Bush, had an understanding of the issue that went beyond simple responding to a briefing that had been given, said David Rubinstein, a participant who was then executive director of the Save Darfur Coalition, which has been sharply critical of the administration's response to the crisis.

He knew more facts than I expected him to know, and he had a broader political perspective than I expected him to know. Yet a year and a half later, having known all of this information, the situation as you reported on the ground in Darfur is little changed, and more than 2 million people remain displaced. The question is that if we know all of this, if the administration knows all of this, if we have declared genocide, it is imperative that we act.

In my visit in August, I could see there was no action. There was no action in the south to settle that down so rebels are scattered. There are now multiple rebel groups, and then there is the conflict with the janjaweed.

I think tonight what we wanted to do was to reconfirm and reaffirm the Congressional Black Caucus is not going to let this rest. We are not going to suffer the indignities that these people are experiencing and suffering. We are going to call on our colleagues in the Congress. We are going to thank Speaker PELOSI and Leader HOYER and Majority Whip CLYBURN, Chairman EMANUEL and Vice Chairman LARSON and our leadership in the Congressional Black Caucus, which I am proud to serve as whip, our leadership, that what I believe we need now is for this administration to move on getting the peacekeepers on the ground, to not take no for an answer, to help move the U.N. so they can join with the African Union peacekeepers, because it is clear we need additional help other than the African Union troops. We must have additional help.

The last thing I want to say, we have friends and allies, and they include members of the Arab League and China. We cannot continue to have our allies empower and embolden the Khartoum Government without solving this problem. If they think 2.4 million people are okay and nothing is happening, I am here to tell you they are wrong. Rape and pillage and suffering is going on. I ask on this floor for the U.N. and the new Secretary General to take a firm stand to move U.N. peacekeepers in now and to help the AMIS effort, the African Union peacekeepers now, and have these people move back to their places of residence and to solve the violence and the viciousness going on in Darfur. Enough of genocide and enough of the travesty on human rights.

I include the remainder of The Washington Post article dated September 29, 2007, for the RECORD.

### WAY OF SENDING TROOPS

At an appearance in Tennessee this summer, Bush raised a question many have asked about the situation in Darfur: "If there is a problem, why don't you just go take care of it?" But Bush said he considered—and decided against—sending U.S. troops unilaterally. "It just wasn't the right decision," he said.

With the United States tied down in Iraq and Afghanistan, skepticism about using U.S. soldiers, even in a limited way, cut across agencies and bodies that often disagree, from the State Department to the Pentagon to Vice President Cheney's office, according to many current and former officials.

Advisers say Bush came to accept, albeit grudgingly, the arguments against using U.S. military assets—especially the possibility that they might attract al-Qaeda. "In my mind, there would never be enough troops to impose order on this place," former secretary of state Colin L. Powell said an interview. "The only way to resolve this problem was for there to be a political settlement between the rebels and the government."

Sharing this belief was Powell's bureaucratic nemesis, then-Defense Secretary Donald H. Rumsfeld, who advocated sending troops to Iraq but not to the middle of Africa, according to many officials in the government.

This aversion to any use of force was frustrating to some lower-ranking government officials, who saw a modest U.S. military effort as indispensable to making the Sudanese take American diplomacy seriously. Early in the crisis, in the summer of 2004, the U.S. mission in Khartoum made clear to Washington its belief that the African Union was incapable of dealing with the security problem in Darfur on its own.

It recommended that several hundred U.S. troops help fly in African Union forces and provide other assistance, according to a former State Department official. The idea was never seriously entertained, the official said, and it was not until two years later that the United States began making efforts at the United Nations to bolster the overmatched African mission.

Roger Winter, a former State Department official who was intimately involved with Sudan policy during the Bush administration, argues that the United States has never been serious about pressuring the Sudanese government. "They know what we will do and what we won't do," he said. "And they don't respond unless there is a credible threat. And they haven't viewed everything that has happened up until now as credible."

### CARROTS VS. STICKS

Over the course of the conflict, Bush has found himself torn between different factions in his administration over how to handle Sudan—whether, simply put, to try carrots or sticks.

In early 2006, Bush empowered Zoellick to seek a peace deal between Khartoum and the Darfur rebel groups. Zoellick, now president of the World Bank, was essentially pursuing what one senior U.S. official described as a policy of engagement with the Sudanese government, even though the Bush administration believed it was involved in perpetrating the atrocities in Darfur.

Zoellick worked closely with senior Sudanese officials and dangled the possibility of improved relations and other incentives should Khartoum cooperate in bringing peace to Darfur. And he came close to pulling it off: An agreement to end the violence was negotiated in the spring of 2006, but it fell apart after key rebel leaders refused to sign on.

Some U.S. officials say Bush never completely bought into Zoellick's approach. He seems to have been influenced in that regard by Gerson, the then-speech writer who was given a wide-ranging policy berth in the early part of Bush's second term.

Gerson, now a Washington Post columnist, is a devout Christian who was especially animated by the part of the Bush agenda that focused on alleviating suffering in Africa. He traveled to Sudan with Zoellick in late 2005, a trip that included a meeting with Bashir, and came back convinced that Khartoum was not seriously interested in efforts to improve conditions in Darfur.

"There was always a series of incremental steps, and nothing changed on the ground," Gerson said later.

Returning to Washington, Gerson told Bush that Bashir was feeling no pressure to cooperate and that the African Union peacekeepers were not up to the task of protecting civilians. He also suggested that it might be useful to establish a no-fly zone to prevent the Sudanese government from flying bombing missions in support of Janjaweed attacks.

Several months later, Gerson sent Bush some articles criticizing the U.S. approach as anemic, and Bush summoned his aide to the Oval Office, a little hot under the collar because he did not agree with the criticism. But he assured Gerson, as the former aide remembers, "I want you to know we are acting on this."

In February 2006, Bush proposed using NATO forces to help quickly bolster the beleaguered African Union mission. The president seemed so excited about the idea that he mentioned it, almost casually, in response to a question about Uganda during a public appearance in Florida. The statement stunned some in the U.S. bureaucracy.

But even Bush's efforts to promote the idea did little to move the process along. The French were leery of a new NATO mission outside its normal sphere of operations, and there was no interest from Sudan or the African Union in a major role for this quintessentially Western military alliance, according to U.S. officials. The plan went nowhere.

Now, 20 months later, with Zoellick and Gerson gone, new administration figures are working with other countries on new plans for peace and peacekeepers in Darfur. Given the track record, those who have handled Darfur over the years are cautious.

"Overall," concluded John R. Bolton, the former U.S. ambassador to the United Nations, "Sudan is a case where there's a lot of international rhetoric and no stomach for real action."

Madam Speaker, the genocide in Darfur has taken a horrific toll on that region of Sudan. It has destroyed well over 60 percent of the villages in Darfur, displaced over 2 million people, killed an estimated 400,000, and driven 200,000 into refugee camps in neighboring Chad.

Today the House considered H. Res. 740, condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007, which I introduced, together with my good friend and distinguished colleague, Mr. CHABOT. This measure was cosponsored by 55 of my colleagues, and it passed the House by voice vote.

Since 2003, we have witnessed a systematic campaign of displacement, starvation, rape, mass murder, and terror in the western Sudanese region of Darfur. In the worst humanitarian crisis of our time, an estimated 400,000 people have been killed in Darfur by the Government of Sudan and its Janjaweed allies. An additional 2,000,000 people have been displaced from their homes and livelihoods. Both the House of Representatives and the Senate declared that the atrocities in Darfur constitute genocide in July 2004, and the Bush administration reached the same conclusion in September 2004.

However, three years later, the situation in Darfur continues to deteriorate. The United Nations reported a substantial decline in the humanitarian situation during the first three months of 2007, during which time 21 humanitarian vehicles were hijacked, 15 additional vehicles were looted, and gunmen raided 6 humanitarian compounds. The security situation makes it extremely difficult for aid organizations to reach vulnerable populations, and, in the 12 months preceding April 2007, the number of humanitarian relief workers in Darfur decreased by 16 percent, largely due to security concerns, restrictions on access, and funding limitations. The flow of humanitarian aid has been severely threatened by the escalating violence in the region.

Since 2004, a small contingent of African Union peacekeepers have been deployed to Darfur, responsible for maintaining security in a region roughly the size of France. The 7,000 peacekeepers under the banner of the African Union Mission in Sudan, or AMIS, have displayed exemplary courage and resilience, but they are woefully outmanned and outgunned, as well as chronically short of funding. Recognizing the near-collapse of the AU Mission, the United Nations, in July 2007, approved a UN–AU hybrid peacekeeping mission, to be known as UNAMID, which is meant to take over from AMIS shortly.

The AMIS peacekeeping mission recently encountered yet another significant setback. On September 29, 2007, an estimated 1,000 members of a heavily armed Darfur rebel group, in 30 vehicles armed with heavy artillery and mortars, overran a small base in Haskanita, Darfur, Sudan, which was occupied by AMIS peacekeepers. The ambush resulted in several hours of intense fighting that killed ten peacekeepers- seven Nigerian peacekeepers and three other soldiers from Mali, Senegal, and Botswana- and wounded many others.

According to UN estimates, in the aftermath of this brutal attack, which was described by the African Union commander as "deliberate and sustained," 15,000 civilians fled the area to neighboring towns or the wilderness, fearing for their safety. This attack is considered to be the worst on AMIS peacekeepers since their deployment in July 2004. The United Nations Security Council condemned this "murderous attack" on AMIS peacekeepers, and demanded that "no effort be spared" to identify and bring to justice the perpetrators of this assault.

Only recently, during the August recess, I had the opportunity to lead a Congressional Delegation (CODEL) to Darfur. This was the first CODEL to the region since the announcement of the joint UN/AU peacekeeping force. Along with my colleagues Mr. CHABOT, who joins me as the lead Republican cosponsor of this legislation, and Mr. SMITH, I had the I opportunity to meet with government officials, civil society leaders, international aid workers, and affected civilians, as well as with the African Union peacekeepers responsible for protecting Darfur. I saw first hand the immense suffering of the people of Darfur, as well as the enormous strain on the courageous but outnumbered AU peacekeepers.

I strongly condemn recent attacks on African Union peacekeepers. This legislation also expresses the condolences of this House to the people and Governments of Nigeria, Mali, Senegal, and Botswana, the families and friends of those individuals who were killed or missing in the attacks, and expresses its sympathies to those individuals who have been injured. It expresses the solidarity of the people and Government of the United States with the African Union and the African Union peacekeepers as they recover from these attacks, and the readiness of Congress to support efforts to bring to justice those individuals responsible for the attacks and efforts to detect, pursue, disrupt, and dismantle the networks that plan and carry out such attacks.

My legislation also looks forward, to the process of bringing about a peace settlement for Darfur. Crucial though effective peacekeeping forces are, they are no substitute for a serious and sustained peace process. Consequently, this bill also expresses its support for the people of Darfur, Sudan, in their continued struggle against extremism and violence and support for their efforts to secure a permanent peace, justice, and return to their restored villages and homes, and it encourages all parties involved in the conflict to commit to negotiate a final and binding peace agreement at the peace talks, which began on October 27, 2007, in Tripoli, Libya.

Early reports from these negotiations have not been promising. With key rebel groups boycotting the peace talks, media reports indicate that mediators will now have to travel to Darfur to meet with rebel leaders before actual peace agreements can be reached. Despite these setbacks, UN Special Envoy Jan Eliasson has maintained optimism, saying yesterday "I refuse to state that the peace process is interrupted."

In Darfur, rape has been an important aspect of the genocide. Women and girls have been targeted specifically as spoils or war. Though it is impossible to know or even estimate exact numbers of rape victims, particularly in light of the Government of Sudan's practice of harassing or even detaining representatives of organizations attempting to report such statistics, they would certainly be extremely high.

In Darfur, rape is linked to racial slurs. When rape victims were interviewed by human rights workers, they reported hearing Janjaweed militia and Sudanese soldiers shouting their intent—to rape the women and girls, forcing them to have Arab children. According to a Refugees International report, one woman interviewed in a refugee camp in Chad said that a Janjaweed militiaman who raped her told her: "I will give you a light-skinned baby to take this land from you."

One Sudanese human rights activist has noted, "The war in Darfur is centered on identity, and rape is being used as a weapon of war in the struggle for the identity of the region. Women have a very important role in Darfur's culture, and rape destroys not only a woman but her tribe."

Though many survivors of these attacks are able to find their way to displaced persons camps, they remain at risk. Many women and girls are attacked when they leave the relative security of the camps to collect firewood and other necessities. When women living in refugee camps were asked why they went to fetch water and risk rape rather than the men, they answered, "If we let the men go, they will be killed. It is better for us to be raped than for our husbands to be killed."

Today, the House also considered H. Res. 726, introduced by my colleague, Congresswoman DELAURO, which I was proud to cosponsor. This resolution draws attention to this savage practice, and it calls on the President, the Secretary General of the United Nations, and the United Nations Security Council to take measures to provide assistance to these victims, to fully fund the UN Mission in Darfur, and to find the government of Sudan in noncompliance with Security Council Resolution 1325. It also calls upon the government of Sudan, responsible for unleashing this madness on the women and girls of Darfur, to provide full legal protection to the victims of rape and to bring the perpetrators to justice.

The international community must do much, much more to protect the women and girls of Darfur, to meet the needs of those who have already been sexually abused or raped, and to finally bring this horrific conflict to an end. The deployment of the hybrid UN/AU peacekeeping force is a necessary and important step, but it is no substitute for a serious and sustained peace process.

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Mrs. JONES of Ohio. Madam Speaker, I want to thank both of my colleagues for their leadership. Congresswoman SHEILA JACKSON-LEE, all that you've done around this issue and so many other issues, thank you so much and again for joining me as we do this Congressional Black Caucus message hour.

I'm so pleased today that the House passed the three resolutions on Darfur. One of them, H. Res. 573, recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes.

H. Res. 726, calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad and the Central African Republic.

And, finally, H. Res. 740, condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007.

I want to reference back for a moment to the person that Congresswoman SHEILA JACKSON-LEE mentioned and that was my friend from ECOWAS, and ECOWAS is an acronym for the Economic Commission of West African States, and my friend who went to Case Western Reserve Law School as I did is Dr. Muhammad Chambas. Was there something else you wanted to say about Dr. Chambas?

Ms. JACKSON-LEE of Texas. If the gentlelady would yield, first of all, to thank him for sharing his insight and his leadership and thank you for allowing us to have that opportunity, and just to be able to emphasize, he was firm that he wanted and needed and thought that they needed more help. And that help was, of course, the United States, the U.N., and a number of other countries.

And I'd just like to finish by saying, as there may be those listening, I would encourage as you mentioned that resolution about thanking the various advocacy groups to continue their work and to reach out to the college campuses, because I remember speaking at the University of Nevada. They are there; they want to work. College campuses can be the agitation to get this government to move, to continue the light on the genocide in Darfur.

And I thank you for yielding to me just to be able to say, college students, get about the business because you can make a difference. Organize Save Darfur Coalitions on your campus, and call and write and e-mail about the crisis in Darfur.

Mrs. JONES of Ohio. The Congresswoman is referencing H. Res. 573, and I want to add my comments to encourage the young people on the college campuses across this country. Many of us recognize in the history of the United States many of the great movements were begun by young people, by students sitting at lunch counters and just the involvement of so many young people.

One of the things that people often have said about young people these days is that they're self-centered and only concerned about what's going on in their own lives. I found that not to be true, and I had the opportunity even as recently as this weekend, I happened to be in Iowa campaigning for my candidate for President.

And while I was campaigning there, campaigning for Senator CLINTON, I met with a group of young University of Iowa students who were complaining about the fact that nothing has happened in Darfur and that they are expecting this government to step up on their behalf.

So I want to join my colleague in commending college students, as well as all of the nonprofit organizations across the world who are trying to focus a light or shine a light on what's happening in Darfur.

I want to talk for a moment about the whole issue of sex crimes against women and girls in Darfur. One of the worst things to happen to a woman, and particularly a young woman, is for her to be sexually abused or raped.

We recognize in this country the impact that this has had. In fact, we recognize it such that we passed the VAWA Act which is the Violence Against Women Act, to help address the issue of violence against women.

When you begin to think about the fact that there are thousands of women and girls in these various refugee camps and the things that happen, all we need do is to focus on what happened with Katrina. We had people of the United States of America in a football stadium, and the stories about what happened to young women that were raped right there in Louisiana, in New Orleans, being raped. So you can imagine, if you exponentially take a look at that and see how many thousands of women and children are there, and these women venture out just to get things to help themselves and to continue to live and the fact that they would be subjected to rape and others does not make sense.

I can only think about that movie, "Time to Kill," where that young girl in the South who was like 7 or 8 years old got raped by three men and raped her such that she was never able to have any children. It just makes no sense that we would not focus, and let me give you a few statistics.

During war, rape and sexual violence are often used systematically as a weapon of intimidation, humiliation, terror and ethnic cleansing. We know right here in America that generally rape is not about sex. It really is about being in control, being in charge. It has nothing to do with the sexual act itself. I won't say "nothing." In many instances, when you're involving children, it does in fact have to do with the sexual act, but it means being in charge.

It's estimated that between 250,000 and 500,000 women and girls were raped during the genocide in Rwanda. On September 2, the International Criminal Tribunal for Rwanda found Jean-Paul Akayesu guilty of rape and held that rape and sexual assault constitute crimes against humanity.

On October 31, the United Nations Security Council adopted Security Council Resolution 1325, calling on all parties to an armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse.

The Rome Statute of the International Criminal Court, which entered into force July 1, 2002, states that rape and any other form of sexual violence of comparable gravity may constitute both crimes against humanity and war crimes.

Since 2003, mass rape committed by members of the Sudanese armed forces and affiliated militia with the support of the Government of Sudan has been a central component of the Government of Sudan's violence and ethnic cleansing in Darfur.

Can you imagine this is the army, the militia of a country just having their way, going into camps and violating women and girls, thousands of women and girls who have been violated as a result.

Women and girls leaving internally displaced persons camp in Darfur and refugee camps in Eastern Chad to seek firewood, water or outside sources of income are often attacked and subjected to rape. My colleague already spoke to that issue. It is just outrageous that this could continue to happen.

On March 9, 2007, members of the United States-United Nations High Level Mission on the Situation of Human Rights in Darfur reported that rape and sexual assault have been widespread and systematic, terrorizing women and breaking down families and communities and that women are also attacked in and around refugee camps in eastern Chad.

Think about this: Systemic, widespread, terrorizing of women and girls. Systemic. That is just something that I can't even imagine that we would continue to allow happen in another country. We know how great the impact of rape and sexual assault on women and girls in our country over time, and imagine what it would be in a country where they don't have available to them what our women and girls have available to us. Be it counseling, medical care, long-term mental health counseling, it just doesn't happen.

So I'm just so happy that the House passed by way of suspension bills today three resolutions around Sudan.

Finally, I think that what I would say at this point is that the people of America and all of these nonprofit organizations and the children across this country, women and children and students, must stand up. They must speak up about what's going on in Darfur, and you all know that old statement, that piece of speech that someone gave, and I can't think of the author, and it said, if you're quiet when they come for other people, who's going to speak up when they come for you? And that is what we should all be thinking about, that we need to speak up on behalf of the people of Darfur and say enough is enough; we're not going to have this happen anymore.

The United States, under the leadership of George Bush, who's been talking loud and saying nothing on this issue and not moving forward, should move forward to make sure that there are people and peacekeepers going into this area and making sure that these people are taken care of.

With that, I would again commend the Chair of the Congressional Black Caucus, Congresswoman CAROLYN CHEEKS KILPATRICK, for her leadership and thank her for giving me the opportunity to lead the Congressional Black Caucus message hour every Monday evening and to give us the opportunity to step up, speak out, and really shine a light on issues that the Congressional Black Caucus is concerned about and that the people of America, regardless of their color, are concerned about.

Again, thank you very much, Madam Speaker. It's always good to be leading a Special Order when you're in the chair. I thank you for your leadership as well.

Mr. CONYERS. Madam Speaker, today we recognize the ongoing loss of life occurring in Darfur. I would like to restate my unconditional support and commitment to advancing peace and security for the people of Darfur. I implore my colleagues in Congress to join me in urging the Sudanese government to take decisive action to address this tragedy. This quite simply is a matter of Life and Death and as the destruction of hope and possibilities continues to erode away at a people who are calling out for help. These atrocities continue to mount in the Sudan as our Administration continues to pump billions of dollars into Iraq and redirects greatly needed resources away from this unnecessary tragedy. The conflict in Sudan began as a genocide against tribes of small farmers in its Darfur region over five years ago. Militia groups have slaughtered an estimated 400,000 people and driven 2.5 million people from their homes. There has been an increase in civilian killings and large scale attacks in Darfur. The rape and torture of women and children remains a constant concern on a daily basis. Thousands have moved to displacement camps which contain their own level of violence with guns being readily available and tensions in Darfur continuing to grow every day. The African Union peace keeping troops who have put up a courageous fight have lacked the proper resources and manpower needed to contain the growing threat. Equipped only with light weapons, they are no match for the heavily armed rebels. They are undermanned and outgunned and in desperate need of advanced weapons and helicopters to properly engage with the Militia.

In May, Nobel Peace Prize winner and Holocaust survivor Elie Weisel called Darfur "the capital of suffering." He called on all of us to "tell the victims they are not alone." Violence continues in Darfur, as the Sudanese government attacked two internally displaced camps in the past week. On October 19, the Militia attacked the Kalma refugee camp, the largest in Darfur. Additionally, on Oct. 22, the Hamidiya camp near the town of Zalengei was attacked in a series of clashes between government troops and rebel groups. The killings of African Union peacekeepers and World Food Programme contract drivers combined with detentions of humanitarian workers in the conflict-ridden Darfur region of western Sudan are just a few examples of a deteriorating situation, which is prompting increased anxiety by those affected by the ongoing crisis, as well as by those responding to the emergency. From June until late August, the United Nations reported, an estimated 55,000 new persons had been displaced in the region—bringing the total number of those uprooted this year to some 250,000. In all, the UN estimates, 2.2 million of Darfur's 6.4 million people have been displaced, and four million are now dependent on some form of humanitarian assistance.

While almost everyone involved in Darfur policy agrees that an African Union peacekeeping force of just 7,000 troops is not up to the task, the United States has refused to send troops and, despite promises of reinforcements, has yet to secure many additional troops from other countries. At the same time, it has been unable to broker a diplomatic resolution that might ease the violence. There is no doubt that what is taking place in Darfur is genocide, and the government of Sudan and the Janjaweed bear responsibility. Congress and the Administration must support legislation to address this most pressing human rights issue. We must move beyond the rhetoric and take action to save the lives of the people who are struggling each day with this horrific conflict. We must leave politics aside and support legislation such as H. Res. 573, which recognizes and commends the efforts of U.S. advocacy groups to raise awareness about and help end the worsening crisis in Darfur; We must also support H. Res. 740, which condemns the brutal attack on African Union peacekeepers that occurred in Haskanita, Darfur one month ago today. This violent act, carried out by rebels, took the lives of 10 peacekeepers—seven Nigerians and three other soldiers from Mali, Senegal, and Botswana; and finally H. Res. 726, a resolution calling on the President and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against the most innocent of Darfur's victims—young girls and women.

We must continue to provide security and support for the courageous humanitarian workers, who risk their lives daily. Their commitment to this struggle has been exemplarily in the face of danger. We must also take this opportunity to unite and stop these crimes against humanity. We can not allow our past failures to identify genocide in places such as in Rwanda, Bosnia, and elsewhere to exist ever again.

## HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Madam Speaker, I come to the floor of the House tonight as I frequently do to talk a little bit about health care.

Tonight, I will be filling the leadership hour of the minority side, and I certainly thank the House leadership for providing me the opportunity to speak to the Chamber over this hour and talk a little bit about health care, perhaps give a little bit of historical context, perhaps talk a little bit about our current situation, perhaps talk about the prospects for change in the future, talk about what principles are important to maintain in a health care system, whether it be public or private, the principles of affordability, accountability and advancements.

Madam Speaker, I hope to spend part of this hour talking about the things that I think will improve the delivery of health care in this country, regardless of who the payer is, because we are perhaps perched on a historical time.

Madam Speaker, I believe with all my heart that we are perched on a transformational time in American medicine, a time that we've seen perhaps similarities with before, perhaps three times in the last century. We'll detail those in just a moment, but it is a time like any other.

When the rapidity of the scientific information is coming at such a rate, the rapidity of scientific change is coming at such a rate, and at the same time we're poised to perhaps have a significant impact on the delivery of health care in this country by how we craft our public health policy, our health policy in this body, think about in the preceding century we had three, I believe, transformational times in the 20th century.

You think about the status of medicine in the days of the late 1800s leading up to the early 1900s, and it was not always a pretty sight. Blistering, burning, and bleeding were treatments that were not only tolerated; they were, in fact, embraced by the medical mainstream, the best minds in medicine at that time. But those heroic efforts were beginning to be supplanted by people who rigorously applied the scientific method and began to investigate as to whether or not these heroic methods were, in fact, yielding or returning a positive benefit for the patient. In fact, they found that they were not.

And at the same time, you had scientists working on concepts such as sterility, sterility during surgery, vaccinations, improvements in public health, sanitational water supplies, as well as just a decade before you had the introduction of anesthesia which, obviously, radically changed the prospects for being able to perform surgery.

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There was also a crisis of confidence in American medicine, because there was no standardization in American medical schools. They were all over the map as far as their embracing scientific method or scientific philosophy. This body, the United States Congress, in 1910, commissioned a study that was ultimately called the Flexner Report, which detailed the problems inherent in American medical schools and how value to the patient could be improved by standardizing the training and making the training more rigorous and adhering to the scientific process.

Well, not quite midway through the century, in the 1940s, we saw, again, a transformational change occurring in American medicine. How did this change come about? Actually, there were some discoveries that preceded the 1940s by a little bit. Sir Alexander Fleming discovered penicillin in 1928. At the time, it was just more or less a laboratory curiosity that the growth of a mold in a Petri dish could inhibit the growth of a bacteria, but it was American ingenuity and American know-how that took this concept and made possible the distillation and production of large amounts of this compound.

Prior to the 1940s and prior to the intervention of American know-how, only small amounts of penicillin were available. Again, it was more of a laboratory curiosity than a useful treatment that could be made available to a broad spectrum of patients.

With the introduction of new techniques for bringing this medicine to the public, large amounts of medicine were made available, the price plummeted and, as a consequence, we ushered in the new antibiotic age in the early part of the 1940s. It was terribly significant. Many of our soldiers who were wounded during the invasion of Normandy on D-Day had wounds that ultimately would have been much more serious had infection become a problem, but now, because of the availability of penicillin, many of those infections could be treated, life and limb could be saved and spared. It was, indeed, a change that medicine had not previously seen.

There was another rather dramatic development during the 1940s, about the same time, Percy Julian, who was an African American scientist who we honored in this body during the last Congress. He didn't discover cortisone. Cortisone had previously been discovered but was only available by a labor-intensive process. You had to get it from the adrenal glands of an ox.

Cortisone was very difficult to obtain, very expensive and really wasn't available to treat much in the way of a large number of patients. It was available only as an experimental effort.

But Dr. Julian, who had experimented in biochemistry for a number of years and worked extensively with soybeans and soybean products, found a way to make a precursor to cortisone and, in fact, found a way to apply this for the commercial production of cortisone. Suddenly, this medicine, this miracle drug which had been available only in very small supply and terribly expensive, now became generally available to treat patients.

So we had the advent of anti-infective agents in the antibiotics and anti-inflammatory agents with cortisone, all of which occurred around the mid-1940s. What else happened in the mid-1940s? Of course, we were a country at war. As a consequence, the workforce in this country was severely contracted. In an effort to keep employees, what employees were available on the job, employers wanted to pay higher and higher wages to keep the employees there and keep them satisfied.

But the Federal Government, the President of the United States, President Roosevelt said, we are going to get in trouble with inflation if we are not careful, and put in place a series of wage and price controls to kind of keep the lid on this rapidly expanding sector of the economy. He felt it was justified because of a wartime situation.

Well, employers still wanted a way to attract employees, to hold employees, to keep employees, keep them happy, keep them satisfied, keep them healthy and well so they stayed on the assembly lines and stayed in the workforce. They devised a plan to offer health insurance and retirement benefits to employees that were under their employ.

Well, it was kind of controversial as to whether or not this would be something that was even available, whether or not it violated the spirit of the wage and price controls that were in place at the time, and, if it was something that could be made available, is this a benefit that would be taxed or not taxed? The Supreme Court in a historic decision in 1944 decided, number one, that this did not violate the spirit of wage and price controls. Just as importantly, they determined that these benefits provided as health insurance benefits and retirement benefits, in fact, were not taxable benefits. Thus, the era of employer-derived health insurance was born.

After the war, it continued because it was very popular. People liked that concept. They liked the fact that you, at the time you went to work, you received health insurance; so that was one worry that was lifted off of you that you didn't have to contend with. It changed forever the face of how medicine is practiced in this country, as much, I submit, as the introduction of penicillin and as much as the introduction of large-scale production of cortisone.

So we will quickly fast-forward to the 1960s. In the 1960s, again, we were seeing a big transformation in medical care, a big transformation in science, the newer antibiotics were available that could treat more and more diseases, more aggressive diseases. The whole era of chemotherapy began to be ushered in. Antidepressants were available for the first time, as well as antipsychotics, which had a profound effect on the census in psychiatric hospitals.

What else happened in the 1960s? Well, a little over 40 years ago, this Congress, at the direction of a fellow Texan, Lyndon Johnson, developed the Medicare and then subsequently the Medicaid programs to provide a social safety net for our seniors. Then, ultimately, with the introduction of the Medicaid program, it provided a social safety net for people who were too poor to afford health insurance.

So there was greater access, greater access for the aged, for people who were disabled, and for people who historically had been not allowed into the medical system because of a poor financial situation. But, the government established for the first time an enormous footprint in the practice of medicine in that for the first time it paid for a significant amount of the practice of medicine.

Now, the current situation is that about 50 percent of the health care dollar is derived from the United States Congress, from the Federal Government. The other 50 percent is not all private pay; it's private, commercial insurance as well as people who pay bills out of their pocket, self-pay individuals, and I will actually include the 4.5 million people that own health savings accounts. I would include them in that group as well.

Of course, there are people who just simply do not pay the bill; there is bad debt. There is also charitable care that is given by a doctor or a hospital to a patient and no payment is expected.

Now, the big question before us is can this hybrid system that has just sort of grown up, can this hybrid system be sustained? The tension that exists within this system, I think, creates a dynamic for continued change and for medicine to continue to evolve and continue to reinvent itself.

But, as I said, we are on the brink of a time of transformational change. I believe that in the early part of the 21st century we will see and we have seen changes in medicine as a result of cracking the genetic code. Genomic medicine, which was a phrase that I wouldn't even have been aware of during medical school or residency, now is part of our regular parlance.

Diseases that used to be treated only with surgery are now treated with medicines. There are going to be vast changes on the horizon as far as the treatment of disease goes as we begin to understand more about how the human genome affects the course of health and disease, how we can intervene earlier at a lower cost to prevent disease and, quite honestly, extend life over time.

But, we are also poised at a time where it looks as if, because of frustrations with the current system, because it doesn't provide all of the coverage that we think it should to every person who we think needs it, we are poised here in this Congress to begin debating an ever greater expansion of the Federal Government's role in health care in this country.

It will ultimately be up to us to decide is this a good thing or a bad thing. Since we live in a representative Republic, it will be up to the American people to decide is this something that we want to see more of or less of. They will, of course, register those thoughts with their votes, not only in the 2008 election but in the 2010 election.

I would submit to you that it is important that we keep in mind really where the fundamental unit of production is in this vast medical machine that we have in this country. What is the widget that is produced by the vast medical machine?

Well, my impression is that it is the interaction that takes place between the doctor and the patient in the treatment room, whether you like to say the operating room or the emergency room, but, nonetheless, it is the interaction between the doctor and the patient. That is the fundamental unit of production in American medicine. How do we interact that?

Well, my opinion is anything that will deliver value to that interaction is one of those things that we ought to encourage. Anything that detracts from value or anything that serves to drive apart the doctor-patient interaction is something that may be seen as pernicious. It's all about empowering the patient and not an insurance company, not the Federal Government. We need to focus on those policies that will bring that power back to the patient, will bring that value back to the doctor-patient interaction.

A lot of people would argue that we need health care reform. In fact, remember, that was a big argument in 1992 in the Presidential election and in 1993, the year that followed, and then, ultimately, nothing was accomplished and the situation stayed as it is. But they kept talking about health care reform, health care reform, health care reform.

Well, reform is what you need if the system is working just jim-dandy, just working extra special well, and you only need some marginal changes around the edges. But since we are upon a time of great scientific advancement, changes in how we handle information technology, changes in how we even approach medicine, the whole era of personalized medicine is just a little bit over the horizon, and we may well see that in my lifetime, certainly in my children's lifetime.

Medicine is on the cusp or the threshold of some big changes. Is reform going to be enough to enact the social policies that we need here in Congress as well as permit those transformational changes that are occurring in science and occurring in the delivery of medical care?

Now, I would submit that only by keeping a portion of the free enterprise system involved in health care, only by that method are we likely to continue to generate the kind of instability we need in a system in order to foster change, in order to foster growth, in fact, in order to drive that transformational process.

If, suddenly, we are at complete equilibrium and there is no tension on the system anymore, what's going to cause it to grow? If, in fact, we devolve to a single-payer system where the Federal Government picks up the entire tab for medical care from cradle to grave, and there are some people who think that would be the correct response, the correct way to go, what will change? What will be the impetus to change? What will be the reason to change anything about medicine?

What you see today, if you enact that system, is what you will see 20 years from now, 40 years from now, 60 years from now. The transformational change that I think will be responsible for some of the greatest gifts that medicine could give to humankind, suddenly the spark, the spark of incentive would be removed and we would have a steady state that would be well paid for, a lot of people would be well taken care of, but the improvements, the advancements would be lacking in such a system.

If we move toward a system that is more patient driven, rather than one that's driven by insurance companies, rather than one that's driven by governments, I think we will usher in that new era of transformation in American medicine.

During the course of that, we have got to keep health care affordable. We have got to keep the monitor on the person in the middle, the person who acts as that barrier between the doctor and the patient, what we describe as a middleman. We have to keep that very close tab on what's happening in that arena. That's one of the things that prevents a patient from knowing the value of care they receive. It's one of the things that prevents a doctor from knowing how much the care they are ordering is going to cost or what burden that patient will have to bear. We have anesthetized everyone by putting a third-party payer in the middle of that mix.

Now, questions do come up as to how we bring about those changes and not obstruct changes that we want to see happen, but, again, keep in mind things like the advancements in medicine that are going to occur as a result of discovery of the human genome and further elucidation of the human genome, concepts like rapid learning. When I was in medical school, we all just worshipped at the altar of the double-blind crossover study in order to prove that something was effective or not.

But we live in a time when computational speed and capability is so vast, and the speed of learning is so fast, that, you know, it may no longer be as necessary as it once was to select the correct sample size and go out and do all the statistical tests. We can just simply monitor everyone, everyone who is on Lipitor, everyone who is on a statin, see what their complications are, see what their health benefits are that people who are on statin live as long or longer than a closely matched age and gender-matched group of individuals who are on no such therapy. We can begin to develop those concepts, and the data is there and will accumulate rapidly because of advances that are being made in health information technology.

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That's the way that, ultimately, we're going to be able to curtail some of the costs of taking care of chronic diseases and, in fact, beating chronic diseases; and I would include cancer in that group. And above all, we do have to ensure an adequate workforce to be able to provide that care.

Now, I alluded a few minutes ago at the point of transformational change, but we also run the risk of getting caught up in transaction. You know, if you think back to 1993 and the changes in health care that were discussed at the time, we really weren't talking about any kind of health care change. We were talking about change in the administration of insurance policies.

As a result, since we got caught up, in this body, in the transactional, we forgot about the transformational. And again, as a result, there really wasn't much happened, except we left the field essentially empty, and HMOs and managed care came in, took over a large market share. And that was the time, at least in my experience as a physician, when some of the worst excesses of HMOs and managed care occurred: care being denied, patients being put out of the hospital too soon. And then Congress was in a very reactive mode: you've got to have this many days after delivery, this many days in the hospital after a mastectomy.

Well, that clearly wasn't the way to go about it, but that is the risk that we run if we focus on the transactional and forget the transformational. So all three things, affordability, accountability and advancement, must be considered and must be given equal weight in any change that comes about.

Within the concept of affordability, it's really not how much money you spend; it's how you spend it and are you getting value for the dollar that you spend in health care. And I would circle back and bring it back to that interaction between the doctor and the patient in the treatment room. How do we deliver value to that fundamental unit of production of medical care? And if a policy that we propose delivers value, then that is something that really should be looked at and one that should be carefully debated and perhaps enacted into law.

But if you look at that fundamental interaction between the doctor and the patient in the treatment room and it is fundamentally deleterious, well, maybe that's something that we should not be doing. We see examples of this within the insurance environment all the time.

And I would use the bill that we voted on last week, the State Children's Health Insurance Program. Good things in the bill, but some bad things in the bill. Some of the bad things is we tend to take children off of private health insurance and move them onto the State's Children's Health Insurance Program; and we do that for successive, for families who earn excessively larger and larger incomes.

Now, we can argue what the top line was; the top line reported in the bill was $60,000. But on the floor of this House, the chairman of the Energy and Commerce Committee admitted to me that States could disregard $20,000 income for housing, $10,000 in income for clothing, and $10,000 in income for transportation. We're up to over $100,000 with the income set-asides that some States could develop.

Well, what's going to happen to taking all these children off of private health insurance, perhaps coverage that the employer provides their mom and dad and moves them on to an SCHIP policy? Many pediatricians around the country find that the reimbursement for a State Children's Health Insurance policy in their State reimburses at a fundamentally lower rate than the private plans. Even though the private plans aren't great, they're better than the State Children's Health Insurance policy.

So what if a pediatrician's earnings or gross bookings for their practice go down by 30 or 40 percent on that segment of patients? Well, if you make that segment of patients successively larger, it's going to be more and more difficult for them to make up that gap; and what they will do is what doctors have always done: they'll open a little earlier, they'll stay open a little later and they'll kind of squeeze a few more patients into every hour.

Now, I ask you, is that a way to drive up the value in that doctor-patient interaction? I don't think so. I think if you squeeze more and more patients into that hour, if you increase that doctor's work day so they're having to make decisions on less and less rest with more and more stress, we are ultimately likely to negatively affect the value of that doctor-patient interaction.

So certainly that's one aspect of the bill for me that was extremely important for us to fully evaluate; and, unfortunately, we didn't get to evaluate it. We didn't get to debate it. We didn't get to do it in committee. We didn't get really to debate it on the floor. It was kind of an up-or-down vote: take it or leave it. And that's fine if that's the way you want to run things. But for me it was a fundamentally flawed idea because it damaged the value of the doctor-patient interaction.

Other programs that may improve the doctor-patient interaction, I'm aware of a large employer in my district back home, school district, to be precise, that has a number of employees under their insurance policy that provides a $20-a-month premium reduction for anyone who undergoes some pretty basic screening, blood pressure, weight and doing a little blood work. So there's a $250 value returned to the enrollee in the health plan over a year's time. So obviously that's a value. It's a value to the insurance company because now they're able to identify perhaps that silent person with a cholesterol up to here or a blood sugar that's an undiagnosed and unmonitored diabetic.

They can identify those individuals; and if the individual is desirous of help, they can get them into the proper type of care that will lower the likelihood of a heart attack with the attendant time in the intensive care unit, perhaps coronary artery bypass grafting, perhaps even the risk of sudden death or the complications of untreated diabetes, problems with eyesight, the problems with circulation, leg amputation, all of the kidney disease that goes along with untreated diabetes. Perhaps we can begin to get a handle on this earlier in the course of the disease so that the disease course may be modified and ultimately less costly.

Well, I would submit that that insurance company has found a way to deliver value to the doctor-patient interaction; and, in fact, I would think that's behavior that this body would want to encourage, not discourage, amongst private insurance players.

But these are just two examples of where value for the doctor-patient interaction can be increased or decreased. And as a consequence, when I apply that test to any health care policy, my decision about that, whether or not to support that health care policy, is likely to be based on the fundamental question, are we delivering value to the doctor-patient interaction? If the answer is yes, that's a program that's worthy of further study, debate, and perhaps enacting. If the answer is no, then it becomes fairly easy for me to say that's not a policy that I would be inclined to support at the present time.

Now, one of the things we move on to or other aspects of affordability that we should talk about, I did allude earlier to the fact that there are now, according to recent data that was released last April, 4.5 million people who are covered under health savings accounts. That's up about a million and a half from the year before. And, certainly, while it is not a vast segment of coverage, the reality is we could cover a great deal more people who are uninsured if they just simply knew about these products.

In the mid-1990s when I went to look for an insurance policy for an adult child, it was just almost impossible to get a private individually owned insurance policy for someone in their mid-20s. No one wanted to talk to you about one single policy. We won't even discuss it unless you've got a group of five or 10, and then we're going to charge you a great deal for that. Now, I was ultimately able to get insurance for that individual.

But what a change 10 years later. Any individual getting out of college today, mid-20s, off their parents insurance for the first time in their life, maybe they want to go start a business. Maybe they haven't quite found that right job yet; but rather than going without health insurance, they now have an option. They can go to the Internet and in the search engine of choice type in health savings account and very quickly they'll be taken to sites that will provide them a vast array of choices in high deductible insurance policies. These policies are typically paid for with after-tax dollars, which is a limitation, I admit, and one that this Congress should take up and deal with. But oftentimes we're talking about individuals who are not in the higher income earning brackets or perhaps pay no Federal income tax at all. So the fact that it's not a tax deductible expense is not of great import to them.

But the fact that you can get a high deductible insurance policy that, with a $2,000 to $5,000 deductible that ranges in price from about $55 a month to $75 a month, well, that's a pretty significant savings over what we typically associate with the cost of insurance, which is obviously much greater than that.

So that young individual who's just starting out doesn't need to start out life without insurance coverage. It's not something that they need to forego. Yeah, it's a high deductible policy, so guess what? If you go in for a flu shot or you go in for some relatively minor difficulty likely as not that's going to be something that will have to be borne by the individual.

But if that individual has a catastrophic event, a motorcycle accident, an accident or pregnancy and requires prolonged hospitalization, that hospitalization is covered after the deductible is met. And how powerful is that to be able to put that type of protection in the hands of a whole segment of society that 10 years ago had no choice at all, no option. You just simply cannot buy or find insurance no matter how big a check you're willing to write, because I was willing to write a big check to get insurance coverage at that time, but it just wasn't available. Ten years later it's readily available. It's up on the Internet. And because of competition on the Internet, we've driven the price down, so affordability obviously has improved.

Now, the other great things about a health savings account is you can put money away. If you do pay taxes, you can put away money with pre-tax dollars, put money into essentially a medical IRA, or a health savings accounts. You can actually begin to accumulate dollars in that health savings account. And the good news is that over time, if that money is not used for medical expenses, it can only be used for medical expenses, but if it's not used, it doesn't go back to someone else at the end of the year. It doesn't even go back to the Federal Government if you die too soon. That money is yours. It is yours to use for your health expenses, or it is then delivered on to your heirs and assigns if you meet an untimely demise, but that money is yours. It doesn't belong to the Federal Government. The money you put into that health savings account stays under your command and control for the rest of your life as long as it is spent for health care expenses.

So you can see, even a young individual who doesn't have the financial wherewithal to contribute the full amount, say the $2,000 or the $5,000 every month to a health savings account, still can put some number of dollars away that will grow over time. And since we're talking about young individuals, well, the time value of money comes into play. And if you begin such an account when you're 25, by the time you're 65 and ready to face retirement, there may be a significant accumulation of dollars in that account. And the good news is there is no one can take that away from you.

Now another thing that we've worked on in this Congress and something that I would argue would be a positive in the values section for delivering value to the doctor-patient interaction are what are called association health plans. Now, association health plans by themselves are not going to drive down the cost of the, or the number of the, uninsured; but they will help control the ever-rising cost of health insurance which, of course, is what drives a lot of small businesses out of the business of providing health insurance. So association health plans have been voted on in the two previous Congresses several times since I arrived here in the beginning of 2003.

And the concept is pretty simple. It just says small businesses can kind of group together to get the purchasing power, the purchasing clout of a much larger organization and use that ability to aggregate themselves to get a better deal with an insurance company, to get a better deal in providing insurance to their employees. So if you have, say, a group of Realtors, a group of dentists offices, for example, a group of chambers of commerce employees, you can put this group together as long as they have similar business models. That's why the term "association" is used. They can be put together to go out and purchase or to make bids on the commercial insurance market and, again, get a little bit more of that purchasing clout that large organizations have.

And one of the reasons that association health plans have been contentious in this House is because for them to be effective, particularly in medium and small-sized States, you've got to have the ability to go and take in a group of people that may cross a State line. Now, a State as big as Texas, which at one time was its own country, that's not as big an issue. But still you will get a better economy of scale if you are able to draw in more people into this association that then goes out and buys insurance.

For whatever reason, we passed it in the House, three or four times in the last 4 years, but unfortunately it never did pass in the Senate. They had Senator ENZI, who was at the time chairman of the Senate Health Committee, make a good run at it last year, got all the principals in the room and tried to get them to craft an agreement on that, but ultimately was not able to get that done. And that's a shame, that's too bad because again this is one of those things that would fundamentally deliver value to the doctor-patient interaction because it would hold down the cost, the ever-increasing cost, bend that growth curve a little bit on the increasing cost, the ever-increasing cost of health insurance, and allow more people to keep and retain their insurance coverage.

Now, the President brought up in his State of the Union message here last January, and it's been talked about on and off again over the past six to eight months, the issue of equal tax treatment for employer-derived insurance and insurance that's owned by the individual. We've really not made any great progress, but I do believe the concept is one that's worthy of study, that's worthy of debate in this House. I already alluded to that fact a little earlier in the talk that once you have the employer-derived insurance as a pre-tax expense, that alters the playing field and it, in fact, encourages the use of that type of insurance and maybe even encourages the use of that type of insurance a little too much.

□ 2115

It encourages people to be overinsured because, look, I can't really pay you any more without distorting my salary structure but I will give you this more generous insurance package. And as a consequence, more insurance benefits are added to that person's benefits package, and it may, in fact, be more insurance than they actually need. So they are paying for something that they don't actually need.

On the other end of the spectrum, you have the individual who is out there pricing insurance now in the private market, and perhaps they do earn enough money to pay income taxes, and it would be great to extend or expand their purchasing power for that insurance by allowing them to pay for that with pretax dollars.

There is going to be a lot of debate on that over the next several years, I expect. In my mind, it is the only sane and smart way to go to, again, decouple the insurance product from the tax code and kind of put everybody on an equal footing. It's either deductible for everyone or not deductible for everyone. But let's put everyone on the same playing field there because only in that way will we get true equity and only in that way will we get the demand for the type of products that, again, ultimately will have the competitive forces that will push the price down. And after all, the kind of competition that is available on the Internet, the same type of competition that's available now with health savings accounts, and since they are after-tax items anyway, they are not under the same restrictions, but to get that same type of competitive influence from pricing on the Internet that will help keep the cost of health care coverage more affordable for more people. It's kind of analogous to the people who sell car insurance and who say 15 minutes can save you big bucks on your car insurance if you are willing to invest 15 minutes on a telephone call to a particular insurance company. They have done a lot of clever things with their advertising with animated lizards and unfrozen cavemen and the like, but the reality is they have taken the concept of the type of competitive edge you can get by utilization of the Internet with car insurance. If we had the same ability to do that with health insurance, how much better would that be? Because we could drive the price down, because now people would be competing with large volumes, large numbers of patients. Now companies would be competing with large numbers of patients, and, in fact, I think we would see an improvement on the price structure rather than this continued year-after-year increase in prices and this continued year-after-year of picking only the people that we want to insure and leaving others out. This is a way of broadening the base and lowering the rate. We liked that concept in our tax policy; we should like that concept in our insurance policies as well.

Madam Speaker, mandates are another issue that will come up from time to time. The health care program that was popularized in the State of Massachusetts, very famously, depends upon an individual mandate. It is your obligation and responsibility to have insurance, and you will have insurance or we will buy it for you and charge you for it. If you don't want to pay us, we will take that money out of your State income tax refund that you are due at the first of the year. So that is one way to get people to buy insurance, to be sure.

Now, in 1993, when the Clinton health care plan was discussed, they talked about employer mandates: We're going to require every employer to participate in an employer-derived health insurance program or they are going to have to pay a large amount in order for their employees to get coverage elsewhere.

So employer mandates and individual mandates are certainly techniques that have been tried in the past, and we may see them tried again in the future.

State mandates are where a State says any insurance policy that is written in the State, you have to provide coverage for these items. It varies from State to State. Some States are quite generous, and as a consequence, their insurance rates are high. Some States are more spartan, and as a consequence, their insurance rates are more reasonable. But State mandates, individual mandates, employer mandates, in my opinion, have the ability of driving up the cost and limiting the care because they remove the competitive influences that otherwise would be brought by the competition that's available in the open market and just keeping free enterprise involved in medicine.

I guess the counterpart to mandates, for all its faults and for all of the sort of anguished discussion that we had about Medicare part D over the past several years, Medicare part D now provides pharmaceutical benefits, pharmaceutical coverage to 90 percent of the Nation's seniors, and it does so with a 90 percent satisfaction rate. And there is not a mandate in the program. And how do they do it? They provided programs that people actually wanted. That would be a novel approach. Instead of a mandate, you make something that is marketable. You make something that's desirable. You make something that patients and families are going to say that's a good idea and it's reasonably priced and I am going to do that. Mandates, on the other hand, tend to drive things in the other direction. And ultimately, although there may be a transient reduction in price long term, it has a negative influence on price and causes prices to inflate and increase over time.

Madam Speaker, I can hardly come to the floor of the House and talk about changes in our health care system without at least briefly talking about changes in the way the medical justice system is handled in this country. And the reason that it is so important to me is my State, my home State of Texas, changed the nature of the argument 4 years ago and since then has been reaping the benefits of fundamental and sound medical liability reform.

Now, the Texas legislation that passed in the legislature that convened in 2003, and subsequently we had to undergo a constitutional amendment in September of 2003, it provided a cap on noneconomic damages. The so-called Medical Injury Compensation Reform Act of 1974, as passed by the State of California, was adopted and modernized in the Texas plan. But it was a Medical Injury Compensation Reform Act-style reform that was done in my home State of Texas.

Now, caps on noneconomic damages out in California in 1975 were set at $250,000. In Texas, with the passage of this legislation, there was a cap set at $250,000 for a physician if the physician was involved; $250,000 set for the hospital if a hospital was involved; and $250,000 for a second hospital or a nursing home if one was involved. So there was an aggregate cap of $750,000. At the same time, there was no cap placed on actual damages, real damages, that were sustained in a medical liability suit and no cap placed on punitive damages if those were awarded by a judge in a medical liability suit.

The result of all of this was that a State that was in turmoil, a State that was in chaos in the year 2002, today is eminently stable when you talk about its medical justice system because of these commonsense reforms that were enacted back in 2003. The benefits that we have seen for my old insurer of record, Texas Medical Liability Trust, my medical liability premiums had been increasing by double digits every year, year after year for about the 4 years before I concluded my practice and came to Congress. The very next year after the passage of this bill in 2003, prices dropped. They dropped 12 percent. They have continued to drop. So the aggregate reduction in premium prices over the 4 years since this passed has been 22 percent for physicians insured under the Texas Medical Liability Trust. And that is in addition to double-digit increases that were happening every year up to 2003. Now we have had a 22 percent reduction. That's a significant change.

One of the most important things, though, was the number of medical liability insurers that existed in the State of Texas had gone from 17 down to two. You are not going to get much in the way of a competitive edge if you have only got two people willing to write medical liability insurance in your State. So by the start of 2003, we were truly in crisis with the fleeing of medical liability insurers from our State.

What happened after the law passed? The insurers started to come back in. Now, many of them wanted to come back in and say, we're going to have to charge you more money because Texas is still an unproven deal and we're not sure we want to come in at the rates you are going to set. But Commissioner Montemayor, who was then the Commissioner of Insurance in the State of Texas said, if you are going to come back in, you're going to come back in at reasonable rates. And as a consequence today, I'm not sure of the top number of Texas insurance companies, but certainly above 15 and may well be above 20 insurance companies that have come back to the State, and, most importantly, they have come back without an increase in their rates.

One of the unintended beneficiaries of this reform was the smaller not-for-profit hospital in the State of Texas. Smaller and medium-sized hospitals, self-insured, they had to put a lot of money away against a possible bad outcome in a court. With the passage of this law and with some return of sensibility and stability to what their actual outlay may be if they lost a case, smaller hospitals and medium-sized hospitals were able to take some of that money that they had put away in accounts to guard against a possible adverse finding in court, and now they were able to take that money and use it for capital expansion, nurses' salaries, the kinds of things you want your smaller not-for-profit hospital to be doing in your small and medium-sized community.

So it was a very big boon not only to physicians but also to hospitals. And, again, I would submit is that a win or a loss for someone who wants to deliver value to the fundamental doctor-patient interaction in the treatment room? Obviously, it's a win. We have more doctors coming to the State. We have so many doctors coming to the State, the Texas State Board of Medical Examiners can't keep up with the pressure, with the demand on new licenses for doctors who want to get licensed to practice in Texas. So that is a good thing. Texas as a whole has been underprovidered, if "providered" can be used as a verb. Texas as a whole has been underprovidered for some time. The national average is 260 doctors per 100,000 population. Texas sits at about 186. But the situation is improving month over month because of some of the commonsense changes we made in medical liability insurance.

And one last thing I would add. If I'm from Texas and we've already done this, what do I care about the rest of the country that their medical justice system perhaps remains with the scales uneven and tipped to one side or the other? Well, the reason I care is because now, as a Member of Congress, we have to deal with the Federal budget every year. We have to decide how much money we are going to give Medicare and Medicaid every year. Consider this: A study done back in 1996 at Stanford University looking at the cost to the Medicare system for treatment of heart disease, the additional cost for the treatment of heart disease when factoring in the cost for defensive medicine, back in 1996, that cost was calculated to be just under $30 billion. Well, that was 12 years ago. I rather suspect that number would be higher today if anyone went back in and recalculated those figures. So it is significant. That is practically 10 percent of the money we budget every year, the money we appropriate every year to pay for the Medicare system. It is a significant savings to the Medicare system if, in fact, we can capture these savings.

Just the Texas bill alone introduced in the House of Representatives was scored by the Congressional Budget Office as saving $3.8 billion over 5 years just with the language of the Texas bill, to say nothing of what it would do on putting negative pressure, downward pressure on the cost of defensive medicine. And $3.8 billion is not a big figure when we talk about money up here in Congress. It's usually tens or hundreds of billions of dollars. But I have got to tell you what, $3.8 billion is real money, and in a year where we are scratching around trying to find every dollar that we can, that $3.8 billion is significant. And, again, I, frankly, do not understand why the House wouldn't consider taking this up, because this is a commonsense solution to a problem that vexes many States around the country.

And perhaps one of the even more pernicious effects of the medical liability crises in some States is the fact that it directs the best and brightest of our young people in a career path other than medicine. If I am going to spend all that time in school, if I'm going to accumulate all that student debt, and then when I get out, I have got to pay these high liability premiums and you go to court and they make you look like a bad guy, I don't think I want any part of it. It does have a negative effect on attracting the best and brightest into our physician workforce.

The physician workforce is important. I want to talk about that in greater detail. But just consider this: A residency program director out of one of the big hospitals up in New York a few years ago, when I asked her, "Does the medical liability crisis impact your residency training program at all?" she told me that, well, currently we are taking people into our residency program that we wouldn't have interviewed 5 years ago.

□ 2130

In other words, the pool of available applicants for their residency program had contracted because of the chilling effect, the negative effect of the medical liability insurance in that State. And these are our children's doctors; these are our children's children's doctors. I fail to see how the advancement of medical care is furthered by allowing policies that have that type of an effect on our physician workforce.

But let's talk a little bit about the physician workforce in the time that remains because this is another important part of where we go with health care reform, health care transformation in this country. And three bills that have recently been introduced, H.R. 2583, H.R. 2584 and H.R. 2585, deal with the problems surrounding the physician workforce.

Now, just a little bit less than 2 years ago, Alan Greenspan, as one of his last trips around the Capitol, came and talked to a group of us one morning. And a question was posed to him: What do you think about Medicare? Are we ever going to be able to pay for the unfunded liability of Medicare in the future? And he stopped and thought for a moment and said, Yes. I think when the time comes Congress will make the hard choices, make the hard decisions, and, indeed, we will be able to salvage and pay for the Medicare system. And he paused for a moment and then went on to say, But what concerns me more is, will there be anyone there to deliver the services when you require them?

And that, Madam Speaker, is a crucial point in this discussion. And that is the point behind the three bills that were introduced earlier this year to create incentives for hospitals to provide residency programs, to create incentives for medical students to go into medicine in the first place and, finally, to encourage physicians who are more mature in their practice to stay in their practice.

Creating more residency programs. There are some hospitals in the country that would welcome a residency program. They have the patient load. They could get the accreditation from the American Council of Graduate Medical Education, but the barrier for entry is just simply too high, the cost of starting a residency program is too high.

So this bill would provide loans to hospitals to begin residency programs where none have existed in the past, particularly in fields in high-need medical specialties in medically underserved areas, things like general surgery; things like family practice;

things like obstetrics and gynecology. This would be the subset of residency programs that would be encouraged with this legislation.

And, as a consequence, since it is a loan program, the money would be paid back and over time would recirculate so more and more programs could be added to the Nation's training programs, particularly, again, for high-need primary care specialties in medically underserved areas.

H.R. 2584 dealt more with the younger individual who is either in medical school or perhaps thinking about a profession in health care. And this bill would provide incentives, it would provide scholarships, it would provide loan forgiveness, it would provide tax relief for individuals who, at the time of their conferring of their degrees and the beginning of their practice, would agree to practice in areas that are medically underserved and, again, in high-need specialties.

Now, this concept is actually an older concept. It was around when I was in medical school, but we need to modernize it for the 21st century.

And what really brought it home for me was visiting the gulf coast area after Hurricane Katrina. So many doctors had left, and so many more doctors were contemplating leaving. How in the world are they ever going to maintain a health care workforce in that part of the country unless they grow their own doctors in place? This is a way to allow that to happen, and of course there are other medically underserved areas around the country that might benefit from this as well.

Again, back in my home State of Texas, the Texas Medical Association puts out a periodical called "Texas Medicine." This was the cover of their March issue, which raised the specter or the question: "Running Out of Doctors." And these 2 bills were largely inspired by the work done in this article.

And one of the concepts that was put forward in this article was that medical residents tend to stay where they train; they don't go very far. The fruit doesn't fall very far from the tree. So a medical resident who trains in a town is likely to set up practice within 50 or 100 miles of that town. That is the concept behind setting up these residencies in smaller and medium-sized communities, smaller hospitals that have the need and have the patient load that will allow for the training and teaching and allow those physicians to stay in that practice area.

Well, you might ask, how does this deliver value to that doctor-patient interaction that I've talked about several times tonight? Well, there are several ways. Number one, in just having the availability and the access of a physician. You can't deliver value to the doctor-patient interaction if you don't have a doctor there to interact with the patient. So that is certainly one very fundamental way that it can improve it. But another way, and perhaps a less tangible way, is if a doctor goes into practice within 50 miles of where they did their training, what do they know about that place? Well, they know the community. Their family, their wives and their children are probably going to be more comfortable in that community, so there is increased job satisfaction that the doctor will have in that community. I'm sorry, I should have said wives or husbands would have in that community. So there is increased personal satisfaction.

But the other thing is, you know the doctors in the area, you know who's good and you know who's not so good. Referral patterns that are established during a 3- or 4-year residency can be continued. And this is the additional value that this type of training will bring to our young physicians in the State and allow them to be better physicians when the time comes for them to begin their practice.

The final bill, 2585, deals with a problem that we've had in this Congress for as long as I've been here, in fact, before I got here, and that is the problem that we have with reimbursing physicians in the Medicare system. The current Medicare system of pricing is one that is not based on any sort of reality. Hospitals, drug companies, HMOs each get sort of a cost-of-living adjustment every year for their funding sources; but physicians, for whatever reason, don't get that cost-of-living adjustment. They don't get what's called the Medical Economic Index. What they get is called the Sustainable Growth Rate Formula, which generally pushes their reimbursement rates down year over year. And over the next 10 years time, the budgetary projection is for physician payment rates for Medicare patients to be reduced on the order of 30–38 percent. Well, that's untenable. No doctor can continue to practice; they can't even plan for their practice. They can't plan for hiring; they can't plan for the purchase of new equipment all of the time they're laboring under that type of restriction.

2585 would repeal the Sustainable Growth Rate Formula in 2 years' time. It resets the baseline for 2008 and 2009, which does allow for a positive update for physicians in 2008 and 2009, with no smoke and mirrors, no fancy footwork. It is just something that could be done.

And then we aggregate all of the savings that accrue to the Medicare system because we are doing things better, cheaper, and faster in the Medicare system currently. As a consequence, that savings can be used to offset what is described as the cost of repealing the Sustainable Growth Rate Formula over 10 years' time.

Consider this, the Medicare Trustees Report from last June said that the bad news is Medicare is still going broke, but the good news is it's going to go broke a year later than we told you last year. The reason for that is 600,000 hospital beds were not filled last year because doctors are doing things better in their practices, they are keeping patients out of the hospital, they are doing procedures in an ambulatory surgery center; and as a consequence, the overall cost price pressure on the Medicare system has reduced. The problem is that doctors don't get to have any credit for that reduction. It all goes to the hospitals, drug companies, nursing homes and HMOs, not to the part B of Medicare, which is, after all, where physicians are paid.

We need to change this. We need to make those savings only attributable to part B. And as a consequence, we can drive down the cost of repealing the Sustainable Growth Rate Formula. And by postponing that repeal for 2 years' time, but at the same time providing a positive update for 2008 and 2009, I believe we have a system in place that can be a win-win for Congress, for doctors, and for the American patient, the Medicare patient, who has increased difficulty with finding a Medicare physician.

Two other proposals in that bill, 2585, would be to provide positive updates for doctors who voluntarily improve information technology in their offices. We all know this is something that is going to have to happen. This is something that is going to have to occur. Let's give a little bit of a positive update, a little bit of a positive bonus. Yes, patients who aren't in the Medicare system will also benefit from that, but we're not getting a tremendous amount, about a 3 percent bonus per year for voluntary improvements in health information technology.

Let's also make available for physicians who voluntarily report quality measures, let's also make a positive update available for them as well. And the consequences of that is people will begin to focus on the quality aspect if you just simply make a physician aware of what their expenditures in the Medicare system were for the past year. That information is confidential. It's not something that's published; other people aren't aware of it. But doctors tend to be relatively competitive, and if they have that number available to them, they are likely to behave in a way that will try to drive that number down. Doctors are goal-directed, doctors are competitive, doctors want to be the best at what they are. Well, let's give them the data and see if they can't compete on that level.

The other thing is I think we need to make that information available to the patient as well: What did it cost the patient to provide for the treatment over the cycle of care for the past year? And, again, these are less defined, but equally important, ways we can begin to deliver value to that doctor-patient interaction.

The health information technology is so important. Many doctors are sitting on the sidelines right now. It's like buying a VCR in the mid-1980s: Do you go with Beta or VHS? And it's hard to know what the technology is going to look like in 5 years; and the person who guesses right will be rewarded, the person who guesses wrong will be penalized.

So there is a lot of tension, a lot of nervousness out there when you talk to physicians' offices. And there is no question about it, these things add a lot of time to the doctor's day, time that is not readily compensated in any other formula. So we need to consider adding that positive update, such as was done in H.R. 2585.

Well, Madam Speaker, we cannot rise to the transformational change required in this country without keeping the best doctors involved and without incentivizing and training the best doctors for tomorrow. This is going to require a near-term, a mid-term and a far-term, a long-term strategy. We will not be able to master the transformational changes and challenges without America's best and brightest still involved in the teaching and in the practice of medicine.

This is a bipartisan issue. It doesn't affect only one side of the aisle. It doesn't only affect the other side of the aisle. It requires each of us to work together.

Madam Speaker, I will submit our congressional approval ratings right now are at historic lows; and the reason they're at historic lows is not for the reason that most people think up here. The reason they're at historic lows is because we won't work together to get a single thing done for the American people, and this is one of those things that they want done.

Now, I left my beloved profession a little over 4 years ago to come and serve here in Congress. I didn't come to just sit and watch as things happened and things were brought to us by other people. I came to be actively involved in the process, and I intend to remain involved in the process.

I have outlined numerous solutions here tonight. I am grateful to the leadership on my side for giving me the opportunity to talk about these things and would only submit that there is a great deal more to discuss, and there will be more to come later.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARNEY (at the request of Mr. HOYER) for today.

Mr. GENE GREEN of Texas (at the request of Mr. HOYER) for today.

Ms. KILPATRICK (at the request of Mr. HOYER) for today.

Mr. KLEIN of Florida (at the request of Mr. HOYER) for today.

Ms. SHEA-PORTER (at the request of Mr. HOYER) for today on account of family medical reasons.

Mr. CONYERS (at the request of Mr. HOYER) for today until 7 p.m. on account of travel problems.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of family illness.

Mr. WAMP (at the request of Mr. BOEHNER) for today on account of a family commitment.

Mr. HULSHOF (at the request of Mr. BOEHNER) for today and October 30 until 3 p.m. on account of personal reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BISHOP of New York) to revise and extend their remarks and include extraneous material:)

Mr. BISHOP of New York, for 5 minutes, today.

Mr. ISRAEL, for 5 minutes, today.

Mr. PETERSON of Minnesota, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Mr. HARE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, November 5.

Mr. JONES of North Carolina, for 5 minutes, November 5.

Mr. BURTON of Indiana, for 5 minutes, today and October 30, 31, and November 1.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. DENT, for 5 minutes, today.

## ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 30, 2007, at 9 a.m., for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3902. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Captain Sean A. Pybus to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

3903. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7993] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3904. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7991] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3905. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

3906. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment to the Government of Italy (Transmittal No. DDTC 067-07); to the Committee on Foreign Affairs.

3907. A letter from the Assistant Secretary for Legislative Affiars, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment to the Government of Canada (Transmittal No. DDTC 083-07); to the Committee on Foreign Affairs.

3908. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of technical data, defense articles and services to the Republic of Korea (Transmittal No. DDTC 070-07); to the Committee on Foreign Affairs.

3909. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of technical data, defense articles and services to the Governments of Germany and the United Kingdom (Transmittal No. DDTC 069-07); to the Committee on Foreign Affairs.

3910. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles and defense services with the Government of Japan (Transmittal No. DDTC 049-07); to the Committee on Foreign Affairs.

3911. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of major defense equipment with the Government of Spain (Transmittal No. DDTC 077-07); to the Committee on Foreign Affairs.

3912. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-165, "Energy Efficiency Standards Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3913. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-164, "District of Columbia Free Clinic Captive Insurance Company Establishment Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3914. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-163, "Closing of a Public Alley in Square 452, S.O. 06-1034 Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3915. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-131, "Homestead Housing Preservation Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3916. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-132, "Child's Right to Nurse Human Rights Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3917. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-133, "Bank Charter Modernization Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3918. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-162, "Quality Teacher Incentive Clarification Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3919. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-134, "Closing of a Portion of 8th Street, S.E., and the Public Alley in Squares 5956 and W-5956, S.O. 05-4555, Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

3920. A letter from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting the Office's final rule — Privacy Act of 1974; Implementation — received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3921. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a report on a navigation improvement project for Haines, Alaska; to the Committee on Transportation and Infrastructure.

3922. A letter from the Director, Office of Environmental Policy and Compliance, Department of the Interior, transmitting the Department's review of the Chief of Engineers' proposed report on the Lower Colorado River Basin, Phase I, Texas; to the Committee on Transportation and Infrastructure.

3923. A letter from the Director of Regulations Management Office of Regulation Policy & Management, VA, Department of Veterans Affairs, transmitting the Department's final rule — Government-Furnished Headstone and Marker Regulations (RIN: 2900-AM64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3924. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Accreditation of Service Organization Representatives and Agents (RIN: 2900-AM29) received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3877. A bill to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards regarding underground communications to protect miners in the United States; with amendments (Rept. 110–411). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2262. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; with an amendment (Rept. 110–412). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3921. A bill to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001 (Rept. 110–413). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANGEL: Committee on Ways and Means. H.R. 3920. A bill to amend the Trade Act of 1974 to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers and firms, and for other purposes; with an amendment (Rept. 110–414, Pt. 1). Ordered to be printed.

### DISCHARGE OF COMMITTEE

**Pursuant to clause 2 of rule XII the Committees on Education and Labor and Energy and Commerce discharged from further consideration. H.R. 3920 referred to the Committee of the Whole House on the State of the Union.**

## TIME LIMITATION OF REFERRED BILL

**Pursuant to clause 2 of rule XII the following action was taken by the Speaker:**

H.R. 2830. Referral to the Committee on the Judiciary extended for a period ending not later than October 30, 2007. Refereral to the Committee on Energy and Commerce extended for a period ending not later than November 16, 2007.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Mr. MILLER of North Carolina (for himself, Mr. TURNER, Mr. COLE of Oklahoma, Mrs. BOYDA of Kansas, Mr. LANGEVIN, Mr. BROWN of South Carolina, Mr. MORAN of Virginia, Ms. SLAUGHTER, Mrs. MALONEY of New York, Mr. HIGGINS, and Ms. MCCOLLUM of Minnesota):

H.R. 3981. A bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; to the Committee on Natural Resources.

By Mr. BOSWELL (for himself, Mr. CLEAVER, and Mr. BAIRD):

H.R. 3982. A bill to continue to prohibit the hiring, recruitment, or referral of unauthorized aliens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALTMIRE:

H.R. 3983. A bill to amend the Internal Revenue Code of 1986 to make permanent certain tax benefits relating to elementary and secondary schools; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 3984. A bill to amend the Internal Revenue Code of 1986 to make permanent the expensing of certain environmental remediation costs; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. OBERSTAR, Mr. MICA, and Mr. DUNCAN):

H.R. 3985. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. GRAVES):

H.R. 3986. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BACA (for himself, Mrs. NAPOLITANO, Ms. HARMAN, Mr. CUELLAR, Mr. FORTUÑO, Mr. FILNER, Mr. AL GREEN of Texas, and Mr. NUNES):

H.R. 3987. A bill to provide emergency tax relief for persons affected by California wildfires in October of 2007; to the Committee on Ways and Means.

By Ms. GRANGER (for herself, Mr. GOHMERT, Mr. POE, Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, Mr. HENSARLING, Mr. BARTON of Texas, Mr. CULBERSON, Mr. BRADY of Texas, Mr. AL GREEN of Texas, Mr. MCCAUL of Texas, Mr. CONAWAY, Mr. THORNBERRY, Mr. PAUL, Mr. HINOJOSA, Mr. REYES, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. NEUGEBAUER, Mr. GONZALEZ, Mr. SMITH of Texas, Mr. LAMPSON, Mr. RODRIGUEZ, Mr. MARCHANT, Mr. DOGGETT, Mr. BURGESS, Mr. ORTIZ, Mr. CUELLAR, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARTER, and Mr. SESSIONS):

H.R. 3988. A bill to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MCHUGH:

H.R. 3989. A bill to amend the Clean Air Act to reduce mercury, carbon dioxide, sulfur dioxide, and nitrogen oxide emissions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, Science and Technology, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. ALLEN, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BLUMENAUER, Mr. BURTON of Indiana, Mrs. CAPPS, Mr. COSTA, Mr. CROWLEY, Ms. DELAURO, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Ms. HIRONO, Mr. HONDA, Mr. INSLEE, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. POE, Ms. LORETTA SANCHEZ of California, Mr. SHAYS, Ms. SOLIS, Mr. TIERNEY, Mr. WU, Ms. SUTTON, Ms. ROYBAL-ALLARD, Ms. KILPATRICK, Mr. ROTHMAN, Mr. CARNEY, Mr. DICKS, Mr. VAN HOLLEN, and Mr. AL GREEN of Texas):

H.R. 3990. A bill to reduce sexual assault and domestic violence involving members of the Armed Forces and their family members and partners through enhanced programs of prevention and deterrence, enhanced programs of victims services, and strengthened provisions for prosecution of assailants, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 3991. A bill to amend title 10, United States Code, to extend the time limit for the use of education benefits by members of the Selected Reserve and certain members of the reserve component, and for other purposes; to the Committee on Armed Services.

By Mr. BOYD of Florida (for himself, Mr. GILCHREST, Mr. COHEN, Ms. SUTTON, and Mr. WICKER):

H. Con. Res. 243. Concurrent resolution supporting the efforts of the Iraq Neighbors Process Ministerial meeting and encouraging the ongoing engagement of the international community to stabilize Iraq and achieve peace in the Middle East; to the Committee on Foreign Affairs.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 89: Mrs. BONO.
H.R. 135: Mr. MARSHALL.
H.R. 136: Mr. ENGLISH of Pennsylvania.
H.R. 138: Mr. ENGLISH of Pennsylvania.
H.R. 160: Mr. WELCH of Vermont.
H.R. 275: Mr. SHERMAN.
H.R. 281: Mr. ROTHMAN and Mr. BISHOP of New York.
H.R. 303: Mr. FEENEY.
H.R. 464: Mr. MARKEY and Ms. LORETTA SANCHEZ of California.
H.R. 677: Mr. SPRATT.
H.R. 758: Mr. LATHAM and Mr. RODRIGUEZ.
H.R. 873: Mr. SESTAK.
H.R. 876: Mr. DAVID DAVIS of Tennessee.
H.R. 971: Mr. WALDEN of Oregon and Mr. OLVER.
H.R. 1023: Mr. CANNON, Mr. COBLE, Mrs. TAUSCHER, Mr. BUYER, Ms. ESHOO, and Mr. HARE.
H.R. 1061: Mr. ALLEN.
H.R. 1070: Ms. KILPATRICK.
H.R. 1073: Mr. PALLONE.
H.R. 1091: Mr. MCINTYRE.
H.R. 1093: Mr. REHBERG, Mr. LATHAM, and Mr. WU.
H.R. 1108: Mr. SESTAK.
H.R. 1110: Mrs. MYRICK, Mr. CONAWAY, Mr. KLEIN of Florida, Mr. KLINE of Minnesota, Mr. LINCOLN DIAZ-BALART of Florida, Ms. SCHAKOWSKY, and Mr. LIPINSKI.
H.R. 1188: Mr. KILDEE.
H.R. 1192: Mr. WOLF, Mr. SESTAK, and Mr. TURNER.
H.R. 1228: Mr. CUMMINGS.
H.R. 1236: Mr. BOREN, Mrs. MYRICK, Mr. MILLER of North Carolina, Mr. FALEOMAVAEGA, Mr. DONNELLY, Mr. ISRAEL, Ms. ROYBAL-ALLARD, and Mr. CANNON.
H.R. 1286: Mr. COURTNEY.
H.R. 1295: Mr. BROUN of Georgia and Mr. PICKERING.
H.R. 1398: Mr. MCCRERY.
H.R. 1415: Mr. WAXMAN.
H.R. 1498: Mr. ABERCROMBIE.
H.R. 1518: Mr. GENE GREEN of Texas.
H.R. 1524: Mr. ALEXANDER and Mr. KINGSTON.
H.R. 1534: Ms. ESHOO.
H.R. 1565: Ms. MCCOLLUM of Minnesota.
H.R. 1609: Mr. DANIEL E. LUNGREN of California, Mr. KELLER, and Mrs. JONES of Ohio.
H.R. 1619: Ms. WATERS.
H.R. 1621: Mr. LANGEVIN.
H.R. 1650: Mr. PERLMUTTER.
H.R. 1667: Mr. ROTHMAN.
H.R. 1738: Mr. HARE, Mr. SESTAK, Mrs. CUBIN, Mr. ARCURI, Mr. BOUCHER, and Mr. RUPPERSBERGER.
H.R. 1919: Mr. WELCH of Vermont.
H.R. 1921: Mr. HONDA.
H.R. 1932: Mr. ALLEN.
H.R. 2053: Mr. ALLEN.
H.R. 2116: Mr. KUHL of New York, Mr. REYNOLDS, and Mr. HILL.
H.R. 2156: Mr. WELCH of Vermont.
H.R. 2160: Ms. SLAUGHTER.
H.R. 2176: Mr. KENNEDY.
H.R. 2188: Mr. FILNER.
H.R. 2246: Ms. BERKLEY and Mr. PORTER.
H.R. 2266: Ms. SUTTON.
H.R. 2371: Mr. SOUDER.
H.R. 2385: Mr. SESTAK.
H.R. 2387: Mr. CALVERT.
H.R. 2417: Mr. ENGLISH of Pennsylvania and Mr. SHULER.
H.R. 2470: Mr. KENNEDY and Mr. COSTELLO.
H.R. 2580: Mr. MANZULLO, Ms. FOXX, and Mr. FEENEY.
H.R. 2651: Mr. KENNEDY.
H.R. 2711: Mr. KUCINICH and Mr. PRICE of North Carolina.
H.R. 2827: Mr. BOOZMAN.
H.R. 2840: Mr. HARE and Ms. JACKSON-LEE of Texas.
H.R. 2852: Mr. WYNN.
H.R. 2910: Mr. MEEK of Florida.
H.R. 2914: Mr. BOUCHER.
H.R. 2915: Ms. ROYBAL-ALLARD and Mr. BOUCHER.
H.R. 2933: Mr. MCINTYRE, Mr. BOYD of Florida, Mr. WILSON of South Carolina, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, and Ms. FALLIN.
H.R. 3008: Mr. SHULER.
H.R. 3029: Mrs. MALONEY of New York and Mr. FORTUÑO.
H.R. 3041: Mr. BLUMENAUER.
H.R. 3099: Mr. LAMPSON.
H.R. 3109: Mr. AKIN.
H.R. 3144: Mr. FRANKS of Arizona.
H.R. 3189: Mr. UDALL of Colorado.
H.R. 3204: Ms. SUTTON.
H.R. 3219: Mr. KAGEN.
H.R. 3232: Mr. DOYLE, Mr. UDALL of Colorado, Mr. WICKER, Ms. CORRINE BROWN of Florida, Mr. PRICE of North Carolina, Mrs. CUBIN, Mr. HOLDEN, Mr. SHIMKUS, and Mrs. BLACKBURN.
H.R. 3251: Mr. GRIJALVA.
H.R. 3289: Mr. ROTHMAN, Mr. AL GREEN of Texas, and Ms. WASSERMAN SCHULTZ.
H.R. 3298: Mr. GRIJALVA.
H.R. 3317: Mr. CUELLAR and Mr. ABERCROMBIE.
H.R. 3320: Mr. SHERMAN.
H.R. 3326: Mr. CLAY.
H.R. 3327: Mr. GENE GREEN of Texas and Mr. REICHERT.
H.R. 3339: Mr. ROTHMAN.
H.R. 3397: Ms. SUTTON.
H.R. 3401: Mr. ABERCROMBIE.
H.R. 3406: Mrs. DAVIS of California, Mr. GUTIERREZ, Ms. VELÁZQUEZ, and Mr. PASTOR.
H.R. 3414: Mr. ENGLISH of Pennsylvania.
H.R. 3429: Mr. MURPHY of Connecticut and Mr. HARE.
H.R. 3430: Mr. ROTHMAN and Mr. ALLEN.
H.R. 3453: Mr. GERLACH, Mr. GONZALEZ, and Ms. SLAUGHTER.
H.R. 3480: Mr. SHULER.
H.R. 3533: Mr. BONNER and Mr. SHERMAN.
H.R. 3541: Mr. HOLT and Mr. GENE GREEN of Texas.
H.R. 3544: Mr. HOLT.
H.R. 3547: Mr. ENGLISH of Pennsylvania.
H.R. 3548: Mr. BLUMENAUER.
H.R. 3563: Mr. GENE GREEN of Texas.
H.R. 3609: Mr. RYAN of Ohio.
H.R. 3618: Mr. KELLER of Florida.
H.R. 3622: Mrs. MALONEY of New York, Mr. COBLE, Mr. LINCOLN DAVIS of Tennessee, Mr. WOLF, Mrs. BLACKBURN, and Mr. PASTOR.
H.R. 3630: Mr. BLUMENAUER.
H.R. 3645: Mr. SHULER.
H.R. 3660: Ms. HOOLEY.
H.R. 3664: Mr. SOUDER.
H.R. 3691: Ms. GIFFORDS and Mr. HINOJOSA.
H.R. 3705: Mr. KUCINICH.
H.R. 3752: Mr. WOLF.
H.R. 3789: Mr. BURTON of Indiana.
H.R. 3793: Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. COSTELLO, and Mr. CROWLEY.
H.R. 3818: Mr. CULBERSON, Mr. SESSIONS, and Mr. STEARNS.
H.R. 3840: Mr. ANDREWS.
H.R. 3846: Ms. MOORE of Wisconsin, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. Payne, Mr. RUPPERSBERGER, Mr. FATTAH, Mrs. NAPOLITANO, and Mr. JACKSON of Illinois.
H.R. 3852: Mr. DAVIS of Kentucky.
H.R. 3865: Mr. WELCH of Vermont and Mr. TERRY.
H.R. 3877: Mr. HINCHEY.
H.R. 3887: Ms. WASSERMAN SCHULTZ, Mr. ACKERMAN, Mr. INGLIS of South Carolina, Mr. ENGEL, Mr. MILLER of Florida, Mr. DANIEL E. LUNGREN of California, and Ms. SUTTON.
H.R. 3908: Mr. GOODLATTE and Mr. GARRETT of New Jersey.
H.R. 3910: Mr. HASTINGS of Florida.
H.R. 3911: Mr. BRADY of Pennsylvania, Mr. ENGLISH of Pennsylvania, Mr. ALTMIRE, Mr. GERLACH, Mr. SESTAK, Mr. PATRICK MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. DOYLE, Mr. DENT, Mr. HOLDEN, and Mr. TIM MURPHY of Pennsylvania.
H.R. 3915: Mr. WYNN and Mrs. JONES of Ohio.

H.R. 3918: Mr. BISHOP of Georgia.

H.R. 3950: Mrs. MYRICK and Mrs. BLACKBURN.

H.R. 3951: Mrs. BONO.

H.R. 3956: Mr. WILSON of Ohio.

H.R. 3958: Mr. WOLF.

H.J. Res. 30: Ms. SCHAKOWSKY.

H.J. Res. 35: Mr. CONYERS.

H.J. Res. 55: Mr. GOODE.

H.J. Res. 58: Mr. PUTNAM, Mr. ROSS, Mr. ADERHOLT, Ms. GRANGER, Mr. ENGLISH of Pennsylvania, and Mr. STARK.

H. Con. Res. 28: Mr. KNOLLENBERG and Mrs. DAVIS of California.

H. Con. Res. 81: Mr. STARK and Mr. COSTELLO.

H. Con. Res. 162: Mr. GINGREY.

H. Con. Res. 163: Mr. SOUDER and Mr. FARR.

H. Con. Res. 204: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 214: Ms. JACKSON-LEE of Texas.

H. Con. Res. 230: Ms. HIRONO.

H. Con. Res. 235: Mr. LOBIONDO.

H. Con. Res. 236: Mr. MCCARTHY of California, Mr. HERGER, and Mr. CALVERT.

H. Con. Res. 239: Mr. ADERHOLT.

H. Res. 111: Mr. PICKERING, Mrs. BLACKBURN, Mr. MCCRERY, Ms. CORRINE BROWN of Florida, and Ms. FALLIN.

H. Res. 163: Mr. BISHOP of New York.

H. Res. 185: Ms. WASSERMAN SCHULTZ and Mr. CARNAHAN.

H. Res. 335: Mr. HOLDEN and Mr. SESSIONS.

H. Res. 336: Mr. GRIJALVA.

H. Res. 353: Mr. GENE GREEN of Texas.

H. Res. 563: Ms. RICHARDSON and Mr. GONZALEZ.

H. Res. 598: Mr. BROUN of Georgia.

H. Res. 684: Mr. ROSS.

H. Res. 690: Mrs. MYRICK.

H. Res. 695: Mr. GARY G. MILLER of California, Mr. ALLEN, Mr. RADANOVICH, Mr. MCINTYRE, Mr. BURTON of Indiana, and Mr. ETHERIDGE.

H. Res. 713: Mr. BILIRAKIS and Mr. BLUNT.

H. Res. 715: Mr. ENGLISH of Pennsylvania.

H. Res. 726: Ms. BALDWIN and Mr. SMITH of Washington.

H. Res. 740: Mrs. CHRISTENSEN, Mr. LANGEVIN, Mr. FATTAH, Ms. WATERS, Mr. CAPUANO, Mr. INGLIS of South Carolina, and Mr. REICHERT.

H. Res. 743: Mr. FATTAH, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. BOSWELL, Mr. ISRAEL, Mr. HONDA, Mr. COHEN, Mr. MARKEY, and Mr. KAGEN.

H. Res. 759: Mr. GONZALEZ and Ms. SLAUGHTER.

H. Res. 760: Mr. KLEIN of Florida, Mr. SHAYS, Mr. SESTAK, and Mr. HARE.

H. Res. 770: Mr. DAVID DAVIS of Tennessee, Mr. KNOLLENBERG, Mr. LEWIS of Georgia, Mr. BURTON of Indiana, Mrs. EMERSON, Mrs. CAPPS, Mr. MURPHY of Connecticut, Mr. MAHONEY of Florida, Mr. DREIER, Mr. SMITH of Texas, Mrs. MALONEY of New York, Mr. LEVIN, and Mr. SKELTON.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2074: Mr. MCCAUL of Texas.

# EXTENSIONS OF REMARKS

## COMMENDATION OF THE SECOND CHANCE PROGRAM OF NEW MEXICO

### HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mrs. WILSON of New Mexico. Madam Speaker, there are over two million people incarcerated in the United States, and nearly 6 percent of the adult population is under some form of correctional supervision.

Over the past 25 years, prison populations have grown 377 percent and prison budgets have grown 600 percent. The burden currently borne by the American taxpayer exceeds $162 billion annually.

The U.S. Department of Justice reports that the average criminal recidivism rate in the United States is 65 percent, and nearly two thirds of United States money is spent dealing with recidivism. Recidivism costs taxpayers over $35 billion a year in enforcement costs, and over $17 billion for additional court costs.

Over 80 percent of the crimes in the United States are committed by recidivists. The only continuous factor for the past 25 years linked to recidivism is drug addiction, two-thirds of the prison population recidivate, two-thirds of the prison population is addicted and approximately 90 percent of the incarcerated addicted recidivate.

The Second Chance Program is a secure long-term residential rehabilitation program treating substance abusers in the criminal justice system providing the judiciary an alternative to traditional incarceration.

The purpose of the Second Chance Program is to provide secure, long term rehabilitation and then transition individuals back into society so they can lead a stable life free of crime and drugs.

The Second Chance Program protocol is a non-medical social detoxification model of treatment based on nutrition, exercise and education.

The Second Chance Program has shown in three independent university studies to have a 90 percent success rate, and has been operational and achieving rehabilitation results in New Mexico for 1 year.

Congratulations to the Second Chance Program for successfully completing its first year of servicing the courts of New Mexico.

## HONORING MR. SCOTT MARIAN

### HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. TANCREDO. Madam Speaker, I rise today to honor the commitment and dedication of Scott Marian of Denver, Colorado who passed away unexpectedly on October 21st, 2007. Scott was a dedicated supporter of conservative causes and candidates and dedicated his life to following a path he believed to be morally correct.

He was active in politics for more than two decades including heading up a statewide initiative and running for the Colorado Legislature. Scott's career spanned from mortgage banking to owning his own business in Colorado.

Scott's life was one of great success and great difficulties but he always found comfort in his faith, his family and his friends. His dedication to spiritual needs of himself and others led his Priest to say his was one of the most prepared souls to join the Heavenly Father.

He was a great American, often spreading the positive attributes of capitalism and the word of God in the same breath. He inspired others to find their voice and express themselves in politics and faith.

Scott leaves behind his parents Joseph and Jean Marian, as well as his brother Craig, sisters Susan, Michelle, and Cheryl and eight nieces and nephews.

## IN RECOGNITION OF THE FIFTIETH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA TROOP 515

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Boy Scouts of America Troop 515 in Cleveland, Ohio, on the occasion of their 50th anniversary. In the time Troop 515 has been in existence, it has served to teach young men the value of hard work, citizenship and leadership.

Troop 515 has had over 1,000 Scouts in its ranks, with 35 of those scouts rising to the rank of Eagle Scout. Many of these scouts have gone on to serve their communities, influencing social policy and businesses alike. This troop has served the greater Cleveland community as an organization where young men can learn essential skills to serve them in their adult lives.

Madam Speaker and colleagues, please join me in recognizing the Boy Scouts of America Troop 515. For 50 years, Troop 515 has been committed to serving Cleveland and our citizens. I thank them for their service and I wish them another 50 years of vibrant leadership and civic engagement.

## RECOGNIZING CHARLENE MAURO FEARON FOR RECEIVING THE FLORIDA OUTSTANDING HIGH SCHOOL SCIENCE TEACHER AWARD

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. MILLER of Florida. Madam Speaker, on behalf of the U.S. Congress, it is an honor for me to rise today to recognize Charlene Mauro Fearon, this year's recipient of the Outstanding High School Science Teacher Award from the Florida Association of Science Teachers.

Ms. Fearon currently teaches marine-science at Navarre High School in Navarre, Florida. She has been an educator for over 9 years, and prior to teaching, she worked as a marine science instructor and animal care specialist at Sea World in Orlando.

With thousands of teachers in the State, the Florida Association of Science Teachers critically examines the character and performance of each nominee. Teachers are evaluated on their ability to identify and address their students' educational needs and the impact they have on the students' learning. Only teachers with great enthusiasm for the subject matter and committed devotion to their pupils are considered.

This is not the first time Ms. Fearon has been recognized for her exceptional teaching skills. In 2005, she was named the Santa Rosa County Teacher of the Year, and in 2004 she was a recipient of the John Beakley Marine Science Educator of the Year Award. Students and faculty alike praise her for the passion she devotes to her work. Her enthusiasm for the subject matter combined with her expertise of the material has sparked an overwhelmingly positive response from her students.

Through her hard work and dedication in the field of education, the impact she has had on her students and the difference she has made in their lives have proven her to be among the great teachers of the Nation. We are honored and proud to have her as one of our own.

Madam Speaker, on behalf of the U.S. Congress, I am proud to recognize Charlene Mauro Fearon on this outstanding achievement for her exemplary contribution to the education of our children.

## PERSONAL EXPLANATION

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. SHUSTER. Madam Speaker, on rollcall No. 1009, I was not present. Please note that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I view rollcall No. 1009 as a re-vote of rollcall No. 982 on October 18, 2007 where I voted no. Had I been present, I would have voted "no."

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## TRIBUTE TO MR. MARK ALVARADO

### HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. ARCURI. Madam Speaker, I rise today in recognition of Mr. Mark Alvarado, a resident of my congressional district in upstate New York. Mark currently serves as the field representative for New York DeMolay, but he is leaving this position at the end of the fiscal year.

DeMolay is a youth organization that develops leadership skills, civic awareness and personal responsibility among young men. With more than one thousand chapters worldwide, the organization combines its serious mission with a fun approach.

Mark's first experience with DeMolay came when he joined, and later became the master councilor of, the David J. Nye chapter in Ohio. After serving as the secretary and president for Northeast Ohio, he became the state secretary in July 1995. Due to his outstanding work in Ohio, Mr. Alvarado was offered a position at the DeMolay International Headquarters in Kansas City, Missouri. In 2002, he became the field representative for New York DeMolay.

During his tenure as field representative, Mark has traveled throughout the state to help the members of New York DeMolay as they have contributed approximately ten thousand hours of community service per year. He has developed and implemented a membership education curriculum, and planned conventions, athletic weekends and charity functions.

Perhaps Mark's greatest accomplishment as field representative has been the redevelopment and expansion of the Mohawk Valley chapter, which is based in my hometown of Utica. Due to his encouragement and support, the chapter has become involved in many community events, including the Boilermaker Road Race and the St. John's Day Festival.

In recognition of his work with DeMolay, Mark has received numerous honors including the Leadership Correspondence Course, the Blue Honor Key, the Chevalier, the Legion of Honor and the Representative DeMolay Award.

Mark's exceptional dedication is to be commended. As the father of two teenagers, I recognize the importance of organizations like DeMolay that encourage young people to get involved in their communities. I thank him for his commitment and wish him luck as he pursues his future goals.

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## PERSONAL EXPLANATION

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. EMANUEL. Madam Speaker, I was absent from the Chamber for rollcall votes 1003 and 1005 on October 25, 2007. Had I been present, I would have voted "aye" on rollcall vote 1003 and "no" on rollcall vote 1005.

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## RECOGNIZING THE RETIREMENT OF TERRY NEUSTAEDTER AS PRINCIPAL OF BERRYHILL ELEMENTARY SCHOOL

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. MILLER of Florida. Madam Speaker, it is an honor for me to rise today and recognize the retirement of Terry Neustaedter, a great educator.

For over 33 years, Terry has served as the principal of Berryhill Elementary School in Milton, FL, and under his leadership the school's size, facilities, and reputation have flourished. When he took the helm at Berryhill in 1974, the school served 350 students with a faculty and staff of only 35 people, and when he retires at the end of this year the student body will have more than doubled to 850 students and a faculty and staff of 115.

When the State of Florida implemented the Florida Comprehensive Assessment Test, FCAT to determine how well schools were meeting the standards set by the No Child Left Behind Act, every school principal was faced with a new challenge of making sure the schools under their charge lived up to its highest potential. Within 2 years, Terry Neustaedter had Berryhill Elementary School earning an "A" grade, and it has remained that way ever since. In addition, the Florida Department of Education recently awarded Berryhill with a Certificate of Achievement for having exceeded the standard for annual progress, and the school is 1 of only 12 schools out of 1,400 to receive such distinction.

Terry's leadership of Berryhill Elementary was not limited to just within the school walls. The school has received numerous awards on both the State and local level for community involvement, especially in the area of volunteering in the surrounding community. These volunteer efforts have included helping raise money for the American Heart Association and the American Cancer Association, and for many years Berryhill has received the Department of Veteran Affairs "Outstanding Service" award recognizing its outstanding service to our nation's veterans through the Voluntary Service Program. In addition, he has brought programs into the school that teach the importance of civic participation through activities such as voting, reinforcing the importance of being involved with one's community.

Madam Speaker, Terry's leadership and friendly positive demeanor will be missed by past and current students of Berryhill Elementary School. I am confident that those following in his footsteps will aspire to achieve the same great results for our Nation's youth as Terry has achieved, and I know he will continue to be looked up to as a great educator.

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## IN RECOGNITION OF LYNDA SACKETT

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Lynda Sackett as she retires from her position as Director of Dance at the Beck Center for the Arts in Lakewood, Ohio. For the last 40 years, she has touched the lives of thousands of young dance artists as she has worked to establish the Beck Center as a great arts resource for Northeast Ohio.

Lynda began her career in the 1960s in Beck Center's Theatre Education Program. During the 1970s, she helped to create the Dance Education Program and has led that program ever since. Her passion for dance and for the arts led her to get even more involved with the Beck Center, serving as both director of Outreach Education and program director for Visual Arts Education while continuing to lead the dance program.

In her honor, the Beck Center has recently announced the establishment of the Lynda Sackett Endowment Fund for Dance Education. This money will serve to honor Lynda's spirit and dedication to dance by continuing her efforts to reach out to the community and encourage more young people to learn about the art of dance.

Madam Speaker and colleagues, please join me in honoring Lynda Sackett for her service to her community and to arts education.

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## CONGRATULATING JUNIOR ACHIEVEMENT OF ROCKY MOUNTAIN INCORPORATED

### HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. TANCREDO. Madam Speaker, today I am honored to acknowledge the achievements of Junior Achievement of Rocky Mountain Incorporated for serving Colorado's youth attending Littleton public schools. This year, Junior Achievement is being recognized by the Colorado Association of Partners in Education for its outstanding volunteerism and academic contributions in the fields of economics and finance. Their commitment has instilled a strong sense of financial prowess and capitalist spirit within the youth of their community; a valuable asset which will undoubtedly yield great benefits in the years to come.

The successful history of Junior Achievement mirrors the entrepreneurial character it strives to instill. Founded in 1919, it has grown from being an after school mentoring program to become the world's largest organization focused on educating students on the dynamics and benefits of local and global financial markets. By introducing young individuals to the values of economics, they are better prepared and responsible to establish and manage their financial and personal goals as they grow older.

In addition, all Junior Achievement programs are taught by volunteers who successfully mentor roughly 8 million individuals annually. These volunteers are comprised of a myriad of experiences and backgrounds, from business professionals to college students. They instill economic knowledge and understanding in youth and reflect the importance of service to local communities; a value which my district is distinguished to have.

Madam Speaker, it is my distinct pleasure to have such a fine organization at work in my district. Please join me in congratulating Junior Achievement for their many successes.

## PERSONAL EXPLANATION

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. SHUSTER. Madam Speaker, on rollcall No. 1008, Motion to Recommit with Instructions on H.R. 3963, I was not present. Had I been present, I would have voted "yes."

## CONGRATULATING SETH S. GROSS UPON BEING NAMED "MAN OF THE YEAR" BY B'NAI B'RITH AMOS LODGE NO. 136

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Seth S. Gross, who was named "Man of the Year" by the B'nai B'rith Amos Lodge No. 136 of Scranton, PA.

Mr. Gross graduated from Scranton Central High School in 1959 and received his bachelor's degree from the University of Pittsburgh in 1962. After attending the College of Insurance, he worked for Chubb and Son in New York City before returning to Scranton to join his father, Abraham, his mother, Lillian and his uncle, Bernard Gross, in Gross-Brown Associated Agencies, Inc.

He remained associated with Gross-Brown until 1994, when it merged with Chamberlain Insurance. Mr. Gross continues to be associated with Chamberlain and Reinheimer Insurers, Inc.

He is a past president of the Northeastern Pennsylvania Chapter of Chartered Property Casualty Underwriters and has taught classes for the CPCU designation.

Mr. Gross has served as president of many Jewish and community organizations over the years, including the Scranton Lions Club, the Lackawanna Audubon Society, Jewish Family Service of Lackawanna County, Junior Achievement of Northeastern Pennsylvania, Temple Israel of Scranton and the Scranton Jewish Community Center. He is currently president of the Jewish Federation of Northeastern Pennsylvania and he serves on the boards of Jewish Family Service, the JCC and Temple Israel.

Mr. Gross previously served on the board of the Scranton Hebrew Day School and on the United Way allocations panel.

He has also worked on the Pennsylvania Film Festival/Scranton Tomorrow Committee and the First Night Celebration in Scranton. Mr. Gross was the recipient of the Scranton Jewish Community Center Young Leadership Award, its Man of the Year Award and its Lifetime Achievement Award.

Mr. Gross is married to the former Sheryl Jacobowitz. The couple has 2 daughters and 3 grandchildren.

Madam Speaker, please join me in congratulating Mr. Gross. His contributions to the business and community sectors in Scranton and the northeastern Pennsylvania region have earned him well-deserved respect and admiration, which are reflected in this honor being bestowed on him by B'nai B'rith Amos Lodge No. 136.

## TRIBUTE TO MARGARET ALEROTEK

### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to honor the life of Margaret Alerotek a dedicated advocate for peace in Northern Uganda. Margaret passed away on Tuesday, July 31, 2007, and is survived by her adoptive mother, Abitmo Rebecca Odongkara, and siblings.

Margaret participated in many meetings on Capitol Hill during her time in the United States. She was greatly impressed by the opportunity to address a group of young African Americans who are helping to shape U.S. policy. During her May 8, 2007, visit, Ms. Alerotek met with Congressional Black Associates, a Congressional staff association and provided insight regarding international efforts to alleviate poverty and to end the involvement of children in conflict throughout Africa. Sadly, Margaret passed away shortly after her return to Uganda on Tuesday, July 31, 2007 at the age of 27.

Margaret was born in 1980 in the Gulu District of Northern Uganda and was later adopted at the age of 3 when her parents were murdered by Lord's Resistance Army rebels. Margaret graduated from the Uganda Christian University with honors and served for almost 3 years as communications officer for World Vision, a Christian humanitarian organization.

In December 2006 when the Lord's Resistance Army walked out of the Juba Peace talks, 26-year-old Margaret reached out to the LRA leadership and the Ugandan Government chief negotiator to break the silence. The parties recommitted themselves to the peace talks.

One month before her death, at the conclusion of her briefing, with the Congressional Black Associates, Margaret was asked, "Why do you continue to advocate for peace in Northern Uganda at great risk to yourself?" She replied, "Because they are my people."

The impact of Margaret's life is immeasurable—not only because of her work, but more importantly, because of the power of her example. Margaret chose not to be consumed by the misfortune of being an orphan in a country consumed by war. She instead chose to stand on its shoulders and become a powerful advocate for peace, hope and reconciliation.

Margaret was a remarkable young woman. Her leadership, sacrifice and courage serves as an example to people everywhere. For this reason, I rise today to honor the life and service of Ms. Margaret Alerotek.

## PERSONAL EXPLANATION

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately Tuesday, October 23, 2007, I was unable to cast my vote on the Motion to Table H. Res. 767 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 986 on the Motion to Table H. Res. 767, I would have voted "nay."

## RETIREMENT OF MR. ALAN G. WILSON

### HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. HARE. Madam Speaker, I rise today to recognize Mr. Alan G. Wilson, garrison manager at Rock Island Arsenal, for his outstanding military service and contributions to the Quad Cities community on the occasion of his retirement.

For over 35 years, Mr. Wilson dedicated his life to serving our country. From 1966 to 1967, Mr. Wilson served in active duty in the U.S. Army. He later began his civilian career as a management analyst in the U.S. Weapons Command at the Department of Defense.

In 1974, he was transferred to the new Armaments Command at Rock Island Arsenal (RIA). After various high-level positions at RIA, Mr. Wilson became the first civilian garrison manager at the U.S. Army Garrison-Rock Island Arsenal in 2004.

In his role as garrison manager, Mr. Wilson was responsible for installation operations, which included managing an $89 million budget, supervising 60 tenant activities and overseeing 6,600 government and contracted employees.

During his tenure as garrison manager, Mr. Wilson was credited for high-performing installations during the BRAC 2005 round and addressing other BRAC-related issues such as housing and office space. Mr. Wilson also led efforts to integrate the installation with the larger Quad Cities community, resulting in an estimated economic impact of $1 million daily to the Quad Cities region.

Continuously recognized by superiors for his hard work, Mr. Wilson has received several Exceptional Performance Awards, two Superior Civilian Service Awards, two Commander's Awards, and the Achievement Medal for Civilian Service. Most recently, he was honored with the Meritorious Civilian Service Award for his exemplary record of professionalism and dedication to the U.S. Installation Management Command.

Madam Speaker, on behalf of the constituents of the 17th Congressional District of Illinois, I congratulate Mr. Wilson on his retirement and thank him for his honorable service to our Nation. Alan, you will be missed. I wish you and your family well as you embark on a new life chapter and congratulate you for an admirable career.

## ON THE OUTSTANDING SERVICE OF JIM BATES TO THE HOUSE BUDGET COMMITTEE

### HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. SPRATT. Madam Speaker, with the recent decision by Jim Bates to leave the Budget Committee staff to serve as a program associate director at OMB, the Congress has lost a dedicated public servant and the Budget Committee has lost an important institutional resource. But our loss is OMB's gain. Jim served on the Budget Committee staff for nearly 20 years, starting in 1988 as a budget analyst for the Republican staff and eventually becoming staff director to Jim Nussle when he was chairman and to Paul Ryan as ranking member. During that long tenure, Jim rightfully came to be known as one of the top budget experts in Washington.

Jim has a deep knowledge of both the programmatic and numbers side of the budget, on the one hand, and the budget process, on the other hand. One reason Jim knows the budget rules so well is that he helped to write them. He has been centrally involved in such budget milestones as the budget agreements of 1990 and 1997, as well in the debates we have had over the years about how to best structure the budget process.

Year in and year out, he has been critically involved in the development, consideration, and enforcement of the congressional budget resolution—the key blueprint for Congress's spending and revenue decisions. Throughout, Jim has been a strong advocate for the importance of the congressional budget process, in general, and the role of the Budget Committee, in particular. We will miss Jim Bates and his steady presence as he leaves the Congress to begin his new job. But he departs with great respect and sincere appreciation that he has earned from my colleagues on both sides of the aisle.

## DEPARTURE OF DEPARTMENT OF VETERANS AFFAIRS SECRETARY R. JAMES NICHOLSON

### HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. BUYER. Madam Speaker, I rise to honor and bid farewell to a distinguished leader and patriot, the Honorable R. James Nicholson, Secretary of the Department of Veterans Affairs.

Throughout his life, Secretary Nicholson has been a devoted servant to his country and fellow citizens. His bio is a classic American story that illustrates the potential each individual holds as a result of the liberty and freedom we cherish in this great Nation.

Secretary Nicholson's deeply held faith and hard work ethic reflect his heritage. One of seven children, he left his family and the peaceful Iowa farm on which he was raised, to graduate from the United States Military Academy at West Point. During his 8 years on active duty, Secretary Nicholson served as an Army officer and Airborne Ranger in the Republic of Vietnam. He also served in the Army Reserves for 22 years, retiring with the rank of colonel.

In addition to a distinguished military career, Secretary Nicholson holds an impressive list of academic accomplishments. He holds a master's degree from Columbia University and a law degree from the University of Denver. Secretary Nicholson was also successful as an entrepreneur and political activist. He established a thriving business in Denver, and ascended to become chairman and chief executive officer of the Republican National Committee.

In 2001, President George W. Bush appointed him Ambassador to the Holy See. Secretary Nicholson was subsequently knighted by Pope John Paul II in 2003 for his advocacy on a number of humanitarian issues.

Secretary Nicholson's life of service to others culminated in his appointment as head of the second largest Cabinet Department. As Secretary of Veterans Affairs, he proved to be a tireless and innovative advocate for his fellow veterans.

Our Nation will be eternally grateful for his devotion to the men and women who have defended our freedom and way of life. Secretary Nicholson decided to leave Government service to pursue other interests, and fulfilled his final day as VA Secretary on September 30, 2007.

Madam Speaker, I urge my colleagues to join me today in recognizing the tremendous career of Secretary Nicholson and to thank him for his leadership and honorable service to our country. I wish him and his wife, Suzanne, the very best of luck and happiness during the next chapter of their lives.

## TRIBUTE TO MR. JOSEPH M. LAUFER

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. SAXTON. Madam Speaker, I rise today in recognition of Mr. Joseph M. Laufer. On November 29, 2007, Mr. Laufer will receive the 2007 Lloyd Ritter Community Service Award on behalf of the Volunteer Center of Burlington County, NJ.

In 1997, Mr. Laufer retired as an associate dean at Burlington County College after 27 years of tireless service. Yet, he has continued to reach out and dedicate his time to the residents of Burlington County. Some of his recent activities include maintaining and updating the Southampton Township website and assisting a local fire relief company in obtaining a preservation grant. He has also served as a member of the Jack Allen Early Country Living Museum, the Roebling Main Gate Museum, the Rancocas Valley Tourism Association, the Burlington County Historical Society, and he volunteers at the Holy Eucharist Parish in Tabernacle.

In addition, Mr. Laufer does not shy away from providing valuable leadership to area organizations. He was appointed the Burlington County Historian in 2003 and elected president of the H.B. Smith Industrial Village Conservancy, the director of alumni relations for the Lenape High School District, and finally, was a past president of the Southampton Historical Society and Library Board.

Madam Speaker, the Burlington County community has truly benefited from Mr. Laufer's experience. As he is honored by the Volunteer Center of Burlington County for this very special award, I would like to extend my sincere gratitude for his desire to utilize his talents for the greater good and enduring commitment to improving the lives of those around him.

## TRIBUTE TO WANDA CHANEY

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise on this occasion to honor Wanda Chaney, a dedicated employee of the CAO, for her service to the House of Representatives.

Wanda Chaney began her career at the U.S. House of Representatives in 1994 serving as a user information specialist in the User Assistance Office, now known as the CAO Technology Call Center. Wanda soon went on to be a technical support representative (TSR) providing excellent service with enthusiasm and passion. Wanda's dedication and leadership qualities soon found Wanda leading a team of TSRs whose mission was to provide timely and efficient services to Member offices.

Throughout Wanda's career, she continued to expand her services beyond technical support. Wanda's contribution to the transitioning of Congresses cannot be overstated. Wanda moved services to a higher standard, raising the bar for all who assisted her in these endeavors. Wanda identified the problems facing Members as they transition in and out of Congress and presented practical and time-saving solutions for Members and staff. Wanda can be credited for infusing technology in the dissemination of information critical to new Members of Congress. She created an interactive CD-ROM to familiarize Members with technology services provided by the House. She introduced an interactive web page to help offices navigate through the transition.

Wanda's contribution to the rollout of U.S. Active Directory for user authentication to the

House ensured that Members' requirements were satisfied and complete. There are countless examples of how Wanda made a difference in the provisioning of technology services to Member offices.

A common theme shared by her customers and colleagues speaks to her commitment, resourcefulness and drive to provide a meaningful solution to any problem sent her way. Wanda's ability to see the "big" picture, understand the needs of her customers and passion for doing what's right are inspiration to all.

Wanda gave tirelessly in the pursuit of excellence and it is an honor to recognize her service to the U.S. House of Representatives.

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## HONORING ROSALIE DOWNS

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor Ms. Rosalie Downs, who will retire on January 2, 2008, after completing 50 years of federal service.

In 1957, Ms. Downs began her career with the Director of Accounting and Finance at the Department of the Air Force. She went on to work for the Directorate of Intelligence, Policy and Management Group the next year, and then moved to the Directorate of Operations, Bases and Units Division. In 1964, she assumed her current duties as Secretary of the Congressional Inquiry Branch, and in 1970, began serving in the Congressional Inquiry Division, Directorate of Legislative Liaison, Office of the Secretary of the Air Force. During this period, the outstanding professional skill, leadership and ceaseless efforts of Ms. Downs resulted in key contributions to the effectiveness and success of the Congressional Inquiry Division. In this capacity, Ms. Downs performed superbly across a broad spectrum of congressional issues, while expertly assisting the Directorate in providing timely responses to tens of thousands of inquiries from Congress.

During her 50 years of work in the Office of Legislative Liaison, Ms. Downs has provided dedicated and professional service to both the United States Senate and the House of Representatives. She has developed close working relationships with many of our staffs, and her efforts have greatly enhanced congressional understanding of Air Force personnel matters. The distinctive accomplishments of Ms. Rosalie A. Downs culminate a long and distinguished career in the service of the federal government, and reflect great credit upon herself and the Department of the Air Force.

Madam Speaker, in closing, I would like to extend my heartfelt thanks to Rosalie Downs for her 50 years of service and dedication to the Federal Government. I ask my colleagues to join me in congratulating Ms. Downs on her retirement and wishing her the best of luck in all future endeavors.

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## COMMENDING MICHAEL TOMPKINS FOR BEING INSTALLED AS CHAIRMAN OF THE NATIONAL APARTMENT ASSOCIATION

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. GINGREY. Madam Speaker, I rise today to commend Michael Tompkins on being installed as Chairman of the Board of the National Apartment Association. Mr. Tompkins has been a leading advocate for quality rental housing in the state of Georgia for nearly two decades, where he has served on the Atlanta Apartment Association for over 13 years.

Applying his knowledge of the apartment industry, Mr. Tompkins has been an asset to the Atlanta Apartment Association, serving in a variety of roles, including president in 2001. In 2004, Mr. Tompkins served as president of the Georgia Apartment Association.

In addition to the impact Mr. Tompkins has made on the quality of rental property in the southeast, his philanthropic endeavors have also benefited the well-being of our community. He volunteers his time serving on several non-profit organization boards including the Southeastern Trustee for Boys and Girls Clubs, Atlanta Community Food Bank and the Emory University Board of Trustees, to name a few.

Madam Speaker, it is no small wonder that word of Mr. Tompkins' leadership in the advocacy of quality rental housing spread quickly, and he will now take his expertise to the national level, where he will chair an association comprised of more than 51,000 members and responsible for more than 6.1 million apartment homes nationwide.

Madam Speaker, I ask that my colleagues join me in honoring Michael Tompkins for his commitment to improving the quality of rental homes in this country and representing the interests of renters throughout our Nation.

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## IN RECOGNITION OF GENERAL KEVIN P. CHILTON

### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. LAMBORN. Madam Speaker, I rise today to express my gratitude for General Kevin P. Chilton's service as Commander of the Air Force Space Command at Peterson Air Force Base. During his time there, General Chilton commanded over 39,700 professionals responsible for providing North American Aerospace Defense command and U.S. Strategic Command with combat forces and capabilities. In addition to managing the development, acquisition and operation of the Air Force's missile and space systems, the General also supervised missile warning and launch facilities, satellite command and control, and America's intercontinental ballistic missile force.

Before coming to AFSPC, General Chilton served as Commander, 8th Air Force, and Joint Functional Component Commander for Space and Global Strike, U.S. Strategic Command. General Chilton, who graduated from the United States Air Force Academy in 1976, is a Guggenheim Fellow with a Master of Science in mechanical engineering from Columbia University. After graduating from U.S. Air Force Test Pilot School in 1984 with the Liethen-Tittle Award for top graduate, General Chilton conducted weapons testing in models of F–4 and F–15. In 1987 he entered the National Aeronautics and Space Administration where he served as Deputy Program Manager for Operations for the International Space Station Program and flew on 3 space shuttle missions.

A capable leader, General Chilton has served on the Air Force Space Command Staff, the Joint Staff, the Air Staff and was the Commander of the 9th Reconnaissance Wing. His distinguished career has been marked by numerous awards including the Distinguished Service Medal, Defense Superior Service Medal with 2 Oak Leaf Clusters, Distinguished Flying Cross, and NASA Outstanding Leadership Medal.

I wish to offer my sincere appreciation to General Chilton for his dedicated service to our nation and his contributions to Air Force Space Command.

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## THE MILITARY DOMESTIC AND SEXUAL VIOLENCE RESPONSE ACT

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Ms. SLAUGHTER. Madam Speaker, today, as we recognize Domestic Violence Awareness Month, I am proud to introduce the Military Domestic and Sexual Violence Response Act. This important piece of legislation will ensure greater protections for service members and their families if they become victims of violence. It also will strengthen programs to prevent violence against fellow soldiers and military families.

Unfortunately, sexual assault and domestic violence are pervasive and serious problems throughout all branches of the military. In March 2007, the Department of Defense (DoD) released their third annual sexual assault report, which stated that there were 2,947 allegations of sexual assaults reported in 2006; a 24 percent increase from 2005. In 2004, the DoD reported 9,000 incidents of spousal abuse. A 2005 Sexual Harassment and Assault Survey of the Service Academies found 6 percent of females and 1 percent of males said they were sexually assaulted in 2004–2005, and less than half the females who experienced sexual assault reported it. In this same survey, 60 percent of female cadets indicated sexual harassment was about the same as when they first enrolled at their academy.

While the DoD has been making efforts to improve its prevention and response to domestic and sexual violence, victim services remain incomplete and inconsistent among the various branches. There have been reports that victims advocates, charged with protecting the victim's rights, have been denied resources to do their job, and in some instances been forced off the base altogether. Furthermore, DoD policies are not codified in the Uniform Code of Military Justice (UCMJ) and do not offer the same level of rights and protections afforded to civilian victims. Perhaps most importantly, victims are unable to seek confidential counseling and treatment without fear that their records might become public if they press charges against their assailant.

My bill, the Military Domestic and Sexual Violence Response Act, seeks to bring military law up to par with civilian laws by establishing a comprehensive approach for the military to address domestic violence and sexual assault among our soldiers. Specifically, this bill will:

Establish an Office of Victims Advocate (OVA) within DoD, bring the Family Advocacy Program under OVA, and create a Director of OVA to oversee and coordinate efforts to prevent and respond to cases of family violence, domestic violence, sexual assault, and stalking with the military and among military families;

Codify rights, restitution policies, treatment and other services for victims within the UCMJ, including creating comprehensive confidentiality protocols to protect the rights of victims within military law;

Strengthen policies for reporting, prosecuting and treating perpetrators of violence;

Create counseling and treatment programs through the Department of Veterans Affairs.

The military should be at the forefront of prosecuting assailants and setting the highest standards for treatment of service men and women, or military family members, victimized by sexual assault and domestic violence. Our Armed Forces must be able to guarantee the most basic protections to ensure these victims can receive necessary counseling, treatment, and justice.

If a victim cannot access essential care for fear of stigma, threats to their career, or because they just do not know what resources are available, the military will continue to lose valuable female and male soldiers. These men and women who serve our country in uniform put themselves in harm's way to protect our Nation from threats at home and abroad. They deserve the same rights and protections as the civilians whose freedoms they protect. My bill ensures service members are adequately protected when dealing with the horrible tragedy of sexual assault or domestic violence.

Do not allow our brave service members to be victimized twice, once by their perpetrator and then again by the military's lack of appropriate, compassionate, and confidential treatment and response.

Madam Speaker, I encourage all Members to join me in cosponsoring the Military Domestic and Sexual Violence Response Act.

## IN HONOR OF THE 20TH ANNIVERSARY OF ST. STEPANOS ARMENIAN APOSTOLIC CHURCH, ELBERON, NJ

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. PALLONE. Madam Speaker, I rise today to honor the 20th anniversary of St. Stepanos Armenian Apostolic Church. St. Stepanos is across the street from my home in Elberon, New Jersey. It is a daily reminder to me of Armenian heritage and culture.

St. Stepanos is also named in honor of the patriarch of the Hovnanian family, who has contributed so much to my district and the goal of affordable housing across the Nation, The Hovnanian family is the main benefactor of the church and many of its activities.

St. Stepanos Church was consecrated in 1987. It sits on the site of St. Mary's Armenian Church, which served as the religious and cultural center for the Armenian community of the Jersey Shore for much of the 20th Century.

St. Stepanos is one of the most beautiful examples of Armenian architecture in the United States. One can easily feel that you are in Armenia by standing in front of it, or inside the sanctuary. On the 10th anniversary of its consecration, the church added an Armenian khachkars, a traditional ancient art form in which a cross is intricately carved out of stone, to further enhance its architectural splendor.

The Armenian School is an integral part of the St. Stepanos community, focusing on the study of Armenian language and culture, with participants ranging from age 4 to adult. Sunday school promotes St. Stepanos emphasis on religion within the Armenian community in Central New Jersey.

The Women's Guild organizes fundraisers, dinners, and cultural activities. It has become increasingly important in promoting a sense of community at St. Stepanos. The church's youth organization also hosts fundraisers and trips for the younger Armenian population at St. Stepanos. The activities hosted by the church in addition to its commitment to religion and culture only serve as further proof of the active role that St. Stepanos Armenian Apostolic Church has taken in the community throughout the years.

Madam Speaker, we are honored in New Jersey on the 20th anniversary of St. Stepanos to receive Supreme Patriarch and Catholicos of All Armenians, his Holiness Karekin II, from St. Etchmiadzin, Armenia. St. Stepanos has received many Armenian prelates over the years including the Patriarch of Jerusalem on its 10th anniversary, but this is the first time the head of the Armenian Church has visited.

I sincerely hope that my colleagues will join me in celebrating the 20th anniversary of St. Stepanos Church for its contributions to the Armenian-American residents of Central New Jersey, as well the larger Armenian-American community in the United States.

## IN RECOGNITION OF MAJOR GENERAL ROBERT W. MIXON

### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. LAMBORN. Madam Speaker, I rise today to express my sincere gratitude for Major General Robert W. Mixon's service to Fort Carson as Commanding General of Division West, First Army and previously as Commander of the 7th Infantry Division.

Before coming to Fort Carson, Major General Mixon, a 1974 graduate of the United States Military Academy at West Point, served as Deputy Director and Chief of Staff for Futures Center at the United States Army Training and Doctrine Command at Fort Monroe, Virginia. He was also the Deputy Commanding General, Assistant Commandant, and Director of the Unit of Action Maneuver Battle Lab at Fort Knox as well as the Assistant Division Commander 4th Infantry Division at Fort Hood.

Major General Mixon, an Armor Officer, has served in numerous capacities at the operations, planning and training levels including as Command of L Troop, 3rd Squadron, 11th Armored Cavalry Regiment at Bad Hersfeld, Germany, Command of 2nd Squadron, 3rd Armored Cavalry Regiment at Fort Bliss, Texas, and as Command of the 1st Brigade, 2nd Infantry Division, Republic of Korea.

A distinguished graduate of the War College, Major General Mixon also holds a Masters of Arts in History from Rice University and was an Assistant Professor of History at West Point from 1982 until 1985.

As Major General Mixon prepares to retire from the U.S. Army, he departs with an impeccable record of nobility and leadership of the utmost distinction. Soldiers who served under his command will always remember him to be a soldier's general. I would like to offer my sincere appreciation for his commitment to defending our country and the invaluable contributions he has made to Fort Carson.

## CONGRATULATING CRIDER HEALTH CENTER

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. AKIN. Madam Speaker, I rise today to recognize the Crider Health Center, located in St. Charles, Missouri. Recently, the Department of Health & Human Services announced that Crider Health Center's application to become a Federally Qualified Health Center (FQHC) was approved.

For the past 27 years, the Crider Health Center has provided mental health treatment and services for underinsured and uninsured adults, children and families affected by persistent mental illness and serious emotional disorders. Since its inception, the Center has notably expanded its service programs to meet the rapidly changing expectations in the area of mental health service delivery. Such dedication has enabled Crider to serve over 35,000 residents a year in a four-county area who are in desperate need of such services.

Previously, the Crider Health Center faced consistent challenges in obtaining medical and oral health care services for their patients. In fact, the nearest federally qualified health centers for persons living in this four-county area were in St. Louis, Potosi and Columbia, Missouri. Such distances created a considerable challenge in terms of access for low-income residents in Crider's service area.

Crider Health Center's new FQHC status will allow Crider to integrate its current mental health care services with primary and oral health care services. This integration not only allows Crider to better serve its consumers but aid in further addressing the health care disparities in the St. Louis region.

I congratulate the Crider Health Center's recent FQHC designation. The Crider Health Center is an exemplary example of the leadership we have in Missouri and I am pleased to honor them in their continued endeavor to provide for the needs of the people in the St. Louis region.

## IN TRIBUTE TO MAJOR ALEA HOKUAO MORNINGSTAR

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. WILSON of South Carolina. Madam Speaker, poet and capitol tour guide Albert C. Caswell has penned a number of heartfelt tributes to our military, and recently, he has recognized the service of Major Alea Hokuao Morningstar, U.S. Army.

Major Morningstar has served in Iraq extending care to coalition and civilian casualties. As an emergency physician, she has served honorably and bravely at three combat support hospitals and as a field surgeon.

Major Morningstar symbolizes the professionalism of America's military. I want to thank her and all the brave men and women of our armed forces for their service. They are fighting to defend our freedom and protect American families.

I gladly submit the following into the RECORD.

A Morning Star,  
That's who you are . . .  
A light which shines so very fine . . . so very far, that's who you are . . .  
A woman of heart,  
Of Hopi Sioux, great American Indian blood . . . a fine woman of soul . . .  
A healer, a great Hawaiian . . . For, but the gift of life . . . to so give, as what you chose . . .  
A light,  
In the darkest of days and nights . . .  
Which burns bright, as a Morning Star . . . can cheat death, can so bless . . . and can give fight!  
Out in darkness of evil war, out in harms way . . .  
Amidst the darkness and solemn gray . . . amidst the death, and all of that sad decay . . .  
To save a life, to hold a dying hero's hand until that night . . . Morning Star, that was your way . . .  
As there, in The ER . . .  
You'd hear the screams, and the devil's roar it seems . . . trying to save life, you'd go far!  
All in the midst of his evil gore, all in the face of hell . . . you fine heart choose to swell, for one life more  
Living in the shadow of death,  
Pouring out your very heart and soul, until none lies left . . .  
As with your God given skills, the gift of life and hope you instilled . . . staying with the dying until death!  
A young hero's last vision, before they were gone . . .  
A bright Morning Star, holding their hand . . . as was your decision, not leaving them alone . . .  
The last Angel they would see on Earth, showing your worth . . . with tears in eyes your mission honed!  
And in the coming years,  
There will be many a tear, when in that moment it all comes back to you . . . so here . . .  
But, what baby born . . . to save the world . . . or love so great, to this our world adorned that you saved here!  
And for all of those Mothers of Sons,  
And all of those Fathers of Daughters, who so lost their most precious of all loved ones . . .  
They may gain strength, in knowing what your love to their dying loved ones so meant! At the end!  
A Morning Star,  
Yes, my Lady . . . that's who you are . . .  
A light which shines so very bright . . . so very far, into the night, that's who you are!  
High above,  
With your gift of life, you gift of love . . .  
Holding a dying hero's hand, On The Wings of a Dove!

## INTRODUCTION OF THE HEALTHY AIR AND CLEAN WATER ACT

### HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. McHUGH. Madam Speaker, I rise today to introduce the Healthy Air and Clean Water Act. This legislation, drafted with the valued input and assistance from my constituents from the 23rd Congressional District of New York, is designed to combat four pollutants—mercury, carbon, nitrogen oxide, and sulfur dioxide—that are decimating our Nation's environment.

I have the distinct privilege of representing one of the largest congressional districts east of the Mississippi River. The district stretches from Lake Ontario on the west to Lake Champlain on the east, and is capped by the magnificent St. Lawrence River, with its famous Thousand Islands region. The district also includes the Adirondack Park, which is bigger than the Grand Canyon, Glacier, Yellowstone, and Yosemite National Parks combined and is world-renowned for its pristine beauty.

The environmental beauty of the region is not only enjoyed by my northern and central New York constituents, it also supports a vibrant tourism industry, with many choosing to visit in order to partake in such activities as boating, hunting and sport fishing. In addition, downhill and cross country skiing, snowmobiling, and ice fishing are but a few of the winter activities associated with the region that has twice been home to the Winter Olympics.

The Healthy Air and Clean Water Act would require the reduction of 90 percent of mercury emissions from coal-fired power plants by 2011. The need for this legislation is clearly illustrated by the fact that, due to high levels of mercury contamination, everyone within New York State is now advised to eat no more than one meal per week comprised of fish taken from New York State waters. Sadly, women of childbearing age and young children have been warned not to eat any of six types of fish caught from 55 bodies of water within the Adirondack Park area. Frankly stated, Madam Speaker, this state of affairs is unacceptable.

Carbon emissions are a leading cause of global warming and thus a threat to our environment as well as the economy of my district and throughout the country. Thus, the Healthy Air and Clean Water Act would reduce carbon dioxide emissions by 80 percent from the 2005 levels in the year 2050.

The bill also seeks to address acid rain, which is principally caused by the effects of nitrogen oxide and sulfur dioxide. Specifically, by January 1, 2010, the bill would require nitrogen oxide and sulfuric dioxide emissions to be reduced to 75 percent of the levels that these pollutants reached in 1997. As a lifelong resident of New York's north country, I have seen firsthand the impact acid rain has had upon the Adirondack Park and its High Peaks region. In fact, I am alarmed by the vast area of the Adirondack Mountains that has been ravaged by this silent killer; close to 700 lakes and ponds in the Park are too acidic to support their native plant and aquatic wildlife.

It is important to note, Madam Speaker, that acid rain's impact is far from limited to the Adirondacks alone. In Virginia, thousands of miles of Appalachian trout streams are at risk of becoming chronically acidic and thus unable to support wild brook trout populations. In the southern Appalachians, acid rain is altering soil chemistry and leaching valuable nutrients from the soil. And in Vermont, acid rain has killed more than half of large-canopy red spruce in the Green Mountains and approximately one-quarter of large-canopy red spruce in the White Mountains. Sadly, acid rain is also reducing sugar maple trees in central and western Pennsylvania as well.

In response, the Healthy Air and Clean Water Act would authorize funding for the operation and modernization of a number of programs that monitor the impact these pollutants have on our environment. These include, but are not limited to, the Clean Air Status and Trends Network, the National Atmospheric Deposition Program National Trends Network, and the National Atmospheric Deposition Program Mercury Deposition Network. My bill would further require the Environmental Protection Agency to submit reports to Congress to identify objectives that protect sensitive regional ecosystems, including but not limited to the Adirondack, mid-Appalachian, Catskill, Rocky, and Southern Blue Ridge Mountain ranges and water bodies of the Great Lakes, Lake Champlain, Long Island Sound, and the Chesapeake Bay.

Madam Speaker, as is often the case with proposed legislation, some may argue that my bill goes too far, while others may claim that it does not go far enough. However, while Congress continues the important and needed debate in our quest to craft the perfect global warming legislation, our constituents and environment wait. We cannot allow the perfect to become the enemy of good. Similarly, we cannot afford to commit a sin of omission. If we do not begin to take action now, clean and viable healthy waters and forests might well become a distant memory. There are always tradeoffs in public policy and I firmly believe the benefits of acting in this instance far outweigh all potential costs, particularly those of inaction.

I'd like to include, for the record, 2 letters of support for my bill, 1 from The Adirondack Council and the other from the Adirondack Mountain Club.

We can see the impact these four pollutants are having upon our environment and our health. The Healthy Air and Clean Water Act would address and reduce that impact and I urge my colleagues to join with me as I work to enact it into law.

Adirondack Mountain Club,
*October 10, 2007.*

Re Healthy Air and Clean Water Act.

Hon. John McHugh
*Rayburn House Office Building,*
*Washington, DC.*

Dear Congressman McHugh: On behalf of the Adirondack Mountain Club, ADK, we would like to take this opportunity to express our strong support for your Healthy Air and Clean Water Act. We believe that passage of this four-pollutant bill is critical to achieving greater reductions in harmful nitrogen oxide, sulfur dioxide, mercury and carbon dioxide emissions.

ADK, a membership organization representing approximately 30,000 hikers, paddlers and cross-country skiers, advocates for the protection and responsible use of New York's Forest Preserve and other wild lands and waters.

We have a critical stake in the continued vitality of the federal Clean Air Act to effectively reduce air pollution from coal-fired electric generating facilities. Enforcement of the Clean Air Act has already resulted in significant reductions in air pollution emissions that are harmful to human communities, aquatic life and forest ecosystems in the Appalachians, Hudson Highlands, Catskills, Adirondacks and White Mountains. However, more needs to be done and we believe that your Healthy Air and Clean Water Act will lead to even greater reductions in air pollution,

### CARBON DIOXIDE

Carbon dioxide emissions have been scientifically linked to global climate change. ADK is very pleased that the Healthy Air and Clean Water Act would cut carbon emissions from coal-burning power plants by 80 percent by 2050. Further, the requirement that EPA establish a market-based carbon emissions trading program by 2010 will provide an economic incentive for power plants to reduce carbon emissions.

Climate change threatens the local economies of the Adirondacks, Catskills and other areas that rely heavily on winter sports, such as snowmobiling, downhill and cross-country skiing and snowshoeing. Also, a study by the National Wildlife Federation found that lower summer stream flows and higher stream temperatures due to global warming could significantly reduce habitat for brook trout and other cold-water fish in New York.

As temperatures rise; the Adirondacks could be plagued by tree-destroying pests such as the Sirex woodwasp, hemlock woolly adelgid and Asian longhorned beetle.

We believe that the carbon dioxide cuts included in the Healthy Air and Clean Water Act are critical to reducing the impact of the many threats posed by global climate change.

### MERCURY

ADK also supports the legislation's proposed cuts for hazardous mercury emissions. A 90 percent reduction in mercury emissions by 2011 is critical to addressing the devastating impacts of mercury on public health and wildlife.

A 2007 independent study by Charles Driscoll and the Hubbard Brook Research Foundation estimated that mercury emissions from US coal-fired power plants are responsible for 40 percent to 65 percent of mercury deposition in the Northeast. Current levels of mercury deposition in the Northeast are four to six times higher than the levels recorded in 1900. Ninety-six percent of the lakes in the Adirondack region and forty percent of the lakes in New Hampshire and Vermont exceed the recommended EPA action level for methyl mercury in fish. High mercury levels in fish from six reservoirs in the Catskills have prompted advisories that infants, children under the age of 15, and women of childbearing age should not eat any fish from these reservoirs. Further, mercury is present in two-thirds of Adirondack loons at levels that negatively impact their reproductive capacity, posing a significant risk to their survival.

The Healthy Air and Clean Water Act, if enacted, would significantly reduce harmful mercury emissions and penalize those coal-fired electric generating facilities that do not comply with the new standard. The legislation also requires the Environmental Protection Agency (EPA) to promulgate regulations regarding monitoring systems to measure mercury emissions. Monitoring systems are a critical component in effectively enforcing the new mercury standards.

### NITROGEN OXIDE AND SULFUR DIOXIDE

The Healthy Air and Clean Water Act will reduce nitrogen oxide and sulfur dioxide emissions from power plants by 75 percent from 1997 levels by January of 2010. Such a reduction is critical to reducing the scourge of acid rain and acid deposition in New York.

As a result of acid rain, a. quarter of the lakes and ponds in the Adirandacks have become too acidic to support aquatic life. Acidic precipitation also depletes calcium from forest soils, leaving sugar maple and red spruce trees more vulnerable to insects and winter kill. Since the 1960s, more than one half of the large canopy red spruce in the Adirondack and Green Mountains and one quarter of large canopy red spruce in the White Mountains have died.

ADK strongly supports the legislation's provision closing the existing loophole allowing old coal-burning power plants that were grandfathered from the Clean Air Act to continue operating without complying with the most recent new source performance standards. The new standards must be met either on the power plant's 30th birthday or within five years after the enactment of the act. As you know, the Adirondacks and other wild lands and waters in the Northeast are located downwind of many of these unremediated power plants whose emissions have damaged lakes and forests in these regions, as mentioned above. Further, ADK supports the legislation's balanced approach to regulating nitrogen oxide and sulfur dioxide through the use of market oriented mechanisms such as emissions trading, auctions or other allocation methods in order to achieve compliance with the emissions reduction requirements.

### REPORTS AND FUNDING

ADK supports the legislation's requirement that the EPA submit a report to Congress by 2010 identifying objectives to protect sensitive regional ecosystems, such as the Adirondack Mountains. By 2019, the EPA will have to determine if the emissions reductions are sufficient to ensure that the objectives contained in the report are met. If not, EPA will have to promulgate regulations to ensure that said objectives are met.

As mentioned above, the Adirondack Mountains and other wild lands and waters in the Northeast have been seriously impacted by air pollution emitted by coal-fired electric generating power plants. The report and subsequent regulations if needed will ensure that these sensitive areas are better protected from the devastating effects of air pollution.

The funding measures contained in the legislation are also important. The authorization of funding for critical clean air networks and programs such as the National Atmospheric Deposition Program National Trends Network will provide needed support for continued monitoring of air pollution and its effect on the environment.

ADK strongly supports the Healthy Air and Clean Water Act. We believe that, if enacted, it will lead to significant and necessary reductions in nitrogen oxide, sulfur dioxide, mercury, and carbon dioxide emissions.

We look forward to working with you and your staff as this legislation advances through the legislative process.

Sincerely,

Neil F. Woodworth,
*Executive Director.*
Marisa Tedesco,
*Conservation and Legislative Director.*

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The Adirondack Council,
*October 15, 2007.*

Hon. John McHugh,
*House of Representatives,*
*Washington, DC.*

Dear Mr. McHugh: On behalf of the entire Board of Directors and staff of the Adirondack Council, I write to thank you for introducing the Healthy Air and Clean Water Act. This bill, if passed into law, would have profound benefits for the Adirondack Park of upstate New York.

Numerous studies have shown that the Adirondack Mountains have suffered some of the most devastation in the country due to the scourge of acid rain, caused by the emissions of sulfur dioxide and nitrogen oxides, which often come from Midwestern coal burning power plants. This has caused great damage to the forest of the over one million acres of true Wilderness within the Adirondack Park, as well as having nearly 700 water bodies lose their ability to sustain their native fish populations due to their unnaturally low pH.

In addition, the New York State Department of Health advises that women of childbearing age and children under age 15 should not eat any of six varieties of fish taken from either Adirondack or Catskill water bodies due to high levels of mercury contamination. Another eight species should not be consumed by women and children more than once a week for the same reason.

More recently, studies have concluded that if there is not a dramatic decrease in the emissions that cause climate change, upstate New York, including the Adirondack Park, may have the climate currently associated with southern states like Virginia or Georgia by the end of the century. This would create tremendous problems for the Adirondacks. Warmer weather would lead to the invasion by more exotic species, harming our native flora and fauna. Some species of trees associated with the colder climate of New York would slowly begin to move north to the cooler temperatures of Canada. Birds, such as the rare Bicknell's Thrush, would also leave New York in search of cooler breeding habitat. In addition, there would be many fewer days with snow cover on the ground in the Adirondacks, greatly diminishing the winter tourism economy, now associated with activities such as cross country and downhill skiing, snowmobiling, snowshoeing and ice fishing.

Once again, we wholeheartedly support your legislation, the Healthy Air and Clean Water Act, and will actively encourage your colleagues to become co-sponsors of it and pass it in the House of Representatives as soon as possible. We thank you once again for all of your efforts to limit the negative impacts of all four of the pollutants in your bill. We look forward to working with you to secure its passage and protect the people and environment of the Adirondack Park.

Sincerely,

BRIAN L. HOUSEAL,
*Executive Director.*

## GO, MIKE JOSHI, GO

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
*Monday, October 29, 2007*

Ms. SCHAKOWSKY. Madam Speaker, it is my honor to recognize and congratulate Mike Joshi for running in (and completing) yesterday's 32nd Annual Marine Corps Marathon.

Mike is the staff assistant in my Washington, DC office. He has shown great focus, commitment and dedication in the months leading up to yesterday's marathon. Mike is such a positive presence in the office and he has been such a good sport . . . allowing everyone in the office to "participate" in his training by sharing stories and updates from his evening and weekend runs.

I am told that when his coworkers saw Mike at mile 13 (the half way point), he was smiling and looking so relaxed . . . like it was mile 3, not 13. The characteristics that carried him over the finish line will continue to serve him well in the race that is life.

Congratulations Mike on this amazing accomplishment. Team SCHAKOWSKY is so proud of you.

## MARKING PATH'S 30TH ANNIVERSARY

### HON. ADAM SMITH

OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
*Monday, October 29, 2007*

Mr. SMITH of Washington. Madam Speaker, this year marks 30 years since PATH began working to create innovative solutions that enable communities worldwide to break longstanding cycles of poor health. Originally founded in 1977 as the Program for the Introduction and Adaptation of Contraceptive Technology (PIACT), PATH began by helping manufacturers set up facilities for making high-quality condoms in China.

Today, PATH implements health programs in many countries, works with a variety of private partners to develop new vaccines and microbicides, and has advanced more than 30 health technologies for low-resource settings. By collaborating with diverse public- and private-sector partners, PATH provides appropriate health technologies and vital strategies to improve global health and well-being worldwide.

Over the past three decades, PATH has worked in more than 100 countries and received many prestigious international awards for its work. PATH's president, Dr. Christopher Elias, was the Schwab Foundation's "U.S. Social Entrepreneur of the Year" in 2006 and the organization has earned four-star ratings from Charity Navigator, the Fast Company Social Capitalist Award, and recognition by Amazon.com as one of the ten most innovative nonprofits.

The breadth of PATH's work includes many innovative technologies. One example, the Uniject™ device, is a single-use syringe (auto-disabled to prevent reuse) used by USAID to prevent maternal deaths and by UNICEF to deliver life-saving vaccines. PATH also implements and expands programs to increase adoption of malaria control and childhood nutrition interventions in some of the world's poorest settings. Additionally, the organization's public-private partnerships work to create and introduce affordable vaccines to prevent malaria, meningitis, cervical cancer, diarrheal diseases, and other major illnesses.

PATH's efforts maximize health equity to ensure health products and programs reach the poorest and most vulnerable. They strengthen the capacity to foster demand-driven and scalable solutions by promoting an inclusive approach to innovation and discovery—one that builds strong partnerships with communities, industry, and local governments. Admirably, the organization enhances programmatic integration and improving the monitoring, evaluation, and dissemination of results.

As health inequities continue to persist, the effects of preventable disease and deaths become greater, particularly in our increasingly interconnected and global society. PATH demonstrates a commitment to address these threats. They have demonstrated dedication to finding innovative, scalable solutions for some of the world's greatest challenges by harnessing the promise of science and technology, the ingenuity of individuals and communities, and ensuring solutions can be realized for everyone.

Please join me in celebrating PATH's 30 years of success and innovation in improving the world's health.

## H.R. 3985, THE OVER-THE-ROAD BUS TRANSPORTATION ACCESSIBILITY ACT OF 2007

### HON. JAMES L. OBERSTAR

OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
*Monday, October 29, 2007*

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 3985 the "Over-the-Road Bus Transportation Accessibility Act of 2007", introduced today by the gentleman from Oregon (Mr. DEFAZIO). I am proud to cosponsor this important legislation, which will ensure that motorcoach accessibility regulations promulgated by the Department of Transportation, DOT, pursuant to the Americans with Disabilities Act, ADA, are fully implemented, vigorously monitored, and actively enforced.

In 1990, upon signing the landmark ADA into law, President George H. W. Bush stated that the ADA "promises to open up all aspects of American life to individuals with disabilities—employment opportunities, government services, public accommodations, transportation, and telecommunications." In many respects, the Act has been implemented to result in expanded and enhanced transportation opportunities for individuals with disabilities. However, as a recent U.S. Court of Appeals case revealed, a troubling void in DOT's oversight of the over-the-road bus accessibility regulations has unnecessarily reduced the protection Congress intended to afford under the ADA.

In 1998, DOT adopted a final rule requiring vehicle modifications to intercity, charter, and tour buses to accommodate individuals with disabilities. These regulations set forth requirements for these transportation providers, referred to as over-the-road bus operators, to acquire or lease accessible vehicles or provide accessible service to passengers with disabilities on a 48-hour advanced notice basis. The requirements are phased in over time, and vary by type of service provided by a company, either fixed route or "demand responsive", such as charter and tour service. Alternative compliance requirements were established for small businesses.

The Federal Motor Carrier Safety Administration ("FMCSA") is the modal agency responsible for ensuring that over-the-road bus transportation providers comply with DOT regulations, including safety rules. However, according to FMCSA's interpretation, the existing motor carrier statute limits the agency's ability to enforce the over-the-road bus accessibility regulations promulgated by DOT.

On December 19, 2006, the United States Court of Appeals for the D.C. Circuit, in Peter Pan Bus Lines, Inc. and Bonanza Acquisition, LLC V. Federal Motor Carrier Safety Administration, rejected FMCSA's assertion that the agency does not have discretion to interpret the law to allow FMCSA to consider compliance with ADA regulations in determining whether a bus company is fit to operate in interstate commerce. The case was remanded to FMCSA in February 2007, and the Court directed the agency to reexamine the statute.

FMCSA did not respond to the Court for more than 8 months, and I have no doubt the pattern of inaction would have continued without pressure from Congress. Earlier this month, Highways and Transit Subcommittee Chairman DEFAZIO and I sent a letter to Federal Motor Carrier Safety Administrator John Hill, expressing our intent to legislate a solution to this problem if the agency did not respond with its plans to make changes administratively to ensure that ADA requirements were being met by the over-the-road bus operators that FMCSA registers.

Last week, FMCSA issued a decision in response to the Court order. In the decision on remand, the agency defends its original position that the underlying statute does not provide the authority for FMCSA to consider compliance with ADA. The agency further argues that the Department of justice ("DOJ") has enforcement authority under the ADA to investigate all alleged violations and commence a civil action in court, pursuant to part 36 of title 28, Code of Federal Regulations. This includes authority over transportation providers. Therefore, FMCSA concludes the agency has no role in taking action with respect to ADA violations by over-the-road bus companies. In fact, in the October 26, 2007 decision FMCSA states: "If Congress intended to expand the fitness criteria to include compliance with additional DOT regulations, such as 49 CFR part 37, it presumably would have said so."

Let there be no doubt—Congress will be saying so with this legislation. This bill removes any statutory ambiguity and gives FMCSA the authority to take action against violators of the ADA.

H.R. 3985 strengthens FMCSA's ability to monitor and enforce compliance with the Department of Transportation's regulations governing the accessibility of over-the-road bus transportation. The bill amends Section 13902(a)(1) of title 49, United States Code, to prohibit the agency from granting registration authority to a motor carrier providing over-the-road bus transportation who is not willing and able to comply with the accessibility regulations under subpart H of part 37, title 49, Code of Federal Regulations. The bill also clarifies that the Secretary may suspend, amend, or revoke a motor carrier's registration in the event of a willful failure to comply with regulations pursuant to the ADA. H.R. 3985 further requires the Department of Transportation and the Department of Justice to enter into a memorandum of understanding to ensure coordination between the two Departments, to clearly define each Department's roles and responsibilities in enforcing the provisions of the ADA, and to avoid duplication of effort.

Violations of ADA regulations are not a theoretical problem. Several newspaper articles have highlighted problems that individuals with disabilities have encountered in trying to ride curbside buses. Curbside bus companies operate fixed-route, intercity bus service, mainly between cities along the Northeast Corridor, picking up and dropping off passengers on the street rather than in bus terminals. A March 2, 2006 Washington Post investigation revealed that 11 companies that operate in the Northeast Corridor had violated ADA regulations. (See "Bus Lines Cited in Federal Probe; 11 Firms Accused of Violating ADA"; Washington Post, March 2, 2006; Financial; page D1).

Madam Speaker, the Americans with Disabilities Act was enacted 17 years ago, and nearly a decade has passed since the Department of Transportation issued implementing regulations. This legislation, to ensure that the accessibility regulations promulgated by DOT are adhered to by all over-the-road bus operators, is both necessary and overdue.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 30, 2007 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

### OCTOBER 31

9 a.m.

Budget

To hold hearings to examine S. 2063, to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

SD–608

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the Uniformed Services Employment and Reemployment Rights Act (USERRA).

SD–562

10 a.m.

Environment and Public Works

To hold hearings to examine the licensing process for the Yucca Mountain Repository.

SD–406

Judiciary

To hold hearings to examine Foreign Intelligence Surveillance Act (FISA) amendments, focusing on ways to protect Americans' security and privacy while preserving the rule of law and government accountability.

SD–226

10:30 a.m.

Foreign Relations

Business meeting to consider S. Res. 334, expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and Palestine, United Nations Convention on the Law of the Sea, with Annexes, done at Montego Bay, December 10, 1982 (the "Convention"), and the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, with Annex, adopted at New York, July 28, 1994 (the Agreement"), and signed by the United States, subject to ratification, on July 29, 1994 (Treaty Doc.103–39), Convention Between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and accompanying Protocol, signed on November 27, 2006, at Brussels (the "proposed Treaty") (Treaty Doc.110–03), Protocol Amending the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Copenhagen May 2, 2006 (the "Protocol") (Treaty Doc.109–19), Protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki May 31, 2006 (the "Protocol") (Treaty Doc.109–18), and Protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, Signed on August 29, 1989, signed at Berlin June 1, 2006 (the "Protocol"), along with a related Joint Declaration (Treaty Doc.109–20).

SD–419

2:30 p.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine post-catastrophe crisis, focusing on addressing the dramatic need and scant availability of mental health care in the Gulf Coast.

SD–342

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine climate disclosure, focusing on measuring financial risks and opportunities.

SD–538

### NOVEMBER 1

9 a.m.

Environment and Public Works

Private Sector and Consumer Solutions to Global Warming and Wildlife Protection Subcommittee

Business meeting to consider S. 2191, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases.

SD–406

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine the impact of the Flood Control Act of 1944 on Indian Tribes along the Missouri river.

SD–628

10 a.m.

Finance

To hold hearings to examine pending nominations.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine the nominations of Gregory F. Jacob, of New Jersey, to be Solicitor, and Howard Radzely, of Maryland, to be Deputy Secretary, both of the Department of Labor.

SD–430

Judiciary

Business meeting to consider S. 1946, to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law, S. 2168, to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft, S. 352, to provide for media coverage of Federal court proceedings, and the nominations of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit, and Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

SD–226

Intelligence

Meeting of conferees on proposed legislation authorizing funds for fiscal year 2008 for the intelligence community.

S–407, Capitol

2 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the Small Business Administration, focusing on the efficacy of the 7(a) loan program.

SD–342

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

### NOVEMBER 7

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the performance and structure of the United States Court of Appeals for Veterans.

SD–562

10 a.m.

Rules and Administration

To hold hearings to examine the Government Accountability Office report focusing on funding challenges and facilities maintenance at the Smithsonian Institution.

SR–301

1:30 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine sovereign wealth fund acquisitions and other foreign government investments in the United States, focusing on economic and national security implications.

SD–538

### NOVEMBER 8

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 86, to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers, S. 1365, to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, S. 1449, to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geologic artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature and Science in Denver, Colorado, S. 1921, to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, S. 1941, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, S. 1961, to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama, S. 1991, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, S. 2098, to establish the Northern Plains Heritage Area in the State of North Dakota, S. 2220, to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations, and H.R. 1191, to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

SD–366

## POSTPONEMENTS

### OCTOBER 31

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine universal telephone service.

SR–253

# HOUSE OF REPRESENTATIVES—*Tuesday, October 30, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SIRES).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 30, 2007.*

I hereby appoint the Honorable ALBIO SIRES to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 3 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 10 a.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, we seek Your guidance and protection; yet, we are often reluctant to bend to Your ways. Help us to understand the patterns of Your creative hand. In the miracle of life and the transformation to light, You show us Your awesome wonder. Both the changing seasons and the dawning of each day reveal for us Your subtle but consistent movement during every moment of life.

Without a screeching halt or sudden curtain, You change darkness into light and provide a new day. Only week after week does Mother Earth strip herself and then blanket herself for winter. Guide us to imitate Your silent but relentless plan of transcendence.

Through the gradual building of consensus and the hard work toward responsible transition, may Your people all over the globalized world tire of competition and war and awaken to new ways of interdependence and peace.

For this we pray, now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. BOUSTANY) come forward and lead the House in the Pledge of Allegiance.

Mr. BOUSTANY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## EFFECTS OF ALTERNATIVE MINIMUM TAX

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Madam Speaker, one of the greatest financial assaults on America's middle class is the alternative minimum tax. Originally, it was meant to ensure that several dozen of the richest families in America paid their fair share of taxes, but it wasn't indexed for inflation, so it's robbing middle class taxpayers, like our union members, our cops, firefighters, teachers and nurses. Now, after too long, finally a real effort at reform is developing.

The Ways and Means Committee majority has unveiled a repeal of the AMT. Now, it's too early for me to say that I agree with every single element of this proposal. I am convening a panel of experts to assess it. But I am pleased that finally we are seriously addressing this middle-class rip-off. I want to thank Chairman RANGEL. I hope to work closely with him in achieving real reform and real relief for America's working families and middle-class taxpayers.

## R&D TAX CREDIT

(Mr. ROSKAM asked and was given permission to address the House for 1 minute.)

Mr. ROSKAM. Madam Speaker, I rise today to raise awareness of the imminent need for Congress to extend and make permanent the research and development tax credit. The R&D tax credit is set to expire at the end of this year. At a time of increasing globalization, America's prosperity depends more than ever on its capacity to innovate. For decades, our Nation's leadership in research has led to discoveries that have dramatically improved living standards around the world and given rise to new industries that have in turn created millions of new jobs.

Other countries are well aware of the significant economic benefits that flow from R&D activities, and many have created strong tax incentives designed to attract R&D investment around the world. In fact, 10,000 American companies will be able to take advantage of the permanency of the R&D tax credit. In my district alone, small and medium manufacturers, technology companies and leading research institutions will greatly benefit from this tax credit.

Let's not play politics with the lifeblood of our economy. Let's join together, both sides of the aisle, to extend the R&D tax credit.

## SPENDING FOR CHIP VERSUS SPENDING IN IRAQ—THIS IS A QUESTION OF PRIORITIES

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, the American people agree with the Democratic Congress: It is time to begin responsibly redeploying our troops from Iraq and investing much-needed funds here at home. Instead of beginning to spend less money in Iraq, the President is once again asking Congress to do more; a lot more.

Just last week, President Bush increased his request for additional Iraq funding to a total of $189 billion next year, bringing the total cost for the

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

war so far to over $800 billion. Yet, the President has never proposed any way to offset this massive spending; instead, sinking our Nation deeper into debt.

This Democratic Congress and the American public have a different set of priorities. We believe in being fiscally responsible and implemented a pay-as-you-go system to stop piling debt on the backs of our Nation's children. That is why our children's health legislation, which helps 10 million children receive the health care coverage they deserve, is fully paid for.

Madam Speaker, the President's fiscal priorities are irresponsible and misplaced. He should be reducing the amount we are spending in Iraq so that we can again invest in domestic priorities, like children's health care.

## NEED FOR PERMANENT R&D TAX CREDIT

(Mr. SALI asked and was given permission to address the House for 1 minute.)

Mr. SALI. Madam Speaker, global competition is a fundamental reality of today's economy. America is doing well because we offer the highest quality products in the world. Only by staying on the leading edge of technology and innovation will our competitive edge stay sharp. Our competitive advantage will diminish unless our companies have the ability to perform research and develop the technology improvements that keep America out front. That is why we need a permanent R&D tax credit.

One recent study found that R&D credit teases out nearly $3 of additional R&D investment for every $1 of taxes companies can deduct. In addition, it has been estimated that more than three-quarters of R&D tax credit dollars are used for the compensation of employees who work in U.S.-based research and development.

In my home State of Idaho, roughly 35,000 people are employed in the high-tech industry. The companies where they work depend on the best possible research and development. It is hard for firms to plan for future growth when a key tax credit is destined to expire at the end of the year.

Madam Speaker, it is time to make the R&D tax credit permanent.

## SCHIP VERSUS SPENDING IN IRAQ

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Madam Speaker, once again, we have a vivid, vivid example of this President's misplaced priorities. Earlier this month, the President vetoed the Children's Health Insurance Program, which would have extended private health insurance coverage to 10 million children in this country at a reasonable investment of $35 billion over a 5-year period. It costs too much, the President said. We can't afford it. Yet, last week the President requested additional funding for this misadventure in Iraq to the tune of $189 billion. We can't find money for children and health care in this country, but we can find, apparently, endless supplies of dollars to fund the war in Iraq.

Madam Speaker, this President on this issue and on many other issues is gravely out of touch with the American people.

## MAKE PERMANENT THE RESEARCH AND DEVELOPMENT TAX CREDIT

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Madam Speaker, in my home State of Michigan, we have hit some hard times, and recently things have become worse as Michigan's Governor and tax-hiking State legislators inflicted a massive tax increase on the people of Michigan.

While in Congress, I am going to do all I can to aid Michigan's comeback, providing incentives for manufacturers and their employees to innovate, grow and expand. For example, American auto manufacturers spend $20 billion a year on research and development, and such investment and innovation among American automakers should be encouraged.

One positive step Congress can immediately take to continue similar innovation is to make permanent the research and development tax credit. This legislation would keep high-tech, high-paying jobs in America by maintaining important incentives and enable American companies to grow, become more competitive globally, and ultimately result in additional high-paying American jobs.

I urge my colleagues to support H.R. 2138, the research and development tax credit, and encourage further investment and growth in our great Nation.

## DEMOCRATS MAKE CHANGES TO ADDRESS REPUBLICAN CONCERNS AND IT IS STILL NOT ENOUGH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, the children's health insurance legislation passed by the House last month was a bipartisan bill that provided health care coverage to 10 million American children. Although it received overwhelming support from the American people, from 43 Governors, and a veto-proof majority in the Senate, the majority of House Republicans rejected it and said they had specific concerns.

To address their concerns, House Democrats met with Republicans and introduced a revised SCHIP bill last week. We clarified 3 key points. 1, there wasn't any possibility of higher income families being eligible; 2, it further clarified that immigrants without documents would not have access to the program; and, 3, it phased out over 1 year the coverage of childless adults.

But, Madam Speaker, Republicans in this body just can't take yes for an answer. Even after addressing their concerns in this revised bill, many of our colleagues still insisted on standing with President Bush, instead of with working American families.

## IN SUPPORT OF A PERMANENT RESEARCH AND DEVELOPMENT TAX CREDIT

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Nebraska. Madam Speaker, I rise today in support of a permanent research and development tax credit. We are the strongest Nation on Earth, in large part because of the innovation inspired through research and development. This has been a driving force through our history, leading us to discoveries which add convenience, comfort and productivity to our lives.

In Nebraska, now more than ever, our rural businesses grow when people are willing to face the uncertainty and risks which others find daunting. In our increasingly competitive global economy, it is essential we ensure there is a permanent, meaningful incentive for all businesses to invest in research and development.

We live in a world with limitless innovation, and I look forward to seeing what the future will bring from further research and development.

## URGING PRESIDENT TO SIGN SCHIP LEGISLATION

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Madam Speaker, just 2 weeks ago today, tens of thousands of residents from the Fifth Congressional District of Massachusetts supported my candidacy because they wanted to make sure that all our children have health insurance. Two days later, I began my service to the Fifth District by proudly voting to override President Bush's veto of a children's health care bill that had overwhelming bipartisan support.

Unfortunately, the veto was upheld, but the fact remains that millions of children that need health care don't have it.

Last Thursday, I again voted to expand the Children's Health Insurance

Program, a program that was first developed in Massachusetts and is now critical to the newly enacted Massachusetts health insurance plan. Every concern raised by the President has been clearly addressed in this bill, but he still threatens to veto it.

I will stand with the strong bipartisan majority, ready to overturn this veto and give 200,000 children in Massachusetts and millions more across the country a chance at a healthy, safe future. I urge the President to sign the bill.

## MOTHER OF ALL TAX HIKES—BAD FOR THE U.S. ECONOMY AND WORSE FOR AMERICAN TAXPAYERS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute.)

Mr. BOUSTANY. Last week, Speaker PELOSI embraced the Democrats' $1.3 billion tax scheme. The ink is barely dry, but she is already distancing herself from the mother of all tax hikes.

As reported in today's Hill newspaper, the Speaker's office has changed the transcript of her press comments to reflect that she supports Chairman RANGEL's "plan to begin tax reform," not his actual "tax plan."

Maybe the Speaker has caught on to what many Americans have discovered in the fine print. Maybe she figured out that the bill raises taxes on every U.S. taxpayer. Or it could be the part about resurrecting the death tax and penalizing small businesses and family farms that is causing her concern. Then again, it might be that she simply agrees that our Tax Code shouldn't punish a man and woman for getting married.

Madam Speaker, you can change the transcript, but you can't change the facts. The Pelosi-Rangel mother of all tax hikes is bad for the U.S. economy and worse for the American taxpayer.

□ 1015

## NEW HAMPSHIRE IS RED SOX NATION

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Madam Speaker, I rise today to celebrate Red Sox Nation. In this House, we often disagree on many issues of national importance, but today we are all part of Red Sox Nation. After trailing Cleveland 3–1 in the American League Championship Series, the Red Sox won seven straight games and won their second World Series crown in 4 years.

In my home State of New Hampshire, we are made up of diehard Red Sox fans, and we are a proud part of Red Sox Nation. There is no such thing as a fair-weather Red Sox fan. Granite Staters went four generations without being able to celebrate a Red Sox championship, and that is why it has been a great week and great year to be a Red Sox fan.

I also want to congratulate Mike Lowell on being named the MVP of the series. Now we can all finally get some sleep. Go Sox.

## IN MEMORY OF THE STUDENTS WHO LOST THEIR LIVES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, this past weekend the University of South Carolina and Clemson University suffered a tragic loss when seven of their fellow students died in a house fire.

As a USC Law School graduate and parent of a current Clemson student, I know the sadness and grief so many must be feeling at this time, and our hearts and prayers go out to these two great communities. I know that the strength and companionship shared by the students, faculty, family and friends, led by President Andrew Sorensen of USC and President Jim Barker of Clemson, will help them through this difficult time.

I wish to express the deepest condolences on behalf of the House of Representatives, my family, and the people of South Carolina to the families and friends of those students who lost their lives. I especially grieve because my mother was a member of Delta Delta Delta sorority at USC and my father was a member of Sigma Alpha Epsilon fraternity at USC.

In conclusion, God bless our troops, and we will never forget September the 11th.

## MOMENT OF SILENCE IN MEMORY OF LIVES LOST

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Madam Speaker, it is with a heavy heart that I rise to memorialize the lives of Justin Anderson, Travis Cale, Lauren Mahon, Cassidy Pendley, William Rhea, Allison Walden, all students of the University of South Carolina which I proudly represent here in this body, and Emily Yelton, a student of Clemson University.

Madam Speaker, when young men and women go off to pursue education, their families hope for them a bright future and a long life. All seven of these young men and women lost their lives in a fire this weekend, and I join with those that I represent at the University of South Carolina in offering condolences to these families. I also say to the families of Clemson University, our hearts go out to all of them.

Madam Speaker, I ask that you and this body join me in a moment of silence in memory of these young people.

## FUND OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Madam Speaker, this is day 30. That is 30 days so far our veterans have not had the use of the increased funding for their benefits and health care. That is $18.5 million a day not able to be used. And why? Because the Democratic leadership has decided to not complete this bill and send it to the President who has agreed to sign it.

In June, this House passed this appropriation bill with a $6 billion increase in a bipartisan manner. We were proud of our work and grateful to our veterans. On September 6, the Senate completed their bill. This work is done. Our veterans are not pawns in a political game. They are heroes.

America expects us to get the job done. America expects us to provide the best care to our veterans. Please join me in calling upon the Democratic leadership to put our veterans first and send this bill to the President now.

## PRESIDENT DEMANDS BLANK CHECKS FOR IRAQ

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Madam Speaker, last week President Bush requested an additional $42 billion from Congress for the wars in Iraq and Afghanistan, bringing his total funding request for the upcoming year to $190 billion.

Also last week, the Congressional Budget Office released a report concluding that the wars in Iraq and Afghanistan will cost $2.4 trillion over the next decade. That's nearly $8,000 for every American.

Just imagine if we rejected the President's plan to continue the war in Iraq for another decade and worked instead to responsibly redeploy our troops out of Iraq within the next year. Rather than spending $2.4 trillion over in Iraq, we could instead invest it here with our own people. This would be more than enough to provide every college freshman in our Nation with a free 4-year education at a private college or university. We could also use that money to provide health care coverage to every American for a year or could pay off 26 percent of our national debt.

## UAW/CHRYSLER DEAL

(Mrs. MILLER of Michigan asked and was given permission to address the

House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, I rise today to applaud this weekend's ratification of the contract between the United Auto Workers and Chrysler. The new contract creates a stronger domestic auto industry and modernizes the relationship between the Big Three and labor.

The ratification by the rank and file signals a new day for the domestic auto industry that has been struggling for market share with its foreign competitors. And sincere congratulations to President Ron Gettelfinger of the UAW and his entire team on a job well done.

The industry still faces many challenges, but this new pact between the UAW and Chrysler and an earlier deal with GM means that both sides have come together to move the industry forward.

The good-faith negotiations proved that all of the stakeholders put the future of the domestic auto industry first as they worked towards manufacturing competitiveness.

This agreement secures jobs and allows the parties to move forward and to continue to create quality products and compete in the global marketplace. Again, congratulations. Well done.

## HOMELESSNESS AND POVERTY

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise to discuss poverty and homelessness in the San Gabriel Valley in the 32nd Congressional District. At least 43 percent of adults living below the Federal poverty line in L.A. County have worked either full-time or part-time. They have to balance rent or mortgage payments, child care, food, gas prices, and health care. The increasing costs can lead to homelessness if you can't make these payments.

In Los Angeles County, over 152,000 people are homeless over the course of a year; and in the city of Azusa, at least 1,500 children were homeless last year.

I am proud that Democrats have taken steps to reduce poverty and homelessness. In 2007, our farm bill raised the minimum benefit in the food stamp program for the first time in 30 years. For the first time in more than 10 years, we have raised the minimum wage and expanded American homeownership, and also would help to provide and ensure that low-income and middle-income families have affordable mortgage loans.

## ANNIVERSARY OF NOVEMBER ELECTIONS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, we are fast approaching the 1-year anniversary of the November elections when the American people went to the polls demanding to take our Nation in a new direction.

Over the last 10 months, the new Democratic Congress has produced real results that are now making a real difference in millions of Americans' lives. For 10 years, Republican Congresses have refused to increase the minimum wage for nearly 6 million hardworking Americans. Democrats thought that was unacceptable, and 1 of our first actions was to ensure that these workers finally got a much-deserved and long overdue pay raise.

Democrats also realize it is difficult for middle-class parents to send their children to college. Over the last 6 years as wages have stagnated, college costs have increased 40 percent above inflation. This Democratic Congress passed and the President signed into law legislation that provides the single largest increase in college aid since the GI Bill, and this new law will allow more Americans to live the American Dream.

Madam Speaker, congressional Democrats are proud of these accomplishments, but they are only the beginning as we continue to move America in a new direction.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

## INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes related to the Internet and to electronic commerce.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Internet Tax Freedom Act Amendments Act of 2007".*

***SEC. 2. MORATORIUM.***

*The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—*

*(1) in section 1101(a) by striking "2007" and inserting "2014", and*

*(2) in section 1104(a)(2)(A) by striking "2007" and inserting "2014".*

***SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.***

*Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:*

*"(c) APPLICATION OF DEFINITION.—*

*"(1) IN GENERAL.—Effective as of November 1, 2003—*

*"(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and*

*"(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108–435).*

*"(2) EXCEPTIONS.—Paragraph (1) shall not apply until June 30, 2008, to a tax on Internet access that is—*

*"(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or*

*"(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.*

*"(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to June 30, 2008, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).".*

***SEC. 4. DEFINITIONS.***

*Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—*

*(1) in paragraph (1) by striking "services",*

*(2) by amending paragraph (5) to read as follows:*

*"(5) INTERNET ACCESS.—The term 'Internet access'—*

*"(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;*

*"(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—*

*"(i) to provide such service; or*

*"(ii) to otherwise enable users to access content, information or other services offered over the Internet;*

*"(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity;*

*"(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), (C), or (E)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), (C), or (E); and*

*"(E) includes a homepage, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity, that are provided independently or not packaged with Internet access.";*

*(3) by amending paragraph (9) to read as follows:*

*"(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).", and*

*(4) in paragraph (10) by adding at the end the following:*

*"(C) SPECIFIC EXCEPTION.—*

*"(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—*

*"(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);*

*"(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);*

*"(III) is imposed on a broad range of business activity; and*

*"(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.*

*"(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).*

*"(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.".*

***SEC. 5. CONFORMING AMENDMENTS.***

*(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—*

*(1) by striking "telecommunications services" each place it appears and inserting "telecommunications", and*

*(2) in subsection (b)(2)—*

*(A) in the heading by striking "SERVICES",*

*(B) by striking "such services" and inserting "such telecommunications", and*

*(C) by inserting before the period at the end the following: "or to otherwise enable users to access content, information or other services offered over the Internet".*

*(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.*

***SEC. 6. SUNSET OF GRANDFATHER PROVISIONS.***

*Section 1104(a) of the Internet Tax Freedom Act is amended by adding at the end thereof the following:*

*"(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any State that has, more than 24 months prior to the date of enactment of this paragraph, enacted legislation to repeal the State's taxes on Internet access or issued a rule or other proclamation made by the appropriate agency of the State that such State agency has decided to no longer apply such tax to Internet access.".*

***SEC. 7. EFFECTIVE DATE.***

*This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

### GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3678, the Internet Tax Freedom Act Amendments Act, as amended. H.R. 3678, legislation designed to extend the Internet tax moratorium and grandfather protections, clarify the treatment of gross receipts taxes, and revise the definition of Internet access is bipartisan legislation at its best. It has widespread support by industry groups including the Don't Tax Our Web Coalition, as well as by various government organizations such as the National Governors Association, the Federation of Tax Administrators, the National Conference of Mayors, and the National Conference of State Legislatures. It is supported by a wide range of labor and union groups, including the American Federation of State, County and Municipal Employees.

And with that broad support, the House passed H.R. 3678 by a vote of 405–2. H.R. 3678, as amended by the Senate, contains four distinct changes.

First, the Senate version extends the moratorium on State and local taxes on Internet access and continues grandfather protections for 7 years until November 1, 2014. The 7-year time frame will allow Congress to revisit the moratorium and consider developments in the States or in technology. It will provide businesses sufficient time to plan and ensure that consumers benefit from tax-free access to the Internet.

Second, the Senate version extends from November 1, 2007 to June 30, 2008 the time for certain States to adjust for a phaseout of the grandfather protection. This alteration will benefit State governments who would have scrambled to readjust their budgets with a loss of revenue beginning November 1.

Third, the Senate version expands the definition of Internet access to prohibit taxation of certain services which are fee-based, not packaged with Internet access, and are offered from sources other than providers of Internet access.

Finally, the Senate version prohibits a State from reimposing Internet access taxes if the State had eliminated the taxes more than 2 years ago.

For nearly 10 years, we have had the luxury of tax-free Internet access, as we have acted under a moratorium passed by Congress, but the moratorium expires in less than 2 days.

☐ 1030

With the impending end of the moratorium in sight, this Chamber agreed nearly unanimously to pass H.R. 3678, the Internet Tax Freedom Act Amendments Act. This legislation is an example of how a bipartisan approach to a complex issue can serve the public good.

While the Senate made some changes to H.R. 3678, this is a version I'm very proud to support. It retains the essence of H.R. 3678, including refining the definition of Internet access and, most importantly, providing a temporary extension of the moratorium. This legislation minimizes the effect on State and local government revenue, treats businesses fairly, and keeps Internet access affordable to consumers.

I remind my colleagues on both sides of the aisle that the current Internet tax moratorium expires in about 36 hours. Madam Speaker, I encourage all my colleagues to join me in supporting H.R. 3678, the amended Internet Tax Freedom Act Amendments Act, so that tax-free access to the Internet can continue.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I'm pleased that we are considering a bill to extend the Internet tax moratorium another 7 years. With only 2 days left until the moratorium expires, it's high time that Congress passes this important legislation and gets it to the President's desk for his signature.

Two weeks ago, the House approved H.R. 3678, a bill to extend the Internet tax moratorium for 4 years. I supported this legislation because it accomplished several positive things. For example, it clarified the definition of Internet access to ensure that States do not tax Internet access, including the acquisition of transmission capabilities.

However, I was disappointed that it did not permanently ban taxes on Internet access and e-commerce and that the House Democratic leadership refused to allow a vote on permanency, even though over 240 Members are cosponsors of a permanent extension.

Today, by passing H.R. 3678 with the Senate amendments, we are taking a step in the right direction. This legislation extends the moratorium for 7 years, almost doubling what the House approved only 2 weeks ago.

The Senate amendments to H.R. 3678 also made several other important changes to the law. The Senate extended the coverage of the moratorium to all e-mail, regardless of whether it was bundled with Internet access. With respect to the original grandfathered States, the Senate added a new "use it or lose it" provision that says that if one of those States repeals or otherwise does not enforce its tax on Internet access, it loses its grandfather protections.

I think these are good changes to the original House-passed bill, and I am happy to support them.

By extending the ban on Internet access taxes for a longer period of time, we give businesses the certainty they need to spend billions of dollars to construct, maintain and update the broadband Internet infrastructure throughout the country.

This legislation will help keep the cost of Internet access down so that all individuals can continue to use the great informational tool that is the Internet.

While I'm disappointed that we're not making the ban permanent, which has wide support in the House, we are certainly moving in the right direction by passing H.R. 3678 today.

Hundreds of companies and groups, including AOL, Apple, Americans for Tax Reform, AT&T, Comcast, eBay, Electronic Industries Alliance, Level 3 Communications, the National Association of Manufacturers, National Cable and Telecommunications Association, National Taxpayers Union, Sprint/Nextel, Time Warner Communications, T-Mobile, U.S. Chamber of Commerce, U.S. Telecom Association, U.S. Internet Industry Association, Verizon, Yahoo, the Business Software Alliance, and the Hispanic Technology and Telecommunications Partnership, among many, many others, have, in fact, called for a permanent ban on Internet access taxes.

While H.R. 3678 doesn't get us all the way to the goal line, it is a step forward that will benefit the economy and the consumer.

Madam Speaker, if we are going to have a healthy economy in America, if we are going to continue to create jobs, if we're going to continue to enjoy a high standard of living, if we are going to continue to increase productivity, we have to do everything we can to encourage and help the high-tech industry.

To that end, I support H.R. 3678, but I still would like to see Congress pass a permanent moratorium.

Madam Speaker, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield 3½ minutes to the gentlelady from California, a colleague of mine who's very knowledgeable on Internet tax issues, Ms. ANNA ESHOO.

Ms. ESHOO. I thank the gentlewoman for yielding.

Madam Speaker, I rise today in support of the amended legislation that's before us. Two weeks ago when the House brought legislation to the floor on Internet taxation, I was only one of two that opposed it. Now, I opposed it not because I opposed extending the moratorium. Quite to the contrary.

I offered legislation with Mr. GOODLATTE that would have made Internet taxation, a ban on it, permanent. We introduced legislation that enjoyed over 240 bipartisan cosponsors. That legislation was not considered by the Judiciary Committee or the House.

The bill also contained a loophole that could have opened up the possibility of new taxes on the Internet services such as e-mail and music downloading. I knew we could do better and today we are.

The Senate-amended legislation will establish the longest term for the Internet tax moratorium since it was first created in 1998. The Congress acted on that again in 2001 and 2004, and today's moratorium is the longest that will be adopted. So I think it's cause for celebration.

The legislation will guarantee that new barriers created by taxation of Internet access and e-commerce will not emerge when the current moratorium ends, which is just, as the chairwoman said, 36 hours away. So we're coming in right under the wire.

I think that this is very important policy for our country. Very importantly, this is going to continue to spur innovation, and it will advance our goal of broadband for everyone in the United States.

I'm very, very pleased at the Senate action, under the leadership of really the father of this effort, Senator RON WYDEN, new father of twins, a son and a daughter, many congratulations to him. I urge all of my colleagues. This should be a 100 percent vote in the House for a 7-year moratorium, and I thank the leadership for bringing it to the floor and the chairwoman for her leadership on this as well.

Mr. SMITH of Texas. Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), a senior member of the Judiciary Committee and the principal Republican sponsor of the permanent ban on Internet taxes.

Mr. GOODLATTE. I thank the gentleman from Texas for his leadership on this issue, as well as that of the two gentlewomen from California, Congresswoman ESHOO and Congresswoman LOFGREN, who have been advocates of a permanent extension of this legislation.

Madam Speaker, I am pleased that the House leadership has now seen fit to schedule a vote on a bill to extend the Internet tax moratorium for longer than the mere 4-year extension contained in the House-passed bill.

However, I'm still extremely disappointed that the majority did not allow any amendments to H.R. 3678 when it was considered by the full House. The handling of that bill 2 weeks ago by the House leadership is unfortunately reflective of the stranglehold that leadership has placed on the will of the majority in this Congress.

I had introduced legislation, along with Representative ESHOO, to make the ban on Internet access taxes permanent, and that legislation had garnered nearly 240 bipartisan cosponsors before the House was forced to vote on the 4-year extension. These cosponsors represent a strong bipartisan majority of the Members of this body. However, with absolutely no explanation, the majority party cut off all opportunity for amendments to that legislation on the House floor, where I have no doubt an amendment to make the ban on access taxes on the Internet permanent would have passed with a very strong majority.

During committee consideration, the House Judiciary Committee even resorted to obscure procedural tactics to reverse a vote for an amendment in committee to extend the moratorium from 4 years to 8 years. Because all but one Democrat, Congresswoman LOFGREN, on the committee voted against an amendment I offered there to extend the moratorium for 6 years, I assume that to be consistent they will vote against the 7-year extension before us today, but we shall see.

With regard to the merits of a 4-year extension, we heard arguments that the Senate would not accept anything longer than a 4-year extension. However, that has proven not to be the case. Now, House leadership has been forced to schedule a vote on a bill to extend the moratorium for 7 years because the current moratorium expires tomorrow. It's a shame they did not do this, and more, voluntarily when they had the chance.

Instead, the Senate, and I, too, join in commending Senator WYDEN and Senator SUNUNU in the bipartisan effort that was made in the Senate, which passed a more reasonable bill with a longer term of protection for American taxpayers.

The bill before us today extends the moratorium for almost twice as long as the House-passed bill, and while I would prefer a permanent ban, this is a vast improvement over current law. This bill will continue to help ensure that the digital divide does not grow between those who can and cannot afford broadband Internet access.

The bill will also help ensure that businesses have more certainty when making business decisions about whether to deploy broadband to areas they do not currently serve, such as rural areas across the country.

I urge the Members of this body to support this important legislation.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, at this time, I am pleased to yield 3 minutes to the gentlelady from California (Ms. ZOE LOFGREN), a colleague of mine on the subcommittee and the Committee on the Judiciary.

Ms. ZOE LOFGREN of California. Madam Speaker, I rise in support of H.R. 3678.

In a welcome and refreshing instance of bipartisan, bicameral cooperation, the Senate took our bill and improved it. The longer moratorium means that service providers will have more certainty when deciding whether to make critical investments in basic infrastructure of the Internet.

The 7-year extension is longer than any that has ever been approved by any previous Congress. Consideration of this bill today shows that the Democrats in the 110th Congress truly understand the importance of the Internet to our economy.

Equally important, the bill as amended makes absolutely clear that Internet access embraces ancillary services such as e-mail, instant messaging and personal storage capacity. This change removes ambiguity with respect to these services, and thereby encourages robust competition among Internet service providers.

And importantly, today is October 30. By passing the extension of the Internet tax moratorium with ample time for the President to sign the bill into law, we avoid the almost certain disruption that would attend any further delay. Failure to act would be a mistake and a step away from the pledges we made in the Innovation Agenda.

I continue to believe that a permanent ban on the taxation of Internet access is important to maintaining and improving our place in the information economy.

I remain a proud cosponsor of my friend ANNA ESHOO's bill that would have made the moratorium permanent. I will continue to work with her and Mr. GOODLATTE to achieve that goal, but I heartily accept H.R. 3678 as a fair compromise between our position and the views of those who are reluctant to entirely abandon the possibility of one day taxing the Internet.

Ultimately, we will reach the legislative conclusion that taxing the Internet is simply a bad idea. Fortunately, this bill buys us enough time to get there and is an important, big step in the right direction.

Aside from supporting expansion of the broadband and innovation, it's also good news for American families that they will not face a new tax burden when they utilize the Internet come November 1. Therefore, I urge my colleagues to join me in supporting this important and very timely legislation.

I thank the chairwoman of the subcommittee.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman from Texas for yielding.

Let's make it clear what this bill does not do. What it does not do is it does not prohibit States or localities from putting general application taxes on Internet transactions as they would apply if that transaction were taking place not on the Internet. For example, it does not ban sales taxes on transactions over the Internet, as long as those taxes are the same sales taxes as would be applied if that purchase was transacted in a store or over a catalog, but what it does do is it says you cannot put discriminatory taxes on the Internet.

☐ 1045

You cannot take that sales transaction and give it a sales tax that is higher because it was transacted over the Internet than if it were not. It also says that you cannot tax access or use to the Internet.

Can you imagine, can anyone out there imagine that if every time you sent an e-mail there was a tax that went on your credit card or something for using it, or every time you went on a Web site, there was a tax? That's absolutely unconscionable. Particularly today, when we realize how much of the economic growth we have experienced in this decade has come from the Internet and how much distribution of knowledge there has been and how it is a great equalizer that so many people at so many incomes and in so many locations are able to access knowledge that was previously unavailable.

The Internet has been a great engine for economic growth and for the distribution of knowledge. We don't want to slow down that engine by taxing it.

Now I, like I believe every other speaker this morning, wishes that this bill were a permanent ban. I can't imagine a time when we would want to restrict your access to the Internet by taxing it.

However, 4 years is better than zero, and 7 years is better than 4. So this 7-year extension is something that I will heartily support.

However, I also desperately hope that before we get to the day of the expiration of this next 7-year period, that sometime within this 7 years that this Congress realizes and recognizes once and for all that taxing the access to or use of the Internet is a bad idea and makes this ban permanent in the future.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 10½ minutes, and the gentlewoman from California has 12 minutes.

Mr. SMITH of Texas. Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. UPTON) who is a senior member of the Energy and Commerce Committee and also ranking member of that committee's Subcommittee on Telecommunications and the Internet.

Mr. UPTON. I thank the gentleman for allowing me to have a little bit of time this morning to talk about a very important issue.

Madam Speaker, I am one of those Members of Congress who actually reads and signs all of his legislative mail from their district. I can remember not too long ago there was a write-in campaign to every congressional office complaining about a bill that Congressman Snell had introduced that was going to tax the Internet, every single piece of transaction that one might have on the Internet. Of course, as we know as we look at this board, and I have served in this Congress, I like to say not long enough, but I have never served with a Congressman Snell in the 21 years that Mr. SMITH and I have served here together.

I went through it to find out when did Congressman Snell serve? There must have been a Congressman Snell. Well, there was. He served in the 64th Congress. Now, that was a long, long time ago, and I daresay it was before the Internet. It was before Al Gore invented the Internet, and it was before the Senate and the House discovered it as well.

But can you imagine taxing every different thing that one might do on the Internet?

I look at our own household here and back in Michigan. Often we come home, my wife and I, the first thing we do is we get on the Internet. We check what our daughters might be saying at college. Two nights ago I was doing some Internet surfing, and I got IMs from my daughter, probably about 20, 25. It was a wonderful experience that she and I had communicating. But can you imagine if there was a tax on every single IM message that came back and forth?

A lot of us do our banking on the Internet, check our different accounts. Can you imagine every single time you are going to get a tax on the Internet? For me, I am a sports nut, my Wolverines. I was at MGoBlue last night a couple of different times. When is the Michigan-Michigan State game going to be on this weekend? Can you imagine if you got taxed every time? I wanted to check if Michael Hart was going to play this Saturday. I checked a bunch of different Web sites. Can you imagine if you got a tax every single time? That's just nuts.

Thank goodness we are extending the current moratorium that otherwise expires this week. Now, I am one that wanted to make it a permanent extension. I join with Mr. GOODLATTE and Mr. SMITH and others as a cosponsor of legislation so that we don't have to do this every single year. We passed in the House a couple of weeks ago a bill that was unanimous, in fact, as I recall, that extended it for 4 years.

The Senate finally did something right; they actually extended it beyond 4 years. We are going to see an extension for 7 years. Even though it's not permanent, 7 years is better than nothing, and that's what we are doing today.

But as I think about all the different uses that we use on the Internet today, to think that we would tax every e-mail, every search of the Web, all those different things. As the former chairman of the Telecommunications Subcommittee, I know that this will stifle the growth of the Internet in a major, major way.

I would ask all of my colleagues, Republican and Democrat, to support this extension. Let's get it to the President. I am sure that he will sign it, hopefully, before the week is out, so that we can no longer have the audacity to think that a Congressman Snell will come back and, in fact, perhaps introduce a piece of legislation that will, in fact, tax every Internet transaction. It would be disastrous.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I reserve the balance of my time to close.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, H.R. 3678, as amended by the Senate, remains a strong bill that provides much-needed clarity to the communications and Internet industries and strikes an appropriate balance in addressing the needs of States and local governments while helping keep Internet access affordable. I urge my colleagues on both sides of the aisle to join me in supporting it.

Mr. CHABOT. Madam Speaker, I rise in support of H.R. 3678, the Internet Tax Freedom Act Amendments Act, as amended by the Senate.

The Internet has changed the way we communicate, learn, and do business—all for the better. Since the Internet tax moratorium was first adopted, tremendous investment, growth and innovation in the scope and use of the Internet has occurred. By preventing unnecessary taxation of the Internet, Congress has fostered growth in productivity, spurred innovation, and widened public access to information.

This expansion is impressive. However, there is still more that Congress can do to ensure equal Internet access among all Americans. As I stated when the House passed its 4-year extension, permanently prohibiting unnecessary taxes, such as an Internet access, is the best course of action for accomplishing this goal.

The surest way to stifle achievement, progress, and growth is to involve the government. I urge my colleagues to pass H.R. 3678's 7-year extension and use this time to work together to permanently extend the moratorium in order to foster the innovation and the free market that have been the formula for economic growth and prosperity.

Mr. COLE of Oklahoma. Madam Speaker, though I would have voted "yea" on the Internet Tax Freedom Act, it is not the vote I wished to have had. I along with 242 bi-partisan co-sponsors wanted to see the Internet Tax Moratorium made permanent instead of an extension for 7 years. Through negotiations in the House, members were told that the Senate would never agree to anything longer than 4 years. Then, we were forced to vote on a 4-year extension October 16, without the opportunity to add amendments to lengthen the ban—or even make it permanent.

Madam Speaker, today we are now voting on a Senate amendment to H.R. 3678, extending the ban for 7 years—3 more years than what we were told the Senate would agree to. Imagine what we could have accomplished had the democrat leadership had listened to the will of 242 members from both sides of the aisle asking to make this ban permanent.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3678.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## PROVIDING FOR CONSIDERATION OF H.R. 3867, SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 773 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 773

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions of the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3867 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

### GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 773.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 773 provides for the consideration of H.R. 3867, the Small Business Contracting Program Improvements Act, under a structured rule.

As the Clerk reported, the rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Small Business. The rule waives all points of order against consideration of the bill except for clause 9 and 10 of rule XXI.

Ten amendments that were submitted to the Rules Committee for consideration were made in order. All four Republican amendments that were submitted and six Democratic amendments that were submitted were all made in order. Finally, the rule provides for one motion to recommit with or without instructions.

Through a series of laws and procurement requirements, Congress established a benchmark for the SBA to give small businesses every opportunity to compete fairly for the award of Federal contracts. Despite a clear mandate that has been in existence for more than 50 years, small businesses have not received their fair share of Federal Government contracts. This is especially true regarding the service-disabled veterans, men and women, and minority-owned businesses.

In 2006 alone, the Federal Government spent over $417 billion on goods and services, but small businesses have been continuously losing out on contracting opportunities. This is a tragedy. Small businesses are the engines of our economy; and securing a Federal contract is a major financial boon for these entrepreneurs, especially veterans, women, and businesses in low-income areas.

We cannot afford for our budding entrepreneurs to be shut out of what should be an open market and be denied opportunities to succeed, not when their existence is so vital to our economy, especially. H.R. 3867 takes several critical steps to assist small businesses' participation in Federal procurement by updating and expanding the SBA's procurement programs.

First, it improves contracting opportunities for service-disabled veteran businesses. Today only 0.87 percent of Federal contracts are granted to service-disabled veteran businesses, a far cry from the 3 percent goal that was enacted in 1999.

H.R. 3867 gives service-disabled veteran businesses priority for Federal contracts, providing more opportunities for our Nation's veterans to become successful entrepreneurs.

It also codifies President Bush's executive order directing agencies to provide veterans resources and assistance they need to participate in Federal contracting processes.

Second, H.R. 3867 aids women-owned businesses with Federal procurement processes. The Women's Procurement Program was enacted 7 years ago to increase the number of contracts awarded to businesses owned by women.

However, the SBA has been dragging its feet in implementing the program, costing women tens of billions of dollars in lost contracting opportunities. H.R. 3867 fully implements the Women's Procurement Program, giving women-owned businesses greater access to the Federal marketplace.

The bill also takes the first step in modernizing the 8(a) program, which helps minority-owned businesses secure Federal contracts; but it has not been updated in over 20 years. The bill updates the 8(a) program to reflect today's economy so that minority-owned businesses have time to grow and graduate from the initiative.

□ 1100

Finally, H.R. 3867 continues the Democrats' commitment to combating fraud and eliminate wasting taxpayer dollars.

The bill enhances business integrity standards to ensure that taxpayer dollars only go to reputable individuals. It promotes self-policing to allow small businesses to challenge individual program awards. It protects disabled veterans by penalizing firms that falsely represent themselves as service-disabled veteran businesses, and it requires on-site reviews by SBA personnel before HUBZone contracts are awarded.

Madam Speaker, the bill before us today, H.R. 3867, has extremely strong bipartisan support. It passed the Small Business Committee by a vote of 21–4.

Among other organizations, it is supported by the National Federation of Independent Business, the U.S. Hispanic Chamber of Commerce, the National Black Chamber of Commerce, the U.S. Women's Chamber of Commerce, the American Legion and Veterans of Foreign Wars.

I would like to thank Chairwoman VELÁZQUEZ and members of the Small Business Committee for their hard work that went into this piece of legislation.

Madam Speaker, we all recognize the importance of small businesses to our economy. It is imperative that we follow through on our commitments to small business and give them every opportunity we can to succeed.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend, the gentleman from California (Mr. CARDOZA) for the time, and I would yield myself such time as I may consume.

Small business is the engine that drives our economic strength. The almost 26 million small businesses in the United States employ over half of all private sector workers and pay approximately 45 percent of total U.S. private payroll. Over the last decade, small businesses have generated 60 to 80 percent of net new jobs annually.

Congress, for decades, has acknowledged the important role small businesses play in the Federal procurement process. This is evident in the Small Business Act of 1953. The Act says that, and I quote, "it is the declared policy of the Congress that the government should aid, counsel, assist and protect . . . the interests of small business concerns in order to preserve free competitive enterprise and to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the government . . . be placed with small business enterprises."

In 2006, the Federal Government spent over $400 billion on goods and services in over 8 million separate contracts. Small businesses won about 80 billion worth of those contracts, a little over 20 percent.

The Veterans Entrepreneurship and Small Business Development Act of 1999 established a goal of 3 percent for Federal contracts awarded to service-disabled veterans. Unfortunately, we have yet to meet that worthy goal.

The underlying legislation being brought to the floor today, H.R. 3867, the Small Business Contracting Improvements Act, seeks to expand procurement opportunities for businesses owned by service-disabled veterans by placing these businesses at the top of the priority list for receiving Federal contracts.

The legislation adjusts the net worth standard for businesses in the 8(a) program for the first time in about 20 years, to $550,000, so it is more consistent with inflation. To take part in the 8(a) program a business must be owned by citizens who are socially and economically disadvantaged. Participants in the program are eligible for sole source and limited competition government contracts. They also can receive a 10 percent cost advantage in some procurements.

As part of their campaign, Madam Speaker, the new majority spoke often about taking the House of Representatives in a new direction. Unfortunately, that direction seems to be backwards because now the Rules Committee no longer allows Members to present their amendments even if they're a few minutes late. That is a departure from the practice of the Rules Committee under the prior majority.

Last week, several Members attempted to file amendments with the Rules Committee. The majority denied the Members even the ability to file the amendment because they were a few minutes late, thereby denying Members the right even to come before the Rules Committee to speak about the merits of their respective amendments.

Representative KING attempted to file his amendment on-line as required by the committee; however, due to technical issues, he was not able to file the amendment on-line. Representative KING was told by the majority on the Rules Committee that they would waive the electronic filing requirement; however, because he had spent time trying to get the amendment filed electronically, he missed by a few minutes the deadline to physically file the amendment. It's disappointing that the majority would not allow Representative KING to offer his amendment when it was clear he was trying to comply with the filing requirements. Because of technical issues, he was delayed.

I understand the need the majority may have in issuing a deadline. But in the prior majority, Madam Speaker, we always allowed Members to at least file their amendments even if they were past the deadline, and even made some of those amendments in order. It is a shame that the new majority has decided to take a step back and not allow some discretion in this matter.

This new hard-and-fast time requirement is particularly difficult, if not impossible, when a Member is trying to file a second-degree amendment. As you know, Madam Speaker, a second-degree amendment is written to amend an amendment, so that it is not possible to draft such an amendment until the initial amendment was made public, and that list of amendments filed is not made public until after the amendment deadline.

We already saw how the new majority's requirement blocks amendments when, during a previous rule, Representative AKIN was not allowed to offer a second-degree amendment.

It's unfortunate, Madam Speaker, by not allowing Members to even offer amendments in the Rules Committee, we believe that the majority is, in effect, silencing the voices of millions of Americans.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would respond to my friend from Florida by saying that it is the hard copy being received in Rules Committee that needs to be done by the time that has been specified by the Rules Committee. Timely filed amendments were all made in order on the Republican side for this measure. We certainly look forward to our Republican colleagues filing amendments in committee when we've called for amendments to a bill, and encourage them to file on time.

Madam Speaker, at this time I would yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, let me thank the distinguished gentleman from California (Mr. CARDOZA), and thank the chairwoman and the ranking member of the full committee on the Small Business Administration, and acknowledge the important step that is being made here today dealing with insuring government contract opportunities for small businesses owned and controlled by service-disabled veterans. We are certainly going to have more of those. And every time you meet with a veterans group they wonder what are the opportunities for them.

Small businesses are the backbone of America and I do support this with legislation. I also hope, however, that this bill does not do harm to the HUBZones that have been used by many small businesses across America. And as we review it, I will look closely at this legislation to ensure that HUBZones are protected.

And I ask the question as to the formula that requires a site visit to the small business and background checks. I know for sure that many in the minority community use a small business as a step of opportunity out of a past that might not have been as they would have liked it to be. People who are rehabilitated who move forward in life should have an opportunity to provide for their families, and I would hope that that would be the framework of this particular legislation, that we're not doing harm to those opportunities because this is America.

And then I certainly would have wanted to have the amendment that I offered that indicated in times of natural disaster and/or an act of terrorism that small minority and women-owned and disabled veterans businesses be utilized in the area of the disaster. Certainly, if there is a disaster, those small businesses may be impacted. But what we saw in Hurricane Katrina, we saw the misuse of the small businesses who were there, meaning that they did not have the opportunity to, one, save the government money, but, at the same time, do the job on behalf of their community of which they loved. And so I hope that we will be able to work this language in, maybe through conference, because I think it is an important sense of Congress' statement, and I also hope that we will protect those HUBZones and make sure that we reaffirm the opportunities for all small businesses across America.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would ask my dear friend how many speakers he has remaining.

Mr. CARDOZA. I have one additional speaker that has arrived.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, we reserve.

Mr. CARDOZA. Madam Speaker, I would like to, at this time, yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Madam Speaker, I rise today in support of the Small Business Contracting Program Improvements Act.

Small business, as we all know, is the lifeblood of our communities. Small businesses are responsible for creativity, innovation, and community investment. I honestly believe that a community that has strong small businesses is a strong and vibrant community.

This legislation is going to give small businesses in my home state, southern Arizona, a chance to be competitive with federal contracts, whether it's in Oro Valley down to Green Valley or Tucson all the way to Bisbee and to Douglas.

For example, OfficeSmart in Sierra Vista, was founded in 1993 by Glenn McDaniel, a veteran, along with his wife, Diane. OfficeSmart has 12 employees and nearly 1,000 commercial customers in southern Arizona. They compete for federal contracts and to provide office supplies to Ft. Huachuca.

This bill is going to keep federal contract benefits targeted at local small businesses like OfficeSmart in local communities. It also honors our commitment to disabled veterans.

We know with the wars in Iraq and Afghanistan there will be more and more veterans. This legislation also kick-starts the SBA's Women's Procurement Program.

As a former president, CEO, and small business owner myself, I know the importance of small businesses and how difficult it is to compete. I strongly support passage of this bill and I urge Members on both sides of the aisle to support it.

Thank you, Madam Chairwoman for your hard work on this committee.

Mr. LINCOLN DIAZ-BALART of Florida. I would ask my friend if he has no other speakers.

Mr. CARDOZA. No other speakers. We will be ready to close.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and move toward passing a conference report on the bipartisan Military Construction and Veterans Affairs Appropriations Act.

The House of Representatives passed the veterans and military funding bill on June 15 of this year by a vote of 409–2, with the Senate following suit and naming conferees on September 6 of this year. Unfortunately, the majority leadership in the House has refused to move forward on this bill and name conferees.

Why has the majority decided to hold off on moving this bill, with bipartisan support, because that's what this is. This legislation has extraordinary bipartisan support. It was almost unanimously passed by this House.

Why has the majority decided to hold off on moving this bill forward?

Well, according to several publications, Madam Speaker, including Roll Call, the majority intends to hold back from sending appropriations bills to President Bush so that they can use an upcoming anticipated veto of one such bill, the Labor-HHS appropriations bill to serve as an, and I quote, "an extension of their successful public relations campaign on the SCHIP program."

□ 1115

So for purely partisan tactical reasons, Madam Speaker, the majority is holding back from sending to the President legislation to fund our veterans and military construction.

Now, recently, Madam Speaker, Republican Leader BOEHNER took a step towards naming House Republican conferees. Now, Speaker PELOSI should follow suit and take the steps necessary to ensure that work can begin on writing the final veterans funding bill that can be enacted into law.

Madam Speaker, every day that the majority chooses not to act to move this legislation forward, our Nation's veterans lose $18.5 million. Our veterans deserve better than partisan bickering holding back their funding. So I urge my colleagues to help move this important bipartisan legislation forward.

But, frankly, Madam Speaker, it is an unfortunate fact to have to report that this is the first time in 20 years where we have reached this date, end of October, and we are still waiting for the first spending bill to be sent to the President for his signature. It is most unfortunate. Most unfortunate.

So I urge my colleagues to help move the important legislation, the spending bill with regard to veterans and military construction, to move it forward, to send it to the President, to appoint conferees so that the final product can be sent to the President.

For that reason, Madam Speaker, we oppose the previous question and urge all of our colleagues to join us in doing so.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Mr. CARDOZA. Madam Speaker, the gentleman from Florida, my friend, has indicated that we are not adequately funding our Nation's veterans. I would like to remind the gentleman, my good friend, that the recent Republican-led Congress shortchanged veterans funding by failing to provide sufficient increases to keep up with VA's growing number of patients and the rising cost of health care while they were in charge.

In the summer of 2005, the VA confronted a $1.5 billion shortfall as they significantly underestimated the health care needs of the new veterans returning from Iraq and Afghanistan. This year the VA expects to treat 5.8 million patients, 1.6 million more than in 2001.

The new Congress, under the Democratic majority, committed to taking the country in a new direction. For 2007, the Democratic-held Congress increased veterans funding by $5.2 billion, and the Congress is proposing an additional increase of $3.8 billion more than the President in fiscal year 2008. That is the largest increase in veterans funding in 77 years.

The Democratic Congress once again is bringing to the floor a bill that provides real solutions to the obstacles facing America's small business owners, innovators, and entrepreneurs. H.R. 3867 ensures that veterans, women, and minority-owned businesses and other underrepresented entrepreneurs receive the assistance they need to thrive in the Federal marketplace. It also paves the way for them to develop their companies, create jobs, and give a much-needed jolt to our economy.

Madam Speaker, securing a Federal contract is a major boon for entrepreneurs, especially those owned by minority and veteran small businesses. This bill is yet another step towards ensuring that these businesses are not, in fact, left behind, but rather given every opportunity to succeed.

I appreciate the debate with my friend from Florida, and I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

### AMENDMENT TO H. RES. 773 OFFERED BY MR. LINCOLN DIAZ-BALART

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 773 will be followed by 5-minute votes on adopting House Resolution 773, if ordered; suspending the rules and concurring in the Senate amendment to H.R.

3678; and suspending the rules and passing House Joint Resolution 58.

The vote was taken by electronic device, and there were—yeas 216, nays 180, not voting 36, as follows:

[Roll No. 1013]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—180

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—36

Bono
Carson
Cleaver
Cole (OK)
Cramer
Cubin
Deal (GA)
Engel
Granger
Hinojosa
Hoekstra
Hulshof
Hunter
Inslee
Issa
Jefferson
Jindal
Johnson (IL)
Kanjorski
Kucinich
Lampson
Mack
Musgrave
Myrick
Paul
Price (GA)
Roskam
Shuster
Simpson
Souder
Space
Stark
Tancredo
Waxman
Weller
Wilson (OH)

□ 1146

Mr. GINGREY and Mr. BLUNT changed their vote from "yea" to "nay."

Mr. COOPER and Mr. MCDERMOTT changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

## INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 3678, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3678.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 1014]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski

Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell

Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt

Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

### NOT VOTING—30

Carson
Cole (OK)
Cramer
Cubin
Deal (GA)
Engel
Granger
Hinojosa
Hoekstra
Hulshof

Inslee
Issa
Jefferson
Jindal
Johnson (IL)
Jones (OH)
Kucinich
Lampson
Musgrave
Myrick

Paul
Roskam
Shuster
Simpson
Souder
Sullivan
Tancredo
Waxman
Weller
Wilson (OH)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 1155

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. JONES of Ohio. Madam Speaker, on rollcall No. 1014, I was speaking to a group of students from my own district on the Capitol steps. Had I been present, I would have voted "yea."

## EXPRESSING SUPPORT FOR DESIGNATION OF OCTOBER 2007 AS "COUNTRY MUSIC MONTH"

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the joint resolution, H.J. Res. 58, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the joint resolution, H.J. Res. 58.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 34, as follows:

[Roll No. 1015]

### YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)

Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)

Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)

Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack

Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen

Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

### NOT VOTING—34

Carson
Cole (OK)
Cramer

Cubin
Deal (GA)
Engel

Granger
Hinojosa
Hoekstra

Hoyer
Hulshof
Hunter
Inslee
Issa
Jefferson
Jindal
Johnson (IL)
Kirk
Kucinich
Lampson
Musgrave
Myrick
Paul
Roskam
Scott (GA)
Shuster
Simpson
Smith (TX)
Souder
Tancredo
Waxman
Weller
Wilson (OH)
Wolf

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1202

So (two-thirds being in the affirmative), the rules were suspended and the joint resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

October 29, 2007: rollcall vote No. 1010, on motion to suspend the rules and pass, as amended—H.R. 3224, the Dam Rehabilitation and Repair Act of 2007—I would have voted "nay"; rollcall vote No. 1011, on motion to suspend the rules and pass, as amended—H. Res. 573, Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes—I would have voted "aye"; rollcall vote No. 1012, on motion to suspend the rules and agree—H. Res. 747, Recognizing the religious and historical significance of the festival of Diwali—I would have voted "aye."

October 30, 2007: rollcall vote No. 1013, on ordering the previous question—H. Res. 773, Providing for consideration of the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes—I would have voted "nay"; rollcall vote No. 1014, to suspend the rules and agree to the Senate amendment—H.R. 3678, Internet Tax Freedom Act Amendments Act of 2007—I would have voted "aye"; rollcall vote No. 1015, on motion to suspend the rules and pass—H.J. Res. 58, Country Music Month—I would have voted "aye."

## PERSONAL EXPLANATION

Mr. LAMPSON. Madam Speaker, on rollcall Nos. 1013, 1014, and 1015, had I been present, I would have voted "yea" on all.

## PERSONAL EXPLANATION

Mr. COLE of Oklahoma. Madam Speaker, on Tuesday, October 30, 2007, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted as follows: (1) Rollcall vote No. 1013: "nay" (Previous Question on the Rule providing for H.R. 3867); (2) rollcall vote No. 1014: "yea" (On agreeing to the Senate Amendment on H.R. 3678 under suspension of the rules, the Internet Tax Freedom Act); (3) rollcall vote No. 1015: "yea" (Passage of H.J. Res. 58 under suspension of the rules, Expressing support for designation of the month of October 2007 as "Country Music Month" and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism).

## PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately today, October 30, 2007, I was unable to cast my votes on H. Res. 773, H.R. 3678, and H.J. Res. 58 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 1013 on Ordering the Previous Question on H. Res. 773, Providing for consideration of the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes, I would have voted "nay."

Had I been present for rollcall No. 1014 on suspending the rules and agreeing to the Senate Amendment to H.R. 3678, the Internet Tax Freedom Act Amendments Act of 2007, I would have voted "yea."

Had I been present for rollcall No. 1015 on suspending the rules and passing H.J. Res. 58, Country Music Month, I would have voted "yea."

## GENERAL LEAVE

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and enter into the RECORD any extraneous materials on the bill under consideration.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentlewoman from New York?

There was no objection.

## SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 773 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3867.

□ 1203

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3867) to update and expand the procurement of the Small Business Administration, and for other purposes, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in recent years, the Federal marketplace has seen phenomenal growth. However, while procurement opportunities are increasing, agencies are failing to meet their small business, women, service-disabled veterans, minority and low-income contracting goals. This has not only cost small businesses billions of dollars in lost opportunities but deprives the government of a valuable supplier.

Our Nation's entrepreneurs play an important role in the procurement system, providing diversity, competition, and ensuring we get the best value for the taxpayers' dollar. To help them get a start, there is an array of contributing programs offering technical assistance, purchasing flexibility and targeted benefits. Unfortunately, due to legislative neglect, under funding and mismanagement by several administrations, the programs have fallen far short of their full potential, leaving many small businesses outside of the Federal marketplace.

The Small Business Contracting Program Improvements Act, introduced by myself and Representative Mary Fallin, will change that by making important improvements to women, minority, HUBZone and service-disabled veteran contracting programs. H.R. 3867 will immediately implement the Women's Procurement Program that has languished in the current administration's endless delays. It also updates the economic criteria for the 8(a) program, reflecting current fiscal realities. The last time Congress addressed the 8(a) program was almost 20 years ago, when a gallon of gas was 90 cents and the average cost of a home was less than $90,000. For too long we have forced minority businesses to operate under antiquated financial standards that in many cases were simply setting them up to fail.

Most importantly, this legislation will give our service-disabled veterans top priority when it comes to contracting. For those men and women returning from Iraq and Afghanistan, many with life-altering injuries, this bill will provide the tools to start a new endeavor and begin a new life. These changes would go a long way to addressing many of the program's shortcomings that have frustrated our Nation's small business owners.

Mr. Chairman, H.R. 3867 also fights fraud in the Federal marketplace. Contracting opportunities are a privilege, not a right. The Small Business Contracting Improvement Act makes that clear. For the first time, we are imposing a business code of conduct on all participants, requiring the Federal

Government to verify that individuals are who they claim and empowering small firms to police their own programs. This will restore integrity to these critical programs.

Through modernizing programs and increasing accountability, H.R. 3867 brings SBA's contracting programs into the 21st century. It is for this reason that this legislation has attracted remarkably broad support, including the National Federation of Independent Business, the Associated General Contractors, the American Legion, Veterans of Foreign Wars, AMVETS, the U.S. Hispanic Chamber of Commerce, the National Black Chamber of Commerce, the U.S. Women's Chamber of Commerce, the International Franchise Association, as well as the National Defense Industrial Association and the Aerospace Industries Association.

This is a measured approach that balances the need to give program flexibility within the realities of current agency buying strategies. It is good for small business, good for the agency, and, most importantly, good for taxpayers.

I urge my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 3867, the Small Business Contracting Program Improvements Act. I strongly support the provisions in the bill that help those Americans, veterans of our Armed Forces, who have provided the great sacrifices to defend our freedom and our way of life. However, there are other provisions that are sufficiently problematic that makes it impossible for me to support the overall bill.

In 1997, Congress established the Historically Underutilized Business Zone, or HUBZone program. The program is designed to assist areas of low income and high unemployment by providing incentives for government contractors to relocate in these areas and expand their operations. By making it easier for small businesses located in HUBZones to win Federal contracts, Congress expected more government contractors to relocate in these areas and provide an important component to their revitalization.

As anyone who has traveled through many urban and rural districts realizes, they have a large number of HUBZones. Unfortunately, H.R. 3867 could make it more difficult for HUBZone firms to win government contracts and thereby detract from the ability of this program to help revitalize urban and rural areas that need greater economic development.

Mr. Chairman, while I concur with the Chair of the committee that we need to ensure that only firms eligible for the HUBZone program participate, it is unnecessary to take punitive action against HUBZone firms as a result of a few bad actors. I am sure that if we scrutinize each of the procurement programs, we could find a few bad actors in each. That justifies taking appropriate legal action against the bad actors. It does not, in our view, necessitate punishing the firms that complied with the letter and spirit of the law.

It also is important to note that a number of the issues raised in this legislation are being addressed by the administrator of the SBA. I certainly understand the frustration that Members of Congress have when the executive branch does not implement legislation in a timely manner. Nevertheless, one aspect of this bill involves a program that has not been implemented for 7 years. While that normally would suggest further legislative action, the administrator, we believe, is doing everything possible at this point to issue rules, a process that can take time. In addition, the program is the subject of a lawsuit in which the plaintiffs have not sought any subsequent court action for nearly 2 years since the Federal Court ruled that the SBA violated the Administrative Procedure Act and failed to implement the program.

Mr. Chairman, I also would point out that the bill as reported out of committee, in our opinion, would only complicate the implementation of the procurement program. While I understand that the chairwoman will be offering an amendment to correct that problem, it does so by classifying 92 percent of the industries in the United States as historically underrepresented by women businesses and Federal procurement. While I concur that women are historically underrepresented in the Federal procurement arena, the amendment paints, we believe, with a broad, over-inclusive brush, and may include numerous industries in which businesses are not underrepresented by women entrepreneurs.

I also need to point out that the bill would classify individuals as economically disadvantaged if they have assets exclusive of their primary residence and their business up to $550,000. So over a half million dollars. According to research by our staff, roughly half the Members of Congress, half the Members of this body would qualify as economically disadvantaged under that standard. I find it very difficult to believe that the average American would consider a Member of Congress to be economically disadvantaged.

These are only some of our concerns about the bill that we have before us here today. While some of these concerns are technical in nature, my primary dispute with the bill is that it continues, unfortunately, to segment the small business government contracting arena. The result is that, in our opinion, rather than growing opportunities for all small businesses, it pits all of these deserving groups against one another. That, in our view, undermines their ability to speak as a united front in debates over Federal procurement policy that would promote all of their interests.

Despite my disagreement with the chairwoman, I do not doubt her sincere desire to improve the SBA contracting programs. The Chair and her staff, particularly Michael Day and Adam Minehardt, should be commended for their efforts in trying to find a solution that I, in good conscience, could have supported. However, the philosophical gap was simply too large to span. Therefore, I cannot support this legislation. I would urge my colleagues to vote "no."

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to a member of the Small Business Committee, the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Chairman, I rise in support of this bill for two goods that are within it. The first has to do with our servicemembers, those that have become disabled because of their service. This bill, for the first time, gives priority, even if it's just one company that is veteran-owned and has the service-disabled owning that company, even if there are other competitors. I think this is extremely important, particularly in this time of war in Iraq and Afghanistan.

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I say that because in World War II, on average, our soldiers had 182 days of combat. In between horrific battles of Guadalcanal, Iwo Jima or the Battle of the Bulge, there was dwell time in which our servicemembers had time to rest before the next onslaught.

In the war in Iraq, our servicemembers go outside the wire every day into combat for 15 months. We are seeing a higher rate of post-traumatic stress disorder coming back than we have seen in any war. Some say over 30 percent. That will feed into our society.

So that this bill addresses the fact that our society owes something to those who wear the cloth of this Nation, particularly in such a challenging war, I speak up in support of it.

The second is women business owners. The fact that the goal has been for years that 5 percent of all Federal contracts will go to women business owners, we have only met the goal of 3.4 percent. I believe this bill goes a large step towards helping those, particularly the economically disenfranchised, to be able to have industries that are underrepresented, to now have the competition remain with women business owners. And if they are substantially underrepresented, it can then open up to those women business owners who are not economically disadvantaged. So I speak up in support of this bill both for veterans and for women.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Chairman, I yield to the gentlewoman from New York (Ms. CLARKE), a member of the committee and a cosponsor of the bill, for 2 minutes.

Ms. CLARKE. Mr. Chairman, first I would like to thank the gentlewoman from New York (Ms. VELÁZQUEZ) for her leadership in bringing this bill to the floor today and her steadfast commitment to the small businesses of our Nation.

I support the Small Business Contracting Program Improvements Act, which encourages participation by qualified small businesses and improves key sections of the Small Business Act to prevent fraud in the SBA's contracting programs.

H.R. 3867 requires the Small Business Administration to immediately implement the Women's Procurement Program after 7 years of no action by the administration to put the program in action.

It will allow agencies to limit competition for Federal contracts only to women business owners in industries that have been closed to them. This legislation now requires SBA to evaluate industries where women entrepreneurs are economically disadvantaged and gives the SBA authority to waive any restrictions where women-owned enterprises are substantially underrepresented.

I believe this bill will finally correct the imbalance in the number of women-owned businesses nationally when compared to their presence in the Federal marketplace.

H.R. 3867 also strengthens the HUBZone program by requiring construction contracts to be performed within a reasonable distance of the particular HUBZone the contractor is to benefit. It will limit construction contract awards being performed more than 150 miles from the primary office location of the HUBZone-approved company.

The Small Business Contracting Program Improvements Act modernizes the 8(a) program to update and revise qualification requirements and ensure that 8(a) contracts go to qualified companies.

This bill provides an opportunity for all qualified small businesses to have a fair opportunity in the Federal marketplace. I want to thank Chairwoman VELÁZQUEZ for her steadfast commitment to the women, minority-owned and disabled veterans and disadvantaged small businesses of America. I strongly support this legislation, and I urge my colleagues to do likewise.

Mr. CHABOT. Mr. Chairman, we have no further speakers, and I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. REYES), an original cosponsor of the legislation and chairman of the Intelligence Committee.

Mr. REYES. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise in support H.R. 3867, the Small Business Contracting Program Improvements Act of 2007. I would like to give special recognition to our distinguished chairman of the Small Business Committee, Chairwoman VELÁZQUEZ, for her tireless work over the years on behalf of America's small business owners, many of whom reside in my district of El Paso, Texas.

I would also like to commend Congressman BRUCE BRALEY who, in just his first year in Congress and as chairman of the Small Business Contracting Subcommittee, has proven to be an outstanding fighter for small businesses.

H.R. 3867 expands opportunities for small businesses owned by veterans. And veterans, and in particular disabled veterans who own businesses, are going to be watching very closely how Members vote on this bill here today. It also expands opportunities for women who will also look at how people support their efforts in the small business community. Minorities are watching very closely who votes for this legislation, and all others who constitute the most critical force for economic growth in our country.

While I support this bill as a whole, I today want to speak specifically about the provisions of this bill that modernize and update the 8(a) program at the Small Business Administration. In 1968, Congress established 8(a) to assist small businesses owned by citizens who are socially and economically disadvantaged. Over the years, the 8(a) program has helped ten of thousands of businesses grow and prosper by allowing entrepreneurs valuable access to Federal contracts.

A large part of the program's success is a provision that makes companies with 8(a) certification eligible for smaller government contracts on a sole-source basis. In 1968, those smaller contracts were defined as contracts not exceeding $3 million in value for services or $5 million in value for manufacturing. Unfortunately, in the nearly 40 years since, these limits have barely risen, leaving our small businesses an ever-shrinking slice of the Federal contracting pool.

Earlier this year I introduced H.R. 1611, the 8(a) Modernization Act, to turn the clock forward for the thousands of small businesses that we have unfortunately left behind. This bill does two things: one, it increases the allowable net worth for 8(a) participants; and, two, it increases the limit on sole-source contracts for 8(a) companies.

H.R. 3867 includes both of these essential changes which are important not only to many small businesses in my district, but to countless American entrepreneurs around the country, including our veterans.

Mr. Chairman, this is a good bill. I am proud to be an original cosponsor of it, and I urge all of my colleagues to give it their full support. Again I thank Chairwoman VELÁZQUEZ for the time to speak here today and for her untiring leadership on behalf of small businesses.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BACA), chairman of the Congressional Hispanic Caucus.

Mr. BACA. Mr. Chairman, I rise to support H.R. 3867, the Small Business Contracting Program Improvements Act. I want to thank my colleague, Chairperson VELÁZQUEZ, for her leadership.

Small business is the backbone of our economy. And I state, small business is the backbone of our economy. Over 4 million minority businesses represent almost 20 percent of all firms in this country. They generate nearly $7 billion annual revenue and employ almost 5 million workers. And I state, 5 million workers.

Minorities make up 32 percent of the population of this country, but they only represent 18 percent of all small businesses. This bill will close the gap, and I state, will close the gap by improving the Small Business Administration's small and minority business procurement programs and will help disabled veterans, women, minority businesses, both Hispanic, black, Asians and others, and provides small business minority businesses the assistance they need to grow and prosper.

Like in the Inland Empire where the majority of businesses are small businesses and represent the largest growth and the engine that drives the economy in the State of California, SBA 8(a) programs, which open the doors to more than half of all Federal minority business contracts, have not been updated since 1988.

This bill revamps the program to improve 8(a) firms' ability to secure in the Federal sector. It is time to level the playing field so the small minority business firms have equal access to Federal contracts. Every dollar invested in the 8(a) program results in over $4 million in contracts to minority entrepreneurs. This translates into more jobs across the Nation. I urge my colleagues to support this bill.

Mr. CHABOT. Mr. Chairman, I continue to reserve.

Ms. VELÁZQUEZ. Mr. Chairman, I yield to Mrs. TUBBS JONES from Ohio, the chairwoman of the Committee on Standards of Official Conduct, 2 minutes.

Mrs. JONES of Ohio. Mr. Chairman, it gives me great pleasure to come to the floor in support of this great legislation. I want to say I am so proud of the Chair of the Small Business Committee. She was my first ranking member when I came to the Congress back in 1999, and I had the opportunity to serve on the Small Business Committee along with Financial Services.

We have all been talking about small businesses and how important it is, and it is all right to talk about it. But if you don't do anything about it, that presents a problem.

I think about the district that I represent, the greater Cleveland area, and the need we have to do economic development in the City of Cleveland. I am so glad this legislation focuses in on some of those areas. I represent a district that is 52 percent African American, and it is important that African American businesses in my congressional district have an opportunity to sit at the public too and receive some of those dollars in terms of developing their businesses.

One of the things that has happened over the years is being a minority business has gotten so good, there are people who perpetrate. That means they pretend they are a minority business. They will get a minority to stand in the front of their business, and the business is really a majority business. Or they will get a woman to stand in front, and it is really a majority business. And this legislation focuses in on the fraud.

I am so happy because there are so many businesses that deserve an opportunity to do business with the Federal Government. In addition, there are so many other areas of focus that this chairwoman has put a focus on around small business.

If we really believe that small business is the engine that pushes and grows America, let's give small businesses the train to push it. I thank her for her leadership. I thank her for an opportunity to speak this afternoon. I encourage all of my colleagues from the Democrats, as well as the Republican, who truly believe that small business needs a leg up to support this legislation.

Mr. CHABOT. Mr. Chairman, I continue to reserve.

Ms. VELÁZQUEZ. Mr. Chairman, I have no further speakers and I am prepared to close if the gentleman is prepared to close.

Mr. CHABOT. Mr. Chairman, we have already stated our concerns about the bill in particular, but I would again emphasize the fact that the chairwoman did reach out, and her staff did as well. But philosophically, this was a bridge too far. We want to thank them again for working in a cooperative manner. This is a committee that under the Chair's direction has worked very much with the minority, and we want to thank them and hope that we can continue to work together on bills in the future.

Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, the improvements made under H.R. 3867 are commonsense changes that would modernize and increase program accountability. Coupled with the sweeping reform the House passed earlier this year to our procurement system, this bill will have an immediate impact on every facet of the small business community, including women, minorities and service-disabled veterans.

It is for these reasons H.R. 3867 has some of the most diverse support of any bill coming out of the committee this year, ranging from small business trade groups including NFIB, the International Franchise Association and the Associated General Contractors to minority advocates such as the Black, Hispanic and Women's Chambers of Commerce. It also has the support of veterans groups, including the American Legion, VFW and AMVETS, as well as Aerospace Industries Association and the National Defense Industrial Association.

With the passage of H.R. 3867, we increase opportunities for entrepreneurs to become valuable suppliers to the Federal Government, recognizing their contribution to the economy.

I just would like to take a moment to thank the staff that worked on this legislation: From the Small Business Committee majority staff, Adam Minehardt, LeAnn Delaney and Michael Day; from the minority staff, Barry Pinclis and Kevin Fitzpatrick; and Nate Webb from Ms. FALLIN's staff.

I strongly urge my colleagues to vote for H.R. 3867, Small Business Contracting Program Improvements Act.

Mr. CONYERS. Mr. Chairman, 2 weeks ago, the House agreed nearly unanimously to pass H.R. 3678, the Internet Tax Freedom Act Amendments Act. Most significantly, that bill would extend the Internet tax moratorium and grandfather protections for 4 years, clarify the treatment of gross receipts taxes, and revise the definition of Internet access.

As my distinguished colleague from North Carolina, Congressman WATT, stated on the floor that day, the House bill was "an excellent example of what can occur when we work together—on both sides of the aisle—to deal with highly complex issues."

Our bipartisan legislation was supported by industry groups such as the Don't Tax Our Web Coalition, as well as by various government organizations like the National Governors Association, the Federation of Tax Administrators, the National Conference of Mayors, and the National Conference of State Legislatures. It was also supported by a wide range of labor and union groups. And with that broad support, the House passed H.R. 3678 by a vote of 405–2.

The Senate has returned the bill to us with some amendments, and so now we are considering it again. There are four changes:

First, the Senate version extends the moratorium on State and local taxes on Internet access, with the grandfather protections, for 7 years, until November 1, 2014, rather than the 4 years in the House bill.

Second, the Senate version gives 7 months for certain States to adjust to a phase-out of additional grandfather protection they have been claiming.

Third, the Senate version expands the definition of Internet access to prohibit taxation of certain services which are fee-based, not packaged with Internet access, and offered from sources other than providers of Internet access.

Fourth, the Senate version prohibits a State from reimposing Internet access taxes under a grandfather clause if the State had eliminated those taxes more than 2 years ago.

While these lengthier time periods, expanded definitions, and tighter restrictions on the States go beyond where the House drew the line, I believe the new line is within reasonable bounds, and responds to many of the same considerations that motivated the House in crafting the version passed 2 weeks ago.

Like the House bill, the Senate version is designed to allow businesses sufficient time to plan, ensure that consumers continue to benefit from tax-free access to the Internet during this period, while enabling Congress to revisit the moratorium in light of developments in the States or in technology—as Congress had done each time it has extended the original moratorium—in 2001, 2004 and in this bill.

The Senate version remains true to the essential goals of the House bill, including our refinements to the definition of Internet access and our decision to provide a temporary extension of the moratorium. Like the House bill, it is designed to minimize adverse effects on State and local government revenue, to treat businesses fairly, and to keep Internet access affordable to consumers.

Nonetheless, we must be mindful of the potential misinterpretation of the new definition of Internet access. Therefore, I state our intent in revising the definition. H.R. 3678:

Alters the current definition of "Internet access" by making it clear that the prohibition on State and local taxation extends to that portion of a service that connects a user to the Internet and enables a user to navigate the Internet for the purpose of gaining access to the content, information and services that are available over the Internet (section 1105(5)(A) of the Internet Tax Freedom Act as amended by this bill). This new definition eliminates existing language that could have been interpreted to allow an Internet service provider to bundle content, information, and services that might otherwise be taxable with Internet access and claim that the entire package is exempt.

Preserves in subparagraph B of the new definition of Internet access changes made to the definition in the Internet Tax Nondiscrimination Act (P.L. 108–435) regarding the taxation of certain telecommunications. The language is modified in this bill only as to form to fit the new definition of Internet access as contained in this bill. The provision is intended to insure that all technologies used to access the Internet (e.g. cable, satellite, wireless, DSL, etc.) and the components used to provide the access are subject to the moratorium and protected from taxation by State and local governments. As noted in the Committee Report accompanying the bill that ultimately became Pub. L. No. 108–435 (Senate Report 108–155, 108th Congress, 1st Session, p. 4), the definition "is not meant to affect States and local taxation of traditional telecommunications services and other services that are not used to provide Internet access. For example, the moratorium does not allow an Internet access provider to claim or to seek immunity from State or local taxes for the provision of other services—such as cable television programming—that are separate from Internet access. Nor does the moratorium exempt telecommunications services provided over the same facilities that are not used to provide Internet access."

Clarifies in subparagraph C that services incidental to and provided with a connection to the Internet are not taxable. Such services are generally offered for free and provide the user with basic services to make the Internet functional for the user.

Addresses in subparagraph D concerns that the existing definition allows goods or services that are used or delivered over the Internet to become subject to the moratorium if they are offered as a package with Internet access. In 2004, concerns about the bundling provision led to a specific exception from the moratorium for voice-over-internet-protocol services. This section defines the VOIP exception of the current law as one of the services that is specifically excluded from Internet access and makes it clear that neither VOIP nor any other good or service that uses the Internet is subject to the moratorium. Since VOIP is specifically excluded from the definition of Internet access, the existing exception for VOIP was removed as redundant.

Includes in the new definition in subparagraph E certain services that would be subject to the moratorium under subparagraph C if offered with a service described in subparagraph A, are part of the moratorium even though they are fee-based and offered separately from a service described in subparagraph A. The list of services under this subparagraph is meant to be limited and exhaustive.

Mr. Chairman, H.R. 3678 as amended by the Senate remains a good, strong bill that provides much needed clarity to the communications and Internet industries, and strikes an appropriate balance in addressing the needs of States and local governments while helping keep Internet access affordable.

Mr. Chairman, I urge my colleagues on both sides of the aisle to join me in supporting this bill as the Senate has sent it back to us.

Mr. BRALEY of Iowa. Mr. Chairman, I would like to take a moment to thank Small Business Committee Chairwoman NYDIA VELÁZQUEZ and Ranking Member STEVE CHABOT for all the great work they have done in the Small Business Committee this year.

As Chairman of the Small Business Subcommittee on Contracting and Technology and a cosponsor of this legislation, I applaud their efforts on the Small Business Contracting Improvements Act of 2007. This act proposes important improvements to the Small Business Administration's small and minority business procurement programs.

Today I am proud to introduce an amendment with Congressman PETER WELCH on an issue that could have a potential impact in my district. This amendment requires the Small Business Administration to conduct a study on the effectiveness of the HUBZone program in reaching rural areas. Rural areas make up a big part of my District and I want to ensure that my constituents are not overlooked when it comes to federal contracting opportunities.

H.R. 3867 will help small businesses. In the Small Business Subcommittee on Contracting and Technology's first hearing, we heard witnesses representing women-owned businesses describe how the federal government was failing to keep its commitment to them. They talked not only about how the 5 percent goal for women-owned businesses was not being met, but also about how the Women's Procurement Program, which was enacted in 2000, has yet to be implemented by the SBA. This bill will ensure the Women's Procurement Act is finally implemented.

I am pleased this legislation also expands procurement opportunities for small businesses owned by service-disabled veterans. Additionally, it strengthens community development through changes to the HUBZone program and makes important updates to the 8(a) program, which is one of the most important vehicles for minority business participation in federal contracting.

The SBA Office of Advocacy has found that although minorities make up 32% of the population in this country, they constitute only 18% of businesses. It is clear we must provide additional opportunities to these small minority businesses to close this gap.

By law, federal organizations are required to support small businesses. However, over the past 5 years, total government contracting has increased by 60% while small business contracts have decreased by 55%. This suggests that the SBA's procurement initiatives are not bringing work from the large business share to the small business share, but rather are forcing small businesses to compete for an increasingly smaller piece of the pie.

It is essential that small businesses have access to the over $400 billion per year federal marketplace. The Small Business Contracting Improvements Act nicely complements H.R. 1873, the Small Business Fairness in Contracting Act, a bill I introduced in April that later passed the House on May 10th by an overwhelming bipartisan vote of 409–13. My bill will give small businesses more opportunities to compete for federal contracts, raising the small business federal contracting goal from 23% to 30%. This means that all of the programs included in the Small Business Contracting Improvements Act will have greater opportunities to compete for federal contracts.

Thank you once again, Mr. Chairman, and thank you to all of my colleagues who join me today in standing up for the interests of small businesses.

Ms. CASTOR. Mr. Chairman, the Small Business Contracting Improvements Act and this rule will open up greater opportunities to small business owners across this Nation. Small businesses are the backbone of our local communities. In my hometown of Tampa, Florida, more of my neighbors and folks I represent work for small businesses than any other type of business—and we value what they do because it gives our community character and diversity.

I want to thank Congresswoman VELÁZQUEZ for bringing this legislation to the House floor today. In America, small businesses account for 50 percent of our gross domestic product. Last year, the federal government spent over $400 billion on goods and services and only about 20 percent went to small businesses—approximately $80 billion in contracts. Our actions today will assist these talented small businesses obtain a better, fair share of federal government contracts.

The Small Business Contracting Improvements Act also strengthens and modernizes contracts for small businesses and sets standards to protect the integrity and consistency. Despite a 50-year-old mandate, small businesses owned by disabled veterans, female entrepreneurs, and minorities have not received a fair share of federal contracts. Back home in Tampa, there are 47 disabled veteran businesses, 512 state-certified minority-owned businesses, and over 77,000 small businesses. I am proud that we will act to expand their opportunities, with others across the country so that they can thrive and flourish.

Although the Congress passed the Women's Procurement Program 7 years ago, the Bush Administration failed to follow through. According to Margot Dorfman, CEO of the U.S. Women's Chamber of Commerce, each year of delay in the implementation of the Women's Procurement Program, has cost women-owned businesses billions of dollars in contract award opportunities.

Businesses owned by disabled veterans currently receive only a small fraction of federal contracts as well. We can expect to see an immediate and substantial increase in opportunities for these business owners.

And for businesses that go into economically distressed neighborhoods like "HUBZones," this bill will ensure further community development through the strengthening of the HUBZone requirements. For example, Carl Calhoun, in South St. Petersburg explained to me that had it not been for the chance to compete for federal contracts that he would not have gotten the capital necessary to start his family-owned and -operated business that manufactures premium bedding (mattresses, box springs and foundations).

Mr. Chairman, this important small business bill and this rule will update and expand opportunities and encourage participation by qualified small businesses. We will remove barriers that prevent deserving businesses in my Tampa Bay district, and others across the country, from achieving the goal of full participation and a fair share of federal contracts.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in strong support of H.R. 3867, the Small Business Contracting Program Improvements Act.

I want to thank Chairwoman VELÁZQUEZ for introducing this important legislation, and for all of her hard work in getting it to the floor today.

This bill is important to all Americans, because small business keeps this country working.

The Federal Government has numerous programs to assist America's small businesses, but problems remain, and H.R. 3867 addresses several of them.

In particular, I support the bill's efforts to crack down on large firms that masquerade as small businesses.

In the aftermath of Hurricane Katrina, we learned about a particular multinational corporation that listed itself as a small business and gained disaster recovery contracts set aside for small businesses.

When we checked further, we found that this firm had 17 divisions and had generated $4.5 billion in revenue in its North American operation alone.

That surely doesn't look like any small business I've ever seen.

Morever, we learned that this was not the first time that this multinational company had been awarded contracts that were set aside for small businesses.

In fact, another government agency had given them an award for outstanding "small business performance".

H.R. 3867 creates penalties for companies that misrepresent themselves as being owned by "a service-disabled veteran."

This is a good first step at cracking down on companies that misrepresent themselves to improperly gain government contracts.

At the same time, the Small Business Administration needs to step up and do more.

SBA must full its responsibility to enforce the laws and allow small businesses the opportunities that Congress has said they should have.

Until the laws we pass are truly enforced, small business will never be able to fulfill their economic promise.

I urge my colleagues to support it.

Mr. MANZULLO. Mr. Chairman, I rise in reluctant opposition to the Small Business Contracting Program Improvements Act (H.R. 3867). The aims of this legislation are noble. The purpose of this bill is to make a variety of changes—some long overdue—to several of the sub-small business federal contracting goals.

I commend the authors of H.R. 3867 for strengthening the procurement set-aside program for service-disabled veteran-owned small businesses in Title I. I also praise the effort to finally get the women's procurement program off the ground. During my tenure as chairman of the Small Business Committee, I was proud of my bipartisan work to pressure the SBA to implement this initiative. However, I remind my colleagues that under the new leadership of the administrator of the Small Business Administration, SBA, Steven Preston, more action has been taken in the past year to implement the women's procurement program than in the previous seven since the program was first created. The SBA is near completion of a final rule, which will pass constitutional muster, on the women's procurement program. Thus, I counsel continued patience and I hope that Title III in H.R. 3867 will not be needed.

However, I am disappointed that the increase in the size in contracts available to small manufacturers awarded without competition is not significantly increased. While Section 204 of H.R. 3867 provides a long-overdue inflationary increase to the contract limitation level for other small businesses, from $3 million to $5.1 million, the size for small manufacturers is increased by just $500,000—from $5 million to $5.5 million. This small increase diminishes the value of this benefit to U.S. small manufacturers, particularly as compared to other small businesses. To keep up with inflation and provide an equivalent benefit, this contract limitation should be increased to $8.5 million for small manufacturers.

This bill also unfortunately pits two sets of small businesses against each other—a minority small business development program 8(a) versus a procurement preference program that encourages small businesses to develop and hire local workers in economically-distressed areas of the country, otherwise known as Historically Underutilized Business, HUB, Zones. When I was chairman of the Small Business Committee, I never brought a bill to the House floor that helped one set of small businesses at the expense of another group of small businesses, particularly those firms that are committed to redeveloping economically-distressed areas in both urban and rural America.

H.R. 3867 makes the 8(a) program more attractive while putting more hurdles in front of the HUBZone program. This is ironic because the Federal government has never met the 3 percent goal for HUBZones since its creation in 1996 but routinely meets and exceeds the 5 percent goal for minority or Small Disadvantaged Businesses, SDBs, of which 8(a) firms is a part.

A key blow to the HUBZone program is contained in Section 101(b) of H.R. 3867. This provision makes the HUBZone program discretionary or optional on the part of Federal contracting officers. This will only further discourage the use of HUBZone firms by the government to fulfill its procurement needs.

H.R. 3867 also requires an on-site inspection by SBA personnel of a small business to confirm HUBZone status prior to the award of their second program-related contract. Because of the limited resources at the SBA, this could delay the completion of contracts by weeks, if not months, while the HUBZone firm awaits this audit. Again, a Federal contracting official would be disinclined to use a HUBZone firm if it meant a longer time before a Federal agency would receive the good or service that was put out to bid. The non-partisan Congressional Budget Office, CBO, estimates that this provision alone would cost $62 million over the next 5 years to complete 5,000 on-site visits that would be performed each year. There are other ways to accomplish the same goal of making sure that HUBZone firms are in compliance with all the requirements of the law, including a closer review by the SBA of HUBZone applications, an expedited protest process by other small businesses, and enhanced criminal and civil penalties for false or misleading statements.

Finally, H.R. 3867 prohibits HUBZone construction firms from participating in projects more than 150 miles from its headquarters location. This would put a severe competitive disadvantage to HUBZone firms located in rural areas from performing work on Federal Government construction contracts located far away.

In the northern Illinois congressional district I am proud to represent, two entire mostly rural counties—Carroll and Stephenson—are HUBZones. Also, HUBZones are located in certain urban parts of Winnebago County, mostly in the city center areas of Rockford along the Rock River that have suffered from the closure of numerous manufacturing facilities. This bill would put a further competitive disadvantage to any HUBZone firms located in the 16th District to compete for Federal business located even as close as the nearest major Federal procuring center in Illinois—Scott Air Force Base, which is about 300 miles away from Rockford and Freeport, Illinois.

While claiming to correct alleged abuses and fraud in the HUBZone program, H.R. 3867 opens up the 8(a) program to potential abuse by increasing the economic disadvantage threshold test above the average rate of inflation and applying this test only once upon entry into the program. The current economic disadvantage threshold level, which has not been changed since 1988, is $250,000. I agree that this level needs to be increased to compensate for inflation. However, H.R. 3867 raises this level to $550,000 even though the rate of inflation since 1988 would produce a result of $440,000, according to the Bureau of Labor Statistics. Also, the SBA currently applies this wealth test annually to ensure that the 8(a) program truly serves economically disadvantaged small business owners. Eliminating this yearly test could potentially lead to fraud if a wealthy person seeking entry into the 8(a) program is creative in shifting around their assets. H.R. 3867 would also allow multi-millionaires to remain in the 8(a) program for 10 years once they pass the first economic disadvantage test.

Most critically, H.R. 3867 does not deal with the fundamental problem in the 8(a) program cited in numerous SBA Office of Inspector General reports that 50 percent of the dollars obligated against 8(a) contracts went to a mere 1.7 percent of the 8(a) firms and over 70 percent of the eligible firms received no 8(a) contract benefit at all. Finally, H.R. 3867 also does not deal with the problem of large Alaska Native Corporations, ANCs, being able to participate in the 8(a) program and receive sole-sourced multi-million dollar contracts.

Because of these and other problems, the Bush Administration has issued a statement strongly opposing H.R. 3867, which I include for the RECORD. Thus, I respectfully urge my colleagues to oppose this legislation in order for these problems to be fixed.

### STATEMENT OF ADMINISTRATION POLICY—H.R. 3867—SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

The Administration strongly opposes H.R. 3867, which would modify the small business procurement programs of the Small Business Administration. The Administration appreciates the intent of H.R. 3867 to improve these programs and reduce the potential for fraud and abuse. However, the Administration believes that a number of the bill's elements would be burdensome or undesirable. In addition, some provisions of the bill raise significant constitutional concerns. The Administration looks forward to working with Congress to remedy the issues identified below.

The bill also eliminates the upper asset limit on economic disadvantage for continued participation in the program, essentially allowing an individual regardless of their wealth or income to continue participating in the program for a full 10 years. The bill would raise the asset-test bar for eligibility of individuals for the 8(a) program from $250,000 to $550,000, excluding equity in their home or their business. As the 8(a) program is designed to reach economically disadvantaged small business owners who have diminished credit opportunities, the Administration believes opening the program to small business owners with higher net worth will divert 8(a) contracting opportunities well beyond the original intent of the program.

H.R. 3867 would place a number of burdensome requirements on the HUB Zone contracting program. The bill would prohibit rural and Native American HUB Zone firms from obtaining construction contracts more than 150 miles from their HUB Zone principal office. The bill would also require onsite evaluation of all HUB Zone firms prior to the award of their second program-related contract. This provision would create a large burden on the Small Business Administration, as these firms are widely distributed and often located in rural areas. The firms are already required to certify their status prior to award of a contract, and false certification is a felony with significant penalties. Also, the Small Business Administration currently has a protest mechanism in place to ensure the eligibility of firms for HUB Zone contracts.

The Administration is supportive of sections of H.R. 3867 that punish false representation of a firm as being owned by service-disabled veterans and provisions that attempt to assist such firms in the Federal contracting process. However, the Administration is concerned about provisions that would require that certain small business preference programs take priority over other small business preference programs.

H.R. 3867 would also increase dollar thresholds for setting-aside non-competitive contracts in several of these programs. Competition is a proven way of obtaining the best performance and value for the government. Accordingly, any non-competitive thresholds increase should be based on the actual rate of inflation as reflected in regulatory changes instituted by the SBA.

While the Administration supports opportunities for women-owned small businesses (WOSBs) to compete for Federal contracts, it opposes the bill's constitutionally suspect creation of gender-based set-asides. In order to withstand applicable equal protection standards, determinations of under-representation that form the basis of set-asides must be carefully controlled to assure that the pool of WOSBs deemed available for the contracting opportunities in question is limited to businesses that are eligible to perform those contracts. The bill's provisions for the identification of industries in which WOSBs are under represented does not appear to satisfy that standard. Additionally, authorizing individual agencies to make determinations of under representation that will result in contract set-asides based on sex will exacerbate such constitutional concerns, since it is unlikely that such determinations will be based upon the kind of thorough statistical analysis required by the courts to justify such set-asides under applicable case law.

Additionally, the bill's apparent expansion of the business categories that will be eligible for race- or ethnicity-based preferences in Federal contracting programs is subject to strict scrutiny under governing equal protection standards. Unless these provisions are supported by a sufficiently current legislative record demonstrating that they are narrowly tailored to further a compelling government interest, such provisions may be vulnerable to constitutional challenge.

Ms. HIRONO. Mr. Chairman, I rise in support of H.R. 3867, the Small Business Contracting Program Improvements Act.

This bill expands procurement opportunities for small businesses owned by service-disabled veterans, women entrepreneurs, and socially disadvantaged business owners. These firms remain under-represented in the Federal contracting marketplace and have yet to receive their fair share of Federal Government contracts.

H.R. 3867 assists small businesses owned by service-disabled veterans by requiring agencies to award sole-source contracts to these firms if they are identified as being capable of performing the contracts. These businesses currently receive less than one percent of Federal Government contracting dollars. Authorizing agencies to enter into sole-source contracts with service-disabled veteran-owned firms will raise the likelihood of these firms obtaining Federal contracts. Moreover, H.R. 3867 provides an inflationary adjustment to the limitation on contracts by increasing the size of available contracts awarded without competition to $5.1 million.

This bill directs the Small Business Administration, SBA, to comply with an Executive Order requiring the SBA to provide service-disabled veteran-owned companies with information and assistance on Federal contracting as well as assist other agencies in their strategies to expand contracting opportunities for them.

Passage of this bill is also important for our women-owned businesses. In 2000, Congress enacted the Women's Procurement Program to expand opportunities for Federal contracts to women business owners within industries in which they have been significantly under-represented. On behalf of women-owned businesses, the U.S. Women's Chamber of Commerce sued the SBA over the delay in implementing the program and won their lawsuit in 2005. Seven years after the Women's Procurement Program was enacted into law, however, the SBA has yet to establish regulations that would implement this vital program. I share Chairwoman VELÁZQUEZ's frustration with this delay and her admonishment to the SBA to remedy the situation.

H.R. 3867 requires the SBA to implement the Women's Procurement Program immediately. The bill makes economically disadvantaged women entrepreneurs eligible for restricted competition contracts and gives the SBA the authority to waive this requirement in industries that are substantially under-represented by women-owned businesses. Today, women-owned small businesses capture only about 3 percent of Federal small-business contracting dollars. We need this legislation to encourage women entrepreneurs to participate in the Federal contract marketplace.

H.R. 3867 expands and modernizes the 8(a) Business Development Program, which has not been amended since 1988. The 8(a) program currently assists over 9,000 small businesses owned by socially and economically disadvantaged individuals, including about 200 firms in my State of Hawaii. H.R. 3867 makes two main improvements to this program: it provides for an inflationary increase in net worth limitations to a maximum of $550,000 for program participants and extends the duration of program participation from 9 to 10 years. Increasing the net worth ceiling will bring stronger firms into the 8(a) program.

Finally, I support this bill because it addresses contracting problems and increases oversight over unqualified businesses by setting standards that protect the integrity and consistency in application of contract assistance programs. H.R. 3867 mandates government-wide goals for procurement contracts awarded to small businesses. In addition, it requires the SBA to perform the necessary checks on program applicants and participants to confirm their business integrity and qualifications. This is important given recent findings by the SBA Inspector General of fraud and abuse in the Historically Underutilized Business Zone (HUBZone) program.

Chairwoman VELÁZQUEZ has noted that the Federal Government failed to meet its small and minority business goals for a 6th year in a row, costing entrepreneurs $4.5 billion in lost opportunities. H.R. 3867 is another step in the right direction to help our small businesses, and I thank Chairwoman VELÁZQUEZ for her commitment and strong leadership in sponsoring this important legislation.

I urge my colleagues to support this measure.

Ms. MOORE of Wisconsin. Mr. Chairman, I rise today in strong support of H.R. 3867, the Small Business Contracting Program Improvements Act.

I would specifically like to focus on Title V of the bill which would make changes to the 8(a) program. The 8(a) program is the last remaining federal initiative focusing on the development of minority-owned businesses through the award of federal contracts. Despite the fact that minorities make up one-third of the U.S. population, minority-owned businesses account for only 18 percent of all U.S. companies. This bill provides a strong step forward in increasing minority entrepreneurship.

It is of great concern to me that 8(a) hasn't been updated since 1988, nearly 20 years ago. This bill would finally modernize the 8(a) program to reflect the changing economy. I am pleased at the similarities between the bill before us and legislation that I introduced this spring, H.R. 2532, the Minority Owned Venture Empowerment Act or MOVE Act. Like my legislation, businesses would have the opportunity to participate in the program for 10 years. This 1-year program extension would provide businesses more time to successfully grow and graduate out of the program. Additionally, similar to my proposal, this bill would raise the net worth restriction of the small business owner so that successful minority businesses are not shut out of the program prematurely.

We must make more of an effort to encourage minority, women and veteran entrepreneurship. This bill would ensure that these businesses can compete fairly in the federal marketplace, grow their enterprises and create new jobs. I urge all members to support the legislation before us.

Ms. BORDALLO. Mr. Chairman, I rise today in support of H.R. 3867, the Small Business Contracting Program Improvements Act. Enjoying broad based and bi-partisan support, this bill will help modernize the contacting programs run by the U.S. Small Business Administration, SBA, raise the profile of veteran, minority and women entrepreneurs, and help combat fraud, waste and abuse in government contracting.

Of particular note, Section 402 of H.R. 3867 strengthens the Historically Underutilized Business Zone, HUBZone, program and promotes community economic development. That is, HUBZone registered small businesses cannot obtain a construction contract by means of a HUBZone set-aside unless the construction project is located in or near the HUBZone in which the small business concern maintains its principal place of business.

Guam, my district, will be home to a significant amount of federally funded construction and other work associated with the planned increase in the presence of U.S. Armed Forces on our military bases. The provisions of H.R. 3867 will help ensure small businesses on Guam can successfully compete for the contracts associated with the military build-up. I support H.R. 3867.

Mr. RODRIGUEZ. Mr. Chairman, I rise today in support of H.R. 3867, Small Business Contracting Procurement Improvements Act of 2007.

Among the many improvements, this bill modernizes programs to increases opportunity to disadvantaged businesses that do not have proper access to the $410 billion federal marketplace.

This bill expands procurement opportunities for service-disabled veteran-owned businesses; a group that currently receives only a small fraction of their contracting goal. Further, it creates penalties for misrepresentation of a service-disabled veteran owned business classification and adopts a roadmap for providing information, advice and training to service-disabled veterans as prescribed by President. Finally, it provides discretion to contracting officers in cases that must now be set aside for HUBZones but that could be used for service-disable veteran-owned businesses.

Additionally, the bill modernizes the 8(a) Business Development Program. This program is to single most important vehicle for minority business participation in federal contracting. The 8(a) program has contributed to the development of over 20,000 firms including many in Texas over the past 2 decades, and these firms have received almost $100 billion in federal contracts.

Over 9,000 firms are currently participating in the 8(a) program. More than half of all federal minority business contracting is accomplished through the 8(a) program. Despite these impressive statistics, the program has not been revamped since 1988.

Earlier this year, I joined my colleague Rep. SILVESTRE REYES in sponsoring H.R. 1611, the 8(a) Modernization Act which was incorporated into this legislation.

I would like to thank the Chairwoman, Ms. NYDIA VELÁZQUEZ for her work not only for this legislation but also her long time advocacy for our Nation's small businesses.

I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of H.R. 3867, the "Small Business Contracting Program Improvements Act." I support this legislation because it provides for much needed contracting opportunities for small businesses that would otherwise escape them. H.R. 3867 encourages participation by qualified small businesses, particularly veteran owned businesses, in the appropriate contracting programs offered under the supervision of the Small Business Administration. The Act aims to assist small business participation, prevent fraud and bring consistency to the operation of the main contract assistance programs. While I applaud the efforts to increase opportunities to veteran-owned small businesses, I believe that it is particularly important that doing so does not adversely affect contracting opportunities for women and HUBZones.

H.R. 3867 ensures government contract opportunities for small businesses owned and controlled by service-disabled veterans. The least that we can do is provide our veterans with opportunities to fulfill their dreams of owning successful businesses so that they can support themselves in an ever-growing, competitive business arena. By expanding procurement opportunities for service-disabled veteran-owned businesses, a group that currently receives only a small fraction of their contracting goal, we say thank you to those brave heroes who sacrificed much so that all Americans can enjoy the fruits of their labor, freedom and security. The bill also protects those veterans for whom the opportunities are created by establishing penalties for misrepresentation of a service-disabled veteran owned business classification and adopts a roadmap for providing information, advice and training to service-disabled veterans as prescribed by the President.

Finally, it provides discretion to contracting officers in cases that must now be set aside for HUBZones but that could, with these amendments be used for service-disable veteran-owned businesses. But as I stated at the outset, the exercise of such discretion must be judicious so as not to frustrate the purpose set out in the Small Business Act to provide for opportunities for HUBZones.

Mr. Chairman, this bill has safeguards to ensure that the benefits provided reach the intended recipients. Under H.R. 3867 provides that the Administrator perform the necessary checks on applicants for participation in the various contracting assistance programs to ensure their business integrity and qualifications. Most programs already require this but this makes it uniform.

The Small Business Contracting Program Improvements Act also expands opportunities for women entrepreneurs. The bill establishes requirements for the SBA to implement the Women's Procurement Program immediately. Because it has taken too much time for the SBA to implement the Women's Procurement Program, this bill is intended to provide agencies with sufficient information to immediately begin competing contracts among women business owners. Seven years is far too long for the women who have been waiting for these business opportunities. As a result of this unwarranted delay, women have lost tens of billions of dollars in contracting opportunities but thanks to H.R. 3867 they will not have to wait any longer. I am particularly pleased to know that women small business owners will finally receive the long anticipated contracting opportunities that were intended for them under the Small Business Act.

Mr. Chairman, this bill will also strengthen Community Development. Title IV strengthens the HUBZone program by verifying that small businesses receiving contracts under its authority are qualified. It further requires construction contracts to be performed within a reasonable distance of the particular HUBZone the contractor is to benefit.

This legislation has bipartisan support within the Small Business Contracting Program Improvements Act Committee and includes the input from a number of Members. There is remarkably broad support on this legislation, ranging from the National Black Chamber of Commerce to the National Federation of Independent Business and the Associated General Contractors of America. Also supporting the legislation are the American Legion, the Veterans of Foreign Wars, and AMVETS. The United States Hispanic Chamber of Commerce, the U.S. Women's Chamber of Commerce and the National Defense Industrial Association also.

While this bill goes a long way to provide much needed contracting opportunities for small businesses, my amendment would have greatly enhanced such opportunities. My amendment to H.R. 3867, which updates and expands the procurement programs of the Small Business Administration. My amendment provides that it is the sense of Congress that the Administrator should encourage the components of the administration, as well as appropriate State and local government agencies, to competitively bid and negotiate contracts and prices for services, including debris clearance, distribution of supplies, reconstruction and other assistance, in advance of an act of terrorism, natural disaster, or other emergency; and work toward a goal of awarding to qualified firms located in a county, parish, or other unit of local government within the affected area, but only to the extent that the goal does not interfere with the ability of the Administrator to provide timely and effective assistance.

Mr. Chairman, we have learned from the devastation of Hurricanes Katrina, Rita and Wilma that severe consequences can result from not having the proper disaster recovery plans in place prior to such a disaster. We also know that having in place a comprehensive written response plan to give support to small businesses so that they may rebuild their businesses and in turn help to rebuild the affected areas is an essential component of a good recovery plan.

In the aftermath of Hurricanes Katrina, Rita, and Wilma small businesses and in particular minority and disadvantaged businesses, in the affected areas were severely and negatively impacted because they did not receive financial support necessary to rebuild their businesses and participate in the rebuilding of the affected community.

I understand that a major purpose of H.R. 3867 is to encourage participation by qualified small businesses, particularly veteran owned businesses, in the appropriate contracting programs offered under the supervision of the Small Business Administration. The Act also aims intend to assist small business participation, prevent fraud and bring consistency to the operation of the main contract assistance programs. My amendment would further support the goal to support small businesses by encouraging SBA to establish a program that provides for pre-negotiated contracts with small businesses, in advance of an act of terrorism, natural disaster, or other emergency. Thus, the small business owners from the affected areas will not only be included in the recovery and rebuilding process but also maintain viability in a competitive economic environment.

I hope that in the future we will consider the devastating impact that disasters can have on small businesses as well as the affected communities. I urge my colleagues to support small businesses by supporting H.R. 3867.

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Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

## H.R. 3867

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Contracting Program Improvements Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—ENSURING GOVERNMENT CONTRACT OPPORTUNITIES FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS
Sec. 101. Expanding procurement opportunities.
Sec. 102. Penalties for misrepresentation.
Sec. 103. Implementation of Executive Order 13360.
TITLE II—PROTECTING TAXPAYERS AND ENSURING PROGRAM CONSISTENCY
Sec. 201. Requiring business integrity of small business concerns.
Sec. 202. Establishment of goals.
Sec. 203. Small business concern subcontracting policy.
Sec. 204. Increased size of available contracts.
TITLE III—EXPANDING OPPORTUNITIES FOR WOMEN ENTREPRENEURS
Sec. 301. Implement the women's procurement program.
TITLE IV—STRENGTHENING COMMUNITY DEVELOPMENT
Sec. 401. On-site verification.
Sec. 402. Limitation on construction contracts.
Sec. 403. Allowing small business concerns that are not HUBZone program participants to protest HUBZone awards.
TITLE V—MODERNIZING THE 8(a) PROGRAM
Sec. 501. Modernizing the section 8(a) program net worth limitations.
Sec. 502. Extension of the section 8(a) program term.
Sec. 503. Report on implementation.
Sec. 504. Allowing small business concerns that are not section 8(a) program participants to protest section 8(a) awards.
TITLE VI—OTHER MATTERS
Sec. 601. Affiliation for certain franchises.

## TITLE I—ENSURING GOVERNMENT CONTRACT OPPORTUNITIES FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS

### SEC. 101. EXPANDING PROCUREMENT OPPORTUNITIES.

(a) SERVICE-DISABLED VETERANS.—Section 36(a) of the Small Business Act (15 U.S.C. 657f(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "may" and inserting "shall"; and

(2) in paragraph (1), by striking "and the contracting officer" and all that follows through "contracting opportunity".

(b) HUBZONE.—Section 31(b)(2)(B) of such Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking "shall" and inserting "may".

### SEC. 102. PENALTIES FOR MISREPRESENTATION.

Section 16(d)(1) of the Small Business Act (15 U.S.C. 645(d)(1)) is amended by inserting "a 'small business concern owned and controlled by service-disabled veterans'," before "or a 'small business concern owned and controlled by women' ".

### SEC. 103. IMPLEMENTATION OF EXECUTIVE ORDER 13360.

Section 36 of the Small Business Act (15 U.S.C. 657f) is amended by adding at the end the following new subsection:

"(f) IMPLEMENTATION OF EXECUTIVE ORDER 13360.—The Administrator shall—

"(1) provide small business concerns owned and controlled by service-disabled veterans with information and assistance concerning participation in Federal contracting;

"(2) advise and assist other agencies in their strategies to expand procurement opportunities for such concerns; and

"(3) make training assistance on Federal contract law, procedures, and practices available to such concerns.".

## TITLE II—PROTECTING TAXPAYERS AND ENSURING PROGRAM CONSISTENCY

### SEC. 201. REQUIRING BUSINESS INTEGRITY OF SMALL BUSINESS CONCERNS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by adding at the end the following new section:

### "SEC. 38. REQUIRING BUSINESS INTEGRITY OF SMALL BUSINESS CONCERNS.

"(a) SECTION 8(a) PROGRAM BACKGROUND CHECK.—No applicant may be approved for participation in the section 8(a) program unless the Administrator first performs a background check on the applicant and determines that the applicant does not lack business integrity.

"(b) HUBZONE PROGRAM BACKGROUND CHECK.—No award of a second contract under the authority of section 31(b)(2)(A) or 31(b)(2)(B) may be made unless the Administrator first performs a background check on the applicant and determines that the applicant does not lack business integrity.

"(c) RANDOM BACKGROUND CHECK.—The Administrator shall have random background checks performed on owners and officers of small business concerns that have been awarded a contract under section 8(m), 36(a), or 36(b) to determine whether such owners and officers lacks business integrity.".

### SEC. 202. ESTABLISHMENT OF GOALS.

(a) ESTABLISHMENT OF GOVERNMENT-WIDE GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking the first sentence and inserting "The President shall annually establish Government-wide goals for procurement contracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns participating in the program established by section 8(a), and small business concerns owned and controlled by women.".

(b) TECHNICAL CORRECTIONS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (g) by adding at the end the following:

"(3) Each agency shall, in consultation with the Administrator, establish goals for the usage, as prime contractors, of small business concerns that participate in the program under section 8(a)."; and

(2) in subsection (h) by adding at the end the following:

"(4) Each prime contractor shall, in consultation with the Administrator, establish goals for the usage, as subcontractors, of small business concerns that participate in the program under section 8(a).".

### SEC. 203. SMALL BUSINESS CONCERN SUBCONTRACTING POLICY.

Section 8(d)(1) of the Small Business Act (15 U.S.C. 637(d)(1)) is amended by striking the first sentence and inserting "It is the policy of the United States that small business concerns, small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, qualifying HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns participating in the program established by section 8(a), and small business concerns owned and controlled by women, shall have the maximum practicable opportunity to participate in the performance contracts let by any Federal agency, including contracts and subcontracts for subsystems, assemblies, components, and related services for major systems.".

### SEC. 204. INCREASED SIZE OF AVAILABLE CONTRACTS.

(a) SECTION 8(a) PROGRAM.—Section 8(a)(1)(D)(i)(II) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II)) is amended—

(1) by striking "$5,000,000" and inserting "$5,500,000"; and

(2) by striking "$3,000,000" and inserting "$5,100,000".

(b) HUBZONE PROGRAM.—Section 31(b)(2)(A)(ii) of such Act (15 U.S.C. 657a(b)(2)(A)(ii)) is amended—

(1) by striking "$5,000,000" and inserting "$5,500,000"; and

(2) by striking "$3,000,000" and inserting "$5,100,000".

(c) SERVICE-DISABLED VETERAN PROGRAM.—Section 36(a)(2) of such Act (15 U.S.C. 657f(a)(2)) is amended—

(1) by striking "$5,000,000" and inserting "$5,500,000"; and

(2) by striking "$3,000,000" and inserting "$5,100,000".

## TITLE III—EXPANDING OPPORTUNITIES FOR WOMEN ENTREPRENEURS

### SEC. 301. IMPLEMENT THE WOMEN'S PROCUREMENT PROGRAM.

Subsection (m) of section 8 of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) by striking paragraphs (1) through (4) and inserting the following:

"(1) DEFINITION.—In this subsection, the term 'small business concern owned and controlled by women' has the meaning given such term in section 3(n), except that ownership shall be determined without regard to any community property law.

"(2) AUTHORITY TO RESTRICT COMPETITION.—

"(A) IN GENERAL.—In accordance with this subsection, a contracting officer may restrict competition for any contract for the procurement of goods or services by the Federal Government to small business concerns owned and controlled by women, if—

"(i) each of the concerns is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law);

"(ii) the contracting officer has a reasonable expectation that 2 or more small business concerns owned and controlled by women will submit offers for the contract;

"(iii) the contract is for the procurement of goods or services with respect to an industry identified pursuant to paragraph (4);

"(iv) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price; and

"(v) each concern is certified in a manner described in subparagraph (B).

"(B) ACCEPTANCE OF CERTIFICATION.—For purposes of subparagraph (A)(v), a contracting officer is required to accept a small business concern's certification as a small business concern owned and controlled by women when such certification is made by—

"(i) a Federal agency or a State or local government;

"(ii) a national certifying entity approved by the Administrator; or

"(iii) the small business concern, when such concern certifies to the contracting officer that it is a small business concern owned and controlled by women and provides adequate documentation in accordance with standards established by the Administrator to support such certification.

"(3) WAIVER.—With respect to a small business concern owned and controlled by women, the Administrator may waive paragraph (2)(A)(i) if—

"(A) such concern is in an industry identified pursuant to paragraph (4); and

"(B) the Administrator determines that such concern is in an industry in which small business concerns owned and controlled by women are substantially underrepresented in Federal contracting.

"(4) IDENTIFICATION OF INDUSTRIES.—

"(A) IN GENERAL.—Not less often than every five years, the Administrator shall conduct a study to identify, for purposes of paragraphs (2)(A)(iii) and (3)(A), industries in which small business concerns owned and controlled by women are under-represented in Federal contracting. The parameters for the study shall be as follows:

"(i) For purposes of this paragraph, the Administrator shall identify an industry if, and only if, the share of Federal contracts awarded to small business concerns owned and controlled by women in such industry is small relative to the prevalence of business concerns owned and controlled by women in the pool of business concerns in such industry that have at least one employee.

"(ii) The study shall measure utilization and availability by—

"(I) using the two best available data sources;

"(II) including only business concerns that have at least one employee; and

"(III) measuring only Federal contracts awarded for amounts over $25,000.

"(iii) The study shall include four sets of disparity measurement tables to compute disparity ratios. The four sets are—

"(I) all business concerns in the United States relative to the number of Federal contracts awarded to small business concerns owned and controlled by women;

"(II) small business concerns owned and controlled by women that have demonstrated an interest in or that have secured Federal contracts relative to the number of Federal contracts awarded to small business concerns owned and controlled by women;

"(III) all business concerns in the United States relative to the dollar amounts of Federal contracts awarded to small business concerns owned and controlled by women; and

"(IV) small business concerns owned and controlled by women that have demonstrated an interest in or that have secured government contracts relative to the dollar amounts of Federal contracts awarded.

"(B) DETERMINATION BY HEAD OF DEPARTMENT OR AGENCY.—Until such time as the Administrator completes the identification of industries required by subparagraph (A), the determination as to whether an industry is one in which small business concerns owned and controlled by women are under-represented in Federal contracting shall be made by the head of the department or agency for which the contract is to be performed.

"(C) DEADLINE.—Not later than 90 days after the date of the enactment of this subparagraph, the Administrator shall—

"(i) ensure the completion of the first study required by subparagraph (A);

"(ii) approve national certifying entities for the purposes of paragraph (2)(B)(ii);

"(iii) establish procedures required by paragraph (5)(A); and

"(iv) establish standards described in paragraph (2)(B)(iii).";

(2) in paragraph (5), by striking "(2)(F)" in each place it appears and inserting "(2)(B)"; and

(3) in paragraph (5), by adding at the end the following new subparagraph:

"(D) PROTESTS BY SMALL BUSINESS CONCERNS.—For purposes of this paragraph, the term 'interested party' shall include any small business concern.".

## TITLE IV—STRENGTHENING COMMUNITY DEVELOPMENT

### SEC. 401. ON-SITE VERIFICATION.

Section 31(b) of the Small Business Act (15 U.S.C. 657a(b)) is amended by adding at the end the following:

"(5) ON-SITE VERIFICATION OF STATUS.—

"(A) VERIFICATION.—When a small business concern that has previously been awarded a contract under paragraph (2)(A) or (2)(B) is to be awarded a second contract under paragraph (2)(A) or (2)(B), the Administrator shall perform an on-site inspection to determine whether such small business concern is a qualified HUBZone small business concern. This paragraph does not require such an inspection before the award of a third or subsequent contract. This paragraph does not prevent a second contract from being awarded before such inspection is completed.

"(B) NOTIFICATION BY SMALL BUSINESS CONCERN.—The Administrator shall require a small business concern to notify the Administrator, prior to being awarded a second contract under paragraph (2)(A) or (2)(B), of such business concern's attempt to be awarded a second contract under paragraph (2)(A) or (2)(B). Not later than 90 days after the date of the enactment of this subparagraph, the Administrator shall establish procedures to implement this subparagraph.".

### SEC. 402. LIMITATION ON CONSTRUCTION CONTRACTS.

Section 31(b) of the Small Business Act (15 U.S.C. 657a(b)) is amended by adding at the end the following:

"(6) LIMIT HUBZONE PROGRAM CONSTRUCTION CONTRACTS IN OR NEAR A HUBZONE.—A small business concern may not obtain a construction contract by reason of the HUBZone program unless the construction project is located in or near the HUBZone in which the small business concern has its principal place of business. The Administrator shall prescribe standards for determining when a project is located 'near' a HUBZone for purposes of this paragraph, except that under no circumstances can a project located more than 150 miles from a HUBZone be located 'near' that HUBZone.".

### SEC. 403. ALLOWING SMALL BUSINESS CONCERNS THAT ARE NOT HUBZONE PROGRAM PARTICIPANTS TO PROTEST HUBZONE AWARDS.

Section 31(c) of the Small Business Act (15 U.S.C. 657a(c)) is amended by adding at the end the following new paragraph:

"(5) PROTESTS BY SMALL BUSINESS CONCERNS.—For purposes of this subsection, the term 'interested party' shall include any small business concern.".

## TITLE V—MODERNIZING THE 8(a) PROGRAM

### SEC. 501. MODERNIZING THE SECTION 8(a) PROGRAM NET WORTH LIMITATIONS.

(a) MODIFICATIONS TO 8(a) PROGRAM.—Notwithstanding any provision of the Small Business Act (15 U.S.C. 631 et seq.), the Administrator shall administer the program under section 8(a) of such Act with the following modifications:

(1) DETERMINATION FOR TERM OF PROGRAM.—For the purpose of this section, an individual who has been determined by the Administrator to be economically disadvantaged at the time of program entry shall be deemed to be economically disadvantaged for the term of the program.

(2) MATTERS EXCLUDED.—In determining personal net worth, the Administrator shall exclude from such determination the following:

(A) The value of any investment of an economically disadvantaged owner in the small business concern, except that such value shall be taken into account under this paragraph when comparing such concerns to other concerns in the same business area that are owned by other than socially disadvantaged individuals.

(B) The equity of an economically disadvantaged owner in a primary personal residence.

(3) MAXIMUM NET WORTH.—When considering an individual's net worth for the purpose of determining the degree of diminished credit and capital opportunities of such individual, the Administrator shall consider an individual net worth of $550,000 or less as tending to show diminished credit and capital opportunities.

(b) EFFECTIVE DATE FOR MODIFICATIONS TO THE 8(a) PROGRAM.—This section shall apply with respect to small business concerns that apply to the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) after the date of the enactment of this Act.

### SEC. 502. EXTENSION OF THE SECTION 8(a) PROGRAM TERM.

(a) PROGRAM TERM.—The program term for the program under section 8(a) of the Small Business Act shall be 10 years. The first 6 years shall be the developmental phase, and the last 4 years shall be the transitional phase.

(b) EFFECTIVE DATE FOR MODIFICATIONS TO THE 8(a) PROGRAM.—

(1) IN GENERAL.—This section shall apply with respect to small business concerns that apply to the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) after the date of the enactment of this Act.

(2) TRANSITIONAL RULE.—A small business concern participating in the program under section 8(a) of such Act (15 U.S.C. 637(a)) may participate for not more than 10 years.

### SEC. 503. REPORT ON IMPLEMENTATION.

Section 155 of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 657g) is amended by adding at the end the following: "Annually, concurrent with the submission of the Small Business Administration's budget request to the Congress, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report detailing progress the Administrator has made towards the implementation of this section.".

### SEC. 504. ALLOWING SMALL BUSINESS CONCERNS THAT ARE NOT SECTION 8(a) PROGRAM PARTICIPANTS TO PROTEST SECTION 8(a) AWARDS.

Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following new paragraph:

"(22) Rules similar to the rules of paragraphs (5) and (6) of subsection (m) shall apply for purposes of this subsection.".

## TITLE VI—OTHER MATTERS

### SEC. 601. AFFILIATION FOR CERTAIN FRANCHISES.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE RELATING TO FRANCHISES IN THE TEMPORARY EMPLOYEE SERVICES INDUSTRY.—In determining whether a franchisee is affiliated with a franchisor in the temporary employee services industry, the Administrator shall—

"(A) disregard—

"(i) whether the franchisor finances the payroll of the temporary staffing personnel (including billing, collecting, and remitting client fees); and

"(ii) whether the temporary staffing personnel are treated as employees or independent contractors of the franchisor for tax or other purposes; and

"(B) consider the processing of payroll and billing by a franchisor as customary and common practice in the temporary employee services industry that does not provide probative weight.".

The CHAIRMAN. No amendment to the bill is in order except those printed in House Report 110-407. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

### AMENDMENT NO. 1 OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-407.

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. VELÁZQUEZ:

At the end of title I, add the following:

### SEC. 104. PRIORITY FOR SEVERELY DISABLED VETERANS.

In developing regulations to implement section 101, the Administrator shall give a priority to those certified service-disabled veterans that are severely disabled.

Amend section 201 to read as follows:

### SEC. 201. REQUIRING BUSINESS INTEGRITY OF SMALL BUSINESS CONCERNS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following new subsection:

"(o) REQUIREMENT OF BUSINESS INTEGRITY.—No small business concern may receive any benefit under section 8(a), 8(m), 31(b)(2)(A), 31(b)(2)(B), 36(a), or 36(b) unless the Administrator first performs a background check on the owners and officers of such small business concern and determines that the owners and officers do not lack business integrity. For purposes of such a determination, previous criminal convictions will create a presumption of a lack of business integrity.".

At the end of title II, add the following (and amend the table of contents accordingly):

### SEC. 205. EXPANDING PROTEST AUTHORIZATION.

Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following new paragraphs:

"(22) Rules similar to the rules of paragraphs (5) and (6) of subsection (m) shall apply for purposes of this subsection.

"(23) For the purposes of challenging the eligibility of a small business concern to receive an award under section 8(a), 8(m), 31(b)(2)(A), 31(b)(2)(B), 36(a), or 36(b), the term 'interested party' shall include any small business concern.".

In section 8(m)(4) of the Small Business Act as proposed to be added by section 301, strike subparagraph (B) and insert the following:

"(B) UNDERREPRESENTED INDUSTRIES.—Until such time as the Administrator completes the identification of industries required by subparagraph (A), the following industries, as identified by their 2-Digit North American Industry Classification System Code, are deemed underrepresented by women in Federal contracting: 11 (Forestry), 21 (Mining), 22 (Utilities), 23 (Construction), 31 (Manufacturing), 32 (Manufacturing), 33 (Manufacturing), 42 (Wholesale Trade), 44 (Retail Trade), 45 (Retail Trade), 48 (Transportation), 49 (Transportation), 51 (Information), 52 (Finance and Insurance), 53 (Real Estate and Rental and Leasing), 54 (Professional, Scientific, and Technical Services), 56 (Administrative and Support, Waste Management, and Remediation Services), 61 (Education Services), 62 (Health Care and Social Assistance), 71 (Arts, Entertainment, and Recreation), 72 (Accommodation and Food Services), and 81 (Other Services).".

Strike sections 403 and 504.

The CHAIRMAN. Pursuant to House Resolution 773, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, this amendment makes changes to the underlying bill to address outstanding issues in the bill. It ensures those veterans that are most severely disabled will have access to contracts. It also strengthens the business integrity standard and creates parameters to carry out the women's procurement program.

Probably the most critical change in this amendment is the priority created for severely disabled veterans. The underlying bill already ensures that service-disabled veterans have greater access to contracts, but this takes it a step further.

It provides that agencies who are carrying out the service-disabled veteran contracting program give special consideration to those returning entrepreneurs that have the most serious of injuries. It is simply the right thing to do for all these soldiers have given for their country.

This amendment also provides taxpayers with greater protection by making certain the SBA performs criminal background checks prior to entering a program. It provides that those with criminal convictions are presumed to lack the business integrity required for participation.

Finally, we worked with the minority to create a more workable standard for allowing the SBA to carry out the women's procurement program. This amendment specifies the industries that the Rand Corporation determined, in accordance with direction from the National Academies of Sciences, were underrepresented by women businesses.

These measures will strengthen the bill to ensure a variety of deserving small businesses have better access to Federal contracts.

I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the gentlelady's amendment, even though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. CHABOT. Mr. Chairman, her amendment makes some needed technical changes to the bill. Nevertheless, as I pointed out in my statement previously, we believe that this proposed solution to the failure of the SBA to implement the women's procurement is, in our view, overinclusive and should be further revised as the legislative process moves forward, but we do not oppose the amendment.

Mr. Chairman, I yield back my time.

Ms. VELÁZQUEZ. Mr. Chairman, I just want to thank the gentleman from Ohio for working with me on this amendment. I urge adoption of the amendment, and I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

### AMENDMENT NO. 2 OFFERED BY MR. AKIN

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–407.

Mr. AKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. AKIN:

At the end of title V, add the following new section (and amend the table of contents accordingly):

**SEC. 505. ASSISTANCE STUDY.**

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine what changes would be required to provide greater Federal contracting assistance to participants in the program created by section 8(a) of the Small Business Act that have less equity in their business concerns than other participants in the program.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report detailing the results of the study described in subsection (a).

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. AKIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer this amendment to the Small Business Contracting Program Improvements Act. As many involved in the Federal contracting world know, the 8(a) program currently serves small businesses owned by citizens who are socially and economically disadvantaged.

Since the 1960s, the 8(a) program has remained the primary vehicle through which minority-owned businesses enter the Federal marketplace. There is no doubt that since its inception the 8(a) has helped many minority-owned businesses grow their firms, enabling them to become real players in the Federal contracting world. In fact, over the course of the program, nearly 20,000 companies have received almost $100 billion in Federal contracts.

During committee markup of this bill, I expressed my reservations to Chairwoman VELÁZQUEZ regarding certain provisions in the bill that exclude the equity in a business. I'm concerned that this provision undermines the argument concerning the competitive capacity of the business owners. I will explain.

Many owners reinvest their earnings into their businesses, thus increasing the value of the business. If the 8(a) program is a business development program targeted toward socially and economically disadvantaged firms, why should the business owner with a valuable asset be permitted in the program and benefit from its existence? I would argue that the scarce resources available to assist these business owners be devoted to those business owners that are truly economically disadvantaged.

My amendment is a straightforward amendment that I hope will address some of these concerns. Essentially, the amendment would ask the administrator of the Small Business Administration to conduct a study to determine what changes would be required to provide greater Federal contracting assistance to participants in the 8(a) program that have less equity in their business concerns than other participants in the program.

I appreciate Chairwoman VELÁZQUEZ's willingness to work with me on this important issue, and I believe that adoption of my amendment is one step towards ensuring that minority-owned small businesses who truly need assistance can continue to benefit from the opportunities provided to them by the 8(a) program.

I would urge my colleagues to assist and support this amendment.

In closing, my point on this is the following: As a business is small and most in need of the 8(a) program, we want to make sure that they can get as many of these programs as possible, and that will build their business up. As the business then prospers and grows through the years, they will continue to get these different 8(a) kinds of contracts, which give them essentially a 10 percent advantage.

But as the business becomes bigger and stronger, what I'm interested in doing is creating a sliding scale so that those valuable contracts will be guaranteed to go to the most needy businesses, and as a business gets stronger and stronger, the number or the percentage of those contracts will tend to diminish as they become stronger and more able to survive on their own.

I think that's a concept that has been understood and to some degree approved within the committee. The question is how do we mechanically work that out, and the purpose of this amendment is to give ourselves a little time to actually figure out mathematically how do you make sure that those contracts go to the most needy, and as people become less needy, that they have less and less dependence on.

I very much appreciate the chairwoman's willingness to work with us on this, and hopefully we can figure out mechanically some way to do that that everybody could agree to.

Mr. Chairman, I yield back my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to thank my colleague from Missouri, a member of the Small Business Committee, for offering this amendment. I share the gentleman's concern about the concentration of contracts in the 8(a) program.

In fact, these businesses are only in the program for 9 years, so it is important that they make that time count. Unfortunately, according to partial year data for 2006, the top 10 companies received 40 percent of the work; 93 percent of companies received no contracts.

The gentleman's amendment requires the SBA to conduct a study to determine how best to provide additional contracting help to these less successful 8(a) participants. I appreciate his interest in the 8(a) program and his willingness to work with us to find a solution to a long-standing program.

I agree with my colleague that, while a more successful firm is apt to receive more work than a less experienced company, the purpose of the program is business development. Given this, the SBA needs to provide increased contractual assistance to the companies that need it the most.

The gentleman's amendment would allow us additional time to work together to craft a solution to ensure that 8(a) businesses, regardless of their financial strength, will be able to earn contracts. I look forward to working with the gentleman to perfect this language, and I appreciate his cooperation.

We are prepared to accept this amendment, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlelady for yielding. We agree with the comments both in the gentleman's points he made in his presentation as well as the gentlelady's, and we support the amendment as well.

Ms. VELÁZQUEZ. Mr. Chairman, I urge support of this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The amendment was agreed to.

### AMENDMENT NO. 3 OFFERED BY MR. WELCH OF VERMONT

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–407.

Mr. WELCH of Vermont. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WELCH of Vermont:

Title IV, add at the end the following (and amend the table of contents accordingly):

**SEC. ___. STUDY ON EFFECTIVENESS OF HUBZONE PROGRAM IN REACHING RURAL AREAS.**

The Administrator of the Small Business Administration shall carry out a study on the effectiveness of the HUBZone program in reaching rural areas to determine whether there are needy areas that do not qualify under the program and whether there are areas that currently qualify under the program that are inconsistent with the program's original intent. Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report containing the results of the study and any recommendations that the Administrator considers appropriate for alternative ways to evaluate eligibility for HUBZones in rural areas.

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. Mr. Chairman, I yield myself such time as I may consume.

First, let me thank Chairwoman VELÁZQUEZ and her staff and Mr. CHABOT and the work that he has done, not just helping me on this amendment but the extraordinary productivity of the Small Business Committee. It has been an oasis of bipartisan cooperation and accomplishment in this legislative session.

I'd also like to thank the cosponsor of this amendment, my colleague from Iowa, Congressman BRUCE BRALEY, a member of the Small Business Committee.

We've heard about the HUBZone program, that it provides assistance to small businesses located in historically underutilized business zones, or HUBZones, through limited competition contracts, sole source awards, or price evaluation preferences in full and open competitions. The Federal Governmentwide contracting goal for HUBZone small businesses is, as you know, Mr. Chairman, 3 percent. It's a very effective program.

Across the country, more than 11,000 firms operate and employ people in distressed areas; 56 of these are located in Vermont. Eligible areas cover more than 7,000 urban census tracts, 900 rural and suburban areas.

Historically, the HUBZone program has encountered some difficulties in rural areas, specifically in the way the program is defined. The current definition limits what SBA can do in looking at large areas versus small, and it makes it tough on rural States, like Vermont and many other rural parts of the Nation.

In Vermont, for example, the entire Northeast Kingdom is a HUBZone, as well as all of Lamoille County. Other than that, only part of Burlington, Rutland and St. Albans are in the program, and this has left out some obviously what would appear to be eligible communities in towns like Springfield, Brattleboro, Bennington, Barre, Bellows Falls, and other parts of Rutland City.

Small businesses critical in Vermont, just like everywhere else, create two out of every three new jobs, produce 39 percent of the gross national product, and is responsible for more than half of the Nation's technological innovation.

My amendment with Mr. BRALEY is very simple. It would direct the SBA to conduct a study on how the HUBZone program is working to reach rural areas. The study should examine how HUBZone is defined, whether that definition works in rural areas as well as it does in urban and suburban areas. It makes specific recommendations of possible alternatives to better capture eligible or needy communities that so often exist in rural areas. Not only does it call on the administration to review whether needy communities are being left out, it also assesses whether areas within the program comply with the program's original intent.

Mr. BRALEY and I urge our colleagues to support this amendment.

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Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, it is becoming increasingly concerning that companies may be receiving HUBZone contracting preferences inappropriately.

Since 2003, the SBA Inspector General has released two reports identifying the potential for contracting fraud in this program. Most recently, in 2006, the IG has found that more than 80 percent of companies are not eligible 3 years after they were approved. In nearly 20 States, we have identified multimillion dollar properties in areas designated as HUBZone. If a company located in one of these zones employed people who lived in similar conditions, they would be eligible for contracting preferences over small businesses.

The gentleman's amendment addresses the issue that some areas of the country are designated HUBZone. That should not be. At the same time, this will also require the SBA to examine why some deserving areas are not being designated appropriately. To resolve this inconsistency, the amendment requires the SBA to carry out a study that includes recommendations for alternative ways to evaluate HUBZone eligibility.

There is no rational reason why some of the most affluent areas in the country are eligible for government contracting preferences, while truly deserving areas are overlooked.

We are prepared to accept this amendment, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlelady for yielding.

Mr. Chairman, we have no opposition to this amendment. We would thank Mr. WELCH of Vermont for his hard work on this and his leadership on the committee.

Ms. VELÁZQUEZ. Mr. Chairman, I urge support of this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

### AMENDMENT NO. 4 OFFERED BY MR. MICA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–407.

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MICA:

Add at the end of title VI the following (and amend the table of contents accordingly):

**SEC. ____. CLARIFICATION OF APPLICABILITY OF SMALL BUSINESS SET-ASIDES.**

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

"(q) CLARIFICATION OF APPLICABILITY.—For purposes of any small business set-asides authorized under this section, the term 'contract' shall not exclude any acquisition or order under any Federal Supply Schedule or Multiple Award Schedule.".

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman and my colleagues, I have this amendment No. 4 which would clarify the small business set-aside provisions of the Small Business Act and require that it, in fact, apply to Federal contracts not excluding Federal supply schedule and multiple award scheduled holders.

Now, this is a mandatory provision, and I have accepted some of the objections from my side of the aisle in not moving forward with this particular provision. I do have the next amendment in line, which does deal with a similar issue, and I would like to ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Ms. VELÁZQUEZ. Mr. Chairman, I reserve the right to object.

I am surprised that the gentleman is withdrawing his amendment since I was prepared to accept the amendment. I think this is a problem that needs to be addressed. I am willing to work with the gentleman to address this issue.

Mr. MICA. If I may, if the gentlelady would yield, I look forward to working with you. I am delighted that your side of the aisle was willing to accept this amendment. I would like to work and move forward with you in a bipartisan effort.

But in order to get one of the two amendments to work with my side of the aisle in fairness and not pass a mandatory provision, I am prepared to withdraw the amendment and work with the gentlelady and the committee and thank everyone for their consideration.

Ms. VELÁZQUEZ. Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. MICA

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-407.

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MICA:

At the end of title VI, add the following (and amend the table of contents accordingly):

**SEC. _____. SENSE OF THE HOUSE OF REPRESENTATIVES ON ACQUISITIONS CONDUCTED UNDER THE GENERAL SERVICES ADMINISTRATION'S FEDERAL SUPPLY SCHEDULE.**

(a) FINDINGS.—Congress finds the following:

(1) The Small Business Act was adopted by Congress to ensure that small business concerns receive fair access to, and a fair share of, Federal government contracts and subcontracts.

(2) There is a disagreement between the General Services Administration and the Small Business Administration on whether the Small Business Act applies to the acquisitions under the General Services Administration's Federal Supply Schedule, which account for over $30,000,000,000 in procurement dollars awarded each year.

(3) As demonstrated in proceedings of the White House Acquisition Advisory Panel, small businesses hold 79.6 percent of contracts under the Federal Supply Schedule, but receive only 37.1 percent of dollars awarded under the Federal Supply Schedule, and this disparity has a significant impact on the competitive viability of small business concerns in government contracting.

(b) SENSE OF THE HOUSE.—Therefore, it is the sense of the House of Representatives that small business set-asides should not be excluded from any acquisitions under the General Services Administration's Federal Supply Schedule.

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman and Members of the House, Mr. CHABOT and the Chair of the Small Business Committee, I am pleased to present another amendment, as I indicated in withdrawing the first amendment, that is not mandatory in nature, but does bring to light and address some of the problems that we have had with an interpretation of acquisitions under the GSA Federal supply schedule, some different interpretation.

This amendment would state that it is, in fact, a sense of the House of Representatives that small business set-asides should not be excluded from any acquisitions under the General Services Administration Federal supply schedule.

Let me explain, if I may, for just a moment here. The Small Business Act was adopted by Congress to, in fact, ensure that small businesses would receive fair access and a fair share of Federal Government contracts and subcontracts. In fact, section 15 of the act requires that all contracts below $100,000 be reserved for small businesses.

But, unfortunately, there are some questions that have been raised. The Small Business Act also requires set-aside opportunities for service-disabled veterans, for businesses in distress, and companies owned by women and disadvantaged persons. However, again, here is where some of the problem lies. There is a disagreement between GSA, the General Services Administration, and SBA on whether the small business set-aside applies to acquisitions under the Federal GSA Federal supply schedule.

Because of this GSA-SBA disagreement on provisions of the Small Business Act, some small businesses, in fact, are being excluded from GSA contracting opportunities; and that's not our intent.

What's taken place on September 4, 2007, just a short time ago, SBA issued an opinion that Small Business Act set-aside requirements do apply to the GSA schedule. My amendment today would only state that it is a sense of the House of Representatives that the small business set-aside should not be excluded from any acquisition under GSA's Federal supply schedule.

We tried to send a polite message. Part of my reason for being here is one of the small business persons in my district, Raul Espinosa, he is a St. Augustine small business owner, his company is a small business, again, in the heart of my district. He has a company called Fit Net Purchasing Alliance and Fit Net, is, in fact, a disadvantaged minority and emerging small business. They operate as a buying group specializing but not limited to athletic, wellness and rehab market segments.

This small business operator brought this to my attention, and it is a great example of how this system should work. When the agencies don't work, when you have lack of understanding and definition and law, or in procedures, it's small businesses and someone like Raul Espinosa who has brought to my attention, as his elected representative, some of the problems that have arisen.

This is a clarification amendment. We may want to go beyond this, as the chairlady has indicated her willingness to do, and possibly from my side of the aisle I think we can work together and make this work the way it's intended.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. The gentleman's amendment reflects a sense of the House that laws requiring competition among only small businesses should apply to the General Services Administration's Federal supply schedules.

The GSA consistently points to nearly 80 percent of contracts under schedules going to small businesses. The reality is that as far as dollars, small firms get less than 40 percent. With the exception of the GSA schedules, every agency must ensure that small businesses are the priority for contracts valued at more than $2,500 and less than $100,000. Even when the GSA enters into a contract itself, not using the schedules, the SBA statute applies.

Recently, the GSA's general counsel has pointed to a conflict between the statute that authorizes the Federal supply schedules and the SBA statute. Because Congress has not spoken to the contradiction, GSA relies on its own interpretation.

GSA schedules represent billions of dollars in contracting opportunities that simply aren't available to small firms because of the GSA's incorrect interpretation of the statute. The gentleman's amendment will provide a direction that is missing between these conflicting statutes, an issue to be supported. Not only will small businesses see increased dollars as a result; taxpayers will receive lower costs due to the flexibility and efficiency that small firms are able to offer.

Mr. Chairman, I am prepared to accept this amendment, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlelady for yielding.

Mr. Chairman, we have no opposition to this amendment. We would thank the gentleman for his hard work in offering the amendment.

Ms. VELÁZQUEZ. I urge support for this amendment and I yield back the balance of my time.

Mr. MICA. How much time do I have remaining, might I inquire.

The CHAIRMAN. The gentleman from Florida has 1 minute remaining.

Mr. MICA. Mr. Chairman, I won't take all of that minute, but I do again want to thank again the gentlelady, the Chair of the SBA Committee, and Mr. CHABOT, the ranking member.

This is a great example of how government should work, having a constituent, a small business person in my district, bring unfairness, the lack of definition about procedures here with the SBA and GSA, two government agencies, and try to get a resolution.

I am delighted to be here. I am trying to think back in 15 years if I have ever brought an amendment up and have everybody agree on it like this. I don't think so, but it's a special occasion.

Mr. CHABOT. Will the gentleman yield?

Mr. MICA. I yield to the gentleman from Ohio.

Mr. CHABOT. I was just going to say, that is the way this committee works, right, Madam Chair?

Ms. VELÁZQUEZ. Yes.

Mr. MICA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

### AMENDMENT NO. 6 OFFERED BY MR. MORAN OF VIRGINIA

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110-407.

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MORAN of Virginia:

Title VI, add at the end the following (and amend the table of contents accordingly):

**SEC. ___. STUDY ON FRIVOLOUS PROTESTS.**

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine, with respect to small business contracts, whether incumbent Federal contractors submit frivolous protests to extend the length of current contracts before protest decisions are resolved.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) determine the number of Government Accountability Office bid protests and Small Business Administration size protests filed by incumbent Federal contractors with respect to small business contracts, the number of incumbent contracts extended because of the protest, the extra costs of extending incumbent contracts during the protest, and the final rulings of these protests;

(2) determine the financial impact of protests filed by incumbent Federal contractors on small businesses that were originally awarded the protested small business contracts, including costs associated with defending the protests and costs incurred by Federal agencies;

(3) identify the incumbent Federal contractors that file the most unsuccessful protests on small business contracts; and

(4) develop recommendations—

(A) to ease any financial burden on small businesses during the protest of small business contracts; and

(B) to discourage frivolous protests by incumbent Federal contractors on small business contracts.

(c) CONSULTATION.—In conducting the study, the Administrator shall consult with the Government Accountability Office, any necessary Federal agencies, and the Office of Federal Procurement Policy.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under subsection (b)(4).

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first want to thank the chairwoman of the Small Business Committee for her leadership in bringing this bill to the floor today. I appreciate the membership on both sides of the committee for finding an agreement on so many issues that are important to small businesses.

They know that small businesses must overcome long odds and difficult obstacles in navigating the waters of Federal contracting. Size thresholds, growth requirements, endless paperwork and late contracts payments are all part of the challenges that competing small businesses regularly face.

Yet there is another challenge that has been brought to my attention. Some small businesses, after being awarded a competitively bid contract, must face frivolous protests by the incumbent contractors just for the purposes of delaying the award of a contract. For an incumbent contractor, there is an economic incentive to protest an award, even if there is no substance to the challenge. The award to the small business is thus delayed, and the current contract is retained until the protest is concluded. It can take months or even years before the dispute is resolved by the government.

In the meantime, the incumbent contractor can reap millions more for the extended contract that they had been granted previously but lost out on. These protests have serious consequences for many small businesses. During protests, the small businesses must cover their legal costs. Moreover, they must cover payroll and administrative costs for the workforce that they hired for the awarding contract. That's before they ever get paid by the Federal Government. These costs can cripple some small businesses that run on tight budgets without built-in overhead for the costly protests.

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In other words, it's an uneven playing field.

This amendment will require the Small Business Administration to study the degree to which incumbent contractors are submitting frivolous protests to extend the length of current contracts. It's a problem I know exists because many of my constituent companies have, in fact, experienced it firsthand.

The Small Business Administration's study will determine the number and the merit of GAO and SBA protests that are filed by incumbent contractors and analyze the number of extended contracts. It'll analyze the extra costs of extending contracts, including the costs to small businesses that won the initial award of those contracts, and the costs incurred by Federal agencies as a result.

Finally, it will develop recommendations to ease the financial burden on small businesses during protests and offer recommendations to discourage frivolous protests made to squeeze small businesses.

It's clear that not all incumbent contractors submit frivolous bids. But it's also equally clear that there are some built-in incentives for incumbents to submit protests that they know have little merit but, nevertheless, will enable them to profit by the delay.

Mr. Chairman, I ask for support of this amendment so that small businesses can cope with frivolous incumbents' protests, and I look forward to working with the Small Business Committee on this ongoing issue of fairness.

I will retain whatever time is left.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to thank the gentleman for offering this amendment.

Certainly, frivolous litigation is a problem in any scenario. Our justice system is a valuable tool for the good-faith settling of claims, but it is costly and time consuming, and should never be used for purposes other than what was originally intended. If incumbent contractors are, in fact, using the bid process size protest mechanisms to extend the length of contracts, this problem needs to be addressed.

Small businesses face enough barriers in their efforts to enter the Federal marketplace. Having to fight frivolous lawsuits should not be one of them. If businesses, particularly mega-contractors, are using their position to prevent qualified contractors from doing Federal work by exploiting a loophole, the American taxpayer loses out.

The gentleman's amendment addresses this issue by requiring a study to determine the number of relevant protests, the financial impact on small businesses, and recommendations for solving any problems discovered.

The protest process was designed to create due process, not to create unfair advantages. This study will help to determine if there is a problem that needs to be further addressed.

I appreciate the gentleman bringing attention to this small business barrier, and although frivolous lawsuits can be devastating for anyone in the business community, it can be a particular burden for smaller companies. Adding litigation costs to an already limited cash flow is unrealistic for many small businesses, and I will be interested to see if this is what they're being forced to do.

It would allow our committee to fully understand if further changes are needed.

We are prepared to accept this amendment, Mr. Chairman, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. Thank you, Madam Chairwoman.

We do not oppose this amendment. We would thank the gentleman and his staff for their hard work and the research in considering this and offering the amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I urge support of this amendment, and I yield back.

Mr. MORAN of Virginia. I am prepared to yield back the balance of my time. I do want to thank Heath Bumgardner of my staff for doing the work on this. And I've enjoyed working with the Small Business Committee and their staff on both sides of the aisle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The amendment was agreed to.

### AMENDMENT NO. 7 OFFERED BY MR. BAIRD

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–407.

Mr. BAIRD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. BAIRD:

At the end of title V, insert the following new section (and amend the table of contents accordingly):

**SEC. 505. EXAMINATION OF LIST OF GROUPS THE MEMBERS OF WHICH ARE PRESUMED TO BE SOCIALLY DISADVANTAGED FOR PURPOSES OF SMALL DISADVANTAGED BUSINESS PROGRAM.**

The Administrator of the Small Business Administration shall examine the list of groups the members of which are presumed to be socially disadvantaged for purposes of the Small Disadvantaged Business program under section 8(a) of the Small Business Act and shall consider whether the list should be updated to include additional groups. Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the examination.

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Washington (Mr. BAIRD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. BAIRD. I thank the chairwoman for the time and applaud her for her leadership of the Small Business Committee. I also want to thank the ranking member for his leadership as well.

I rise today with an amendment to improve and update the Small Business Administration's Small Disadvantaged Business Program.

My amendment would direct the administrator of the Small Business Administration to examine the list of groups under the Disadvantaged Business Program and consider whether it should be updated to include additional groups. This amendment does not mandate that any group be added and would not affect those well-deserving groups already included.

Let me explain why I believe this issue deserves our attention. The issue was brought to my attention by an Afghani American entrepreneur in my own district who is not eligible to receive SBA assistance under the Small Business Development Program. After researching the matter, I learned that the SBA does not include Afghani or Iraqi Americans in the Small Disadvantaged Business Program.

I found this troubling, frankly. As we seek to spread democracy to other nations around the world, we ought to consider how we are helping or not helping individuals from those countries who have come to the United States. For example, at a time when we are promoting the American Dream in Afghanistan, I believe we should be doing more to promote this dream to those of Afghani descent who have come to the United States to seek a better way of life. The same applies to the refugees who've helped our Nation in its Iraq mission but have been forced to flee their own lands for having given us that very assistance.

I hope we would all agree that as we work to spread democracy and freedom to other nations, we should consider how we're treating individuals from those countries who have come to the United States. Should my amendment be accepted, I hope that the administrator will pay special attention to those countries to which our Armed Forces have been deployed since September 11.

Some may be surprised to learn that the SBA has not updated their list of groups since 1989. I believe it's a good time now to revisit this list and to ensure that this program is not excluding any group who deserve assistance.

I would ask my colleagues to join me in supporting this commonsense amendment. I would ask for your support.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the gentleman's amendment requires the SBA to review who should be considered socially disadvantaged for entry into the 8(a) program and whether there should be any updates.

Prior to today, the last Congressional action on the 8(a) program took place in 1988. For nearly 20 years, the 8(a) program has not seen one significant change. One aspect of the program, social disadvantage, has also remained unchanged.

My colleague's amendment recognizes that our country in 2007 does not look like it did in 1988. The face of America is changing. The 8(a) program must reflect the new look of the Nation.

This amendment addresses the concern that in several years the SBA has not reviewed or expanded who is considered socially disadvantaged. Given this, deserving business owners are likely being shut out.

We also know, as members of the committee, that without definite direction the SBA is unlikely to act, let alone in a timely fashion. The gentleman's amendment will ensure that the SBA examines the issue and makes changes, as appropriate, within 6 months.

We are prepared, Mr. Chairman, to accept this amendment, and I will yield to Mr. CHABOT for any comments that he might have.

Mr. CHABOT. I thank the gentlelady for yielding, and I thank the gentleman for offering his amendment. He has been willing to, I think, stand up and make courageous stands on occasion. I think he is to be commended for that.

Relative to this particular amendment, as I stated in my opening statement, I have some concerns of the bill in general because of the segmenting of various groups and sometimes pitting one against another and being competitive with each other, and so I can't say that I honestly would be in favor of a number of additional groups again further segmenting this.

But this just calls for a study and doesn't implement any particular groups or propose any additional new groups. So, for that reason, I would not oppose the amendment, and I want to thank him for his thoughtful consideration of this.

Ms. VELÁZQUEZ. Mr. Chairman, I urge the adoption of this amendment, and I yield back the balance of my time.

Mr. BAIRD. I thank the gentlelady, the Chair, and the ranking member for their support of this. Point well taken. This does call for a study. I think there are a number of groups under criteria that establish this program, merit discussion and examination, and particularly those who have come to our aid overseas. I'm familiar with some really heart-wrenching stories of folks who have been extraordinarily helpful to our country and face great personal hardship in Iraq and in Afghanistan. If we can help them rebuild their lives over here if they're forced to flee their country, that would be a meritorious deed.

But again, this is just calling for a study and, therefore, I urge its passage. I am grateful for the support.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BAIRD).

The amendment was agreed to.

### AMENDMENT NO. 8 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–407.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. GINNY BROWN-WAITE of Florida:

At the end of title VI, add the following new section (and amend the table of contents accordingly):

**SEC. 602. SMALL BUSINESS ADMINISTRATION LIAISON.**

(a) ESTABLISHMENT.—The Administrator of the Small Business Administration shall create a liaison position whose duty it is to ensure that section 2(i) of the Small Business Act is carried out.

(b) FUNCTIONS.—In carrying out the duty described in subsection (a), the liaison shall consult with the Assistant Secretary of the Department of Homeland Security for United States Immigration and Customs Enforcement.

The CHAIRMAN. Pursuant to House Resolution 773, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chair, section 2(i) of the Small Business Act states that only those lawfully in the United States shall receive funds under the Act.

My amendment establishes a Small Business Liaison to ensure that section will be followed. That's what the amendment does. It mirrors language contained in my bill, H.R. 3496, which requires the liaison to work in tandem with the Department of Homeland Security and the U.S. Immigration and Customs Enforcement group.

Listen up, America. We are the land of opportunity, and small business owners make up the backbone of our economy. However, Congress cannot continue to encourage and foster small businesses in our Nation, if we are not making those here legally an actual priority.

This simple amendment will ensure that small business loans and grants are going to those who follow the immigration rules that we have in place. Therefore, I urge the Members of this body to support this amendment.

And I certainly want to thank the gentlelady from my former home State of New York for working with us on this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the amendment offered by Ms. GINNY BROWN-WAITE seeks to ensure that taxpayer dollars go to small businesses that are complying with our immigration laws and not benefiting those that are breaking these laws.

While currently the Small Business Administration's Act prohibits the use of funds to benefit or assist individuals that are not lawfully within the United States, this change would allow for greater accountability. Creating a liaison between the Small Business Administration and the Department of Homeland Security on this matter will increase oversight and ensure that the agency's budget is being spent lawfully, efficiently and responsibly.

I also am grateful to have an ally in fighting this administration's efforts to reduce resources at the Small Business Administration. The fact is that the Small Business Administration needs personnel in carrying out this provision, as well as other critical operations.

We share the goal of ensuring that no funds expended under the Small Business Contracting Programs Improvement Act are used in such a manner. Sometimes having a law on the books isn't enough, and this amendment will go a step further in making sure that someone is there at the SBA actively enforcing this important spending provision.

We are prepared to accept this amendment, Mr. Chairman, and now I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlelady for yielding. And I want to compliment and thank the gentlelady from Florida for offering this important amendment. I think it certainly is a good addition to the bill.

I think it's clear that most Americans would only want those that are in this country legally to benefit from these types of taxpayer-funded programs. So it's a very good amendment, and I want to thank you for offering it, and we certainly will support it.

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Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I certainly want to thank the chairwoman for her cooperation on this. I think the key word, the operative word, here is obviously "accountability." And I think this amendment will help to improve an already good bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

### AMENDMENT NO. 9 OFFERED BY MRS. GILLIBRAND

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–407.

Mrs. GILLIBRAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. GILLIBRAND:

At the end of title II, add the following (and amend the table of contents accordingly):

**SEC. ____. PROHIBITION ON CONTRACT AWARDS TO CONTRACTORS IN VIOLATION OF IMMIGRATION LAWS.**

Any employer found, based on a determination by the Secretary of Homeland Security or the Attorney General to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien shall be subject to debarment from the receipt of future Federal contracts under this Act.

The CHAIRMAN. Pursuant to House Resolution 773, the gentlewoman from New York (Mrs. GILLIBRAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. GILLIBRAND. Mr. Chairman, I yield myself such time as I may consume.

First, I would like to thank my fellow New York colleague, Chairwoman VELÁZQUEZ, for her leadership on this bill and for her constant effort to help our small businesses grow and prosper in America.

Small businesses are the foundation of upstate New York's economy. Small businesses represent over 99 percent of all employers and half of all private sector employees. More importantly, small businesses generate up to 80 percent of new jobs in America.

The bill that is on the floor today would allow upstate New York's small businesses to have increased opportunities to compete for Federal contracts against larger companies. Last year small businesses received only 21.5 percent of Federal contracts, which is much too small; and I look forward to this bill's passing on the floor that will allow our small businesses, especially disabled veteran-owned businesses, to compete for Federal contracts.

My amendment to this bill is very simple: businesses that continue to break the law by hiring illegal aliens should not be eligible for Federal contracts.

Mr. Chairman, we must reward businesses that play by the rules and punish those who do not. It is important that we fix our broken immigration system, and an important component of that is to cut off availability of jobs for undocumented workers, which can only be done when employers refuse to hire them. There are an estimated 12 million illegal aliens in this country; and if jobs are not available to them, then there will not be an incentive for them to come or remain here in America illegally. Hiring illegal aliens is against the law in America, and my amendment ensures that employers who knowingly hire illegal aliens cannot have access to the over $400 billion in Federal contracts that are awarded each year. This amendment will ensure accountability with taxpayers' money by preventing businesses who hire illegal aliens from receiving Federal contracts.

I urge my colleagues to vote "yes."

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I want to thank my colleague from New York for her amendment to ensure that Federal contractors are complying with the immigration laws of our Nation. I would like to ensure that the interpretation of the debarment provisions referenced in the gentlewoman's amendment are consistent with the debarment process as provided in the Federal Acquisition Regulation.

Mr. Chairman, small businesses face many obstacles in securing a workforce, and one of them is ensuring that their employees have the proper legal status. All of our employers are expected to comply with our immigration laws, and they should not be forced to compete in the Federal marketplace with those who are skirting these laws. Small businesses should be rewarded for ensuring that their employees are here legally.

My colleague's amendment ensures that no contractor who has a pattern of knowingly employing unauthorized workers will receive contracts under the Small Business Contracting Program Improvements Act. Furthermore, contractors found to be in violation of the employment provisions required under immigration law will face the possibility of debarment.

Participation in SBA's procurement programs is a privilege and not a right. As such, we expect participants to uphold the law. Those businesses that choose not to comply should not receive the benefits of SBA contract assistance.

I appreciate the gentlewoman's attention to this issue and commitment to ensuring that contractors who choose to violate immigration law will not benefit from it. While there may be disagreement on reforming our immigration system, we all agree that employers must comply with those laws that are on the books. This is simply a matter of fairness.

We are prepared to accept the amendment, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlewoman for yielding.

I strongly support the gentlewoman from New York's amendment. I think it certainly improves the bill. It's just clear, I think, many, many Members on both sides of the aisle want to make clear that we don't think that taxpayer dollars ought to be going for illegal immigrants. And companies that are knowingly hiring people who are here illegally should not be able to benefit from any Federal dollars. And I think the gentlewoman by offering this amendment has improved the bill, and I want to thank her for offering this.

Ms. VELÁZQUEZ. Mr. Chairman, I urge support of this amendment, and I yield back the balance of my time.

Mrs. GILLIBRAND. I thank the gentleman and I thank Madam Chairman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. GILLIBRAND).

The amendment was agreed to.

### AMENDMENT NO. 10 OFFERED BY MR. LAMPSON

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–407.

Mr. LAMPSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. LAMPSON:

At the end of title VI, add the following:

**SEC. ___. PROHIBITION ON BUSINESS-CLASS OR FIRST-CLASS AIRLINE TRAVEL.**

In carrying out the provisions of the Small Business Contracting Program Improvements Act, the Small Business Administrator or any employee may not purchase business-class or first-class airline travel in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Texas (Mr. LAMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. LAMPSON. Mr. Chairman, I certainly appreciate the work that the chairwoman of the Small Business Committee and the sponsor of the Small Business Contracting Program Improvements Act and the rest of the committee are doing on behalf of small businesses, the lifeblood of America.

As we consider the Small Business Contracting Program Improvements Act, we must be mindful of how wasteful government spending impacts hard-working American families. Citizens expect Congress to be good stewards of taxpayer dollars; and when we allow irresponsible fiscal practices to continue in our government, then we set a bad example for our Nation and create a reckless blueprint for future spending.

So that's why I have introduced this amendment today. My amendment will clarify guidelines for premium travel by Small Business Administration employees when carrying out provisions of this act. A recent report by the GAO demonstrates that agencies are failing to follow Federal guidelines. This amendment will codify these regulations in order to curb wasteful spending by Federal agencies. Ending reckless spending is essential to regaining the trust of American citizens and restoring fiscal responsibility.

This amendment also offers a direct method of guidance by referencing the sections of the Code of Federal Regulations related to premium travel for Federal employees. A similar amendment applying to the Department of Commerce employees passed earlier this year as a part of the Commerce-Justice-Science appropriations bill.

So as we continue to tackle large instances of government waste and abuse, let's not overlook smaller steps that we can take. I encourage support for this simple way to save taxpayer dollars and to reinstate fiscal responsibility and good government practices.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I want to thank my colleague from Texas for his amendment.

Fiscal responsibility is a serious issue, and so is running an effective government. As we are currently operating with a budget deficit, we must do all we can to eradicate wasteful spending. Many times we focus on larger issues of waste and abuse and forget about the smaller problems that would be easier to solve. When we cut costs, even just a little, it can add up to big savings.

The SBA has consistently been asked to do more with less. Placing these restrictions on SBA funds will reduce unnecessary spending, giving the agency more money to use to truly assist small businesses. An agency already operating with less than its ideal budget should not be spending crucial funds on premium travel.

I appreciate the gentleman's attention to this issue and his effort to increase accountability in our government and require responsible spending decisions.

Mr. Chairman, I am prepared to accept this amendment, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlewoman for yielding.

We do not oppose this amendment. I'm more used to dealing with the gentleman from Texas on some other issues, particularly his commitment as chairman of the Missing and Exploited Children's Caucus, and so many other issues. We have worked together on a whole range of issues attempting to protect children in this country. I want to thank him for his leadership in that area, and I also thank him for offering this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I urge support of this amendment, and I yield back the balance of my time.

Mr. LAMPSON. Mr. Chairman, I certainly appreciate the kind words of the ranking member on the Small Business Committee. Certainly, he too is a leader in the area of child exploitation.

As one of the cochairs of the Congressional Caucus on Missing and Exploited Children, you do great work. We appreciate all the attention.

And I particularly appreciate the gentlewoman from New York for allowing me to introduce this amendment and for the support that she has given to us on it.

I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The amendment was agreed to.

The CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SALAZAR) having assumed the chair, Mr. HOLDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes, pursuant to House Resolution 773, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CHABOT. Yes, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CHABOT moves to recommit the bill H.R. 3867 to the Committee on Small Business with instructions to report the same back to the House forthwith with the following amendment:

Strike section 101(b).

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. BARTLETT from Maryland was previously going to offer the motion to recommit. He's not here; so I am going to offer it in his place, and I will be very brief.

This motion to recommit is really very simple. It reinstates the requirement that requires the government to set aside for competition contracts for small businesses located in HUBZones. As already noted, there is no reason to punish HUBZone firms by eliminating a mandatory competition requirement.

☐ 1330

This motion will ensure that HUBZone firms will be able to carry out their purpose to redevelop low-income areas.

I also would just like to reiterate something that I said earlier when we were dealing with the overall bill in general, and that is that I want to again compliment the gentlelady from New York, Chairwoman VELÁZQUEZ, for reaching out to the minority, as she has in the past, in trying to work together. There were just philosophical differences which could not be overcome on this bill. But the committee has worked very well together in a bipartisan manner, and I want to thank her for that cooperation.

It is my intention to continue to work together on bills in the future because we have supported most of the bills that come out of the Small Business Committee, and I think that's good for small business in this country because that's something that we do have in common, and that is, that we believe to our core that future job growth in this country is dependent upon the vitality of small businesses. And small businesses in this country have a lot of things that they have to deal with: high health insurance rates for their employees, energy costs that have been going through the roof, a tax structure which is, at this point, unclear as to where it's going to be in the future. That's why many of us on this side of the aisle believe to our core that we need to make those tax cuts that were passed back in 2001 and in 2003 permanent. We ought to allow small businesses to know what their taxes are going to be like next year and the year after and the year after so that they can depend upon that tax structure to grow their business and to make investments so that they can create jobs. Because ultimately, that's what it's all about, to keep the economy thriving so that we can create more and more jobs for people in this country. And keeping taxes low is probably the best thing that we can do to allow the small business community in this country to grow and prosper.

So again, I want to thank the members of the committee, the staff, and the gentlewoman for her cooperation and reiterate that, although a good-faith effort was made, we do support this motion to recommit and we do oppose and would urge my colleagues to oppose the overall bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Is the gentlewoman from New York opposed to the motion?

Ms. VELÁZQUEZ. I am.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, this is simple. This motion to recommit will take away contracts from veterans with service disabilities.

At this time, I would like to submit for the RECORD a letter from the American Legion that clearly states, "We steadfastly oppose any amendments to alter the legislation's provisions that assist veteran-owned businesses in section 101."

THE AMERICAN LEGION,
*Washington, DC, October 17, 2007.*

Hon. NYDIA M. VELÁZQUEZ,
*Chairwoman, House Committee on Small Business,*
*Rayburn House Office Building, Washington, DC.*

DEAR CHAIRWOMAN VELÁZQUEZ: On behalf of the 2.7 million members of The American Legion I am writing to strongly endorse the Small Business Contracting Program Improvements Act, which is scheduled for markup in the Committee on Small Business as early as this week. Further, we steadfastly oppose any amendments to alter the legislation's provisions that assist veteran-owned businesses in section 101.

Recently, the entrepreneurial needs of America's veterans have been brought to the forefront, particularly those that have sustained a disability as a result of their active-duty service in the armed forces. With nearly a quarter of newly discharged veterans considering starting their own businesses, the importance of opening the federal marketplace to veterans, who are entrepreneurs, has never before been so important.

Unfortunately, there has been no appreciable progress toward meeting the three percent service-connected disabled veterans' government-wide contracting goal. Federal agencies have fallen well short, accomplishing levels of only 0.2 percent in 2003; 0.4 percent in 2004; 0.6 percent in 2005; and 0.9 percent in 2006. As a result, Congress must take stronger action.

We are pleased that the Small Business Contracting Program Improvements Act takes the clear and compelling action necessary to ensure that veterans receive their fair share of federal contracting opportunities. This legislation will result in increases to contracts awarded to veteran-owned companies. As the veterans' community continues to grow, the time is now to enact this important initiative.

We thank you, Chairwoman Velázquez, for introducing this legislation and we applaud the Committee for moving this measure in an expeditious manner. The American Legion looks forward to working with the Committee on this and future legislation to assist this country's small businesses.

Sincerely,

JAMES E. KOUTZ,
*Chairman, National Economic Commission.*

The ranking member knows that this amendment was introduced in the committee's markup and it was defeated 16–8.

Further, let me say that the underlying bill ensures that service-disabled veterans are given a preference in seeking Federal contracts. These individuals have consistently been shut out of the Federal contracts. Despite a 3 percent service-disabled veteran contracting goal since 1999, the highest accomplishment is less than 1 percent. These men and women have served our country, and they deserve better.

If the motion to recommit is adopted, and I want to make this clear, if this motion to recommit is adopted, veterans will no longer be a top priority. There will be no guarantee that service-disabled veterans will benefit from additional contracting opportunities. Instead, we would have competing programs, which is what we tried in this bill to rid ourselves of. Agencies will be more inclined to overlook disabled veterans in their award for sole source contracts.

And also, I would like to add for the RECORD, that this type of change is opposed by the American Legion, the National Black Chamber of Commerce, the Hispanic Chamber of Commerce, the U.S. Women's Chamber of Commerce, and the Associated General Contractors.

This motion will block business opportunity for service-disabled veterans. The American Legion opposed this motion, and we agree that this motion to recommit will be making it harder for veterans to secure Federal contracts.

You know, these are men and women coming back to our country from Afghanistan and Iraq. These are injured, service-disabled veterans who deserve the support of the American public and our Federal Government.

I ask Members to oppose this motion to recommit. As I mentioned, it was defeated 16–8 in the markup. This is merely an attempt at a second bite of the apple, and it should be defeated.

Mr. CHABOT. Would the gentlewoman yield?

Ms. VELÁZQUEZ. I would yield.

Mr. CHABOT. I thank the gentlewoman for yielding.

It is our view that veterans would not be in any way adversely affected if this motion to commit were to pass because they are already covered by the sole source area in the bill. So we just have an honest disagreement on this. We believe there is no way that veterans would be adversely affected if this motion to recommit would be passed.

Ms. VELÁZQUEZ. Let me just say to the gentleman that I don't know why you insist this section 101 to be stricken when you clearly know that this amendment was defeated in committee, not by Democrats, but Democrats and Republicans. It is opposed by every veteran organization in America.

Again, it will take Federal contracting away from disabled veterans. You know that we have failed these veterans before, and what we are doing is making sure that they have an opportunity to get a fair share of Federal contracts.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CHABOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 177, nays 240, not voting 15, as follows:

[Roll No. 1016]

YEAS—177

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—240

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)

Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

### NOT VOTING—15

Carson
Cubin
Deal (GA)
Hinojosa
Hulshof
Jefferson
Jindal
Kucinich
Paul
Sessions
Simpson
Smith (NJ)
Tancredo
Weller
Wilson (OH)

□ 1402

Messrs. EDWARDS, COHEN, GENE GREEN of Texas, THOMPSON of Mississippi, CROWLEY, SHAYS, CUMMINGS and DENT and Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Ms. ROS-LEHTINEN, Mrs. DAVIS of California and Mrs. BIGGERT changed their vote from "yea" to "nay."

Messrs. HOBSON, JORDAN of Ohio and CANTOR changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. CHABOT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 334, noes 80, not voting 18, as follows:

[Roll No. 1017]

### AYES—334

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

### NOES—80

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Blunt
Boehner
Boustany
Broun (GA)
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Culberson
Davis (KY)
Davis, Tom
Doolittle
Dreier
Duncan
Ehlers
Everett
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Gingrey
Gohmert
Goode
Hastert
Hastings (WA)
Hensarling
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Lamborn
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
Miller, Gary
Musgrave
Myrick
Nunes
Pence
Petri
Pitts
Price (GA)
Putnam
Radanovich
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Smith (NE)
Terry
Thornberry
Wilson (SC)

### NOT VOTING—18

Carson
Cubin
Deal (GA)
Herger
Hinojosa
Hulshof
Jefferson
Jindal
Jones (OH)
Kucinich
Paul
Pryce (OH)
Sessions
Simpson
Stupak
Tancredo
Weller
Wilson (OH)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1408

Mr. LEWIS of Kentucky changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. JONES of Ohio. Mr. Speaker, on rollcall No. 1017 I was meeting with representatives of the Turkish community. Had I been present, I would have voted "aye."

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## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3867, SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 3867.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

## CJ'S HOME PROTECTION ACT OF 2007

Mr. DONNELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2787) to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 2787

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "CJ's Home Protection Act of 2007".

### SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) nearly 20,000,000 Americans live in manufactured homes, which often provide a more accessible and affordable way for many families to buy their own homes;

(2) manufactured housing plays a vital role in providing housing for low- and moderate-income families in the United States;

(3) NOAA Weather Radio (NWR) is a nationwide network of radio stations broadcasting continuous weather information directly from a nearby National Weather Service (NWS) office, and broadcasts NWS warnings, watches, forecasts, and other all-hazard information 24 hours a day;

(4) the operators of manufactured housing communities should be encouraged to provide a safe place of shelter for community residents or a plan for the evacuation of community residents to a safe place of shelter within a reasonable distance of the community for use by community residents in times of severe weather, including tornados and high winds, and local municipalities should be encouraged to require approval of these plans;

(5) the operators of manufactured housing communities should be encouraged to provide a written reminder semiannually to all owners of manufactured homes in the manufactured housing community to replace the batteries in their weather radios; and

(6) weather radio manufacturers should include, in the packaging of weather radios, a written reminder to replace the batteries twice each year and written instructions on how to do so.

### SEC. 3. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARD.

Section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403) is amended by adding at the end the following new subsection:

"(i) WEATHER RADIOS.—

"(1) CONSTRUCTION AND SAFETY STANDARD.—The Federal manufactured home construction and safety standards established by the Secretary under this section shall require that each manufactured home delivered for sale shall be supplied with a weather radio inside the manufactured home that—

"(A) is capable of broadcasting emergency information relating to local weather conditions;

"(B) is equipped with a tone alarm;

"(C) is equipped with Specific Alert Message Encoding, or SAME technology; and

"(D) complies with Consumer Electronics Association (CEA) Standard 2009–A (or current revision thereof) Performance Specification for Public Alert Receivers.

"(2) LIABILITY PROTECTIONS.—No aspect of the function, operation, performance, capabilities, or utilization of the weather radio required under this subsection, or any instructions related thereto, shall be subject to the requirements of section 613 or 615 or any regulations promulgated by the Secretary pursuant to the authority under such sections.".

### SEC. 4. ESTABLISHMENT.

Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the consensus committee established pursuant to section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5304(a)(3)) shall develop and submit to the Secretary of Housing and Urban Development a proposed Federal manufactured home construction and safety standard required under section 604(i) of such Act (as added by the amendment made by section 3 of this Act). Notwithstanding section 604(a)(5)(B) of such Act, the Secretary of Housing and Urban Development shall issue a final order promulgating the standard required by such section 604(i) not later than the expiration of the 90-day period beginning upon receipt by the Secretary of the proposed standard developed and submitted by the consensus committee.

### SEC. 5. STUDY.

The Secretary of Housing and Urban Development shall conduct a study regarding conditioning the applicability of the requirement under the amendment made by section 3 of this Act (relating to supplying weather radios in manufactured homes) on the geographic location at which a manufactured home is placed, but only to the extent that such requirement applies to new manufactured homes and new site-built homes. In conducting such study and making determinations under the study, the Secretary shall take into consideration severe weather conditions, such as high winds and flooding, and wind zones and other severe weather data available from the National Weather Service. Not later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Secretary shall complete the study and submit a report regarding the results of the study to the Committee on Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. DONNELLY) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

### GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DONNELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2787, CJ's Home Protection Act of 2007, introduced by my colleague and friend from Indiana (Mr. ELLSWORTH). H.R. 2787 would require that weather radios be installed in all new manufactured homes manufactured or sold in the United States.

Mr. Speaker, this legislation passed the Financial Services Committee unanimously on September 18 of this year. It would ensure that manufactured homes continue to provide the highest level of safety to their residents in the event of devastating weather conditions, such as hurricanes and tornadoes, which many regions of the country, including my home State of Indiana, are all too familiar with.

In Indiana, and in my congressional district, we have a proud and a strong tradition of providing first-class manufactured housing for Americans and providing quality jobs for Hoosiers. Manufactured homes house 22 million people in over 10.5 million homes. These manufactured homes have continued a tradition of quality and safe construction over the years. They present a high-quality, affordable housing option for families, and will continue to do so for years to come.

Mr. Speaker, this is a thoughtful and deeply personal piece of legislation, and I commend Mr. ELLSWORTH for working together with manufacturers and advocates alike to craft a bill in H.R. 2787 that works for everybody. I urge Members to vote in favor of this legislation.

Mr. Speaker, I am glad to yield such time as he may consume to the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. I would like to thank the gentleman, my good friend from Indiana (Mr. DONNELLY).

Mr. Speaker, I rise today in support of CJ's Home Protection Act. Nearly 2 years ago, a killer F3 tornado struck my district in southwest Indiana. The tornado hit a manufactured housing community after most people had gone to bed on a Saturday night, and it took the lives of 25 Hoosiers, 20 in my county and 5 in Warrick County next door, lives that might have been saved if the victims knew a storm was approaching.

CJ Martin, an energetic, smiling 2-year-old boy, was 1 of the victims that night. He and the other 24 victims are the reason I am here today, as well as the victims who have suffered the same across our country. His picture is a reminder of the destruction that comes to families and communities when severe weather strikes without warning.

Mr. Speaker, I was the sheriff of the county back in 2005, and I oversaw the recovery effort in the wake of this storm. The picture doesn't do it justice. The horror and devastation the storm left behind is something I will remember for the rest of my life. That is why this bill is so important to me.

I met Kathryn Martin, CJ's mother, right after the storm, and in the months afterwards she took that pain and suffering and turned it into an effort to pass this same legislation in the

State of Indiana, which she was successful in doing.

□ 1415

Kathryn was successful in getting the bill passed, and because of the awareness she raised about weather radios, the people in my hometown of Evansville, Indiana, have the most weather radios in households per capita.

When I met Kathryn, I promised her that if I ever got to Congress, I would introduce a Federal bill that did the same thing she was trying to push in our State. This bill before us today fulfills that promise. CJ's Home Protection Act amends the Federal Manufactured Home Construction and Safety Standard to require that each manufactured home delivered for sale shall be supplied with a weather radio inside the manufactured home.

One might ask, not every area in this country suffers tornadoes. You are right about that. A tornado took CJ's life, but it could have just as easily been a fire like in California, flash flooding and even tsunamis. An added bonus of this bill would be that weather radios are also used to put out AMBER alerts.

The radio must be capable of broadcasting emergency information related to local weather conditions, equipped with a tone alarm and specific alert message encoding, and comply with Consumer Electronics Association standards for public receivers.

Like a smoke detector, these inexpensive devices can provide families with the warning they need to take action and protect themselves when severe weather strikes. This bill is about improving public safety, plain and simple. It is not about demonizing the manufactured housing industry. Kathryn and John Martin and the other residents of this community love their homes, and the manufactured homes provide affordable, high-quality homes for thousands of American families.

In fact, when my wife Beth and I were first married, we agreed to buy a manufactured home as our first home. Unfortunately, the manufactured housing park told us we were too young to move there so we had to make other arrangements.

I continue to be a strong supporter of manufactured housing. I see this legislation as adding one more feature to enhance the safety features of these structures. This bill is sponsored by the American Red Cross, the International Association of Firefighters, and the Michigan Committee for Severe Weather Awareness.

Before I close, I want to thank the chairman of this committee, BARNEY FRANK, SPENCER BACHUS, Congressman DENNIS MOORE and Congresswoman KAY GRANGER for their support and being supporters of this bill, as well as Congressman JOE DONNELLY. I would also like to thank my staff for their tireless work on this effort.

Severe weather does not distinguish between Republicans and Democrats. It doesn't care whether you live in Indiana, California, Alabama, or Kansas. This is public safety legislation, and for a mere $30 to $80, we can perhaps save the next 2-year-old boy from this type of devastation.

Mr. DONNELLY. Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I rise in strong support of CJ's Home Protection Act of 2007.

Congressman ELLSWORTH said a picture is worth a thousand words, and he held up a picture of CJ Martin. When the Congressman brought CJ's mother, Kathryn Martin, to my office, he brought that picture with him. It brought back memories to me of another picture, of not a little boy but of a little girl, and I have that picture with me today.

This is a picture of Whitney Crowder. Now, unlike CJ, I am happy to say that today she is an eighth grader in a Tuscaloosa city school. She is doing well, but she has had a lot to overcome. Just like CJ, she and her family lived in manufactured housing.

Let me tell you, manufactured housing in the South has replaced a lot of substandard housing. It provides affordable housing for a lot of Alabamians. As many as one out of five Alabamians lives in a manufactured house. It is affordable. It is clean, and it provides a very good home.

Whitney was living in one of these manufactured houses. An alert went out that said a tornado was 30 miles off. She had approximately 20 minutes; but the TV wasn't on. She didn't have a weather alert radio. And although the TV stations were able to track that storm and to tell within a quarter mile where it was going and when it would arrive there, she and her grandmother and the rest of her family didn't have the TV on. Some people say why don't you require these in cars. Why just manufactured housing? Well, in fact studies show when people are in cars they have the radio on and more often than not they receive an alert.

But as is the case in Alabama with this storm and another storm that took 32 lives a few years before that, people were asleep. I think the Martins were asleep. They had no idea that a killer tornado was bearing down on them, even though warnings were going out.

As I said, although I am happy to say that Whitney survived the tornado, her brother Wesley, 16-month-old, and her father did not. They were killed.

We have come to a time in our country where we really have no excuse not to do the few elementary things we can do to prevent the death or at least lessen the likelihood of the death of CJ Martin in Indiana or Wesley Crowder and his dad, Whitney's father, in Alabama. Technology today in an F-5 or F-4 storm gives 30 to 40 minutes' warning. With that warning you only need two things: You need shelter from the storm, you need a place to go, and you need to receive that warning.

Now, in 2003 this Congress passed the Tornado Shelters Act, which allows communities to use community block grant money to build shelters, a shelter from the storm, a shelter that could exist for the Martins or the Crowder family, and a mobile community.

I am happy to report in my district, the Sixth Congressional District of Alabama, we now have six of these shelters in or near manufactured housing communities. But people don't have to go to those. If they are in manufactured housing, they can go to a nearby building with a basement or interior room. Manufactured housing, a mobile home as some of us call them, they don't have basements and interior rooms. It is not wrong; it is just something they are not designed to have. But there are permanent structures nearby, whether it be a school, a tornado shelter that we authorized in 2003, or maybe even their parents' house. The Crowders had an aunt and uncle that lived only about 400 yards away in a site-built house with a basement. They would have been safe from that storm. The technology was there to warn them. The shelter was there to receive them, but there was no weather radio.

Now, what's the cost of a radio? Some people have talked about the cost that you are imposing, although the manufactured housing industry as far as I know has said they support this bill. Well, Wal-Mart just came out with a weather radio for $12. So that's the cost if you buy them in bulk. You can put them in for $12 in a mobile home, manufactured housing. $12. What is the cost of not acting? For the Crowder family there are all sorts of costs. The greatest cost was the loss of two individuals, a little 16-month-old boy, Whitney's little brother, and her father. Also the cost to Whitney and her mother and the 12 other people injured by this storm. The cost was several million dollars in health care costs.

Now, we are not here to save money; we are here to save lives. But this bill will not only save lives; it will save money. A killer tornado like this hit Oak Grove at night, and among the things it did was paralyze a man. That man is still paralyzed to this day and his cost of treatment is, as we all know, hundreds of thousands of dollars a year. One radio in that gentleman's manufactured housing home could have saved him a life of paralysis. But, instead, it took 30 lives and denied him mobility for the rest of his life.

As the Congressman from Indiana said, this is not about Republicans or

Democrats. There are certain things we ought to say, it is time to do this; and technology has reached that time. When 40 percent to 50 percent to sometimes as many as 60 percent of the deaths every year from these killer tornadoes are in mobile homes, manufactured housing, and families live in these houses, whether they be our grandparents, our parents, our children, our neighbors, our loved ones, or people we don't even know, you see the devastation here. There were site-built homes here. This is a manufactured house. Twenty-seven manufactured housing units in this area, a mobile home community, no longer existed.

As the gentleman from Indiana said, looking at this picture really doesn't do it justice. People actually commented when they came upon this area which was about half a mile long and 400 yards wide, it looked like a garbage dump. You couldn't tell there had been a community there. It looked like there were a few junk cars because the cars were rolled over and over.

We can rebuild these communities; but CJ, we can't bring him back. We can't bring Whitney's little brother and father back, but we can do our best for literally pennies to prevent some of these deaths.

I think that is why 55 TV stations throughout this Nation have made this their cause. They visited us in Washington last year. They said, Look, we will get the warning out and there are shelters available. But please require the installation of a $12 radio so we can bridge that gap between warning and safe shelter.

That is what we are here to do today. In this House where we sometimes are in conflict and at loggerheads, can't we this time come together in a united way in an effort that will cost almost nothing and which the manufactured housing industry said we are willing to do this, and require these radios. And not only when a tornado comes or when a devastating flood comes like came to Texas and people were asleep in a mobile home community and several of those homes were swept away. This will save lives.

So I commend CJ Martin's mother. That's what America is about, someone saying I lost my son but I don't want it to happen again. It is about the Crowder family who wrote me a letter, a grandmother saying please push this bill.

We will never go back and know whether CJ could have survived had this legislation been passed. We will never know whether Wesley Crowder and his father would survive, but we do know by talking to people throughout the United States that these radios have in many, many cases already saved lives and will save lives if we install them in manufactured housing.

□ 1430

We have a shot at significantly reducing over half the deaths from tornados simply by taking the step together united, Republicans and Democrats, and passing this legislation.

I commend Chairman FRANK for expeditiously moving this legislation, and I commend the Member from Indiana for his thoughtfulness and his care and dedication to this issue.

Mr. DONNELLY. Mr. Speaker, I want to thank the ranking member for his thoughtful and eloquent remarks; Congressman ELLSWORTH for his tireless effort on behalf of this, and the manufactured housing industry for their assistance.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. DONNELLY) that the House suspend the rules and pass the bill, H.R. 2787, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## PROCEDURAL FAIRNESS FOR SEPTEMBER 11 VICTIMS ACT OF 2007

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2106) to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

### S. 2106

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Procedural Fairness for September 11 Victims Act of 2007".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The September 11th Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) establishes a Federal cause of action in the United States District Court for the Southern District of New York as the exclusive remedy for damages arising out of the hijacking and subsequent crash of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001.

(2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure effectively limit service of a subpoena to any place within, or within 100 miles of, the district of the court by which it is issued, unless a statute of the United States expressly provides that the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

(3) Litigating a Federal cause of action under the September 11 Victims Compensation Fund of 2001 is likely to involve the testimony and the production of other documents and tangible things by a substantial number of witnesses, many of whom may not reside, be employed, or regularly transact business in, or within 100 miles of, the Southern District of New York.

**SEC. 3. NATIONWIDE SUBPOENAS.**

Section 408(b) of the September 11 Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following:

"(4) NATIONWIDE SUBPOENAS.—

"(A) IN GENERAL.—A subpoena requiring the attendance of a witness at trial or a hearing conducted under this section may be served at any place in the United States.

"(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to diminish the authority of a court to quash or modify a subpoena for the reasons provided in clause (i), (iii), or (iv) of subparagraph (A) or subparagraph (B) of rule 45(c)(3) of the Federal Rules of Civil Procedure.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2106, the Procedural Fairness for September 11 Victims Act of 2007. This bill is substantially identical to H.R. 3921, a bill that the House Judiciary Committee reported by voice vote without amendment on October 24.

This legislation would provide immediate procedural relief to the victims of the terrorist attacks of September 11, 2001, by implementing a technical fix to a bill that this Congress passed in the wake of those horrible events.

Eleven days after the September 11 attacks, we passed comprehensive legislation, the Transportation and Systems Stabilization Act. That Act, among other things, created a Victims Compensation Fund to provide relief for victims without the need for litigation. It also allowed victims to opt-out of the fund and seek relief in court.

The bill limited jurisdiction over any civil litigation to the United States District Court for the Southern District of New York.

An unintended consequence of our actions, under operation of the Federal Rules of Civil Procedure, was that subpoena power to secure testimony or documents from nonparty witnesses to any litigation has generally been limited to persons and documents located within 100 miles of the Southern District of New York.

The law we passed in 2001 did not take this 100-mile rule into account.

Unfortunately, many of the events relevant to the September 11 tragedy occurred in Boston, where American Airlines Flight 11 and United Airlines Flight 175 originated, and in the Washington, DC, area where the Pentagon is located and where American Airlines Flight 77 originated. Both of these locations are far outside the 100-mile limit from the Southern District of New York.

The bill before the House today would remedy this problem by providing for nationwide subpoena service for all parties in the litigation, victims, victims' families and defendants, to ensure that all parties involved have an opportunity to obtain the witnesses and evidence they need to obtain a fair hearing. That was Congress' intent, and we should not allow the unintended interplay between the 9/11 legislation and the Federal Rules of Civil Procedure to undermine that legislative purpose.

The bill also makes clear that the existing power of the Federal court under rule 45(c) to quash or modify a subpoena in order to protect a subpoenaed person from undue hardship or expense is maintained. That is the current rule, and the bill makes it clear that this important protection for witnesses will remain.

Congress has previously approved nationwide subpoena power in other contexts. For example, nationwide subpoena power is available under the False Claims Act, the Veterans Benefit Act and the Civil RICO statute.

This bill has bipartisan support. It passed the Senate by unanimous consent in committee and on the Senate floor. The House version, which is substantively identical to the Senate version, was reported by the House Judiciary Committee by voice vote.

Six years ago, Mr. Speaker, Congress and the Nation came together to provide prompt and equitable assistance for September 11 victims. I urge my colleagues to ensure that the laudable goals of that effort are not frustrated by the unintended effect of the Federal Rules of Civil Procedure in this particular case.

I urge the adoption of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support S. 2106, the Procedural Fairness for September 11 Victims Act of 2007.

In the wake of the 9/11 terrorist attacks, Congress created an operational alternative compensation program for victims killed or injured during the attacks.

This statute mandates that liability for all claims resulting from the 9/11 attacks is limited to an amount no greater than the limits of liability coverage maintained by the air carriers involved.

The statute further provides that compensation may only be obtained pursuant to a Federal cause of action brought in U.S. District Court for the Southern District of New York, where a consolidated action is already pending.

Representatives of several passengers, ground victims and others are suing airline companies, airport security firms, airport authorities, and other defendants. The litigation focuses on events in New York; Washington, DC; Boston Logan Airport; and other areas around the country.

In most civil litigation brought in Federal court, rule 45, mentioned by my colleague from New York, of the Federal Rules of Civil Procedure limits the service of trial subpoenas to nonparty witnesses to the district and State where the case was filed "or at any place without the district that is within 100 miles of the place of trial." This limitation precludes the issuance of some subpoenas in the 9/11 litigation.

However, rule 45 also states, Mr. Speaker, that service may take place elsewhere pursuant to another Federal statute. For example, Congress allows for nationwide service under the False Claims Act, under the Veterans Benefits Act, and under the Civil RICO statute.

If this nationwide service feature is not extended to the 9/11 victims compensation law, a number of important witnesses will not be able to testify in person during the litigation.

There are alternatives to S. 2106, such as conducting pretrial, nonparty depositions around the country or videoconferencing, but they might prove costly. They're more likely to deny the jury the benefit of live, firsthand testimony.

Mr. Speaker, the bill applies equally to plaintiffs and defendants. The legislation promotes justice that is based on Federal precedent in other areas of law.

On this subject matter in this particular case, I agree with my colleague. This is a piece of legislation that did pass out of the full Judiciary Committee by voice vote, without any discernible opposition, something that brings us together here in this Congress, and I urge adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. I would add, it's somewhat rare in the Judiciary Committee, as my colleague knows.

Mr. Speaker, I now yield 5 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank my colleague from New York for yielding.

On behalf of my colleagues of New York's congressional delegation, and as one who represents families of the first responders and victims of the September 11 terrorist attacks, I'm proud to rise as the sponsor of the House companion to this important legislation.

I also wish to thank my 11 cosponsors and the distinguished chairman of the Judiciary Committee, Mr. CONYERS, as well as the Democratic leadership for expediting the consideration of this bill.

The Procedural Fairness for September 11 Victims Act of 2007, as its title implies, ensures fairness for the victims of the terrorist attacks by correcting a shortcoming in the Federal Rules of Civil Procedure and by reversing an unintended consequence of the bill that established the September 11 Victim Compensation Fund.

Although I was not yet in Congress, many of my colleagues who were here at that time will recall when this body passed the bill creating the compensation fund in 2001.

Shortly thereafter, the Justice Department administered how the fund could allow victims of the terrorist attacks or their families to apply for financial assistance following the loss of loved ones who perished on that tragic day.

The Justice Department also designated the Southern District of New York as the only court in which 9/11 claims could be litigated if victims and their families chose to opt out of the fund.

As a result of this designation and a flaw in the Federal Rules of Civil Procedure, families of the victims, as well as the defendants in the 9/11 cases, cannot gain access to testimony or documents from witnesses who did not live within 100 miles of the Southern District of New York.

But there's really no logical reason why victims and their families should be prevented from securing documents and witnesses just because they happen to be more than 100 miles outside the Southern District.

It is obvious that many of the victims aboard the four airliners that crashed and those who were killed inside the World Trade Center and at the Pentagon, as well as those who witnessed these horrific events, resided well outside of this 100-mile radius of the Southern District of New York.

And it should be assumed that many of the families of the victims who are involved in the 9/11 claims, or those who will seek compensation at a later date, as well as the witnesses, still live in the same locations across the country. Therefore, geography simply should have no role in how they seek compensation.

In response to this problem, this bill amends the Air Transportation Safety and System Stabilization Act to provide for nationwide subpoena power to all parties involved, victims, their families and the defendants, when litigating 9/11 claims.

Simply put, this bill establishes a full measure of justice by allowing subpoenas to be served anywhere in the country, ensuring that all the parties involved in the 9/11 suits can gain all of the information necessary to try these cases fully and fairly.

My colleagues on both sides of the aisle can agree that justice requires that all the parties to cases arising under the Victims Compensation Fund have access to all the testimony and documents relevant to their claims, regardless of where the witnesses or documents are located in the United States.

Therefore, Mr. Speaker, I encourage my colleagues to support the Procedural Fairness for September 11 Victims Act of 2007. Once again, I want to thank the Judiciary Committee for reporting this measure to the floor so promptly, and I thank the leadership for moving it.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume. I just conclude with some of the time that I yield to myself, and I will do so briefly. Sometimes we put a lot of words into our dialogue here, and I just wanted to put it into the simple words.

This bill says a subpoena may be served at any place in the United States with regard to this Act. Very simple. It's something that I do believe provides a better opportunity for justice and equity for those who are involved in a cause of action on this 9/11 victims compensation, and so I urge adoption of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the complicated debate over this bill is not so complicated. It's a very simple bill, as you heard. There's unanimous agreement on it. It ought to pass. I thank the leadership. I thank the leadership and the minority leadership on the Judiciary Committee for expediting the bill to where it is now. I urge my colleagues to support this legislation.

### S. 2106

Mr. HALL of New York. I am very pleased that today the House passed S. 2106, the Procedural Fairness for September 11 Victims Act. This bill is the Senate companion to an important piece of legislation I sponsored along with my good friend Representative TIM BISHOP of Long Island.

To start off I'd like to thank Mr. BISHOP for introducing this important bill in the House, and Mr. BIDEN for introducing it in the Senate. This is a simple bill, but a vital one to the people who it will affect, and I applaud both gentlemen for calling it to my attention, and that of the Congress as a whole.

Shortly after the 9/11 attacks, Congress passed legislation to the effect that those victims and families of victims seeking legal redress as a result of the events of 9/11 may do so only in the federal court in the Southern District of New York. However, under the Federal /Rules of Civil Procedure, parties can only issue subpoenas for testimony and documents located within 100 miles of the District. This means that a significant percentage of evidence that might be relevant to the case is unobtainable to the participants only because it is not located within the New York City metropolitan area.

When Congress mandated that only one specific court could hear lawsuits from those people who opted out of the 9/11 Compensation Fund, no one foresaw that the decision would prove to be a barrier for those people who seek evidence from outside the jurisdiction of this court. But there is no alternative as to where they can bring suit.

I am proud to support this bill because it fixes this unintended flaw by providing nationwide subpoena power to all the parties involved in litigating 9/11 claims. The 9/11 attacks were an attack on the whole country. It was a tragedy that greatly affected us all. There's no reason why victims should be prevented from obtaining possibly vital evidence, just because it happens to be outside the jurisdiction's direct subpoena power.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 2106, the Senate companion to H.R. 3921, the "Procedural Fairness for September 11th Victims Act of 2007." This legislation amends the Air Transportation Safety and System Stabilization Act to allow those September 11th victims and their families who opted out of receiving compensation through the September 11th Victims Compensation Fund to have nation-wide subpoena power when litigating September 11th claims. It is necessary to make this change because presently all parties involved in litigating September 11th claims—victims, victims' families and defendants—must do so in the U.S. District Court for the Southern District of New York. The problem occurs because under the Federal Rules of Civil Procedure, no party may compel testimony or documents from non-party witnesses who do not live within 100 miles of the Southern District of New York. This bill would provide for nation-wide subpoena power for all parties. The court however, would retain its authority to modify or quash any subpoena that it determined to be too burdensome.

Mr. Speaker, within 11 days of the September 11th attacks, Congress drafted, debated, adopted and signed into law the Air Transportation Safety and Systems Stabilization Act (ATSSSA), 49 U.S.C. Section 40101. Among other things, this legislation included assistance to the airline industry and created an optional alternative compensation program for individual victims killed or injured by the events of September 11th (the September 11th Compensation Fund). The United States District Court for the Southern District of New York was designated as the only court with "original and exclusive jurisdiction over all actions brought" arising out of the attacks of September 11th. The objective was to consolidate all litigation arising out of September 11th events in one location before a single court that could adjudicate all the claims in a thorough, efficient, equitable and fair proceeding.

Given the justifiable interest of Congress in expediting assistance to the airline industry and creating a mechanism to provide compensation to the persons who bore the brunt of the national trauma occurring on September 11th, it is understandable that the Congress did not give due regard to Federal Rule of Civil Procedure 45, which provides for service of trial subpoena to non-party witnesses in the district or State where the case was filed or anyplace within 100 miles of the district that the court proceedings will take place (the "100 mile bulge").

The upshot, Mr. Speaker, is that in the absence of this minor change, subpoenas would be limited to within 100 miles of the Southern District of New York (within 100 miles of Manhattan) and could not reach the geographically significant and relevant locales of Boston, Massachusetts (from where flights American Airlines 11 and United Airlines 175 originated) and Washington Dulles Airport (from where American Airlines flight 77 originated).

Pending before the District Court for the Southern District of New York is the consolidated action, In re September 11 Litigation, in which representatives of a number of passengers and ground victims (including claims brought by those who came to the World Trade Center disaster site to assist with the debris removal effort following the attacks), as well as an array of parties suing for property damage and consequential economic loss are seeking recovery from a group of defendants including airline companies, airport security firms, airport authorities, the Boeing Corporation and others.

This litigation focuses not only on the events that occurred at the Twin Towers in Manhattan but also hundreds of miles away at Washington's Dulles Airport, Boston's Logan Airport and various other locations around the Nation, including the headquarters for each of the various airlines and security companies. It has become clear that in order for the September 11th victims, their families, and the defendants to have access to all the evidence relevant to the case, it is necessary to make available at trial non-party witnesses from Massachusetts, Virginia, and elsewhere. The legislation before us accomplishes this limited objective.

H.R. 3921 is non-controversial, bipartisan and bicameral. There has been no opposition to the bill from any interested sectors. the legislation is identical to S. 2106, which was introduced by Senator BIDEN of Delaware on September 27, 2007 and passed by unanimous consent in the Judiciary Committee and the full Senate the following day. That bill was referred to the House Judiciary Committee as the sole referral. Mr. Speaker, for the reasons stated, I strongly support H.R. 3921 and urge my colleagues to join me in voting for this wise and beneficial legislation.

Mr. NADLER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the Senate bill, S. 2106.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1445

## THIRD HIGHER EDUCATION EXTENSION ACT OF 2007

Mr. YARMUTH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2258) to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

### S. 2258

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Third Higher Education Extension Act of 2007".

**SEC. 2. EXTENSION OF PROGRAMS.**

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "October 31, 2007" and inserting "March 31, 2008".

**SEC. 3. RULE OF CONSTRUCTION.**

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

**SEC. 4. DEFINITION OF ELIGIBLE NOT-FOR-PROFIT HOLDER.**

Section 435(p) of the Higher Education Act of 1965 (20 U.S.C. 1085(p)) is amended —

(1) in paragraph (1), by striking subparagraph (D) and inserting the following:

"(D) acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d)."; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking subclause (II) and inserting the following:

"(II) is acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity, on the date of enactment of the College Cost Reduction and Access Act, was the sole beneficial owner of a loan eligible for any special allowance payment under section 438.";

(B) in subparagraph (A)(ii), by inserting "of" after "waive the requirements";

(C) by amending subparagraph (B) to read as follows:

"(B) NO FOR-PROFIT OWNERSHIP OR CONTROL.—

"(i) IN GENERAL.—No State, political subdivision, authority, agency, instrumentality, or other entity described in paragraph (1)(A), (B), or (C) shall be an eligible not-for-profit holder under this Act if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.

"(ii) TRUSTEES.—A trustee described in paragraph (1)(D) shall not be an eligible not-for-profit holder under this Act with respect to a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.";

(D) by amending subparagraph (C) to read as follows:

"(C) SOLE OWNERSHIP OF LOANS AND INCOME.—No State, political subdivision, authority, agency, instrumentality, trustee, or other entity described in paragraph (1)(A), (B), (C), or (D) shall be an eligible not-for-profit holder under this Act with respect to any loan, or income from any loan, unless—

"(i) such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan; or

"(ii) such trustee holds the loan on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender .under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan.";

(E) in subparagraph (D), by striking "an entity described in described in paragraph (1)(A), (B), or (C)" and inserting "a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d),"; and

(F) by amending subparagraph (E) to read as follows:

"(E) RULE OF CONSTRUCTION.—For purposes of subparagraphs (A), (B), (C), and (D) of this paragraph, a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), shall not—

"(i) be deemed to be owned or controlled, in whole or in part, by a for-profit entity; or

"(ii) lose its status as the sole owner of a beneficial interest in a loan and the income from a loan,

by such State, political subdivision, authority, agency, instrumentality, or other entity, or by the trustee described in paragraph (1)(D), granting a security interest in, or otherwise pledging as collateral, such loan, or the income from such loan, to secure a debt obligation for which such State, political subdivision, authority, agency, instrumentality, or other entity is the issuer of the debt obligation.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentleman from California (Mr. McKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

#### GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to S. 2258 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2258, a bill to extend programs under the Higher Education Extension Act of 1965.

In addition to extending the current programs under the Higher Education Act for 5 months until March 31, 2009, the bill also makes a necessary technical correction to the College Cost Reduction and Access Act with respect to nonprofit lenders. This language will ensure the designation of a nonprofit lender will go to those that Congress intended.

During this Congress we have made significant commitments to our Nation's students and families by putting resources in the hands of those most in need. H.R. 2669, as passed and signed by the President, does more to help Americans pay for college than any effort since the GI Bill at no new cost to taxpayers.

Specifically, the legislation provided a landmark investment of $20 million in additional funding for Pell Grants, reductions in the interest rate on student loans, and the creation of programs to help students manage debt, as well as encourage individuals to pursue public service.

Providing this critical funding is a large part of our efforts to increase access on affordability to higher education. The next step is to work on policies that further support access and affordability, such as campus-based aid, TRIO, GEAR-UP, teacher education and the other programs that make up the Higher Education Act.

Additionally, we realize that millions of Americans are deeply worried about whether they can afford to send their kids to college or how they will be able to pay the bills while also paying off substantial student loan debt. Looking at how the Federal Government can assist in addressing the rising cost of college will also be a key part of the reauthorization of the Higher Education Act.

I look forward to working with Chairman MILLER and the other members of the committee to complete work on the Higher Education Act.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House began this exercise last week granting a temporary extension of programs under the Higher Education Act. We did the same thing in July of this year and in June, and we did it a half dozen times before that. For the most part, these extensions have been clean, simply maintaining current law. Unfortunately, they are now becoming more complicated.

Earlier this year, Congress passed a package of student aid reforms cloaked in the guise of a budget reconciliation bill. Instead of moving through regular order, the new majority took a shortcut. That shortcut has cost us dearly. Budget reconciliation bills have strict limitations designed to prevent them from being abused as a tool to enact policy, rather than budgetary reform.

Judging by this year's bill, those rules are not strict enough. Nonetheless, the budget reconciliation process chosen by the majority prevented us from including fundamental reforms to the bulk of the Higher Education Act.

A few weeks ago, committee Republicans introduced H.R. 3746, the College Access and Opportunity Act of 2007. This bill is an updated version of the reauthorization bill that passed the House last Congress. H.R. 3746 would strengthen the Pell Grant program, empower parents and students through "sunshine" and transparency and college costs and accreditation, improve college access programs and much more. Unfortunately, the House has yet to act on comprehensive reforms.

The budget bill enacted earlier this year was a missed opportunity of epic proportions. But worse than that, it was a classic example of how a secretive rushed legislative process can produce harmful unintended consequences.

In rushing to the floor with the reconciliation bill, Democrats made mistakes. Several provisions included in the reconciliation bill need to be fixed so that everyone is treated fairly under the law and the law can be implemented as Congress intended. Additionally, the Department of Education has already reached out to Congress to discuss one of the new grant programs, which they see as near to impossible to implement as written.

Had Congress had time to contemplate the impact of the provisions in the new programs, we may have been able to avoid all the confusion that now must be corrected. Today, in addition to extending these programs, we are being forced to fix mistakes made by the flawed budget reconciliation bill. Some of these mistakes can be corrected because the Department of Education has yet to act on them, despite the October 1 implementation date. Other legislative errors have already been implemented by the Department of Education, rendering a correction costly, if not impossible.

Already our hands are tied, and we are unable to fairly and fully correct the problems created through reconciliation. Rather than repeat this rushed process again, I hope that we will move forward with the Higher Education Act reauthorization in a bipartisan and thoughtful manner.

I look forward to working with Chairmen MILLER and HINOJOSA and Ranking Member KELLER, and all of my colleagues on the Education and Labor Committee, in completing our work in the coming months.

In the meantime, however, I urge my colleagues to join me in supporting this extension.

Mr. Speaker, I yield back the balance of my time.

Mr. YARMUTH. Mr. Speaker, I will close by once again strongly encouraging my colleagues to support this important legislation, thanking the distinguished ranking member of the Education and Labor Committee.

Mr. Speaker I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and pass the Senate bill, S. 2258.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

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## REREFERRAL OF H.R. 2744, AIRLINE FLIGHT CREW TECHNICAL CORRECTIONS ACT

Mr. YARMUTH. Mr. Speaker, I ask unanimous consent that the Committees on Education and Labor, House Administration and Oversight and Government Reform be discharged from further consideration of the bill (H.R. 2744) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews, and that the bill be rereferred to the Committee on Education and Labor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

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## PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 866

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 866, a bill originally introduced by Representative Norwood of Georgia, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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## MAKING PERMANENT THE AUTHORITY TO ISSUE SPECIAL POSTAGE STAMP TO SUPPORT BREAST CANCER RESEARCH

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1236) to make permanent the authority of the United States Postal Service to issue a special postage stamp to support breast cancer research, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 1236

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF AUTHORITY.**

Section 414(h) of title 39, United States Code, is amended by striking "2007" and inserting "2011".

**SEC. 2. REPORTING REQUIREMENTS.**

The National Institutes of Health and the Department of Defense shall each submit to Congress and the Government Accountability Office an annual report concerning the use of any amounts that it received under section 414(c) of title 39, United States Code, including a description of any significant advances or accomplishments, during the year covered by the report, that were funded, in whole or in part, with such amounts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

### GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, as a sponsor of H.R. 1236, the bill would make permanent the breast cancer research stamp, which first went on sale on July 29, 1998.

After several discussions with the Postal Service, I offered an amendment in the nature of a substitute to H.R. 1236 during the Subcommittee on Federal Workforce, Postal Service and the District of Columbia markup on September 18, 2007.

The amendment retained the Postal Service's flexibility by reauthorizing the breast cancer stamp for an additional 4 years and strengthens the bill's reporting requirements. The new reporting requirements would assess the breast cancer stamp's effectiveness and appropriateness and the cost to the Postal Service for administering the program to find a cure for breast cancer.

The amendment was agreed to by voice vote. H.R. 1236, as amended, was reported from the Oversight Committee on September 20, 2007, by a voice vote.

In America, breast cancer is reported as the second leading cause of cancer deaths among women after lung cancer. The American Cancer Society estimated 178,480 women will be diagnosed this year with invasive breast cancer. In the U.S., approximately 40,000 will die.

The Postal Service has sold over 785.6 million breast cancer research stamps from which $54.626 million have been transferred to the National Institutes of Health and DOD for breast cancer research and awareness.

I encourage my colleagues to support H.R. 1236 and urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to commend my good friend, the gentleman from Missouri (Mr. CLAY), for his remarks and his work on this legislation.

I rise today to urge passage of H.R. 1236, to extend the authority of the U.S. Postal Service to issue a stamp to support breast cancer research.

Those of us in Congress received a tragic reminder of the need for continued research into this disease with the passing of our beloved colleague, Jo Ann Davis; and we thank the majority, in particular Mr. CLAY, for taking the opportunity to honor her memory.

Nearly 180,000 people, mostly, but not all, women, will learn that they have invasive breast cancer this year alone. About 40,000 people will die from this disease. Women who are white and over the age of 40 are more likely to suffer from breast cancer, but its victims run the gamut of age, race and socioeconomic background. We have made some progress in recent years thanks to early detection and increased awareness and availability of mammograms.

But in the past 3 years, both mammograms and incidence of breast cancer have decreased. This doesn't mean things are getting better. It means ominously and unfortunately that fewer cases are being detected.

As I am sure Jo Ann Davis would tell us if she were still with us here today, early detection, early treatment, constant vigilance and public awareness are key to putting this disease in its place. For example, incidence rates of both invasive and in-situ breast cancer rise and fall with the percentage of women who receive mammograms.

After two decades of progress, both the use of mammograms and the rates of detection have begun to slip in recent years. As early detection increased, so did survival rates; but they will fall, too, if we can't improve public awareness of the importance of early detection.

That's where the measure that is before us comes in. This bill would reauthorize the Postal Service to issue the 55-cent stamp for first class mail, with 14 cents of each stamp going to breast cancer research and awareness programs for an additional 4 years. Since the program began in 1998, the Postal Service has sold more than 785 million of these stamps and raised $54.6 million for breast cancer research.

This disease preys on women such as Jo Ann Davis and on so many others, women on whom others have come to depend. They are mothers, grandmothers, business owners, teachers, researchers, even Members of this great body. We need these women and the invaluable contributions they make to our life and society. We need this measure to help save their lives.

I have had the privilege of attending every single Race for the Cure for the past 11 years, every single one that has been held in my hometown of Knoxville.

□ 1500

This is a very worthwhile cause that I am sure all of our colleagues on both sides of the aisle can support very enthusiastically.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, let me thank the gentleman from Tennessee (Mr. DUNCAN), my friend, who is certainly committed to this cause and who has joined with me in what I think is a worthwhile cause for the people of this country.

I also want to dedicate H.R. 1236 in memory of the late Congresswoman Jo Ann Davis. Jo Ann's courageous battle with breast cancer further inspires us to expand efforts to secure more research dollars and find a cure for this devastating disease.

I commend everyone who has championed this issue in Congress, including former Representative Vic Fazio for introducing the first Breast Cancer Research Stamp Act in 1996, and Senator DIANNE FEINSTEIN, Representative JOE BACA and the late Juanita Millender McDonald who pioneered the idea of a permanent breast cancer stamp, research stamp in 2001. And I ask my colleagues to support the passage of H.R. 1236.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no additional speakers, and I urge passage of this legislation.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I have no additional speakers, and I urge my colleagues to vote in favor of this worthwhile effort.

I yield back my time.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1236, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A Bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.".

A motion to reconsider was laid on the table.

## DENNIS P. COLLINS POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3307) to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3307

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DENNIS P. COLLINS POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, shall be known and designated as the "Dennis P. Collins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dennis P. Collins Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, as a Member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 3307, which names a postal facility in Bayonne, New Jersey, after Dennis P. Collins.

H.R. 3307, which was introduced by Representative ALBIO SIRES on August 1, 2007, was reported from the Oversight Committee on September 20 of 2007 by voice vote. This measure has the support of the entire New Jersey congressional delegation.

Mr. Speaker, Dennis P. Collins was a veteran of World War II and served in the U.S. Army for 3 years. In 1974, the people of Bayonne, recognizing Mr.

Collins's abilities and his love for the community, elected him as mayor when Mayor Fitzpatrick decided not to run for another term. He was re-elected in 1978, 1982 and in 1986. He served for 16 consecutive years.

In 1990, Mr. Collins retired as mayor, but remains active in public life. He received numerous awards and honors for his years of public service.

Mr. Speaker, I commend my colleague, Representative ALBIO SIRES, for introducing this legislation, and urge the swift passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today to join my fellow Members of Congress in recognizing Dennis Collins and his extraordinary contributions to Bayonne, New Jersey. Fortunately for Bayonne, Mr. Collins missed his trip on the Titanic to visit family members back in Ireland. If it were not for this fortunate coincidence, the rest of Mr. Collins's biography most likely would not be possible.

Mr. Collins was born and raised in Bayonne, where he attended St. Vincent De Paul Grammar School and the Holy Family Academy. As a young man, he served in World War II, including time in the China-Burma-India theater of operations. Upon his return, he went to work for Tidewater Oil Company, General Motors, Edward F. Clark Real Estate and Insurance Agency, and Bayonne Water and Sewer Utility.

Ultimately, it was his interest in the community that led Mr. Collins to seek political office. In 1962, Mr. Collins was elected to his first of three terms on the municipal council, two of which he served as council president. In 1974, he was elected to serve as mayor of the City of Bayonne. His popularity in the community was so immense that he served for the next 16 years. He currently holds the record for Bayonne as the first individual to serve seven consecutive 4-year terms in elective office and four consecutive 4-year terms as mayor.

Mr. Collins retired in 1990 as mayor, but he continues to be an active and committed leader to the citizens of Bayonne.

Mr. Collins's reputation as a public servant was forged by his compassion and interest in helping his fellow citizens. His legacy and service to others is a wonderful example to his children, grandchildren and to the citizens of Bayonne and beyond.

With gratitude for his devotion and service to the Bayonne community, it is particularly fitting that we name the United States Postal Service building located at 570 Broadway in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Speaker, I rise today in support of H.R. 3307, a bill to designate the post office on Broadway in Bayonne, New Jersey, as the Dennis P. Collins Post Office. Mayor Collins is a legend in my congressional district for his long-time public service to the people of his community and the State of New Jersey.

Before entering elected public office, Mayor Collins served his country during World War II in the U.S. Army for 3 years, including time in the China-Burma and India theater of operations. In 1962, Mayor Collins won his first election to public life by serving on the Bayonne Municipal Council. He went on to serve two more terms, both as council president.

In 1974, Dennis Collins ran and won his first term as the mayor of Bayonne. Mayor Collins served in his role as mayor of Bayonne for the next 16 years before retiring in 1990.

Even though he no longer has an official position, Mayor Collins remains available to elected officials and citizens alike to advise and support.

As a former mayor in the same county as Mayor Collins, he served as a role model for me and many other mayors in the region. I always admired how Mayor Collins ran his city so efficiently, while never losing sight of the needs of his constituents. I see no better way to honor him today than by passing this bill to name this Bayonne Post Office after him so his legacy can continue in the city forever.

Mr. DUNCAN. Mr. Speaker, I simply rise to commend the gentleman from New Jersey (Mr. SIRES) for introducing this very appropriate and fitting legislation, and I urge its support by all of our colleagues.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I urge all of my colleagues to support H.R. 3307, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3307.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## MICHAEL W. SCHRAGG POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3446) to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the "Michael W. Schragg Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3446

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MICHAEL W. SCHRAGG POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, shall be known and designated as the "Michael W. Schragg Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Michael W. Schragg Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 3446, which names a postal facility in Marshall, Michigan, after Michael W. Schragg.

H.R. 3446, which was introduced by Representative TIMOTHY WALBERG on August 3, 2007, was reported from the Oversight Committee on October 23, 2007, by voice vote. This measure has the support of the entire Michigan congressional delegation.

Mr. Speaker, Michael W. Schragg served as postmaster of Marshall, Michigan, for 23 years. In June 1970 he began as a substitute clerk carrier, and in May 1979 he became the postmaster of Marshall.

During Marshall's 1987 annual historic home tour, Mr. Schragg began displaying a number of old postal artifacts throughout the post office. Due to the many artifacts displayed, tourists thought the post office was a museum rather than an official working post office. He decided to develop an extensive collection of postal antiques in the basement of the post office and in an annex building. Currently, he is known for his noteworthy accomplishment in the creation of the Marshall Postal Museum. Everyone in Marshall knows Mr. Mike Schragg as the man who knows everyone's zip code by heart.

Mr. Speaker, I commend my colleague, Representative TIMOTHY WALBERG, for introducing this legislation and urge the swift passage of this bill.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Michael Schragg grew up on his family's farm in Ceresco, Michigan. In 1967, he enlisted in the U.S. Army and served in Germany for 3 years. After this period, he returned to Michigan and began his career in the postal service in 1970. Within 5 years he was promoted to postmaster for the Olivet office, and in 1979 became the postmaster for Marshall, Michigan. During his tenure, the Marshall office was named the All-American Post Office.

Beyond the postal service, Mr. Schragg has always been active in his community. He is a past president of the Marshall Rotary Club and continues to serve on the Marshall Historical Society.

However, his most noteworthy accomplishment is the creation of the Marshall Postal Museum. The Marshall Postal Museum is the second largest in the U.S., behind the Smithsonian Postal Museum here in Washington, DC. The museum is now one of the cornerstones of the immensely popular Marshall historical home tour. In fact, in 2003, the New York Times called the postal museum the town's piece de resistance. The article went on to say, "If you think you have no interest in postal history, a tour conducted by the ebullient Mr. Schragg will change your mind."

Beyond the New York Times, Mr. Schragg and his museum have also been featured in Michigan magazine. Mr. Schragg even drove a vintage 1931 Model A mail delivery truck in the 2001 inauguration parade.

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Considering his devotion to preserving the past and his work to develop the future of the Postal Service, it is fitting that we name the building where he toiled for so long in his honor. This is especially true since the Marshall Postal Museum is housed in the basement of the same Marshall Post Office.

I ask my colleagues to join me in support of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise today in support of naming the Marshall, Michigan Post Office, a prominent post office in my district, the Seventh District of Michigan, the Michael W. Schragg Post Office.

Michael's life story has been recounted to some degree by my colleagues thus far, but he is one that is beloved in his community, family, and the American postal service. Michael served as Marshall's postmaster for 23 years and was the force behind the creation of the Marshall Postal Museum, the second largest postal museum in the United States, behind only the Smithsonian, as has been represented thus far.

Michael was born in Calhoun County and raised on the family farm in Ceresco, Michigan. He attended a one-room country school, the Francisco School in Ceresco, through the seventh grade, and he then went on to graduate from Marshall High School. Michael met his wife, Loretta, while working at the Robinson's department store as he attended Kellogg Community College.

Michael enlisted in the U.S. Army Post Office in June 1967 and served in Germany for 3 years. Michael and Loretta went on to have three children, two of whom embarked on postal careers of their own.

Michael started his postal career in Marshall, Michigan, as a substitute clerk carrier and quickly earned a promotion to supervisor. The following year he became the postmaster for Olivet, Michigan, only to return to Marshall, serving as the town's postmaster for 23 years. During his tenure in Marshall, the U.S. Postal Service named the Marshall Post Office an All-American Post Office.

Michael Schragg has been active in the Marshall community throughout his lifetime. He is a past president of the Marshall Rotary Club and continues to serve on the Marshall Historical Society. Michael's most noteworthy accomplishment is the creation of the Marshall Postal Museum. It is second only to the Smithsonian Postal Museum in size and is housed in the basement of the historic Marshall Post Office.

The Marshall Post Office building, a Greek revival architectural style with copper roof, was constructed in 1932 out of Marshall sandstone. The idea for the downstairs museum occurred during Marshall's 1987 Historic Home Tour. At that time Postmaster Schragg displayed a number of old postal artifacts throughout the building, which was on the historic tour that year. Many people thought the entire post office was a museum rather than an official working U.S. Post Office. After the tour Michael began organizing the collection of postal antiques in seven rooms in the basement and in an annex building behind the post office.

The Marshall Postal Museum has since become one of the cornerstones of the annual Marshall Historic Home Tour. It was part of a New York Times article about places in America worth visiting, and Michael and the museum have also been featured in Michigan Magazine.

Michael has taken some of the museum's displays on the road and, as has been mentioned, toured numerous States. Michael drove a vintage 1931 Model A mail delivery truck in President George W. Bush's first inaugural parade in Washington, DC.

Because of Michael's countless hours of work on the Marshall Postal Museum, his years of service to the United States Postal Service in Michigan, and his dedication to the Marshall community, naming the Marshall Post Office in his honor is a fitting tribute, and I urge the House to join me in support of H.R. 3446.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I urge my colleagues to fully support H.R. 3446. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3446.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## HONORING THE FIRST RESPONDERS AND SUPPORTING THE VICTIMS OF THE SOUTHERN CALIFORNIA WILDFIRES

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 778) honoring the first responders and supporting the victims of the Southern California wildfires.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 778

Whereas beginning on October 21, 2007, Southern California experienced a number of devastating wildfires destroying over five-hundred-thousand acres—the largest in the history of California—and over fourteen-hundred homes and countless other properties;

Whereas high temperatures and erratic winds caused the multiple fires to rapidly progress in the counties of Ventura, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, and San Diego;

Whereas loss of life and serious injuries have resulted from the fires;

Whereas approximately one million residents of Southern California have been forced to evacuate their homes and businesses due to the fires;

Whereas the effect of the wildfires on Southern California families and businesses is still being felt;

Whereas thousands of firefighters from California and neighboring states and countries continue to respond to the fires, risking health and safety and exhibiting resilience and courage to rescue residents and fight the blazes;

Whereas over 2,500 National Guardsmen and other active duty military personnel are actively engaged in supporting firefighters and relief operations;

Whereas additional emergency personnel, such as law enforcement and medical personnel, have coordinated with local authorities and firefighters and have performed beyond the call of duty in the preservation and protection of human lives;

Whereas hundreds of volunteers took time from their daily lives to help ensure that evacuated families are sheltered, clothed, fed, and emotionally comforted through this traumatic event;

Whereas it is clear that the continued commitment and heroism exhibited by firefighters have saved countless lives, homes, and businesses;

Whereas the people of California and the nation recognize that the dedication of firefighters will remain steadfast throughout the ongoing efforts; and

Whereas a major Federal disaster declaration was issued on October 24, 2007; Now therefore, be it

*Resolved*, That the House of Representatives—(1) recognizes and honors the heroic service, actions, and sacrifices of first responders, National Guardsmen, and law enforcement personnel, state and local officials, volunteers, and others who participated in responding to the October 21, 2007 outbreak of wildfires in Southern California;

(2) expresses its commitment to the residents of Southern California as they begin to rebuild their community and their lives; and

(3) vows its full support to and solidarity with the state of California.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in consideration of House Resolution 778, a resolution that recognizes and honors the heroic service, actions, and sacrifices of first responders, National Guardsmen, volunteers, and others who participated in responding to the outbreak of wildfires in Southern California. House Resolution 778, which has 53 cosponsors, was introduced by Representative ZOE LOFGREN.

Mr. Speaker, wildfires in Southern California have destroyed over 1,000 homes and scorched more than 400,000 acres. From San Diego to Malibu, hundreds of thousands were warned to leave their homes. More than 250,000 were told to flee in San Diego County alone. There were at least 18 different wildfires in Southern California.

I commend my colleague, Representative LOFGREN, for seeking to honor the first responders and to express full support to the victims of the Southern California wildfires and urge the swift passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge passage of this resolution honoring and recognizing the heroic efforts of the firefighters and other first responders to the fires in Southern California.

Mr. Speaker, I think we should take a moment to ponder what happens when a situation like this occurs. A disaster occurs and people appear, seemingly out of nowhere, to offer every type of help and assistance. They are organized and disciplined and effective and precise. They are heroic and swift and knowledgeable and kind.

But who are they? Who are these men and women who drive toward the disaster when the rest of us drive away? Who leaves behind his home and family for perhaps weeks on end and goes to help others? Who sets up the shelters and the medical aid stations? Who helps seniors and the infirm evacuate? Who rushes to save Los Angeles and Ventura and Orange and Riverside and Santa Barbara and San Bernardino and San Diego?

In the case of California, about 2,500 citizen soldiers, we call them National Guardsmen, have raced to the rescue. So have countless numbers of firefighters, law enforcement, and medical personnel.

We owe these people and their families a debt of gratitude. We couldn't do what they do. Thank God they can.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Speaker, as Chair of the California Democratic delegation, I rise along with Speaker PELOSI, Chairman WAXMAN, and my Republican colleagues to honor the heroic services, actions, and sacrifices of our first responders, State and local officials, volunteers, and others who participated in responding to last week's devastating outbreak of wildfires in Southern California.

This was the worst outbreak of wildfires in California history. Over 500,000 acres burned, nearly 1 million residents evacuated, over 3,000 residential and commercial properties destroyed or damaged, 116 reported injuries, seven reported fatalities.

I have no doubt that the quick and valiant response of our firefighters, police officers, National Guard, and thousands of selfless volunteers saved lives and hundreds of millions of dollars. The State of California owes these brave men and women our gratitude. California and our Nation also owes a debt of gratitude to our neighbors, Canada and Mexico, for volunteering their own firefighters and equipment.

I would also like to commend the cities, counties, and State for showing great leadership and preparedness in dealing with this disaster. Leadership at the local and State government levels allowed for effective coordination with Federal agencies in the allocation of resources and making sure our residents were out of harm's way.

Because of the change in weather pattern, coupled with the extraordinary efforts of firefighters, we are now beginning to contain most of these fires and are closing the evacuation shelters. However, many families are going back to literally ruins of their former homes, lives, and communities.

I ask that all of my colleagues continue to stand with our California neighbors as they begin to rebuild their lives. The fires may be dying down, but the emotional impact and financial hardship faced by these families are only beginning.

With the leadership of Speaker PELOSI, Senators FEINSTEIN and BOXER, and Chairman DICKS, we hope to quickly move an emergency appropriations bill to help the rebuilding process for the families, cities, and counties affected by this devastating wildfire.

This resolution today, cosponsored by every single member of our 53-member-strong bipartisan delegation is, I believe, the first legislative step forward for Congress to meet the needs of California as she recovers from this disaster.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my very good friend from Tennessee (Mr. DUNCAN) for yielding me time.

I thank Mr. CLAY for his management of this measure. And I join with my colleagues, Ms. LOFGREN and the Republicans who have joined as cosponsors of this very important resolution.

A week ago at this time, Mr. Speaker, there were no fewer than 14 major fires with hundreds of thousands of acres on fire in Southern California. As we know, nearly 2,000 homes were destroyed in those fires and we went through a number of very, very challenging days through last week. And while we still have fires raging, we have had a great deal of success. We have had a great deal of success in the aftermath of these fires due to the stellar leadership provided by Governor Schwarzenegger; by President Bush; and our Secretary of Homeland Security, Michael Chertoff; the Director of the Federal Emergency Management Agency, David Paulison; and a wide range of other local governments involved. And I have to say the leadership of our congressional delegation has really been a great example.

We are joined on the floor here by my friend from San Diego (Mr. BILBRAY) whose district was impacted. And last Thursday I had the privilege of traveling with our colleagues, Senator

FEINSTEIN, and I see Congressman FILNER is here as well from San Diego, and others who joined with the members of the San Diego delegation who were there to have the chance to see firsthand the devastation that was caused by these fires.

BRIAN BILBRAY is someone who has, time and time again, stepped up to the plate to deal with challenges that he has faced in the San Diego area, and what we saw last Thursday was another example. He was able to take the Governor of California and the President of the United States to meet individually with those who had been victimized by the fires and for all of us to join with Mr. FILNER and Mrs. DAVIS and Mr. ISSA and Mr. HUNTER in talking to those firefighters who have come from all over, not just the State of California but from around the country.

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Now, Mr. Speaker, the State of California is the State that is best equipped to deal with the disaster of fires. And I say that because California has this very unique structure known as a Unified Command. Now, what that consists of is, rather than having these disparate firefighting organizations come into an area and take on the issue of dealing with fire, the Unified Command means that the highest ranking fire official, the fire chief in a particular area that knows that county, with the canyons and the valleys and the challenges geographically that they face, is there to provide the direction and the leadership. And that is the reason, Mr. Speaker, that we have had such success within the past week in dealing with what was described by a 36-year veteran battalion chief from San Diego as the worst fire that he has ever seen in California's history.

I also want to say that I express appreciation to our colleagues from all across the country. We have, again, firefighters who came from around California and around the country; and I know it was in large part due to the encouragement that our bipartisan Congress, that Members on both sides of the aisle of the Congress, from both the House and the Senate, have provided in encouraging these courageous firefighters to come forward and provide the assistance necessary.

There are going to be challenging days ahead, as my colleague, Ms. LOFGREN, said, Mr. Speaker. We obviously are going to have to deal with continued fighting of the fires and also rebuilding. And there also will be, I believe, a very important debate as we look at the days and weeks and months ahead, and I'm talking about the challenge we face in dealing with disasters.

We know that fire is just one of the multifarious disasters that we deal with in California. There are disasters that hit other parts of the country. I think we need to have a debate on the role that the Federal Government plays in dealing with these disasters. I have talked with a number of people who are interested in now getting involved, the Center for Strategic International Studies, John Hamre there, I've talked to Director Paulison about this.

We have, again, a great deal of work, but at this time, this resolution is designed to focus on the fires in California and express our appreciation for the support that has been provided, and also our thoughts and prayers for those who have been victimized by this.

So, Mr. Speaker, I thank my friend for yielding, and I thank all those who have been involved in supporting this resolution.

Mr. CLAY. Mr. Speaker, at this time I would like to yield 3 minutes to my friend from California (Mr. BACA).

Mr. BACA. First of all, I would like to thank Mr. CLAY in reference to H.R. 778. I would also like to thank my good friend ZOE LOFGREN for her work with the California delegation and her leadership in bringing this resolution to the floor in a bipartisan fashion. And I state "in a bipartisan fashion" because it impacts the whole State of California.

Last week's disaster was a painful time for all of us in the communities of Southern California. Recent estimates show that the fire destroyed over 2,800 structures, including over 2,000 homes. And the fires also destroyed more than 500 acres of land in an area that doubles the size of New York City.

Seven people were killed, 113 firefighters and 26 civilians were injured, and I state, 113 firefighters and 26 civilians were injured. These are people that were willing to fight the fires to save not only their own, but to save the lives of many individuals who were impacted.

This past weekend, I had a chance to see the devastation firsthand and visit with many of our evacuees in the shelter included in my district, with a total of 4,000 that we evacuated into the district at the Orange County Fairgrounds in my area. And while we can never really understand the losses suffered by so many, we share their pain. We share their pain.

We stand together today united as one House first and foremost to say thank you for the heroic actions and sacrifices of the first responders. And I say "the first responders," the firefighters who are willing to put themselves on the line to save many others, law enforcement officers, the National Guard, and many of the volunteers.

We also stand here to say to the people of Southern California, we are with you. We are committed to rebuilding our homes and communities in California and rebuilding the lives of those who have lost so much. Our first priority right now is to make sure that everyone is housed, clothed and fed, and after that we will begin to rebuild. But once the smoke is cleared, we will work towards a long-term solution to do everything we can to prevent disasters like this from ever happening again.

We have to take a realistic look at the situation. All data indicates that the fires nationwide are increasing in size and intensity. Those of us in Congress must respond to these warnings. Our planet is changing; we must acknowledge that. We need to meet the new challenges we are facing. We need to better fund our firefighters and our Forest Service. And we have to take a serious look at where we build our developments.

We must do everything in our power to prevent destruction of life, property, and our environment. Let us take the time to reflect on what we have lost. And we thank God, and I say we thank God for what we still have. Let us say thanks to those heroes who pulled us through this horrible week. Let all those who have lost a home or a loved one know that we stand with you.

I urge my colleagues to support this resolution.

Mr. DUNCAN. Mr. Speaker, I yield 3 minutes to the gentleman from Imperial Beach, California, my friend, Mr. BILBRAY.

Mr. BILBRAY. I thank the gentleman. It's Solano Beach, California. I know one beach is like the other. I was raised in one, but live in Carlsbad. But I would just like to clarify.

This resolution is recognizing the men and women who were fighting on the front line. And I think there are two big advantages we had in San Diego. San Diego County lost over 1,500 homes. Many of those homes could have been saved under all kinds of different theories. But the fact is we had one great advantage that we did not lose more. And it was not just the men and women who were fighting on the line that you saw on television, but it was the men and women who serve in a very unique California experience called the Unified Disaster Council, where San Diego County itself houses the chairman of the county, and every mayor, police chief and fire chief in a system of networks, with a common communications system, with a common planning system toward the local providers who were able to provide the base and the foundation for State and Federal agencies to come in and build upon. And that was essential.

And if there was any lesson that I would hope the people of the United States would take from our tragedy that we had in our county was that preparedness starts at the local level, and that you can never expect a State or Federal agency to replace the needed foundation and the networking that you have at the local level.

So get your act together locally, communicate and build a system, because a crisis in one way or the other is coming your way. And San Diego, I was very proud, as the former chairman of the Disaster Preparedness Council, I was proud to see how far they have come along and how well they are organized.

A lot of people may not know that a lot of the great savings we had, when the fires were moving towards my home in Carlsbad, my mother got the call over her phone through a thing called "Reverse 911" that notified her that she was in a warning area, needed to pack up and be ready to leave at a moment's notice. She was assured that if her area was becoming a danger zone, she would be notified by the same phone communication that had told her to prepare for that. This is the kind of local networks that we need to continue to build, not just in California, where we have historically done it through the county system, but throughout this Nation.

I would ask, Mr. Speaker, that we also recognize that this infrastructure gave our men and women, the firefighters not just from San Diego County or Southern California, but from the entire State, from the north down to the south, gave us the capability to respond to this crisis in a way that I think those of us in California should be very proud of.

The crisis has not passed totally; we still have threats out there. But the fact is I think we can build on building better communication between the Federal, State and local community. But the foundation has been set. And I would invite anyone who is interested in preparing their community for their crisis to try to learn from our mistakes and our successes in California and San Diego so that we can all build for a safer neighborhood. And when we do that preparation, we not only make ourselves safer, we protect those men and women that are firefighters to avoid their exposure to risk by us doing the right thing ahead of the fires.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. Davis).

Mrs. DAVIS of California. Mr. Speaker, Kurt Vonnegut once said, "I can think of no more stirring symbol of man's humanity to man than a fire engine," and I agree. Last week, my district in San Diego bore witness to extraordinary displays of humanity and resiliency as wildfires swept through our region.

We owe a debt of gratitude to the firefighters, National Guard and military personnel who fought and continue to fight the fires on the ground and in the air. Some of them lost their homes, others were seriously injured, and all made enormous sacrifices to ensure public safety.

The firefighters with whom I spoke, it has been mentioned that they came from throughout the State and beyond, said Mother Nature outdid them on this one, but they do not feel defeated, and instead they were anxious to get back to work performing their job.

In addition, I think it bears repeating that San Diego County and City leadership should be commended for coordinating a quick and effective response. And I agree, San Diego region should be used as a model for the country. There is much that we have learned and much that we can also teach.

Last week, firefighters caused the largest evacuation in California's history. As residents fled the fires, volunteers from all walks of life came forward to help the evacuees. I saw such a tremendous outpouring of compassion and support at the evacuation centers. San Diegans rolled up their sleeves and found a way to help their neighbors during this crisis.

At Qualcomm Stadium, I spoke to a volunteer who is a professional tour guide. He realized he could put his organizational skills and strong voice to work at the relief center. The coordinators at the stadium agreed and assigned him to training volunteers.

I also saw staff from the City's Park and Rec Department organizing entertainment for children and families, volunteers passing out food, and even massage therapists helping evacuees to relax.

Although the majority of fires are now under control and many residents have left the evacuation centers, the San Diego region faces a lot of hard work in the months ahead. Our prayers go out to the many families who lost their homes.

As the shock and heartbreaks subside, we must do everything in our power to ensure that full recovery is within sight as soon as possible. And as we think ahead, Mr. Speaker, to the precarious nature that we are in and the inevitability of future massive fires, we must also engage in the most serious discussions of lessons learned.

I support House Resolution 778.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ISSA), a member of the committee.

Mr. ISSA. I thank the gentleman.

Mr. Speaker, this resolution is an excellent example of bipartisan behavior in the drafting. It reflects quite well what we went through in California last week. Particularly, I take note of the fact that this was the largest fire because it had the most fuel. This is one of the challenges we face in California. We have hundreds of thousands of acres that may not have been cleared or burned in more than three decades. That continues to be a challenge. And this body has to take some initiative to correct that. We need to have the ability to clear areas before they burn. But even if we do, there will be fires.

I would hope for many of the people that hear us today and read the RECORD of today's Journal that they will recognize that some of the information that perhaps was put out was incorrect over the airwaves. Many people talked in terms of too many people too close to wilderness.

When the President visited Congressman BILBRAY and my district, Rancho Bernardo, which is at the heart of our two districts, Rancho Bernardo is a suburban, "Leave It to Beaver" community. This is an area with an interstate on both sides of it. The fire went on both sides of a 10-lane interstate. It jumped it because 80-mile-an-hour winds will do that. We didn't create that in California; California had that when we arrived.

On the hilltops, firefighters were looking at just ordinary backyards, sometimes hillsides, but ordinary backyards of half-acre, acre lots, or less, and in fact trying to save the houses on them.

So, I would hope that people throughout the country, when they try to characterize what went on in California, would take an opportunity to meet with somebody from the districts in California, Congressman FILNER, Congressman BILBRAY, myself, and others, because we saw firsthand that firefighters had residential fires from 80-mile-an-hour-, 100-degree-driven firestorms.

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Additionally, I would like to bring up something that may not often cross the awareness of the men and women around the country who know about this fire, and that is we not only executed in San Diego County all of the plays that were in the playbook, all of the things which were written on how to fight a fire well from Malibu to the Mexican border, but additionally we wrote some new chapters.

I am very proud that the United States Marines of Camp Pendleton and the Marine Corps Air Station at Miramar joined the fight for the first time beyond those who were part of the plan. We were able to mobilize, on any given day, as many as eight additional aircraft which had never been designated to fight fires off the base. They were made available due to the initiative of the Northern Command and of Major General Lehnert and others in the chain of command who said, We have the ability to fight fire. We fight them on our bases every day. We will bring those to bear.

With cooperation from the department called CAL FIRE in California and the Governor's office, that was made to happen in less than 48 hours. So when the book is written on the evacuation and on the fighting of the fire in Southern California, yes, it was devastating for over 5,000 families that lost homes, that lost commercial buildings, that lost trailers or that, in fact, lost their farms and ranches, but, in fact, this was a well-fought fire in which the people of San Diego came together to do the right thing.

I am very proud of the people of San Diego and all of Southern California. I am also very thankful for the United States Marine Corps and the other first responders who made such a difference in our time of need. I thank you for this resolution, and I support and encourage all those to vote for it.

Mr. CLAY. Mr. Speaker, I now yield 1 minute to the gentlewoman from California, Madam Speaker.

Ms. PELOSI. I thank the gentleman for yielding and for bringing this legislation to the floor. I want to commend the cochairs of our delegation, Congresswoman ZOE LOFGREN and Congressman DAVID DREIER, both from California, being the cochairs of our delegation, and all of our colleagues who come to the floor today and join us in expressing our appreciation to our men and women in uniform, our first responders, emergency services personnel, and our firefighters who conducted themselves in such a brave, brave and tireless manner to protect the people and the homes and businesses of California.

Today, we thank God that the winds have finally died down and our brave first responders were able to contain the largest fire in the Golden State's history. As I said, our first responders, our firefighters, were courageous and tireless. More than 11,000 personnel, including thousands of firefighters from across California and neighboring States, and thank you to our neighboring States for their participation, and 2,500 of our brave National Guardsmen and -women worked through long days and nights to battle the dangerous flames.

In doing so, as I said, they saved lives, homes and businesses. For that, we will be forever grateful.

Today in California, five fires still burn. As these fires are quenched, the hard work of restoring the regular order of residents' lives begins. We can now begin the accounting of our staggering losses: seven dead and more than 100 injured; 500,000 acres burned; 1 million residents forced to evacuate; 1,400 homes destroyed across seven counties.

But as the victims of the fire know, the tragedy can't be expressed in those numbers. It is in the lost baby photos and treasured mementos gone forever. It is in the fear of knowing that in an instant life can take a tragic turn.

I salute Governor Schwarzenegger and the Governor's Office of Emergency Services for their efforts and leadership in protecting the people in the area and containing the fires.

I am very pleased that President Bush responded to the request of the Governor and the California bipartisan delegation in declaring what was happening in California as a major disaster.

Today, we vow that our response to this fire will not end once those flames are extinguished. The California congressional delegation will work in a bipartisan way with the entire Congress, with the Governor and the President to ensure short-term and long-term needs are met.

To those who have suffered personal losses, whether it's the loss of a loved one, personal injury, loss of their homes and their communities, as Speaker of the House, I extend the deepest sympathy and the fullest support of the House of Representatives. We stand with you today and in the days of rebuilding to come.

Once again, I acknowledge the leadership of Mr. CLAY and Mr. DUNCAN and thank them for giving us this opportunity to express our appreciation to our firefighters and our first responders in California.

Thank you very much, gentlemen. Thank you, Mr. Speaker.

Mr. DUNCAN. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. I thank the gentleman for yielding.

Mr. Speaker, I represent the southern part of the City of San Diego where we had thousands of evacuees, hundreds of homes lost, a really terrifying situation for many people. Of course, getting back on their feet will be a major, major challenge. But what we saw, as we have heard from my colleagues, is cooperation, cooperation from all levels of government, from the cities, the fire districts, county, State, Federal, and also international, which no one has mentioned up to this point. I watched as 60 firefighters, bomberos as we call them, from Tijuana, in Mexico, came to help and were a part of the team as we fought the Harris fire in southern San Diego. I think that was a very important contribution.

I had the opportunity to talk to the President as we flew to the fires. He understood that he needed to be visible very early, which was very hopeful, and that FEMA had to be proactive and not just reactive. The blue shirts of FEMA were on the job and visible everywhere, and their local assistance centers were set up very much earlier than in any previous disaster, I think. And that gave hope to many people. Those assistance centers, again, before even many of the evacuees had been allowed to return home were there and helping people.

We saw the hope on people's faces as they saw this cooperation in getting help from everywhere. And although they face a very difficult time, they do have hope. It was the volunteers, of course, our firefighters and our officers, police officers and other first responders, but the volunteers came from all over. Some of them had evacuated their own homes. Some of them lost their own homes. Teachers and others were there to help the children while away the time and even learn while they were there, people who brought food, people who brought clothing and psychological help, massages and medical help. So all of these people were involved. It was an incredible sight to behold as we went to Qualcomm Stadium or any of the evacuation centers around the county. You saw everybody pitching in. It was that coming together in San Diego that will give hope to the people who face challenges in the future and that got us through this very terrifying time.

I thank the House for this resolution in support of the people of California.

Mr. DUNCAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from Missouri for yielding.

As a representative of areas affected by the recent wildfires and a cosponsor of H. Res. 778, I rise in its strong support. Over the last 10 days, wildfires have devastated much of Southern California. Hundreds of thousands of acres have been burned. Thousands of homes and businesses have been destroyed.

While this tragedy has faded from the Nation's headlines, thousands of our first responders, military personnel, volunteers continue to battle the fires and to aid in the recovery effort. Today we commend these amazing individuals. Thousands of firefighters from throughout California and across the Nation put their lives on the line to protect our communities. They battled out-of-control flames fanned by restless hurricane-force winds, and they fought tirelessly for 12, 24, even 36 hours straight.

In addition, countless police officers and military personnel and other first responders successfully executed the largest evacuation in California's history. Tens of thousands of evacuees were sheltered with ample food, supplies, and facilities. Thousands of generous individuals have given their time, their money, their resources to help victims of this tragedy to get back on their feet.

Mr. Speaker, California is sadly all too familiar with wildfires. My district includes parts of San Luis Obispo, Santa Barbara and Ventura Counties, each of which experience wildfires almost annually. The most recent was Zaca fire which burned more than 240,000 acres of these three counties and lasted almost 3 months.

I am proud to say from firsthand experience that California's emergency preparedness systems and procedures are among the best in the Nation, I would say in the world. As the wildfires grew in size and numbers, the Governor's Office of Emergency Services was able to coordinate and allocate resources to the areas that needed them most, regardless of jurisdiction. Local firefighters from San Diego battled flames along with colleagues from Nevada, while planes from Wyoming and Colorado filled their tanks at Channel Islands Air National Guard Station just outside my district.

If it were not for this organized and swift effort, many more acres, homes, and lives would have been lost. Mr. Speaker, as we move forward, I hope we can learn from this experience to help prevent such a tragedy from repeating itself in the future. And to the countless men and women who helped in this tragedy, we commend you and we thank you for your heroic efforts.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from California (Mr. HUNTER), who represents some of the City of San Diego and much of San Diego County.

Mr. HUNTER. Mr. Speaker, I want to thank my great colleague for yielding me some time and just follow my colleagues to again commend all of those who helped to take on this incredible challenge and to defeat this fire. Even though it destroyed lots of sagebrush land and lots of back country and homes and buildings and took some lives, we had a well-coordinated effort.

Let me just point out also that I know Mr. ISSA talked about the United States Marines and the United States Navy especially in the San Diego region working hand in hand with State and local firefighting officials and volunteers and the crews and especially in the area of the air war against the fire undertaking this challenge and doing very, very well.

At the other level, at the level of bringing in assets from out of the State, I think we should also commend General Steven Blum, who is head of the National Guard for this country. And even before he received the request from the State of California, even though the request had been initiated by Governor Schwarzenegger, it goes through a number of bureaus and agencies before it actually gets to the unit that is going to send the particular firefighting aircraft to the location where it is going to engage the fire.

Before he received the request from the State of California, General Steven Blum deployed aircraft and put out the deployment order for aircraft from Colorado, Wyoming and North Carolina. These are the so-called MAFFS units, C-130 units that have the ability to put down about 3,000 gallons of fire retardant per aircraft. They can pave an area a quarter of a mile wide. They do an extremely effective job of fighting fires.

General Blum ordered those aircraft deployed to California before he had the order to deploy them. Before he had the request, he said, I am going to send them out as a training mission, and by the time they get there, the paperwork will catch up with them.

So I think we all owe him a debt, and all those wonderful crews that came in from Wyoming, North Carolina and Colorado, as well as all the other crews in various other dimensions of the firefighting who arrived from out of State.

So, Mr. Speaker, this was a wonderful team effort, I think perhaps a model for the country. We have a few rough edges to work on for the next one, a few reforms to make, and we are going to do that. But we had a wonderful, wonderful taking up of this enormous challenge. Our challenge now is to rebuild; and, similarly, we will all work together as a team to do that. I thank the gentleman for yielding.

□ 1600

Mr. CLAY. Mr. Speaker, I reserve my time.

Mr. DUNCAN. Mr. Speaker, I have no further speakers, so I will simply close for our side by saying these were fires and evacuations of historic proportions. They were handled in absolutely the best way possible, and I commend everyone involved in responding to these disasters and urge passage of this resolution. I think it is something that all of our colleagues can enthusiastically support.

Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I ask my colleagues to unanimously support this resolution and show full support to the victims of these wildfires, the people of Southern California. I urge swift passage.

Mr. WAXMAN. Mr. Speaker, over the course of just one week, my home State of California has witnessed the most destructive and expansive wildfires in its history. Across southern California, more than a dozen large fires fueled by powerful Santa Ana winds burned over 500,000 acres. The flames engulfed forests, homes and businesses alike. In my congressional district, the city of Malibu lost homes, a community church, and Castle Kashan, an iconic landmark on the California coast.

As these fires raged, thousands of courageous firefighters risked their lives to battle the flames, tirelessly working shift after shift in grueling conditions. Hundreds of volunteers donated money, resources, and time to help the nearly 1 million Californians evacuated at the height of the crisis. Officials at all levels of government acted swiftly to coordinate a rapid response. While we grieve for the hundreds of families who have been devastated, we must be thankful that even greater losses were averted.

The damage caused by the fires is staggering in its scope and heartbreaking in its impact on those who must start over from scratch. But Californians are resilient and determined to restore their communities and rebuild their lives. Today we stand in solidarity as we consider H. Res. 778, a resolution honoring the first responders and supporting the victims of the southern California wildfires. This resolution sends an important message to all Californians that the Nation is with them, and that Congress stands prepared to provide the assistance they need.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 778.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECOGNIZING ANNIVERSARIES OF MASS MOVEMENT FOR SOVIET JEWISH FREEDOM AND FREEDOM SUNDAY RALLY FOR SOVIET JEWRY

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 759) recognizing the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, DC.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 759

Whereas, in 1964, the American Jewish Conference on Soviet Jewry (AJCSJ) was founded to spearhead a national campaign on behalf of Soviet Jewry;

Whereas, in 1964, the Student Struggle for Soviet Jewry was founded to demand freedom for Soviet Jewry;

Whereas, in 1964, thousands of college students rallied on behalf of Soviet Jewry in front of the United Nations;

Whereas Israel's victory in the 1967 Six-Day War inspired Soviet Jews to intensify their efforts to win the right to emigrate;

Whereas, in 1967, Soviets launched an anti-Zionist propaganda campaign in the state-controlled mass media, and a crackdown on Jewish autonomy, galvanizing a mass advocacy movement in the United States;

Whereas, in 1970, the Union of Councils for Soviet Jewry was founded as a coalition of local grass-roots "action" councils supporting freedom for Jews of the Soviet Union;

Whereas, in 1971, the severe sentences, including death, meted out to nine Leningrad Jews who attempted to hijack a plane to flee the Soviet Union spurred worldwide protests;

Whereas, in 1971, the National Conference on Soviet Jewry (NCSJ) succeeded the AJCSJ;

Whereas, in 1971, mass emigration of Jews from the Soviet Union began;

Whereas, in 1975, President Gerald R. Ford signed into law the Jackson-Vanik Amendment to the Trade Act of 1974, prohibiting the extension of trade benefits to countries that limit emigration, and otherwise infringe basic human rights;

Whereas, in 1978, the Congressional Wives for Soviet Jewry was founded;

Whereas, in 1982, President Ronald Reagan enacted Public Law 97-157, expressing the sense of the Congress that the Soviet Union should cease its repressive actions against those individuals who seek the freedom to emigrate or to practice their religious or cultural traditions, drawing special attention to the hardships and discrimination imposed upon the Jewish community in the Soviet Union;

Whereas, in 1983, the bipartisan Congressional Human Rights Caucus was founded to advance the cause of human rights;

Whereas, in 1984, the Congressional Coalition for Soviet Jews was founded;

Whereas, in 1987, an estimated 250,000 people demonstrated on the Mall in Washington before the start of the Reagan-Gorbachev summit, in an unprecedented rally that helped give the issue added visibility on the national scene;

Whereas, in 1989, the Soviet Union opened its doors to the millions of Soviet Jews who had been held as virtual prisoners within their own country;

Whereas, in 1991, the Supreme Soviet passed a law that codified the right of every Soviet citizen to emigrate, precipitating massive emigration by Jews from the Soviet Union, primarily to Israel and the United States;

Whereas the hundreds of thousands of immigrants from the Soviet Union and former Soviet republics have greatly enriched their new-found homes in areas as diverse as business, professional sports, the arts, politics, and philanthropy;

Whereas, in 1992, Congress passed the Freedom Support Act, making aid for the fifteen former Soviet republics contingent on progress towards the implementation of a democratic system, and respect for human rights;

Whereas, since 2000, more than 400 independent Jewish cultural organizations and 30 Jewish day schools have been established in the former Soviet Union, giving rise to a renewal of Jewish life;

Whereas NCSJ and its partners have performed exceptionally by continually promoting the safety and security of Jews in the former Soviet Union;

Whereas continued acts of anti-Semitism and xenophobia in the former Soviet Union are reprehensible and respect for democracy, religious freedom, and human rights in the former Soviet republics needs promotion and strengthening; and

Whereas it is the 40th anniversary of the mass movement for freedom by and on behalf of Soviet Jewry: Now, therefore, be it

*Resolved*, That Congress recognizes the 20th anniversary of the Freedom Sunday Rally for Soviet Jews in Washington, DC, which embodies the American principle of citizen activism for the greater good.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

### GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Res. 759, a bill that recognizes the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, DC. H. Res. 759, which has 57 cosponsors, was introduced by Representative HENRY WAXMAN on October 18, 2007. House Resolution 759 was reported from the Oversight Committee on October 23, 2007, by voice vote.

Mr. Speaker, the former Soviet Union today has the third-largest Jewish community in the world. During the 17th and 18th centuries, the Russian Empire was home to the world's largest Jewish community. In the late 19th century, over 5 million Jews lived as a persecuted minority in Czarist Russia. This indifference towards Jews continued throughout the 20th century under the leadership of Secretary General Joseph Stalin and Prime Minister Nikita Khrushchev of the Soviet Union.

In the mid-1960s, Prime Minister Alexei Kosygin was reported to have said "the road is open and no problem exists" for Soviet Jews who might want to leave for Israel. This remark sparked an increase in the efforts of Jews to leave the Soviet Union and helped initiate international efforts to facilitate their mass movement from Soviet Russia.

In 1967, in response to earlier Soviet Jewry advocacy efforts, Russian authorities allowed some Jewish citizens to leave for family reunification in Israel. Due to the lack of diplomatic relations between Israel and the Soviet Union, most emigres traveled to Vienna where Israeli authorities flew them to Israel. By March 1976, the majority of emigres who left on visas for Israel chose to resettle in the United States and other Western countries.

Mr. Speaker, I commend my colleague Representative WAXMAN for seeking to recognize the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, DC, and urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to join my fellow Members of Congress in recognizing the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, DC.

As with many other peoples of faith, Jews suffered under the oppressive yoke of communism in the Soviet Union. Their struggles inspired American Jews to establish the American Jewish Conference on Soviet Jewry and the Student Struggle for Soviet Jewry in 1964 in order to campaign on behalf of their fellow Soviet brethren.

After the Six-Day War in 1967, the Soviets intensified the persecution of the Jewish community through state-controlled media and by reducing Jewish autonomy. Soon a mass exodus, a mass emigration of Jews from the Soviet Union began. These developments helped to galvanize the advocacy movement within the U.S.

Over the following years, this mass advocacy movement helped spur the U.S. Government to achieve much. Perhaps most notably, in 1975 President Ford signed into law the Jackson-Vanik Amendment to the Trade Act of 1974. This amendment prohibited the extension of trade benefits to countries that limited immigration and otherwise infringed human rights. It was drafted specifically with the plight of Soviet Jews in mind. Later, President Reagan signed a law drawing attention to the hardships imposed on the Jewish community of the Soviet Union.

In 1987, an estimated 250,000 people demonstrated on the Mall before a Reagan-Gorbachev summit. This rally increased the issue's national visibility. Partly due to these efforts, the Soviet Union finally opened the doors of emigration to its Jewish population in 1989. Two years later, the Soviet Government codified the right of every Soviet citizen to emigrate, prompting massive flows of Jews to Israel and to the United States.

This serves as an example of the great American tradition of citizen involvement for the greater good. I ask my colleagues to join me in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, 20 years ago, on December 7, 1987, there were 250,000 people gathered in Washington, D.C., to rally for the plight of Soviet Jews. I vividly remember participating in that rally, which took place on the eve of the Reagan-Gorbachev summit. It was a major turning point that helped compel the Soviet Union to open its doors for the millions of Soviet Jewish emigres who had been held as virtual prisoners within their own country.

I think back to congressional delegations to the Soviet Union where I met with Jewish refusniks who were suffering under communist repression. These brave dissidents were blacklisted from their jobs, socially ostracized and, in some cases, jailed, only because of their desire to practice their religion and live in freedom.

I remember meeting with young couples in and around Moscow who called us their lifeline. They were so desperate about their circumstances. They said our visits gave them hope that they were not forgotten, that they would one day be free.

When the Iron Curtain fell, many of these families came to the United States to live the American Dream of religious liberty and personal freedom. Over 1 million more resettled in Israel. The historic human rights campaign to free Soviet Jewry was built on decades of activism. Launched in the 1960s by groups like the American Jewish Conference on Soviet Jewry and the Student Struggle for Soviet Jewry, it galvanized human rights leaders around the United States and the world. The movement helped build the momentum for the adoption of the Helsinki Accords and the passage of the Jackson-Vanik Amendment, which, for the first time, linked trade policy and human rights.

Here in Congress, we founded the Congressional Coalition for Soviet Jews, and my wife Janet helped organize and found the Congressional Wives for Soviet Jewry. Other organizations, like the National Conference on Soviet Jewry and the Union of Councils for Soviet Jewry are still at work today fighting anti-Semitism and safeguarding the religious freedom of Jews in Russia and other parts of the former Soviet Union.

Today, we celebrate the 20th anniversary of the Freedom Rally with pride in the history and accomplishments of the effort to free Soviet Jews. Let it serve as a lasting reminder that we have an obligation to sustain the fight against political and religious repression wherever it exists.

Mr. Speaker, I urge support for this resolution.

Mr. DUNCAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for yielding and for his leadership on this important issue.

Mr. Speaker, I rise in support of this resolution and in support of the human rights movements worldwide. This movement for Soviet Jewry demonstrated that a small group of people who are dedicated and committed to principle can make an enormous difference, not only in their home countries but throughout the world.

Just this past weekend, I attended a meeting in Philadelphia where Natan Sharansky spoke. Sharansky has been a hero to so many of us in the United States in his struggle for freedom from Soviet oppression. He and his fellow refusniks embody the spirit of determination and unbelievable courage to stand up for human rights and freedom and demand that Soviet Jews be able to leave the Soviet Union and immigrate to Israel or the United States or other countries of their choice.

Sharansky told us the movement for Soviet Jewry not only freed him and other refusniks, but that it set in motion the process that ultimately brought down the Soviet Union. By demanding human rights for some, we hastened the demise of one of the most repressive, most dictatorial regimes in history.

This movement demonstrated that human rights questions do not exist in a vacuum separate from larger questions of global politics or trade. We have a tremendous capacity to be global leaders by tying questions of human rights to other issues that we deal with in the international arena, whether in trade or the environment or immigration policy. While we do business with other countries, we should not, we must not, turn a blind eye to human rights abuses. It is as true today as it was 40 years ago.

While human rights are trampled on in so many parts of the world, from Darfur, North Korea, to the Arab world, we look to the movement for Soviet Jews as a shining example of how we as a country can succeed in bringing human rights issues to light through citizen activism for the greater good.

Mr. Speaker, when I was in Philadelphia listening to Natan Sharansky, they showed films of the March on Washington for Soviet Jewry, and it put me in mind of the fact that Members like Mr. WAXMAN who were here 20 years ago were in the forefront of this fight.

As a point of personal privilege, the next speaker on our side of the aisle, Mr. ELIOT ENGEL, Congressman from New York, before he was a Member of Congress, he was on that stage fighting for the basic human rights and dignity of Soviet Jews and human rights worldwide, as was our very good friend JERRY NADLER.

Mr. Speaker, with that, I yield back, and I thank the gentleman once again for bringing this to the floor of the House for a vote.

Mr. DUNCAN. Mr. Speaker, we have no other speakers on this side, so I will simply urge support for this resolution and yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend from Missouri, and I rise in strong support of H. Res. 759, which recognizes the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, DC.

The gentlewoman from Nevada (Ms. BERKLEY) is so right when she says that these rallies inspired the cause of human rights all over the world. And as we fight for human rights all over the world, we must continue to fight for human rights wherever bad things raise their ugly heads.

□ 1615

For decades, Jews in the Soviet Union faced serious restrictions on their right to practice their faith. In response, a campaign developed in the United States and around the world to pressure the Soviets to end the abuses and permit their Jewish population to emigrate. In 1964, the American Jewish Conference on Soviet Jewry was founded to spearhead a national campaign on behalf of Soviet Jewry. Israel's victory in the 1967 6-Day War inspired Soviet Jews to intensify their efforts to win the right to emigrate to Israel and other places, but the Soviets followed with an anti-Zionist propaganda campaign in the state-controlled mass media and a crackdown on Jewish autonomy.

A key event in the campaign to free the Soviet Jews occurred in 1982 when President Reagan enacted Public Law 97-157, expressing the sense of the Congress that the Soviet Union should cease its repressive actions against those individuals who seek the freedom to emigrate or to practice their religious or cultural traditions. This law drew special attention to the hardships and discrimination imposed upon the Jewish community in the Soviet Union.

After so many years of captivity, the Supreme Soviet passed a law in 1991 that codified the right of every Soviet citizen to emigrate, precipitating massive emigration by Jews from the Soviet Union, primarily to Israel and the United States. The hundreds of thousands of immigrants from the Soviet Union and former Soviet republics have greatly enriched their new-found homes in areas as diverse as business, science, the arts, politics, and philanthropy.

As Ms. BERKLEY mentioned, I was proud to be part of the effort to liberate the Jews of the Soviet Union and remember the historic Freedom Sunday Rally for Soviet Jews in Washington, DC 20 years ago before I was a Member of Congress. I remember meeting Natan, then Anatoly Sharansky, at the gathering of approximately 250,000 people prior to the start of the Reagan-Gorbachev summit. This event helped increase the awareness of the plight of Soviet Jews throughout the world. Earlier, I demonstrated in front of the Soviet mission to the U.N. in New York in an effort to demonstrate how deeply I felt about religious freedom and the right of the Jews of the Soviet Union to emigrate.

In conclusion, I urge my colleagues to support H. Res. 759 and remember the campaign to liberate the Jews of the former Soviet Union. And, again, may we have many, many more resolutions like this to help all oppressed people all over the world.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H. Res. 759, introduced by the gentleman from California (Mr. WAXMAN), marking the 40th anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th anniversary of the Freedom Sunday Rally for Soviet Jewry on the National Mall in Washington, DC.

Mr. Speaker, in 1967 the plight of Soviet Jews was severe and largely unknown to the outside world. State-sponsored anti-Zionism and a widespread culture of anti-Semitism made daily life difficult for the millions of Jews living in the Soviet Union. Worst of all, these Jews had no right to leave the country for more welcoming parts of the world, namely, Israel and the United States.

Mr. Speaker, in answer to this reality, 1967 saw the rise of an organized movement to rescue the Soviet Jews, the Mass Movement for Soviet Jewish Freedom. Looking back 40 years later, we can all chart the profound success of that movement which lifted hundreds of thousands of people out of persecution and poverty and into freedom. Beginning in 1971, this movement made possible the mass exodus of Soviet Jews from the Soviet Union to the shores of Israel, the United States and elsewhere.

Mr. Speaker, I am gratified to represent the largest community of former Soviet emigres in the United States, and I have the great fortune of knowing many of those leaders and entrepreneurs who owe their livelihoods and freedom to the success of that movement organized in 1967.

The former Soviet Jewish community of Brooklyn, New York, from Ukraine, Belarus, Russia, Uzbekistan and elsewhere has returned the humanity and kindness shown to them years before in their new capacity as industrious, law-abiding, and dynamic members of American society. In neighborhoods like Brighton Beach, Coney Island and Bensonhurst, you can witness every day how hard they have worked in order to secure happiness for their families and how they strive to give back to the Nation that rescued them from persecution.

Mr. Speaker, no discussion of this movement of Soviet Jews would be complete without mention of Jacob Birnbaum, an exceptional leader and human being who worked night and day to bring this issue to the forefront of our minds so many years ago. Earlier this year, I was very proud to introduce a resolution honoring Mr. Birnbaum, and I am pleased that Congress passed it, thereby bringing official recognition to a leader who made an incalculable difference for the lives of many thousands of Soviet Jews and others throughout the world.

In addition to the courageous work of Mr. Birnbaum, tribute ought to be paid to the other pioneers and national organizations who fought so strenuously for the liberation of Soviet Jews, people like Malcolm Hoenlein who is now executive vice president of the Conference of Presidents of American Jewish Organizations but who pioneered much of the work in the Soviet Jewish movement.

I am pleased today to join with my colleagues to mark the accomplishments of the Soviet Jewry movement and to celebrate the 20th anniversary of the Freedom Sunday Rally for Soviet Jews and the 40th anniversary of the founding of the movement to free Soviet Jews. I am proud to have been part of this movement beginning in the late 1960s in many marches and demonstrations and picketings of the Soviet embassy. I was here on the Mall 20 years ago.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. CLAY. Mr. Speaker, at this time we have no additional speakers. I urge my colleagues also to support the 40th anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th anniversary of the Freedom Sunday Rally for Soviet Jewry by unanimously adopting this resolution.

Mr. WEXLER. Mr. Speaker, I rise today to recognize the 40th anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall here in Washington. This mass advocacy movement formed following the anti-Zionist campaign launched by the Soviet government in 1967 and worked tirelessly for over two decades to gain Soviet Jews the freedom to emigrate from the Soviet Union, where they had been held as virtual prisoners since World War II.

In 1987, on the eve of the Reagan-Gorbachev summit, more than 250,000 people gathered in Washington to rally for the plight of Soviet Jews. This event was a major turning point in compelling the soviet government to open its doors for millions of Soviet Jewish émigrés who were being held prisoner in their own country. Finally in 1991, the Supreme Soviet passed a law codifying the right of every Soviet citizen to emigrate, leading to a massive emigration by Jews from the Soviet Union, mostly to Israel and the United States.

As a sponsor of House Resolution 759, I want to recognize these two anniversaries and praise the efforts of all the organizations involved in this important movement, including the American Jewish Conference on Soviet Jewry, the Student Struggle for Soviet Jewry, and the Congressional Coalition for Soviet Jews. These and many other organizations were integral in securing freedom for Soviet Jews, and their work serves as an example for all who are seeking religious and political freedom around the world.

Mr. Speaker, these 2 anniversaries are also a reminder about the ongoing struggle for religious freedom and the need to continue to battle against anti-Semitism, bigotry and discrimination wherever it occurs. The United States as the world's only superpower and oldest democracy has an obligation and a responsibility to continue to advocate for those individuals suffering at the hands of oppressive governments—whether it is in Darfur, Sudan or in Burma. Today, millions around the globe cling to the hope that one day they will be liberated and freed from oppression. To this end, Congress and the American people must remain steadfast in our determination to protect religious and human rights matching the willpower and vigilance of those who fought so hard for decades to liberate Soviet Jewry from the yoke of tyranny and repression.

Mr. RANGEL. Mr. Speaker, I rise today to throw my endorsement behind a resolution of great import—one that highlights the struggle of Jewish freedom in the former Soviet Union and pays tribute to one of the great civil rights movements of the last century. The will and forbearance of man and woman is best evinced when they are faced with adversity. Victims to a repressive anti-Zionist state that stripped its Jewish citizens of their rights to emigrate, be autonomous, and engage in religious prerogatives, Soviet Jewry channeled the strength of its community into one, harmonious dissenting voice. That takes awe-inspiring courage, and it more than merits our recognition today.

Only 2 decades have passed since a full quarter of a million of our frustrated brothers and sisters marched on Washington, demonstrating remarkable solidarity in numbers and unmatched political resolve. Only 2 decades before that, the seeds of focused defiance were being sown, a movement young in age but ripe at heart. And now, four decades later, the legacy of that effort has come to brilliant fruition. A renaissance of Jewish culture has cemented itself in the modern-day consciousness of the Russian people—and that is an exceptionally good thing.

Let us echo that spirit of unity, camaraderie, fraternity, and in one voice, honor their memories that inspire and move us to this day. Mazel Tov, my friends.

Mr. HASTINGS of Florida. Mr. Speaker, it gives me great pleasure to rise in support of H. Res. 759, which recognizes two of the most important events in the area of human rights in the twentieth century: Recognizing the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally on the Mall in Washington, DC.

I would like to specifically touch on one of the most important aspects of the Jewish struggle for freedom—the right to emigrate.

A few months ago, the travel plans of many Americans were disrupted when they were unable to acquire within a reasonable period of time U.S. passports that would allow them to travel abroad to certain regions. It was an inconvenience, but fortunately, the State Department with great effort cleared up the backlog and the waiting period is now back to around two months.

Now imagine waiting five, ten, or even fifteen years for a passport allowing you to leave the country.

Imagine not filling out an application and dropping it into the mail, but instead trudging from office to educational institution to police station seeking signatures from employers and various officials, without which the emigration office would not even consider the application to emigrate.

Imagine being told you can't leave, but not given any rational reason as to why not. Or being told that you cannot emigrate because of military service—in a construction unit!

Imagine taking to the streets with a sign demanding the right to reunify with one's family and loved ones abroad, as stipulated in the U.N. Convention on Civil and Political Rights, and being set upon by police and perhaps winding up in a forced labor camp or in internal exile in some tiny village in Siberia.

It may be hard to imagine, but this is what thousands of Soviet Jews faced when they wanted to emigrate to Israel from the former Soviet Union.

And why did Soviet Jews want to emigrate? Many of them were tired of the government anti-semitism that permeated the Soviet system, including a quota system for educational institutions. Understandably, they did not want their children to face these obstacles.

Many wished to practice their Jewish faith, to be able to attend a synagogue—if they could find one that hadn't been closed by the Communists—without having to worry that some Communist Party hack would see them and report them to their employers or teachers. Others were tired of the constant stream of anti-Semitic articles in the Soviet press parading as opposition to Zionism.

In 1967, with the Soviet press spewing tirades against Israel and alleged Zionist misdeeds in the wake of Israel's victory in the Six Day War, the Jewish emigration movement in the Soviet Union began in earnest. Many applicants, to be sure, were allowed to leave, but others were refused time and time again. The word "refusenik" was coined. Members of the Jewish community in the United States and throughout the world took up their cause. Others who cherished basic human rights, including Members of this body, joined in solidarity. Activists took part in demonstrations, wrote letters to Soviet officials, visited refuseniks in the Soviet Union, sent packages to imprisoned refuseniks, and never quit working on their behalf. It was an impressive demonstration of determination and unity.

And as this resolution notes, almost twenty years ago, on December 6, 1987, an estimated 250,000 persons demonstrated on the National Mall here in Washington on behalf of Soviet Jewish emigration as President Reagan prepared for a summit meeting with General Secretary Gorbachev. African Americans joined the rally in large numbers due in part to the active Jewish participation in the civil rights movement in the United States. One of these African American leaders eloquently expressed why so many non-Jews were there. He said, "As long as one Jew is kept against his will in the Soviet Union, we are all Jews."

A few years later, as the Soviet Union was collapsing and perestroika and glasnost became the watchwords, the barriers to Soviet Jewish emigration were lifted. Justice had at last prevailed.

Mr. Speaker, this resolution recognizes both the brave individuals who stood up to tyranny and demanded their right to freedom of movement, and those who vigorously campaigned on their behalf.

As Chairman of the U.S. Commission on Security and Cooperation in Europe, I am honored to stand with my colleague and good friend, HENRY WAXMAN, in support of this resolution, and I urge my colleagues to do the same.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 759.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3307, by the yeas and nays;

H.R. 3446, by the yeas and nays;

H. Res. 778, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## DENNIS P. COLLINS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3307, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3307.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 18, as follows:

[Roll No. 1018]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall

Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Alexander
Carson
Cubin
Culberson
Deal (GA)
Hinojosa
Hulshof
Hunter
Jefferson
Jindal
Kucinich
Levin
Marshall
Paul
Simpson
Stark
Weller
Wilson (OH)

☐ 1648

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MICHAEL W. SCHRAGG POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3446, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3446.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 1019]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Alexander
Carson
Cubin
Culberson
Deal (GA)
Hinojosa
Hulshof
Jefferson
Jindal
Johnson, Sam
Kucinich
Levin
Marshall
Paul
Simpson
Weller
Wilson (OH)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1656

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HONORING THE FIRST RESPONDERS AND SUPPORTING THE VICTIMS OF THE SOUTHERN CALIFORNIA WILDFIRES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 778, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 778.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 1020]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker

Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Alexander
Bachmann
Carson
Castor
Cubin
Culberson
Deal (GA)
Hinojosa
Hirono
Hulshof
Jefferson
Jindal
Johnson, Sam
Kaptur
Kucinich
Levin
Lynch
Marshall
McCarthy (NY)
Paul
Simpson
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1703

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, today I was detained and unable to vote on the final passage of the Small Business Contracting Program Improvements Act.

Had I been present, I would have voted "yes" on H.R. 3867, the Small Business Contracting Program Improvements Act, House rollcall vote 1017.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3547.

The SPEAKER pro tempore (Mr. SALAZAR). Is there objection to the request of the gentleman from Georgia?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Mr. CUMMINGS. Mr. Speaker, I ask that my name be removed as a cosponsor of H.R. 3547.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Mr. WYNN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3547.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that I have my name removed as a cosponsor of H.R. 3547.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

## SCHEDULE FOR THE REMAINDER OF THIS WEEK

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I'd like to address the schedule for the rest of this week. Regular Members don't have a chance to talk. It's usually the majority leader and our chief deputy whip. But I did this a couple of weeks ago when we left at 5 o'clock. Today it's another 5 o'clock ending session.

We have really three bills left to address this week, the Hard Rock Mining and Reclamation Act, which we could do tonight, Trade Globalization Assistance Act, which we could do tomorrow morning, and we could appoint our conferees tomorrow morning, mid-afternoon, which would allow many Members to be able to get home with their family.

I have an 8-year-old son. It might be nice to go trick-or-treating with him.

There's no reason we have to be here for 2 days to conduct this type of work. I'm embarrassed for this House and the time spent here doing no work.

## FLAG CONTROVERSY AT NATIONAL CEMETERIES

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, when a veteran is buried in one of our national cemeteries, the flag draped over the warrior's coffin is neatly folded and given to the warrior's family. As the flag is folded, a statement is made as to what each fold represents. Two of the folds refer to Jews and Christians in our military. But that ceremony has been sabotaged by the National Cemetery Administration. Some bureaucrat banned the recitation of the meaning of the folds in the flag at all national cemeteries because someone complained about the ceremony being religious.

To ban this time-honored tradition which recognizes life, gives tribute to our country and to our Armed Forces, honors women, recognizes fathers, and reminds us of our national motto "In God We Trust" is un-American and, frankly, it's stupid.

I've been to funerals at national cemeteries of fallen troops from my district. I've heard the recitation of the meaning of each fold. I've watched tearful mothers and fathers and spouses hold that flag next to their chest, grateful for every fold.

The Washington bureaucrat that issued this absurd ruling should withdraw the ban. It's unpatriotic, irreverent and disrespectful of our war dead.

And that's just the way it is.

## INTERNET TAXATION MORATORIUM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today on the floor of the House we addressed the question of Internet taxation moratorium, a bill that came out of my House Judiciary Committee, the Judiciary Committee which I sit on under the leadership of JOHN CONYERS.

Because I was unavoidably detained, I wanted to congratulate the passage of this bill and to support the moratorium as relates to grandfathering in those States that already had the utilization of Internet taxation, such as my State of Texas.

We know that this will take a long debate on this question. We understand that there are issues on both sides. Those who are in the Internet superhighway, who want a free flowing of information and ability to buy and sell, that is a reasonable request.

But we also know that more and more Americans will be moving toward Internet shopping and utilization, and for many local jurisdictions and States, this is a source of income that is well needed for health care and education.

I support the Internet resolution that passed today, and I am grateful for the grandfathering of the State of Texas.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Mr. BISHOP of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3547.

The SPEAKER pro tempore (Mr. MCNERNEY). Is there objection to the request of the gentleman from Georgia?

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## PRESIDENT BUSH'S SUPPLEMENTAL $200 BILLION REQUEST IS A STEP IN THE WRONG DIRECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, on Monday, October 22, 2007, President Bush requested an additional $46 billion for U.S. operations in Iraq and Afghanistan. This is on top of the original $150.5 billion requested at the beginning of Fiscal Year 2008, bringing the total amount requested to $196.4 billion, more than 10 times the original 50 to $60 billion cost estimated by the White House in 2002.

A Congressional Budget Office, CBO, estimate that was released on October 24 determined that the wars in Iraq and Afghanistan could cost more than $2.4 trillion, amounting to nearly $8,000 for every American through the next decade. Notably, the war in Iraq accounts for about 70 percent of the $2.4 trillion cost estimate.

Meanwhile, the administration is satisfied with continuing our military operations in Iraq, functioning on borrowed time and largely borrowed money. The result is a limited budget to advance our priorities at home, like aiding the increasingly unstable real estate market and providing adequate health care for our children.

Mr. Speaker, the war in Iraq continues to be mismanaged. As a senior member of the Oversight and Government Reform Committee, I received testimony from Secretary Rice on October 25 regarding corruption in Iraq, private contractors and the U.S. Embassy in Baghdad. Unfortunately, I must say that I walked away with very few answers.

There were very few, if any answers at all, for why President Maliki issued an executive order to stay the corruption investigation of his cousin, the Minister of Transportation.

There was no answer for why individuals in Secretary Rice's own department, such as Stuart Bowen, the Special Inspector General for Iraq Reconstruction, have described U.S. anticorruption programs as lacking a strategic plan and corruption levels amounting to a "secondary insurgency" that threatens to undermine U.S. and Iraqi efforts to build a stable democracy.

There was no answer for why, according to a recent Government Accountability Office report, the United States Embassy in Baghdad, "does not have a firm plan or strategy for addressing the next steps in the development of the system," despite the substantial U.S. investment.

There was no answer for why Secretary Rice has permitted contractors in Iraq, such as Blackwater, to escape justice for crimes they have allegedly committed, blaming it on simply a hole in the United States law, while providing them with the stamp of impunity.

And finally, Mr. Speaker, Secretary Rice provided us with no answer for why, despite the United States spending over $300 million in taxpayer dollars during the course of 2 years to improve the capacity of Iraq's ministries. And with $255 million more sought for next year, progress has been stalled, not only by poor security, but also by pervasive corruption, a shortage of competent personnel and sectarian and political control of appointments.

Yet, despite all of these shortcomings, despite State Department's lack of ability to forestall corruption in the Iraqi Government, despite its mismanagement of paramilitary contractors, and despite the President's overall failed policy in Iraq, the President has come to Congress once again in the 11th hour requesting billions of dollars more in funding for the wars both in Iraq and Afghanistan.

Mr. Speaker, under the presentment clause of the United States Constitution, Congress, having the power of the purse, has the responsibility to execute fiscal constraint and fully investigate such war funding requests, not to act with a rubber stamp, especially when the President refuses to provide adequate health care funding for our Nation's neediest children.

Therefore, as we consider the President's war budget request, we must listen to the overwhelming majority of the American people and challenge President Bush to shift from failed policies in Iraq to a strategy that is fundamentally diplomatic and weighs heavily on the assistance of the international community. We owe this to over 3,800 brave soldiers who have lost their lives in Iraq to date. We also owe this to our hardworking constituents whose tax dollars have in part continued to fund the war in Iraq.

□ 1715

## 2007 COMMEMORATIVE COINS: LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION AND JAMESTOWN 400TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, passion for collecting things as children is something that we have all gone through. Each of us has perhaps collected coins or stamps. Not everyone collects stamps, not everyone collects coins, not everyone collects insects; but all of us appreciate the value of courage. And I rise tonight, Mr. Speaker, to talk about a coin that is now available for sale on the usmint.gov Web site, the commemorative coin honoring the bravery and courage and great public service of the Little Rock Nine, the nine African American students that desegregated Little Rock Central High School in 1957. This year is the 50th anniversary of their service.

This side of the coin depicts a group of school children going to school with no other purpose than to get educated and act like kids. We sometimes forget that the Little Rock Nine 50 years ago were kids. They were children, demonstrating great bravery in trying to overcome the obstacles imposed by adults. And the coin on this side says "Liberty." The nine stars are to represent the Little Rock Nine. And it says: "Desegregation in Education, 2007, In God We Trust."

The reverse side of this coin, it is a $1 coin, depicts Little Rock Central High School itself. It is still considered one of the Nation's most beautiful high schools.

As you know, Mr. Speaker, each year the Congress may authorize two commemorative coins. One of the coins that we authorize for sale during calendar year 2007 is this coin honoring the 50th anniversary of the desegregation of Little Rock Central High School. The other one was by the late Representative Jo Ann Davis of Virginia honoring the 400th anniversary of the founding of Jamestown, our beloved colleague Jo Ann Davis, who recently passed away. Both coins tell a wonderful story.

I encourage the Members and encourage the public to go to the usmint.gov Web site and consider purchasing these coins as holiday presents, as a way to pass on the legacy of the story of the bravery of these nine students desegregating Little Rock Central High School.

One of the reasons I am interested in these coins being purchased at the usmint.gov Web site is because $10 of every coin purchased goes to support telling that story of Little Rock Central High School. It is now a national historic site. The school is still functioning, one of the great robust high schools in Arkansas. There is a national park visitors center there. The gas station that was there in 1957 has been restored across the street. So many ways to this story, but they can always use more money. There have been about 160,000 or so of these coins sold, and $10 of every coin goes to help tell this story.

And this is a beautiful coin. When you see the coin itself, it's just exquisite in the detail. It is a silver dollar and they make wonderful presents. But, more importantly, they make a wonderful way of telling the legacy and telling the story of the bravery and courage of these nine children that are now adults, in their 60s, who overcame the prejudices that involved segregation of schools in 1957.

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## THE MAN CALLED BILLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MEEKS) is recognized for 5 minutes.

Mr. MEEKS of New York. Mr. Speaker, it is with a sad heart that I address the House of Representatives this evening.

My cousin, the Reverend Willie "Billy" Boulware, was born on August 4, 1938, to the late Roscoe Meeks and Thomasina Boulware. He passed just yesterday.

Billy always knew he was loved. His growing years were strengthened by close knit families and communities. And so when it came time for him to go to high school, a place where many come into themselves, Billy was already poised to lead.

He attended Emmett Scott High School where he briefly played football, but found a zone of his own when he joined the school band. It was there that he gained an increased level of education and friends worth fighting for.

Reverend Boulware was a son of the South, and Billy knew of the inequities that existed but refused to allow the anger and disappointment that overtook some to become the fabric of his being. Instead, he clung to the lessons learned at home, the wonder of educating himself, the promise he saw in his friends, the people living lives of purpose, and of a love of life's journeys.

Billy attended Friendship Junior College and later Benedict College, where he received his bachelor of arts degree, then Winthrop College, where he got his master's. Later he would gain a master of divinity and doctorate of divinity from Mid-Atlantic Seminary.

A desire to learn and the warmth and smile that greeted everyone he met were Billy's hallmarks and trademarks. When you met Billy Boulware, you knew instantly there was nothing to fear. His welcoming spirit enveloped a room. Perhaps that's why he became a director of a Head Start program, an initiative that seeks to provide children good beginnings, or why he was chosen to direct an alternative high school in Rock Hill, a place where the young are sent in the hopes that they might be reshaped, redirected, and shown their promise.

And ever the student, my cousin Billy was also an assistant principal at Castle Heights Middle School, demonstrating by example of his own life that it's not necessarily the position you are in, but the character that lives inside the person holding whatever position.

Later Rev. Boulware held positions of commissioner of mental health, director of the York County Planning Commission, head of the Board of Elections for York County, hearing officer for the Rock Hill Hearing District, and a York County judge. Billy knew he couldn't guarantee things, but he knew he could play a part in the administration of justice. Time and again Billy chose to serve the people of his community. And all the while he maintained his interest in education sitting as a member of the board for Morris College.

There was no question that Billy knew love both at home and through the Holy Spirit. So it was really a continuation of his life's journey when he assumed the pastoral duties at Mount Olive Baptist Church. His love of God and his desire to live a committed life, buttressed by the love of his wife, Barbara, his love and partner for 45 years, made it possible for him to pastor for those 35 years.

Even as Billy Boulware made himself available to his church family, he chaired the Board of Trustees of Friendship College. He supported his wife's dreams and encouraged his son, Wendell, through his medical degree. He told his little girl, Dietra, that she was born to be more as he encouraged her dream of working in the financial services industry. And when his daily guidance was no longer required, he placed himself wherever his children asked that he be.

Some might have viewed Billy as being saddled with much too much; but as I remember his ever-present smile, the enthusiasm you could hear in his voice, and the laughter that came from him when he spoke of a trip just taken with Barbara to visit his grandchildren or hearing him speak passionately of why grandparents matter in children's lives, I know Billy Boulware was "saddled" with nothing but the heart of love.

Billy was a man among men. He was a giant to his Barbara, Wendell, and Dietra, and to the rest of his family as well. He cared for his uncles, his aunts, his cousins, and would do anything he could to ensure all thrived. Billy's presence made you smile, and his laughter made you warm. His surefootedness made you steadier, and the pride he expressed in me called me to work deliberately and with greater purpose.

This world has lost a great somebody in the being that was Billy Boulware. But there is no question in my mind that on October 29, 2007, the day Billy went home to his Father, there was great fanfare. He was greeted with the words, "Well done my good and faithful servant, well done!"

The greatest part of Billy Boulware still lives in all the persons whose lives he changed, and all the lives they changed, and the greater sense of humanity that exists because Billy lived. Until we meet again, let this CONGRESSIONAL RECORD stand as testimony that Billy Boulware was a great and faithful servant of God. Billy didn't just up space, he made a way for some, and broadened the horizon for many many more!!!!

□ 1730

## TREASURY SECRETARY PAULSON AND THE SUBPRIME MARKET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, there was an article recently in Information Clearing House urging our country's leaders to exhibit leadership in these times of economic crisis. And it was such a compelling article, I wanted to read part of it into the RECORD tonight.

It talks about some of the recent bloodbaths that we have seen on Wall Street that prove the trouble in our credit markets have not been relieved by the Fed's rate cuts. The Dow Jones slipped 367 points on the 20th anniversary of Black Monday, the stock market's biggest 1-day loss in history. And in the past week or so, Asian markets have plunged. Stocks are down sharply in Japan, Australia, Hong Kong, Indonesia, the Philippines, Taiwan, and South Korea. And there are ongoing problems being caused by what is happening in our subprime housing lending market.

"The sudden downturn in our stock market has provided a fitting backdrop for Treasury Secretary Paulson's appearance at the G–7 meetings here in Washington. Paulson has largely shrugged off the decline in housing and the growing volatility in the equities markets.

"What everyone at the meetings really wanted to know was why the United States destabilized the global economic system by selling hundreds of billions of dollars of worthless mortgage-backed securities to banks and pension funds around the world. "Aren't there any regulations in the United States," they asked? "And how is Paulson going to make amends to the institutions and investors who lost their shirts in this massive mortgage scheme?" Unfortunately, the Treasury Secretary didn't address any of these questions. He offered no recommendations for fixing the problem. Indeed, I can tell you the Treasury Department isn't even offering public television ads and commercial ads in communities like my own that are suffering under the weight of these rising foreclosures.

Last month's net foreign influx of capital shows how quickly capital can evaporate when other countries lose confidence in us. In fact, foreign investors pulled $163 billion out of U.S. securities and treasuries in August alone. Net capital inflows into our country have turned negative. And that's money that won't be returning to the United States until we get our act together.

This multitrillion-dollar subprime swindle was the greatest financial fraud in history. But Paulson and his colleagues at the Fed continue to blame everyone else. No one in China or Iran could have cooked up this structured finance rip-off which sent millions of homeowners into foreclosure, shattered 160 mortgage lenders, and undermined the global banking system. That was the work of Wall Street and their accomplices at the Fed.

Another article appeared in the New York Times by economics reporter Gretchen Morgenson. She calls her article, "Get Ready for the Big Squeeze." And she says, "Anyone who thinks we've hit bottom in the increasingly scary lending world is paying little mind to the remarkably low levels of reserves that the big banks have set aside for themselves for loan losses. And who let that happen? Part of the problem for banks is the result of an almost two-decade drop in loan loss reserves." That's the fault of this Congress, it's the fault of the Treasury, and the fault of the Federal Reserve.

The present gang of Wall Street warlords have transformed the world's most transparent and resilient market, our own, into an opaque galaxy of complex dead instruments and shady, off-balance sheet operations. It's no better than a carnival shell game.

As the banks continue to get rocked from explosions in the housing industry, the unwinding derivatives and carry trades will precipitate a mass exodus from the equities markets. And we know that with surging oil and food prices, it's bearing down heavily on the American people as their discretionary income vanishes from increasing inflation and shrinking home equity. Wages have remained stagnant while personal savings have fallen to negative levels.

The aftershock from Alan Greenspan's cheap credit policies will be felt for decades. Record trade imbalances give further evidence of our situation. And no country has ever devalued its way to prosperity. As our dollar falls globally, destroying the dollar will ultimately destroy our country. And it will destroy the value of savings, for those people in this country that do have savings. It will destroy the value of equity they've built up in their homes. It will destroy the value of equities of this country.

Global credit markets are now facing unprecedented disruptions due to the mortgage-derivatives fraud which originated here in this country before spreading across the world; $400 billion in asset-backed commercial paper has failed to roll over, and the story is not over yet.

Mr. Speaker, leadership is critical in times of economic crisis. Yet this Congress seems to be tiptoeing around the magnitude of what is facing the people of this country. This isn't time for prevarication, obfuscation, or public relations gimmicks by the Secretary of Treasury or the Fed. We need leaders who will tell the truth and forestall the growing probability of social disorder.

I commend this article to my colleagues and to the American people.

## SCHIP

The SPEAKER pro tempore (Mr. MCNERNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHADEGG. I want to take this opportunity tonight to discuss one of the hottest topics here in Washington, a topic that has occupied much of our time. It's been an issue on which we have debated and discussed extensively. And I think that's been good for the American people because it has enabled them to learn what they didn't know to begin with.

The topic I want to discuss is the proposed expansion of the State Children's Health Insurance Program, what you have commonly heard referred to as SCHIP. That's a program that was created a number of years ago, and the President has put on the table some parameters about how to renew the program, but the Democrats have decided, no, we need to dramatically expand the program. And I think it's important to discuss these issues and for the American people to understand what is involved.

But on this one, I think it's more important than usual. And I think a way to illustrate that is that very recently a Republican colleague of mine was stopped by a reporter here on Capitol Hill. The reporter said to him, hey, how can Republicans possibly vote against the State Children's Health Insurance Program? And the reporter was incredulous at this thought, given that it's a health insurance for children and that its title said it's the State Children's Health Insurance Program, how is it the Republicans thought they could vote against a bill with that title? Well, fortunately, my colleague, who was quick of mind, said, I think a better question is, how could any Member of Congress vote for a bill based solely on its title? And, in fact, that's what the Democrats are urging us to do, vote for this dramatic expansion of this health care program just because its title indicates it's for children.

And in reality, you begin to take apart the various levels of the onion, the layers of the onion and examine the program and you discover, well, it's supposed to be an insurance plan for poor, uninsured children; and yet, if you examine it, you discover that it's not for poor or even near-poor, it's not for uninsured and, in fact, it's not even for children, a rather stunning provision. You discover that it's actually for middle- to upper middle-income Americans, some of whose families make more than $60,000 a year, and in some States their families make more than $80,000 a year. That's hardly anybody's definition of poor.

So, if it's not for poor children, then one would think, well, it's supposed to be for uninsured children. And yet, you discover, no, as a matter of fact, 61 percent of the children who originally became eligible for this program already had insurance. So, the program hasn't really been to help uninsured children, at least not initially, 61 percent of the children who are eligible already had private insurance, and they dropped that insurance to go on this government program.

Well, then you look at the CBO score of the current Democrat bill. And we ought to talk about how many times they've brought this up and the President has vetoed it, and I know there are some of my colleagues here who will discuss that, but the Congressional Budget Office scored the current proposal that's before us, and CBO said that one out of every two children who become eligible under the new bill, under the bill that Democrats would have before us now, one out of every two will already have private health insurance. One out of two new children who become eligible for this program will already have private insurance. And if they decide to drop that private insurance and go on the SCHIP program, this Cuban-style, government-run program, well, half of those people will have already had private insurance and they will drop that insurance.

That opens the door for a discussion, I think, about the fact that, and CBO estimates 2 million; if 2 million kids in America who have private insurance drop their private insurance to go on this new expanded government program, the cost of that private insurance for everyone else will go up. So, let's see: It's not for poor or near-poor; it's not for the uninsured. Surely, this program must be for children because, after all, the Democrats are saying nobody can vote against a bill that's called the State Children's Health Insurance Program, but.

Voila, you discover, no, it's not just for children. As a matter of fact, there are a number of States where there are more adults on the State Children's Health Insurance Program than there are children on the program. As a matter of fact, I think in Wisconsin, it's 61 percent of the money is spent, not on children, 61 percent of the SCHIP money, State Children's Health Insurance Program money, 61 percent is spent on adults. I believe in Minnesota it's 75 percent of the money for the State Children's Health Insurance Program is spent on adults.

I looked at my own State. I thought, you know, I'm in Arizona, I'm interested in what's going on in Arizona. Kind of a shocking fact I discovered, and that is, Arizona had, at one point in time, put 110,000 adults on the program, but, and listen to this one, this is the State Children's Health Insurance Program, they put 110,000 adults on the program, and 85,000 of those adults were childless. They didn't even have a child.

Now, unfortunately, there is no such thing as truth in legislating, so it's okay to label a bill the State Children's Health Insurance Program and have it intend to cover poor and near-poor uninsured children, and then to dig into the weeds of the bill and read and discover, well, it's really not for poor and near-poor, it's for upper- and upper middle-income Americans. It's not for the uninsured, at least in several States, more than half are already uninsured. It's not even for children. It's for adults. And I think many Americans know that the President vetoed this bill. And then the majority party, the Democrats, decided to put off the override vote. And their thought was, well, we will put off the override vote and put these Congressmen under pressure to try to force them to vote for the State Children's Health Insurance Program and override the President's veto. Well, when the truth is on your side, when the facts actually help you, when the facts point out that the program isn't what its title says it is, it isn't really the State's Children's Health Insurance Program for poor and near-poor children who are uninsured, it actually covers middle-income kids and not-poor kids, it covers kids that are already insured and causes them to drop their private insurance, and it covers adults, the delay didn't help, and the delay caused more Americans to learn about the bill.

But last week, on the last day we were here, once again the Democrat Party tried to stuff through a bill, without making any real changes to it, that had all these same flaws to it. And so, I thought it was important that we should come to the floor and talk about those issues. But there are actually more. I want to talk about the funding source. Because as challenging and as, in fact, untrue as the claims are about the bill covering poor children or uninsured children or even children, it turns out the funding mechanism is a scam as well. Actually, it's got all kinds of budget gimmicks in it, and it relies on certain things that simply will not come true and wouldn't be good policy if they did to fund it.

But before we move on to the funding issues in this bill, which I think is important for the American people to know about, I would like to give some of my colleagues here on the floor a chance to talk about their view of the bill, why we do support health care for poor and near-poor children, we do support health care for uninsured children, we just don't want to do it for middle-income Americans. We don't want to do it for those who already have insurance. As a matter of fact, I've had a bill that I've introduced in this Congress every year for the last 10 years to give a refundable tax credit to every single American who can't afford health insurance and let them buy their own coverage. So, I support dealing with these kids who need care, but not in a way that deceives the public about what we're doing.

I would be happy to yield to my colleague to give us her perspective on this important piece of legislation and help, perhaps, educate the American people about what this debate is and why we have the concerns we have about the bill.

Mrs. BLACKBURN. I thank the gentleman from Arizona for yielding.

Mr. Speaker, I am so pleased to be able to stand here and talk for a few moments about the SCHIP proposals, or I should say the health care proposal, the expansion of health care that has been brought under the name of SCHIP. It is, indeed, unfortunate that a fine program that is there to help underprivileged children has been hijacked, if you will. And on its back, on the backs of our Nation's children, on the backs of the children of the working poor has been placed this expansion of health care. It truly shows a level of disrespect toward the children of this country.

I appreciate the leadership that the gentleman from Arizona shows, not only on this issue, but the leadership he brings to our Republican Study Committee. And those of us who are speaking on the issue tonight are members of the Republican Study Committee.

Mr. Speaker, on the topic of this SCHIP, you know, one of the things that the American people said was, we want to change the way things are being done in Washington. We want smaller government, we want government to spend less money. So, we saw some changes take place last November. And the new majority went into control in January and they've authorized nearly $1 trillion in new spending since the time that they took over. And, of course, we are hearing that there are tax increases. One of the chairmen of Ways and Means calls it the "mother of all tax increases." I take a little bit of offense to that, being female. And also, when you talk about the mother of something, you worry about what the offspring are going to look like, Mr. Speaker. And so we are worried about what that tax bill will look like.

But on SCHIP, as I said, unfortunately for America's children, the liberal leadership of this House decided that they were going to put on their back the burden of carrying this enormous expansion of health care and changing a block grant program into an entitlement. That's not the kind of change the American people voted for. Just like the American people didn't vote to have the single largest tax increase in history take place.

Now, one of the interesting things about all of this is the SCHIP proposals that have come out include allowing illegal immigrants to get health care. And I know we hear from the majority, oh, that's not going to happen. We have eligibility requirements. But, Mr. Speaker, I would direct my colleagues to either section 211 or section 605 of the bill where it plainly states, and you can read it for yourself, anyone watching could read that for themselves. They can look up H.R. 3963 or H.R. 976 and see what is contained in that bill.

□ 1745

We know that this would result in $3.7 billion in new spending over a 10-year period of time if the new liberal majority had its way. You can go into the allocation section, section 102 of the bill, and you can look at what is going to take place when you get mid-year 2012. Do you know what happens, Mr. Speaker? All of a sudden, no money. So what are you going to do, throw 80 percent of the people off the bill? We all know that is not going to happen.

But, Mr. Speaker, my question is why would anybody support a bill, support a program, that they are setting up to fail. Why would they have that level of disrespect for this program, that they would pass legislation that would plan for it to fail. Then, as my colleague has said, we have the problems with spending more, insuring less children, and not making available to the children truly that are eligible for the program the opportunity to have that access to affordable health care.

We could go on and on with the problems with this bill. I just find it so unfortunate that in this day and in this age that we would have the new majority and the new leadership take a block grant program that is working well, that the States like and change it to an entitlement program that is put on auto pilot when we know some of the greatest pressures we have on our budgeting process are on our entitlement spending.

I thank the gentleman from Arizona for yielding. I appreciate his leadership on the health care issues. I appreciate his concern for how our constituents continue to access health care in this country.

Mr. SHADEGG. Reclaiming my time, I would like to just bring out a couple of the points that the gentlewoman from Tennessee mentioned and drive them home a little bit. I think the key one you mentioned was coverage of illegal aliens. As I understand it, the way the bill is written, it, in fact, appears to prohibit illegal aliens from being covered under the bill, but the authors of the bill have conscientiously, intentionally chosen vague language that would require virtually no proof of citizenship. Is that not correct? Would you explain that?

Mrs. BLACKBURN. Yes. If the gentleman will yield, and indeed that is correct. What you see is a play on words and how unfortunate that we have this disingenuous approach to this issue, have a play on words with the eligibility requirements and allowing, putting something in words and then allowing a loophole. As I said, the two sections, sections 211 and 605, with that we can look at the income disregards.

Now, Mr. Speaker, how many people have ever said let's have the income disregards when they are trying to decide who goes on to a program? Well, I had one of my constituents in my district come up, and they said, Tell me what is an income disregard? I said, Do you know what, an income disregard is when you do not consider the income. And they said, How can that be for the sake of considering SCHIP which is to be for children of the working poor? And I said, Because you don't want the income to matter. And if you don't want the income to matter and you want to make it available to what the IRS calls "high-income earners," you establish that doubletalk with income disregards.

Mr. SHADEGG. Income disregards is a perfect segue to what I want to talk about in this bill, and it stuns me, and I know that the authors of the bill have been confronted, and they have been asked to change the language to make it clear that this coverage would not go to illegal aliens. They have rejected that. They use the term "income disregard." What the heck is an income disregard? People in my congressional district certainly don't know what it is. But it is game-playing.

This is one I love. And you used the phrase, why would anyone write a bill and have it intentionally designed to fail; have it through kind of shifty means, through kind of squeaky wording, through provisions that you know won't hold up, have the program designed to fail. I think you are referring to one part of the bill that I find fascinating, and that is here as demonstrated on this graph.

It turns out that for the first 5 years of this program in the bill the majority has put together, the Democrats' bill, they provide the funding for the program, for this new expanded SCHIP program. But we fund our bills over 10 years. It turns out that because of their rules on budgeting that they have to cut off funding, and in year 5, actually 6 months into year 5, 80 percent of the funding for the entire program goes away. It is kind of like Lucy and the football. They say, Well, we will fund it for 5 years, and then we are going to take 80 percent of the funding away in year 5, and that way we will trick people and make it appear that we have the money to fund the program.

But that is not even quite as fascinating as one of the points I really want to bring out tonight in this debate, and that is, one of the funding mechanisms of the bill is a 61 cent per-pack increase in the cigarette tax. Now, you might say, Look, smoking is bad for people. Smoking is a habit we should discourage. So I am all for increasing the tax on cigarettes. I wouldn't have an argument with that.

But here is the problem, and this is where we go to terms like "income disregard" and, actually, not honestly confronting the funding of the bill. It turns out that for this 61 cent income, or cigarette tax, to be sufficient to fund the bill, more people than currently smoke would have to take up the habit. As a matter of fact, the official estimates are that to pay for the bill with a cigarette tax increase that is in it, a staggering 22 million Americans will need to take up smoking.

Now, I thought, how can a graph demonstrate 22 additional million Americans starting smoking? So I had my staff get 22 cartons of cigarettes. Here they are. We have got all 22 stacked here. I would like to have them out there where you can see them. There are 22 cartons of cigarettes here. And each carton represents an additional 1 million nonsmokers in this country who, to fund this bill if you leave it funded with the Democrat 61 cent per-pack cigarette tax, will have to start smoking.

Now, maybe proponents of this bill think that having 1 million people for every one of these 22 cartons of cigarettes take up the habit and pay their tax is a good idea. I happen to not think it is a good idea.

Mr. Speaker, for anybody who just tuned in, I want to tell them where we are. We are discussing the proposed expansion of the SCHIP program, a program that many of us are concerned is a bill that we will be forced to vote for because of its title. It is supposed to be a health care bill that provides health care to poor uninsured children. And it turns out that it provides health care not to poor children but to middle- and upper-income children whose families are making 60 to $80,000 a year, in some instances more. It turns out to cover not just uninsured children, but 61 percent of the people originally covered already had insurance, and that would displace them, causing the cost of private insurance for the rest of us to go up.

It turns out it was supposed to be for children, and it is not actually for children. In some States, in Minnesota and Wisconsin, there are more adults covered than children and more money is spent on adults.

Then the final point I was just making, and I don't know, I hope the camera will get the cigarette cartons stacked in front of me, but one of the funding mechanisms in the bill is an increase in the cigarette tax. You might think that an increase in the cigarette tax is a good idea. But unfortunately it doesn't do the trick because the proposed increase in the cigarette tax of 62 cents a pack, it turns out, will only work, it will only provide enough money to pay for the program called for in the bill if an additional 22 million, staggering, 22 million Americans take up smoking and pay the tax.

So I thought to graphically illustrate that, I would get my staff to go out and acquire 22 cartons of cigarettes. Well, we couldn't afford the 22 cartons of cigarettes so we just got the outside of the cartons. But here they are stacked in front of me. You might say, Why are those cartons of cigarettes stacked in front of him? What's the big deal there? Doesn't he like cigarette taxes? That is not the issue. The issue is if each one of those cartons of cigarettes in front of me represents a million people in America who don't smoke today, a million Americans who don't smoke today, who, in order to fund this bill and have enough money coming in based on their cigarette tax, will have to start smoking in order to pay for the bill? Maybe somebody thinks that is good policy. Maybe somebody thinks we ought to be encouraging people to take up smoking and pay the 61 cent tax. I know my colleagues in Congress who are doctors probably don't think that is a great idea.

I do have my colleague from Georgia here, Mr. WESTMORELAND. I would be happy to let him give his comments on the idea of 22 million new people starting smoking to pay for this bill that really isn't for uninsured poor children.

Mr. WESTMORELAND. I appreciate the gentleman yielding. To get 22 million people to smoke, I don't know how much money we will have to appropriate to a "get smoking campaign." We have been spending millions and millions of dollars, as the gentleman from Arizona knows, trying to get people to recognize the health effects of cigarette smoking and to quit. So I think for the Democrats to have this proposal, and I understood the gentleman from Arizona to say, too, that not only is the 61 cent cigarette tax misleading that it would fund the program, that they have a cliff that this program falls off of after 5 years and 6 months.

We have got the chart right here that shows that this is really more smoke and mirrors trying to get around the PAYGO in the fact that this is fully funded for the first 5 years and 6 months, and then after that, it drops off about 80 percent. And you can see over here the red line goes down.

Now, anybody who believes that we should let these families get on this health insurance program and then pull the rug out from under them is not fair. In fact, what has happened, when this program was first initiated under Republican control in 1997, there was a need there to help people who made 200 percent or less of the poverty level, and that is about $42,000. So we said, If your children are uninsured, we have got a program that can help you. And we let the States administer it.

There are over, I believe the gentleman from Arizona, I don't know if you quoted this or not, but I think there is probably close to between a half million and a million children in the United States today that were eligible and had not been insured yet by these States.

Mr. SHADEGG. Reclaiming my time, that is absolutely correct. One of the objections that those of us who think this is not a well-written piece of legislation, we support the policy. We are all in favor of taking care of poor children and ensuring that they have health care coverage. Indeed, as I mentioned earlier, I have introduced a bill every year for the last 10 to provide a refundable tax credit to those children. But one of the things that we object to is the program currently covers adults and in several States there are more adults on the program than children; and yet as the gentleman from Georgia pointed out, there are millions of children who are, in fact, poor and who are, in fact, eligible to participate in this program who aren't currently participating.

One of the amendments that we have suggested, but have never been allowed to offer on the floor because we have never been allowed to offer an amendment on the floor, would be an amendment that says, You can cover people at a higher level of poverty, you can go on up the income scale, after you have covered the poorest American children. The President has proposed that, as well.

Mr. WESTMORELAND. That's right. That is a great point. The Republican Congress, in 1997, when they came up with this program, and they funded this program, it was a block grant to the States. And they thought that the States would be there looking after these children that belonged to families under the 200 percent poverty level that didn't have health insurance to give them some affordable, or at least some, health care. But what happened is these States didn't work hard enough to go out looking for these children, so they said, Look, we'll insure adults.

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Then you learn from your mistakes. This program has been going on 10 years, and I think the President and the administration saw some of the errors that were in this program and tried to correct them and want to correct them in a new bill.

What it would do is say, look, all the States are going to be at a 200 percent poverty level. What has happened is States such as New Jersey and others have gone in and gotten waivers to go up to 300 and 400 percent, and that has caused a disbalance in some States that have taken their block grant, that have insured the children, spent the money wisely, and then others that have taken advantage of the system.

Mr. SHADEGG. Mr. Speaker, reclaiming my time briefly, when we talk about 300 percent of the Federal poverty level or 400 percent of the Federal poverty level, the abuse of the program, can the gentleman tell us about how much money that means?

We say this program is not directed just at poor or even, I like to say, nearly poor children. Poor children are supposed to be taken care of by Medicare. This is supposed to be for the near-poor.

Mr. WESTMORELAND. Mr. Speaker, I thank the gentleman for yielding, but let me put this in terms we can all understand. Two hundred percent of poverty is $42,000, 300 percent is $63,000, 400 percent is approximately $84,000.

Mr. SHADEGG. There are some people on the program at that high a level.

Mr. WESTMORELAND. There are some people on the program at 400 percent.

Mr. SHADEGG. Eighty thousand dollars-plus.

Mr. WESTMORELAND. Eighty thousand dollars-plus. To me, this program was intended for those poor children that were in a situation with a family of four making $42,000 that could not afford the health insurance, so the government stepped in and said we are going to help you out.

We as Republicans want to see these children insured. We don't want to see the program being abused as is being done now. So I think that is the point that is so hard to get back to, is the point that we want to do this. The President has increased the funding.

But, you know what? It is one of those things that I think the gentleman from Arizona said this in his opening comments, the name of the bill sounds so good. There are a lot of smart people up here that make these pieces of legislation have great names, that you just feel like I can't vote against this because of what it is named.

This bill's original intent was to help the children in families of four that makes less than $42,000. We are now trying to make it now where families that make up to $84,000 can taken their children off of private insurance and immediately put them on this government program.

Let me say this: I think this is the first step to national health care. I don't know that that has been brought out enough. But if you go back and look at the national health care program that the Clinton administration brought up in 1993, if you look at what one of the Presidential candidates said, if we can't get the whole enchilada, let's try to do the kids first. This is going back to that.

Mr. SHADEGG. Mr. Speaker, reclaiming my time for a moment, I think it is kind of sad to take a children's bill, a bill that says this is a health care bill for poor, uninsured children, and exploit it. I would be happy to have a debate about how more Americans can get help getting health insurance. As I said, I have had a refundable tax credit to do that. But to try to pass a bill based on its title, and like this reporter says, how can Republicans possibly vote against a bill called the State Children's Health Insurance Program? You can't possibly vote against that.

Well, fortunately, democracy allows us to get into an open debate and say wait a minute. If it really were a bill focused on poor or even near-poor children who are uninsured, we might have a program we could support. But it turns out it is not for the poor or the near-poor, it is not for the uninsured, because more than half already have insurance, and then you discover it's not even for children; it is for adults.

Mr. WESTMORELAND. Let me bring up one point that you mentioned. Open debate. Wouldn't that be a novelty here in this House? It would be nice to offer an amendment, to be able to open the debate. And the fact that the negotiations on this bill has gone on between Democratic House Members and Republican Senate Members. They have not even opened up a dialogue with the chairmen of Energy and Commerce or of Ways and Means to look at pay-fors for this bill.

Mr. SHADEGG. They don't want to talk about it; they just want to peel a few Members off.

I see that we have been joined by one of your colleagues from Georgia, a medical doctor, Dr. GINGREY. I have been railing against this bill, as you heard me a few moments ago. I have been saying that I find it stunning that the pay-for in this bill contemplates an additional 22 million people who are nonsmokers today needing to take up the smoking habit so they can pay the 61-cent per pack tax in order to have enough money to pay for the bill.

So I did this graphic. I created all these cartons. There are 22 cigarette cartons sitting in front of me, representing 22 million, a million for each carton, new Americans who don't smoke now who would have to take up the habit to pay for the bill.

I think that is a little deceitful. I certainly can't believe that the proponents of this bill would walk down here and say they think it is a great idea to have 22 nonsmokers in America start the habit.

But as a medical doctor, I would sure be interested in your opinion on that issue, or any other comments you have on some of the details on this bill that are important for the American people to know.

Mr. GINGREY. Mr. Speaker, I certainly thank the gentleman from Arizona, a member of the Energy and Commerce Committee. We heard, Mr. Speaker, earlier from Mrs. BLACKBURN, also a member of the House Energy and Commerce Committee. These Members are on the Committee of Jurisdiction from whence the bill came.

Unfortunately, their only input into this CHAMP legislation, as the Democrats originally phrased it in their acronym, their only opportunity, the Republican members of the Energy and Commerce Committee, is to be here on the floor during this Special Order hour to try to educate Members on both sides of the aisle. The gentleman from Arizona has been on the committee for a number of years, and he knows of what he speaks.

Mr. Speaker, talking about this issue of the pay-for, now, the PAYGO idea was the Democrat's campaign pledge, that if they had a new program or they expanded an existing program, and this is an expansion of an existing program, that they would pay for it. They would pay for it by either cutting spending somewhere else or raising taxes.

So this is one of those programs. This is a renewal of a program that has worked very well. It needs some additional funding. I don't think any of us would argue about that. Republicans, as well as Democrats, can support a reasonable renewal and expansion of the Children's Health Insurance Program.

But this is such a massive expansion that the Democrats found themselves in a bind. Mr. Speaker, to this day, they find themselves in a bind, and the bind is they are trying to pay for this with a massive increase, a tax increase, sin tax, if you will, on tobacco, especially cigarettes at 61 cents a pack.

As the gentleman from Arizona pointed out and as my colleague the gentleman from Georgia, Mr. WESTMORELAND, it would require 22 million additional people, grandparents, parents, and, yes, indeed, even the children, to start smoking, to pick up the smoking habit.

Mr. Speaker, I delivered 5,200 babies over a 31-year career as an OB/GYN physician, and I would hate to think that some of those kids who are in their late teens or early twenties now, would have to be puffing away so they could pay for a health insurance program for their little brothers and sisters. Now, that makes a whole lot of sense, doesn't it?

Mr. SHADEGG. If the gentleman would yield back briefly, and I would like him to continue making that point, I have a hunch there are voters out there, people out there across America, people listening to this saying, no, it can't really be true. It couldn't really be true that the SCHIP covers people who are already insured. It couldn't really be true that the SCHIP program that is supposed to be for poor Americans covers kids in families that make $80,000 a year. It couldn't really be true that the Children's Health Care Program in many States covers more adults than children. Those things couldn't be true, but in fact they are.

This chart illustrates the point you were just referring to, and I thought it might be a good graphic for your remarks. This is the number of new smokers needed to provide tobacco tax revenues for the SCHIP bill. As the bill has been written and been voted here on the floor two times now, and as the President vetoed it, this chart shows that this many new Americans, this many new nonsmokers, going up to 22.4 million nonsmokers, to fund the bill by this revenue stream at least, will have to start smoking.

I just find so many aspects of this bill just stunning and unbelievable. But there is one; 22.4 million new smokers will need to take up the habit and pay the tax in order to have the revenues that the Democrats project will be needed for this new SCHIP bill.

Mr. GINGREY. If the gentleman will yield back, in his chart, my colleagues, it is so telling, because as it points out, this is over a 10-year period, up to 2017, but yet this program, all of a sudden they let it fall off the cliff.

The other chart there in front of my colleague from Texas, if you pay attention to that, again, the cigarette tax continues over the next 5 years, and all of a sudden they slash the funding for SCHIP so that the numbers work.

Because even with the cigarette tax, enticing 22 million additional people to get addicted to tobacco over that period of time, it still falls short of funding the full program by $40 billion. So that is why they say at the end of 5 years, around 2012, all of a sudden there is no money. There is not sufficient money. Even though our young people are addicted to cigarettes, puffing away, trying to pay for the program, it doesn't pay for it. So they use this trick, Mr. Speaker, and I think that is really deplorable.

I will close my remarks by saying this and then yield back to my colleague from Arizona who is controlling the time. I know there are other Members that want to speak.

But the original bill that the Democrats brought to us, the Democratic majority in this house, called for not $60 billion worth of funding on SCHIP, but $90 billion. Thank goodness they were reined in a little bit.

They called that the CHAMP Act. Well, I call it, based on what we have presented here tonight in this disingenuous funding mechanism, I call it the CHUMP Act. The only difference in "CHAMP" and "CHUMP," I say to my Democratic majority is you; you, the majority, trying to hoodwink the American public on this bill.

Do what is right. You have an opportunity. The President will work with you. The Republican minority will work with you. Just simply do what is right, and for once, tell the truth.

Mr. Speaker, I yield back to the gentleman from Arizona.

Mr. SHADEGG. I just want to emphasize some of the points that the gentleman made. I love the name the CHUMP Act. Again, I think it would be hard for Americans to believe that this program is as it is. For example, these cartons represent, each one of them, 22 cartons of cigarettes, 22 million new Americans that will need to start smoking to pay for the SCHIP bill. I guess you can call that a CHUMP Act, because I don't think 22 million Americans who don't smoke now are going to start.

If the gentleman will stay, I want him to explain that chart one more time. It shows the kid climbing up and then it shows the kid parachuting down. You call it the CHUMP Act. We call it here the cliff.

Maybe you can explain one more time for the voters back home what this cliff means in terms of the funding of the program, because I think it is important for people to understand that it appears the funding is there, but then in year 5, whoops, it disappears.

Mr. GINGREY. What the gentleman is saying, and I thank the gentleman for yielding once again, because the Democrats are determined, Mr. Speaker, to increase this funding to a point that they get 4 million additional children covered under this SCHIP program.

Under the current law, about 6.5 million children in this country, I think close to 300,000 in my great State of Georgia, are covered under the program. There may be 750,000 kids in that income range of 100 to 200 percent of the Federal poverty level up to $42,000 a year for a family of four, as was pointed out early in the discussion, there may be 750,000 kids that have fallen through the cracks.

That is why the President said let's renew the program and increase the funding by 20 percent. A 20 percent increase is not chicken feed, Mr. Speaker. That is a lot of money.

But what the gentleman from Arizona is referring to in regard to this cliff, if you all of a sudden try to cover an additional 4 million, where are those kids coming from? Well, they are coming from families who already have health insurance for their kids in the private market. Of course, if you get an opportunity, who wouldn't? You are making $60,000 a year and you are providing health insurance for your wife and yourself and your two kids, and all of a sudden you get an opportunity to get the kids on the government trough and you do that, and then you are used to that wonderful largesse of "Uncle Sugar" for 4 years, and all of a sudden you get to the point where there is no funding, who comes off first? They do. That is where they drop off the cliff. I thank the gentleman for pointing that out.

□ 1815

Mr. SHADEGG. I thank the gentleman for participating in this debate. I am thrilled we have a democracy here where, while our colleagues may come to the floor and put up pictures of children and say those mean Republicans don't want to cover children, at least we can bring out some of the facts. We can bring out the fact that there is a funding cliff and that you would have to have 22 million nonsmokers take up the habit to pay for the bill. Unfortunately, we have not been able to offer amendments to correct those deficiencies in the bill.

But we do support health care for poor and near-poor children. I support it for uninsured children. I have introduced every year for the last 10 years a bill that would give a refundable tax credit to every poor American to go out and buy their own health insurance. The reason I like the idea of giving them the money to buy their own care is because they will buy a plan that meets their needs, not some bureaucrat's needs. They will buy a plan based on choice, not based on government rationing of their care. They will buy a plan that their family likes and a plan that they will have control of. And if they don't get the service they want, they can fire that plan and buy another. It would be portable, and they can take it with them.

Instead, we are talking about expanding a government-run program with, quite frankly, a lot of smoke and mirrors that, sadly, people will vote for just because of the name of the bill. Or maybe just because of the name of the bill and because the advocates of the bill can put up a picture of a child and say, Don't you want insurance for that child?

Well, I do want insurance for that child. I just don't want insurance for adults under a program that is supposed to be for children. I don't want insurance for already insured kids causing them to drop their insurance.

We are joined by Mr. HENSARLING from Texas, and I know he has details and thoughts about this program and about how important it is that Americans understand the details of this, so it is not just are you for children or against children. It is a deeper discussion than that. I yield to the gentleman.

Mr. HENSARLING. I thank the gentleman for yielding. I especially thank him for his leadership in this area to try to make health care more affordable, more portable, high quality, and accessible for all of the children in America. The gentleman from Arizona (Mr. SHADEGG) has been a great leader in this effort. I also appreciate his leadership in the conservative caucus in Congress, the Republican Study Committee, and all he has meant to that group in advancing the cause of freedom and free markets in America.

People need to listen closely to this debate. The debate is not about whether or not we are going to have an SCHIP program, a State Children's Health Insurance Program. It is really a tale of two SCHIPs, if you will. People need to know, number one, when they hear America needs to provide health insurance for poor children, well, I am not sure that anybody disagrees with that in America. That is why we have something called the Medicaid program, for the poor in America. So that is a nonissue. That is totally a nonissue.

What we are talking about is health care for the working poor, those up to 200 percent of the poverty level, and the SCHIP program was actually started 10 years ago by a Republican Congress to provide health insurance benefits to, number one, the uninsured; number two, low income; number three, American; and, number four, children. Uninsured, low-income American children. That's what the program was supposed to do. And I don't believe there is one Member of this body on either side of the aisle who wouldn't vote to reauthorize this program today for uninsured, low-income American children. Even though I am a fiscal conservative, I would vote to appropriate more money to ensure that eligible children can be a part of this program.

But, unfortunately, our friends on the other side of the aisle have discovered some new poll or focus group results that say we have this great bumper sticker slogan, and maybe we can somehow put people in a box, maybe we can fool the American people as to what this is all about.

Well, Mr. Speaker, occasionally it is helpful to have the facts. Again, this is a program that was designed for people up to 200 percent of the poverty level, presently $40,000. Yet loopholes and exemptions allow families up to $83,000. I am not sure anybody is going to call that the working poor in America. It is not the working poor in the Fifth Congressional District of Texas. But loopholes and exemptions allow people making up to $83,000 to get these benefits. What the Democrats are doing, they are doing nothing about the loopholes and exemptions; and they are expressly taking the program to 300 percent of the poverty level when there are still eligible children that haven't been enrolled.

So a program designed for the working poor, the Democrats are trying to transform to people making $83,000. And that is not right. It is not right at all.

Second of all, this was a program designed for children. It is called the State Children's Health Insurance Program. And yet we have 13 States that are insuring adults while 800,000 eligible kids aren't enrolled. What does the Democrat plan do? Well, bring on more adults. We have three States covering more adults than children already. So we have precious resources of our Nation instead going to adults, and the Democrats say let's insure more adults. Republicans say let's put the children first. Let's put the children first.

This was a program that was also designed for American children. American children. Now if anybody walks into any emergency room in any hospital in America and they have an emergency, I want them to be treated. We are all God's children. But to have illegal immigrants use emergency rooms and be able to access our health care system for their everyday health care when they are in this Nation illegally, while we still have 800,000 eligible children not enrolled, that is just a tragedy. That is a travesty. That is crazy.

Yet under the Democrat plan, what they do is they claim this isn't for illegal immigrants. Then I ask them why did they take away the proof of citizenship requirements? I mean, your words say something, but your actions are even louder than your words. When you take the proof of citizenship requirement out of the bill, you are de facto allowing more illegal immigrants to access this program.

Mr. SHADEGG. I think the gentleman has made some strong points, and I would like to draw them out.

One of the ones that gets missed so often is we talk about this being a program for poor children. I noticed that the gentleman in his remarks made the point that it really isn't a program for poor children. We have a program for poor children, and that is called Medicaid. That is already in existence. That is one of the points that you made.

Mr. HENSARLING. That's correct. The American people shouldn't be fooled. Those at the poverty level in our Nation are covered by Medicaid.

Mr. SHADEGG. So Medicaid covers poor children, and this program was designed to cover the near-poor or the working poor.

Mr. HENSARLING. It was designed for the working poor up to 200 percent of the poverty level.

Mr. SHADEGG. And now it has been expanded to?

Mr. HENSARLING. Under the Democrat bill, they expressly take it from 200 percent to 300 percent. Yet, you have to read the fine print because even today there are so many exemptions and so many loopholes that there are States that are insuring people up to $82,000 income for a family of four, and they do nothing to bring this back to the working poor.

Mr. SHADEGG. The gentleman's remarks remind me of something I think we already know, and that is certainly with legislation the adage that the devil is in the details is pretty important. I think a lot of our Democrat colleagues, a lot of the majority, think we will put up a picture of a child, we will call it the State Children's Health Insurance Program, and no one can vote against it. And you know what, if it were the State Children's Health Insurance Program for children of the working poor who are uninsured, I would be all for it. But when you get into the details, it ain't quite so.

Mr. HENSARLING. If the gentleman would yield, I have no doubt that 99 percent of this body, Democrat and Republican, today, this moment, this moment would vote to reauthorize a SCHIP program which provides health insurance benefits to the uninsured, to the working poor, to Americans, and finally to children. That's what the debate is about today. That is the main debate we are having today.

Mr. SHADEGG. I think that is an important note. We care about the structure of the bill. My main concern is patient choice. I believe creating government programs and forcing people into those programs is not the preferable way to care for people or to help them. I personally think we would be doing better to give people choice, give them in my case a refundable tax credit and let them buy a health care plan that suits their needs, not to be forced into a government-controlled, government-run bureaucratic, rationed-care program, but give them choice.

I was talking with one of the doctors in our conference earlier today, and he pointed out that the reimbursement rates under SCHIP, because it is a government program, are dramatically lower than under many private programs. So kids who do drop their private health insurance and go on a government-run SCHIP program will actually get worst care.

I know that the gentleman is an expert on budget and finance, and I think that chart demonstrates, and I don't know whether you want to call it hypocrisy or whether you want to call it trickery or whatever you want to call it, it is playing fast and loose with the budget facts on this bill. Maybe the gentleman would like to direct his remarks to that in light of the fact that the cigarette tax, and I have tried to make a big point out of this tonight, that the cigarette tax in the bill isn't enough to fund the bill. It is kind of a scam. It is kind of a scheme.

The cigarette tax in the bill would only fund the bill if 22 million new nonsmokers took up the habit and started smoking. So for a graphic, we got 22 cartons of cigarettes, each carton representing another million Americans who would have to start smoking. I thought it would be helpful if the gentleman addressed those issues as well.

Mr. HENSARLING. I thank the gentleman for his insight. And looking at all of the cigarette cartons in front of you, as somebody who used to serve on the board of directors in Dallas, Texas, of the American Cancer Society, I know how seriously devastating the habit of smoking can be to families. I have seen a lot of cancer in the families of friends, something I take very, very seriously.

And to think that now we are going to have a health insurance program ostensibly counting on 22 million more Americans to take up smoking is frankly beyond insulting. It is beyond ludicrous. For the life of me I cannot fathom why any type of system would be created, and then as an irony, and I make this point as an aside, the tax would go mainly to those who are making less than 200 percent of poverty level, the same people that ostensibly this program is due to help. Fifty-four percent of all smokers are in families making less than $42,000 a year.

Mr. SHADEGG. We have this chart which makes the point that the gentleman just brought up. The burden of tobacco taxes falls largely on poor Americans. As a matter of fact, 28 percent of the people who smoke are considered poor. They make less than 100 percent of the poverty level. And 26 percent of the people who smoke are near-poor. They are in that 100 to 200 percent. And for the not-poor, that is only 18 percent of Americans. So this tobacco tax that is supposed to pay for the bill, but it is not enough money to pay for the bill unless millions of Americans, 22 million, take up smoking, post the burden of this legislation on the people who can least afford to pay it.

Mr. HENSARLING. Essentially, under the Democrat plan, you will be taxing people making less than $42,000 a year in order to give subsidies to those making up to $83,000.

Mr. SHADEGG. Wait, wait, wait. I want you to repeat that point because I think it is important.

Mr. HENSARLING. Well, 54 percent of the smokers are in families making less than $42,000 a year. That is 200 percent of the poverty level in 2007. So under the Democrat plan, you would tax people making less than 200 percent of poverty in order to extend subsidies to families making up to $83,000 a year.

Mr. SHADEGG. I think that reason alone, the fact that it is funded by a mechanism that imposes a tax on the poorest Americans to pay for a subsidy to people making over $60,000, and in some instances over $80,000 a year, is reason enough for the President to have vetoed the bill.

□ 1830

Mr. HENSARLING. I thank the gentleman for yielding, and I certainly hope that the President would veto the bill.

And again, our Democrat colleagues know that last month, last week, last night, today, tomorrow, this body stands ready to reauthorize the SCHIP program, as long as it's really going to help the uninsured, as long as it's going to help the working poor, as long as it's going to help children, and as long as those children are American children.

So, a debate is taking place about that, but I'd like to harken back to another point that the gentleman made. As important as this debate is, we need to keep the focus on ultimately how are we going to get affordable health care, accessible health care, health care of high quality to all families across America.

And in many respects, this is not just an economic debate. In many respects, we're not debating how much money we're going to spend on children's health care in America, but we are debating who's going to do the spending.

So, under the Democrat plan, the Congressional Budget Office says that for all intents and purposes over 2 million children will be taken off their chosen health insurance plan and shoved into the government health insurance plan. And you might have seen in the newspaper "The Politico" that this was really Senator HILLARY CLINTON's plan from the first, that if she couldn't pass her Canadian-style, socialized health care system in one big bite, that she would do it in little bites.

So there's memos dating back, and I have the document right here, the document right here that's referred to in the article. And if I could quote from the October 2 issue of "The Politico," "Back in 1993, according to an internal White House staff memo, then-First Lady Hillary Rodham Clinton's staff saw Federal coverage of children as a precursor to universal coverage.

"In a section of the memo titled 'Kids First,' Clinton's staff laid out backup plans in the event the universal coverage idea failed."

And now we're seeing it. That failed, and so this is really the first step in taking us down that road in that Canadian-style, socialized health care system where ultimately, ultimately mothers in America won't be waiting hours to see a doctor to help their sick children. They will be waiting days. They may be waiting weeks, and it won't be the doctor of their choice. It will be the doctor of some government bureaucrat's choice, and I don't plan to stand idly by and allow that to happen to my children, much less the children in the Fifth District of Texas, much less the children in America.

Mr. SHADEGG. I think we're about to run out of time. I want to thank the gentleman very much for participating in this debate.

I think there are millions of Americans who don't quite understand and who perhaps learned a little more tonight about why the President would veto this bill and why many of us would vote to sustain that bill, about our concern that it is called a program for the near-poor or the working-poor uninsured children, and it turns out it's not for the near-poor or working-poor uninsured children.

As we've demonstrated in this discussion tonight, it covers people who make up to $60,000 and in some cases $80,000 and more a year. It's not for the uninsured because the original study shows 61 percent of those who became eligible already had private insurance, and under the new bill, one out of every two who become eligible will have already had private insurance, and they'll drop that insurance. And when they do, the cost of the private insurance for everybody else, everyone else who has a child in that private insurance, will go up.

It turns out so it's not for the poor or the near-poor or the working poor. It's not for the uninsured, because we discover it makes millions, 2 million by the latest estimate, children who are already privately insured eligible to go on this program. Then you think, well, the children's health care bill has to be for children and you discover, shock of all shock, the children's health care program isn't for children; it's for adults.

I thank the gentleman. I think the 22 million new smokers is a stunning fact. I'm sorry we haven't been able to offer amendments on the floor. I'm glad this debate gives us a chance to explain to the American people what's going on, and that there's more to this bill than just the title, and it's important to pay attention to these details.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2262, HARDROCK MINING AND RECLAMATION ACT OF 2007

Mr. HASTINGS of Florida (during Special Order of Mr. SHADEGG), from the Committee on Rules, submitted a privileged report (Rept. No. 110-416) on the resolution (H. Res. 780) providing for consideration of the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3920, TRADE AND GLOBALIZATION ASSISTANCE ACT OF 2007

Mr. HASTINGS of Florida (during Special Order of Mr. SHADEGG), from the Committee on Rules, submitted a privileged report (Rept. No. 110-417) on the resolution (H. Res. 781) providing for consideration of the bill (H.R. 3920) to amend the Trade Act of 1974 to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers and firms, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, this evening, as most Tuesday evenings, I rise on behalf of the 47-member-strong, fiscally conservative Democratic Blue Dog Coalition.

As I sat here, Mr. Speaker, thinking about what I wanted to discuss in this next hour with some of my Blue Dog colleagues, I couldn't help but listen to some of the rhetoric that we've heard over the past hour. You know, for 6 years, for 6 years the Republicans controlled the White House, the House and the Senate. And what did they give us? They gave us tax cut after tax cut for folks earning over $400,000 a year.

And this new Democratic majority, what has the Democrats given you? We are giving you health care for children of working parents. Let me repeat that. This is health care for the children of working parents. This is not for children whose parents are on welfare. They're already covered under a program known as Medicaid, which is health insurance for the poor, the disabled and the elderly.

Some 10 million children in America will go to bed tonight without health insurance, without the ability to go to the doctor when they get sick. And who are they? They're the children of parents who are trying to do the right thing and stay off welfare, but they're working the jobs with no benefits.

While the Republicans were hiding earmarks, the Democrats in this new majority have been passing legislation that says if you're a Member of Congress and if you break the law, you lose your pension, period. And while the Republicans have been on an agenda that benefits those earning over $400,000 a year, the Democrats in this new majority have raised the Federal minimum wage for the first time in 10 years.

If we're serious about moving people from welfare to work, we've got to pay them more than $10,712 a year, which is what the previous minimum wage represented if you worked 40 hours a week, 52 weeks a year, never get sick, and never take a single day off for vacation.

Now, they said that the Democrats are wanting to provide health insurance for children of working parents. We plead guilty to that, and after all, if the working families have been benefiting from some of these tax cuts that primarily benefited those earning over $400,000 a year for the past 6 years, our working families might not need the help, but they do because under the past 6 years of a Republican White House, House and Senate, quite frankly, they haven't got it.

It's time, Mr. Speaker, to tone down the political rhetoric and look at the facts, and as a member of the Blue Dog Coalition, I can tell you what we're all about. We're about fiscal discipline and accountability. We're about putting an end to the partisan bickering. We don't care if it's a Democrat or Republican idea. We ask ourselves, is it a commonsense idea and does it make sense for the people that send us here to be their voice?

Today, the U.S. national debt is $9,063,547,746,613. If you divide that enormous number by every man, woman and child in America, including the children being born today, every one of us, our share of the national debt, $29,888. That's what those of us in the Blue Dog Coalition refer to as the debt tax, D-E-B-T, which is one tax that cannot be cut, cannot go away until we get our Nation's fiscal house in order.

Tonight, we're going to be talking about the debt, the deficit, and as members of the fiscally conservative Democratic Blue Dog Coalition, we're going to be talking about ways to put an end to this reckless spending.

If you ask 100 people on the street what they think about this Iraq war policy, you will get about 100 different answers, but one of the things that unites us as Blue Dogs is we believe that the money that this administration asks for for Iraq should be accounted for. We believe that if this President is going to continue to spend, and this is year 5, if this President is going to continue to spend $16 million an hour, $16 million every 60 minutes going to Iraq, and if this President's going to continue down that path, then we believe we're not here tonight to debate the merits of $16 million an hour going to Iraq, but we're here tonight to hold this administration accountable for how that money is being spent and to ensure that it's being spent not on projects for Iraq but providing the protection and the state-of-the-art equipment that our brave and honorable men and women in uniform not only need but deserve.

This war has affected all of us. My first cousin was in Iraq when his wife gave birth to their first child. He's now back for a second time, and he will be there when she gives birth to their third child. My family's not any different from many families across America.

Many families have made the sacrifice, some of them the ultimate sacrifice, in support of their loved ones who have gone and simply done what they've been asked to do. And Mr. Speaker, if we're going to send our men and women in uniform to Iraq, we need to make sure some of this money is being spent on them, and we need to make sure that we're taking care of them.

At this time, one of the things that the Blue Dog Coalition has done is we've written legislation known as H. Res. 97 that was drafted by members of the Blue Dog Coalition to ensure accountability for how the money is being spent in Iraq. At this time, I would call on one of the cochairs, the cochair for policy for the Blue Dog Coalition, and that is my dear friend, the cochair for policy for the fiscally conservative Blue Dogs, and this is DENNIS MOORE of Kansas who's going to talk more to us this evening about H. Res. 97, which simply is called, Providing for Operation Iraqi Freedom Cost Accountability, and I thank Congressman MOORE for being a part of this Special Order this evening.

Mr. MOORE of Kansas. I thank Congressman ROSS, and Mr. Speaker, for letting us speak this evening.

The Blue Dogs, as Congressman ROSS said, have introduced H. Res. 97, Providing for Operation Iraqi Freedom Cost Accountability, to address the lack of oversight and accountability with regard to our Federal Government's funding of the war in Iraq.

H. Res. 97 currently has 63 cosponsors, myself included, and puts forward commonsense proposals that ensure future transparency and accountability in the funding of Operation Iraqi Freedom. This, I believe, is an important first step toward making sure that more resources get to our troops in the field and are not wasted on other things. We want to make sure that our brave men and women serving in Iraq and Afghanistan have what they need to do their job.

H. Res. 97 focuses on four crucial points for demanding fiscal responsibility in Iraq: number 1, a call for transparency on how Iraq War funds are spent; number 2, the creation of a Truman Commission to investigate the awarding of contracts to make sure they are fairly awarded and get what they're intended to secure; number 3, a requirement to fund the Iraq war through the normal appropriations process and not through emergency supplementals as we have done throughout this whole war; and number 4, using American resources to improve Iraqi assumption of internal policing operations.

Recently, Mr. Speaker, members of the Blue Dog Coalition worked together with House Armed Services Committee Chairman IKE SKELTON of Missouri to include key provisions of H. Res. 97 in the fiscal year 2008 national defense authorization bill. In doing so, we took the first step toward ensuring complete fiscal transparency in the funding of the war in Iraq.

The American people deserve to know how their tax dollars are being spent and that they're being spent wisely and that our troops have the resources they need to do their job and to protect themselves in the field.

The Blue Dogs, Mr. Speaker, are committed to passing legislation that accomplishes this goal, to give our troops what they need and make sure they have the resources they need to protect themselves as well.

Mr. Speaker, I've been a member of the Blue Dog group for more than 9 years now, and in that period of time I have learned, and I've said this to my folks back home over and over and over again, 80 percent, 85 percent of what we do up here in Congress should not be about Democrats and Republicans. We ought to be working for our people and for our country. And when I say that back home, I see people every time and in the audience sitting there shaking their heads yes. They're tired of the partisanship up here. They want us working together to do what's right for our people and our country.

I have now eight grandchildren, Mr. Speaker, and we have mortgaged their future. Mr. Ross had a chart up here just a few minutes ago that showed we have a national debt in excess of $9 trillion, and we're passing that debt, Mr. Speaker, on to our children and grandchildren. To me that is immoral.

We ought to change the way we're doing business here in Congress and do like most families. Most American families live within a budget, not all but most, and we should be doing the same thing. That's what our Blue Dog organization is all about, making sure that we, as a Nation, try to live and do live within the resources that we have and not pass this debt on to our children and grandchildren.

I thank Congressman ROSS.

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Mr. ROSS. The gentleman from Kansas (Mr. MOORE) is the cochair of policy of the fiscally conservative Democratic Blue Dog Coalition.

As you can see, the 2007 Iraqi war funding, the total cost, $135.2 billion; the cost per month, $11.3 billion; the cost per day, $370 million. That's about $16 million an hour. I helped dedicate and break ground on interstate I–530, which someday will connect I–30 and I–40 in Little Rock through Pine Bluff to I–69 in southeast Arkansas, which could create a economic revival in one of the poorest regions of the country, the delta region.

In my speech in Pine Bluff yesterday I couldn't help but point out in the last transportation reauthorization bill there was about $6 billion for new interstate construction for all of America for the next 5 years. That's about the amount we will spend in Iraq in the next 2 weeks.

Don't get me wrong, let me make it very clear, as long as we have troops in harm's way, I am going to support them and make sure we support them as a Nation in providing them the very best that money can buy and the technology and the equipment they need to do their job as safely as possible and return home to their families. We have to ask ourselves at some point, $16 million an hour going to Iraq means $16 million an hour we don't have to invest in our communities in America, that we don't have to invest in education and homeland security and veterans benefits, and the list is endless.

At some point, at some point we have to demand a new direction in Iraq and begin to invest in America again.

At this time, I would recognize our administrative cochair of the fiscally conservative Democratic Blue Dog Coalition, and that's my good friend, ALLEN BOYD from Florida.

Mr. BOYD. I want to thank my friend MIKE ROSS from Arkansas, the communications cochair of the 47 member strong fiscally conservative Blue Dog Democrats.

I came down here tonight to join him to try to continue to deliver the message to the American people that I think in some ways this administration and this Congress have lost their focus on what's important to keep America great and strong.

I noticed today that the President of the United States and the minority leader and the minority whip stood before the American people and talked about vetoing an appropriations bill which funds the health and education agencies of our Federal Government simply because that bill would increase spending over last year at a rate, I think, of some $9 billion or $10 billion, which is actually below inflationary and population increases. At the same time, the President of the United States has sent in a supplemental request down here for funding for the Iraq war, which I believe is to the tune of $49 billion or $50 billion to get us through the next few months.

I think we have just lost our sense of balance, or our sense of what we have to do to keep America strong and keep it a great Nation. I want to refer, if I could, if we think about those numbers, about an agency of the Federal Government that helps provide health care and education benefits to the people of the United States of America, while we are thinking about that, I want to refer you to a recent report released by the Special Inspector General for Iraq Reconstruction. In that report, we uncovered the waste, fraud and abuse of taxpayers' dollars caused by the lack of necessary oversight by the U.S. Government. This is something that the Blue Dogs have been focused on for a long time, is the government, we as a government being good stewards of our taxpayers' dollars that we take involuntarily from our citizens to run the government, to provide security, transportation and other things, the other functions of a government.

This quarterly report, which details progress in the U.S. Government's reconstruction of Iraq, uncovers continuing problems which have left millions of dollars, billions of dollars unaccounted for and a large number of products unfinished in Iraq. In fact, the Inspector General himself has stated that 40 percent of all projects in Iraq are in danger of not being completed under the original contract and "virtually every project in Iraq has cost more or taken longer than expected."

The Inspector General also noted that some projects are never finished. In one recent case, the Federal Government invested $90 million in a project to overhaul two giant turbines at a plant south of Baghdad. However, the multimillion dollar project, which is critical to providing power in Baghdad, has not been realized because of weak operations and maintenance practices by the Iraqis after the project was turned over in April of 2006.

This report goes on to cite several examples of the same egregious waste, fraud, and abuse. I want to outline some of those; I want to give you six specific examples of the waste, fraud, and abuse identified in this Inspector General report.

Number 1 was a 50-bed children's hospital in Basra, a 50-bed children's hospital in Basra, Iraq, which was originally expected to cost $50 million. This might be appropriate, because we have heard the previous speakers in the previous hour talk about how SCHIP ought to be vetoed, SCHIP, which would provide health care services to our children here.

We just spent $50 million in Iraq on a children's hospital. That hospital is a full year behind schedule. The contractor responsible for the project left the hospital only about half complete, yet 100 percent over the original cost estimate. We haven't heard a lot of fuss about that from the previous majority.

Number 2, due to inefficient oversight by the State Department, the Federal Government spent $44 million on a residential camp for refugees that has never been used. Another $36 million was spent on weapons and equipment which are now unaccounted for.

Number 3, oil contract overcharges and contract mismanagement recently cost the U.S. Government $263 million. Oil contract overcharges and contract mismanagement, $263 million.

Number 4, due to poor contractor oversight, a failed oil pipeline project wasted nearly $76 million of your taxpayers' dollars.

Number 5, according to an Iraqi estimate, $5 billion per year, this is according to the Iraqi estimate, $5 billion per year is wasted due to widespread corruption in Iraq.

Number 6, after allocating $17 billion in U.S. funds to the security and justice reconstruction sectors in Iraq, only four of those, 18 of those sectors, only four have transferred to Iraqi control.

This quarter's report also included a financial review of large contractors funded by the Iraq Relief and Reconstruction Fund. International Bechtel is the largest Iraq Relief and Reconstruction Fund contractor, and there were many examples of waste and fraud and abuse discovered in that report when analyzing the Bechtel contracts.

This report analyzed 24 job orders that Bechtel contracted to perform at a total cost to the government of $761.2 million. Of those 24 job orders, only 11 were successfully completed, 10 were incomplete, canceled or transferred to someone else, and the other three, they could not determine status of.

You see that there are many, many problems in Iraq. I think that the American people have figured out that we have some serious, serious problems over there, not only with the policy as it relates to how we keep ourselves secure, but also to our involvement over there and our spending of, as Mr. ROSS has shown you, $135 billion on an annual basis.

That is $16 million an hour, $2.5 billion a week, $135 billion a year; and we seem to, in many cases, send that over there without asking a lot of questions about where the money is being spent and what we are getting for it. At the same time, we talk about vetoing an SCHIP bill which is $7 billion a year, which will go to cover 10 million additional children in the United States of America. I think we have just lost our way in terms of priorities.

I want to wind up by telling our viewing audience that recently I took a trip to Iraq. It was my first visit over there. I led a congressional delegation of five Members, 3 of whom had never been before and 2, it had been several years since they had been. It was a bipartisan delegation, a great group of Members to work with.

We spent several days in the region, 1 full day in Baghdad. We found that morale of our Armed Forces, our uniformed personnel over there is very strong and very high. I am proud of that, having served, having worn the uniform of this country in Vietnam and served in an era when morale wasn't so high and we lost the support of the American people.

It was refreshing to me to see that our morale is pretty high over there. I think our soldiers are performing what they are being asked to do. They are performing it very well.

What I discovered is that what we are doing over there is policing the streets of Baghdad and refereeing a civil war in Iraq. That's not an appropriate role for the United States military. We don't even allow our military to police our streets here in America.

This role has to be turned over to the Iraqi people. General Petraeus told us that we can train security forces, and we can get them in place, and we can train them, but unless the Iraqi Government can stand up and give them the command and control that they need and the logistical support that they need to be effective, they never will be effective. The Iraqi Government has failed at this point in time to stand up because they are fighting each over their sectarian differences, and we have to come to grips with that.

I will close with that it kind of brought all this into focus for me and how out of kilter we have gotten on things. One of the briefings we have shown was a video that was taken in a fighter plane. I don't know what the cost of that Air Force plane was. It was probably maybe a quarter of a billion dollars, very expensive plane, delivered probably $50,000 to $100,000 worth of munitions to two Iraqis riding a bicycle out of a house.

I thought to myself that we have really lost focus on what our great military is supposed to be used for. We should redirect our resources into a strategy which will provide long-term security for us around the world. That strategy has to be developed, well thought out, obviously, developed through a great deal of diplomacy, a great deal of political acumen and also the appropriate leverage of our great military that we have.

I want to thank Mr. ROSS for putting together this Special Order, but also for the many other Special Orders that you have done to try to deliver the Blue Dog message to the American people. I want to thank you for your service.

Mr. ROSS. I thank the gentleman from Florida (Mr. BOYD), the administrative cochair of the Blue Dogs for his insight and examples of waste, fraud and abuse that's going on with your tax money over in Iraq.

If you have got any comments or concerns or questions of us, you can e-mail us at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

Again, this is an hour where most Tuesday evenings we come and lead a discussion about accountability and fiscal discipline in our government by the Blue Dog Coalition.

If you are wondering how in the world did we get our name, Blue Dog Coalition, a lot of folks, especially in the South, have heard of a Yellow Dog Democrat, meaning you would vote for a Democrat even if it was a yellow dog as long as it was running as a Democrat. Somewhere along the way we were Yellow Dog Democrats that felt we were being choked blue by the extremes of both parties. Thus the name the Blue Dog Coalition, a group of fiscally conservative, commonsense Democrats that are trying to restore fiscal discipline and accountability to our government.

At this time I am pleased to turn this thing over to a former policy cochair of the Blue Dogs, the gentleman from Tennessee, JIM COOPER.

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Mr. COOPER. I thank my colleague from Arkansas.

Mr. Speaker, I'm pleased to join this Blue Dog Special Order hour tonight. I would like to discuss not only the Wartime Spending Accountability Act but also another measure that most of the Blue Dog leadership has been kind enough to cosponsor having to do with reform of all of our entitlement programs.

But first on wartime spending, there is absolutely no question that there's been an astonishing amount of waste, fraud and abuse in this conflict in Iraq. I personally was on the tarmac at the Baghdad Airport when a C–130 plane flew in, and the Air Force did not want us to see that plane land and unload its cargo. Well, why was that? Here are a group of U.S. Congressman standing on the runway and they did not want us to see a U.S. plane land because of its cargo. Well, what was in that plane that was so secret? Well, the plane landed and they got the forklift out and they unloaded six pallets, very well wrapped up, absolutely full, very heavy. And what was in those pallets? $1.2 billion of U.S. cold hard cash, $100 bills. I've never seen that much money in my life. I'm not sure if any bank in the country keeps that much cash on hand. But that much U.S. currency was flown into Baghdad. Why? We were told it was to go to replenish the Baghdad or Iraqi Central Bank. It certainly had the most elaborate convoy I've ever seen protecting that cash, because if it had been robbed, it would have been the greatest robbery in the history of the world. Now, the tragedy is we don't know how much of that money disappeared once it got to the bank and was in proper hands, because it is widely known that there is massive corruption in that country.

Another incident that most people know about is the fact that U.S. contractors, who are supposed to be handling taxpayer money wisely, have been seen playing touch football with what, a football? No. With small bales of $100 bills. They've been so loose with our money, and they have so much on hand, not in single dollar form, but in bales of $100 bills, that they've been seen playing touch football with that.

Another episode we were recently made aware of is due to the Iraqi Government's inability to pass an oil revenue sharing law. There's been a lot of upset by the Sunnis in al-Anbar province in particular because they're worried they won't get their fair share of Iraq's oil wealth.

Well, recently a shipment was made of millions and millions of U.S. dollars to basically dump this money in a town square in al-Anbar province just to make sure the Sunnis felt better about themselves. That is not a wise use of U.S. taxpayer dollars.

So the Inspector General in Iraq is doing an outstanding job of ferreting out this misuse of U.S. taxpayer money. We have tried here in the House of Representatives on a bipartisan basis to strengthen inspectors general. They are a wonderful mechanism for ferreting out waste, fraud and abuse. We passed a bill to strengthen inspectors general in this House by a vote of 404–11, an overwhelming bipartisan majority. And guess what the administration response was? They threatened to veto that bill. Veto a bill that enjoyed the support of 404 House Members, overwhelming bipartisan support.

I think we need to keep on strengthening inspectors general because they are finding problems with U.S. taxpayer dollars, and we need to root out all this waste, fraud and abuse.

The other topic I wanted to focus on tonight is a different measure. And as important as the war in Iraq is, as important as it is to find misspent U.S. dollars, this topic is even bigger. This has to do with overall U.S. entitlement spending. And the proposal is H.R. 3654. We call it the SAFE Act. What it would do, and my bipartisan cosponsor is FRANK WOLF of Virginia. David Broder actually commented on this bill in his national column today in the newspaper. What it would do is set up a bipartisan commission to study the problem of entitlements for 1 year, then by the time the next President is sworn in, give that new President a commission recommendation that's completely bipartisan, a 50/50 commission. All issues are on the table, so there's no favoritism, no exclusion of certain hot-button issues. And Congress would be required to vote up or down on the finding of that commission as well as on any proposal that the new President or this Congress would like to make.

But the key is, this commission would have teeth. Congress would have to act. Reforms would have to take place, because if you look at our overall entitlement spending, there are severe problems.

According to the U.S. Treasury Department, Medicare alone, which is one of the most important programs in America, Medicare alone is $32 trillion in the hole. $32 trillion. That's many times larger of course than even $32 billion. This is $32 trillion. And their estimate is, if we knew how to measure it, that Medicaid would be in a similar bind. That's probably more than this Congress can handle in terms of problem solving this late in the session, so that's why we think that a bipartisan commission will do the best job and the fairest job and the most bipartisan job of coming up with a solution that we can all support to solve these fundamental fiscal problems.

So, I would encourage my colleagues to look at H.R. 3654, the SAFE Act, to try to remedy the entitlement crisis that we face in this country. A wide group of folks from all sides of the political spectrum have supported this measure: the Bipartisan Concord Coalition, for example, the Committee for a Responsible Federal Budget, the Heritage Foundation on the right and the Brookings Foundation, which is more of a nonpartisan organization. So we have wide bipartisan support from the think tanks. We have wide bipartisan support in this body, with some 25 Members from each side of the aisle cosponsoring the measure already. So I hope most of my colleagues can see their way clear to going ahead and cosponsoring H.R. 3654.

But I want to thank my colleague from Arkansas, as my friend from Florida has said earlier, you've taken the lead on many weeks now to bring the message of the Blue Dogs to the American people, that message of fiscal conservatism, that message of centrism, that message of common sense and trying to do what's right for our country. We're fortunate in the Blue Dogs to have members from all corners of the country, from California to Maine, from Florida to Washington, it's a wide and diverse group, and we're proud of that. But the most important thing is the common sense we try to bring to these debates, because these shouldn't be highly partisan debates. Most Americans can agree when they get around the kitchen table or meet at the Rotary Club back home on what the right thing to do is for the country. We should show a similar amount of common sense here in Washington. So I thank my colleague from Arkansas, Mr. Ross, for holding this important Special Order.

Mr. ROSS. I thank my colleague and former policy cochair for the Blue Dogs from Tennessee, Mr. COOPER, for his insight on not only Iraq war spending but these other fiscal responsibilities, trying to restore fiscal responsibility to our government and those issues surrounding that.

You mentioned Medicare. Medicare is health insurance for, basically, it's the only form of health insurance most seniors have to either stay healthy or get well, not to be confused with Medicaid, which is health insurance for the poor, the disabled, and the elderly.

Your bill, as you discuss the entitlement programs and find ways to put an end to these deficits, I applaud you for trying to do this in a bipartisan manner and having support on both sides of the aisle.

Do you have any other examples you'd like to share with us on this legislation?

Mr. COOPER. Well, we probably should mention the meeting that you and I had with all the other Blue Dogs with three remarkably distinguished Americans this afternoon because they, too, gave us some insight in our current fiscal situation in this country. I don't think you've mentioned this before earlier in the hour, but former Secretary of Treasury Bob Rubin came to meet with us, as well as former Secretary of Treasury Larry Summers, as well as former Deputy Secretary of the Treasury Roger Altman. One of our group called them actually the dream team of treasury management in recent American history, because under Secretary Rubin, Summers and Altman, we had 8 of the greatest years of growth in all of American history, certainly the longest sustained period since World War II. It was an amazing performance, an amazing feat, one that I hope that future treasury secretaries can try to live up to.

But the key was sound fiscal management. Secretary Rubin in particular set the tone by making sure that the markets in this country were strong, making sure that growth was strong, making sure that prosperity was strong. So it was an amazing thing to hear these three gentlemen.

And they're very concerned today because, unlike the surpluses that were being accumulated in the Clinton administration, especially in the last 3 years, now, of course we've sunk into terrible deficits. And they basically told us today that our number one problem is a lack of savings in this country, a lack of personal savings, because the average American is having trouble paying their bills, doesn't put anything away for a rainy day, too tempted by credit cards, have to buy things. And now the Christmas season is coming up so there's a lack of personal savings, but there's also a huge lack of government savings, because when you run a large deficit, as we're doing, that's dissavings. That's the opposite of savings. So they pointed out that both things are problems for this country.

And I know the gentleman also enjoyed their presentation. It was quite an honor for the Blue Dogs to have them ask us to share a few thoughts with them. And they are promoting, of course, their Hamilton Project, which is a centrist think tank here in Washington supported by these gentlemen and others to try to bring more common sense to Washington policy debates and economics.

But I thank the gentleman for referring to those issues.

Mr. ROSS. It was a fascinating discussion, and you raise a good point, and that is that it wasn't too long ago that Members of Congress were coming to this floor to debate how to spend a budget surplus, how to invest a budget surplus. You know, it was under President Clinton. I'm proud to say it was a fellow Arkansan from my home town of Hope, Arkansas, where I grew up and graduated high school, who gave us the first balanced budget of any Democrat or Republican President for the first time in what, 40 years?

Mr. COOPER. Since 1969.

Mr. ROSS. And he did that. There were several contributing factors that allowed him to be able to lead us in that direction, one of which was having what's called PAYGO rules on the floor of this very House, something the Republican leadership threw out the door with this new Republican President back in 2001. And what PAYGO rules mean is it means pay as you go. PAYGO is an acronym for pay as you go, which means exactly what it sounds like it means. If you've got an idea for a new program that's going to cost money, you've got to show how you're going to pay for it. No more of just borrowing money from China. If you want to cut taxes for folks earning over $400,000 a year, you've got to show how you're going to pay for it. No more borrowing money from China.

And I'm proud to tell you that in this new Democratic Congress, there's a lot of discussion about the first 100 legislative hours where we raised the Federal minimum wage and where we implemented the 9/11 Commission recommendations, where we said Members of Congress who break the law will no longer receive a pension, where we passed earmark reform, where we have passed SCHIP to ensure that the children of working parents receive health care. We've done a lot in this session of Congress. Unfortunately, a lot of it is sitting over on the Senate's doorsteps waiting for Senate action, which is somewhat disappointing for a lot of us that come here every week and work hard to pass these policy initiatives that are good for working families, good for children and good for seniors.

But not in the first legislative 100 hours, not in the first 9 months of this new 110th Congress under a Democratic majority, but in the first hour on this very floor of the United States House of Representatives, this new Democratic Congress reinstituted a House rule known as PAYGO.

You want to expand on that?

Mr. COOPER. Well, the gentleman's exactly right. An authority of no less than Alan Greenspan said that PAYGO was the most important reform that this Congress could undertake to right our fiscal imbalance.

PAYGO was actually started under the first President Bush in 1990. It was instituted on a bipartisan basis. It worked extremely well for 12 years, from 1990 to 2002. And then sadly the Republican majority here allowed it to expire. And that's when, really, our fiscal wheels started running off the track.

So we swung from a surplus, a surplus that was growing so fast there was actually fear that the United States would be debt free, as if you could be afraid of that, that would have been a glorious moment in our history for our children to be unburdened by interest payments and future generations. That was the prospect when President Clinton left office.

And then to swing from that into, as all Blue Dogs have, we have the debt sign outside of our office. Now it's $9 billion, $29,000 for every man, woman and child in this country. But it's growing so rapidly. And that doesn't even take into account our Medicare, our Social Security, our Medicaid and other entitlement program liabilities. So it's a monster of a problem, and it's going to take a bipartisan commission to deal with it.

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But PAYGO, according to Alan Greenspan and other authorities, was the single most important reform step that we could undertake. The Blue Dogs are responsible for that reform. It's working. I am proud of our Democratic leadership here because they have been remarkably strict in making sure that every bill that reaches this House floor adheres to PAYGO requirements.

And as you said, it is completely common sense. If you want something new, pay for it. Don't charge it. And that is the way America needs to be acting in the future.

So I think it will not inhibit new ideas. It will just make sure that new ideas are fiscally responsible and paid for so we are not adding to the debt load of our kids and grandkids, and, as the gentleman said, not borrowing any more money from foreign countries, because we've done too much of that already.

Many Americans don't realize that President Bush, his administration, has already borrowed more money from foreign nations than all previous Presidents in American history put together. What a sad record to hold, to have borrowed more money from foreign nations than all previous Presidents in American history combined. That's not good medicine for America. That's not good fiscal policy. And the Blue Dogs are leading the way in helping to change that.

Mr. ROSS. That is a national security issue, in my opinion, Mr. COOPER. What if those countries decide to call those loans? What does that mean? The "dream team," Mr. Rubin and the others told us today what it meant, and I think you asked the question. And it means higher interest rates. They will have to raise interest rates in this country to where it's attractive for other countries to buy our paper, to buy our money. That is, I think, directly a threat to our national security.

And to put it in perspective, the total national debt from 1789 through 2000 was $5.67 trillion. But by 2010, the total national debt will have increased to $10.88 trillion under this Republican President's administration and under his budgets that he sends to Congress. This is a doubling, a doubling, of the 211-year debt in just 10 years. Interest payments on this debt are one of the fastest-growing parts of the Federal budget, and the debt tax is one that cannot be repealed. For every man, woman, and child in this country, you take the national debt and divide by the number of people. It is about $29,000 per person. And that is one tax that cannot be cut until we get our Nation's fiscal house in order.

Our Nation, under this Republican President's budget, is borrowing about a billion dollars a day. But before we borrow another billion dollars a day, we are spending about a half billion paying interest on the debt we have already got.

This puts it in perspective. Interest payments on debt dwarf other priorities, the 2008 budget authority in the billions of dollars. The red box is the amount of money, your tax money, Mr. Speaker, that is going to pay interest on the national debt, to repay the loans to places like Japan and China and the United Kingdom and OPEC and Korea and Taiwan and the Caribbean Banking Centers and Hong Kong and Germany and Mexico.

We talk a lot about education. We talk about how we want our children to receive a world-class education. But the turquoise box, this box, Mr. Speaker, reflects how much of your tax money is going to educate our children compared with the amount going in the red to pay interest on the national debt.

We say we want to keep our promises to our veterans. We say we want to provide our veterans with world-class health care and housing and education when they return home. But in the green box, Mr. Speaker, you will see the amount of money we're spending on our veterans compared to the red box, the amount of money being spent on interest on the national debt.

And, finally, the purple box, homeland security. Now, I came here in 2001. The first 9 months of 2001, I don't think I ever heard the word "homeland security" mentioned once. But that is now a household name, a household phrase, a household word. Homeland security. It make us feel good. We go through the metal detectors at the airport and we feel safer. We take our shoes off and I always take my pen out of my pocket, and we feel safer. And what most of us don't know is about half the belly of a plane is not your suitcase that you saw X-rayed. It's freight, freight that continues to go unchecked. About 1 out of every 100 containers that enter our ports, 5 out of every 100 containers, maybe 10 out of every 100 containers that enter our ports are checked.

And what about the food we put in our body? Mr. Speaker, for all the seafood and fruits and vegetables that come into this country from other countries by way of port, do you know how many FDA inspectors there are at those ports? Not per port. But for all the ports in America. For all the seafood, fruits, and vegetables coming into America from all over the world, there are about 70 FDA inspectors. Not per port, not per shift, not counting the ones that aren't sick or on vacation. There are 70 total. Homeland security, the purple box, this is how much we are really investing in protecting our homeland. And that is why a recent nonpartisan assessment indicated that we are less safe today in America than we were on September 11, 2001.

These priorities, education, veterans, homeland security, will continue to go unmet until we get our Nation's fiscal house in order.

Deficits matter. They reduce economic growth. They burden our children and grandchildren with liabilities. They increase our reliance on foreign lenders who, as Mr. COOPER pointed out, now own 40 percent of our debt. That's right. Our Nation, the U.S., is becoming increasingly dependent on foreign lenders. Foreign lenders currently hold a total of $2.199 trillion of our public debt. Compare that to only $623.3 billion in foreign holdings in 1993. It's kind of like David Letterman and his top 10 list. The top 10 countries, this Republican administration, this Republican Congress for the past 6 years time after time after time has borrowed money from foreigners to fund tax cuts in this country for folks earning over $400,000 a year.

And whom have we borrowed the money from? Japan, $637.4 billion; China, $346.5 billion; United Kingdom, $223.5 billion; OPEC, $97.1 billion;

Korea, $67.7 billion; Taiwan, $63.2 billion; Caribbean Banking Centers, $63.6 billion; Hong Kong, $51 billion; Germany, $52.1 billion.

And rounding out my version of David Letterman's top 10 list, the 10th country that we have borrowed the most money from, number 10 on the list, all this debate these days about immigration policies, and I think we do need to secure the border and I think that we should have those who want to come here and live among us play by the rules, respect our laws, learn English, respect our flag. I believe those things. No amnesty, as Mr. Reagan gave us during his years in office. We learned that doesn't work. But rounding out the top 10, while everybody is focused on immigration: Mexico. The United States of America has borrowed $38.2 billion from Mexico to fund tax cuts in this country for folks earning over $400,000 a year. Those are the facts.

I am pleased to be joined by a fellow Blue Dog from the State of North Carolina, Mr. MIKE MCINTYRE.

I yield to the gentleman.

Mr. MCINTYRE. Thank you, Congressman ROSS, for yielding and thank you for leading this discussion, a very important one, to show the Blue Dogs' commitment to common sense with regard to the American taxpayers' dollar.

And I want to focus, in the few moments we have left, on our commitment to helping business, American businesses, that provide jobs. We know that the Blue Dog Coalition has tried to do everything it could to help our businesses, especially small business, as many of our districts we know look to small business to help that economic engine churn. Indeed, 99 percent of all business is small business. And when we talk about that, it means that we have an opportunity to work with businesses who help to provide better health care for their employees, who also help people to pursue their dreams and provide college education for their children, who help their family members with their personal needs and through our small businesses who help not only with charitable contributions in their communities but community leadership, civic engagement, and a myriad of other positive activities that affect the American family and, indeed, our American communities.

I want to talk about for a moment how we are doing that in very specific ways when we look at prosperity and the protection and the progress we have made in trying to help small business. And what it means is that we use a commonsense approach when it comes to our checkbook, that we don't spend more money than we have, than any of us would do in our own checkbook. And there are 3 specific ways that I want to remind us this year that the Blue Dogs have sought to do this. And that is through a package that we introduced a few months ago and are continuing to work on that has different ways that we can put together legislation to restore fiscal discipline to the Federal Government after years of budgetary mismanagement and irresponsible deficit spending.

The first part of this legislation is the Blue Dog fiscal accountability package. It is the opportunity for us to be able to strengthen fiscal responsibility and accountability by making sure we do follow the statutory PAYGO rules, or pay-as-you-go, a commonsense term that our leadership has adopted to make sure that we are implementing multiyear discretionary spending caps. This would make sure that we are not spending any more of the taxpayer dollars than we have in our budget, that we get out of the habit of running up the national debt.

And as you pointed out earlier tonight, right now the national debt stands at a figure that means about $29,888 for every man, woman, and child in America. And that is totally unacceptable.

The second part of our legislative package, in addition to making sure we have accountability and honesty in our budgeting, is the Balanced Budget amendment, which so many of us have supported, to provide a constitutional amendment requiring Congress to balance the Federal budget every year. This legislation allows for flexibility during times of war, natural disaster, or economic downturn by giving Congress the ability to waive the balanced budget requirement with a three-fifths vote in the House and Senate. And it also prohibits cuts in Social Security benefits from ever being used in order to balance the budget. So it protects our senior citizens as well.

We have got to make sure that we are paying down this national debt. It's not fair to mortgage our children's future. It's not fair to mortgage our grandchildren's future. It's not fair to put a price tag on every baby born in every hospital in America of $29,000 in debt from the second they take their first breath. And that bill is being put not only on children but on family members of all ages, even our senior citizens. That has to stop.

The third piece of legislation we have also deals with strengthening the budget process, to make sure the Members of Congress have a sufficient amount of time to properly examine legislation and its actual cost implications, to make sure there is transparency in the process and requiring the Congressional Budget Office to have a cost estimate accompany any bill or conference report that comes to the House floor.

And, Mr. Speaker, these are only practical ways that the Blue Dogs are seeking to make sure we have honesty, transparency, and common sense in our budgetary process. The central guiding battle cry that we as Blue Dogs have is make sure that we are accountable and make sure that the taxpayers' dollar is only being used in the most fiscally responsible way, as any of us would want done with our own money. After all, it is the taxpayers' dollars, and that is to whom we are accountable and want to honor.

Thank you for this opportunity to address this to my colleague, and, Mr. Speaker, it is about prosperity for the American Dream. It is about protecting the American taxpayers' dollars and about making sure that we are working together for progress in our society.

Mr. ROSS. Mr. Speaker, I thank the gentleman from North Carolina.

In the remaining four or five minutes we have, I want to turn this over to one of the founders, one of the long-time leaders of the fiscally conservative Democratic Blue Dog Coalition, and that is my friend from Iowa, Mr. LEONARD BOSWELL.

Mr. BOSWELL. Thank you, MIKE. I appreciate my friend from Arkansas giving me this opportunity. And I want to compliment you for the untiring hours you've spent in trying to tell this Nation, this Congress, and all who will listen that it is time to be fiscally responsible. It has been for some time.

And I would like to associate myself with my friend from North Carolina in the comments he just made. Very, very germane to what is going on in our country today. In fact, around the world. And as you can tell, Mr. ROSS, I am one of the older folks around here. I don't know if that's something I should be proud of. I guess I'm proud versus the alternative. But oftentimes people say to me, You're going to be all right. Why are you worried about it so much?

Well, I am worried about it. Yes, at my age I suppose I'm going to be all right. But you know what? I have children and I have grandchildren and I am very proud of them, and I want them to have the opportunities.

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In fact, just like you and you and you and anybody else that's paying attention, we all want it better for our children, that's just inherent. And they're not going to have that opportunity if we don't do something about this. And that's what you display right there on that chart.

That figure of $9 trillion-plus is staggering, and it's growing; it has been for the last number of years. And we went from the opportunity of being in a surplus to this unbelievable deficit situation. And it really ties our hands as to what we can do as we think about our leadership in the world we know today.

This very day I'm quite sure that we've had people from our Treasury Department over in China trying to borrow money so we can continue to run on deficit, and this just won't work. You can't do your business in Arkansas, you can't do it in North Carolina, I can't do it in Iowa, nobody can.

There comes a time when you have to face reality. And Mr. Stenholm used to tell us from time to time that if you realize you're in trouble and going into a hole, the first thing you do is quit digging. And there is something to that. Well, we need to do it, and we need to do it badly.

So, I am pleased to associate with the Blue Dog Coalition, I have been for some time, and the leadership that Mr. ROSS and others, Mr. BOYD and others, have given to trying to make this point come to life in the sense that we've got to do it for our country and for our kids and our grandkids. This is something we must do, and there is just no choice about it.

I think there is a lot of hope for us in the world that we're living in today. I have a lot of hope, and I want to keep it that way. At the same time, I'm fully aware from my travels and from my life experience that the world is in a perilous situation. And we won't always be in this leadership position if we don't take a hold and get our arms around this situation. But we've got to do it.

And as we well know, the time is now at hand, I think it's already here, that China is a superpower. They are certainly going to be if they're not; I think they probably are. India, the demands they're putting on us. The big trade deficits we've got, we can't sustain those. And you put all this in line with this tremendous debt we have and what we're paying for interest annually, it equates to something like $250 billion a year. It equates to one of our major line items for our department. We can't afford to do that, and we have to face reality.

So, I really appreciate the efforts being made by you, MIKE, and all of us to try to do something about this, and the fact that the leadership of this Congress has accepted our idea of PAYGO. And it's something we have decided upon and we've got to stick to it. There are going to be a lot of temptations to vary from that. And as we went into the farm bill, for example, it was so hard to do it, but we stuck with it, we worked hard and we came up with a viable solution. We've got to do it in all the things that lay before us. We've got to set the priorities and get those things done.

I see the time is about up. So I yield back to you, Mr. ROSS, for the closing comment, if you would like. I just want to say I appreciate coming here this evening and sharing some of my concerns for this situation at hand. We have to take it as a real situation. It's here. And if we don't do our job, we're going to leave it on our children and our grandchildren, and we don't want to do that.

Mr. ROSS. I thank the gentleman from Iowa.

The gentleman from North Carolina.

Mr. BOSWELL. Just the last word I'll say is we always want to remember it's the taxpayers' money. It's not Washington's money, it's not the government's money, it's the taxpayers' money, and we want to do everything we can to make sure that everything is honored. That's the Blue Dogs' battle cry, and that's where we stand. And I thank you for this opportunity to share in this.

Mr. ROSS. Mr. Speaker, this evening you've heard from Blue Dog members from Kansas, Florida, Tennessee, North Carolina, Iowa and Arkansas. And we're a group of 47 fiscally conservative Democrats that are simply trying to restore common sense and fiscal discipline to our Nation's Government as we try to offer up commonsense, practical ways to put an end to this reckless spending and hold this government accountable for how your tax money is being spent.

## HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you here on the floor of the United States House of Representatives.

And having been a speaker in waiting, I had the privilege to listen to some of the Blue Dogs talk about their budgetary priorities. And I also listened to the reflection of the individual from Iowa, whose cows I represent down there in my territory. And we are good neighbors and we've worked together over the last 5 years that I have been in this Congress.

There always are two sides to an issue, and a number of the statements that were made here I absolutely agree with. I would submit, though, that there is a distinction between us, and that is, I want a balanced budget. I worked for a balanced budget. I called for a balanced budget upon my arrival in this Congress 5 years ago. I've sought to produce those numbers and get that language out on the floor.

My Blue Dog friends also call for a balanced budget, but they're willing to raise the taxes. And they have offered several budgets to this Congress that would have raised taxes in order to balance this budget.

I would submit that we need to balance the budget a different way. We need to do it by controlling spending. And we can do a better job of controlling discretionary spending, but in there is not the answer, not the complete answer to the things that we need to do.

The tax cuts that came from the Bush administration immediately following September 11, 2001, and the next wave of tax cuts that we did in 2003 have stimulated this economy, and they have probably kept us from a recession and maybe even a depression. So, Mr. Speaker, I would submit this: I would take your reflection back to that period of time that was in the end of the Clinton administration, during the campaign of the Bush-Gore campaign in the year 1999 and 2000 and the beginning of the Bush administration. We had this growing, booming economy, and it coupled with serious spending cuts that were brought forth on the floor of this Congress by Republican leadership, the new Republican leadership that arrived here, elected in 1994, sworn in here in the first week of January of 1995, and came in and said, we're going to do these 10 things, and we're going to work towards a balanced budget. And they actually didn't know that they could accomplish that. But as they brought the spending restraint and the cuts and the efforts to eliminate entire departments, unsuccessful, I might add, Mr. Speaker, that constrained this growth in spending. And by the way, they didn't have any inhibitions about cutting down and limiting the spending that President Clinton wanted to do at the time. They had political opposition, so points were being scored on both sides. And while that was going on, we were holding this budget down. In fact, the government went into shutdown. And there was a time when I thought that the leadership in this Congress should not have blinked. But in the end, regardless of who got the blame, this Congress, had it not had the majority that was here, and I would point out to the Speaker that that was a Republican majority, we would not have had a balanced budget in the 1990s. You would not have seen John Kasich with a T-shirt that said "back in the black" with the line of our spending cut down and where we were going into solvency.

But we got into solvency. And I don't get the credit for that, I wasn't here at the time. This Congress got into solvency because it had solid, conservative leadership. And then, as the administration changed from the Clinton administration, which has been lauded here tonight, I believe, to the Bush administration, at the same time we had a dot-com bubble in our economy, there was a growth on Wall Street that capital was being attracted to the information age, that type of industry. And there was a belief that because technology had taken the microchip to the level where we could store and transfer energy more effectively and more efficiently than ever before, there were billions of dollars speculated in dot-com companies on the idea that, with all this technology, we are transitioning from the industrial age into the information age.

And as we go into the information age, Mr. Speaker, the capital that was attracted to those businesses was capital that simply was placed upon the speculation that, because we could transfer and store information more efficiently than ever before, somehow these companies that were formed for that purpose would be able to all make a profit. But the bubble, when it burst, it was the realization that this information, just because we could store it and transfer it more effectively than ever before, didn't necessarily transfer into profit. It couldn't be translated directly into profit because the information storage and transferability that came with the information age, that actually caused the information age, that ability was predicated upon how that information could provide a good or a service more efficiently, or to the extent that that information could be used for recreational purposes.

Now, we understand the good or the service being provided more efficiently. Look at the things that we can do with tracking inventory, for example, or dispatching trucks on the roads of America with the satellite transponders, to be able to sit there at a software screen, if you're dispatching trucks in a nationwide or continentwide trucking company, and be able to see on that screen a little dot where every truck is, be able to click on that and find out when that truck got its last rest, how much rest the driver had, what the maintenance is on the truck, what the cargo is, what the delivery time is, how many miles are left, and be able to have that software package give you a warning on when a load might be late. And we went from keeping significant inventories in our warehouses in America to just-in-time delivery, partly because we could do a more effective job of dispatching trucks.

That's just one of the things that came with the information age, and that's efficiencies that came into this because of being able to store and transfer and calculate more efficiently than ever before. But, a miscalculation that was made by Wall Street was a miscalculation that, because we could store and transfer and calculate more effectively, that it all translated into profit. It did not.

And so the speculators on Wall Street and into the private companies, whether they were publicly traded or whether they were privately traded companies, the speculation part of that was the dot-com bubble. And it burst. And it burst kind of slowly, not like a balloon pop, but kind of a slow letting out of the air. And as that bubble collapsed, that transitioned across the end of the Clinton administration into the beginnings of the Bush administration. And while that was going on, we had corruption that emerged within major companies, within major corporations within the United States. And we know who some of them are, Enron, for example.

And so, as this corruption was corrected and as we saw legislation being passed in this Congress and signed by the President, there was also downward pressure on our stock market because they didn't know how much regulation they were going to get from this Congress, under the pen of the President, what was going to happen. So, how would this Congress react?

Well, as that debate went on, as we began to clean up the corruption that emerged, and thankfully that did happen to a large degree, that went on top of the slow letting out of the air, I call it the bursting of the dot-com bubble, those two pressures downward came downward on our economy. Well, we know that our tax collections are also predicated upon how strong our economy is. And if we have growth, we will have more taxes; if we have a decline, we will have fewer taxes. With the dot-com bubble bursting and the corporation corruption that was being addressed, both suppressed our economy and the tax revenues declined.

While this was going on and as the President was getting his feel of coming into the Oval Office and beginning to become the newly sworn President of the United States, January until September, in September of that same year that the President was sworn in, while he is dealing with the bursting of the dot-com bubble and the corporation corruption, and while this Congress is as well, we had the September 11 attack on the Twin Towers, on the Pentagon, and a plane that crashed in Pennsylvania. That was a direct attack on our national defense center and a direct attack on our financial centers.

And so, Mr. Speaker, all of these things came descending down upon this Nation, focused like a laser beam on the responsibilities of the President of the United States. And the President responded by calling for tax cuts in a wave that came pretty closely after the September 11th attacks. While we were ramping up our defense, while we were ramping up homeland security, while we were setting up the TSA, and today we walk through the airports and there are billions that have been spent for the security just to board airplanes, and you add that to the cost of the expansion of our military, the cost that came because we went, appropriately, into Afghanistan and then in the following year and a half we went then on into Iraq, all of these things were pressures on this economy. And all of them worked against a balanced budget that, the last number I saw it looked like we were going to come in about $158 billion in the red, $158 billion, and one could speculate as to whether that is a hard number, whether it might go up or whether it might go down as a percentage of our overall budget, tells me if we would have had hard-nosed fiscal discipline even on the discretionary spending just in the time that I have been here in 5 years, we would have reached a balanced budget. We would have gotten there just by having spending discipline, not the discipline that says I want to increase spending because I think I see these needs, and if I'm going to do that, then I want to increase taxes. That's the approach that comes, and, admittedly, the Blue Dogs have more discipline than a lot of the folks on their side of the aisle, but they don't have as much spending discipline as I have. I would pull this thing right on down and I would set it out and say, we can get to a balanced budget by having discipline and discretionary spending.

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But, Mr. Speaker, that is not really the answer either. That is a constant fight, and it is a diminishing effort to slow down and eventually reduce discretionary spending to balance the budget because the more we do that, it is working in the right direction because it slows growth in government and it holds more personal responsibility and so less spending creates less dependency. Those are all good things, Mr. Speaker.

But the other side of this is that while we are talking about discretionary spending, the huge elephants in the room, one might speak, or should I say the gorilla in the room, I hesitate to say the donkey in the room, but those huge gorillas in the room are this: Medicare; Social Security; to a lesser extent Medicaid; the entitlements; and then, of course, the growing interest, which we heard about from the Blue Dogs, the growing cost of maintaining the interest. But Medicare and Social Security are the two big ones.

As the President stepped out from his second inaugural address that took place in January right out here in the west portico of the Capitol Building in January 2005 and talked about the position we were in as a Nation and we were poised to hopefully end the war in Iraq and move forward with our economy; the two rounds of tax cuts that we had done had succeeded in rebounding this economy and got us back into a growth mode again, and today we are sitting on 49 consecutive months of growth. Astonishing.

There are astonishing measures of the economic growth in this country. But the President stepped out from that west portico and invested his political capital in addressing the huge Social Security entitlement, a huge burden that is coming at us. As I listen to the Blue Dogs talk about Social Security, I didn't hear them talk about, this is a bit of an old number, but a number that I recall from a couple of years ago and is at least representative and it will not be precisely accurate today but slightly dated, $1.7 trillion in the Social Security trust fund. That was there a couple of years ago. That trust fund continues to grow today because we are collecting more Social Security than it takes to pay the benefits out to the people that are the recipients of that Social Security.

Now, Mr. Speaker, I don't submit that where we are with this is a good idea. I point that out that there is an account there that presumably we could draw from that is going to address this big entitlement. But it works out like this. Even if that money were going into a lock box, as some said it was, even if that were an account that grew interest at $1.7 trillion and add some more in there over the last couple of years to get that number up, it is probably approaching $2 trillion or more by now, the accumulation in that account goes, it accumulates until about the year 2016. And then it goes the other way. Then we start spending more than we are taking in. And from that year forward, that roughly $2 trillion that will be in there will be spent down by the year, and these numbers aren't the freshest again, but in the neighborhood of 2042, by then the Social Security trust fund is broke. Then what do we do?

I would submit, Mr. Speaker, that, first of all, it wasn't a good idea to put the Social Security money into a trust fund if we were going to spend the money from the trust fund and put it into the general fund. If we were going to borrow the money from the Social Security trust fund and spend it with our overall budget, which we have been doing, that breaks faith with idea that there is a trust fund, because in the end it is an accounting gimmick.

I have in my file somewhere, an electronic file of one of the bonds that are on file. This Social Security trust fund that is approaching $2 trillion is the accounting of it is, yes, electronically but also it is an accounting that is paperwork, actual bonds that are printed on paper that is identical to this paper worth no more than probably not as much as a blank sheet of paper from a copy machine, 8½ by 11. They print these off. I have one that is a sample. I believe it is $3.54 billion on that little sheet of paper that says trust fund account bond for the Social Security trust fund. Those original documents, Mr. Speaker, are on file in a filing cabinet in Parkersburg, West Virginia, ROBERT BYRD's district, and they are there because some enterprising Senator passed legislation that said, you will keep a paper accounting of the Social Security trust fund.

Well, the paper is an accounting. The electronics is an accounting. But the accountability of our Social Security trust fund is the full faith and credit of the people of the United States as represented through the United States Congress, and when the day comes that we need to tap into that Social Security trust fund, which will be a day in about the year 2016 when we start tapping into that, there isn't any money there. It is only there on IOUs from the government to the government, which is the equivalent of writing yourself an IOU and putting it in your pocket. The value is only the value that it reminds us that we have this obligation to keep our sacred trust with the senior citizens of America. I am pledged to do that. Our President is pledged to do that. I think that that is something that is a universal opinion between Democrats and Republicans in this Congress, that we keep our sacred trust with the seniors in America, that we do not diminish their benefits, their anticipated promised benefits, that we keep that intact, that we don't increase the contribution rate, we keep that intact.

But something that we have done if we had had the support of the Blue Dogs, because the Republicans were in support of this, was the President's proposal that we offer people the opportunity if they were young enough to make the actuarials work out, a personal retirement account that could begin to transition some people off of Social Security. They get their Social Security benefits too, but it would supplement that, and then the need to increase that would have diminished over time.

We couldn't get there, Mr. Speaker. We couldn't reform the huge entitlement of Social Security even to keep it actuarially sound. Some said it is a political third rail the President should never have touched. The President says it is a third rail that you if you don't touch it, it is the third rail, but he couldn't and we couldn't get the job done to reform Social Security even though there was no down side for senior citizens, at least a level guaranteed to them, even though there was only an upside for the younger generations, and one of the reasons is the issue got demagogued across this country dramatically.

The President did at least 30 stops across the country. He articulated what this was about. It would have been good if he would have had spokesmen and women from the younger generation, the under-30-somethings that were half as vocal as the 30-somethings that come out here on the floor that would speak up for their opportunity to be able to ensure their retirement without having to become financially destitute when you get from that point where we start out 16 workers for every one retired at the beginning of Social Security, where we are about three to one now and where we will soon get to two to one under this current program.

Mr. Speaker, we need to look into the future. We need a long-term planning approach to the things we do in this Congress. And this electoral process does anything but. It focuses Members on the idea that you get elected, you come down here and swear into office and while you are doing that, there is someone announcing their candidacy to run against you. They're home in the district 6 or 7 days in a week, stabbing you in the media, raising money and trying to unseat you. You are supposed to concentrate on policy when you have someone trying to unseat your political survival from the day you swore in, and you are up for reelection in 2 years.

So this constitutional system that we have, in fact, it is one that I appreciate and revere. In a lot of ways it makes us very responsive to the public. Our fingers are on their pulse. They let us know; we react quickly. This House can move more quickly than the Senate by far if we decide to do it. That is a good thing.

The bad thing is if I called a meeting and said, we are going to start a new long-term planning caucus here in the United States Congress, and invite all 435 Members, you know, if I ordered a lot of good food and advertised it, some would show up. And then after the next week and the next week and the next week, pretty soon there will only be a small handful of people that would be working on something like that just because the system is set up where it focuses us on the things that are urgent, sometimes at the expense of the policy that is important. That is the down side of this constitutional system that sets us up for reelections every 2 years. But if you give us a lifetime tenure, I'm not sure we would solve the problem either.

And you go over to the Senate side and there every 6 years a third of them up for reelection every election cycle and they don't seem to have a lot more interest in long-term planning than we do over here.

So I look to Wall Street. I look to major corporations. I look to the business communities in America for leadership. I am wondering what are they putting together so that we can have economic viability and a healthy populace that can be raising families and bringing up the next generation so that we can continue this American Dream. I watch what they do, and I get the unalterable message from them that their real focus is on their next quarterly report.

Well, I understand that. You have got to produce profit for your investors, and the board of directors is telling you what they want you to do. But where is the leadership in America for long-term vision? Where is the leadership that will take us down this path where we will eventually get to solve the Social Security problem, to solve the Medicare problem, and I will submit the words of George Will which were, democracies function under the lash of necessity.

And we haven't reached the lash of necessity if we are talking about actuarial tables that start going into zero on the Social Security trust fund in 2016 nor a fund that runs out to zero in 2042. That is not the lash of necessity. We need the American people to be looking ahead and demanding that we put long-term plans in place. And that is important that the media, that the philosophers, that the writers, the people that are opinion leaders in America join with us so we can put the pieces in place for a long-term solution to Social Security, Medicare, Medicaid to a lesser degree. All that solves the interest problem, and even then, if we simply had discipline in our spending, we can solve this all with growth, Mr. Speaker.

So if the Blue Dogs want to talk about getting to a balanced budget, I am for that. Let's do so. Let's do it by spending discipline. Let's do it by reforming Medicare. Let's do it by reforming Social Security. By the way, I have a couple of ideas for you on Medicaid. If we can do those things, this budget becomes easy. We need to index our spending then to the factor of inflation which should keep us down below the revenue stream when we have the economic growth that we have if we have good favorable tax policies.

I can go on into subject matter that has to do with reforming the Tax Code that eliminates the IRS and eliminates the entire income tax code. It untaxes all the production in America and puts it on consumption. Mr. Speaker, I would take us all down that path, and I may well run out of time before I can get to that.

But I wanted to address the concerns that were raised by the Blue Dogs. And I would point out that to compare spending, the spending of the National debt to the amount of money that we spend in this Congress on education, I can look through this Constitution that I have in my pocket, and I can't find anything in there that says, thou shalt extract money from the taxpayers to fund education. It is not comparable to the National debt. It is not relevant to the National debt. To the extent we make the decision that we want to invest in education, it is not something that is a legitimate measure.

Neither is it a legitimate measure on the part of the Members on the other side of the aisle. And I believe that includes the Blue Dogs as well. Neither is it a legitimate measure to argue that because we spend billions of dollars in Iraq, we ought to spend billions of dollars on SCHIP. There is no legitimate measure. They are not linked. They can't be linked. But if you want to link them, if you choose to link SCHIP spending to the global war on terror, to the funding that supports our men and women whose lives are on the line in places like Afghanistan and Iraq and other places around the world, if that is your will, to link that spending, then let me associate this for you.

I point it out this way, Mr. Speaker, that if it is a zero sum game, and by presumption it is a zero sum game if we are going to compare national defense spending to the State Children's Health Insurance Program, then the zero sum game comes down to this: How many bullet-proof vests would you deprive our soldiers and marines of in order to fund health insurance for middle, let me say, upper-income kids? Because we are talking about a Congress that passed subsidy for health insurance premiums for families in my State up over $103,000; $103,250, 400 percent of poverty. That was the Pelosi plan. That was, Mr. Speaker, the 400 percent of poverty that passed off the floor of this Congress.

I submit that subsidizing health insurance premiums when people are making over $103,000 a year is an irresponsible expansion of this budget. It cannot be defended within the context of the previous hour that was delivered by the Blue Dogs. It can't be defended by anyone unless it is their will and their intent to move us to socialized medicine.

What is our line here? I will argue that in the 1990s we passed welfare reform. This welfare reform was called workfare in a lot of cases, to move people off of the multigenerational dependency on welfare, move them into work, transition them smoothly so they could get there and observe and recognize and act upon the reality that when people moved off of welfare when they started to earn more income, they would no longer qualify for Medicaid which was, of course, the health care that is provided for the low-income among us. The working poor weren't going to have health insurance for their children.

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So this Congress passed SCHIP, the State Children's Health Insurance Plan, to subsidize, in most cases, to replace, to buy the health insurance premiums for working-poor kids, the children of the working poor, so they could transition out of welfare and onto work without losing the health coverage for their children. Pretty good idea. When it passed out of this Congress and went to the States, the States had this opportunity to take it up. We took it up in Iowa. We called it HAWK-I. We called it the Healthy and Well Kids in Iowa.

We set that at 200 percent of poverty. I supported that and adapted some of the language technically and voted for 200 percent of poverty level. That 200 percent of poverty level then grew. The State got an exception where one could exempt 20 percent of the income of a family. So you get into a situation where the 200 percent of poverty, that turns out to be about $41,000 and change a year for a family of four; when you exempt 20 percent of the income, that goes to $51,625.

That is where we are today. I don't call $51,625 the working poor in my State. It might be in some States. It's not the working poor in my State. Most people don't make more than that in the State, but most people provide the health insurance for their families and their children. When it's provided through the employer, this bill that was pushed through this Congress provides a perverse incentive to crowd kids off of private health insurance and put them on the government-funded health insurance. That is the crowd-out factor.

The crowd-out factor was a lot bigger for the 400 percent of poverty. I don't recall that number, as I stand here, Mr. Speaker, but as that bill went over to the Senate and it was negotiated down to 300 percent of poverty, the crowd-out factor became 2 million kids in America that today have health insurance that is paid for by their parents or at the workplace of their parents, and those 2 million kids would be crowded off of their own private insurance rolls and put onto the government-funded insurance rolls.

Now they would match up with a number about 3.8 million kids that don't have insurance today. They have health care, but statistically they don't have insurance. That sometimes is a fluid number. There are people in transition between one policy and another. That is added into that 3.8 million. But the 2 million is a hard number. That is the number of kids that get crowded out, pushed off their own private health insurance.

That is unacceptable. If we are trying to insure children of the working poor, we don't take it up to $103,250 income for a family of four and say we are going to subsidize it up to that point, now we have helped the poor kids, because $103,000 is not poor. That is really wealthy where I come from. That is 400 percent of poverty. That is not the answer to subsidizing health insurance for the kids of the working poor. That is what SCHIP is supposed to be.

Three hundred percent of poverty is what this House passed the last time after it was negotiated in the Senate. That is $77,437 in my State. In some States, it's $83,000. That is not the working poor for a family of four. Probably not for a family of any normal size that we would see today. But that is the standard that this House has passed again. Still, it crowds out 2 million kids. One of my objections, one of my real objections to this is that they have changed the language in this bill. They have changed the language that under current Medicaid qualifier standards there has to be a demonstration of citizenship or a lawful presence in the United States that extends beyond the 5-year prohibition for receiving any welfare benefits here in this country.

That provision has been weakened by an addition to a section in this SCHIP bill, and it has been done so by the majority, and they have done it more than once. When we raised the objection and said that this language has changed and it will provide taxpayer dollar benefits to people who are in this country illegally to give them Medicaid and SCHIP, the majority said, no, that's not true because we have a paragraph in the bill that says none of these funds shall go to fund illegals.

I would submit, Mr. Speaker, that they wouldn't have had to add the language to the bill if they weren't going to do something with it. The language that they added to the bill is scored by the Congressional Budget Office, who analyzed the language and has a job in a nonpartisan way of calculating the impact on our budget, and they concluded it would cost an additional, the changes that open the door to allow people who are deportable to collect health insurance benefits and health benefits in the form of Medicaid, illegals in the United States, the cost to that is, according to the Congressional Budget Office, $3.7 billion in Federal tax dollars, $2.8 billion in State tax dollars. The easy math on that is $6.5 billion all together it costs the taxpayers of the United States to fund Medicaid and SCHIP, most of it, a vast, vast majority of it, for illegals, that if we simply ask the immigration customs and enforcement why don't we deliver that benefit in the form of a voucher and you guys take it up there and hand it over, when they met with most of these people they would have to take them into custody and take them home to the country where they belong.

That is the reality of the law. That is the law, Mr. Speaker. $6.5 billion, and yet I have people here in this Congress and around the country that say: STEVE KING is wrong on this. This bill really doesn't allow for funding to go to illegals. It really doesn't open the door. My answer to that, first of all, is if you think I am wrong, what is your number? Submit to me your number. Would you like to submit zero? Say that to the Congressional Budget Office.

Right here, Mr. Speaker, is the CBO report that shows the $3.7 billion, and the easy math that came from the Energy and Commerce Committee to put the States' share in that comes to $6.5 billion. My question is: If you think I am wrong, what is your number? The second question is: If I am wrong, why is the majority so insistent upon keeping their language in the bill that opens the standards up for Medicaid qualification that just simply says all you have to do is write down a Social Security number and we are going to recommend that the Social Security Administration verify that number, maybe send a letter back to the provider or to the State if that number doesn't match up.

We know how well that works with employment in this country. We have at least 6.9 million working illegals in America. According to the Center for Immigration Studies, those 6.9 million, which may now be 7 or 7.1 million people, at least 55 percent of them have false documentation that they present in order to get the job. That is a Social Security number that has been submitted in the same fashion under the same standard as would be required for Medicaid qualifications. We know how well it is working with hiring illegals in America when you say, give me a Social Security number. It is not working. That is why we are in the middle of this immigration debate, Mr. Speaker.

So, I will submit that that same standard has no chance of working any better if you are going to use it to be able to qualify applicants for Medicaid and SCHIP. It defies logic to think that the Congressional Budget Office hands out a document that says $3.7 billion Federal, and Energy and Commerce calculates the State share of that and it comes to $2.8 billion, and you are at $6.5 billion in cost. Why does it cost $6.5 billion more money, if there is nothing in this bill that funds illegals? And why is the majority going to fall on their sword to protect the language that opens up the standards, if it doesn't change anything? One can't get past that. Facts are inconvenient truths to some people on the other side of the aisle and sometimes on this side of the aisle.

But what I recognize is I have been joined here by my colleague from New Jersey who occasionally will be watching C–SPAN at night and have a thought and a concept that he needs to get out here this evening. So with that in mind, with great gratitude, I would be happy to yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Well, I thank the gentleman from Iowa for giving me the opportunity to address the House.

First, before I begin, let me just say this. I commend the gentleman for your being down here on the floor to, first and foremost, refute the arguments that had been made initially, in your opening statements, refuting the arguments made by the other side of the aisle, where I believe you were getting into the issues of the debt and what have you, and some of the other points you made with regard to our spending levels, and finally on SCHIP.

If I may, I want to address a couple of those. First of all, here we are at the end of October, 10 months into the rule under the new Democrat majority, and we have to ask, what has their leadership wrought? They have brought us the largest tax increase in U.S. history, the creation of slush funds, where a lot that money is going to go to, and the end to the transparency that they promised in the last election that they would bring to this House.

On the first point, as far as the largest tax increase in history, that began initially as soon as the Democrats took control with their budget, a $387 billion tax increase, which basically is too large of a number for any of us to get our hands around. But what it really translates down to is, on average, around a $2,500 to $2,700 increase that every individual in this country will have to take out of their pockets, from the hard-earned money they make, and send down here to Washington so Congress can spend it instead on who knows what it may be. That is where they began.

We know just this past week the chairman of Ways and Means has come out with the "mother of all tax increases." That "mother of all tax increases," of course, basically begs the question of what happens to all the orphaned taxpayers then in this country, those who are now left having to foot the bill for that tax increase.

So I raise these points only because it is truly ironic that the other side of the aisle would come to the floor and raise the issue of the debt level and the spending of Congress, because, when you think about it, they ran on a platform that the Republicans were spending too much, but what was the first thing they did when they came here? They decided that they would spend even more. They ran on the platform that we were taxing too much. And what was the first thing they did once they got here? They raised our taxes. And they have done so repeatedly. They have about half a dozen times now had legislation, just about every single major piece of legislation that has come to the floor so far, that has included some form of tax increase in it.

Now, the gentleman from Iowa raises the point now near the end of his discussion with regard to SCHIP, and I always appreciate his explaining to the American public what the acronym SCHIP really does stand for. SCHIP stands for "Socialized Clinton-Style Hillarycare for Illegals and Their Parents." I will get to that point of illegals in a minute, but let's look at the overall focus and what the intention is here.

I think it begs the question to ask, is anyone from either side of the aisle not intending working towards making sure all Americans can have the health care that they need? I think we all agree on that.

The next question is, do we not want to make sure then that all American citizens' indigent children get the health care that they need? I think, generally speaking, except for the partisanship and the politicking on the other side of the aisle, I would have to say that all of us agree on that as well.

Then we have to ask ourselves, what is the best mechanism to get there? Is

SCHIP and the expansion that the Democrats want to foist on the American public the best way to get there? I would answer that question by saying, no, it is not.

Going in reverse order, the gentleman from Iowa raises the point with regard to illegals, an important point. The Democrats will tell you, don't worry about it. The bill already says in plain language that illegals are not allowed to get these benefits, as if all you need to do is put those words into a bill and that makes it so.

I see on the table over there, I think that looks like your demonstration for the wall. Is that what that is?

Mr. KING of Iowa. Yes.

Mr. GARRETT of New Jersey. You know, we would not need that wall under the Democrat philosophy, because we already have a law that says no illegals may come into this country illegally. If that is all it takes is just to say they can't do it and it won't happen, you don't need that wall. You don't need any surveillance. We don't need any border security guards, because we have a law that says they are not allowed to come into this country illegally. But we know that that is not the way it works. What works is you need enforcement. You suggest enforcement in the form of a wall, and I agree with you on that.

In the area of SCHIP, enforcement means that we need to have a way of verification for an individual when they come to claim American taxpayers' dollars for their own benefit for them to verify that they are legal American citizens entitled to it. And that is all that the Republicans were asking for, some sort of process to make sure that was done.

Now, the Democrats also argue, look, they put in a penalty provision for the States. The Democrats were not willing to actually put an enforcement mechanism in themselves to say how they want to verify the illegals. But the Democrats will say, well, we are going to leave that little question to the States instead and have the States cleverly come up with it. Of course, you and I are all supportive of States being the laboratory of experimentation.

□ 2015

The Democrats then say that is all we need to do. I would suggest that is not all you need to do. The enforcement there is not to say to the States if you mess this up, if you don't enforce the law and allow illegals to get American taxpayer dollars under this program, and therefore potentially deprive other American children of their benefits, it does not say that those States will not receive any Medicaid benefits whatsoever. It does not say that they will not receive SCHIP benefits as well. It just holds the additional funding that goes to those States.

Under the original DRA law that was signed in 2005 and went into effect in July of 2006, for those States under Medicaid where it applied to, we saw a decrease because of the Republican enforcement mechanisms of illegals actually getting those benefits. What the Republicans have simply asked the Democrat majority to allow us to do is to allow those systems that are working to apply to the entire SCHIP process.

So on the point of trying to make sure that only U.S. American citizens get the benefits, Republicans have a plan and it has been working in other aspects of Medicaid, and we wish to expand it.

I yield back.

Mr. KING of Iowa. I thank the gentleman for coming to the floor and giving us a New Jersey perspective on this issue of SCHIP and also the overall budget that we have.

As the gentleman arrived, I was reaching for a quote in my memory and I came up a little bit empty. And so I looked it up while I was listening to the gentleman from New Jersey.

You have heard a number of facts that have been rolled out by the gentleman from New Jersey. You have heard a number of facts that I have rolled out here. I have said they are stubborn things. But it was John Adams who spoke to facts in memorable fashion when he said: "Facts are stubborn things. And whatever may be our wishes, our inclinations or the dictates of our passion, they cannot alter the state of facts and evidence." John Adams, and that was before the Declaration of Independence that he made that statement, as I recall.

And so as we laid these facts out here, this SCHIP initiative that we have today, current law, family of four qualifies in my State up to $51,625. It may be higher than that in New Jersey.

But the bill vetoed by the President and the bill that was passed out of this House last week is a bill that funds up to 300 percent of poverty, family of four, $77,437. That is off of Governor Culver's Web page. By doing the simple calculation that is provided there on whether you qualify or whether you don't, the $51,625, and 300 percent of poverty is pretty simple, you just do the math on that.

This House passed it at 400 percent of poverty. That was the Pelosi plan. The argument is this is not the cornerstone to socialized medicine.

Mr. Speaker, I submit when you cover 95 percent of the kids in America with SCHIP, which you would do once you get up over that 400 percent of poverty, only 5 percent are left on their own insurance. The rest are crowded out. The 2 million who would be crowded off their own insurance plan under this plan which has been vetoed by the President and then brought back in substantive identity to the first bill by the Pelosi-led Congress, that legislation still crowds out a huge percentage of the kids.

I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I will make this last point if the gentleman permits. The definition of a middle-class benefit or entitlement is one that goes to the middle class of America.

The definition, I guess, of a program for the indigent would be a program that is aimed for those who are making less than the average, less than middle-class America.

I wanted to give a couple of numbers. The median, middle, middle income in this country is around $46,000 for a family of four essentially. That is the middle. That would be how we define middle class across the board. Some higher, some lower. That is the middle.

The bill, SCHIP, as it was created initially was for 200 percent of poverty. That would be around $42,000 for a family of four, so less than the middle.

There are some discussions going on literally as we speak right now in what the Senate is looking at to bring this program up to around 275 percent of poverty. That would be $58,000 for a family of 4. So if middle, middle-class America is around $46,000, and some are suggesting we should be bringing the coverage up to $58,000, by definition it is a middle-class entitlement. Actually above middle class. Slightly above middle-class entitlement, as a matter of fact. It begs the question if you are trying to set up a program to address the problems of the indigent Americans in this country, why are you bringing the number up so high we are going over the median income in this country.

That is a rhetorical question. I don't think the other side can answer it unless they simply want to be honest with us and tell us they are trying to do what Bill Clinton said back when he was President that he wants universal coverage where the government has socialized medicine, and you will start with indigent children, you will go to all children and eventually you will go to all adults in the entire country. One-fifth of this economy will be encompassed by a government-run health care system, something you and I definitely oppose.

Mr. KING of Iowa. Again I thank the gentleman from New Jersey. I would ask him to point out to the body the acronym of SCHIP that he illustrated in his speech. I know that poster is available, and so I would direct the attention of body to the gentleman from New Jersey and the poster.

Mr. GARRETT of New Jersey. SCHIP. It has another meaning as Republicans initially created it, but we see what the Democrats have morphed it into. SCHIP now stands for Socialized Clinton-style Hillarycare for Illegals and their Parents. That wraps it all right up there. They are willing to go back to what Hillary and Bill Clinton wanted to do, and that was to have a universal, socialized plan that the government would control, literally one-fifth of the economy, health care economy, the same government that gave us FEMA and the way they handled Hurricane Katrina and the same aftermath of Katrina, the same government that gives so many other problems of waste, fraud and abuse, and the same government that gave us the proverbial bridge to nowhere. That Clinton-style type of government, Hillarycare for illegals. As the gentleman from Iowa just pointed out, it is not for American citizens. It is for anyone who simply wants to walk across the border and take the benefits of the hardworking American taxpayers.

Mr. KING of Iowa. I very much thank the gentleman from New Jersey.

I want to point out that this acronym has been out here now for over a week. When it says SCHIP stands for Socialized Clinton-Style Hillarycare for Illegals and their Parents, the criticism that has come for that is that no one has argued with the substance. They simply say, well, this is emotional. It is reactionary. Well, tell me what's wrong? Does this not lay the cornerstone to socialized medicine, to provide for taxpayer-funded insurance for kids and families up over $100,000 for the 400 percent that was brought across this floor in the first place.

Mr. Speaker, does that not lay the cornerstone for socialized medicine? I submit, yes, it does.

And what happens in this county when, under current SCHIP, we have adults on up to age 25, 85 percent of those receiving SCHIP funding in Minnesota are adults. Some argue 92 percent. It is 66 percent in Wisconsin. I mean, these are huge numbers. This isn't for kids the way the system is today. But it is to lay the cornerstone to socialized medicine. I will support that statement.

As John Adams says, facts are stubborn things. Here is a fact about laying the cornerstone for socialized medicine. This is what President Bill Clinton said about achieving socialized health care on September 29, 2000: "You know, when Hillary and HHS Secretary Donna Shalala and I started working on this back in 1993, we proposed a solution that would have covered all Americans. And it was too much for the system to accommodate at once, so we've gone back, piece, by piece, trying to achieve that. We have now the Children's Health Insurance. Next, we need to deal with the 55 to 65-year-old age group."

Does anybody think that this isn't part of a plan to lay the cornerstone for socialized medicine when the very words came out of the mouth of Bill Clinton on September 29, 2000? He was still President then.

And a speech he gave here on the floor of Congress on September 22, 1993, where he laid out component after component of the plan to get to Hillarycare. And by the way, it was Hillarycare. It was Hillary working behind the scenes in some secret meetings to put together an overall health care proposal which was socialized medicine.

Mr. Speaker, it was wrong then. It is wrong now. This is the cornerstone of socialized medicine. It is a component of Hillarycare.

Bill Clinton again, September 29, 2000: "You know, when Hillary and Health and Human Services Secretary Donna Shalala started working on this back in 1993, we proposed a solution that would have covered all Americans."

Well, a solution that covers all Americans, I would submit, isn't your private health care program, isn't the one that has been built by the free enterprise system, the one that has provided the incentive to do the research and development that has given us the best health care in the world. A system that would have covered all Americans is socialized medicine. That is a definitional fact. This is a direct quote from President Bill Clinton, September 29, 2000.

I say SCHIP stands for Socialized Clinton-style Hillarycare for Illegals and their Parents. It is a matter of historical fact. She met over and over again, and some would say the meetings could have been more lawful. That is not my issue so much as she was driving a health care policy as First Lady as if she were the lead health care policy wonk in America. It collapsed when the American people revolted against it because it was Hillarycare, because it was socialized medicine.

It came to us Clinton-style, but he delivered it here on the floor of the House of Representatives on September 22, 1993. In the year 2000, when he found out they couldn't drive it through, he said, well, we are going to give you a solution that will cover all Americans, but we are going to give it to you a piece at a time.

So when SCHIP passes at 200 percent of poverty, then we will raise it to 400 percent of poverty. This is what the Pelosi Congress wanted to do. These are all facts, these inconvenient, stubborn things. At 400 percent of poverty, you have only about 5 percent of the kids any longer on private health insurance. So the culture to provide for your children's health insurance premium is gone. It is wiped out. It is destroyed by a Congress bent on laying the cornerstone to socialized medicine, SCHIP. Socialized Clinton-style Hillarycare. Those issues are all addressed for what, Mr. Speaker, for illegals and their parents.

I have spoken to this. Here is the CBO score: $6.5 billion increased costs in fundings that are not currently going to illegal recipients of Medicaid, and those funding that currently are going to SCHIP to illegal recipients, that comes from the changes that are in this bill that passed this House last week and the bill the President vetoed, the bill that this Congress refused to override. That $6.5 billion.

They can argue that they changed the language. They did. They were distinctions without a difference, and the proof that it lacks a difference is because the Congressional Budget Office scored, evaluated the cost to taxpayers, at precisely the same dollar amount. Regardless of whether it was the language they first brought or the language that they amended it to, the distinction is without a difference. It still provides for health care for illegals in America.

Mr. Speaker, fact after fact come out here. These inconvenient truths, to quote a famous author in America. I will go down through some that I have missed.

It does weaken citizenship requirements. The loss in taxpayer dollars, the net loss to my State is $226 million. Everybody that has a State where people smoke will pay 61 cents more a pack. When they do that, they will pay more taxes.

It is also a fact that one of the most regressive taxes we have is the tax on tobacco because people less well-to-do tend to smoke more. It is an inverse relationship when they do a little better. We could look into the reasons for that, but we know this. Poor people pay a greater percentage of their income on the current tobacco tax, and will pay a far greater percentage of their income on the proposed tobacco tax. The idea on the part of the Speaker's side of the aisle is you would raise the tobacco tax and, therefore, there would be an incentive for people to smoke less.

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I agree there would be, and I'd like to see what those numbers produce and maybe that's a good thing, and I'd like to evaluate that tax policy on that.

But we've got another little problem here, and that is, that in order to fund this increase, we have to have 22.4 million new smokers in America. So we've got to go out there and unleash Joe Camel again and get him out there recruiting the kids in America to start smoking, because if we don't do that, we can't fund their health insurance, and even if we do do that, we're still going to have, according to the first bill they passed at 400 percent of poverty, 70,000 families in America that qualify for SCHIP and still qualify to pay the alternative minimum tax, that tax on the rich.

So I'll submit, Mr. Speaker, that this is a bit of a bizarre proposal, and it's awfully hard to explain the rationale behind it when there are so many conflicting inconsistencies. But in the end, it's a net increase in cost to my State of $226 million. It will take an increase of 22.4 million new smokers to fund it. It will fund, at 300 percent of poverty, families of four in my State earning $77,473. It will crowd 2 million kids off of the private family and business, job-funded insurance rolls, cost $6.5 billion to fund the illegals that are participating in programs that today are barred from so and add taxes to cigarettes of 61 cents a pack.

Now, you add that all up, those are the facts. Those are the stubborn things. Those are the inconvenient truths that the other side of the aisle has to deal with. I simply called it SCHIP, "Socialized Clinton-style Hillarycare for Illegals and Their Parents."

So, Mr. Speaker, in the remaining time, I think that I should do a bit of a demonstration for the sake of popular demand. I wanted to point out for the body that we're spending $8 billion on our southern border, and this is supposed to keep us from the $6.5 billion in costs that are accumulated here under this SCHIP bill that came out of the Pelosi Congress.

But on that border that's 2,000 miles long, $8 billion, that's $4 million a mile. So I thought, you know, I've got a mile of gravel road that runs west of my house, and if Michael Chertoff came to me and he sad I'm going to give you $4 million but it's your job to make sure that only 75 percent of the people that want to cross that road get across and 25 percent of them stay where they are, that's our current efficiency rate that we're getting out of our $8 billion and $4 million a mile on our southern border today. We interdict about 25 percent of those trying, and about 75 percent get across. You might argue it's one out of three, but they'll testify one out of three, one out of four. We stopped 1,188,000 going across that border in the last year that was reported to me. That means about 4 million try. That's about 11,000 a night, 11,000 a night. Twice the size of Santa Anna's army pouring across our southern border, not in the day, at night. Every single night, Mr. Speaker.

What would I do if Michael Chertoff said, I'm going to offer you a contract. I'd bid it. It wouldn't be a no-bid contract. I'd want to compete for this, $4 million for my mile of road. What would I do?

Well, I'd get out there and build something because I know the Humvees cost a lot of money, and uniforms and retirement programs and health plans for our Federal employees cost a lot of money. Now, I love our border patrol. They're doing a great job, and I've been down there to work with them, but I would submit they could use some help. I would give them a little structure. I'd go in there and say, Your job would be a lot easier if we build you a physical barrier. I'd want it double. I'd put the fence in, and I'd build the wall. The wall would be something that would last a long, long time.

This would be the trenched footing that I would put in. It would be slip form, Mr. Speaker, and I would set this trench footing into the ground. I'd drag her along, and I'd pour slip form right behind it. It would look like this from the end. Then I'm going to set it up in this stand, and I'll show you how easy it is to build a wall. It will take about, let me say, $1.2 million, about $1.2 million a mile, and you just simply put this in about like that. That would be a piece of concrete that would be about 13 feet high, 13-and-a-half feet high, about half that for width, and then you pick up your little crane and drop this thing in here. That's about 12,000 pounds per formation.

Mr. Speaker, I thought I heard your gavel as I dropped that in the hole. I apologize for that. I was making a little too much noise.

I would wrap this up simply by then submitting that I believe I have demonstrated how we can protect America at about $1.2 million a mile as opposed to $4 million a mile. I'd encourage this Congress take a good look.

## SAFETY RECALLS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I thank the Speaker for the recognition.

Mr. Speaker, I come to the floor tonight to talk about a growing, a disturbing trend of food and consumer product recalls in this country, safety recalls. Mr. Speaker, the danger is real. That danger has been widely documented. It's been widely discussed in the media, in committee hearings, the Lou Dobbs show and around the watercooler at work.

Mr. Speaker, parents are afraid. They're afraid that their children are playing with lead-tainted toy sets. Parents are afraid that the magnets in toys or charms may cause internal damage if a child accidentally swallows them. Families are afraid that the food they eat or the food they feed their pets may actually be contaminated with plastic that can cause harm or death to their beloved pet. People are afraid their toothpaste may contain antifreeze. People are afraid that the fish they serve to their families may contain dangerous antibiotics.

Now, I could elaborate about additional concerns, but generally, people are afraid about the source of these products and the dangers attendant to them and rightfully so. Mr. Speaker, people are afraid about defective products being imported into our country, and honestly, it seems like most of these concerns focus around a single country, the People's Republic of China.

Consumers' health and well-being are being endangered on 2 fronts: The food we eat, the goods we use. Let's use some time tonight, let's spend some time tonight discussing both fronts and what we in Congress can do and should be doing to protect American families from harmful products.

In the arena of food safety, you might ask the question, has anyone in Congress been paying attention to the safety of the food we eat? Well, I feel the answer to that question is yes. We've spent some time in the committee on which I sit, the Committee on Energy and Commerce, and we are pursuing an aggressive investigation and an aggressive legislative agenda to confront the problem.

Now, as a member of the Subcommittee on Oversight and Investigations, we have taken an active role in investigating the safety of our Nation's own food supply. In August, a bipartisan team of investigators was sent to China to see firsthand if they could elucidate the cause of the problem. Now, the committee staff report, the investigators came to the following conclusions from their trip and from their investigation thus far.

Quoting directly from the staff report now, Mr. Speaker, it would appear that the Chinese food supply chain does not meet international safety standards. It is, in fact, responsible for very serious domestic Chinese food poisoning outbreaks.

Number 2, the Chinese Government appears to be determined to avoid embarrassing food safety outbreaks in export markets due to the damaging and potentially lasting effect that this would have on their "Made in China" brand.

And thirdly, the lack of meaningful internal regulation of farming and food processing in China, the advanced development of the document counterfeiting industry, and the willingness of some people to simply break the law, the willingness of some entrepreneurs in both China and the United States to smuggle foodstuffs that do not meet quality standards, necessitates a much more vigorous program of inspection and laboratory testing in China and at U.S. points of entry than the Food and Drug Administration has been able or willing to pursue.

Let me say that again, Mr. Speaker, because it's so important. This necessitates a much more vigorous program of inspection and laboratory testing in China and at U.S. ports of entry than the Food and Drug Administration has been able or willing to pursue to date.

Well, Mr. Speaker, these are important conclusions, and we must not simply watch the problem worsen. We must be willing to confront the problem head-on and transform the Food and Drug Administration into an agency that can fully cope with the importation problems of a 21st century world.

The Energy and Commerce Committee is doing their part to do just that. In addition to the staff trip to China, they're in the middle of a series of five hearings to discuss the topic: Can the Food and Drug Administration assure the safety and security of our Nation's food supply. And what have we learned so far?

Well, let me recapitulate. At the hearing on July 17, 2007, on this very topic a former FDA associate commissioner, William Hubbard, testified that in 1999 the Food and Drug Administration drafted a legislative proposal which would have given the Food and Drug Administration authority to require foreign countries to take more responsibility for the foods that they send into the United States. The agency's proposal would have allowed the Food and Drug Administration to embargo a given food from a given country if there were repeated instances of that food being found contaminated when it arrived in the United States. Countries that send safe food would have no reason to be concerned, as they would be unaffected, but countries that demonstrated a pattern of disregard for U.S. safety standards would have to increase their oversight of food exported from their country.

Unfortunately, Congress did not accept this recommendation in 1999, and neither did the Clinton administration, and the situation with some imported foods from some countries has obviously gotten much worse.

Congress has a chance to examine the problem and consider recommendations on how to solve the problem, but you know, Mr. Speaker, the world was a different place then, and it was difficult to anticipate the acceleration of foreign products coming into our country. Was the safety of food products from foreign countries not a priority for Congress back in 1999? Well, the answer likely is not as much as it should have been, but then, the amount of globalization, the amount of imports was nowhere near what we see imported today.

The question is why we have allowed the problem to persist when we know how much harm these unsafe products have the potential to cause. We may not know the answer to that question right now, but as I stand here tonight to tell you about it, it is absolutely a priority of mine that I intend to do something about it.

October 11, the Energy and Commerce Subcommittee on Oversight and Investigations held the third part of a five-part series on hearings of the Food and Drug Administration's ability to assure the safety and security of our Nation's food supply.

According to testimony given by Mr. David Nelson, the senior investigator for the Energy and Commerce Committee, currently the Food and Drug Administration does not go over and see if the products that are produced in China are done so under the same standards as we depend on here in the United States of America. These are the products that are produced in China that are sent over to the United States for consumption, the products that Americans will be consuming, and they are not produced under American standards.

Now, Ranking Member WHITFIELD asked Mr. NELSON that, well, if you're speaking to a group and a member of the audience asks the question about how safe it is to consume the products produced and imported from China, he answered, and I quote, You are taking your chances on any imported food, end quote.

This is a chance we simply cannot afford to take. America has to have the authority to prohibit these foods from coming into our country if they are not safe. We have to be able to stop the food that we would, quote, be taking our chances on, close quote.

Chairman DINGELL asked Mr. NELSON whether or not the Food and Drug Administration can protect the United States' citizens from unsafe imports with the resources that they currently are applying towards this problem, and the answer was that would be an emphatic no. Not just no, not yes, no, but an emphatic no.

Well, Mr. Speaker, I also asked Mr. NELSON, You were over there for some time. What did you all eat when you were over there? And he replied that they ate the food that was served to them, and this was the food that was also eaten by members of their host country. And I asked him if he had any problem, and he alluded that, yes, some members of the committee did have problems while they were over there.

Now, I also asked him, when I got my chance to question, what protocol they will follow after discovering a contaminated food supply of foods, specifically poultry. And we had a witness during that day, and during my questioning of Mr. James Rice, the vice president and country manager for Tyson Food in China, I asked him, So when you find a problem, do you communicate that to, say, the United States authorities so that they know to be on the lookout for similar products in other facilities? Well, do you know what he said? He simply said, No, we don't.

He explained to me that, because Tyson was using local Chinese suppliers and the products were mostly for the Chinese markets, he simply felt it would not be necessary.

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In essence, there would be no dialogue whatsoever. Mr. Rice told me that if persistent problems from one supplier were identified, no one would alert others as to this problematic supplier. There is no system in place to let others know about a bad apple. Well, this is a serious, serious problem.

It was important, so important, that I introduced legislation that relates to the 1999 proposal that was not acted upon by Congress. This is H.R. 3967, the Imported Food Safety Improvement Act of 2007, eight years late. I firmly believe that the Food and Drug Administration needs the ability and the explicit authority to immediately stop dangerous foods and products from coming into this country.

Let me give you an illustration. I could think of it like this: goods are coming into this country on a giant conveyer belt. When you find a bad apple coming down that conveyer belt, the Food and Drug Administration needs to be able to push a big red button with "stop" written on it and immediately stop the apple from continuing into the line of commerce.

This legislation would give the Food and Drug Administration this great big red button to push. The idea is simple. If enacted, the Food and Drug Administration would have the authority to embargo a specific food from a specific country if there were repeated instances that the type of food produced had been contaminated.

We frankly need to be able to stop countries from sending harmful food, harmful food products into the United States. So H.R. 3967 will allow us to finally take control of the food that is being sent to America. It would also send a strong message to countries that have, in the past, sent harmful products our way. Solve the problem on your end, or we will take steps to solve the problem on ours.

After a summer of recall upon recall, it's time to take matters into our own hands. I don't know about you, but I am sick and tired of hearing a different news story every week about the new and dangerous products coming in from the People's Republic of China that are being sent to America and then subsequently have to be recalled.

The Health Subcommittee, of which I am also a member, had a legislative hearing on September 26 regarding a bill from Chairman DINGELL, H.R. 3610, the Food and Drug Import Safety Act of 2007.

Having reviewed this legislation, I think the intentions are certainly good. We will look forward to working with the chairman on this issue. I don't support every single provision, but I do support the spirit of the proposed law.

I believe we need to look toward how other Federal agencies have dealt with this issue and whether it would be appropriate to give the Food and Drug Administration similar authorities. According to the Government Accountability Office, 15 Federal agencies, 15

Federal agencies collectively administer at least 30 different food laws related to food safety.

The Food and Drug Administration, which is part of the U.S. Department of Health and Human Services and the Food Safety and Inspection Service, which is part of the United States Department of Agriculture, together comprise a majority of both the total funding and the total staffing of the government's food regulatory system.

However, the food safety laws vary greatly from agency to agency, and not all foods are treated equally. For example, the United States Department of Agriculture, which has jurisdiction over meat, poultry, eggs, has established an equivalency determination, a determination standard for those specific foods.

On October 11, at the third oversight investigation hearing on the Food and Drug Administration's ability to assure food safety and the security of our Nation's food supply, Under Secretary for Food Safety at the United States Department of Agriculture, Dr. Richard Raymond, gave the following testimony about equivalency. Again, I am quoting: "Equivalency is the foundation of our system of imports. It recognizes that an exporting country can provide an appropriate level of food safety even if those measures are different from those applied here at home. Food safety and inspection service has always required an assessment of foreign inspection systems before those nations can export to the United States of America. This prior review is mandated by our laws, which originally required that a foreign system be equal to our system before any foreign product can be admitted."

It has to be equal to our system before they have the able to import under rules put forth by the United States Department of Agriculture. So that's one set.

He further went on to state: "An exporting country has the burden of proving that its system is equivalent to our own if that country wishes to export to the United States."

Now, I understand that applying a system of equivalency, the system of equivalency that has been developed by the United States Department of Agriculture, taking that same system and applying it to the Food and Drug Administration, is tough. Because, in fairness, the Food and Drug Administration has about 80 percent of the jurisdiction of imported food to roughly 20 percent that is imported under the jurisdiction of the United States Department of Agriculture. So, clearly, this will be an extremely difficult and onerous task for the Food and Drug Administration to undertake.

Currently, only 33 countries are eligible to import meat or poultry products into the United States. If the exact standard that the United States Department of Agriculture employs was used by the FDA, it would drastically change, and some people might say it would hinder or even cripple the food system if there were not enough resources available to support it.

As former Speaker of the House Newt Gingrich says: "Real change requires real change." Maybe the system should be drastically changed. Consider this: in 2005, 15 percent of the overall food was imported. Between 1996 and 2006, a decade, the amount of U.S. imports of agriculture and seafood products from all countries increased by 42 percent. Furthermore, in the last decade, the volume of Food and Drug Administration-regulated imports has tripled.

Chinese imports to the United States have increased more rapidly than the global average. Between the years 1996 to 2006, the volume of Chinese imports, of the imports of Chinese agriculture and seafood products, increased by 346 percent. China is now the third largest exporter of agriculture and seafood products in the United States only behind our neighbor to the north and our neighbor to the south.

So perhaps our food import system should change drastically. The Food and Drug Administration was created in a time when we were still domestically growing the majority of our own foods. While we do have real issues here at home to deal with regarding our food regulatory system, at least we have a regulatory system to deal with that problem.

This is not the case for all of the countries involved from which we receive food. It seems that it would be common sense that we would only import food from a country if they can prove that their system is as safe as ours. Yet only the U.S. Department of Agriculture can require this, which, once again, controls 20 percent of our food supply, 20 percent equivalency, 80 percent, no match. It seems to me that it may be time to rebalance that portfolio or at least make the 80 percent of the food that's imported as safe as the 20 percent that's under the jurisdiction of the United States Department of Agriculture with their equivalency standards.

Now, it seems to be very arbitrary that the system the United States Department of Agriculture can employ is so much tougher than the system the Food and Drug Administration can employ. Yet at the end of the day, all that food, all that food winds up on the same kitchen table. No one makes a distinction that, well, this is the 20 percent that we got under the jurisdiction of the FDA or the United States Department of Agriculture, and this is the 80 percent we got from the Food and Drug Administration, so we will be much more circumspect about this 80 percent of the food that's on our table than the 20 percent that's under the jurisdiction of the U.S. Department of Agriculture.

That's nonsense. We know that doesn't happen in American homes. Americans don't discriminate food upon the agency that regulates them, nor should they, nor should they be asked to. But it's curious that Congress does. Congress sets forth these dual standards, you might say dueling standards, and Congress must have a candid discussion on whether or not we need to make the systems more comparable. Again, former Speaker Newt Gingrich: "Real change requires real change."

Now, Chairman DINGELL's food safety bill is tentatively scheduled to be marked up at both the subcommittee level and the full committee level the week of November 5, that's next week. It's my goal to encourage this frank conversation at the committee level and hopefully Members of both sides of the aisle will continue to have input on this important issue.

Now, we all know, although it hasn't been the experience of late, we all know that the system works best, and we have the most effective legislation for the American people, if the bills are allowed to go through the regular prescribed order.

For the sake of the safety and the sanity of the American consumer, I implore our leadership of the House, our Democratic leadership of the House to allow this important piece of legislation to go through the regular process, let it go through the normal process.

We saw what happened with the reauthorization of the Food and Drug Administration early this year. It was a good product. Although the bill was vastly different coming out than it was going in, I think we have got a better bill at the end of the process. It was worked on by staff, worked on at the subcommittee level, worked on by staff, worked on at the full committee level, went to conference and ultimately we got an FDA reauthorization bill that I thought was quite serviceable.

We saw the system at its worst in the past eight weeks with the State Children's Health Insurance Program where regular order was subverted: here is the bill, up or down, take it or leave it, got to ram it through the committee in 8 hours, got to ram it through the House floor the next day. But, guess what, it's so bad even the Senate won't touch it.

So we come back with a Senate bill, but it's not really a conference product. That SCHIP product that came from the Senate in September was, in fact, a new bill. It could have gone to the subcommittee level, it could have gone to the full committee, it could have been modified, it could have been amended, it could have been reworked, there could have been input from both sides.

If your goal is only the next election, then you are going to do things like we have seen the last 8 weeks with the State Children's Health Insurance Program. If your goal is focused on near-term, mid-term and far-term priorities, if you are worried about what your legislation is going to do to Americans 10 years, 20 years, 30 years from now, you will take the time to do it correctly.

Well, I hope we take the time to do it correctly with the food safety import bill that we will be taking up next week.

Well, let's not allow the issue of protecting our families from harmful and dangerous goods coming over from other countries to become a debate of R versus D, one side versus the other, a political bludgeon, a political wedge, make all the political hay you can because 2008, after all, is going to be a year where it's all politics all the time.

No, we cannot do that. This is something that I am certain holds some resonance in the minds of us all working together, find the most efficient and effective method of solving this crisis and solving it now. It ought to be the priority for every one of us in this House.

Well, let's move from food safety and consider the issue of consumer product safety recalls. It seems like the Nation is very focused on this issue as well. These days it seems like every time you turn on the TV or open the newspaper, you learn about yet another consumer product safety recall.

While people are generally concerned about the issue of recalls, many people, myself included, are concerned about the source of all of those recalls since it appears to be, and maybe it's just me, but it appears to be that the majority of those recalls all emanate from a single source, a single country. Of course, those are goods that are manufactured in the People's Republic of China.

Christmas, if we can say Christmas on the House floor, Christmas is rapidly approaching. I cannot help but think there would be a huge market, a huge market for any manufacturer who wanted to put the "Made in America" label on their toys and products, maybe a little bitty American flag on that toy or product as well.

I encourage retailers, I encourage retailers to think about this. Stock as many "Made in America" products as you can. I will bet they are big sellers this year. Since the majority of all of the products that are being recalled this year were made in China, quite honestly, this year, myself and my family have made the personal decision to try to not buy anything with a "Made in China" label. We regard it as a warning label, just the same as you would see on a package of cigarettes. Warning: purchasing this product may be hazardous to your health, your child's health or your loved one's health or your pet's health.

Given all the circumstances, it seems like the right thing for me to do and my family. I feel certain that other American families have made similar decisions. I know because I heard about it over and over again during the August recess at town hall meetings. I got the feeling that the Lou Dobbs family is probably among them.

Well, this concern about imported products is real, and it has been substantiated with real data. The United States Consumer Product Safety Commission, which is tasked with the job of trying to safeguard our society from unreasonable risk of injury and death associated with consumer products, informs me that as of this week, 2007, the year 2007, not even completed yet, but so far in year 2007, year-to-date, a record-breaking 472 consumer product safety recalls. Of the 472 consumer product safety recalls, more than 60 percent were manufactured in the People's Republic of China.

Are you beginning to pick up on the repetitive nature of this theme? More than 60 percent of all recall products this past year were made in China.

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Furthermore, of the 472 total consumer product recalls, 61 of those recalls affected whom, our most vulnerable members of society, our children. Sixty-one consumer recall products were toys. And how many of those products were manufactured in the People's Republic of China you might ask? Well, I'll tell you. And the figure is illuminating. The figure is astounding. The figure is staggering. The United States Consumer Products Safety Commission estimated that over 90 percent of the toy recalls were made in China.

We'll take our stop button down for a minute because it doesn't seem to be doing any good anyway. Let's look at this. It's not doing any good because we don't have one and we need one.

Now, Mr. Speaker, I'm just a simple country doctor who ran and won the race for Congress several years ago, but I find myself asking myself over and over, what in the world can we do to protect ourselves and our families?

Here's a poster from the Consumer Product Safety Commission that shows just a few of the consumer product recalls for the month of October: Trick-or-treat bucket, some type of sword, a sprinkler that looks like a turtle, a child's gardening equipment, a bendable dinosaur, a crash helmet. I don't know what that is. I don't know what that is. A skull and cross bones and a boot. All of these things, and this is not the total amount of recalls, but all of these things were recalled, issued recalls in the month of October alone. For the safety of our families we need to get to the bottom of the cause behind all of the recalls.

Well, Mr. Speaker, I also sit on the Commerce, Trade and Consumer Protection Subcommittee which has jurisdiction over this issue, and our committee is investigating the problem, and in the weeks to come, legislation will be introduced on this issue. We've passed bills individually recently that have dealt with specific issues, the specific safety concerns of consumer products, including a bill that I amended to make ornamental pools safer, and the committee is currently formulating comprehensive bipartisan legislation to strengthen the consumer product safety system in this country. A lot of topics are on the table, including enhancing the commission's recall authority. I firmly believe that we must improve the United States Consumer Product Safety Commission's ability to notify consumers about dangerous products more quickly and on a broader scope.

I am very concerned that there may be a large gap of people and associations that are not receiving the information about the product recalls in a timely manner. As we all know, products are recalled because they have been found to have some element of danger to the consumer and they need to be immediately gathered in and usage stopped and somehow safely discarded.

We always wonder: What are you going to do with all of those lead based toys that come into this country? You can't burn them because we don't want to breathe the lead fumes. You can't bury them in a landfill because we don't want to drink the water that has now had the lead leached out into it. So what are we going to do with all of those lead-contaminated products that are finding their way into our country?

And another aspect, what do you do about nonprofits, Salvation Army, Goodwill? In my hometown of Lewisville, Christian Community Action, that's located in Denton County, they can provide some invaluable resource to their communities because of what they do with recycling used products. But they also have an obligation to make certain that they comply with all of the issues resulting from a recall.

Now, I've been informed by some of the nonprofits back in my home districts in Texas that, through no faults of their own, they are unaware of many of the product recalls and, therefore, the fear is that they could inadvertently sell or resell a recalled product to a family or to an individual. So I'm currently working with the United States Consumer Product Safety Commission to try to close this gap.

Now, this is, Mr. Speaker, this is just a blowup of the Web site listing the Web site up here at the top, www.cpsc.gov, Consumer Product Safety Commission. And on the opening page there is a place where, I've got the arrow pointing to it, but there's a place on the page where you can sign up for e-mail announcements of product safety recalls and certainly encourage nonprofits to take part in that. But realistically, any American consumer, any consuming American family may well want to do the same thing so they get immediate notification through an e-mail-based system if there is a product recall.

Unfortunately, based on the testimony and the work we've seen that has occurred in our committee, I've got to believe that we're nowhere near the end of this. And unfortunately, as we drive further into the Christmas season, we may see other product recalls and they may yet dwarf the size of the recalls. As big as they've been, they may dwarf the size of the recalls that have already occurred this year.

Well, while we continue to try to close the gap through legislation, I encourage Members of Congress and, Mr. Speaker, I know we can't directly address the audience on C–SPAN, but if I could do that, I would ask them to perhaps consider signing up for the product recall safety alerts. It's easy, it's free, and it just might save a life. If you have access to an e-mail account and the Internet, all you've got to do is go to the United States Consumer Product Safety Commission's home page, again, www.cpsc.gov and sign up for free recall and safety news. So, again, www.cpsc.gov. And yes, for people who English is not the primary language, you can sign up in English and in Spanish.

The Consumer Product Safety Commission also has a neighborhood safety network which is for organizations or even civic-minded individuals to help disseminate information about recalls and posters to members of society who may not be aware of the recalls.

We all know, Mr. Speaker, education can save lives. Unfortunately, though, certain groups of Americans, such as the elderly, urban and rural low-income families, and some minority groups often don't hear about the safety messages from the government. Certainly, additional outreach is needed.

One of the reasons to sign up for the product e-mail alerts is, you know, Mr. Speaker, there may be some unscrupulous vendors out there who, after a recall, after a recall has been issued, may take up and resell these products in a bargain house somewhere. So we want people to have easy and free access to the information so, obviously, they can make the best decisions.

So please help make your community safer by getting the word out about how to get notification on these product safety recalls.

I'm a member of the Neighborhood Safety Network and will disseminate information through my Web site, www.house.gov/burgess. Information available in linking you to the CPSC Web site is available through that Web site as well. Again, www.house.gov/burgess.

Well, with all the talking I've done on this, I'm sure some people, Mr. Speaker, would ask, is there a downside? Is there a dark side of this that we should consider? And the answer is, of course, yes. You must always be cautious of jumping over the line. We all worry about the encroaching reach and grasp of an ever-expanding Federal Government. We worry about things like federalizing our child's toy sets. But at the same time, the Federal Government does have an important duty to the safety and welfare of all Americans. And the last thing you want is for the Federal Government to have control over every item that you buy. But there's got to be a balancing test. And right now, I'm afraid the balance has tipped too far the other way, and the actual protection for the consumer doesn't exist.

I started out the beginning of my talk talking about recalls, and certainly the summer that we've just gone through has been the summer of recalls. We've had several of the individuals come in and testify in our committee about where the process broke down, where it went wrong. Again, there's a way to avoid the recall after recall after recall that we've witnessed the past several months in products coming in from overseas and from one country in particular; and one way to do that would be for manufacturers to increase the manufacturing that takes place in the United States of America. I can think of no better way to market your products than to say with a little American flag and a little "Made in America" label on that toy.

I mean, we talked about food safety, Mr. Speaker, at the beginning of this. You know, if I walk into a place that sells chicken, for example, and I can buy 1 bucket of chicken where the product might harm me and it costs $8, and I can buy a different bucket of chicken where the product won't harm me and it costs $9, I'm going to take the $9 bucket of chicken, thank you very much. And we hear over and over again, well, consumers don't want to pay higher prices. They want lower price. No, the consumer wants safe products, and if the consumer has to pay a little bit more to ensure that those products are safe, they're willing to do that, because everyone is sick of recall upon recall upon recall. Don't let the summer of recalls become the fall of recalls, become the winter of recalls, become the election year of recalls in 2008. We have it in our power to stop this process. Begin more manufacturing in this country. Manufacturers who step up and do that, I think, will be handsomely rewarded. Food importers who actually stop all of the importation and work with American farmers to buy American products, I think, will be rewarded. I would pay the extra buck for a bucket of chicken that wasn't going to poison me or my family. And most Americans would feel the same way. I would pay the extra buck for a 50-pound bag of dog food that's not going to give my beloved pet kidney failure and take them from me early.

This is a pretty simple concept. If we can assure the safety in this country, let's move the manufacturing, let's move the production, let's move the farming production to where we know we can have the safety and the oversight that's required.

Mr. Speaker, we have to be vigilant in our plight in restoring safety and trust back to the foods we eat and the products that we use. I believe that the legislation introduced, H.R. 3967, the Food Import and Safety Act of 2007, will further this goal, as will the enhanced recall authority by the United States Consumer Product Safety Commission that we've also talked about tonight.

Compromising the safety of foods we put on our tables is, frankly, not an option. Compromising consumer products we buy for our families is, frankly, not an option. Compromising the security of Americans can never be an option. Compromising cannot be an option that we take because we lack power. H.R. 3967 gives us back that power, gives us that big red stop button. If something's coming in from overseas and, hey, we see it's wrong, we see it's tainted, stop. Stop. Don't let it even come on our shores. Don't let us be the ones that have to dispose of the stuff. Stop it. Send it back where it came from.

We can no longer sit back and allow harmful products to reach our homes. All Americans, my family included, have the choice to take a stance individually and not buy products with those warning labels on them. The warning label, remember, says, "Made in China," because those products have proven to be unsafe.

But we could go a little farther than that. Stricter rules are necessary. And at this juncture I would say it's up to Congress to create and enact those rules and earn back the trust of the American people in the process.

Thank you, Mr. Speaker. You've been very indulgent.

I will yield back the balance of my time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEVIN (at the request of Mr. HOYER) for today after 3 p.m.

Mr. WILSON of Ohio (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, November 6.

Mr. JONES of North Carolina, for 5 minutes, November 6.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. HASTINGS of Washington, for 5 minutes, October 31.

Mr. PENCE, for 5 minutes, today.

## ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

## ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 31, 2007, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3925. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Standards for Mortgagor's Investment in Mortgaged Property [Docket No. FR-5087-F-02] (RIN: 2502-AI52) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3926. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Housing Counseling Program [Docket No. FR-4798-F-02] (RIN: 2502-AH99) received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3927. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule—Default Investment Alternatives Under Participant Directed Individual Account Plans (RIN: 1210-AB10) received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3928. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a Presidential Determination, pursuant to Section 102(a)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3929. A letter from the OGE Director, Office of Government Ethics, transmitting the Office's final rule—Amendments to Incorporate a Statement Regarding the "Sole and Exclusive" Nature of the Authority that the Regulations of the Office of Government Ethics Confer on Executive Branch Departments and Agencies (RINs: 3209-AA00 and 3209-AA07) received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3930. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program [VA-125-FOR] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3931. A letter from the Acting General Counsel, Department of Justice, transmitting the Department's final rule—Authorities Delegated to the Director of the Executive Office for Immigration Review, and the Chief Immigration Judge [Docket No. EOIR 125F; AG Order No. 2907-2007] (RIN: 1125-AA27) received October 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3932. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Biscayne Bay Yacht Racing Association Full Moon Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-065] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone for Marine Events; New River, Jacksonville, North Carolina [Docket No. COTP North Carolina CGD05-07-071] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 07-031] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Labor Day Celebration Fireworks, Village Beach Fishing Pier, Hog Island Channel, Island Park, NY [CGD01-07-116] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3936. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Charlevoix Venetian Night Fireworks, Lake Michigan, Charlevoix, MI [CGD09-07-050] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3937. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Oswego Harborfest 2007, Oswego, NY [CGD09-07-055] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3938. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mackinac Bridge 50th Anniversary Celebration, Lake Huron, Mackinaw City, MI [CGD09-07-060] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3939. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mackinaw Bridge 50th Anniversary Celebration, Lake Huron, St. Ignace, MI [CGD09-07-061] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3940. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; USA Wakeboard Nationals, Onondaga Lake, Liverpool, NY [CGD09-07-062] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3941. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Petoskey Fireworks Display, Lake Michigan, Petoskey, MI [CGD09-07-108] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 2830. A bill to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes; with an amendment (Rept. 110-338 Pt. 3). Ordered to be printed.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 2787. A bill to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States; with an amendment (Rept. 110–415). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 780. Resolution providing for the consideration of the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes (Rept. 110–416). Referred to the House Calendar.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 781. Resolution providing for consideration of the bill (H.R. 3920) to amend the Trade Act of 1974 to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers and firms, and for other purposes (Rept. 110–417). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SCOTT of Virginia (for himself, Mr. FORBES, Mr. KENNEDY, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. NADLER, Mr. COBLE, Mr. RAMSTAD, Ms. JACKSON-LEE of Texas, Mr. PLATTS, Mrs. NAPOLITANO, and Mr. ELLISON):

H.R. 3992. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes; to the Committee on the Judiciary.

By Mr. ALTMIRE:

H.R. 3993. A bill to provide for a prohibition on discrimination in employment against certain family members caring for recovering members of the Armed Forces; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself, Mr. RAHALL, and Mr. PALLONE):

H.R. 3994. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 3995. A bill to protect the interests of each resident of intermediate care facilities for the mentally retarded in class action lawsuits on behalf of such resident; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 3996. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 3997. A bill to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 3998. A bill to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures; to the Committee on Natural Resources.

By Mr. OBERSTAR (for himself and Mr. DEFAZIO):

H.R. 3999. A bill to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ABERCROMBIE (for himself, Ms. HIRONO, and Ms. BORDALLO):

H.R. 4000. A bill to extend eligibility for certain Federal benefits to citizens of the Freely Associated States; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY:

H.R. 4001. A bill to amend title VIII of the Public Health Service Act to expand the nurse student loan program, to establish grant programs to address the nursing shortage, to amend title VII of the Higher Education Act of 1965 to provide for a nurse faculty pilot project, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINCOLN DAVIS of Tennessee (for himself and Mr. DAVIS of Kentucky):

H.R. 4002. A bill to establish a program to preserve rural multifamily housing assisted under the Housing Act of 1949; to the Committee on Financial Services.

By Mr. HARE (for himself and Mr. MANZULLO):

H.R. 4003. A bill to amend title 28, United States Code, to change the composition of the northern and central districts of Illinois; to the Committee on the Judiciary.

By Mr. JOHNSON of Illinois:

H.R. 4004. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the stipends received for working as an election judge; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. SMITH of Texas, and Mr. FORBES):

H.R. 4005. A bill to amend title 18, United States Code, to prevent misrepresentation of their ages by on-line predators as a means for the enticement of children; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky:

H.R. 4006. A bill to suspend temporarily the duty on 3,3'-Dichlorobenzidine Dihydrochloride; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. SMITH of New Jersey, Ms. LORETTA SANCHEZ of California, and Mr. TOM DAVIS of Virginia):

H.R. 4007. A bill to amend the Immigration and Nationality Act to provide citizenship for certain children of United States servicemen born overseas during the Vietnam and Korean Wars; to the Committee on the Judiciary.

By Mr. MAHONEY of Florida (for himself, Mr. LAMPSON, Mr. HODES, Mr. HILL, Ms. BEAN, Mr. MATHESON, Mr. BARROW, Mr. BACHUS, Mr. KLEIN of Florida, and Mrs. BACHMANN):

H.R. 4008. A bill to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan (for herself, Mr. CAMP of Michigan, Mr. CONYERS, Mr. DINGELL, Mr. EHLERS, Mr. HOEKSTRA, Mr. KILDEE, Ms. KILPATRICK, Mr. KNOLLENBERG, Mr. LEVIN, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. STUPAK, Mr. UPTON, and Mr. WALBERG):

H.R. 4009. A bill to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the "Turrill Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of Mississippi:

H.R. 4010. A bill to designate the facility of the United States Postal Service located at 100 West Percy Street in Indianola, Mississippi, as the "Minnie Cox Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. UDALL of Colorado (for himself and Mr. PEARCE):

H.R. 4011. A bill to facilitate the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. WILSON of New Mexico:

H.R. 4012. A bill to establish a grant program to provide Native American veterans with language resources to facilitate access to medical services provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina (for himself, Mr. BROWN of South Carolina, Mr. BARRETT of South Carolina, Mr. CLYBURN, Mr. INGLIS of South Carolina, Mr. SPRATT, Ms. MOORE of Wisconsin, Mr. HAYES, Ms. BORDALLO, Mr. CONAWAY, Mr. ADERHOLT, Mr. BARTLETT of Maryland, Mr. ROTHMAN, Mr. COHEN, Mr. LAMPSON, Mr. TOWNS, Mr. MCINTYRE, Mr. ROGERS of Michigan, Mr. JOHNSON of Georgia, Mr. ISSA, Mr. BARTON of Texas, Mr. MCCOTTER, Mr. AKIN, and Mr. WALBERG):

H. Res. 777. A resolution offering condolences regarding the tragic fire in Ocean Isle Beach, North Carolina, which killed six University of South Carolina students and one student from Clemson University on October 28, 2007; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California (for herself, Mr. DREIER, Ms. PELOSI, Mr. WAXMAN, Mr. THOMPSON of California, Mr. HERGER, Mr. DANIEL E. LUNGREN of California, Mr. DOOLITTLE, Ms. MATSUI, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms.

LEE, Mrs. TAUSCHER, Mr. MCNERNEY, Mr. LANTOS, Mr. STARK, Ms. ESHOO, Mr. HONDA, Mr. FARR, Mr. CARDOZA, Mr. RADANOVICH, Mr. COSTA, Mr. NUNES, Mr. MCCARTHY of California, Mrs. CAPPS, Mr. GALLEGLY, Mr. MCKEON, Mr. SHERMAN, Mr. BERMAN, Mr. SCHIFF, Mr. BECERRA, Ms. SOLIS, Ms. WATSON, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. ROYCE, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. BACA, Mr. CALVERT, Mrs. BONO, Mr. ROHRABACHER, Ms. LORETTA SANCHEZ of California, Mr. CAMPBELL of California, Mr. ISSA, Mr. BILBRAY, Mr. FILNER, Mr. HUNTER, Mrs. DAVIS of California, Ms. WATERS, Ms. HARMAN, Mr. THOMPSON of Mississippi, and Ms. RICHARDSON):

H. Res. 778. A resolution honoring the first responders and supporting the victims of the Southern California wildfires; to the Committee on Oversight and Government Reform. considered and agreed to.

By Mr. LATHAM (for himself, Mr. COSTA, Mrs. MUSGRAVE, and Ms. HERSETH SANDLIN):

H. Res. 779. A resolution recognizing the 100th anniversary of the American Society of Agronomy; to the Committee on Agriculture.

By Mr. CAPUANO (for himself, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MCGOVERN, Mr. TIERNEY, Mr. DELAHUNT, Mr. LYNCH, Ms. TSONGAS, Ms. SHEA-PORTER, Mr. HODES, Mr. ALLEN, Mr. MICHAUD, Mr. WELCH of Vermont, Mr. KENNEDY, Mr. LANGEVIN, Ms. DELAURO, Mr. SHAYS, Mr. LARSON of Connecticut, Mr. COURTNEY, and Mr. MURPHY of Connecticut):

H. Res. 782. A resolution expressing the sense of the House with respect to the Boston Red Sox victory in the 2007 Major League Baseball World Series; to the Committee on Oversight and Government Reform.

By Mr. LATOURETTE (for himself and Mr. CALVERT):

H. Res. 783. A resolution expressing the sense of the House of Representatives that the Department of Veterans Affairs National Cemetery Administration employees, volunteers, and veterans' service organizations that perform funeral honors and memorial honor details should be permitted to recite the 13 steps to fold an American flag (known as the "13-fold recital") at any national cemetery if requested by the family of the deceased; to the Committee on Veterans' Affairs.

By Mr. MCCARTHY of California:

H. Res. 784. A resolution recognizing and honoring, in community post offices, the service of men and women of the U.S. Armed Forces deployed overseas; to the Committee on Oversight and Government Reform.

By Mr. ORTIZ (for himself, Mr. HALL of Texas, Mr. AL GREEN of Texas, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RODRIGUEZ, Mr. REYES, Mr. DOGGETT, Mrs. NAPOLITANO, Mr. SMITH of Texas, Mr. SERRANO, Mr. GRIJALVA, Mr. PAUL, Mr. EDWARDS, Mr. HENSARLING, Ms. JACKSON-LEE of Texas, Mr. MCCAUL of Texas, Mr. PASTOR, Mr. SHUSTER, Mr. POE, Mr. BARTON of Texas, Mr. LAMPSON, Mr. GONZALEZ, Mr. CONAWAY, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mrs. BOYDA of Kansas, Mr. SAXTON, and Mr. SALAZAR):

H. Res. 785. A resolution recognizing the 100th Anniversary of Robstown, Texas; to the Committee on Oversight and Government Reform.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WALSH of New York introduced a bill (H.R. 4013) for the relief of Maria Manzano; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 135: Mr. BISHOP of Georgia.

H.R. 405: Mr. TERRY.

H.R. 460: Mr. PAUL, Mr. SERRANO, and Ms. ZOE LOFGREN of California.

H.R. 464: Mr. SMITH of Washington.

H.R. 503: Mr. GENE GREEN of Texas.

H.R. 538: Mr. PAUL and Mr. BACA.

H.R. 620: Mr. RYAN of Ohio.

H.R. 699: Mr. CAMP of Michigan.

H.R. 749: Ms. FOXX.

H.R. 758: Mr. PLATTS.

H.R. 882: Mr. ELLSWORTH, Mr. HARE, and Mr. BISHOP of New York.

H.R. 887: Mr. MCGOVERN, Mr. TIBERI, and Mr. SIRES.

H.R. 943: Mr. THOMPSON of California.

H.R. 997: Mr. JORDAN of Ohio and Mr. BAKER.

H.R. 1110: Mr. MOLLOHAN, Mr. COURTNEY, Mr. ROGERS of Kentucky, and Mr. DICKS.

H.R. 1174: Mr. HARE.

H.R. 1201: Mr. PICKERING.

H.R. 1236: Ms. GIFFORDS.

H.R. 1237: Ms. SOLIS, Mr. ISSA, Ms. KAPTUR, and Mr. HALL of New York.

H.R. 1275: Mr. BECERRA.

H.R. 1280: Mr. MOORE of Kansas.

H.R. 1282: Mrs. MCCARTHY of New York.

H.R. 1283: Mr. YARMUTH.

H.R. 1293: Mr. LANGEVIN.

H.R. 1304: Ms. SLAUGHTER and Ms. WASSERMAN SCHULTZ.

H.R. 1420: Ms. KAPTUR and Ms. CARSON.

H.R. 1621: Ms. BALDWIN.

H.R. 1644: Mr. SHULER.

H.R. 1647: Mr. SERRANO, Mr. ROHRABACHER, and Ms. LEE.

H.R. 1655: Mr. SOUDER.

H.R. 1713: Mr. BRADY of Pennsylvania.

H.R. 1732: Mr. MOORE of Kansas.

H.R. 1738: Mr. BAIRD.

H.R. 1742: Mr. DAVID DAVIS of Tennessee.

H.R. 1884: Mr. KING of Iowa, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, and Mr. FRANK of Massachusetts.

H.R. 1927: Mr. LANGEVIN.

H.R. 1937: Mrs. BLACKBURN and Mr. ALTMIRE.

H.R. 1975: Mr. HARE.

H.R. 1983: Mr. KING of Iowa.

H.R. 1992: Ms. BERKLEY, Mr. RODRIGUEZ, Mr. MILLER of North Carolina, Ms. ROYBAL-ALLARD, Mr. BOSWELL, Mr. PALLONE, and Mr. OLVER.

H.R. 2032: Ms. CORRINE BROWN of Florida.

H.R. 2045: Mr. GERLACH.

H.R. 2073: Mr. COHEN.

H.R. 2158: Mr. KNOLLENBERG.

H.R. 2164: Mr. CALVERT.

H.R. 2230: Mr. MATHESON.

H.R. 2234: Ms. KILPATRICK and Mr. LANGEVIN.

H.R. 2266: Mr. LEWIS of Georgia.

H.R. 2327: Mr. CAMPBELL of California and Ms. ROYBAL-ALLARD.

H.R. 2329: Mr. ALTMIRE.

H.R. 2405: Mr. BACA and Mr. BARTLETT of Maryland.

H.R. 2406: Mr. UDALL of Colorado and Mr. SESTAK.

H.R. 2464: Mr. UPTON and Mr. BURGESS.

H.R. 2511: Ms. DEGETTE and Mr. MCGOVERN.

H.R. 2514: Mr. BOUCHER, Ms. MOORE of Wisconsin, Mr. EMANUEL, Mr. SALAZAR, and Mr. HINOJOSA.

H.R. 2516: Mr. SESTAK.

H.R. 2677: Mr. GERLACH.

H.R. 2695: Mrs. BOYDA of Kansas, Mr. LARSON of Connecticut, and Mr. FALEOMAVAEGA.

H.R. 2758: Mr. COHEN.

H.R. 2762: Mr. CARNAHAN, Ms. CASTOR, Ms. SOLIS, Mr. SESTAK, Ms. SUTTON, Mr. GOODE, Mr. AL GREEN of Texas, Mr. MURTHA, Mr. MARKEY, Mr. PEARCE, Mr. KAGEN, Mr. BUCHANAN, Mr. BISHOP of Georgia, Mr. MITCHELL, Mr. PATRICK MURPHY of Pennsylvania, Mr. PETERSON of Minnesota, Mr. WYNN, and Mr. BECERRA.

H.R. 2768: Ms. CLARKE and Mr. MATHESON.

H.R. 2862: Mr. SHAYS.

H.R. 2878: Mr. SPACE, Mr. LANTOS, Mr. GOHMERT, Mr. STARK, Mr. MATHESON, Mr. MCNERNEY, Mr. PASTOR, Mr. COHEN, Mrs. TAUSCHER, Mr. FRANKS of Arizona, and Mr. UDALL of Colorado.

H.R. 2914: Mr. GERLACH and Mr. GENE GREEN of Texas.

H.R. 2943: Mr. WEINER, Mr. INSLEE, Mr. CARDOZA, Mr. COSTA, Mr. HASTINGS of Washington, Ms. GIFFORDS, and Ms. SCHAKOWSKY.

H.R. 2996: Mr. JONES of North Carolina.

H.R. 3005: Mr. GOODE and Mr. CUMMINGS.

H.R. 3029: Mr. ENGEL, Ms. LEE, and Mr. VAN HOLLEN.

H.R. 3036: Mr. SCOTT of Virginia and Mr. MORAN of Virginia.

H.R. 3042: Mr. OBERSTAR and Mr. BOUCHER.

H.R. 3045: Mr. TOWNS, Ms. MATSUI, Ms. WOOLSEY, Mr. UDALL of Colorado, Mr. DEFAZIO, and Ms. BALDWIN.

H.R. 3053: Mr. KUCINICH.

H.R. 3119; Mr. HONDA, Mr. MCDERMOTT, Ms. SHEA-PORTER, Mr. TOWNS, and Mr. FRANK of Massachusetts.

H.R. 3179: Mr. BURTON of Indiana and Mr. TERRY.

H.R. 3298: Mr. LANGEVIN.

H.R. 3326: Mr. CARNAHAN.

H.R. 3348: Mr. FOSSELLA.

H.R. 3378: Mr. BLUMENAUER, Mr. ENGLISH of Pennsylvania, Ms. CLARKE, Ms. CORRINE BROWN of Florida, Ms. HIRONO, Mr. ABERCROMBIE, and Mr. MEEKS of New York.

H.R. 3403: Mr. WELLER.

H.R. 3457: Mr. POE and Mr. BRADY of Texas.

H.R. 3461: Mr. MCINTYRE, Mrs. BLACKBURN, Mrs. LOWEY, and Mr. SPACE.

H.R. 3481: Mr. GONZALEZ.

H.R. 3488: Mr. MCCOTTER.

H.R. 3495: Mrs. LOWEY, Mrs. MALONEY of New York, and Mr. MELANCON.

H.R. 3531: Mr. ALEXANDER.

H.R. 3533: Mr. PETERSON of Minnesota, Mr. ALTMIRE, and Mr. MCCAUL of Texas.

H.R. 3541: Mr. TIM MURPHY of Pennsylvania.

H.R. 3543: Mr. ROTHMAN and Ms. SUTTON.

H.R. 3548: Mr. SPACE, Mr. MORAN of Virginia, and Mrs. DAVIS of California.

H.R. 3561: Mr. FARR.

H.R. 3585: Mr. COURTNEY.

H.R. 3631: Mr. HOLT.

H.R. 3633: Ms. HOOLEY.

H.R. 3650: Mr. SOUDER, Mr. PENCE, and Mr. GOODLATTE.

H.R. 3665: Mr. GONZALEZ.

H.R. 3689: Mr. SALAZAR and Mr. PLATTS.

H.R. 3691: Ms. BORDALLO, Mr. ALTMIRE, Mr. JEFFERSON, Mr. CHANDLER, and Mr. LYNCH.

H.R. 3692: Mr. GONZALEZ.

H.R. 3696: Mr. ROGERS of Kentucky and Mr. YARMUTH.

H.R. 3697: Mr. FOSSELLA and Mr. COOPER.

H.R. 3700: Mr. HARE, Mr. PETERSON of Minnesota, and Mr. GRIJALVA.

H.R. 3707: Mr. MCCOTTER.

H.R. 3750: Mr. HINOJOSA, Ms. KAPTUR, and Mr. SPACE.

H.R. 3781: Mr. MANZULLO.

H.R. 3786: Mr. KAGEN, Mr. TERRY, and Mr. SHULER.

H.R. 3797: Mr. DENT and Mr. CHANDLER.

H.R. 3800: Mr. FERGUSON and Mr. TOWNS.

H.R. 3820: Ms. SUTTON.

H.R. 3833: Mr. MCCOTTER.

H.R. 3845: Mr. KAGEN, and Mr. MCCAUL of Texas.

H.R. 3846: Ms. MATSUI, Mr. FILNER, Mr. ABERCROMBIE, Mr. DAVIS of Alabama, Mr. SCOTT of Georgia, and Mr. RYAN of Ohio.

H.R. 3852: Mr. ELLSWORTH and Mr. LEWIS of Kentucky.

H.R. 3861: Ms. BERKLEY and Mr. LATHAM.

H.R. 3865: Mr. PLATTS and Mr. MCNULTY.

H.R. 3914: Mrs. CAPPS.

H.R. 3916: Ms. GRANGER.

H.R. 3947: Mr. BOUSTANY, Mr. TERRY, Mr. KIND, and Mr. ABERCROMBIE.

H.R. 3951: Mr. HASTERT.

H. J. Res. 54: Mr. CUMMINGS, Mr. GONZALEZ, Mr. ROTHMAN, Mr. SPACE, Mr. GALLEGLY, Mr. FORBES, and Mr. KING of New York.

H. Con. Res. 198: Mr. RUSH.

H. Con. Res. 211: Mr. HASTINGS of Florida, Ms. WATSON, Ms. KILPATRICK, Mr. CLEAVER, Mr. WATT, Ms. CLARKE, Mr. LEWIS of Georgia, Mr. CLAY, Mr. FATTAH, Mr. CUMMINGS, Mr. BUTTERFIELD, Mr. CLYBURN, Mr. ELLISON, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. PASTOR, Mr. SCOTT of Virginia, Ms. LEE, Mr. AL GREEN of Texas, Mr. MANZULLO, Mr. PASCRELL, Ms. BORDALLO, Mr. MCNULTY, Mr. UPTON, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Alabama, Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Mr. RUSH, Mrs. JONES of Ohio, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. COHEN, Mrs. CHRISTENSEN, Mr. MEEK of Florida, Ms. NORTON, Mr. TOWNS, Mr. RANGEL, Mr. JEFFERSON, Mr. BAIRD, Mr. KILDEE, Mr. WAXMAN, and Mr. BURTON of Indiana.

H. Con. Res. 214: Mr. GRIJALVA, Mr. FATTAH, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, and Mr. MARKEY.

H. Con. Res. 221: Mr. GONZALEZ.

H. Con. Res. 235: Mr. CULBERSON.

H. Con. Res. 238: Mr. COHEN, Mr. DONNELLY, and Mr. MCGOVERN.

H. Con. Res. 239: Mr. RYAN of Ohio, Mr. TERRY, and Mr. KUCINICH.

H. Res. 111: Mr. MORAN of Kansas, Mr. CAMP of Michigan, and Mr. MEEKS of New York.

H. Res. 163: Mr. COURTNEY and Ms. SCHAKOWSKY.

H. Res. 335: Mr. ALLEN, Mr. ROSS, Mr. MARKEY, Mr. ENGEL, Mr. DAVIS of Illinois, Ms. WATSON, Mr. TOWNS, Mr. RUSH, Ms. DEGETTE, Ms. HARMAN, Ms. SOLIS, Mr. INSLEE, Mr. BARROW, Mr. HILL, Ms. MOORE of Wisconsin, Mr. PASCRELL, Mr. BOUCHER, Mr. WYNN, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. WEINER, Mrs. MCCARTHY of New York, and Mr. RODRIGUEZ.

H. Res. 435: Mr. ALTMIRE and Ms. ROS-LEHTINEN.

H. Res. 556: Mr. GRAVES, Mr. CARNAHAN, and Mr. WOLF.

H. Res. 656: Mr. SHULER and Mr. ENGLISH of Pennsylvania.

H. Res. 695: Mr. TERRY, Mr. HENSARLING, Mr. KINGSTON, Mr. HOLDEN, Mrs. CHRISTENSEN, Mr. DAVID DAVIS of Tennessee, Mr. KELLER, Mr. BURGESS, Mr. ROTHMAN, Mr. BRADY of Texas, Ms. GIFFORDS, Mr. MORAN of Virginia, Mr. SAXTON, Mr. REYNOLDS, Mr. BILBRAY, Mr. HOEKSTRA, Mr. PAYNE, Mr. FOSSELLA, and Mr. LEWIS of California.

H. Res. 743: Mr. BISHOP of New York.

H. Res. 744: Mr. KAGEN.

H. Res. 754: Mr. ENGLISH of Pennsylvania and Ms. DEGETTE.

H. Res. 760: Mr. DONNELLY and Mr. GEORGE MILLER of California.

H. Res. 768: Mr. CROWLEY and Mr. MCGOVERN.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

**Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:**

The amendment to be offered by Representative Rahall or a designee to H.R. 2262, the Hardrock Mining and Reclamation Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative MCCRERY or a designee to H.R. 3920, the Trade and Globalization Assistance Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

**Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:**

H.R. 3547: Mr. WYNN, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Georgia, and Mr. CUMMINGS.

# SENATE—*Tuesday, October 30, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our refuge and strength, we seek for peace and unity but live with strife and division. We make agreements but suspect that we haven't agreed. We flex the muscles of our might to reassure ourselves and caution aggressors. Yet we feel anxiety. Lord, show us the way.

Keep our Senators from presuming that You are automatically on their side. Instead, let them earnestly seek to be on Your side. Enable them to find unity with each other because of their connection with You. Keep them sensitive to see You at work in our world with Your intervening love.

We pray in Your great Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 30, 2007.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will be in a period of morning business for 60 minutes, with the first half of the time under the control of the Republicans and the second half controlled by the majority.

### ORDER OF PROCEDURE

In the time that we have, I ask unanimous consent that Senator KENNEDY have 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Following morning business, the Senate will resume consideration of the Amtrak legislation.

Yesterday, in a short period of time, the Senate considered and adopted nine amendments to the legislation. A number of other amendments remain to be considered. I believe the managers share my view that action on this bill can, hopefully, be concluded during today's session. Therefore, it is estimated that the number of votes with respect to amendments and the pending cloture motion could occur prior to the Senate recessing for the caucus meetings. Members have until 12 noon to file germane second-degree amendments to the bill.

Last evening, I had a conversation with my counterpart, the distinguished Senator from Kentucky, Mr. MCCONNELL, and indicated to him that we are going to move to and complete SCHIP this week in some form or fashion. That may require some time into the weekend. We can change everything by unanimous consent. We will see what the mood of the Senate is. Everybody should be alerted that unless Senator MCCONNELL and I and the other 98 Members can work something out, we may have to be here this weekend.

We have been very fortunate that we have not had to have many weekend sessions this year. That is really good. If we can get our work done, that is fine.

I have an obligation to move to the farm bill. Every 5 years, we have to complete that, and we are going to do our very best to do it in a way that makes a lot of sense. In the next 2 weeks, after this week, there are other things we have to do. We have to send an appropriations bill to the President and get that conference started. Some say no matter what we send him, he will veto it. That may be the case, but at least we will get the process going to see if we can work out something rather than a number of short-term CRs to complete the funding of the Government. I hope we can do that.

We also have other things we need to work on that are extremely important to do. Some of that must be done before we leave on November 16. We have a lot of work to do. I have had both Democrats and Republicans talk to me, saying: My legislation is important, let's get it done.

Mr. President, it is difficult to do. The rules have developed in the Senate over 230 years, and I think they have served the country well, as you look back. When you are right in the trenches trying to work through this, sometimes it is very difficult. We will try to be as fair and inclusive to everybody as we can during the next 2½ weeks.

## RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## FIVE WEEKS AND COUNTING

Mr. MCCONNELL. Mr. President, a lot of business in the Senate involves numbers. There are 100 Senators. The majority has 51, and this side of the aisle has 49. As the majority leader just indicated, it takes 60 votes to pass most significant legislation. Senators are always thinking about many different numbers. But today's number is quite simple. The number is 5—yes, just 5. It is 5 because this is the fifth week of the new fiscal year. But our friends on the other side of the aisle have yet to fulfill, as the majority whip puts it, "the most fundamental job Congress is expected to do," and send a single appropriations bill to the President's desk.

Let me give just one example. The Senate passed the Military Construction/Veterans Affairs appropriations bill, which provides critical funds for wounded warriors, deserving veterans, and the base installations of servicemembers and their families, in a bipartisan 92-to-1 vote nearly 2 months ago. Yet that bill now sits idle as we wait for the majority to call it up to conference.

Meanwhile, as early as today, the majority could proceed to take up another version of the SCHIP bill, which is certain to be vetoed once again by the President.

Republicans want to strengthen and secure the SCHIP program. The exact wrong way to do that is to lose focus on the low-income children it was designed to protect. So let's work together on a compromise that will keep the focus where it belongs, on low-income children. But I suspect I am going to have plenty of chances to come back to the Senate floor and debate this issue very soon.

The point is, working on a bill that we know will be vetoed is not the best way to use precious legislative time. Why do they insist that we go through with this?

Further, Mr. President, I think we can all agree that we should do everything in our power to provide for our veterans and our troops. November 11 is Veterans Day. I think this Senate ought to honor our veterans and the brave men and women who serve under our country's flag by sending the Military Construction/Veterans Affairs and Defense appropriations bills to the President's desk by Veterans Day without any gimmicks and games. It is the least this Congress can do for those who have worn the uniform, and it is the least this Congress can do to meet the minimum threshold of conducting the Government's important business.

Five weeks and counting, Mr. President.

I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business for 60 minutes, with the first half of the time under the control of the Republicans and the final 30 minutes under the control of the majority.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THIRD HIGHER EDUCATION EXTENSION ACT OF 2007

Mr. KENNEDY. Mr. President, I ask unanimous consent the Senate proceed to consideration of S. 2258, introduced earlier today.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2258) to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2258) was ordered to a third reading, was read the third time, and passed, as follows:

S. 2258

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Third Higher Education Extension Act of 2007".

**SEC. 2. EXTENSION OF PROGRAMS.**

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking "October 31, 2007" and inserting "March 31, 2008".

**SEC. 3. RULE OF CONSTRUCTION.**

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) or by the College Cost Reduction and Access Act (Public Law 110-84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

**SEC. 4. DEFINITION OF ELIGIBLE NOT-FOR-PROFIT HOLDER.**

Section 435(p) of the Higher Education Act of 1965 (20 U.S.C. 1085(p)) is amended —

(1) in paragraph (1), by striking subparagraph (D) and inserting the following:

"(D) acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d)."; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking subclause (II) and inserting the following:

"(II) is acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity, on the date of enactment of the College Cost Reduction and Access Act, was the sole beneficial owner of a loan eligible for any special allowance payment under section 438.";

(B) in subparagraph (A)(ii), by inserting "of" after "waive the requirements";

(C) by amending subparagraph (B) to read as follows:

"(B) NO FOR-PROFIT OWNERSHIP OR CONTROL.—

"(i) IN GENERAL.—No State, political subdivision, authority, agency, instrumentality, or other entity described in paragraph (1)(A), (B), or (C) shall be an eligible not-for-profit holder under this Act if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.

"(ii) TRUSTEES.—A trustee described in paragraph (1)(D) shall not be an eligible not-for-profit holder under this Act with respect to a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.";

(D) by amending subparagraph (C) to read as follows:

"(C) SOLE OWNERSHIP OF LOANS AND INCOME.—No State, political subdivision, authority, agency, instrumentality, trustee, or other entity described in paragraph (1)(A), (B), (C), or (D) shall be an eligible not-for-profit holder under this Act with respect to any loan, or income from any loan, unless—

"(i) such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan; or

"(ii) such trustee holds the loan on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan.";

(E) in subparagraph (D), by striking "an entity described in described in paragraph (1)(A), (B), or (C)" and inserting "a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d),"; and

(F) by amending subparagraph (E) to read as follows:

"(E) RULE OF CONSTRUCTION.—For purposes of subparagraphs (A), (B), (C), and (D) of this paragraph, a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), shall not—

"(i) be deemed to be owned or controlled, in whole or in part, by a for-profit entity; or

"(ii) lose its status as the sole owner of a beneficial interest in a loan and the income from a loan,

by such State, political subdivision, authority, agency, instrumentality, or other entity, or by the trustee described in paragraph (1)(D), granting a security interest in, or otherwise pledging as collateral, such loan, or the income from such loan, to secure a debt obligation for which such State, political subdivision, authority, agency, instrumentality, or other entity is the issuer of the debt obligation.".

## CONGRATULATING THE BOSTON RED SOX

Mr. KENNEDY. Mr. President, it is good to be back in the Senate after a brief absence due to some health issues. I am enormously appreciative to the people of Massachusetts, for all of their thoughts and good wishes and prayers that were extended to me. I am very thankful to so many of our colleagues, on this side of the aisle and on the other side as well, who wished me well. As a matter of fact, there were a number of those on the other side of the aisle who urged me to take even additional time, that the Senate could function very well without my attendance. I appreciate their good thoughts, but we are back in business and ready to deal with the important issues at hand.

One of the very important issues at hand is reminding the country of the extraordinary achievement and accomplishment by a magnificent sports team from my home city of Boston, MA. The country knows about it, but I know Senator KERRY joins with me in taking a moment to say how much we are cheering them on, on this magnificent, beautiful day in Boston. Our greatest regret is missing what they call the "rolling rally" that will celebrate the World Series victory of our beloved Red Sox. It is going to be an absolutely spectacular day in Boston.

Both of us, Senator KERRY and I, are very grateful to the Senate for last night passing this wonderful resolution that expressed all of our feelings about the Boston Red Sox and their success this year. It is an extraordinary record. For the millions of members of the Red Sox nation, this year has been a dream come true. We are proud of the team and what they have accomplished, especially the way they came back after trailing the Cleveland Indians by some three games to one in the American League Championship Series and went on to win seven straight games.

It was an exciting season full of brilliant performances, but none of them were as touching as the extraordinary—and it was extraordinary—performance by Jon Lester, the great pitcher for the Boston Red Sox, who pitched 5⅔ shutout innings in game four on Sunday night, less than 1 year after being treated with lymphoma. For thousands of families struggling with cancer, his example is truly an inspiration.

I congratulate the Colorado Rockies as well. They showed us what can be achieved when everyone pulls together, winning an incredible 21 out of 22 games to reach the World Series and making history in the process. I have no doubt their team will have a brilliant future.

So, congratulations, Red Sox, for a job brilliantly done in 2007. It is a wonderful year for baseball in Boston. We are enormously grateful to the whole team for an inspiring and exciting season and we look forward to another great year in 2008.

## AMTRAK

Mr. KENNEDY. Mr. President, I strongly support the Passenger Rail Improvement and Investment Act. I commend the bill's managers, Senators LAUTENBERG and LOTT, for their leadership on this issue, and I am proud to be an original sponsor of this important legislation.

Effective passenger rail service is more essential than ever at this time when gas prices, the Nation's economy, and our environment are on everyone's mind.

For decades, Amtrak has given the Nation a safe, reliable and energy efficient alternative.

Now, we must make the necessary investments in passenger rail service to preserve this important transportation option.

The pending bill gives Amtrak the funds it needs to continue operating and make necessary repairs.

It couldn't be timelier, because more and more Americans are choosing passenger rail. Recently Amtrak reported its highest ridership ever—nearly 26 million passengers in 2007.

It is particularly gratifying that the bill gives special priority to the overburdened Northeast Corridor, allowing it to return to a state of good repair by 2012.

Rail transit has long been an important part of Massachusetts' public transportation system. Boston's Green Line—110 years old—is the oldest subway system in North America. The Northeast Corridor is the backbone of Amtrak today, serving 10 million passengers.

An excellent example of why this bill is so important is the Downeaster, which operates between Boston and Portland, ME. The Downeaster launched its service at the end of 2001, and it has already carried over 1.5 million passengers. The line is so popular that it recently added a fifth daily round trip to meet the demand.

We need to continue to expand these options for the good of our economy and the environment. Public transportation creates thousands of jobs and billions of dollars in revenue.

The number of light rail systems has tripled in the past 35 years, and heavy rail service has nearly doubled. We need to do much more, however, to make public transportation a viable option if we are going to end the Nation's addiction to oil and reduce the harm being done to our environment from greenhouse gas emissions.

Of the 20 million barrels of oil America consumes daily, more than 60 percent is consumed by the transportation sector. Public transportation today saves us 1.4 billion gallons of gasoline each year, which translates into 108 million fewer cars filling up.

Equally important, these investments relieve the growing congestion on our roads. The Texas Transportation Institute's latest Urban Mobility Report found that congestion is costing the Nation $78 billion a year and forcing the average driver to waste 38 hours in traffic, while burning 26 gallons of gasoline. In the greater Boston area, travelers face even longer traffic delays in a year—spending 46 hours stuck in traffic and wasting over 30 gallons of gasoline.

These delays help explain why more and more people are choosing Amtrak. Earlier this year, Amtrak reported that its Acela line—which operates between Boston, New York, Philadelphia and Washington—had an on-time performance record of nearly 90 percent, and nearly a 25 percent increase in ridership.

Those are strong results. The pending bill will make the system even stronger, and I urge my colleagues to support it.

Mr. President, as I make these comments about the Amtrak legislation, I remember very well a former colleague of ours who is not here. He has his own particular health challenges. He is a beloved figure—Senator Claiborne Pell of Rhode Island, author of the Pell grants, author of the National Endowment for the Arts, author of the National Endowment for the Humanities, author of the Seabed Treaty that did so much in terms of arms control and the placement of weapons on the seabeds—there is a whole legacy there.

But President Kennedy said, during his Presidency, that as a student of history it was extremely rare that any individual Member of the Senate could come up with a new idea and then see a real downpayment on that particular program. This is the case with regard to Amtrak. Claiborne Pell was the first voice in terms of rapid transportation between Boston and Washington. He struggled for that program, and during the early 1960s he was actually able to get some resources—not very great amounts—but for the study of it, for the feasibility of it, and for building a sense of inevitability about it.

He saw, long before others did, the importance of transportation, this rapid transportation for our Nation as an energy saver, for the movement of people. He anticipated our congestion and so many issues that have been talked about by two of our colleagues and friends, Senator LAUTENBERG and Senator LOTT, who deserve great commendation for their efforts and for their leadership.

We are reminded—with the explosion of the costs of gasoline, congestion, environmental issues—about the importance of this legislation. Many times over the last 40-odd years, this legislation was at risk. But now it is well established, not only for the corridors which are highly populated, but we are seeing, as has been pointed out at other times during the debate, other examples of this kind of rapid movement of individuals between various population centers and the difference it has made and contribution it has made in terms of not only passenger service but also for our economy and the environment and the use of energy.

## SCHIP

Mr. KENNEDY. Mr. President, I want to comment on an issue about which I have spoken frequently over the last 10 years, but one which I feel immensely strongly about, that will be before the Senate and on the national agenda in these next several hours. I will draw attention to its importance to the future of our Nation and particularly to the children of this Nation.

I know there has been a good debate and a good discussion. I have spoken frequently about it, but I welcome the chance to once more, as Americans are beginning once again to refocus on this issue. It takes time. There are so many different issues that are before the Senate, and it does take time. We have to repeat and come back to these issues. It does not surprise me. We have seen it other times.

I was here in 1964 when we failed to pass the Medicare Program. I can remember the whole stream of our colleagues going down to the radio and television gallery issuing their press releases about their opposition to Medicare. And then, about 8 months later—I think it was about 8 months later—the Senate revisited the Medicare Program, and it passed overwhelmingly.

The one great difference, in that period of time, was the election of 1964, when American people gave focus and attention to the issue of Medicare and made the judgment and decision we ought to go and move ahead. I have heard all those arguments, "socialized medicine," "Government-controlled program." We heard that when this program was initially introduced.

Senator HATCH, myself, and others, we have heard those echoes time in and time out. But it was under the leadership of Senator HATCH, the judgment and decision, in terms of providing the help and assistance to these children would not be replication of the Medicaid Program but would be a program that would be basically run by the States, with an outline by the Congress about what would be included in terms of services.

It was a program that was built upon the private companies in these various States. It was a program also that did not quite match the range of different services that were in the Medicaid Program but, nonetheless, has been invaluable in terms of these children.

I come to the Senate floor today to speak about the health insurance, not the health insurance available to Senators or Members of the House or the President and his Cabinet. As I was reminded again during my recent experience, we have access to excellent insurance to pay the cost of whatever care we need. Our health coverage is never in question.

I speak of those who do not work in marbled halls or beneath vaulted ceilings but of those who work at the local bakery or the repair shop or make their living stocking shelves or cleaning offices. This debate is about our commitment to millions of American men and women who work hard every day, pay taxes, care for their children but who stay awake at night worrying because they cannot afford the costs of sudden illness.

It used to be when we debated this issue, 10, 15, 20 years ago, we would talk about the cost of an emergency room visit being $250 and wondering whether a child was $250 sick. That is the cost of going to an emergency room. And we used to debate about how do you measure the pain, the anxiety, the anguish that parent has, wondering whether their child is $250 sick; whether they will get better tomorrow, whether that earache will expand or be an indicator of a more serious illness or that throat ailment may be the same or whether that child would get better.

Now it is a $475 average across this country. That is what this children's health insurance debate is all about: Healthy lives for children, peace of mind for parents, Congress acting for the common good.

CHIP is not a Republican idea or a Democratic idea, it is not a State program or a Federal initiative, it is not public sector or private sector, it is all of those things and more. CHIP is an American success story.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 18½ minutes remaining.

Mr. KENNEDY. Over the past decade, since it was first enacted, we have seen what it can do to transform young lives. Since then the percentage of uninsured children has dropped from almost 23 percent in 1997 to 14 percent in 2005. This is a clear indication of what this program is about, from just below 25 percent uninsured for children—this is 1997—look where it is now, 13 percent.

What we see in other charts, if you talk about what has been the growth to uninsured adults, it would be the opposite. It would be going the other way. This is a success story.

There is an old saying familiar to every first-year law student:

> If the law is against you, you pound the facts. If the facts are against you, pound the law. If the law and the facts are against you, you pound the table.

The President and his supporters in Congress have been pounding the table hard and often on this issue in recent months. It is time to set the record straight. They have pounded the table about all the families making $83,000 a year who are supposedly eligible for CHIP. Let me tell you how many families making $83,000 a year are enrolled in CHIP: None.

None in Massachusetts, none in New York, none in New Jersey, none in California, nowhere, zero, not a single child in a family making $83,000 is eligible for CHIP.

The new bill approved by the House last Thursday goes even further than current law. It makes it illegal to cover anyone in families making over $62,000 a year, or 300 percent of the poverty level.

There it is, in big black letters, on page 75 of the bill:

> Denial of Payments for Children with Effective Family Income that Exceeds 300 Percent of the Poverty Line.

Now, according to the Congressional Research Service, 91 percent of the children covered by CHIP are in families with incomes below 200 percent of the poverty level, or $41,000 a year for a family of four. Almost all of the 9 percent of families above this level pay premiums to defray the cost of coverage for their children. That was a key part of the CHIP program.

States will have a right to make judgments and decisions, to be able to vary the premiums, the deductibles, and the copays. We let the States do that for those who would benefit from the program at this particular level.

The need for genuine outreach to more of the low-income children is a serious problem. But it is a foolish solution to address it by denying CHIP to children who also need it.

Facts are stubborn things, and all the table pounding in the world cannot change them. The basic fact of CHIP is it began as a principled, bipartisan compromise, and it remains so even now.

Nevertheless, the White House has called upon the supporters of CHIP to compromise and compromise and compromise. We have. But this much is clear: We will not compromise the future of a generation of American children because they come from the working poor. Surely, they are more important than multimillion-dollar tax breaks for the wealthiest individuals or the largest corporations. They are more important than the subsidies for the big oil companies. They are more important than preserving the obscene tax breaks for so-called carried interest.

These are America's deserving children and Democrats in Congress will stand up for them every time and courageous Republicans will too. We have been more than willing to work with Republicans in Congress on reasonable and realistic compromises that still meet our obligations to these children.

Many of us initially called for a much larger bill to properly serve the needs of the Nation's children, but we accepted a less costly bill in order to obtain broad bipartisan support. Year after year, the administration has granted waivers to cover adults under CHIP.

As of February of this year, the administration had granted waivers to 14 States to cover adults through CHIP. In August of 2002, they said yes to covering 40,000 adults in New Mexico. In October 2002, they said yes to over 334,000 in Oregon. In January of 2003, they said yes to 12,000 more adults in New Jersey. In May of this year, amid statements from the President that CHIP should put kids first, his administration said yes to 39,000 adults in Wisconsin.

But now they want to say no. The White House is now shocked, shocked to discover adults are covered under CHIP. It actually cites the consequences of their own decisions as a failing of our proposal.

The legislation the Senate approved last month reversed this policy by moving adults out of the program over the next 2 years. The bill now before us goes one step further. It removes childless adults from the program by the end of next year.

But that is still not enough. Still not enough. The requirement that children produce onerous documentation, listen to this, to prove their citizenship has been shown to be a barrier to care for American children because they often had great difficulty meeting the burdensome requirements of the policy.

These high barriers were imposed because of a fallacy, the myth that they prevented children in America illegally from using these services.

Now, a recent letter from the Congressional Budget Office, not the Democratic one, not the Republican office but the Congressional Budget Office, refutes that claim saying:

> Available evidence, based on State reports and other information provided by State officials, suggests that virtually all of those who have been unable to provide the required documentation are U.S. citizens.

That statement could not be clearer. It was American children, eligible for CHIP or Medicaid, who were denied services by these requirements, not the undocumented.

The cost of this witch hunt has been high. According to a recent report by the Center on Budget and Policy Priorities, the 6 States that have examined this issue in detail spent $17 million to administer the requirement, have denied health insurance to tens of thousands of needy children and parents as a result, and have identified a grand total of 8—8—undocumented aliens, individuals.

The number of low-income children insured through Medicaid has dropped 11,000 in Virginia and 14,000 in Kansas due to the new requirements. Each State identified one applicant, one applicant who incorrectly claimed to be a citizen.

Even now, we accepted a compromise by requiring the Social Security Administration to verify the citizenship of any child seeking coverage under CHIP. The time has come to stand up and be counted, to see who is for children's health insurance and who is against it.

It's obvious to everyone that our bipartisan majority for an effective CHIP program has made compromise after compromise. The time has come to stand up and be counted to see who is for children's health insurance and who is against it.

We need to know who is for families like the Vega family in Greenfield, MA. CHIP helps Flor Vega, a working mother, buy an extra inhaler for her 5-year-old daughter, so she could have one at school and the other at home. CHIP also helped her afford a nebulizer, the small, portable device that pumps the asthma medicine into the lungs when an inhaler isn't effective. That means her daughter doesn't face sudden dangerous attacks of asthma that require her to go to the emergency room.

We need to know who is for families like the Lewis family in Springfield, MA. I met Dedra Lewis and her daughter Alexsiana when they came here to talk to me about the difference that CHIP has made in their lives. Alexsiana has a rare eye disease that requires expensive drops every hour of every day. To take care of her daughter, her mother had to cut back her hours at work, and she lost her insurance. Without CHIP, they would be choosing between paying the mortgage for their home or paying for medicine that Alexsiana needs to keep her vision.

Family after family from coast to coast could tell similar stories. That's why families across America are calling on Congress to renew the promise of CHIP.

The task has not been easy, but we will not be deterred or deflected.

When Medicare was first proposed in the 1960s to allow the nation's senior citizens to live their retirement years in dignity, its supporters were attacked with much the same harsh rhetoric as we hear now about CHIP—it's "Socialized medicine." It's a "Government takeover." But Congress rejected that absurd rhetoric, and hundreds of millions of senior citizens have benefited immensely ever since.

American families face real challenges—higher mortgages, soaring gas prices, the ever-increasing cost of health care, and many other burdens. They deserve real solutions, not empty slogans.

Our opponents failed to stop Medicare, and they won't stop CHIP now. Medicare didn't pass on the first attempt, but its supporters came back again and again and again with the force of the American people behind them to ask—to demand—that Congress act. And the 1964 election made it happen.

And that's just what we'll do with CHIP, even if it takes the 2008 election to do it.

We'll keep at it until the children of America get the health care that they deserve and that the American people are demanding.

We know what the President's priorities are. He is calling yet again for more money, on top of more money, on top of yet more money to pay for the war in Iraq.

The President has made his judgment. He has decided to pour even more of our national treasure into the sands of Iraq and to burden our economy with the immense costs of the war for years to come.

Every day the war goes on, we spend what's needed to cover a quarter million children.

We have a military surge to help the people of Iraq. I say we need a health care surge to help the children of America.

This administration is quick to highlight their achievements on health care for the children of Iraq, but won't show the same commitment to the health of our own children.

In Iraq, American money has renovated 52 primary care clinics and re-equipped 600 others. But in America, children are denied essential medical services in the name of fiscal discipline.

In Iraq, our citizens have paid for 30 million doses of children's vaccine. But in America, we are told we can't afford basic preventive care for 10 million children.

The Web site of the U.S. Agency for International Development proudly notes a remarkable accomplishment, and I commend them for it. They have successfully vaccinated 98 percent of all Iraqi children against measles, mumps and rubella. If only we could do as well for our own children.

According to the CDC, only 91 percent of American children had received the same vaccine by the recommended age. The administration should be as concerned that children growing up in Boston or Birmingham get their recommended vaccines as they are about the children of Baghdad and Basra.

That same Web site proudly notes that USAID has "improved the health of vulnerable populations in Iraq by increasing access to high quality, community-based primary healthcare." That is just what we are trying to do for vulnerable populations in America.

In Iraq, it is an accomplishment. In America, it is a veto.

A bipartisan majority in Congress has made a judgment, too. Our judgment is that we must make room for decent health care for America's children. We must stand up to the empty rhetoric and hollow slogans of the White House, and give all children in

America the healthy start in life they deserve.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

## IRAQ BENCHMARKS

Mr. NELSON of Nebraska. Mr. President, I rise today to try to bring the focus of the debate about Iraq back to Iraq, specifically the Iraqi Government's continuing failures to meet benchmarks for progress on political, military, and security matters.

For the past several weeks, the news out of Iraq has been consumed by coverage of the Blackwater security transgressions. To be sure, the allegations against Blackwater are serious and need to be addressed. Oversight needs to be tightened, actions should be taken to ensure that security needs are being met, and force is used only when necessary.

By no means do I believe we should do anything but hold Blackwater and its Government overseers responsible for their actions. But what is happening is the Iraqi Government has successfully shifted the focus of the debate from their failures in meeting benchmarks for progress to the Blackwater security matter.

We need to refocus. Everyone here remembers, and the American people remember, this past spring, during the debate on the supplemental, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, that during the deliberations on that debate, Congress codified into law 18 benchmarks that were identified by the Iraqi Government and the Bush administration.

As a member of the Senate Appropriations Committee, I pushed to include benchmarks in this bill. Since returning from Iraq, having spent Thanksgiving there with the troops in 2004, my second visit to our troops in Iraq, I began to call for the Iraqi Government and U.S. military leaders to establish a method of measuring progress on the stated goals of standing up the military and security forces and establish a functioning government.

During my third visit to our troops in Iraq, in April of this year, I delivered a strong message to Iraqi leaders that they needed to show progress on an oil agreement, quelling sectarian violence, and building a functioning government very quickly or the United States would continue to lose patience with the war.

This supplemental presented an opportunity to send that message and codify it into law. It was the hope of the Senate to provide measurable benchmarks that could provide an outline on progress in Iraq. As part of the benchmarks requirement, Congress asked the White House to provide an assessment in July and September. Congress also directed the GAO to provide its own assessment on the Iraqi benchmarks. In July, Congress received an assessment from the White House on the status of the 18 benchmarks. At that time the White House indicated that satisfactory progress on eight of the benchmarks had been made. On the remaining 10 benchmarks, the White House indicated that the Iraqi Government had failed to make satisfactory progress. In September, the GAO review indicated that 3 benchmarks had been met, 4 had been partially met, and 11 had not been met at all.

In September, the White House provided its final assessment of the 18 benchmarks. Of the benchmarks, satisfactory progress had been made on 10, 2 more than in July, and 8 benchmarks still received an unsatisfactory rating, 2 less than July.

Everyone remembers that this is an important issue because of the importance of making positive gains by the Iraqi Government. I visited Iraq for a fourth time in September, just after General Petraeus testified before the Senate Armed Services Committee but before the benchmark reports were issued. Little had changed. Iraq's political leaders were still entrenched. There was still very little hope for progress on the benchmarks. I delivered the message that time was running out on the blank check policy the administration seems to have implemented in Iraq. At this critical juncture of U.S. policy toward Iraq, the Iraqi policy toward the United States seems disjointed, disconnected, and disassociated. The level of progress on the benchmarks is debatable, but what is undeniable is the fact that progress is needed on some of the most urgent issues to bring peace and stability in Iraq.

The Iraqi Government has failed to enact a debaathification law, a law on equitable distribution of hydrocarbon resources and revenues—that is essentially the oil and the revenues they have collected—and to provide three trained and ready brigades to support Baghdad operations and the disarmament of the militias. The level of progress is undebatable. The Iraqi Government has failed to deliver on these three important benchmarks. These are fundamental failures by a government that continues to expect the United States to invest in Iraq with our soldiers and our dollars, and these failures are unacceptable. We cannot continue on this path and cycle of Iraqi dependence on the United States.

As we prepare to deal with another supplemental, bringing the total off-budget additional war spending this year to just under $200 billion, making total off-budget spending on the war in Iraq nearly $500 billion—off-budget spending in Iraq of nearly half a trillion dollars—we need to refocus on what is happening in Iraq. We need to reexamine these benchmarks and others. Those who called for another 6 months to allow more progress got what they wanted. The question is, when will we get what we want? When will Iraq step up and take over? When will we be able to bring most of our troops home? When will the cycle of dependence end?

The answers to these questions lie in the benchmarks we established. Progress on the benchmarks can give us a timeframe for the future. Lack of progress on the benchmarks could only extend our commitment indefinitely, if we allow it to continue.

Finally, we do need to focus on the Iraqi Government's progress on the benchmarks and the lack thereof. If they had made more rapid progress, we would not need private security outfits protecting American assets and personnel. If they continue to fail to make progress and meet the benchmarks, we will need to fundamentally reassess what our future role might be in Iraq. We can't sustain this pace forever. Our soldiers deserve better. Our taxpayers deserve better. The Iraqi people deserve better from their own Government than the failed leadership they have been shown to date.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Has the Senate concluded morning business?

The ACTING PRESIDENT pro tempore. Not quite yet. The minority has a minute and a half; the majority has a minute and a half.

Who seeks recognition?

Mr. NELSON of Nebraska. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 294, which the clerk will report.

The bill clerk read as follows:

A bill (S. 294) to reauthorize Amtrak, and for other purposes.

Pending:

Bond (for DeMint) amendment No. 3467, to require Amtrak to disclose the Federal subsidy of every ticket sold for transportation on Amtrak.

Bond (for DeMint) amendment No. 3468, to increase competition in the American rail system by allowing any qualified rail operator or transportation company to compete for passenger rail service.

Bond (for DeMint) amendment No. 3469, to clarify the level of detail to be included in the modern financial accounting and reporting system required under section 203.

Bond (for DeMint) amendment No. 3470, to require the Performance Improvement Plan to address reaching financial solvency by eliminating routes and services that do not make a profit.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the Senate is now back on the Amtrak bill that Senator LOTT and I have been working on together for many years. I am glad we are moving closer to passing this bipartisan legislation. Our bill has had wide support with over 40 cosponsors. This is our fifth day on the Amtrak bill, and we have made very good progress. We have been able to work through most amendments. Some we were able to agree to, while some required votes. We still have a few amendments, however, we need to address. But we should be able to finish this bill soon, hopefully today.

It is critical that we do so. When we think about how crowded our roads are, the high price of gasoline, airport delays as an alternative, the potential fuel savings and reduction in greenhouse gases from more people riding the trains, the need for multiple modes of transportation for evacuations during emergencies, rail is a critical answer to our needs.

The need for multiple modes of transportation for evacuations during emergencies is a critical factor, and rail is one very important answer.

We know people will ride the train when there is service available. Amtrak set a new company record of almost 26 million passengers in the last fiscal year. We have seen successes in the Northeast corridor between Boston and New York and through New Jersey to Washington, but there is no reason why we can't have world-class rail service in other regions of the country. Many States are ready to develop new rail corridors, and our bill is going to meet this need by creating a new State grant program for rail projects. In all, it would authorize almost $2 billion a year for Amtrak and for the States over the next 6 years. Instead of barely giving Amtrak enough resources to survive, our bill paves the way for an improved, modern passenger rail network by providing funding for Amtrak's capital and operating needs. Our legislation will also reduce train delays by allowing the Federal Surface Transportation Board to issue fines to freight railroads when their trains delay Amtrak passenger trains.

When it comes to overseeing use of taxpayer funds, our bill requires that Amtrak improve its efficiency and its management. Overall, we require a 40-percent reduction in Federal operating subsidies over 6 years. We require a new financial accounting system to increase the transparency of the company's financial management.

The last Congress, our bipartisan compromise bill plan was approved by the Senate 93 to 6. I hope we will see a similar showing of support in this Chamber later today. America's travelers have been through terrible inconveniences, missed appointments, total unreliability. Now they are relying on us to provide practical and convenient travel options and passenger rail service must be one of them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I understand the Senator from New Jersey may object to a unanimous consent request.

Mr. LAUTENBERG. I object.

Mr. COBURN. I need to make it first.

Mr. LAUTENBERG. Excuse the delay.

Mr. COBURN. My attempt is for a colleague, an amendment for Senator ENSIGN, amendment 3482. I ask unanimous consent that the pending amendments be set aside and we consider 3482.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LAUTENBERG. Yes, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COBURN. Mr. President, I note that this amendment could be considered nongermane afterwards and could have been held after that. The fact that we are not going to have a discussion on the amendment is somewhat disconcerting, but we will honor the objection of my colleague from New Jersey.

### AMENDMENT NO. 3474

I ask unanimous consent to call up amendment No. 3474.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3474.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require Amtrak to regularly report to Congress on the profits or losses relating to the provision of food and beverage service and to limit such service on Amtrak rail lines that incur losses)

At the appropriate place, insert the following:

**SEC. ___. FOOD AND BEVERAGE SERVICE.**

(a) QUARTERLY REPORT.—The National Railroad Passenger Corporation (referred to in this section as "Amtrak") shall submit a quarterly report to Congress and to the Secretary of Transportation that sets forth the profit or loss, as applicable, relating to the provision of food and beverage service on each rail line operated by Amtrak.

(b) CONTRACT RENEGOTIATION.—If the food and beverage service on a specific Amtrak rail line incurs a loss in any fiscal year, Amtrak shall renegotiate any applicable contracts relating to food and beverage service (including associated labor contracts) for such rail line in an effort to—

(1) reduce the cost of such service; and

(2) increase to likelihood to make a profit in the following fiscal year.

(c) DISCONTINUANCE.—If the food and beverage service on a specific Amtrak rail line incurs a loss in any 2 consecutive fiscal years, Amtrak shall terminate such service on such rail line.

(d) REINSTATEMENT.—Amtrak may reinstate food and beverage service that was discontinued under subsection (c) if—

(1) at least 1 year has elapsed since the date on which such service was discontinued on the applicable rail line;

(2) Amtrak submits a credible proposal to Congress and to the Secretary of Transportation for generating food and beverage service profits on such rail line for each of the following 5 fiscal years; and

(3) the Secretary of Transportation, or the designee of the Secretary, certifies to Congress that the proposal submitted under paragraph (2) will likely generate food and beverage service profits on such rail line for each of the following 5 fiscal years.

Mr. COBURN. Mr. President, this is a straightforward amendment. Last night, at 11 o'clock, I arrived at Union Station, taking the Acela Express from New York City to Washington. It is a great value, with good service. It is one of the areas where Amtrak makes money.

But what the American public needs to see about this bill—and I am going to talk about in this amendment, specifically—is we are right here now at this level, as shown on this chart, and total subsidies will not go down, they will go up over the next 5 years for Amtrak. If you consider operating subsidies and capital subsidies, here is where they are, as shown on this chart.

What we are going to have is about a $600 million increase between now and 2012 in the amount the American taxpayers are going to subsidize Amtrak. That may be something we want to do. This amendment specifically deals with an area where Amtrak can make a difference right now, and it is on food service. Over the last 3 years, American taxpayers have subsidized food service on Amtrak to the tune of a quarter of a billion dollars. Now, anybody who travels knows when you get on American Airlines, you can buy a Milky Way candy bar for $3. The same thing costs 75 cents on Amtrak. They know you can buy a beer for $5. It costs $3 on Amtrak.

Why is it we have food programs and food sales programs that the American taxpayer is subsidizing on Amtrak that we refuse to subsidize on airlines?

Now, we have heard during this debate that, well, we subsidize Amtrak, but we subsidize all the rest of them. Here is the analysis of the Department of Transportation on how much we do subsidize the other forms of transportation in this country. It is pretty revealing.

If you are driving a car, you are paying in to the Federal Government. It is a negative subsidy. You, the individual driver, are paying $1.79, for every 1,000 miles you drive, to the Federal Government—just for the privilege of you driving. But if you are riding a bus, it is a $4.66 subsidy from us, the taxpayers, to us, the bus riders. If you are flying on an airplane, the subsidy is $6.18 for every 1,000 miles we travel. It is what we pay us to fly.

When you get to public transit, it is quite a bit bigger. Could you make justifications for that? I am not saying we should not. But when you get to Amtrak, we are talking about $210 per thousand miles traveled, on average. We know on certain rail lines, certain routes, there is not much subsidy, Amtrak actually makes money. They have slightly improved in certain areas, especially with their latest data. But $210?

Now, if you take their total subsidy, which right now is $1.3 billion—which counts all the subsidies, both capital and others—if you were to take out the losses on food, you would save another $125 million to $150 million.

Nobody expects, when you get on Amtrak rail passenger service, that the rest of us ought to pay for your beer. Nobody expects we ought to pay for your 3 Musketeers candy bar. Yet, in essence, that is what is happening on Amtrak.

This amendment is fairly straightforward. What it says is 3 things:

It says Amtrak has to calculate and report quarterly to the Department of Transportation and Congress on the quarterly profits and losses, by route or rail line, of food and beverage services. What that means is they ought to know where they are losing their money, and we ought to know where they are losing their money.

The second thing it says is, Amtrak ought to restructure their food and beverage service contracts for any rail line that is losing money on its food and beverage services. This is not rocket science. This is that if you are going to sell it, you ought to at least sell it for enough to cover the cost. Yet we continue to not do that. We continue not to want to hold them accountable to do that.

Then finally, if they cannot present a way to be able to sell food and beverages at a break-even cost at least, then they ought to have to discontinue selling food or have a food service on it. And they have done it on 1 line because it was losing so much money. The question is, why haven't they either raised the prices or done it on the other lines?

All this amendment is is a management audit tool for Amtrak that says: You are going to tell us every 3 months by route where you are making your money. They need to know that anyhow. They don't right now. They do not account for it right now. They cannot tell you how much by line or route they are making or losing on food service. Any manager of any process knows if you do not know the information, if you do not have the metrics, you cannot manage it. If you do not have the metrics, you cannot manage it.

The history in this debate on Amtrak is interesting, because in 1997, the Amtrak Reform and Accountability Act of 1997 was supposed to solve all the problems, and by 2003 we were not supposed to have a subsidy in Amtrak. That is what the bill said. It said we will, in fact, by 2003 solve this drain of $1.3 billion per year coming out of everybody else's hands into those people who ride Amtrak. We have not had an authorization since 2003. This bill claims that, in fact, the subsidies will go down. But they will not. That is their numbers. That is the bill's numbers.

So now we are saying we are fixing the problem—except the problem continues to grow. If, in fact, we would fix the food service portion of this, the subsidies would do this, as shown on this chart. It would be a flat line. There would be no increase in subsidies—capital or otherwise—if, in fact, we were breaking even on all the food.

It is a straightforward amendment. I know there is some consternation with this amendment by the authors of the bill and the managers of the bill. I understand that. But the fact is, it is hard to explain to the American people why we are subsidizing a 3 Musketeers candy bar and a package of pretzels and a can of beer for people who ride Amtrak—and we are.

It is interesting; I fly every week, and my total travel time is 8 hours each way. I price bottles of water at airports. A bottle of water on Amtrak is $1.99. Do you know what the average price is for a bottle of water at airports in this country? And that is not even on the airplane. It is $2.49. Yet we are selling it 20 percent cheaper on Amtrak than you can buy it in an airport. If you buy it at a convenience store, you can buy it for 99 cents. But we have a captive audience.

The airlines know how to take advantage of that, and we are not subsidizing them, except for the $6, which we pointed out, per 1,000 miles. That comes to 6 cents a mile, by the way, versus $21 a mile for those on Amtrak.

So my hope is we will at least look at this issue and say: OK, if you are not going to manage it, at least look at the food side of it. Measure it. Then, if we want to come back in a year and take this amendment away, saying: OK, you have done it—with this amendment, if they start breaking even on the food, it does not have any effect on them, other than reporting. If they are not going to break even on their food and beverage service, what it says is: Give us a plan to show how you are going to do it. It is very simple. But if you are not going to do either of those, then stop losing money on food service and beverage service on Amtrak.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Mississippi.

Mr. LOTT. Mr. President, I believe we have a unanimous consent request we will propound in a few moments to get a time certain for a vote on this amendment. But we want to make sure everybody is OK with that before we do it.

I say to Senator LAUTENBERG, do you want to go ahead and propound that? We understand everybody has cleared that now.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, to be sure the RECORD reflects our understanding, I ask unanimous consent that the time until 11:45 a.m. be for debate with respect to the Coburn amendment No. 3474, the time be equally divided and controlled in the usual form, no amendment be in order to the amendment prior to the vote; that upon disposition of the amendment, the Senate then proceed to vote on the motion to invoke cloture on S. 294.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I wish to begin by thanking Senator COBURN for getting involved in the process. He made some requests last week in terms of needing more time to actually look at this legislation and think about amendments that should be offered. Senator REID agreed to that.

Senator DEMINT and Senator COBURN have both kept their commitments. Senator DEMINT offered a number of amendments. We have cleared, I think, four of them, and we are working on some others. Senator COBURN came up with two very serious amendments he is interested in and has indicated he would agree to a limited time for debate and have a vote. So I want to acknowledge that, first of all.

I too am concerned about some of the costs we have had at Amtrak. In fact, the last time we passed Amtrak reform, I included a provision in that legislation to allow food to be contracted out. Up until that point, it could not even be contracted out. It was all done in-house with Amtrak, and there was no good reason why that should have been limited that way. They still have not gotten the costs where they should be. But the opportunity is there for them to do that.

I want them to continue to work to get better prices and cut the subsidies, cut the costs, and also while providing good food. But I do think food—whether you are on an airplane or a train—is an important part of the service. I am not going to take an Amtrak passenger train from some remote area that is going to be on the rail for a day or maybe even overnight and not have any food service. If you wipe out food service, you might as well terminate the route.

But I think this is an amendment that deserves discussion and consideration. This amendment, as I understand it, would require Amtrak to regularly report to Congress on the profits or losses relating to the provision of food and beverage service. We ought to have that. We ought to have all kinds of reports. It ought to be transparent. We ought to know where the costs are, where the profits are. We should increase the profits and cut the costs.

But to say you should limit such service on Amtrak lines that incur losses, what you are saying is you would have to terminate the lines because if you do not have food service, what are you going to do? Have a brown bag? Bring a lunch? Raise the price? I am for that. I think you ought to pay the costs for doing this.

But if we say: "OK, if you cannot get this under control, we are going to terminate the line," what if the line is actually doing pretty good, but the food service is still costing too much? We should keep the pressure on, but I do not think we can, in good conscience, deny passengers food and beverage service on these long-distance rails.

Amtrak ought to lead more. They ought to address this question of food costs and get those costs down. I must say, we have not had particularly good success in the Senate either. We have had trouble controlling our food costs. But we have heard the stories about airline passengers stranded on planes with no food, and they could not get off the planes, and the kind of consternation that has caused.

Unlike air travelers who may deboard and maybe purchase food during layovers, rail passengers do not have time during stops to get off and come back on. Even if they could, most Amtrak stations do not have snack bars. There is the question of what, in reality, your options are.

Even in corridor service, we know providing food and beverage is essential. The improved food service, for instance, on the Acela contributed to a 20-percent increase in revenues during 2007. Of course, that is the gold standard. If all of Amtrak service was like the Acela, serving the numbers of people with the quality of service they have, and all that, then we would be a lot better off.

But the Department of Transportation inspector general found that Amtrak has reduced its food and beverage labor costs by $12 million over the past 3 fiscal years. I think pressure from the last Amtrak bill has been leading to this. They understand they have to do a better job. We believe that number can drop even further. S. 294 will reduce subsidies by 40 percent over the life of the bill. This includes section 210, which requires Amtrak to reevaluate onboard amenities and service, including food for these long-distance rail routes.

We want reform. We are pressing on this issue, and it is in the bill. In fact, I think some people, when they actually read this bill, have been surprised there are reforms in there, there are improvements that are going to be demanded. People might say we need even more. That is a legitimate argument. But that has been our goal. We want Amtrak to provide better service. We want Amtrak to be able to not lose money, to actually make money. But we want to have the national rail passenger system.

With this amendment, if a particular rail line suffers a loss on a food service, then they would be required to renegotiate the contract relating to food and beverage, including labor contracts. You might say: Well, even that may not be bad. But if a particular rail line suffers a loss in two consecutive years, they would be required to terminate food service on that line. Therein lies the problem. Amtrak would be permitted to reinstate food and beverage service on a discounted line only after a 1-year moratorium and the Secretary certifies a profit for food and beverage service would be generated on such rail line for each of the following 5 fiscal years.

I do agree this is a problem that should be able to be addressed. They just ought to do it. There is a simple solution: You change the service. You raise your costs. You get a different contractor. There are a lot of options. We should continue to press this point, but I don't think we ought to make it such that we wind up having to terminate service if we can't get the food situation straightened out. I don't think it is necessary given the other reforms that we have included in this bill. It goes too far, but I understand the intent. I want this service—I want improvement. I want the cost to come down. But I want a national rail passenger service. I have learned from past experience, don't mess with people's stomachs or you will get in real trouble.

In that connection I will not read the entire piece, but I refer to an article from Parade magazine that will be printed on November 4, 2007. Some of what it says is that with plane delays and high gas prices, Americans are asking: Can we save our trains? It goes into some detail about all of the delays and inconveniences and problems now—the congestion on our highways, the delays, the discomforts on airlines—and people are asking: Is there another alternative? That alternative should be a national rail passenger system.

But, surely, the Government and Amtrak, we could all do a better job of making it a good experience and living within their means. They have not done that. This bill, hopefully, in its present form, or with additional amendments that can be added, will pressure Amtrak to provide this service because I think we are going to need it for the future transportation needs of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, everybody knows the Senator from Oklahoma is meticulous in terms of his anxiousness to reduce the costs of Government in any way we can. That certainly is what is being attempted in this bill that Senator LOTT and I have introduced.

The amendment the Senator from Oklahoma has offered will slowly but surely eliminate one crucial component of Amtrak service, and that is its food and beverage service.

Passengers who take Amtrak's long-distance trains may be in transit for as long as 2 or 3 days, and some may be diabetic.

Unlike airports, most Amtrak stations don't have restaurants or snack bars where you can pick up a bite before you get on the train.

Mr. President, how much time do we have available?

The PRESIDING OFFICER. Just a little over 1 minute.

Mr. LAUTENBERG. Mr. President, I will summarize very quickly to say that on these long rides, a person may be diabetic, may need food. It is part of what rail transportation offers, and it attracts more passengers to know that they can be comfortable and still have some nourishment along the way. If we want to reduce subsidies, then we ought to look at the airlines where we are subsidizing them to the tune of $15 billion a year and say cut out the mini pretzels, cut out the little bag of nuts. It costs a lot of money when you multiply it by all of the passengers who get on airplanes.

The objective is to make Amtrak a more viable part of our transportation network, and I hope we will not start to pick things apart. Maybe we ought to look at what they do mechanically; see whether we can reduce a mechanic here or there. That is not what we want to do. All of this is going to be reported. I thank the Senator from Oklahoma for his amendment, but I am going to oppose it, and I hope all of our colleagues will.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, it is interesting that two-thirds of the airlines don't have pretzels anymore because they have to make a profit, and they have to report to their shareholders. So it is not there anymore.

We heard a statement that subsidies have been reduced by 40 percent. That is the operating subsidies. The total subsidies haven't been reduced at all. They are actually going up. They are actually going up by this amount over the next 5 years. These are Amtrak's numbers, based on this bill.

These are the numbers of the Department of Transportation, based on this bill.

Now, if you would break even on food service, there wouldn't be an increase in total subsidies. But none of us would run a business with a loss leader that would continue to undermine our ability to put the capital into business and to stay in business. We would, in fact, make a change. This amendment gives them 2 years. It says, the first year—you get 2 years to lose money, so the first year if you have lost money, renegotiate it, raise your prices, cut your labor costs. The cost of food service on Amtrak is 52 percent labor costs. The average person doling out the food on Amtrak makes twice what somebody does in the private sector doing the same thing. So what we really have is a subsidy to the food service workers on Amtrak because that is 52 percent of the cost, rather than a subsidy to the food.

Again, the question the American people ought to ask is, should we be subsidizing somebody's beer and 3 Musketeers on Amtrak when we don't do it anywhere else? Isn't it common sense that if you are going to offer food service, you at least ought to break even?

What we know from the testimony of the head of Amtrak is they use it as a loss leader. The only problem is where they use it as a loss leader, they continue to lose more money. On their profitable routes, they make money on food service. So the question is, should we, in fact, subsidize food? Nobody wants a diabetic not to have food available, and that would not happen. That is why we put 2 years in here. The first year you recognize you have a problem, and the second year you fix it. This isn't an amendment that is designed to get rid of service in terms of train routes. This is an amendment that says none of us would run a business losing this kind of money. It is a quarter of a billion dollars the last 3 years lost on food, on Amtrak—a quarter of a billion dollars.

Mr. LAUTENBERG. Would the Senator yield for a quick question?

Mr. COBURN. I am happy to yield.

Mr. LAUTENBERG. Knowing the situation that we run into with the airlines where the people are stuck for hours at a time, is it a good idea to eliminate—as the Senator suggested, we are happy that we eliminated pretzels on the airlines. Is that a good idea?

Mr. COBURN. Mr. President, the difference is, that becomes a management decision of the airline, which has to compete. Amtrak has no competition. They have no competition. So, therefore, they continue to do things, because we will subsidize them, that somebody in the private sector would not do. That is a decision that is made that says—American Airlines saved $30 million last year by their restriction of food services. It was in the paper today, $30 million they saved on all the routes by a restriction of the food service. To them, in an airline industry that has been struggling, that is a significant amount of money. You know what. We still flew American Airlines; we just bought it before we got on.

The statement that there is no food available in all of the Amtrak stops is not true. That is true in the most remote areas, but there is food available.

So if we, in fact, would pass this amendment, and Amtrak would run the food service like any other business would run it, this number would become a flat line. In other words, we would go up here and then we would come across, and the American taxpayer would save about $1 billion over the next 5 years if, in fact, we would do that.

So the opposition—I want to finish my point. The opposition to this amendment is the fear that we may lose a route because we may not offer food service. I would be happy to offer——

Mr. LAUTENBERG. Mr. President, if the Senator would yield for one more question.

Mr. COBURN. Let me finish my point. I would be happy to offer the managers of this amendment, to make a second degree to this amendment that says on long-haul routes, if, in fact, there is no possibility you can never do it on a certain subsidy level, I will be happy to accept that. The purpose is that—we lose a quarter of a billion dollars subsidizing somebody's Heineken every day, every year, when we have this system where we don't make a management decision that is in the best interests.

Here is the real reason the decisions aren't made on food service. It is because they don't have to be because we are still going to put the money there. That is the real reason why it is not there.

In the private sector, it would have happened already. If there were private trains competing, I guarantee the prices would be higher for the food component of it. Nobody is going to lose it.

So it is a straightforward amendment. I have a couple of minutes left, and I am happy to yield for a question from the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I wanted to ask the Senator if he was aware that we differ on the amount of subsidy that goes into rail service food costs. It is only $80 million as we see it. How would a rejection of all loss for food eliminate all subsidies, when, in fact, we subsidize the airlines that are for-profit businesses? Why should we then continue to offer them——

Mr. COBURN. Reclaiming my time, the reason we do is we subsidize for $6 per 1,000 miles traveled on the airlines, and we subsidize $210 per 1,000 miles of travel on the railroad. That is a significant reason we ought to be all the more efficient with what we do.

The Senator is correct. The last year, we only subsidized $80 million worth of food, but on average, every 3 years, it is a quarter of a billion dollars. That was my statement. So ask yourself, should we be subsidizing $80 million worth of food on Amtrak.

This is a straightforward, commonsense amendment that most Americans would say makes sense. We at least ought to cover the cost. If we can't cover the cost, then maybe we ought to renegotiate the contracts with the food service workers who make $43,000 a year who are selling you a bottle of water. Compare that to somebody who is working at an airport or a stewardess on an airplane who is serving you and who is making less than that.

So the consequences of our actions have great impact. Why is it important? Is it because of the subsidy we give Amtrak? Do you know what it is? It is borrowed from our grandkids. We can't deny it. We have the administration claiming a $160 billion deficit this year, and the real deficit is going to be $300 billion because we are going to borrow $140 billion from Social Security to pay for Medicare, and then we are going to borrow $200 billion to pay for a war that we are charging to our grandkids. So that is important because the subsidy isn't coming from us. It is coming from the next 2 generations.

I yield the floor. I understand all time has expired.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays are ordered.

The Senator from Oklahoma has 2 minutes remaining.

Mr. COBURN. I yield back any remaining time.

The PRESIDING OFFICER. All time is yielded back. All time has expired.

The question is on agreeing to the Coburn amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 67, as follows:

[Rollcall Vote No. 397 Leg.]

YEAS—24

Allard
Barrasso
Bayh
Brownback
Bunning
Burr
Chambliss
Coburn
Cornyn
Crapo
DeMint
Ensign
Enzi
Gregg
Inhofe
Isakson
Kyl
McCaskill
McConnell
Roberts
Shelby
Sununu
Thune
Voinovich

NAYS—67

Akaka
Alexander
Baucus
Bennett
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Craig
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Warner
Webb
Whitehouse

NOT VOTING—9

Biden
Clinton
Dodd
Graham
McCain
Obama
Sessions
Vitter
Wyden

The amendment (No. 3474) was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 158, S. 294, AMTRAK Reauthorization.
>
> Frank R. Lautenberg, Trent Lott, Joe Lieberman, Benjamin L. Cardin, S. Whitehouse, Robert Menendez, Daniel K. Inouye, Susan M. Collins, Mike Crapo, Larry E. Craig, John Warner, Byron L. Dorgan, Gordon H. Smith, Max Baucus, Bill Nelson, Robert P. Casey, Jr., Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on S. 294, a bill to reauthorize Amtrak, and for other purposes, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 79, nays 13, as follows:

[Rollcall Vote No. 398 Leg.]

YEAS—79

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Voinovich
Warner
Webb
Whitehouse

NAYS—13

Allard
Barrasso
Brownback
Bunning
Chambliss
Coburn
DeMint
Ensign
Enzi
Gregg
Inhofe
Shelby
Sununu

NOT VOTING—8

Biden
Clinton
Dodd
McCain
Obama
Sessions
Vitter
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 13. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the time during the recess period count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SALAZAR).

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

## PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007—Continued

Mr. LOTT. Mr. President, we are working with the distinguished chairman of the subcommittee and the leadership on both sides to get an agreement worked out on how we proceed on this issue for the remainder of the afternoon. In the meantime, Senator DEMINT is here and ready to go on an amendment, and he has a committee markup underway also.

So unless there is objection, I ask Senator LAUTENBERG, could we let Senator DEMINT call up his amendment and go ahead and have a discussion on it?

Mr. LAUTENBERG. I agree.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senators.

### AMENDMENT NO. 3467

I would like to discuss amendment No. 3467. Before I discuss the amendment specifically, I would like to talk a little bit about rail passenger service in America and Amtrak specifically.

I think one of the best infrastructure visions we could have as a country today would be to create high-speed passenger rail service that moves people economically and efficiently around the country. The irony is, as long as we continue to pour our Federal resources into the Amtrak model, we will never get to that vision of an efficient passenger rail service in this country.

It is clear from years of working with Amtrak and the model of using freight rails and Government subsidies to support an Amtrak system, we will never have a world-class passenger rail service through the Amtrak model. So I hope we as a Congress, as a Senate, particularly, can come to terms with the fact that if we continue to throw money at Amtrak, we will never have efficient passenger rail service.

Certainly, there are a couple of lines of rail service of Amtrak, particularly in the Northeast, that work well for a number of people. But the fact is, many Americans are contributing to the few passengers who are using Amtrak today. Taxpayers all over the country are putting their money into these few lines that work, even though very few Americans actually ever use these rail services.

As we discuss this final bill, it is important we remember that in the last year the Federal Government gave Amtrak $1.3 billion in subsidies, even though they carry less than 1 percent of the Nation's intercity passengers.

Amtrak is the most heavily subsidized mode of transportation in the country. In fact, every ticket people purchase from Amtrak has an average subsidy of over $210 per passenger per 1,000 miles traveled. We even have some lines where the subsidy reaches as high as $500.

My amendment does not change this. But it tells America the truth about the subsidies for each of these tickets people buy.

My amendment requires Amtrak to put on every ticket for the line they are using the amount of subsidy the taxpayers are putting into the cost of each of these tickets. By doing this, we will force Amtrak to do what all businesses have to do, which is to track the real cost of every product they sell.

Right now, it is very difficult to determine actually how much Amtrak spends on each of its lines of service. But by requiring they put the cost of the subsidy on every ticket, they will have to calculate the cost—which is the revenue and the losses—for each line in this country.

Every business should have to do it. Amtrak should as well.

It is the only way we can get a handle on actually how much we are spending for each line and hopefully determining, after a while, which lines make sense to continue and which lines should be eliminated.

So I encourage all my colleagues to vote for this amendment. It does not do anything to reduce funding for Amtrak or put any additional restrictions on them. But it does require them to show America what the real subsidy is for every ticket they sell.

So I say to you, Mr. Chairman, I reserve the remainder of my time and look forward to your comments. Hopefully, we will have your support on this amendment.

The PRESIDING OFFICER. The majority leader is recognized.

### CHIP

Mr. REID. Mr. President, I have had a number of conversations over the last 24 hours with the Speaker, Speaker PELOSI, with the Democratic leader, STENY HOYER, Senator HATCH, Senator GRASSLEY, and others who have indicated on the CHIP matter they need more time, they have had conversations with Republican House Members who voted not to override the President's veto, they are having conversations with people within the administration, trying to come up with something on CHIP, and they need more time.

My first inclination, after having heard this, was, well, we have waited long enough. But after having spoken to these Senators—Senator HATCH, especially, has been working hard. They have already had meetings with Republican House Members. Senator BAUCUS, I have spoken to him at great length, and he is also having meetings with some of the Republicans in the House to see if there is something that can be worked out. I do not know if there can be.

But what we have done with the matter that will shortly be before the Senate: As to childless adults who are in the program now, under the original bill we passed, they would be phased out in 2 years. In the bill that is now before this body—or shortly will be—they are phased out over 1 year. So we cut that in half.

Ninety-two percent of the people drawing benefits—and the "people" are little people, are children drawing benefits from this program—92 percent of them are in families not exceeding 200 percent of poverty. And 200 percent of poverty is about $40,000 a year for a family of four. We have only one State above 300 percent of poverty, and there are maybe five or six States from 200 percent to 300 percent of poverty. So we have said there will be no waivers above 300 percent of poverty. We have changed along that regard.

We have tightened down the language as it relates to illegal children drawing benefits. Under the original bill we passed, illegal children could not get the benefits. You had to be in the country for at least 5 years, with proper papers, and then you could, after having been here 5 years. So we have tightened everything down. We have changed that, hopefully, to pick up some more votes.

At this stage, Senator HATCH and others have said to me: We need a little more time. We would like—because Senator HATCH and Senator GRASSLEY were in on the changes we made. They were not done by Democrats. For every meeting held, they were in on the meetings. But they said give us some more time and maybe we can come up with something else. I am willing to do that. We are willing to do that. I would hope the Republicans mean that, that they do need more time.

So what I would be willing to do—and when I say "I," it is not me—but what we would be willing to do is to put the vote off on CHIP until we finish the farm bill. I am going to do the farm bill next week. I am not going to go to it this week. We would go ahead and finish Amtrak and then move to something else. What it is, I don't know. I will try to come up with something that would be without a lot of pain to anyone. There are many things we have to do that are bipartisan in nature that I think we could go to.

I had originally considered offering a unanimous consent request where we would move off CHIP and go to it when we finish the transportation bill, and in exchange for that, give me permission to go to something else. I have withdrawn that. I don't want any excuses. I don't want anyone saying: Look, we would have done that, but he was demanding what we go to next, and I am not going to do that.

So I am going to recite into the RECORD a unanimous consent request which will say basically that we will move off CHIP, giving Senator HATCH and others time to negotiate to see if they can come up with something that is agreeable to the body, and maybe we can do CHIP so that—and the only requirement I think that Senator HATCH, Senator GRASSLEY, Senator BAUCUS, I, the Speaker, Congressman RANGEL, and Congressman DINGELL have is that we cover the same amount of kids. We tried to do that in some fashion. Right now, if we don't do something, the number of children covered will drop from 5.5 million to 4.5 million. That is the way it is. Those are the facts, and we can't change that. If we passed our bill, the one that got 69 votes in this body, instead of having 5.5 million, we would have 10 million children who would be covered.

So I hope we can do that. But anyway, without belaboring the point, what I am going to ask permission to do is that we move off CHIP at what time it would occur naturally and take it up when we finish the farm bill. The rest of this week we will be working on something else. What that will be, I will certainly consult with the Republican leader. But right now, whatever I do, unless I get consent from the Senate—not only the Republicans but the Senate—I would have to get consent to do that or otherwise I would have to file cloture on a motion to proceed to it. So there are no surprises in that regard.

So I ask unanimous consent that the cloture vote be vitiated with respect to the motion to proceed to the CHIP bill, H.R. 3963, and the Senate begin consideration of that bill following the disposition of the farm bill, H.R. 2419.

As I have indicated, we are not going to move right to the farm bill. We are going to wait until at least Monday to get to the farm bill, as I have indicated.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, if I may do that, and address some comments to the distinguished majority leader, and maybe even some questions, first of all, I think we have made good progress on the Amtrak bill. The leader was considerate of allowing it to go over until today, and our colleagues have fulfilled their commitments to be reasonable with their amendments, and we believe we are ready to go to Senator DEMINT's amendment and get a vote on it at a certain time. I believe we could be very close to going to passage also.

With regard to vitiating the cloture motion on the Children's Health Insurance Program, I can't see any reason why we would object to that, but we ought to continue to try to find a solution. Unfortunately, there has been no real consultation with the leadership on this side of the aisle by those who have been having all of these meetings, and we still have not involved the administration in trying to get a solution that we believe we could all get broad agreement on and avoid going back and forth on bills and vetoes. But to take more time—we still hope you will come up with something that will be supported broadly and signed by the President. But the idea that we would then agree for this to go automatically to the farm bill, we would have to have—

Mr. REID. I am not asking unanimous consent for the farm bill; I am just going to go to the farm bill.

Mr. LOTT. But SCHIP would come back automatically after the farm bill.

Mr. REID. After we finish that, yes.

Mr. LOTT. After a discussion with our leadership, at this time we would have to object. We don't object to vitiating the cloture vote on the CHIP bill, but we want to make sure we understand we are not agreeing to automatically going to the CHIP bill after the farm bill. So based on that, I would object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, it is hard for me to comprehend the logic of the objection. We are not asking unanimous consent from anybody as to what we are going to go to next. If the minority wants to object to going to the farm bill, they have the right to do that. I think it would be unusual for them to do that, but they have a right to do that.

We filed our 50th cloture motion, and it was my favorite. It was my favorite because it was bipartisan. It was the first bipartisan cloture motion we filed all year. It was on Amtrak. If we have to file cloture on the farm bill, that is fine. It would just take us a couple of extra days to get to the substance of the bill.

But I would also say it would seem to me that if the Republicans are sincere in wanting to do a CHIP bill, unless I am missing something, what better opportunity would they have? I have said let's get off this bill. As we all know, to finish the farm bill could take a little bit of time. I would hope we could finish it in a week, but as we know, in that week it could be interspersed with an appropriations conference report. We have to do the CR. So I can't imagine our finishing the farm bill very quickly.

But I was told initially on this CHIP matter that they needed 2 days to try to work something out. They are going to have well more than 2 days. It is not as if the Republicans have been in the dark. Remember, the two advocates for this—we would not have had a CHIP bill but for Senator GRASSLEY and Senator HATCH. They were part of everything that took place in this bill. When the bill was not overridden—when the veto was not overridden and the bill was rewritten in the House, it wasn't rewritten by the House; it was rewritten by the House and Senator GRASSLEY's staff and Senator GRASSLEY and Senator HATCH. They were in on every word put in this new bill.

As far as the administration, it would seem to me if they have a couple of weeks, then that is what this will basically give them, 10 days to 2 weeks. That gives them lots of time to work with the administration, Secretary Leavitt, or whoever they want to deal with it. Leader PELOSI and I asked the President the day he vetoed this bill—because he kept saying: I want to meet with the leadership. Speaker PELOSI asked him in the morning; I asked him in the afternoon. He said: I am not going to meet with you. So we have tried. We want to be reasonable. This is an important bill. It deals with children. It is bipartisan. This is not a Democratic bill. It is a Democratic and Republican bill.

So I have heard the objection. I understand English. I would hope, though, that this afternoon my friends would reassess this; otherwise, we will go ahead and vote, as we have, on a motion to proceed to it.

It seems to me it would be a little difficult, as fair as we have tried to be, for people to change their votes on it. But miracles never cease, and the Republicans, I am sorry to say, have been pulled in as puppets in the past during the almost 7 years this man has been President, and maybe they can do it again. I would hope not on an issue this important.

I repeat, we simply want to have the Republicans get what they want. Can't they take yes for an answer? We have said, you want more time? This isn't an idea I came up with. The Republicans came to me and said they needed more time. Senator HATCH called me last night. I talked to him twice last night. I talked to Senator GRASSLEY yesterday; and Senator BAUCUS, I called him and said: Is that OK with you? He said: Yes, that is OK with me. So I don't know how we could be more reasonable.

What happens if they don't do this? We are going to go ahead and vote on the motion to proceed and vote cloture on the bill. If that is what they want, that is what we can do. But I don't know how, when somebody says will you do this for me, and we say yes, they say no.

The PRESIDING OFFICER. The Republican whip is recognized.

Mr. LOTT. Mr. President, with regard to Senator REID's comments, I don't see any problem with vitiating cloture on the so-called CHIP bill, H.R. 3963. If the leader would like to do that, I assume after consultation with Leader MCCONNELL there wouldn't be any problem getting it done.

The problem is, say that after the farm bill you would automatically go to the CHIP bill which would preclude debate time on the motion to proceed, if necessary. To put that after the farm bill without full rights of the minority would be a concern. First of all, we don't know when that might come. It could come 2 weeks from now, right up against a date when we are supposed to be going out for the Thanksgiving period and we don't want to short-circuit that. But if we could work out something where our rights would be protected with regard to the CHIP bill instead of just going automatically to it after the farm bill, it looks as if that is something that could be worked out.

Mr. REID. Mr. President, I have a deal. Again, trying to be more reasonable than I probably should be, but in an effort to try to be fair, I would consider offering a cloture vote on the motion to proceed to CHIP following the farm bill, and if cloture is voted, go directly to the bill. That way we don't lose the 30 hours. This would give people—if people felt aggrieved that they weren't treated properly during this period of time. I just don't want to lose the 30 hours because that is time toward the end of the session, and we are desperate for time for things that need to be done.

Mr. LOTT. Let me say, if the Leader will yield, you are making an effort, and I think we will need some time to consult with our leader to make sure he is aware of this. I understand the leader doesn't want to have time used that is not necessary. But we have another unanimous consent agreement. We have an amendment that is pending. In the meantime, I will check with Senator MCCONNELL and see what he is thinking.

Mr. REID. I would say to my friend, in fairness, I talked to Senator MCCONNELL prior to lunch, but it wasn't in any detail. I told him generally what I was going to do. So I think it is appropriate to take a little more time, and we can all come out later and try this again.

But I want the record to be spread, if anyone can come up with a more fair proposal than I have offered, then they should come to the Senate floor because I have basically given those people who have wanted more time—and those are the Republicans—everything they have asked for.

By the way, I also want to say not only do I appreciate the Senator's comments about moving forward on the Amtrak bill, but this is a bipartisan piece of legislation, and I was maybe being a little flippant, but I was very serious. I think it is wonderful. We had a bipartisan cloture motion filed. We need to do more of those, if possible.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that there be 20 minutes for debate with respect to the DeMint amendment, No. 3467, prior to a vote in relation to the amendment; that no amendment be in order to the amendment prior to the vote; that the remaining pending amendments be withdrawn; that no other amendments be in order other than a managers' package of amendments that has been cleared by both managers and leaders; that upon disposition of these amendments, the bill, as amended, be read for a third time, and at 4 p.m. the Senate proceed to vote in relation to the DeMint amendment; and that upon disposition of the DeMint amendment, all postcloture time be considered yielded back and the Senate proceed to vote on the passage of the bill; further, that the cloture vote on the motion to proceed to H.R. 3963 not occur prior to 6:30 p.m., Wednesday, October 31 or at a time determined by the two leaders on Wednesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe now we are ready to go forward with the pending DeMint amendment.

Mr. President, we agreed to 20 minutes of debate on the DeMint amendment, once the Senator arrives. I believe we are sending a note to him. He had to go to a markup in the Commerce Committee. He has amendments he wants to offer. He will be back momentarily to offer those.

In the meantime, I want to respond to some of the things the majority leader was noting. I wanted to do it when he was on the floor, but it is important to try to work through these unanimous consent agreements.

Let me say that on the effort to vitiate cloture on the motion to proceed to the Children's Health Insurance Program, it was noted that it had been requested by Republicans that 2 more days be given to work something out. I note that I don't believe that request came from the Republican leader, Senator McCONNELL. Members on both sides of the aisle have to recognize that our leaders are our leaders. Our leaders have to be consulted on parliamentary procedure and also on timing. So when one Senator—Senator HATCH—says give me 2 more days but there is no contact or consultation with our leadership on this side of the aisle, that is a problem.

Also, we want to make sure we don't give up our normal rights, the regular order. I am concerned about going to some other issue after the Amtrak bill and then going to the farm bill next week. They have been on the farm bill we don't know how long, and at the last minute we may call up a bipartisan agreement, but it will not resolve the agreements on SCHIP.

We must focus on poor children. I am concerned with the present condition of the bill. My analysis is that this bill costs more than the bill that was vetoed, and fewer children are covered. It has an express lane for illegal children to go into the program. There is a multitude of problems with it. The biggest problem is we are still talking about over $35 billion. Instead of trying to come to a compromise on the money that is necessary to cover poor children first, it is still not going to get adults off the program. My observation has been when you let adults get on a program intended for children, you crowd children out.

There are huge problems in the status of the negotiations, which are going on by a group that has not included the Republican leadership or the administration. I don't know who met with whom, or why, or why not. We ought to work this out. I don't like playing games with a program such as this. I stood on this floor and spoke when this program was created. I believe in it. I thought we were going to focus on poor children and not continue to raise the income levels that were covered to 300, 350, or 400 percent of poverty and put it into the program. We need to look at the formula. Some States, such as mine, run out of money year after year because the formula doesn't deal with the realities of the needs of the poor children.

There are multiple problems with what is going on. I am very concerned, on our side of the aisle, about some of the involvement of some of our people without consultation with our leader.

The incurable attitude around here is evidenced by this bill. You can find a way to fight and have a disagreement or you can find a way to work together. This Amtrak bill is, I believe, on the verge of passing by a wide margin. If the House is smart, they will not put poison pills in it and try to explode it. Let's get real reforms and put some pressure on Amtrak. I want a successful national rail passenger system. Do I want subsidies for individual passengers to be reduced? Yes. Do I want the cost of meals to be subsidized by the taxpayers? No. Do I want a strongly led, effective national rail passenger system? Yes.

Let's try to make that happen. But it is not going to happen instantly. We have to set up a process, require reforms, and give incentives to do better.

One of the things I think is going to help, which some of my colleagues on this side of the aisle have referred to, is we are going to have more intercity service as a result of this bill. We have a program specifically aimed to help States set up interservice transportation between not just New York and Albany but sites all over the country where States can do more, where there is a way to get an opportunity to do more to have intercity service.

We have language that will start toward a situation where freight lines can bid to provide the service on these lines. We do it with a pilot program. We don't just say anybody can come in; we say one the first year, two the second year, but we will work toward seeing if others can offer this service more efficiently, effectively, and more cost responsible.

I am very much concerned about how these negotiations are going on on the Children's Health Insurance Program. There is a meeting going on down the hall now that doesn't include the leadership on our side. Fifty staff people have been standing out in the hall. I have a novel idea: I think Senators ought to be involved—men and women of good faith and intellect who understand these problems. We don't have to have our staffs do this for us.

The same is true with Amtrak. Senator LAUTENBERG and I have worked on this for at least 3 to 5 years. This is the third Amtrak reform I have been involved in. I apologize for the other two not doing everything we wanted them to do. We have made progress. It didn't do as well as it should have. Now we are trying again. I say to the Amtrak leadership and the Department of Transportation, first, we are giving DOT more involvement in what Amtrak does. No President has made Amtrak work the way it should. They don't pay enough attention to it. And it is not partisan; I don't think this administration is or that the previous administration was.

This legislation will help us move in the direction of a national passenger rail system. I don't want to go into great length. I don't have to object when the leader makes a request to lock in the agreement to basically finish Amtrak this afternoon and then do something else this afternoon—we don't know what—and on Thursday and Friday and then come to the farm bill next week. Then to go automatically to a CHIP bill, which we don't know what it is going to be, and we give up our rights of regular order, that is not a good arrangement.

I hope the 2 leaders will get together and proceed to another bill tomorrow. I don't know what it might be. I represent a farm State. I hope we can get a good farm bill and do it in a reasonable period of time. I worry that we are not wanting to get an agreement on the Children's Health Insurance Program. Some people are saying $35 billion or bust. Others are saying we are not going to go to $35 billion. The President is at $5 billion. The earlier bill the President vetoed was at $35 billion. Now the new bill is $35 billion. Is there not an area between the two? I have done negotiations around here for years, in the House, in the Senate, and in conference. When one side is at 5 and the other is at 35, what is half of that? It is a little over 15. Would that work? What is the solution? Is it 20? How complicated is that?

But we need to put the emphasis on the poor children first, quit this budget creep we always get into, adding more and more children at higher income levels, and now we have adults and other loopholes in this program that I think we need to be very careful about. Can we do it? Absolutely.

I introduced a bill a month ago that was probably in the range of where the compromise ought to be. By the way, it was about double what I thought we needed to do when we started out, but I moved up. I hope the two leaders will get an understanding of what the process is going to be and move forward on all of this legislation.

Mr. President, we are now waiting for Senator DEMINT to return.

I will yield the floor so Senator LAUTENBERG may comment on the bill or on other issues.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I want to start off this discussion by saying how much I appreciate working with Senator LOTT and with other Members of the Senate in terms of the amendments. They were offered and considered, but we moved with a degree of dispatch, indicating to me that this is a bill that is wanted by a significant majority of the Senate. That is representing what we believe is a significant public opinion about whether Amtrak ought to be brought up to date and be part of the transportation system that can help relieve other transportation modes of the congestion, pollution, et cetera, that we face constantly in our country right now.

I think the amendment that has been offered by Senator DEMINT is not one of those amendments we would accept—the notion that each ticket a passenger carries should identify the amount of subsidy that goes into that passenger's ride. I think it is wasteful and I don't see any benefit to travelers or taxpayers. Can you imagine the complication that is involved here? You don't know how many passengers are going to be on that leg and the subsidy has to be divided among the number of passengers. How far is each passenger going to travel? That would also indicate a part of the subsidy. You cannot take a mathematical formula and apply it to this percentage or to this particular passenger's ride.

We all know what is afoot here. I generally agree that transparency is good when it comes to Federal taxpayers' dollars. But this amendment is not needed. It carries the request that Amtrak publish subsidies on its Web site. It already publishes subsidies information per route on its Web site every month as part of its financial report—the general information related to those routes, not individual subsidies per ticket.

Amtrak also provides details on every dollar and dime of its finances to the Department of Transportation and the Congress on a continuous basis. The DeMint amendment would provide travelers with redundant information and, frankly, waste Federal funds.

As I indicated in my earlier comment, it would also be logistically almost impossible to do what this amendment calls for—to determine the subsidy for each rider and print this information on a ticket. These numbers change depending on how far a passenger rides the train. Even if they did not, Amtrak would have to redesign its online reservations and ticketing system for customers to get this information. One doesn't have to have been in the computer business, as I was, in order to know it would take an incredible amount of time and energy to get the software up to date and get the information in on time for it to be printed with any degree of accuracy on the ticket. It is the kind of added cost and redtape that taxpayers are disdainful of.

We don't require the same printing burdens on the airlines, and we have provided some $20 billion to that industry in the last 6 years.

Americans already understand our Nation's passenger rail system requires subsidies, just as rail systems in other countries. What American travelers care about is receiving high-quality and convenient rail service as a result of that subsidy, and this amendment is not going to do anything to help us in those areas.

Senator LOTT has indicated he and I have worked on transportation issues for many years. Finally, the public is so immersed in congestion, in lost time, in delayed and missed appointments, and with the price of gasoline going up as it is—I recently saw a prediction from someone engaged in the oil industry in the Far East that oil was going to be up to $200 a barrel in the not-too-distant future. Do we want to continue to subject the American public to these outrageous costs for this fuel, or do we want to try to achieve some balance in our transportation systems? Trains are much more economical, reduce congestion, reduce pollution, and can establish a level of reliability we can't get out of the aviation system.

We talked about whether we might abandon food and beverage service on the rail lines. We took a vote and it was soundly defeated. But as I listened to the debate, I wondered whether next we would be debating separate charges for the oil and bearing grease that is used on the wheels of the train cars and locomotives, and maybe we can separate out further expenses, maybe paper used in hand towels and items of that nature and reduce the number of those used. We cannot deal with such small matters if we want to get onto doing something that helps the country function more efficiently.

This bill has truly got bipartisan support. We see it not only in the leadership that our friend the Senator from Mississippi applies so skillfully, but there were quite a number of colleagues on the Republican side who joined in to get this bill as far as it is.

We have almost miraculously come to a consensus that says after years of working towards this goal, we are going to get to a positive conclusion toward the reauthorization of Amtrak. It doesn't mean all the problems were solved by a long shot, but it does say we want rail to be as well treated as well as our other means of transportation. We spend some $40 billion each year on our highways, and aviation, unlike Amtrak, is a for-profit business, and we are still giving subsidies to the airlines each and every year and, as I mentioned, over $20 billion since 9/11.

When we look at the possibilities of rail service and see that in Europe, for instance, from Brussels, Belgium, to Paris, France, is 200 miles, about the same distance we are from New York City, they do it in 1 hour 25 minutes. Here, if we use an airplane, we can be sure that one out of four flights is going to be late in departure and usually late on arrival.

If we could get Amtrak to improve its service so we can reduce the amount of time it takes—I had the good fortune this morning to take a 7 o'clock train out of New York City. I live in New Jersey, but it was convenient for me to get to the terminal in New York City. I arrived 2½ hours later, city to city—New York City to Washington, DC. We didn't shake, rattle, and roll all the time. It was nice; if you wanted to have a coffee or write or read, it was reasonably comfortable to do that. That is what rail passengers deserve all across this country—adequate service.

We are anxiously awaiting a vote on the next amendment, which has been ordered, and final passage on the Amtrak bill.

I thank my friend, Senator LOTT, for his cooperative manner and his leadership throughout the issues we have faced in this body almost all the years I have been here. We have served together a long time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I again say to Senator LAUTENBERG, I have enjoyed working with him on transportation issues—from aviation to highways to highway safety and certainly the rail area and most particularly with regard to Amtrak and the national rail passenger system.

Earlier today, I referred to a "Parade" article that will be printed on November 4, 2007. This is a great article. I am going to be quoting some very interesting items that are included in this article because they are so applicable to our debate:

> Americans spent about 3.7 billion hours stuck in traffic last year, burning gasoline whose price had soared by 60 percent.

And probably going up.

> At the airports, security lines snake endlessly, runways are choked, and delays are common. One recent study found that between January and August 2007, one in four flights arrived late; 159 flights were kept on the tarmac for more than 3 hours in August.

I heard a story one time about a friend of mine, a Congressman from Missouri, who went to the airport and wanted to check three bags. He told the attendant: I would like this bag to go to St. Louis, this bag to Kansas City, and this bag to Chicago.

They said: You can't do that. Why would you want to do that anyway?

He said: Well, that is what happened to my luggage last week.

There are certain indignities that go along with this. I don't want to attack airlines. We need to do more in aviation. We need a modern aviation control system. We should be critical when they do things that are indefensible, such as keeping people trapped on a plane on the tarmac.

We need to be thinking about our transportation system in the air in the next generation, how are we going to make it safe, how are we going to deal with congestion. Let's not stand here and complain; let's act on it. That is why I am supporting an FAA reauthorization bill that includes funds for modernization. Senator ROCKEFELLER from West Virginia and I have worked together on that legislation. He has been courageous, staking a tough stand. Everybody wants modernization; nobody wants to pay for it. We have had some serious recommendations, and I am still hopeful that we can resurrect that bill. That is another reason why we need this particular legislation.

"Trains use one-fifth less energy than cars or planes." I know this is something the Presiding Officer from Vermont cares a lot about. This makes environmental and conservation sense. They are business efficient, tourist friendly, and that goes not only for the Senator from New Jersey who came down this very morning, but the Senator from Oklahoma, Mr. COBURN, who said he was in New York City and came down on the train. It cost less, it was very pleasant, and it didn't take as much time.

Why shouldn't we try to do more of that? By the way, it is not just about the eastern seaboard. We want a national passenger rail system. But one of the keys, as I mentioned earlier, is intercity connections. We are not talking about just going north, but talking about an intercity connection between DC and Charlotte, NC. We are talking about Portland and Seattle, Chicago and Detroit. We are talking Miami and Jacksonville. And we provide additional assistance in this bill through the State Capital Grant Program for intercity passenger rail projects.

The grant program makes grants to States or groups of States to pay for the capital cost of facilities and equipment necessary to provide new and improved intercity passenger rail. The Federal match is 80 percent. Projects are selected by the Secretary of Transportation based on economic feasibility, expected ridership, and other factors.

By the way, that is the same arrangement we have with highways. People say: Oh, my goodness, subsidy of a rail passenger system? Well, yes. We have a subsidy for airlines, and we have a subsidy for highways.

I wish we didn't have to have a subsidy. I do hope we do a better job of running Amtrak. I think some progress has been made. I still say former Chairman of Amtrak, David Gunn is a good man and did a lot of tough things and would have done more if he had been able to stay on. I wish him well.

By the way, how much money are we subsidizing Amtrak? Last year, the funding was $1.3 billion, the same as it was 25 years ago. We haven't even accounted for a piece of the inflationary impact.

I want modernization. I don't want the Acela, this nice train running from Washington, DC, to New York and Philadelphia and then have me have to ride some raggedy train from Meridian, MS, that bumps and grinds and drags along and eventually comes to Washington. I want to have something like the Acela, also. We are going to have to have capital improvements. We will have to modernize. We can't tell the people we want you to consider the alternative of rail passenger if it is not on time, if the food has been pulled off the trains, and the equipment is pathetic. It is probably going to be an overnight trip. You have to have some modicum of comfort to take advantage of this alternative.

I have a feeling—and it is not a good one—that we are going to have gridlock and congestion, maybe even safety threats. We are going to have to have a national passenger rail system. I would rather ride on a sleeper or a nice passenger car than in a cargo-type boxcar. That is the way a lot of people have traveled in years gone by, boxcars.

We are trying to do something responsible to make a difference for the American people and deal with our transportation needs in this country.

I do want more transparency. I do want them to cut out the waste. If food costs are being driven by 52 percent labor cost, change it. Raise the cost, do whatever is necessary. But I am tired of people complaining about it and nobody doing anything about it.

I urge the Amtrak board: Get engaged. On transportation, I have urged this administration and the previous administration: Lead us, push the edge. Yet we have had to drag administrations into this area, which is one of the few areas, in my opinion, philosophically, the Federal Government has a role—interstate transportation. You can't do it alone if you are a poorer State, such as Vermont, Montana or Mississippi. It has to be between States, it has to be supported by the Federal Government. It creates jobs. When we build a highway, when we extend a runway, when we improve a terminal and make it safer, make it where the transportation safety administration can do its job, when we lay more railroad track, when we put more trains on that trackage, when we provide good service, jobs are created.

I have absolutely been convinced, in the last 10 years of my career, that transportation is key to future of the country. Infrastructure, yes, industrial sites, water, all that. But lanes, planes, trains, ports, and harbors, if people can't get there, whether it is an individual, a corporate executive or international. multinational company, they are not going to come. If they have to get there on a dirt road—no. They are not going to come. If they can't get decent commercial service, they are not going to come.

This is just a part of the package. It is the kind of thing we can do in a bipartisan way. One of my big problems this whole year is we have looked for ways or issues that we fight over. "We are defining our base." "We are defining our party." Baloney. I didn't come here just to define a party. I think we ought to be trying to find a way to do some things for the American people. It doesn't have to be the grand design of tax policy or budget policy. No, it can be national rail passenger system. It can be something smaller that we can work together on that produces a real result. Let's quit looking for ways that we can fight. There will be plenty of time for that. Let's look for things we can do together that have broad support.

I will be involved when that time comes. I am in and out of here—around here all the time, on a bipartisan basis, because I just can't stand the idea of just being here and producing nothing. I have been told, in a way, I have some sort of congenital defect; and that is a desire to get things done. I hope that is what the moniker on my tombstone will say: He died trying to get something done, something that people care about in this country.

I am getting a little carried away. I am sounding like a preacher. I apologize. But I am passionate about this. I feel a little offended. Some people are sitting here saying this guy is from Mississippi, what does he care? I care because it is right for our whole country, not just for my State. I don't have a vested interest, thank goodness. Yes, we will have a little Amtrak service, not a whole lot, but we will have a couple of lines that come blowing through my State. We will be glad to have them. We hope they will stop a couple of times and pick us up and take us to New Orleans or take us to Atlanta or take us to Chicago.

But Europe and Japan and other countries have done this. I don't like to emulate those countries in a lot of instances, but if they can do it, you are telling me we can't do it? It is just a matter of us making up our minds that we are going to do this, and I hope we have made up our minds this time and we are going to do something that will really help the national passenger rail system.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, Senator LOTT was speaking about the larger assignment that we have in front of us rather than simply a party allegiance. There is no doubt that long before we were Republicans and Democrats, we were Americans. If we keep that focus in mind, I think we can help our country achieve some of the goals that we need to examine.

Look at the conditions that have overtaken America—I will use that word—and look back at the population. In 1970—1971, when AMTRAK was taken over as a quasi-public corporation, the country had 200 million people. Now, barely 35 years later, we have 300 million in this country of ours. Imagine, 100 million more people, and we are still depending on a rail system that was largely developed far earlier than the 1970s.

I think Senator LOTT was absolutely right when he spoke about our need to bring the aviation system up to date as well. We have narrowed the separation between airplanes to one thousand feet vertically. That is not designed to scare anybody because the Federal Aviation Administration (FAA) can handle it, but the FAA does say we are squeezing whatever spare air we have to fill the airspace. When we look at the lighter jets coming into service, it is expected that there will be some 5,000 new very light jets in the sky in the next 10 years. We see the planes are filled constantly and ways have to be figured out to make air service more reliable.

I repeat something that has been said many times: One out of four flights is late today. One of the airports that suffers from these delays is my favorite airport, and that is Newark Liberty International Airport in New Jersey. We have to learn different ways to do things because, as has been said, the air time to fly from Newark or LaGuardia—I live in between because I live in that part of New Jersey near the Washington Bridge, so I live midway in between. So I can go to either airport for service.

But what has happened is I have been on the airplane many times going up from here to our region and I hear the pilot say: Good evening, the weather is fine, the flying time to Newark Liberty Airport is 38 minutes. Since there are no weather delays we should enjoy our trip up there, and I hope we will be able to close the door soon and get on our way.

In this particular flight that I am thinking of, the pilot closed the door, we were pushed out with the truck to get into place, and the pilot said: Oh, we just learned air traffic in the New York area is fairly heavy, and our takeoff time is an hour from now.

An hour from now, for a 38-minute flight. I looked at my watch many times and couldn't wait for the hour to pass. The pilot gets on the air and says: We have just been advised that we have 23 minutes longer than expected.

By the time that 38 minutes flying time got through, it was 3 hours of time passed.

I just told the story about taking a train down this morning from New York Penn Station, and it was 2 hours and 35 minutes. I was in the city, so I didn't have to travel a half or three-quarters of an hour to get to the airport, and then to be there a half hour or 45 minutes early, so the time consumed just doesn't balance out.

We have to get on with this opportunity to improve our transportation systems because we are being forced into it. We have not planned adequately enough to accommodate travel in our country. We have to act, because we know things are going to worsen, not get better automatically.

As we deal with problems—the occupant of the chair, the Senator from Vermont, and I—we are dealing actively with global warming because of emissions that come from cars, from buildings, from industrial sources, from all kinds of greenhouse gas sources that are creating global warming. Global warming threatens our families directly. It is said by the most auspicious scientific advisory groups—the National Academy of Sciences, the Union of Concerned Scientists, National Science Foundation—they are saying: Get on with it. You have a 10-year window during which time you can do something about arresting the growth of global warming that will make life quite different on our planet than we are used to.

When we see ecological disturbances, like male fish in the Potomac River carrying eggs—not the female fish—that is an ominous sign. When we see polar bears on floes that are ragged, watching as the ice melts from under their feet, it is an ominous sign. When we understand that, if the ice melts—and the occupant of the Presiding Officer's chair and I and other Senators were in Greenland not too long ago and watched ice melt, not in little rivulets but almost like waterfalls, and the forecast is that if that ice melt continues at the pace it is, within 50 years the seas can be 20 feet higher than they are. We have to get on with it.

This is an opportunity to make a contribution to the reduction of greenhouse gases and arrest the momentum of global warming. That rail bill we have is an essential factor in that area.

How about the experience this country has had in these last years when two nuclear energy plants were built, one in New Hampshire and one in Long Island, NY, that had to be virtually abandoned because there was no sensible evacuation route. Rail makes a difference. If rail had been used in Louisiana at the time of Katrina, a lot more people could have escaped some of the fear and the anxiety and the deaths and illnesses that struck people as a result of that terrible storm. Let's get on with it.

We have a commitment under the regular order of business to vote at 4 o'clock on an amendment that talks about showing the subsidy per ticket, offered from our colleague from South Carolina, to make certain that we identify how much we are spending on a subsidy.

We are not saying the same thing has to be done on an air ticket. Aviation is essential. Airlines helped connect this country. We are able to get coast to coast, long distances, in a relatively short time. We subsidize these for-profit companies. They are businesses. Amtrak is a not-for-profit company, so we are going to have to subsidize it. I think now what we are saying is we are stepping up to the plate and getting on with it.

I hope my colleague from South Carolina will be able to join us because the time now will be charged to the time allotted for debate. I am going to suggest the absence of a quorum while we wait and ask the time for debate under the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I understand at 4 o'clock we have a vote on DeMint amendment No. 3467. I would summarize again the purpose of this amendment and what it entails. We have talked about the importance of disclosure, in letting the American people know how Government operates and actually what it costs them.

When it comes to Amtrak, we are all very aware that there are heavy subsidies for Amtrak. This works out to an average of over $210 a ticket across the country. In some parts of the country Amtrak is working very well and in other parts of the country, the Federal Government is subsidizing over $500 a ticket to keep this going.

Mr. LAUTENBERG. Mr. President, we have about 6 minutes left. I suggest we divide it between us so that we have a couple of minutes to respond to the Senator.

Mr. DEMINT. That is fine. I will take a couple more minutes.

My amendment requests full disclosure of the costs of subsidies for each ticket. This would allow passengers and all Americans to know that when they buy a ticket, how much tax dollars go in, in addition to what they pay, to subsidize the price of their ticket.

This will do a number of things, I think, that are important. It will not only let the American people know how much they are spending to keep Amtrak going, it will force Amtrak to actually calculate the real costs of operating their lines throughout the country.

In order for us as a Congress to make good decisions about Amtrak and allow them to make good decisions about which lines should be discontinued, which ones should be continued, it is important for them to calculate the cost. Right now the way they calculate costs does not allow them to determine the real costs for their lines. I want to make clear we are not trying to cut any funding in this amendment from Amtrak. We are not asking to do anything but what a normal business would do; that is, to calculate the real cost of operating each of their lines.

It is the same as asking a business to determine the cost of all of their product lines so they can determine which are profitable, which are not. In this case, we will determine not only which ones are not profitable, and how much in subsidies there is, but what the real costs are for each line.

I encourage my colleagues to support this as a measure of disclosure for Amtrak, not in any way to harm Amtrak or their operations. I think it is a way to help them be more efficient in the future.

With that, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me say again to the Senator from South Carolina who just left the Chamber, I appreciate the way he has approached this. He did not come in and condemn it; he looked at it. He had some ideas, and several of them have been accepted. I think he wound up getting five of his ideas that have been accepted. So he has been a constructive force.

I have found a lot of Members assume we are trying to provide money to Amtrak without any reforms. When they look at it, I think they are surprised at the number of requirements and plans and reform that we do include in this legislation.

But I would be opposed to this amendment. You would have to print on each individual ticket the specific amount of the Government subsidy per passenger for that route. Now, think about it. You know on its face that would take a lot of effort. It is changing. It would cost, I have heard, probably as much as $3 million. I do not want to vouch for that, but there would be some cost. But it is already available. You can get this information through the public Web site. That is available, about what the cost of the subsidy is on these tickets. So it would provide something that is already available. You would have to pay for it. We have a number of other reporting and disclosure requirements included in this bill. I think it is redundant to what we have in the bill.

We are focused on trying to reduce subsidies. The point should not be how much is it now per ticket; the point should be: How much is it aggregate and what are we going to do about it? We have got specific markers in this legislation, the metrics and standards that will be required to get us to a reduced amount of subsidy.

But, again, as I have said earlier, it is a chicken-and-egg thing. You can do it in a responsible and reasonable way and get a result or you can force things that cost money and do not achieve anything.

Also, we are not going to reduce the subsidies until we improve the service, improve the capital stock, and do a better job. That is what I believe this legislation will do. So I urge the amendment be defeated.

I again thank the Senator from South Carolina for being willing to work with us on a number of amendments he had that actually did add improvements to the bill.

With that, I yield the floor. I do not know if there is any time remaining.

Mr. LAUTENBERG. Mr. President, we need a couple of minutes. I ask unanimous consent to extend the period prior to the vote for 5 minutes so we can prepare the managers' amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENTS NOS. 3486; 3489, AS MODIFIED; AND 3469, AS MODIFIED, EN BLOC

Mr. LAUTENBERG. Mr. President, under the order, there is consent for a managers' amendment to be in order. That managers' amendment is at the desk, and I ask unanimous consent that the three amendments be considered en bloc and modified, if applicable; that the amendments be agreed to as modified, if modified; and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

### AMENDMENT NO. 3486

(Purpose: To require the rail cooperative research program to include research designed to review rail crossing safety improvements, including improvements using new safety technology)

On page 105, between lines 13 and 14, insert the following:

"(12) To review rail crossing safety improvements, including improvements using new safety technology.

### AMENDMENT NO. 3489, AS MODIFIED

On page 60, after line 22, add the following:

**SEC. 224. PASSENGER RAIL STUDY.**

(a) IN GENERAL.—The Comptroller General of the General Accountability Office shall conduct a study to determine the potential cost and benefits of expanding passenger rail service options in underserved communities.

(b) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, Comptroller General shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

### AMENDMENT NO. 3469, AS MODIFIED

On page 16, between lines 5 and 6 insert the following:

(c) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

VOTE ON AMENDMENT NO. 3467

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3467. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 65, as follows:

[Rollcall Vote No. 399 Leg.]

YEAS—27

Allard
Barrasso
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cornyn
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Inhofe
Isakson
Kyl
Lugar
McConnell
Roberts
Shelby
Sununu
Thune
Vitter
Voinovich

NAYS—65

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Craig
Crapo
Domenici
Dorgan
Durbin
Feingold
Feinstein
Hagel
Hatch
Hutchison
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Warner
Webb
Whitehouse

NOT VOTING—8

Biden
Clinton
Dodd
Harkin
McCain
Obama
Sessions
Wyden

The amendment (No. 3467) was rejected.

Mr. CARDIN. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHUMER. Mr. President, I rise today in support of the Passenger Rail Investment and Improvement Act of 2007. First I would like to thank Senator LAUTENBERG and Senator LOTT and their staff for all of their hard work on this bill. This bill is the product of true collaboration and I am proud to be an original cosponsor. Serving nearly 26 million riders each year, Amtrak provides an invaluable service to travelers and commuters all over the country and particularly along the Northeast corridor.

Unfortunately, in the past few years, we have seen efforts to fully fund and modernize Amtrak thwarted, leaving Amtrak repeatedly underfunded by the administration. This bill will end this pattern of stop-gap funding and provide Amtrak with the resources it needs to improve service and passenger safety as we move forward. As you know, many of the security measures initially included in this bill have already been signed into law as part of the Implementing the 9/11 Recommendations Act. I congratulate my colleagues on these accomplishments as these measures will significantly strengthen the security of our passenger rail system.

As Amtrak formulates its plan for the future, it is important that it has the funding and support needed to maintain the system and restore operations to high performance levels. By authorizing $10 billion over the next 6 years for repairs and operating costs, in addition to millions in grant funding, Amtrak will be able to accomplish this goal and meet the transportation and safety needs of travelers who rely on the system. This bill will also ensure that Amtrak is able to restore the Northeast corridor—the most heavily trafficked stretch of the system—to a state of good repair by the end of 2012. This corridor is relied upon by leisure and business travelers alike and is an integral part of the Northeast economy. I am proud to be an original cosponsor on this bill and believe it provides Amtrak with a solid blueprint for the future.

In New York particularly, Amtrak is indispensable to the economy and business community. Thousands of riders travel daily to New York City for meetings, to visit family and friends or for an early dinner before a Broadway show. Amtrak offers New Yorkers reliable and hassle-free access to cities all along the east coast, making it a crucial mode of transportation for hundreds of thousands of travelers each year.

I am committed to working with my colleagues to continue to improve passenger rail service through Federal support and increases in safety and security and I look forward to the final passage of this bill.

Mr. SMITH. Mr. President, as ranking member of Senate Commerce Committee's Subcommittee on Surface Transportation, I rise to speak in the support of the Passenger Rail Investment and Improvement Act of 2007. This bill reflects several years of work by Senators LAUTENBERG, LOTT, myself and many others to reform our Nation's passenger rail system.

Over the 6-year life of the bill, Amtrak's operating subsidy is reduced by 40 percent through cost cutting, restructuring, and reform. This bill authorizes funding for Amtrak's capital and operating needs to maintain current operations, upgrade equipment, and return the Northeast Corridor to a state of good repair.

While I know that there are some who argue that this bill does not go far enough, I do believe that it is a step in the right direction. In particular, I believe that the State-Amtrak partnerships outlined in this bill—with respect to both the cost allocation and capital match—will be key to ensuring the long-term viability and growth in ridership of intercity passenger rail.

I have long advocated for the establishment of an equitable system for States to pay their fair share toward the operating costs related to Amtrak corridor routes. In the Northwest, Amtrak operates the Amtrak Cascades, which provides daily service between Eugene, OR and Vancouver, British Columbia. This service is supported through operating funds provided by the States of Oregon and Washington.

With almost 700,000 riders last year, the Amtrak Cascades is the seventh most heavily traveled corridor in the country and represents a model for partnership among States, Amtrak, freight railroads and local communities. Currently, however, Oregon is one of only 14 States that provide operating funds to support and maintain Amtrak's service. This bill would help change that.

On the capital side, this bill encourages States to get more involved with our national passenger rail system by creating a new State Capital Grant program for intercity passenger rail capital projects.

The program makes grants to a State, or a group of States, to pay for the capital costs of facilities and equipment necessary to provide new or improved intercity passenger rail. The Federal match is 80 percent. Providing States with this option will be a valuable tool to assist them in their transportation planning.

Across the country and across all transportation modes, congestion is becoming more and more of a problem, and, unfortunately, it is only going to get worse. Increasing the use of passenger rail, particularly within more densely populated corridors such as the Cascades corridor I mentioned earlier, should be part of our national strategy to fight congestion.

It should be noted that intercity and commuter passenger railroads are one of the cleanest forms of transportation. On a per passenger mile, Amtrak is 17 percent more energy efficient that domestic airline travel and 21 percent more efficient than auto travel.

Finally, I want to talk quickly about ridership and financial performance. In fiscal year 2007, Amtrak ridership increased to 25,847,000, marking the fifth straight year of gains and setting a record for the most passengers using Amtrak since its creation in 1971.

Additionally, total ticket revenue for the fiscal year topped $1.5 billion, up 11 percent over the previous fiscal year.

More people are using Amtrak today than ever before, and given the transportation capacity constraints our country will face in the coming years, I believe it would be a mistake if we didn't make the investments now—in both time and money—to try to reform the system to ensure that passenger trains are a viable transportation alternative in the future.

I don't believe that this is a perfect bill, but I do believe that it is a step in the right direction, and I hope my colleagues will support it.

Mr. LIEBERMAN. Mr. President, I rise today in support of the Passenger Rail Improvement and Investment Act of 2007. I commend Senators LAUTENBERG, CARPER, and LOTT for their excellent work on this bill, and I am proud to co-sponsor it.

Amtrak is certainly important to my home State of Connecticut. Amtrak operates 46 daily trains in Connecticut, serving almost 1.5 million passengers each year. New Haven is the twelth busiest train station in the entire Amtrak system, with over 630,000 passengers annually. Amtrak is also a significant employer in my State, providing 575 jobs to Connecticut residents.

These Connecticut facts provide me with robust reasons to champion Amtrak, but I also believe that we must have a strong national passenger rail system. We rely on the heavily used Northeast corridor to provide a convenient transportation option for those traveling between Washington, DC and Boston. The capital funding authorization in the legislation before us will require that Amtrak develop a spending plan to improve infrastructure along the corridor, which will lead to reduced travel time and delays.

There is also an important environmental reason to support Amtrak. Global warming is a real problem, and we need to figure out sensible ways to reduce our reliance on foreign oil. We can only solve this national crisis if we work together collectively. As far as Amtrak is concerned, we cannot focus solely on the East and West coast train corridors. Instead, we need to figure out ways to increase ridership for as many routes as possible. This bill requires Amtrak to become more efficient in delivering its long distance service by implementing performance improvement plans for trains with low ridership.

The Passenger Rail Investment and Improvement Act also creates a new State Capital Grant program for intercity passenger rail projects. With a Federal match of 80 percent, the Secretary of Transportation will select worthy projects based on environmental impact, economic benefit, and anticipated ridership. I want to underscore the importance of this new grant program. The era of cheap oil is over, and our Nation's security depends on implementing innovative energy and transportation alternatives.

The last Amtrak authorization bill expired in 2002, so the time for this bill's passage is overdue. Amtrak deserves a stable funding blueprint for the next 5 fiscal years. Without such certainty, it is impossible for Amtrak to succeed and meet the considerable challenges and goals we have placed before them.

I commend my colleagues again for a job well done on a bipartisan piece of legislation that builds a strong consensus on the next generation of passenger rail in the United States.

Mr. CASEY. Mr. President, I rise today in strong support of S. 294, the Passenger Rail Investment and Improvement Act of 2007, offered by Senators LAUTENBERG and LOTT. I signed on as a cosponsor of this bill soon after it was introduced because this legislation provides a much-needed and long overdue investment in the future of passenger rail in our country.

The benefits of a strong passenger rail network are clear: Amtrak helps reduce congestion on our highways in an environmental-friendly manner. Anyone who travels regularly on our Nation's highways recognizes that we need a comprehensive solution to our congestion problems that involves multiple modes of transportation. We need to do so, however, in a way that reduces carbon emissions. Passenger rail is key to these efforts.

Amtrak has made great strides in recent years in terms of its on-time performance, its commitment to high speed rail, and its emphasis on increased ridership. While Amtrak still has work to do on the longer distance routes serving Pennsylvania and other parts of the country, the well-documented ontime performance of the Acela Express in the Northeast corridor is a perfect example of the possibilities that result from appropriate investments in rail infrastructure. At the end of fiscal year 2007, Amtrak officials reported that ontime performance for Acela Express was 87.8 percent, up more than 3 percent over the same period in 2006.

The Northeast corridor is not the only area where Amtrak is making progress. Pennsylvania's Keystone line, operating between Harrisburg and Philadelphia, ranks fifth in ridership and revenue growth among all Amtrak services. Many of my constituents use this line to travel between Harrisburg and Lancaster and on to Philadelphia and New York.

The legislation we are considering here today also would create a new State Capital Grant Program for intercity passenger rail capital projects. The program would authorize the awarding of grants to a State, or a group of States, to pay for the capital costs of infrastructure, facilities, and equipment necessary to provide new or improved intercity passenger rail. This new program is particularly of interest in Pennsylvania, as we continue to look at reinstituting routes, particularly between Scranton and the New York metropolitan area.

Finally, it is my hope that this new investment will spur Amtrak to address outstanding labor issues that have simply gone on for too long. Amtrak's infrastructure upgrades should be coupled with investments in its workforce, and I, along with many of my colleagues in the Senate and the House, will continue to closely monitor this situation in the coming weeks and months.

Thank you. I urge my colleagues to support this important bill.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Passenger Rail Investment and Improvement Act of 2007.

The bill before us today would authorize an increase in Federal funding for the operation and development of passenger rail services, reauthorize Amtrak for an additional 6 years, and provide much needed reform of the Nation's rail system.

This legislation makes an important first step to establish high-speed rail systems throughout the United States.

A strong national rail system provides Americans with a practical transportation alternative, helps to alleviate traffic congestion on our Nation's highways and reduces harmful greenhouse gas emissions.

This legislation would also require an increase in financial and operation transparency and accountability at Amtrak, reduce Federal operating subsidies, and improve train performance and customer service.

Today, Amtrak serves nearly 25 million riders each year at more than 500 stations across 46 States.

Amtrak is also one of the Nation's largest providers of contracted commuter service for State and regional authorities. Over 60 million commuters in California, Maryland, Connecticut, Washington, and Virginia take Amtrak to work each year.

California's partnership with Amtrak represents the largest State-supported passenger rail program in the United States. Each day, Amtrak operates approximately 70 intercity trains and 100 commuter trains in California.

Amtrak's corridors in California are also among the busiest in the Nation, with more than 10 million Californians boarding Amtrak during fiscal year 2006.

The Pacific Surfliner service from San Diego through Los Angeles is the second busiest corridor in the United States with over 2.5 million riders in 2006.

The Capitol Corridor service between Sacramento and San Jose is the third most traveled corridor in the country with over 1 million riders in 2006.

Home to two of the Nation's top five most congested cities in the United States, my home State of California understands the importance of viable travel alternatives.

Passenger rail services have helped ease highway congestion, reduce automobile emissions and improve the State's air quality.

California is well ahead of the curve on developing a transportation system that has low environmental impact yet meets the growing needs of the California economy.

But there is still much more work to be done.

It is expected that California's population will grow to more than 50 million people by 2030.

California would need to build about 3,000 additional lane-miles on intercity highways and over 90 new gates and five new airport runways to serve the expected population in 2030.

The State of California and the California High-Speed Rail Authority are working to develop a high-speed rail system which would stretch from San Francisco, Oakland and Sacramento in the north, to Los Angeles and San Diego in the south.

With trains operating at speeds up to 220 mph, the travel time from downtown San Francisco to Los Angeles would be just under 2½ hours.

As envisioned, California's high-speed train system could accommodate nearly 120 million passengers annually by 2030.

This state-of-the-art rail system would take millions of cars off the road, ease traffic congestion, reduce greenhouse gas emissions, and allow people to travel faster, safer and more comfortably.

To move our great Nation into the next era of modern, efficient, environmentally friendly transportation, all levels of public and private finances and resources must be brought to bear. This legislation is an important first step.

Investment in America's passenger rail system is important for California. It is important for this Nation. I urge my colleagues to join me in support of this legislation.

Mr. DURBIN. Mr. President, I thank Senators LAUTENBERG and LOTT for their hard work in bringing this important bill to the floor. They have worked on this issue for years and have always done so in a bipartisan manner.

I am proud to be an original cosponsor of this bill which helps our Nation in many ways, not the least of which is relieving congestion on our overcrowded transportation system.

We are facing a congestion crisis in this country today, and the problem is only getting worse. Congestion causes Americans to travel 4.2 billion hours longer and purchase an extra 2.9 billion gallons of gas each year, for a total congestion cost of $78 billion. This is an increase from 2004 of 220 million hours, 140 million gallons of gas, and $5 billion. The Texas Transportation Institute calculates that the cost to the average traveler is $710 a year.

Americans are not just facing congestion on our roads; we're facing it in our skies and at our airports too. Across the country, flights are being delayed longer and longer, while passengers sit in the terminal or are forced to sit on the tarmac. Airlines are overwhelmed trying to balance the increased demand for air travel with the shrinking space in our skies.

Amtrak is a big part of the solution to this congestion crisis. Amtrak trains take cars off the roads and offer passengers a faster, more comfortable alternative to air travel for short-distance trips.

Furthermore, the average Amtrak train emits two-thirds less global warming pollution per passenger mile than cars and trucks and half the global warming pollution of airplanes. We can already see the environmental benefits of Amtrak service, despite centuries-old tracks and aging equipment. This bill is critical because it will lay the groundwork for Amtrak to achieve its full potential.

The technology behind trains continues to improve and is more efficient. With the right Federal investment, we can see energy-efficient, high-speed trains moving passengers between cities cleaner and quicker than by car or plane.

We are beginning to see these benefits in my home State, as the State of Illinois doubled its investment in passenger rail last year. Thanks to that investment, Amtrak trains in Illinois have seen phenomenal growth on the trains from Chicago to St. Louis, Quincy, and Carbondale. This past year, those three routes saw the greatest increase in ridership of any line in the Amtrak system.

The Chicago-Quincy routes—the Illinois Zephyr and the Carl Sandburg—have seen 41.4 percent growth in ridership in the last year.

The Chicago-St. Louis line—the Lincoln—saw a 55.8 percent increase in ridership since we have expanded service.

The Chicago-Carbondale routes—the Illini and the Saluki—have seen an outstanding boost of 67.4 percent.

These routes helped propel Amtrak to its fifth straight year of record ridership and ticket revenue.

The demand is only increasing, as even more Illinois communities are clamoring for passenger rail service. The Illinois Department of Transportation and Amtrak have released a feasibility study demonstrating that passenger rail service from Chicago to Rockford is very competitive with car travel, and we expect another feasibility study soon, which will show that the same is true for service from Chicago to the Quad Cities.

In States such as Illinois that invest in passenger rail, we are seeing fewer cars on the road and increased economic activity along the train lines. The Passenger Rail Investment and Improvement Act of 2007 recognizes theses benefits and rewards States that make capital and operating investment in passenger rail.

I also thank the managers of this bill for including the State Capital Grants Program, which will give States real incentives to invest in expanding passenger rail corridors. The Illinois model proves that with the right investment, we can move Americans out of traffic jams and into a cleaner, more reliable mode of transportation.

Today, we are considering Amtrak's authorization, an authorization that expired in 2002. We already have let too much time pass without capitalizing on the huge demand for passenger rail service. We must pass this bill now to pave the way for the restoration and expansion of Amtrak.

Amtrak's success is despite the President's repeated underfunding—or nonfunding—of passenger rail in his budgets. It is a testament to the Senate and to the Congress that we have repeatedly rejected attempts by the administration and others who oppose Amtrak.

Now as we stand at a crossroads of rail service in the United States, communities are increasingly vocal about their demand for cheaper, cleaner transportation options. Intercity rail service is an integral component to meeting these needs. The expansion of Amtrak service is far more than refitting rails and building new stations; it is about economic development, relieving congestion on our roads, improving our environment, and making life easier for future generations.

I urge my colleagues to support this important legislation.

The PRESIDING OFFICER. Under the previous order, all time postcloture is yielded back and the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. LAUTENBERG. Mr. President, the yeas and nays have been ordered, I believe. They have not?

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. HARKIN) would each vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 22, as follows:

[Rollcall Vote No. 400 Leg.]

YEAS—70

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Crapo
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Hagel
Hatch
Hutchison
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Warner
Webb
Whitehouse

NAYS—22

Allard
Barrasso
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Craig
DeMint
Ensign
Enzi
Graham
Gregg
Inhofe
Isakson
Kyl
McConnell
Sununu
Thune
Vitter
Voinovich

NOT VOTING—8

Biden
Clinton
Dodd
Harkin
McCain
Obama
Sessions
Wyden

The bill (S. 294), as amended, was passed, as follows:

S. 294

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Passenger Rail Investment and Improvement Act of 2007".

### SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

### SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.
Sec. 102. Authorization for the Federal Railroad Administration.
Sec. 103. Repayment of long-term debt and capital leases.
Sec. 104. Excess railroad retirement.
Sec. 105. Other authorizations.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Sec. 201. National railroad passenger transportation system defined.
Sec. 202. Amtrak Board of Directors.
Sec. 203. Establishment of improved financial accounting system.
Sec. 204. Development of 5-year financial plan.
Sec. 205. Establishment of grant process.
Sec. 206. State-supported routes.
Sec. 207. Independent auditor to establish methodologies for Amtrak route and service planning decisions.
Sec. 208. Metrics and standards.
Sec. 209. Passenger train performance.
Sec. 210. Long distance routes.
Sec. 210A. Report on service delays on certain passenger rail routes.
Sec. 211. Alternate passenger rail service program.
Sec. 212. Employee transition assistance.
Sec. 213. Northeast Corridor state-of-good-repair plan.
Sec. 214. Northeast Corridor infrastructure and operations improvements.
Sec. 215. Restructuring long-term debt and capital leases.
Sec. 216. Study of compliance requirements at existing intercity rail stations.
Sec. 217. Incentive pay.
Sec. 218. Access to Amtrak equipment and services.
Sec. 219. General Amtrak provisions.
Sec. 220. Private sector funding of passenger trains.
Sec. 221. On-board service improvements.
Sec. 222. Amtrak management accountability.
Sec. 223. Locomotive biodiesel fuel use study.
Sec. 224. Sense of the Senate regarding the need to maintain Amtrak as a national passenger rail system.
Sec. 225. Passenger rail study.

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 301. Capital assistance for intercity passenger rail service; State rail plans.
Sec. 302. State rail plans.
Sec. 303. Next generation corridor train equipment pool.
Sec. 304. Federal rail policy.
Sec. 305. Rail cooperative research program.
Sec. 306. Passenger rail system comparison study.

TITLE IV—MISCELLANEOUS

Sec. 401. Strategic plan on expanded cross-border passenger rail service during the 2010 Olympic Games.

## TITLE I—AUTHORIZATIONS

### SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2007, $580,000,000.
(2) For fiscal year 2008, $590,000,000.
(3) For fiscal year 2009, $600,000,000.
(4) For fiscal year 2010, $575,000,000.
(5) For fiscal year 2011, $535,000,000.
(6) For fiscal year 2012, $455,000,000.

(b) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:

(1) For fiscal year 2007, $813,000,000.
(2) For fiscal year 2008, $910,000,000.
(3) For fiscal year 2009, $1,071,000,000.
(4) For fiscal year 2010, $1,096,000,000.
(5) For fiscal year 2011, $1,191,000,000.
(6) For fiscal year 2012, $1,231,000,000.

(c) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2007.
(2) 11 percent for fiscal year 2008.
(3) 23 percent for fiscal year 2009.
(4) 25 percent for fiscal year 2010.
(5) 31 percent for fiscal year 2011.
(6) 33 percent for fiscal year 2012.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

### SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this Act for fiscal years 2007 through 2012.

### SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2007, $153,900,000.
(B) For fiscal year 2008, $153,400,000.
(C) For fiscal year 2009, $180,600,000.
(D) For fiscal year 2010, $182,800,000.
(E) For fiscal year 2011, $189,400,000.
(F) For fiscal year 2012, $202,600,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2007, $139,600,000.
(B) For fiscal year 2008, $131,300,000.
(C) For fiscal year 2009, $121,700,000.
(D) For fiscal year 2010, $111,900,000.
(E) For fiscal year 2011, $101,900,000.
(F) For fiscal year 2012, $90,200,000.

(3) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary

of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(4) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

### SEC. 104. EXCESS RAILROAD RETIREMENT.

There are authorized to be appropriated to the Secretary of Transportation, beginning with fiscal year 2007, such sums as may be necessary to pay to the Railroad Retirement Account an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in such fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries. For each fiscal year in which the Secretary makes such a payment, the amounts authorized by section 101(a) shall be reduced by an amount equal to such payment.

### SEC. 105. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2007 through 2012 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;

(2) $5,000,000 for fiscal year 2008, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and

(3) $2,000,000 for fiscal year 2008, for the use of Amtrak in conducting the evaluation required by section 216 of this Act.

## TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

### SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

"(5) 'national rail passenger transportation system' means—

"(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, DC;

"(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

"(C) long distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2007; and

"(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

"(i) Amtrak; or

"(ii) another rail carrier that receives funds under chapter 244.".

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

**"§24702. Transportation requested by States, authorities, and other persons**

"(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

"(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

"24702. Transportation requested by States, authorities, and other persons.".

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

"(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).".

(e) AMTRAK'S MISSION.—

(1) Section 24101 is amended—

(A) by striking "**purpose**" in the section heading and inserting "**mission**";

(B) by striking subsection (b) and inserting the following:

"(b) MISSION.—

"(1) IN GENERAL.—The mission of Amtrak is to provide efficient and effective intercity passenger rail mobility consisting of high quality service that is trip-time competitive with other intercity travel options and that is consistent with the goals of subsection (d).

"(2) PERFORMANCE MEASUREMENT.—All measurements of Amtrak performance, including decisions on whether, and to what extent, to provide operating subsidies, shall be based on Amtrak's ability to carry out the mission described in paragraph (1)."; and

(C) by redesignating paragraphs (9) through (11) in subsection (c) as paragraphs (10) through (12), respectively, and inserting after paragraph (8) the following:

"(9) provide redundant or complimentary intercity transportation service to ensure mobility in times of national disaster or other instances where other travel options are not adequately available;".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 241 is amended by striking the item relating to section 24101 and inserting the following:

"24101. Findings, mission, and goals".

### SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

**"§24302. Board of directors**

"(a) COMPOSITION AND TERMS.—

"(1) The Board of Directors of Amtrak is composed of the following 10 directors, each of whom must be a citizen of the United States:

"(A) The Secretary of Transportation.

"(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

"(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

"(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

"(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

"(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

"(5) The Secretary may be represented at board meetings by the Secretary's designee.

"(6) The voting privileges of the President can be changed by a unanimous decision of the Board.

"(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

"(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

"(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

"(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.".

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on October 1, 2007. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

### SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices;

(2) shall implement a modern financial accounting and reporting system; and

(3) shall, not later than 90 days after the end of each fiscal year through fiscal year 2012—

(A) submit to Congress a comprehensive report that allocates all of Amtrak's revenues and costs to each of its routes, each of its lines of business, and each major activity within each route and line of business activity, including—

(i) train operations;

(ii) equipment maintenance;

(iii) food service;

(iv) sleeping cars;

(v) ticketing; and

(vi) reservations;

(B) include the report described in subparagraph (A) in Amtrak's annual report; and

(C) post such report on Amtrak's website.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

### SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principal and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in Amtrak's ability to operate with reduced Federal operating assistance;

(12) prior fiscal year and projected operating ratio, cash operating loss, and cash operating loss per passenger on a route, business line, and corporate basis;

(13) prior fiscal year and projected specific costs and savings estimates resulting from reform initiatives;

(14) prior fiscal year and projected labor productivity statistics on a route, business line, and corporate basis;

(15) prior fiscal year and projected equipment reliability statistics; and

(16) capital and operating expenditure for anticipated security needs.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this Act.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) ASSESSMENT TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

### SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this Act, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. As part of those requirements, the Secretary shall require, at a minimum, that Amtrak deposit grant funds, consistent with the appropriated amounts for each area of expenditure in a given fiscal year, in the following 3 accounts:

(1) The Amtrak Operating account.

(2) The Amtrak General Capital account.

(3) The Northeast Corridor Improvement funds account.

Amtrak may not transfer such funds to another account or expend such funds for any purpose other than the purposes covered by the account in which the funds are deposited without approval by the Secretary.

(c) REVIEW AND APPROVAL.—

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

### SEC. 206. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each relevant State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a single, Nationwide standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States

and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

### SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) METHODOLOGY DEVELOPMENT.—The Federal Railroad Administration shall obtain the services of an independent auditor or consultant to develop and recommend objective methodologies for determining intercity passenger routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by intercity passenger rail service or by other forms of public transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) SUBMITTAL TO CONGRESS.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a) by the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this Act to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) PIONEER ROUTE.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall conduct a 1-time evaluation of passenger rail service between Seattle and Chicago (commonly known as the "Pioneer Route"), which was operated by Amtrak until 1997, using methodologies adopted under subsection (c), to determine whether to reinstate passenger rail service along the Pioneer Route or along segments of such route.

(f) NORTH COAST HIAWATHA ROUTE.—Not later than 1 year after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of passenger rail service between Chicago and Seattle, through Southern Montana (commonly known as the "North Coast Hiawatha Route"), which was operated by Amtrak until 1979, using methodologies adopted under subsection (c), to determine whether to reinstate passenger rail service along the North Coast Hiawatha Route or along segments of such route, provided that such service will not negatively impact existing Amtrak routes.

### SEC. 208. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

### SEC. 209. PASSENGER TRAIN PERFORMANCE.

(a) IN GENERAL.—Section 24308 is amended by adding at the end the following:

"(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—

"(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity passenger train operations for which minimum standards are established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board may initiate an investigation, or upon the filing of a complaint by Amtrak, an intercity passenger rail operator, a host freight railroad over which Amtrak operates, or an entity for which Amtrak operates intercity passenger rail service, the Board shall initiate an investigation to determine whether, and to what extent, delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over tracks of which the intercity passenger train operates or reasonably addressed by Amtrak or other intercity passenger rail operator. As part of its investigation, the Board has authority to review the accuracy of the train performance data. In making its determination or carrying out such an investigation, the Board shall obtain information from all parties involved and identify reasonable measures and make recommendations to improve the service, quality, and on-time performance of the train.

"(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation as required under subsection (c), the Board may award damages against the host rail carrier, including prescribing such other relief to Amtrak as it determines to be reasonable and appropriate pursuant to paragraph (3) of this subsection.

"(3) DAMAGES AND RELIEF.—In awarding damages and prescribing other relief under this subsection the Board shall consider such factors as—

"(A) the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

"(B) what reasonable measures would adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak on the route involved.

"(4) USE OF DAMAGES.—The Board shall, as it deems appropriate, order the host rail carrier to remit the damages awarded under this subsection to Amtrak or to an entity for which Amtrak operates intercity passenger rail service. Such damages shall be used for capital or operating expenditures on the routes over which delays or failures to achieve minimum standards were the result of a rail carrier's failure to provide preference to Amtrak over freight transportation as determined in accordance with paragraph (2).".

(b) FEES.—The Surface Transportation Board may establish and collect filing fees from any entity that files a complaint under section 24308(f)(1) of title 49, United States Code, or otherwise requests or requires the Board's services pursuant to this Act. The Board shall establish such fees at levels that will fully or partially, as the Board determines to be appropriate, offset the costs of adjudicating complaints under that section and other requests or requirements for Board action under this Act. The Board may waive any fee established under this subsection for any governmental entity as determined appropriate by the Board.

(c) Authorization of Additional Staff.—The Surface Transportation Board may increase the number of Board employees by up to 15 for the 5 fiscal year period beginning with fiscal year 2008 to carry out its responsibilities under section 24308 of title 49, United States Code, and this Act.

(d) Change of Reference.—Section 24308 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (a)(2)(A) and inserting "Surface Transportation Board";

(2) by striking "Commission" each place it appears and inserting "Board";

(3) by striking "Secretary of Transportation" in subsection (c) and inserting "Board"; and

(4) by striking "Secretary" the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting "Board".

### SEC. 210. LONG DISTANCE ROUTES.

(a) In General.—Chapter 247 is amended by adding at the end thereof the following:

**"§ 24710. Long distance routes**

"(a) Annual Evaluation.—Using the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007, Amtrak shall—

"(1) evaluate annually the financial and operating performance of each long distance passenger rail route operated by Amtrak; and

"(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

"(b) Performance Improvement Plan.—Amtrak shall develop and publish a performance improvement plan for its long distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 208 of that Act. The plan shall address—

"(1) on-time performance;

"(2) scheduling, frequency, routes, and stops;

"(3) the feasibility of restructuring service into connected corridor service;

"(4) performance-related equipment changes and capital improvements;

"(5) on-board amenities and service, including food, first class, and sleeping car service;

"(6) State or other non-Federal financial contributions;

"(7) improving financial performance; and

"(8) other aspects of Amtrak's long distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak's long distance passenger rail routes.

"(c) Implementation.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

"(1) beginning in fiscal year 2008 for those routes identified as being in the worst performing third under subsection (a)(2);

"(2) beginning in fiscal year 2009 for those routes identified as being in the second best performing third under subsection (a)(2); and

"(3) beginning in fiscal year 2010 for those routes identified as being in the best performing third under subsection (a)(2).

"(d) Enforcement.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

"(1) shall notify Amtrak, the Inspector General of the Department of Transportation, and appropriate Congressional committees of its determination under this subsection;

"(2) shall provide an opportunity for a hearing with respect to that determination; and

"(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.".

(b) Conforming Amendment.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

"24710. Long distance routes.".

### SEC. 210A. REPORT ON SERVICE DELAYS ON CERTAIN PASSENGER RAIL ROUTES.

Not later than 6 months after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall submit to Congress a report that—

(1) describes service delays and the sources of such delays on—

(A) the Amtrak passenger rail route between Seattle, Washington, and Los Angeles, California (commonly known as the "Coast Starlight"); and

(B) the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as "Amtrak Cascades"); and

(2) contains recommendations for improving the on-time performance of such routes.

### SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

(a) In General.—Chapter 247, as amended by section 209, is amended by adding at the end thereof the following:

**"§ 24711. Alternate passenger rail service program**

"(a) In General.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

"(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States Code, or any entity operating as a rail carrier that has negotiated a contingent agreement to lease necessary rights-of-way from a rail carrier or rail carriers that own the infrastructure on which Amtrak operates such routes, may petition the Federal Railroad Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak;

"(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

"(3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

"(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding to the winning bidder—

"(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this Act; and

"(B) an operating subsidy—

"(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

"(ii) for any subsequent years at such level, adjusted for inflation; and

"(5) each bid would contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available by the winning bidder to the public after the bid award.

"(b) Implementation.—

"(1) Initial petitions.—Pursuant to any rules or regulations promulgated under subsection (A), the Administration shall establish a deadline for the submission of a petition under subsection (a)—

"(A) during fiscal year 2008 for operations commencing in fiscal year 2009; and

"(B) during the immediately preceding fiscal year for operations commencing in subsequent fiscal years.

"(2) Route limitations.—The Administration may not make the program available with respect to more than 1 Amtrak passenger rail route for operations beginning in fiscal year 2009 nor to more than 2 such routes for operations beginning in fiscal year 2011 and subsequent fiscal years.

"(c) Performance Standards; Access to Facilities; Employees.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

"(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

"(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

"(B) the service provider's compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 and such additional performance standards as the Administration may establish;

"(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 218 of that Act, necessary to carry out the purposes of this section;

"(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

"(4) the winning bidder shall provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

"(d) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 24711(a)(1).

"(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following:

"24711. Alternate passenger rail service program.".

### SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, in the Secretary's discretion, provide grants for financial incentives to be provided to employees of the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within the Corporation in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than $50,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this Act for termination-related payments to employees under existing contractual agreements.

### SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the railroad right-of-way (including track, signals, and auxiliary structures), facilities, stations, and equipment, of the Northeast Corridor to a state of good repair by the end of fiscal year 2012, consistent with the funding levels authorized in this Act and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

### SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

**"§24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Committee**

"(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

"(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

"(A) members representing the National Railroad Passenger Corporation;

"(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

"(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

"(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

"(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

"(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

"(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(6) The Chairman of the Commission shall be elected by the members.

"(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

"(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

"(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

"(10) The commission shall consult with other entities as appropriate.

"(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning Northeast Corridor rail infrastructure and operations including proposals addressing, as appropriate—

"(1) short-term and long term capital investment needs beyond the state-of-good-repair under section 213;

"(2) future funding requirements for capital improvements and maintenance;

"(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

"(4) opportunities for additional non-rail uses of the Northeast Corridor;

"(5) scheduling and dispatching;

"(6) safety and security enhancements;

"(7) equipment design;

"(8) marketing of rail services; and

"(9) future capacity requirements.

"(c) Access Costs.—

"(1) Development of formula.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2007, the Commission shall—

"(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

"(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

"(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

"(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

"(C) transmit the proposed timetable to the Surface Transportation Board; and

"(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

"(2) Implementation.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

"(d) Transmission of Recommendations.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

"(e) Northeast Corridor Safety and Security Committee.—

"(1) In general.—The Secretary shall establish a Northeast Corridor Safety and Security Committee composed of members appointed by the Secretary. The members shall be representatives of—

"(A) the Secretary;

"(B) Amtrak;

"(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

"(D) commuter agencies;

"(E) rail passengers;

"(F) rail labor;

"(G) the Transportation Security Administration; and

"(H) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

"(2) Function; meetings.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

"(3) Report.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to Congress on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.".

(b) Conforming Amendments.—Section 24904(c)(2) is amended by—

(1) inserting "commuter rail passenger and" after "between"; and

(2) striking "freight" in the second sentence.

(c) RIDOT Access Agreement.—

(1) In general.—Not later than December 15, 2007, Amtrak and the Rhode Island Department of Transportation shall enter into an agreement governing access fees and other costs or charges related to the operation of the South County commuter rail service on the Northeast Corridor between Providence and Wickford Junction, Rhode Island.

(2) Failure to reach agreement.—If Amtrak and the Rhode Island Department of Transportation fail to reach the agreement specified under paragraph (1), the Administrator of the Federal Railroad Administration shall, after consultation with both parties, resolve any outstanding disagreements between the parties, including setting access fees and other costs or charges related to the operation of the South County commuter rail service that do not allow for the cross-subsidization of intercity rail passenger and commuter rail passenger service, not later than October 31, 2007.

(3) Interim agreement.—Any agreement between Amtrak and the Rhode Island Department of Transportation relating to access costs made under this subsection shall be superseded by any access cost formula developed by the Northeast Corridor Infrastructure and Operations Advisory Commission under section 24905(c)(1) of title 49, United States Code, as amended by section 214(a) of this Act.

(d) Acela Service Study.—

(1) In general.—Amtrak shall conduct a conduct a study to determine the infrastructure and equipment improvements necessary to provide regular Acela service—

(A) between Washington, D.C. and New York City in 2 hours and 30 minutes; and

(B) between New York City and Boston in 3 hours and 15 minutes.

(2) Issues.—The study conducted under paragraph (1) shall include—

(A) an estimated time frame for achieving the trip time described in paragraph (1);

(B) an analysis of any significant obstacles that would hinder such an achievement; and

(C) a detailed description and cost estimate of the specific infrastructure and equipment improvements necessary for such an achievement.

(3) Secondary study.—Amtrak shall provide an initial assessment of the infrastructure and equipment improvements, including an order of magnitude cost estimate of such improvements, that would be necessary to provide regular Acela service—

(A) between Washington, D.C. and New York City in 2 hours and 15 minutes; and

(B) between New York City and Boston in 3 hours.

(4) Report.—Not later than February 1, 2008, Amtrak shall submit a written report containing the results of the studies required under this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives;

(D) the Committee on Appropriations of the House of Representatives; and

(E) the Federal Railroad Administration.

### SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) In General.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires on October 1, 2008.

(b) Debt Restructuring.—The Secretary of Treasury, in consultation with the Secretary of the Transportation and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) Criteria.—In restructuring Amtrak's indebtedness, the Secretary and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) Payment of Renegotiated Debt.—If the criteria under subsection (c) are met, the Secretary of Treasury may assume or repay the restructured debt, as appropriate.

(e) Amtrak Principal and Interest Payments.—

(1) Principal on debt service.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(1) for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) Interest on debt.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(2) for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) Reductions in authorization levels.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 103(a)(1) or (2) shall be reduced accordingly.

(f) Legal Effect of Payments Under This Section.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by November 1, 2008—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

### SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by September 30, 2008, along with recommendations for funding the necessary improvements.

### SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

### SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accord with the methodology established pursuant to section 206 of this Act.

### SEC. 219. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) PLAN REQUIRED.—Section 24101(d) is amended—

(A) by striking "plan to operate within the funding levels authorized by section 24104 of this chapter, including the budgetary goals for fiscal years 1998 through 2002." and inserting "plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2007, including the budgetary goals for fiscal years 2007 through 2012."; and

(B) by striking the last sentence and inserting "Amtrak and its Board of Directors shall adopt a long term plan that minimizes the need for Federal operating subsidies.".

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2007 through 2012.

(c) TRAVEL FACILITATION.—Using existing authority or agreements, or upon reaching additional agreements with Canada, the Secretary of Transportation and other Federal agencies, as appropriate, are authorized to establish facilities and procedures to conduct preclearance of passengers traveling on Amtrak trains from Canada to the United States. The Secretary shall seek to establish such facilities and procedures—

(1) in Vancouver, Canada, no later than June 1, 2008; and

(2) in other areas as determined appropriate by the Secretary.

### SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase the operation of trains funded by, or in partnership with, private sector operators through competitive contracting to minimize the need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

### SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Within 1 year after metrics and standards are established under section 208 of this Act, Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service developed under that section.

(b) REPORT.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

### SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

**"§ 24310. Management accountability**

"(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

"(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

"(1) effectiveness improving annual financial planning;

"(2) effectiveness in implementing improved financial accounting;

"(3) efforts to implement minimum train performance standards;

"(4) progress maximizing revenues and minimizing Federal subsidies; and

"(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

"24310. Management accountability.".

### SEC. 223. LOCOMOTIVE BIODIESEL FUEL USE STUDY.

(a) IN GENERAL.—The Federal Railroad Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the extent to which Amtrak could use biodiesel fuel blends to power its fleet of locomotives and any of its other motor vehicles that can operate on diesel fuel.

(b) FACTORS.—In conducting the study, the Federal Railroad Administration shall consider—

(1) environmental and energy security effects of biodiesel fuel use;

(2) the cost of purchasing biodiesel fuel blends for such purposes;

(3) whether sufficient biodiesel fuel is readily available; and

(4) the effect of biodiesel fuel use on relevant performance or warranty specifications.

(c) REPORT.—Not later than April 1, 2008, the Federal Railroad Administration shall report the results of its study to the Congress together with such findings, conclusions, and recommendations as it deems appropriate.

### SEC. 224. SENSE OF THE SENATE REGARDING THE NEED TO MAINTAIN AMTRAK AS A NATIONAL PASSENGER RAIL SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) In fiscal year 2007, 3,800,000 passengers traveled on Amtrak's long distance trains, an increase of 2.4 percent over fiscal year 2006.

(2) Amtrak long-distance routes generated $376,000,000 in revenue in fiscal year 2007, an increase of 5 percent over fiscal year 2006.

(3) Amtrak operates 15 long-distance trains over 18,500 route miles that serve 39 States and the District of Columbia. These trains provide the only rail passenger service to 23 States.

(4) Amtrak's long-distance trains provide an essential transportation service for many communities and to a significant percentage of the general public.

(5) Many long-distance trains serve small communities with limited or no significant air or bus service, especially in remote or isolated areas in the United States.

(6) As a result of airline deregulation and decisions by national bus carriers to leave many communities, rail transportation may provide the only feasible common carrier transportation option for a growing number of areas.

(7) If long-distance trains were eliminated, 23 States and 243 communities would be left with no intercity passenger rail service and 16 other States would lose some rail service.

These trains provide a strong economic benefit for the States and communities that they serve.

(8) Long-distance trains also provide transportation during periods of severe weather or emergencies that stall other modes of transportation.

(9) Amtrak provided the only reliable long-distance transportation following the September 11, 2001 terrorist attacks that grounded air travel.

(10) The majority of passengers on long-distance trains do not travel between the endpoints, but rather between any combination of cities along the route.

(11) Passenger trains provide transportation options, mobility for underserved populations, congestion mitigation, and jobs in the areas they serve.

(12) Passenger rail has a positive impact on the environment compared to other modes of transportation by conserving energy, reducing greenhouse gas emissions, and cutting down on other airborne particulate and toxic emissions.

(13) Amtrak communities that are served use passenger rail and passenger rail stations as a significant source of economic development.

(14) This Act makes meaningful and important reforms to increase the efficiency, profitability and on-time performance of Amtrak's long-distance routes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) long-distance passenger rail is a vital and necessary part of our national transportation system and economy; and

(2) Amtrak should maintain a national passenger rail system, including long-distance routes, that connects the continental United States from coast to coast and from border to border.

### SEC. 225. PASSENGER RAIL STUDY.

(a) IN GENERAL.—The Comptroller General of the General Accountability Office shall conduct a study to determine the potential cost and benefits of expanding passenger rail service options in underserved communities.

(b) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

## TITLE III—INTERCITY PASSENGER RAIL POLICY

### SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

### "CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

"Sec.
"24401. Definitions.
"24402. Capital investment grants to support intercity passenger rail service.
"24403. Project management oversight.
"24404. Use of capital grants to finance first-dollar liability of grant project.
"24405. Grant conditions.

### "§ 24401. Definitions

"In this subchapter:

"(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

"(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

"(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, security, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

"(C) costs associated with developing State rail plans; and

"(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

"(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of title 49, United States Code.

### "§ 24402. Capital investment grants to support intercity passenger rail service

"(a) GENERAL AUTHORITY.—

"(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities, infrastructure, and equipment necessary to provide or improve intercity passenger rail transportation.

"(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007.

"(b) PROJECT AS PART OF STATE RAIL PLAN.—

"(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 203 of the Passenger Rail Investment and Improvement Act of 2007, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

"(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

"(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

"(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

"(1) require that each proposed project meet all safety and security requirements that are applicable to the project under law;

"(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007;

"(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

"(4) ensure that each project is compatible with, and is operated in conformance with—

"(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

"(B) the national rail plan (if it is available); and

"(5) favor the following kinds of projects:

"(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

"(B) Projects that also improve freight or commuter rail operations.

"(C) Projects that have significant environmental benefits, including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment.

"(D) Projects that are—

"(i) at a stage of preparation that all pre-commencement compliance with environmental protection requirements has already been completed; and

"(ii) ready to be commenced.

"(E) Projects with positive economic and employment impacts.

"(F) Projects that encourage the use of positive train control technologies.

"(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

"(H) Projects that involve donated property interests or services.

"(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

"(J) Projects described in section 5302(a)(1)(G) of this title that are designed to support intercity passenger rail service.

"(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

"(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

"(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

"(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

"(C) An obligation or administrative commitment may be made only when amounts are appropriated.

"(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

"(i) establish the terms of participation by the United States Government in a project under this section;

"(ii) establish the maximum amount of Government financial assistance for the project;

"(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

"(iv) make timely and efficient management of the project easier according to the law of the United States.

"(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

"(i) a full funding grant agreement for the project will be made; and

"(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

"(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

"(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(c) of Passenger Rail Investment and Improvement Act of 2007, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

"(f) FEDERAL SHARE OF NET PROJECT COST.—

"(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

"(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

"(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

"(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

"(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service and operating costs of up to $5,000,000 per fiscal year of such service in fiscal years 2003, 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded in fiscal years 2007, 2008, and 2009 under this section. The Secretary may require such information as necessary to verify such expenditures.

"(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year, beginning in fiscal year 2007, for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average capital and operating expenditures made for such service in fiscal years 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

"(g) UNDERTAKING PROJECTS IN ADVANCE.—

"(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

"(A) the applicant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

"(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

"(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

"(i) PUBLIC-PRIVATE PARTNERSHIPS.—

"(1) IN GENERAL.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this title.

"(2) FORMS OF PARTICIPATION.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

"(B) cost-sharing of any project expense;

"(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

"(D) any other form of participation approved by the Secretary.

"(3) SUB-ALLOCATION.—A State may allocate funds under this section to any entity described in paragraph (1).

"(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

"(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a

State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

"(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

"(k) SMALL CAPITAL PROJECTS.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2007 beginning in fiscal year 2008 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

**"§ 24403. Project management oversight**

"(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

"(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

"(3) a construction schedule for the project;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

"(8) material testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

"(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

"(b) SECRETARIAL OVERSIGHT.—

"(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this subchapter to enter into contracts to oversee the construction of such projects.

"(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

"(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

"(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this subchapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

**"§ 24404. Use of capital grants to finance first-dollar liability of grant project**

"Notwithstanding the requirements of section 24402 of this subchapter, the Secretary of Transportation may approve the use of capital assistance under this subchapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

**"§ 24405. Grant conditions**

"(a) DOMESTIC BUYING PREFERENCE.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

"(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

"(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

"(B) DE MINIMIS AMOUNT.—Subparagraph (1) applies only to a purchase in an total amount that is not less than $1,000,000.

"(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

"(A) such requirements are inconsistent with the public interest;

"(B) the cost of imposing the requirements is unreasonable; or

"(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

"(3) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

"(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts the that definition or in which that definition applies, including—

"(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

"(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

"(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

"(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

"(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

"(A) any compensation for such use;

"(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

"(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

"(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

"(2) the applicant agrees to comply with—

"(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

"(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this subchapter.

"(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

"(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

"(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

"(B) establishes a procedure for notifying such an employee of such positions;

"(C) establishes a procedure for such an employee to apply for such positions; and

"(D) establishes rates of pay, rules, and working conditions.

"(2) IMMEDIATE REPLACEMENT SERVICE.—

"(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

"(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

"(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

"(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

"(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.— Nothing in this section applies to—

"(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

"(2) the Alaska Railroad or its contractors; or

"(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.".

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 243:

"244. Intercity passenger rail service capital assistance ......... 24401".

"(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

"244. Intercity passenger rail service capital assistance ......... 24401".

## SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

## "CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

"Sec.
"22501. Definitions.
"22502. Authority.
"22503. Purposes.
"22504. Transparency; coordination; review.
"22505. Content.
"22506. Review.

### "§ 22501. Definitions

"In this subchapter:

"(1) PRIVATE BENEFIT.—

"(A) IN GENERAL.—The term 'private benefit'—

"(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

"(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

"(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

"(2) PUBLIC BENEFIT.—

"(A) IN GENERAL.—The term 'public benefit'—

"(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

"(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

"(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

"(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

"(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.".

### "§ 22502. Authority

"(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

"(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

"(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

"(2) establish or designate a State rail plan approval authority to approve the plan;

"(3) submit the State's approved plan to the Secretary of Transportation for review; and

"(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

### "§ 22503. Purposes

"(a) PURPOSES.—The purposes of a State rail plan are as follows:

"(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

"(2) To establish the period covered by the State rail plan.

"(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

"(4) To serve as the basis for Federal and State rail investments within the State.

"(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

### "§ 22504. Transparency; coordination; review

"(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

"(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

### "§ 22505. Content

"(a) IN GENERAL.—Each State rail plan shall contain the following:

"(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

"(2) A review of all rail lines within the State, including proposed high speed rail corridors and significant rail line segments not currently in service.

"(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

"(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

"(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

"(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

"(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

"(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

"(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.

"(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

"(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

"(12) A statement that the State is in compliance with the requirements of section 22102.

"(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

"(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

"(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

"(B) A detailed funding plan for those projects.

"(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

"(A) a description of the anticipated public and private benefits of each such project; and

"(B) a statement of the correlation between—

"(i) public funding contributions for the projects; and

"(ii) the public benefits.

"(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

"(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

"(B) Rail capacity and congestion effects.

"(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

"(D) Regional balance.

"(E) Environmental impact.

"(F) Economic and employment impacts.

"(G) Projected ridership and other service measures for passenger rail projects.

### "§ 22506. Review

The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2007 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter".

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

"225. State rail plans .................. 22501".

"(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

"225. State rail plans .................. 24401".

### SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, host freight railroad companies, passenger railroad equipment manufacturers, and other passenger railroad operators as appropriate and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 105 of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

### SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting "IN GENERAL.—" before "The Federal" in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting "ADMINISTRATOR.—" before "The head" in subsection (b);

(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and by inserting after subsection (b) the following:

"(c) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.";

(5) by inserting "POWERS AND DUTIES.—" before "The" in subsection (d), as redesignated;

(6) by striking "and" after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesignating paragraph (2) of subsection (d), as redesignated, as paragraph (3) and inserting after paragraph (1) the following:

"(2) the duties and powers related to railroad policy and development under subsection (e); and";

(8) by inserting "TRANSFERS OF DUTY.—" before "A duty" in subsection (e), as redesignated;

(9) by inserting "CONTRACTS, GRANTS, LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR TRANSACTIONS.—" before "Subject" in subsection (f), as redesignated;

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the following:

"(g) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

"(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;

"(2) develop a long range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

"(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007;

"(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

"(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

"(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

"(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

"(h) PERFORMANCE GOALS AND REPORTS.—

"(1) PERFORMANCE GOALS.—In conjunction with the objectives established and activities undertaken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

"(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under section 103(e).

"(3) SUBMISSION WITH PRESIDENT'S BUDGET.—Beginning with fiscal year 2009 and each fiscal year thereafter, the Secretary shall submit to Congress, at the same time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.".

### SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

### "§ 24910. Rail cooperative research program

"(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

"(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems and rail security;

"(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

"(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

"(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

"(b) Content.—The program to be carried out under this section shall include research designed—

"(1) to identify the unique aspects and attributes of rail passenger and freight service;

"(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

"(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

"(4) to recommend priorities for technology demonstration and development;

"(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

"(6) to explore improvements in management, financing, and institutional structures;

"(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

"(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

"(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

"(10) to review the impact of equipment and operational safety standards on the further development of high speed passenger rail operations connected to or integrated with non-high speed freight or passenger rail operations;

"(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high speed freight or passenger rail operations; and

"(12) to review rail crossing safety improvements, including improvements using new safety technology.

"(c) Advisory Board.—

"(1) Establishment.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

"(2) Membership.—The advisory board shall include—

"(A) representatives of State transportation agencies;

"(B) transportation and environmental economists, scientists, and engineers; and

"(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

"(d) National Academy of Sciences.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.".

(b) Clerical Amendment.—The chapter analysis for chapter 249 is amended by adding at the end the following:

"24910. Rail cooperative research program.".

### SEC. 306. PASSENGER RAIL SYSTEM COMPARISON STUDY.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, and Japan.

(b) Issues To Be Studied.—The study conducted under subsection (a) shall include a country-by-country comparison of—

(1) the development of high speed rail;

(2) passenger rail operating costs;

(3) the amount and payment source of rail line construction and maintenance costs;

(4) the amount and payment source of station construction and maintenance costs;

(5) passenger rail debt service costs;

(6) passenger rail labor agreements and associated costs;

(7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;

(8) the percentage of the passenger rail system's costs that are paid from general government revenues; and

(9) the method used by the government to provide the subsidies described in paragraph (8).

(c) Report.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

## TITLE IV—MISCELLANEOUS

### SEC. 401. STRATEGIC PLAN ON EXPANDED CROSS-BORDER PASSENGER RAIL SERVICE DURING THE 2010 OLYMPIC GAMES.

Not later than one year after the date of the enactment of this Act, Amtrak shall, in consultation with the Secretary of Transportation, the Secretary of Homeland Security, the Washington State Department of Transportation, and the owners of the relevant railroad infrastructure—

(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as "Amtrak Cascades");

(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I must say how satisfying it is that the Senate has done what America has asked us to do. I can't tell you how involved personally I have been in this for many years. Since my relatively early days in the Senate, going back decades, I have been interested in what we could do to make Amtrak an integral part of the transportation system, to make Amtrak easier and more reliable for the American people. They asked us to do this, to give them relief.

I wish to say to Senator Lott how much I have appreciated working with him—not only now, but we have done so for a number of years. We have the satisfaction of seeing this bill pass and we hope on its way to becoming law. With 70 votes, this is a clear message about what the representatives of the American people are saying.

I thank Senator Lott. It has been a pleasure working with him. As I am sure he agrees, I look forward to having more opportunities to do things in a bipartisan nature to help the American people. They asked us for relief and we are giving it to them—relief from traffic congestion, relief from lines at the airports, and relief from planes lined up on the tarmac. Today, the Senate has said to American travelers: You will have another choice, and the choice is passenger rail.

I am pleased to note the wide margin by which the Passenger Rail Investment Improvement Act of 2007 has been approved in the Senate. The bill is going to speed passenger rail service in the United States into the 21st century.

There are many people I wish to thank in addition to my friend and colleague from Mississippi, the minority whip, Senator Lott, who has had a long-standing commitment to passenger rail service.

I also wish to thank Senator Inouye, chairman of the Senate Committee on Commerce, Science, and Transportation, for giving me the privilege of pursuing and managing this legislation. His confidence has always been appreciated by me.

I thank the majority leader, Harry Reid, for his leadership and decisiveness to work to bring our bill to the floor, and I thank his staff for their support. In particular, the floor staff, including Lula Davis, Marty Paone, Tim Mitchell, and Trisha Engle. On the Republican side, everybody was cooperative. I thank David Schiappa, Laura Dove, and Jodie Hernandez.

I also thank all of our cosponsors of the bill. I particularly wish to focus on Senator Carper's help and his hard work and constant support for Amtrak, along with all of our cosponsors' dedication and commitment to improving travel in America.

I thank Alex Kummant, the CEO of Amtrak, and his government affairs staff, including Joe McHugh and Caroline Decker.

I thank my staff, of which I am very proud. They are always there, no matter what the hours or the intensity of the work are. They are there with their support, their knowledge and research and their constant concern for making sure we do things right. My staff includes David Matsuda, Dan Katz, Doug Mehan, and Meg Slachetka.

Mr. LOTT. Mr. President, will the Senator yield briefly? I have another commitment off the floor.

Mr. LAUTENBERG. Yes.

Mr. LOTT. Mr. President, I wish to acknowledge the Senator's kind remarks. It was a pleasure working with him on this legislation. It has been a long time coming. I appreciate the active involvement he has had, along with other Senators on both sides of the aisle, including Senator CARPER of Delaware.

There is a long history of trying to get this passed freestanding through the Senate. We have to give credit to our leadership and to Senator REID in particular. He had to make this happen. We tried last year repeatedly to get it freestanding or to get a window to offer it. We never could get it agreed to at that time. Senator REID carved out a pretty big block of time for a Transportation bill. He didn't have to do that. He deserves credit for that.

I also thank my staff, including Anne Marie Turner, who is here with me; Chris Bertram, who has been working with me for years; and Beth Spivey. Our staffs work together great. I am pleased with the Republicans who voted for it and probably all of the Democrats voted for it. I hope the House will act on this expeditiously. This could be a big step in the right direction. I thank my colleagues on both sides of the aisle for their cooperation. I hope we can do more of this sort of thing in the future. I thank the Senator for letting me interrupt his remarks.

Mr. LAUTENBERG. Not at all. I, too, thank Anne Marie Turner of Senator LOTT's staff. She was always there, and I could tell by the expression on her face at a given moment whether we were on the right or wrong track in talking about Amtrak. I also thank Chris Bertram and Beth Spivey of his staff as well.

I thank the staff from the Senate Commerce Committee, including Stephen Gardner, who is always so helpful and has extensive knowledge about transportation. Chairman INOUYE was so gracious in making sure we were supported with the assistance of Mr. Gardner. Also, I thank Melissa Porter, who is on loan as a detailee from the Federal Railroad Administration; Shira Bergstein, from Senator INOUYE's majority staff; Betsy McDonnell and Dan Neuman, from Senator GORDON SMITH's and Senator STEVENS's Committee minority staff.

Getting legislation passed by this body takes a lot of work, and these folks are to be commended.

Everyone knows our highways are jammed. We don't have to tell them that from here. All they have to think about is what time they get out of work and what time they get home and what time do they have to leave in the morning to get to work on time. In New Jersey, the most densely populated State in the country, we spend 300 hours commuting by car every year. Fifteen percent of that time is wasted sitting in traffic, creating pollution, creating anxiety, anger, frustration, and bigger bills as gas prices go up at the same time.

With more than 220 million vehicles on the road and the population projected to pass the 400 million mark before 2050, congestion will remain a major challenge if cars and trucks remain the dominant mode of travel.

I mentioned earlier in this debate that our population in 1971, when Amtrak was developed as a government corporation, was 200 million. Now, barely 36 years later, we are 300 million. We haven't made much progress in upgrading our rail systems even after our country has grown by 100 million people.

And now we are feeling the effects. Our skies are becoming jammed as more planes take to the air. Last year was the worst year for flight delays since 2000. One in four planes were late.

For travelers who fly, for instance, between Washington and the New York/New Jersey area, a 36-minute flight often becomes 2 or more hours because of delays getting off the ground and, once there, getting off the plane. I once flew up to LaGuardia Airport, and we waited an hour to get to the gate.

The airlines have admitted this and have revised their schedules to reflect that now this 36-minute flight should be expected to take 2 hours: 36 minutes in the air, and the rest of the time admiring the landscape, which is pretty dismal when you see all these planes lined up on the tarmac like cars in traffic.

Between lines of cars on the highways and long lines at the airports, America's travelers need and deserve another choice. The answer is a world-class passenger rail system.

Riding a train saves people money. The national average cost per gallon of gasoline is over $2.80 a gallon. I have even heard estimates that we will see oil at $200 a barrel before too long.

When you look at all the benefits to travelers, we see that riding a train can save time, money, and congestion in other modes of transportation.

For instance, rail service often delivers passengers directly to where they need to go, as train stations are more frequently located in city centers. I can tell my colleagues from personal experience, since I road the train as recently as this morning, that riding the train was a pleasurable experience. It gave me a chance to read, to communicate, and even nod off for a couple of minutes. It was really a nice way to travel. Passengers can work on laptops, talk on the phone, walk around on the train, and generally be productive.

Riding the train also helps secure our country's future by improving the environment. Amtrak trains are on average 17 percent more fuel efficient than passenger airlines, and 21 percent more fuel efficient than passenger cars, according to the U.S. Department of Energy.

Furthermore, trains produce fewer greenhouse gas emissions than cars, trucks, and planes, and per mile locomotives emit about 50 percent less carbon dioxide than airplanes and still less than automobiles.

Trains also save lives. If there was ever a moment that demonstrated how much America needed a passenger rail system, it was in the wake of 9/11 and Hurricane Katrina. On 9/11, when our airports were shut down, Amtrak was able to get travelers back to their families.

On 9/11, airports were shut down. Amtrak was able to get travelers back to their families. During Hurricane Katrina, trains could have helped evacuate persons from those affected cities if our Government was better prepared to employ them. Trains sat idly by waiting for passengers to come aboard to be taken away from the center of the hurricane, but they could not get to the train. The Government wasn't there to lend a hand.

There is great enthusiasm for passenger rail service in America. Amtrak's record ridership of 26 million passengers last year can attest to that fact. The potential of new railcars in our country is enormous. Efficient rail service between Chicago and other Midwest cities, such as St. Louis, Detroit, and Cleveland would revolutionize the way people travel in an entire vital region of our country.

Likewise, a proposed passenger rail line serving Atlanta, Charlotte, Richmond, Washington, and points in between would allow people options besides braving Interstate 95 traffic.

If we foster passenger rail service that is viable, reliable, and comfortable, many will choose rail as an alternative, and Amtrak's record ridership has proven that fact.

Today's action by the Senate is a victory for anyone who is tired of sitting in traffic or waiting in an airport and for people who work so hard to make a living and often live far away from work, far away from their homes. I remember a conversation I had with a man who worked in New York City who bought a house 50 miles away from his job. His thought, he said, for him and his family, in addition to seeing some green space, was that he would save money, he would be able to put his children in a house with some room. Now when I see the same man, he is distraught because of the cost for gasoline. The cost for the time lost in traffic outweighs the advantages he thought he would have. That is not an uncommon situation.

Mr. President, I thank my colleagues for their support and look forward to completing this legislation in this Congress and getting it signed into law.

I look forward to hearing from our colleague, Senator CARPER from Delaware, who worked so hard and has for many years. He is a frequent user, as they say of Amtrak, that is. We appreciate his hard work and the opportunity we shared to work together to get this legislation considered and passed today in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, while Senator LAUTENBERG is still on the floor, I wish to express my thanks and the thanks of my constituents in Delaware to him and Senator LOTT for the partnership they forged in bringing us to the reauthorization victory we celebrate this afternoon.

Stephen Gardner is still on the floor. Stephen was a member of my personal staff when I was first elected to the Senate. He is succeeded by Beth Osborne. We have a great working relationship with him. He has great talent. He is someone who has not just been in Washington and the Senate, but he worked for railroads in the past, including Amtrak. Given his experience, he was invaluable in providing guidance and support in this process.

I wish to speak briefly, and then I am going to make a unanimous consent request that we go into morning business so that Senator ALEXANDER and I may engage in a colloquy on another matter.

Let me say this: I have come from a meeting at the other end of the Capitol, that may still be going on, that started around 2 o'clock. I stayed for almost an hour and a half. The meeting involved members of organized labor and several leaders in the House of Representatives who have jurisdiction, Democrat and Republican, over infrastructure and passenger rail. The meeting was driven in part because of the threat of a potential work stoppage on our passenger rail system. It turns out that most Amtrak employees, hourly workers who work in the shops and work on the trains, have not had a pay raise in about 7 or 8 years.

That is not a good situation. In fact, I think it is a grossly unfair situation and very much a sad situation for them and for their families.

My hope, and part of my encouragement and support for this legislation, is that I think it provides a roadmap for going forward with passenger rail service in this country in the 21st century. We need a roadmap.

Senator LAUTENBERG and others have spoken as to why we need to do things differently—congestion on our highways and in our airports, in the skies, enormous reliance on foreign oil, too much bad stuff going into our air. There are all kinds of reasons people are beginning to ride trains more and more and why we need to provide supporting leadership at the Federal level, at the same time entering into partnership with State and local governments.

The beauty behind this legislation is that the Federal Government says we are going to take charge and upgrade the Northeast corridor, bring it to a state of good repair. In doing that, we unleash the potential in the Northeast corridor, including bringing in the more expensive high-speed Acela train which I helped create as a member of the Amtrak board when I was Governor of Delaware, to the extent we can just let them run at 100 miles an hour, 110, maybe something close to 150 miles an hour. Their ontime performance is up to 90 percent, and we would like to make it higher so we can fill up the seats on the Acela. We are close to doing that. They can be a cash cow in generating revenues we need to support other passenger rail service in the Northeast corridor and in other parts of the country.

One of the good provisions in this legislation is bringing the Northeast corridor into a state of good repair and authorizing money to be spent for that purpose, for capital improvement. Amtrak for years has been starved for capital. Along with providing pay raises for the employees, that is first and foremost what we need to do.

A second major change in this legislation, for areas outside the corridor, whether it is Tennessee or Colorado, in places where we have densely populated corridors, where the State and local governments would actually like to have high-speed or higher speed rail and run trains, maybe just for 200 miles or 300 miles, and provide better service such as they are doing out of Chicago and out of the west coast where ridership is up 10, 20, 30, even 40 percent—States are involved in that partnership with the Federal Government.

This legislation says if a Governor of a State—Senator ALEXANDER and I are former Governors. When we were Governors, if we wanted to enter into an agreement with the Federal Government to build a new road or highway, the Federal Government would provide 80 percent. If we wanted to get improvements to our airports, the Federal Government provided 80 percent of the money and the State provide 20 percent. If we wanted improvements with respect to transit service, the Federal Government would provide 50 percent, and the State would provide half.

But a better solution, a more cost-effective solution, happens to be intercity passenger rail, and the Federal Government provided zero and the State had to provide all the money. Even if intercity passenger rail was a smarter solution, it received no support from the Federal Government. This bill changes that situation. It puts passenger rail funding on the same level as airports and the same level as roads, highways, and bridges.

It makes a whole lot of sense. If States believe they would rather spend their 20 percent on airports, roads, highways, or bridges, they can do that. But if they think rail makes sense as part of the solution, they can do that as well with the same kind of incentive. That is good.

There are a bunch of long-distance trains that don't make money; they lose money, quite a bit of money. We have 16 long-distance trains in this country. We direct the Federal Railroad Administration to take five of those long-distance trains next year, five the year after that, and five the year after that and scrub them, look at them, look at what they are doing well and what they are doing badly and what we need to do to reduce the amount of money we are spending to provide passenger rail service in those areas.

I don't want to run trains if people don't want to ride them. That is not what we should be about. The real secret to doing well with passenger rail in this country and, frankly, other countries is to find those densely populated corridors. There are a lot of them. A lot are along the coast. Over half the people in our country live within 50 miles of one of our coasts. We have corridors up and down the east coast from Maine to Florida, the gulf coast, the west coast from San Diego up to the Canadian border, up to Vancouver, in fact.

Passenger rail can do a lot to help us there, particularly 300-, 400-mile routes. People would just as soon ride a train on the Northeast corridor than to drive or take an airplane.

Another thing that makes sense is these corridors in our country, such as Chicago to St. Louis—that is a great corridor and there are others like that corridor in other parts of the country where passenger rail can be part of the solution. Those are the kinds of things we wanted to work on, to build.

Finally, some are interested in competition for freight rail. If they want to come in and run passenger rail service, under this legislation they can compete if they want to. They are not barred from competing. They have the opportunity to do that as well, and the legislation encourages that kind of competition.

I will close with this comment. My hope is that the reauthorizing legislation we passed today will be warmly received in the House. I think it will be. I am encouraged that it will be.

Second, I hope it demonstrates to our colleagues, Republicans and Democrats, House and Senate, that we are not going to be business as usual at Amtrak. There is a new day and, frankly, a better business strategy going forward. My hope is that confidence will be reflected in greater appropriations bills, in the House and in the Senate, so Amtrak cannot only make the kinds of investments in infrastructure for Amtrak—rail, overhead wires, signaling systems, rolling stock—but also to say to these folks who haven't had a pay raise in the last 7 years or so: We are going to address that inequity too.

My hope is we can do all those, and the passage of this legislation will help us in that direction, plus reduce a little bit of our dependence on foreign oil, plus reduce the emission of bad stuff into our air, reduce congestion at our airports and in our skies and on our highways.

If we do all that we ought to declare victory. The thing I love most about what happened here this week and last week on this bill is Democrats and Republicans did it together; we actually worked together and I applaud the efforts of Senator LAUTENBERG and Senator LOTT and I especially wish to say thanks to our leader, Senator REID, for making time on the schedule for us to have this debate, to follow through on it; and my colleagues on both sides who participated in the debate and offered reasonable amendments, some of which were adopted. This place actually functioned the way I think people of this country expect us to.

## MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INTERNET TAX MORATORIUM

Mr. CARPER. I further ask unanimous consent that Senator ALEXANDER and I be allowed to participate in a colloquy for 10 minutes apiece, up to 10 minutes apiece for a total of up to 20 minutes. I think what I would like to do initially is yield, if I could, to Senator ALEXANDER for his comments and whatever he would like to say.

While he comes to his feet to speak first, let me say, I think the people in the country want us to work together. We have Democrats, we have Republicans, we have Independents in this country, and we realize we are not going to agree on everything. People realize that, but when we can agree, they want us to do that. They want us to use common sense, take the opportunity to work across the aisle and make sure that common sense is reflected, whether it is passenger rail service or the interest or noninterest in providing people protection from having their Internet access taxed, their e-mail traffic taxed, their instant messaging taxed.

I have had the great privilege of working with Senator ALEXANDER for 3 or 4 years—in some cases maybe longer than we would like to remember—on the issue of tax moratorium, but he has been a great partner, and I especially want to thank him for letting me be his partner and say to Senator ENZI of Wyoming and Senator VOINOVICH of Ohio, both former mayors, Senator FEINSTEIN—a former mayor herself—Senator DORGAN, former revenue director for the State of North Dakota, and Senator ROCKEFELLER, a former Governor of West Virginia, all of whom worked together as a team to try to bring us to this day, to where we are today, the House has adopted legislation we passed last year, providing for a 7-year extension of the Internet tax moratorium.

Let me say to Senator ALEXANDER what a real privilege it is for me to have an chance to work with you on all kinds of issues, including this one. I thank you for that opportunity.

The PRESIDING OFFICER. Without objection, the Senators from Tennessee and Delaware may engage in a colloquy.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Delaware. He has provided extraordinary leadership as a former chairman of the National Governors Association on the legislation that was passed. Let me be specific about what has been done.

Last Thursday, the Senate worked out a compromise and passed legislation to extend for 7 more years the moratorium on the taxation of access to the Internet. That was called the Sununu-Carper amendment, the Senator from New Hampshire and the Senator from Delaware. It was an amendment to the 4-year extension that the House of Representatives passed on October 16 by a vote of 405 to 2. I was glad to be a cosponsor of the Sununu-Carper amendment. Hopefully, the House will vote on that legislation today, if it has not already, so the President can sign it into law before the moratorium expires on November 1, which is this Thursday.

At the invitation of the Senator from Delaware, let me try to put this accomplishment into a little larger perspective. Above the Senator from Colorado, who is the Presiding Officer, is a few words that have been our country's national motto, "E Pluribus Unum," one from many.

How do we make this country one from many? Not by race or not by descent but because we agree on a few principles. We have a common language, and we have a common history.

A very wise professor, Samuel P. Huntington, at Harvard, who was a former President of the American Political Science Association, said:

> Much of our politics is about conflicts between principles with which all of us agree.

For example, if we were debating immigration, we might say "equal opportunity" on the one hand, "rule of law" on the other. We all agree with both principles, but they conflict so we have an argument. That is what happened with the question of whether the Federal Government should pass a law to extend a moratorium that says States, cities, and counties cannot tax access to the Internet.

On the one hand, if you have been a Governor, as Senator CARPER and I have been, nothing makes you madder than for Members of Congress to stand up with a big idea and say let's put this into law; let's take credit for it and send the bill to the Governors, to the States and cities and the counties—because usually we find that Senator or Congressman back home in our States making a big speech about local control at the next Lincoln Day or Jackson or Jefferson Day dinner.

That is the principle of federalism on the one side: No more unfunded Federal mandates, is what we Republicans like to say. In fact, a whole bunch of Republicans, including Newt Gingrich, stood up on the U.S. Capitol steps in 1994 and said: No more unfunded mandates. If we break our promise, throw us out. The New Republican Congress passed a law in 1995, S. 1 it was called, no more unfunded mandates, that is the law of the land. If Congress wants to order States and local governments to do it, Congress should pay for it.

That was the principle of federalism. But on the other hand, we had the principle of—let's say laissez faire, for lack of a better word. If you have been in business or helped to start a business, as I also have, you want as little taxation as possible and as much certainty as possible. As the Internet grows and develops, from the very beginning, it was thought it ought to be as free as possible from multiple regulations and taxes from State and local governments. So that produced the kind of debate that often comes to the floor of the Senate, those saying on the one hand: Wait a minute, let's leave the Internet alone. Let's let it grow. Let's keep the State and local governments from taxing it, or at least from taxing access to it. And on the other hand, the States, the Governors and the mayors and the city councilmen—many of us have been in those positions before—saying: Wait a minute, it is not the job of Congress to say to Colorado or Delaware or Tennessee: You must have this service or you can't tax food or you can't tax income or you can't put a sales tax on Internet access.

In 2003 and 2004, we had a huge debate about the last extension of the Internet access tax moratorium and came to a conclusion. At that time, Senator CARPER and I asked the industry, the companies, to sit down with the National Governors Association, the National Conference of Mayors, the National Association of Counties and take these principles—federalism on the one side, laissez faire on the other—and suggest to us some ways we could craft legislation that recognized we all agree with both principles. We need to find a way to put the principles together. That is what this compromise did.

I will let the Senator from Delaware explain a little more about the details of it, but if he doesn't mind, I will go ahead a few more minutes and give a couple of examples of why the compromise is a good idea. Fundamentally, it is a good idea because it achieves these three objectives:

No. 1, it updates the definition of what we mean by access to the Internet. It updates that definition.

No. 2, it avoids most unfunded Federal mandates. In other words, States that are now collecting—in effect, a sales tax on access to the Internet or, in some States, a gross receipts tax—in general may continue to do that during the next 7 years. It is a limited number of States, but it is still important to those States.

No. 3, it provides, after a reasonable period of time, that we come back and take a look at the whole issue. We finally decided on 7 years in the Senate so we can make sure the definition of Internet access has not changed so the law doesn't apply correctly. If anything is likely to change, it probably is the Internet.

At the time the Telecommunications Act was last written, in the middle of the 1990s, I doubt, with all respect, that most Members of the Senate even knew what the Internet did, much less used it. In 1998, when the first moratorium and the definition of Internet access tax was written, all we knew about was a telephone dial-up Internet. Yet, by 2004, we had to refashion a definition of access to the Internet to take into account that suddenly telephone calls were being made over the Internet, and States and local governments currently collect billions of dollars in local taxes from telephone services.

If the Federal Government banned that, then States would either have to raise tuition or raise some other taxes or cut services. So we decided, in 2004, that we didn't mean to keep States from making the decisions about services and taxation that they had already made, except for the connection of access to the Internet. That didn't just favor States and local governments, for us to figure that out and be accurate in our definition. It also was of great benefit to the industry because, for example, some States were taxing what is called the backbone of the Internet, which was not intended to be left out of the moratorium.

This compromise, which Senator CARPER, Senator SUNUNU and many others have worked out, I think, in the spirit of our country, takes two very important principles—laissez faire and federalism—and notices that they conflict in this question but comes to a reasonable compromise end result. So what we have is an updating of the definition of what we mean by access to the Internet. What we have is avoiding, for the most part, unfunded Federal mandates. And what we have is a reasonable period of time in which we can come back and revisit the issue, to make sure that what was happening in 2007 is still what we mean by the Internet in 2014.

I am glad to have been a part of this discussion. It went much better this year than it did in 2004, when we couldn't come to an agreement for about a year. The reason was because those affected by it—the entrepreneurs of America and the mayors, the cities, the Governors and county officials—helped us a lot by getting together, resolving their differences, and understanding each side has a legitimate point.

I am glad to be a part of it. I am glad to engage in this colloquy with Senator CARPER and I salute him for his consistent leadership and for, once again, demonstrating his ability to work well with people from many different walks of life and for being willing to work across the aisle, when that was necessary, to produce a result.

Mr. CARPER. Mr. President, if I could reply to the comments of my friend, he mentioned the fact that we do things over the Internet today that frankly we didn't think of about 10 years ago. Initially, we would do dial-up. Eventually, later on, we would have other ways to access the Internet to send our e-mail or instant messaging. I never imagined 6 years ago we would ever be able to do telephone calls over the Internet. In my State and other States as well, those States and local government depend on revenues they raise from telephone services to help pay for schools, to help pay for police, paramedics, fire service.

Now we have moved along. Folks are actually able to send TV, apparently, over the Internet. In a bunch of jurisdictions, not so much States but local governments, they actually derived some of their revenues, not inconsiderable, over the years from cable services and a tax on cable services they collect.

My dad used to say different things. Probably everybody can remember much of what your mom and dad said in your lifetime. One of the main things I remember my dad saying to my sister and me is there are two things certain in life: One of them is death, the other is taxes.

One of the other things that is certain in life is change, particularly change with respect to technology and change with respect to how we use the Internet. One of the beauties of the compromise we have hammered out here with a lot of hard work and support from Senator ALEXANDER and his staff member sitting right beside him, Lindsey, and on our side I especially thank Bill Ghent and Chris Prendergast for all their hard work and particularly our committee staffs who did a great job—but one of the beauties of the compromise we worked out is we have to come back and revisit this issue somewhere down the line 7 years from now.

The reason why that is important is because this is going to change. This technology is going to change. Our ability to use the technology and what we do with the Internet will change. It will be different 7 years from now. It is important for us to have the ability to come back.

I certainly lend a strong "amen" to what Senator ALEXANDER said. As Governor, he was Chairman of the National Governors Association—so was Senator VOINOVICH. We have three Members of the Senate who previously were Governors and led the National Governors Association. We fought hard as Governors in order to convince the Congress to pass the law that President Clinton signed in 1995: No unfunded mandates.

We worked hard in 1998 to make sure that as the Federal Government came in, we kind of stepped on that 1995 law, and said: Well, we want to change it a little bit, what you can collect in terms of revenues. We passed the 1998 legislation, the moratorium on Internet tax access.

They grandfathered in about nine States and said: If you are already collecting, you can continue to collect, but watch yourself there, and we said to the other 41 States, the other jurisdictions, if you are not collecting, you cannot start. But the thing I like about the legislation, we are respectful of the grandfathers, the nine States; they can continue to collect taxes as they have in the last 8 or 9 years. But they can not do something new or different.

By the same token, if they are collecting tax revenues on traditional services such as telephone and cable, they are going to be able to continue to do that. I do not know about the rest of you, but I was reminded of this—my boys have grown up in public schools in Delaware. It is important that my State have the ability to collect taxes to help educate our children in my State and other States, every other State.

We have paramedic service in our State, statewide paramedics. We have fire and police. It is important to me that the city of Wilmington, in which I live, has revenues that they need to make sure we are safe; that if we pick up the phone for 911, somebody is going to come if we need them; if we have a fire in our house or in our neighborhood, that someone is going to come and put it out. I want to make sure our city and other communities have the revenue they need to do that.

The last thing I would say here—and this goes back to something my dad used to say to my sister and me, when we would pull some boneheaded stunt. I must have done it a lot, because he used to say: Use some common sense. He must have said that 1,000 times during the time I was a little boy to the time I left and went off to college: Use some common sense.

I think what we have here, as my colleague said last week, a victory, a victory for common sense, a victory for bipartisanship, a victory that protects the rights and interests and obligations of State and local governments, a victory for those of us who want to have access to the Internet and not be encumbered by additional taxes. It is a victory in all of those areas.

It has been a pleasure working with Senator ALEXANDER and our colleagues on this one. We can set this one aside for a while—I am sure we are both pleased to do that—and go on and maybe work on clean air issues, try to figure out how to protect the health of folks who are breathing sulfur dioxide and nitrogen oxide, and try to figure out how to do something with respect to climate change and maybe figure out how to use nuclear energy more effectively, to make all of that possible.

This has been a good—not a day's work but many months' work. I am delighted with the outcome. I thank my colleague and our colleagues who have worked with us and our staffs for getting us to this point.

The House of Representatives voted this afternoon. They took this up under suspension of the rules, the legislation we passed here last week. They passed the 7-year extension of the moratorium on Internet access unanimously, over 400-some votes to none. So we can feel good about that when we go home today.

Think about it. We have passed a good Amtrak bill, good passenger rail bill, worked across the aisle, thought outside the box. We did the same kind of thing with respect to protecting the rights of consumers, without stepping on the rights of State and local governments. I think we can be proud of that. I am, and I know my friend Senator ALEXANDER is as well.

I yield to him for any last comments he wants to make.

Mr. ALEXANDER. I thank the Senator and the Presiding Officer.

Maybe the next thing we can do as a Senate is take up the Senator from Colorado's legislation that I cosponsored, and a number of others have, on an honorable conclusion to the war in Iraq, and pass that. And then the American people might notice that with public transportation, with the Internet, and with the war in Iraq, the Congress was actually working together on issues that make a difference to them and is acting like grownups and achieving results.

This has been a good several months' work. I thank you for the privilege of working with you.

I yield the floor.

Mr. CARPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent to speak in morning business for a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

## IN MEMORY OF PORTER WAGONER

Mrs. MCCASKILL. Mr. President, there are memories you have of childhood, and some of them are good memories and some of them are interesting memories and some of them are sad memories.

I remember as a child being kind of forced to watch a TV program that, frankly, probably was not my favorite, but now, as I look back on it, I understand why my great-aunt and some of the other friends and neighbors I lived with and near in southwest Missouri loved Porter Wagoner.

Porter Wagoner has died of cancer at the age of 80. He lived in Nashville, but he is one of Missouri's. He is a Missourian who went on to distinguish himself in country music. I know his funeral will be Thursday at Nashville's Grand Ole Opry House. When his life is celebrated at his funeral, I know hundreds and thousands of Missourians will feel the loss of Porter Wagoner.

Porter Wagoner's life was a country music song. He was born on a farm near West Plains, MO. My mother's family has their roots in West Plains, MO. This is the heart of the Ozarks in the center of the south of Missouri. He was from a family that was very poor, who literally lived off the land.

In fact, Porter Wagoner bought his first guitar for $8. The way he paid for that guitar was he trapped rabbits and sold the rabbit skins and saved up $8.

His family fell on hard times, and they had to auction the farm. So they had to move into the city, the city of West Plains, MO, where Porter Wagoner got a job at the butcher shop. The butcher heard Porter Wagoner playing that $8 guitar he had gotten from Montgomery Ward and asked him to sing in the commercials for his butcher shop on the radio—and a star was born.

After he began singing in the commercials for the butcher shop, they eventually then put him on the radio to sing the advertisements in an area where people in Springfield, MO—the big city of Springfield—heard Porter Wagoner singing in those butcher shop advertisements, and he moved to a station in Springfield, MO.

In 1952, he signed a record contract with Steve Sholes, the very same RCA producer who signed Elvis Presley 3 years later.

In 1953, Porter Wagoner spent $350 to buy his first extravagant rhinestone-studded creation that he became known for. He always had these incredible outfits that were very sparkly and always involved a wagon wheel and maybe had one of his signature items, which was the fact he had put, in rhinestones, on the inside lining of the coat, in great big letters: "Hi!" So when you would meet Porter Wagoner, he would flash his jacket, and this friendly "Hi!" would beam out at you. He ended up buying over 50 of these outfits, and they epitomized the style we affectionately call "hillbilly deluxe." They cost anywhere from $8,000 to $12,000 apiece.

He had many successes. He had many ups and downs in his life. In fact, recently a record was made that talked about the time he was receiving help for his mental issues in a hospital and how he went long periods of time without recording. But through the years, he had 29 top 10 hits, including "Green, Green Grass of Home," "Skid Row Joe," and "The Cold Hard Facts of Life."

There was this young blonde who he made famous. He asked her to come and sing with him on his show. It is now well known who that young blonde was because that, in fact, was Dolly Parton. If it were not for Porter Wagoner, Dolly Parton maybe never would have gotten the chance she needed to catapult her into the culture of country music in this country.

He never had the kind of fancy success that many of our stars have today, but he was like country music. His life went up and down, with very hard beginnings in terms of what he came from. He achieved great success and had low moments.

But through it all, his style was very simple—a very simple country music style.

In fact, it was very common for him to use the talking style where he would stop singing and actually talk through a song, telling the story, weaving the tale, tying the threads together, so the listeners, before the song was over, not only found themselves tapping their toe or smiling, but they would find that the heartstrings were being pulled. They would have an emotional connection to Porter Wagoner's music and the lyrics he considered so important to the essence of country music.

I know everyone in Missouri will miss Porter Wagoner. We have tributes to a lot of people on this floor. I know the people in West Plains, MO, are so proud of him. In fact, I say to the Presiding Officer, right now, if you traveled with me to West Plains, MO, and we turned onto the main drag, you would look at the street sign, and it would be named nothing other than "Porter Wagoner Boulevard."

He had a band called the Wagonmasters.

Tonight in Missouri—all across rural Missouri and in the urban areas of Kansas City and St. Louis—all the country music fans are proud of the fact he was one of Missouri's own. Not only will country music miss him, we will miss him in Missouri and what he has meant to our State.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized without objection.

## CONSUMER PRODUCT SAFETY COMMISSION REFORM ACT OF 2007

Ms. KLOBUCHAR. Mr. President, for months, news of recalled toys has dominated our headlines. As a mom and as a former prosecutor and now as a Senator, I find it totally unacceptable that toxic toys are on our shores and in our stores. As my 12-year-old daughter said when her favorite Barbies were recalled: Mom, this is getting serious.

Today, the Senate Commerce Committee on which I serve took action to stem the tide of recalls, to finally take lead out of children's products, to establish real third party verification, to simplify the recall process, to finally make it illegal to sell a recalled product, and to get the Consumer Product Safety Commission more resources. Our bill is the Consumer Product Safety Commission Reform Act of 2007, and it is some of the most sweeping reform we have seen in years and years and years of this agency, which is really now a shadow of its former self.

I would like to thank the Commerce Committee chairman, Senator INOUYE, for his work on this bill, as well as Commerce Consumer Subcommittee chair, Senator PRYOR, for his work, as well as Senator DURBIN and Senator BILL NELSON. We all worked together to put together a very strong bill. To me, the focus is simple. We need to get these toxic toys out of our children's hands.

Today's action by the Commerce Committee sends to the Senate floor our opportunity to effectively ban lead from all children's products—not just voluntarily, not just as a guideline, but with the force of law. I think it is shocking for most parents when they realize that we never had a mandatory ban on lead in children's products. We never had that in this country. It was a voluntary guideline, and it takes a long time, and there are delays and delays and all kinds of loopholes and requirements that have led us to the situation that we are in now.

As millions of toys are being pulled from store shelves for fear of lead contamination, it is time to make crystal clear that lead has no place in children's products.

The need for this ban for me is crystallized from a case that happened in Minnesota. Any parent can tell you the first place a new toy goes is in a little child's mouth, but that shouldn't be our first test for lead, as you will see with what happened in this case in Minnesota.

Last year, 4-year-old Jarnell Brown got a pair of tennis shoes at the store with his mom, and with that pair of tennis shoes came a free charm. His mom didn't buy that charm, he didn't buy that charm, but they brought it home, and he swallowed that charm. He didn't die from ingesting the charm. He didn't choke on it. It wasn't that his airway was blocked. He just swallowed this little charm and it went into his stomach and over a period of days, the lead in that charm went into his system, went into his bloodstream, slowly, slowly, over a period of days, and he died. When they tested him, his lead level was three times the accepted level. When they tested that charm, that charm, which was from China, was 99 percent lead.

What is most tragic about this little boy's death is that it could have been prevented. He should have never been given that toy in the first place. It shouldn't take a child's death to alert us to this problem, but that is what we have seen across this country. Parents should have the right to expect that toys are tested and that problems are found before they reach a toy box.

The legislation I originally introduced to address this problem, the lead ban, is what is included in this bill that we passed through the committee today. It basically says that lead in any children's product shall be treated as a hazardous substance. It sets a ceiling for trace levels of lead, and it empowers the Consumer Product Safety Commission to lower the ceiling even further through rulemaking as science and technology allow. It sets the level at .04, which is slightly below the voluntary guideline they have been using at the CPSC—.06. Several other States have levels around .06.

It also sets a lower level for jewelry at .02 parts per million, which is basically the level that is taking effect in California. The reason for that is not just little kids, 4-year-olds swallowing charms like the sad, tragic case in Minnesota, but also actually junior high and high school girls chewing on jewelry. It is the most direct way to get lead into their system, and that is why we set the trace lead level lower for jewelry. That was what we proposed in my bill, and that is the standard that is now included in the Commerce bill which is headed to the floor.

Just yesterday, Consumer Reports released the results of 4 months of laboratory testing for lead in children's products, and what they found was alarming: high levels of lead in items ranging from toys to jewelry to vinyl backpacks, to lunch boxes. According to a poll released by Consumer Reports, 36 percent of consumers say they will be buying fewer toys this holiday season, and 70 percent said they will be checking product labels. It is clear that consumer confidence in the safety of our toys has been shaken.

For 30 years, we have been aware of the dangers posed to children by lead paint. It shouldn't have taken us this long to take lead out of their hands and out of their mouths, and it is the Consumer Product Safety Commission's job to do just that.

In recent months, it has become all too obvious that this commission needs much reform and that it is long overdue. As we all know, the Consumer Product Safety Commission's last authorization expired in 1992, and its statutes have not been updated since 1990. Not surprisingly, the marketplace for consumer products has changed significantly in the last 15 years, and this summer we saw firsthand how ill-equipped the Commission is to protect our most vulnerable consumers—our children.

Today, the Commission is a shadow of its former self, although the number of imports has tripled—tripled in recent years, and as my colleagues know, all of these recalls recently have been toys from China, literally millions and millions of toys. The number of the Commission's staff and inspectors has been reduced by more than half, dropping from a high in 1980 of 978 to just over 400 today. In total, the Consumer Product Safety Commission has only about 100 field investigators and compliance personnel nationwide.

Even worse, we now know the Commission has only one toy inspector. His name is Bob. He worked in kind of a makeshift laboratory, and he is retiring at the end of this year.

Repeatedly this year, we have seen that the Consumer Product Safety Commission's recall process can be very slow. In some cases, such as the recalls of the Simplicity cribs and the Magnetix toys, years passed between when the Consumer Product Safety Commission was first alerted to the problem and when it acted to recall the product in question—the result of an outdated provision that places the interests of manufacturers before the interests and safety of consumers.

The legislation passed by our Commerce Committee today goes a long way in modernizing the Commission. This legislation more than doubles the CPSC's budget authorization by the year 2015—a dramatic change—and it provides the Commission with the tools it needs to enforce our consumer protection laws.

Today's legislation will also make it illegal to sell a recalled toy, finally taking action against those bad actors out there who are knowingly leaving recalled products on their shelves or placing them for sale online.

I do at this moment thank some of the retailers that have been working with us on this bill, including Target from our State of Minnesota, as well as Toys "R" Us, whose CEO testified before our Appropriations Committee and was positive about moving forward and understood the need to beef up the tools for the CPSC, as well as increase resources for that agency.

Finally, I was pleased to see incorporated into our bill today the idea that we need to make it easier for parents to identify the toys when a recall happens. First of all, when a recall happens, we need to make it easier to get the information. I have talked to parents who have neighbors who put an e-mail under their door, and that is how they found out about it.

The other way is to make it easier. When they know there is a recall, currently, there is no requirement for a batch number or a date on these toys. When Thomas the Train Set is recalled, the parents are going through the caboose, the green car, and the yellow car, trying to figure out do they have the car that was recalled. Obviously, they don't always remember the date they bought it. This can be easily fixed by putting a batch number on the toy. Obviously, you cannot do it on things such as Pick Up Stix, on individual sticks. We are reasonable about this. The bill says "when practicable." You can put it on the toy where you can read it. It also requires that the batch number be put on the package. The reason it has to be put on the package is not for the parents. Except for my mother-in-law, I think most people throw the packaging away.

It needs to alert smaller retailers and people selling things on eBay. The major outlets, such as Target, are able to, once they find out what the batch number is, close down their register so those toys cannot get through. If you are selling it on eBay or if you are in a smaller store, you may have to look at the batch number to find out, such as a parent would, what is recalled.

That is why our legislation asked for the batch number to be both on the toy, when practicable, and on the packaging. We have seen too many headlines this summer to sit around and think this problem is going to solve itself.

As a Senator, I feel strongly that it is important to take this step to protect the safety of our children. When I think of that 4-year-old boy's parents back in Minnesota and about all these other children who have been hurt by these toys that they had no control over—they are little kids—we can do better in this country. We can beef up this agency that has been languishing for years, and we can put the rules in place that make it easier for them to do their job.

We cannot sit around bemoaning the results anymore. We have to act. We have our opportunity, and I hope we do it quickly.

I thank the Chair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IRAN

Mr. DURBIN. Mr. President, we are now more than halfway through our fifth year in this war in Iraq. We find ourselves stuck as an occupier in a Middle East civil war. Thousands of our sons and daughters have been killed or injured. The total financial cost may be well over $1 trillion—money, I might add, that this administration has borrowed against our children's future.

America's reputation internationally has been severely damaged and critical military, diplomatic, and intelligence resources have been diverted from the war in Afghanistan—a war I supported, and a country this administration has increasingly neglected. And now, after so many errors, so many lives, and so much damage, this administration is again raising the prospect of yet another war in the Middle East—this time a war with Iran.

I fear this administration has learned nothing from the colossal error, colossal misjudgment in the invasion of Iraq. Let me be clear: I am gravely concerned about Iran's activities in the region and its nuclear agenda. But any offensive action against Iran must be approved by Congress. The Constitution is very clear: Article 1, section 8 vests in Congress the power to declare a war. Our Founding Fathers did this for an important reason. Taking a nation into war is a serious decision and must be decided with the consent of the people. The Framers wisely gave Congress this power based on experience in other nations in which their executives too easily took nations to war in the pursuit of glory, ambition, treasure, or revenge.

In fact, as my colleague Senator BYRD of West Virginia has eloquently said in the past, it is exactly during the time of war or emergency that our constitutional principles—checks and balances, separations of powers—are the most critical.

Recent statements by this administration give me concern that this administration is considering just this—an offensive military action against Iran without the consent of Congress. Both President Bush and Vice President CHENEY have made public remarks about Iran that suggest an administration readying for military aggression. We know Vice President CHENEY's historic views on fundamental checks and balances in our constitution. They are disturbing.

For example, in 1996, the PBS documentary series, "Frontline," ran an episode on the fifth anniversary of the gulf war. It included a troubling interview with DICK CHENEY, who was Secretary of Defense during the first Bush administration. In it, Secretary CHENEY said:

> I argued in public session before the Congress that we did not need the congressional authorization. I was not enthusiastic about going to Congress for an additional grant of authority. I was concerned that they might well vote no, and that would make life more difficult for us.

President George H. W. Bush, nonetheless, wisely sought, and received, congressional approval. Yet incredibly, Secretary of Defense CHENEY said at the time:

> If we had lost the vote in Congress, I would certainly have recommended to the President that we go forward anyway.

Those were his words as Secretary of Defense. Now, not only a heartbeat away from the President but also the closest counsel to the President, we know what his views are in terms of the role of Congress and our constitution. He is not alone. President George W. Bush has shown similar disregard for the role of Congress and the law with his regular use of signing statements. Let me read an excerpt from his signing statement from the 2002 Iraq war resolution. President Bush wrote that while he appreciated receiving congressional support,

> My request for it did not, and my signing this resolution does not, constitute any

> change in the long-standing positions of the executive branch on either the President's constitutional authority to use force to deter, prevent, or respond to aggression or other threats to U.S. interests or on the constitutionality of the War Powers Resolution.

The President was appreciative that Congress, the majority of Congress, gave their support for his war in Iraq. He made it abundantly clear at his signing statement he didn't believe it was necessary.

And in October 2005, when asked by members of the Senate Committee on Foreign Relations whether the President would circumvent congressional authorization if the White House chose military action against Iran or Syria, Secretary of State Condoleezza Rice replied:

> I will not say anything that constrains his authority as Commander in Chief.

So now we know. Not only the President but the Vice President and the Secretary of State view the Constitution, when it comes to the declaration of war, as an annoyance, not to be taken seriously, if it would in any way stand in the path of a commander in chief's agenda. Apparently, the President, the Vice President, and the Secretary of State see congressional approval for war as an option, not a fundamental requirement under the Constitution. This should trouble every American.

Let me also be clear that nothing this Congress has previously said or done authorizes offensive military action against Iran. Nothing.

Following the attacks of September 11, Congress passed Senate Joint Resolution 23 on September 18, 2001. It authorized the President to use armed forces

> against those nations, organizations, or persons against those he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11.

This language was certainly never intended to allow this President to initiate offensive military action against Iran.

Later, in October 2002, Congress passed the Authorization for Use of Military Force Against Iraq Resolution. It authorized the President to use armed forces

> to defend the national security of the United States against the continuing threat posed by Iraq.

Again, that resolution was never intended to allow military action against Iran.

Even more troubling is how this administration missed early opportunities to deal with the challenge of Iran. For example, shortly after the toppling of Saddam Hussein, moderates in the Iranian Government faxed an offer to the State Department—a "grand bargain," they called it. It arrived at a time when moderates were still in power in Iran and it reportedly had the approval of the Supreme Leader Ayatollah Ali Khomenei.

The grand bargain offered to put all issues on the table with the United States—Iran's support for terrorist groups in the region, its nuclear program, among other things. Tragically, this administration ignored it, as it ignored so many diplomatic opportunities prior to the invasion of Iraq. Hell-bent on use of our great military, it ignored a diplomatic opportunity that could have been historic. The Iranian moderates were discredited, replaced by hard-line elements who today are pursuing more reckless policies in the region.

A war with Iran could have devastating consequences. It could further inflame an already intense Middle East, further radicalize terrorist organizations, lead to more death and disability, and severely disrupt trade and oil shipments in the Middle East. It could entangle our beleaguered military in yet another complex, long-term conflict.

Richard Armitage, President Bush's former Deputy Secretary of State, warned us. He said:

> It would be the worst of worlds for an outgoing administration to start a conflict.

How right he was. Accordingly, any such decision must be taken seriously and with deliberation.

Last week, I introduced a resolution affirming in very plain, concise language the constitutional requirement that this President, any President, must seek congressional approval before initiating an offensive military action, such as one in Iran. Perhaps that time may inevitably arrive—I hope not—but if it does, this President cannot stand alone or act alone. The Constitution requires that he come to this Senate and the House of Representatives in the Capitol to make his case to the American people.

I recall his press conference of 2 weeks ago. The President brought up an image which was hard to comprehend—the image of a third world war, a third world war if we didn't take action against Iran. I know Iran is a threat in the region, I know they sponsor terrorism, I know a nuclear Iran is not a stabilizing force but a destabilizing force, and yet for this President to walk away from economic sanctions, diplomatic alternatives, and to suggest that the military is the only way to prove our resolve is to once again remind us that 5 years ago this same President came to us and asked for the invasion of Iraq.

I remember Vice President CHENEY telling us our soldiers would be greeted with flowers and parades and a triumphant welcome. That lasted for such a short period of time. And now, 3,900 American soldiers, 3,900 American lives later, tens of thousands who have been injured and disabled, we find ourselves embroiled in a conflict with no end in sight.

This President is looking to the exit on January 20, 2009. This Congress has to stand with one voice, Democrats and Republicans, and remind this President that as he heads for the exit he shouldn't head America into a new war. We are not prepared for this. We don't need this. And the President needs to understand what we do need is a chief executive who will follow the Constitution.

## TRIBUTE TO POLICE CHIEF JOHN KAZLAUSKAS

Mr. McCONNELL. Mr. President, I wish to pay tribute to John Kazlauskas, who after 41 years of dedicated service, will be retiring as the Owensboro, KY, chief of police this November.

Ever since his start at the Owensboro Police Department in 1966, Chief Kazlauskas has been committed to the progress of the department and to the safety of his community. His dedication and hard work allowed him to quickly progress from a patrol officer to captain, and ultimately to the highest rank within the department, chief of police, in 2002.

Throughout his tenure, Chief Kazlauskas has played a vital role in developing several innovative internal programs that have modernized the department. Chief Kazlauskas helped to create the evidence collection unit and the polygraph unit. Chief Kazlauskas also assisted the department with its accreditation process, which involved implementing 120 standards required by the Kentucky Association of Chiefs of Police.

As chief, Mr. Kazlauskas helped improve the services offered by the local police department by further expanding the bomb squad and emergency teams, ensuring police cruisers had modern mobile data terminals, and overseeing the implementation of an electronic management system, providing a major overhaul to the records department.

Chief Kazlauskas also made a significant impact throughout Owensboro, increasing the community involvement with the department by putting into place the Citizens Advisory Panel, Crime Stoppers, and creating a public information officer position within the department. These steps have built a trusting relationship between the citizens of Owensboro and local law enforcement, making them partners in keeping their neighborhoods safe.

Chief Kazlauskas not only spent his career ensuring the safety of his community, but also contributing to the safety of this Nation. Drafted into the armed services in 1968, Chief Kazlauskas served as an Army helicopter pilot, chief warrant officer. After a tour of duty in the Republic of South Vietnam, Chief Kazlauskas received a Bronze Star with 23 Air Medal Oak Leaf Clusters for flying over 800 hours of combat time.

Chief Kazlauskas has provided constant support, always placing the well-being of his community above his own. The Commonwealth, as well as the city of Owensboro, has benefited greatly from his outstanding leadership. Mr. President, I ask my colleagues to join with me in recognizing Police Chief John Kazlauskas's unwavering dedication to his fellow officers, his community, and Kentucky.

## TRIBUTE TO LIEUTENANT COLONEL GEORGE WARFIELD FLOYD CHAPMAN

Mr. McCONNELL. Mr. President, today I wish to pay tribute to LTC George Warfield Floyd Chapman, a war hero who sacrificed much to ensure the safety and freedom of his fellow Americans.

Lieutenant Colonel Chapman recently passed away at the age of 92, leaving behind a great legacy of faith, courage, and honor. Born in Lovely, KY, in January 1915, Lieutenant Colonel Chapman graduated from Pike Jr. College in 1937 and from Eastern Kentucky University in 1940.

In 1941, Lieutenant Colonel Chapman was drafted and commissioned a second lieutenant in the U.S. Army Infantry Division. In 1943, shortly after marrying his late wife of 64 years, Katherine Carole Coble, he was sent to Europe to fight in World War II.

In 1944, Lieutenant Colonel Chapman was captured by the German Army during the Battle of Anzio, Italy, a tragic conflict that witnessed the staggering loss of many British and American soldiers. He then spent the next year in prisoner of war camps in Germany and Poland, wounded and enduring great hardships and suffering.

Lieutenant Colonel Chapman was awarded the Silver Star and two Purple Hearts for his wartime service, but in no way do these truly reflect all that he gave for his country.

After his return from Europe, Lieutenant Colonel Chapman and his wife Katherine moved to Texas where they raised three sons. Lieutenant Colonel Chapman worked in production for the Continental Oil Company and remained active in the U.S. Army Reserve, retiring as a lieutenant colonel. By the time he retired from the Continental Oil Company in 1962, he had earned a master's degree from Texas A&I University.

Lieutenant Colonel Chapman was a hard worker who not only dedicated much of his life to his country but also to his family as a devoted husband and exceptional father. He was also a historian, maintaining an excellent knowledge and passion for understanding life, history, and politics.

Mr. President, Lieutenant Colonel Chapman will be forever remembered not only as a hero of World War II, but also as a hero in the hearts of his beloved family members. They treasure the gifts he gave to them and to his country. Lieutenant Colonel Chapman belongs to a select group of individuals to whom our country will forever be indebted. I would ask my colleagues to rise today in honor of all those who gave so much to this country, including a great Kentuckian, LTC George Warfield Floyd Chapman.

## EASTER SEALS

Mr. KENNEDY. Mr. President, the charitable sector has long been an important partner with government in meeting the needs of the disabled. For more than 85 years, Easter Seals has partnered with individuals, families, businesses, communities, and government to help children and adults with disabilities live, learn, work, and participate in their communities.

Each year, Easter Seals assists more than 1 million people through its nationwide network of community-based organizations. These affiliates provide top-quality, family-focused, and innovative services to meet the specific needs of the particular community it serves.

Last year, more than 72,000 children received early intervention and childhood development services through Easter Seals. Over 54,000 adults with disabilities learned the skills and gained the confidence needed to seek meaningful employment because of Easter Seals' job training programs. Almost 35,000 children and adults with disabilities participated in confidence-building activities at Easter Seals' camping and recreation programs. Tens of thousands of children and adults with disabilities received life-changing medical rehabilitation therapies and case management services from Easter Seals.

Easter Seals has long been an effective advocate and important resource on policy issues affecting people with disabilities and their families. Its founder, Edgar "Daddy" Allen, lobbied the Ohio Legislature to fund services for children with disabilities in the 1920s. Today, thousands of Easter Seals volunteers and staff from across the country will continue in "Daddy" Allen's footsteps, meeting with their legislators to discuss the importance of low-income working families being able to obtain health insurance for their children.

Earlier this month, Easter Seals held its national convention in Washington, DC, and its supporters met with Members of the House and Senate to discuss its worthy mission. It is one of America's most respected and effective charitable organizations, and I join my colleagues in congratulating them on a very successful convention.

## WOMEN'S LUNCH PLACE IN BOSTON

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend Women's Lunch Place in Boston, MA for 25 years of dedicated service to women in need in the Boston area.

The persistence of homelessness in our State has long been a focus of concern and attention for many of us in Boston and throughout our Commonwealth. Homeless persons each have their own story of their unique circumstances, but they teach us the same lesson—that we must deal more effectively with the causes of homelessness, such as drug abuse, poverty, domestic violence, mental illness, and the lack of basic skills and adequate education.

All the members of Women's Lunch Place and its supporters take well-deserved pride in the outstanding work they have done over the past 25 years in providing needed assistance for the countless numbers of women who have walked through its doors. They have made a remarkable difference in the lives of those they have touched so deeply, and all of us in Massachusetts are proud of their achievement.

The strong commitment of Women's Lunch Place has enabled these women to embark on a new life and equipped them with the support of a community and a newfound optimism for their future. As it continues its mission and its ever-expanding possibilities in the years ahead, I commend Women's Lunch Place for all it does so well.

## IMPORTANCE OF FAMILY HISTORY

Mr. HATCH. Mr. President, today I wish to speak on a topic that is of growing importance to many throughout our Nation, especially in my home State of Utah. That subject is family history.

As many of my colleagues know, I have always been a strong believer in the importance of researching personal family history and learning more about our roots and heritage. For some, it is a hobby; for others, it is a passion to collect, preserve, and share genealogies, personal histories, and memorabilia that document the life and times of families around the world.

Studies show that a large majority of Americans have an interest and are actively involved in tracing their family's history. Indeed, millions of individuals throughout the United States and the world continue to utilize our Nation's libraries and archives to search the records that detail the history of our Nation, our States, our communities, and our citizens. In recent years, the Internet has also become an invaluable tool for those seeking to learn more about where they came from and what legacies they have inherited.

I have been pleased to learn that several agencies throughout the Federal

Government have established programs which I believe will greatly assist our citizens in their desire to research their family history. The National Archives and the Departments of Defense, Veterans Affairs, the Interior, Commerce, and Justice have all undertaken efforts to make digital copies of American records accessible through the Internet. Once completed, these programs will ensure that countless historical documents, including military, census, court, land, justice, and probate records as well as photographs, newspapers and other sources of historical information will be preserved for generations to come.

As you might expect, Mr. President, scanning billions of documents is a daunting, as well as expensive, task. Realizing this, Federal agencies have created numerous public-private partnerships with various companies throughout the country, including some from my home State of Utah. Many of these companies do so out of an interest in helping the public gain access to important documents and are not wholly motivated by profits or gain. The expertise provided to the government by many Utahns have made it easier for agencies to scan, index, and preserve various records for posterity. Private organizations have also worked with government archivists to devise disaster plans in order to protect vital records from being destroyed in event of catastrophe.

The importance of protecting and preserving the history of our country cannot be overstated. Recent events, such as Hurricane Rita and the fire in the Washington, DC Library, have demonstrated the need to be proactive in preserving the records of our Nation's past.

Mr. President, I want to commend those, both in the government and the private sector, who have worked to preserve our Nation's heritage for future generations. As one who has long been interested in family history, I am extremely grateful for their efforts.

### GUN VIOLENCE

Mr. LEVIN. Mr. President, it has been 5 years since the sniper shootings that paralyzed the Washington, DC, area came to an end. At 3:19 in the morning on October 24, 2002, the Federal Bureau of Investigation arrested John Allen Mohammad and John Lee Malvo, putting an end to their reign of terror. Over the course of 23 long days, these two individuals randomly shot and killed 10 innocent people and critically injured 3 more.

Following their arrests, John Lee Malvo was sentenced to life imprisonment, and John Allen Mohammad was sentenced to death. Many community leaders urged action on gun safety legislation. However, how much has been done to help prevent such incidents?

Last month the Federal Bureau of Investigation released its latest "Crime in the United States" report, detailing local, State, regional and national statistics for 2006. According to the report, 14,990 people were murdered in the United States last year alone. This is an increase over 14,965 murders in 2005, and 14,210 in 2004. Of the 14,990 murdered in 2006, 10,177 people were killed by a firearm. In Michigan alone, there were 711 murders last year, 498 involved a firearm. These numbers are simply staggering.

Gun violence is preventable. However it requires action. In order to reduce the level of gun violence in our homes and communities, Congress must pass common sense legislation to keep guns out of the hands of children and criminals.

Without action, guns will be found increasingly in our high schools, universities, religious institutions, and our homes. Some of us in Congress have heard voices cry of families, educators, and police officials around this country and continue to work to pass sensible gun legislation, which would limit access to guns by prohibited persons, close the gun show loophole, reauthorize the assault weapons ban and aid law enforcement agencies in tracking gun traffickers. Congress needs to address these needs and do everything possible to reduce the levels of gun violence in America.

### RISING GAS PRICES

Mr. LEAHY. Mr. President, oil prices closed at another record high yesterday over $93.50 a barrel. That is nearly triple the average price just 4 years ago, and we have reason to fear that oil may be on its way to over $100 a barrel and possibly to $120 a barrel. Gas prices are reportedly 65 cents a gallon higher than they were just a year ago. This is an unacceptable burden to hundreds of thousands of families across the country, and it harms American consumers as well as the American economy. This winter, the price of home heating oil will be a serious burden on thousands of Vermonters.

The relentless rise in oil prices should be another clear signal that we need to redouble efforts toward energy independence. As we develop alternative energy sources, we must keep focus on the artificial manipulation of oil and gas prices today. Demand for oil is rising, but members of the Organization of the Petroleum Exporting Countries, or OPEC, continue to collude to prevent the supply from matching that demand. As the Centre for Global Energy summarized it: "Without more oil from OPEC, prices will continue to rise over the winter." In a properly functioning market, OPEC members would compete to serve the demand, but OPEC acts outside the basic principles of competition.

As the weather cools, rising prices for heating oil are an even greater cause for concern. Thousands of hard working Vermont families, seniors and disabled persons will experience considerable strain in coming months as they try to balance the cost of such necessities as home heating oil, prescription drugs and food on their tables. The Energy Information Administration forecasts that the average U.S. household will see a winter increase of 22 percent in heating-oil expenditures from last year. In fiscal year 2006, Congress appropriated over $3 billion for the critical Low Income Home Energy Assistance Program, LIHEAP. Yet in his fiscal year 2008 budget, President Bush has requested only half that amount, or $1.5 billion. While LIHEAP grants are decreasing, the number of applications is rising.

The American consumer is being harmed for the benefit of oil producing cartels. This is just wrong. When the President took office, Americans could fill their cars, heat their homes, and run their businesses on gasoline that cost $1.45 a gallon. Today, fuel prices have skyrocketed to an average $2.87 a gallon. Prices will, at times, fall, but because fuel prices are not properly subject to competition oversight and enforcement, the American consumer will only benefit from lower prices when it serves some other purpose of the cartel and foreign governments.

The administration must stop OPEC from artificially affecting prices in the United States. I joined Senator KOHL as an original cosponsor of his bipartisan NOPEC legislation that would hold accountable certain oil producing nations for their collusive behavior that has artificially reduced the supply and inflated the price of fuel.

When entities engage in anticompetitive conduct that harms American consumers, it is the responsibility of the Department of Justice to investigate and prosecute. It is wrong to let members of OPEC off the hook just because their anticompetitive practices come with the seal of approval of national governments.

It is time for the administration to take the side of American consumers, not the side of oil cartels. We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. Vermont families, and families across the country, need our help to make essential home heating more affordable this winter.

### PROCEDURAL FAIRNESS FOR SEPTEMBER 11 VICTIMS ACT

Mr. LEAHY. Mr. President, in the days following the terrorist attacks of September 11, Members of Congress on both sides of the aisle came together to pass comprehensive legislation entitled "The Air Transportation Safety and

System Stabilization Act." This measure provided victims the option of filing a claim with a national compensation program or seeking limited damages in one Federal district court—the United States District Court for the Southern District of New York. Unfortunately, the legislation we passed failed to grant that trial court with the power to serve and enforce subpoenas outside of the traditional 100-mile radius of the Southern District of New York, even in the very cities where the hijacked flights originated and where two of them crashed on the morning of September 11.

We were able to pass a legislative fix to this problem recently in the Senate. I understand that the House of Representatives is poised to pass the Senate bill today. I praise my colleagues on both sides of the aisle and in both Chambers for acting to provide nationwide service of subpoenas for the September 11 victims. Although no amount of compensation can replace a lost loved one, the Procedural Fairness for September 11 Victims Act offers a technical fix that is crucial to allowing victims and their families to have their claims fairly and thoroughly heard in court. I urge the President to sign this legislation into law without delay.

## REPATRIATION OF REMAINS OF VIETNAM VETERANS

Mr. TESTER. Mr. President, I rise today to honor the return of the remains of LTJG Donald F. Wolfe, whose body has finally been returned to American soil.

Lieutenant Wolfe—along with 4 of his fellow Navy aviators and sailors—was killed on October 8, 1967, when the E-1B aircraft they were flying on crashed near Da Nang in heavy weather. The bodies of these brave Navy servicemen could not be recovered at the time due to weather, terrain and hostile activity.

But today, almost exactly 40 years after this terrible incident, the remains of Lieutenant Wolfe and his colleagues are back home, bringing peace of mind and closure to his family at long last.

One of the great stains on the history of this Nation is the way that many of our Vietnam War veterans were treated when they returned home from war.

We should be honest with ourselves and with our veterans: The way that many of these veterans were treated during this time was wrong, and that kind of treatment hurt our country psychologically, and it hurt our country militarily.

Fortunately, our Nation has learned from that sorry episode. I take comfort in the fact that despite our vigorous disagreements about the Iraq war, all of us in this Senate and in our hometowns and States honor those who serve there.

And today we have an opportunity to make sure that these 5 men get the welcome home that all our troops deserved. We should stop to honor their memory and their service. It is not too late to say to these men and their families: Thank you.

I intend to observe a moment of silence this afternoon in memory of these men and in memory of all those who are still classified as missing in action. I encourage my colleagues and all Americans to do the same.

There are 1,767 individuals who are still classified as Missing in Action from the Vietnam War. Eighteen of these soldiers are from Montana.

They are: David Allinson, Helena; Richard Appelhans, Dodson; Alan Ashall, Billings; Michael Bouchard, Missoula; Alan Boyer, Missoula; Anthony Caldwell, Missoula; William Christensen, Great Falls; Jack Dempset, Helena; Charles Dudley, Bozeman; Michael Havranek, Missoula; Robert Holton, Butte; James Hunt, Missoula; Edward Letchworth, Libby; Patrick Magee, Alder; Lee Nordahl, Choteau; Victor Pirker, Trout Creek; Dean Pogreba, Three Forks; and Robert Willett, Great Falls.

To them and their families, you are not forgotten.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## PRESIDENT'S MEETING

• Mr. OBAMA. Mr. President, today President Bush is scheduled to meet with Ugandan President Yoweri Museveni. These heads of state have met before, but today's meeting comes at a pivotal time in Uganda's history.

After more than 20 years of conflict in northern Uganda in which well over a million people have been displaced and tens of thousands of children abducted and terrorized, peace appears to be within reach. Talks between the Government of Uganda and the Lord's Resistance Army, LRA, have led to genuine improvements on the ground. However, there is still much more work to be done to ensure a lasting peace. The United States must become a more active peace partner with Uganda as it negotiates with the Lord's Resistance Army.

The constructive mediation efforts of U.N. Special Envoy and former Mozambican President Joaquim Chissano deserve sustained, high-level U.S. diplomatic support. Two issues will be particularly difficult. First, Ugandans themselves will have to balance the imperative to make peace with the clear need to hold accountable those responsible for the horrifying abuses of the past. Second, leaders need to keep a spotlight on the vast development needs of the traumatized north. Paper plans and grand announcements will not be enough—the Government of Uganda must be committed to the north's development, and the donor community, including the United States, must be prepared to offer real resources to help.

Sadly, as negotiations to end the threat posed by the LRA continue, a different source of instability—that of lawless militias in Karamoja, and the Ugandan military's often counter-productive, abusive response to them has prevented a more complete consolidation of security in the country. The Ugandan people can never achieve their full potential when they feel targeted by both their own military and marauding criminals.

This visit to the White House follows by days a meeting between President Bush and President Kabila of the Democratic Republic of Congo. I hope President Bush uses both meetings to reassert U.S. support for regional dialogue and stabilization efforts. Uganda has an important part to play in ongoing efforts to bring lasting stability to the Democratic Republic of the Congo, particularly through participation in the Tripartite Plus mechanism. The U.S. should continue to foster dialogue through that process.

Uganda is a major contributor to the African Union's peacekeeping efforts in Somalia. But the undermanned AU peacekeeping contingent cannot succeed in the absence of a broader political and economic strategy to stabilize Somalia. Right now, the Ugandan peacekeepers are in the hot seat, and the rest of the world is failing to advance the peace process and deliver the support that they need. The United States has a responsibility to lead effectively on this issue. I hope that the two Presidents have a frank discussion about what needs to be done to advance peace in Somalia.

Of course, Uganda is deservedly admired around the world for its early efforts to speak frankly and act effectively to fight HIV/AIDS, and I have no doubt that the ongoing fight against the pandemic as well as global efforts to combat malaria will be on the agenda for President Museveni's meeting. Recent reports have found that a disturbingly high percentage of Uganda's young people do not have accurate information about AIDS and about how to protect themselves. Because of its renown, Uganda has a special leadership role to play in this struggle. Frank talk is needed today more than ever.

Finally, I hope that President Bush will convey to President Museveni the sincere sympathies of the people of the United States for those affected by the recent severe floods in Uganda. As Americans cope with the terrible wildfires in California, we are all especially sensitive to the devastating human consequences of natural disasters wherever they occur.•

## ADDITIONAL STATEMENTS

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### TRIBUTE TO VIRGINIA "GINGER" KIRK

• Mrs. DOLE. Mr. President, I wish to pay tribute to special agent Virginia "Ginger" Kirk of the Naval Criminal Investigative Service, who is retiring from employment with the Federal Government on October 30, 2007. Special Agent Kirk is retiring after over 24 years of Government service, the last 21 of which have been spent with NCIS. Of special note, during the course of her service with NCIS, she spent a year as a Department of Defense legislative fellow in the office of the late Congresswoman Tillie Fowler.

During the course of Special Agent Kirk's career in Government service, she rose from a GS-3 computer programmer for the Navy to a GS-15 NCIS senior special agent. In her final NCIS job, she was assigned to the Navy's Acquisition Integrity Office—a high-profile, high-impact position that put her on the inside of the Department of the Navy's most significant procurement fraud investigations.

Special Agent Kirk's law enforcement career began in the Norfolk fraud unit of the Naval Investigative Service, NIS—the precursor of today's NCIS. In addition to contributing to the collective success of the office there, Special Agent Kirk was singled out to receive the NIS Director's Cup, distinguishing her as the first-ever NIS Special Agent of the Year for fraud investigations. Her early career assignments were particularly fraud-focused and included tours at NAS Oceana, Pearl Harbor, New York, and Washington, DC. Among other postings, she spent a year with the FBI's Washington Field Office, working on major Government procurement fraud investigations jointly with her Bureau counterparts. That was followed by her first assignment in the counterintelligence arena in 1996, supporting both arms control treaty implementation and the Navy's International Program Office. Eighteen months later, Special Agent Kirk transferred to NCIS headquarters to serve as a desk officer in the NCIS Counterintelligence Directorate's Pacific Division.

In 1999, in what she describes as one of the most significant highlights of her career, she was selected to represent NCIS as a DOD legislative fellow on Capitol Hill. She served on the staff of the late Congresswoman Tillie Fowler, where she worked on a variety of defense, judiciary, and other issues. As a result of Special Agent Kirk's presence and persistence, Congresswoman Fowler sponsored legislation that was later incorporated into the Fiscal Year 2001 National Defense Authorization Act and ultimately resulted in statutory arrest authority being granted to civilian special agents of NCIS—an act of Congress that to this day is considered a watershed event within the agency.

Following her Capitol Hill assignment, Special Agent Kirk was reassigned to the NCIS Counterintelligence Directorate, where she worked on a host of policy issues. Thereafter, she was promoted to supervisory special agent and posted to NCIS's Washington, DC, field office. While her first year there was spent investigating procurement fraud, Special Agent Kirk and the fraud squad refocused their efforts on counterterrorism concerns as a result of the 9/11 attacks and the anthrax threat that plagued the Nation's Capital at that time.

In 2002, Special Agent Kirk transferred to the Pentagon as the NCIS liaison to the Joint Counterintelligence Evaluation Office within the Office of the Secretary of Defense. She was subsequently assigned to be Assistant Special Agent in Charge for Criminal Investigations at the NCIS Southeast Field Office, located aboard Naval Station Mayport. She concluded her NCIS career back in DC in the Navy's Acquisition Integrity Office.

Mr. President, during the course of her Federal service, Special Agent Kirk has made many sacrifices. As noted above, she moved frequently to meet the needs of her agency, the Department of the Navy, and our Nation. She spent extended periods geographically separated from her husband, who was also an NCIS special agent, as each of them strived to meet their own mission demands. She and her husband, retired NCIS special agent Guy Kirk, have bought a home on the side of a mountain in Brevard, NC, where they plan to take some time together to hike and explore the area. She has also set up a stained glass studio and plans to pursue the artistic side of life. I know all of my colleagues join me in thanking Special Agent Kirk for her many years of dedicated service, and in wishing her "fair winds and following seas" as she and her husband Guy embark on the next chapter of their lives together.•

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### RECOGNIZING CAMPBELL-TIMMERMAN LEGION AUXILIARY

• Mr. THUNE. Mr. President, today I recognize the Campbell-Timmerman Legion Auxiliary, unit No. 115, of Platte, SD.

Each year the auxiliary participates in the Paralyzed Veterans of America pheasant hunt sponsored by the American Legion. The auxiliary provides food and accommodations for many of the veterans who come to hunt. Through their efforts, the auxiliary gives these veterans the opportunity to enjoy the fellowship of other veterans and appreciate the great outdoors.

Organizations like the Campbell-Timmerman Legion Auxiliary are the backbone of South Dakota's rural communities. It is my hope that their dedication to serving our State's veterans inspires others to lend a helping hand.

I would like to thank the Campbell-Timmerman Legion Auxiliary unit No. 115 for their service and wish them continued success in the years to come.•

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### HONORING STEVE BRIMM

• Mr. THUNE. Mr. President, today I honor Steve Brimm of Spearfish, SD, for his nearly 40 years of service to the U.S. Fish and Wildlife Service. Mr. Brimm is retiring from his position as project leader to the DC Booth Fish Hatchery where he has served for the past 10 years.

The DC Booth Historic National Fish Hatchery is one of the oldest operating hatcheries in the country dedicated to fish culture and resource management. Under Steve Brimm's leadership, the fish hatchery has continued to thrive and benefit not only the Spearfish community but the entire Black Hills region. By forging partnerships and nurturing cooperation within the fish hatchery system, Steve has given the DC Booth Fish Hatchery a chance to become one of the most well-preserved fish hatcheries in the United States. The hatchery has become an archival site for the Fish and Wildlife Service's fishery materials, and a functioning fish rearing facility, as well as being a tourist and economic attraction for the city of Spearfish.

For his dedicated service, Steve has been honored on both a State and national level. He was named a 2007 Take Pride in America National Award winner by the United States Department of the Interior and the Hatchery Helpers Youth Volunteer Program that Mr. Booth helped to develop was awarded a 2003 Take Pride in America National Award.

It gives me great pleasure to congratulate Steve Brimm on this special occasion and thank him for all his years of service to the D.C. Booth Fish Hatchery, the city of Spearfish, and the State of South Dakota.•

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### SOUTH DAKOTA COMMUNITY FOUNDATION'S 20TH ANNIVERSARY

• Mr. THUNE. Mr. President, I would like to take this opportunity to pay tribute to a key institution in my State, the South Dakota Community Foundation, SDCF, which will celebrate its 20th anniversary on November 11, 2007. This statewide organization is a perfect example of how private funds are raised in communities to ensure future sustainability. The SDCF is a model for those who believe there is no better way to improve themselves and our great State than through working together to accomplish great things.

The SDCF was started two decades ago by a group of leaders with a vision for South Dakota. Their vision included capitalizing on the philanthropic nature of South Dakotans to help rural communities redevelop and serve the needs of their citizens. Strong leadership over 20 years has resulted in thousands of investors and partners that have assisted local communities and nonprofit organizations to achieve new levels of success. The original group of investors was especially critical, as they embraced a concept that has now exceeded the expectations of many. Over 70 communities and hundreds of nonprofit organizations across South Dakota now have direct partnerships with the SDCF.

Twenty years ago, under the direct leadership of our late Governor George S. Mickelson, the SDCF was created. I wish that Governor Mickelson were alive today to witness the lasting legacy his initiatives have given to our State. The SDCF continues to meet the visionary goals of Governor Mickelson, and remains committed to taking the organization to levels unanticipated 20 years ago. Governor Mickelson's widow, Linda Mickelson Graham, served in a leadership role on the SDCF board of directors for nine years, and their oldest son, Mark Mickelson, is set to become chairman of the board in 2009. Governor Mickelson's dream is alive and well within the SDCF and across South Dakota.

The original funding for the SDCF came from generous gifts from the McKnight Foundation and the 3M Foundation. On their way to raising the first $10 million, the 3M Foundation and the State of South Dakota contributed $2 million each, and the McKnight Foundation added $3 million as a challenge grant. Using this seed money as an incentive, Governor Mickelson and then-SDCF Executive Director Bernie Christenson raised an additional $3 million within 1 year to fully fund the first phase of the SDCF.

Today, the SDCF has grown to over $70 million in total assets. Over 360 funds have been established by communities, families, nonprofit organizations, and businesses to benefit South Dakota in perpetuity. These funds provide support for nonprofit causes benefiting children, senior citizens, and individuals with special needs. South Dakotans from rural areas, Indian reservations, and our largest cities are reaping the benefits of this visionary plan.

Leadership has been a key component to the success of the SDCF. The original leadership to get the SDCF started, the continued leadership of the board members, and dedicated staff have all played and integral role. Current Chairman of the Board John E. Johnson, President Bob Sutton, and the current board leadership have set goals for the continued growth of the organization. This growth would not be possible without committed staff members, and two of them—Stephanie Judson and Ginger Niemann—have 20 years of combined service to the SDCF. The relationships they have built with donors and partners of the SDCF over the years are invaluable, and they deserve credit for a job very well done.

The future for the SDCF is bright. Over the next 5 years, the organization will grow to over $100 million in permanently endowed assets. This will result in $5 million annually being distributed to nonprofit and charitable causes in South Dakota. This commitment to human service, economic development, and cultural and educational organizations in South Dakota will leave a lasting legacy.

The success of the SDCF has come from many areas, including unmatched public/private partnerships, strong nonprofit organizations, local community leaders, generous contributors, and prudent fiscal management. On the local level, a new generation of leaders has been developed, with many communities finding the future resting in the hands of these individuals. Through the establishment of permanent endowment funds, these local leaders are able to envision what their communities will look like decades from now. This is a major shift away from the mentality that small, rural communities had little or no future.

Today, I extend my hearty congratulations to the SDCF as the organization celebrates 20 years of "Success Through Community Caring" in South Dakota. As the work of the SDCF continues, I look forward to celebrating another 20 years of success in 2027.●

## MESSAGES FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1473. An act to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance.

H.R. 2671. An act to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse".

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

H.R. 3224. An act to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

H.R. 3247. An act to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes.

H.R. 3877. An act to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground communications to protect miners in the United States.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 230. Concurrent resolution supporting the observance of Breast Cancer Awareness Month, and for other purposes.

H. Con. Res. 234. Concurrent resolution calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea.

## ENROLLED BILL SIGNED

At 3:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

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At 4:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

## ENROLLED BILLS SIGNED

At 5:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. TESTER).

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1473. An act to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2671. An act to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station"; to the Committee on Environment and Public Works.

H.R. 3224. An act to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

H.R. 3247. An act to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3877. To require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground communications to protect miners in the United States; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3927. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

**The following concurrent resolutions were read, and referred as indicated:**

H. Con. Res. 230. Concurrent resolution supporting the observance of Breast Cancer Awareness Month, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 234. Concurrent resolution calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea; to the Committee on Foreign Relations.

## MEASURES READ THE FIRST TIME

**The following bills were read the first time:**

H.R. 2295. An act to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 2264. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the tax-free distributions from individual retirement plans for charitable purposes.

## ENROLLED BILLS PRESENTED

**The Secretary of the Senate reported that on today, October 30, 2007, she had presented to the President of the United States the following enrolled bills:**

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

**The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:**

EC–3756. A communication from the Assistant Director of the Directive and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sale and Disposal of National Forest System Timber; Modification of Timber Sale Contracts in Extraordinary Conditions; Noncompetitive Sale of Timber" (RIN0596–AB70) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3757. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Decreased Assessment Rate" (Docket No. FV–07–924–1–FIR) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3758. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2006–07 Crop Natural Seedless Raisins" (Docket No. FV–07–989–1–FIR) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3759. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Increased Assessment Rate" (Docket No. FV–07–984–1–FR) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3760. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program, Sunset Review" ((RIN0581–AC51)(Docket No. TM–04–07–FR)) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3761. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Unshu Oranges from the Republic of Korea into Alaska" (Docket No. APHIS–2006–0133) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3762. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Additions to the List of Quarantined Areas" (Docket No. APHIS–2007–0114) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3763. A communication from the Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Servicing of Water Programs Loans and Grants" (RIN0572–AB59) received on October 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3764. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Captain Sean A. Pybus to wear the authorized insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3765. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report entitled "Joint Improvised Explosive Divide Organization Third Quarter Report for Fiscal Year 2007"; to the Committee on Armed Services.

EC–3766. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Single Family Mortgage Insurance Program" (RIN2502–AI03) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3767. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3768. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Standards for Mortgagor's Investment in Mortgaged Property" (RIN2502–AI52) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3769. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Housing Counseling Program" (RIN2502–AH99) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3770. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Affiliate Marketing Regulations" (Docket No. R–1203) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3771. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Michigan; Consumer Products Rule" (FRL No. 8486–6) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3772. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Michigan; Recordkeeping and Reporting Requirements for Abnormal Conditions" (FRL No. 8486–4) received on October

25, 2007; to the Committee on Environment and Public Works.

EC–3773. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York Emission Statement Program" (FRL No. 8428–5) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3774. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: State Implementation Plan Revisions" (FRL No. 8488–5) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3775. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority to the States of Iowa, Kansas, Missouri, and Nebraska for New Source Performance Standards; National Emission Standards for Hazardous Air Pollutants; and Maximum Achievable Control Technology Standards" (FRL No. 8487–5) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3776. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Plywood and Composite Wood Products" ((RIN2060–AO65)(FRL No. 8482–2)) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3777. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ohio: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 8488–6) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3778. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Modification of Baselines for Gasoline Produced or Imported for Use in Hawaii, Alaska and U.S. Territories" ((RIN2060–AK02)(FRL No. 8487–2)) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3779. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Trust Arrangements Purporting to Provide Nondiscriminatory Post-Retirement Medical and Life Insurance Benefits" (Notice 2007–84) received on October 25, 2007; to the Committee on Finance.

EC–3780. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Non Refundable Upfront Fees, Technology Access Fees, Milestone Payments, Royalties and Deferred Income Under a Collaboration Agreement" (UIL No. 263.13–02) received on October 25, 2007; to the Committee on Finance.

EC–3781. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—November 2007" (Rev. Rul. 2007–66) received on October 25, 2007; to the Committee on Finance.

EC–3782. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Abusive Trust Arrangements Utilizing Cash Value Life Insurance Policies Purportedly to Provide Welfare Benefits" (Notice 2007–83) received on October 25, 2007; to the Committee on Finance.

EC–3783. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "United States v. Roxworthy 457F.3d 590 rev'g No. 04–MC–18–C" (AOD 2007–40) received on October 25, 2007; to the Committee on Finance.

EC–3784. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Proposed Changes to the Process for Obtaining Consent to Change an Accounting Method" (Notice 2007–88) received on October 25, 2007; to the Committee on Finance.

EC–3785. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of Additional 2008 Transition Relief Under Section 409A" (Notice 2007–86) received on October 25, 2007; to the Committee on Finance.

EC–3786. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Inflation Adjustments Revenue Procedure" (Notice 2007–66) received on October 25, 2007; to the Committee on Finance.

EC–3787. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Roosevelt Wallace v. Commissioner 128 T.C. No. 11" (AOD 2007–5) received on October 25, 2007; to the Committee on Finance.

EC–3788. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transfers of Assets or Stock Following a Reorganization" ((RIN1545–BD56)(TD 9361)) received on October 25, 2007; to the Committee on Finance.

EC–3789. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employer and Payer Guidance on Reporting and Wage Withholding Requirements for Calendar Year 2007" (Notice 2007–89) received on October 25, 2007; to the Committee on Finance.

EC–3790. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Partnership Audit Techniques Guide" (Chapter 13) received on October 25, 2007; to the Committee on Finance.

EC–3791. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deductions Under Sections 419 and 419A for Employer Contributions to Welfare Benefit Funds Utilizing Cash Value Life Insurance Policies" (Rev. Rul. 2007–65) received on October 25, 2007; to the Committee on Finance.

EC–3792. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of major defense equipment including the C–130H Aircraft from Thailand to the Thai Aviation Industries and Rockwell Collins for the purpose of installing Avionic Upgrades; to the Committee on Foreign Relations.

EC–3793. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data and assistance relative to the manufacture of water coolers and supporting materials for the Spy-ID Radar for the governments of Australia, Japan, Korea, and Spain; to the Committee on Foreign Relations.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Edward A. Rice, Jr., 4508, to be Lieutenant General.

Air Force nomination of Maj. Gen. Glenn F. Spears, 2012, to be Lieutenant General.

Army nomination of Brig. Gen. Carroll F. Pollett, 9096, to be Major General.

Army nomination of Maj. Gen. Benjamin R. Mixon, 7168, to be Lieutenant General.

Army nomination of Maj. Gen. David H. Huntoon, Jr., 1919, to be Lieutenant General.

Army nomination of Maj. Gen. Eric B. Schoomaker, 8284, to be Lieutenant General.

Army nomination of Brig. Gen. David A. Rubenstein, 6677, to be Major General.

Marine Corps nomination of Maj. Gen. Samuel T. Helland, 6309, to be Lieutenant General.

Navy nomination of Rear Adm. Bernard J. McCullough III, 4147, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Ernest Valdez, 4767, to be Major.

Air Force nominations beginning with Laura M. Hunter and ending with George W. Ryan, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 27, 2007.

Air Force nomination of Cheryl A. Kearney, 6145, to be Colonel.

Air Force nomination of Noel P. Kornett, 0523, to be Lieutenant Colonel.

Air Force nomination of Michael Maine, Jr., 4513, to be Major.

Air Force nominations beginning with Michael T. Butler and ending with Robert Cannon, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2007.

Army nomination of Max B. Bullen, 0248, to be Major.

Army nominations beginning with John A. McHenry and ending with Alan S. Waller, which nominations were received by the Senate and appeared in the Congressional Record on September 27, 2007.

Army nominations beginning with Edward F. Frederick and ending with Gregory Charlton, which nominations were received by the Senate and appeared in the Congressional Record on September 27, 2007.

Marine Corps nomination of Kevin M. Gonzalez, 5053, to be Lieutenant Colonel.

Marine Corps nomination of Thomas J. Keating, 2706, to be Colonel.

Marine Corps nomination of Gerald R. Brown, 2925, to be Lieutenant Colonel.

Navy nomination of Stephen T. Vargo, 7730, to be Lieutenant Commander.

Navy nominations beginning with Gary Tabach and ending with Kelvin L. Reed, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2007.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

Todd J. Zinser, of Virginia, to be Inspector General, Department of Commerce.

*Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2011.

*Coast Guard nomination of Capt. Steven E. Day, 3035, to be Rear Admiral (Lower Half).

*Coast Guard nominations beginning with Capt. Kevin S. Cook and ending with Capt. James A. Watson, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning with Albert R. Agnich and ending with Michael B. Zamperini, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2007.

National Oceanic and Atmospheric Administration nominations beginning with Michael S. Gallagher and ending with Mark K. Frydrych, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY:

S. 2258. A bill to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes; considered and passed.

By Mrs. FEINSTEIN:

S. 2259. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. SPECTER, Mr. CASEY, and Mr. JOHNSON):

S. 2260. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. BIDEN, and Mrs. CLINTON):

S. 2261. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mrs. CLINTON):

S. 2262. A bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WEBB:

S. 2263. A bill to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground communications to protect miners in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS:

S. 2264. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the tax-free distributions from individual retirement plans for charitable purposes; read the first time.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. SPECTER, Mr. CASEY, and Mr. JOHNSON):

S. 2265. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008; considered and passed.

By Mr. SCHUMER:

S. 2266. A bill to amend the Internal Revenue Code to provide for an alternative test for qualifying as a cooperative housing corporation; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. Res. 360. A resolution offering condolences regarding the tragic fire in Ocean Isle Beach, North Carolina, which killed 6 University of South Carolina students and 1 student from Clemson University on October 28, 2007; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 507

At the request of Mr. CONRAD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 600

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from California (Mrs. BOXER) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 911

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1003

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the

Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1060

At the request of Mr. BYRD, his name was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1340

At the request of Mrs. LINCOLN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1386

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1758

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1758, a bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1852

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1852, a bill to designate the Friday after Thanksgiving of each year as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States.

S. 1858

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 1858, supra.

S. 1871

At the request of Mr. KENNEDY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), the Senator from Rhode Island (Mr. REED), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER), the Senator from Virginia (Mr. WEBB), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1871, a bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws.

S. 1895

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1957

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1957, a bill to amend title 17, United States Code, to provide protection for fashion design.

S. 1966

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1966, a bill to reauthorize HIV/AIDS assistance.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2080

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2080, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 2123

At the request of Mr. GREGG, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2132

At the request of Mr. BROWN, his name was added as a cosponsor of S. 2132, a bill to prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes.

S. 2168

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Delaware (Mr. BIDEN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2168, a bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2182

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2182, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2183

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2183, a bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

S. 2191

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2191, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

S. 2243

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2243, a bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes.

S. 2254

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2254, a bill to establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes.

S. RES. 356

At the request of Mr. DURBIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

S. RES. 358

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 358, a resolution expressing the importance of friendship and cooperation between the United States and Turkey.

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## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2259. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, the urban demands we have placed on our water supplies and ecosystem have resulted in significant water shortages in communities across the Nation. Water quality and quantity are in jeopardy if local, State, and Federal Governments do not support the implementation of cost-effective projects that enhance and increase potable water supplies.

Therefore, I am introducing this bill to authorize programs that will facilitate a comprehensive water supply and watershed project in southern California. Leaders and agencies across five counties in the Santa Ana Region of southern California have partnered to develop a comprehensive plan which addresses regional needs of their communities; communities whose population exceeds 3 million citizens. These communities are committed to leveraging over $1 billion in local and State funds to match the Federal Government's investment. Similar legislation has been introduced in the House of Representatives by Representative GARY MILLER, together with Representatives KEN CALVERT, DAVID DREIER, EDWARD ROYCE, JOHN CAMPBELL, DANA ROHRABACHER and LORETTA SANCHEZ.

Specifically, this bill would fund three distinct projects, which together will help address water needs of 64,000 households and increase the region's water supply by 31,000 acre-feet per year in an environmentally sustainable manner.

This legislation could serve as a model for communities nationwide to help meet the challenges imposed by decreasing snow pack and precipitation and scarce potable water supplies that will be exacerbated by climate change.

This bill would authorize the Federal Government to spend $10 million on a cost shared basis to create wetlands along the Santa Ana River, providing an expanded natural treatment system to purify the River before it replenishes Orange County's groundwater supplies. Like all of the projects in the plan, the construction of natural treatment systems using wetlands minimizes the impacts on the environment, reduces carbon emissions, and improves the quality of our groundwater supplies without costly control technologies.

An authorization of $25 million in the expansion of groundwater desalination in the Chino Basin would increase desalination from the current 9,000 acre-feet per year to 40,000 acre-feet per year. This element of the program would provide a new fresh drinking water supply for Jurupa Community Services District, Santa Ana Mutual Water Company in Riverside County, and the cities of Norco, Chino, Chino Hills, and Ontario in San Bernardino County. These communities serve the needs of millions of citizens.

Because the Santa Ana River watershed crosses multiple jurisdictions, this legislation seeks to complement the ability to produce reclaimed water in one area with expanded desalination projects in the neighboring Chino Basin, providing a four-fold increase in the ability to desalinate groundwater supplies. The Chino Basin groundwater desalters will be the primary drinking water supply for over 40,000 new homes in Riverside and San Bernardino Counties.

The Groundwater Replenishment System, which is expected to be fully operational in just weeks, is the largest indirect potable reuse project in the world. The focal point of the system is membrane purification technology. Thus, $12 million is being requested to build an advanced water filtration technologies research center to find better, more cost-effective approaches to water purification as it relates to municipal water supply needs.

This regional plan will decrease reliability on imported water supplies from the Colorado River and California's deteriorating Bay-Delta water supply system. It will also allow for banking millions of gallons of water in our groundwater basin, protecting the region against natural disasters that could disrupt the delivery of water to Southern California from the fragile Delta and Colorado systems.

I am proud of the commitment our regional agencies have made to develop a response to meet the current and future demands for water supply. The regional plan has broad community support, solves multiple water supply problems, reduces energy consumption, restores habitat, and provides significant jobs and economic benefits to one of the Nation's most densely populated areas. I look forward to timely consideration of this legislation that could provide the road map to solving water demands across the country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2259

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Santa Ana River Water Supply Enhancement Act of 2007".

**SEC. 2. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

**"SEC. 16___. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**

"(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the last item the following:

"16___. Prado Basin Natural Treatment System Project.".

**SEC. 3. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

**"SEC. 16___. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**

"(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) $26,000,000.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the last item the following:

"16___. Lower Chino dairy area desalination demonstration and reclamation project.".

**SEC. 4. CENTER FOR TECHNOLOGICAL ADVANCEMENT OF MEMBRANE TECHNOLOGY AND EDUCATION.**

(a) IN GENERAL.—The Secretary of the Interior shall establish at the Orange County Water District located in Orange County, California, a center for the expressed purposes of providing—

(1) assistance in the development and advancement of membrane technologies; and

(2) educational support in the advancement of public understanding and acceptance of membrane produced water supplies.

(b) MANAGEMENT OF CENTER.—

(1) CONTRACTS.—In establishing the center, the Secretary shall enter into contracts with the Orange County Water District for purposes of managing such center.

(2) PLAN.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with the Orange County Water District, shall jointly prepare a plan, updated annually, identifying the goals and objectives of the center.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out subsections (a) and (b), $2,000,000, for each of fiscal years 2008 through 2013. Such sums shall remain available until expended.

(d) REPORT.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, in consultation with the Orange County Water District, shall provide a report to Congress on the status of the center and its accomplishments.

(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.

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By Mr. KOHL (for himself, Mr. BIDEN, and Mrs. CLINTON):

S. 2261. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I use today to introduce legislation essential to consumers receiving the best prices on every product from electronics to clothing to groceries. My bill, Discount Pricing Consumer Protection Act, will restore the nearly century old rule that it is illegal under antitrust law for a manufacturer to set a minimum price below which a retailer cannot sell the manufacturer's product, a practice known as "resale price maintenance" or "vertical price fixing". Last June, overturning a 96-year-old precedent, a narrow 5–4 Supreme Court majority in the Leegin case incorrectly interpreted the Sherman Act to overturn this basic rule of the marketplace which has served consumers well for nearly a century. My bill will correct this misinterpretation of antitrust law and restore the per se ban on vertical price fixing.

The reasons for this legislation are compelling. Allowing manufacturers to set minimum retail prices will threaten the very existence of discounting and discount stores, and lead to higher prices for consumers. For nearly a century the rule against vertical price fixing permitted discounters to sell goods at the most competitive price. Many credit this rule with the rise of today's low price, discount retail giants—stores like Target, Best Buy, Walmart, and the internet site Amazon, which offer consumers a wide array of highly desired products at discount prices.

From my own personal experience in business I know of the dangers of permitting vertical price fixing. My family started the Kohl's department stores in 1962, and I worked there for many years before we sold the stores in the 1980s. On several occasions, we lost lines of merchandise because we tried to sell at prices lower than what the manufacturer and our rival retailers wanted. For example, when we started Kohl's and were just a small competitor to the established retail giants, we had serious difficulties obtaining the leading brand name jeans. The traditional department stores demanded that the manufacturer not sell to us unless we would agree to maintain a certain minimum price. Because they didn't want to lose the business of their biggest customers, that jeans manufacturer acquiesced in the demands of the department stores—at least until our lawyers told them that they were violating the rule against vertical price fixing.

So I know first hand the dangers to competition and discounting of permitting the practice of vertical price fixing. But we don't need to rely on my own experience. For nearly 40 years until 1975 when Congress passed the Consumer Goods Pricing Act, Federal law permitted States to enact so-called "fair trade" laws legalizing vertical price fixing. Studies the Department of Justice conducted in the late 1960s indicated that prices were between 18–27 percent higher in the states that allowed vertical price fixing than the states that had not passed such "fair trade" laws, costing consumers at least $2.1 billion per year at that time.

Given the tremendous economic growth in the intervening decades, the likely harm to consumers if vertical price fixing were permitted is even greater today. In his dissenting opinion in the Leegin case, Justice Breyer estimated that if only 10 percent of manufacturers engaged in vertical price fixing, the volume of commerce affected today would be $300 billion dollars, translating into retail bills that would average $750 to $ 1,000 dollars higher for the average family of four every year.

Defenders of the Leegin decision argue that today's giant retailers such as Wal-Mart, Best Buy or Target can "take care of themselves" and have sufficient market power to fight manufacturer efforts to impose retail prices. Whatever the merits of that argument, I am particularly worried about the effect of this new rule permitting minimum vertical price fixing on the next generation of discount retailers. If new discount retailers can be prevented from selling products at a discount at the behest of an established retailer worried about the competition, we will imperil an essential element of retail competition so beneficial to consumers.

In overturning the per se ban on vertical price fixing, the Supreme Court in Leegin announced this practice should instead be evaluated under what is known as the "rule of reason." Under the rule of reason, a business practice is illegal only if it imposes an "unreasonable" restraint on competition. The burden is on the party challenging the practice to prove in court that the anti-competitive effects of the practice outweigh its justifications. In the words of the Supreme Court, the party challenging the practice must establish the restraint's "history, nature and effect." Whether the businesses involved possess market power "is a further, significant consideration" under the rule of reason.

In short, establishing that any specific example of vertical price fixing violates the rule of reason is an onerous and difficult burden for a plaintiff in an antitrust case. Parties complaining about vertical price fixing are likely to be small discount stores with limited resources to engage in lengthy and complicated antitrust litigation. These plaintiffs are unlikely to possess the facts necessary to make the extensive showing necessary to prove a case under the "rule of reason." In the words of FTC Commissioner Pamela Jones Harbour, applying the rule of reason to vertical price fixing "is a virtual euphemism for per se legality."

In July, our Antitrust Subcommittee conducted an extensive hearing into the Leegin decision and the likely effects of abolishing the ban on vertical price fixing. Both former FTC Chairman Robert Pitofsky and current FTC Commissioner Harbour strongly endorsed restoring the ban on vertical price fixing. Marcy Syms, CEO of the Syms discount clothing stores, did so as well, citing the likely dangers to the ability of discounters such as Syms to survive after abolition of the rule against vertical price fixing. Ms. Syms also stated that "it would be very unlikely for her to bring an antitrust suit" challenging vertical price fixing under the rule of reason because her company "would not have the resources, knowledge or a strong enough position in the market place to make such action prudent." Our examination of this issue has produced compelling evidence for the continued necessity of a ban on vertical price fixing to protect discounting and low prices for consumers.

The Discount Pricing Consumer Protection Act will accomplish this goal. My legislation is quite simple and direct. It would simply add one sentence to Section 1 of the Sherman Act—the basic provision addressing combinations in restraint of trade—a statement that any agreement with a retailer, wholesaler or distributor setting a price below which a product or service cannot be sold violates the law. No balancing or protracted legal proceedings will be necessary. Should a manufacturer enter into such an agreement it will unquestionably violate antitrust law. The uncertainty and legal impediments to antitrust enforcement of vertical price fixing will be replaced by simple and clear legal rule—a legal rule that will promote low prices and discount competition to the benefit of consumers every day.

In the last few decades, millions of consumers have benefited from an explosion of retail competition from new large discounters in virtually every product, from clothing to electronics to groceries, in both "big box" stores and on the Internet. Our legislation will correct the Supreme Court's abrupt change to antitrust law, and will ensure that today's vibrant competitive retail marketplace and the savings gained by American consumers from discounting will not be jeopardized by the abolition of the ban on vertical price fixing. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2261

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Discount Pricing Consumer Protection Act".

**SEC. 2. STATEMENT OF FINDINGS AND DECLARATION OF PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) From 1911 in the *Dr. Miles* decision until June 2007 in the *Leegin* decision, the Supreme Court had ruled that the Sherman Act forbid in all circumstances the practice of a manufacturer setting a minimum price below which any retailer, wholesaler or distributor could not sell the manufacturer's product (the practice of "resale price maintenance" or "vertical price fixing").

(2) The rule of per se illegality forbidding resale price maintenance promoted price competition and the practice of discounting all to the substantial benefit of consumers and the health of the economy.

(3) Many economic studies showed that the rule against resale price maintenance led to lower prices and promoted consumer welfare.

(4) Abandoning the rule against resale price maintenance will likely lead to higher prices paid by consumers and substantially harms the ability of discount retail stores to compete. For 40 years prior to 1975, Federal law permitted states to enact so-called "fair trade" laws allowing vertical price fixing. Studies conducted by the Department of Justice in the late 1960s indicated that retail prices were between 18 and 27 percent higher in states that allowed vertical price fixing than those that did not. Likewise, a 1983 study by the Bureau of Economics of the Federal Trade Commission found that, in most cases, resale price maintenance increased the prices of products sold.

(5) The 5–4 decision of the Supreme Court majority in *Leegin* incorrectly interpreted the Sherman Act and improperly disregarded 96 years of antitrust law precedent in overturning the per se rule against resale price maintenance.

(b) PURPOSES.—The purposes of this Act are—

(1) to correct the Supreme Court's mistaken interpretation of the Sherman Act in the *Leegin* decision; and

(2) to restore the rule that agreements between manufacturers and retailers, distributors or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

**SEC. 3. PROHIBITION ON VERTICAL PRICE FIXING.**

(a) AMENDMENT TO THE SHERMAN ACT.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by adding after the first sentence the following: "Any contract, combination, conspiracy or agreement setting a minimum price below which a product or service cannot be sold by a retailer, wholesaler, or distributor shall violate this Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

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By Mr. DOMENICI (for himself and Mrs. CLINTON):

S. 2262. A bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce the Preserve America and Save America's Treasures Act to formally authorize two important historic preservation programs—the Preserve America Program and the Save America's Treasures Program. I am pleased to be joined in this effort my colleague from New York, Senator CLINTON.

Both the Preserve America Program and the Save America's Treasures Program have demonstrated significant success nationwide. However, both administration programs have relied solely on the will of the appropriations process and currently lack the long-term stability provided by formal authorization. This bill would authorize these two important programs and provide for the protection of America's heritage for years to come.

The Preserve America initiative was announced by First Lady Laura Bush on March 3, 2003, and established by Executive Order 13287. The initiative was developed in cooperation with a number of Federal agency partners to encourage and support community efforts for the preservation and enjoyment of our priceless cultural and natural heritage. Since 2003, 549 cities in all 50 States have been designated Preserve America Communities, and 140 of the Preserve America Communities have received a combined total of $10 million to develop sustainable resource management strategies and sound business practices for the continued preservation and use of heritage assets.

The Save America's Treasures program began during the Clinton administration as a national effort to protect our Nation's threatened cultural treasures, including historic structures, collections, works of art, maps and journals that document our heritage and to highlight and preserve the history and culture of the U.S. The program was established by Executive Order 13072 in February 1998. Save America's Treasures was originally created as the centerpiece of the White House National Millennium Commemoration, and as a public-private partnership that included the White House, the National Park Service and the National Trust for Historic Preservation. From 1998 through 2006, over $300 million in Federal and private funding has been awarded for over 1,000 grants.

While both programs are nationwide in scope, I want to highlight the fact that the Preserve America and Save America's Treasures programs have also been very successful in my home State. Las Vegas and Silver City, NM, have been designated Preserve America communities, and 15 Save America's Treasures grants worth nearly 5 million dollars have been awarded over the years to entities throughout the State of New Mexico for various historic preservation projects. From the Palace of the Governor's Collections in Santa Fe to the Lincoln Historic District, where the outlaw Billy the Kid participated in the Lincoln County War, these programs have proved invaluable to preserving the rich heritage of New Mexico.

I am proud to offer this bill to authorize these two important historic preservation programs. I hope my colleagues will join with me in approving the Preserve America and Save America's Treasures Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2262

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Preserve America and Save America's Treasures Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PRESERVE AMERICA PROGRAM

Sec. 101. Purpose.
Sec. 102. Definitions.
Sec. 103. Establishment.
Sec. 104. Designation of Preserve America Communities.
Sec. 105. Regulations.
Sec. 106. Authorization of appropriations.

TITLE II—SAVE AMERICA'S TREASURES PROGRAM

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Establishment.
Sec. 204. Regulations.
Sec. 205. Authorization of appropriations.

## TITLE I—PRESERVE AMERICA PROGRAM

### SEC. 101. PURPOSE.

The purpose of this title is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

### SEC. 102. DEFINITIONS.

In this title:

(1) COUNCIL.—The term "Council" means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term "heritage tourism" means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term "program" means the Preserve America Program established under section 103(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

### SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, shall provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under section 104), Indian tribes, communities designated as Preserve America Communities under section 104, State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The following projects shall be eligible for a grant under this title:

(A) A project for the conduct of—

(i) research on, and documentation of, the history of a community; and

(ii) surveys of the historic resources of a community.

(B) An education and interpretation project that conveys the history of a community or site.

(C) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(D) A marketing project that promotes and enhances the visitor experience to a community.

(E) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(F) A project to support heritage tourism in a Preserve America Community designated under section 104.

(2) LIMITATION.—In providing grants under this title, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(c) PREFERENCE.—In providing grants under this title, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(d) CONSULTATION AND NOTIFICATION.—

(1) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(e) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this title shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies and related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that the non-Federal share for an eligible project required under paragraph (1) shall be available for expenditure before a grant is provided to the eligible project under the program.

### SEC. 104. DESIGNATION OF PRESERVE AMERICA COMMUNITIES.

(a) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(b) CRITERIA.—To be designated as a Preserve America Community under the program a community, tribal area, or neighborhood that submits an application under subsection (a) shall, as determined by the Council, in consultation with the Secretary—

(1) protect and celebrate the heritage of the community, tribal area, or neighborhood;

(2) use the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization;

(3) encourage people to experience and appreciate local historic resources through education and heritage tourism programs; and

(4) meet any other criteria required by the Council.

(c) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

### SEC. 105. REGULATIONS.

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

### SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

## TITLE II—SAVE AMERICA'S TREASURES PROGRAM

### SEC. 201. PURPOSE.

The purpose of this title is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on the Arts and the Humanities.

### SEC. 202. DEFINITIONS.

In this title:

(1) COLLECTION.—The term "collection" means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term "historic property" has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) NATIONALLY SIGNIFICANT.—The term "nationally significant" means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) PROGRAM.—The term "program" means the Save America's Treasures Program established under section 203(a).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

### SEC. 203. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under section 205 shall be used by the Secretary, in consultation with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on the Arts and the Humanities, subject to subsection (f)(1)(B), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(b) DETERMINATION OF GRANTS.—Of the amounts made available for grants under section 205, not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under subsection (e).

(c) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(d) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(1) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(A) nationally significant; and

(B) threatened or endangered.

(2) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under paragraph (1)(A) shall be made in consultation with the National Endowment for the Arts, the National Endowment for the Humanities, the National Trust for Historic Preservation, or the Institute of Museum and Library Services, as appropriate.

(3) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(A) be listed in the National Register of Historic Places at the national level of significance; or

(B) be designated as a National Historic Landmark.

(e) SELECTION CRITERIA FOR GRANTS.—

(1) IN GENERAL.—The Secretary shall not provide a grant under this title to a project for an eligible collection or historic property unless the project—

(A) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(B) has a clear public benefit; and

(C) is able to be completed on schedule and within the budget described in the grant application.

(2) PREFERENCE.—In providing grants under this title, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(3) LIMITATION.—In providing grants under this title, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(f) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(1) CONSULTATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall consult with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on Arts and Humanities in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(B) LIMITATION.—If an entity described in subparagraph (A) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that subparagraph and subsection (a).

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this title shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies or related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

### SEC. 204. REGULATIONS.

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

### SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. CLINTON. Mr. President, I am proud to join Senator DOMENICI to introduce the Preserve America and Save America's Treasures Act. This legislation will formally authorize Save America's Treasures and Preserve America for the first time.

Nearly 10 years ago, I helped create Save America's Treasures to preserve and promote historic sites and artifacts across our country. On February 2, 1998, President Clinton established Save America's Treasures by Executive Order 13072. Save America's Treasures was originally founded as the centerpiece of the White House National Millennium Commemoration and as a public-private partnership that included the White House, the National Park Service, and the National Trust for Historic Preservation.

Save America's Treasures was envisioned as a 2-year commemorative project that would illuminate the problem of our neglected heritage and inspire Americans to help save the important treasures in their own communities. Almost 10 years later and Save America's Treasures is still going strong. This model public-private partnership has provided critical support of bricks and mortar preservation projects in every State and territory. These sites include such icons as the Star Spangled Banner, the Old North Church, Mesa Verde, Valley Forge and the last remaining architectural model of the World Trade Center. The list also includes the Founding Father's Papers, the Acoma Pueblo, President

Lincoln's Cottage, and the Sewall Belmont House.

To help ensure that future generations will have an opportunity to experience our past and understand our identity as a community and as a nation, Save America's Treasure's has educated the public on preservation problems facing the buildings, sites, monuments, objects and documents that represent America's diverse cultural legacy, and it has supported preservation of historic collections and properties.

The program also supports and advances the purposes and policies of the national historic preservation program set forth by the Congress in the National Historic Preservation Act of 1966.

The President and First Lady Bush have continued to keep the historic preservation effort alive in America. President Bush announced the Preserve America initiative through Executive Order 13287 on March 3, 2003 to promote the preservation of America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties.

Through the Preserve America initiative, Americans gain greater knowledge about our Nation's past, strengthened regional identities, increased local participation in preserving the country's cultural and natural heritage assets, and support for the economic vitality of our communities.

The legislation that Senator DOMENICI and I have introduced will formally authorize Preserve America and Save America's Treasures. Both of these programs have relied solely on the will of the appropriations process and lack the long-term viability provided by formal authorization. Both programs have demonstrated significant on-the-ground-results and are clearly worthy of authorized legislation to institutionalize them for future generations.

Our legislation will authorize a competitive Save America's Treasures grant program within the National Park Service in partnership with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, and the President's Committee on the Arts and the Humanities.

It will also authorize a competitive Preserve America grant program within the Department of the Interior in cooperation with the Advisory Council on Historic Preservation and other Federal agencies.

I am proud to be an original cosponsor of this legislation that will help ensure that future generations will have an opportunity to experience our past and understand the identity of our Nation. I thank Senator DOMENICI for his leadership, and I hope my colleagues will join with me in approving the Preserve America and Save America's Treasures Act.●

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 360—OFFERING CONDOLENCES REGARDING THE TRAGIC FIRE IN OCEAN ISLE BEACH, NORTH CAROLINA, WHICH KILLED 6 UNIVERSITY OF SOUTH CAROLINA STUDENTS AND 1 STUDENT FROM CLEMSON UNIVERSITY ON OCTOBER 28, 2007.

Mr. DEMINT (for himself and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 360

*Resolved*, That the Senate offers its heartfelt condolences to the victims and their families regarding the tragic fire on October 28, 2007, in Ocean Isle Beach, North Carolina, which killed 6 University of South Carolina students and 1 student from Clemson University, and to the students, faculty, administration, and staff and their families who have been deeply affected by these tragic events.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3490. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3490.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

**SEC. 224. PROHIBITION OF FEDERAL SUBSIDIES FOR FOOD AND BEVERAGE SERVICE.**

Federal funds may not be used by the National Railroad Passenger Corporation to subsidize food and beverage service on Amtrak trains until Amtrak is in compliance with section 24305(c)(4) of title 49, United States Code.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, November 6, 2007, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on whether domestic energy industry will have the available workforce—crafts and professional—to meet our Nation's growing energy needs and if gaps exist, what policies the Congress should take to address these gaps.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rosemarie_calabro@energy.senate.gov.

For further information, please contact Jonathan Epstein at (202) 228-3031 or Rosemarie Calabro at (202) 224-5039.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, November 13, 2007, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on The Surface Mining Control and Reclamation Act of 1977: Policy Issues Thirty Years Later.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to gina_weinstock@energy.senate.gov.

For further information, please contact Patty Beneke at 202-224-5451 or Gina Weinstock at (202) 224-5684.

### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 1, 2007, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct an oversight hearing on the Impact of the Flood Control Act of 1944 on Indian Tribes along the Missouri River.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, October 30, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

During the Executive Session, Committee members will markup the following agenda items: S. 2045, Consumer Product Safety Commission (CPSC) Reform Act of 2007; S. 2096, Do-Not-Call Improvement Act of 2007; S. 1580, the Coral Reef Conservation Amendments

Act of 2007; S. 1853, Community Broadband Act of 2007; S. 1675, Local Community Radio Act of 2007; H. Con. Res. 225, Honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities; and the nomination of Mr. Todd J. Zinser, Inspector General—Designate, United States Department of Commerce (PN 908)

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 30, 2007, at 2:30 p.m. in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing entitled "Protecting the U.S. From Drug Resistant Tuberculosis: Reinvesting in Control and New Tools Research" during the session of the Senate on Tuesday, October 30, 2007 at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 30, 2007, at 9:30 a.m. in order to conduct a hearing entitled "The Role of Local Law Enforcement in Countering Violent Islamist Extremism."

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 30, 2007 at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican Leader, pursuant to Section 2 (b) of Public Law 98-183, as amended by Public Law 103-419, appoints Gail Heriot, of California, to the United States Commission on Civil Rights, for a term of 6 years.

## ORDER FOR STAR PRINT—SENATE REPORT 110-208

Mr. DURBIN. Mr. President, I ask unanimous consent that Senate Report 110-208 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONDOLENCES REGARDING THE TRAGIC FIRE IN OCEAN ISLE BEACH, NORTH CAROLINA

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate now proceed to consideration of S. Res. 360, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 360) offering condolences regarding the tragic fire in Ocean Isle Beach, North Carolina which killed 6 University of South Carolina students and 1 student from Clemson University on October 28, 2007.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 360) was agreed to, as follows:

S. RES. 360

*Resolved*, That the Senate offers its heartfelt condolences to the victims and their families regarding the tragic fire on October 28, 2007, in Ocean Isle Beach, North Carolina, which killed 6 University of South Carolina students and 1 student from Clemson University, and to the students, faculty, administration, and staff and their families who have been deeply affected by these tragic events.

## EXTENDING ELIGIBILITY FOR ESSENTIAL AIR SERVICE

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. 2265, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (S. 2265) to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2265) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2265

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ESSENTIAL AIR SERVICE.**

(a) IN GENERAL.—Subsection (d) of section 409 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 29, 2007, and shall apply with respect to any final order issued under subsection (c) of section 409 of such Act that was in effect on such date.

## ANDREW LAROCHELLE GOD, FAMILY AND COUNTRY ACT OF 2007

The PRESIDING OFFICER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 430, S. 2198.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2198) to require the Architect of the Capitol to permit the acknowledgment of God on flag certificates.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2198) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2198

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "The Andrew Larochelle God, Family, and Country Act of 2007".

**SEC. 2. FLAG CERTIFICATES ISSUED BY THE ARCHITECT OF THE CAPITOL.**

The Architect of the Capitol shall permit the acknowledgment of God on flag certificates that are issued at the request of a Member of the United States House of Representatives or of the United States Senate.

## MEASURES READ THE FIRST TIME—S. 2264 AND H.R. 2295 EN BLOC

Mr. DURBIN. Mr. President, I understand that two bills are at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2264) a bill to amend the Internal Revenue Code of 1986 to extend for two years the tax-free distributions from individual retirement plans for charitable purposes.

A bill (H.R. 2295) to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

Mr. DURBIN. Mr. President, I ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

## ORDERS FOR WEDNESDAY, OCTOBER 31, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes it business today, it stand adjourned until 12 noon, Wednesday, October 31; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes with Senators permitted to speak therein for up to 10 minutes each, and the time be equally divided and controlled with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 3963, the children's health insurance legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Wednesday, October 31, 2007, at 12 noon.

# EXTENSIONS OF REMARKS

## IN RECOGNITION OF MAJOR GENERAL MARK A. GRAHAM

### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. LAMBORN. Madam Speaker, I rise today in recognition of Major General Mark A. Graham who became Commanding General of First Army Division West and Fort Carson on September 14, 2007.

Major General Graham, who entered the Army in 1977 upon his graduation from Murray State University as a graduate of the Army Reserve Officer Training Corps, holds a bachelors degree from Murray State University, a Masters in Business Administration from Oklahoma City University, and a Masters of Science from National Defense University. Major General Graham is also a graduate of Field Artillery Officer Basic and Advanced Courses, United States Army Command and General Staff College, and National War College.

After attending United States Army Command and General Staff College in Fort Leavenworth, Kansas in 1990, Major General Graham served in Operations Desert Shield and Desert Storm. In 2000, Major General Graham was appointed Commander, 3rd Battlefield Coordination Detachment in Korea and went on to serve as Executive Officer to the Commander-in-Chief, United Nations Command/Combined Forces Command/United States Forces Korea until July of 2003. Following this position, Major General Graham served as Chief of Staff for the United States Army Field Artillery Center and Fort Sill at Fort Sill, Oklahoma and later as Deputy Commander and Assistant Commandant of the United States Army Field Artillery Center and School at Fort Sill. Most recently, Major General Graham was the Deputy Commanding General, Fifth United States Army at Fort Sam Houston in Texas.

During his distinguished career, Major General Graham has received numerous decorations including the Defense Superior Service Medal, a Bronze Star, a Meritorious Service Medal with six Oak Leaf Clusters, a Joint Service Commendation, and an Army Commendation Medal with four Oak Leaf Clusters. It is an honor to welcome him to Fort Carson and the Fifth Congressional District of Colorado.

## PERSONAL EXPLANATION

### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mrs. DAVIS of California. Madam Speaker, I was on a leave of absence on October 25, 2007 due to the San Diego wildfires. The following list describes how I would have voted had I been in attendance.

Rollcall No. 1001: Motion to Adjourn—"nay"; rollcall No. 1002: Motion to Adjourn—"nay"; rollcall No. 1003: On the House Now Considering H. Res. 774—"yea"; rollcall No. 1004: Tabling motion to reconsider—"yea"; rollcall No. 1005: Motion to Adjourn—"nay"; rollcall No. 1006: Ordering the Previous Question—"yea"; rollcall No. 1007: Agreeing to the rule providing for consideration of H.R. 3963—"yea"; rollcall No. 1008: Motion to Recommit with Instructions—"nay"; rollcall No. 1009: Passage of the Children's Health Insurance Program Reauthorization Act, H.R. 3963—"yea."

## HONORING THE CHILD ADVOCACY CENTER OF GENESEE COUNTY

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. KILDEE. Madam Speaker, I rise today to recognize the wonderful work achieved by the Child Advocacy Center of Genesee County. The Child Advocacy Center will honor its volunteers and supporters at a dinner on November 2nd in Grand Blanc Michigan.

During the 1980s the Child Advocacy Center idea was developed to provide a safe haven for the victims of child sexual abuse. After the State of Michigan published a "Model Child Abuse Protocol-Coordinated Investigative Team Approach" in the 1990s as a guide to local communities, the idea of the Genesee County Child Advocacy Center was born. A concept paper was submitted to the Ruth Mott Foundation in 2001. The concept became a proposal and in 2005 the Center was fully functional. Using forensic interviewing techniques specifically designed for children, the Center coordinates representatives from child protection, law enforcement, prosecution, mental health and family court. The coordination puts the needs of the victim first and endeavors to enhance the safety and well-being of the children.

On Friday, November 2nd the Genesee County Child Advocacy Center will honor the persons in our community that have gone the extra mile to help the victims of child sexual and physical abuse. These individuals will come from the segments of the law enforcement and social services agencies that are the front lines in the fight against abuse. The winners of the "Our Stars" awards will be announced that evening.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the work of the Child Advocacy Center and their partners. I am grateful for their service to our community. In a perfect world we would not need their services, but we do not live in a perfect world and we are fortunate to have these individuals step forward and strive to help and heal our most precious resource, our children.

## IN RECOGNITION OF GENERAL C. ROBERT KEHLER

### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 29, 2007*

Mr. LAMBORN. Madam Speaker, I rise today to congratulate General C. Robert Kehler being promoted General and becoming Commander of the Air Force Space Command at Peterson Air Force Base.

Prior to assuming command of AFSPC, General Kehler served as the Deputy Commander for U.S. Strategic Command at Offutt Air Force Base in Nebraska. Entering the Air Force in 1975 upon his graduation from Pennsylvania State University as a distinguished graduate of the Air Force Reserve Officer Training Corps, General Kehler went on to graduate from missile operational readiness training. This area of expertise has enabled him to serve in various roles from missile crew, to instructor, to evaluator and in wing-level staff positions.

After completing an Air Staff Internship and tour at Strategic Air Command headquarters, General Kehler served in the Office of Legislative Liaison of the Secretary of the Air Force, a capacity in which he was the expert on Capitol Hill for issues regarding the ICBM Modernization Program. While serving on the Joint Staff, General Kehler aided in the overhaul of the nuclear war plan structure and targeting. In addition to his recent position as Director of National Security Space Integration for the Office of the Under Secretary of the Air Force, General Kehler was also the Deputy Director of Operations at Air Force Space Command at Peterson where he was Commander of the 21st Space Wing.

It is a pleasure to welcome General Kehler back to Colorado. I know that AFSPC will benefit tremendously from his capable leadership.

## PERSONAL EXPLANATION

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. PENCE. Madam Speaker, I was unable to vote on October 29, 2007. Had I been present, I would have voted in the following manner: rollcall 1010 (On Motion to Suspend the Rules and Pass, as Amended—H.R. 3224)—"nay"; rollcall 1011 (On Motion to Suspend the Rules and Agree, as Amended—H.

Res. 573)—"aye"; and rollcall 1012 (On Motion to Suspend the Rules and Agree—H. Res. 747)—"aye."

## IN MEMORIAM OF LOUIS S. BLANCATO

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. RANGEL Madam Speaker, I rise today to pay tribute to the late Louis S. Blancato—an anesthesiologist, professor, proud World War II veteran, and citizen of the world. In his memory, I introduce his New York Times obituary published on October 25, 2007.

Dr. Blancato practiced and taught medicine, earning over the span of his career illustrious posts as department chair at St. Luke's Hospital and president of the New York State and American Society of Anesthesiologists. He served in the U.S. Army Medical Corps, and maintained a professorship at Columbia University.

He was a lover of his family, country, and Italian-American roots. A native New Yorker, he stepped outside the bounds of his home often, globetrotting in pursuit of good work and good friends.

OBITUARY: LOUIS S. BLANCATO

BLANCATO—Louis S., M.D. On October 23 in Rye, NY. Beloved husband of the late Nancy. Survived by Louis S., Robert, John and Amy and beloved grandchildren Celia and Carly. Also supportive three daughters and son-in-law.

Dr. Blancato was a dedicated practitioner and teacher of medicine with a long and distinguished career as an anesthesiologist. Department Chair at St. Luke's Hospital and President of New York State and American Society of Anesthesiologists are among his many accomplishments. He was also a Professor at Columbia University. He received many awards and inspired many. Dr. Blancato was a graduate of Fordham University and the Flower Fifth Avenue Medical School and a proud World War II veteran of the U.S. Army Medical Corps.

Dr. Blancato's family, country and Italian American heritage were the foundations of his life. A lifelong New Yorker and a citizen of the world through work, travel and many friendships.

A memorial service will be held on Saturday, October 27 at noon in the Osborn Auditorium, 101 Theall Road in Rye. In lieu of flowers the family recommends individuals make a donation to a charity of their choice in the name of Dr. Louis S. Blancato.

## TRIBUTE TO THE NORTH CAROLINA BEACH HOUSE FIRE VICTIMS

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. CLYBURN. Madam Speaker, it is with a heavy heart that I rise to memorialize the lives of Justin Anderson, Travis Cale, Lauren Mahon, Cassidy Pendley, William Rhea, Allison Walden, all students at the University of South Carolina, which I proudly represent here in this body, and Emily Yelton, a student of Clemson University.

Madam Speaker, when young men and women go off to pursue an education, their families hope for them a bright future and a long life. All 7 of these young men and women lost their lives in a fire this weekend and I join with those that I represent at the University of South Carolina in offering condolences to these families. And I also say to the families of Clemson University, our heart goes out to all of them.

Madam Speaker, I ask that you and this body join me in a moment of silence in memory of these young people.

## PERSONAL EXPLANATION

### HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. PRICE of Georgia. Madam Speaker, on rollcall No. 1012, I was inadvertently detained. Had I been present, I would have voted "no."

## HONORING THE UTTAR PRADESH ASSOCIATION OF GREATER PHILADELPHIA'S DIWALI FESTIVAL CELEBRATION

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. SESTAK. Madam Speaker, I rise today to recognize the Uttar Pradesh Association of Greater Philadelphia for bringing Diwali to Delaware County.

The U.P. Association of Greater Philadelphia is a non-profit organization formed 4 years ago to connect and provide a forum for people from the State of Uttar Pradesh and the surrounding regions in India. The association brings Indian culture to the community, adding to cultural understanding and awareness throughout the region.

One of the group's main events is the celebration of Diwali, the Hindu festival of lights. Diwali is one of the few holidays celebrated throughout India, bringing people together in the spirit of the season. The origin of Diwali is unknown, although there are various legends and customs associated with it.

In Northern India, where Uttar Pradesh is located, Diwali marks the return of Lord Rama after 14 years of exile and his defeat of the demon Ravana of Lanka. This represents the triumph of good over evil and of light over darkness, a theme that is common to Diwali stories from other regions of India.

The UPAGP, along with the Indianica Academy in New Jersey, reenacted the story of Lord Rama on Saturday night, and put on a spectacular cultural program that transcended religion, race, and nation. The message of light as a symbol of knowledge and goodness driving away darkness and ignorance is one we would all benefit from hearing more often.

I ask that everyone join me in commending the UPAGP for bringing Diwali and its message to Upper Darby, Delaware County, and the Greater Philadelphia area, in recognizing its contribution to the community, and in acknowledging the hard work and dedication of its members.

## HONORING MINNIE COX

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to introduce legislation designating the United States Post Office located at 100 W. Percy Street in Indianola, MS, as the "Minnie Cox United States Post Office".

Minnie M. Geddings Cox, a graduate of Fisk University, was appointed postmistress of Indianola, MS, in 1891, by President Benjamin Harrison, and was reappointed by President William McKinley; thereby, becoming the first Black postmistress of the United States.

On January 25, 1900, President McKinley raised the rank of the Indianola Post Office from fourth class to third class and appointed Mrs. Cox for a full 4-year term. However, in the fall of 1902, under the presidency of Theodore Roosevelt, a controversy brought national attention to Mrs. Cox. Jim Crow laws overran Reconstruction in America and whites wanted blacks eliminated from leadership positions. Some of the local whites in Indianola met and drew up a petition requesting Cox's resignation. Increased tension and threats of physical harm caused Cox to submit her resignation to take effect January 1, 1903, and leave Indianola.

President Roosevelt believed Mrs. Cox had been wronged, and that the authority of the Federal Government was being compromised and refused to accept her resignation. Instead, he closed Indianola's post office on January 2, 1903, rerouted the mail to Greenville, MS, 30 miles away and Cox continued to receive her salary. For 4 hours in January 1903, the Indianola postal event was debated on the floor of the United States Senate, and appeared on the front pages of newspapers across the country. One year later, at the expiration of Mrs. Cox's term, in February 1904, the post office was reopened, but demoted in rank from third class to fourth class.

Minnie Cox and her husband Wayne W. Cox, who had been an employee in the railway mail service, returned to Indianola and organized the "Delta Penny Savings Bank." They had been substantial property owners before 1903, and they bought more land and became successful bankers as well. Minnie Cox died in 1933.

## HONORING HISPANIC HERITAGE MONTH

### HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. CARNAHAN. Madam Speaker, I rise today in honor of Hispanic Heritage Month.

As citizens across America celebrate Hispanic Heritage Month, I wish to recognize the hours of hard work event organizers have contributed in order to provide greater understanding as they share their proud culture.

Especially I am reminded of the sacrifices many have made over the years to community and country.

Today, our armed services continue to rely on the dedication of men and women from Hispanic communities throughout the Midwest and Missouri.

While defending this Nation, and protecting a way of life that offers opportunity to Americans of varying race, they proudly serve.

For all who remain in harm's way today, in order to secure peace at home, we wish them the best, and look forward to their safe return.

## CONGRATULATING SCRANTON TOMORROW AND ITS PAST PRESIDENTS ON THE OCCASION OF ITS 15TH ANNIVERSARY

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Scranton Tomorrow, an organization celebrating its 15th anniversary and whose mission it is to establish the city of Scranton as the premier urban center in northeastern Pennsylvania.

As part of Scranton Tomorrow's celebration, they are honoring their past presidents, who include Monsignor Joseph Quinn, Judge Terrence Nealon, Attorney Barbara Sardella, William Bender, Phil Condron, Glenn Pellino and Carlon Preate.

Scranton Tomorrow has launched several initiatives designed to fulfill its mission including Artspace, City Pride, the Lackawanna Riverfront Revitalization, First Night and support for the Scranton Business Alliance.

Artspace is a project designed to produce affordable space for artists to live, work, perform and conduct business while creating a sustained economic impact for the city of Scranton.

City Pride is an annual cleanup and beautification effort that showcases the extraordinary community pride underlying the effort to make Scranton a visually attractive city.

The Lackawanna Riverfront Revitalization project and the Downtown Heritage Greenway project involve a coalition of major stakeholders, including the Lackawanna Heritage Valley Authority, the Scranton Area Foundation, the Lackawanna River Corridor Association, the Scranton Office of Community and Economic Development, Lackawanna County government, Pennsylvania Department of Conservation and Natural Resources, Greater Scranton Chamber of Commerce, as well as riverfront property owners. The stakeholders are committed to creating a master plan for the revitalization of the river corridor.

First Night is an initiative aimed at celebrating the arrival of the New Year in a safe and family friendly environment that features food, fun and entertainment and brings together the business and residential communities in a festive atmosphere.

The Scranton Business Alliance is a collective of more than 200 city businesses dedicated to improving all aspects of the central business district through solid economic management, strengthening public participation, and making downtown a fun place to visit. By building on the central city business district's inherent assets, rich architecture, a solid infrastructure, a core of financial, government, and human/social service outlets, and a firm sense of place, the Scranton Business Alliance aims to rekindle entrepreneurship, cooperation, and civic concern.

Madam Speaker, please join me in congratulating Scranton Tomorrow and those who have inspired it. Their zeal to return the city of Scranton to a prominent place in the region has captivated the imaginations of Scranton's citizens and has been an important catalyst for the renaissance Scranton is currently enjoying.

## ON SCHNEIDER REGIONAL MEDICAL CENTER CEO RODNEY E. MILLER, SR.

### HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mrs. CHRISTENSEN. Madam Speaker, 5 years ago, the U.S. Virgin Islands, and in particular, the island of St. Thomas and the Schneider Regional Medical Center, welcomed a young, passionate, health care administrator to be its president and chief executive officer. Rodney E. Miller took on the job of ensuring that comprehensive, quality health care was available not just for the residents of the U.S. Virgin Islands, but for the Caribbean region as well.

By all accounts, Rodney Miller did an excellent job, administering the 250-bed acute care Schneider Hospital, as well as the Charlotte Kimelman Cancer Institute and the Myrah Keating Smith Community Health Center on St. John in a manner that has advanced health care in the territory.

Most noteworthy among his accomplishments was the emphasis on improved patient care and the opening of the Charlotte Kimelman Cancer Institute. With an announced emphasis on quality patient care, enhanced customer service and improved cleanliness of the health facilities, Miller embarked upon a course for change that was driven by the expressed needs of patients. He emphasized that being the only choice for health care for most of the residents of the island meant that quality care was a must. He equally emphasized that Schneider Regional should be a good place for employees as well.

With the opening of the Charlotte Kimelman Cancer Institute in 2006, Rodney Miller and his administrative and medical team worked to realize the dream of many in the territory for a "world class cancer care facility with an array of support services and resources" that would allow patients to seek treatment at home, closer to the comfort of family and friends. Rodney Miller's leadership in health care has been marked by this and other noteworthy accomplishments in the territory.

In addition to his duties as head of Schneider Regional, Rodney Miller immersed himself in the civic activities of the community, and in 2004 was named Person of the Year by Rotary II Club of St. Thomas. Just last year, he received the 2006 Wilbur "Bill" LaMotta Community Service Award from the St. Thomas-St. John Chamber of Commerce.

His peers in the health care profession have long acknowledged his extraordinary talent. In 2002, he received the Young Healthcare Executive of the Year Award from the National Association of Health Services Executives. In 2003, he received the American College of Healthcare Executives' Regents Award and in 2005, he was elected to serve as president of the National Association of Health Services Executives. In 2006, he was named one of the Top 25 Minority Healthcare Executives by Modem Healthcare Magazine.

Recently, Rodney Miller announced that he has accepted a new position in the Florida health care system. I know that he will distinguish himself there as well, but we in the Virgin Islands wanted to express our thanks to him for the good work that he did in the territory for the past 5 years. On behalf of the people of the Virgin Islands, particularly those on the island of St. Thomas, I wish Rodney Miller bon voyage and great success in his new endeavor. He has definitely left health care in the territory in better shape than when he got there, and for that we are all grateful.

## PERSONAL EXPLANATION

### HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. FEENEY. Madam Speaker, I would like to express my regret for missing votes on the House floor on Monday, October 22, 2007 and Tuesday, October 23, 2007. I was in my district for the launch of Shuttle STS-120: *Discovery.*

## PERSONAL EXPLANATION

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. UDALL of Colorado. Madam Speaker, I was unavoidably detained in returning to Washington, DC, on Monday, October 29th and so was not present for 3 votes. If I had been present, I would have voted as follows:

(1) H.R. 3224—Dam Rehabilitation and Repair Act of 2007—I would have voted "yea" on this excellent bill by our Colorado colleague, Representative JOHN SALAZAR;

(2) H. Res. 573—Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes—I would have voted "yea"; and

(3) H. Res. 747—Recognizing the religious and historical significance of the festival of Diwali—I would have voted "yea."

## PERSONAL EXPLANATION

## HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. LAMPSON. Madam Speaker, on rollcall No. 1010, 1011, and 1012 on 10/29/07, had I been present, I would have voted "yea" on all.

## PERSONAL EXPLANATION

## HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to explain my absence from votes cast on October 29, 2007. I was in Houston yesterday, tending to a family health care issue, and was unavoidably detained.

On rollcall vote No. 1010, to approve H.R. 3224, had I been present, I would have voted "yea."

On rollcall vote No. 1011, to approve H. Res. 537, had I been present, I would have voted "yea."

On rollcall vote No. 1012, to approve H. Res. 747, had I been present, I would have voted "yea."

## IN CELEBRATION OF THE BOSTON RED SOX'S 2007 WORLD SERIES VICTORY

## HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. MARKEY. Madam Speaker:

The Red Sox we proudly honor today
For another championship and remarkable play

That's two in four years, all of Beantown "hurrays!"
It's not the curse, but clutch play, for these kings of Fenway

We hail the team's defense, top-notch in the field
And a mighty potent offense that refuses to yield

From top to bottom, the Sox have shown
Why in baseball's history books they will forever be known

The club led by Henry, Werner, and Lucchino
And don't forget the dream team—Epstein and Tito!

But it's the players who win each big game
And they all belong in baseball's Hall of Fame

Josh Beckett, a baseball legend-in-the-making
He won 4 playoff games, leaving foes with heads shaking

And then there was Schilling, Dice-K, and Lester
With unhittable splitters, the batters they pestered.

Papelbon is the closer night after night
4 saves in the playoffs—to "the Nation's" delight

Youkilis at 1st, Mike Lowell the series MVP,
Rookies Pedroia, Okijima and Ellsbury

With Manny & Ortiz, everyone agrees
the Sox are the best, from sea to shining sea

And Jason Varitek we cannot forget
From all in the clubhouse, he commands respect

After 96 wins, the playoffs in full swing
The Angels came calling, but the Sox clipped their wings

Down 3-1 to the Tribe, the Sox won it in seven
Two pennants in 4 years, we were in baseball heaven!

Then the Sox faced the tough Colorado team
Sweeping in just 4, completing the "possible dream"!

Now the games are all played, the champagne popped and poured
Fire up those duck boats—let's all climb aboard!

Another great season, fans and experts agree
The Sox are the newest baseball dynasty.

## IN HONOR OF THE REVEREND MONSIGNOR MICHAEL J. CORONA, PHILLIPSBURG AREA CHAMBER OF COMMERCE OUTSTANDING CITIZEN OF THE YEAR 2007

## HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in honor of the extraordinary public service of the Reverend Monsignor Michael J. Corona of Phillipsburg, New Jersey. Today, the Phillipsburg Area Chamber of Commerce will recognize his commitment to his community, naming him Outstanding Citizen of the Year for 2007.

Monsignor Corona completed his theological studies at St. Mary's Seminary and University in Baltimore, Maryland. He also earned a Master of Arts in Education at Seton Hall University in South Orange, New Jersey. He was ordained for the Diocese of Trenton in 1968 and has been pastor of St. Philip and St. James Parish in Phillipsburg, New Jersey since 1979.

Under his guidance, the parish has been active in the community. While activities like their soup kitchen and Thanksgiving food drive feed the bodies of those less fortunate in Phillipsburg; their compassion and love feed their souls. And, the parish elementary school provides a quality education to so many local children.

In addition to his work directly in Phillipsburg, Monsignor Corona spreads his skills and good nature through his work with the Diocese and other Catholic leadership organizations. He is a member of the Diocesan Presbyterial Council and College of Consultors, as well as the Director of Education for the Diocese of Metuchen. He is also the President of the International Catholic Stewardship Council's Board of Directors, an organization dedicated to the proposition that "all members of our family of faith are called to be Christian stewards and share their gifts of time, talent and treasure in proportion to the blessings they have received from God."

Monsignor Corona is an integral part of the community of Phillipsburg. I join his neighbors in commending him for his good work, his dedication to the people and particularly the children of Phillipsburg, and his commitment to continually improving this historic city.

## IN HONOR DR. ROBERT ABEL

## HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. PALLONE. Madam Speaker, I rise today to honor Dr. Robert Abel's lasting contributions and dedication to the oceans. Dr. Abel's environmental stewardship helped make New Jersey a leader in sustainable ocean and coastal research, policy planning and marine science education.

Sadly, Dr. Abel passed away on October 10th, but he left behind a lasting legacy of support for protection of coastal and ocean resources in New Jersey and the Nation. On October 31st, at the Monmouth University Urban Coast Institute's 3rd Annual Ocean Champion Awards, Dr. Abel will be honored with a State Ocean Leadership Award presented posthumously to his widow, Mrs. Nancy Abel.

Dr. Abel began his distinguished career in government service as a chemical oceanographer with the Woods Hole Oceanographic Institution in Massachusetts. He then served as Staff Oceanographer to the Vice President of the United States from 1960–1967.

Later, he was appointed as the founding Director of the National Sea Grant College Program. During his tenure, Dr. Abel was responsible for transforming the Sea Grant Program. He expanded it to include education-based projects for shore protection, fisheries, aquaculture and environmental protection.

As President of the New Jersey Marine Sciences Consortium, Dr. Abel ensured permanent New Jersey State funding for the Sea Grant Program, guiding the program to receive the Nation's first and only non-university program college status. I had the privilege of serving as a fellow through the program, and have also had fellows serve in my office over the last 20 years, providing me with invaluable counsel on ocean issues.

Dr. Robert Abel was also a diplomat of the ocean. In 1981, he formed the Cooperative Marine Technology Program for the Middle East. He worked together with Israeli, Egyptian, Jordanian and Palestinian scientists, hoping that international environmental stewardship could help strengthen bilateral ties.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the life of Dr. Robert Abel, and extending our sincere condolences and deep appreciation to Mrs. Abel. Dr. Abel's scientific and diplomatic efforts will continue to benefit and inspire my constituents, and his many international colleagues and friends, for years to come.

## ED AND MARILYN FITZGERALD: HONORING LIFETIMES OF COMMUNITY SERVICE

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**HON. JANE HARMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Ms. HARMAN. Madam Speaker, during my years in public office, I have had the pleasure of meeting and working with many extraordinary constituents committed to a seemingly endless array of good works and causes. None has served their community more ably and admirably than my dear friends Ed and Marilyn Fitzgerald, recent recipients of the prestigious YMCA "Good Neighbor" Award. The Fitzgerald's volunteerism and decades-long service to the needy, to members of the Armed Forces and area veterans, and to the communities of Lomita, Wilmington, and San Pedro—all located in my Congressional District—make them richly deserving of this recognition.

I first met them years ago when their daughter Sharon applied to the Air Force Academy. Sharon received my top recommendation, and attained the rank of Captain before leaving active-duty to be a full-time mother. To this day, Ed and Marilyn are members of my Academy Nominating Committee.

Although technically retired, Ed and Marilyn have never stopped working, and probably log more volunteer hours than most people put in at the office. Whether it is teaching children to read at Taper Avenue School, or distributing food and clothing to the homeless at Beacon Light Mission, the Fitzgeralds do not waver in their efforts to help those less fortunate. Not content to help only with the basics, the couple also organizes movie and museum excursions for kids, whale watching trips, and other activities inner-city kids might not have a chance to experience.

The active military and veterans' communities in Los Angeles County—among the Nation's largest—have also benefited from the Fitzgerald's advocacy. Both volunteer at the Long Beach Veterans Hospital, transporting immobile veterans to and from doctor's appointments, and both devote hours of their time to helping the many veterans, including homeless veterans, in the Harbor Area. They reach beyond helping their neighbors by raising awareness nationally on behalf of America's POWs and MIAs.

And I only recently learned of Marilyn and Ed's fundraising campaign to gather and ship audio-video equipment to our troops in Iraq. Separation during wartime can severely affect morale—a problem the Fitzgeralds believe our soldiers and their families should not have to endure. With Sharon's husband serving in Iraq, this tireless twosome is even working on a better way to correspond with family members stationed overseas.

Madam Speaker, other communities have selfless people like Marilyn and Ed. But I am grateful to them every time we meet. They are true patriots.

## ON INTRODUCTION OF GOOD SAMARITAN CLEANUP OF ABANDONED HARDROCK MINES ACT OF 2007

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**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. UDALL of Colorado. Madam Speaker, today I am again introducing legislation designed to help promote the cleanup of abandoned and inactive hardrock mines that are a menace to the environment and public health throughout the country, but especially in the west.

In the 107th, 108th, and 109th Congresses, I introduced similar bills aimed at that result. Following the bill's first introduction in the 107th Congress, revisions were made to incorporate a number of changes developed in consultation with interested parties, including representatives of the Western Governors' Association, the hardrock mining industry, and environmental groups.

The bill I am introducing today is also the product of further consultations, including with the Environmental Protection Agency. It represents years of effort to reach agreement on establishing a program to advance the cleanup of polluted water from abandoned mines.

The bill is cosponsored by our colleague from New Mexico, Representative PEARCE. I greatly appreciate his support.

### THE BACKGROUND

For over one hundred years, miners and prospectors have searched for and developed valuable "hardrock" minerals—gold, silver, copper, molybdenum, and others. Hardrock mining has played a key role in the history of Colorado and other states, and the resulting mineral wealth has been an important aspect of our economy and the development of essential products. However, as all westerners know, this history has too often been marked by a series of "boom" times followed by a "bust" when mines were no longer profitable. When these busts came, too often the miners would abandon their workings and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the western public lands where mineral development was encouraged to help settle our region.

### THE PROBLEMS

The problems caused by abandoned and inactive mines are very real and very large—including acidic water draining from old tunnels, heavy metals leaching into streams killing fish and tainting water supplies, open vertical mine shafts, dangerous highwalls, large open pits, waste rock piles that are unsightly and dangerous, and hazardous dilapidated structures.

And, unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hardrock mines, are of limited effectiveness when applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

### OBSTACLES TO CLEANUPS

Right now there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other obstacle is legal.

While the Clean Water Act is one of the most effective and important of our environmental laws, as applied it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be "good Samaritans" understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines.

Unless these fiscal and legal obstacles are overcome, often the only route to clean up abandoned mines will be to place them on the Nation's Superfund list. Colorado has experience with that approach, so Coloradans know that while it can be effective it also has shortcomings. For one thing, just being placed on the Superfund list does not guarantee prompt cleanup. The site will have to get in line behind other listed sites and await the availability of financial resources. In addition, as many communities within or near Superfund sites know, listing an area on the Superfund list can create concerns about stigmatizing an area and potentially harming nearby property values.

We need to develop an alternative approach that will mean we are not left only with the options of doing nothing or creating additional Superfund sites—because while in some cases the Superfund approach may make the most sense, in many others there could be a more direct and effective way to remedy the problem.

### WESTERN GOVERNORS WANT ACTION

The Governors of our western States have recognized the need for action to address this serious problem. The Western Governors' Association has several times adopted resolutions on the subject, such as the one of June 2004 entitled "Cleaning Up Abandoned Mines" sponsored by Governor Bill Owens of Colorado along with Governor Bill Richardson of New Mexico and Governor Kenny Guinn of Nevada.

### LEGISLATIVE RESPONSES TO THE OBSTACLES

To respond to the need for funding, I have joined as a cosponsor of H.R. 2262, the "Hardrock Mining and Reclamation Act of 2007," introduced by the distinguished Chairman of the Natural Resources Committee, Representative RAHALL of West Virginia, which has now been ordered reported from that Committee. That legislation will establish a Locatable Minerals Fund to receive royalties and fees related to hardrock mines on Federal lands that, among other things, can be used for the reclamation and restoration of lands and waters adversely affected by past mining on Federal lands.

And the bill I am introducing today responds to a legal obstacle, the potential liability under the Clean Water Act that now deters many would-be "good Samaritans" from undertaking efforts to clean up abandoned hardrock mines.

To help the efforts of "good Samaritans," this bill would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines. These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain requirements.

The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source ("NPDES") permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control. I think this would encourage efforts to fix problems like those at the Pennsylvania Mine.

The new permit proposed in this bill would help address problems that have frustrated federal and state agencies throughout the country. As population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue—not only to improve the environment, but also to ensure that our water supplies are safe and usable. This bill does not address all the concerns some would-be Good Samaritans may have about initiating cleanup projects—and I am committed to continue working to address those additional concerns, through additional legislation and in other ways. But this bill can make a real difference and I think it deserves approval without unnecessary delay.

For the benefit of our colleagues, here is a brief outline of the bill's provisions:

Eligibility for Good Samaritan Permits—Permits could be issued to a person or entity not involved in creation of residue or other conditions resulting from mining at a site within the bill's scope. Any other similar person or entity could be a cooperating party to help with a cleanup.

Sites Covered by the Bill—The bill covers sites of mines and associated facilities in the United States once used for production of a mineral (other than coal) but no longer actively mined, but does not cover sites on the national priority list under Superfund.

Administration—The permits would be issued by the Environmental Protection Agency (EPA) or by a state or tribal government with an approved Clean Water Act permitting program.

Remediation Plans—To obtain a permit, an applicant would have to submit a detailed plan for remediation of the site. After an opportunity for public comments, the EPA or other permitting authority could issue a permit if it determined that implementing the plan would not worsen water quality and could result in improving it toward meeting applicable water quality standards.

Effect of Permit—Compliance with a Good Samaritan permit would constitute compliance with the Clean Water Act, and neither a permit holder nor a cooperating party would be responsible for doing any remediation activities except those specified in the remediation plan. When the cleanup is done, the permit expires, ending the Good Samaritan's responsibility for the project.

Report and Sunset Clause—Nine years after enactment, EPA must report to Congress about the way the bill has been implemented, so Congress can consider whether to renew or modify the legislation, which under the bill will terminate after 10 years.

## INTRODUCTION OF THE AMERASIAN PATERNITY RECOGNITION ACT

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Ms. ZOE LOFGREN of California. Madam Speaker, our immigration law has long recognized that children born outside our country to an American father and a foreign national mother are U.S. citizens.

Unfortunately, there remains a group of forgotten sons and daughters who, despite being born to American fathers, have been unfairly denied U.S. citizenship. These are the offspring of American servicemen and Asian women during the Vietnam and Korean Wars whose fathers did not personally take the steps of acknowledging paternity necessary to make their offspring citizens. But, the American government did that for them by acknowledging that their fathers were American citizens.

Many of these individuals have lived through devastation during war, have been mistreated by their governments because of their mixed race, and many now live in the United States, but only as legal permanent residents.

There is no doubt that Amerasians are the sons and daughters of American fathers. Our American government already made that determination when we admitted them to the United States as legal permanent residents.

To correct this unfair inequality in our law, I am introducing the Amerasian Paternity Recognition Act, along with bipartisan cosponsors, to ensure that Amerasians are accorded U.S. citizenship just like the offspring of other American fathers are.

It is time for us to finally close a chapter in our history that has too long denied Amerasians the opportunity to become citizens and be recognized as the Americans that they are.

## TRIBUTE TO MOUNT OLIVE AFRICAN METHODIST EPISCOPAL CHURCH

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. CLYBURN. Madam Speaker, Mount Olive African Methodist Episcopal Church of Myrtle Beach, South Carolina will commemorate its 100 years of Christian service at a Centennial Anniversary banquet on November 17, 2007.

Mount Olive AME had a very humble beginning. A small group of faithful African American Christians came together in the Myrtle Beach area in the late 1800s and constructed a one-room structure known as the Bush Shelter. It was in this simple building that this group met to worship under the leadership of Reverend Jackson Hemingway.

In 1907, this group joined with other Christians in the area to organize Mount Olive AME Church. Three years later, a new church was built on the site of the old Myrtle Beach High School Baseball Field. Bishop B.F. Lee led the dedication of the new 1-room, wood framed church. Reverend H.B. Salters was the leader of the congregation, and later became a bishop in the AME Church as well. Under his leadership, the church also served as a school for local Black children who attended school only 6 weeks to 5 months each year.

After a period of significant growth the church moved to a new location on Carver Street. In 1959, the parishioners' dreams of a new sanctuary were realized.

In 1973, the church was expanded to include an education building. The expanded facility enabled Mount Olive AME to host its first annual conference for the AME churches in the Marion District. This new structure also helped the church grow its education mission. One source of great pride are the church's youth programs, which provide Christian fellowship among young people. The year long programs usually culminate with an annual Christian retreat at Allen University in Columbia, South Carolina.

The church has grown other missions including Sunday School, Women's Missionary Society, Sons of Allen youth leadership mentoring, a media ministry which provides video and audio cassettes to the sick and shut-in, and a street ministry to those needing spiritual guidance.

The church also has outreach programs that serve to better the community as well. Members of Mount Olive AME provide assistance to help community members with their housing needs, utility bills, job referrals, drug counseling, voter registration, parenting skills, and the church voluntarily stocks a food pantry. Under the dynamic leadership of Reverend Roger I. Washington since 1998, Mount Olive AME continues to uphold the vision of its founders.

Madam Speaker, I invite you and my colleagues to join me in commending Mount Olive AME Church for a century of faithful service. Its members continue to be beacons of hope in Myrtle Beach. They provide compassion and care for not only its members but also the least among them. I congratulate Mount Olive AME for its rich 100 year history, and I look forward to seeing the good works of the church as it continues to grow and serve the Myrtle Beach community.

## PERSONAL EXPLANATION

### HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Ms. WASSERMAN SCHULTZ. Madam Speaker, on October 29, 2007, I missed the following rollcall votes because I was attending to other congressional matters in my District: rollcall vote No. 1010, passage of H.R.

3224, the Dam Rehabilitation and Repair Act of 2007; rollcall vote No. 1011, passage of H. Res. 573, Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan; and rollcall vote No. 1012, passage of H. Res. 747, Recognizing the religious and historical significance of the festival of Diwali.

If present, I would have voted "aye" on each measure.

## A TRIBUTE TO REVEREND RANDOLPH THOMPSON ON THE OCCASION OF HIS 80TH BIRTHDAY CELEBRATION

### HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. BUTTERFIELD. Madam Speaker, it is with great admiration and respect that I take this time to recognize a dear family friend and one of this Nation's most distinguished citizens, Reverend Randolph Thompson. On October 28, 2007, the Thompson Family will gather at Sammy's Shrimp Box Restaurant in the Bronx, New York for a very fitting occasion—to celebrate Reverend Thompson's 80th Birthday.

Madam, Speaker, I am honored to rise today to share with my colleagues in the United States House of Representatives the accomplishments of this remarkable man. Reverend Thompson was born in Cat Island, Bahamas on October 28, 1927. He received his early education in the Bahamas. In 1948 Reverend Thompson was licensed to preach at Bethel Baptist Church in Nassau, Bahamas. He was ordained in 1953 at Oak City Baptist Church in Method, North Carolina. In 1954 Reverend Thompson received his B.A. Degree from Shaw University in Raleigh, North Carolina, and in 1957 he received his M.Div Degree from Colgate Rochester Divinity School in Rochester, New York.

As Reverend Thompson traveled about from state to state he remained true to his commitment to be active, productive and dedicated to every facet of his community. He served as Interim Pastor of Pilgrim Baptist Church in St. Paul, Minnesota; Pastor of Victory Baptist Church in the Bronx, New York for 27 years; Director of Baptist Education Center in New York; President of the Nassau Bahamas Association; Chairman of the Committee of the United Missionary Baptist Association in New York; Assistant Dean of Empire State Congress of Christian Education in New York; Instructor of Lott Carey Foreign Mission Convention in New York; Pastor of Jackson Chapel First Baptist Church in Wilson, North Carolina; President of NAACP in Wilson, North Carolina; Vice Chairman of the Housing Committee for the Baptist World Alliance in Miami Florida; Parliamentarian for the Interdenominational Ministerial Alliance of Greater Miami; Dean of J.T. Brown Seminar School for Ministers and Missionary Workers in Ft. Lauderdale, Florida. He also served as Extension School Instructor at Florida Memorial College in Miami, Florida and Bible Expositor with the Baptist Council of Greater Miami.

Madam Speaker, I first met Reverend Thompson during my teen years when he accepted the call to become Pastor of my home church in Wilson, North Carolina, Jackson Chapel First Missionary Baptist Church. Reverend Thompson brought a new vision and perspective to our Church and made a tremendous difference in our community. My father was the Chairman of our Deacon Board and the 2 men shared a strong bond of love and friendship. When my father many years later became sick while visiting New York City, it was Reverend and Mrs. Thompson who were there during this time of need.

Reverend Thompson has received countless awards for exemplary service to his community. As a testament, the Victory Baptist Church in the Bronx, New York presented Reverend Thompson with a plaque in recognition of 50 years of outstanding service in the ordained ministry and 27 years of service as pastor. He was also presented with a plaque from the Governor General of the Commonwealth of the Bahamas for outstanding service to the community in the tri-state areas of New York, New Jersey and Connecticut.

Madam Speaker, for 51 years Reverend Thompson has been married to the former Bernice Coleman of New York City. Mrs. Thompson is a retired New York City Counselor. Reverend and Mrs. Thompson are the parents of five children: Evania Thompson, Esquire is a Law Librarian who currently teaches at the College of the Bahamas; she and her spouse, Robert Frazier have one son, Khalil Frazier; Danita Thompson, MBA, is a High School Math Teacher in the Bronx, New York and is a graduate of Hampton and Atlanta Universities; Danita is the Co-founder and CEO of Onyx Vizion Production Company; Randolph C. Thompson, Esquire, is a Private Attorney at Law in Washington, DC and New York and is a graduate of Hampton University and Catholic University Law School; Stephen Thompson who is a recent M.A. recipient in the Faculty of Social Sciences is a graduate of Connecticut's Wesleyan College, Hebrew University and is also an aspiring writer; and Ranice Adegbile, a Graduate of Brown and New York Universities is a homemaker; she and her spouse, Oluwole Adegbile have two children, Ayoka and Ayomiku.

I urge my colleagues to join me in recognizing Reverend Randolph Thompson.

## TRIBUTE TO MARY BERGAN

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my good friend Mary Bergan for over 35 years of service to the California Federation of Teachers (CFT), and for her tireless work to protect the rights of teachers and students and promote excellence in education.

From the time I was first elected to the California State Assembly and Mary was chosen Legislative Director of CTA, we have worked together on numerous legislative matters. I have enormous admiration and appreciation for her work. Over and over again in Sacramento and in Washington, I have sought Mary's advice on key educational reform and finance issues.

Mary received her Bachelor of Arts in English from the University of California at Berkeley in 1965, and upon graduation, entered the Peace Corps. She was sent to Tunku Kurshiah College in Serenban Negri Sembilan, Malaysia, to teach English and literature. Upon returning to the United States, she became an English teacher at Hillview Junior High School in Pittsburg, California. She became involved with the local American Federation of Teachers (AFTA) and was elected President. She was such an outstanding teacher and effective union leader that only 3 years later, she was offered a staff position as field organizer with the CFT.

Mary's work in the field of education advocacy is legendary. She represented CFT on various task forces and committees through both the California Department of Education and the Chancellor's Office of the California Community Colleges. She served on the Chapter 2 Advisory Committee, the Advisory Committee on Student Assessment, and task forces on educational finance, credential requirements, school restructuring and higher education reforms. She wrote and secured passage of key legislation ensuring the rights of female students and staff in California schools and colleges. Her incredible effectiveness earned her the admiration and respect of her colleagues.

In 1990, Mary was elected a Vice President of the California Labor Federation, AFL–CIO, and in 1991, was elected CFT President. Through the years, she has held numerous leadership positions with AFT, where she was instrumental in instituting important advances in childhood education and health care reform. Also, during the 1980s, she chaired the California Democratic Party's Labor Caucus and she was a delegate to the Democratic National Conventions in 1976, 1992, 1996, 2000 and 2004.

Madam Speaker, Distinguished Colleagues, I ask you to join me today in saluting Mary Bergan, a champion of teachers' rights and public school education. Her dedication and selflessness are an inspiration to us all.

## COMMENDING STAFF SERGEANT JEFFREY CAMACHO AND HIS FAMILY FOR THEIR ASSISTANCE TO SERVICEMEMBERS

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Ms. BORDALLO. Madam Speaker, I rise today to recognize the outstanding service to our community provided by Staff Sergeant Jeffrey Camacho, his wife Erika and their children to wounded United States service men and women receiving medical care at Landstuhl Regional Medical Center, Germany.

The Camacho family resides on Ramstein Air Force Base, Germany and has assumed the task of welcoming the service men and women from Guam who are receiving medical care at Landstuhl Regional Medical Center. They extend their care to the families of the injured servicemembers and have become a focal point for our Guam community's efforts to provide assistance to our men and women who have been wounded. The Camachos are volunteers at Landstuhl and at Fisher House. They also open their home to the servicemembers and their families. Many times, the families of injured soldiers need a place to feel normal, to share dinner, and to enjoy Chamorro hospitality. Sometimes it is the simplest gestures, such as making kadu or sharing a disc of the latest Chamorro songs that make recuperation easier for the soldiers and their families. The Camacho family, through their gracious hospitality, has touched the lives of so many people from Guam and we want them to know that we appreciate their efforts.

I met with Jeffrey and Erika Camacho last month during a Congressional Delegation visit to Iraq, Afghanistan, and Germany. I was honored to visit with them and to hear their story of their care and compassion for injured servicemembers and their families. Jeffrey and Erika are performing a great service for our country. Recently, they opened their home and provided comfort to the parents of a soldier who was evacuated from Iraq to Germany. I commend them for their care and concern for their fellow Guamanians.

Jeffrey Camacho was born in Agana Heights, Guam and is a 1999 graduate of George Washington High School in Mangilao. He is assigned to the Intelligence Surveillance Reconnaissance Division of the 603rd Air and Space Operations Center at Ramstein Air Force Base, Germany. His wife, Erika Arceo Camacho was born in Tamuning, Guam and graduated from George Washington High School in Mangilao in 1995. The Camachos have 2 children, Kalena Arceo Camacho, age 9, and Kaleb Camacho, age 3.

Staff Sergeant Jeffrey Camacho and his wife Erika are great Americans whose concern for their fellow citizens and their home island of Guam has led them to open their hearts and their home to the families of our wounded soldiers. The families who have been touched by their graciousness are grateful for their warm hospitality. For our families from Guam, they have provided a home away from home. I commend them for all that they have done and for the sacrifices that they make to help others. They are an inspiration to us all.

## A TRIBUTE TO OREGON CATTLEMEN'S ASSOCIATION PRESIDENT SHARON LIVINGSTON

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. WALDEN of Oregon. Madam Speaker, I rise today to share with you and my colleagues the story of a remarkable woman and leader from eastern Oregon, Sharon Livingston. Sharon is the President of the Oregon Cattlemen's Association and a tremendous friend to rural America. When this week draws to a close, so too will Sharon's tenure as president. Before that occurs, I want to pay tribute to Sharon for the contributions she has made to an outstanding industry.

Sharon embodies the best in rural Oregon frontier women; she loves the land, she embraces the Oregon "can do" spirit, and she values the dignity of everyone she meets. Sharon is a patriot with unflagging pride in her country. She is a great steward of the land, proud of her industry, and intent on doggedly defending the private property rights, water rights, and grazing rights of ranchers. Sharon leads her industry with assertiveness and kindness, always mindful that the American rancher raises the healthiest and highest quality beef in the world. She, like her fellow Oregon beef producers, places a very high priority on providing food of unsurpassed quality for dinning room tables around the world.

Sharon's strong values were established at an early age, having grown up in the small community of Long Creek, OR, where she has lived for more than 60 years. The first three years of her life were spent living in a 2-room house on her grandmother's homestead. The water source for their house was a spring outside the front door and a path led to the bathroom. That property is still a part of her ranch and she values it far beyond the price it might bring on the open market.

Madam Speaker, in addition to being a lifelong rancher, Sharon Livingston has also been a teacher and a coach, graduating from Eastern Oregon University following 12 years of school in Long Creek. As a teacher and coach, her skills as a trainer and motivator became her strengths as a leader in the ranching industry. She always does her homework, she works hard to understand complex issues, and she is adept at helping others to grasp the need to go in new directions.

When I was in Burns, OR this summer to meet with ranchers who had their grazing land obliterated by devastating wildfires, Sharon was there to offer encouragement and to ensure that the needed relief was on its way. As you can imagine, Madam Speaker, with livelihoods in serious jeopardy, emotions can run high. Sharon was there as a voice of reason and a message of hope. She made a difference. Her straightforward ways, her openness, and her confidence in the future helped immensely to set us all at ease about dealing with the effects of the catastrophic fire.

Her pride in her industry and her community is strong and deep, but she would tell you that her greatest pride and greatest joy is derived from her family. Tragically, she lost her husband, Fred Livingston, to cancer in 1992. Sharon married Fred in 1957. Sharon gives him high praise when she describes Fred as a cowboy, a calf roper, and a fine man.

Sharon and Fred raised three children: Rilla, Clayton, and Fred John (FJ). Rilla and Clayton live in the Pendleton area, and FJ is Sharon's partner on the ranch. Sharon has four grandchildren whom she treasures. Sharon loves her ranch, her cattle, and her horses. She says that her heart swells with pride when her oldest grandson rides and helps with the cattle. She takes great joy and satisfaction seeing yet another generation value the lifestyle that has meant so much to her. She looks forward to the very near future when her twin granddaughters and another grandson learn to ride and rope. You can be sure that Sharon will be there to teach them.

Madam Speaker, I am so proud of my friend, Sharon Livingston. She is a woman of her word and a woman of conviction. You only have to meet Sharon once to know that she has a keen intellect and a caring heart that makes her a natural born leader. I ask my colleagues to join me in saluting this amazing woman who has served so ably as president of the Oregon Cattlemen's Association.

## HONORING CHARLES G. WIMSATT

### HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Charles Wimsatt, an outstanding man with a long history of service to our country and to Kentucky. Mr. Wimsatt has been an active member of American Legion Post 121 in Bardstown, Kentucky for nearly 60 years.

Mr. Wimsatt joined the Army in 1953, serving as a medic. He retired from the Army with the rank of Corporal.

Mr. Wimsatt has made it a personal priority to serve his fellow veterans through his work with American Legion Post 121. He is currently in his 4th term as Post Commander. Under his command the post reached its 100 percent membership goal for the first time in 15 years. Mr. Wimsatt also directed recent facility renovations.

Beyond his service to the American Legion, Charles Wimsatt has found time to be active in many other worthy causes. He has played an integral part in fundraising for his local National Guard unit and is currently raising money for a VA medical facility in Germany. Mr. Wimsatt also served on the Black Mud Volunteer Fire Department for 46 years.

It is my privilege to honor Charles G. Wimsatt today, before the entire United States House of Representatives, for his service to our country and his tireless efforts on behalf of American Legion Post 121. Mr. Wimsatt has made a significant difference to his Old Kentucky Home.

## PERSONAL EXPLANATION

### HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. ENGLISH of Pennsylvania. Madam Speaker, on rollcall No. 1010 on H.R. 3224, 1011 on H. Res. 573, and 1012 on H. Res. 747, I was detained due to traffic and was not able to vote.

Had I been present, I would have voted "yea" on all 3.

## ENDORSING THE CALL FOR FAIR, COMPREHENSIVE SENTENCING REFORM IN NEW YORK

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. RANGEL. Madam Speaker, I rise today to add my voice to the many urging New York State—and the country, at large—to reform its sentencing. The New York Times editorial, "Rational Sentencing," published October 25, 2007, takes up that challenge, forcefully arguing that draconian measures enacted over 30 years ago have done nothing to curb drug use. They have, however, maintained an inflated prison population, hamstrung the discretions of judges, and burdened the state with exorbitant cost. A failed system demands creative solutions—and it demands that they come speedily.

It is incumbent upon the state to empower judges and end indeterminate sentencing that allows them to set minimums and maximums but little else. It should deal with nonviolent offenders in a sensible, compassionate manner, offering community-based treatment in lieu of jail time. It should restore prison-based education and training programs, ridding jails of their revolving-door culture and arming inmates with marketable skills. It should create a permanent and independent sentencing commission tasked with advising legislators, so that we may never again devolve into an unfair system.

After decades fraught with injustice, smart and widespread reform is long overdue.

#### RATIONAL SENTENCING

New York sparked a disastrous national trend during the 1970s with laws that often penalized first-time drug felons more severely than rapists or murderers. Imitated throughout the country, New York's so-called Rockefeller laws drove up the prison population tenfold and cost the states a fortune, but did nothing to curb the drug trade. Worse still, they tied the hands of judges and destroyed countless young lives—by requiring long prison terms in cases where leniency and drug treatment were clearly warranted.

New York has made incremental changes to the Rockefeller laws in recent years, but has stopped short of restoring judicial discretion. Governor Eliot Spitzer seemed to be pushing in that direction this year when he appointed a commission to study the range of state sentencing practices.

The commission's preliminary report contains many valuable recommendations for fixing the sentencing system as a whole. But the superficial treatment given the Rockefeller laws has raised fears among fair-sentencing advocates that the commission intends to duck the issue in its final report, due next spring. That cannot be allowed to happen. Voters deserve a thorough airing of this issue and a full menu of options for reforming the most draconian drug laws the country has yet seen.

The report rightly calls for ending New York's byzantine system of "indeterminate sentencing," under which a judge imposes a minimum and a maximum sentence and the Parole Board decides when to release an offender. It calls for sentencing certain nonviolent offenders to community-based treatment instead of prison. It also recommends restoring prison-based educational and training programs, which have been shown to cut recidivism by giving inmates marketable skills.

Most important, the report calls for the State to establish a permanent, independent sentencing commission to advise legislators. Already working in several states, such commissions have independence and statutory authority. At their best, they help legislatures make rational decisions and avoid disastrous policies that have failed elsewhere, like New York.

## PERSONAL EXPLANATION

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, October 29, 2007, I was unable to cast my votes on H.R. 3224, H. Res. 573, and H. Res. 747 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 1010 on suspending the rules and passing H.R. 3224, the Dam Rehabilitation and Repair Act of 2007, I would have voted "yea."

Had I been present for rollcall No. 1011 on suspending the rules and passing H. Res. 573, Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes, I would have voted "yea."

Had I been present for rollcall No. 1012 on suspending the rules and passing H. Res. 747, Recognizing the religious and historical significance of the festival of Diwali, I would have voted "yea."

## HONORING THE PORTLAND VOLUNTEER FIRE DEPARTMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Portland Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Portland Volunteer Fire Department serves 64 square miles of Sumner County outside the city limits. The department has received 3 U.S. Homeland Department of Security grants.

Without volunteer fire halls, like Portland, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Portland Volunteer Fire Department deserve recognition: Chief Kenny Crowson, Asst. Chief George Knuckols, Captain Richard Lanius, Lt. Jessica Knuckols, Lt. Bobby Wilson, Tony Green, Brent Dyer, Josh Covington, Tav Matthews, Arthur Benjamin, Samantha Roberson, Scott Meece, Lindi Costner, Williams Keen, Russ Caudill, David Roberson, and Jim Youngblood.

## IN MEMORY OF JOE CRAPA

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. WOLF. Madam Speaker, we were saddened with the news last week that an outstanding public servant had lost his battle with cancer. Joseph R. Crapa was serving as the executive director of the bipartisan U.S. Commission on International Religious Freedom (USCIRF) at the time of his passing on October 25. It was my privilege to know Joe and to work with him and his fellow commissioners and the staff at USCIRF in their dedicated efforts to protecting religious freedom throughout the world.

I would like to share the touching remarks our colleague Rep. DAVID OBEY gave at Joe's funeral on October 29 at St. Peters Catholic Church on Capitol Hill. Joe had served as Congressman OBEY's chief of staff from 1987 to 1997, the last 3 years as Democratic counsel to the House Appropriations Committee. I also insert for the RECORD a news release from the USCIRF mourning the passing of its executive director.

We express our deepest condolences to Joe's wife of 40 years, Barbara Vaskis Crapa of Alexandria, Virginia; his son Judd, daughter-in-law Gretchen, and grandsons Sebastian and Baird.

#### REMARKS BY CONGRESSMAN DAVID OBEY—FUNERAL FOR JOSEPH R. CRAPA

Joe Crapa could do just about everything! He taught high school.

He represented 1,000 teachers in budget negotiations.

He taught college courses in literature, writing, and government.

He was a fundraiser, and outreach director for the congressional Democratic leadership.

He was a key figure in a government relations firm.

He represented three separate government departments in dealing with Congress—Commerce, USAID, and EPA.

Building on his experience growing up in "rural" Brooklyn, he served as staff director for a House Agriculture Subcommittee.

He was staff director for two of the "easiest" people in Congress to work for—Chuck Schumer and me.

He worked at my side for 10 years.

Finally, he served as Executive Director of the U.S. Commission on International Religious Freedom.

He did all of those jobs well.

He had a superb professional career! But WHAT he accomplished professionally in his life is not nearly as impressive as HOW he did it.

This is a tough and often indifferent town. If you are not alert, it can wear you down. Temptations always abound to cut corners and settle for boilerplate mediocrity. But not Joe!!

Joe was a tough, street smart pol in the best sense of that term, but what epitomized him most of all was his deep understanding of human nature and his unflagging honesty. I cannot tell you how many times he said to me, "Dave, that's the dumbest idea I've ever heard of." And sometimes his language wasn't that sweet. Joe was determined to strip away the irrelevant, the secondary, the trivial, in order to reach the fundamental.

Where did that come from? I think it came from a character and intellect that was expanded and burnished by his exposure to the questions that count by the Jesuits and then as a PhD student in literature, being exposed to the core realities of human experience.

As a practical, operational public man, he—with no guilt—accepted the compromises that are the stock in trade in politics. He understood what Will Rogers meant when he said, "When two people agree on everything, one of them is unnecessary." He understood, as my great Irish friend John Hume once told me, that "in a democracy politics is a substitute for violence."

But Joe also had rock hard convictions on a few essentials:

He fiercely believed that the widening gap between the most privileged and the poor is obscene.

He believed, as Bill Moyers has said, that politics "must be more than who gets what; that it should rise above the merely transactional and become transformational; that it must even the starting gate so that people equal in humanity but not in resources have a reasonable opportunity to pursue a full and decent life."

He passionately believed that every world citizen had a right to pursue their religious beliefs free from persecution or dictation and he was immensely proud of his relationship at the Commission with those of every philosophical bent, including Frank Wolf, who was similarly passionate.

He believed in a religion of tolerance and respect.

He worried that politicians could trivialize and cheapen religion. He did not believe it was legitimate for politicians to claim God as their own celestial party chairman, as a fellow New Yorker once warned against.

As Barbara pointed out Saturday, he believed that a respectful but separate relationship between church and state was essential to preserve and protect both religion and democracy.

Joe loved his last job, but I will always see him as a superb example of so many on Capitol Hill who never serve in public office, whose name is never on the door, who day in and day out love their country and try to make this a better world.

Because I believe so many of you see Joe the way I see him, I would like to share with you part of a letter I wrote to Joe when he went into the hospital for the last time:

"Joe—Judd was in my office yesterday and told me the latest on your health situation. I wish to God you had received better news. I'm about to leave to catch a plane for Wisconsin, but before I did I wanted to put a few thoughts down on paper so that you know how I feel about you.

When I was first interviewing you to run my office, my first impression in the first 10 minutes we talked was that there was no way in God's green earth that I could ever develop chemistry with this fast talking refugee from Brooklyn. I have been forever grateful that you proved me wrong.

I hope you know how grateful I am for everything you did with and for me. . . . I was blessed to have your energy, know how, insight, judgment, and wisdom. I hate to think how little I would have accomplished without having you beside me during these years.

But even more than that, I appreciate the personal support and friendship you gave me in those years, even down to today. Politics is a tough life and those of us who live it know how exposed and vulnerable we all are.

During these years, you were able to give me sound advice on every front, but the most valuable aspect of your counsel was the fact that underneath it all was a moral core that was true to both you and me. That is a special link between "brothers" that I hope we both treasure.

You are a great public servant, a great friend, and a great human being. Thank you for understanding and accepting my weakness and shortcomings and for enhancing my strengths. Please know that there are many, many, many people in this town who feel the same way about you. . ."

And as we say in the House of Representatives, I ask unanimous consent that these sentiments be considered the views of all of you here who knew, respected, and loved him.

### USCIRF MOURNS PASSING OF EXECUTIVE DIRECTOR JOSEPH CRAPA

WASHINGTON.—Joseph R. Crapa, the Executive Director of the United States Commission on International Religious Freedom, died Thursday after a struggle with cancer. Mr. Crapa, 63, had led the Commission since 2002.

"Joe had sharp political instincts but a soft personal touch," said Michael Cromartie, current Chair of the Commission. "He had an unwavering, principled commitment to advancing the work of this bipartisan Commission in protecting religious freedom worldwide. Everyone who knew and worked with Joe found him to be a remarkably committed public servant."

"We have lost a uniquely talented leader, trusted counselor and beloved friend to each of the Commissioners," said Commission Vice Chair Preeta D. Bansal, who served as Commission Chair in 2004–2005. "I respected tremendously his commitment to the substance of our work and his appreciation for the critical issues at the juncture of religion and foreign policy at this unique period in our history. His sharp political and human instincts and his deep love for humanity were crucial to our work in this sensitive arena. We loved him and will miss him dearly."

"It was an honor to serve on the Search Committee that recommended Joe Crapa to be the Executive Director of the Commission," said Vice Chair Richard D. Land. "As a Republican appointee, I was most happy to enthusiastically endorse and commend this faithful Democrat who loved America and loved the freedom for which it stands. He was a tireless proponent of religious freedom around the world and was instrumental in making the Commission an extremely effective voice for religious freedom. It was an honor and a privilege to have known him and served with him. All of us who knew him will miss him."

"Joe Crapa took a newly established Commission, at a crucial time in U.S. history, and, during his tenure, turned it into a respected voice on post-9/11 foreign policy and a source of new research and insights into the influence of religious freedom and related human rights on world affairs," said Felice D. Gaer, Chair of the Commission in 2002–2003, when Mr. Crapa joined USCIRF, and in 2006–2007.

"Joe's great love of people and respect for religion transcended all differences. With ebullience and panache, he effectively directed the Commission through a transformative period when the salience of the universal and inalienable right of religious freedom has been demonstrated daily by world events," said Nina Shea, who has served as a Commissioner since USCIRF's founding in 1999. "He will always be an inspiration for me and those who had the privilege of working with him."

Prior to coming to the Commission, Mr. Crapa served as Chief of Staff to Senator Charles E. Schumer (D–NY). Mr. Crapa spent the four prior years as Assistant Administrator at the U.S. Agency for International Development. He also served as Assistant Secretary at the Department of Agriculture and Associate Administrator at the Environmental Protection Agency, where his portfolio included Congressional Relations and Public Affairs.

For 10 years, Mr. Crapa served as Chief of Staff to Rep. David Obey (D–WI), currently the Chairman of the House Appropriations Committee, and also as counsel to the House Appropriations Committee. He was an Adjunct Professor of Government at Georgetown University (1990–1995) and was a Stennis Fellow of Congress (1995–1997). He also was a Lecturer for the Washington Campus, a consortium of universities where he lectured on Congress and the policy process.

A native of Brooklyn, New York, Mr. Crapa graduated from Cathedral College Preparatory Seminary. He received a B.A. from St. John's University, an M.A. from Duke University, and a Ph.D. at the University of Arizona, where he was a National Defense Teaching Fellow.

The Commission extends its most sincere condolences to Mr. Crapa's wife Barbara, son Judd, daughter-in-law Gretchen, grandsons Sebastian and Baird, and his extended family.

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## HONORING THE ORLINDA VOLUNTEER FIRE DEPARTMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Orlinda Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Orlinda Volunteer Fire Department was established in 1973 and today is made up of 20 brave, hardworking men and women. These firefighters also serve as medical first responders.

Without volunteer fire halls, like Orlinda, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Orlinda Volunteer Fire Department deserve recognition: Chief Dusty Johnson Sr. Assistant Chief Nancy Johnson, Captain Dusty Johnson Jr. Captain Charlie Groves, Captain David Spivey, Clay Frey, Justin Barnhill, Bubba Dorris, Nick Poe, Jason Hemper, Ashley Johnson, Amanda Groves, Travis Garman, Mike Brinley, Jason Vanderheyden, Derrick Crossfield, Larry Phillips, Peter Pecori, Tommy Clowers, Judy Barnhill, John Barnhill, Rachael Payne, Paul Jones, Noah Payne, and Daniel Couch.

## IN MEMORY OF HOWARD NEWTON

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Howard Newton of Dumas, Arkansas, who passed away September 25, 2007, at the age of 89.

Howard Newton was a decorated World War II veteran, a retired farmer and an inspiration to all who knew him. Upon graduating from Tillar High School, he enlisted in the Army where he honorably served his country earning numerous medals including the Silver Star, the Bronze Star and the Purple Heart. His bravery and courage was exemplified by his selfless leadership in battles including the noted rescue of trapped Allied forces in Bastogne, Belgium, during World War II.

After the war, Howard Newton returned home to Desha County to pursue his true passion of farming the land that he loved. He worked thousands of acres of farmland in Desha County and was the first farmer in the area to irrigate cotton. He continued his work in agriculture by chairing the committee to build a Farm Bureau office in McGehee that would eventually benefit thousands of farmers from across the region.

In addition to his leadership in the field of agriculture, Howard Newton was also a man of devout faith. He was a member of the Newton Chapel United Methodist Church where he served as board member and Sunday School teacher, as well as a familiar face in the congregation, and always someone with open ears for conversation and fellowship.

Howard Newton will forever be remembered for his outstanding service to our country and his community. I extend my deepest condolences to his wife, Frances Rands Newton; his daughter, Gene Beard Curry of Pottsboro, Texas; his sister, Hazel Wheeler of Sulphur Springs; his stepchildren, Sarah Jones of Soldotna, Alaska and Allan Rands of Dumas; and to his numerous grandchildren, great-grandchildren, nieces, nephews and friends. Howard Newton will be greatly missed in Dumas, Desha County and throughout the State of Arkansas, and I am truly saddened by this loss.

## HONORING THE MT. VERNON VOLUNTEER FIRE DEPARTMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Mt. Vernon Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

In 2005, Mt. Vernon Volunteer Fire Department responded to 14 wild land, brush and grass fires. They ran 24 vehicle accidents and E.M.S. calls, eight residence fires, and 23 others for a total of 69 responses.

Without volunteer fire halls, like Mt. Vernon, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Mt. Vernon Volunteer Fire Department deserve recognition: Chief Ray D. Hicks, Faye Hicks, David Dyer, Cheryl Dyer, Coel Bean, Rickey Bean, Randy Bean, Mary Bean, Harold Hatcher, Eddy Hatcher, Jason Rhoton, Shawn Hatcher, Shannon Hatcher, Johnny Young, Denise Rhoton, Crystal Key, Robert Cox, Adam Bryant, and Craig Copess.

## CONGRATULATIONS TO KIMBERLY WOODARD AND JOI SHEFFIELD ON WORK DONE FOR THE ELIAS MOTSOALEDI PRE-PRIMARY SCHOOL IN SOWETO, SOUTH AFRICA

### HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. MEEKS of New York. Madam Speaker, I would like to take this opportunity to recognize and congratulate Miss Joi E. Sheffield and Miss Kimberly A. Woodard as they embark on a journey to improve the lives of young boys and girls in South Africa through education.

Miss Sheffield and Miss Woodard are launching their first event, in partnership with The Silver Spring (Maryland) Chapter of the The Links, Incorporated, Shari Sheffield, The Perfect Glass LLC and TV One, by hosting a charity event this evening at the Verizon Center's concert featuring legendary recording artist Stevie Wonder. Proceeds from their event will benefit The Elias Motsoaledi Pre-Primary School in Soweto, South Africa in the Gauteng Province.

The Elias Montsoaledi Pre-Primary School is a temporary school located in the informal settlement of Montsoaledi. The school was built in 2002 with donations from The Links, Incorporated. The Elias Montsoaledi Pre-Primary School is a private school that does not qualify for funding from the South African government and is reliant on private funding and donations for school tuition and fees, teacher's salary, books and supplies, and meals.

In May 2007, Miss Sheffield and Miss Woodard traveled to South Africa as part of a Links, Incorporated-sponsored trip, where they visited The Elias Montsoaledi Pre-Primary School, among many others. Following that experience they walked away committed to working to improve the lives of the children they met in Soweto, South Africa.

Madam Speaker, I want to congratulate Miss Sheffield and Miss Woodard on the work they are doing in support of those seeking educational excellence in South Africa, and I wish them well in their endeavors.

## HONORING THE MONTERY VOLUNTEER FIRE DEPARTMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Monterey Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

In 2000, the Monterey Volunteer Fire Department bought a new pumper fire engine for their 1985 Ford fire engine. The Monterey Fire Department is privileged and honored to serve their community and their country.

Without volunteer fire halls, like Monterey, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Monterey Volunteer Fire Department deserve recognition: Chief Richard Milligan, Assistant Chief Kevin Peters, Johnny Bowman, Mike Looper, Jeff Hicks, Matt Parrott, Jody Key, John Webb, Jonathan Sisco and Terry Coggside.

## IN MEMORY OF EARL CLEMONS, JR.

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Earl Clemons, Jr., formerly of Pine Bluff, Arkansas, who passed away October 20, 2007, at the age of 83.

Earl Clemons, Jr., dedicated his life to his family, his community and his country. He was born in the small Delta town of Tamo, in Jefferson County, and his deep affection for the Delta region can be measured by the enormous contributions he made to the agriculture community of Arkansas, something he dedicated his passions and energies to throughout his long life. It can always be said he lived life to the fullest and impressed upon each person he met the value of giving back, something that was evident in his numerous leadership roles he held in life.

Upon graduation from Grady High School, Earl Clemons, Jr., served his country in the 103rd Infantry Division of the U.S. Army. After his service, he returned home and earned a degree in agricultural engineering from the University of Arkansas at Fayetteville. He took his enthusiasm for agriculture back to his hometown of Tamo where he refined his craft on the family farm. Over the years, he gave everything he had to agriculture and to the Delta region. His famous "Farm Tour" was a detailed history of agriculture in the Delta that included visits to a local cotton gin, cotton oil mill and river port where grain was loaded.

In addition to his work in the field of agriculture, Earl Clemons, Jr., was also a man of devout faith. He was a member of St. Joseph Catholic Church in Pine Bluff. His belief in the importance of community led him to serve in many civic organizations such as the Grider Field Airport Commission and the local Board of Directors of Simmons First National Bank in Pine Bluff.

I extend my deepest condolences to his wife, Bennye Jane Haskins Clemmons; his two sons, Earl "Skip" Clemons III of Little Rock and Neil Clemons of Chicago, Illinois; his 2 daughters Jane Clemons of San Francisco, California and Rose Clemmons Gladner of Little Rock; and to his 6 grandchildren and numerous friends. Earl Clemons, Jr., will be greatly missed in Pine Bluff, Jefferson County, the agriculture community and throughout the state of Arkansas, and I am truly saddened by this loss.

## HONORING THE LANCASTER VOLUNTEER FIRE DEPARTMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Lancaster Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Lancaster Volunteer Fire Department is a small, rural fire department in a close-knit community. The department hosts the Fire Hall Jam every August.

Without volunteer fire halls, like Lancaster, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Lancaster Volunteer Fire Department deserve recognition: Chief Tim Manning, Asst. Chief Larry Moss, Keith Williams, Honorary Lifetime Member Bradley Helm, Tim Bates, Larry Watts, Danny Bass, Ellic Gullett, James Grentry, Kevin Moss, and Keith Boyd.

## HONORING THE WEST SIDE VOLUNTEER FIRE DEPARTMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the West Side Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The West Side Volunteer Fire Department was established on April 1, 1994. A State grant provided 12 sets of bunker gear and pagers. West Side Volunteer Fire Department responds to incidents including structure fires, trash or brush fires, vehicle fires, accidents with injuries, and EMS First Responder calls.

Without volunteer fire halls, like West Side, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the West Side Volunteer Fire Department deserve recognition: Chief John Naylor, Assistant Chief Paul Simon, Captain Jack Barton, Matt Studd, Scott Tresler, Jeremy Genter, Jeremy Vassar, Jeff Smith, Dale Fulghum, Donnie Simon, Ashley Powell, and Nicholas Barton.

## HONORING THE WESTMORELAND VOLUNTEER FIRE DEPARTMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Westmoreland Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Westmoreland Volunteer Fire Department was organized in 1958. The department members logged over 1,600 training hours in 2006, and the department responded to 148 calls for fire and rescue services and assistance on emergency medical situations. The department has 23 members.

Without volunteer fire halls, like Westmoreland, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Westmoreland Volunteer Fire Department deserve recognition: Chief Mark Jenkins, Asst. Chief Tim Shelton, Scott Vantrease, Rick Myers, Phil Crook, Kevin Bandy, Todd Camp, Jon Pullen, Christina Pullen, Tim Reagan, Brad Penick, Eric Harrison, Jason Graves, Larry Gross, Tommy Kirby, Brandon Gross, Sean Milam, Brandon Carter, Jermey Akins, Brent Simons, Greg Carr, Megan Harrison, Devin Branham, and Troy Moss.

## THE NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2007

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. OBERSTAR. Madam Speaker, the gentleman from Oregon (Mr. DEFAZIO), Chairman of the Subcommittee on Highways and Transit, and I introduce the "National Highway Bridge Reconstruction and Inspection Act of 2007", which will improve the safety of Federal-aid highway bridges, strengthen bridge inspection standards and processes, and increase investment in the reconstruction of structurally deficient bridges on the National Highway System.

The tragic collapse of the I–35W Bridge, which occurred in my home state of Minnesota on August 1, 2007, demonstrates the need to make a commitment to invest in the maintenance and reconstruction of our nation's infrastructure. Many facilities are being stretched to the limit of their design life and beyond.

Of the 594,101 bridges in the National Bridge Inventory, 26.2 percent of America's bridges—more than 1 in 4—are structurally deficient or functionally obsolete. There are 73,784 structurally deficient bridges and 80,317 functionally obsolete bridges. According to the U.S. Department of Transportation (DOT), more than $65 billion could be invested immediately in a cost-beneficial way to address existing bridge deficiencies.

We must take action to put in place a framework to address this situation, and ensure that the safety and structural integrity of the nation's highway bridges do not continue to deteriorate.

Since the collapse of the I–35W Bridge, the Committee on Transportation and Infrastructure and the Subcommittee on Highways and

Transit have conducted in-depth hearings into the Highway Bridge Program and the National Bridge Inspection Program. During those hearings, we have found a number of significant problems that must be addressed to ensure the overall safety of the nation's highway bridges. The National Highway Bridge Reconstruction and Inspection Act of 2007 establishes a framework for risk-based prioritization of bridge infrastructure investments and ensures that the limited resources available today will reach those facilities most in need of repair.

The National Highway Bridge Reconstruction and Inspection Act require the Federal Highway Administration (FHWA) to immediately update the National Bridge Inspection Standards to establish uniformity among States in conducting inspections and evaluations. The bill also strengthens training, certification, and qualification requirements for all highway bridge inspectors.

The bill requires States to inspect structurally deficient bridges each year using the best practicable technologies and methods. All other bridges would be required to be inspected every 2 years. The legislation allows FHWA to extend the biennial inspection requirements if FHWA determines that granting the extension will increase the overall safety of the State's bridge inventory.

In response to concerns raised in a U.S. Department of Transportation Inspector General report, the bill requires States to calculate the load rating for highway bridges that have a structural deficiency in a load-carrying member and ensures that the safe load-carrying capacity for such bridges is properly posted.

Our legislation also requires the Department of Transportation to conduct a risk-based prioritization for the reconstruction of deficient Federal-aid highway bridges. The National Academy of Sciences would then independently review the process of prioritization to ensure that investment and resource decisions are based on need, not politics.

The bill also calls on States to develop a 5-year performance plan for the inspection of highway bridges and the reconstruction of structurally deficient and functionally obsolete Federal-aid highway bridges. The performance plans will provide a roadmap for addressing bridge needs, and will ensure greater accountability.

The bill authorizes an additional $2 billion for reconstruction of structurally deficient bridges on the National Highway System. These funds are in addition to funds authorized for the Highway Bridge Program under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. These funds are distributed to the States by formula, and Congressional or Administration earmarks are specifically prohibited.

Finally, the bill limits the transferability of Highway Bridge funds. The funds authorized by this bill are not transferable to other Federal-aid highway programs. In addition, the bill provides that a State may transfer Highway Bridge Program funds to other Federal-aid Highway programs only if the State demonstrates to the satisfaction of the Secretary that the State has no structurally deficient Federal-aid highway bridges. This "fix-it-first" approach will ensure that bridge program funds are utilized as intended by Congress in SAFETEA–LU—to improve the safety of highway bridges.

The bridge collapse of August 1, 2007, has served as a wake-up call for many policymakers and leaders around the country. We must take the lessons of the I–35W Bridge, and use them to create an accountable and reliable bridge program that guards the safety of all users. The National Highway Bridge Reconstruction and Inspection Act of 2007, which Mr. DEFAZIO and I introduce today, begins the process of ensuring that such a tragedy will not happen again.

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## HONORING THE SOUTHEAST COMMUNITY FIRE DEPARTMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Southeast Community Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Southeast Community Fire Department is made up of 41 volunteers, including 9 board members, and serves over 10,000 people. The department responds to fires, motor vehicle crashes, medical calls, and other service calls. In 2005, the Southeast Community Fire Department responded to nearly 450 calls.

Without volunteer fire halls, like Southeast, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Southeast Community Fire Department deserve recognition: Chief Mickey Summers, Asst. Chief Henry Thayer, Capt. Terry Turner, Engineer William Summers, Rodney Pryor, Raymond Summers, Billy Templeton, Randy Thaxton, Sam Clark, Aaron Bruce, David Kellogg, Charlie Johnson, Ken Weidner, Tommy Dale, Rich Goddard, Sonny Briggance, Luke McKnight, Brandon Clark, Rick Donley, Darrell Templeton, Chasey McKnight, Johnny Smith, James Civils, Lee Daniels, Steven Johnson, Patrick Foster, Aaron Kinser, Jamie Blair, John Reeser, Micheal Webb, and Kyle Withers.

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## HONORING THE SOUTH CARTHAGE VOLUNTEER FIRE DEPARTMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the South Carthage Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The South Carthage Fire Department has operated from the same fire station, located on Main St., next to City Hall, since it was founded in 1963. The department has serviced the community for 44 years.

Without volunteer fire halls, like South Carthage, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the South Carthage Volunteer Fire Department deserve recognition: Chief Ed Lankford, Asst. Chief Tony Hembree, Captain A Team Blythe Myers, Bobby Hewitt, Richard Ellenburg, Scottie Grisham, David McCall, Captain B Team Grover Ellenburg Jr., John Antle, Todd Currie, Tracy Fields, Chris Dennis, Alicia Fields, Derrick Brooks, David Brown, Brian Owensby, Aaron Sterling, Ricky Slack, Safety and Training Officer Terry Wood, Kennie Bryant, and James Way. Reserve Fire Department Members: Steven Myers, Chris Fields, Jonas Bullington, and Johnny Richardson.

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## HONORING THE SMITH COUNTY VOLUNTEER FIRE DEPARTMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2007*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Smith County Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Smith County Volunteer Fire Department was founded in 1986. Volunteers contracted a building, and the community bought a surplus Tennessee Air National Guard Dodge power wagon with a 250-gallon fiberglass tank. The department has nine active members.

Without volunteer fire halls, like Smith County, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Smith County Volunteer Fire Department deserve recognition: Chief Ronnie Jackson, Asst. Chief John Robinson, Gerald Bush, George Eisenbach, Josh Collins, Mike Posey, Jake Watts, Eddie Barnes, and Josh Tisdale.